

ALASKA BOARD OF FISHERIES**Resolution #2000-198-FB****A Resolution to the North Pacific Fishery Management Council and the National Marine Fisheries Service Regarding Observer Data Gathering Protocol Aboard Trawl Vessels in the Gulf of Alaska**

WHEREAS, The North Pacific Fishery Management Council (NPFMC) has delegated responsibility for conservation and management of Gulf of Alaska king and Tanner crab stocks to the State of Alaska; and

WHEREAS, king crab stocks in the Gulf of Alaska have been below harvestable thresholds for the past 17 years and the stock continues to decline; and

WHEREAS, Tanner crab stocks in the Gulf of Alaska have been below harvestable thresholds for the past six years; and

WHEREAS, non-pelagic (hard on bottom) trawling is known to have a bycatch component of king and Tanner crab; and

WHEREAS, king and Tanner crab migrate throughout the federal and state marine waters of the Gulf of Alaska; and

WHEREAS, the NPFMC through the National Marine Fisheries Service (NMFS) has instituted an onboard observe program to monitor trawl fisheries in the Gulf of Alaska; and

WHEREAS, current observer data does not provide enough information to accurately determine the trawl-related impacts on king and Tanner crab stocks in the Gulf of Alaska; and

WHEREAS, the current observer program for vessels between 60 and 125 feet in length allows the vessel skipper to choose when the observer is aboard for the required one-third observer coverage.

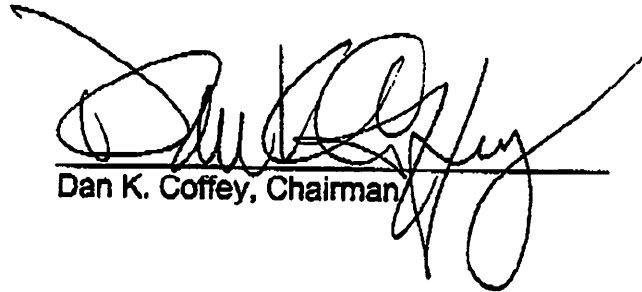
NOW, THEREFORE, BE IT RESOLVED, that the Alaska Board of Fisheries in its concern about the crab stocks in the Gulf of Alaska does hereby make a priority recommendation to the NPFMC and NMFS to take appropriate action to revise the observer protocol for trawl vessels in the Gulf of Alaska as follows:

- Observers are randomly placed on trawl vessels.
- Observers recording of trawl activity (a tow) is located and documented by state statistical area, in both state and federal waters, as well as latitude and longitude.
- Observers to record the trawl speed throughout each tow and the time the trawl is in the water on each tow.
- Observer bycatch data will include estimation of percent of trip observed, by weight and time. Annual reports will contain a cumulative estimate of percent of fishery observed by weight and time.

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- Observed data will be tallied and published monthly for each state statistical area. Monthly reports will include information about corrections or revisions to prior reports. Annual reports will reflect cumulative totals for each state statistical area.

**DATED: January 25, 2000
Juneau, Alaska**



Dan K. Coffey, Chairman

Gulf of Alaska Non-Pelagic Trawl Task Force Report to the Alaska Board of Fisheries

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RC65

Prepared by Jonathan Spool
March 17, 1999

The Gulf of Alaska Non-Pelagic Task Force was formed in January 1999 when the Board of Fisheries tabled action on Proposals 132 and 137 at its meeting in Kodiak, Alaska. The charge of the task force was to focus on Proposals 132 and 137 which proposed to close non-pelagic trawl fishing in all State waters in the Kodiak and Chignik areas. We were charged to review a number of points which were listed in the charge. The Board allowed industry time to review the issues and report back to the Board at its March 1999 meeting. A full copy of the resolution by the Board of Fisheries is located at the end of this report.

Task force meetings commenced on February 10, 1999. Duncan Fields, Al Anderson, and Jonathan Spool were nominated for Chairperson. Mr. Field and Mr. Anderson declined and Mr. Spool accepted the position as Chairperson.

The task force was comprised of the following participants:

Chignik: Al Anderson; Johnny Lind; Dick Sharp.

Kodiak: Virginia Adams; Skip Bolton; Duncan Fields; Stosh Anderson; Oliver Holm; Joe Macinko; Al Burch; Mitch Kilborn; Jonathan Spool;

ADF&G: Wayne Donaldson; Dave Jackson; Mike Ruccio.

Technical Advisor: Chris Blackburn.

The task force members met a total of six times (2-10; 2-17; 2-24; 3-3; 3-10; 3-15). Meetings lasted from 2 to 4 hours. The two sectors of the task force also met separately. The trawl representatives met an additional 9 times, and I do not know how many times the pro-closure group met.

There was some difficulty with the conference line to Chignik at times which posed some problems which were worked out. The task force members from Chignik chose not to participate in the task force (and leave Kodiak issues (132) to the Kodiak representatives) once our work on proposal 137 was completed. All task force participants put in a lot of time and effort.

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BOARD OF FISHERIES

The following is a synopsis of the data requests and discussion points made by the participants of the task force:

- 1) How much groundfish fishing is observed and unobserved? What proportion of observer coverage comes from small boats? What is the relative proportion of observer coverage to unobserved coverage?
- 2) Are we looking only at State waters or at Federal waters as well?
- 3) What have crab bycatch rates been both inside and outside State waters?
- 4) How does the bycatch rate chart on pg. 9 compare to survey data?
- 5) We need Federal data from NMFS on bycatch rates by month, by target species, and by bycatch species (to include crab, halibut, and herring), by catching mode.
- 6) Cod, pollock, and flatfish catch breakdown by vessel size. What percentage of catch is caught by small vessels "Hard on bottom"?
- 7) Analyze dependency on cod, pollock, and flatfish, by vessel size. Identify possible safety issues if boats have to fish outside three miles. Poll fishermen.
- 8) What is the frequency of State waters use by trawlers? Landing information.
- 9) What are the bycatch and mortality rates of crab by pot and trawl gear?
- 10) Should we include tanner crab in king crab recruitment zones?
- 11) Bottom typing on East and West side of Kodiak. Identify mud gullies and hard bottom edges.
- 12) Can we determine what an excessive rate of crab catch is by trawl gear? Redo legend on pg. 9 chart to include 5-12, 10-20, 20-50, 50-250, 250-450, 450-655.
- 13) Size frequency of crab bycatch.

- 14) Impact of pots in high-density crab areas.
- 15) Freeze mortality data on crab.
- 16) Crab population analysis of bays closed since 1986, and comparison to BSAI trawl closures.
- 17) Bycatch in scallop fishery.
- 18) How many crabs are caught?
- 19) Pelagic trawl "Hard on bottom" relativity to tanner crab populations.
- 20) What areas do trawlers need in the Cape Kumlik/Wide Bay areas?
- 21) Gear differences between small and large trawlers.
- 22) Predation on crab by other species.
- 23) Impact on bottom by trawl gear.
- 24) Sea lion closure maps.

Some of these requests were considered to be crucial in order for the task force to go forward based on good data rather than anecdotal information and life philosophy. National Marine Fisheries Service was not able to comply with these data requests at this time. Other requests went beyond the charge to the Task force and slowed down the process.

A survey designed by Duncan Fields, Virginia Adams, and Skip Bolton, and ADF&G was implemented in order to get as much information from the fleet as we could. Approximately 38 surveys were handed out with 23 surveys collected with information limited to the West side of Kodiak Island and the Mainland. Out of the 23 surveys returned 19 vessels, or 82.6 percent fished in State waters in various areas listed in the survey. Major areas used for pollock, cod, and flatfish were identified. The survey did identify that State waters were important for a number of vessels, but there was not time for the Alaska Department of Fish and Game to obtain the bycatch files from National Marine Fisheries Service and identify the bycatch taken in the State water tows before this Board of Fisheries meeting.

The members from the Kodiak Alaska Department of Fish and Game were invaluable in their assistance and provided us with as much data as was readily available and responded to our requests and questions amicably. We look forward to seeing a formal research project begun that will review and analyze observer data from State waters along with the trawl survey data collected.

Response to specific charges

A. Time and Area, Open and Closed.

This item was predominantly interpreted by the task force as "Seasonal closures" of non-pelagic trawl areas within state waters during time periods of excessive bycatch, particularly of crab and halibut. It was determined that the best data available to determine the trawl bycatch rates sorted by date and area was Federal observer data from tows made in state waters. National Marine Fisheries Service could not easily extract the State data from the Federal data as the observers do not record or tag the data that was taken in State waters. Although National Marine Fisheries Service was unable to extract this data for us prior to the March Board of Fisheries meeting, this data is accessible by the Alaska Department of Fish and Game and can be extracted by geographic coordinates (Latitude, Longitude) for all observed tows made in state waters. It is estimated that it would require one man/month for an ADF&G staff member to do this.

In order for an accurate assessment of the value of seasonal closures for any area to be made, the trawl members felt that the issue should be addressed when the Alaska Department of Fish and Game and National Marine Fisheries Service are able to provide the bycatch and catch composition by season from the Federal observer data taken in State waters. The trawl members felt that to make seasonal closures based on anecdotal data would be irresponsible and argued that days of work (for the processors) and revenues to the Kodiak community from trawlers (and the raw fish tax they generated) was too important to reduce those revenues based on anecdotal data. The non-trawl members of the task force felt otherwise.

The trawl members of the Task Force do feel that the data on bycatch should be examined and to that end will ask the National Marine

Fisheries Service to Instruct Federal observers to log the state statistical area whenever the vessel they are observing is operating within state waters. This would eliminate the difficulty of extracting the state data from the federal data. Once a cost recovery program is instituted to get observer coverage on vessels less than 60', we will have additional data available to best determine and implement accurate seasonal closures in state waters.

B. Methods and Means.

The trawl fishermen have been increasingly attentive to solving some of the issues of concern brought to their attention.

The University of Alaska has provided funds and staff for trawlers to go to trawl schools and flume tanks in England, Newfoundland, and the USA. There, the fishermen learned from the best sources in the world how to choose and adjust a non-pelagic trawl to fish lightly on the bottom to minimize impact on both the bottom and the net, and how to fish pelagic trawls which have minimal contact with the bottom.

The Kodiak trawlers have worked closely with National Marine Fisheries Service, and the North Pacific Fisheries Management Council to establish TAC openings and closures seasonally which would minimize the bycatch of non-target species. The Kodiak fleet controls its seasons through halibut bycatch apportionments of the halibut mortality cap between deep water fisheries and shallow water species. When the halibut is in deep water, most of the halibut cap for that quarter is assigned to shallow water species. In quarters when the halibut is inshore, most of the halibut cap is assigned to deep water species.

The trawlers along with the University of Alaska worked on developing square mesh cod ends to allow the release of juvenile cod and pollock, unharmed from the nets. This technology is being widely used today and has been expanded upon to allow escapement of juveniles for all species.

Extensive research has been done regarding devices to help minimize halibut bycatch. The Groundfish Forum along with Dr. Craig Rose, designed and performed a test fishery utilizing halibut excluders on larger trawl vessels. The results are extremely promising, and many of the larger trawlers are already utilizing the excluders in their day to day operations. Discussions have been made with Dr. Rose to continue this

research by designing halibut excluders that can be utilized on smaller trawl vessels.

The task force voted unanimously to unify the definition of pelagic/non-pelagic trawls to help minimize enforcement problems.

C. Research Needs.

We require cooperation with the NMFS observer program and data specialists to take the measures necessary so we can easily have access to observer data take from state water trawl tows. Observers should record the state statistical area; bottom type; harvest composition; and PSC bycatch for all observed tows made in state waters.

The Alaska Department of Fish and Game has access to over a decade of trawl surveys from the R/V Resolution. We would like to see the Department do an analysis of this information that would give us a better bottom typing data.

Also, even though the trawlers are not proposing to open any of the bays on the west side of Kodiak to non-pelagic trawl, we would like to see an analyses performed that would determine bay by bay, whether or not the absence of trawling in those bays for 13 years was beneficial or not to crab recovery. This would give us an idea as to whether or not additional non-pelagic trawl closures out to 3 miles would benefit crab recovery.

Perhaps an underwater study can be made, comparing the condition of the bottom in bays that have had no trawling in them for 13 years to the bays with similar bottom type that have had trawling permitted in them for the last 13 years. This would give us accurate information as to whether or not NP trawls create long term damage to the bottom.

We would like to see funding and support made available for a trawl catcher vessel fishing permit to test the effectiveness of halibut excluders for the onshore trawl fleet.

A cost recovery program for observer coverage for vessels operating in state waters should be implemented. Guidelines for this program can be taken from the shellfish cost recovery program. A motion in this regard was passed unanimously by the task force.

Socio-economic impact study determining the impact on coastal communities such as Kodiak if they were to loose the trawl industry.

D. Bycatch Rates

The task force was not able to determine which levels of crab bycatch are acceptable in order to harvest groundfish. Additional observer coverage and further analysis of bycatch rates for all gear types would help us determine acceptable bycatch rates for non-pelagic trawl gear.

E. Onboard Observer Coverage.

The Task Force members reviewed observer requirements. All trawl vessels 60' and over in length must have at least 30% observer coverage when working in either federal or state waters. Since 1991 whenever a trawler operated within Sitkalidik or Marmot Bay 100% observer coverage was required with daily reporting made to the ADF&G. This can be confirmed by the Department.

A cost recovery program can provide us with observer coverage for trawl vessels less than 60' in length. The data from onboard observer coverage not only provides bycatch information but also provides scientists with quality biological data on all fish species caught. We hope to see the Alaska Department of Fish and Game, National Marine Fisheries Service, and the trawlers work closely together to determine the best selection of data to be collected.

Synopsis of Motions Made Proposal 132

1. Data format request for State and Federal waters in areas around Kodiak Island.

This well presented motion was made by Stosh Anderson. The motion outlined an extensive data collection format for State and Federal waters around Kodiak Island. The vast majority of the areas shown for data collection were in Federal waters. The majority of the members wanted to limit the scope of the analysis to State waters. **The motion failed 5-4. Role call was taken.**

2. Pelagic/Non-pelagic Trawl Gear Definition.

This motion was made by Duncan Fields. This motion identified an enforcement problem with pelagic trawl gear by State definition (not touching the bottom). It recommends that the current State of Alaska definition for pelagic trawl be modified to include a performance standard. It was amended (friendly) to recommend that the Board of Fisheries support ongoing efforts of the NPFMC and ADFG to find a unified definition of pelagic/non-pelagic trawl gear. **The motion passed unanimously.**

3. State Water Closures In the Kodiak Area.

This motion was made by Skip Bolton in two parts. A similar motion was made earlier and tabled. Part one would retain current closures in the Kodiak area plus implement additional closures as recommended by the local Kodiak Advisory Committee. Part two pertained to a data collection format which included obtaining observer data for all tows made in State waters; a program for observers on smaller trawlers; bottom typing; and extensive collection and analysis of all available data on use and bycatch of non-pelagic trawls in Kodiak State waters by ADFG. The supporters of this motion felt that there was insufficient time to obtain and analyze existing data and that additional data on bycatch and habitat is needed. This motion also supports the Kodiak Advisory Committees' recommendation and offers a method of gathering the needed data while providing a means to gather data and implement a formal research plan. **The motion passed 5-4. Role call was taken.**

4. Fund observer coverage for vessels under 60' in State waters by cost recovery sales of targeted groundfish species.

This motion was made by Oliver Holm. As this motion was a clone of Part 2, section B. of the previous motion, it was widely supported and passed unanimously.

5. Motion to fulfill Boards request to define time and areas important to the trawl industry.

This motion was made by Joe Macinko. It made an attempt to define those areas which should remain open seasonally in State waters for non-pelagic trawl. The majority of the members felt that it did not sufficiently represent essential trawl areas. It was noted that in fact it did not even include the most historical trawl area. It was also stated that it also chose some areas to be opened that were sensitive crab rearing areas which was not acceptable. **Motion failed 6-3.** Role call was taken.

Proposal 137

1. Motion that non-pelagic trawl gear may not be operated in the State waters of the Chignik Groundfish Area except those waters south of 55 degrees 34 minutes North latitude.

This motion was made by Al Anderson. The motion supports proposal 137 with the exception of a small triangle of area off of Kupreonof Pt. Already established by the Board of Fisheries. **Motion passed unanimously.**

VOTING RECORD FOR MOTIONS WITH ROLE CALL REQUESTS

Member	P.132	1	3	5
Mitch Kilborn		N	Y	N
Jonathan Spool		N	Y	N
Stosh Anderson		Y	N	Y
Oliver Holm		Y	N	Y
Joe Macinko		Y	N	Y
Virginia Adams		N	Y	N
Skip Bolton		N	Y	N
Duncan Fields		Y	N	N
Al Burch		N	Y	N

99-03-FB

ALASKA BOARD OF FISHERIES RESOLUTION
Gulf of Alaska (State Waters)
Non-Pelagic Trawl Restrictions
Task Force

WHEREAS, the Board of Fisheries tabled action on Proposals 132 and 137 at its meeting in Kodiak, Alaska January, 1999; and

WHEREAS, Proposals 132 and 137 were intended to close all state waters to non-pelagic trawl gear in the Kodiak and Chignik Areas; and

WHEREAS, the inclination of the Board of Fisheries is to close all state waters to non-pelagic trawl gear. The Board will allow industry time to review this issue and report back to the Board at its March, 1999 meeting; and

WHEREAS, the fishers themselves have indicated an interest in developing regulatory language which would define areas essential to the trawl industry, reduce by-catch and reduce the impact of non-pelagic gear on the benthos within State waters.

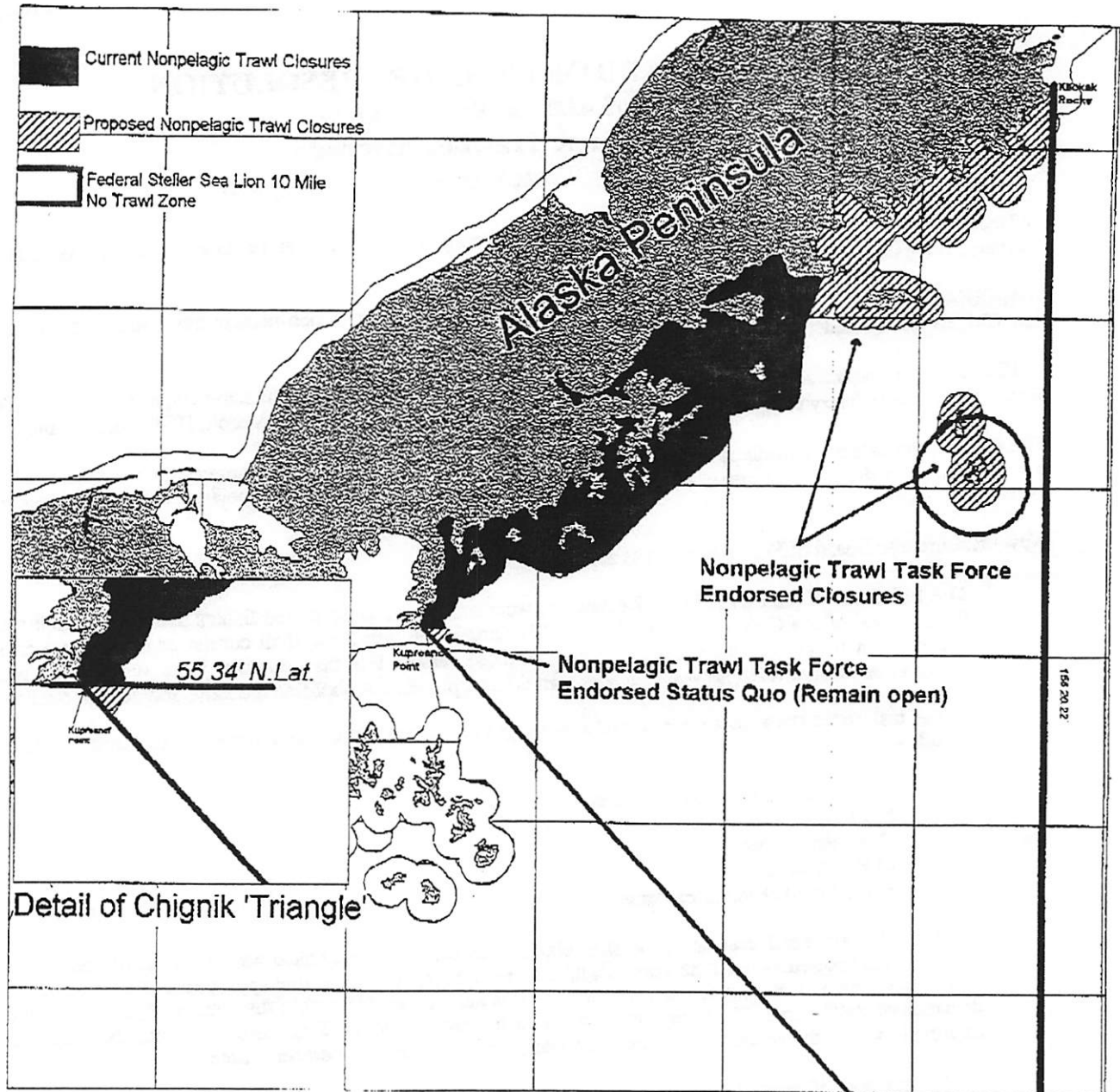
Now therefore, the Board of Fisheries resolves as follows:

- 1) A task force of the fishers in the Kodiak area waters shall be formed by the fishers themselves, subject to the approval of the Chairman of the Board of Fisheries. The task force shall consist of representatives of small vessel trawl gear operators as defined as those vessels less than 60 feet, large vessel trawl gear operators as defined as those vessel greater than 60 feet, processors, shellfish industry, and general public.
- 2) The task force shall review the use of non-pelagic trawl gear within State Waters of the Gulf of Alaska as follows:
 - a) Time and area, open and closed.
 - b) Methods and means.
 - c) Research needs.
 - d) By-catch rates.
 - e) On-board observer coverage
- 3) The task force shall use such data, shall obtain such expert and technical advise and shall conduct its work in such fashion as the Task Force shall, in its own discretion, determine appropriate. The Department will provide such assistance to the Task Force as it is able to provide within the constraints of budget and demands of staff's time. The Board will provide such assistance to the Task Force as its members are able to provide within the constraints of budget and demands on the Board members' time.
- 4) Discuss and, if possible, reach consensus on allocations between gear types by district/section. If consensus cannot be reached, obtain a majority vote on these allocation issues. Minority reports around this vote are encouraged by the Board. The Task Force will report on the results of its work to the Board of Fisheries at its March 1999 meeting.

Passed at Kodiak, Alaska on the 22nd day of January, 1999



Dr. John White, Chair

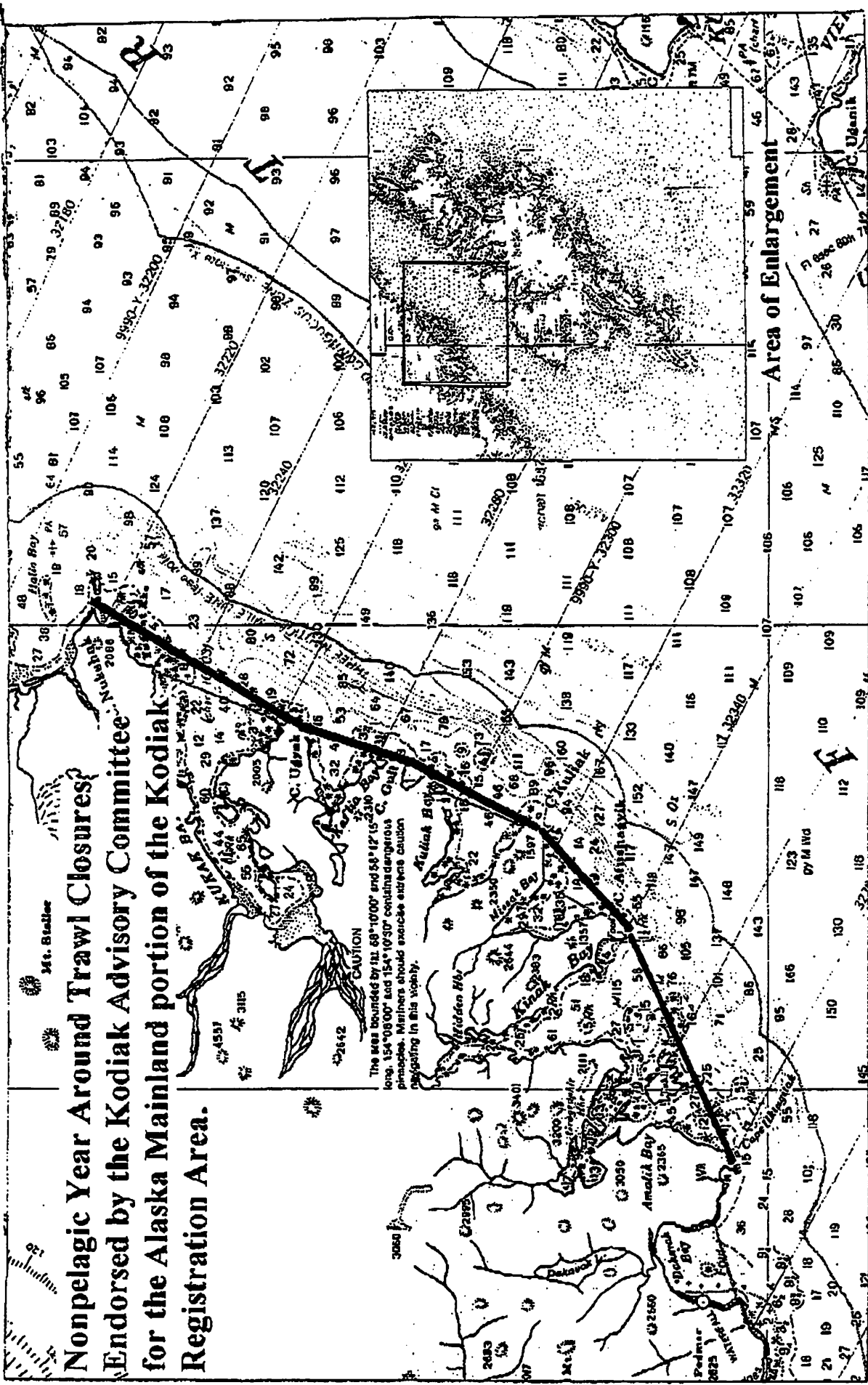


Proposal 137. Gulf of Alaska Nonpelagic Trawl Task Force recommendation to the Alaska Board of Fisheries.

Proposed substitute language endorsed by the Gulf of Alaska Nonpelagic Trawl Task Force:

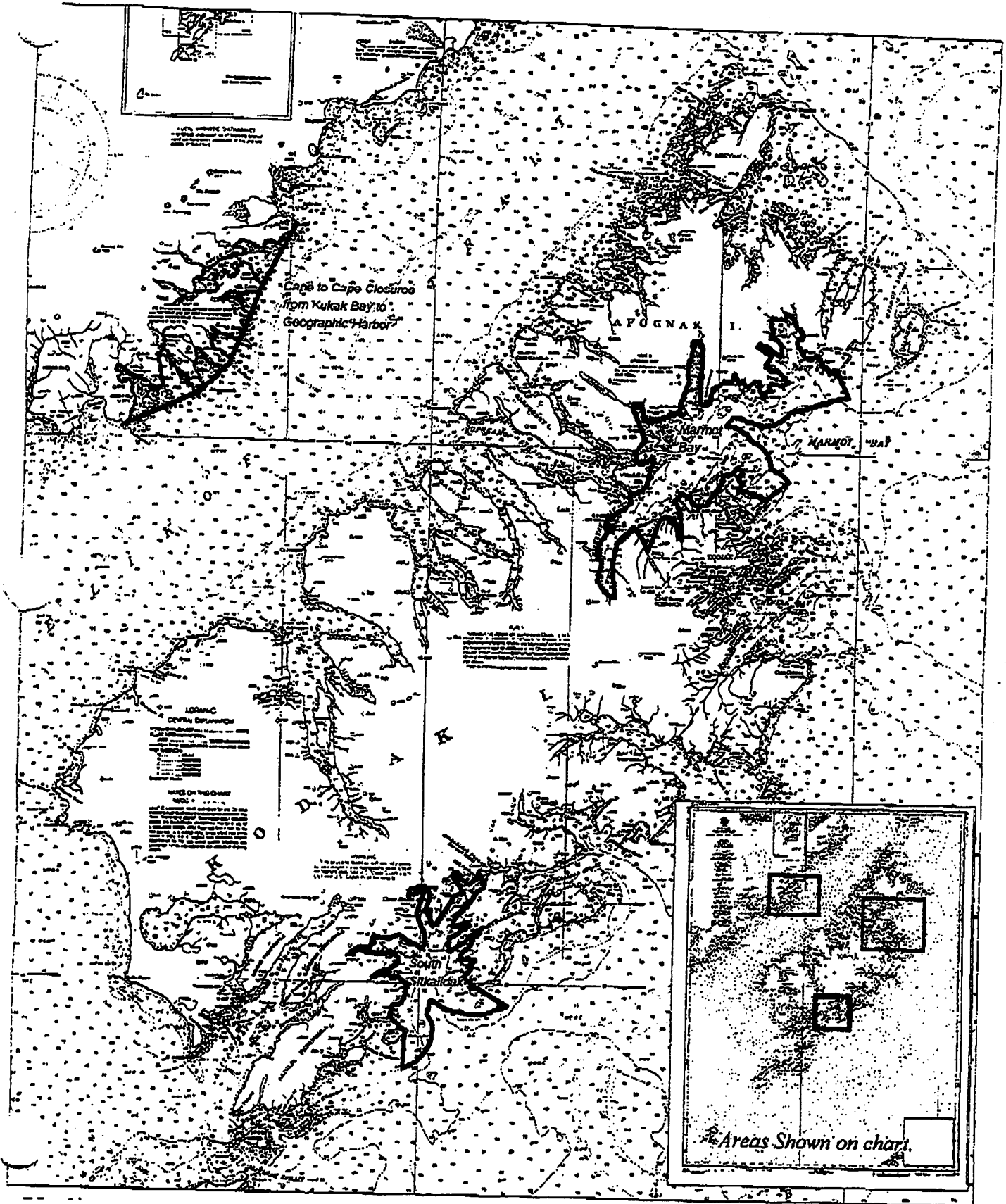
Nonpelagic trawl gear may not be operated in the state waters of the Chignik Groundfish Area except those waters south of 55 degrees 34 minutes North latitude.

**Nonpelagic Year Around Trawl Closures?
Endorsed by the Kodiak Advisory Committee
for the Alaska Mainland portion of the Kodiak
Registration Area.**

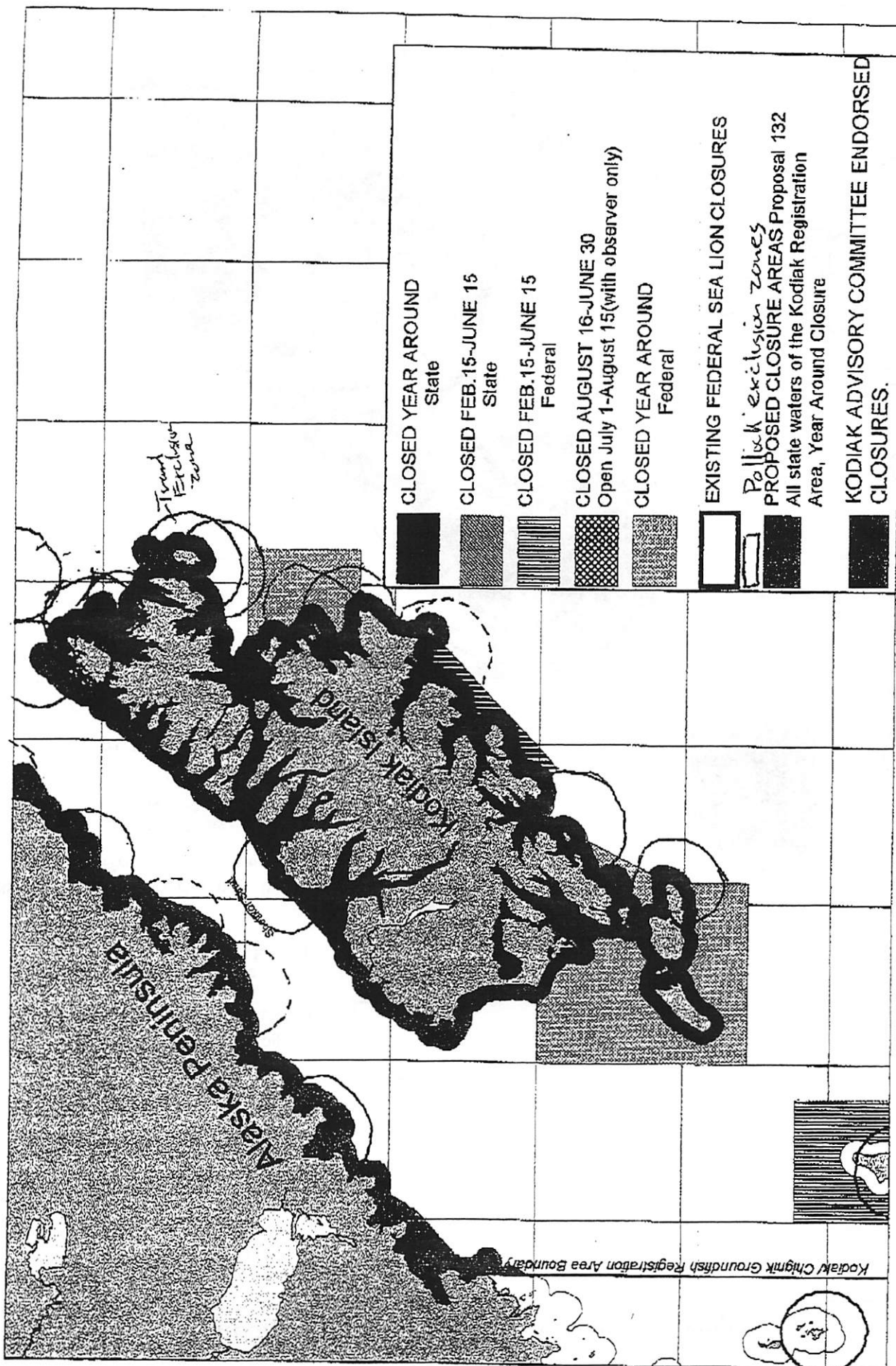


CAUTION
The area bounded by 151° 58' 10" W and 58° 12' 15" S to 154° 08' 00" W and 55° 10' 30" S contains dangerous C. Graft shoals. Mariners should exercise extreme caution navigating in this vicinity.

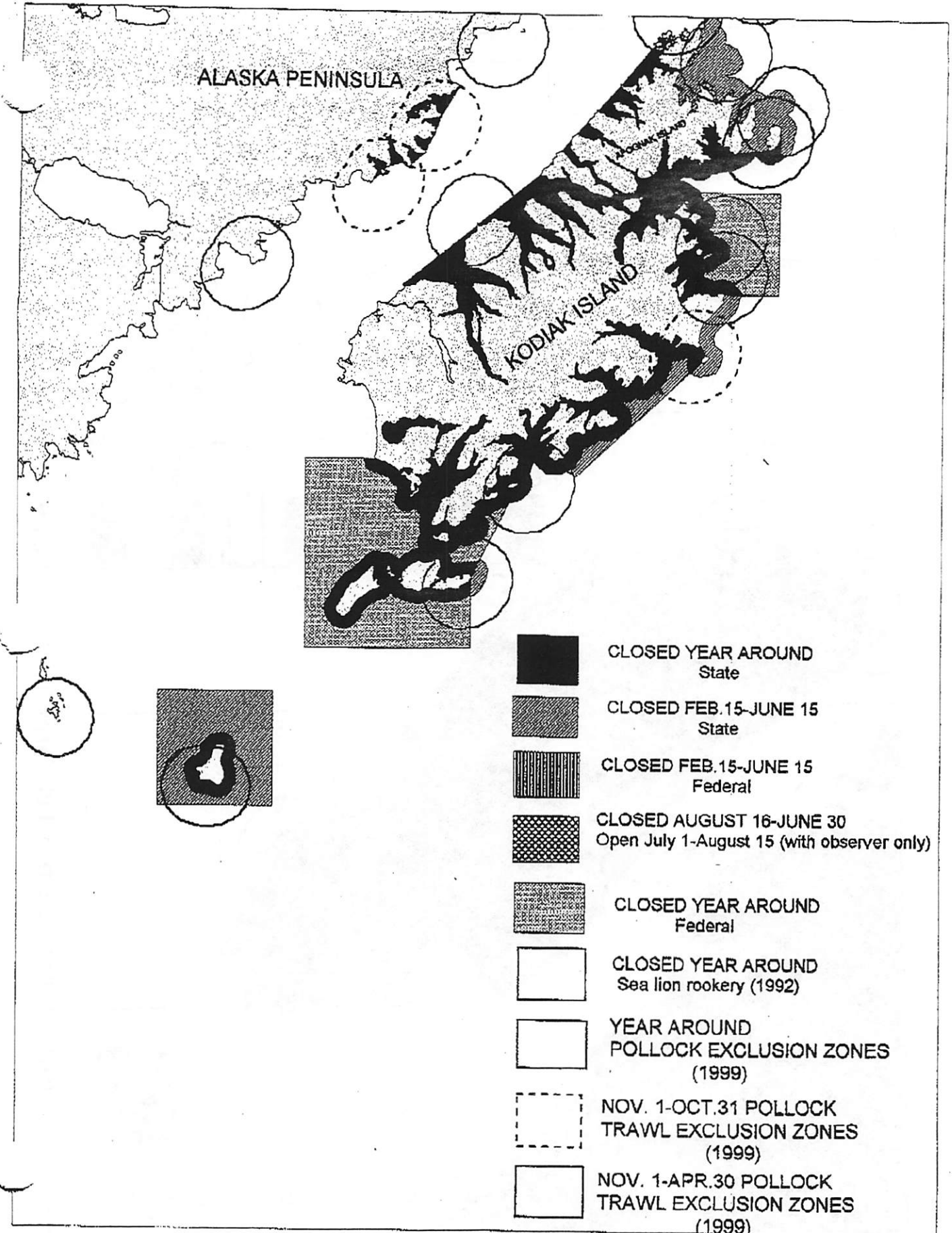
Area of Enlargement



Kodiak Advisory Committee amended areas for nonplagic trawl closures. Proposal 132. Note—areas currently closed are not shown on this chart.




Proposed and existing nonpelagic trawl closures for the Kodiak Registration Area. Proposal 132.



Kodiak Advisory Committee Endorsed Closures

MEMORANDUM

TO: Council and Board Members
FROM: Council Staff 
DATE: February 2, 2000
SUBJECT: Proposals of mutual concern

- a. Council proposals and tasking
- b. Board proposals
- c. State groundfish fisheries

Council proposals

In October 1999, the Council deferred review of new management proposals until February 2000 because of the current staff workload and other Council priorities. The BSAI and GOA Plan Teams and Crab Plan Team have provided comments on 14 groundfish proposals submitted in 1999. Three of those also pertained to crab management. A staff summary of the proposals incorporates committee and staff recommendations (Attachment 1). An additional ten halibut and sablefish IFQ proposals will also be reviewed by the Council this week. The IFQ Implementation Committee comments are provided in Attachment 2.

Proposals identified by Council staff as likely being of mutual interest to the Board include:

- #4 AMCC submitted a proposal to allow public disclosure of catch and bycatch data. The Groundfish Plan Teams noted this proposal is not a plan or regulatory proposal, but ranked it as high priority for development into the discussion paper to describe the legal issues and public interest in describing bycatch.
- #6 United Catcher Boats submitted a BSAI plan amendment to: 1) rescind the mandatory August trawl closure and to 2) allow for a chum salmon cap of 42,000 to be managed under the co-op system. The Groundfish Plan Teams ranked this proposal as low, noting that the Council is examining an individual bycatch accounting program.
- #8 Alaska Dragger Association submitted a placeholder proposal for a GOA plan amendment to split the Pacific cod quota by gear (mobile vs fixed) based on the 1995-97 average. The Groundfish Plan Teams noted that this proposal addresses a longstanding problem in the GOA between trawl and fixed gear fisheries and provides greater access for all fishing sectors. This fishery may also see additional effort as a result of the opilio crab situation (see recommendations under #11 and 12). The Groundfish Plan Teams ranked this as medium priority.
- #11 Robert Filiatraut submitted a GOA plan amendment to open the October 1 Pacific cod fishery to the longline fleet instead of trawl fleet and increase the halibut PSC limits for longliners. The Groundfish Plan teams suggested that a direct solution to the lack of halibut PSC later in the fishing year could be addressed under the specifications by shifting more halibut PSC on October 1, but would need the gear split as proposed under proposal #8. This proposal was ranked as moderate priority (see related discussion under #8).

#14 North Pacific Longline Association resubmitted this proposal from 1998 as a late proposal in this cycle. The proposed BSAI cod split may mitigate the need for this action, but inseason frameworking of season start dates would enhance efficiency. It was ranked low in 1998, but received a medium ranking in 1999. Given when shorttail albatross leave the fishing grounds, a delayed start date could further minimize seabird interactions; however using seabird interactions as a sole justification for this action would make an earlier start date (back to October 1 through frameworking) would be harder to justify.

IFQ#10 The Gulf Coastal Communities Coalition submitted a proposal to allow community-based non-profit entities to hold QS. The IFQ Committee failed to recommend this proposal on a tie vote (4:4). The committee was split on whether to involve the Council in the design of a program to provide access to GOA communities as a QS holding entity or to not create another category of QS holder that would compete with fishermen who are currently eligible to be QS holders.

BOF proposals

In December 1999, the Council reviewed a packet of BOF proposals which had been identified by Executive Director Cote as being of likely interest to the Council (Attachment 3). Council staff examined that packet and identified a further subset of proposals which appeared to contain issues of most interest to the Council. The Council reviewed those proposals in December but did not provide specific comment on individual proposals, recognizing that we would be reviewing them at this joint meeting. The Council did however encourage individual Council members to provide their comments on any of the proposals so they could be considered by the joint committee on January 28 and the full Council/Board on February 8. Attachment 3 also has a Board Committee C report with comments on proposals 129, 192, 195, 197, 198, and 202.

Attachment 4 has letters from Council member John Bundy and the At-sea Processors Association expressing a variety of concerns with proposal #418, which would prohibit trawling for cod in State waters. There also is a letter from the Aleut Corporation amending #418 to simply restrict State waters to vessels equal to or less than 60 ft., using jig or fixed gear for cod and rockfish, between 173 and 178 W.

The list of proposals identified by staff, with a very brief summary, is shown below.

#12 - Alter crab season opening dates (Area T/Area J) to allow for concurrent species harvest. Proposed by Alaska Crab Coalition.

#31 - Re-open commercial shark fishery in PWS. Proposed by Patrick Sterling.

#35 and 36 - develop halibut LAMP (sport catcher vessel only areas) for PWS. Proposed by Valdez Advisory Committee and David Pinquoch.

#37, 38, and 39 - develop halibut LAMPs, season changes, or superexclusive registration areas in PWS. Proposed by Valdez/Seward Charterboat Associations and the Valdez Advisory Committee.

#41 - Cook Inlet LAMP. Proposed by Alaska Sportfishing Association.

#43 - Moratorium on PWS charterboats. Proposed by Valdez/Seward Charterboat Associations and the Valdez Advisory Committee.

#129 - Halibut LAMP for the Yakutat area. Proposed by Yakutat Advisory Committee.

#195 - Require full retention of rockfish in Southeast. Proposed by ADF&G.

#197 and 198 - Establish a separate Yakutat management area (relative to IPHC Area 3A). Proposed by Yakutat Advisory Committee and several individuals.

#200 - Establish a directed fishery for skates in the Eastern Gulf. Proposed by Yakutat Advisory Committee.

#202 - Differentiate pelagic and bottom longline gear definitions. Proposed by Alaska Longline Fishermen's Association.

#417 - Establish a jig or experimental fishery for Kodiak area pollock. Proposed by Mike Clark.

#418 - Prohibit trawling for cod in State waters. Proposed by the Aleut Corporation.

#420 - Establish a State water pollock fishery in Cook Inlet/Kodiak/Chignik Areas. Proposed by the Sand Point Advisory Committee.

#424 - Moratorium on new halibut charter/guide services in Cook Inlet. Proposed by Homer Charter Association.

#425 - Develop separate halibut management area for Kodiak (LAMP). Proposed by Kodiak Advisory Committee.

#426 - Develop six sub-area LAMPs (halibut) within Kodiak area. Proposed by Kodiak Native Tourism Association.

ACR#3 - Require permits for taking miscellaneous groundfish in PWS. Proposed by ADF&G.

ACR - Change regulations limiting larger pot boats to 25% of State water cod harvest. Proposed by Kevin Bundy and Mark Alwert.

State groundfish fisheries update

In December 1999, the Board took action to create three management areas in the Prince William Sound pollock fishery to reduce impacts of Steller sea lions. The actions specified that no more than 40 percent of the 1,420 mt GHL may be taken from any one section (Attachment 5). This attachment also has a report from Board Committee A and staff comments on Prince William Sound fisheries from ADF&G.

After the Council approved final groundfish specifications in December 1999, ADF&G determined that harvests of Pacific cod in state waters of the Kodiak District in the Central GOA increased to over 90 percent of the 1999 GHL for the area. This resulted in an unanticipated increase in the 2000 GHL for the Kodiak District from 10 percent to 12.5 percent of the Central GOA ABC. This resulted in an increase from 19.25 percent in 1999 to 21.75 percent of the Central GOA ABC in 2000. NMFS is adjusting the Council's recommended Pacific cod TAC downward for the Central GOA from 35,615 mt to 34,080 mt to reflect the increased 2000 GHLs in the Central GOA (1,535 mt).

In the Western GOA, the State Pacific cod GHL has increased from 20 percent in 1999, to 25 percent in 2000. The State's Pacific cod GHL of 1,340 mt for PWS is based on 25 percent of the 2000 Eastern GOA ABC. The Council recommended that (1) the TAC for the Eastern GOA be lower than the ABC by 1,340 mt, the amount of the State's proposed GHL for PWS, (2) the TAC for the Central GOA be lower than the ABC by 8,385 mt, and (3) the TAC for the Western GOA be lower than the ABC by 6,875 mt the amount of the State's proposed GHLs for these areas.

Other

Attachment 6 is a recent resolution from the Board to the Council regarding observer placement and observer protocols for Gulf of Alaska trawl vessels, relative to concerns over crab stocks. This attachment also has a report of the Gulf of Alaska Non-Pelagic Trawl Task Force from early 1999.

1999 GROUNDFISH AND CRAB PROPOSALS

The Council received 14 plan and regulatory amendment proposals in the 1999 amendment cycle. The following section summarizes these proposals and incorporates comments from the Groundfish and Crab Plan Teams. These proposals are in addition to 10 IFQ proposals that were submitted in the biennial call for IFQ proposals. The halibut and sablefish IFQ proposals will be reviewed by the Council for staff tasking at the December Council meeting.

Overfishing

#1&2 A lengthy three-part proposal by the Center for Marine Conservation identified the need to: 1) establish explicit and precautionary minimum stock size thresholds (MSSTs) for each of the groundfish stocks in the BSAI and GOA; 2) increase the default target stock size to 50% of the pristine stock size; and 3) adopt more conservative harvest control rules. Alaska Marine Conservation Council (AMCC) also submitted a proposal to add MSSTs to the BSAI and GOA FMPs overfishing definitions. The Groundfish Plan Teams ranked these proposals for plan amendments as having the **highest priority** of all submitted in 1999. NMFS AFSC has already identified the need to calculate MSSTs (see Balsiger letter dated August 5 under Supplemental). The Groundfish Plan Teams discussed the need to include status determination criteria (for each stock presently in tiers 1-3). MSSTs will be provided by stock assessment authors beginning in November. Grant Thompson, AFSC, would likely take the lead in preparing the analysis. Initial and final review could be scheduled for April and June 2000.

Bycatch

#3 Dave Fraser submitted a proposal to begin analysis of a comprehensive individual fishing quota program for these fisheries. This proposal was ranked **high** by the Groundfish Plan Teams, recognizing the overcapitalized state of the fisheries, the race for fish, National Research Council support for lifting the Congressional prohibition on development of additional IFQ programs, and crashed *opilio* crab stocks. The Groundfish Plan Teams noted that a comprehensive IFQ program would address many of the problems raised by other groundfish proposals submitted this cycle. The Crab Plan Team also noted that the Board of Fisheries and ADF&G have management difficulties due to high fishing effort on crab stocks. As noted in previous team minutes, analysis should examine other options (such as individual pot quotas, co-ops, restrictive LLP) to address overcapacity, the race for fish, and associated problems. In 1998, the Groundfish Plan Teams also ranked this proposal as a high priority. Analysis of this proposal would require significant staff time and would not likely be scheduled for initial review before April 2001, given previously assigned analyses.

#4 AMCC submitted a proposal to allow public disclosure of catch and bycatch data. The Groundfish Plan Teams noted this proposal is not a plan or regulatory proposal, but ranked it as **high** priority for development into the discussion paper to describe the legal issues and public interest in describing bycatch. The Groundfish Plan Teams further noted that it may more appropriately be submitted to Congress as an MSFCMA amendment or to NMFS and the state of Alaska to develop a data request protocol for public acquisition of currently confidential data. This would not require a significant amount of staff time.

#5 AMCC also submitted a proposal to establish "true" PSC limits for the Bering Sea pollock fishery, requiring a BSAI regulatory amendment to separate pollock from the pollock/Atka mackerel/"other species" category and to account for pollock bycatch separately. The Groundfish Plan Teams ranked

this proposal as having **medium** priority because regulations are currently in place to prevent exceeding overall PSCs. The Groundfish Plan Teams noted that PSCs have not been exceeded by the trawl fleet in recent years. Further discussion can be found on a related issue under proposal #7. The Crab Plan Team noted that the midwater pollock fishery generally catches very few crabs. The team would like more research on unobserved mortality of crabs due to pelagic and bottom trawl gear. This analysis would likely require a low to moderate amount of staff time.

#6 United Catcher Boats submitted a BSAI plan amendment to: 1) rescind the mandatory August trawl closure and to 2) allow for a chum salmon cap of 42,000 to be managed under the co-op system. The Groundfish Plan Teams ranked this proposal as **low**, noting that the Council is examining an individual bycatch accounting program. This would require a reasonably significant amount of staff time.

#7 Groundfish Forum submitted a BSAI and GOA regulatory amendment to allow PSC limits to be reapportioned from one fishery category to another within the same gear group during a fishing year, thus providing flexibility to adjust to unforeseen market and fishery conditions. The Groundfish Plan Teams gave a **high** ranking to development of a discussion paper of this proposed change. The Crab Plan Team noted that flexibility could potentially result in crab bycatch limits reaching the caps. The team was particularly concerned that the bairdi caps not be allowed to be adjusted between zones. It was noted that the flexibility may be more important for halibut than crab, and the team suggested that this first be tried with halibut only, if the proposal is recommended for analysis. This analysis would likely require a low to moderate amount of staff time.

GOA management

#8 Alaska Dragers Association submitted a placeholder proposal for a GOA plan amendment to split the Pacific cod quota by gear (mobile vs fixed) based on the 1995-97 average. The Groundfish Plan Teams noted that this proposal addresses a longstanding problem in the GOA between trawl and fixed gear fisheries and provides greater access for all fishing sectors. This fishery may also see additional effort as a result of the opilio crab situation (see recommendations under #11 and 12). The Groundfish Plan Teams ranked this as **medium** priority. This would likely require a significant investment of staff time, as seen by the work required to develop the BSAI cod split (BSAI Amendment #64).

#9&10 Alaska Groundfish Databank submitted a GOA plan amendment proposal to: 1) create a 14-day advance registration program for rockfish fisheries; 2) apportion Central GOA rockfish fisheries into several short openings; and 3) allocate rockfish between at-sea and catcher vessels. Groundfish Forum also submitted a GOA plan amendment proposal to create an advance registration program for rockfish fisheries in the Central GOA to prevent TAC shortages/overages and to minimize preemption of shore-based catcher vessels and processors. Its intent is similar to #9, except for designating the advance notice. The Groundfish Plan Teams supported such a registration program, and noted that the Council already recommended a preseason registration program for Western/Central GOA pollock and cod that has not yet been implemented. These proposal would create two additional TACs, but would provide a benefit to the fleet. Industry noted that these proposals are placeholders while industry attempts to resolve quota overages for GOA rockfish and that LLP will impact participation in 2000 and beyond. The Groundfish Plan Teams recommend a staff review panel (Council, NMFS Regional Office, NMFS AFSC, and ADF&G) for management of GOA rockfish and ranked this proposal as **medium** priority (see related discussion under #10).

#11 Robert Filiatraut submitted a GOA plan amendment to open the October 1 Pacific cod fishery to the longline fleet instead of trawl fleet and increase the halibut PSC limits for longliners. The Groundfish

Plan teams suggested that a direct solution to the lack of halibut PSC later in the fishing year could be addressed under the specifications by shifting more halibut PSC on October 1, but would need the gear split as proposed under proposal #8. This proposal was ranked as moderate priority (see related discussion under #8). This would require a low investment of staff time, because the Council can effect a change during final specifications.

#12 Alaska Druggers Association submitted a GOA plan amendment for a buy-back program for GOA trawlers. This proposal by itself does not reduce the race for fish but should be included for analysis as one tool to reduce overcapitalization. It received a **high** ranking (#3 would address this problem). A buy-back program could require a significant amount of staff time.

LATE Ocean Beauty submitted a GOA groundfish proposal to: 1) change the season start date for the Central Gulf pollock "C" season from August 20 to September 1; and 2) to release the 4th quarter halibut PSC limit on October 15 to provide equal access to all fishing sectors. The August 20 start date was selected in 1999 as part of the overall Steller sea lion RPA action. Alternative dates were included as part of that recent analysis. While one outcome of the new date may be increased salmon bycatch, there are obvious legal issues related to the proposed action. The second part of the proposal addresses the impacts on catcher vessels of halibut PSC preemption by catcher processors. This was submitted after the committees had met; therefore, there are no ranking or comments. Part 1 would require minimal staff workload since the RPA analysis is only months old and halibut PSCs can be adjusted during the final specification process for Part 2.

Other

#13 Scott Jacobsen et al. submitted a BSAI regulatory amendment to allow a 24 inch tunnel in fish pots to allow the use of the gear in the Greenland turbot fishery due to high predation on fish from killer whales. The Groundfish Plan Teams assigned this proposal a **high** ranking as an experimental fishing permit proposal. It would increase the tunnel opening from 9 to 24 inches; the 9 inch size was originally chosen to avoid halibut bycatch and allowed a pot exemption for halibut PSCs. Benefits to this change include: 1) allowing participation by pot vessels in the turbot fishery; 2) providing a better estimate of fishing mortality for Greenland turbot due to orca predation; and 3) allowing the TAC to be taken. Negative impacts include: 1) the possibility of increased bycatch of crab and halibut with this gear configuration; and 2) enforcement problems resulting from the difficulty of determining the actual depth the gear is fished. This may not require a significant amount of staff time, but all EFPs now require a regulatory amendment.

#14 North Pacific Longlining Association resubmitted this proposal from 1998 as a late proposal in this cycle. The proposed BSAI cod split may mitigate the need for this action, but inseason frameworking of season start dates would enhance efficiency. It was ranked low in 1998, but received a **medium** ranking in 1999. Given when shorttail albatross leave the fishing grounds, a delayed start date could further minimize seabird interactions; however using seabird interactions as a sole justification for this action would make an earlier start date (back to October 1 through frameworking) would be harder to justify. Frameworking this change may not require a significant initial staff investment, but the potential for annual changes may affect staffing.

IFQ IMPLEMENTATION TEAM MEETING OCTOBER 10, 1999

The IFQ Implementation Team convened at approximately 1 pm on Sunday, October 10, 1999. Committee members in attendance were Jeff Stephan, chairman, Arne Fuglvog, John Woodruff, Dennis Hicks, Don Iverson, Jack Knutsen, John Bruce, Norman Cohen. Drew Scalzi did not attend. Staff in attendance were: Jane DiCosimo, Steve Meyer, Phil Smith, Jim Hale, John Kingeter, Heather Gilroy. Thirteen members of the public attended.

Phil Smith provided an administrative update on the IFQ program. Jim Hale reported on the status of the omnibus amendment package for IFQ changes, Amendments 54/54 (hired skipper) with anticipation for implementation for the 2000 IFQ season. Jane DiCosimo provided a brief summary of the IFQ weighmaster subcommittee findings. Steve Meyer presented two reports on IFQ enforcement and continued cases of serious violations. A USCG enforcement report was also distributed to committee members.

The main purpose of the meeting was for the committee to review ten IFQ proposals submitted in the 1999 biennial call for IFQ proposals. Committee recommendations on which proposals should be approved for analysis will be reported to the Council at its December meeting. A summary sheet is attached to the minutes.

Westward area

The committee combined its review of proposals 1, 2, 3, 4, and 7 because they address similar problems in the IFQ fisheries in westward areas (Areas 3B, 4A, and 4B). The Team identified the following problem statement for westward IFQ fisheries:

Five years into the halibut and sablefish IFQ program, a reexamination of the needs of the block program because it appears that it does not protect small boat fishermen in Western Alaska for halibut as originally intended.

The committee recommended that the Council, as its highest priority for IFQ changes, initiate an analysis of the following alternatives for the IFQ halibut fisheries in Areas 3B, 4A, and 4B that were proposed under #1, 2, 3, 4, and 7. The committee noted there may be some merit in combining B and C category QS with A category QS for sablefish only, they did not recommend this for analysis.

Alternative 1: Status quo.

Alternative 2: Block program:

- Option 1: Increase number of blocks from 2 to 4
- Option 2: Unblock all quota shares >20,000 lb
- Option 3: Allow quota shares >20,000 lb to be divided into smaller blocks

Alternative 3: Quota share categories:

- Option 1. Allow D category quota shares to be fished as C category shares.
- Option 2: Allow D category shares to be fished as C or B category quota shares
- Option 3: Combine B, C, and D category quota shares
- Option 4: Combine C and D category quota shares

The issues to be addressed in the analysis include:

- the limit of two quota share blocks has created economic hindrances to catching the entire subarea quotas
- travel to/from fishing grounds resulting in subarea quotas not being reached
- transferring quota shares has resulted in economic hindrances because blocks are now so big due to increases in quotas that cost is too high for resale
- fish down has rendered resale of D class shares boats untenable and safety issue

#5 Part 1 leasing/hired skippers

The committee recognized the merit of addressing fairness issues, and recommended that leasing restrictions are fundamental to the IFQ program and recommended no change to expanding leasing/hired skipper allowances.

#5 Part 2 and #6 medical transfers

The committee noted that while the issue of medical emergency transfers was worthy for Council review, injured QS holders had could transfer their QS to others who could fish them. The committee ranked these proposals as #2 in priority.

#8 overage on vessel cap

The committee supported this proposal to allow an overage on the vessel cap as #3 ranking.

#9 adjust annual cycle

The committee modified proposal #9 to recommend that the Council adjust its biennial IFQ amendment cycle so that IFQ final action occurs in December when IFQ fishermen can attend the Council meeting. The dates for the Council call for IFQ proposals and initial review also would be adjusted as appropriate. This is a policy change by the Council and requires no staff analysis.

#10 community-based non-profit entity as QS holder

A motion to recommend a proposal to allow a community-based non-profit entity to hold quota share failed on a tie vote (4:4). The committee was split on whether to involve the Council in the design of a program to provide access to GOA communities as a QS holding entity or to not create another category of QS holder that would compete with fishermen who are currently eligible to be QS holders.

The overall ranking of proposals grouped into analytical packages by the committee was:

<u>Proposals</u>	<u>Rank</u>
1-4 & 7	#1
5 & 6	#2
8	#3
9	#4

The meeting adjourned at 5:45 pm.

IFQ Proposals (as of 8/23/99)							
No.	Proposal	Proposer	Species	Area	Amendment	Comments	Rank
1	inc. # blocks to 3 or 4 in Areas 3B and 4	Mack	halibut	both	regulatory	Block program	
2	unblock portion of blocked halibut quota > 20,000 lb	Whitmire	halibut	both	regulatory	Block program	
3	inc. # blocks + eliminate B & C Class in Areas 4B,C,D & BS & AI	Dierking	both	both	plan	Block program/vessel class	
4	inc. # blocks to 4 in Area 4 or increase sweep-up to 10,000 lb per block	Schrader	halibut	BSAI	plan	Block program/sweep-up	
5	allow hired skippers for medical emergencies	Schrader	halibut	BSAI	plan	transfer provisions	
6	emergency medical transfer for B-D Class QS	PVOA	both	both	regulatory	transfer provisions	
7	fish up D Class shares on C Class vessels in Areas 3B and 4A	Wagner	halibut	both	regulatory	Vessel class	
8	allow vessel cap overage of 10% of remaining poundage before last trip	Lundsten	both	both	plan	Vessel cap overage	
9	change IFQ meeting cycle	Lundsten	both	both	neither	administration	
10	allow community-based non-profit regs. to acquire QS	GCCC	both	both	plan	Ownership criteria	

John Bundy
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25 January 2000

Richard B. Lauber, Chairman
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Dear Rick:

As suggested by Dr. Pautzke at the last Council meeting, I am writing this letter to express my concern about a proposal (#418) which has been made to the Alaska Board of Fish by the Aleut Corporation. This proposal, as written, would prohibit trawling for cod within state waters in the Aleutian Islands. It is scheduled for the Board's consideration in March, and we will have an opportunity to discuss the matter at our joint meeting with the Board on February 8, 2000.

I believe the Council should advise the Board that proposal 418 is problematic for at least four reasons: (1) it is unnecessary given recent actions taken by the AP and Council to assist Adak; (2) it may trigger the Secretary of Commerce's responsibility under the Magnuson-Stevens Act to regulate within State waters in accordance with the federal fishery management plan; (3) it will undermine the Council's efforts to deal with over-capitalization and conservation issues through LLP and the observer program; and (4) it would unfairly and unnecessarily displace fishermen from an already fully subscribed fishery, some of whom pioneered the Americanization of the Aleutians cod fishery.

Previous Set-Asides. At the request of the Aleut Corporation and others, the North Pacific Council has already adopted significant measures to assist in the redevelopment of Adak, including measures to provide incentives for a local fishing fleet. For years now, the Council has reserved two percent of the BSAI directed cod fishery for jig vessels. In addition, at our October 1999 meeting, we reserved an additional 1.4 percent of the fixed-gear cod allocation for pot and longline vessels under 60 feet. These smaller vessels may fish against the 18.3% pot allocation or .3% catcher longline allocation, as the case may be, and *in addition* the 1.4% special allocation for small vessels.

As indicated in the attached chart, these set asides for jig vessels, together with the under 60' pot and longline allocation, provide far more cod than those fleets have ever harvested. Aleut Corporation's proposal to ban trawling is simply not needed given these opportunities that have already been created for jig, longline, and pot vessels in the western Aleutians. (A more constructive idea for the Board of Fish and Council to

consider might be the combining of these two quotas for small jig, pot *and* longline vessels.)

Jurisdictional Issues. While a majority of the cod trawling in the Aleutians occurs in the EEZ, a significant amount overlaps into State waters. Proposal 418 would adversely affect the federal fishery management plan for groundfish/Pacific cod by pushing trawl vessels out of the Aleutians, increasing halibut bycatch and likely having other effects. Such impacts could trigger the Secretary of Commerce's responsibility under section 306(b) of the Magnuson-Stevens Act to regulate the cod fishery within State waters in accordance with the federal fishery management plan and create a State/federal jurisdictional dispute that is unnecessary.

Overcapitalization and Conservation. Creation of a new state-water fishery conducted by vessels outside of the LLP Program will undermine the Council's considerable efforts to cap an already overcapitalized fishery. In addition, the vessels currently involved in the Aleutian Island cod fishery have a high degree of observer coverage. Proposal 418 would replace them with an unobserved fleet. Further, proposal 418 would disrupt fishing practices in the EEZ and likely increase bycatch levels of prohibited species such as halibut in the Bering Sea and Aleutian Islands. For much of the past decade, the Council has allocated 47 percent of the directed cod fishery to the trawl sector. According to the Pollock Conservation Cooperative's 1999 report, which has been filed with the Council and is based on NMFS observer data, the halibut mortality rate of AFA catcher/processors in the cod fishery was about one-half of one percent per ton of cod. This very low bycatch rate was achieved in significant part because fishing could occur in the Aleutian Islands, rather than in the Bering Sea where halibut bycatch rates tend to be higher.

Current Participants. Proposal 418 would also negatively impact current participants in the Aleutians cod fishery, including fishermen and companies who pioneered the fishery and helped accomplish the Americanization goals of the Magnuson-Stevens Act. Indeed, the BSAI cod fishery was fully subscribed and Americanized before pollock. These are participants who rely on the Aleutians cod fishery, and helped create product forms and markets for Alaska cod from the Aleutian Islands.

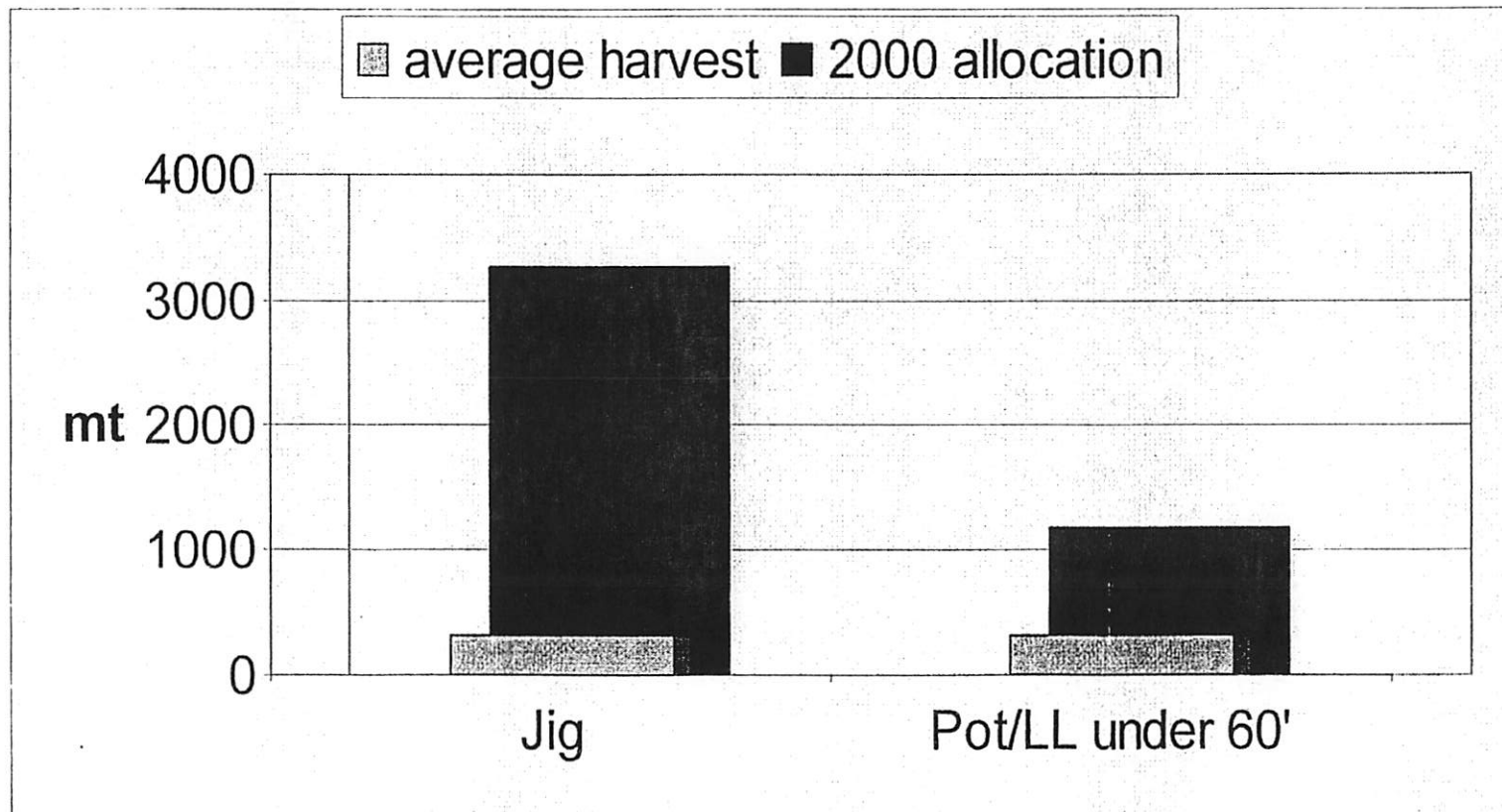
Given the opportunities already created for a small vessel fleet in the Aleutians (which at this point doesn't even exist), the jurisdictional issues involved, and the negative impacts proposal 418 would have on conservation and existing participants, I believe the Council should advise the Board of Fish on February 8 that we oppose proposal 418 and should recommend that the Board not take any action on this measure. Thank you for your attention to this matter.

Sincerely,

John Bundy

cc: Clarence Pautzke
Dennis Austin
Linda Benken
David Benton
David Fluharty
Joe Kyle
Robert Mace
Kevin O'Leary
Steve Pennoyer
Robin Samuelson

Allocations for BS/AI P. cod in 2000 based upon recent fixed gear sub-allocations made by the NPFMC, compared with recent average* harvests by jig gear and by pot and longline vessels under 60'' in length.



* average calculated based upon BS/AI P. cod harvests for the years 1992-1998.

2000 Allocation for jig gear @ 3,281 mt with avg hvst of 315 mt and pot/LL under 60' allocation of 1,171 mt with avg hvst of 317 mt.



AT-SEA PROCESSORS ASSOCIATION

Partners for Healthy Fisheries

Written comments to the Joint Committee meeting of the North Pacific Fisheries Management Council and the Alaska Board of Fisheries

January 28, 1999

RE: Alaska Board of Fisheries Proposal #418

Proposal 418, submitted to the Alaska Board of Fisheries by the Aleut Corporation seeks to close State waters to the use of trawl gear in the western Aleutians. The exact intent of the proposed area remains unclear, but for the sake of the discussion in this document, we will assume the State waters in the Aleutian Islands areas as defined under Federal fisheries management (reporting areas 541, 542 and 543), see attachment 1 for a map of these areas.

WHAT WOULD THE EFFECTS OF THIS PROPOSAL BE?

The waters of the Aleutian Islands areas are characterized by a narrow continental shelf edge. A closure of the State waters out to three miles would represent the majority of the area in which the cod fishery takes place, which is typically in the 40-80 fathom depth range, essentially precluding all trawl fishing in the Aleutians.

IS THIS PROPOSAL NECESSARY?

Until recent actions taken by the North Pacific Fishery Management Council, allocations of BSAI Pacific cod harvests were made only to jig, fixed (longline and pot) and trawl gear. The only sub-allocation within these groups had been a 50/50 split of the trawl allocation to catcher vessels and catcher/processors. The Aleut Corporation submitted a proposal to the Council to provide a set-aside for small (under 60') pot and longline vessels, in an effort to provide a stable allocation for a small boat fleet to be based in Adak. In October 1999, the Council approved a sub-allocation scheme within the fixed gear sector that provides set-asides for small vessels using pot and longline gear. Attachment 2 shows these allocations and sub allocations. An important factor of the Council's fixed gear sub-allocations is that harvests by the under 60' pot and longline vessels first accrues against the unrestricted vessel size allocations to pot and catcher longline vessels, and after that is reached, then their small boat allocation of 1.4 percent of the fixed gear quota is available for continuing harvest. Attachment 2 also shows an estimation of the allocations available to each gear group based upon the 2000 total allowable catch. The table also shows what the historical catches have been using jig gear and pot and longline by vessels under 60' with a longer-term average from 1992-1998 and a more recent average of 1996-1998.

Attachment 3 contains a graph which shows the estimated 2000 allocations available to the pot and longline vessels under 60' and to jig vessels, compared to their 1992-1998 average harvest and clearly demonstrates that there is plenty of P. cod quota available to an, as-yet undeveloped, small-boat fleet based in Adak.



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WHAT OTHER EFFECTS MAY THIS PROPOSAL HAVE?

Harvest quotas for P. cod may be taken anywhere in the Bering Sea and Aleutian Islands areas, it is not split between the two. This means that if the Aleutian Islands are essentially closed to trawling, the allocation to trawl gear will still be available, and can be taken in the Bering Sea reporting areas. Bycatch in the Aleutian Islands is significantly lower than in the Bering Sea areas, especially for several high-profile prohibited species like halibut and crab. This lower bycatch is one of the reasons some vessels using trawl gear choose to fish in the Aleutians. Attachment 4 shows the average halibut rates, from 1996-1999, for the Bering Sea reporting areas, for the Aleutian Islands areas and for the Bering Sea and Aleutians combined. In the Aleutians, the halibut bycatch rate is about 4.5 kg/mt of groundfish catch as compared to about 22.5 kg/mt in the Bering Sea. Forcing the trawl P. cod harvest to be shifted into the Bering Sea areas would represent a potential increase in the bycatch rate by a factor of five.

Attachment 5 demonstrates what this increased halibut mortality would have meant if the Aleutian Islands had been closed (completely) to trawling for P. cod. In 1999, 15,860 mt of groundfish was taken in the directed P. cod fishery using trawl gear, shifting that harvest into the Bering Sea, using average bycatch rates and halibut mortality rates could have caused a net halibut mortality increase of 249 mt. Even though the halibut PSC limit apportioned to P. cod using trawl gear would have prevented the full 249 mt of extra mortality, in 1999 there was still 129 mt remaining under the cap that could have been taken in the pursuit of the trawl P. cod quota.

Crab bycatch is also significantly lower in the Aleutians than it is in the Bering Sea. Attachment 6 demonstrates this for Bairdi and Red King crab.

IS THERE A CONFLICT?

Not likely. As mentioned above, the small boat fleet to be based in Adak has yet to develop. Attachment 7 shows the Bering Sea/Aleutian Islands weekly groundfish harvests in 1999 by gear type in the directed P. cod fishery, with historical average weekly catches. From the graph showing trawl harvest, it's clear that the vast majority of the harvest is taken by the first week in May. Given the weather conditions in the Aleutians, it seems that the majority of the fishing activity by small vessels would occur during the late spring, summer and early fall months. From June through October, the average wind speeds are in the 20's, with the rest of the year averaging above 35 mph, with an average wind speed in April of 44 mph. So it seems unlikely that there would be any considerable overlap of fishing times and areas between the trawl sector and small vessels based in Adak.

IS THERE A CONSERVATION ISSUE?

The proportion of the BS/AI P. cod TAC that is harvested in the Aleutian Islands seems fairly consistent with the NMFS biomass estimates for that area. The TAC's are conservatively set at 30% of the total biomass, as recommended by NMFS. The estimated spawning biomass for the BSAI P. cod stock is up about 8% from 1999 (from: "Assessment of the Pacific Cod Stock in the Eastern Bering Sea and Aleutian Islands Area", by Grant Thompson and Martin Dorn NOAA/NMFS). The P. cod found in the Aleutians are also considerably larger in size than those in the Bering Sea. The wide-spread distribution of large P. cod in the Aleutians seems to indicate low harvest pressure on the local population.

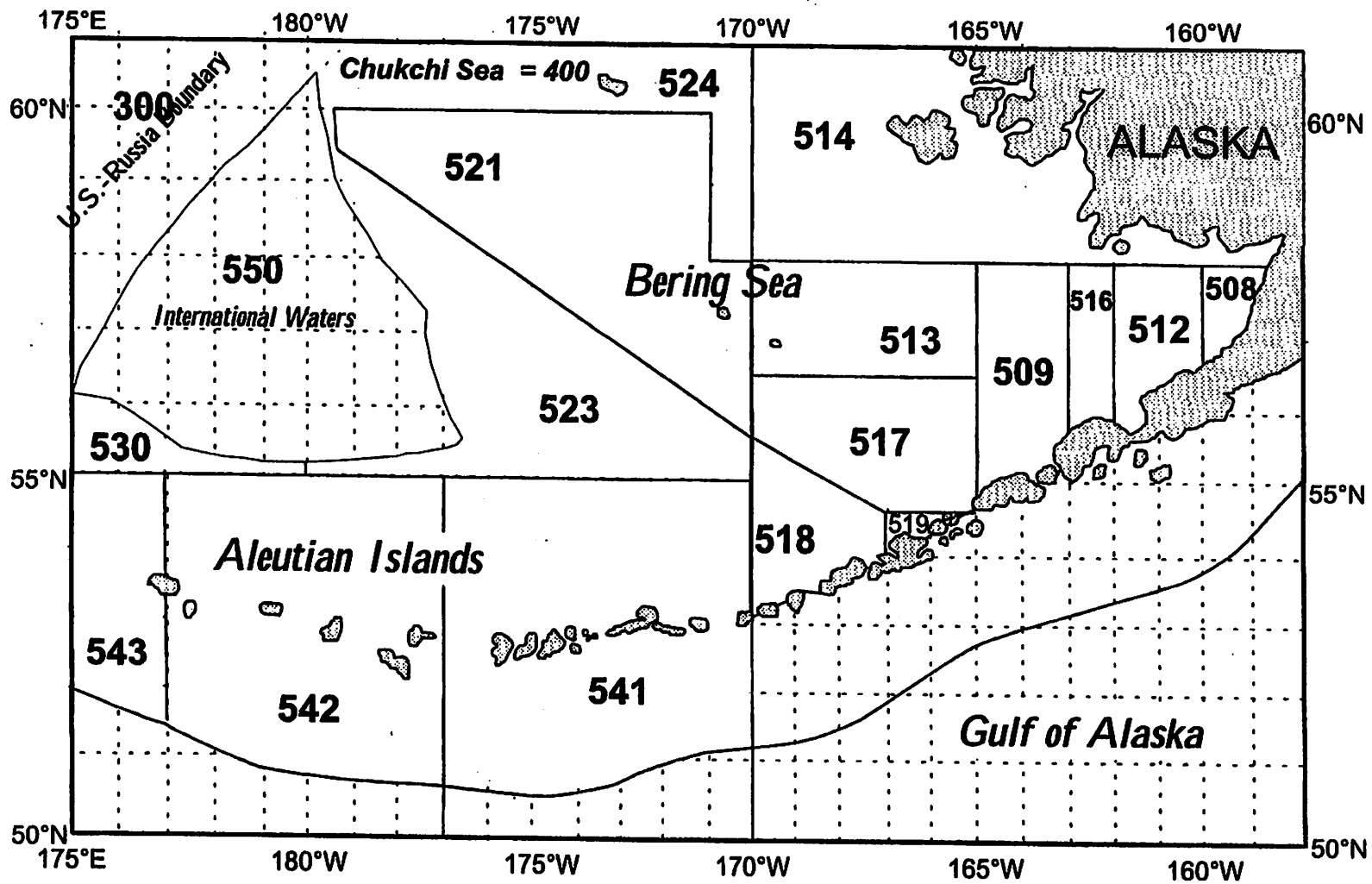


Figure 1 to Part 679. Bering Sea and Aleutian Islands statistical and reporting areas

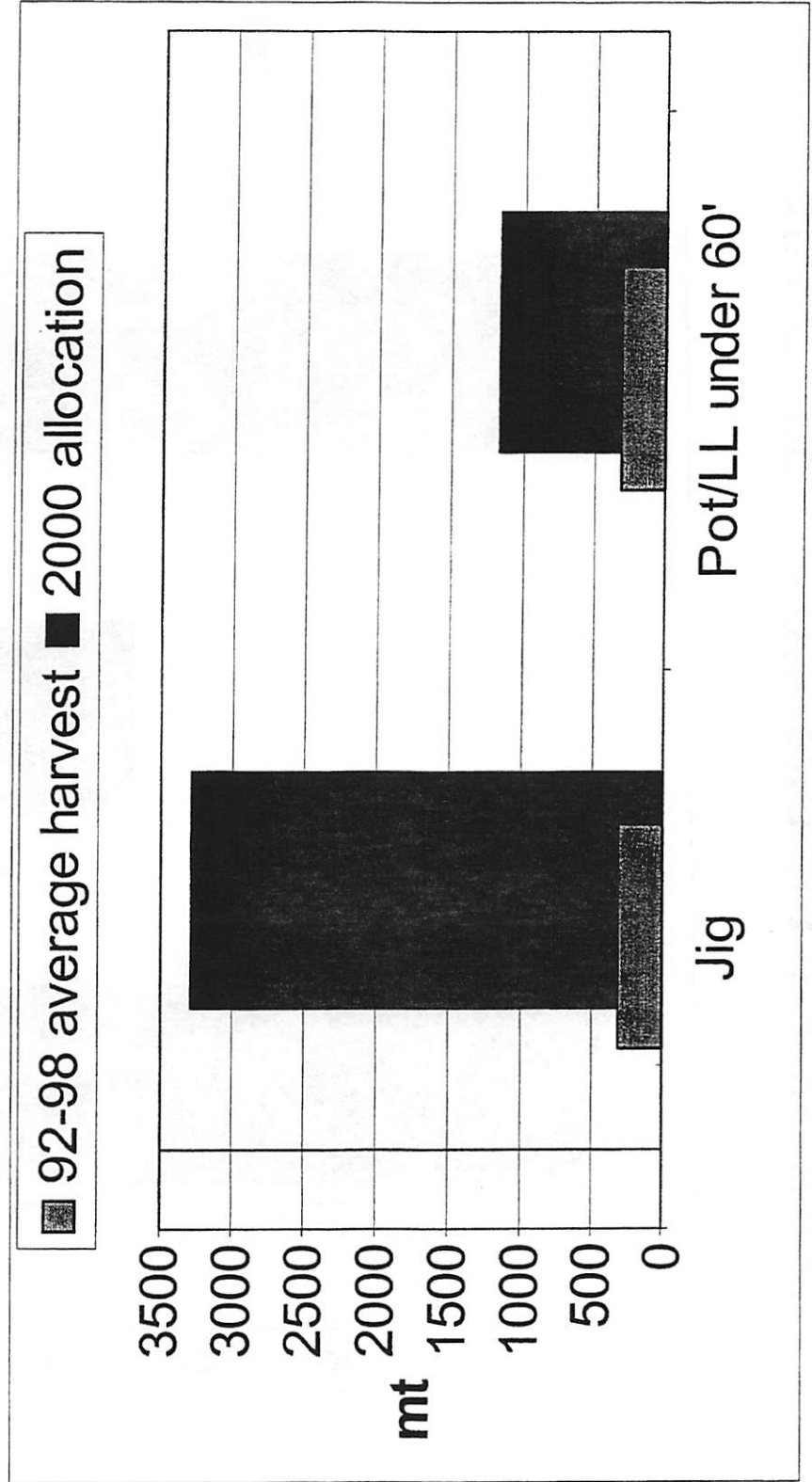
a. Map

ATTACHMENT 1

2000 P. cod allocations by and within gear groups, including the fixed gear allocation split done by the NPFMC (Oct '99) with average catches by vessels under 60'.

GEAR TYPE	P.cod split by gear type (%)	Gear sub-type	Allocation split <i>within</i> gear types (%)	BS/AI P.cod directed fishery alloc-2000 (164,050 mt) ⁽²⁾	1992-1998 Average P. cod harvest by jig and pot/LL under 60'	1996-1998 Average P. cod harvest by jig and pot/LL under 60'
TRAWL	47.0%	C/P	50.0%	38,552		
		C/V	50.0%	38,552		
JIG	2.0%	< no further split >		3,281	315	240
FIXED	51.0%	All pot	18.3%	15,311		
		Pot <60' ⁽¹⁾	1.4%	1,171	317	136
		LL <60' ⁽¹⁾	0.3%	251		
		Freezer LL	80.0%	66,932		
<p>⁽¹⁾ (Action taken by the NPFMC in October 1999):Harvests by pot and/or longline catcher vessels less than 60' LOA would only accrue against the 1.4% allocation after all pot or longline vessels harvest the 18.3% and 0.3% set asides, respectively. The following also apply:</p>						
<p>1. Any unharvested portion of the catcher vessel longline and the under 60' pot and longline vessel quota that is projected to remain unused shall be rolled over to the freezer longline fleet in September.</p>						
<p>2. Any jig or trawl rollovers will be apportioned among the freezer longline and pot sectors according to the actual harvest from 1996-1998.</p>						
<p>3. Bycatch of Pacific cod in other fixed gear fisheries would be subtracted from the overall fixed gear allocation before allocations for the directed fisheries are set.</p>						
<p><i>From: NPFMC 'News and Notes' newsletter, October 1999</i></p>						
<p>⁽²⁾ Estimated allocation for the 2000 directed P.cod fishery, based upon a TAC of 193,000 minus appx 15% for CDQ and bycatch in other fisheries.</p>						

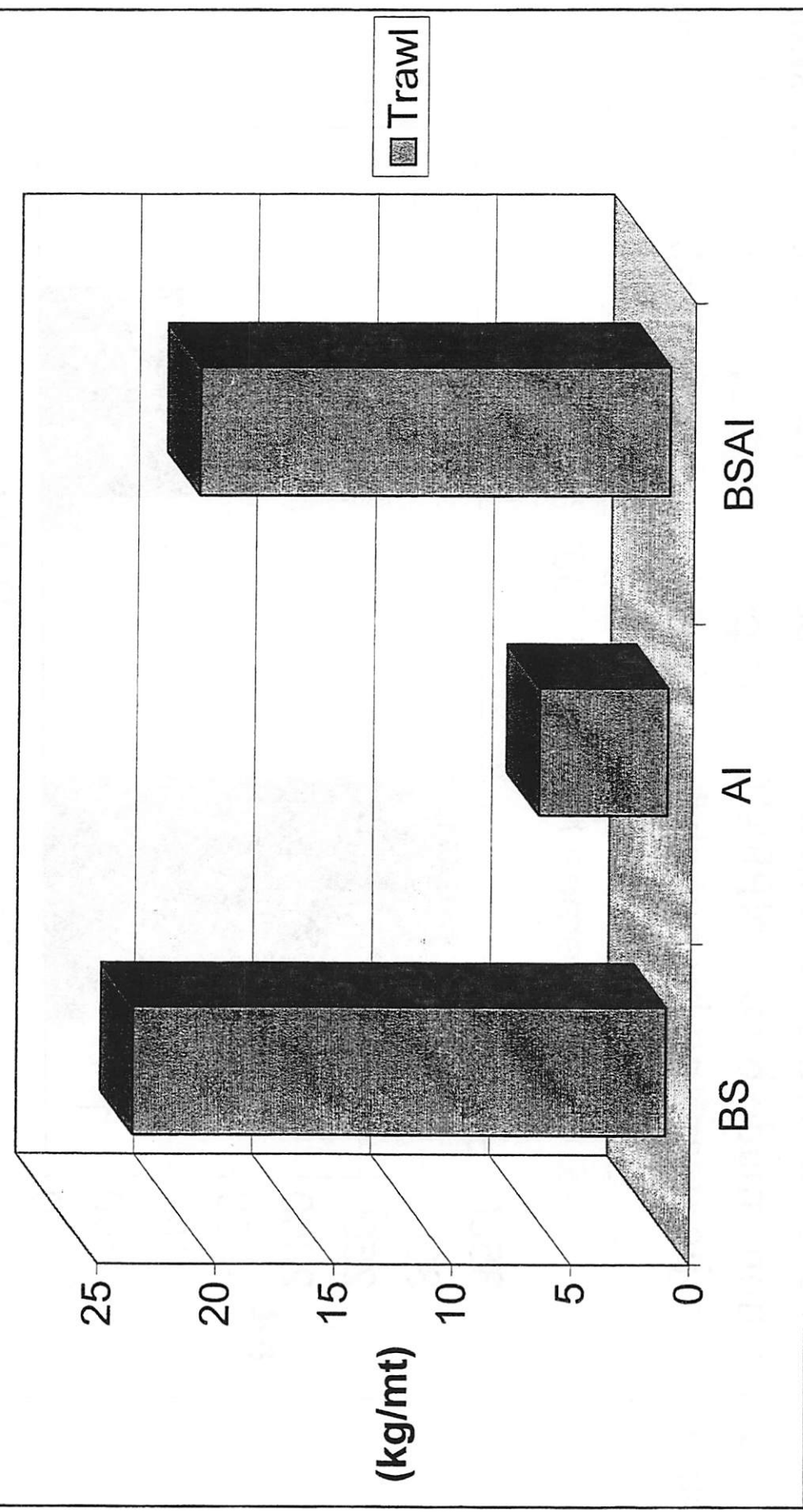
Allocations for BS/AI P. cod in 2000 based upon recent fixed gear sub-allocations made by the NPFMC, compared with recent average* harvests by jig gear and by pot and longline vessels under 60' in length.



* average calculated based upon BS/AI P. cod harvests for the years 1992-1998.

2000 Allocation for jig gear @ 3,281 mt with avg hvst of 315 mt and pot/LL under 60' allocation of 1,171 mt with avg hvst of 317 mt.

96-99 Average Halibut Bycatch Rates (kg/mt) for Trawl Gear in the Directed P. Cod Fishery

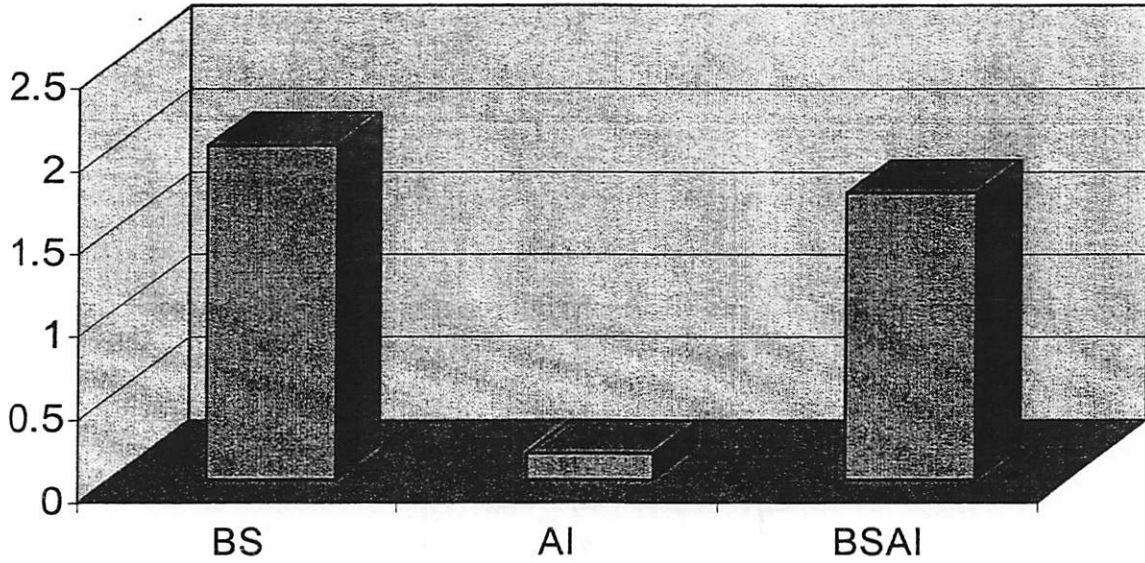


Estimate of additional halibut mortality that could have been taken in 1999, if the Aleutian Islands had been closed to trawling, and the trawl catch shifted into the Bering Sea areas, based upon average halibut bycatch and mortality rates.

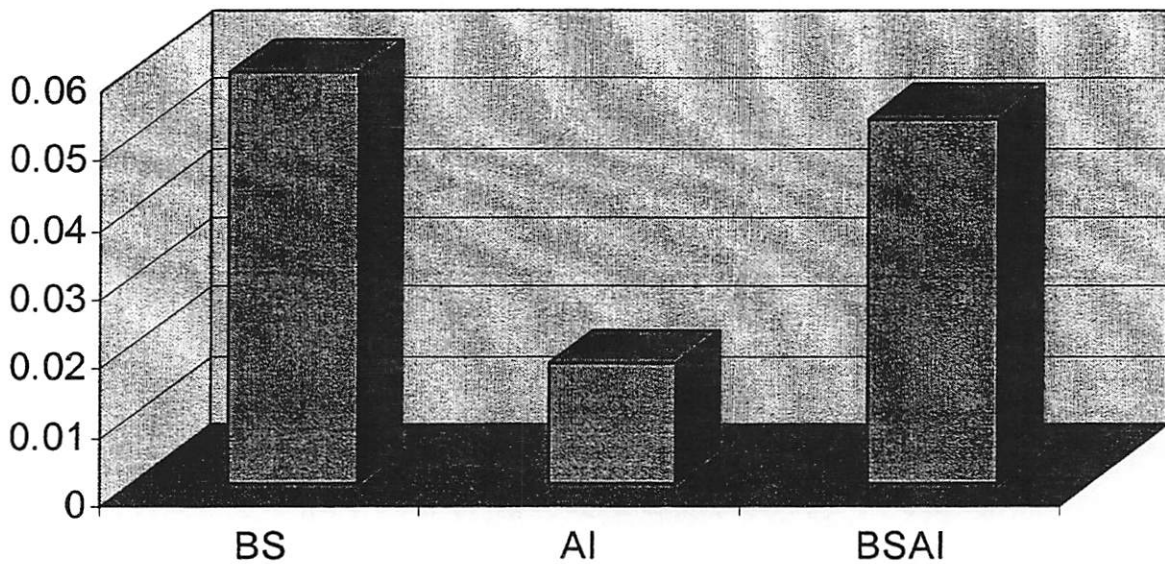
Gear	Average BS halibut bycatch rate (kg/mt)	Average AI halibut bycatch rate (kg/mt)	Average halibut mortality rate	1999 AI Trawl Harvest	Additional halibut mortality if AI harvest had been taken in BS (mt)
Trawl	25.85	3.1	0.69	15860	249.0

ATTACHMENT 5

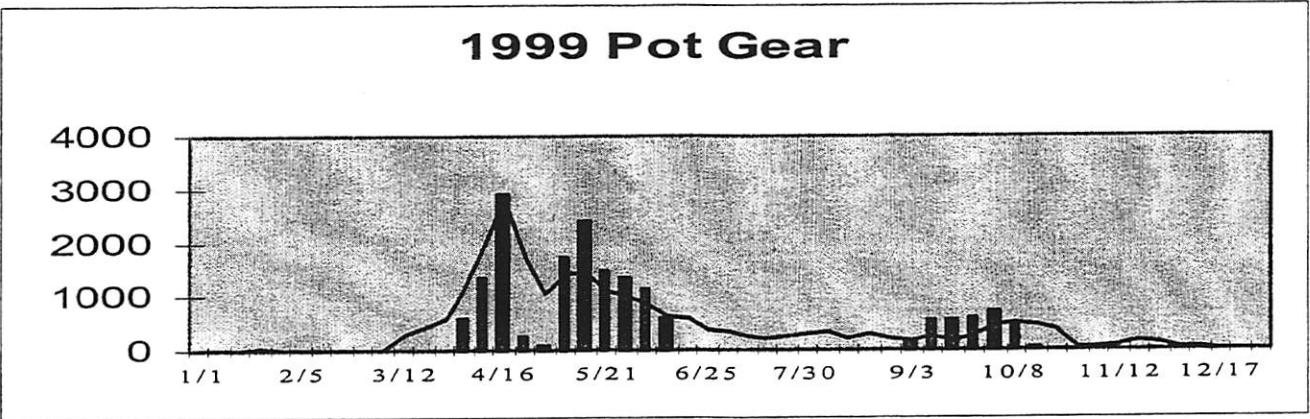
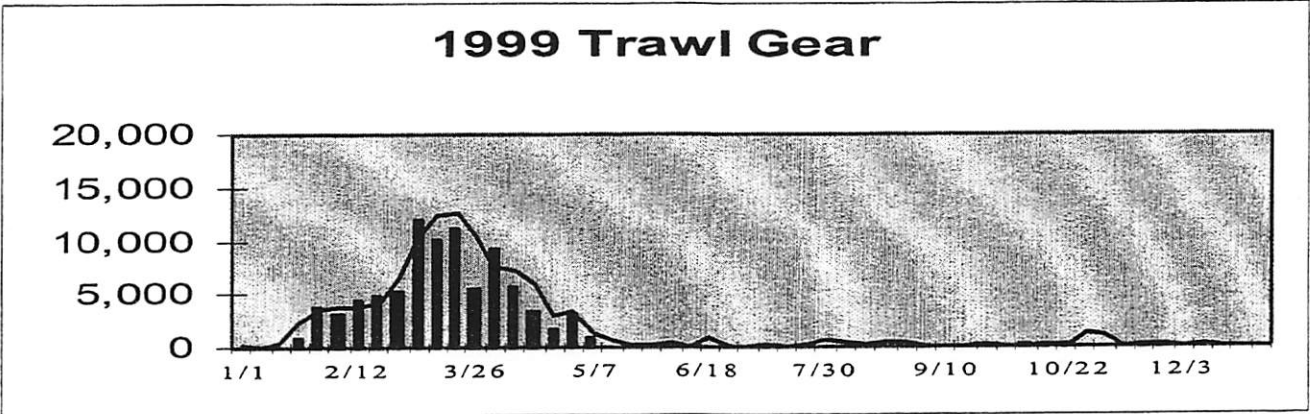
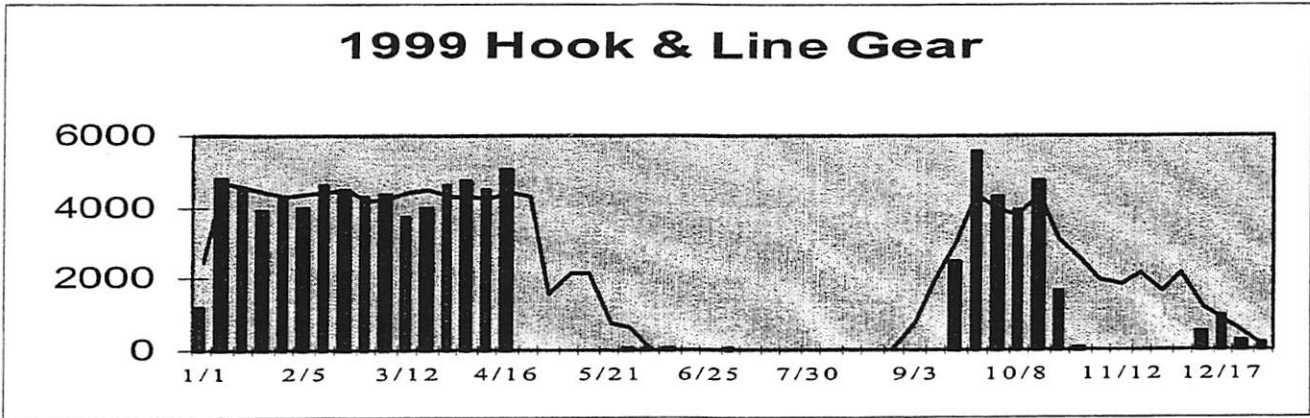
96-99 Average Bairdi Bycatch Rates (#/mt) by Trawl Gear in the Directed P. Cod Fishery



96-99 Average Red King Crab Bycatch Rates (#/mt) by Trawl Gear in the Directed P. Cod Fishery



1999 BS/AI catch (bars) in the P. cod fishery by hook & line, trawl and pot gear with 1996-1999 average (line)



Adak Draft....

RECEIVED

DEC 23 1999

BOARDS

Dear Sir:

The Aleut Corporation is in the process of developing a small boat fishery (under 60ft. for the Port of Adak).

The port is in the process of being turned over to the Aleut Corporation by the US Navy and the US Fish and Wildlife Service in exchange for other lands now owned by our Corporation.

The Aleutians West of 170 degrees West is a rich and vast area most of which is unsuitable for a small boat fishery. The exception to this is found in the Andreanof Islands which include the villages of Atka and Adak. The Andreanofs have deep Bays and narrow fjords that will protect small boats from heavy seas.

To minimize the impact of what we are asking you to do for the small boat fleet on other types of gear we would like to amend our proposal to request State waters between 173 W and 178 W to be restricted to vessels under 60 ft. using jig or fixed gear. This is the area of Eastern Amlia Island West to the center of Tanaga Island and includes the sheltered parts of the Andreanof Islands (see enclosed chart).

For Adak to become a viable community it will have to serve more than the local small boat fleet. At present Adak Seafoods, who are using leased Naval Docks and facilities under our jurisdiction, are processing brown crab as well as preparing to take cod, pollock, and any legal by-catch thereof when the 2000 season opens in January.

This is an area of the Aleutians some 400 miles West of Unalaska that abounds with surprising large cod and rock fish and we feel that State protection for the resident population, particularly rock fish, should start as soon as possible. A heavy boom and bust fishery is hardly in Adak's long range future interest.

The North Pacific Fisheries Management Council has been most generous with their small boat allocations and therefore we are not now asking for more fish only for protection in-shore so that a small boat resident fleet has the opportunity for a year around fishery.

COMMERCIAL FISHERIES

NEWS RELEASE

ALASKA DEPARTMENT OF FISH & GAME

State of Alaska
Department of Fish & Game
Frank Rue, Commissioner

Prince William Sound Area
P.O. Box 669
Cordova, AK. 99574

Robert D. Mecum, Director
Division of Commercial Fisheries

Contact: Robert Berceli
Area Management Biologist
(907) 424-3212

December 22, 1999

PRINCE WILLIAM SOUND POLLOCK FISHERY

The directed fishery for walleye pollock *Theragra chalcogramma* in the Prince William Sound (PWS) management area is scheduled to open at 12:00 noon on January 20, 2000. The guideline harvest level (GHL) of the fishery is established at 1,420 metric tons.

In a finding of emergency concerning the potential closure of pollock harvest areas to reduce impacts on the endangered population of Steller sea lions, the Alaska Board of Fisheries directed the department to file an emergency regulation establishing a PWS pollock trawl fishery management plan. The plan will divide the Inside District of Prince William Sound into three management sections and specify that no more than 40 percent of the GHL may be taken from any one section. Details of the department's management strategy will be provided with the PWS pollock trawl fishery commissioner's permit and registration packet.

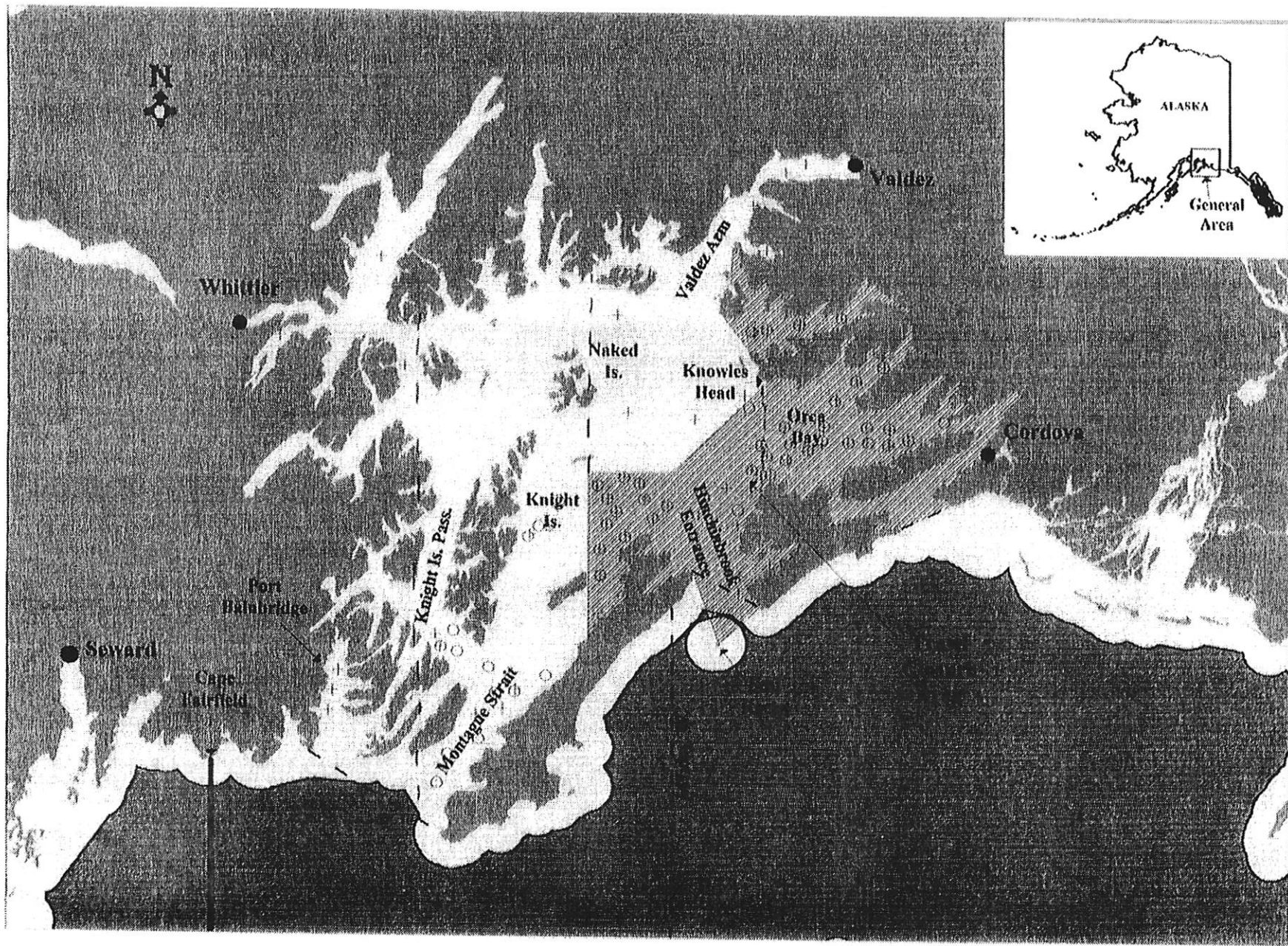
Potential fishery participants must register with the department by the January 13, 2000 deadline. A commissioner's permit will only be issued to Commercial Fisheries Entry Commission (CFEC) Miscellaneous Saltwater Finfish permit holders who plan to participate in the fishery. Stipulations of the commissioner's permit will include check-in and check-out requirements, logbook, catch reporting procedures, and department observers. The commissioner's permit and registration packet may be obtained at ADF&G offices in Cordova, Homer, and Kodiak. Individuals wishing to register by telefax must contact the ADF&G office in Cordova.

Miscellaneous Saltwater Finfish (M) applications are available at ADF&G offices, or may be obtained from the Commercial Fisheries Entry Commission (907) 789-6160.

Once the GHL is attained, the directed fishery will close for the remainder of 2000. However, pollock will remain open to legal gear types at a 20% bycatch level.

ODO/ADA STATEMENT

The Alaska Department of Fish and Game administers all programs and activities free from discrimination on the basis of sex, color, race, religion, national origin, age, marital status, pregnancy, parenthood, or disability. For information on alternative formats available for this and other department publications, contact the department ADA Coordinator at (voice) 907-465-4120 (telecommunication device for the deaf) 1-800-478-3648 or fax 907-465-6078. Any person who believes he/she has been discriminated against should write to: ADF&, PO Box 25526, Juneau, AK 99802-5526, or OEO, U.S. Department of the Interior, Washington, DC 20240.



TITLE 5. FISH AND GAME.

CHAPTER 28. GROUND FISH FISHERY.

ARTICLE 5. PRINCE WILLIAM SOUND AREA. (REGISTRATION AREA E).

5 AAC 28 a new section is added to read:

5 AAC 28.260. PRINCE WILLIAM SOUND PELAGIC TRAWL POLLOCK MANAGEMENT PLAN. (a) In a directed pollock fishery, the Inside District of the Prince William Sound Area will be divided into the following three sections:

- (1) the Bainbridge Section: waters west of 148° W. long;
- (2) the Knight Island Section: waters between 148° W. long. and 147° 20' W.

long; and

- (3) the Hinchinbrook Section: waters east of 147° 20' W. long.

(b) During a directed pollock fishery using trawl gear only, pelagic trawl gear may be operated only in that portion of the Hinchinbrook Section located north of a line from Cape Hinchinbrook (60° 13.96' N. lat., 146° 39.12' W. long.) to Zaikof Point (60° 18.96' N. lat., 146° 55.12' W. long.), and west of lines from Johnstone Point to Knowles Head (60° 40.96' N. lat., 146° 37.62' W. long.), Porcupine Point (60° 44.60' N. lat., 146° 42.10' W. long.), to the southernmost tip of Bligh Island (60° 52.90' N. lat., 146° 46.00' W. long.), and Rocky Point (60° 57.00' N. lat., 146° 46.20' W. long.), to Point Freemantle (60° 57' N. lat., 146° 58' W. long.).

(c) During a directed pelagic trawl fishery, no more than 40 percent of the guideline harvest level will be taken from any one section. (Eff. ____/____/00, Register ____)

Authority: AS 16.05.251

ADDITIONAL REGULATIONS NOTICE INFORMATION


(AS 44.62.190(d))

1. **Adopting agency:** Alaska Department of Fish and Game
2. **General subject of regulation:** Creates a Prince William Sound Pelagic Trawl Pollock Management Plan.
3. **Citation of regulation:** 5 AAC 28.260.
4. **Reason for the proposed action:** To comply with recent Board of Fisheries action taken at the November and December meeting.
5. **Program category and BRU affected:** Commercial Fisheries and Natural Resources
6. **Cost of implementation to the state agency and available funding (in thousands of dollars)** No estimate
7. **The name of the contact person for the regulations:**

Name	Kerri Tonkin
Title	Regulation Specialist
Address	ADF&G / Commercial Fisheries Division, PO Box 25526, Juneau Alaska 99802-5526
Telephone	(907)-465-6124

8. **The origin of the proposed action:** Delegation of authority from the Alaska Board of Fisheries.

9. **Date:** December 22, 1999

Prepared by: 

Kerri Tonkin, Regulation Specialist

Telephone: (907) 465-6124



NOTICE OF ADOPTION OF EMERGENCY REGULATIONS OF THE ALASKA BOARD OF FISHERIES

As required by AS 44.62.250, notice is given that, under the authority of AS 16.05.251 and AS 16.05.270, the commissioner of the Alaska Department of Fish and Game, by delegation of authority from the Alaska Board of Fisheries, changes to 5 AAC 28. relating to a Prince William Sound Pelagic Trawl Pollock Management Plan. This regulation took effect December 21, 1999 and the emergency regulation will expire April 18, 2000.

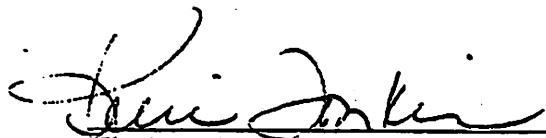
This action is not expected to require an increased appropriation.

A copy of the regulations may be obtained by writing to Kerri Tonkin, Regulation Specialist, Department of Fish and Game, PO Box 25526, Juneau, AK 99802-5526; Fax (907) 465-2604 or E-mail Kerri_Tonkin@fishgame.state.ak.us.

Notice is also given that the Alaska Department of Fish and Game intends to make this regulation permanent under AS 44.62.260, and any person interested may present written comments relevant to that proposed action, including potential costs to private persons of complying with the action, by writing to Kerri Tonkin, Regulation Specialist, PO Box 25526, Juneau, AK 99802-5526, so that they are received no later than March 15, 2000

If you are a person with a disability who may need a special accommodation in order to participate in the process regarding the emergency regulations, please contact Diana Cote, at (907) 465-4111 or TDD 1-800-478-2028 before March 15, 2000.

DATE: December 22, 1999



Kerri Tonkin, Regulation Specialist
Alaska Department of Fish and Game

**COMMITTEE "A"- Prince William Sound Management Area Groundfish
Deferred Proposals Only**

Board Committee Members:

1. Ed Dersham (Chair)
2. Russell Nelson

Alaska Department of Fish and Game Staff Members:

1. Charles Trowbridge
2. Robert Berceci
3. Scott Meyer
4. Linda Brannian
5. William Bechtol
6. Craig Whitmore
7. Jim Fall
8. Andy Hoffman
9. Matt Miller

Alaska Department of Law Staff Member:

1. Lance Nelson

Fish and Game Advisory Committee Members:

1. Copper River/Prince William Sound
2. Valdez

Public Panel Members:

1. Ken Roemhildt
2. John Goodhand
3. Bob Jaynes
4. Thane Miller
5. Stacey Mitchell
6. Mike Wells
7. Curtis Herschlieb
8. Rondal Whitley
9. Jon Bocci
10. Rob Eckley
11. David Daniels
12. Rik Van Stone

The Prince William Sound Management Area Groundfish committee met Friday, December 3,
2:00 p.m. in the Valdez Civic Center, Valdez Alaska.

PROPOSALS BEFORE THE COMMITTEE WERE:

PROPOSAL 42 and 428. 5 AAC 55.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS and 5 AAC 55.030. METHODS, MEANS, AND GENERAL PROVISIONS - FINFISH; and 5 AAC 55.020 CODE KEY FOR BAG LIMITS, POSSESSION LIMITS, AND SIZE LIMITS. Increase bag limits of rockfish in PWS to 5 per day and 10 in possession (1996 level), repeal the requirement that a rockfish that is removed from the water becomes part of the bag limit, and clarify definitions of non-pelagic rockfish.

Staff Reports: RC 2, RC 87

Staff Comments: RC26

Public and Record Comment: RC25, RC90

Narrative of Pro's and Cons:

Staff presented an overview of the sport rockfish bag and possession limits in PWS, including a review of fishing patterns. The department's goal is to set bag limits low enough to discourage targeting of rockfish yet high enough to allow retention of injured rockfish taken while fishing for halibut. The department presented Table 10 in RC 87 (originally from the staff report) showing that a bag limit of two non-pelagic species would accommodate most of the discards without increasing sport removals.

Public panel member's opinions were mixed on whether a conservation issue exists for demersal rockfish, but were united on a conservative approach. The Valdez AC position was that the abundance of demersal rockfish was high enough to warrant the proposed bag limit of 5 rockfish of any species. The Cordova AC indicated that they had supported the reduction to a 1-fish limit in 1997, and expressed a concern that any increase in bag limit would lead to further harvest increases. Table 10 in RC 87 indicates that anglers rarely caught more than 2 non-pelagic rockfish prior to the 1-fish bag limit implemented in 1997. Several panel members thought that while a limit of 5 was not necessary, some compromises should be considered to avoid waste.

Other options were discussed to control rockfish harvest. There was a discussion of annual limits utilizing a punch card or harvest record. Punch cards were felt to be prohibitively expensive and use of a harvest record was felt to be impractical. Also mentioned was the possibility of restricting sport gear to bottomfish to allow only one hook. Several charter operators indicated that they began fishing with a single hook when the 1-fish limit was implemented in 1997. Department staff will encourage use of a single hook when fishing for bottomfish.

Most public panel members supported the concept of mandatory retention and agreed the regulation required clarification.

There were also discussions of relative levels of sport and commercial harvest (Table 4 in RC2), and inaccuracy of postal survey estimates due to misidentification of other species as rockfish.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation:

There were a variety of options expressed by the public panel with no clear recommendation. There were no objections to a one-hook limit for PWS salt water or clarifying the regulation regarding mandatory retention.

Board Committee Recommendation:

The committee recommends an increase in the non-pelagic allowance to two fish during the summer season May 1-September 15, along with the stipulation that the first two non-pelagic rockfish caught must be retained.

Regulatory or Substitute Language: See attached.

PROPOSAL 14 - 21. 5 AAC 28.265 PRINCE WILLIAM SOUND ROCKFISH

MANAGEMENT PLAN. Close the directed rockfish fishery and set 10% bycatch limit, require full retention and purchase of rockfish with any bycatch overages sold in the name of the state, close fixed gear and trawl when GHLL achieved, adjust GHLL in following year if exceeded, allow directed rockfish fishing only if rockfish are the true target, limit yelloweye rockfish retention to 20% of all rockfish on board, reduce the GHLL to ~ 90,000 lb, set 30,000 lb GHLL for DSR and close fishing within two miles of shore, do not allow retention of commercially caught rockfish for personal use, add 50,000 lb GHLL for the Outside District.

Staff Reports: RC 2

Staff Comments: RC26

Public and Record Comment (for Proposals 14-21): RC13, RC25, RC90

Narrative of Pro's and Cons:

The department began with a presentation of the issues and management options involved in rockfish proposals 14-21 (page 5 -11 of the deliberation packet, Tab 10 RC 2). Analysis of historical harvest data should consider that management areas and strategies have changed substantially over time. Panel members expressed the opinion that rockfish are taken as bycatch by both sport and commercial halibut fleets. Public panel members wanted information on the bycatch harvest of rockfish in the longline Pacific cod fishery by statistical area to ascertain where the harvest was occurring. Staff indicated that if the rockfish directed fishery open season date were moved to July 1, fewer DSR might be caught. Most think a 10% bycatch level is adequate to avoid discards, though one or two disagreed. Concern was expressed that there is no limit on the number of IFQ fishers that can target halibut in PWS. This means that any IFQ shares purchased for fishing in halibut area 3A can be harvested in PWS. The committee received clarification from law that there is no regulation for wanton waste of rockfish, but that the existing IR/TU regulations could be amended to include rockfish. The eight-month IFQ season allows an IFQ fisher to use less gear and react more quickly to rockfish catches by moving to other areas.

Public Panel Members expressed the following positions:

1. Support moving the directed rockfish opening date to July 1.
2. Encourage/require retention of rockfish to collect better data prior to the next meeting in three years. A need was recognized for better understanding of the intrinsic rockfish bycatch rate in the commercial fishery. Although there was a generally positive sentiment for mandatory retention, requiring buyers to purchase may be a problem.
3. Close the directed rockfish fishery if it is truly needed for conservation to stay under the GHLL while allowing bycatch for the halibut and sablefish fisheries.
4. Oppose closing fixed gears when the GHLL is reached
5. Oppose the prohibition of retention of commercial catch for personal use.
6. Questioned the need to require the purchase of rockfish.

Consensus points

1. If for conservation and not for allocation, close the directed fishery and limit to 10% bycatch.

2. In favor, or viewed as a goal – require full retention of rockfish.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: See consensus points identified above.

Board Committee Recommendation: None.

Regulatory or Substitute Language: N/A

PROPOSAL 22, 5 AAC 28.210. FISHING SEASONS FOR PRINCE WILLIAM SOUND AREA. Establish fishing seasons for the PWS pollock fishery.

Staff Reports: RC 2

Staff Comments: RC26

Public and Record Comment: RC13, RC25, RC 85, RC90

Narrative of Pro's and Cons:

Department has requested that a season date for pollock be placed in regulation. No one opposed this.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: Support this proposal

Board Committee Recommendation: Support as written.

Regulatory or Substitute Language: See attached substitute language

PROPOSAL 23, 5 AAC. 28.2XX. PRINCE WILLIAM SOUND POLLOCK MANAGEMENT PLAN. Develop a PWS pollock management plan.

Staff Reports: RC 2

Staff Comments: RC26

Public and Record Comment: RC13,RC25, RC47, RC58, RC70, RC85, RC90

Narrative of Pro's and Cons:

The department presented an overview of the proposal and described the area requested to be open to pelagic trawling during the pollock fishery. Staff also showed a map identifying the department's proposed management approach for the 2000 fishery. The board has received notice from the council that they support Board action on this pollock proposal, particularly with regard to distributing the harvest over a larger area. It was acknowledged that even if this proposal were adopted, it would not become effective prior to the fishery, which occurs in January. One alternative would be for the board to recommend that the department implement an emergency regulation (ER). Because there is a 120-day term for an emergency regulation, it would allow the fishery to be prosecuted and still allow the board to deliberate on the proposal in March. This approach would also allow the department to report on the relative merits of this management strategy and provide the benefit of one year's data from the fishery under the proposed fishery management plan.

The only data collected from the closed area came from two department-sponsored trawl tows that were observed. No salmon bycatch was documented. If the board defers deliberation to March and adopts the ER approach, more trawl bycatch data will be collected.

There was panel consensus for the ER approach for this proposal and then a review and deliberation in March after the 2000 fishery.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: Support as amended.

Board Committee Recommendation: Support a board finding of emergency in order to develop an emergency regulation utilizing the department's proposed management strategy. This approach includes deferring deliberation to March following a report from ADF&G on the 2000 pollock fishery.

Regulatory or Substitute Language: See attached substitute language.

PROPOSAL 24. 5 AAC 28.070. GROUND FISH POSSESSION AND LANDING REQUIREMENTS; and 5 AAC 28.267 PRINCE WILLIAM SOUND PACIFIC COD MANAGEMENT PLAN. Establish a bycatch level of Pacific cod of up to 150% round weight of the halibut onboard.

Staff Reports: RC 2

Staff Comments: RC26

Public and Record Comment: RC13, RC25, RC90

Narrative of Pro's and Cons:

The department began the discussion by giving an overview of the P. cod fishery and the three P.cod proposals before the committee.

Public Panel Members in support of the proposal expressed the following:

1. Problem is that the state waters fishery hasn't reached the GHL. Support for providing greater P. cod bycatch allowance in state waters longline fisheries.
2. Occasional problem with halibut IFQ fishers being forced to discard catches of Pacific cod that are in excess of allowable bycatch limits.
3. Typically, Pacific cod move into the eastern portion of PWS after the parallel fishery closes. Because there is a pot gear closure in eastern PWS and little or no jig effort, this is viewed as an unexploited resource. Intrinsic bycatch levels above 20% are observed, (possibly up to 50%), during April and May in eastern PWS.
4. Pacific cod are predators that are being unexploited in an important Tanner crab area.
5. Participation has been low in the pot and jig state waters Pacific cod fishery.
6. Bycatch of rockfish in the parallel Pacific cod fishery in eastern PWS is much lower than in western PWS.

No public panel members were opposed to this proposal

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: Concensus support for this proposal

Board Committee Recommendation: Recommendation deferred until March.

Regulatory or Substitute Language:

PROPOSAL 25. 5 AAC 28.267 PRINCE WILLIAM SOUND PACIFIC COD MANAGEMENT PLAN. Open a parallel season for Pacific cod in PWS to coincide with the federal Eastern Gulf of Alaska Area.

Staff Reports: RC 2

Staff Comments: RC26

Public and Record Comment: RC13, RC25, RC90

Narrative of Pro's and Cons:

Department introduced proposal 24 with information from RC 2.

Public Panel members only spoke in opposition to this proposal. With this proposal a state waters fishery would not occur during most years as the parallel fishery stays open. Public panel members support a state waters pot and jig fishery. Concern for increased bycatch of rockfish.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: Oppose proposal.

Board Committee Recommendation: Recommendation deferred until March.

Regulatory or Substitute Language:

PROPOSAL 26. 5 AAC 28.267 PRINCE WILLIAM SOUND PACIFIC COD MANAGEMENT PLAN. Allow small longline vessels to participate in the state waters Pacific cod fishery in the closed waters of PWS.

Staff Reports: RC 2

Staff Comments: RC26

Public and Record Comment: RC13, RC25, RC90

Narrative of Pro's and Cons:

Valdez AC opposes this proposal;

No one spoke in favor of this proposal

Concern for increase bycatch of rockfish.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: Oppose proposal

Board Committee Recommendation: Recommendation deferred until March.

Regulatory or Substitute Language:

PROPOSAL 31. 5 AAC 28.084. FISHING SEASON FOR RC. AND 5AAC 28.210. FISHING SEASONS FOR PRINCE WILLIAM SOUND AREA. Allow a commercial fishery for sharks to open on May 1.

Staff Reports: RC 2

Staff Comments: RC26

Public and Record Comment: RC 13, RC25, RC57, RC85, RC87, RC90

Narrative of Pro's and Cons:

Department presented an overview of existing shark harvests in PWS, biology of sharks, and issues for this proposal.

Public panel members in support of this proposal suggested the following:

1. In support of some kind of fishery for sharks, longline or whatever
2. Support finalizing a developing fishery policy
3. Support an experimental fishery with a very small GHJ and learn from the mistakes of others. Allow a small boat fishery.
4. Sharks are viewed as predators to other more desirable fish. Large sharks, especially Pacific sleeper sharks, destroy gear and commercial catch. Spiny dogfish are a nuisance on the halibut grounds, especially during October and November
5. Much public testimony concerned the high abundance of sharks that are seen as a problem to sport and sport charter fleets.
6. There is substantial speculation about market availability.

Public panel member in opposition suggested:

1. Making long soaks increases halibut damage by sleeper sharks. Not aware of markets for sleeper sharks, their size etc. makes them difficult to land.

Department requests improved reporting of shark bycatch, discard, and mortality. Would be helpful during the salmon net fisheries to record shark bycatch and mortality. Charter logbooks will include salmon shark in 2000. Port sampling interviews also ask for spiny dogfish, salmon, and sleeper shark catch and release. PWS salmon staff occasionally record salmon shark observations during salmon aerial survey flights. Consider port samplers asking for the number of salmon sharks observed.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: Near unanimous support for developing shark fisheries.

Board Committee Recommendation: Recommendation deferred until March.

Regulatory or Substitute Language:

PROPOSAL 32 and 33. 5 AAC 28.230. LAWFUL GEAR FOR PRINCE WILLIAM SOUND. Allow longlining of groundfish pots.

Staff Reports: RC 2

Staff Comments: RC26

Public and Record Comment: RC13, RC25, RC34, RC90

Narrative of Pro's and Cons:

Department staff presented an overview of proposal 33 and 34 and expressed its opposition to this proposal.

Public Panel Members in support of this proposal indicated the following:

1. Doesn't agree about the potential for gear conflicts.
2. Could place multiple tags, one for each pot, on the buoy during the state waters season.
3. Longlining of shrimp pots is legal.
4. Wanted to develop a shallow water pot and would like to longline.
5. Actually easier to retrieve lost gear when it is longlined and grapple and return gear.
6. Being consistent with federal waters or across the state is not necessarily something to strive for. While consistency between areas is generally good, each area is different with different needs. Lose your flexibility by trying to broadly apply approaches.
7. Agree that this proposal was not written to affect the state waters P.cod fishery.

Public Panel Members opposed

1. Opposed to longlining pots for the state waters P.cod fishery.

The department wished to clarify that it opposes longlining pots in the state waters P. cod fishery. The shrimp fleet fishes different areas and is not likely to pose a gear conflicts in the same manner that longline gear and longlined pot gear could.

Department indicated that it would be possible to use experimental fishing permit to develop a new gear as described by the proposal submitter to include longlining.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: No consensus.

Board Committee Recommendation: Recommend deferral until March.

Regulatory or Substitute Language:

**CHANGE REQUEST 20. 5 AAC 28.2XX. PERMITS FOR
SCCELLLANEOUS GROUND FISH IN PRINCE WILLIAM SOUND AREA.**

ff Reports: RC 2

ff Comments: RC26

Public and Record Comment: RC13, RC25, RC90

Summary of Pro's and Cons:

The department presented an overview of this proposal. No one in the public panel opposed this proposal. There was concern that fisheries be allowed to develop and concern that fishers be allowed to develop gear, assess CPUE, marketability, etc and work with the department.

The department stressed that these permits will be closely monitored. They will be used as a strong management tool to facilitate the slow, well thought-out development of a fishery, e.g., ask fishermen for a written plan to develop a fishery.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: Consensus support.

Board Committee Recommendation: Recommend deferral until March.

Regulatory or Substitute Language:

PROPOSAL 199. 5 AAC 28.105. DESCRIPTION OF EASTERN GULF OF ALASKA AREA DISTRICTS, SUBDISTRICTS, AND SECTIONS; and 5 AAC 28.113. LINGCOD FISHING SEASONS FOR EASTERN GULF OF ALASKA AREA; and 5 AAC 28.210. FISHING SEASONS FOR PRINCE WILLIAM SOUND. Create a new Yakutat area fishery for lingcod.

Staff Reports: RC 2

Staff Comments: RC26

Public and Record Comment: RC13, RC25, RC90

Narrative of Pro's and Cons:

The department described how this Yakutat proposal was relevant to the PWS board meeting. The PWS management area extends to a line that bisects the area outside Yakutat Bay. Yakutat residents must adhere to PWS regulations if fishing west of Yakutat Bay and the Eastern Gulf of Alaska regulations if fishing east of Yakutat Bay. The department described the differing area regulations affecting logbooks, registration areas, lingcod seasons, minimum length requirements, etc. This has lead to frustration by local Yakutat resident fishermen.

No one in the public panel opposed placing West Yakutat Section of PWS in the Eastern Gulf of Alaska Area. It was clarified that it would not affect the LAMP process for PWS.

The department recommends that if the committee supports moving West Yakutat Section to the EGOA that it be renamed Icy Bay Section. It also recommends that the lingcod GHL and allocation issues be discussed at the Juneau board meeting under proposal 187.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation: Move West Yakutat Section of PWS to the Eastern Gulf of Alaska Section

Board Committee Recommendation: Deferred until March.

Regulatory or Substitute Language: See attached language to change the definition of the PWS management area and the sections within the Outside District of PWS

PROPOSAL 196. 5 AAC 30.XXX. SPINY DOGFISH HARVEST STRATEGY IN REGISTRATION AREA D. Develop harvest strategies for spiny dogfish.

See comments for Proposal 199. Recommend discussing proposal in committee for the Juneau 2000 board meeting.

PROPOSALS 197 and 198. 5 AAC 28.XXX. YAKUTAT AREA (REGISTRATION AREA X). Create a new halibut management unit in Yakutat.

See comments for Proposal 199. Recommend discussing proposal in committee for the Juneau 2000 board meeting.

PROPOSAL 200. 5 AAC 28.XXX. SKATE FISHING SEASON FOR EASTERN GULF OF ALASKA AREA. Create a directed fishery for skates in the Yakutat area.

See comments for Proposal 199. Recommend discussing proposal in committee at the Juneau 2000 board meeting.

PROPOSAL 208. 5 AAC 28.2XX. LINGCOD ALLOCATION GUIDELINES FOR PRINCE WILLIAM SOUND AREA. Change allocation of lingcod harvest in the West Yakutat Subdistrict.

See narrative for proposal 199. Proposal will be discussed at the Juneau board meeting in January 2000.

PROPOSALS 35-41 AND 43. 5 AAC 28.2XX LOCAL AREA HALIBUT FISHERY MANAGEMENT PLANS AND 5 AAC 55.XXX SALTWATER CHARTERING REQUIREMENTS.

Staff Reports: RC 2

Staff Comments: RC26

Public and Record Comment: RC13, RC25, RCF42, RC49, RC50, RC57, RC90

Narrative of Pro's and Cons:

Mr. Dersham provided background and a perspective on these proposals. He recommended for PWS, that anyone affected by these should participate in the LAMP process. If a particular user group or stakeholder is missing, it is possible the LAMP won't be acted on. Because of the consensus-building nature of the LAMP protocol, a stakeholder who participates will have significant impact on the process. Organizational meeting scheduled for December 9, 1999. Places on the PWS LAMP committee are open.

POSITIONS AND RECOMMENDATIONS

Public Panel Recommendation:

Board Committee Recommendation:

Regulatory or Substitute Language:

APPENDIX 3: RC90

SUGGESTED REGULATORY LANGUAGE FOR PROPOSAL 22

5 AAC 28.210. FISHING SEASONS FOR PRINCE WILLIAM SOUND AREA.

.....

(d) Pollock may be taken by all lawful groundfish gear, except pelagic trawls, from January 1 until closed by emergency order.

(e) Pollock may be taken by pelagic trawls from noon January 20 until closed by emergency order.

5 AAC 28.220. PERMITS FOR PRINCE WILLIAM SOUND AREA. ...

(b) In the waters of the Prince William Sound Area, pollock harvested by trawl gear may be taken only under the authority of a permit issued by the commissioner or the commissioner's authorized designee. The permit may specify requirements for logbooks, observers, harvest reporting procedures, and other requirements that the commissioner determines are necessary for management of the fishery.

5 AAC 28.2XX PRINCE WILLIAM SOUND POLLOCK MANAGEMENT PLAN This plan governs the harvest of pollock by non-pelagic trawl gear in the Inside District of Prince William Sound.

- (a) For the directed pollock fishery, the Inside District of Prince William Sound will be divided into three Sections:
- (1) the Bainbridge Section includes waters bounded on the east by 148° W. long.
 - (2) the Knight Island Section includes waters between 148° W. long. and 147° 20' W. long.
 - (3) the Hinchinbrook Section includes waters bounded on the west by 147° 20' W. long.
- (b) During the directed trawl fishery for pollock only, non-pelagic trawls may be legally used in that portion of the Hinchinbrook Section located west of lines from Johnstone Point to Knowles Head (60° 40.96' N. lat., 146° 37.62' W. long.), Porcupine Point (60° 44.60' N. lat., 146° 42.10' W. long.) to the southernmost tip of Bligh Island (60° 52.90' N. lat., 146° 46.00' W. long.), and Rocky Point (60° 57.00' N. lat., 146° 46.20' W. long.) to Point Freemantle (XX° N. lat., XX° W. long.).
- (c) No more than 40 percent of the annual harvest level for the directed non-pelagic trawl fishery will be taken from any single section.

5 AAC 28.250. CLOSED WATERS IN PRINCE WILLIAM SOUND AREA.

(D) EXCEPT AS SPECIFIED ELSEWHERE IN THIS SECTION, TRAWL GEAR MAY NOT BE USED IN THE FOLLOWING LOCATIONS:

[Move relevant portions of 5 AAC 39.165 Trawl Gear Unlawful to this section]

APPENDIX 3: RC90

SUGGESTED REGULATORY LANGUAGE FOR PROPOSAL 199**5 AAC 28.200. DESCRIPTION OF PRINCE WILLIAM SOUND AREA.**

The Prince William Sound Area consists of waters of Alaska described in 5 AAC 39.975(13) between the longitude of Cape Fairfield (148° 50' 15" W. long.) and the longitude of Cape Suckling (143° 53' W. long.). [, 140° W. LONG., EXCEPT THOSE WATERS OF THE EASTERN GULF OF ALASKA AREA WEST OF 140° W. LONG. DESCRIBED IN 5 AAC 28.100.]

5 AAC 28.205. DESCRIPTION OF PRINCE WILLIAM SOUND AREA DISTRICTS AND SECTIONS.

(a) Inside District: all waters in the Prince William Sound Area enclosed by lines from Point Whitshed to Point Bentinck, from Cape Hinchinbrook to Zaikof Point, and from Cape Cleare to Cape Puget.

(b) Outside District: all waters in the Prince William Sound Area that are seaward of the Inside District and between the longitude of Cape Fairfield (148° 50' 15" W. long.) and the longitude of Cape Suckling (143° 53' W. long.) [140° W. LONG., EXCEPT THOSE WATERS OF THE EASTERN GULF OF ALASKA AREA WEST OF 140° W. LONG. DESCRIBED IN 5 AAC 28.100]. The Outside District sections are as follows:

(1) Eastern Section: all waters of the Outside District east of [BETWEEN]147° W. long. [AND THE LONGITUDE OF CAPE SUCKLING (143° 53' W. LONG.)];

(2) Western Section: all waters of the Outside District west of 147° W. long.;

[(3) West Yakutat Section: all waters of Alaska described in 5 AAC 9.975(13) that are between 140° W. long. and the longitude of Cape Suckling (143° 53' W. long.), and to the extent provided in 5 AAC 28.010, the waters of the adjacent exclusive economic zone, but excluding waters of the Eastern Gulf of Alaska Area

ALASKA DEPARTMENT OF FISH AND GAME

**STAFF COMMENTS ON PRINCE WILLIAM SOUND
DEFERRED GROUND FISH REGULATORY PROPOSALS**

**ALASKA BOARD OF FISHERIES MEETING
VALDEZ, ALASKA**

30 NOVEMBER-6 DECEMBER, 1999



The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Finfish Regulations, Alaska Board of Fisheries (Board) meeting, scheduled for November 30- December 6, 1999 in Valdez, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final staff positions will be formulated after review of written and oral public testimony presented to the board.

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PROPOSALS 14 - 21. Pages 9 - 19. 5 AAC 28.265 PRINCE WILLIAM SOUND ROCKFISH MANAGEMENT PLAN and 5 AAC 28.210 FISHING SEASONS FOR PRINCE WILLIAM SOUND AREA.

WHAT WOULD THESE PROPOSALS DO? This suite of proposals deals with all aspects of the Prince William Sound (PWS) commercial rockfish fishery. Issues include: closure of the directed fishery; allocation by user group; harvest area; directed season; retention of incidental catch; the guideline harvest level (GHL), and season dates. Some of these issues complement components of proposals submitted for halibut Local Area Management Plans. Given both the number and depth of the rockfish proposals, the department believes that changes to the PWS Rockfish Management Plan are best considered as a package rather than piecemeal. Specifics of the proposals are:

- #14 - 16 Close the directed fishery and establish a bycatch-only fishery at 10 percent, require full retention of rockfish, close longline and trawl gears once the GHL is taken, require buyers to purchase all delivered rockfish, all bycatch overages to be sold to support ADFG research and enforcement, if the GHL is exceeded, the overage will be deducted from the GHL for the subsequent year, no rockfish retention for personal use, and 30,000 lb. demersal rockfish harvest would trigger a closure to all longline and trawl fishing within 2 miles of shore;
- #17, 18 Change the season opening date to July 1 for directed rockfish fishery; directed rockfish may be retained in full, however, rockfish caught incidental to other directed fisheries may only be retained up to a bycatch level set by the department;
- #19 Add a 50,000 lb. harvest cap for the Outside District;
- #20 Limit yelloweye rockfish retention to no more than 20% of all other rockfish on board during the directed fishery;
- #21 Reduce the PWS rockfish GHL to 89,394 pounds.

WHAT ARE THE CURRENT REGULATIONS? The PWS Rockfish Management Plan sets an annual harvest cap of 150,000 pounds and 5-day trip limits of 3,000 pounds. Bycatch levels are a maximum of 20% of the total delivery and the directed season opens January 1 (5 AAC 28.265 and 5 AAC 28.210).

WHAT WOULD BE THE EFFECT IF THESE PROPOSALS WERE ADOPTED? Virtually all proposals contain allocative aspects such as closure of the directed fishery, reduction of the GHL, setting of bycatch limits, and season date changes.

BACKGROUND: The PWS Rockfish Management Plan was adopted by the Alaska Board of Fisheries in 1992 following a sharp increase in rockfish landings from PWS in 1990. The initial plan used a 150,000 lb. harvest "trigger" to define a transition to a bycatch-only fishery. This trigger was based on average harvests in the PWS area. The plan also included an aggregate trip

limit, based on ADF&G Advisory Committee recommendations, of 3,000 lb. in 5-days. In 1996, the Board redefined the 150,000 lb. " harvest level as a harvest cap (GHL). The plan has been effective in stabilizing the rockfish harvest and the harvest cap has reduced the overall harvest.

Rockfish in PWS are managed as a species group rather than by assemblage (i.e., slope, demersal, or, pelagic). This approach has been taken for two reasons. First, harvest composition data by species was often poorly reported when the rockfish plan was first developed. Second, the largest component of the rockfish harvest is comprised of slope species, followed by demersal species. These assemblages are similar in their life histories, are more likely to be harvested by the same gear types, and therefore can be managed as a unit. The PWS commercial rockfish fishery opens on January 1. Typically, the year's first rockfish harvests occur as bycatch in the parallel Pacific cod fishery. All rockfish harvested during the directed fishing season are considered part of the "directed harvest" even when they're taken incidentally to other directed fisheries. Since 1996, the department has used a management approach that closed the directed rockfish fishery and established a bycatch-only fishery when the aggregate catch among all commercial fisheries reached a predetermined level. This approach has been problematic because it requires department staff, based on experience with previous years, to make an inseason allocation between bycatch and directed fisheries. Rockfish assessment data are available from the multispecies trawl assessment, the sablefish longline survey, and commercial catch samples. These assessments provide some insight to the distribution and relative abundance of rockfish within PWS and the data support the predominance of slope species in PWS.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of these proposals. The department also recognizes that the rockfish resource is susceptible to overharvest and supports measures to ensure a sustainable fishery. Steps have been taken in recent years to slow and reduce the harvest rate and to set bycatch levels that allow retention of some, largely unavoidable, rockfish bycatch. The goal is to minimize resource waste while providing a disincentive for "topping off" (i.e., selectively targeting rockfish to ensure a harvest retention up to the maximum allowable bycatch).

The department is neutral on the closure of a directed rockfish fishery (see Proposal 14 and 15). This would allocate the entire GHL to a bycatch-only rockfish fishery and away from individuals that may target rockfish. The department also requests that the Board initiate a dialogue with the Department of Law on the state's ability to close all fishing with longline gear when the rockfish GHL is attained, particularly the effect of a closure on the halibut IFQ fishery (see Proposal 14-16). The department notes that requiring full retention of rockfish, mandating purchase by registered buyers, and directing sale proceeds to specific state programs needs review by the Department of Law. The discard of rockfish during recent years is thought to be minimal, but the full extent of unreported retention for personal use or subsistence is unknown. Requiring full retention may improve removal estimates but might also remove incentives to avoid areas of high rockfish bycatch.

The department is also neutral on changing the directed rockfish season date to July 1 as it may allocate the resource away from individuals that currently target rockfish during the first portion of the calendar year. However, the season date change does have the benefit of coinciding with

the lingcod fishery, which experiences an intrinsic level of rockfish bycatch. This change would also reduce the time period that the department would need to consider in setting allowable bycatch levels.

The department opposes the request of Proposal 19 to establish a 50,000 lb. harvest cap for the Outside District. This would exceed the average annual harvest and would be counter to a conservative approach in setting the GHL. In the absence of assessment data, preliminary harvest levels are usually set at 75% or less of the long-term average catch. For the Outside District, the mean harvest for 1987 through 1998 was 46,197 lb.

The department opposes the request of Proposal 20 to limit yelloweye rockfish retention to no more than 20% of all other rockfish on board during the directed fishery. The department finds that the species composition of the demersal shelf rockfish harvest is such that this proposal would force the discard of yelloweye rockfish.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 22, PAGE 19, 5 AAC 28.210. FISHING SEASONS FOR PRINCE WILLIAM SOUND AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would establish a season opening date for the Prince William Sound (PWS) pollock fishery that closely coincide with the federal season in the Central Gulf of Alaska.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 28.220(b) was developed for the directed trawl fishery and states that pollock may be taken only under the terms of a commissioner's permit. However, 5 AAC 28.270 also states that all pollock taken during the state waters Pacific cod fishery may be retained without requiring a permit. Finally, 5 AAC 28.070 (e) requires full retention of pollock either during a directed fishery or up to the full bycatch level during a bycatch-only fishery. Current regulations create confusion concerning fishing dates and permit requirements.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The opening dates of the PWS pollock trawl fishery would coincide with the pollock trawl fishery in the federal waters of the Gulf of Alaska Exclusive Economic Zone.

BACKGROUND: The PWS pollock fishery began in 1995 and has been intensively managed by the state since 1996. The commissioner's permit requirement was adopted as an emergency regulation in 1995 specifically to provide the department a management tool for the PWS directed trawl fishery for pollock. Seasons in the PWS area have opened and closed by emergency order each year since 1996. The opening date, January 20 for all gear, has not changed during this time.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** adoption of this proposal to provide published season dates for pollock in PWS. The department also wishes to seek resolution to the apparent conflict or confusion among the various regulations affecting pollock retention. It is imperative that the opening of the PWS pollock trawl fishery coincide with the federal trawl opening in the Gulf of Alaska to avoid a potentially unmanageable level of effort if dissimilar dates were chosen. Similarly, the permit requirement is critical and functions as a strong yet flexible tool. However, the relatively low harvest potential of other non-trawl gear types does not create concerns for overharvest, therefore, the permit requirement for those gear types may be seen to place an additional and unnecessary regulatory burden on both the department and fishers. The department supports retaining the pollock permit for the trawl fishery only.

COST ANALYSIS: The Department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 23, PAGE 19 5 AAC. 28.2XX. PRINCE WILLIAM SOUND POLLOCK MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? This proposal would amend 5 AAC 39.165. **TRAWL GEAR UNLAWFUL** to allow the use of pelagic trawl gear in a portion of eastern Prince William Sound (PWS) and establish in regulation a management plan for the PWS Management Area pollock fishery. The management plan would, among other things, divide PWS into three harvest areas that may be fished concurrently, and limit the pollock harvest in any one area to no more than 40% of the guideline harvest level (GHL).

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 39.165. **TRAWL GEAR UNLAWFUL.** (1) prohibits the use of all trawl gear in the Hinchinbrook Entrance, North Montague, and Orca Bay portions of eastern PWS, except that trawl gear may be used during the herring food and bait season, and 5 AAC 39.165(2) prohibits use of all trawl gear in the Port Fidalgo area of eastern PWS. Under 5 AAC 28.220(b), pollock in PWS may only be harvested under the terms of a commissioner's permit, and 5 AAC 28.206(b) establishes a registration deadline of January 13 for pollock fishing with trawl gear.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The proposal would: (1) open a portion of eastern PWS to pelagic trawling; (2) divide PWS into three areas; and (3) limit the harvest from any single area to no more than 40% of the total PWS pollock harvest.

BACKGROUND: The directed trawl fishery for pollock within state waters of the Prince William Sound Management Area dates to 1995. Since 1996, the trawl fishery has been managed via commissioner's permit with stipulations that include logbooks, department observers, season opening date, catch reporting schedules, and check-in/check-out requirements. The fishery has a regulatory registration deadline of January 13. Fishery GHL's have ranged from 2.1million pounds to 4.4 million pounds and were based on either: (1) pollock biomass estimates from bottom trawl surveys during 1989-1997; or (2) an annual change in GHL that was

proportionally the same as that implemented by the North Pacific Fishery Management Council for pollock harvests in federal waters adjacent to PWS. Harvests have primarily occurred in Port Bainbridge, with more limited landings reported from Knight Island Passage and Montague Strait. Department staff have been on the grounds aboard the *R/V Montague* each year to manage and observe the fishery and sample the catch. Since 1996, catch and effort in the fishery have averaged 9 vessels and 3.9 million pounds. Fishery duration has increased from 5 days for 9 vessels in 1996 to 36 days for 6 vessels in 1999.

The fishery targets pollock aggregating during the winter spawning season. Factors affecting pollock distribution prior to and during the spawning season are poorly understood, particularly relationships among timing and locations of aggregations and fish age. The increased 1999 season length and a corresponding decline in catch rates may be due to natural mortality in the strong 1990 year-class that had been the primary harvest component for several years. Samples from the 1999 fishery ranged from age 3 to age 14, with the 1994 age class (age 5) comprising the largest component (25%) of the catch. The department has conducted a test fishery annually since 1996, and coordinated acoustic surveys of the winter spawning biomass in 1995, 1997, and 1998. Both the test fishery and the acoustic surveys identified aggregations of pollock in the portion of PWS that is currently closed to trawling.

As a measure taken under the Endangered Species Act, NMFS regulations proposed for January 2000 will close pollock fishing within 10 nautical miles of many sea lion haulouts throughout the Gulf of Alaska. One closure area in PWS encompasses much of the Port Bainbridge pollock fishing area and a second closure encompasses much of the historical fishing area in Knight Island Passage and Montague Strait.

The eastern PWS trawl closure dates to at least 1980 and was adopted to protect depressed king and Tanner crab stocks. The primary concern was the use of bottom trawl gear. Proposals to open the eastern portion of PWS to pelagic trawl gear have previously been submitted to the Board.

DEPARTMENT COMMENTS: The department supports this proposal in concept. Given the status of Steller sea lions and the mandates of the Endangered Species Act (ESA), distributing the PWS pollock harvest geographically and temporally is consistent with interagency efforts to increase protection of prey resources around haulouts. Limited acoustic survey and testfish data indicate that commercial quantities of pollock occur seasonally in eastern PWS and bycatch rates of species other than pollock are comparable to those in traditional fishing areas. Closure of traditional fishing areas will displace the PWS pollock fleet to those currently open areas where pollock are less concentrated, thereby increasing the potential for bycatch. The department supports development of a pollock fishery management plan and opening a portion of the closed area in eastern PWS to pelagic trawling only during the directed pollock fishery. The commissioner's permit, in combination with emergency order authority, has provided adequate management for the fishery. Until a rebuilding plan for Steller sea lions is fully implemented, it is difficult to assess the long-term impact on prosecution of the pollock fishery. Due to potential conflicts with the PWS herring fishery, any language adopting the use of pelagic trawl gear in eastern PWS should restrict it to the directed trawl pollock fishery. The department also recommends adding a new section for pelagic pollock trawling under PWS regulation 5 AAC

28.230 LAWFUL GEAR FOR GROUND FISH. The board may also wish to consider moving the relevant parts of 5 AAC 39.165 to 5 AAC 28.230 and also to the herring regulations.

COST ANALYSIS: The Department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 24, 25, AND 26, PAGES 20 and 21. 5 AAC 28.070. GROUND FISH POSSESSION AND LANDING REQUIREMENTS; and 5 AAC 28.267 PRINCE WILLIAM SOUND PACIFIC COD MANAGEMENT PLAN.

WHAT WOULD THESE PROPOSALS DO? These proposals would increase the harvest opportunity for Pacific cod by vessels fishing longline gear in the Prince William Sound (PWS) Management Area.

Proposal 24 would allow halibut longliners to retain Pacific cod in an amount up to 150% of the halibut on board.

Proposal 25 would have the parallel season for Pacific Cod coincide with the federal Eastern Gulf of Alaska Area.

Proposal 26 would allow longline vessels under 60 feet or fishing less than 4,000 hooks to participate in the state waters Pacific Cod fishery in eastern PWS.

WHAT ARE THE CURRENT REGULATIONS? The PWS Pacific Cod Management Plan (5 AAC 28.267) provides two seasons. A parallel season in PWS coincides with the directed Pacific cod fishery set by NMFS for the federal Central Gulf Regulatory Area; the PWS parallel season is typically open to all legal groundfish gear (5 AAC 28.230 & 5 AAC 28.050). Seven days after the closure of the federal season, a state waters season opens in the Inside District of PWS with gear restricted to 5 jigs or 60 pots. The eastern portion of PWS is closed to fishing with groundfish pot gear (5 AAC 28.250). Vessel operators retaining groundfish in PWS must possess an area registration. Vessel operators participating in state waters season for Pacific cod must obtain an Exclusive Area Registration. Currently the maximum bycatch level the state may set is 20% (5 AAC 28.070).

WHAT WOULD BE THE EFFECT IF THESE PROPOSALS WERE ADOPTED? Proposal 24 would raise the Pacific cod bycatch limit from 20% to 150% for the IFQ halibut longline fleet during the state waters season. The state waters season only opens after the federal season has closed because the federal harvest allocation has been achieved. Federal fisheries managers provide for a limited bycatch of Pacific cod in non-target fisheries, such as halibut. In a year when the state waters season GHL for Pacific cod is achieved, a Pacific cod bycatch limit of 150% for the halibut longline fleet could potentially exceed biologically sustainable harvest limits of Pacific cod.

Proposal 25 would set the parallel Pacific cod fishing season in state waters to correspond with the times and gear of the federal season in federal waters of the federal Eastern Gulf Regulatory

Area rather than the Central Gulf Regulatory Area. This would result in a parallel season for Pacific cod that is open most of the year rather than for a 2.5 month period during January to mid-March.

Proposal 26 would allow vessels under 60 feet that fish with longline gear or vessels fishing less than 4,000 hooks to participate in the state waters fishery for Pacific cod but only in those waters of eastern PWS closed to fishing with groundfish pot gear.

BACKGROUND: Directed fishing seasons for Pacific cod in PWS were historically set to coincide with seasons in adjacent federal waters of the Central Gulf Regulatory Area of the Gulf of Alaska. This was because the majority of the PWS Pacific cod harvest occurred in the southwest portion of PWS, an area more closely linked to the Central Gulf than to the Eastern Gulf. Historical longline fisheries were often constrained by halibut bycatch. Once the prohibited species catch (PSC) for halibut caught on longline gear was achieved, directed fishing with longline gear was prohibited for all groundfish, including Pacific cod, until the next season or year.

The Board adopted 5 AAC 28.267 PRINCE WILLIAM SOUND PACIFIC COD MANAGEMENT PLAN in 1996. A parallel season, in which all legal gears may be used to target Pacific cod, was set to coincide with the directed federal Pacific cod season in the Central Gulf Regulatory Area. The parallel season opens on January 1 and generally closes in mid-March. In some years, the parallel season has reopened for a second fishing period during September or October, however, longline gear has remained closed during that period. The Board defined a state waters season, in which gear is limited to pot or jig gear, to open seven days after the parallel season closed. The guideline harvest level for the state season was set at 25% of the allowable harvest for federal waters of the Eastern Gulf of Alaska Regulatory Area. Vessels participating in the state waters season must have an exclusive registration. The Board restricted legal gears in the state waters Pacific cod season to pot and jig gears in order to minimize bycatch of non-target species, particularly halibut. Retention of Pacific cod by vessels not registered for the state waters Pacific cod season is limited to a maximum of 20% of all delivered product during the state waters season. Since the fishery began, the state waters season GHL has not been achieved.

DEPARTMENT COMMENTS: The department **OPPOSES** these proposals due to the high potential for increased bycatch. The Board excluded longline gear from the state waters Pacific cod fishery, in part, due to concern for undocumented halibut bycatch that could result in observer requirements in state waters. The department is concerned about the biological and management implications of increasing the Pacific cod bycatch allowance to 150% for the halibut longline fleet. When federal fisheries managers close directed Pacific cod fisheries, they make accommodations for limited Pacific cod bycatch in other fisheries, including halibut. A Pacific cod bycatch allowance of 150% of the halibut retained from longline gear would essentially redefine this as a directed Pacific cod longline fishery. If the state waters Pacific cod GHL is achieved, a significant increase in Pacific cod longline catch could potentially result in the allowable biological catch (i.e., sustainable harvest) for Pacific cod being exceeded for Gulf of Alaska waters. If the Board adjusts the existing 20% maximum bycatch allowance for

selected gear components of the fishing fleet, the department recommends the Board reconsider gear allocations in the state waters GHL.

An allocative aspect of Proposal 25 results from which federal regulatory area the board chooses to use to set the parallel Pacific Cod season in state waters. If the board chooses the Eastern Gulf Regulatory Area then the state waters fishery would rarely open as the parallel season generally lasts all year. If the board chooses the Central Gulf Regulatory Area, the parallel season will most likely last for a 2.5 month period during January to mid-March and the state waters fishery the rest of the year. Longlining is only allowed during the parallel season.

The State Division of Fish and Wildlife Protection should be consulted concerning hook limit enforceability (Proposal 26). Setting the PWS parallel season to coincide with federal seasons in the Eastern Gulf area would most likely extend longline fishing opportunities for Pacific cod. The Board's rationale for setting the PWS parallel season to coincide with federal seasons in the Central Gulf area was based upon historical management practices. However, the existing Pacific cod fishery structure using gear with relatively low halibut bycatch has failed to achieve the GHL. The implications of establishing a new state waters longline season cannot be determined at this time, but are likely to increase bycatch of halibut and other species, such as rockfish (Proposal 26).

COST ANALYSIS: The Department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 31, PAGE 24, 5 AAC 28.084. FISHING SEASON FOR SHARKS. AND 5 AAC 28.210. FISHING SEASONS FOR PRINCE WILLIAM SOUND AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would establish a fishing season for sharks in the Prince William Sound (PWS) Management Area. The fishing season for sharks would open on May 1 and close by emergency order. Salmon sharks, spiny dogfish and Pacific sleeper sharks would be managed by species. Retention of other shark species would be limited to bycatch allowances only.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.210. FISHING SEASONS FOR PRINCE WILLIAM SOUND AREA specifies, unless specific regulations exist, groundfish may be taken at any time. 5 AAC 28.084. FISHING SEASON FOR SHARKS and 5 AAC 28.070. GROUNDFISH POSSESSION AND LANDING REQUIREMENTS establish that sharks may only be retained in bycatch amounts up to 20 percent, by weight of the directed groundfish species onboard the vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The proposal would allow development of directed fisheries for salmon shark, Pacific sleeper shark, and spiny dogfish in PWS. Other shark species would remain limited to bycatch allowances.

BACKGROUND: Sharks, in general, are late maturing and long-lived with low reproductive rates, making them susceptible to overharvest and slow to rebuild. Little information is

currently available on life histories of sharks in PWS. Commercial landings of sharks from PWS have been limited, and directed shark fisheries never fully developed. Due to low effort, most harvest data are confidential. Sharks are captured incidentally in salmon gillnet, salmon seine, shrimp trawl, and groundfish and halibut longline fisheries. Although groundfish and salmon fishermen report increased abundance of salmon sharks, spiny dogfish and Pacific sleeper sharks in recent years, shark bycatch and discard in commercial fisheries is poorly documented. In 1996 ADF&G initiated an annual, sablefish longline survey that has also provided some information on shark size, distribution, and abundance. In addition, the department's Sport Fish and Commercial Fisheries Divisions, in cooperation with researchers from several academic and government entities, have implemented shark tagging and sampling programs; current results are limited.

In February 1998, the Alaska Board of Fisheries closed the directed commercial shark fishery, but provided for continued bycatch allowances of sharks consistent with state incidental take regulations. The Board took these actions to reduce the likelihood of shark overfishing prior to the development of conservation based management plans. In taking these actions, the Board recognized that pelagic sharks are highly migratory across state and federal boundaries requiring cooperative state and federal conservation efforts. In the spring of 1999 the Alaska Department of Fish and Game at the request of the board asked the North Pacific Council for complementary regulations for sharks.

DEPARTMENT COMMENTS: The Department **OPPOSES** directed shark fishing in an absence of stock status information. The mortality and discard of sharks caught in existing fisheries is poorly documented. Additional information on stock status and existing fishery impacts, and consideration of federal management strategies in the adjacent federal waters, is needed prior to development of conservation based management plans.

COST ANALYSIS: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 32, AND 33, PAGE 25, 5 AAC 28.230. LAWFUL GEAR FOR PRINCE WILLIAM SOUND.

WHAT WOULD THESE PROPOSALS DO? These proposals would allow the longlining of groundfish pots in the Prince William Sound (PWS) Area and specify that at least one buoy on each groundfish pot or string of pots be legibly marked with the permanent ADF&G license plate number.

WHAT ARE THE CURRENT REGULATIONS? Groundfish pots may not be longlined (5 AAC 28.230(c)). At least one buoy on each groundfish pot must be marked with the ADF&G number of the vessel operating the gear and each pot must have a permanent tag that displays the word "groundfish" (5 AAC 28.050 (b), (e)). During the state waters season for Pacific cod, each groundfish pot must have an identification tag issued by the department attached to its buoy (5 AAC 28.050 (f)).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? It would be legal to longline groundfish pots in the PWS Management Area. Existing regulations already specify that buoys for pot gear must be marked with the vessel ADF&G number. Requiring each pot to have a buoy tag would be problematic.

BACKGROUND: Currently, the Pacific cod fishery is the only PWS fishery that uses groundfish pot gear. During both the parallel and state waters Pacific cod seasons, groundfish pots are the predominant gear. There is no pot limit during the parallel season, however, there is a 60-pot limit with a buoy tag requirement during the state waters season. The department has received sporadic interest from a few individuals in developing pot fisheries for other types of groundfish, particularly flatfish.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of this proposal. The department **OPPOSES** the use of longline groundfish gear during the state waters Pacific cod fishery. Longlining pot gear for Pacific cod would typically favor larger vessels with the ability to work the heavier lines and gear used to longline pots because it allows a shorter turnaround time in working gear. Longlining groundfish pots is illegal in adjacent federal waters. The prohibition against longlining groundfish pots is based on conservation concerns surrounding the potential loss of gear due to cut or parted lines, the occurrence of "ghost fishing" by lost pot gear, and especially due to gear conflicts between longlined pot gear and other gears such as longlines and shrimp trawls. The Department of Public Safety, Division of Fish and Wildlife Protection may wish to comment on the effect of longlining pot gear relative to their ability to enforce pot limits during the state waters Pacific cod fishery. If the Board were to allow longlining of groundfish pots, the department recommends that each end of a string of pots be buoyed and marked.

COST ANALYSIS: The Department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

AGENDA CHANGE REQUEST 20- 5 AAC 28.2XX. PERMITS FOR MISCELLANEOUS GROUND FISH IN PRINCE WILLIAM SOUND AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would establish a permit requirement for miscellaneous groundfish in Prince William Sound (PWS). The department through this proposal will obtain the regulatory authority to restrict the harvest of miscellaneous groundfish and collect important catch and effort data as well as biological and life history information. A temporary guideline harvest range for any species of miscellaneous groundfish will allow us to keep a developing fishery at a low level until more biological information is gathered and a management plan can be approved.

WHAT ARE THE CURRENT REGULATIONS? Management of miscellaneous groundfish is set to parallel openings and closures in adjacent federal waters. The season opens January 1 and generally remains open through December 31, as allowable harvests in Federal waters are typically very large and rarely reached.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? A permit would be required before directly fishing for any groundfish species in PWS that lacks a management plan or regulations for a directed fishery. The permit may:

- (1) restrict the depth of fishing operations;
- (2) specify timing and duration of fishing;
- (3) specify areas of fishing operations;
- (4) establish the allowable size of harvested fish;
- (5) specify the type and configuration of gear;
- (6) require the completion of logbooks provided by the department and require that the logbooks be attached to a fish ticket at the time of landing;
- (7) require other conditions determined by the commissioner to be necessary for conservation or management purposes.

The department is also not obligated to issue a permit until the conditions under which one is issued are defined in a policy on developing fisheries.

BACKGROUND: Interest has increased in a wide variety of groundfish resources as limited access programs are adopted for fisheries in both state and federal waters. It is impossible to develop comprehensive regulations for every species. The department often finds that it has little or no information on distribution, abundance, stock status, or in some instances life history. Without this information it is difficult to determine appropriate seasons, gears, or harvest rates for these state water's resources. Similarly, markets and price can drive interest in resources that result in development of a fishery that quickly outstrips the department's ability to manage on a sustainable basis. Most recently the Alaska Board of Fisheries recognized the limitation by adopting regulations closing directed fishing for sharks and setting a commissioner's permit requirement for targeting skates and rays. A permit process provides controls in the fishery while providing the department and the public with a strong yet flexible management framework. The department has been working to develop a policy that provides guidance to managers of developing fisheries. Although it is not incumbent on the department to issue such permits, the proposed Miscellaneous Groundfish Permit framework provides a level of flexibility to allow a low level harvest while controlling development and providing for the collection of information necessary to develop a management approach.

A similar regulation was adopted for Cook Inlet by the Board of Fisheries at the Homer meeting in November 1998 (5AAC 28.379).

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

Cost Analysis: The department believes that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery, but we do not know how much.

PROPOSALS 35-41 and 43, pages 26-35, 5 AAC 28.2XX LOCAL AREA HALIBUT FISHERY MANAGEMENT PLANS and 5 AAC 55.XXX SALTWATER CHARTERING REQUIREMENTS

WHAT WOULD THE PROPOSALS DO? These proposals address numerous alternatives relating to local area management plans (LAMPs) for halibut, including sport catcher vessel-only areas, times and areas for the commercial fishery, superexclusive registration for sport halibut guides and IFQ fishers, and a moratorium on entry into the sport charter fleet. These proposals address numerous perceived problems, including gear conflicts between recreational and IFQ halibut fishers, nearshore depletion, competition from transient guides, overcapitalization of the charter fleet, and economic distress.

WHAT ARE THE CURRENT REGULATIONS? There are currently no sport catcher vessel-only areas, superexclusive registration areas, or limits on entry in sport charter halibut fisheries. The 1999 commercial halibut season was March 15 through November 15. The state does require all saltwater businesses and guides to register annually with department, and logbooks are required to be completed for every saltwater charter vessel trip.

WHAT WOULD BE THE EFFECT IF THE PROPOSALS WERE ADOPTED? The effects of these proposals are extremely difficult to predict due to the variety of proposals and control mechanisms involved, the effect of other controls pending implementation by the North Pacific Fishery Management Council (NPFMC), the number of affected fisheries and user groups, and the large geographic area. Analysis of these proposals is best done on an individual basis.

BACKGROUND: In September of 1997 the North Pacific Fishery Management Council (NPFMC) recommended a guideline harvest limit (GHL) for halibut charterboat fisheries in IPHC Areas 3A (Southcentral Alaska) and 2C (Southeast Alaska). This GHL has not been implemented because the NPFMC did not specify any regulatory response to attainment of the GHL. The NPFMC is currently considering a number of alternative control mechanisms, and initial review of the analysis of these alternatives is scheduled for December 1999.

The NPFMC and Alaska Board of Fisheries also adopted a protocol to guide in the development and implementation of local area management plans (LAMPs) for halibut and other fisheries. These plans are to be developed by, and with the consensus of, representatives of all local affected user groups, preferably using a local advisory committee or task force approach. The department is not aware of any state authority to limit entry in sport charter fisheries. Therefore, proposals considering moratoriums or superexclusive registration should likely be considered by the board under the LAMP protocol.

DEPARTMENT COMMENTS: The Board has indicated that it will not take final action on these proposals until after the joint meeting with the NPFMC in January or February 2000. The department concurs and will provide specific comments when these proposals are adopted for action.

Cost Analysis: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 196 PAGE 131. 5 AAC 30.XXX. SPINY DOGFISH HARVEST STRATEGY IN REGISTRATION AREA D.

WHAT WOULD THE PROPOSAL DO? This proposal would establish a commercial fishery for spiny dogfish with season dates, gear, and harvest strategies.

WHAT ARE THE CURRENT REGULATIONS? There is no open season for directed commercial fishing for sharks, including spiny dogfish. A statewide regulation (5AAC 28.084) specifies no open season except that sharks may be retained as bycatch.

WHAT WOULD BE THE EFFECT IF THESE PROPOSALS WERE ADOPTED? Directed shark fishing would be allowed in the state of Alaska for the Yakutat Area.

BACKGROUND: In February of 1998, the Alaska Board of Fisheries took regulatory actions closing the directed commercial fishery for sharks, though allowing the bycatch of sharks consistent with general state regulations for the incidental take of fishery resources. The Board took these actions to ensure these resources were not over-exploited by new fisheries prior to the development of conservation based management plans. In taking these actions, the board recognized the interchange of sharks between state and federal waters of the Exclusive Economic Zone (EEZ) and the importance of cooperative state and federal conservation efforts. In the spring of 1999 the Alaska Department of Fish and Game at the request of the board asked the North Pacific Council for complementary regulations for sharks.

The spiny dogfish is the world's most abundant shark and is the predominant shark species in Alaska. The spiny dogfish often has a negative impact on commercial fisheries as it displaces or chases off other fishes, gets hooked or netted in gear intended for other species, damages fishing gear, and often destroys hooked and netted fishes. Spiny dogfish sharks are commonly taken by commercial fishing gear and are particularly well represented in Alaska's pelagic trawl pollock fishery and in the longline fisheries for sablefish, halibut, Greenland turbot, and Pacific cod. Spiny dogfish are known to be late maturing and long-lived with a low reproductive rate. These characteristics make them susceptible to overharvest and slow to rebuild. The department does not collect stock status information on spiny dogfish in the Yakutat area.

Spiny dogfish taken as bycatch in other fisheries in SE Alaska are currently discarded due to the lack of markets for this fish. European markets prefer large dogfish.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The department does not support establishing a spiny dogfish fishery prior to development of a conservation based management plan and a developing fisheries policy, and not before action is taken by the North Pacific Management Council for management of sharks in the EEZ.

COST ANALYSIS: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 197 and 198, PAGES 132-133. 5 AAC 28.XXX. YAKUTAT AREA (REGISTRATION AREA X).

WHAT WOULD THESE PROPOSALS DO? Based on the problem statements, these proposals appear directed at the halibut boundary issue (not groundfish in general) and attempt to create a new halibut management area for Yakutat, with boundaries to be set by the board.

WHAT ARE THE CURRENT REGULATIONS? The state does not have commercial or sport halibut boundary regulations for the Yakutat area. The International Pacific Halibut Commission (IPHC) sets boundaries, quotas and seasons for halibut.

Regulations for the state groundfish boundary (5 AAC 28.100 and 5 AAC 28.200) are addressed in comments for proposal 199.

WHAT WOULD BE THE EFFECT IF THESE PROPOSALS WERE ADOPTED? Because the state does not have authority to act alone on halibut boundary issues, the Board can make no boundary changes.

BACKGROUND? Establishment of a joint process for the Board and the North Pacific Management Council (NPFMC) to address common issues and recent success in implementing a Local Area Management Plan for Sitka have paved the way for addressing local management issues for halibut and groundfish. However, the halibut boundary issue is outside of the Board and NPFMC authority.

DEPARTMENT COMMENTS:

- The board has the authority to change the management area definition for groundfish fisheries other than halibut. Groundfish boundary issues are addressed in comments on proposal 199.
- Creation of a new groundfish management area will not solve problems with distribution of halibut catch as the IPHC recognizes 2C and 3A as their management areas regardless of state management areas.
- A Local Area Management Plan for halibut in the Yakutat area is addressed in proposal 129.

Cost Analysis: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 199 PAGE 133. 5 AAC 28.105. DESCRIPTION OF EASTERN GULF OF ALASKA AREA DISTRICTS, SUBDISTRICTS, AND SECTIONS; and 5 AAC 28.113. LINGCOD FISHING SEASONS FOR EASTERN GULF OF ALASKA AREA; and 5 AAC 28.210. FISHING SEASONS FOR PRINCE WILLIAM SOUND.

WHAT WOULD THE PROPOSAL DO? This proposal would establish a lingcod fishery for the Yakutat Area managed under a single set of regulations throughout the area. A Yakutat Area lingcod fishery would be established from Cape Fairweather to Cape Suckling including Yakutat

Bay with a quota of 100 tons of lingcod. The fishery would be part of the Southeast Region, Eastern Gulf of Alaska Registration Area, and would be managed from Yakutat.

WHAT ARE THE CURRENT REGULATIONS? The Yakutat Area as described in this proposal, Cape Fairweather to Cape Suckling, is currently divided by regulation into the West Yakutat Section of the Outside District of Prince William Sound (PWS) and the East Yakutat Section of the Eastern Gulf of Alaska (EGOA) areas. The PWS lingcod fishery begins July 1 with a guideline harvest limit of 22,500 lb for the Outside District which includes PWS area waters from Cape Fairfield (148° 50' 15" W. long.) to the easterly boundary of the West Yakutat Section (140° W. long.). All legal groundfish gear may be used, and lingcod may be retained from salmon drift gillnet gear but not from power troll gear. In the East Yakutat Section, including Yakutat Bay, lingcod fishing is managed under a guideline harvest limit with a winter directed fishery closure in state waters between December and May. The GHL for the EYKT subdistrict is 270,000 round pounds. Lingcod can be retained by salmon power troll gear in EYKT.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Creation of a new area specifically for lingcod could simplify regulations near Yakutat. If the West Yakutat Section is moved to the EGOA Area, the GHL for the Outside District of PWS will be reduced by the amount normally taken in that section. Lingcod could be retained by power troll gear under regulations for EGOA.

BACKGROUND: Prior to 1997 both West Yakutat and East Yakutat Sections were a part of the State's Eastern Gulf of Alaska Area and regulations in Chapter 28 Article 4 applied as appropriate. Region I of the Commercial Fisheries Division was responsible for this area, with staff stationed in Juneau, Sitka, and Petersburg. At that time the West Yakutat Section extended from 140° W. long. westerly to 147° W. long. corresponding to the National Marine Fisheries Service delineation of the Eastern Gulf of Alaska Sub-area 640. The westerly boundary was near Hinchinbrook Entrance and affected fishers from Cordova and Seward (though inside waters of Prince William Sound were excluded). At a 1996 Board of Fisheries meeting the outside waters of the Prince William Sound Area were added to the PWS Management Area so that groundfish management area boundaries were set identical to those for salmon and shellfish. The PWS Outside District was then defined to include a portion of the previous area of West Yakutat which was named the Eastern Section (147° W. long. to Cape Suckling at 143° 53' W. long.). At a subsequent meeting in early 1997, the board adopted additional regulations moving the eastern boundary of PWS to 140° West longitude, with a line that jogs to the west so as not to bisect Yakutat Bay. Now the gulf waters near the community of Yakutat are divided between two management regions. Regulations and management east and west of the new area boundary are different resulting in confusion for fishermen in the community of Yakutat.

A further complication is that the Yakutat salmon management area is defined from Cape Suckling (143° 53' W. long.) to Cape Fairweather (137° 56' 30"). Regulations governing legal gear types were not modified to reflect the change in management area boundaries. One result has been that salmon power troll fishermen have been prohibited from incidentally taking groundfish including lingcod when fishing in the PWS West Yakutat Section but permitted to retain groundfish as bycatch in EGOA (5AAC 28.133). In PWS only groundfish taken

incidentally by salmon drift gillnet gear can be sold (5 AAC 28.230). Other regulatory differences such as rockfish trip limits, legal sizes and seasons for lingcod, area registration and logbook requirements, and Pacific cod seasons introduce additional confusion for both salmon and groundfish fishermen.

In summary groundfish fishers based in Yakutat and the salmon troll fleet must now adhere to regulations from two different management areas. For example lingcod seasons and minimum legal sizes are different in the two areas even though an individual could reasonably be expected to fish in both areas. Also PWS area regulations prohibit salmon power troll fishers from retaining lingcod.

DEPARTMENT COMMENTS:

- The department **SUPPORTS** moving the West Yakutat section that is east of Cape Suckling to the EGOA Area.
- If a new management area is created, the department requests that the name for the area be distinct from the federal area name, "West Yakutat," which extends from 140° to 147° W longitude. The department suggests the name Icy Bay section, and that this area extend from 140° (as currently defined in 5 AAC 28.100; not Cape Fairweather as proposed) to Cape Suckling at 143° 53' W longitude.
- Other fisheries affected if a new management area is created are: Pacific cod and rockfish. If a new Yakutat area is created, and becomes part of the Eastern Gulf area, the department would manage Pacific cod and rockfish fisheries in the new area as part of the federal fisheries with the effect that there will not be a separate state waters allocation.
- The department opposes a boundary at Cape Fairweather because this would split the East Yakutat area, for which there is a large volume of historical information that would not be possible to accurately ascribe to either side of the boundary. Lingcod harvests in the East Yakutat area can be allocated by time and area to address the concerns of the proposal; however, there are harvest opportunities in this area that have not been taken advantage of.
- The department opposes the GHL of 100 tons. Proposal 187 addresses modifications to the SE lingcod management plan, and the Board can address allocation issues for lingcod when it takes up this proposal in Juneau in January 2000.
- Current management staff for PWS area groundfish are located in Cordova and management staff for Southeast are in Sitka.
- The Department does not see any biological reason for the current delineation.

Cost Analysis: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 200 PAGE 134. 5 AAC 28.XXX. SKATE FISHING SEASON FOR EASTERN GULF OF ALASKA AREA

WHAT WOULD THE PROPOSAL DO? This proposal would create a commercial fishing season for skates similar to the IFQ longline season (March 15-November 15).

WHAT ARE THE CURRENT REGULATIONS? A statewide regulation (5 AAC 28.083) requires a permit issued by the commissioner to harvest skates and rays upon which may be specified season dates, area of fishing, and conditions necessary for conservation and management purposes.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The season for skates would be set in regulation, and a commissioner's permit would still be required upon which area, gear, logbook requirement, and harvest level could be specified.

BACKGROUND: No directed skate fishing has occurred in PWS to include West Yakutat. A permit has been required since 1998.

DEPARTMENT COMMENTS: The department opposes this proposal. The department does not intend to issue any permits for a directed skate fishery until a conservation based management plan is developed.

COST ANALYSIS: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 208 PAGE 138. 5 AAC 28.2XX. LINGCOD ALLOCATION GUIDELINES FOR PRINCE WILLIAM SOUND AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would allocate the lingcod harvest in the West Yakutat Section according to historic directed fishery harvest levels and harvest of lingcod in other directed fisheries to include an allocation for (1) longline gear, (2) salmon troll gear, and (3) dinglebar and jigging machines. If the annual harvest level is changed, it will be done proportionately to all gear groups. This is similar to the lingcod allocation guidelines for Eastern Gulf of Alaska Area (5 AAC 28.165).

WHAT ARE THE CURRENT REGULATIONS? Lingcod fishing in the West Yakutat Section is governed by regulations in the Prince William Sound (PWS) Management Area. A guideline harvest level (GHL) was set for the PWS Outside District which includes the W. Yakutat Section but is not allocated to gear type. Salmon power troll is not a legal gear type for lingcod in PWS.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? A GHL for W. Yakutat would be set in regulation to reflect the historic directed lingcod fishery harvest and the bycatch harvest of lingcod. The GHL would be allocated to the three gear categories noted in the proposal, with a provision to modify it proportionately as the GHL level changes.

BACKGROUND: The GHL in the Outside District of PWS was set at 50% of the average harvest of the past ten years. The department does not survey lingcod. Data from the gulf coast waters of Central Region collected in the early 1990's indicated a lack of lingcod recruitment. The department, needing a conservative management strategy, modified the approach taken by the National Marine Fisheries Service for fisheries with limited data by calculating the GHL based upon 50% rather than 75% of the recent 10 year average. The GHL of 22,000 lbs is fully available to any gear legal for groundfish in PWS. The GHL was taken in the first month of the fishery (July 1-30, 1999; July 1-22, 1998).

DEPARTMENT COMMENTS: The Department opposes this proposal for the West Yakutat Section of PWS. The GHL for the Outside District, which includes West Yakutat Section of PWS is only 22,000 lbs. It is important to note that the GHL for West Yakutat Section would be only a portion of this and for different gear types within this section may be so low that the department's ability to manage could be compromised. If the board moves West Yakutat Section to the Eastern Gulf of Alaska (recommendation for proposal 199) then proposal 187 addresses modifications to the SE lingcod management plan. The Board can address allocation issues for lingcod across a larger area off Yakutat when it takes up this proposal in Juneau in January 2000.

Cost Analysis: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.