

**BOARD OF FISHERIES REPORTS
LAMPS AND HALIBUT SUBSISTENCE**

- Item B-5(a) Summary of Actions, May 8-9, 2001 Board Work Session w/attached reports from public meetings in Sitka, Kodiak, Cordova, and Homer.*
- Item B-5(b) Copy of Council's final action on halibut subsistence from October 2000.
- Item B-5(c) Written comments received in Council office.

The Alaska Board of Fisheries Findings on Halibut Subsistence will be distributed at meeting time.

*Written comments submitted to the Alaska Board of Fisheries on halibut LAMPs and subsistence are available in a special reference notebook. Please contact Council secretary if you would like to review them.

**Alaska Board of Fisheries
WORK SESSION
Halibut Subsistence and LAMPs
Summary of Actions
May 8 and 9, 2001
WestCoast International Inn, Anchorage**

This summary of actions is for information purposes only and is not intended to detail, reflect or fully interpret the reasons for the board's actions.

Sport Fish Closures on the Lower Yukon and Kuskokwim Drainages/Federal Action

The board received a report from the department and from its Federal/State Subsistence Committee (Coffey, Umphenour, White) concerning two special action requests that are scheduled for consideration at the Federal Subsistence Board (FSB) meeting this week. The special action requests ask for sport fishing closures on the lower Yukon and Kuskokwim drainages. However, the federal staff committee expanded these requests to suggest closure of all salmon fishing to all but federally qualified subsistence users on all waters within or adjacent to federal conservation units. The department outlined its concerns to the FSB in a May 4 letter. The board opted to send a letter in addition, expressing its opposition to the special action requests.

Subsistence Use of Halibut

In October 2000 the North Pacific Fishery Management Council (NPFMC) adopted options concerning subsistence halibut regulations for specific areas of the state that defined eligibility, gear, and daily limits. The NPFMC requested that the board provide recommendations relating to legal gear, daily limits, reporting requirements, customary and traditional use areas of tribes and rural communities, and nonrural area definitions for halibut fishing areas. These recommendations will be presented to the NPFMC at its June 2001 meeting in Kodiak. In addition to subsistence halibut recommendations, the board will report to the NPFMC on the status of local area management planning (LAMP) in various areas of the state.

A committee, comprised of members of the board, held four regional public meetings at Sitka, Kodiak, Cordova, and Homer to hear from the public about these issues. The committee presented its report to the full board and the board developed recommendations represented in a matrix covering Area, Gear, Harvest Limits, Permits/Reporting Requirements, and Proxies. The matrix focused board discussion on whether to recommend to the NPFMC that the proposed options be liberalized, be the same, or be less liberal than the first set of options given to the board to review in October 2000.

The board also discussed whether member Dersham may have a conflict of interest in giving recommendations on the Cook Inlet area due to his business there. The chairman found that no conflict of interest exists because Dersham would not gain any business or personal interest by any recommendation the board will make. The information concerning patterns of use that the board will rely upon comes from the department; and this recommendation is advisory, not regulatory, to the NPFMC.

AREA

The department provided the board with the current nonsubsistence use areas defined in regulation. The board discussed the Anchorage/Mat-Su/Kenai nonsubsistence use area and

recommended that for subsistence use of halibut this area should be altered to capture the traditional areas of federal qualified users. A latitudinal line from Seldovia continued west across the inlet closes upper Cook Inlet but leave open waters traditionally used by villages on the peninsula.

The board discussed subsistence halibut fishing in areas 4C, 4D, and 4E and recognized the small window of opportunity available for fishing due to the weather. Halibut must be harvested in one trip if possible. As such, the board focused on liberalizing regulations in these areas in further discussions of gear, harvest limits, etc. in order to accommodate the subsistence use in this area.

The board also expressed concern with bycatch of other species in areas 3A and 2C. It is unknown how large the potential pool of participants will be in Cook Inlet, Prince William Sound, Kodiak and Sitka due to the definition of eligibility adopted by the NPFMC. A potential conflict could occur with the state's conservation concern on species such as rockfish while trying to provide reasonable opportunity for subsistence users to get halibut. Due to this concern the board focused on more cautious recommendations for gear, harvest limits, etc. while still recognizing and providing for subsistence use of halibut in four specific areas: Sitka Sound LAMP area, Kodiak road zone and Chiniak Bay, Prince William Sound, and Cook Inlet (as redefined above).

GEAR

In areas 4C, 4D, and 4E, the board recommended no gear restriction/no limit on the number of hooks. Again, these users are limited by weather, and therefore time, in obtaining their halibut. There would likely not be a way to get fish out to sell on commercial markets. The board discussed the fact that it was unable to hold hearings in these areas so it received limited input. However, the board also saw in the NPFMC initial options that a "no harvest limit" is recommended for this area. A gear limit did not make sense if there is no harvest limit.

In areas 3B, 4A, and 4B, and areas 3A and 2C except for the four specific areas noted above, the board agrees with the NPFMC option of a 30-hook limit. In addition, "stacking" gear up to three units of gear is acceptable provided the subsistence user(s) are onboard the vessel. Allowance for stacking gear acknowledges traditional ways the fishermen go out to get their fish.

In the Sitka Sound LAMP area (portion of area 2C), the board agreed with the restrictions during May, June, and July that are currently set in that LAMP. Discussion included concerns that a 30-hook skate may increase the number of rockfish caught, both inside and outside the LAMP area. The board noted that the marine sanctuary in the pinnacles off Sitka is closed to fishing already. The board asked the department if there is a different pattern of bycatch of rockfish from jigging versus longline gear. The department has not done an analysis of rockfish caught by halibut fishermen, but noted that the amount of rockfish taken by villages is small compared to the commercial fisheries. There is a possibility that the analysis will show that the potential exists for a larger bycatch with the use of handheld gear versus longline gear.

Currently a 5-hook limit restriction for subsistence exists in Cook Inlet and Prince William Sound. The board noted that if a fisherman is jigging and catching rockfish, it is easier to move off of the rockfish and fish in another place for halibut. It is harder with longline gear because a fisherman does not know what the gear is being set on until the line is pulled up. The board is confident in the user who knows the local area because that user knows where to go for halibut, but the board is worried about the nonlocal user who is qualified to come to an area to fish and does not have that knowledge.

The final recommendation for gear for the four specific areas includes: Sitka Sound LAMP area: 2 hooks; Kodiak Road Zone and Chiniak Bay: 5 hooks; Prince William Sound: 5 hooks; and Cook Inlet: 5 hooks. Stacking gear is not recommended for Sitka Sound LAMP area. The board also recommends allowing stacking gear in the specific Kodiak, Prince William Sound and Cook Inlet areas at three times the number of hooks on a single unit of gear. Allowance for stacking gear acknowledges traditional ways the fishermen go out to get their fish.

HARVEST LIMITS

The board recommends no harvest limit for areas 4C, 4D, and 4E. In areas 3B, 4A, 4B, and 3A and 2C except for the specific areas noted above, the board recommends a harvest limit of 20 halibut per day with no annual limit.

The board committee heard consensus and/or support during the hearings in Sitka and Kodiak for an annual limit. No annual limit was supported for Prince William Sound or Cook Inlet. The board noted that no proxy fishing is needed in areas where there is no annual limit. Therefore, the board recommends the following harvest limits for the specific areas: Sitka Sound LAMP area, and Kodiak Road Zone and Chiniak Bay: 20 fish per day, 20 fish annual limit with allowance for proxy fishing without the necessity of the other person being onboard the vessel; Prince William Sound and Cook Inlet: 20 fish per day with no annual limit.

PERMITS AND REPORTING REQUIREMENTS

The board committee heard general support from the public for permits and reporting requirements, including reporting of bycatch species. The department does not have the funding to implement a permit system nor a reporting system. The board recommends that the federal agencies develop one, working with the tribal or local entities wherever possible, and working with the federal subsistence board as appropriate.

OTHER

The board noted many areas that are unexplored in these recommendations, such as whether to allow commercial vessels to have subsistence-caught halibut onboard, etc. The board does recommend to the NPFMC that adoption of the federal regulations governing subsistence use of halibut occur all at once and not in a piecemeal fashion. The board also noted the need to look at state regulations and adjust those regulations accordingly and in a timely manner.

Halibut Local Area Management Plans (LAMPs)

The board committee reported on progress and interest from the areas in which hearings were held concerning local area management planning efforts for halibut. Some areas/communities are in a position to continue work on LAMPs without the need for much facilitation or funding from the board (e.g., Yakutat and Kodiak). During the hearing in Cordova/Prince William Sound the board committee heard interest in developing a problem statement; that area will need funding and facilitation help from the board. In Cook Inlet, Ninilchik is interested and has made progress; Homer is not interested yet. The area will also need funding and facilitation help from the board in order to bring in other areas and representatives.

In general, the public agreed that a LAMP process is useful. Funding is the main issue. State funding is not available, and this is a federal issue so the process should be funded by a federal agency. This process is a burden on this board and on the state, both in workload and fiscally. The board intends to inform the NPFMC at its June 2001 meeting that if the protocol is to continue, funding is necessary.

The board also discussed the proposals that are “deferred” to the halibut LAMPs process. The intent of the board’s decision in deferring the proposals is to keep a vehicle open in which to address a LAMP when it is ready. The board committee received feedback that some of the public see those deferred proposals as a hammer the board is holding over their heads to put a LAMP in place. The board discussed the fact that the protocol between the NPFMC and the board calls for LAMPs that come from community effort; the LAMP is not initiated by either the NPFMC or the board. Therefore, the board expressed its intent to delete these proposals from its workload at the fall work session and look for other vehicles to make the LAMP process work.

Petition: Subsistence Gear in the Kuskokwim

The board received a petition to allow the use of rod and reel (hook and line) as subsistence gear in the upper Kuskokwim River. Nicolai and Upper Kuskokwim residents would otherwise be restricted sport bag limits, which do not provide for those residents' subsistence needs. The department supports the request. The board found an emergency exists and enacted an emergency regulation that will expire after the fishing season is through. The board asked that a proposal be included in the upcoming cycle to suggest making this regulation permanent. The board did not want to make the emergency regulation permanent without an opportunity to hear from the public about the effects of the regulation.

Petition: Marking of Subsistence-Taken Salmon in the Yukon River

The board reviewed a petition to remove the requirement to mark subsistence-caught fish in the Yukon River this year as there is only a remote chance for any commercial fishery. The board discussed the need to mark subsistence-caught fish when there is no commercial fishery and, therefore, no need to differentiate between the two. The board delegated authority to the commissioner for eliminate the marking requirement in the Yukon River this season unless a commercial fishery opens. If a commercial fishery should open, the marking requirement will go into place.

Petition: Personal use gear for hooligan in Cook Inlet

In 1999, the board enacted the current regulation disallowing gillnet as personal use gear for hooligan in Cook Inlet. A publishing error last year in the “handy dandy” did not remove gillnets as allowable gear; the board is receiving this petition at this time because users are just now informed of the restriction. The department does not support this action as an emergency regulation; dip nets can be more inefficient but a fisherman can still harvest. When the hooligan are running strong, a dip net is fine. However, gillnets are easier.

The board decided that while an emergency does not exist, a proposal should be considered during the upcoming cycle to give full consideration, including public comment and participation in the board committee work during the meeting, for the use of gillnets to take hooligan for personal use.

Comprehensive Use Plan: Kwethluk and Kisaralik Rivers

The board supports the development of a comprehensive use plan for the Kwethluk and Kisaralik rivers that will allow all users to participate in the development of that plan.

Future Meeting Schedule: 2001/2002

The board approved the following meeting schedule for the upcoming cycle. The dates are dependent upon meeting space availability. (Fall Agenda Change Request Deadline: August 27, 2001.)

October 11-13, 2001	Work Session	Anchorage
November 8-11, 2001	Lower Cook Inlet Finfish	Anchorage
January 7-14, 2002	Kodiak and Chignik Finfish	Anchorage
February 6-19, 2002	Upper Cook Inlet Finfish	Anchorage
March 15-21, 2002	Statewide King and Tanner Crab and Supplemental Issues	Anchorage

The board chose Anchorage as the location for the Cook Inlet meetings and for the Kodiak and Chignik meeting because it has not met in Anchorage for these issues for a number of cycles. The board recognizes that there are users in various locations that would appreciate a board meeting held in their local areas, but the board cannot accommodate each request. Since it has not met in Anchorage for these areas for some time, the board found it reasonable to meet there this cycle. In addition, the board recognizes legislative intent expressed in 2000 to reduce the number of meeting days each cycle. This schedule attempts to meet that intent.

Proposal Organization

The board appointed two committees to work on organizing the proposals by meeting and to work on in-meeting procedures such as number and length of oral staff reports, length of public oral testimony, number of board questions per testifier, etc.

- Kodiak and Chignik Finfish, and Statewide King and Tanner Crab: Coffey and White
- Lower Cook Inlet and Upper Cook Inlet Finfish: Engel and Umphenour

The goal is to have a proposal list (by topic) distributed to the board members by mid-June. The board members will work with appropriate staff during July in organizing the work, with draft roadmaps available to the public by August.

Reports from Standing Board Committees

Federal/State Subsistence (Coffey, Umphenour, White) See discussion on page 1 of this report, under "Sport Fish Closures on the Lower Yukon and Kuskokwim Drainages/Federal Action." In addition, this committee will be involved in discussions and formation of a protocol for regulatory coordination under the State/Federal Memorandum of Agreement on Coordinated Fisheries and Wildlife Management for Subsistence Uses on Federal Public Lands in Alaska. As that work progresses, the committee will report to the full board.

Habitat Committee: (Miller, Nelson) A joint protocol is being drafted for work with the Board of Forestry. No predicted date of completion.

Hatchery Committee: (Coffey, Miller, Umphenour) Developing a joint board/department protocol. The committee plans to have a draft protocol available by the Fall work session for full board review.

Joint Board Committee: (Dersham, Miller, Nelson) The Board of Fisheries will contact the Board of Game members to inquire about issuing a call for proposals and scheduling a joint board meeting. Currently, the time period that works for the Board of Fisheries is December 2001.

Research Committee: This committee was formed at the January 2001 meeting and consists of White and Engel. The committee will report to the board at the Fall work session.

Shellfish Committee: The board discussed whether a shellfish committee is needed again, especially due to king and Tanner crab issues scheduled for this cycle. Funding is an issue--the need to get the committee together face-to-face with stakeholders. The board left open the possibility of forming a shellfish committee in the summer.

Sustainable Salmon Fisheries Committee: (Engel, Miller, White) Working with the department, a review of the process used last cycle to implement the Sustainable Salmon Fisheries Policy will be undertaken. A report outlining what worked, what did not work, and what other processes may be available for the board to use will be given at the Fall work session.

Southeast King and Tanner Crab Task Force: (Miller) The task force submitted a written report to the board and will keep working over the summer and fall.

**ALASKA BOARD OF FISHERIES
HALIBUT LAMPS & SUBSISTENCE
SITKA PUBLIC MEETING, APRIL 1 & 2, 2001**

Pursuant to the Board of Fisheries Charge Statement to the Local Area Management Plan (LAMP) Task Force Groups (#2000-201-FB), the Joint Protocol between North Pacific Fishery Management Council/Board of Fisheries (dated February, 1998) and the North Pacific Fishery Management Council Action on Halibut Subsistence Issues, a Committee of the Alaska Board of Fisheries met in Sitka, Alaska on April 1 & 2, 2001 at the Shee Atika Hotel, held a public hearing on the issues of LAMPs and subsistence halibut. The Committee members include Ed Dersham, chairman, Dan Coffey and Grant Miller.

Next, NPFMC staff gave a report. National Marine Fisheries Service staff is currently preparing subsistence regulations. A draft of these regulations will be presented to the NPFMC at its June, 2001 meeting. During the course of developing these regulations, the staff has discovered issues and concerns, which will also be presented to the NPFMC.

Council staff noted that any recommendations from the Board would not be included in these draft regulations if they were outside the scope of the alternatives analyzed. If the recommendations are viewed favorably, then additional staff work will be required. This work would involve an analysis of any changes to the regulatory scheme from what the Council has already adopted. The board process should develop the rationale for what the board proposes. The Committee and the board should focus on biological, sociological and economic facts to support any recommendations it might make to the Council.

ADF&G staff made copies available of a report prepared for the board and the public's consideration. Copies are available. ADF&G provided a brief summary of what the NPFMC has done to date and described the issues that the board has been asked to address. Specifically, the NPFMC requested that the board comment on the number of hooks and number of halibut by region and the format for reporting. Also, the board should define the areas that would be open to subsistence halibut fishing by rural and urban subsistence fishermen.

There was a discussion on the issues raised by the charge to the board from the NPFMC. The areas that create the most difficulty involve licensing/permitting, enforcement, areas closed to fishing and areas open for fishing. Many of these issues are unresolved at ADF&G staff level as well, even as they are drafting regulations for NPFMC consideration in June 2001.

PUBLIC TESTIMONY

(Note: All written comments and testimony submitted will be available from the Board Support Section upon written request.)

The Sitka AC representative discussed the divisive nature of the subsistence issue and the interplay with the LAMPs process. In response to questioning from the committee, the AC chair asked about putting together a task force to help resolve this divisive issue. The board committee is concerned first about the resource and secondly about how the subsistence needs can be met with the recognition of need to protect the resource and to preserve the LAMP for Sitka Sound.

The Wrangell AC noted that the community does not have a local depletion problem yet. However, with IFQs there is a shift of effort closer to town. The local community should be the source of the LAMP. It should not be imposed by anyone outside of the area such as the board or the NPFMC

The Petersburg AC just met, the meeting was conducted as a fact-finding meeting with no action being taken. People in Petersburg get their consumptive fish from either the sport or the commercial harvest. In Petersburg, there is local depletion as well, although not at the level of Sitka. With the IFQ program, there is actually more pressure on the grounds than before. Many small IFQ quota holders fish closer to Petersburg. The idea of LAMPs will be a topic of discussion in the future. On the subsistence issues, the idea of using longline gear is not a problem. There were some who thought that 30 hooks might not be enough. An annual bag limit might make more sense, rather than/in addition to a daily bag. It is difficult to set the amount. In depth reporting is very important, even though the harvest may be very small.

Testimony the board committee heard includes concerns about the bag limit of 20 halibut per day, that unlimited fishing opportunity is damaging to the resource, and support for reporting requirements and the LAMP process.

There has been effort in the community to work toward a consensus position on different items. There should be a daily limit and an annual limit, or even a boat limit. Specific to Sitka Sound, there is concern for the recovery of the halibut stocks. Local depletion is a concern and many people will not be able to fish with longline. The LAMP process limitation for the Sound should be maintained. If the 30 hook long line and 20 per day bag limits are adopted, the resource will not recover and that, as a result, subsistence users will not be able to have their needs met in their local area (Sitka Sound). The problem is not a biological problem (the one stock concept), but it is a social problem. Other concerns about potential sale of subsistence caught halibut, gear, and amount of harvested fish were expressed.

Other testimony included a real need for halibut subsistence monitoring. Having the FSB issue a halibut (groundfish) permit will help account for the harvest of halibut and other groundfish. The board committee heard that 60 hooks on a skate is a long-term practice, the daily limit of 20 is appropriate, and ANILCA should be used for areas. Subsistence harvest accounts for less than 1% of the halibut harvested, and using 30 hooks is not unreasonable even with localized depletion. The LAMP process will not solve the local depletion problem. If the board recommends that regulations for Sitka Sound under the

LAMP, which are more restrictive than for the rest of the Southeast area, this would violate the subsistence priority.

The board heard support for the LAMPs process. LAMPs took years to develop, allow more local people to catch fish, and recognize both the small boat commercial and the sport fishing fishers. In subsistence there is the catcher, the provider, the proxy system and the gatherer. These practices need to be recognized in the subsistence regulations.

Other testimony included a description for Hoonah residents of traditional areas such as Glacier Bay, Port Frederick, Excursion Inlet, northern coastline along Chichagof Island, areas around Indian Islands and north into Cross Sound; even as far north as Dry Bay. The 32" limit on smaller halibut is a valid lower limit. Also, limit the upper end to allow the spawners to continue to spawn. There should a limit in the sport fishery. No subsistence limits, daily or annual, should exist; they should take whatever they need to take for consumptive use. Also, the gear used should not be restricted as there are catcher/providers. The fishery is self-limiting and there are laws on the books for those who abuse the fishery. The subsistence plan for all of the state is appropriate for all of the state. It should not be changed in any form. In Sitka area, including the Sound, this version should be the way in which it is done. As we get better reporting, then we can refine the regulations.

The board committee heard that traditionally, the halibut has been a native food, and longline gear has been used for years and years. The testimony described subsistence use and methods, including taking care of the environment, not wasting, sharing with others, and taking only what is needed. Concerns were expressed on limitations and restrictions on Alaska people.

Other testimony described a school which involves, among other things, harvesting halibut and teaching traditional ways of life. Over time, they have had problems catching halibut. Since 1997 there have been real problems catching halibut for food and their school.

A description of the fishery using 30 hooks was given as one hook every three fathoms, a 100-fathom skate with two anchors and two buoys. This is hard work. If you have the equipment then you will probably leave the LAMP area to get your fish. If you do not have the equipment, you will probably use rod and reel.

OPEN DISCUSSION **DAY 2 OF THE PUBLIC MEETING**

Initially, the committee chairman outlined how today's meeting would proceed.

Topics the board committee heard about during open discussion include:

The original LAMP took five years for a consensus to develop. When the NPFMC approved the LAMP for Sitka Sound, it adopted the recommendations of the local people, but deleted the one-year review process. Is subsistence part of the LAMP process?

People had agreed to close monitoring of the subsistence catch. The question of who does this monitoring is very important. ADF&G does not have the resources to do this. Where does the money come from? Several speakers addressed the issue of monitoring and tracking.

Concern is expressed about the sale of subsistence caught halibut. The LAMP process in Sitka did not take into its consensus building process the concerns of the public fishermen who simply want to catch a halibut for their own consumption.

With the help of NPFMC and ADF&G staff, there was a discussion on barter and trade and on the difference between barter and trade and commercial activity. Also, an explanation was given by staff as to the particulars of the proposed regulations. There are enforcement mechanisms in the proposed regulations.

The board committee asked which body would be appropriate for consideration of the monitoring/permitting proposal. There are questions of overlapping jurisdiction between the various federal agencies. These questions are not resolved, but according to NPFMC staff, there is little likelihood that there will be one set of regulations for all waters and all species given the diversity of the jurisdictions. The federal subsistence coordinator for the Tongass National Forest spoke on the regulatory system in place for the Federal Subsistence Board. The regulations under discussion before the board and the council are not subject to the regulations under the FSB.

According to NPFMC staff, the regulatory agencies all support the record keeping/data gathering concept. The agencies are working with the tribes to develop a way of getting out permits to the harvesters. Discussion occurred about the need for good record keeping process. Use a permit and maybe a punch card system in conjunction with an annual limit. Use the postal system for the issuance and return of the permits. The native community is very good about monitoring. Questions were asked about who collects the data and who issues the permits. Since the state has a system for permitting subsistence activities, we should probably use the same system. Some believe that the best system of reporting is through the existing reporting system on the salmon subsistence reporting system. Some people are worried about the accuracy of any voluntary reporting system, and the issue of who would make a determination of qualifications for any permit. This general discussion about the pros and cons and the pluses and minuses of various ways to do this continued for some time.

In response to a question from the committee, ADF&G talked about the numerous reporting systems and the need for a single and simple counting system. There is a substantial amount of double counting which currently occurs. When asked about the detail in the data collection, ADF&G responded as to the efficacy of various accounting

methods, the costs of any monitoring program and the need, if you want really accurate data, to be in the villages with face to face interviews which is, of course, very expensive.

The board committee then directed a series of questions on the permitting/data gathering concept in an effort to arrive at consensus:

- | | |
|--|------------------------------------|
| 1) Is there a need for a permit? | Yes |
| 2) Is there a need to report catch? | Yes |
| 3) Who should issue the permit? | ADF&G |
| -rod and reel subsistence | -vs.-
Fed Agencies |
| -only tribal members/all users | -vs.-
Tribes |
| -funding issues for agencies | |
| 4) Should the permit be used everywhere? | Yes, but keep it
simple |
| -localized vs. everywhere? | At least local |
| -done in the LAMPs system? | Possible |
| -information must be area specific | Absolutely |

NPFMC staff talked about the distinction between the current subsistence regulatory process and the LAMP process. However, it was noted that the two are intertwined and interrelated although it is unclear how this will work out.

Discussion ensued about LAMPs in general, how the LAMP process worked for Sitka Sound and how this process could fit in with subsistence.

The goals of the Sitka Sound LAMP was primarily to restore abundance of halibut in Sitka Sound and make it available to local people for their own consumption. At that time, local people were limited to rod and reel fishing. Subsistence users were part of that process and agreed to the LAMP for the Sound.

ADF&G asked questions about assessment/measurement of the success of the LAMP in the Sound. There was to be annual monitoring and reporting back to the AC. There are problems with getting data because of IPHC reporting areas versus the local area subject to the LAMP. The group discussed increasing the abundance of halibut in the Sound, and whether or not the concept works in light of the plan adopted by the local people. The

development of the LAMP using the consensus basis was very important. A question was asked of NPFMC staff if one group or one person could get a change in a LAMP. The response was that the consensus approach to LAMPs was a very major consideration and that without generalized consensus, the NPFMC would be unlikely to change any LAMP.

A two fish daily limit was discussed using the LAMP process to increase the limit. Another approach is to use the LAMP process to reduce the limit.

Subsistence has a priority over all other uses under Alaska law. An annual limit might be a better approach over a daily limit, or the approach of limiting people to hand-hauled longlines in the LAMP area. There is support for an annual limit from others who do not like the daily limit without an annual limit. If there is high removal on a daily basis, this can impact local take. There should be a local option on annual and daily limits. On the other hand, many people are opposed to annual limits because they and others fish for many others who are dependent upon the halibut resource and because of customary and traditional use of halibut. Others talked about a limit being an individual limit, not a limit for people who are fishing for others.

There is a lack of information. In particular, what is the halibut long line harvest in Sitka Sound? What should we do in light of this fact: should we allow 30 hooks and 20 fish a day knowing that this number of fish will not be caught or should we recommend a reduction of this method and means and this bag limit? One idea was to limit the subsistence fishery only during the three months of longlining. Opposition was expressed because the federal limits are already a reduction from historic harvests.

The group also discussed the subsistence issue and the LAMP process and how personal use and subsistence (customary and traditional) use relate when, in subsistence areas such as Sitka, there is no personal use fishermen, there are only subsistence fishermen.

The group discussed concern with other species, rockfish and lingcod for example, with the long line gear option. There was a brief general discussion of the effect of longline as a harvest practice on other species. Again, there is not a lot of information on these species according to ADF&G

Summary comments during the group discussion include:

- The board should recommend to the NPFMC a 2 fish daily limit with rod and reel and that through the LAMP or AC process this could be adjusted
- The season should be 12 months long, with a size minimum of 32-inches and bycatch may be retained
- Subsistence users of Hoonah desire no limits and that subsistence be differentiated from personal use

- The 32-inch limit is not biological, but is to accommodate the processors.
- The 32-inch limit was to protect the smaller halibut for a better fishery in the long haul.
- Give the proposed regulation a try without any variation
- A simple permitting, monitoring and reporting system for groundfish and halibut.
- 30 hooks on a long line) and on the 20 fish per day bag limit

COMMITTEE ISSUES/DISCUSSION POINTS

The board committee at the conclusion of the public hearing developed the following discussion points. There are many unresolved questions/issues. The committee also believes that many if not most of these questions are best addressed at the local and regional level where local knowledge and experience can be brought to bear on the issues. As a Sitka resident noted in his presentation, with local involvement in the process of developing a regulatory plan, invariably the plan is better. This committee strongly encourages the state local advisory committees and the federal regional advisory councils to work on these issues and to develop local consensus if possible. Also, the ACs and the RACs should identify other issues as appropriate and bring them to the board committee's attention.

1. The reporting/monitoring/permitting system. No objection from the public.

-who should issue the permit?

-who determines eligibility for a permit and what proof is required to show eligibility?

-what data/information is required/needed and who should collect the data?

-what should be the consequence of not reporting?

-where does the money come from to fund this permitting and reporting process?

2. The concept of integration of LAMPs and the subsistence harvest.

-How do these two processes work together or do they even work together?

-What, if anything, needs to be done to deal with subsistence issues in areas where there are no LAMPs? Work with the RACs/ACs? What is the relationship of RACs to the NPFMC process?

3. Should there be a differentiation between different areas?

-should the gear be different in different areas?

-should the bag limits be different in different areas?

-these questions relate primarily to the Sitka Sound area where a LAMP is in effect, but there could be distinctions else, particularly if other areas become engaged in the LAMP process. Many speakers said that their communities were considering this process.

4. Should the Board/NPFMC encourage the LAMP process?

-it appears that the LAMP process is the best way to afford local people an opportunity to address their local concerns thru the board to the NPFMC.

-Should the subsistence process be incorporated under the LAMP process? Obviously, eligibility has been decided. However, the other issues that the NPFMC referred to the board are not totally resolved. However, do subsistence users want to participate in a LAMP process where undoubtedly, they will be under pressure to accommodate other users? What other processes do subsistence users have open to them? How does the NPFMC want this to proceed? Many questions for discussion.

In conclusion, the committee thanks the public participants, the staff of ADF&G and NPFMC and the federal officials for their participation. It is our hope that these minutes will spark further discussion and that, when the matter comes before the board in May and the NPFMC in June, the stakeholders are satisfied with the process and well-informed on the issues.

ALASKA BOARD OF FISHERIES
HALIBUT LAMPS & SUBSISTENCE
KODIAK PUBLIC MEETING, APRIL 6 & 7, 2001

Pursuant to the Board of Fisheries charge statement to the Local Area Management Plan (LAMP) Task Force Groups (#2000-201-FB), the Joint Protocol between North Pacific Fishery Management Council/Board of Fisheries (dated February, 1998) and the North Pacific Fishery Management Council action on halibut subsistence issues, a committee of the Alaska Board of Fisheries met in Kodiak, Alaska on April 6 & 7, 2001 at the Best Western Hotel, and held a public meeting on the issues of LAMPs and subsistence halibut. The committee was comprised of Ed Dersham and Dan Coffey.

In response to a request by a Kodiak legislator, the public was advised of a noon teleconference on the LAMPs process.

ADF&G provided materials to the committee and the public. (Copies are available at the Juneau Boards Support office.)

One of the major concerns in the Kodiak area is the effect on other species, lingcod and rockfish, if the gear in the federal regulations is approved. This is of lesser concern in Chignik, the Alaska Peninsula and the Aleutian Islands.

There is currently a finfish and shellfish reporting system in effect. The permit must be with the person when fishing and the permittee must report annually. The department manages permitting and reporting.

PUBLIC TESTIMONY

The Kodiak Advisory Committee representative gave a history of halibut harvest in Kodiak from the 1960s until present. The AC has not discussed halibut subsistence due to lack of funding. However, the representative has knowledge about the issues from involvement in fisheries. The major concern is "commercializing" subsistence by allowing the sale of subsistence caught halibut.

The Kodiak AC has been involved with LAMPs. A task force worked on the issue with representatives from Kodiak and surrounding area including native villages such as Old Harbor and Larson Bay. The AC felt there would be a lot of problems if the island got divided up. There is no documented problem in Kodiak; however, Kodiak would like established boundaries for a generalized LAMP for Kodiak Island. Other discussions were to regulate charter boats in the LAMP area differently than other areas. There should be an exclusive charter boat area. The AC knew about the decline in Sitka that led to its LAMP and the AC has not seen the same type of problems in this area. The Kodiak LAMP committee is composed of three people from the commercial section, three from charter boats and three from the public.

The issue of subsistence method and means, effect on other species, and permitting/reporting of harvest was discussed. The NPFMC is trying to create a regulatory scheme that reflects existing practice in Kodiak, but the use of longline with 30 hooks has not been a common practice. There is concern about practices that might result in halibut being harvested for nonlocal consumption. The AC representative responded that it would be difficult to predict what the effect of 30-hook longline might be on the resource, allowing this method will cause irreversible damage such as people selling subsistence halibut for cash.

The Sand Point AC reviewed the October 2000 NPFMC action. The AC believes that any reasonable amount of gear should be allowed. There was concern about mixing sport-caught and subsistence-caught halibut. It is better to have an annual pound limit rather than a count limit because of the variation in halibut size. The AC discussed the cash aspect of barter and trade. With low population, there is not much risk from sales. Finally, the AC discussed cooperative agreements with tribal organizations and permitting and reporting. (Note: All written comments and testimony submitted will be available from the Boards Support Section upon written request.)

The board committee heard testimony about the LAMPs process and how it could incorporate the subsistence process. Concerns were expressed about conservation of the resource and that subsistence should be done under sport fishing regulations with a two halibut per day limit. Federal regulations will put increased pressure on the halibut in Chiniak Bay. This is in the face of increased sport and commercial harvest and an increase in the effort necessary to harvest halibut, which can result in localized depletion. Chiniak Bay may never reach 100% agreement on any plan

There is evidence of localized depletion in Chiniak Bay, both anecdotal and in the ADF&G statistics. Sport and commercial halibut harvests have increased in Chiniak Bay.

The board committee heard of a need for LAMP in the Aleutian East Borough and the subsistence fishery to take place with the tribe issuing the permits and monitoring the take. Proactive measures are needed before there is an influx of people coming westward to fish for halibut. Other testimony included concerns with a 30-hook skate and a 20 fish daily bag limit. Permitting and reporting are important; use a tribal officer in places where there is no ADF&G office. Localized depletion will not be a problem in Sand Point. The increase in charter boats in Sand Point has not been a problem. Currently, one boat goes out and supplies six or seven families.

The board committee learned that some areas are not subject to the IFQ, they can continue to grow even if IFQs are imposed elsewhere. With regards to halibut subsistence, Kodiak has a rural/urban division. In the Kodiak town area, the 30 hooks will probably result in localized depletion. In other areas, the longline with a hook limit is status quo and can continue to be done without negative impact. The concept of a 20 fish daily limit is a problem. Add a seasonal limit to the daily limit. The range of 20-25 halibut for an annual limit was discussed. The average weight of halibut in the area is 22 lbs., which would lead to 400 to 500 pounds per person

annually. Permitting and reporting is important. All uses of a public resource must be reported and it should be contemporaneous with the harvest.

Other testimony noted the areas involving customary and traditional use are complex and should be dealt with in the LAMPs process. In Old Harbor, for example, the charter operators have respected the customary and traditional subsistence grounds. However, in Larson Bay, the contrary is true and there has been some localized depletion. The customary barter and trade and the \$400.00 cash amount is more of a concern in an urbanized area such as Kodiak town than in rural Kodiak.

The rural communities on Kodiak have had proposals in front of the Board of Fisheries. The board heard that the position on LAMPs is threefold. The area needs to be defined. Cook Inlet charter fishers are spilling into Kodiak areas. Within the areas, there needs to be superexclusive registration. This allows each LAMP area to solve their local problems without concern about others moving into the area. Then, areas of localized concern (e.g. Chiniak Bay), can be addressed by the local ACs. If the LAMP areas on a three year track, it might take as much as five (5) years, so the Board of Fisheries should initially deal with LAMPs on an annual basis. Localized halibut depletion is occurring in some areas. This creates problems for subsistence users. This situation calls out for sub-area LAMPs.

LAMPs should be a consensus building process but needs stimulus from the board to do so. The idea is that either the local people solve the problem or the board will solve the problem. This would take place after the problem is identified and the local people are given an opportunity to solve their own problems.

Following public testimony the board committee attended a legislative session on LAMPs where the board committee participated in the discussion and answered questions from legislators and the public.

OPEN DISCUSSION **DAY 2 OF THE PUBLIC MEETING**

Topics the board committee heard discussion about includes:

- There is no localized depletion
- A 20 fish daily limit is "ripe for abuse"
- The area outside of Kodiak is different than Sitka
- The current LAMPs proposal seems to be designed to exclude commercial fishermen from an area

On the subsistence issue, the concern is that people would over harvest. The committee asked whether, once a person has their needs and the needs of their family and friends met, would they continue to fish? Several people agreed that, in their area, the fishery would be self-limiting.

The chairman stated that what the NPFMC proposed will undoubtedly work for more remote, less populated areas, but it may be problematically in more urbanized, heavily populated areas. There may be more users who are not truly versed in subsistence practices. The idea of the federal regulations was to authorize existing practices.

Halibut subsistence should be within the LAMPs process. It is impossible to develop a LAMP without including the subsistence fishermen. It was noted that there were subsistence users who used a longline to harvest halibut. In both this area and out westward there is no concern for bycatch.

The board committee discussed geographic differentials in the regulations based upon where the population is greater. For example, do we not allow longline fishing in Chiniak Bay, but allow longlines elsewhere? It is clear that the practice westward is to use longlines. It is also clear that this practice westward is truly a subsistence practice of long standing. However, in Chiniak Bay and around the more urbanized areas here Kodiak, the practices have been very different. The use of hand-line and a two fish bag limit has been the customary practice. However, using longline might be acceptable in the Chiniak Bay area if fishing is monitored and limited by an annual bag limit. It seems that the higher limit is just beyond what is really needed. A proxy can be used to allow for a high limit if you are fishing for someone else in addition to yourself. The idea of 20 fish a day for Kodiak is problematic because of the potential for abuse. Would like to see a 20 fish annual limit.

Next, there was a discussion about "chartering" for subsistence. If charter people can advertise subsistence charters, then the face of fishery might very well be changed. If there is going to be a \$400.00 cash sale/reimbursement, then there should be a limit of \$400.00 per vessel, which would eliminate the subsistence charter issue. Again, it was noted, "one size doesn't fit all." We need to have different plans for different geographic areas. A committee member suggested that the AC or a task force define the geographic areas for Kodiak Island. A subsistence user can give his or her halibut to anyone. This can lead to abuse. Also, some of the villages on the island have people getting into the charter business. You could see a qualified subsistence person in one of these villages using a differential bag limit to advertise the availability of subsistence fish. This argues against a differential bag limit on the island of Kodiak.

Reporting requirements were discussed. At a minimum, the system should mirror the one in place for salmon and shellfish. Get a card, record the harvest contemporaneous with the harvest and report the harvest. ADF&G should be the source of the permit and the agency that collects and compiles the data.

A concern was expressed that by creating a regulatory scheme such as being proposed is that the usage/harvest will increase and, when there is a downturn in halibut, the subsistence take will become a much greater part of the harvest. There is also a need for an annual halibut limit for subsistence, sport, guided sport and personal use. With only a daily bag limit, the system is open to abuse. The recommendation for an annual limit is 20 fish per individual with a proxy system to allow a greater harvest by an individual who fishes for others for subsistence. Permitting,

reporting and an annual limit probably dismisses the need for drawing lines on the map. The reporting should be date, place, quantity and vessel ID and, if there is an annual limit, a punch card, along with proxy reporting as is currently practiced. The vessel ID would provide information on sharing. It might also be worth considering a gear limit per vessel, e.g. 60 hooks total. Do not use six people on a vessel with 180 hooks in the water.

ADF&G commented that the current regulations allow a 5-hook longline for rockfish and lingcod. This conflicts with the 30-hook longline for halibut. The department will submit a proposal so that this can be addressed in cycle when the board deals with Kodiak.

The group talked about the concept of exclusive registration for charter boats. This led to a discussion about IFQs and GHLS. In a GHLS system, there are systems imposed based upon the catch. If the GHLS is exceeded, restrictions come on next year and the restrictions could come into effect the next year. Charter operators would move to another area if they were restricted. If IFQs were adopted, then there would no longer be a need for GHLS. Any registration would be for a season only. There are other alternatives to IFQs, such as moratoriums, but since there is latent capacity in the charter industry, this does not tie the charter boat harvest to the health of the resource. The issue of IFQs still plays into the LAMPs process because of localized depletion. If there is no IFQ for charter, then the need for LAMPs becomes even greater.

One of the major problems with IFQs is the ownership forever when the only qualification for ownership is participation. The answer is that we have an ownership-based system in place and we need to continue with that system. We need to consider three elements in any IFQ system: (1) the initial allocation of the rights (inclusive of all participants); (2) how the system functions year-to-year (transfer of rights, harvesting the resource); and (3) how the system will be structured in two generations (e.g., concentration of ownership). Were the problems which came out of the IFQ for commercial halibut fishermen addressed in the proposals for IFQs for charter operators? Equity issues are very difficult. Questions on the efficacy of the logbooks, award of IFQs to the lodges, crew and skipper shares. It was also noted that various plans are still in the development stage before the council, but these plans are within the analysis by the NPFMC and therefore the IFQ plan can be adopted.

COMMITTEE ISSUES/DISCUSSION POINTS

1) The reporting/monitoring/permitting system.

- | | |
|--|-----------------------|
| -who should do the permit? | ADF&G |
| -who should collect the data? | ADF&G |
| -where does the money come from to fund this permitting and reporting process? | IPHC
NMFS
ADF&G |

2) The concept of integration of LAMPs and the subsistence harvest. How do these two processes work together or do they even work together?

-They are an integral part of one another, but no LAMP process is needed to have a subsistence regulation.

3) Should there be a differentiation between different areas?

-should the gear be different in different areas? Yes

-should the bag limits be different in different areas? Yes

-does annual limit along with permitting/reporting
obviate the need for geographic differentiation? Yes

4) Should the board/NPFMC encourage the LAMP process? Yes

ALASKA BOARD OF FISHERIES
ADDENDUM TO CORDOVA HEARING REPORT
APRIL 16-17, 2001

Halibut Subsistence-Summary

Regarding halibut subsistence the public members present expressed consensus for the following points.

- 1) 30 hooks on a longline is too much and will likely cause high bycatch of rockfish species that have a conservation concern.
- 2) An annual limit of 20 on subsistence caught halibut.
- 3) Consensus for good record keeping through a permit with a regulation attached.

Further, the majority of those present felt current regulations were sufficient to provide for subsistence needs

LAMPs-Summary

Regarding LAMPs, Cordova stakeholders present believe that the LAMP proposals that had been carried over from two years ago in the proposal book were a threat to commercial fishermen and created a climate that was not productive to future consensus building between commercial and charter users in Prince William Sound.

Board members explained that the proposals had been carried over year to year only as a procedural matter to keep the PWS lamp process alive, and that the board had no intention of acting on them before completion of a LAMP process that met the board-council protocol.

On day two of the hearing, a break occurred so that commercial and charter users could speak directly to each other about the LAMP process. At the conclusion of the break majority agreement was reached on a plan for proceeding with the LAMP process. Users believe that if Cordova and Valdez ACs could begin separately this fall and work on LAMPs for small local areas around their communities, and then after two to four months each Prince William Sound AC could recommend members to a task force that with board facilitation/funding could meet to discuss PWS-wide issues under a LAMP format. Users agreed that commercial and charter stakeholders had areas of common concern (such as impacts of expanding use of the PWS through access at Whittier) that could be a foundation for discussion. The Cordova AC representative said that he would have to present this approach to his members before giving an AC position on the idea.

Board committee members stated that they would recommend to the full board that the tabled proposals did not need to be carried over to the next cycle to keep the PWS lamp process alive and that Valdez participants could reintroduce them to the above described process at the proper time.

Board of Fisheries Hearing
Cordova, AK
April 16 - 17, 2001

Pursuant to the Board of Fisheries charge statement to the Local Area Management Plan (LAMP) Task Force Groups (#2000-201-FB), the Joint Protocol between North Pacific Fishery Management Council/Board of Fisheries (dated February, 1998) and the North Pacific Fishery Management Council action on halibut subsistence issues, a committee of the Alaska Board of Fisheries met in Cordova, Alaska on April 16 and 17, 2001 at the Bidarki Recreation Center, and held a public meeting on the issues of LAMPs and subsistence halibut. The committee was comprised of Ed Dersham and Grant Miller.

An overview of the two previous regional meetings was given by the board committee as well as an ADF&G report on halibut and groundfish subsistence regulations in Southcentral Alaska.

PUBLIC TESTIMONY

(Note: All written comments and testimony submitted will be available from the Board Support Section upon written request.)

The chairman of the Copper River/PWS AC reported on the Friday, April 13, 2001 advisory committee meeting. Some immediate concerns addressed were that if the entire state qualifies for subsistence PWS will sustain a major impact. Another concern was the burden on the longline fleet having meetings this time of year. The fishermen prefer to deal with politics in the fall or winter months. Other issues discussed were: concerns of potential abuse of sale of subsistence halibut; timely reporting; permitting issues; and the impact of the proposed 30 hook limit on rockfish. The chairman stated that it was hard work to get these species number back up.

There was also discussion on developing a problem statement to justify LAMPs. The problem in PWS is that reporting data is not as good as it used to be since subsistence came into effect. Other issues surrounding LAMPs were: Only small local areas around communities should be considered as a LAMP, not an entire region; if longline gear is excluded from any area, the charter fleet should also be excluded; and historical harvest levels. Also, the advisory committee dictated a preference that the six PWS LAMP proposals be defeated and that the board and the council have consensus on joint protocol.

The board committee explained that protocol calls for LAMP process to take place "in cycle" and that protocol must begin with a problem statement that all users are in agreement on. There is no deadline on LAMPs, the board committee is looking for direction from the communities to bring to the council and the board is not going to push any LAMPs that the community does not have consensus on.

The Yakutat Advisory Committee chairman testified that Yakutat has its own subsistence area separate from the Southcentral or Southeast region. The Yakutat LAMP program will be done before the fall of 2001 and the local people support the program. The chairman explained the dynamics of the Yakutat sport and commercial fisheries and stated that with regards to LAMPs the user groups are not far from consensus on the major issues.

The Valdez Advisory Committee discussed halibut subsistence and also testified on behalf of the Valdez Charter Boat Association. The advisory committee has nearly completed its work on the IFQ issue and feels that LAMP proposals for a moratorium in the charter fleet are relevant. With regards to the LAMPs, avoidance of gear conflicts and charter boat issues were the main focus. Charter vessels use a large portion of Prince William Sound, and depletion of the resource is their concern as well as the main concern of unguided anglers. It was pointed out that most recreational halibut fishing in the sound is done in less than 300 feet of water.

The Whittier Advisory Committee supports the subsistence lifestyle, proxy fishing, and the 20 fish per day limit. However, the advisory committee does not support barter as a part of subsistence and pointed out that the native village of Chenega has been able to meet its subsistence needs under current regulations. The advisory committee agreed with others that the 30-hook option raises bycatch concerns for lingcod and rockfish and that a seasonal limit is warranted. The advisory committee also discussed the local halibut charter fleet and how it operates; there has been an increase in the charter fishery. There is consensus that there is a local depletion problem and that with recent improved access to Whittier the problem will be exacerbated. There is very little commercial harvest in the local area.

The board committee heard testimony from several members of the public about LAMPs and how to incorporate subsistence into that process. Questions of consistency between state and federal regulations were discussed in public testimony. The issue of enforcement and funding were also discussed.

Members of the public had concerns regarding process. It was felt that the process to create a LAMP should not be restricted to a certain time limit, but should be more concerned with consensus of all users. It was pointed out that the larger the area involved, the more stakeholders, and therefore more data needed and it is less likely to find consensus. There was also discussion about the number of qualifying subsistence users

There was similar testimony from several members of the public regarding legal gear and bycatch issues although not all testifiers supported a subsistence halibut fishery. Testifiers stated that LAMPs are protection for local folks and that a number of people in small open skiffs participate in the halibut fishery and that restrictions of more than six or seven miles out in the Sound would put an undue burden on some participants. Limiting the area for smaller boats would be satisfactory but putting those boats 60 - 70 miles from

port is not acceptable. Others felt that LAMPs are currently geographic, not local and that the current LAMPs proposals are more exclusive economic zoning than anything.

Testifiers that supported halibut subsistence felt that accurate reporting becomes more important as more lenient gear is used because the increased number of hooks warrants concern for over-harvest. A small area without competition from commercial vessels is desirable and annual limits should be the same as the daily limit. It was pointed out that it is more economical to harvest your subsistence catch in one day and that a good proxy system could satisfy multiple needs although it may be expensive to administer such a system.

Those that did not support a halibut subsistence fishery felt that current sport fishing regulations are adequate to provide halibut for most families and sharing of the resource occurs under status quo sport regulations. Both supporters and nonsupporters of a halibut subsistence fishery felt that the proposed 20 fish per day bag limit seems high without an annual limit and that size of family should be considered in limits. Also, members of the public were very concerned about the barter aspect of the proposed subsistence fishery. It was generally agreed on that subsistence halibut should not be sold. Related concerns regarding the sale of subsistence caught halibut ranged from potential for subsistence caught halibut being sold commercially to health and enforcement issues. Another concern was eligibility requirements for participation in subsistence halibut fishing.

One member of the public testified that the recent drop in halibut numbers warrants a biological concern. Another stated that part of the problem with local depletion is too many charter boats in Valdez Arm. Commercial fisherman should not be pushed out because of over-depletion of another user group especially when some of the charter boats are more efficient than commercial vessels and may even have more range.

OPEN DISCUSSION **DAY 2 OF THE PUBLIC MEETING**

During the open discussion portion of the meeting, many process questions were discussed and developed. Participants felt that a three or four month time frame would allow for local stakeholder discussion and would also allow LAMPs to be discussed in-cycle (proposals submitted for April 10, 2002 deadline). Rules of engagement for the LAMPs process are requested to answer such questions as who calls the meetings, protocols, funding, sideboards, etc. In the past the board looked to local advisory committees to facilitate the process. A handy-dandy outlining the advanced Sitka LAMPs process was requested. One member of the public asked about the intention of the Knowles administration regarding the LAMPs.

One participant indicated that a statement from the department concerning impact on other fisheries would benefit these discussions. However, the department stated the LAMPs process has created a whole new burden for staff. User groups must develop the problem statement first, so staff time is managed effectively. The department cannot spend time trying to identify problems for the users. This is supposed to be a user-

generated process. However the department could provide some data for PWS although there are limitations on the sport data vs. commercial data. The department requested that a core group submit what type of data will be needed. A participant felt that opportunity is a good point to start discussion; if near-shore depletion is a concern, perhaps the ADF&G needs to look at this issue statewide.

The charter boat industry generated much discussion during the round-table dialogue. Charter boat operators do not want to displace smaller commercial vessels so charter operators are fishing further out than in the past. Charter boats are constrained by 12 hour daily limit and the fact that 300 - 400 feet is the maximum depth customers are generally willing to fish. Consideration of areas where charter operators can conduct business was requested. If subsistence regulations pass, there is even more need for regulations for the charter industry. The charter industry understands this will take time and cooperation with the other stakeholders. A moratorium for charter industry should be looked at.

The history of commercial fishing in Prince William Sound was discussed during the round-table discussions. Commercial fishermen provide fish for the public to purchase therefore both commercial and charter industry provide access to the resource.

Protection of the halibut stock was also a topic that some felt was being ignored. A size limit on halibut is warranted in all fisheries. Fish over 100 pounds should be released and there should also be a lower size limit as in the commercial fishery.

Specific to subsistence, opposition was expressed about the sale of halibut and the 30-hook limit. The practice of selling subsistence caught halibut goes against the purpose and intention of the subsistence fishery. Halibut intended for the freezer of the subsistence user ends up somewhere else. One member of the public asked where subsistence halibut comes out of? The board committee responded it comes off the top of the TAC. Other subsistence issues were: annual limits; inconsistency between state and federal regulations; and defining record keeping and permit system.

The recommendations of the round-table discussion are:

- Take Valdez Charter/AC proposals off the table and start over
- Time frame of two to four months to work out recommendations locally
- State funded regional meeting to develop a problem statement and work out
- Copper River/PWS AC does not believe they need a LAMP for the local area at this time
- Small LAMPs should not be contingent upon a larger plan
- Impact of volume of users
- Protection for the local subsistence user

The board will take the recommendations to the council and will give strong consideration to those. There will be an opportunity for the public to testify to the council directly in June.

**ALASKA BOARD OF FISHERIES
HALIBUT LAMPS & SUBSISTENCE
HOMER PUBLIC MEETING, APRIL 25 AND 26, 2001**

Pursuant to the Board of Fisheries charge statement to the Local Area Management Plan (LAMP) Task Force Groups (#2000-201-FB), the Joint Protocol between North Pacific Fishery Management Council/Board of Fisheries (dated February, 1998) and the North Pacific Fishery Management Council action on halibut subsistence issues, a committee of the Alaska Board of Fisheries met in Homer, Alaska on April 25 and 26, 2001 at the Lands End Hotel, and held a public meeting on the issues of LAMPs and subsistence halibut. The committee was comprised of Ed Dersham and Grant Miller. (Note: Some members of the public were dismayed that the chairman of the board was not present)

An overview of the three previous regional meetings was given by the board committee as well as an ADF&G report on halibut and groundfish subsistence regulations in Southcentral Alaska.

PUBLIC TESTIMONY

(Note: All written comments and testimony submitted will be available from the Board Support Section upon written request.)

The advisory committees from Central Peninsula, Anchorage and Homer testified at the meeting. There was little support for the halibut subsistence plan as currently written and the comments regarding LAMPs were not very optimistic. There was no consensus to have a LAMP – some of the advisory committees do not see one as necessary. The Central Peninsula AC is in support of a LAMP and has made quite a bit of progress toward one for the Ninilchik area. The Homer AC is against LAMPs because they feel science doesn't support localized depletion in Cook Inlet. The Homer AC also opposes any change for halibut subsistence and believes the current system/method/numbers adequately provide for subsistence. However, if we do go to another system the advisory committee wants annual limit instead of daily limit. If we do a daily limit, the Homer AC feels that the current two fish limit is adequate.

The Anchorage AC believes that any LAMP should be initiated by a local area rather than from pressure from a state or federal agency. Some see little consistency in user patterns in Cook Inlet and that the situation in Cook Inlet is different than in Kodiak and Sitka. The situation is more homogenous in Sitka compared to Lower Cook Inlet, yet it took more than three years to get Sitka's plan in place so it will likely take much longer for Cook Inlet. A major difference is that in Lower Cook Inlet two-thirds of halibut charters are by residents whereas in Sitka the majority of clients are nonresidents. The Anchorage AC believes that the Cook Inlet area is too large and should not be managed as a region but should instead be broken into smaller pieces for LAMPs.

The advisory committees did not support 20 halibut per day or use of a longline because of bycatch concerns and the advisory committees were in general agreement opposing trade, barter, or sale of subsistence halibut. The advisory committees were, however unanimous in supporting recording of subsistence caught fish including all bycatch. Some reporting ideas were that subsistence fish should be marked as subsistence (as in salmon), and subsistence users should have an ID on them while fishing showing they are subsistence fishers. Also, harvest ticket with total number of fish available to a fisher that year with renewal requirement that past year's report must have been turned in to get a current year permit. Federal money should pay for

enforcement and monitoring of the program. The permit system for subsistence should be thorough but user friendly. Seasonal reporting might work, like the dip net permit system in the Ninilchik area.

Other issues discussed by the advisory committees were to eliminate customary and traditional designation for those who do not live in an area (e.g., tribe members who do not live in communities any longer). The number of hooks should be limited to reduce bycatch and gear loss and be consistent with other groundfish regulations. The advisory committees also discussed safety issues especially concerns about rough waters that are difficult and unsafe to fish. Some see the only way LAMPs will work is to have an IFQ system in place. The advisory committees were unanimous in wanting to be involved in the halibut subsistence process even if they did not agree with it because they believe that if the board is involved that it was their right to be involved as well.

A Seldovia Village tribe member testified that Seldovia is a federally recognized tribe and fishes subsistence for halibut in portions of Cook Inlet. The village supports co-management, although the Homer AC does not support cooperative agreements with tribes because the subsistence users include just tribal members. Seldovia also supports longline, handline, rod-and-reel, and bycatch by pots. Some members of the public do support cooperative agreements with tribes for monitoring and planning systems.

The Alaska Native Workgroup on Halibut has been working with council for four years in their process to try to get subsistence fishing recognized and the council has made a motion, which includes allowing cooperative agreements with tribes. The board should also do this and submit a joint recommendation to the council. The Knowles' Millennium Agreement recognizes these types of joint processes and it gives tribes a meaningful role in LAMPs. The board schedule does not allow enough time in Southeast to participate for the vast number of tribes, which has resulted in a working group.

The board committee heard public testimony stating that subsistence users teach children that way of life, including sharing, and that for some halibut is still a major source of food in their lifestyle. Subsistence users trust the board to recognize traditional gear including jig and pot and support 20 halibut per angler. The board should protect subsistence use and manage charter, sport and commercial take so that stocks are never fully depleted. Subsistence use has not depleted these species.

A permitting system managed by the department could provide good information for managers and tribes. There was support for a permit system that includes reporting of bycatch as long as it is confidential. Another testifier believes the tribe should be responsible for permit system and could hire someone trained to take data.

The board committee heard testimony for support for 20 fish per day and no limit per day in Area 4 as designated by the council. Subsistence halibut fishers are self-limiting and only take total of 1% of total harvest in a community fishery. Others testified that IFQ should be implemented and reviewed later to see how it is working. Some testimony supported two hooks on a line, ten fish per year, and no skates (because gear loss and bycatch/deadloss). LAMPs are allocation in disguise; the subsistence fishery proposal is just taking a personal use fishery and renaming it. There was also some distrust of subsistence discussed. A loophole was pointed out

showing that subsistence users could sell/barter halibut to commercial fishermen who could then sell it to a processor.

The board committee heard that LAMPs should come from local people to the board and council not the other way around. Others are encouraged by the recent LAMP process. The board committee clarified that any LAMP would indeed come from the users/communities, as that is how the protocol is set up between the board and council. There was some confusion about the April 11 letter from the board chairman to the council that references LAMP proposals that are left on the table some people thought there were no current LAMP proposals for Cook Inlet. (It was clarified that the proposals are placeholders.)

The committee learned that not everyone uses 30 hooks but that it was the practice in some areas (e.g., Southeast). It was explained that reporting should be for fish stock management purposes and not enforcement and that nonsubsistence areas should not be used against subsistence users because of the dangers of fishing in unfamiliar areas. Fishing farther away from traditional fishing areas is not conducive to subsistence fishers. Weather plays a significant role in the seasonal fishery because it is a small boat fishery and the subsistence fishery should not be limited unless there is a documented conservation problem.

There was some concern about the number of eligible subsistence users (e.g., nonnatives will be eligible and increase total number who could fish under subsistence rules) because of impact on resource.

Sport fishermen have patterns similar to subsistence fishers as far as sharing fish among the community(s). There are areas where fishing has detrimental affects to rockfish and other species. Those areas should be restricted for subsistence fishing to protect those species. It was also stated that the board should reduce the charter fleet and catch possibly with a moratorium in Cook Inlet so there is not an influx of other IFQ holders into the fishery. Perhaps one trip per day is an option. Other ideas were to regulate charter boats by area (e.g., keep charters in certain areas and commercial boats in other areas), or keeping charters a certain distance offshore, and that halibut should be regulated like big game such as bear and sheep: nonresidents must use a guide to fish halibut in Cook Inlet.

Further, descriptions of the Cook Inlet sport fishery pointed out that a fisherman has to go quite a way offshore to avoid other boats plus that is where the fish are now. There is no shelter or bays if weather comes up in Cook Inlet. Too many charter boats force captains to go out in inclement weather because the boats are not full and the pressure is on to produce for the client or he will go someplace else. Some feel the board needs to slow the growth of the charterboat fishery. Some ideas were that some boats fish two trips a day and that the double trips should be eliminated. Other thoughts were to get rid of crew fishing and proxies because of wasted fish. Several testifiers believed that IFQs are a step in the right direction to get a handle on the growth and that LAMPs would help curb expansion of the charter fishery. Although some believe the board should hold off on LAMPs until there is a chance to see what the IFQ program will do and what effect it will have. Those people believe the board should support the council's work on IFQ because IFQs address allocation better than LAMP process.

Testimony was also given regarding other issues that should be looked at. For example, halibut are migratory and other factors besides harvest contribute to depletion such as food, habitat, and environmental changes.

OPEN DISCUSSION
DAY 2 OF THE PUBLIC MEETING

Some of the issues are social not biological. Homer residents fear of a LAMP pushing charter or sport fishing offshore. They do not want to interfere with the status quo of local fisheries. Catch statistics show that by August 15 or so the fish start outmigrating. In the past a pattern of May through August peaking in June/July but as boats go out further to get fish in August that pattern levels out. The board committee points out the board can use time to limit charters to certain areas in June, July, and August.

It was requested during roundtable discussions that the board and council use methods/means/seasons that favor local users. For example the board of game allows the harvest of five caribou in one game management unit (GMU) but those caribou cannot be taken out of that GMU.

Declining catch-rates and fleet disbursal were discussed. Nearshore depletion is not caused by the fish moving. Catch rates should be controlled to keep it from happening by measures such as not allowing guides and crew to keep their own fish or to fish on trips or by limiting the number of trips. According to the National Park Service the national trend is to limit number of people doing something at any given time. A LAMP can help this without going to extreme of displacing fishermen.

Ninilchik area folks are ready for a LAMP and will likely work on one this fall. All users need to be represented during a LAMP process as that is a requirement. There is a need for a problem statement.

Handling permits and reporting by village councils/communities is very useful because the department and federal offices are not in all of the small communities that qualify in the council plan. Reporting must include all subsistence users in an area, not just tribal members. Reporting of subsistence use in Seldovia has been successful including reporting of tribal members who come from out of town and take fish. Tribal Council's can be effective in overseeing a permit and reporting system.

Eligibility was discussed thoroughly with much speculation although it was pointed out that the board was not asked by the council to comment on or recommend anything concerning eligibility.

FINAL CORRECTED VERSION

**North Pacific Fishery Management Council Action on Halibut Subsistence Issues
October 7, 2000**

Adopt an alternative to allow the harvest of halibut for subsistence with the following options:

Option 1: Define subsistence.

Halibut subsistence regulations are needed to allow the continued practice of long-term customary and traditional practices of fishing halibut for food for families in a non-commercial manner for non-economic consumption. Subsistence is defined as the 'non-commercial, long-term, customary and traditional use of halibut.'

Option 2: Define eligibility.

Suboption B: Persons eligible to subsistence fish for halibut are: Alaska rural residents as defined in ANILCA* and identified in the table 5.4 entitled "Alaska Rural Places in Areas with Subsistence Halibut Uses," and will also include other communities for which customary and traditional findings are developed in the future. The list specifically includes the communities of Adak, Diomedede, and Shismaref. This list of eligible rural communities can only be changed by Council action. The Council urges communities seeking eligibility to subsistence fish for halibut to pursue a 'customary and traditional' finding from the appropriate bodies before petitioning the Council.

Other persons eligible to subsistence fish for halibut are:

1. All identified members of Alaska Federally recognized native tribes in rural areas with a finding of customary and traditional use of halibut who move to or have moved to an urban area are allowed to return to their area of tribal membership and exercise their subsistence rights for halibut fishing.
2. All members of Alaska Federally recognized native tribes with a finding of customary and traditional use of halibut that live in an area that has become or in the future becomes urban shall be allowed to exercise their halibut subsistence rights anywhere in a designated rural area within the state of Alaska.

*Under federal law in ANILCA, subsistence uses are identified as customary and traditional uses of fish and game by rural Alaska residents.

Option 3: Define legal gear.

Suboptions A and B. The legal gear for subsistence halibut fishing is set and hand-held gear of not more than 30 hooks, including longline, handline, rod and reel, spear, jigging and hand-troll gear.

Suboption D. Retention of subsistence halibut less than 32" (shorts) while commercial fishing is allowed only in Regulatory Area 4E (and Savoonga and Gambell). Retention of halibut greater than 32" while commercial fishing is allowed statewide, with retentions reported and counted against an IFQ.

Option 4: Allow the customary and traditional trade of subsistence halibut.

Suboption A. Customary and traditional trade through monetary exchange shall be limited to an annual maximum of \$400. No customary and traditional trade is allowed upon the premises of commercial buying operations. Persons licensed to engage in a fisheries business may not exchange, solicit to exchange, or receive for commercial purposes, subsistence-taken halibut. No exchange of subsistence-caught halibut from a monetary exchange, trade, or barter is allowed to enter commerce at any point.

Suboption B. Customary and traditional trade through non-monetary exchange is allowed with anyone.

Option 5: Define a daily bag limit.

The daily limit for subsistence halibut in rural areas is up to 20 halibut, except there is no limit in 4C and 4E (including Savoonga and Gambell).

Option 6: Cooperative agreements with tribal, State, and Federal governments and other entities may be developed for harvest monitoring, local area planning, and other issues affecting subsistence uses of halibut.

The North Pacific Fishery Management Council (Council) requests the Alaska Board of Fisheries (Board) to recommend potential regulatory options in subsistence halibut regulations relating to:

1. Legal gear;
2. Daily limits;
3. Reporting requirements;
4. Customary and traditional use areas of tribes and rural communities; and
5. Non-rural area definitions for halibut fishing areas.

The Council requests that the Board meet on this issue during their normal 2000-2001 cycle and present its recommendations to the Council at the Council's June 2001 meeting.

W170°



CENTRAL BERING SEA FISHERMEN'S ASSOCIATION

Post Office Box 288 ▲ St. Paul Island, Alaska 99660 ▲ Phone (907) 546-2597 ▲ Fax (907) 546-2450

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APR - 6 2001

N.P.F.M.C

April 6, 2001

Chris Oliver, Acting Executive Director
North Pacific Fishery Management Council
605 West 4th Avenue, Ste 306
Anchorage, AK 99501

Dear Chris:

First, let me take this opportunity to thank you for your work on Halibut Subsistence related issues. As you already know, this issue is central to our culture and livelihood here in the Pribilof Islands.

The NPFMC took positive action in establishing standards on Halibut Subsistence last October. However, we believe there is one aspect of the Council's action which remains ambiguous. And as we all know, ambiguity can lead to enforcement problems and conflicts further down the road. In light of the Alaska Board of Fisheries addressing Halibut Subsistence at the Council's request, we would like to revisit this issue. Specifically, I want to comment on the following alternative in the Halibut Subsistence standards adopted by the Council in October.

Option 3, Suboption D: Define Legal Gear

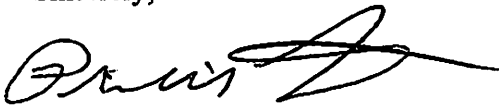
The second sentence of Option 3, Suboption D, states: "Retention of halibut greater than 32" while commercial fishing is allowed statewide, with retentions reported and counted against an IFQ". The language as it exists sounds reasonable and reflects the action taken by Council. Unfortunately though, the requirement that "...retentions (be) reported against an IFQ" will not work in our area, because the majority of our fishermen are CDQ halibut harvesters who do not own IFQ shares. Furthermore, the fishermen share their catch with elders in the community who cannot fish for themselves and others who do not own fishing vessels. On top of this, these individuals do not own IFQ shares but are eligible users of subsistence halibut. Even if a fishermen owns IFQ shares and shared his IFQ halibut for subsistence use with others in the community, the fishermen would be (essentially) paying for the subsistence halibut and the subsistence rights of others in the community. This would be more so if the fishermen purchased the IFQ shares. I do not think this was the intent of the Council when they adopted the halibut subsistence regulations. We would like to be able to retain subsistence halibut while IFQ and CDQ fishing in our area. But, at this time we are trying to get clarification regarding subsistence halibut while CDQ fishing.

It is our understanding that it was the Council's intent to allow the retention of subsistence halibut greater than 32" while commercial fishing, with retentions counted against IFQ ONLY. CDQ fishing is commercial fishing, but there is no specific mention of retention of greater than 32" halibut while CDQ fishing in the language.

This issue was addressed in testimony at both the AP and Council sessions, and it was our understanding that subsistence halibut greater than 32" harvested while CDQ fishing could be retained without any provisions that it be counted against some other quota.

We ask that some appropriate administrative action is taken or that the Council's original action is amended to clarify this situation. We understand that you have a busy schedule and many other issues to deal with, but halibut subsistence is important to our community. Thank you for your attention.

Sincerely,



Phillip Lestenkof, President

Cc: Jane DiCosimo, NPFMC
Jay Ginter, NMFS

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APR 27 2001

N.P.F.M.C.

Wrangell Fish and Game Advisory Committee
Box 303
Wrangell Alaska 99929

April 14, 2001

North Pacific Management Council
605 West 4th, Suite 306
Anchorage, Alaska 99501-2252


Over a series of three meetings the Wrangell AC has developed the following positions on halibut subsistence in order for the Council to arrive at meaningful regulations for halibut.

1. The limit for subsistence caught halibut should be two fish per day.
2. The present State of Alaska sport fish regulations for halibut should be adopted for the subsistence fishery.
3. Non-rural users do not qualify for subsistence in the halibut fishery.
4. The establishment of restricted fishing areas near established towns should be at the expressed desire of local governing bodies. These areas need to be kept to a minimum size.
5. The sale of subsistence caught halibut shall be prohibited.
6. The problem of bi-catch of non-target species and the possible harmful effects of increased effort on lingcod and rockfish need to be addressed.
7. The yearly removal rate of all users needs to be addressed in the context of abundance. We are already experiencing political problems and resource impacts in fisheries where one component of the fishery is left uncontrolled in its removal rate as the abundance varies.

Discussion points:

- 1 The amount of poundage potential with the 20 fish daily limit is too high for a person to successfully take care of in a timely manner and will result in significant wastage. The issue of the need for larger amounts of fish for ceremonial or social functions has already been addressed with the Federal proxy system. Under this system a number of people could pool their 2 fish limit in order to meet the needs of larger functions, such as Salvation Army Food Bank Drives or Municipal Forth of July picnics or for one person fishing for an extended family.
- 2 The use of fixed gear for halibut will compound the problems that many communities face with large amounts of fixed gear in the water that makes navigation a problem. We already are experiencing gear loss problems when the markers for unattended gear are destroyed by vessel traffic. The loss of properly rigged shellfish gear, while serious, does not pose the threat to the resource that lost long line gear does, because it will stop fishing in relatively short time. Long line gear will continue to self-bait and fish.
- 3 ANILCA is very clear in intent and language that subsistence is defined in terms of rural residency and is not race or affiliation dependent. While we are aware of the special government to government relationship of the Tribes and the Federal Government, the application of this principle would dis-enfranchise nearly 80% of residents in SE Alaska.
- 4 The unlimited establishment of subsistence fishing rights immediately next to towns will lead to local depletion, as experienced in Sitka. Too large an area could lead to undue restriction of commercial and sport use. Local people will need to establish areas that are open to subsistence fishing under guidelines that need to be established on a regional basis.
- 5 Presently we have people who are using longlines to fish for halibut (this was the testimony of a number of individuals in Sitka), yet with all of the presence of Federal and State enforcement no one to our knowledge has ever been sited for this illegal activity. If this highly visible and illegal activity has gone on for years, how can present enforcement possibly control the sale of halibut? In the real world the prevention of commercial sale of subsistence caught halibut will soon become a major problem.
- 6 Halibut in the Wrangell area are available on a seasonal base, which seems to indicate migration. A number of the other bottom fish are definitely non migratory and are more prone to over fishing. Without very area specific regulations the increased effort of subsistence longline gear on the bottom is going to lead to severe impacts on these stocks. We have already seen the local stocks of yellow eye rockfish experience a steep decline in availability.

- 7 The primary problem we have had with fisheries in our area where some segments of the harvesters were regulated and others not, was with king salmon, under the Pacific Salmon Treaty. This problem has been somewhat addressed with the harvest allocations that are now assigned to all user groups. This experience makes us very reluctant to accept any fishing allocations where one component is left to seek its own level of harvest at the expense of other users. The present halibut management is based on abundance and all users must adjust their catches accordingly. This principle must be included in any subsistence harvest regulations.



Bruce Eagle
Chairman, Wrangell AC

Cc:

Senator Ted Stevens
Senator Frank Murkowski
Representative Don Young

State Senator Robin Taylor
State Representative Peggy Wilson



Penco Ak

3620 Penland Parkway
Anchorage, Alaska 99508

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MAY - 2 2001
N.P.F.M.C

April 27, 2001

Dan Coffey
Chairman, Board of Fish
207 E. Northern Lights Blvd, Suite 200
Anchorage, Alaska 99503

Dear Dan:

While we were discussing IFQ's at the April meeting of the NPFMC, I brought up some sport fish regulations for halibut that I thought should apply to all recreational anglers not just charter boat anglers. The chairman thought it might be best if I submitted it as an individuals' proposal for your Boards review during your LAMPS process.

As you know, I have been involved in the Cook Inlet halibut fishery for over 35 years; I live half of the year on the Kenai River.

There is certainly no question in my mind that "fishing has changed." The depletion in Cook Inlet appears to be following classic trends of declining stocks. I think your review of this fishery will be one of the most important conservation actions your board has undertaken in years. We applaud and thank you for that effort.

I remember what happened to the Cook Inlet king salmon stocks in the fifties and sixties when they were over harvested to the extent that the entire Inlet was closed for four years. I believe from 1968 - 1972 for all king fishing. I am scared we are seeing the same trend in the Inlet's halibut. If there is a trend of serious depletion, then all users should be affected; harvesting must be curtailed. As always, "The fish come first."

I have had the attached suggestions for conservation measures reviewed by some professional charter folks and heard very few objections to them.

As discussion points:

Crew Fish - This probably should have been instituted years ago and maybe the depletion would not have been as serious as it is now.

If the crew wants some halibut, let them go on their own time. Rarely have I seen the crew keep "their fish," but often it is taken by the six pak's anglers. The captain and the crew aren't "fishing," they are boat drivers. Look at how well the issue of "no fishing" by the boat captain has worked on the Kenai River for kings and silvers, it has become the readily accepted norm.

60" size limit - Many anglers today release these big fish because they are all producing females of considerable age. We are killing off the "mommies." The department may say that "they will probably be caught by commercial fishermen anyway." Well conservation has to start somewhere and then such efforts usually expand - maybe to other users also.

Setting a "size limit" shouldn't affect any tournaments either. They can elect to give a prize to "any size category" or give the prize to the halibut that comes in the closest to the north side of 60."

Most any captain that has been on the salt for a while can tell a halibut's size within a few inches or so. If there is a question, "then let her go!" Any angler that wants proof of a large catch can get a facsimile mount of the tail. Releasing fish of minimum and maximum size is done in many fisheries in our nation and can be done very effectively in our sport halibut fishing also - besides don't we all agree that the chickens are better eating anyway?

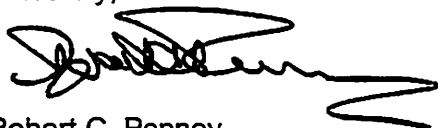
Circular steel hooks - The intent here is to reduce mortality in all released fish. Release a fish? Just cut the leader; plain steel hooks will rust away in a very short time. They are a small cost in fishing for halibut.

We commend the board for your action. We know how much this has intruded on your time and added to your full schedule. But, no one does a better job of involving public participation in fishery management than does the Alaska Board of Fish. I do not think these important public reviews would have been done, if you had not done them.

I am personally very concerned as to what you are going to find out about the depletion. I hope you take whatever measures you deem necessary to protect the stocks and insure that my grandkids and all future Alaskans will always have the opportunity to be able to catch these wonderful food fish in the waters of Cook Inlet. I promise to work for adoption of your recommendations when they are received and reviewed by the council.

Thank you for all of us in this important fishery assessment that you are doing.

Sincerely,



Robert C. Penney

cc: Mr. E. Dersham

Proposed Management Measures for Inclusion as part of a LAMP Guided and Non-Guided Anglers

Crew Fish

The intent of this measure is to not allow crew members or skippers to harvest halibut while guiding clients. The regulation would limit the numbers of poles fished to the number of clients onboard.

- ▶ Under current regulations crew members and skippers can harvest halibut while guiding clients.
- ▶ About 10-15% of the charter harvested halibut are "crew fish."

You Hook it's your Fish

The intent of this measure is to stop the practice of "boat limits"

- ▶ You hook the fish then it is your fish - no handing off to another angler.
- ▶ When you have landed your halibut limit, then no more fishing for bottom fish that day.

100 Pound Maximum Size Limit (60 inch-Maximum Size Retention

The intent of this measure is to restrict the harvest of large females.

- ▶ Nearly all halibut over 100 pounds (about 60 inches in length) are females
- ▶ About 5% of the charter harvested halibut are over 100 pounds.
- ▶ Large females are highly fecund.

Mandatory Use of Circle Hooks

The intent of this measure is to require the use of circle hooks in the halibut charter fishery.

- ▶ There is no current restriction on the type of hook allowed to fish for halibut.
- ▶ Currently, both circle and J-hooks are used in the halibut charter fishery.
- ▶ About 90% of the charter operators use circle hooks.
- ▶ Circle hooks have documented lower release mortality rates than do J-hooks.

Mandatory Use of Steel Hooks

The intent of this measure is to restrict the use of stainless steel hooks in the halibut charter fishery in order to reduce mortality.

- ▶ There is no current restriction on the type of hook allowed to fish for halibut.
- ▶ Currently, both stainless steel and steel hooks are used in the halibut charter fishery
- ▶ It is unknown what the breakdown of hook use in the charter fishery is.
- ▶ It is believed that steel hooks have lower release mortality rates than do stainless steel hooks given that steel hooks will rust away faster than stainless steel hooks.

Limit Multiple Day Trips

The intent of this measure is to only allow charter vessels to make one trip per day.

- ▶ Under current regulations a charter vessel may make multiple trips per day.
- ▶ Less than about 10% of the charter vessels currently make multiple trips per day.

I am submitting this FSB proposal to the NPFIC at the proponent's request. Richard Uberuaga, Office Subsistence Mgmt. 786-3688

PROPOSAL FP2002-02 - STATEWIDE

1. **What are you proposing to change?** Area: Statewide
Establish a Federal subsistence permitting system for halibut and bottomfish (aka groundfish).
2. **How should the new regulation read?**
Add new language as follows:

~~Directed subsistence fishing for halibut shall be under the terms of a Federal subsistence permit. Methods and means shall be the same as those established by the North Pacific Fisheries Management Council for the subsistence take of halibut.~~

Develop a permit for a Halibut Subsistence Permit. The permit shall be similar in content and style to the Federal subsistence permit created for salmon fishing. The permit shall at least include columns for recording Date, Area taken, Method used, and Incidental species taken while directed subsistence fishing for halibut. Data shall be collected on at least the following species:

- a. Halibut
- b. Ling Cod
- c. Pacific cod
- d. Black Bass
- e. Yellow Eye
- f. Other bottomfish

3. **Why should this change be made?** Proposed changes by the North Pacific Fisheries Management Council allowing the directed take of halibut by subsistence users in Alaska does not provide for the gathering of data necessary to monitor the take of halibut and other species that will be taken. We need good numbers on take of any species of wildlife to regulate the take and recommend seasons and harvest limits. There is little State of Alaska creel survey data that is specific to subsistence take of halibut. This proposal will attempt to fill that void.

4. **What impact will this change have on fish and shellfish populations?** The proposed permitting system will not have any effect on the fish species identified. Lack of implementing this proposal may not allow us to respond to over fishing of certain species in a timely manner.

5. **How will this change affect subsistence users?** The subsistence user will be required to fill out and submit the Federal halibut permit; however the State of Alaska requirement for a sport-fishing license will disappear. To that extent they will save money.

Is there any additional information that supports your proposal? Several areas of Alaska have a positive Federal Determination for Halibut as listed in 36CFR Section 174 (a) (2). Customary and Traditional Determinations. This regulation should be amended to include all those areas identified with a positive determination for Halibut and Groundfish by the State of Alaska. These areas are listed in 5 AAC 01.286; .366; 416; .566; .616; .666; and .716 et al. No new determination criteria should be required, as they have already been satisfied by the State of Alaska determination.

Proposed by: John H. Littlefield, Sitka (Doc. FP2002-02)

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MAY 14 2001

Cordova District Fishermen United

Celebrating 65 Years of Service to Commercial Fishermen in Cordova, Alaska
P.O. Box 939 Cordova, Alaska 99574 Telephone 907.424.3447 Fax 907.424.3430

May 24, 2001

Mr. David Benton, Chairman
North Pacific Fishery Management Council
605 West 4th Ave, Suite 306
Anchorage, AK 99501-2252

Date: MAY 24	# Of Pages 4	QUICK FAX™ OfficeMax	
To:	From: DAN HULL	Co./Dept.	CDFU
Co./Dept.	Fax: (907) 424 3430	Fax:	(907) 424 3447
Fax: (907) 271-2817	Phone:	Phone:	(907) 424 3447
Phone:	E-Mail:	E-Mail:	
Note:			

SENT VIA FACSIMILE TO (907) 271-2817

RE: HALIBUT SUBSISTENCE REGULATIONS AND LAMPS

Dear Chairman Benton,

The Groundfish Division of CDFU is submitting these comments on proposed halibut subsistence regulations and the status of local area management plans (LAMPS) for halibut in PWS. These comments summarize testimony given by Division members at the BOF hearing held in Cordova April 16 and 17, as well as written testimony provided to the BOF over the last year.

Even though the Council is not scheduled to take action on these issues at the June meeting, we ask that you consider our comments in your discussions. In particular, we are asking for some clarification about LAMPS from the Council and the Board of Fisheries. We submitted these same questions to the BOF prior to the Board's May 8-9 meeting, but to date have not received any response.

PROPOSED HALIBUT SUBSISTENCE REGULATIONS

In general, we support the development of halibut subsistence regulations that vary by region or area of Alaska according to the needs of users and management concerns in different areas of the state. And we support the role of the Board of Fisheries in the development of those regulations.

1. **Legal gear.** In Prince William Sound, no clear need for a change in legal gear for subsistence take of halibut has been demonstrated. Until this need has been established, the current subsistence gear regulations, a single hand-held line with not more than two hooks, appears to be adequate. Allowing subsistence longline gear would likely increase harvest rates around local communities and could raise concerns about local depletion. This is especially true if the "stacking" of gear is allowed, so that several people could combine their individual subsistence longline gear limit into one longer string of gear.

2. **Daily limits.** With a 20 fish daily limit, and no annual limit, the proposed subsistence regulations do not appear to have been set according to real and documented subsistence needs. This is excessive and will lead to waste and abuse, as well as an increase in the bycatch of other species, like rockfish, above current levels. There must be an annual limit, as well as a daily limit, and it should be based on subsistence food needs of families, varying with the size of the family. Salmon subsistence regulations on the Copper River provide one example of how catch limits are set according to the needs of families of varying size. We suggest daily and annual limits of between 10 and 20 fish.
3. **Reporting and enforcement.** This is an opportunity to improve reporting of subsistence catches in a timely manner. The more liberal the legal gear, and the higher the catch limits, the more important accurate reporting will become. The use of fisheries resources in PWS will continue to increase over time, so it is critical to track changes in catches and to enforce fishing regulations. The establishment of new and more liberal fishing regulations raises serious questions about who will enforce those regulations, oversee reporting, and whether there is even any funding to do this. The Groundfish Division is greatly concerned about these issues.
4. **Barter and trade.** We oppose the sale of subsistence caught halibut at the proposed monetary levels. It is reasonable to consider nominal amounts of sale and barter of subsistence caught halibut to meet other subsistence needs, but the sale of \$400 worth of subsistence halibut makes it more of a commercial activity than a subsistence activity. Trade and barter of subsistence halibut should only be allowed within the subsistence community, for subsistence needs. The potential for abuse of this provision is great because it provides an incentive to increase harvests above current levels, solely for monetary gain. This will impact the halibut resource around local communities, and raise further concerns about local depletion. Additionally, in the absence of strict enforcement, the flow of subsistence caught halibut into commercial markets is likely to occur. This will affect prices and markets for commercially caught halibut negatively, and may raise consumers' concerns about food safety. Lastly, the ability to sell \$400 worth of halibut may give rise to the development of "subsistence charter operators" who sell their services to those who don't have the boat and gear to go out subsistence fishing. A proxy system would serve everyone's needs far better.
5. **Customary and traditional use areas and non-rural area definitions for halibut fishing areas.** At this time, we support the customary and traditional use areas of tribes and rural communities, and the non-rural area definitions for halibut fishing described in proposed regulations, provided that current bag limits and legal gear regulations for subsistence halibut in PWS remain in effect. With subsistence fishing prohibited from Cape Fairfield west to Cape Douglas, except for a limited area from Seldovia around to Port Chatham, Prince William Sound becomes the most reasonably accessible area for eligible members of urban Alaska Natives who live in the area from Anchorage to Fairbanks. If bag or catch limits and legal gear become more liberal, fishing pressures in PWS could increase greatly above current levels.

6. **Consistency between State and Federal subsistence regulations.** It is critical that the proposed halibut subsistence regulations do not result in any legal conflict or inconsistency between State and Federal subsistence regulations. In particular, the eligibility requirements defined in the proposed halibut subsistence regulations must be determined to have a solid legal standing. If the eligibility requirements are contested and rejected in court in favor of more liberal eligibility requirements, such as those allowing all Alaskans to participate in the subsistence harvest of halibut, the original intent and purpose of the regulations will be completely undermined. The social and conservation problems resulting from such a dramatic change would be tremendous.

STATUS OF HALIBUT LOCAL AREA MANAGEMENT PLANS IN PWS

Although the timing of the April hearings prevented many members of the Cordovalongline fleet from participating, the Groundfish Division appreciated the opportunity to discuss halibut subsistence regulations and LAMPs with Mr. Dersham and Mr. Miller, and we thank them for coming.

As the Groundfish Division, as well as the Copper River/PWS AC, and individual fishermen, have previously stated in written and oral testimony, we ask that the Board take up and fail the six LAMP proposals for PWS that have been tabled since 1999. These proposals do not meet the joint NPFMC/BOF protocol for the development of LAMPs. It is worth citing again the NPFMC memorandum AGENDA C-2(b) dated February 1998 that describes the protocols adopted by the Board and the Council. Specifically, it states that "it is the expectation of the Board and the Council that any proposals submitted for review will be well thought out and reflect the efforts and high degree of consensus of representatives of all users of the fish species in the local area covered by the proposed plan." Clearly, the current PWS LAMP proposals do not meet these criteria.

Although the purpose of tabling the proposals may have been to give all user groups an incentive to discuss the development of LAMPs for PWS, the act of tabling them has had exactly the opposite effect. These proposals are an impediment to the development of LAMPs in Prince William Sound.

We were pleased to hear suggestions from Mr. Dersham at the April hearing in Cordova that the BOF would consider a way to return the proposals to their original sponsors or remove them from the proposal books in recognition of fact that they do not meet the joint protocol. We welcome this action as a positive step forward, with the understanding that it would provide all user groups with a clean slate from which to develop LAMPs in PWS.

The Groundfish Division supports LAMPs, exemplified by the Sitka LAMP, that address issues of local depletion and user conflict. We agree with the summary statements made by Mr. Dersham at the April hearing in Cordova that it would be appropriate to begin work this fall on small LAMPs (as opposed to a large PWS LAMP) that address local community issues of user conflict and depletion, if those communities determine that it is necessary to do so. It will be important to consider inclusion of halibut subsistence regulations into this process, as

they are developed. At this time, the Copper River/PWS AC believes that they do not need a LAMP for Cordova.

In order to constructively address other user conflicts, management and conservation concerns – real or perceived - on a larger geographical scale, it will be necessary to gather more detailed and accurate information on use of the halibut resource in the PWS region. To that end, we suggest as we did at the hearings in April, that data on total removals of halibut in PWS by all gear groups from 1990-2000 would provide a useful starting point. Since there are numerous ways to gather and present information, it would be important for all user groups to agree on what information is necessary before requesting agency personnel to provide it.

We recognize that these kinds of information requests place an additional burden on agency staff, who are already a "fully utilized resource", to put it in clearly understandable terms. However, we hope that the Board's commitment to the process will help to secure the funding to complete this important first step.

We believe that recent action by the NPFMC to include the charter sector in the IFQ program will increase, not decrease, the probability that longliners and charter operators can work together, and with other users, to resolve conservation issues and user conflicts. This is a positive first step towards maintaining the health of our fisheries resources and the coastal communities that depend on them.

Finally, the Groundfish Division also requests clarification from the Board of Fisheries and the NPFMC on a number of issues related to LAMPs. First, we ask for clarification of the joint protocol to resolve the conflict that arises when the Board accepts proposals to meet a timeline, but those proposals do not meet the joint protocol on consensus. Second, we ask for clarification of the word 'local' in local area management. There is considerable amount of confusion over whether 'local' means a small geographic area traditionally used by local residents in a community, or any sized geographic area that is smaller than the current halibut regulatory areas. The definition of 'local' has significant consequences for the amount of time and effort, funding, and information needs required for the development of a LAMP, not only for the stakeholders but for the Board of Fisheries and the NPMFC, who will have to review and approve LAMPs. Third, we ask for more specific guidance on the 'rules of engagement' for the LAMP process than has been provided by the ADF&G Sportfish Division in "General Guidelines for Development of Local Area Management Plans". This should include such guidance as who calls meetings, how they are to be conducted, and sources of funding to bring stakeholders together and to bring in agency staff support.

Sincerely,



Dan Hull, Co-Chairman

BoF Recommendation
4/6/01

5/9/01
B-5

REVISED RECOMMENDATIONS

RC 39

	AREA	GEAR	HRVST LMTS	PRMTS/RPTNG	PROXIES
More <u>Liberal</u>	4C, 4D 4E	No Gear Restrict	None	Yes/Yes	Not Nec
Same	3B, 4A 4B, 3A** 2C**	30 Hooks*	20/day No Annual Limit	Yes/Yes	Not Nec
Changes	CI non-subsistence area increased No subsistence fishing permitted (see map)				
	There are no changes to the other existing Non-subsistence areas. The Board recommends adoption of these areas as they presently exist.				
Less <u>Liberal</u>	Sitka Sound LAMP area	2 Hooks	20/day 20/annual	Yes/Yes	Yes****
	Kodiak Chiniak Bay Road Zone	5 Hooks***	20/day 20/annual	Yes/Yes	Yes****
	PWS	5 Hooks***	20/day No annual limit	Yes/Yes	Not Nec
	Cook Inlet	5 Hooks***	20/day No annual limit	Yes/Yes	Not Nec

* Stacking in this area allows the use of up to 3 units of gear provided the subsistence user(s) are on board the vessel.

** More restrictive subsistence fishing in the 4 sub-areas of 3A and 2C.

***Stacking in these areas allows 3 times the number of hooks on a single unit of gear.

****Allows a person who holds the proxy to fish for others without the necessity of that other person being on board the vessel.

ADDITIONAL RECOMMENDATIONS

1) On the issue of permitting and reporting, there are currently on going discussions between the agencies which hopefully will lead to a permit/reporting system for halibut and other species taken in the subsistence fisheries. The Board is recommending both permitting and reporting for halibut subsistence, but believes the particulars should be

worked out by agency staff in consultation and cooperation with tribal entities and the Federal Subsistence Board. Permitting and reporting should be paid for by the Federal Government since this is a federal program.

2) There are various other regulations which the Board has adopted relative to such things as marking subsistence caught fish, transporting subsistence caught fish with commercial caught fish, retention of by-catch, etc. The Board is conducting an on-going review of these types of regulations and may, in the future, provide recommendations to the Council.

3) Further, the Board will take timely regulatory action itself to bring its regulations into compliance with federal regulations.

4) The Board recommends that the Council recommend to the Secretary that these halibut subsistence regulations be implemented as a total package and not implemented piecemeal.

ABOF
B-5

BUDGET ESTIMATE FOR LAMPs PROCESS

COSTS

Year 1	150,000
Year 2	100,000
Year 3	75,000
Total	325,000

WORK ISSUES

Board

Committee of 2-3 board members to each LAMP(\$75,000 total)
One full board meeting per year (\$30,000 total)

Facilitator

Hire non-department empl as facilitator on short-term contract (\$50 to \$75,000 total)

ADF&G

Provide information, attend meetings (\$10 to \$15,000)

AREAS (Costs of these meetings are very rough estimates)

Cook Inlet

\$60,000 multi-community involvement (Anchorage, Deep Creek/Ninilchik, Kenai/Soldotna, Seldovia, etc.)
"Boundary" issues (with Kodiak)
Year 1: three meetings \$22,500
Year 2: three meetings \$22,500
Year 3: one to two mtgs \$15,000

Prince William Sound

\$50,000 multi-community involvement (Cordova, Valdez, Whittier, Seward)
Year 1: three meetings \$21,000
Year 2: two meetings \$15,000
Year 3: one to two mtgs \$15,000

Kodiak

\$12,000 "Boundary" issues (with Cook Inlet)
Year 1: two meetings \$8,000
Year 2: one meeting \$4,000

Yakutat

\$8,000 Year 1: one meeting \$4,000
Year 2: one meeting \$4,000

Other Areas

SOUTHEAST: Interest expressed in Northern Southeast, Ketchikan
ALEUTIANS: Interest expressed in Sand Point
WESTERN AND NORTHWEST ALASKA: Possible interest

Rural Alaska Community Action Program, Inc.

June 5, 2001

Dr. James Balsiger,
Administrator, Alaska Region,
National Marine Fisheries Services
P.O. Box 21668
Juneau, Alaska 99802

Dear Dr. Balsiger:

The Alaska Native Subsistence Halibut Working Group (ANSHWG) would like to express its appreciation to NMFS for meeting with Alaska Native representatives during the Alaska Board of Fisheries meeting. There was a good exchange of ideas between the ANSHWG representatives and Jay Ginter and Phil Smith. The meeting demonstrated NMFS's commitment to meeting its responsibilities under the Executive Order requiring tribal consultation.

The ANSHWG is committed to assisting NMFS in ensuring effective and meaningful tribal consultation. The Group is in the process of notifying tribes throughout Alaska about the issues and the process.

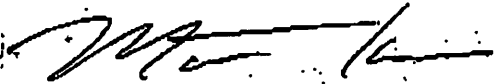
The ANSHWG feels very strongly, however, that it must address two pressing issues immediately before full tribal consultation can take place. The ANSHWG is made up of tribal representatives who have been deeply engaged in this issue throughout the Council process. It is the ANSHWG's position that it is absolutely critical that NMFS move ahead as soon as possible to implement the NPFMC action authorizing subsistence taking of halibut. The BOF asked the Council to delay implementation until it addresses BOF recommendations on bag limits, gear and other issues. The BOF request for delay should be rejected. Just days after the BOF made this recommendation, two subsistence fishermen from Port Graham were issued citations by Alaska State troopers while engaged in subsistence fishing for halibut. They were cited as "sport fishermen" for exceeding the limit, 2 halibut per day. They had 29 halibut on board. Under the subsistence fishery authorized by the Council, there is a daily bag limit of 20 halibut per person per day. In other words, these fishermen, who were fishing for family, elders, and other members of the tribe, were cited for a subsistence practice that would be legal if there were regulations in place implementing the NPFMC action.

Rural Alaska Community Action Program, Inc.

This enforcement action has intimidated other fishermen in the Village, causing great hardship. June is the best month to preserve halibut because of the dry weather, yet there are subsistence fishermen sitting on the beach. A limit of two per day may be fine for a sports fisherman, but it will not even begin to meet the needs of a subsistence user. Subsistence users simply cannot afford to spend the gas money and time it takes to travel to their customary fishing grounds for 2 fish.

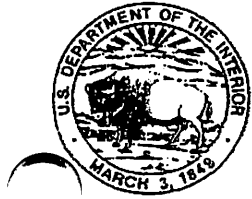
Secondly, the ANSHWG opposes the Council taking any action on any BOF recommendation until the tribes have been fully consulted and have had a meaningful opportunity to participate in the Council process. No action should be taken on any BOF recommendation at the June 5 meeting. The ANSHWG is willing to work with NMFS to determine an appropriate time for the Council to address the BOF recommendations. In the meantime, we urge NMFS to move ahead with all due speed with implementing regulations.

Sincerely,



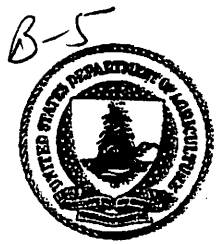
Matt Kookesh, Chairperson ANSHWG

Cc: Jeanine Kennedy, Rural CAP Executive Director
Charles D.N. Brower, Chairman Rural CAP Subsistence Committee
Donne Flegle, Rural CAP Board President
Other members of the Rural CAP Board of Directors
Vernita Herdman, Rural CAP Tribal Coordinator
Deborah Vo, AI-TC Executive Director
Mike Williams, AI-TC Board Chairman



Federal Subsistence Board

3601 C Street, Suite 1030
Anchorage, Alaska 99503



FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS

MAY 30 2001

FOREST SERVICE

FWS/OSM/C:/ChairmanLtr

Mr. Harry Wilde Sr., Chairman
Yukon-Kuskokwim Subsistence Regional Advisory Council
P.O. Box 32226
Mt. Village, Alaska 99632

Mr. Ron Sam, Chairman
Western Interior Subsistence Regional Advisory Council
P.O. Box 25
Allakaket, Alaska 99720

Mr. Gerald Nicholia, Chairman
Eastern Interior Subsistence Regional Advisory Council
P.O. Box 197
Allakaket, Alaska 99777

Dear Chairmen Wilde, Sam, and Nicholia:

In your joint letter dated April 13, 2001, a resolution (Resolution 01-01) was forwarded for consideration during the in-season fisheries management actions this summer. The resolution specifically requested that the State and Federal governments do everything possible to ensure that salmon escapement and subsistence needs are met on the Yukon and Kuskokwim Rivers in 2001; and that if it becomes necessary to completely close any subsistence salmon fishery along these rivers, that immediate action be taken to simultaneously close all salmon migration routes to commercial fishing in several marine areas.

Regarding the first request, I want to assure you that the Federal Subsistence Board has already taken all possible steps within its delegated authority to conserve salmon stocks and protect subsistence needs within these rivers. On May 9, 2001, the Board acted on two Special Action requests (FSA01-01 and FSA01-02) to close sport fishing for chinook and summer chum salmon fisheries in the Yukon and Kuskokwim River drainages. This action goes beyond actions taken by the Alaska Board of Fisheries at their January 2001

meeting, and allows only qualified Federal subsistence users to take chinook and summer chum salmon for subsistence purposes. Specifically, all competing fisheries on Federal lands have been closed prior to this season by regulation; and includes sport fishing, commercial fishing, and subsistence fishing by State residents who are not Federally qualified (i.e., subsistence fishing on the Yukon is now restricted only to residents of the Yukon Area and the community of Stebbins; and subsistence fishing on the Kuskokwim is now restricted only to residents of the Kuskokwim Area excluding military installations.) Moreover, these closures can only be relaxed by Federal managers, and only if the runs improve so that subsistence and conservation requirements can be met.

While we understand your concerns about marine intercept fisheries and their possible impact on salmon stocks in Western Alaska, your request to close commercial salmon fishing along the marine migration routes does not fall within the Federal Subsistence Board's authority or jurisdiction. Therefore, neither the Board nor the Federal in-season managers can take actions to close these fisheries.

The Alaska Board of Fisheries has acknowledged the need to conserve salmon stocks and protect subsistence needs. During their meeting in January 2001, the Board of Fisheries took several actions including a 60 percent reduction in commercial fishing time in Area M, a reduction in the size of the fishing district in W4 in the Kuskokwim River area, and specific restrictions to commercial, sport, and subsistence salmon fisheries in the Yukon and Kuskokwim Rivers. I believe that the combination of both State and Federal Board actions address the central concern of your resolution to meet escapement goals and provide for subsistence needs in these two rivers.

We realize that this is a difficult time for subsistence users along the Yukon and Kuskokwim Rivers. The efforts by your three Councils, the Yukon and Kuskokwim River Coordinating Fisheries Committees, the Kuskokwim Working Group, and the subsistence users to work together with State and Federal fisheries managers to deal with this serious situation is critical to addressing the concerns you raise. I encourage your continued support of the people in your regions and working collaboratively on their behalf.

Sincerely,



Mitch Demientieff, Chairman
Federal Subsistence Board

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Yukon-Kuskokwim Delta, Western Interior, and Eastern Interior
 Federal Subsistence Regional Advisory Councils
 c/o U.S. Fish and Wildlife Service
 101 12th Avenue, Box 19
 Fairbanks, Alaska 99701
 Phone: (907)-456-8277, Fax: (907)-456-4205
 Toll Free: 1-800-267-3997

April 13, 2001

Mr. Frank Rus, Commissioner
 Alaska Department of Fish and Game
 1255 West 8th Street
 Juneau, AK 99801-5636

Mitch Demientieff, Chairman
 Federal Subsistence Board
 3601 C St., Suite 1030
 Anchorage, AK 99503

RECEIVED
 APR 16 2001
 N.P.F.M.C

Dear Commissioner Rus and Chairman Demientieff,

As appointed representatives of subsistence users for Interior and Western Alaska, we respectfully submit this resolution to you for consideration during inseason fisheries management actions this coming summer. We recognize that it may be necessary to take significant actions this summer to conserve our salmon runs for future generations and feel that the burden of these conservation measures should be shared by everyone using this resource. Please review our request in the attached resolution and provide appropriate direction for your inseason fishery management staff.

Resolution 01-01

Whereas, chinook and chum salmon have been determined to be stocks of concern in the Yukon and Kuskokwim Rivers; and

Whereas, the Alaska Board of Fisheries have established salmon escapement goals and amounts necessary for subsistence; and

Whereas, the primary objectives of the salmon rebuilding plans are to meet escapement goals, and subsistence needs.

Therefore be it resolved, we the members of the Yukon-Kuskokwim Delta, Western Interior, and Eastern Interior Federal Regional Advisory Councils respectfully request that the State and Federal governments do everything possible to ensure the salmon escapement and subsistence needs are met on the Yukon and Kuskokwim Rivers in 2001;

Be it further resolved, that specifically we request that if it becomes necessary to completely close any subsistence salmon fishery along the Yukon or Kuskokwim Rivers, that immediate action be taken to simultaneously close all salmon migration routes to commercial fishing seasons from the Barren Islands, Shalika Spit, Chignik spit, Popof Island, Sumpagin Islands, and Unimak Pass, and close commercial fishing in the north peninsular portion of the Area of fisheries. The commercial fisheries closures would remain in effect as long as there are restrictions on subsistence fishing seasons and harvest limits in effect, for a minimum of a year.

Sincerely,

Harry Wilde (cm)

Harry Wilde, Chairman

Yukon-Kuskokwim Delta Regional Advisory Council

Resolution passed by a vote of 7 to 0 on March 15, 2001 at our meeting in Kotlik, AK

Ron Sam

Ron Sam, Chairman

Western Interior Regional Advisory Council

Resolution passed by a vote of 7 to 0 on March 8, 2001 at our meeting in Fairbanks, AK

Gerald Nicholia

Gerald Nicholia, Chairman

Eastern Interior Regional Advisory Council

Resolution passed by a vote of 5 to 0 on March 8, 2001 at our meeting in Fairbanks, AK

Cc: President George W. Bush
 Gale Norton, Secretary of the Interior
 U.S. Senator Ted Stevens
 U.S. Senator Frank Murkowski
 U.S. Representative Don Young
 Dan Coffey, Chair, Alaska Board of Fisheries
 David Benton, Chair, North Pacific Fishery Management Council