

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

5 AAC 28.647(c) is amended to read:

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

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

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

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

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

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

5 AAC 28.647(d) is amended to read:

(d) During a state-waters season,

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

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

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

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

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

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

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

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

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

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

(2) provide for maximum opportunity;

(3) maintain sustained yield management; or

(4) provide for orderly fisheries.

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

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

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

proposal would also allow department staff to respond to unanticipated federal openings and closings.

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

PROPOSED BY: Alaska Department of Fish and Game

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