

On-Time Public Comment List

Joint Protocol Committee | Anchorage, October 17, 2018

National Marine Fisheries Service PC1



**Bering Sea Pacific cod fishery
Interaction between Federal and State of Alaska Parallel Fisheries
Joint Protocol Committee Meeting – October 17, 2018
NMFS Comments (Proposals 2, 4, 5, 7, 11, and 12-14)**

Proposal 2: 5 AAC 28.647. Aleutian Islands Subdistrict Pacific Cod Management Plan.

Background on Pacific cod allocations:

Pacific cod overfishing level (OFL), allowable biological catch (ABC), and total allowable catch (TAC) are established by the North Pacific Fisheries Management Council (Council) on a yearly basis. Pacific cod in the Aleutian Islands (AI) (West of 170° W longitude) and Bering Sea (BS) are considered separate stocks and in 2014 the Council began setting separate OFLs and ABCs for each stock area. State regulation currently sets the state-waters guideline harvest level (GHL) for the Aleutian Island subdistrict (AIS) Pacific cod fishery at 27% of the federal AI ABC with step-up options (31%, 35%, and 39%) in subsequent years if the entire GHL is achieved the previous year. In addition the AIS fishery is also subject to a 15 million pound (6,804 mt) cap by state regulation regardless of the overall AI Pacific cod ABC. In 2018, catch for the GHL was fully achieved at 27% and therefore in 2019 the GHL will increase to 31% of the AI ABC.

Once the Council sets the OFL and ABC for AI and BS Pacific cod, they determine the overall TAC in both the AI and BS. Because the Council must ensure that all harvest in the entire AI and BS does not exceed the ABC, the Council must subtract the state-waters AIS GHL from the AI ABC and the state-waters Dutch Harbor subdistrict GHL fishery from the BS ABC before setting the federal TAC. In addition, 10.7% of the AI TAC and BS TAC is allocated to CDQ (community development quota) groups. After taking into account state-waters GHL fisheries and CDQ, the remainder of the Pacific cod federal TAC is allocated by gear and processing sectors. Although AI and BS Pacific cod are considered to be separate stocks (each with its own OFL, ABC, and TAC) a sector's allocation is based on the BS and AI combined TAC. There are nine sectors: catcher vessel (CV) 60 ft and over pot (8.4%), CV under 60 ft pot/hook-and-line (HAL)(2%), catcher/processor (C/P) pot (1.5%), jig (1.4%), C/P HAL (48.7%), 60 ft and over CV HAL (0.2%), CV trawl (22.1%), American Fisheries Act (AFA) trawl C/P (2.3%), and Amendment 80 trawl (13.4%).

Potential Issue:

In years when the AI Pacific cod ABC is high, the state-waters GHL, when calculated using the percentages in state regulation, could result in a GHL over 15 million pounds (6,804 mt). As a result, the GHL fishery would be set at 15 million pounds instead of by percentage. Proposal 2 seeks to terminate this 15 million pound cap. If the 15 million pound cap is terminated, years when the AI Pacific cod ABC is high could result in an AIS GHL fishery that is higher than 15





million pounds. Because the federal CDQ fishery and sector allocations are determined after the subtraction of the state-waters GHL fishery, this could result in an overall deduction in TAC for all BSAI Pacific cod federal sectors. Table 1 shows the Pacific cod allocations with and without the 15 million pound cap based on the Pacific cod ABC in 2018.

Pacific cod fishing provides a major source of income for many people. Many vessels are ineligible to participate in state-waters GHL fisheries due to gear and size restrictions and rely solely on federal Pacific cod fisheries. In 2018 44 unique vessels participated in the BSAI state-waters GHL fisheries. Thirty-nine of those 44 vessels also participated in federal or parallel-waters Pacific cod fisheries in the BSAI. In contrast, as of September 27, 2018, 129 vessels have participated exclusively in federal or parallel-waters Pacific cod fisheries in the BSAI and did not participate in the GHL fisheries. In addition many federal Pacific cod sectors have seen decreased season lengths in recent years, especially in the A season, which begins in January. As a result, a further decrease in the federal Pacific cod TACs could have a negative impact economically on these vessels, especially in years with already depressed ABCs.

**Table 1. BSAI allocations with and without the 15 million pound cap (6,804 mt) in metric tons using the 2018 ABC.**

Pacific Cod Sector	27% with 15 million lb cap	27% without 15 million lb cap	31% with 15 million lb cap	31% without 15 million lb cap	35% with 15 million lb cap	35% without 15 million lb cap	39% with 15 million lb cap	39% without 15 million lb cap
2018 BS ABC	201,000	201,000	201,000	201,000	201,000	201,000	201,000	201,000
2018 AI ABC	21,500	21,500	21,500	21,500	21,500	21,500	21,500	21,500
Dutch Harbor GHL fishery (6.4% of the ABC)	12,864	12,864	12,864	12,864	12,864	12,864	12,864	12,864
Aleutian Islands GHL fishery	5,805	5,805	6,665	6,665	6,804	7,525	6,804	8,385
BS TAC	188,136	188,136	188,136	188,136	188,136	188,136	188,136	188,136
BS CDQ (10.7%)	20,131	20,131	20,131	20,131	20,131	20,131	20,131	20,131
BS non-CDQ TAC	168,005	168,005	168,005	168,005	168,005	168,005	168,005	168,005
AI TAC	15,695	15,695	14,835	14,835	14,696	13,975	14,696	13,115
AI CDQ (10.7%)	1,679	1,679	1,587	1,587	1,572	1,495	1,572	1,403
AI non-CDQ TAC	14,016	14,016	13,248	13,248	13,124	12,480	13,124	11,712
Overall BSAI non-CDQ TAC	182,021	182,021	181,253	181,253	181,129	180,485	181,129	179,717
HAL/pot ICA	400	400	400	400	400	400	400	400
HAL CP	88,324	88,324	87,950	87,950	87,889	87,576	87,889	87,202
HAL CV 60 ft and over LOA	363	363	361	361	361	360	361	358
CP pot	2,720	2,720	2,709	2,709	2,707	2,697	2,707	2,686
CV pot 60 ft and over LOA	15,235	15,235	15,170	15,170	15,160	15,105	15,160	15,041
CV HAL/pot under 60 LOA	3,627	3,627	3,612	3,612	3,610	3,597	3,610	3,582
CV trawl	40,227	40,227	40,057	40,057	40,029	39,887	40,029	39,717
AFA CP trawl	4,186	4,186	4,169	4,169	4,166	4,151	4,166	4,133
Amendment 80	24,391	24,391	24,288	24,288	24,271	24,185	24,271	24,082
Jig	2,548	2,548	2,537	2,537	2,536	2,527	2,536	2,516

**Proposal 4: 5 AAC 28.647. Aleutian Islands Subdistrict Pacific Cod Management Plan.****Background on Pacific cod allocations:**

As discussed in Proposal 2, Pacific cod overfishing levels (OFL), allowable biological catch (ABC), and total Allowable Catch (TAC) for Pacific cod in the Aleutian Islands (AI) are established by the North Pacific Fisheries Management Council (Council) on a yearly basis.

Potential Issue:

Proposal 4 seeks to create an avenue to step down the state-waters AIS GHL in subsequent years if 85% of the state GHL is not harvested by December 31. The Council meets at the beginning of December each year to determine the OFLs, ABCs, and TACs for the following year. If, by the early December meeting, it has not yet been determined if the GHL fishery will have a step-down (or step-up) the following year the Council may not be able to accurately determine the federal TAC. If it was determined after the Council harvest specification process in December that a step-down in the GHL was warranted the following year, it could result in a Pacific cod TAC lower than would have otherwise been available in the federal fishery.

There is already a potential issue with the step-up provisions currently in state regulation for the state-waters AIS fishery. The current step-up provisions take effect if the entire AIS GHL is taken by December 31. However, if it was determined that a step-up in the GHL was warranted the following year after the December Council meeting, it could result in more TAC than available being allocated to the federal fishery, thus creating a potential overage in the AI Pacific cod ABC. Although not preferable, in this scenario it is possible for the National Marine Fisheries Service (NMFS) to adjust the TACs down after the Council meeting to ensure that there is not an ABC overage. However, it would not be possible to use this same process to adjust the Pacific cod TACs up if it was discovered after the December Council meeting that the step-down provisions would be in place the following year. This is due to the two million metric ton cap on all groundfish that can be taken out of the BSAI. In recent years the combined ABCs of groundfish species has exceeded two million metric tons, and during the harvest specification process the Council must decide how to set the TACs so as not to exceed the cap. If the Council sets the combined TACs of all species at the cap, it would not be possible for an increase in the federal Pacific cod TAC to occur after the December Council meeting.

Proposal 5: 5 AAC 28.647. Aleutian Islands Subdistrict Pacific Cod Management Plan.**Background on AI Set-Aside and Unrestricted Fishery:**

In July 2016, the North Pacific Fisheries Management Council (Council) adopted Amendment 113 which was intended to provide community protections to communities west of 170° W longitude in the Aleutian Islands (AI). Amendment 113 created an AI Pacific cod set-aside equal to the lesser of 5,000 mt or the directed fishing allowance (DFA) in the AI. The set-aside is only in effect when the cities of Adak or Atka submit a notification by no later than November 1 of its intent to process AI Pacific cod during the upcoming fishing year. When in effect, the set-aside



is required to be delivered to a shoreside processor west of 170° W longitude from January 1 and ends on March 15, at the latest. In 2017 there was not an AI shoreside processor, and the set-aside provisions were not in effect. By November 1, 2017 the City of Adak notified National Marine Fisheries Service (NMFS) of their intent to process Pacific cod in 2018, thus enacting the set-aside provisions for the first time.

Amendment 113 also created an AI unrestricted fishery in years where the set-aside is in effect. The unrestricted fishery is the amount of AI Pacific cod remaining in the DFA after subtracting out the set-aside and can be delivered anywhere. Any harvest of Pacific cod in the AI that is not delivered to a shoreside AI processor accrues towards the unrestricted fishery total allowable catch (TAC). In 2018 the set-aside fishery was set at 5,000 mt and the unrestricted fishery TAC was set at 6,516 mt. Amendment 113 also established a Bering Sea (BS) trawl catcher vessel (CV) A-Season Pacific cod sector limitation. This limitation in the BS CV trawl fishery ensured that the lesser of either 5,000 mt or the AI Pacific cod DFA was available for fishing in the AI by the CV trawl sector. This provision was put in place because it was expected that for the set-aside to be fully achieved a significant portion would need to be harvested with trawl gear and delivered to an AI shoreside processing plant.

During the 2018 fishery a regulatory issue that is counter to the intent of providing community protections in the AI was identified. The AI unrestricted fishery and the set-aside fishery occur simultaneously. In 2018 AI Pacific cod was harvested by trawl gear in both the unrestricted fishery and the set-aside fishery. However, for the set-aside to be achieved, a large portion of the remaining BS CV trawl limitation available in the AI would have to be delivered to AI shoreside plants. As a result, when vessels delivered Pacific cod in the unrestricted fishery it reduced the amount of trawl fish that could be delivered in the set-aside. This made it impossible for AI shoreside plants to achieve the full set-aside amount before March 15. The Council is looking at amending Amendment 113 so that the regulations are in line with the original intent of providing AI community protections. However, these regulations will most likely not take effect until the 2020 fishing year.

Proposal 5 seeks to increase the 2020 AI state-waters guideline harvest level (GHL) if Pacific cod harvested by trawl CVs in the federal unrestricted fishery diminishes the ability for the set-aside to be achieved in 2019. The increase in the GHL fishery would match the amount of set-aside that was not achieved in the prior year.

As discussed in Proposal 2, Pacific cod overfishing levels (OFL), allowable biological catch (ABC), and total allowable catch (TAC) are established by the Council on a yearly basis.

Potential Issues:

If Proposal 5 is adopted, the state-waters AIS GHL could increase in 2020 by a maximum of 5,000 mt (if the full set-aside is not achieved due to CV trawl vessels participating in the unrestricted fishery) in addition to the GHL provisions in state regulation. Because the federal CDQ fishery and sector allocations are determined after the subtraction of the state-waters GHL fishery, this could result in an overall deduction in TAC for all BSAI Pacific cod federal sectors. In addition if the AI ABC is low in 2020, this could potentially result in a state-waters AIS GHL



fishery that equals or exceeds the AI ABC. If the state-waters GHL fishery is equal to or exceeds the AI ABC, the federal AI set-aside fishery would be set at zero in 2020 and no directed federal Pacific cod fishing would be allowed in the AI by any sector.

As noted in potential issues under Proposal 2, Pacific cod fishing provides a major source of income for many people, and many vessels are ineligible to participate in state-waters GHL fisheries.

It may be difficult to determine how much Pacific cod should be added to the 2020 GHL fishery without releasing confidential data to the public during the Council harvest specification process. In 2018 both the unrestricted and set-aside harvest are confidential due to a limited number of participants. It is likely that this data will be confidential in future years as well due to a limited number of processors. This would make the harvest specification process difficult.

If this proposal were adopted it would not necessarily achieve the desired results. There is no guarantee in state regulation that any extra GHL given to the state-waters AIS GHL fishery would be delivered to an AI shoreside processor. Currently the State allows AIS GHL fish to be delivered anywhere (including ports outside of the AI and to floating processors). In addition it could encourage some vessels to participate in the federal unrestricted fishery in 2019 just so that the 2020 state-waters AIS GHL is higher.

It may also be difficult to determine whether or not participation in the federal CV trawl unrestricted fishery reasonably hampered AI shoreside plants from achieving the full set-aside. For example an AI shoreside plant may have numerous breakdowns or other issues that prevent them from processing Pacific cod at a reasonable rate thus allowing other CV trawl vessels more time to participate in the unrestricted fishery.

Proposal 7: 5 AAC 28.087. Management measures in parallel groundfish fisheries for protection of Steller sea lions; and 5 AAC 28.647. Aleutian Islands Subdistrict Pacific Cod Management Plan.

Background on Steller Sea Lions:

Proposal 7 seeks to allow trawl vessels up to 100 feet length overall (LOA) to participate in the parallel Pacific cod fishery in the Adak section (between 175° and 178° W longitude) of the Aleutian Islands (AI). The parallel fishery is when the State of Alaska opens up state-waters (0-3nm) to vessels participating in a federal fishery. Harvest that occurs during the parallel fishery is deducted from a federal TAC. Currently the State only allows trawl vessels 60 feet or less LOA to participate in the Adak section during the parallel Pacific cod fishery.

During the parallel fishery the State generally adopts federal Steller sea lion (SSL) closures. However there is one notable exception in the AI; the Kanaga Island/Ship Rock haulout is closed 0-3 nm for all gear types in the parallel Pacific cod fishery by state regulation. However, in federal regulation this same SSL area is closed out to 10 nm for vessels using trawl gear. The Kanaga Island/Ship Rock haulout is located within the Adak section.



As noted in the 1993 final rule designating critical habitat under the Endangered Species Act (ESA) for SSL, “The critical habitat surrounding each Bering Sea and Aleutian Islands (BSAI) and Gulf of Alaska (GOA) rookery and major haulout site includes not only the aquatic areas adjacent to rookeries that are essential to females and juveniles, but also encompasses aquatic zones around major haulouts, which provide foraging and refuge habitat for non-breeding animals year-round and for reproductively mature animals during the non-breeding season. These areas are considered critical to the continued existence of the species throughout their range, since they are essential for reproduction, rest, and refuge from predators and human-related disturbance” (58 FR 45273; August 27, 1993).

The Bogoslof area was included as critical habitat in the initial 1993 designation. The area was identified at that time as an important area to conserve dense aggregations of spawning pollock and for its geographic location relative to SSL abundance centers, its importance as a SSL foraging area, its present and historical importance as habitat for large concentrations of SSL prey items (including Pacific cod) essential to the species’ survival, and because of the need for special consideration of SSL prey and foraging requirements in the management of large commercial fisheries that occurs in the area.

The 2014 Final Environmental Impact Statement for SSL protection measures for groundfish fisheries in the BSAI notes that to the extent the volume of pollock harvest provides a weak signal for the potential productivity of each of four areas analyzed for potential closure at that time, Kanaga Sound stands out with more observed production than those other areas. Kanaga Island/Ship Rock was classified as a major haulout site when critical habitat was designated in 1993 (58 FR 45269, August 27, 1993). Waters from 0 to 3 nm around rookeries were closed to directed fishing for groundfish when the 2003 SSL protection measures were implemented (68 FR 204, January 2, 2003), and the 0 to 3 nm zone around the Kanaga Island/Ship Rock site was closed to fishing with trawl gear for Atka mackerel, Pacific cod and pollock at that time. Subsequent analysis concluded that Kanaga Island/Ship Rock should be considered as a rookery for conservation purposes due to indications of high use of by non-pups and pups in the breeding season.

In 2010 the Kanaga Island/Ship Rock site was designated a functional haulout site and critical haulout/rookery, and the SSL protection measures were modified to close the 0 to 3 nm zone at that site to all groundfish harvest, including Pacific cod with non-trawl gear (75 FR 238, December 13, 2010). The 2010 final rule also revised fishing restrictions around SSL sites in the federal management area 542 (also known as the Central Aleutian District, which includes the area south of 55°00’ N latitude, west of 177°00’ W longitude, and east of 177°00’ E longitude and bounded on the south by the limits of the US EEZ) such that 1) areas from 0 to 6 nm around SSL sites were closed to non-trawl vessel year round, 2) vessels 60’ length overall (LOA) or over were prohibited from fishing for Pacific cod with non-trawl gear in waters 6 to 20 nm from SSL sites from January 1 through March 1, and 3) Pacific cod fishing with trawl gear in most of area 542 was closed 0 to 20 nm from SSL sites year round. However, SSL sites between 178° W and 177° W longitude were closed to Pacific cod fishing with trawl gear 0 to 10 nm year round.



Waters in this area were closed to fishing for Pacific cod with trawl gear from 10-20 nm during the fishery's B season (June 10 through November 1), but were open during the fishery's A season (March 1 through June 10).

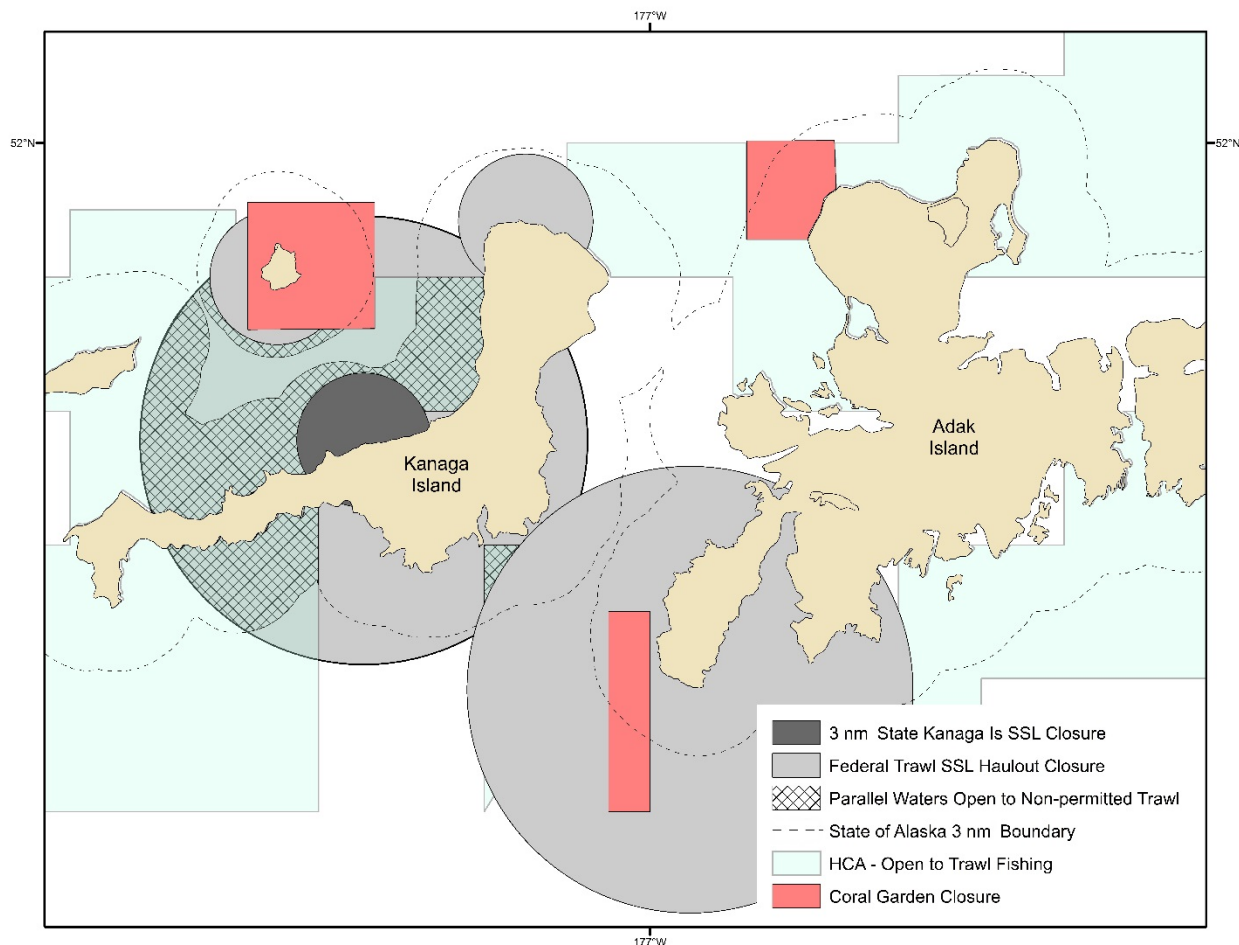
In 2014 NMFS revised restrictions for fishing for Pacific cod around SSL sites in area 542 (79 FR 70286, November 25, 2014), such that the Kanaga Is/Ship Rock SSL site requires no fishing for Pacific cod with trawl gear within 10 nm and no fishing for Pacific cod with pot or hook-and-line gear within 3 nm.

Potential Issue:

Should this proposal be adopted it would allow non-federally permitted trawl vessels up to 100 ft LOA who are directed fishing Pacific cod in the parallel fishery to participate inside part of the Kanaga Island/Ship Rock closure area (3-10 nm inside state waters). This may result in a need for NMFS to initiate the complicated process of consultation to determine if federal fisheries meet the requirements of the Endangered Species Act. This process is known as a Section 7 reconsultation. Potentially, if the Board were to adopt this proposal, as part of the Section 7 reconsultation process, NMFS could be obligated to impose restrictions on the federal fishery to ensure that SSL are conserved under the requirements of the Endangered Species Act. Any changes in Federal management could have adverse impacts on a range of fishery participants.

Federal regulation currently states that all federally permitted vessels that are directed fishing for Pacific cod that is required to be deducted from a federal total allowable catch (TAC) would have to abide the full closure area. However, any non-federally permitted trawl vessels could participate inside the closure area in state waters only from 3-10 nm if this proposal is adopted. Figure 1 depicts the area around Kanaga Island/Ship Rock that would be open to non-federally permitted trawl vessels (hatched area on map) during the parallel fishery that would otherwise be closed.

Figure 1. Map of area that would be open to non-federally permitted vessels in the Kanaga Island/Ship Rock haulout closure. Hatch marked area depicts the area that would be open.



Proposal 11: 5 AAC 28.648. Dutch Harbor Subdistrict Pacific Cod Management Plan.

Background on federal BSAI jig Pacific cod fishery and Bogoslof foraging area:

The federal Pacific cod jig fishery in the Bering Sea – Aleutian Islands (BSAI) is set by regulation at 1.4% of the total BSAI total allowable catch (TAC) after deducting 10.7% for the community development quota (CDQ) fishery. The jig sector has three seasons: A season (January 1 – April 30), B season (April 30 - August 31), and C season (August 31 – December 31). Table 2 shows the BSAI jig sector TACs for each season in the past ten years. Typically participation by this sector occurs in the summer months and is low during all three seasons (0-5 vessels). As a result, the BSAI jig allocation has never been achieved during any of the seasons and has remained open year round. When it is determined that the jig sector will not be able to harvest their full TAC, the NMFS reallocates the unused amount to the BSAI under 60 HAL/pot Pacific cod sector. Each year the State of Alaska establishes a parallel Pacific cod fishery in the BSAI which allows vessels to harvest Pacific cod inside state waters (0-3 nm from shore) during a federal fishery. The harvest is then deducted from the federal TAC. Because the federal BSAI jig sector never closes, a jig vessel (both federally and non-federally permitted) could participate



in the BSAI parallel fishery year round. Jig vessels (both federal and non-federally permitted) are also not subject to the Steller sea lion (SSL) haulout closures that apply to other gear types in 50 CFR part 679, Table 5. (There is one exception at the 10 nm Bishop Point haulout where the section of that haulout that extends west of 167° W longitude is closed to jig gear.) However, by federal regulation they are not allowed to harvest Pacific cod within 3nm of rookeries listed in 50 CFR part 679, Table 12 or within the SSL foraging areas (Seguam and Bogoslof).

Proposal 11 seeks to create a state-waters guideline harvest level (GHL) Pacific cod jig fishery inside the Bogoslof SSL foraging area with a GHL of 100,000 lbs (approximately 45 mt). The Bogoslof foraging area includes all of state waters in the BS between 167° W and 170° W longitude and was deemed essential for SSL foraging (as noted in the background information given under Proposal 7). The foraging area was included in the original critical habitat designation for Steller sea lions in 1993. Bogoslof is currently closed to federally permitted vessels who are directed fishing for Atka mackerel, Walleye pollock, and Pacific cod (primary SSL prey species) during a federal fishery. However, there is a small exemption area within the foraging area where catcher vessels less than 60 LOA using jig or hook-and-line gear (HAL) can target Pacific cod during the federal fishery. These vessels are limited to 113 mt of Pacific cod yearly, which is set in federal regulation. Once 113 mt has been harvested from the area NMFS closes the exemption area for the remainder of the year. The exemption area has been closed 7 times in the past 10 years, and in most years is harvested solely by vessels using HAL gear. Table 3 shows the closure dates and number of vessels in the exemption area in the past ten years.

The map in Figure 2 shows the location of the Bogoslof foraging area and the exemption area. It also shows areas that are closed in the BS due to the locations of SSL rookeries and haulouts. It should be noted that the BS no pot gear, BS HAL CVs >60 ft, and BS No HAL pot areas depicted on the map are open to jig gear. The 3 nm no transit areas and the Bogoslof foraging area (with the exception of the 113 mt available in the exemption area) are the only closures that would apply to jig gear.

Potential Issues:

Because the Bogoslof foraging area is considered essential to SSLs, additional participation of directed Pacific cod fishing in the Bogoslof foraging area could require NMFS to have to initiate an SSL reconsultation. The GHL fisheries are not included in the scope of any of the SSL section 7 consultations on federal groundfish fisheries to date, because there is no federal oversight or authorization of those fisheries and the harvest is not deducted from the TAC. However, state parallel fisheries are included in the SSL section 7 consultations, since that harvest is deducted from the TAC. Therefore, opening a GHL jig fishery for Pacific cod in the Bogoslof area would not be expected to require an ESA section 7 consultation, but opening a parallel jig fishery in the Bogoslof SSL foraging area would likely result in an ESA section 7 consultation.

Should a parallel Pacific cod jig fishery be adopted instead of a state-waters GHL fishery it is possible it may not have the desired effect. By federal regulation any vessel that is federally



permitted cannot harvest Pacific cod in the Bogoslof foraging area (unless they are operating within the confines of the exemption area), even if participating in the parallel fishery. In order for a federally permitted vessel to participate in the parallel fishery inside the foraging area they would have to surrender their federal fishing permit (FFP). Once surrendered an FFP cannot be reissued for three years, which would inhibit a vessel's ability to participate in fisheries prosecuted in federal waters during that time period. If a jig GHL fishery is adopted then both federally and non-federally jig vessels could participate in the Bogoslof foraging area as long as the GHL fishery is open.

In addition, if the BOF adopts a jig GHL fishery in the BS it may decrease TAC for all sectors who participate in the federal BSAI Pacific cod directed fishery.

Table 2. 2009-2018 BSAI jig sector allocations in metric tons by season.

Year	A season (Jan 1-Apr 30)	B season (Apr 30-Aug 31)	C season (Aug 31-Dec 31)	Total Allocation*
2009	1,324	441	441	2,206
2010	1,266	422	422	2,110
2011	1,710	570	570	2,850
2012	1,958	653	653	3,264
2013	1,950	650	650	3,250
2014	1,905	635	635	3,175
2015	1,871	624	624	3,119
2016	1,887	629	629	3,145
2017	1,796	599	599	2,994
2018	1,529	510	510	2,549

*Note that any unused jig TAC is reallocated inseason to the BSAI under 60 HAL/pot Pacific cod sector.

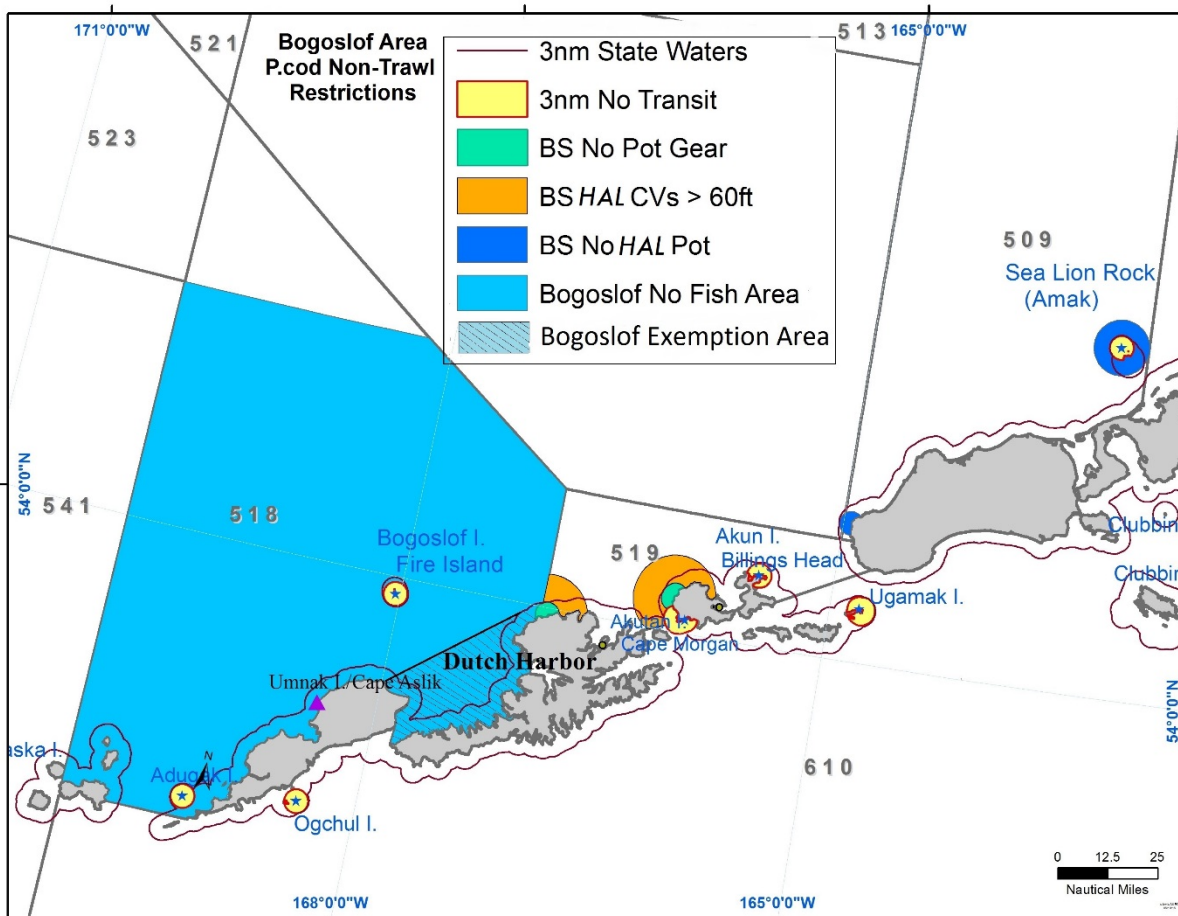


Table 3. 2009-2018 fishery closure dates and number of vessels participating in the Bogoslof exemption area (113 mt available).

Year	Closure Date	Number of Jig Vessels	Number of HAL Vessels
2009	February 13	0	5
2010	February 23	0	3
2011	March 3	<3	4
2012	none	0	<3
2013	March 25	0	<3
2014	March 11	0	3
2015	April 3	0	<3
2016	none	<3	0
2017	none	<3	<3
2018	April 10	0	<3



Figure 2. Bogoslof foraging area, exemption area and other closures in the Bering Sea due to Steller sea lions. Note that the BS No Pot Gear, BS HAL CVs > 60ft, and BS No HAL Pot closure areas do not apply to jig gear.



Proposals 12, 13, and 14: 5 AAC 28.648. Dutch Harbor Subdistrict Pacific Cod Management Plan.

Background on Pacific cod allocations:

As discussed in Proposal 2, Pacific cod overfishing levels (OFL), allowable biological catch (ABC), and total allowable catch (TAC) are established by the North Pacific Fisheries Management Council (Council) on a yearly basis.

Potential issue:

Proposals 12, 13, and 14 seek to increase the Dutch Harbor subdistrict GHL fishery from 6.4% of the BS Pacific cod ABC to 20%, 10%, or 8% of the ABC, respectively. Because the federal CDQ fishery and sector allocations are determined after the subtraction of the state-waters GHL fishery, this could result in an overall deduction in TAC for all federal BSAI Pacific cod sectors. Table 4 shows the Pacific cod allocations by sector should the state-waters GHL fishery be increased 8%, 10%, or 20% based on the 2018 federal ABC. Although Table 4 depicts sector



allocations based on the 2018 federal ABCs it should be noted that there is some indication that the BS ABC could be less in the future thus further reducing the federal allocations.

As indicated under potential issues for Proposal 2, Pacific cod fishing provides a major source of income for many people, and many vessels are ineligible to participate in state-waters GHLL fisheries. In addition, because the BS ABC is much larger than the AI ABC, increasing the GHLL fishery in the state-waters Dutch Harbor subdistrict GHLL fishery would have larger impacts on federal participants for all sectors in both the BS and AI.

Table 4. BSAI allocations in metric tons using the 2018 ABC and based on the state-waters Dutch Harbor GHLL at 6.4%, 8%, and 20% of the BS ABC.

Pacific Cod Sector	6.4% of ABC (status quo)	8% of ABC (proposal 14)	10% of ABC (proposal 13)	20% of ABC (proposal 12)
BS ABC*	201,000	201,000	201,000	201,000
AI ABC	21,500	21,500	21,500	21,500
Dutch Harbor GHLL fishery	12,864	16,080	20,100	40,200
Aleutian Islands GHLL fishery (27% of AI ABC)	5,805	5,805	5,805	5,805
BS TAC	188,136	184,920	180,900	160,800
BS CDQ (10.7%)	20,131	19,786	19,356	17,206
BS non-CDQ TAC	168,005	165,134	161,544	143,594
AI TAC	15,695	15,695	15,695	15,695
AI CDQ (10.7%)	1,679	1,679	1,679	1,679
AI non-CDQ TAC	14,016	14,016	14,016	14,016
overall BSAI non-CDQ TAC	182,021	179,150	175,560	157,610
HAL/pot ICA	400	400	400	400
HAL CP	88,324	86,925	85,177	76,436
HAL CV 60 ft and over LOA	363	357	350	314
CP pot	2,720	2,677	2,623	2,354
CV pot 60 ft and over LOA	15,235	14,993	14,692	13,184
CV HAL/pot under 60 LOA	3,627	3,571	3,498	3,139
CV trawl	40,227	39,592	38,799	34,832
AFA CP trawl	4,186	4,121	4,038	3,625
Amendment 80	24,391	24,006	23,525	21,120
Jig	2,548	2,508	2,458	2,206

*Note that this table is based on ABC levels in 2018 but that there is an indication that the BS ABC could be lower in the future.