

**ALASKA BOARD OF FISHERIES
OCTOBER 18–22, 2013
STATEWIDE PACIFIC COD**

PROPOSAL 1 - 5 AAC 28.081. State-Waters Pacific Cod Management Plans. Clarify the term "estimated total allowable harvest", as follows:

(c)(1) "estimated total allowable harvest" means the annual **acceptable biological catch (ABC)** established by the North Pacific Fishery Management Council (NPFMC) for Gulf of Alaska and Bering Sea – Aleutian Islands Pacific cod stocks, including the harvest of Pacific cod in a state-waters season defined in this subsection;

ISSUE: The regulation, as currently written, does not adequately define annual catch. Ambiguity in this definition may cause misinterpretation of the term. Clarification would not change management of state-waters Pacific cod fisheries.

The updated definition would apply to the following state-waters Pacific cod fishery management plans: 5 AAC 28.267(e)(1); 5 AAC 28.367(e)(1); 5 AAC 28.467(h)(1); 5 AAC 28.537(h)(1); 5 AAC 28.577(h)(1); and 5 AAC 28.647(d)(1).

WHAT WILL HAPPEN IF NOTHING IS DONE? The term's meaning will not be adequately defined.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Concise regulations will benefit fishery participants and management agencies.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F13-165)

PROPOSAL 2 - 5 AAC 28.367. Cook Inlet Pacific Cod Management Plan; 5 AAC 28.467. Kodiak Area Pacific Cod Management Plan; and 5 AAC 28.537 and Chignik Area Pacific Cod Management Plan. Increase state-waters Pacific cod guideline harvest level (GHL) in the Cook Inlet, Kodiak, and Chignik areas based on 10-year average parallel season Pacific cod catch, as follows:

It would just increase the percentage of cod TAC available for state-waters fishermen (Pot Jig). Percentage allocation remains the same, with same rollover provision.

ISSUE: Increase the state waters cod fishery by taking a 10 year average of the parallel caught cod in the Central Gulf of Alaska and applying that average to the state-waters fishery.

WHAT WILL HAPPEN IF NOTHING IS DONE? Less opportunity for state-waters fishermen.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Slower rate of harvest, should equal higher quality.

WHO IS LIKELY TO BENEFIT? State-waters fishermen.

WHO IS LIKELY TO SUFFER? Federal waters fishermen.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alexis Kwachka (HQ-F13-227)

PROPOSAL 3 - 5 AAC 28.537. Chignik Area Pacific Cod Management Plan. Increase Chignik Area state-waters Pacific cod guideline harvest level (GHL) to 17.5 percent of the Central Gulf of Alaska total allowable catch (TAC), as follows:

Increase the guideline harvest level for Pacific cod in the Chignik Area from 8.75% to 17.5% of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area. The regulations would read as follows:

5 AAC 28.537(h)(1)(1) the guideline harvest level for Pacific cod in the Chignik Area is **17.5** [8.75] percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area;

ISSUE: Local Chignik fishermen participating in the State Pacific cod fishery are losing fishing opportunities to large outside crabbers, longliners and trawlers in the federal Pacific cod fishery due to the fact they command such a large portion of the total allowable harvest of Pacific cod in the Central Gulf of Alaska. If quota shares are issued for the federal fishery in the near future, which they most certainly will, local Pacific cod fishermen like those in Chignik will be denied opportunities for real growth in their state water Pacific cod fishery.

WHAT WILL HAPPEN IF NOTHING IS DONE? Local Chignik Pacific cod fishermen will continue to lose fishing opportunities to large outside crabbers, longliners and trawlers in the federal Pacific cod fishery, and this will be institutionalized by the assignment of quota shares in the federal Pacific cod fishery in the future.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All Chignik Pacific cod fishermen. Local Processors. Local communities. Lake and Peninsula Borough.

WHO IS LIKELY TO SUFFER? Large boats participating in the federal Pacific cod in the Central Gulf of Alaska Area.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Aloys Kopun, Jr. (HQ-F13-112)

PROPOSAL 4 - 5 AAC 28.537. Chignik Area Pacific Cod Management Plan. Increase Chignik Area state-waters Pacific cod guideline harvest level (GHL) to 17 percent of the Central Gulf of Alaska total allowable catch (TAC), as follows:

The guideline harvest level for Pacific cod in the Chignik Area is 17 [8.75] percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area.

ISSUE: The Pacific cod fishery in the Chignik area is losing its local viability due to the influx of non-local boats. The change is now also forcing a more derby style fishery that was not intended by the initial Board of Fisheries decision in 1996. More local boats have been and are being forced out of the fishery due to the speed in which the quota is being caught. A slowing down of the fishery is seen as an appropriate solution to return the fishery back to its purpose of (“providing locals viable access and ability to compete for the resource” – sighted from Summary of Action BOF October 1996).

WHAT WILL HAPPEN IF NOTHING IS DONE? The area will continue to move to a derby style fishery, stopping the intended purpose of the boards’ initial decision in 1996. Citing discussion on page 6 of the 1996 Statewide Groundfish Summary of Actions. Noting #’s 2. The action taken was deemed as a fair and moral thing to do and it would benefit both the local and state governments. 6. This will give local residents access to this resource which is at their front door. 7. This will help in regaining pride and stability to some of these communities which have lost their population due to other alternative resources not being available in some of these areas. 9. This would allow lost cost jig and pot fishing while providing locals viable access and ability to compete for the resource.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No significant change should occur.

WHO IS LIKELY TO BENEFIT? Locals and local communities will regain viable access to the resource out their front door. With the lengthening of the season this will provide more access to local boats and lower cost of entering the fishery.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

1. Allocate the GHL based on length.
2. Allocate the GHL based on width.
3. Allocate the GHL based on depth.
4. Allocate the GHL based on tonnage.
1-4 were rejected due to not wanting to exclude any user group.
5. Give allowable pot numbers bases on available GHL.
Example: When GHL is at 10 million or less pot limit would be at 30. When GHL is at 10 million or more pot limit would be at 45. When GHL is at 15 million or more pot limit would be at 60.
6. Allow in combination with daylight hour fishing.
(5 and 6 were not rejected but given for discussion by the board)

PROPOSED BY: Raechel Allen (HQ-F13-130)

PROPOSAL 5 - 5 AAC 28.537. Chignik Area Pacific Cod Management Plan. Increase Chignik Area state-waters Pacific cod guideline harvest level (GHL) based on actual state-waters harvest, as follows:

Raise the Chignik state-water quota to a level that more accurately reflects actual state-water (inside three miles) harvest during the federal fishery.

ISSUE: Currently, the Chignik area state-water cod fishery as allocated 25% of the Gulf of Alaska quota for its area; however, in contrast to the Pacific cod that are harvested in the federal Gulf of Alaska Pacific cod fishery are in fact mostly from inside three miles. Federal waters are outside three miles and most of the fish are harvested inside three miles.

WHAT WILL HAPPEN IF NOTHING IS DONE? If and when the North Pacific Fishery Management Council (NPFMC) hands out quota shares, the State of Alaska will have in fact privatized a state resource by allowing the NPFMC to deal its resources away.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Anyone who participates in Chignik state-water Pacific cod fishery.

WHO IS LIKELY TO SUFFER? Some draggers and longliners who choose not to participate in the state-water Pacific cod fishery.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Dean Anderson (HQ-F13-138)

PROPOSAL 6 - 5 AAC 28.330. Lawful gear for Cook Inlet Area and 5 AAC 28.367. Cook Inlet Pacific Cod Management Plan. Open state-waters Pacific cod season to longline gear July 15, if guideline harvest limit (GHL) remains, as follows:

Add provision to 5 AAC 28.367. Cook Inlet Pacific Cod Management Plan. (b)(3). If there is any guideline harvest level remaining on July 15, the commissioner may close, by emergency order, the state-waters season to all legal gear, and open a directed season to longline fishermen participating in the Cook Inlet sablefish fishery. (The remaining provisions to allow rollover to pot gear will remain in effect.)

The above will require the addition of longline gear to 5 AAC 28.330. Lawful Gear For Cook Inlet Area. (h). Longline gear is a legal gear type in the state-waters Pacific cod fishery only when registered and participating in the Cook Inlet sablefish fishery.

Preferred solution is as stated above is to rollover remaining Pacific cod GHL from the CI state-waters Pacific cod fishery jig allocation and make that available to the longline fleet participating in the CI sablefish fishery.

Next preferred solution would be to allocate 10% of the GHL to longline fishermen who are registered to fish in the CI sablefish fishery and with the season start date concurrent with the CI sablefish fishery.

Note: There is a 3,000 lb. sablefish trip limit during the directed CI sablefish fishery. Consider a trip limit of a minimum of 10,000 lb. (with a 10% buffer) on Pacific cod also to ensure that participants are targeted sablefish.

ISSUE: There is a high incidence of Pacific cod caught as bycatch during the Cook Inlet (CI) state-managed sablefish fishery, as much as three times the amount of Pacific cod than the targeted sablefish catch. Pacific cod caught as bycatch during the CI sablefish fishery are being wasted. Pacific cod have a swim bladder and die when brought to the surface. The allowable bycatch level is 20% to directed sablefish onboard and therefore much of the Pacific cod caught cannot be retained.

WHAT WILL HAPPEN IF NOTHING IS DONE? Pacific cod caught during the CI sablefish fishery will continue to be wasted.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? A significant reduction in mortality of Pacific cod caught as bycatch during the CI sablefish fishery will be the result, which will reduce waste of this resource.

WHO IS LIKELY TO BENEFIT? Fishermen participating in the CI sablefish fishery.

WHO IS LIKELY TO SUFFER? There is potentially less Pacific cod opportunity for the state-waters pot and jig fleet after September 1 (when the current rollover provision is implemented by the Pacific Cod Management Plan).

OTHER SOLUTIONS CONSIDERED? Increased bycatch allowance was considered but rejected because more Pacific cod are caught than sablefish most of the time.

A season date of September 1 to coincide with the parallel longline B season was considered but rejected. The current CI sablefish season starts July 15. By September 1 it is believed that there are less sablefish in the area and there is also concern about more effort in the sablefish fishery and less opportunity to those fishermen who have traditionally participated (salmon fishermen may enter the fishery in the fall).

PROPOSED BY: Dia Kuzmin (HQ-F13-322)

PROPOSAL 7 - 5 AAC 28.467. Kodiak Area Pacific Cod Management Plan; 5 AAC 28.537(f). Chignik Area Pacific Cod Management Plan; and 5 AAC 28.577(f). South Alaska Peninsula Area Pacific Cod Management Plan. Clarify Pacific cod landing requirements, as follows:

5 AAC 28.467. Kodiak Area Pacific Cod Management Plan.

(f) If the state-waters season guideline harvest level is not taken by the conclusion of the federal Central Gulf of Alaska pot gear "B" season, the commissioner may reopen a state-waters season during which all legal gear may be used, and shall close, by emergency order, the season on December 31 or when the guideline harvest level is **achieved** [REACHED], whichever occurs first. [IF THE SEASON IS CLOSED AND IMMEDIATELY REOPENED UNDER THIS SUBSECTION, A VESSEL PARTICIPATING IN THE STATE-WATERS SEASON WHEN IT WAS CLOSED WILL NOT BE REQUIRED TO COMPLY WITH THE LANDING REQUIREMENTS OF 5 AAC 28.471 UNTIL THE SEASON IS CLOSED AGAIN.]

5 AAC 28.537. Chignik Area Pacific Cod Management Plan.

(f) If the state-waters season guideline harvest level **is not** [HAS NOT BEEN] taken by the conclusion of the federal Central Gulf of Alaska pot gear "B" season, the commissioner may reopen a state-waters season during which all legal gear may be used, and shall close, by emergency order, the season on December 31 or when the guideline harvest level **is** [HAS BEEN] achieved, whichever occurs first [; IF THE SEASON IS CLOSED AND IMMEDIATELY REOPENED UNDER THIS SUBSECTION, A VESSEL PARTICIPATING IN THE STATE-WATERS SEASON WHEN IT WAS CLOSED WILL NOT BE REQUIRED TO COMPLY WITH THE LANDING REQUIREMENTS OF 5 AAC 28.541 UNTIL THE SEASON IS CLOSED AGAIN].

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

(f) If the state-waters season guideline harvest level is not taken by the conclusion of the federal Western Gulf of Alaska pot gear "B" season, the commissioner may reopen a state-waters season during which all legal gear may be used, and shall close, by emergency order, the season on December 31 or when the guideline harvest level is **achieved** [REACHED], whichever occurs first. [IF THE SEASON IS CLOSED AND IMMEDIATELY REOPENED UNDER THIS SUBSECTION, A VESSEL PARTICIPATING IN THE STATE-WATERS SEASON WHEN IT

WAS CLOSED WILL NOT BE REQUIRED TO COMPLY WITH THE LANDING REQUIREMENTS OF 5 AAC 28.581 UNTIL THE SEASON IS CLOSED AGAIN.]

ISSUE: In the case where the federal B season closes and the state-waters season reopens, a landing is required to allow for catch accounting. As currently written, the regulation allows the landing to be waived when the federal B season closes and the state-waters season opens.

WHAT WILL HAPPEN IF NOTHING IS DONE? Pacific cod landing requirements will be incorrectly cited in the Kodiak, Chignik, and South Alaska Peninsula areas.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The above regulations for the Kodiak, Chignik, and South Alaska Peninsula areas were revised in 2011 following implementation of federal Pacific cod gear sectors. Inclusion of language waiving landing requirements between the federal and state-waters seasons was an oversight. The public will benefit from accurate regulatory language.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F13-166)

PROPOSAL 8 - 5 AAC 28.537. Chignik Area Pacific Cod Management Plan. Limit pot vessels over 50 feet to 50 percent of state-waters Pacific cod pot fishery allocation, as follows:

(2) pot gear is allocated 90 percent of the annual Chignik Area guideline harvest level, **the fishing season for vessels longer than 50 feet in overall length fishing with pot gear will close when 50 percent of the guideline harvest level has been taken by those vessels or December 31, whichever occurs first, unless the pot gear season has already been closed because pot gear has already taken 90 percent of the Kodiak Area guideline harvest level: the restrictions under this paragraph do not apply to a season reopened under (f) of this section**

ISSUE: The Pacific cod Fishery in the Chignik area is losing its local viability due to the influx of non-local larger boats. This change is now also forcing a more derby style fishery that was not intended by the initial BOF decisions in 1996. More local boats have been and are being forced out of the fishery due to the speed in which the quota is being caught. A slowing down of the fishery is seen as an appropriate solution to return the fishery back to its purpose of (“providing locals viable access and ability to compete for the resource”- sighted from Summary of Action BOF Oct/1996.).

WHAT WILL HAPPEN IF NOTHING IS DONE? The area will continue to move to a derby style fishery, stopping the intended purpose of the boards initial decision in 1996. Citing

discussion on page 6 of the 1996 Statewide Groundfish Summary of actions. Noting #'s 2. [the action taken was deemed as a fair and moral thing to do and it would benefit both the local and state governments. 6. This will give local residents access to this resource which is at their front door. 7. This will help in regaining pride and stability to some of these communities which have lost their population due to other alternative resources not being available in some of these areas. 9. This would allow lost cost jig and pot fishing while providing locals viable access and ability to compete for the resource.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No significant change should occur.

WHO IS LIKELY TO BENEFIT? Locals and local communities will regain viable access to the resource out their front door. With the lengthening of the season this will provide more access to local boats and lower cost of entering the fishery.

WHO IS LIKELY TO SUFFER? This may reduce non local participation in the area.

OTHER SOLUTIONS CONSIDERED?

1. Allocate the GHL based on length.
2. Allocate the GHL based on width.
3. Allocate the GHL based on depth.
4. Allocate the GHL based on tonnage.
(1-4 were rejected due to not wanting to exclude any user group.)

5. Give allowable pot numbers bases on available GHL.
(Example - When GHL is at 10 million or less, pot limit would be at 30. When GHL is at 10 million or more, pot limit would be at 45. When GHL is at 15 million or more, pot limit would be at 60.)
6. Allow in combination with daylight hour fishing.
(5&6 were not rejected but given for discussion by the board.)

PROPOSED BY: Raechel Allen (HQ-F13-242)

PROPOSAL 9 - 5 AAC 28.537. Chignik Area Pacific Cod Management Plan and 5 AAC 28.540. Possession requirements for Chignik Area. Establish daily trip limit for state-waters Pacific cod pot fishery, as follows:

Boats will be allowed to fish up to the trip limit of 20,000 pounds per day. Not more than 20,000 pounds will be allowed in one day or 40,000 pound per two days then they must offload.

ISSUE: Chignik cod Fishery trip limits per day at 20,000 pounds per 24 hours.

WHAT WILL HAPPEN IF NOTHING IS DONE? Larger boats will continue to fish 24-7 and take a larger amount of the quota. Derby style fishing will continue.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? The fish will not be crushed by their own weight and will be in better shape when off loaded.

WHO IS LIKELY TO BENEFIT? Everyone.

WHO IS LIKELY TO SUFFER? Boats who fish derby style. Those who are able to fish nonstop.

OTHER SOLUTIONS CONSIDERED? Daylight openings, pot limits, and any of these could work. Split quota.

PROPOSED BY: Tony Gregorio (HQ-F13-148)

PROPOSAL 10 - 5 AAC 28.537. Chignik Area Pacific Cod Management Plan. Decrease state-waters Pacific cod pot limit, as follows:

(2)(A) except as provided in (j) of this section, no more than **30** [60] groundfish pots may be operated from a vessel registered to fish for Pacific cod.

ISSUE: The Pacific cod Fishery in the Chignik area is losing its local viability due to the influx of non-local larger boats. This change is now also forcing a more derby style fishery that was not intended by the initial BOF decisions in 1996. More local boats have been and are being forced out of the fishery due to the speed in which the quota is being caught. A slowing down of the fishery is seen as an appropriate solution to return the fishery back to its purpose of (“providing locals viable access and ability to compete for the resource” - sighted from summary of actions BOF Oct/1996.).

WHAT WILL HAPPEN IF NOTHING IS DONE? The area will continue to move to a derby style fishery, stopping the intended purpose of the board’s initial decision in 1996. Citing discussion on page 6 of the 1996 Statewide Groundfish Summary of actions. Noting #’s 2. [the action taken was deemed as a fair and moral thing to do and it would benefit both the local and state governments. 6. This will give local residents access to this resource which is at their front door. 7. This will help in regaining pride and stability to some of these communities which have lost their population due to other alternative resources not being available in some of these areas. 9. This would allow lost cost jig and pot fishing while providing locals viable access and ability to compete for the resource.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No significant change should occur.

WHO IS LIKELY TO BENEFIT? Locals and local communities will regain viable access to the resource out their front door. With the lengthening of the season this will provide more access to local boats and lower cost of entering the fishery.

WHO IS LIKELY TO SUFFER? This could raise some of the expenses of the larger non local boats due to the costs incurred of lengthening the fishery.

OTHER SOLUTIONS CONSIDERED?

1. Allocate the GHL based on length.
2. Allocate the GHL based on width.
3. Allocate the GHL based on depth.
4. Allocate the GHL based on tonnage.
(1-4 were rejected due to not wanting to exclude any user group.)
5. Give allowable pot numbers bases on available GHL.
(Example - When GHL is at 10 million or less, pot limit would be at 30. When GHL is at 10 million or more, pot limit would be at 45. When GHL is at 15 million or more, pot limit would be at 60.)
6. Allow in combination with daylight hour fishing.
(5&6 were not rejected but given for discussion by the board.)

PROPOSED BY: City of Chignik (HQ-F13-307)

PROPOSAL 11 - 5 AAC 28.510. Fishing seasons for Chignik Area; 5 AAC 28.537. Chignik Area Pacific Cod Management Plan. Establish daily fishing periods in state-waters Pacific cod fishery, follows:

Pacific cod daylight fishing hours between the time of 6:00 am & 8:00 pm. With ADF&G leeway and or discretion to adjust the GHL will not be obtained.

ISSUE: The Pacific cod Fishery in the Chignik area is losing its local viability due to the influx of non-local larger boats This change is now also forcing a more Derby style fishery that was not intended by the initial BOF decisions in 1996. More local boats have been and are being forced out of the fishery due to the speed in which the quota is being caught. A slowing down of the fishery is seen as an appropriate solution to return the fishery back to its purpose of (“providing locals viable access and ability to compete for the resource“ - sighted from summery of actions BOF Oct/1996.).

WHAT WILL HAPPEN IF NOTHING IS DONE? The Area will continue to move to a derby style fishery, stopping the intended purpose of the board’s initial decision in 1996. Citing discussion on page 6 of the 1996 Statewide Groundfish Summary of actions. Noting #'s 2. [the action taken was deemed as a fair and moral thing to do and it would benefit both the local and state governments. 6. This will give local residents access to this resource which is at their front door. 7. This will help in regaining pride and stability to some of these communities which have lost their population due to other alternative resources not being available in some of these areas. 9. This would allow lost cost jig and pot fishing while providing locals viable access and ability to compete for the resource.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS

PRODUCED BE IMPROVED? No significant change should occur.

WHO IS LIKELY TO BENEFIT? Locals and local communities will regain viable access to the resource out their front door. With the lengthening of the season this will provide more access to local boats and lower cost of entering the fishery.

WHO IS LIKELY TO SUFFER? This could raise some of the expenses of the larger non local boats due to the costs incurred of lengthening the fishery.

OTHER SOLUTIONS CONSIDERED?

1. Allocate the GHL based on Length.
2. Allocate the GHL based on Width.
3. Allocate the GHL based on Depth.
4. Allocate the GHL based on Tonnage.
(1-4 were rejected due to not wanting to exclude any user group.)
5. Give allowable pot numbers bases on available GHL.
Example - When GHL is at 10 million or less, pot limit would be at 30. When GHL is at 10 million or more, pot limit would be at 45. When GHL is at 15 million or more, pot limit would be at 60.
6. Allow in combination with daylight hour fishing.
Example- When GHL is at 10 million or less, the pot limit would be at 30 and daylight hour fishing would be active unless the department was under the impression that the GHL was not going to be caught in which they would have the authority to open to all hour fishing at their discretion.
(5&6 were not rejected but given for discussion by the Board.)

PROPOSED BY: City of Chignik (HQ-F13-308)

PROPOSAL 12 - 5 AAC 28.530. Lawful gear for Chignik Area and 5 AAC 28.537. Chignik Area Pacific Cod Management Plan. Establish maximum pot size for state-waters Pacific cod fishery, as follows:

Maximum pot size for Gulf (Chignik) will be 6' x 6' x 36". Cone pots will be 6' bottom, 4' high.

ISSUE: Make pot size for Gulf (Chignik) 6' x 6'x 36". Cone pots 6' bottom, 4' high.

WHAT WILL HAPPEN IF NOTHING IS DONE? If pot limit is lowered, pots size will grow to offset pot limit.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Everyone will have same size pots and will all benefit.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Smaller size. Cost to buy these pots would be high.

PROPOSED BY: Tony Gregorio (HQ-F13-150)

PROPOSAL 13 - 5 AAC 28.537. Chignik Area Pacific Cod Management Plan. Change date for rollover to all gear types of unharvested guideline harvest level (GHL) in state-waters Pacific cod fishery, as follows:

If at any time after **August 14th** [OCTOBER 30th] the commissioner determines that the harvest guideline level for Pacific cod will not be reached by December 31, the commissioner may close by emergency order the fishing season and immediately reopen a state-waters season. ...

ISSUE: Area L has no local participation during the rollover season in October due to lack of processor and weather. To give local boats opportunity the rollover needs to occur when there is availability in August. The rollover fishing should begin August 15th, while tenders and or processors are still in the area.

WHAT WILL HAPPEN IF NOTHING IS DONE? The local area will continue to have no opportunity to participate in this fishery.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No significant change should occur.

WHO IS LIKELY TO BENEFIT? Locals and local communities will regain viable access to the resource out their front door. With the lengthening of the season this will provide more access to local boats and lower cost of entering the fishery.

WHO IS LIKELY TO SUFFER? No one is likely to suffer if this is adopted.

OTHER SOLUTIONS CONSIDERED? No other reasonable solution could be thought of.

PROPOSED BY: City of Chignik (HQ-F13-305)

PROPOSAL 14 - 5 AAC 28.506. Chignik Area registration and 5 AAC 28.537. Chignik Area Pacific Cod Management Plan. Remove super-exclusive registration for jig gear in state-waters Pacific cod fishery, as follows:

5 AAC 28.537(i)

The Chignik Area is a superexclusive registration area **for vessels using pot gear** for Pacific cod during a state waters season.

ISSUE: There are no delivery ports or tenders available during the time of year when smaller jig boats are most able to operate in the Chignik Area. Many small boats jig in other areas but are prohibited from cod fishing while transiting the Chignik Area in summer. The super exclusive requirement for jig boats effectively locks quota away from any potential harvest.

WHAT WILL HAPPEN IF NOTHING IS DONE? It is unlikely that the Chignik state waters cod quota will ever be fully harvested. Late season jig rollovers to pot gear have never been harvested.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No effect on quality.

WHO IS LIKELY TO BENEFIT? Any vessel otherwise allowed to jig will have the opportunity to harvest cod while transiting the Chignik Area.

WHO IS LIKELY TO SUFFER? It does not appear that anyone will suffer. The Chignik Area has never been closed to state waters cod fishing.

OTHER SOLUTIONS CONSIDERED? Reducing jig quota. This would eliminate any chance at participation by smaller boats. The pot quota is being taken early in the year in bad weather by larger boats. Overharvest by pot boats already cuts into jig quota in some years. A pot overharvest that cuts into a smaller jig quota could entirely eliminate the jig sector.

PROPOSED BY: Arthur Schultz (HQ-F13-076)

PROPOSAL 15 - 5 AAC 28.537. Chignik Area Pacific Cod Management Plan. Change state-waters Pacific cod jig season opening date and limit jig vessel size, as follows:

(c) Each year the commissioner shall open and close, by emergency order, a state-waters season in the Chignik Area for mechanical jigging machine and hand troll gear and for pot gear. For purposes of this section, when a state-waters season for Pacific cod is opened to mechanical jigging machine and hand troll gear or pot gear, the parallel season for the applicable gear type is closed. During a state-waters season,

(1) mechanical jigging machine, [AND] hand troll and **small boat pot** gear is allocated 10 percent of the annual Chignik Area guideline harvest level; and

(aa) Small boat pot gear is defined as boats 48” and under in length and only fishing a 30 pot maximum.

(bb) A small boat must register for either the Jig, hand troll and small boat pot fishery or the large boat pot gear fishery season and only can participate in the fishery that they registered for and not the other.

(2) **Large Boat** pot gear is allocated 90 percent of the annual Chignik Area guideline harvest level.

(d) The seasons for mechanical jigging machine, [AND] hand troll and **small boat pot** gear are as follows:

(1) the state-waters season shall open on **March 7** [MARCH 15]

ISSUE: The Area L Pacific cod Fishery in the Chignik area has no local participation in the current jig fishery. If the jig quota could be opened to a congruent small boat pot fishery during the jig and hand troll season it would providing locals viable access and ability to compete for the resource.

WHAT WILL HAPPEN IF NOTHING IS DONE? The Area will continue to move to a derby style fishery, stopping the intended purpose of the boards initial decision in 1996. Citing discussion on page 6 of the 1996 Statewide Groundfish Summary of actions. Noting #'s 2. [the action taken was deemed as a fair and moral thing to do and it would benefit both the local and state governments. 6. This will give local residents access to this resource which is at their front door. 7. This will help in regaining pride and stability to some of these communities which have lost their population due to other alternative resources not being available in some of these areas. 9. This would allow lost cost jig and pot fishing while providing locals viable access and ability to compete for the resource.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No significant change should occur.

WHO IS LIKELY TO BENEFIT? Locals and local communities will regain viable access to a unused local resource out of their front door. It will give more equal opportunity to local boats and potentially give more income and reduction of costs to all participates.

WHO IS LIKELY TO SUFFER? No one is likely to suffer if this is adopted.

OTHER SOLUTIONS CONSIDERED?

1. Allocate the GHL based on length.
2. Allocate the GHL based on width.
3. Allocate the GHL based on depth.
4. Allocate the GHL based on tonnage.
(1-4 were rejected due to not wanting to exclude any user group.)
5. Give allowable pot numbers bases on available GHL.
(Example - When GHL is at 10 million or less, pot limit would be at 30. When GHL is at 10 million or more, pot limit would be at 45. When GHL is at 15 million or more, pot limit would be at 60.)
6. Allow in combination with daylight hour fishing.
(5&6 were not rejected but given for discussion by the board.)

PROPOSED BY: City of Chignik (HQ-F13-306)

PROPOSAL 16 - 5 AAC 28.550. Description of South Alaska Peninsula Area. Modify boundary description of South Alaska Peninsula groundfish area, as follows:

State water Western Gulf Pacific cod fishery area boundaries should parallel the South Alaska Peninsula Salmon Management Area. The Western Gulf of Alaska State water Pacific cod

fishery area will be from Kupreanof Point to Scotch Cap. Area west of Scotch Cap will be identified as Aleutian Island District, and will be managed as part of the Bering Sea Pacific cod quota.

ISSUE: Boundary lines of the Western Gulf of Alaska Pacific cod fishery need to be adjusted. Fish caught in the area west of Scotch cap negatively affects the local fleet and communities economic base; fish caught in the area west of Scotch Cap reduces the Western Gulf quota but is generally not caught by local fleet or processed in local communities.

WHAT WILL HAPPEN IF NOTHING IS DONE? Local fishing fleet and communities will suffer.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. Fish harvested in the area from Kupreanof Point to Scotch Cap are near to local processors, and quality is maintained.

WHO IS LIKELY TO BENEFIT? Local fishermen and communities will benefit from improved economic conditions.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Raymond E. Nutt (HQ-F13-014)

PROPOSAL 17 - 5 AAC 28.550. Description of South Alaska Peninsula Area. Modify boundary description of South Alaska Peninsula groundfish area, as follows:

State water Western Gulf Pacific cod fishery area boundaries should parallel the South Alaska Peninsula Salmon Management Area. The Western Gulf of Alaska State water Pacific cod fishery area will be from Kupreanof Point to Scotch Cap. Area west of Scotch Cap will be identified as Aleutian Island District, and will be managed as part of the Bering Sea Pacific cod quota.

ISSUE: Boundary lines of the Western Gulf of Alaska Pacific cod fishery need to be adjusted. Fish caught in the area west of Scotch cap negatively affects the local fleet and communities economic base; fish caught in the area west of Scotch Cap reduces the Western Gulf quota but is generally not caught by local fleet or processed in local communities.

WHAT WILL HAPPEN IF NOTHING IS DONE? Local fishing fleet and communities will suffer.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. Fish harvested in the area from Kupreanof Point to Scotch Cap are near to local processors, and quality is maintained.

WHO IS LIKELY TO BENEFIT? Local fishermen and communities will benefit from improved economic conditions.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Charles Jackson, Jack D. Berntsen, William Dushkin Sr., Wilber McGlachan, Jack Foster Jr., George D Karlsen, Paul Gunderson III, Anthony Gundersen, Amber Karlsen, Paul K. Gundersen (HQ-F13-015)

PROPOSAL 18 - 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan. Increase state-waters Pacific cod guideline harvest level (GHL) to 50 percent of the Western Gulf of Alaska acceptable biological catch (ABC), as follows:

The guideline harvest level for Pacific cod in the South Alaska Peninsula Area M is 50% of the federal WGOA TAC.

ISSUE: The 2012 sector splits in the Western Gulf of Alaska parallel cod season have reduced the opportunity for pot only vessels to harvest cod. Pot only boats have previously participated in the federal parallel season until the entire TAC was caught. In the two years prior to sector splits pots harvested over 50% of the WGOA TAC and 50% of those were harvested in state waters. Sideboard crabbers were taking 15% of the pot harvest in recent years and in 2012 their limit was 21% of the 38% pot sector.

WHAT WILL HAPPEN IF NOTHING IS DONE? Pot only vessels will continue to see the pot sector harvest of cod end early and watch as other vessels move on to other sectors, other rationalized areas, and other CDQs. The economic impacts the pot only vessels experienced under the sector splits will continue. The local communities will continue to have high levels of animosity between local user groups.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Pot only vessels will have a higher percent of access to the WGOA TAC.

WHO IS LIKELY TO SUFFER? Trawlers and hook and line vessels will have a lower percent of WGOA TAC. Most of the trawlers can and do participate in the existing state fishery. The sideboard crabbers will have lower limits during the federal season.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: King Cove Fish and Game Advisory Committee (HQ-F13-008)

PROPOSAL 19 - 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management

Plan. Increase state-waters Pacific cod guideline harvest level (GHL) to 50 percent of the Western Gulf of Alaska acceptable biological catch (ABC), as follows:

The guideline harvest level for Pacific cod in the South Alaska Peninsula Area is 50 percent of the estimated total allowable harvest of the Pacific cod for the federal Western Gulf of Alaska Area.

ISSUE: Increase state water Pacific cod quota by 25%.

WHAT WILL HAPPEN IF NOTHING IS DONE? With increased fishing effort from the fleet and higher expenses to fishermen, a lot of fisher families will be forced out of business.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. A slower rate of harvest is anticipated, with less bycatch of prohibited species.

WHO IS LIKELY TO BENEFIT? All participants in the fishery and communities will benefit.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? No action will result in less opportunity for local fishermen.

PROPOSED BY: Raymond E. Nutt (HQ-F13-009)

PROPOSAL 20 - 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management

Plan. Increase state-waters Pacific cod guideline harvest level (GHL) to 50 percent of the Western Gulf of Alaska acceptable biological catch (ABC), as follows:

The guideline harvest level for Pacific cod in the South Alaska Peninsula Area is 50 percent of the estimated total allowable harvest of the Pacific cod for the federal Western Gulf of Alaska Area.

ISSUE: Increase state water Pacific cod quota by 25%

WHAT WILL HAPPEN IF NOTHING IS DONE? With increased fishing effort from the fleet and higher expenses to fishermen, a lot of fisher families will be forced out of business.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. A slower rate of harvest is anticipated, with less bycatch of prohibited species.

WHO IS LIKELY TO BENEFIT? All participants in the fishery, and communities will benefit.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? No action will result in less opportunity for local fishermen.

PROPOSED BY: Charles Jackson, Jack D. Berntsen, William Dushkin Sr., Wilber McGlachan, Jack Foster Jr., George P. Gundersen, Paul Gundersen III, Anthony Gundersen, Amber Karlsen, Paul K. Gundersen, David D. Osterback, George D. Karlsen (HQ-F13-010)

PROPOSAL 21 - 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan. Increase state-waters Pacific cod guideline harvest level (GHL) to 55 percent of the Western Gulf of Alaska acceptable biological catch (ABC), as follows:

The guideline harvest level for state water Pacific cod in the South Alaska Peninsula Area is 55 percent of Western Gulf of Alaska (WGOA) Area total allowable catch (TAC).

ISSUE: The 25 percent allocation from the WGOA TAC to the state water Pacific cod fishery is not sufficient.

WHAT WILL HAPPEN IF NOTHING IS DONE? Communities and individuals will continue to suffer financial losses as in the 2012 federal Pacific cod "A" season.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All pot and jig vessels.

WHO IS LIKELY TO SUFFER? Federal fishery only vessels.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: False Pass Fish and Game Advisory Committee (HQ-F13-011)

PROPOSAL 22 - 5 AAC 28.556. South Alaska Peninsula Area registration. Change registration from exclusive to a superexclusive, as follows:

Make the South Alaska Peninsula state-water Pacific cod fishery superexclusive, that is, if you register to fish in this fishery, you may not register for other area Alaska state-water Pacific cod fisheries. Conversely, if you register to fish in another area Alaska state-water Pacific cod fishery, you may not participate in the South Alaska Peninsula state-water Pacific cod fishery. "5 AAC 28.556. (a) The South Alaska Peninsula Area is a super exclusive registration area for Pacific cod during a state-waters season described in 5 ACC 28.577".

ISSUE: Since the introduction of a gear sector split in the Pacific cod fishery, competition for fishing has actually increased in the South Alaska Peninsula pot gear fishery, an unintended consequence.

WHAT WILL HAPPEN IF NOTHING IS DONE? Too many boats from other regions come in to the area to join the local fleet prosecution of the fishery, resulting in an extremely short fishery. The local fleet will be lost if fishing time is further reduced.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Yes. Making the cod fishery superexclusive should serve to maintain a sustainable Pacific cod resource in the Gulf of Alaska by limiting participation to the local fleet, and harvesting the resource over more time.

WHO IS LIKELY TO BENEFIT? Local fleets in coastal communities and local fishermen will benefit by making the SAP fishery superexclusive.

WHO IS LIKELY TO SUFFER? Non-local fishermen may suffer by having to choose which region's fishery to participate in.

OTHER SOLUTIONS CONSIDERED Not making the area superexclusive could result in loss of communities in the region.

PROPOSED BY: Raymond E. Nutt (HQ-F13-200)

PROPOSAL 23 - 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan. Change state-waters Pacific cod season opening date for pot gear, as follows:

The state-water season shall open [ON 12:00 NOON, MARCH 7 OR] seven days following the closure of the Federal Western Gulf of Alaska pot gear "A" season [WHICHEVER IS LATER].

ISSUE: Season opening date for the South Alaska Peninsula area state-water Pacific Cod fishery for vessel using pot gear.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued loss to fishermen who have to move gear from the grounds, or store pots for extended periods of time with potential for loss. Also having to house non-local crew for additional days while not fishing.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? Yes. Fish are harvested before they spawn.

WHO IS LIKELY TO BENEFIT? Pot fishing vessels.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? N/A.

PROPOSED BY: False Pass Fish and Game Advisory Committee (HQ-F13-017)

PROPOSAL 24 - 5 AAC 28.577(e)(1). South Alaska Peninsula Area Pacific Cod

Management Plan. Change state-waters Pacific cod season opening date for pot gear to March 12 or seven days following closure of the federal Western Gulf season whichever is later, as follows:

The start date of the South Alaska Peninsula state-water Pacific cod pot fishery would be 12:00 p.m. March 12 or seven days after the closure of the federal pot sector in the Western Gulf of Alaska, or whichever is later.

ISSUE: The start date of the South Peninsula Pacific pot cod fishery.

WHAT WILL HAPPEN IF NOTHING IS DONE? As fuel and bait expenses have increased drastically over the past few years, the fishery has become less profitable. A one week later start date would increase the catch per unit effort in the fishery making it more profitable as fishing generally improves throughout the area as the season progresses.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All pot fishermen feeling the effects of increased expenses in a marginally profitable fishery.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? A later start date was considered but the fish move very shallow later on.

PROPOSED BY: Kiley Thompson and Dwain Foster, Sr. (HQ-F13-274)

PROPOSAL 25 - 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan. Clarify weather-delay criteria for opening the state-waters Pacific cod season, as follows:

(1) The opening of the state-waters season 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 (d)(1) and (e)(1) of this section for the current day and night **or** [PLUS] the following day and night for the state waters between Castle Cape and Cape Sarichef contains **a gale warning** [GALE FORCE WIND WARNINGS OF 35 KNOTS OR HIGHER]. 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** [PLUS] the following day and night contains **a gale warning** [GALE WARNINGS], 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** [FORCE WIND] forecast.

ISSUE: As currently written, for the season to be delayed, the 4:00 a.m. National Weather Service (NWS) forecast must contain a gale warning for the current day and night, plus the following day and night. The intent of the regulation is to delay the season if a gale warning is in the forecast at any time during the 48 hours from the 4:00 a.m. forecast issued the day of the scheduled opening date. In addition, the current definition of a gale warning in regulation is 35 knots or higher. NWS recently changed the definition of a gale warning from 35 knots or higher to a range of 34 to 47 knots.

This proposal would amend the regulatory language to be consistent with the original intent of the regulation, as well as align the gale warning definition with the updated NWS gale warning definition.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will be continued inconsistencies between the intent of the weather delay and the regulatory language, as well as an inaccurate description of a gale warning.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The public will benefit from accurate regulatory language.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F13-167)

PROPOSAL 26 - 5 AAC 28.571. Groundfish pot storage requirements for South Alaska Peninsula. Modify pre-season pot storage regulation for state-waters Pacific cod fishery, as follows:

(c) During the seven days before the opening of the state-waters season for Pacific cod in the South Alaska Peninsula Area, rectangular groundfish posts with all bait and bait containers removed and with all doors secured fully open, and cone or pyramid groundfish pots with all bait and bait containers removed and all doors not secured closed may be stored in waters more than 25 fathoms deep; however, pots may be stored longer than seven days if the season opening is delayed due to weather as described in 5 AAC 28.577(1).

ISSUE: Prior to 2012, fishermen could store open and unbaited cod pots on the fishing grounds (deeper than 25 fathoms) for seven days before the start of the state-waters cod season. When state-waters regulations were changed to coordinate with federal cod sector splits in 2011, the regulation that allowed boats to store gear on the fishing grounds before start of the state-waters

season was eliminated.

WHAT WILL HAPPEN IF NOTHING IS DONE? Smaller sized boats are at a disadvantage because it takes them longer to get all their gear to the fishing grounds once the season starts resulting in lost fishing time. During years when the weather is bad at the start of the season it is unsafe for all boats to be moving deck loads of gear out to the fishing grounds.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No, but it improves safety and efficiency for pot boats that fish in the South Alaska Peninsula state-waters cod fishery.

WHO IS LIKELY TO BENEFIT? South Alaska Peninsula state-waters Pacific cod pot fishermen.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None. Fishermen have historically been able to store gear on the fishing grounds for seven days before the start of the season.

PROPOSED BY: Corey Wilson (HQ-F13-013)

PROPOSAL 27 - 5 AAC 28.571. Groundfish pot storage requirements for South Alaska Peninsula Area. Modify preseason pot storage regulation for state-waters Pacific cod fishery, as follows:

Allow gear to be at fishing depth up to seven days before season begins.

ISSUE: Any new regulation would mirror that of the Chignik management area.

WHAT WILL HAPPEN IF NOTHING IS DONE? There seems to be a disparity in that in the Chignik management area pot gear may be stored at fishing depth un-baited for up to seven days prior to the season. This is not allowed in the South Peninsula.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All South Peninsula pot fisherman who store pot gear in the water preseason.

WHO IS LIKELY TO SUFFER? No One.

OTHER SOLUTIONS CONSIDERED? No other solutions were considered.

PROPOSED BY: Kiley Thompson and Dwain Foster Sr. (HQ-F13-268)

PROPOSAL 28 - 5 AAC 39.164. Non-pelagic trawl gear restrictions. Close state waters surrounding Caton and Sanak Islands to nonpelagic trawl gear, as follows:

ISSUE: Close all state waters around Caton Island and Sanak Island to hard on bottom trawl gear.

WHAT WILL HAPPEN IF NOTHING IS DONE? The bycatch of Tanner crab in the area will hamper and stop the rebuilding of these stocks.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. This will help the Tanner crab stocks to rebuild faster.

WHO IS LIKELY TO BENEFIT? Everyone who fishes for Tanner crab in the area.

WHO IS LIKELY TO SUFFER? There are very few vessels that trawl in this area.

OTHER SOLUTIONS CONSIDERED? No other solutions.

PROPOSED BY: Association of Western Gulf Pot Sector Fishermen Inc., Kenneth Mack Sr.
(HQ-F13-012)

PROPOSAL 29 - 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan. Increase Aleutian Islands District state-waters Pacific cod guideline harvest level (GHL) to 4.5 percent of the federal Bering Seas/Aleutian Islands acceptable biological catch (ABC), as follows:

Increase the state water GHL by 50%. Change 5 AAC 28.647 section (d)(1) to read: "...the guideline harvest level for Pacific cod in the Aleutian Islands District west of 170° W. long is **four and one half** [THREE] percent of the estimated total allowable harvest of Pacific cod for the federal Bering Sea-Aleutian Islands Area; to be larger on average than Bering Sea cod, they tend to enter the high end of the H&G salt cod market.

ISSUE: The ratio of Pacific cod biomass between the Aleutians and the Bering Sea based on the survey biomasses ranges from 9% to 16% of the biomass being in the Aleutians. Currently the federal regulations make no distinction between cod harvested in the Aleutians or in the Bering. Cod caught in either area count against one overall quota. Given the restrictions imposed by the federal Sea Lion RPAs, the fishing areas in the Aleutians are very limited and are a disincentive to fishing in the Aleutians. Additionally, cod aggregate later in the Aleutian area, so traditionally, the cod harvest peaks in the Aleutians about a month later than the Bering Sea. Until there is a separate federal Pacific cod quota for the Aleutian Island management area, the current structure of the federal regulations is resulting in a disproportionately low harvest rate on the Aleutian Island portion of the BSAI cod biomass.

WHAT WILL HAPPEN IF NOTHING IS DONE? The CV trawl fleet fishing in the Bering

Sea area will continue to harvest the combined Bering Sea/Aleutian Island quota in the Bering Sea early in the year, pre-empting a fishery in federal waters in the Aleutians. This reduces landings in the Aleutian management area and undermines the economic viability of processing operations in the community of Adak.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? To the extent that Aleutian Island cod tend to be larger on average than Bering Sea cod, they tend to enter the high end of the H&G salt cod market.

WHO IS LIKELY TO BENEFIT? The community of Adak will benefit from increased landings. Vessels that qualify to fish under the state's Aleutian Islands District Pacific Cod Management Plan will have increased opportunity. An increased state water GHL will enhance the viability of participating in the state water fishery for both harvesters and processors.

WHO IS LIKELY TO SUFFER? The federal fishery participants could see a 1.5% reduction in quota in years where the TAC was set equal to ABC.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Adak Community Development Corporation (HQ-F13-001)

PROPOSAL 30 - 5 AAC 28.547. Aleutian Islands District Pacific Cod Management Plan. Clarify Aleutian Islands District state-waters Pacific Cod guideline harvest level (GHL) rollover provision from A to B season, as follows:

(d) During a state-waters season,

(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, up to a maximum of 70 percent **of the combined A and B seasons' guideline harvest level**, will be rolled over on June 10 and available for harvest in the state-waters B season; the guideline harvest level will be available as follows:

ISSUE: The current regulation does not adequately describe how much unharvested A-season GHL may be rolled over into the B season. As written, it is unclear whether the maximum amount rolled over could be 70 percent of the A-season GHL or 70 percent of the combined A and B season GHLS. In 2011, department staff implemented a combined A and B season GHL rollover provision.

WHAT WILL HAPPEN IF NOTHING IS DONE? The regulation will continue to create confusion and potentially be misinterpreted.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Department staff and fishery participants.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F13-002)

PROPOSAL 31 - 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.
Clarify Aleutian Islands District state-waters Pacific Cod fishery bycatch provisions with respect to state-federal jurisdiction, as follows:

(f) The commissioner may, by emergency order, impose bycatch limitations and retention requirements based on conservation of the resource, to avoid waste of a bycatch species, to prevent over harvest of bycatch species, or to facilitate consistency of [THE REGULATIONS IN AN AREA WHERE] state and federal regulations for a species [JURISDICTIONS OVERLAP].

ISSUE: The regulation as currently written indicates state and federal jurisdictions overlap. State and federal jurisdictions are separate. This change would not change bycatch management in this fishery.

WHAT WILL HAPPEN IF NOTHING IS DONE? The department will continue to implement management measures and regulations within state waters which facilitate consistency for species managed in both federal and state jurisdictions.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Clear and concise regulations will benefit fishery participants, management agencies, and law enforcement.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F13-003)

PROPOSAL 32 - 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.
Amend the Aleutian Islands District state-waters Pacific Cod fishery management plan to address concurrent state-waters and federal Pacific cod seasons, as follows:

(h) When state waters and federal Pacific cod seasons are open concurrently for the same gear type,

(1) vessels may not simultaneously participate in a state-waters season and any other concurrent Pacific cod season;

(2) vessels must deliver all unprocessed Pacific cod onboard prior to participating in a state-waters Pacific cod fishery and when exiting a state-waters fishery;

(3) prior to entering or exiting a state-waters fishery, vessels must check in and check out by notifying the department;

(4) the commissioner may, by emergency order, modify landing requirements and check in and check out requirements based on effort, harvest rate, or remaining quota.

(i) For the purposes of this section,

(1) "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers;

(2) "state waters 'A' season" means the state waters season conducted from January 1 through June 9;

(3) "state waters 'B' season" means the state waters season conducted from June 10 through December 31.

(i) The board intends that a vessel operator generally harvest less than the vessel's allowable harvest limit, possess less than the vessel's allowable possession limit, and limit the vessel's fishing activities if there is a possibility of exceeding those limits. A vessel operator of a vessel harvesting more than an allowable harvest limit or that is in possession of more than the allowable possession limit is considered to have engaged in improper operation of gear. Nothing in this section is intended to preclude or discourage additional enforcement action under AS 16.05.722, AS 16.05.723, or any other applicable law for any violation of this section.

ISSUE: Recent changes to the *Aleutian Islands District Pacific Cod Management Plan* increase the likelihood of concurrent state and federal seasons for the same gear type. Currently, the *Aleutian Islands District Pacific Cod Management Plan* does not provide guidance on how to address concurrent state and federal Pacific cod seasons for the same gear type.

WHAT WILL HAPPEN IF NOTHING IS DONE? Without a mechanism in place for vessels to efficiently participate in and/or transition between state and federal seasons for Pacific cod, misreporting of catch may occur. As a result, catch accounting during the state-waters Pacific cod fishery would be less accurate. Lacking timely and accurate inseason harvest information, the department would manage the state-waters fishery more conservatively.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Unknown.

WHO IS LIKELY TO BENEFIT? Department staff and fishery participants. Requiring vessels to check in, check out, and notify the department prior to entering or exiting the state-waters fishery will allow department staff to make timely and informed management decisions.

WHO IS LIKELY TO SUFFER? Requiring vessels to deliver prior to participating in, and exiting, the state-waters fishery could potentially be burdensome to fishery participants.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F13-004)

PROPOSAL 33 - 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan. Update Aleutian Islands District state-waters Pacific Cod fishery management plan to identify Steller sea lion and essential fishing habitat closure areas, as follows:

(g) During the state waters season **the following closures shall apply,**

(1) **The Seguam Foraging Area for Steller sea lions as specified** [ALL CLOSURE AREAS SPECIFIED IN THE PARALLEL SEASON SHALL APPLY AS SPECIFIED BY GEAR GROUP] in 50 C.F.R. **679.22(a)(8)(i), and groundfish closures within three nautical miles of Steller sea lion sites of the Aleutian Islands District west of 170° W. long. found in 50 C.F.R. 679.22(a)(8)(iii),** [679, REVISED AS OF OCTOBER 1, 2005, AS MODIFIED BY 71 FEDERAL REGISTER 36,694 – 36,714 (JULY 28, 2006); AND]

(2) **all Steller sea lion protection measures for Pacific cod found in Table 5 of 50 C.F.R. 679, as defined in 69 Federal Register 75865, December 20, 2004; and** [ALL WATERS WITHIN THREE NAUTICAL MILES OF THE STELLER SEA LION SITE ON KANAGA ISLAND/SHIP ROCK AT 51° 46.70' N. LAT., 177° 20.72' W. LONG. ARE CLOSED TO THE TAKING OF PACIFIC COD].

(3) **all habitat closures specified in 5 AAC 39.167 that are located in the Aleutian Islands District west of 170° long.**

ISSUE: As currently written closure references are confusing. As a result, it is unclear which closures apply during the state-waters Pacific cod season. The proposed regulation seeks to clarify the closures during a state-waters Pacific cod season and does not intend to change closures presently implemented.

The regulation indicates the closures are located in 50 C.F.R. 679, which contains all federal commercial fishing regulations in Alaska. Attempting to locate the applicable closures during a state-waters season with such a vague reference is not a reasonable expectation. Furthermore, the referenced Federal Register specifies habitat closures (already in statewide regulation 5 AAC 39.167), and does not explicitly include other closures; specifically, Steller sea lion (SSL) protection measures.

When the Aleutian Islands District state-waters Pacific cod fishery was created, the SSL closures implemented for the state-waters season were the same closures implemented during a parallel season. While not directly referenced, all closures were found within 50 C.F.R. 679.22(a)(8) *Steller sea lion protection areas, Aleutian Islands subarea*. In recent years, regulatory changes to SSL protection measures and the state-waters season has resulted in the some differing state-waters and parallel season closures.

The SSL protection measures the department implements during a state-waters season are found in Table 5 of 50 C.F.R. 679 in 69 Federal Register 75865 (December 20, 2004) and Table 12 of 50 C.F.R. 679 in 73 Federal Register 76136 (December 15, 2008). Table 5 of 50 C.F.R. refers to gear-specific closures around SSL haulouts in Alaska, and Table 12 of 50 C.F.R. 679 are SSL rookeries in Alaska closed to groundfish fishing within 3 nautical miles.

Table 12 from 2008 did not include the SSL site at Kanaga Island/Ship Rock. However,

50 C.F.R. 679.22(a)(8)(iii) does. By referencing the current C.F.R., there would no longer be a need to include a separate reference to the SSL site at Kanaga Island/Ship Rock.

Beginning January 1, 2011, National Marine Fisheries Service implemented new “Reasonable and Prudent” SSL protection measures. The new protection measures, which the State of Alaska did not adopt, changed the gear-specific closures found in Table 5. Therefore, the closures specified in Table 5 must be referenced separately in state regulation, since they no longer match those referenced in 50 C.F.R. 679.22.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will be continued uncertainty regarding closures during the Aleutian Islands District state-waters Pacific cod season.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Unknown.

WHO IS LIKELY TO BENEFIT? Fishermen, fishery managers, and law enforcement will benefit from clear and consistent regulations.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F13-005)

PROPOSAL 34 - 5 AAC 28.610. Fishing season for Bering Sea-Aleutian Islands Area.
Place a moratorium on new or expanded state-waters Pacific cod fisheries in Area O, as follows:

There shall be a moratorium on any new or expanded Pacific Cod fisheries in state waters of Area O until a long-term management plan is adopted by the Board of Fisheries, after a draft management plan for that fishery is reviewed and then approved by relevant AC’s, the NPFMC, and ADF&G.

ISSUE: The board must place a moratorium on, and/or not allow or open any new or expanded Pacific Cod fisheries by all gear groups in state waters of Area O. The Bering Sea Pacific Cod fishery in Area O is now fully allocated, fully prescribed and over capitalized. The NMFS/RAM data base shows that there are more than 200 fixed gear boats 60 feet LOA and less that are presently qualified to participate in BS/AI state water fisheries and those boats could move into Area O state water Pacific Cod fishery with devastating effects, if not managed for the long term health of all participants and fisheries.

WHAT WILL HAPPEN IF NOTHING IS DONE? The race for fish will continue and escalate, that will continue to put lives at risk, and expanded pressures on what are now fully allocated and over capitalized fisheries, and could significantly harm the fishery resource now and in the future, to the detriment of all Alaskans.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? It will ensure that the Pacific cod fishery will be productive well into the future and it will ensure that this fishery will be managed and harvested on a sustained yield basis for all gear groups and interests. Pacing commercial fishery harvests, openings, allocating it correctly, and managing it based on the best available data with input from all relevant state and federal management agencies and affected users will almost always improve the quality of the resource harvested, the safety of the harvesters, and ensure products produced from this fishery resource are sustainable and its value optimized.

WHO IS LIKELY TO BENEFIT? Traditional harvesters in multiple gear groups that have been involved in this fishery, recent entrants, and the resource, which will benefit from sustained yield management based on the best available data and science. In addition, harvesters who have invested in boats and gear will benefit from having a long-term plan in place that has been carefully vetted through the public and scientific process.

WHO IS LIKELY TO SUFFER? New entrants who are looking for potential benefits from a new state water fishery Area O.

OTHER SOLUTIONS CONSIDERED? Volunteer and private coops, related discussions at the NPFMC. These were rejected because they all needed to be considered in the context of long term planning and resource management by the Board of Fisheries, which is the intent of this proposal.

PROPOSED BY: Jeff Steele (HQ-F13-034)

PROPOSAL 35 - 5 AAC 28.6XX. Bering Sea-Aleutian Islands Pacific Cod Management Plan. Establish a state-waters Pacific cod fishery in the Bering Sea portion of Area O, as follows:

Regulation would mirror 5 AAC 28.577. South Peninsula Area Pacific Cod Management Plan.

ISSUE: Establish a state water fishery in Bering Sea State Waters (Area O). As Pacific Cod State Water Fisheries in GOA waters are being addressed, it is the time to look at a state water Pacific cod fishery in Bering Sea to mirror other Pacific cod state water fisheries.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will continue to be very little opportunity for small vessels (under 60') in waters of Bering Sea. Pressure will continue to increase in already established state water Pacific cod fisheries.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, small vessels less than 60' make short trips with high quality product.

WHO IS LIKELY TO BENEFIT? Small Alaskan vessels and Alaskan coastal communities.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? Status quo. It provides very limited fishing opportunity for small vessels under 60' in the Bering Sea. Less than ½ percent of ground fish in Bering Sea is harvested by vessels under 60'.

PROPOSED BY: Matt Hegge (HQ-F13-006)

PROPOSAL 36 - 5 AAC 28.6XX. Bering Sea-Aleutian Islands Area Pacific Cod Management Plan. Establish a state-waters Pacific cod fishery in the Bering Sea portion of Area O, as follows:

The state of Alaska will develop a state Pacific cod fishery in Area O. It will take a graduated percent of the BSAI TAC similar to other state Pacific cod areas until the state's share is 2–3% of the BSAI TAC. Area O will be an exclusive registration area for Pacific cod, pot and jig only, and a 58' vessel limit size.

ISSUE: The large quotas and sector splits in the federal BSAI and parallel state Area O cod fishery has created an economic niche for 58' pot vessels that are increasingly harvesting more Pacific cod in the open access and adjacent state fishery of Area M. Area O does not have a state Pacific cod fishery. The state Pacific cod fisheries were developed to benefit small vessels and local coastal communities of the area.

WHAT WILL HAPPEN IF NOTHING IS DONE? The local fishermen and coastal communities of Area M will continue to see a decrease in their historic share of the Area M state harvest. The federal trend in privatizing the fisheries it manages with sector splits and rationalization has already had harsh economic effects on pot only vessels fishing in the WGOA Pacific cod 2012 season.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Hopefully it will benefit local fishermen and communities by reducing the harvest in Area M by vessels from Area O. Hopefully it will benefit Area O fishermen by having a state fishery limited by pot numbers and vessel size.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: King Cove Fish and Game Advisory Committee (HQ-F13-007)

PROPOSAL 37 - 5 AAC 28.6XX. Aleutian Islands District Atka Mackerel Management Plan. Establish a state-waters Atka mackerel fishery, as follows:

- Area – state waters between 172° and 180° W longitude.
- Gear – existing Area M salmon seine gear length and depth limits.
- GHJ – within current unused jig allocation (X lb).
- Vessel size limit – under 60 feet.
- Check-in – fishery registration.
- Catch reporting – daily reports to ADF&G.
- Season – to be determined by staff to accommodate necessary catch accounting.
- Mirror current parallel fishery Steller sea lion restrictions.

ISSUE: Develop a state-waters Atka mackerel fishery for vessels 60 feet and under, from 172° W long to 180° W long, using seine gear. Harvest levels would be determined from a yet-to-be specified percentage of the federal annual biological catch limit.

WHAT WILL HAPPEN IF NOTHING IS DONE? Atka mackerel will be managed in state waters as a parallel fishery.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Vessel operators wanting a state-waters fishery using seine gear.

WHO IS LIKELY TO SUFFER? Vessel operators who fish Atka mackerel under the parallel/federal rules.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Board of Fisheries (HQ-F13-270)
