

**Alaska Board of Fisheries**  
**October 18-19, 2018 | Anchorage, Alaska**  
**Pacific Cod Proposals**

**PROPOSAL 1**

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

Repeal and replace the *Aleutian Island Subdistrict Pacific Cod Management Plan* with management measures found in the *Dutch Harbor Subdistrict Pacific Cod Management Plan*, as follows:

The recently created Dutch Harbor Subdistrict state-waters Pacific cod fishery has been very successful and proved that 58-foot pot vessels can efficiently and effectively harvest cod in the Bering Sea. To improve access for traditional state-waters fishermen, I recommend the Board of Fisheries repeal the Aleutian Island Subdistrict Pacific cod management plan and replace it with the same management measures found in the Dutch Harbor Subdistrict Pacific cod management plan (5 A.AC 287.648). This would follow a proven and consistent management approach and will align the Aleutian Islands Subdistrict with all the other state-waters Pacific cod fisheries around the state.

**What is the issue you would like the board to address and why?** The Aleutian Islands Subdistrict state-waters Pacific cod management plan is overly complex and inconsistent with all other state-waters Pacific cod fisheries in Alaska. State-waters Pacific cod fisheries were established to support local fixed gear (pot and jig) cod fishermen by specifically allocating cod quota to each gear type which provides stability for local fleets and allows for long term investment into the fishery. In the Aleutian Islands state-waters fishery, pot, jig, longline, and bottom trawl vessels up to 100 feet in length can participate. Bottom trawling inside state-waters is almost exclusively prohibited in all other areas of the state. Additionally, the Aleutian Islands state-waters GHL is not allocated to the different gear types which makes it difficult to commit to traveling to one of the most remote fishing locations in Alaska without any understanding on how much fishing time will be available to you once you get there.

With the recent collapse of cod stocks in the Gulf of Alaska, processors are available and 58- foot pot vessels are ready and capable of catching the full GHL. Access to these fish will be critical for traditional state-waters Pacific cod participants for the foreseeable future.

**PROPOSED BY:** Ron Kavanaugh (HQ-F18-005)

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**PROPOSAL 2**

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

Eliminate the 15-million-pound cap in the *Aleutian Islands Subdistrict Pacific Cod Management Plan*, as follows:

5 AAC 28.647 is amended to read:

...

(d) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Aleutian Islands Subdistrict is 27 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea; if the guideline harvest level established under this paragraph is achieved in a calendar year, the guideline harvest level will be increased to 31 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea beginning the next calendar year; if the guideline harvest level is achieved in a calendar year thereafter, the guideline harvest level will be increased to 35 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea beginning the next calendar next year; if the guideline harvest level is achieved in a calendar year thereafter, the guideline harvest level will be increased to a maximum of 39 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea beginning the next calendar year; [A GUIDELINE HARVEST LEVEL ESTABLISHED UNDER THIS PARAGRAPH MAY NOT EXCEED 15 MILLION POUNDS;]

**What is the issue you would like the board to address and why?** The Aleutian Islands Subdistrict state-waters Pacific cod GHL was initially set at 27% of the Aleutian Islands Pacific cod ABC. The management plan allows the state-waters GHL to increase by 4% per year for 3 years if the GHL was caught previous year. However, the overall GHL is also capped at 15 million pounds by regulation. The 2018 Aleutian Islands Pacific cod ABC was 47 million pounds and at 29% of the ABC the 2018 GHL totaled 12.8 million pounds. The 2018 GHL was caught which will increase the GHL from 29% to 31% of the ABC for 2019. If cod abundance levels are similar or higher in 2019, the GHL will hit the 15 million pound cap after just 1 of 3 potential GHL increases. The potential for higher GHLS provides incentive for fishermen and allows the state-waters fishery to develop over time. Capping harvest at 15 million pounds unnecessarily restricts the state-waters fishery and is inconsistent with incrementally increasing the GHL when the fishery is fully utilized.

**PROPOSED BY:** Ron Kavanaugh (HQ-F18-030)  
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**PROPOSAL 3**

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

Amend the *Aleutian Islands Subdistrict Pacific Cod Management Plan* to reduce the guideline harvest level based on processor availability, as follows:

5 AAC 28.647 is amended to read:

...

(d) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Aleutian Islands Subdistrict is 27 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea;

(A) if the guideline harvest level established under this [PARAGRAPH] **subsection** is achieved in a calendar year, the guideline harvest level will be increased to 31 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea beginning the next calendar year; if the guideline harvest level is achieved in a calendar year thereafter, the guideline harvest level will be increased to 35 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea beginning the next calendar year; if the guideline harvest level is achieved in a calendar year thereafter, the guideline harvest level will be increased to a maximum of 39 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea beginning the next calendar year;

(B) [A] a guideline harvest level established under this [PARAGRAPH] **subsection** may not exceed 15 million pounds;

**(C) if a processor in the City of Adak or City of Atka is not available to process Pacific cod in the Aleutian Islands Subdistrict during the upcoming fishing year, the guideline harvest level for Pacific cod in the Aleutian Islands Subdistrict is 13.5 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea. Processor availability in the City of Adak or City of Atka is determined by an official notification of intent to process Aleutian Islands Pacific cod during the upcoming fishing year as submitted to the National Marine Fisheries Service Alaska Region no later than October 31 as specified in 50 C.F.R. 679.20(a)(7)(viii)(D). If a timely and complete intent to process notification is submitted during a calendar year when the guideline harvest level is 13.5 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea, the guideline harvest level the following calendar year will return to 27 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea.**

...

**What is the issue you would like the board to address and why?** The Aleutian Islands Subdistrict Pacific cod management plan allows the state-waters Pacific cod GHL to increase by four percent each year for a total of four years if the previous year's GHL was fully achieved. Largely due to limited processing capacity in the region, the Aleutian Islands District GHL has only been achieved three seasons since inception of the fishery in 2006. Years when the GHL was fully harvested correspond to years when at least one processor was operational in the City of Adak or Atka.

Lower Pacific cod abundance in the Bering Sea and Gulf of Alaska combined with an operational processor in Adak have recently renewed interest in the Aleutian Islands state-waters Pacific cod fishery. Higher participation in this fishery will increase the likelihood of achieving annual GHLs and allow future GHLs to increase over time. Each time the state-waters GHL increases, a corresponding decrease in federal Pacific cod total allowable catch is necessary to prevent exceeding the combined Aleutian Islands Subarea Pacific cod ABC. In recent years, pot and trawl catcher vessels 58 feet in length or less harvested the majority of state-waters Pacific cod in the Aleutian Islands Subdistrict. Without a mechanism to decrease the GHL, the state-waters fishery may become underutilized if adequate processing capacity becomes unavailable. In this situation the state-waters fishery would

encumber a disproportionate percentage of the Aleutian Islands Pacific cod ABC that would otherwise be available to typically larger federal/parallel Pacific cod fishery participants that may have improved capacity to harvest and process fish.

Federal regulations allow for additional harvest and processing opportunity in the federal/parallel Aleutian Islands Pacific cod fishery contingent upon adequate regional processing capacity. Additional federal opportunity becomes available, in part, when the City of Adak or Atka provides a notification of intent to process Pacific cod prior to the season opening the following calendar year. This proposal would use the same processor notification of intent to determine if a state-waters fishery GHL reduction is warranted such that if no processor was available for the upcoming season, the GHL would be reduced to 13.5 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea. If a processor becomes available any year after the GHL was reduced to 13.5 percent, the GHL for the following calendar year would increase to 27 percent of Pacific cod for the federal Aleutian Islands Subarea.

This change would allow for responsive management of the Aleutian Islands Pacific cod stock by realigning harvest opportunity for all participants during periods of low state-waters fishery productivity while still maintaining a sufficient guideline harvest level for future state-waters fisheries.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-027)  
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**PROPOSAL 4**

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

Decrease Aleutian Islands Subdistrict state-waters Pacific cod fishery guideline harvest level if the guideline harvest level is not fully harvested the previous year, as follows:

(d) during a state-waters season

(1) the guideline harvest level for Pacific cod in the Aleutian Islands Subdistrict is 27 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea; if the guideline harvest level established under this paragraph is achieved in a calendar year, the guideline harvest level will be increased to 31 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea beginning the next calendar year; if the guideline harvest level is achieved in a calendar year thereafter, the guideline harvest level will be increased to 35 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subareas beginning the next calendar year; if the guideline harvest level is achieved in a calendar year thereafter, the guideline harvest level will be increased to a maximum of 39 percent of the estimated total allowable harvest of Pacific cod for the federal Aleutian Islands Subarea beginning the next calendar year; a guideline harvest level established under this paragraph may not exceed 15 million pounds; **if the guideline harvest level established under this paragraph is not achieved in a calendar year (<85% harvested), the guideline harvest level will be reduced 4 percentage points from the previous year's guideline harvest level percentage of the estimated total allowable harvest of Pacific cod for the federal Aleutian**

**Islands Subarea beginning the next calendar year; a guideline harvest level established under the paragraph may not be less than 11% of the federal ABC.**

**What is the issue you would like the board to address and why**At present, the Aleutian Islands Subdistrict GHL is set at 27% of the federal Aleutian Islands Pacific cod acceptable biological catch (ABC or total allowable harvest) and if the GHL is achieved it increases 4 percentage points per year each year it is achieved to a maximum of either 39% of the federal ABC or 15 million lbs. The amount of the GHL is deducted from the Pacific cod federal quota such that Pacific cod ABC – Pacific cod GHL = maximum Pacific cod total allowable catch in the federal fisheries.

Under current Alaska Administrative Code, the Aleutian Islands Subdistrict GHL remains static (27%, 31%, 35%, 39% or 15 million lbs) if the GHL is not achieved and there is no mechanism to roll unused GHL to the federal fisheries or to decrease the GHL if it is not being utilized. In past years, this has stranded unused GHL that could have been harvested in the federal fisheries and this negatively impacts harvesters in the federal CDQ and non-CDQ Pacific cod fisheries as well as the State of Alaska and communities through reduced tax revenue. Allowing for a mechanism to decrease the GHL in the event it isn't utilized allows for the full harvest in the federal fisheries while preserving an opportunity for state-water participants until they achieve the GHL. The intent of this change is that the Aleutian Islands Subdistrict Pacific cod GHL either remains static or changes in +/- 4 percentage point increments from the preceding year's GHL depending on whether the GHL is achieved or not.

**PROPOSED BY:** Aleutian Pribilof Island Community Development Association (EF-F18-097)  
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**PROPOSAL 5**

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

Increase the 2020 Aleutian Islands Subdistrict state-waters guideline harvest level if 2019 Pacific cod harvest by trawl catcher vessel participants in the federal Unrestricted Fishery diminishes access to the full Aleutian Islands Catcher Vessel Harvest Set-Aside, as follows:

**What is the issue you would like the board to address and why?** The NPFMC established an Aleutian Islands Catcher Vessel Harvest Set-Aside of Pacific cod (Amendment 113) to help sustain AI communities west of 170 degrees by providing priority access to that AI CV Set-Aside. Amendment 113 regulations also allowed participants in the AI Unrestricted Fishery to harvest Pacific cod for processing other than by AI shorebased plants.

In 2018 an accounting issue was discovered which resulted in CV trawl catch of cod in the Unrestricted Fishery reducing the amount of cod that could then be accessed from the AI CV Set-Aside. The NPFMC is working to close this unintended loophole, but the regulatory amendment may not be implemented before the 2019 fishery.

The NPFMC asked participants in the Unrestricted Fishery to honor the Council's intent through a voluntary stand-down during the 2018 season, but some participants chose not to stand-down. We ask the Board of Fish to help reinforce the need for a voluntary stand-down to protect the AI communities.

**PROPOSAL 6**

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

Limit fishing for Pacific cod in the Adak section of the Aleutian Islands Subdistrict to vessels 60 feet or less overall length and establish a guideline harvest level rollover provision, as follows:

“In the Adak Section, vessels using trawl, pot, and jig gear must be 60 feet or less OAL and vessels using longline gear must be 58 feet or less OAL.”

STRIKE the following language: "When the state-waters season is open in all state waters west of 170° W long, vessels using trawl gear may not exceed 100 feet OAL, vessels using groundfish pot gear may not exceed 125 feet OAL, and vessels using mechanical jig or longline gear may not exceed 58 feet OAL.”

In addition, establish a rollover provision that would open fishing to other vessel lengths through Emergency Order if there is not meaningful participation from the under-60 fleets by a date certain. This provision should give adequate time for under-60 fleets to show intent to harvest the GHL through active participation in the early season. Through coordination between industry, and state and federal managers, distinct alternatives for dates and trigger amounts will be developed and submitted to the Board for consideration via Record Copy.

**What is the issue you would like the board to address and why** Maintain opportunity for boats under 60 feet to harvest Pacific cod in the Aleutian Islands Subdistrict state-water fishery.

This fishery was established in 2006 to provide economic opportunity to small boats and local processors in the Aleutian region, but lack of in-region processing capacity has often made it difficult for the small boat fleet to prosecute this GHL. Due to underharvest, the management plan was recently amended to include larger vessels in the Adak section once all state-waters west of 170° W long open for Pacific cod. However, recent changes have improved effort by and processing capacity for under-60 vessels, and over time they have demonstrated that given opportunity and a viable market, the under-60 fleets can successfully harvest this quota. Therefore it is important that inclusion of the larger vessel fleets be an optional condition predicated on a significant lack of participation from the under-60 fleet, not a guaranteed opening.

Precedent for these state-water fisheries establishes priority opportunity for small-boat harvests and delivery to shore-based processors, which generates an important benefit for the region and the state of Alaska. Upholding the initial vessel length limitations, with the inclusion of a rollover provision, maintains the original intent of these state-water fishery resources, recognizes the increased capacity for harvest and processing by small boats and shore-based plants, and provides reasonable contingencies that will prevent underharvest.

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**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.**

Increase vessel size limit to 100 feet overall length for trawl gear vessels during parallel and state-waters Pacific cod seasons in the Adak Section of the Aleutian Islands Subdistrict, as follows:

5 AAC 28.087. Management measures in parallel groundfish fisheries for protection of Steller sea lions.

(b) Notwithstanding (a) of this section, during a parallel season for Pacific cod (3) in the Bering Sea-Aleutian Islands Area, the state-waters between 175 W long. and 178 W long. shall be open to fishing with [TRAWL,] pot, mechanical jigging machine, and hand troll gear by vessel that are no more than 60 feet in overall length, **to fishing with trawl gear by vessels that are no more than 100 feet in overall length and capable of packing no more than 250,000 pounds,** and to fishing with longline gear by vessels that are no more than 5 8 feet in overall length ...

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

- (d) During a state-waters season,
- (3) a vessel used to harvest Pacific cod when
  - (A) only the Adak Section is open under (c)(1) of this section,
  - (ii) [NONPELAGIC TRAWL GEAR], mechanical jigging machines, or pot gear may not be more than 60 feet in overall length;
  - (iii) **nonpelagic trawl gear gear may not be more than 100 feet in overall length and may not be capable of packing no more than 250,000 pounds;**

**What is the issue you would like the board to address and why?** As a measure to protect safety of vessel and life, we propose that the Board consider allowing fishing with trawl gear by vessels of no more than 100 feet in length overall in the parallel groundfish fisheries between 175 W long. and 178 W long. In order to lessen any adverse impact on the 60-foot and under trawl vessels already allowed under 5 AAC 28.087, we would suggest a further limitation that the 100-foot or less vessels not be capable of packing more than 250,000 pounds per load. Vessels such as the MISS LEONA, which is 86.5-feet in overall length, cannot fish safely in the very rough weather outside of three miles. The MISS LEONA has never packed more than 218,000 pounds, and normally stops with a load of 150,000 to 180,000 pounds. On the other hand, a number of 60-foot vessels already in the parallel fishery can pack 250,000 pounds easily. If the regulation is not amended, greater than 60-foot vessels such as the MISS LEONA, but which have far less packing capacity than some 60-foot boats, will continue to be forced to fish outside in weather that is too rough to be safe. We considered proposing a limit of 90 feet instead of 100 feet, but consider that such a limitation could continue to cause serious risks to some vessels of up to 100 feet. Therefore, we are proposing a 100-foot limit. We also considered proposing a historic dependence qualification. The MISS LEONA is a legacy Pacific cod boat, with up to three generations of

family on board. Our vessel qualified as one of the few greater than 60 feet LOA non-AF A trawl vessels to receive a federal Aleutian Island area endorsement under 50 CFR 679.4(k)(4)(ix), based on historic dependence. However, we also consider that a historic dependence limitation could endanger other smaller-packing vessels, and therefore decided not to propose a historic dependence limitation. Therefore, we have proposed the amendment specified.

**PROPOSED BY:** Omar and Christopher Allinson (HQ-F18-029)  
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**PROPOSAL 8**

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

Establish a pot limit for the Aleutian Island Subdistrict state-waters Pacific cod fishery, as follows:

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

(d) During a State-water season

(2) Pacific cod maybe taken only with ground fish pots, mechanical jigging machines, longline, non pelagic trawl, and hand troll gear **no more than 60 groundfish pots may be operated from a vessel registered to fish for pacific cod**

**What is the issue you would like the board to address and why?** Put a groundfish pot limit on the Aleutian Island Subdistrict Pacific Cod State Water Fishery (Adak).

At present there is no regulation to limit groundfish pots in this district.

All other State Water Pacific Cod Fisheries have a 60 groundfish pot restriction. If left unrestricted there could be a saturation of unattended gear-- ghost gear from a single vessel taking up valuable fishing grounds in an area that is already limited. A 60 groundfish pot limit would help eliminate this problem and ensure maximum use of gear.

**PROPOSED BY:** Dan Veerhusen (EF-F18-110)  
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