



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

November 10, 2015

Tom Kluberton, Chairman
Alaska Board of Fisheries
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, Alaska 99811-5526

Dear Mr. Kluberton:

The National Marine Fisheries Service, Alaska Region (NMFS), appreciates the opportunity to comment on the proposed changes to management of the State of Alaska (State) Pacific cod fisheries that the Alaska Board of Fisheries (Board) will be addressing at its meeting in Anchorage on November 30, and December 1, 2015.

If adopted, three of the proposals (Proposals 10, 11, and 15) would increase State Pacific cod guideline harvest levels (GHLs) that would require changes in Federal management to ensure that total harvests of groundfish species under State GHL and Federal fisheries would not exceed the acceptable biological catch (ABC) limit for Pacific cod. We would accommodate any increase in State Pacific cod GHLs by reducing the Federal total allowable catch (TAC) limit in the appropriate area so that total allocation of the State GHL and the Federal TAC does not exceed the ABC in that area. This is the current process we use to accommodate State GHL fisheries. If the Board recommends increasing the Pacific cod State GHLs in one or more areas at its upcoming meeting, NMFS would revise its Federal TAC limits in that area so that the revised TAC limits would be effective beginning on January 1, 2016.

We have additional comments on Proposals 1, 9, 10, 11, 14, 15, and 18, which have implications for Federal fisheries or management.

Proposal 1: Add purse seine gear as an additional gear type to share the 10 percent jig allocation in the Chignik Area State-waters Pacific cod fishery.

Although this proposal would not affect Federal fisheries, NMFS would need to coordinate with the State to revise our Interagency Electronic Reporting System, eLandings system, to allow for the reporting of groundfish by seine gear.



Proposal 9: Reduce waters closed for the protection of Steller sea lions during the parallel Pacific cod fishery in the Chignik Area.

This proposal would repeal closures to fishing for Pacific cod with pot gear in Steller sea lion critical habitat from 0 to 3 nm around the Sutwik Island, Lighthouse Rock, Spitz Island, and Mitrofanina haulouts in the State parallel fishery. These areas are currently closed to Pacific cod fishing with pot gear to conserve prey for Steller sea lions (see 68 FR 204, January 2, 2003). These areas are not closed to fishing for Pacific cod with jig gear.

If adopted, this change would require NMFS to reinitiate formal consultation under section 7 of the Endangered Species Act (ESA) on effects of the Federal and State parallel groundfish fisheries on the endangered western distinct population segment of Steller sea lions (WDPS). On November 24, 2010, NMFS issued an ESA section 7 biological opinion on effects of the Federal and State parallel groundfish fisheries off Alaska on species listed as threatened or endangered under the ESA. Because the action analyzed in that biological opinion included the area closures adopted by the State during the parallel groundfish fisheries, any change to those closures would require NMFS to reinitiate consultation on the effects of the groundfish fisheries as modified by the reduction in areas closed to fishing around Steller sea lion haulouts.

A new biological opinion would assess the impact of this change and whether the Federal and State parallel groundfish fisheries are likely to jeopardize the continued existence of the WDPS or adversely modify its designated critical habitat. Depending on the outcome of this biological opinion, NMFS could be required to further restrict Federal fisheries to avoid jeopardizing the continued existence of the WDPS or adversely modifying its designated critical habitat.

Due to this proposal's potential to reduce the availability of an important prey species for endangered Steller sea lions, we encourage the Board to maintain the existing closure to Pacific cod pot gear in the vicinity of haulouts.

Proposals 10 & 11: Increase the South Alaska Peninsula Area State-waters Pacific cod fishery GHl from 30 to 40 percent of the Western Gulf of Alaska ABC.

As noted earlier, these proposals would result in NMFS reducing the Federal TAC for all participants in the Western Gulf of Alaska to account for the increased State GHl in the South Alaska Peninsula. Under current Federal regulations, the TAC is apportioned by sectors that include vessels using specific gear types (e.g., pot or hook-and-line gear) and vessel operational types (i.e., catcher vessels or catcher/processors). Adoption of a significantly larger GHl could require NMFS to close directed fishing to participants in the Federal Pacific cod fishery because some sector allocations in the Western GOA are already very small and further reductions in the TAC needed to accommodate a larger GHl fishery may prohibit a Federal directed fishery for these sectors. The hook-and-line catcher vessel and trawl catcher/processor sectors are the two sectors most likely to face a closure to directed fishing.

Proposal 14: Calculate GHLs for Bering Sea and Aleutian Islands (BSAI) State-waters Pacific cod fisheries based on federal ABC for subareas of the federal Bering Sea and Aleutian Islands area.

NMFS supports this proposal to clarify the method for calculating the State GHL fisheries based on the appropriate ABC in each subarea.

Proposal 15: Expand the Dutch Harbor Subdistrict State-waters Pacific cod fishery boundaries and increase the state-waters fishery GHL from 3 to 9 percent of the Federal BSAI ABC.

This proposal would increase the size of the Dutch Harbor Subdistrict. This proposal would require NMFS to update the Dutch Harbor Subdistrict boundaries in the NMFS Catch Accounting System to oversee the Federal overfishing levels.

If adopted, this proposal would open state waters south of 55 degrees 30 minutes N lat. from 167 degrees W long. to 170 degrees W long. to fishing for Pacific cod in the state-waters fishery. This area includes the Bogoslof Area, which is designated as a special aquatic foraging area within critical habitat for Steller sea lions. This proposal would open the western portion of the Bogoslof Area to fishing for Pacific cod in the state-waters fishery including the Unmak Island and Uliga Island Steller sea lion haulouts. This area (from 168 degrees W long. to 170 degrees W long.) is closed to Pacific cod fishing in the Federal fishery to conserve prey for the WDPS of Steller sea lions.

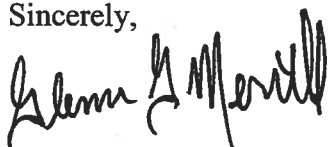
This change to the State GHL Pacific cod fishery would not require an ESA section 7 consultation. However, NMFS is concerned that fishing in these areas may have negative consequences for Steller sea lions. When the Board adopted the Dutch Harbor Subdistrict State GHL Pacific cod fishery in 2012, it maintained closures in areas currently closed to Federal fishery participants to minimize potential impacts on Steller sea lion prey resources in these areas. We encourage the Board to maintain these existing closure areas to conserve nearshore prey for Steller sea lions.

Proposal 18: Align AI District state-waters Pacific cod season opening and closing dates with recent changes to federal Pacific cod management.

NMFS supports this proposal to clarify the AI District state-waters Pacific cod season opening and closing dates.

Thank you for considering our comments. Glenn Merrill from my staff will be attending the Board meeting and will be available to answer questions for the Board.

Sincerely,


James W. Balsiger, Ph.D.
Administrator, Alaska Region