

**Joint Meeting
Alaska Board of Fisheries
and
North Pacific Fishery Management Council
January 30, 1996**

**TAB 8: STATE MANAGEMENT INTENTIONS IN
1996 - GROUND FISH, SCALLOPS, OTHER
FISHERIES**

- a. Emergency Regulation for Prince William Sound
Pollock Fisheries**
- b. Call for Proposals to Board of Fisheries**
- c. Proposed Magnuson Act Changes in State
Authority**

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**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, adopted and amended, on December 22, 1995, as emergency regulations, regulation under 5 AAC 28.020 and 5 AAC 28.220 related to the registration and permits for the pollock fishery in the Prince William Sound Area.

The regulations establish a registration deadline of January 13, and a requirement for a permit for the pollock fishery in the Prince William Sound Area.

These regulations took effect December 22, 1995. The emergency regulations will expire April 19, 1996, unless they are made permanent by the Alaska Department of Fish and Game.

This action is not expected to require an increased appropriation.

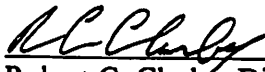
A copy of the regulations may be obtained by writing to: Kevin J. Messing, Regulations Specialist, Department of Fish and Game, PO Box 25526, Juneau, AK 99802-5526.

Notice is also given that the commissioner of the Alaska Department of Fish and Game intends to make these regulations 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 the above address, so that they are received no later than 5:00 p.m., January 26, 1996.

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 Lana Francis at (907)465-4111 or TDD 1-800-478-2028 no later than 5:00 p.m., January 12, 1996 to ensure that any necessary accommodations can be provided.

The language of the permanent regulations may vary from that of the original emergency regulations. You should comment during the time allowed if your interest could be affected.

DATE: December 22, 1995



Robert C. Clasby, Director
Commercial Fisheries Management
and Development Division
Alaska Department of Fish and Game

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Alaska Department of Fish and Game
2. General subject of regulation: Registration and Permits for the Pollock Fishery in the Prince William Sound Area.
3. Citation of regulation: 5 AAC 28.020 and 5 AAC 28.220.
4. Reason for proposed action: Require registration and permits, and establish requirements for the permits, for participants in the pollock fishery in the Prince William Sound Area to allow the department to assess the participation in the fishery in advance to establish appropriate management strategies, i.e. length of season, and manage the fishery inseason.
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: Kevin J. Messing
Title: Regulations Specialist
Address: ADF&G/Commercial Fisheries Management and
Development Division, PO Box 25526, Juneau, Alaska 99802-5526


Telephone: (907) 465-6124

8. The origin of the proposed action:

(X) delegation of authority from the Alaska Board of Fisheries.

9. Date: December 22, 1995

Prepared by:



Kevin J. Messing
Regulations Specialist
(907)465-6124

-- FINDING OF EMERGENCY

1. The Alaska Department of Fish and Game finds that an emergency exists and that the attached regulations are necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:
2. In January of 1995, a new pollock fishery emerged in the state controlled waters of the Prince William Sound (PWS). Approximately four trawl vessels started fishing on a highly concentrated pre-spawning biomass located in southwestern PWS. Lacking any other information, state managers utilized a 1989 estimate of the population as a basis for a guideline harvest level (GHL) to manage the fishery. The harvest rate on this population was exceptionally high, and the conservative harvest goal established by state managers was exceeded by over 200% before the fishery could be closed. An unanticipated influx of five additional boats during the fishery was responsible for this overharvest.
3. The migration and intermixing between pollock stocks that are specific to waters of PWS and stocks that spend a large component of their life in the adjacent federal waters of the Exclusive Economic Zone (EEZ) in the Gulf of Alaska cannot be determined at this time. Management of pollock resources in the federal waters is based on summer population estimates from synthesis models which use the National Marine Fisheries Service (NMFS) triennial trawl survey and catch sample data. These surveys and models do not incorporate waters of PWS which harbor a population of pollock unassessed by the federal surveys.
4. The department has developed a pollock fishery management plan which would permit a conservative harvest of the unassessed pollock available in state waters of PWS. A GHL of 1,400 tons has recently been established based on hydroacoustic survey data collected from PWS in 1994. This survey was conducted at a time of year which would represent pollock not included in federal population estimates in the adjacent federal waters. The harvest rate used to derive the PWS GHL is identical to that used by NMFS in determining the Total Allowable Catch for pollock in the Gulf of Alaska. Analyses to generate the federal harvest rate were not completed until November 1995 when it was presented to the North Pacific Management Council (NPFMC) Plan Team. It therefore was not possible for the state managers to determine the state waters GHL prior to this time.
5. The 1,400 ton GHL calculated for 1996 is smaller than anticipated and represents a 50% reduction from the harvest taken in PWS last year. The potential fishing capacity of the trawl fleet is quite large relative to the PWS GHL. Individual fishing boats are capable of harvesting from 70 to 140 tons of pollock per day. It is also anticipated that the number of vessels participating will increase substantially from 1995 levels. Therefore, the resultant harvest rate may be too rapid to allow the department to use available inseason management tools to prevent grossly exceeding the GHL. This may result in overfishing of the PWS pollock stock and adversely affect long-term sustainable yield.

6. In order to adequately manage this new fishery, in light of the relatively low GHL for 1996, it is imperative that the department knows the level of participation in advance of the fishery, and that the effort level not increase during the fishery. A registration deadline as outlined in regulatory text below will allow the department to better anticipate effort and facilitate on the grounds communications so that managers can receive timely catch information. A registration deadline of January 13, which is 7 days prior to the opening of the fishery, will allow the department to anticipate the likely season length and reduce the potential for overexploitation.

7. In order to adequately manage this new fishery, the department must also be able to enforce daily catch reporting during the fishery, obtain logbook data from each vessel, insure biological data is collected by observers and other requirements as necessary for a sustained yield harvest. A commissioner's permit is needed to allow the department to obtain this information. Daily vessel catch reporting will yield timely catch data to facilitate inseason management. Logbook reporting will facilitate future management through catch-per-unit-of-effort data on catch and bycatch.

8. This emergency regulation is needed for the responsible conduct of the 1996 fishery. Lack of these regulatory changes may result in the closure of this fishery during the 1996 season under the management plan for high impact emerging fisheries (5 AAC 39.210), and this may adversely impact the public welfare.

9. This proposal has been submitted as an emergency regulation because there was not sufficient time for the department to gain stock status information, develop its management strategy and GHL and meet the Board of Fisheries (BOF) agenda change request deadline. The state waters GHL could not be set until after the NPFMC Plan Team met in November to recommend federal harvest rates and fishery quotas. These in turn were not finalized until the NPFMC meeting in early December. Further, the scheduling of this proposal for the winter 95/96 BOF meeting cycle as well as the filing period would have made it impossible to adopt the needed regulatory changes in sufficient time to meet the January 1996 fishery opening date.

10. It is necessary that the emergency regulations be made permanent, so that they will be effective for both the 1996 and 1997 fishing seasons. Due to the Board's 1996/97 meeting schedule and the filing time required for new regulations to become effective, it would be impossible for the Board to adopt regulations prior to the January 1997 fishery. The management of the 1996 pollock fishery and this emergency regulation were discussed with the Board in December of 1995 at Kodiak. Further, the Board will review this fishery during the 1996/97 PWS meeting cycle, and will consider any public and/or department proposals to amend these regulations for the 1998 season.

ADOPTION ORDER

Under the authority of AS 16.05.251 and AS 16.05.270, the attached regulations are therefore adopted as emergency regulations to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

DATE: 12.22.95



Frank Rue, Commissioner
Alaska Department of Fish and Game

FILING CERTIFICATION

John Lindback for

I, Fran Ulmer, Lieutenant Governor for the State of Alaska, certify that on

December 22, 1995, at 10:51am., I filed the attached regulations according to the provisions of AS 44.62.


Fran Ulmer, Lieutenant Governor
State of Alaska

Effective: December 22, 1995

Register: 137, April 1996

Expires April 19, 1996
unless made "permanent"
by the adopting agency.

EMERGENCY REGULATIONS

Register 137, April 1996

FISH AND GAME

TITLE 5. FISH AND GAME.

PART 1. COMMERCIAL AND
SUBSISTENCE FISHING AND PRIVATE
NONPROFIT SALMON HATCHERIES.

CHAPTER 28. GROUND FISH FISHERY.

ARTICLE 1. REGISTRATION AREAS.

5 AAC 28.020 is amended by adding a new subsection (i) to read:

5 AAC 28.020. REGISTRATION.

.....

(i) In the Prince William Sound Area, for the pollock fishery using trawl gear, the registration deadline for the registration year is January 13. (Eff. 7/30/89, Register 111; am 5/2/92, Register 122; am 7/23/94, Register 131; em am 12/22/95 - 4/19/96, Register 137)

Authority: AS 16.05.251

EMERGENCY REGULATIONS

Register 137, April, 1996

FISH AND GAME

ARTICLE 5. PRINCE WILLIAM SOUND AREA.

5 AAC 28.220 is amended by adding a new subsection (b) to read:

5 AAC 28.220. PERMITS. (a) In the waters of the Prince William Sound Area, sablefish may be taken only under the conditions of a permit issued by the department.

(b) In the waters of the Prince William Sound Area, pollock 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 necessary for management of the fishery. (Eff.

7/30/89, Register 111; em am 12/22/95 - 4/19/96, Register 137)

Authority: AS 16.05.251

Expires April 19, 1996
unless made "permanent"
by the adopting agency.

CALL FOR PROPOSALS

THE ALASKA BOARD OF FISHERIES CALL FOR PROPOSED CHANGES
IN THE SUBSISTENCE, PERSONAL USE, SPORT, GUIDED SPORT, AND
COMMERCIAL FINFISH REGULATIONS FOR THE
SOUTHEAST/YAKUTAT AND PRINCE WILLIAM SOUND FINFISH AREAS,

STATEWIDE DUNGENESS CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH
REGULATIONS,
and
STATEWIDE GROUND FISH FISHERIES

PROPOSAL DEADLINE – APRIL 10, 1996

The Alaska Board of Fisheries is accepting proposed changes to the subsistence, personal use, sport, guided sport, and commercial finfish regulations for the Southeast/Yakutat and Prince William Sound (including Upper Susitna River/Upper Copper River Area sport fish regulations) management areas. Finfish includes; salmon, herring, trout, char, burbot, northern pike, whitefish, groundfish, etc.

The board is accepting proposed changes to the subsistence, personal use, sport, guided sport, and commercial Statewide Dungeness Crab, Shrimp, and Miscellaneous shellfish regulations. This includes all regional Dungeness Crab, Shrimp, and Miscellaneous shellfish management areas.

The board is accepting proposed changes to the commercial groundfish regulations on an area and statewide basis, to develop a new management approach for the waters of the Gulf of Alaska which includes the Eastern, Central and Western Gulf, Cook Inlet, and Prince William Sound areas, to include description of areas, districts, subdistricts, sections, and subsections, fishing seasons and periods, gear, registration, permits, methods and means, size limits, open and closed waters, landing limits, reporting requirements, possession and landing limits, trip limits, guideline harvest levels, incidental catch, allocation, observer requirements, logbooks, harvest of groundfish as bait, management plans, management of groundfish species in the Exclusive Economic Zone (EEZ), and any other topics related to the management, development, or conservation of a groundfish species.

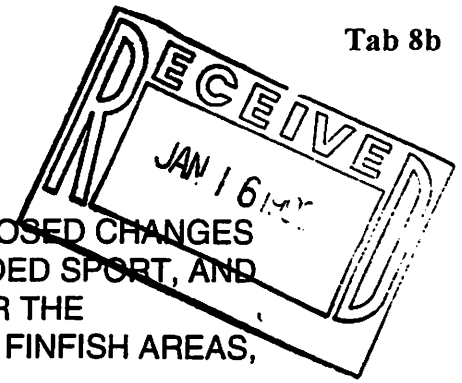
To insure that the proposal booklets are distributed well in advance of the board meetings and the fishing season, the board has set a Wednesday, April 10, 1996 proposal deadline. The board recognizes this is an early deadline, however feels the advisory committees, fishermen organizations, public and department staff have benefited by having more time to review the proposals.

Your proposal must be received by any Boards Support Section office by close of business on Wednesday, April 10, 1996. The following offices can officially receive proposals:

Lana Francis
Headquarters
P.O. Box 25526
Juneau, AK 99802-5526
Phone: (907) 465-4110

Joe Chythlook
Southwest Region
P.O. Box 1030
Dillingham, AK 99576-1030
Phone: (907) 842-5142

Ann Wilkinson
Southcentral Region
333 Raspberry Road
Anchorage, AK 99518-1599
Phone: (907) 267-2354



**Board of Fisheries
1996/97 Call for Proposals
Page 2**

**Ida Alexie
Western Region
P.O. Box 1788
Bethel, AK 99559-1788
Phone: (907) 543-4467**

**Aurora Madsen
Arctic Region
P.O. Box 689
Kotzebue, AK 99752-0689
Phone: (907) 442-3420**

**Jim Marcotte
Interior Region
1300 College Road
Fairbanks, AK
Phone: (907) 474-8634**

All proposals must contain an original signature, contact telephone number, and address. Proposals must be received in one of the above offices by the deadline (only being postmarked by that date is not considered as a valid timely receipt). You are encouraged to submit proposals at the earliest possible date.

[Note: Proposals received per the above "Call For Proposals" deadline will be considered by the Board of Fisheries during the November 1996 - March 1997 meeting cycle.]

The State of Alaska, Department of Fish and Game complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services, and/or special modification to make a proposal; should contact Lana Francis at 465-4110 (To correspond by text telephone (TDD), call 1-800-478-2028) no later than April 5, to make any necessary arrangements.

STATE MANAGEMENT AUTHORITY
IN THE EEZ UNDER THE REVISED
MAGUNSON ACT

Tab 8c

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104TH CONGRESS
1ST SESSION

H. R. 39

IN THE SENATE OF THE UNITED STATES

OCTOBER 19 (legislative day, OCTOBER 18), 1995,

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To amend the Magnuson Fishery Conservation and
Management Act to improve fisheries management.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 “(5) An emergency regulation promulgated under
2 this subsection that closes an area to fishing shall not re-
3 main in effect for an additional period under paragraph
4 (3)(B) unless before the beginning of the additional period
5 the Council having jurisdiction over the area, in conjunc-
6 tion with the Secretary, publishes a report on the status
7 of the fishery in the area that includes an analysis of the
8 costs and benefits of the closure.”.

9 **SEC. 12. STATE JURISDICTION.**

10 (a) **REPORTS.**—Section 306(c)(1) (16 U.S.C.
11 1856(c)(1)) is amended—

12 (1) by striking “and” at the end of subpara-
13 graph (A);

14 (2) by striking the period at the end of sub-
15 paragraph (B) and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(C) the owner or operator of the vessel sub-
18 mits to the appropriate Council and the Secretary,
19 in a manner prescribed by the Secretary, periodic re-
20 ports on the tonnage of fish received from vessels of
21 the United States and the locations from which such
22 fish were harvested.”.

23 (b) **STATE AUTHORITY.**—Section 306(b) (16 U.S.C.
24 1856(b)) is amended by adding at the end the following:

1 “(3) For any fishery occurring off the coasts of Alas-
2 ka for which there is no Federal fishery management plan
3 approved and implemented pursuant to this Act, or pursu-
4 ant to delegation to a State in a fishery management plan,
5 a State may enforce its laws or regulations pertaining to
6 the taking of fish in the exclusive economic zone off that
7 State or the landing of fish caught in the exclusive eco-
8 nomic zone providing there is a legitimate State interest
9 in the conservation and management of that fishery, until
10 a Federal fishery management plan is implemented. Fish-
11 eries currently managed pursuant to a Federal fishery
12 management plan shall not be removed from Federal man-
13 agement and placed under State authority without the
14 unanimous consent (except for the Regional Director of
15 the National Marine Fisheries Service) of the Council
16 which developed the fishery management plan.”.

17 **SEC. 13. PROHIBITED ACTS.**

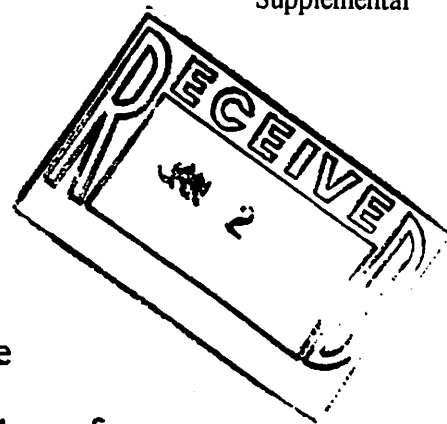
18 (a) PROHIBITION ON REMOVING, DAMAGING, TAM-
19 PERING WITH, OR MOVING FISHING GEAR AND FISH.—

20 (1) PROHIBITION.—Section 307(1) of the Mag-
21 nuson Fishery Conservation and Management Act
22 (16 U.S.C. 1857(1)) is amended—

23 (A) by redesignating subparagraphs (L),
24 (M). and (N) in order as subparagraphs (M),
25 (N). and (O); and

DAVID HILLSTRAND
BOX 1500
HOMER, ALASKA 99603
(907) 235-8706

NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL
Attention: RICHARD LAUBER



In the newsletter on the draft for agenda items and the NPFMC/ADFG meeting item #8. State intentions for managing groundfish, scallops, and other fisheries of mutual interest, in 1996.

I would like to recommend to the NPFMC the transfer of management of the BS/AI crab fisheries and the GOA P. Cod fisheries for the ability to proceed with ITQ's in all other fisheries of the Bering Sea.

There by getting the States support of ITQ's in some fisheries and giving up control and management of BS/AI crab and GOA P.Cod fisheries. Allowing the State to protect its interest in its local communities.

The State of Alaska tried a P. Cod fisheries in the GOA in 1995; in State waters, the opening was timed a little late and the fish had moved out side of State waters by the 15th of August. Limiting CPU efforts.

The State also has a proposal to have the P. Cod fisheries in lower Cook Inlet for its management plan also.

The State already manages the crab fisheries for the NPFMC in a joint agreement and has management authority for the GOA already; to extend its jurisdiction would be prudent also.

David Hillstrand