

**Council Report  
Gulf of Alaska Pacific Cod Jig Management  
North Pacific Fishery Management Council  
December 2011**

## **1 Introduction**

The Pacific cod (*Gadus macrocephalus*) fisheries in the Gulf of Alaska (GOA or Gulf) are prosecuted under 3 management structures: Federal fisheries, State of Alaska (State) Guideline Harvest Level (GHL) fisheries, and State waters parallel fisheries. Pacific cod fisheries in waters 3 to 200 nm offshore are managed federally through the National Marine Fisheries Service (NMFS) under the Federal *Fishery Management Plan for Groundfish of the Gulf of Alaska* (FMP), adopted by the North Pacific Fishery Management Council (Council), and implemented through Federal regulations. The State GHL fisheries for Pacific cod in State waters 0 to 3 nm offshore are managed by the Alaska Department of Fish and Game (ADF&G), under the Board of Fisheries' (Board) management plans. The State also manages parallel State waters fisheries, also in waters 0 to 3 nm offshore, that generally follow Federal regulations and are open concurrently with the Federal fisheries. State GHL fisheries are typically open when the Federal and parallel fisheries are closed.

As one of the most valuable fish species in the Gulf, Pacific cod is the primary species targeted by vessels using pot and longline/hook-and-line (HAL) gear, and is an important species for vessels using trawl gear. Smaller amounts of Pacific cod are harvested by vessels using jig gear. The jig fishery, though relatively small, is a key fishery in the Gulf, providing entry-level opportunity into area fisheries and contributes to a diversified fishing portfolio for combination fishing vessels throughout GOA coastal Alaskan communities.

### **1.1 Summary**

There have been many developments in management of the GOA Pacific cod fisheries since the Council passed its motion on the sector split in December 2009. The timeline below highlights events over the last two years concerning development of the Federal rule on the sector split and management of the GOA Pacific jig fishery. In addition, the Council exempted jig gear from the License Limitation Program (LLP) licensing requirements in the Western and Central GOA (Amendment 86, effective April 2011) to potentially increase opportunities for jig vessels. Restructuring management of the jig fishery could ensure that the jig fleet has access to fully harvest both state and Federal fisheries allocations.

Recent actions taken by the Board and the implementation of Amendment 83 jig season dates described in Section 2 will provide the jig fleet the ability to harvest Pacific cod concurrently in State and Federal waters. Specifically, jig vessels will be able to harvest in a parallel fishery concurrent with the Federal fishery. Jig operators will also have the ability to concurrently harvest in Pacific cod in the State GHL fishery and Federal waters, provided sufficient GHL and TAC allocations are available.

**Table 1. The Federal and State regulatory process for the GOA Pacific cod jig fisheries**

April 2009	Council took action to exempt jig vessels from LLP license requirement (Amendment 86)
December 2009	Final Council action on Amendment 83, the GOA Pacific cod sector split; Joint Protocol Committee meeting on Federal actions in GOA Pacific cod fishery
December 2010	Council reviews discussion paper on the management of the GOA Pacific cod jig fishery
April 2011	Council receives Initial Review/Final Action analysis to revise GPA Pacific cod jig fishery management; Council postpones taking action to allow for recommendations from and actions by the Board of Fisheries on management of the State waters jig fisheries
May 2011	NMFS releases early draft rule implementing the sector split in response to questions raised by ADF&G
July 2011	NMFS' draft rule published in the <i>Federal Register</i> , July 26, 2011 (76 FR 44700)
September 2011	Public comment period closes September 9; draft rule receives Secretarial approval
October 2011	Board holds regulatory meeting on GHL and parallel Pacific cod fisheries in the Prince William Sound, Cook Inlet, Chignik, Kodiak, and South Alaska Peninsula areas
December 2011	Council will review the staff report on GOA Pacific cod jig fishery management; Will also review a discussion paper on changing the GOA Pacific cod A season opening dates
December 2011	(target) Final rule implementing Amendment 83 published in the <i>Federal Register</i>
January 1, 2012	(target) Implementation of GOA Pacific cod sector allocations by area and gear type for 2012
March 2012	(tentative) Joint Protocol Committee meeting

## 1.2 Federal GOA Pacific cod allocations

The acceptable biological catch (ABC) for Gulf Pacific cod is submitted annually by the plan team for the GOA groundfish fisheries to the Council.<sup>1</sup> The Council recommends harvest specifications to the Secretary of the Department of Commerce that establish an ABC, overfishing level (OFL), and total allowable catch (TAC) for Pacific cod among the Western, Central, and Eastern GOA Federal regulatory areas. The ABC is apportioned between fisheries managed exclusively by NMFS and exclusively by the State—the GHL and parallel fisheries in the State waters adjacent to the GOA Federal regulatory areas.

The catch of Pacific cod is limited by annual catch limits (ACL). The TAC for Pacific cod in the WGOA and CGOA has been set at equal to the annual biological catch (ABC), minus 25% of the TAC set aside for State water GHL fisheries. The TAC applies to both the Federal fisheries and State managed parallel fisheries. After accounting for the amount of ABC for the State GHL fisheries, the remaining ABC in the Western, Central, and Eastern GOA is managed under a Federal TAC limit. The Council recommends each TAC so that total harvests under the State GHL and Federal TAC fisheries are slightly below the ABC, to ensure that the ABC is not exceeded. In each Federal regulatory area, the State GHL portion of the ABC is applicable only to the harvest of Pacific cod in the State GHL fishery, while TAC limits apply to both the Federal fisheries and the State waters parallel fisheries. Currently, TAC allocations are further apportioned between inshore and offshore components: 90% of TAC in each regulatory area for processing by the inshore component; 10% of TAC for processing by the offshore component.<sup>2</sup>

<sup>1</sup> Additional information on the annual ABC derivation can be found in NMFS's annual Stock Assessment and Fishery Evaluation (SAFE) reports, available at: <http://www.afsc.noaa.gov/refm/stocks/assessments.htm>.

<sup>2</sup> Implementation of Amendment 83, the GOA Pacific cod sector split, will supersede the inshore/offshore requirement.

## **2 Council, NMFS, and Board Actions**

### **2.1 Council action – Amendment 83, GOA Pacific cod sector split**

In its December 2009 final action on the GOA Pacific cod sector split, in addition to establishing sector allocations in the Western and Central management areas, the Council supported increasing entry-level fishing opportunities for the jig sector, recognizing that fishery as the primary tool for the Council to provide true entry-level fishing opportunity in the Gulf. The Council intended to enhance stability in the GOA Pacific cod fisheries, reduce competition among the gear type and area sectors, and preserve the historic distribution of catch among sectors. The jig sector, though, received an initial allocation higher than its historic catch in the Gulf: 1.5% of the Western and 1% of the Central GOA TAC. The jig sector allocation will increase by 1% if 90% of the TAC in an area is harvested in any given year, capped at 6%, or will decrease by 1% in the following year if at least 90% of the previous allocation is not harvested in two consecutive years, not to drop below the initial allocation of 1.5% and 1%, respectively.

The Council further apportioned the Federal jig fisheries TAC at 60% to an A season and 40% to a B season. The Council also recommended changing the start date for the directed B season for jig gear to June 10, or after the State GHL jig fishery closed, to provide a year-round Pacific cod fishery for jig vessels. The A season would open on January 1 and close when the A season jig allocation is reached or on March 15, whichever occurs first.<sup>3</sup> The Council also met jointly with the Board on management issues of mutual interest, which included GOA Pacific cod Federal actions. The Council discussed these actions again during Staff Tasking and recommended that Council staff attend future Board meetings to convey the Council's concerns on proposed increases to the GHL for Pacific cod in State waters.

### **2.2 Council Action – jig fishery management discussion**

The Council's final December 2009 motion on sector allocations also outlined options for revising management of the GOA Pacific cod jig fisheries, requiring coordination between the Council and the Board, and tasked staff with developing a discussion paper. At the December 2010 meeting, the Council reviewed this discussion paper, which described options for revising management of the jig fishery, and initiated an analysis of alternative management measures intended to ensure full access by the jig fleet to harvest both State (GHL) and Federal (TAC) jig allocations: a "reverse parallel fishery," which would open Federal waters to jig gear concurrent with the State GHL fishery. Any harvest that occurred either in State or Federal waters would be deducted from the State GHL allocation.

In its motion, the Council also recognized that a number of factors may have contributed to limiting jig harvests in both state- and federally-managed fisheries. Typically, the pot GHL is fully harvested, but jig harvests have been very low in some years. Generally, unharvested jig GHL may be rolled over to the pot GHL fishery later in the year, typically after the Federal B season closes. However, in some years, the Federal B season has remained open to vessels using fixed gear from September 1 until December 31, and the B season TAC was not fully harvested. During those years, State managers did not have the opportunity to re-open the State waters season in the fall and roll over unused jig GHL to the pot GHL fishery. Further, the timing of the A and B seasons may have limited the participation of jig vessels in the Federal and parallel fisheries.

### **2.3 Council Action – jig fishery management analysis**

At the April 2011 Council meeting, the Council received a proposal to open Federal waters to directed

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<sup>3</sup> Please see sections 2.4 on NMFS' draft sector allocation rule and 2.5 on Council and Board coordination of jig fishery management.

fishing for Pacific cod with jig gear concurrent with the State GHL fishery. The Council decided to postpone further action (i.e., Final Action) until a time not sooner than the December 2011 Council meeting in order to provide an opportunity for the Board to comment and take action during its Pacific cod regulatory meeting in October. The Council selected Alternative 2, which proposed implementing a reverse parallel fishery, as its preliminary preferred alternative (PPA). Under the reverse parallel fishery, operators using jig gear would likely have year-round access to Federal waters. Catches in Federal waters would accrue to the State GHL, which is specified as a percentage of the GOA Pacific cod ABC (and currently maxed out at 25%). Under the status quo, jig operators would have access to Federal waters only during the Federal and parallel fisheries A and B seasons, and timing of the jig fishery would likely continue to be a factor limiting jig catches. The Council also added an option to Alternative 2 that would prohibit operators participating in the Federal jig fishery from using any other gear type onboard and requested that staff include a comparison of State and Federal management regulations in any future analysis. Jig gear was recently exempted from the LLP requirement in the GOA subject to gear limits.

#### **2.4 NMFS' proposed rule on the Pacific cod sector split**

In its final action on the sector split in December 2009, the Council recommended the Federal jig sector allocation be divided between an A and B season. The A season would open January 1 and close when the A season allocation is reached or on March 15, whichever occurs first. The B season jig fishery would open June 10 or after the State GHL season closes, whichever occurs later. The Council recommended the March 15 closure date, in part, after reviewing the historic Western and Central GOA Federal A season closure dates. The Council's recommendations, however, did not account for the different regulatory triggers that open the State waters GHL fishery in each of the State management areas.

The Council contemplated reciprocal regulatory action by the Board to synchronize the State and Federal seasons. The Board, however, had yet to recommend similar action to establish a seamless jig fishery season. NMFS chose not implement the March 15 deadline in its draft rule and instead proposed that the fishery close when the TAC is harvested or on June 10, whichever occurs first, with the intent to provide a seamless Federal jig fishery while providing the Board the flexibility necessary to open and close the GHL and parallel fisheries in each State management area. Harvest from the Federal and parallel fisheries would be deducted from the TAC, and harvest from the state GHL fishery would be deducted from the GHL.

Moreover, the language of the Council's April 2011 motion was not sufficiently clear in regards to opening the Federal B season, mentioning only one GHL season closure as the trigger for opening the B season. There are, however, different GHL closure dates for each of the State management areas depending on the harvest rate and overall GHL available to jig gear. In some areas the GHL season is not closed and GHL is left unharvested annually, such as in the Chignik management area. To implement the Council's motion, NMFS would need to rely on State closure of a GHL fishery to begin the B season fishery. Due to the ambiguous definition of "a GHL fishery," NMFS could not precisely determine which closure of which GHL fishery would be used to establish the opening date of the Federal B season fishery. This lack of specificity was particularly problematic in the Central GOA, which has four State-managed GHL fisheries: Prince William Sound, Cook Inlet, Kodiak, and Chignik. The Council did not specify if one, two, three, or all four State GHL fisheries would need to be closed by the State before the Federal B season jig fishery could open.

Due to this lack of specificity, NMFS proposed to retain the current jig B season opening date of June 10 in its draft rule, under which the Federal B season jig allocation would remain open from June 10 until the jig TAC is reached, or December 31, whichever occurs first. NMFS released an early version of its draft

rule on regulations to implement the sector split on May 3, 2011 in response to questions raised by ADF&G on Amendment 83, which was also available for review by the Board on August 28, 2011. The comment period for the draft rule closed on September 9, 2011, and the Secretary of Commerce approved the draft rule to move forward in the approval process in late September 2011.

## **2.5 Council action – coordination with the Board**

At its October 2011 meeting in Dutch Harbor, the Council formally recognized that NMFS' proposed rule on the sector split provided maximum flexibility to the Board for management of the State GHL and parallel fisheries. The Council requested that the Board, at its October meeting, consider the Council's intent during Board deliberations on proposals received on the State GHL and parallel fisheries for GOA Pacific cod. The Council requested that the Board consider options to provide jig fishing opportunities concurrently in State and Federal waters, as proposed under the Amendment 83 GOA Pacific cod sector split, when the regulations allow and where the Board and State managers find it practical to implement. The Council further recommended that the Board focus on State water considerations relative to NMFS' draft rule, and that any longer-term solutions should be a separate discussion at a future Joint Protocol Committee meeting.

## **2.6 Board of Fisheries regulatory meeting – GOA Pacific cod**

At the Board's October 2011 meeting in Anchorage, Council Member Ed Dersham gave a presentation to the Board on the Council's most recent motion on the GOA Pacific cod jig fishery and, along with Council and NMFS staff, tracked Board deliberations throughout the meeting. The Board took public comment on a myriad of issues relating to GOA Pacific cod, such as: options for opening and closing the State parallel and GHL fisheries; allocations between gear types; and stand-down time periods for switching gear types.

The Board recommended regulations for each State management area that were generally consistent with Council recommendations and synchronized, to the extent practicable, GHL season opening and closing dates with the Federal jig seasons proposed under the draft rule implementing Amendment 83. The Board chose not to recommend that the Council and NMFS implement a March 15 closure date for the Federal A season. Specifically, the Board recommended that ADF&G establish the authority for State managers to open a concurrent season in the Kodiak and South Alaska Peninsula areas based on inseason assessment of effort, harvest rate, or remaining GHL quota. In the Chignik management area, the Board recommended that the State GHL seasons open on a date certain to ensure the opportunity for jig vessels to fully harvest the annual GHL. In Cook Inlet and Prince William Sound, the Board recommended that the State GHL seasons open after the Federal A season jig allocation is achieved.

In addition, the Board reviewed alternative management measures for consideration at a future Joint Protocol Committee meeting, including the reverse parallel fishery concept and recommendations it received to consider possible increases in the State GHL fisheries. The Joint Protocol Committee contains members of both the Council and the Board, to coordinate between both regulatory bodies. Any Board recommendation not incorporated in NMFS' proposed rule will need to occur through the Joint Protocol Committee as a subsequent action that would include the Council's public process, and notice and comment rulemaking. Any subsequent Council and Federal action would not likely to be implemented until the 2014 fishing season.

## **3 December 2011 Council meeting**

Because the Board chose not to recommend a March 15 closure date for the Federal A season jig fishery and synchronized State GHL season opening and closing dates with the A and B seasons proposed under

NMFS proposed rule, no changes to the proposed regulations implementing the jig A and B season start dates is necessary in the final Amendment 83 rule implementing the GOA Pacific cod sector splits. NMFS is targeting publication of the final rule implementing the GOA Pacific cod sector split in the *Federal Register* on December 1, 2011. The target for the implementation of separate sector allocations for Federal TAC in the GOA Pacific cod fisheries is January 1, 2012.

A reverse parallel fishery could provide harvest opportunities in Federal waters for jig vessels under conditions where GHM is available but the Federal TAC has been taken. Because Amendment 83 has not yet been implemented, and it is unclear whether the conditions that a reverse parallel fishery would address (e.g., no Federal TAC but adequate State GHM) are likely to occur. If the Council wishes additional detail on the implications of a reverse parallel fishery for consideration at its future Joint Protocol Committee meeting (see Section 2.5), staff will coordinate with NOAA General Counsel and NMFS staff to clarify the legal authority and management issues described in the Section 4.1, and the conditions under which a reverse parallel fishery would provide additional harvest opportunities.

## 4 Appendices

### 4.1 State of Alaska question and NMFS response

In the preamble to the proposed rule implementing Amendment 83, NMFS acknowledged the burden that concurrent Federal and State Pacific cod jig seasons could have on State fishery managers. Below are answers NMFS provided to ADF&G regarding questions it raised on the implementation of a reverse parallel GOA Pacific cod jig fishery:

1. *State of Alaska Question: Is it possible to require jig vessels participating in the EEZ during the State season (Federal parallel) to register with the State?*

NMFS Response: A State registration requirement for jig vessels fishing in the EEZ was not contemplated by the North Pacific Fishery Management Council (Council) and is outside the scope of the Council motion. If the Council were to consider imposing a State registration requirement, several issues would need to be resolved. One important question is whether the Magnuson-Stevens Fishery Conservation and Management Act authorizes Federal regulations requiring vessels fishing in the EEZ to register with a State, thereby submitting themselves to State jurisdiction. A related issue is the extent to which State registration imposes requirements under State law that are outside NMFS' authority to impose under the Magnuson-Stevens Act. Furthermore, it is unclear whether this approach would constitute an impermissible delegation of NMFS' authority to the State. NMFS and NOAA General Counsel would examine these issues as the Council developed its action.

- 1b. *State of Alaska Question: If not, then could a gear limit of 5 machines/one line per machine be added to the Federal regulations that open the Federal parallel fishery to jig in order to reduce the potential impact of unregistered fishing activity?*

NMFS Response: Gear limitations are often used to accomplish legitimate conservation and management objectives. However, a limit on the number of jig machines and lines per machine was not contemplated by the Council and is outside of the scope of the alternatives analyzed in the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for Amendment 83. The Council could, if it chooses, address jig gear limits in a subsequent amendment. If

the Council adopted gear limits in the jig fishery, it is unlikely those regulations could be implemented prior to 2014.

- 2. State of Alaska Question: The State may, and occasionally does, open and close a GHL fishery with less notice than NMFS would require to open or close, Federal waters. State managers may also decide to open or close a season on weekends or holidays, which the Federal system cannot accommodate. Could NMFS open and close Federal waters to the Federal parallel season based on input from State managers that they estimate the GHL season could close within the next several days rather than based on an actual closure notice?*

NMFS Response: NMFS regularly closes Federal fisheries based on its own inseason harvest projections. Given sufficient coordination with State managers and access to State data upon which closures are projected, NMFS should be able to project jig fishery closure dates in the same manner. However, once NMFS makes a decision to close a fishery, the closure notice must be published in the *Federal Register* in order to constructively notify the affected public of the closure. This process requires that NMFS file closure notices with the *Federal Register* one business day prior to the effective date of the closure. Preparing, filing, and publishing a closure notice can take several days depending on the time of week that the closure occurs. Once a closure notice has been filed, NMFS can rescind or modify a closure by subsequent notice in the *Federal Register*.

It is possible for NMFS to close or open a fishery on a weekend or a holiday; however, the notice has to be filed with the *Federal Register* prior to the weekend or holiday to be effective. For example, a closure/opening date on a Saturday, Sunday, or holiday on Monday, the Regional Administrator's decision on the effective date has to be sent to NMFS headquarters by the close of business (EST) that Thursday for Friday publication. For an action on Monday (not a holiday) the *Federal Register* notice needs to be sent to NMFS headquarters by close of business Friday for a Monday publication. If a holiday is on a Thursday, the notice needs to be sent to NMFS headquarters by close of business Tuesday.

- 3. State of Alaska Question: Is it possible to open and close the EEZ to jig gear by State management area boundaries? (The Central GOA contains all or a portion of 4 State management areas, which could open/close at different times).*

NMFS Response: Given adequate justification, there is nothing to prevent the Council from adopting new jig fishery management areas in the EEZ adjacent to State waters. However, this action was not analyzed in Amendment 83 and is not a logical outgrowth of the Council's recommendations for Amendment 83. Establishment of new jig fishery management areas would require Federal rulemaking. Subsequently, any change to those Federal boundaries (e.g., modification in response to a change to State management area boundaries) would require a subsequent Federal rulemaking. Should the Council recommend complementary Federal regulatory areas for the jig fishery, it is unlikely NMFS could publish implementing regulations prior to 2014, at the earliest.

- 4. State of Alaska Question: Is it possible to allow State bycatch limits and retention requirements to apply to jig vessels fishing in Federal waters during the State GHL season?*

NMFS Response: The Federal process for modifying maximum retainable amounts (MRAs) of groundfish and prohibited species catch (PSC) limits differs from the State's process. Following the State's issuance of an MRA or PSC limit, the Council would have to recommend changes to Federal PSC

limits or MRAs measures through a subsequent action. Federal MRAs and PSC limits are established by regulation, and changing those measures would require Federal rulemaking. Establishing unique Federal MRAs or PSC limits for one gear type and for one season is not typical. If the Council elected to pursue this course, it would need to build a rationale for adopting bycatch and retention requirements that are less conservative than currently established for federally managed species in the Western and Central GOA. Moreover, it is doubtful that NMFS could successfully and timely respond to State changes to its bycatch limits and retention requirements. A previous attempt to coordinate State and Federal inseason management actions resulted in failure and ultimately the repeal of the *Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska* (52 FR 17577; May 11, 1987). Acknowledging the difficulty of timely implementing Federal measures in coordination with State management actions, NMFS repealed the FMP. Thus, under its existing authority and rulemaking process, it is unlikely NMFS could implement State bycatch and retention requirements.

5. *State of Alaska Question: Could the EEZ be opened to jig fishing during the State season through an inseason action rather than through regulation? Specifically, could NMFS close the EEZ to all jig vessels except those delivering for processing in a State GHL fishery?*

NMFS Response: These measures were not contemplated by the Council and are outside of the scope of the alternatives analyzed in the EA/RIR/IRFA prepared for Amendment 83. The Council could, if it chooses, consider a subsequent amendment to address inseason management of the jig fishery. The Council would have to consider the conservation and management basis for a Federal regulation prohibiting fishing with jig gear except from vessels delivering catch for processing in a State GHL fishery.

#### **4.2 ADF&G letter on NMFS' draft rule implementing sector split**

Attached as **Item C-1(b)** is a letter dated September 8, 2011 from ADF&G Commissioner Cora Campbell to NMFS Alaska Regional Administrator Glenn Merrill regarding the proposed rule to implement Amendment 83 to the FMP for GOA groundfish. In general, the State supports the implementation of sector allocations in the Western and Central GOA, but with some concerns with Federal and State coordination of the State waters Pacific cod fisheries.

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

### OFFICE OF THE COMMISSIONER

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September 8, 2011

Mr. Glenn Merrill  
Assistant Regional Administrator  
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P.O. Box 21668  
Juneau, AK 99802

Attention: Ellen Sebastian

Subject: RIN 0648 – AY53 – Proposed rule to implement Amendment 83 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA)

Dear Mr. Merrill:

The Alaska Department of Fish and Game submits these comments in response to the National Marine Fisheries Service's (NMFS) request for public comment on the July 26, 2011 proposed rule to implement Amendment 83 to the Fishery Management Plan for Groundfish of the Gulf of Alaska. We support the implementation of sector allocations in the Western and Central GOA. However, we have a few comments regarding the proposed rule and some concerns with the coordination of our state-water Pacific cod fisheries.

We request a correction be made in the third column, second paragraph on pg. 44709 of the proposed rule where allocations to the jig sector are described. The last sentence in that paragraph misstates the Council's final motion on component 5 whereby *the Federal B season would open on June 10 or after the State GHL season closes, or whichever happens first*. The Council's motion specified whichever happens later.

The proposed rule reiterates the need for ongoing coordination of state and federal Pacific cod fisheries and specifically cites the October 2011 Board of Fisheries (BOF) meeting as part of the coordination process. The proposed rule does not include a March 15 closure date for the federal A season jig fishery. By not implementing this date in the proposed rule, the federal jig fishery may remain open until the federal total allowable catch (TAC) is achieved, which may result in concurrent state-waters guideline harvest level (GHL) and federal TAC jig fisheries. Concurrent seasons would occur if the BOF selects a date certain opening for the state-waters GHL fishery and the fishery opens while federal TAC fishery is ongoing. Alternatively, the BOF could implement a triggered opening of the state-waters jig fishery at the conclusion of the federal season. This scenario would afford the jig fleet maximum access to both the parallel fishery and federal waters along with the sector step-up provisions while possibly stranding state-waters jig quota, an outcome not favored by the Council or the federal non-jig sectors.

The BOF retains the flexibility to open and close the state-waters GHL and parallel Pacific cod fisheries with or without a fixed federal A season closure date for the jig fishery. If there is no fixed closure date in federal waters, management and enforcement issues may arise where concurrent state-waters and federal

Pacific cod seasons occur. Currently, a majority of the jig effort in the GOA occurs in the Kodiak Management Area. During the 2011 Kodiak state-waters Pacific cod jig season, 140 jig vessels harvested up to 225 mt of Pacific cod per day. The burden of increased coordination and outreach efforts would fall to our Kodiak management staff to ensure an accurate accounting of landings during concurrent seasons. We have not yet identified the additional resources necessary for these efforts.

Unfortunately, the BOF will not deliberate on proposals to coordinate state-waters Pacific cod fisheries until after the proposed rule public comment period has ended. We appreciate that NMFS could revise the final rule to establish a March 15 closure date for the federal A season jig fishery if the BOF takes action to establish that closure date in the parallel fishery and advises federal waters be closed to avoid the potential for concurrent seasons. The BOF will conclude deliberations on October 10, 2011 and it is our assumption that if a March 15 closure date for federal waters is recommended, it would be forwarded to NMFS for incorporation into the final rule.

Our final comments concern the jig fishery stair-step provisions and access to the federal jig sector. The proposed rule does not specify how the stair-step provisions will work in the Western GOA where the initial allocation is 1.5%. It is assumed that step-ups would proceed in 1% increments until 5.5% is achieved and the last step-up would be 0.5% to the maximum 6%. If this is the case, then it is unclear if step-downs would then occur in the reverse (6%, 5.5%, 4.5%...1.5%) or if they would also occur in 1% increments (6%, 5%, 4%...1.5%).

Finally, there is some concern regarding who will have access to the federal jig sector. The action is intended to expand entry-level opportunities in the GOA through provisions to increase harvest by the jig sector. Amendment 86 exempted jig vessels that do not exceed gear limits from the limited license permit (LLP) requirement in federal waters. Would federally-permitted vessels that qualified for a non-jig Pacific cod LLP in the Central and Western GOA be able to participate in the LLP-exempt jig sector after fishing for their sector has closed?

The proposed rule states that operators who hold an LLP license and a federal fishing permit (FFP) be required to have the appropriate gear, area, and species endorsements on the LLP license and FFP in order to participate in the Western or Central GOA Pacific cod parallel waters fisheries. This recommendation was made by the Council to prevent federally-permitted vessels from entering the parallel fishery and eroding the catches of historical participants. In addition, federally-permitted vessel operators are required to adhere to federal seasonal closures and sector allocation closures while targeting Pacific cod in parallel waters. The same reasoning should apply to protect the jig sector allocation whereby vessels that have an LLP for Pacific cod in the Central or Western GOA with trawl, hook-and-line, or pot gear are prohibited from entering the jig sector to preserve the entry-level opportunities for entry-level vessels.

If you have questions regarding these comments or information for distribution to BOF members in advance of their October Pacific cod meeting, please contact Stefanie Moreland at [stefanie.moreland@alaska.gov](mailto:stefanie.moreland@alaska.gov) or Karla Bush at [karla.bush@alaska.gov](mailto:karla.bush@alaska.gov). We understand NMFS staff is attending the BOF meeting to present and address questions on the proposed rule and process to finalize federal regulations for the 2012 season. Thank you for making yourselves available.

Respectfully,



Cora Campbell  
Commissioner