

Summary to the North Pacific Fishery Management Council of actions taken
by the Alaska Board of Fisheries at their March 2000 meeting.

CRAB

Stand down: The Board voted unanimously for the following rule:

For Bristol Bay red king crab (BBRKC) in the area north of 55°30' N. lat and east of 164°W. long.

- (1) Pot, longline, and bottom trawl gear will stand down 30 days before the opening of the BBRKC fishery.
- (2) Trawlers targeting pollock will stand down 14 days before the opening of the BBRKC fishery, unless they carry an observer during the 14 days. Catcher vessels targeting pollock and delivering unsorted cod ends to offshore processors/motherships are exempt from the requirement to carry observers 14 days prior to the BBRKC fishing season.

If the BBRKC fishery is closed, the following will be in effect for Area J C. bairdi Tanner crab:

- (1) Pot, longline, and bottom trawl gear will stand down 30 days before the opening of the C. bairdi fishery.
- (2) Trawlers targeting pollock will stand down 14 days before the opening of the bairdi fishery, unless they are carrying an observer during the 14 day period. Catcher vessels targeting pollock and delivering unsorted cod ends to offshore processors/motherships are exempt.

Crab Rebuilding

The Alaska Board of Fisheries unanimously adopted the recommended components necessary for the NPFMC to develop rebuilding programs for C. opilio and St. Matthew blue king crab, BSAI crab stocks currently defined as overfished. These components were: (1) harvest strategies that reduced exploitation rates, adopted minimum stock size thresholds (MSST), and indexed exploitation rates to mature male biomass for St. Matthews blue king crab and mature male and female biomass for C. opilio crab; (2) gear specifications that require modifications to pot gear to reduce bycatch of sublegal and female crab. In addition, the Board closed a habitat protection area within 3 miles of St. Matthew Island to protect egg bearing female blue king crab.

AFA Crab Sideboard Implementation

The AFA crab sideboards are: if the entire AFA fleet participates, then the fleet will have an open access fishery for 80% of the AFA crab cap. When 80% of the AFA cap is reached, competitive fishing ceases and the AFA fleet manager would apply catch limits to the AFA vessels so that they would approach, but not exceed, their cap. This fishery will be self-managed with safe guards to ensure the AFA fleet does not exceed the cap. If the entire AFA fleet does not agree to participate, then the cap will be divided equally among the AFA vessels as an equal trip limit. The equal trip limit approach is not the preferred alternative of many AFA crab vessels because the high performing

vessels will catch less than their historic levels and the low performing vessels will likely leave some of their cap in the water.

C. bairdi Fishing Season

The Board adopted a season management strategy for Bering Sea Tanner crab to create concurrent fisheries, reduce bycatch, and eliminate the possibility that the C. bairdi stock is fished twice in a season. This strategy will be applied in years when the Tanner crab fishery is open.

- (1) East of 168° W long. LLP permitted vessels may retain Tanner crab during the directed BBRKC fishery, until the BBRKC fishery is closed or the Bristol Bay Tanner crab GHL is reached.
- (2) Ten days after the closure of the BBRKC fishery, the area from 166° W long. to 163° W long. will be open to directed Tanner crab fishing until the Bristol Bay Tanner crab GHL is obtained or March 31 (whichever occurs first).
- (3) West of 166°W long. Tanner crab may be retained in the directed C. opilio fishery until the Pribilof Tanner crab GHL is obtained, the C. opilio fishery closes, or March 31 (whichever occurs first).
- (4) If C. opilio is closed due to low stock abundance then the C. bairdi fishery west of 166 will open concurrent with (2) above.

GROUND FISH

Proposal 418 -

The board adopted an Adak small boat exclusive zone with 2 parts:

- (1) P. cod and rockfish may not be taken by vessels > 60 feet in Andreanof Island waters year round (see map of the adopted area; note that the restriction area excludes sea lion rookery/haulout on the southwest portion of the Island)
- (2) P. cod may not be taken from May 1 to September 15 by vessels >60 feet in State waters between 175°30 W long. and 177°W long. with jig, pot, or longline gear.

Proposals 417 and 420 -

The Board voted unanimously to not open any new State water pollock fisheries due to the uncertainties surrounding the Steller sea lion issue.

LAMPs

A small committee of the Board met with representatives working on LAMPs in Yakutat, Cook Inlet, PWS, and Kodiak. This was a very preliminary meeting where the discussion focused on establishing boundaries and status reports from the different regions.

**AGENDA CHANGE REQUEST FORM
ALASKA BOARD OF FISHERIES**

BOARD

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- 1) for a fishery conservation purpose or reason; or
- 2) to correct an error in regulation; or
- 3) to correct an effect on a fishery that was unforeseen when a regulation was adopted.

The board will not accept an agenda change request that is predominantly allocative in nature in the absence of new information found by the board to be compelling (5 AAC 39.999).

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- 1) STATE IN DETAIL THE NATURE OF THE PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues.

This agenda change request would implement a 60 pot per vessel pot restriction and restrict vessels larger than 75' from operating within state waters during the federal cod fishery in the Central Gulf of Alaska, Area 630 and a large portion of Area 620 east of 157 W. This would prevent the larger vessels from unrestricted fishing in state waters during the federal Pacific cod fishery.

Background:

The Alaska Department of Fish and Game (ADF&G) and the National Marine Fisheries Service (NMFS) delayed the *C. opilio* crab season from January 15 until, at least, April 1. This delay was an unforeseen and unexpected event. This delay will encourage the displaced *C. opilio* crab fleet to enter other fisheries, specifically the federal cod fishery in the Gulf of Alaska. Historically, the *C. opilio* fleet has not participated in the federal Western Gulf cod fishery. The closure of the *C. opilio* fishery allows the crab fleet to enter into other pot fisheries. The only fishery open to pot vessels at this time is the federal Pacific cod fishery in the Bering Sea and Gulf of Alaska.

The National Marine Fisheries Service manages the federal cod fishery, in coordination with ADF&G. The federal cod fishery opened on January 1. During the federal cod fishery, NMFS opens federal waters, and ADF&G concurrently opens state waters to allow vessels to fish in both state and federal waters. Recently, NMFS implemented a License Limitation Program (LLP) to limit the number of vessels that can

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fish in federal groundfish fisheries, including cod. Under this program, only vessels that are qualified to fish in the Western and Central Gulf of Alaska can fish during the federal cod fishery in federal waters.

However, the LLP does not limit the number of vessels that can fish inside state waters during any federal groundfish fishery, including Pacific cod, pollock, or flatfish. Vessels without an LLP license can still fish in the federal Gulf of Alaska Pacific cod fishery as long as they fish *exclusively* within state waters when the federal fishery is open. This means that even though the LLP limits the number of boats in federal waters, *any vessel, of any size, can fish in the Gulf federal cod fishery if they fish exclusively within state waters.* State waters are essentially open to all boats. This creates the possibility that the cod resource will be over-harvested within state waters due to the entry of new boats. There are no federal laws that can enforce regulations to restrict the fleet operating exclusively in state waters. Additionally, vessels fishing exclusively in state waters during the federal fishery do not need to comply with federal observer requirements. This limits the ability of federal and state managers to gather in-season catch, and bycatch information.

The federal government does not have the ability to implement controls on the number, or size, of vessels fishing within state waters during the federal cod fishery. The state needs to act to resolve this resource management problem. This agenda change request would solve this problem by limiting state waters to vessels that have historically fished there, the small local fleet. It would prevent large numbers of new participants from unrestricted fishing within state waters during the federal fishery.

Since any size vessel can fish inside state waters without an LLP during the federal season, this limits the fishing grounds available to the small local fleet. The larger vessels, particularly crab vessels, will fish in near shore areas traditionally used by the local fleet. These larger vessels can carry more pots and will be able to set more gear, more quickly, over the fishing grounds used by the local fleet. The small local vessels cannot safely fish far offshore. The small local fleet will be forced into dangerous weather further offshore or into marginal fishing grounds. This puts lives at risk and is a serious economic burden.

This solves an unforeseen and unexpected resource situation created by the delay of the *C. opilio* season. This would preserve the fishing grounds of the local small boat fleet and ensures that the resource will be available to them in the future. This petition provides a mechanism to control fishing effort within state waters during the federal fishery. This would allow those vessels qualified under the LLP program to continue fishing in federal waters during the federal fishery. It is not overly burdensome on the other participants in the Western Gulf federal Pacific cod fishery since LLP qualified vessels larger than 60' would be able to fish within federal waters under regulations established by NMFS.

2) STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATE ABOVE. If any one or more of the three criteria set forth above is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason:

This request reduces the possibility of cod within state waters being more intensively harvested in state waters relative to the distribution of cod stocks in the Western Gulf of Alaska. It reduces the likelihood of depleting cod stocks within state waters before the start of the state water cod season.

or 2) Correct an error in regulation:

Currently, the LLP does not apply inside of state waters during the federal fishery. This request would establish a means to prevent large numbers of new vessels from fishing within state waters without meeting the requirements of the LLP. This request corrects the problems caused by the lack of a regulation within state waters. This lack of regulation is an error in regulation.

or 3) Correct an unforeseen effect of a regulation:

This request corrects the absence of a regulation restricting the number of vessels fishing inside state waters during the federal cod fishery. The low GHL for *C. opilio* crab and the delay of the season have created the unforeseen and unexpected potential for large numbers of boats to enter other fisheries. Since it has recently become clear that the LLP does not apply within state waters, this request would address the unforeseen effect of the lack of regulations within state waters during the federal cod fishery.

3) STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE.

This request will reduce the possibility of cod stocks within state waters from being harvested faster than they have historically. This request reduces the likelihood of near shore cod stocks being quickly harvested prior to the start of the state pacific cod season. This request does not restrict the ability of LLP qualified vessels from participating in the federal cod fishery. It does prevent those vessels in excess of 75' without an LLP and without federal observer requirements from fishing within state waters during the federal season. and for those vessels less than 75' it limits their gear to 60 pots per vessel.

4) IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.

This request would still allow LLP qualified vessels greater than 75' to fish for Pacific cod within federal waters. In addition, non LLP qualified vessels of less than 75' as well as LLP qualified vessels less than 75' could continue to fish in State waters but they would be limited to 60 pots per vessel. This redistribution of the fleet is not significantly burdensome on the larger LLP qualified vessels since they can still fish outside of state waters. This redistribution is necessary to prevent large numbers of larger vessels from fishing on near shore cod stocks without meeting federal LLP and observer requirements.

5) CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.

The parallel season in the cod fishery is described at 5 AAC 28.081 and 5 AAC 28.577. General regulations concerning groundfish are described at 5 AAC 28.089.

6) STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.

This issue has just come to the attention of federal and state regulators. The low GHL and delay in the *C. opilio* season that prompted this concern were unforeseen and unexpected events that occurred after the March 1999 statewide groundfish meeting and after the April 10 proposal deadline.

7) STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user, sport fisherman, etc.).

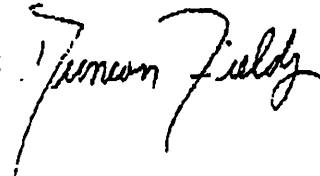
- vessel owner
- state waters codfish fisherman
- processor owner
- consultant for Gulf of Alaska Coastal Communities

8) STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.

A similar proposal for the western Gulf of Alaska, area 610, was submitted as an emergency petition at the Juneau, January 2000 Board of Fish meeting (RC 95). The petition was rejected by a 6-1 vote.

DATE: February 2, 2000

SIGNATURE:



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BOARDS

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- 1) STATE IN DETAIL THE NATURE OF THE PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues.

This agenda change request would restrict vessels larger than 60' from operating within state waters during the federal cod fishery in the Western Gulf of Alaska, Area 610, management area and a small portion of the Central Gulf of Alaska, Area 620, west of 157° W. This would prevent the larger vessels from unrestricted fishing in state waters during the federal Pacific cod fishery.

Background:

The Alaska Department of Fish and Game (ADF&G) and the National Marine Fisheries Service (NMFS) delayed the *C. opilio* crab season from January 15 until, at least, April 1. This delay was an unforeseen and unexpected event. This delay will encourage the displaced *C. opilio* crab fleet to enter other fisheries, specifically the federal cod fishery in the Gulf of Alaska. Historically, the *C. opilio* fleet has not participated in the federal Western Gulf cod fishery. The closure of the *C. opilio* fishery allows the crab fleet to enter into other pot fisheries. The only fishery open to pot vessels at this time is the federal Pacific cod fishery in the Bering Sea and Gulf of Alaska.

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This request would require LLP qualified vessels greater than 60' to fish for Pacific cod within federal waters. However, these vessels would still be able to fish within federal waters during the federal season. This redistribution of the fleet is not significantly burdensome on the larger LLP qualified vessels since they can still fish outside of state waters. This redistribution is necessary to prevent large numbers of larger vessels from fishing on near shore cod stocks without meeting federal LLP and observer requirements.

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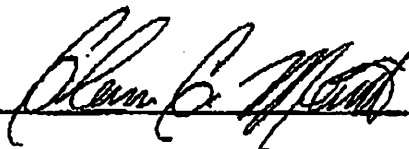
Chief Resource Analyst
Aleutians East Borough
(Representing the local fleet in the Western Gulf of Alaska)

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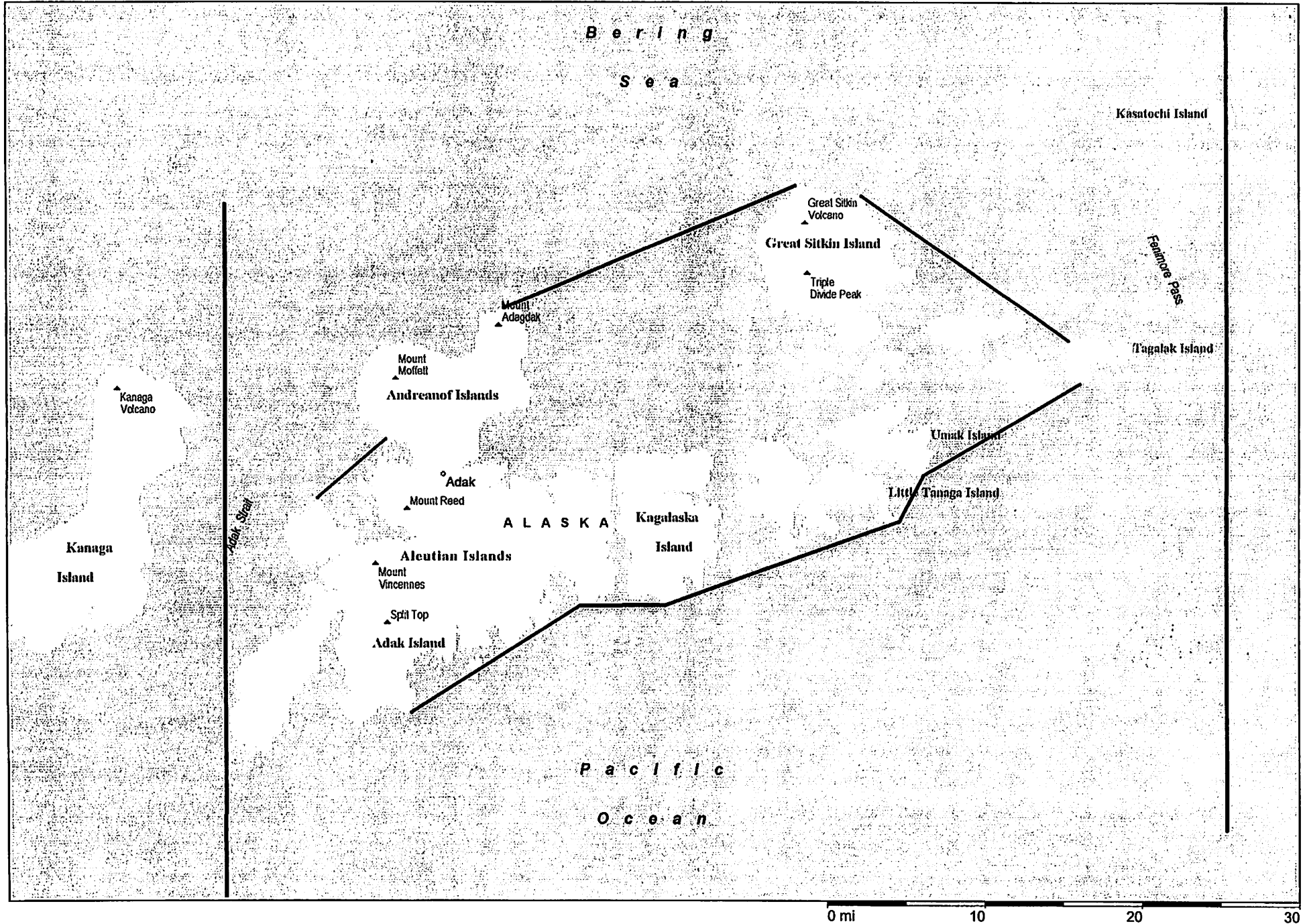
This proposal was submitted as an emergency petition at the Juneau, January 2000 Board of Fish meeting (RC 95). The petition was rejected by a 6-1 vote.

DATE: February 1, 2000

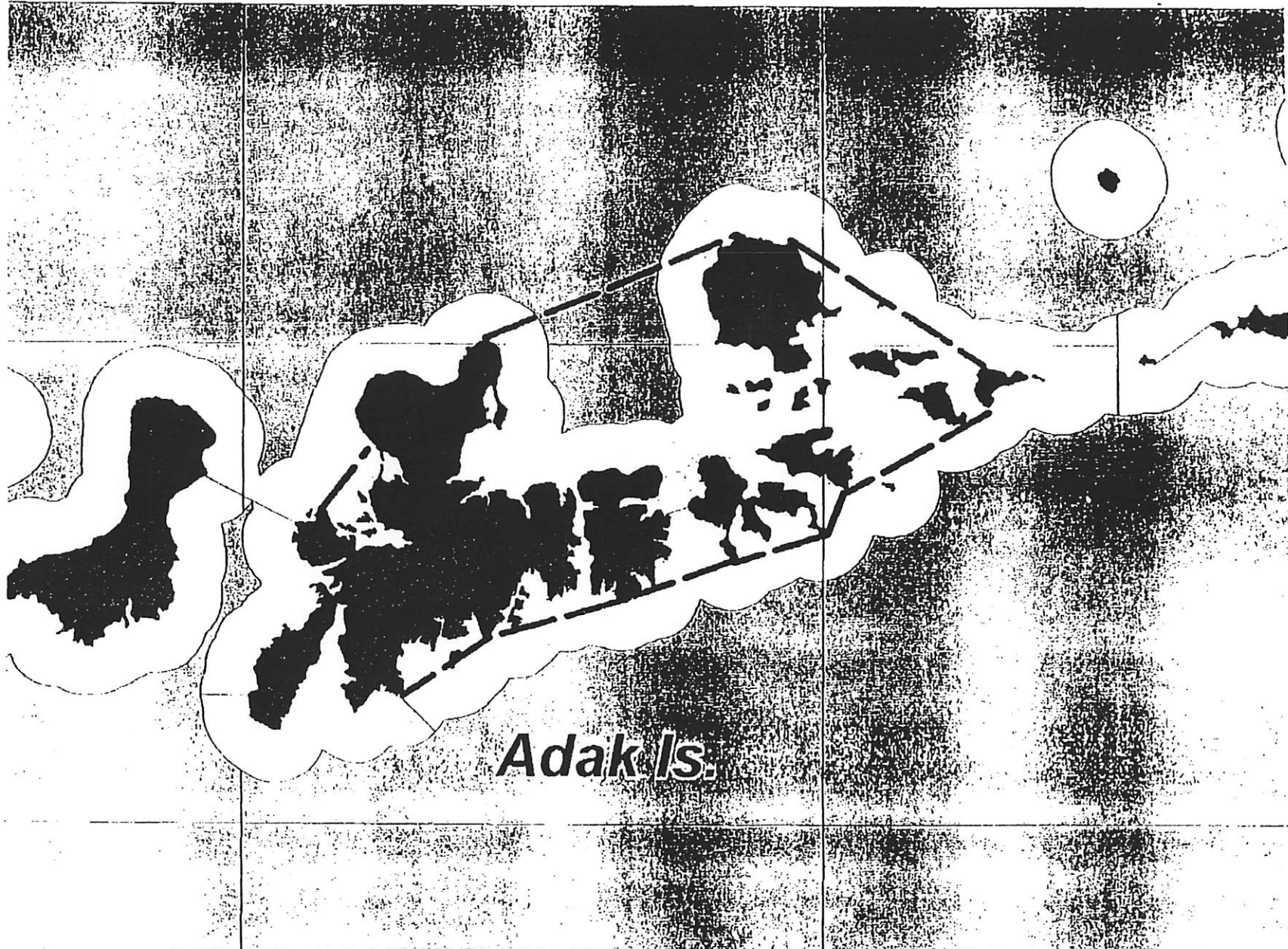
SIGNATURE:



Adak Island area, Alaska, United States



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State and federal waters surrounding Adak Island