

ALASKA BOARD OF FISHERIES
FINDING OF SUPPORT IN THE FINDING OF EMERGENCY FOR
ALEUTIAN ISLANDS DISTRICT West of 170° PACIFIC COD FISHERY
2006-246-FB
February 26, 2006

The Alaska Board of Fisheries finds that an emergency exists and emergency regulations providing for an Aleutian Islands District Pacific Cod Management Plan are necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

Economic opportunities for residents of Adak and other areas in the Aleutians are limited, and the tax base is highly dependent on fisheries. The small remote community of Adak, redeveloping after closure of a naval base, has lost access to fishery resources in recent years due to factors beyond its control such as crab rationalization which reduced it from packing 80 percent of the Western Brown Crab to 30 percent, stellar sea lion closures which prevent harvest of a federal Pollock allocation, and early harvests of the Pacific Cod total allowable catch, which is shared by the Bering Sea and Aleutian Islands Areas, before Pacific Cod are generally available for harvest in the Aleutians resulting in a fall in the Aleutian Islands harvest percentage from a high of 20.8 percent in 2000 to 10.2 percent in 2005. The federal "A" season for Pacific cod has been becoming steadily more compressed in recent years, with the quota reached on March 24 in 2004 and March 13 in 2005, and with closure as early as the first week of March possible in 2006. The majority of the vessels in the small boat fleet do not hold federal LLP's and are limited to participation in fisheries within State waters. Compression of the Pacific cod season, makes it uneconomic for small vessels to gear up and participate in the fishery and is further reducing the already limited opportunities available in the Adak area in both its exiting trawl fleet and its developing fixed gear fleet and this compression is contributing to an economic crisis which endangers the redevelopment of Adak.

In December 2005, the Board originally noticed an intent to adopt proposal 399, a Pacific Cod Management Plan for the Aleutians, at its January meeting, allowing sufficient time for regular regulations to become effective, however, the North Pacific Fisheries Management Council and the National Marine Fisheries Service requested a joint meeting with the Board prior to Board action, expressing concerns about the proposal, including concerns about impacts on resource conservation and sustained yield management, impacts on Stellar sea lions, the possibility of triggering formal consultation under section seven of the Endangered Species Act, impacts on other fisheries, the ability to rollover unharvested Pacific Cod, bycatch concerns, catch accounting concerns, enforcement concerns, and impacts on the related Federal Amendment 85 process. Pursuant to its groundfish guiding principles under 5 AAC 28.089 and its Joint Protocol agreement with the North Pacific Fisheries Management Council, the Board agreed to this request, and thereby resolved a number of urgent issues including insuring that the fishery would not create problems under the Endangered Species Act or violate sustained yield management principles. The decision to consult with the North Pacific Management Council and the National Marine Fisheries Service and to address the issues raised by these agencies made it impossible to adopt regular regulations that would be effective in time to allow a season for the Aleutians to open in March of 2006 impossible, regular regulations could not be effective until April of 2006, by which time the federal parallel fishery would be closed and the total allowable catch for the federal A season would be taken and unavailable to a State waters fishery. Failure to have the regulations in effect for the 2006 season would endanger

development of the fishery in the latter part of 2006 and in 2007, and would be highly detrimental to the welfare of the Adak community and small boat fishermen in the Aleutian Islands area.

In the absence of emergency regulations, due to the timing of Pacific Cod Fishery, severe winter weather conditions in the Aleutians, and a dangerous pass between Adak and the state waters fishing grounds, the small boat fleet would be very limited in its ability to safely participate in the early season and could participate fully and economically only by ignoring weather constraints which often preclude the safe operation of small boats in the Aleutians. Failure to have the regulations in effect for the 2006 season would thus be likely to result in significant public safety issues.

Based on the foregoing facts, emergency regulations with an immediate effective date, providing for a state waters Aleutian Islands Pacific cod management plan, stretching out the season and providing a reasonable opportunity for Pacific cod to be harvested in commercially viable quantities in the Aleutian Islands are needed in order to preserve both the public safety and welfare. The board delegates authority to the Commissioner or the commissioner's designee to prepare and file a formal finding of emergency along with the emergency regulations that reflect the board's actions taken during the February 20 - 26, 2006 meeting.

ADOPTED: FEB. 26, 2006

VOTE: 4/1/1/1

ABSTAIN: NELSON



Melvan Morris/Acting Chair