

MEMORANDUM

TO: Council and Board Members

FROM: Jane DiCosimo  
Fishery Biologist

DATE: January 20, 1999

SUBJECT: Groundfish

## ACTION REQUIRED

- (a) Status report on State groundfish fisheries.
- (b) Status report on definition of pollock bottom trawl gear.
- (c) Status of complementary State action on forage fish closures.
- (d) Status report of Council action on chinook salmon bycatch.
- (e) Demersal Shelf Rockfish Retention
- (f) Review and discuss 1998 Board groundfish proposals.

## BACKGROUND

- (a) State groundfish fisheries

ADF&G staff will review the 1998 State groundfish fisheries (Attachment 2(a)).

- (b) Definition of pollock bottom trawl gear

In March 1999, the Board is scheduled to take complementary action to mirror the bottom trawl ban in federal waters adopted by the Council in June 1998. The Board sent a letter to the Council (Attachment 2(b)(1)) which identifies a conflict in the federal and state definitions of pelagic trawl gear. The federal definition is included as Attachment 2(b)(2). A resolution of these gear definitions is necessary for complementary action to be in place in state and federal waters.

At its meeting in January 1999, the Joint Board/Council Committee recommended that this issue be referred to the Council's Enforcement Committee for further resolution. A report would be scheduled at the next joint Committee meeting.

- (c) State action on forage fish closures

ADF&G staff will report on the status of State action on closing forage fish fisheries in State waters (Attachments 2(c)(1) and (c)(2)). At the January meeting, Council members clarified that it was not Council intent that the State close existing forage fish fisheries, or unilaterally prohibit any new fisheries, but to be very careful when considering such fisheries. The Committee recommended that the BOF proposals due for consideration at the March 1999 BOF meeting be further discussed at this meeting. The final regulations for fisheries in federal waters are attached for additional background (Attachment 2(c)(3)).

- (d) Council action on chinook salmon bycatch

Last summer, the Council received a proposal to lower the chinook salmon bycatch limits that trigger a closure of the Chinook Salmon Savings Areas in the Bering Sea to 36,000 fish. This proposal, submitted by the Yukon River Drainage Fisheries Association, stated that the current bycatch trigger of 48,000 chinook salmon is

inadequate and does not reduce chinook salmon bycatch. Additionally, bycatch of chinook salmon after April 15 does not apply towards the prohibited species catch limit that triggers a closure. However, recent federal action (including the American Fisheries Act and Steller sea lion emergency measures) has cast great uncertainty regarding the effects of the alternatives being considered for final action by the Council in February. Committee members expressed continued frustration over the issue of salmon bycatch enumeration (whether our estimates were in fact accurate), as well as the uncertainty now associated with the analysis of current alternatives.

In October 1998, the Council approved the analysis for public review and scheduled final action for February 1999 to coincide with joint review by the Board and Council. The executive summary of the analysis is attached as Attachment 2(d). The full analysis was provided to all Council and Board members prior to the meeting.

(e) DSR Retention

The Council is scheduled to take final action at the February meeting to require retention of demersal shelf rockfish (DSR) in GOA fixed gear fisheries. This action addresses concerns by ADF&G biologists over the high level of unreported mortality of DSR believed to be occurring in the directed and bycatch fisheries. Amending the regulations to require all DSR bycatch to be landed would enhance efforts to increase the accuracy of the accounting of total bycatch mortality of these fish and possibly lead to a change in the maximum retainable bycatch (MRB) for this assemblage. The proposed action would reduce waste and enhance estimates of total removals of DSR species for stock assessment purposes.

NOAA General Council has expressed legal concerns related to Alternative 2. In response, staff has proposed a new Alternative 3, which would eliminate the MRB for DSR and require all retention of DSR in fixed gear fisheries. To replace the federal MRB level for DSR, Alternative 3 also proposes that the State implement regulations prohibiting certain dispositions of that catch (i.e., sale of amounts of DSR caught in Federally regulated fisheries in excess of 10% of other retained catch). State Department of Law staff have opined that this would not result in a conflict between proposed state and federal regulations; however, NOAA General Counsel is still researching this issue. Pending Council action on this issue, complementary State action may be requested.

(f) 1998 groundfish proposals

ADF&G staff will review summaries of 1998 proposals submitted to the BOF that have been identified as of mutual interest with the Council (Attachment 2(f)). Some of these proposals are also scheduled for review under other agenda items (e.g., forage fish, LAMPs).

Two proposals by ADF&G have been tasked by the Council for development by ADF&G and Council staff. Those are (1) extending a ban in Cook Inlet to trawling in federal waters to protect crab; and (2) management of sharks. They are both currently scheduled for initial review in April and final action in June 1999.



**ALASKA DEPARTMENT OF FISH AND GAME  
DECEMBER 1998 REPORT TO THE  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL**

Fisheries managed under delegated authority of the State of Alaska since the last council meeting include crab, scallops, salmon, Southeast demersal shelf rockfish, and state waters Pacific cod.

**BERING SEA/ALEUTIAN ISLANDS KING AND TANNER CRAB FISHERIES:** Starting with this fall's fisheries:

Aleutians brown king opened Sept. 1. In the area east of 174° W. long the GHL was 3.0 million pounds, west of there it was 2.7 million pounds. A total of 15 vessels registered for the area, 13 fished exclusively in the east and harvested a total of 3.16 million. The eastern area closed by E.O. on November 7. Total value (eastern area) = \$5.9 million pounds. The Western area remains open, with the total harvest to date at 425,000 lbs.

Pribilof red/blue king opened Sept. 15<sup>th</sup> with a combined species GHL of 1.25 million pounds. A total of 57 vessels participated, harvest was 510,365 pounds reds and 516,996 pounds blues, for a total of 1,027,361 pounds. The season closed by E.O. on September 28<sup>th</sup>. Total (both species) open access value = \$2.39 million. CDQ GHL was 45,500 lbs. taken by one vessel after Bristol Bay red king crab.

St. Matthew blue king opened Sept. 15<sup>th</sup>, the GHL was 3.96 million pounds. A total of 131 vessels harvested 2.85 million pounds and the season closed on September 26<sup>th</sup>. Total open access value = \$6.0 million. CDQ GHL (based on actual catch) was 99,512 pounds, harvested by two vessels.

Bristol Bay red king crab opened on November 1 with GHL of 15.8 million pounds. A total of 275 vessels participated and harvested a preliminary total of 14.5 million pounds. The season closed on November 6<sup>th</sup>. Total preliminary open access value = \$38 million. CDQ GHL was 525,115 pounds taken by 7 vessels.

Bering Sea snow crab will open on January 15, 1999. Open access GHL is 186.2 million pounds. CDQ GHL is 9.8 million pounds or 5% of open access harvest.

**STATEWIDE SCALLOP FISHERY:** All Management areas of the state opened on July 1<sup>st</sup> except Cook Inlet which opened on August 15<sup>th</sup>. A total of 9 vessels participated in the Alaska Scallop fishery. Only Cook Inlet and the Aleutian Islands remain open. Statewide harvest is currently in excess of 810,000 pounds. This is the highest level of harvest since

1994, when 16 vessels made landings statewide. The average price per pound in 1998 is approximately \$6.40.

SALMON TROLL FISHERY: The total amount of Treaty quota chinook salmon available was 260,000 fish. The total all gear catch of chinook salmon was 271,001 fish, consisting of both Alaska hatchery (26,246) and treaty quota salmon (244,753). The troll fishery harvested 191,983 chinook salmon in the 1998 fishery (Oct 1997 to Sept 1998), of these, 183,398 were treaty fish. The 1998 troll coho harvest was 1,636,500, of a total all gear harvest of 2,749,400 coho. The 1999 troll season begins with the winter fishery which has harvested 10,700 chinooks through Dec 2, in 436 landings.

SOUTHEAST ALASKA DEMERSAL SHELF ROCKFISH AND OTHER GROUND FISH FISHERIES: ON November 16 the DSR fishery reopened in EYKT, SSEI, NSEI, and SSEO the catch to date has been light, about 30,000 pounds out of an available harvest of 247,000 pounds.

Between September 15<sup>th</sup> and the third of December, 3.3 million lbs. of sablefish were landed in the NSEI fishery; 78,000 lbs. of sablefish were landed in the SSEI pot fishery; 62,000 lbs. of P. cod were landed; and 517,000 lbs. slope rockfish (primarily bycatch in the sablefish fisheries) were also reported.

STATE WATERS PACIFIC COD FISHERY: The statewater P. cod fishery opened in the South Alaska Peninsula on March 10. Chignik, Kodiak, Cook Inlet and Prince William Sound areas opened on March 17. The P. cod fisheries in the South Alaska Peninsula and Chignik area both obtained their guideline harvest levels (GHL) and are anticipated to increase their harvest level to the 20 percent level in 1999. The Kodiak area fishery is currently underway and is anticipated to reach the GHL prior to December 31. Therefore, Kodiak is also expected to ramp up to the 20 percent level. It is not anticipated that Cook Inlet will reach their 1998 GHL and will therefore not increase to the 20 percent harvest level. Prince William Sound is also not expected to reach their GHL. But in this area, there is no ramp up provisions and their target will remain at 25 percent of the Eastern Gulf ABC.

**SUMMARY OF STATE WATERS PACIFIC COD FISHERIES**

UPDATED:

January 7, 1999  
AK. PENINSULA

	PWS		COOK INLET/ N. GULF		KODIAK		CHIGNIK		AK. PENINSULA	
	1997	1998	1997	1998	1997	1998	1997	1998	1997	1998
<b><u>Jig Fishery</u></b>										
No. vessels making landings	4	4	57	33	71	93	6	13	44	25
No. of landings	7	16	241	129	481	671	18	61	174	112
Accum. Harvest (million lbs.)	0.0084	0.032	0.56	0.18	1.99	2.13	0.04	0.17	0.35	0.44
GHL (million lbs.)	0.32	0.43	1.05	1.46	4.25	4.05		5.7		1.35
Status	Closed 12/31		Closed 12/31		Closed 12/31		Closed 12/31		Closed 12/22	Closed 12/31
<b><u>Pot Fishery</u></b>										
No. vessels making landings	6	3	11	19	36	46	6	33	54	49
No. of landings	29	9	149	210	229	308	56	236	467	309
Accum. Harvest (million lbs.)	0.19	0.22	0.27	0.59	5.61	6.15	1.11	5.44	8.98	8.20
GHL (million lbs.)	0.48	0.43	1.05	0.97	4.25	4.05				
Status	Closed 12/31		Closed 12/31		Closed 12/31		Closed 12/31		Closed 12/22	Closed 12/31
<b><u>TOTALS</u></b>										
No. vessels making landings	10	7	68	43	105	131	12	44	98	69
No. of landings	36	25	390	339	710	979	74	297	641	421
Accum. Harvest (million lbs.)	0.20	0.25	0.83	0.77	7.60	8.28	1.15	5.61	9.33	8.64
GHL (million lbs.)	0.80	0.86	2.10	2.44	8.50	8.10	5.90	5.70	9.40	9.00

**Statewaters black rockfish:**

Kodiak: 199 thousand pounds

Chignik: 88 thousand pounds

Peninsula: 92 thousand pounds.

**Aleutian Islands sablefish: 171 thousand pounds.**



**ALASKA DEPARTMENT OF  
FISH & GAME**  
*COMMERCIAL FISHERIES DIVISION*

**NEWS RELEASE**

12/31/98

---

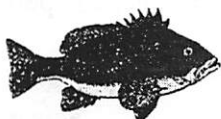
---

STATE OF ALASKA

CENTRAL REGION

Dept. of Fish & Game  
Frank Rue, Commissioner

3298 Douglas Place  
Homer, AK 99603



Robert Clasby, Director  
Commercial Fisheries Division

Contact: Charlie Trowbridge  
Regional Groundfish/Shellfish  
Management Biologist

---

---

**1999 CENTRAL REGION GROUND FISH FISHERIES OUTLOOK**

General

This news release is issued annually by the department to provide a brief overview of anticipated Central Region groundfish fishing opportunities and to aid fishermen in planning for the 1999 calendar year. The following is an outlook for groundfish fisheries in the Alaska Department of Fish and Game's (ADF&G) Central Region.

Fishermen, processors, and buyers are reminded that they must adhere to the 1998 - 1999 Groundfish Fishery Commercial Fishing Regulations as adopted by the Alaska Board of Fisheries. Copies of these regulations are available at ADF&G offices in Homer (235-8191), Cordova (424-3213), and Anchorage (267-2104). If any questions arise regarding meaning or interpretation of regulations, ADF&G groundfish staff should be contacted to obtain clarification and explanation.

By regulation, all vessels fishing groundfish or landing groundfish as bycatch are required to obtain an Area Registration (Cook Inlet or PWS) from ADF&G prior to fishing. The groundfish registration requirement is used to track effort within and between areas. Registrations can be obtained at department offices in Anchorage, Cordova, Soldotna, and Homer, at the Seward Harbormaster's office, or by fax. Fishermen must present an appropriate, valid CFEC interim use permit card in order to register. The card can be copied and faxed with the registration request when registering by fax.

Unless otherwise specified by emergency order, no combination of legally harvested incidental species (bycatch) may exceed 20 percent of the total round weight of all legally harvested directed species on-board the vessel (5AAC 28.070).

Both the Cook Inlet and the PWS management areas are closed to fishing with non-pelagic trawls. Pelagic trawling for groundfish will be closed from January 1 through 12 noon January 20, 1999.

All fisheries, species, and gear types not specifically mentioned in the following document will be managed concurrently with federal management, including seasons, in the Gulf of Alaska as administered by the National Marine Fisheries Service (NMFS).

Anyone who will fish in federal waters, generally outside 3 miles, should contact a NMFS office for up to date information on regulations, seasons, and permit requirements:

NMFS offices

Homer:	907-235-2337	Seward:	907-224-5348
Kodiak:	907-486-6919	Juneau:	907-586-7228
Anchorage:	907-271-5006		

Prince William Sound

Prince William Sound Area (5AAC 28.200): All waters of Prince William Sound and territorial waters bounded by the longitude of Cape Fairfield (148°50'15" W. long.) on the west and 140°00' W. long (except waters of Yakutat Bay) on the east.

PWS Inside District: All waters of PWS enclosed by lines from Pt. Whitt to Pt. Barrow, Cape Hinchinbrook to Zaikof Pt., and Cape Cleare to Cape Puget.

PWS Outside District:

Western Section: Territorial waters of the PWS area excluding the Inside District and between the longitude of Cape Fairfield (148°50'15" W. long.) and 147°00' W. long.

Eastern Section: Territorial waters of the PWS area excluding the Inside District and between 147°00' W. long. and the longitude of Cape Suckling (143°53' W. long.).

West Yakutat Section: Territorial waters of the PWS area between the longitude of Cape Suckling (143°53' W. long.) and 140°00' W. long. excluding Yakutat Bay.

Pollock - The season for all legal gear types will open by emergency order at 12 noon January 20, 1999. The department has established a 2100 (4.6 million lb) metric ton guideline harvest

level (GHL) for the pollock trawl fishery in PWS. **Trawl participants must obtain a Commissioner's permit from the department by January 13, 1999.** Registration locations include ADF&G offices in Cordova, Homer, and Kodiak, or by facsimile to Cordova (FAX 907-424-3235). Fishermen will be required to keep a logbook and report their catch in-season as required by the department. Once the guideline is harvested, the PWS pollock fishery will close by emergency order to pelagic trawl gear for the remainder of the 1999 calendar year. Pollock will remain open for retention as bycatch to other open directed fisheries.

**Sablefish** - The department will manage the 1999 PWS sablefish fishery for a 110 metric ton (243,000 lb) GHL. Participation in the PWS fishery will be limited by the Commercial Fisheries Entry Commission. Fishermen should contact the commission at 907-789-6160 to determine their eligibility. By regulation, in the waters of the PWS Area, sablefish may be taken only under the conditions of a permit issued by the department. Department permits may be obtained from ADF&G offices in Anchorage, Homer and Cordova April 1 - 30. A news release issued on April 1<sup>st</sup> will announce the time and duration of the sablefish commercial fishing period beginning May 1<sup>st</sup>. **Once the fishery closes, sablefish in PWS may not be retained for the remainder of the 1999 calendar year.**

**Rockfish** - The fishery will open by regulation on January 1, 1999. The rockfish fishery has a 150,000 lb GHL and a 5 day trip limit of 3,000 lb. Black rockfish in federal waters are managed by ADF&G as part of the 150,000 lb GHL. If it appears that the harvest level may be exceeded by a combination of catch from the directed and bycatch fisheries, then the directed fishery will close to insure that subsequent bycatch landings do not result in exceeding the 150,000 lb quota. Retention of rockfish as bycatch to other open directed fisheries will be set by emergency order. In 1998 the directed fishery closed on March 13.

**Lingcod** - Because ADF&G has management authority for lingcod in both state and federal waters, the following measures also apply to lingcod in the federal waters of the Exclusive Economic Zone (EEZ). Lingcod may **only** be retained when the directed fishery is open from July 1 through December 31. The department has set harvest guidelines of 4,000 lb for the Inside District and 22,500 lb for the Outside District. These figures are 75 percent of the recent 10 year average harvest. Power troll gear is not a legal gear type for groundfish in the PWS Management Area, therefore, salmon fishermen using power troll gear in the West Yakutat Section may not retain or land lingcod.

**Pacific cod** - The 1999 season will initially open on January 1 concurrent with the Pacific cod season in federal waters in the Central Gulf of Alaska. The eastern portion of the PWS Inside District is closed to fishing with groundfish pot gear except for shallow areas on either side of Hinchinbrook Entrance (see ADF&G regulation 5AAC 28.250). Additionally, fishermen are reminded to check with the department for specific pot closure areas. Pacific cod must be retained as bycatch to other open directed fisheries after the directed fishery closes provided bycatch is allowed in the federal waters of the Central Gulf area.

After the closure of the directed Pacific cod fishery in federal waters, a separate "state waters only" Pacific cod season will open in the Inside District of the PWS Management Area. This



fishery will require a separate exclusive area registration for either pot or jig gear. Additional information will be available in a subsequent news release available in early February.

### Cook Inlet Area

Cook Inlet Area (5AAC 28.300) - All territorial waters of Cook Inlet and the outer Kenai Peninsula north of the latitude of Cape Douglas (58°51'06" N. lat.) and west of the longitude of Cape Fairfield (148°50'15" W. long.).

Cook Inlet District - Territorial waters of Cook Inlet north of a line from Cape Douglas to Point Adam.

North Gulf District - Territorial waters of the Gulf of Alaska north of the latitude of Cape Douglas (58°51'06" N. lat.) excluding the Cook Inlet District and bounded on the east by the longitude of Cape Fairfield (148°50'15" W. long.).

Pollock - The 1999 season will open on January 1 (January 20 for pelagic trawls) and will be managed concurrently with NMFS management of the pollock fishery in federal waters in the Central Gulf of Alaska. This means that after NMFS closes the directed fishery in the Central Gulf Area, pollock may only be retained as bycatch.

Sablefish - The 1999 season will open March 15 concurrently with the IFQ opening in federal waters and will close by emergency order. The department plans to manage for a commercial harvest of 63,400 lb. This harvest level is equal to the 10 year (1987-1996) historical average reduced by the same relative amount as the sablefish total allowable catch in the federal Central Gulf Area. Because few sablefish inhabit the Cook Inlet District, the entire Cook Inlet Area will be managed as a unit. Due to the increased pace of this fishery in 1998, the department will take a conservative approach to managing for the GHL. **Sablefish may only be retained when the directed season is open.**

Rockfish - The fishery will open by regulation on January 1, 1998. There is a 150,000 lb harvest level set for this fishery. Black rockfish in federal waters are managed by ADF&G as part of the 150,000 lb GHL. There is a 1,000 lb regulatory trip limit in the Cook Inlet District and a 4,000 lb, trip limit in the North Gulf District. For regulatory purposes, a trip is defined as any landings in 5 consecutive days. Dependent upon effort and harvest, the directed fishery will likely close when the total catch approaches 50,000 lb. Rockfish may be retained as bycatch to other open directed fisheries once the directed rockfish fishery is closed. Bycatch levels will be set by emergency order.

Lingcod - Because ADF&G has management authority for lingcod in both state and federal waters, the following measures also apply to lingcod in the federal waters of the Exclusive Economic Zone (EEZ). Lingcod may **only** be retained when the directed fishery is open from July 1 through December 31. The department will manage for a GHL of 35,000 lb. This harvest level is conservative (50% of the recent 5 year harvest average) due to research indicating low lingcod recruitment in recent years. The Resurrection Bay portion (Aialik Cape to Cape Resurrection) of the North Gulf District is closed to the commercial harvest of lingcod.

Pacific cod - The 1999 season will open on January 1 and will be managed concurrently with NMFS management of the Pacific cod fishery in federal waters in the Central Gulf of Alaska. Portions of both Kachemak and Kamishak Bays are closed to fishing with groundfish pot gear. Fishermen are reminded to **check with the department regarding specific areas of Cook Inlet that are closed to fishing with pot gear**. Pacific cod may be retained as bycatch to other open directed fisheries once the directed fishery for Pacific cod is closed in federal waters provided bycatch is allowed in the federal waters of the Central Gulf area.

After the closure of the directed Pacific cod fishery in federal waters, a separate "state waters only" Pacific cod season will open in the Cook Inlet Management area. This fishery will require a separate exclusive area registration for either pot or jig gear. Additional information will be available in a subsequent news release available in early February.

# COMMERCIAL FISHING

Alaska Department of Fish & Game

## *emergency order*

under authority  
of AS 16.05.060

No.: 2-GF-H-07-98

Issued at Homer, Alaska, December 31, 1998.

Effective Date: January 1, 1999

Expiration Date: December 31, 1999  
unless superseded by subsequent emergency  
order.

### EXPLANATION:

This emergency order modifies the commercial groundfish fishing seasons in the territorial waters of Alaska in the Cook Inlet and Prince William Sound Management Areas. The open and closed groundfish seasons in these areas will coincide with federal inseason adjustments to the groundfish fishery in the adjacent waters of the Exclusive Economic Zone (EEZ), except for the following:

1. The commercial lingcod, rockfish and sablefish fisheries.
2. The pollock fishery in the Prince William Sound Area.
3. The season may be modified from that season published in the federal register by separate department emergency order to ensure resource conservation or resource management consistent with the interest of the economy and general well being of the state.

### REGULATION:

5 AAC 28.210. FISHING SEASONS (a) and 5AAC 28.310. FISHING SEASONS (a) are superseded by this emergency order. Under this emergency order, the following provisions are effective:

#### 5 AAC 28.210. FISHING SEASONS:

- (a) In the Prince William Sound Area, groundfish seasons other than pollock, sablefish, rockfish, and lingcod will coincide with inseason adjustments for the Central Gulf Area of the Exclusive Economic Zone as announced by the Regional Director, National Marine Fisheries Service, and published in the Federal Register, unless modified by a separate department emergency order.
- (d) Bycatch limits are set at 20% of the gross round weight of all directed groundfish species and halibut on board the vessel unless modified by subsequent emergency order.

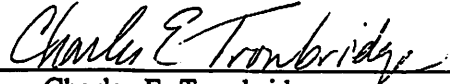
#### 5AAC 28.310. FISHING SEASONS

- (a) In the Cook Inlet Area, groundfish seasons other than rockfish, lingcod, and sablefish will coincide with inseason adjustments for the Central Gulf Area of the Exclusive Economic Zone as announced by the Regional Director, National Marine Fisheries Service, and published in the Federal Register, unless modified by a separate department emergency order.

- (d) Bycatch limits are set at 20% of the gross round weight of all directed groundfish species and halibut on board the vessel.

Frank Rue  
Commissioner

by delegation to:

  
Charles E. Trowbridge  
Central Region Groundfish  
Management Biologist

**JUSTIFICATION:**

The department does not have the necessary programs to ensure sustained yield management for all groundfish species in Alaska's territorial waters of the Cook Inlet and Prince William Sound Management Areas. Groundfish fisheries in these areas often target the same stocks harvested under federal regulations in adjacent waters of the EEZ.

To ensure conservation of the groundfish resources located in the aforementioned territorial waters, the department generally depends on the fishing season regulation established for the adjacent waters of the EEZ by the National Marine Fisheries Service. The federal regulations allow for inseason adjustments of fishing seasons, areas, and gear to conserve the affected stocks.

The current state regulations for the aforementioned territorial waters specify that groundfish may be taken at any time. To ensure compatible management of the stocks, the department would need to issue emergency orders to correspond to all changes made by the federal managers. It is not practical for the department to issue, in a timely manner, emergency orders that ensure compatible management is maintained. This would lead to confusion within the fishing industry.

To ensure sustained yield of groundfish stocks, promote orderly fisheries, and facilitate enforcement of regulations, this emergency order modifies fishing seasons in the territorial waters of the Cook Inlet and Prince William Sound Management Areas to generally correspond to the inseason adjustments set for the adjacent waters of the EEZ. The department may still specify different seasons for these areas through separate emergency order to ensure resource conservation or management consistent with the economy and general well being of the state.

Since existing federal regulations do not include lingcod and black rockfish, the state regulations will continue to apply for this species in all waters of Alaska's territorial sea and the adjacent waters of the EEZ.

**DISTRIBUTION**

Lieutenant Governor, Director of Commercial Fisheries Management and Development, Commercial Fisheries Management and Development Regional Supervisor, Fish and Wildlife Protection: Director and Detachment Commanders (Anchorage, Palmer, Kodiak), Fish and Wildlife Protection Officers (Homer, Ninilchik, Seward, Kodiak), Members of the Alaska Board of Fisheries, U.S. Coast Guard Commander, District Court Judge (Homer), commercial processors, local newspapers, local radio stations, and harbor masters in Homer, Seldovia, and Seward.

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

P.O. BOX 25526  
JUNEAU, AK 99802-5526  
PHONE: (907) 465-4110  
FAX: (907) 465-6094

## DEPARTMENT OF FISH AND GAME

Board Support Section

RECEIVED  
NOV - 6 1998  
N.P.F.M.C.

October 23, 1998

Mr. Richard B. Lauber, Chairman  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501-2252

Dear Chairman Lauber:

At our July 29<sup>th</sup> joint Board of Fisheries/North Pacific Fisheries Management Council Committee meeting in Anchorage, the need for complimentary action in state waters to mirror the federal waters bottom trawl ban adopted by the Council at their June meeting was discussed.

The Board discussed this item at our October 1998 work session and took action to schedule the trawl closure issue for deliberation at our March meeting. The Board concluded that in order to have complimentary regulations we must also take action to clarify our separate state and federal definition of a pelagic trawl. This is important if we are to have state and federal regulations that are comprehensible to fishermen and enforceable.

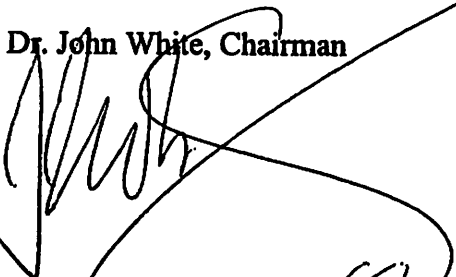
The problem is that the Council's definition of a pelagic trawl allows the net to contact the bottom, while the Board's definition does not allow such contact. We understand from Council testimony by trawlers that their pelagic trawls are nearly always in contact with the bottom and thus continue to impact bottom habitat. Perhaps this is why the Council definition includes a bycatch of up to 20 crab per tow before the net is no longer considered pelagic. On the other hand, the Board's definition requires that "...the net, or the trawl doors or other trawl-spreading device, do not operate in contact with the seabed,"

As a solution to the discrepancy between our regulations I suggest that we adopt definitions consistent with biological oceanographic gear nomenclature. If both state and federal regulations define "pelagic trawls" as equivalent to "mid-water trawls" (do not contact the bottom) and define those nets which fish largely off the bottom but may occasionally be in contact with the bottom as "demersal trawls", we could eliminate regulatory confusion to fishermen who fish both state and federal waters. In State waters closed to bottom trawling fisherman would be restricted to pelagic/mid-water trawls. While in federal waters such as the red king crab savings area, fisherman could use either a demersal or mid-water/pelagic trawl.

These definitions would provide both enforcement personnel and fishermen alike with an understanding that true midwater (pelagic) trawls have a zero bycatch of bottom critters on the footrope or in the net.

The Board placed the trawl definition issue on our 1998/99 agenda and scheduled it for deliberation it at our March meeting in Anchorage. The Board encourages the Council to take similar action so that a comprehensive solution is achieved.

Dr. John White, Chairman



10-25-98

[Excerpt from analysis of Amendment 57.]

#### 1.4.1 Defining Pelagic and Non-pelagic trawls

Pollock fisheries have been defined in different ways, and understanding these definitions is important for evaluating a proposal to ban non-pelagic trawling in directed pollock fisheries. To reduce confusion, standard definitions are shown in the adjacent box. Defining what exactly is non-pelagic trawling for pollock will depend on the distinction between *gear* and *targets*.

**Gear** is defined in regulations; the definition of a pelagic trawl is relatively complex, whereas non-pelagic trawls are all other trawls not meeting the pelagic trawl definition. Regulations that define pelagic trawl gear are listed in the accompanying table. Note that a performance based standard for pelagic trawls kicks in when non-pelagic trawling is prohibited due to PSC attainment. When the pollock fishery nears its allocation of halibut PSC, NMFS closes that fishery to non-pelagic gear. This occurred in the Bering Sea on September 11, 1996 and on September 7 in 1997. It is the gear definition, together with the performance standard, that is most important for the purposes of evaluating this proposal.

#### Definition of pelagic and non-pelagic trawl gear. (§ 672.2 Parts 5 and 7)

- (5) Non-pelagic trawl means a trawl other than a pelagic trawl;
- (6) .....
- (7) Pelagic trawl means a trawl that:
- (i) Has no discs, bobbins, or rollers;
  - (ii) Has no chafe protection gear attached to the foot rope or fishing line;
  - (iii) Except for the small mesh allowed under paragraph (7)(ix) of this definition:
    - (A) Has no mesh tied to the fishing line, head rope, and breast lines with less than 20 inches (50.8 cm) between knots, and has no stretched mesh size of less than 60 inches (152.4 cm) aft from all points on the fishing line, head rope, and breast lines and extending past the fishing circle for a distance equal to or greater than one half the vessel's length overall; or
    - (B) Has no parallel lines spaced closer than 64 inches (162.6 cm), from all points on the fishing line, head rope, and breast lines and extending aft to a section of mesh, with no stretched mesh size of less than 60 inches (152.4 cm), extending aft for a distance equal to or greater than one half the vessel's LOA;
  - (iv) Has no stretched mesh size less than 15 inches (38.1 cm) aft of the mesh described in paragraph (7)(iii) of this definition for a distance equal to or greater than one half the vessel's length overall;
  - (v) Contains no configuration intended to reduce the stretched mesh sizes described in paragraphs (7)(iii) and (iv) of this definition;
  - (vi) Has no flotation other than floats capable of providing up to 200 pounds (90.7 kg) of buoyancy to accommodate the use of a net-sounder device;
  - (vii) Has no more than one fishing line and one foot rope for a total of no more than two weighted lines on the bottom of the trawl between the wing tip and the fishing circle;
  - (viii) Has no metallic component except for connectors (e.g., hammerlocks or swivels) or net-sounder device aft of the fishing circle and forward of any mesh greater than 5.5 inches (14.0 cm) stretched measure;
  - (ix) May have small mesh within 32 feet (9.8 m) of the center of the head rope as needed for attaching instrumentation (e.g., net-sounder device); and
  - (x) May have weights on the wing tips;

#### Definitions of pollock fisheries used in this paper.

<b>Pelagic trawl</b>	is specific <u>gear</u> as defined (no rollers, chafing gear, etc.) regardless of the target fishery.
<b>Non-pelagic trawl</b>	is all trawl <u>gear</u> that doesn't meet the pelagic trawl gear definition.
<b>Midwater pollock</b>	is a trawl <u>target</u> fishery with total catch $\geq$ 95% pollock by weight (per week).
<b>Bottom pollock</b>	is a trawl <u>target</u> fishery with pollock dominant species in catch, but < 95% of total.

#### Regulation on Trawl Performance Standard (679.7.14).

It is unlawful for any person to ... use a vessel to participate in a directed fishery for pollock with trawl gear and have on board the vessel, at any particular time, 20 or more crab of any species that have a width of more than 1.5 inches (38 mm) at the widest dimension when directed fishing for pollock with nonpelagic trawl gear is closed.

**Target** fishery definitions for pollock are used to assign bycatch rates and PSC among the pelagic and non-pelagic trawl apportionments. It is the target definition that NMFS uses to report catch and bycatch in pollock fisheries. Unfortunately, the target definitions are less useful for regulating how fishermen fish their gear. For example, to achieve a midwater only fishery, vessels targeting pollock would either have to catch > 95% pollock. A vessel that took a majority of pollock, but less than 95% would be in violation of any regulation that mandated mid-water trawling based on target definitions. This would be impossible to regulate.

Because of these difficulties, the management action of Amendment 16a and the current proposal is to prohibit the use of non-pelagic gear when engaged in a pollock target fishery. While this still uses target fishery definitions to define direct pollock fishery (dominant species), it doesn't require fishermen to catch 95% pollock. One needs to recognize though, that pelagic gear can still be fished on the bottom.

# National Fisherman

## January 1999

engaged to Brigitte Pisani, the Dynasty's housekeeper. "Our lives are synchronized," he says. (A couple got married on the Empress. The captain officiated.)

The cable legs unwind. Then the 5-ton trawl doors are hooked to the legs and, lifted clear of the stern, slip into the Bering Sea.

In the wheelhouse, the atmosphere is charged. For 36 hours the Dynasty has searched for fish. Now she is stalking them. On this most modern of vessels, the ancient struggle of fish and men has resumed.

Saetre is off watch, but he hasn't gone anywhere. "We see a stack like that, that's a whole lot of fish," he says.

The trawl-surveillance sonar shows a purple mound growing higher and higher.

Saetre is shaking his head. "That's a shitload of fish."

Skjong makes a joke. "When they hear the Dynasty's propeller, they all start to shake." He zooms the net sounder in. "There's a single fish," he says. "You can see his eyeballs."

Susol, also off watch but remaining on the bridge, tries to explain the levity. "We get excited when we see fish like that."

And everyone is smoking.

Although technically she is midwater trawling, the Dynasty's net is skimming along the bottom of the Bering Sea about 65 fathoms below; Skjong speaks of "a gentle landing."

After 25 minutes, he picks up the phone and calls the slack shack.



**STUDYING THE DYNASTY'S PATH** over the Bering Sea, Kjetil Saetre (left) and Kristian Skjong monitor an electronic chart. Radar, GPS and autopilot are all linked to the plotter.

"Heaving," he says. The deck shanty empties smartly. The winches come to life.

Before long the net is on the reel — all but the cod end, engaged and lying perhaps 25 feet long on the deck.

The pollock — which, by their color, could lead an Atlantic fisherman to believe they were cod — are run directly into an RSW hold below, but not before it's clear

that they are large and there is no bycatch.

The hold is calibrated, and the observers hail the set at 41 tons.

Observers work under contract to the National Marine Fisheries Service and are required in the Bering Sea fleet; they gather statistics about the pollock, monitor bycatch and prohibited species, check the net and cod end and do volume estimates.

"We're in the middle of it," says observer Kelly Williams of Richardson, Texas. Williams, 24, is a biologist who plans to attend graduate school. Meanwhile, she says, she's "getting dirty with everybody else."

Since two observers are required only while vessels are CDQ fishing, Williams is put ashore in the Pribilofs on the eve of the "B" season. Her partner, Aalon Cole of Seaside, Ore., remains aboard.

The next tow is bigger. Skjong heaves after about 45 minutes, and when the cod end is unzipped, it is 50 feet or longer and perhaps 25 or 30 feet around. The deckhands are walking on it. This time, 88 tons disappear below.

That's all for this day. The fish plant has undergone renovations, and Blo doesn't want too many fish to pile up, in case there are problems.

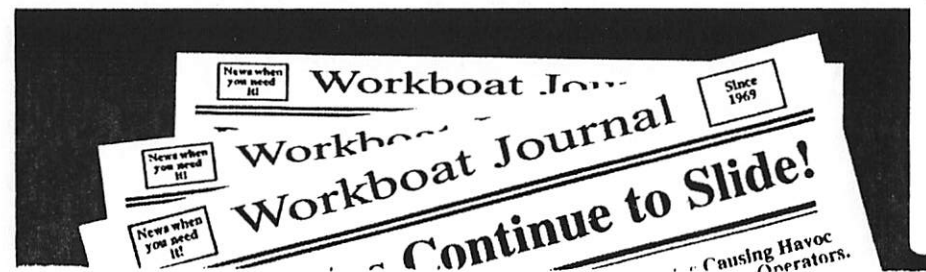
But by the time the sun rises the next morning, the factory is found to be working normally, and Skjong has the Dynasty back on fish.

The first set lasts 50 minutes and yields 35 tons, but Skjong was towing a low-rise net, and that's about all he expected. The Dynasty is well on her way to filling her community-development quota, so Saetre and Skjong must make sure every net aboard is ready when the "B" season gun goes off.

Safety may be first on the American Dynasty, but pollock aren't far behind.

# Kahlenberg

The Sound Decision





**PROPOSAL #297, PAGE #206: 5 AAC 39.XXX. FORAGE FISH MANAGEMENT PLAN. New Section.**

**WHAT WOULD THE PROPOSAL DO?** The proposal recommends development of a management plan for forage fish in state waters similar to a management plan being developed for the adjacent waters for the federally managed waters of the Exclusive Economic Zone (EEZ) by the North Pacific Fishery Management Council. The department identifies three alternative approaches as follows:

1. Alternative #1: Maintain the status quo. Commercial fishing for forage fish species will continue under existing general permitting stipulations and general groundfish species regulations. Under this alternative, relatively unrestricted commercial fisheries could develop for forage fish species. Forage fish commercial fisheries may then become a consideration in the development of the Department of Fish and Game's new and developing fisheries policy.
2. Alternative #2: Prohibit commercial fishing on all forage fish species. This alternative will result in the closure of some existing commercial fisheries and prevent development of future commercial fisheries on forage fish species. This is the most conservative alternative.
3. Alternative #3: Allow existing commercial fisheries on forage fish species to continue and prohibit the development of new commercial fisheries on forage fish species. This alternative will not be disruptive to ongoing fisheries.

**WHAT ARE THE CURRENT REGULATIONS?** There is no overall commercial fishery regulatory management plan for forage fish. For the purposes of this proposed plan, herring are not considered as a species of forage fish. However, regulations specific to certain species of forage fish are contained in the codified commercial fishing regulations and general permitting provisions and groundfish regulations provide opportunities for commercial fishing on all forage fish species. Species of smelt may be taken in fresh and marine waters under the terms of a freshwater permit provided under 5 AAC 39.780. Additionally, these provisions allow smelt taken incidentally in conjunction with commercial salmon fishing to be taken and sold without a permit. These permits may designate the species to be harvested, the area of fishing, the amount of fishing gear, and amount of fish to be taken. Under 5 AAC 39.410, all types of general fishing gear as defined under 5 AAC 39.105 may be used to take smelt. In most areas of the state, smelt may be taken at any time (see Kotzebue Area at 5 AAC 03.510, Norton Sound Area at 5 AAC 04.510, Yukon Area at 5 AAC 05.510, Bristol Bay Area at 5 AAC 06.510, Kuskokwim Area at 07.510, Alaska Peninsula Area at 5 AAC 09.510, Kodiak Area at 5 AAC 18.510, Prince William Sound Area at 5 AAC 24.510, and Southeast Alaska Area at 5 AAC 33.510). In the Cook inlet Area, distinct fishing seasons, gear requirements, and closed waters are provided for commercial smelt fishing (see 5 AAC 21.510 - 550). Requirements for the disposal of capelin are specified for the Bristol Bay Area under 5 AAC 06.560. Various marine invertebrate forage fish species (krell and general euphausiids) may be taken under the terms of a miscellaneous shellfish fishing permit provided under 5 AAC 38.062. These permits may stipulate location and duration of

harvests, limit gear and other harvest procedures, and require periodic or annual reporting. The Department of Fish and Game is working on a policy to guide the commercial utilization of new and developing fishery resources; most species of forage fish fit into this category. This policy is expected to be available for public review by the spring of 1998 and, if necessary, will be brought before the Board of Fisheries for any needed regulatory actions during the 1998\99 meeting cycle.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** A board approved forage fish management plan will be available to guide management of forage fish species.

**BACKGROUND?** Forage fish are an important ecosystem component, and are prey for marine mammals, seabirds and commercially important fish species. Recent changes in predator abundance have raised concerns that forage fish may require additional protection. The North Pacific Fishery Management Council has approved such protections in federal waters. However, the National Marine Fisheries Service has not finalized the specific regulations. Because some forage fish species are seasonally abundant in state waters, the Board should consider similar protective measures in state waters. Because of the presence of historical commercial fisheries, herring are not considered forage fish in the federal management plan. Without specific prohibitions on harvesting forage fish, new fisheries could develop in state waters. Once capitalized, it may be difficult to develop meaningful protective regulations for forage fish.

**DEPARTMENT COMMENTS:** This is a staff proposal. Given that the federal regulations have not been finalized and that the department has not had time to review a state approach with the fishing community, the department recommends that the board table action on this proposal for a time certain when the a public review is completed. The approval of this proposal may result in any additional direct cost for a private person to participate in this fishery, however, we do not know the cost.

## Forage Fish Proposal -- 1998/99 Alaska Board of Fisheries Meeting Cycle

**PROPOSAL - 5 AAC 30.168. FORAGE FISH MANAGMENTN PLAN (new section).**  
**Consider management plan alternatives for forage fish in the waters of Alaska as follows:**

Alternative #1: Maintain the current management approach and regulations. Under this alternative, commercial fishing for forage fish species will continue under existing general permitting stipulations and general groundfish species regulations. Relatively unrestricted commercial fisheries could develop for forage fish species. The Department of Fish and Game does not recommend approval of this alternative. It is not consistent with sound fishery management practices. If approved, this alternative will impede achievement of the goals of the federal management plan for forage fish. The following existing regulations, relative to commercial fishing for forage fish, will remain in effect:

(Statewide Regulatory Provisions)

5 AAC 38.062. PERMITS FOR OCTOPI SQUID KOREAN HAIR CRAB, SEA URCHINS, SEA CUCUMBERS, SEA SNAILS, CORAL, AND OTHER MARINE INVERTEBRATES. (a) Unless otherwise specified in 5 AAC 03 -5 AAC 38, marine invertebrates except king crab, Tanner crab, Dungeness crab, clams, scallops, and spot, coonstripe, sidestripe, and pink shrimp may be taken under the authority of a permit issues by the commissioner or the commissioner's authorized designee.

5 AAC 39.410. GEAR. Legal gear, as defined in 5 AAC 39.105, may be used to take smelt.

5 AAC 39.780. PERMIT REQUIRED. (a) Whitefish, sheefish, char, trout, smelt, burbot and lamprey in fresh and salt water may be taken or possessed under the authority of a permit secured from the commissioner or his representative.

(Kotzebue Area)

5 AAC 03.510. FISHING SEASON. There is no closed season on smelt.

(Norton Sound-Port Clarence Area)

5 AAC 04.510. FISHING SEASON. There is no closed season on smelt.

(Yukon-Northern Area)

5 AAC 05.510. FISHING SEASON. Smelt may taken in the Yukon-Northern Area only under authority of a permit issues under 5 AAC 39.780.

(Bristol Bay Area)

5 AAC 5 AAC 06.510. FISHING SEASON. There is no closed season on smelt.

5 AAC 06.560. DISPOSAL OF CAPELIN. Capelin carcasses may be disposed of only as follows:

- (1) a vessel with less than five metric tons of capelin on board may only dump capelin carcasses in water more than five fathoms in depth;
- (2) a vessel with five metric tons of capelin on board may only dump capelin carcasses in water

Forage Fish Proposal - 1998/99 Alaska Board of Fisheries Meeting Cycle

depths more than three miles from the mainland; or

(3) as specified by a permit issued by the Department of Environmental Conservation.

(Kuskokwin Area)

5 AAC 07.510. FISHING SEASON. There is no closed season on smelt.

(Alaska Peninsula Area)

5 AAC 09.510. FISHING SEASON. Smelt may be taken only under authority of a permit issued under 5 AAC 39.780 and only during periods established by emergency order.

(Kodiak Area)

5 AAC 18.510. FISHING SEASON. There is no closed season on smelt.

(Cook Inlet Area)

5 AAC 21.510. FISHING SEASONS. (a) Smelt may be taken in the Northern and Central Districts from October 1 to June 1.

(b) Smelt may be taken in the Eastern, Outer, Southern and Kamishak Bay Districts from January 1 to December 31.

(c) Smelt may not be taken in fresh water.

5 AAC 21.531. GILLNET SPECIFICATIONS AND OPERATION. (a) The mesh size of a gillnet used for taking smelt may not be more than two and one-half inches.

(b) No set gillnet may exceed 35 fathoms in length. Each fisherman is allowed to operate 105 fathoms of set gillnet in the aggregate.

(c) No person may operate a drift gillnet that is more than 150 fathoms in length.

5 AAC 21.534. IDENTIFICATION OF GEAR. Gillnets used for taking smelt shall have a keg or BUOY at one end and shall be plainly and legibly marked with both the permanent department registration number and the initials of the operator.

5 AAC 21.535. MINIMUM DISTANCE BETWEEN UNITS OF GEAR. No part of a set gillnet may be placed or operated within 600 feet of any part of another set gillnet.

5 AAC 21.550. CLOSED WATERS. Smelt may not be taken in any waters listed in sec. 350(a) - (c) of this chapter.

(Prince William Sound Area)

5 AAC 24.510. FISHING SEASON. There is no closed season on smelt.

(Southeastern Alaska Area)

5 AAC 33.510. FISHING SEASON. There is no closed season on smelt.

Alternative #2: Prohibit commercial fishing on all forage fish species. This alternative will result in the closure of some existing commercial fisheries and prevent development of future commercial fisheries on forage fish species. This is the most conservative alternative. The following regulatory changes are necessary to achieve alternative #2:

(Statewide Regulatory Provisions)

Amend 5 AAC 38.062 to read:

5 AAC 38.062. PERMITS FOR OCTOPI SQUID KOREAN HAIR CRAB, SEA URCHINS, SEA CUCUMBERS, SEA SNAILS, CORAL, AND OTHER MARINE INVERTEBRATES. (a) Unless otherwise specified in 5 AAC 03 -5 AAC 38, marine invertebrates except king crab, Tanner crab, Dungeness crab, clams, scallops, and spot, coonstripe, sidestripe, and pink shrimp, and species of the Order Euphausiacea (krill), may be taken under the authority of a permit issues by the commissioner or the commissioner's authorized designee.

Repeal 5 AAC 39.410 as follows:

5 AAC 39.410. GEAR. [LEGAL GEAR, AS DEFINED IN 5 AAC 39.105, MAY BE USED TO TAKE SMELT] Repealed \ 199.

Amend 5 AAC 39.780 as follows:

5 AAC 39.780. PERMIT REQUIRED. (a) Whitefish, sheefish, char, trout, [SMELT] burbot and lamprey in fresh and salt water may be taken or possessed under the authority of a permit secured from the commissioner or his representative.

Add 5 AAC 39.168 as follows:

5 AAC 39.168. FORAGE FISH MANAGEMENT PLAN. (a) This management plan governs the commercial harvesting of forage fish species in the waters of Alaska.

(b). The board believes that forage fish perform a critical role in the complex marine ecosystem by providing the transfer of energy from the primary and secondary producers to higher trophic levels. The higher trophic levels include many commercially important fish and shellfish species. Forage fish also serve as important prey species for marine mammals and seabirds.

(c) The board finds that abundant populations of forage fish are necessary to sustain healthy populations of commercially important species of salmon, groundfish, halibut, and shellfish.

(d) Forage fish may not be commercially taken.

(e) For the purposes of this section, "forage fish" means species of the fish Families Osmeridae (capelin, eulachon, and other smelts), Myctophidae (lanternfishes), Bathylagidae (deep-sea smelt), Ammodytidae (Pacific sand lance), Trichodontidae (Pacific sandfish), Pholidae (gunnels), Stichaeidae (picklebacks, warbonnets, eelblennys, cockcombs and shannys), and Gonostomatidae (bristlemouths, lightfishes, and anglmouths) and species of the Order Euphausiacea (krill).

(Kotzebue Area)

Repeal 5 AAC 03.510 as follows:

5 AAC 03.510. FISHING SEASON. [THERE IS NO CLOSED SEASON ON SMELT]  
Repealed \ 199.

(Norton Sound-Port Clarence Area)

Repeal 5 AAC 04.510 as follows:

5 AAC 04.510. FISHING SEASON. [THERE IS NO CLOSED SEASON ON SMELT]  
Repealed \ 199.

(Yukon-Northern Area)

Repeal 5 AAC 05.510 as follows:

5 AAC 05.510. FISHING SEASON. [SMELT MAY TAKEN IN THE YUKON-NORTHERN  
AREA ONLY UNDER AUTHORITY OF A PERMIT ISSUES UNDER 5 AAC 39.780] Repealed  
\ 199.

(Bristol Bay Area)

Repeal 5 AAC 06.510 and 5 AAC 06.560 as follows:

5 AAC 5 AAC 06.510. FISHING SEASON. [THERE IS NO CLOSED SEASON ON SMELT]  
Repealed \ 199.

5 AAC 06.560. DISPOSAL OF CAPELIN. [CAPELIN CARCASSES MAY BE DISPOSED OF  
ONLY AS FOLLOWS:

(1) A VESSEL WITH LESS THAN FIVE METRIC TONS OF CAPELIN ON BOARD MAY  
ONLY DUMP CAPELIN CARCASSES IN WATER MORE THAN FIVE FATHOMS IN DEPTH;

(2) A VESSEL WITH FIVE METRIC TONS OF CAPELIN ON BOARD MAY ONLY DUMP  
CAPELIN CARCASSES IN WATER DEPTHS MORE THAN THREE MILES FROM THE  
MAINLAND; OR

(3) AS SPECIFIED BY A PERMIT ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION] Repealed \ 199.

(Kuskokwin Area)

Repeal 5 AAC 07.510 as follows:

5 AAC 07.510. FISHING SEASON. [THERE IS NO CLOSED SEASON ON SMELT]  
Repealed \ 199.

(Alaska Peninsula Area)

Repeal 5 AAC 09.510 as follows:

5 AAC 09.510. FISHING SEASON. [SMELT MAY TAKEN ONLY UNDER AUTHORITY  
OF A PERMIT ISSUED UNDER 5 AAC 39.780 AND ONLY DURING PERIODS ESTABLISHED BY  
EMERGENCY ORDER] Repealed \ 199.

(Kodiak Area)

Repeal 5 AAC 18.510 as follows:

5 AAC 18.510. FISHING SEASON. [THERE IS NO CLOSED SEASON ON SMELT]  
Repealed \ 199.

(Cook Inlet Area)

Repeal 5 AAC 21.510, 5 AAC 21.531, 5 AAC 21.534, 5 AAC 21.535, and 5 AAC 21.550 as follows:

5 AAC 21.510. FISHING SEASONS. [(A) SMELT MAY BE TAKEN IN THE NORTHERN AND CENTRAL DISTRICTS FROM OCTOBER 1 TO JUNE 1.

(B) SMELT MAY BE TAKEN IN THE EASTERN, OUTER, SOUTHERN AND KAMISHAK BAY DISTRICTS FROM JANUARY 1 TO DECEMBER 31.

(C) SMELT MAY NOT BE TAKEN IN FRESHWATER] Repealed \ 99.

5 AAC 21.531. GILLNET SPECIFICATIONS AND OPERATION. [(A) THE MESH SIZE OF A GILLNET USED FOR TAKING SMELT MAY NOT BE MORE THAN TWO AND ONE-HALF INCHES.

(B) NO SET GILLNET MAY EXCEED 35 FATHOMS IN LENGTH. EACH FISHERMEN IS ALLOWED TO OPERATE 105 FATHOMS OF SET GILLNET IN THE AGGREGATE.

(C) NO PERSON MAY OPERATE A DRIFT GILLNET THAT IS MORE THAN 150 FATHOMS IN LENGTH] Repealed \ 99.

5 AAC 21.534. IDENTIFICATION OF GEAR. [GILLNETS USED FOR TAKING SMELT SHALL HAVE A KEG OR BUOY AT ONE END AND SHALL BE PLAINLY AND LEGIBLY MARKED WITH BOTH THE PERMANENT DEPARTMENT REGISTRATION NUMBER AND THE INITIALS OF THE OPERATOR] Repealed \ 99.

5 AAC 21.535. MINIMUM DISTANCE BETWEEN UNITS OF GEAR. [NO PART OF A SET GILLNET MAY BE PLACED OR OPERATED WITHIN 600 FEET OF ANY PART OF ANOTHER SET GILLNET] Repealed \ 99.

5 AAC 21.550. CLOSED WATERS. [SMELT MAY NOT BE TAKEN IN ANY WATERS LISTED IN SEC. 350(A) - (C) OF THIS CHAPTER] Repealed \ 99.

(Prince William Sound Area)

Repeal 5 AAC 24.510 as follows:

5 AAC 24.510. FISHING SEASON. [THERE IS NO CLOSED SEASON ON SMELT] Repealed \ 99.

(Southeastern Alaska Area)

Repeal 5 AAC 34.510 as follows:

5 AAC 33.510. FISHING SEASON. [THERE IS NO CLOSED SEASON ON SMELT] Repealed \ 99.

Alternative #3: Allow existing commercial fisheries on forage fish species to continue and prohibit the development of new commercial fisheries on forage fish species. This alternative will not be disruptive to ongoing fisheries. Regulations allowing potential new commercial fisheries in most areas of the state, including Kotzebue, Norton Sound-Port Clarence, Yukon-Northern, Kuskokwim, Alaska Peninsula, Chignik, and Kodiak, are repealed. Regulations are modified to allow established fisheries to continue in Bristol Bay, Cook Inlet, Prince William Sound and Southeast Alaska. The following regulatory changes are necessary to achieve alternative #3:

(Statewide Regulatory Provisions)

Amend 5 AAC 38.062 to read:

5 AAC 38.062. PERMITS FOR OCTOPI SQUID KOREAN HAIR CRAB, SEA URCHINS, SEA CUCUMBERS, SEA SNAILS, CORAL, AND OTHER MARINE INVERTEBRATES. (a) Unless otherwise specified in 5 AAC 03 -5 AAC 38, marine invertebrates except king crab, Tanner crab, Dungeness crab, clams, scallops, and spot, coonstripe, sidestripe, and pink shrimp, and species of the Order Euphausiacea (krill) may be taken under the authority of a permit issues by the commissioner or the commissioner's authorized designee.

Repeal 5 AAC 39.410 as follows:

5 AAC 39.410. GEAR. [LEGAL GEAR, AS DEFINED IN 5 AAC 39.105, MAY BE USED TO TAKE SMELT] Repealed \ 199.

Amend 5 AAC 39.780 as follows:

5 AAC 39.780. PERMIT REQUIRED. (a) Whitefish, sheefish, char, trout, [SMELT], burbot and lamprey in fresh and salt water may be taken or possessed under the authority of a permit secured from the commissioner or his representative.

Add 5 AAC 39.168 as follows:

5 AAC 39.168. FORAGE FISH MANAGEMENT PLAN. (a) This management plan governs the commercial harvesting of forage fish species in the waters of Alaska.

(b). The board believes that forage fish perform a critical roe in the complex marine ecosystem by providing the transfer of energy from the primary and secondary producers to higher trophic levels. The higher trophic levels include many commercially important fish and shellfish species. Forage fish also serve as important prey species for marine mammals and seabirds.

(c) The board finds that abundant populations of forage fish are necessary to sustain healthy populations of commercially important species of salmon, groundfish, halibut, and shellfish.

(d) Except as otherwise provided in 5 AAC 03 - 5 ACC 39, forage fish may not be commercially taken.

(e) For the purposes of this section, "forage fish" means species of the fish Families Osmeridae (capelin, eulachon, and other smelts), Myctophidae (lanternfishes), Bathylagidae (deep-sea smelt), Ammodytidae (Pacific sand lance), Trichodontidae (Pacific sandfish), Pholidae (gunnels), Stichaeidae (picklebacks, warbonnets, eelblennys, cockcombs and shannys), and Gonostomatidae (bristlemouths,



lightfishes, and anglemouths) and species of the Order Euphausiacea (krill).

(Kotzebue Area)

Repeal 5 AAC 03.510 as follows:

5 AAC 03.510. FISHING SEASON. [THERE IS NO CLOSED SEASON ON SMELT]  
Repealed \ 199.

(Norton Sound-Port Clarence Area)

Repeal 5 AAC 04.510 as follows:

5 AAC 04.510. FISHING SEASON. [THERE IS NO CLOSED SEASON ON SMELT]  
Repealed \ 199.

(Yukon-Northern Area)

Repeal 5 AAC 05.510 as follows:

5 AAC 05.510. FISHING SEASON. [SMELT MAY TAKEN IN THE YUKON-NORTHERN AREA ONLY UNDER AUTHORITY OF A PERMIT ISSUED UNDER 5 AAC 39.780] Repealed \ 199.

(Bristol Bay Area)

Amend 5 AAC 06.510 and 5 AAC 06.560 as follows:

5 AAC 5 AAC 06.510. FISHING SEASON. [THERE IS NO CLOSED SEASON ON SMELT]  
Repealed \ 199.

5 AAC 06.560. DISPOSAL OF CAPELIN. [CAPELIN CARCASSES MAY BE DISPOSED OF ONLY AS FOLLOWS:

- (1) A VESSEL WITH LESS THAN FIVE METRIC TONS OF CAPELIN ON BOARD MAY ONLY DUMP CAPELIN CARCASSES IN WATER MORE THAN FIVE FATHOMS IN DEPTH;
- (2) A VESSEL WITH FIVE METRIC TONS OF CAPELIN ON BOARD MAY ONLY DUMP CAPELIN CARCASSES IN WATER DEPTHS MORE THAN THREE MILES FROM THE MAINLAND; OR

(3) AS SPECIFIED BY A PERMIT ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION] Repealed \ 199.

Add 5 AAC 06.570 as follows:

5 AAC 06.570. BRISTOL BAY SMELT MANAGEMENT PLAN. (a) Eulachon (*Thaleichthys pacificus*), Arctic (rainbow) smelt (*Osmerus mordax dentex*), and longfin smelt (*Spirinchus thaleichthys*) may be taken only in the Egegik and Ugashik Rivers and Commercial Fishing Districts and only under the conditions of a permit issued by the commissioner or an authorized designee.

(9) Capelin (*Mallotus villosus*) may be taken only in the Togiak District and only under the conditions of a permit issued by the commissioner or an authorized designee.

(c) The permit shall include the following:

Forage Fish Proposal – 1998/99 Alaska Board of Fisheries Meeting Cycle

- (1) open fishing seasons;
- (2) open fishing areas;
- (3) reporting requirements;
- (4) methods of harvest;
- (5) amount to be harvested, and;
- (6) specify other conditions deemed necessary by the commissioner for conservation and management purposes;

(Kuskokwim Area)

Repeal 5 AAC 07.510 as follows:

5 AAC 07.510. FISHING SEASON. [THERE IS NO CLOSED SEASON ON SMELT]  
Repealed \ 199.

(Alaska Peninsula Area)

Repeal 5 AAC 09.510 as follows:

5 AAC 09.510. FISHING SEASON. [SMELT MAY TAKEN ONLY UNDER AUTHORITY OF A PERMIT ISSUED UNDER 5 AAC 39.780 AND ONLY DURING PERIODS ESTABLISHED BY EMERGENCY ORDER] Repealed \ 199.

(Kodiak Area)

Repeal 5 AAC 18.510 as follows:

5 AAC 18.510. FISHING SEASON. [THERE IS NO CLOSED SEASON ON SMELT]  
Repealed \ 199.

(Cook Inlet Area)

Repeal 5 AAC 21.510, 5 AAC 21.531, 5 AAC 21.34, 5 AAC 21.535, and 5 AAC 21.550 as follows:

5 AAC 21.510. FISHING SEASONS. [(A) SMELT MAY BE TAKEN IN THE NORTHERN AND CENTRAL DISTRICTS FROM OCTOBER 1 TO JUNE 1.

(B) SMELT MAY BE TAKEN IN THE EASTERN, OUTER, SOUTHERN AND KAMISHAK BAY DISTRICTS FROM JANUARY 1 TO DECEMBER 31.

(C) SMELT MAY NOT BE TAKEN IN FRESHWATER.] Repealed \ 199.

5 AAC 21.531. GILLNET SPECIFICATIONS AND OPERATION. [(A) THE MESH SIZE OF A GILLNET USED FOR TAKING SMELT MAY NOT BE MORE THAN TWO AND ONE-HALF INCHES.

(B) NO SET GILLNET MAY EXCEED 35 FATHOMS IN LENGTH. EACH FISHERMEN IS ALLOWED TO OPERATE 105 FATHOMS OF SET GILLNET IN THE AGGREGATE.

(C) NO PERSON MAY OPERATE A DRIFT GILLNET THAT IS MORE THAN 150 FATHOMS IN LENGTH.] Repealed \ 199.

5 AAC 21.534. IDENTIFICATION OF GEAR. [GILLNETS USED FOR TAKING SMELT SHALL HAVE A KEG OR BUOY AT ONE END AND SHALL BE PLAINLY AND LEGIBLITY MARKED WITH BOTH THE PERMANENT DEPARTMENT REGISTRATION NUMBER AND THE INITIALS OF THE OPERATOR] Repealed \ 199.

5 AAC 21.535. MINIMUM DISTANCE BETWEEN UNITS OF GEAR. [NO PART OF A SET GILLNET MAY BE PLACED OR OPERATED WITHIN 600 FEET OF ANY PART OF ANOTHER SET GILLNET.] Repealed \ 199.

5 AAC 21.550. CLOSED WATERS. [SMELT MAY NOT BE TAKEN IN ANY WATERS LISTED IN SEC. 350(A) - (C) OF THIS CHAPTER] Repealed \ 199.

Add 5 AAC 21.560 as follows:

5 AAC 21.560. COOK INLET EULACHON SMELT (*THALEICHTHYS PACIFICUS*) MANAGEMENT PLAN. (a) Eulachon smelt, *Thaleichthys pacificus*, may only be harvested in the General Subdistrict or freshwaters of the Susitna River of the Northern District and only under the conditions of a permit issued by the commissioner or an authorized designee.

(b) The permit shall include the following:

- (1) open fishing seasons;
- (2) open fishing areas;
- (3) reporting requirements;
- (4) methods of harvest;
- (5) amount to be harvested, and;
- (6) specify other conditions deemed necessary by the commissioner for conservation and management purposes;

(Prince William Sound Area)

Repeal 5 AAC 24.510 as follows:

5 AAC 24.510. FISHING SEASON. [THERE IS NO CLOSED SEASON ON SMELT] Repealed \ 199.

Add 5 AAC 24.560 as follows:

5 AAC 24.560. PRINCE WILLIAM SOUND EULACHON SMELT (*THALEICHTHYS PACIFICUS*) MANAGEMENT PLAN. (a) Eulachon smelt, *Thaleichthys pacificus*, may only be harvested in the freshwaters of the Copper River drainage below Miles lake and only under the conditions of a permit issued by the commissioner or an authorized designee.

(b) The permit shall include the following:

- (1) open fishing seasons;
- (2) open fishing areas;
- (3) reporting requirements;
- (4) methods of harvest;
- (5) amount to be harvested, and;
- (6) specify other conditions deemed necessary by the commissioner for conservation and management purposes;

(Southeast Alaska)

Repeal 5 AAC 33.510 as follows:

5 AAC 33.510. FISHING SEASON. [THERE IS NO CLOSED SEASON ON SMELT] Repealed \ 199.

Add 5 AAC 33.560 as follows:

5 AAC 33.511. EULACHON SMELT(*Thaleichthys pacificus*) MANAGEMENT PLAN FOR STATISTICAL AREA A (SOUTHEAST ALASKA). (a) Eulachon smelt, *Thaleichthys pacificus*, may only be harvested in Statistical Area A under the conditions of a permit issued by the commissioner or an authorized designee.

(b) Any person that intends to fish for eulachon smelt shall apply for a permit before March 10 of each calendar year. The permit shall include the following:

- (1) open fishing seasons;
- (2) open fishing areas;
- (3) reporting requirements;
- (4) methods of harvest;
- (5) specify other conditions deemed necessary by the commissioner for conservation and management purposes;

(c) The maximum harvest level for each area described in (3)(a)-(c) of this section will be divided equally among those persons that apply for and receive a permit by March 10. A person may not receive a permit to fish for eulachon in more than one area in any calendar year.

(d) The following are the maximum harvest levels for the taking of eulachon in Statistical Area

A:

- (1) Unuk/Chickamin Rivers: 25,000 pounds;
- (2) Bradfield Canal: 5,000 pounds;
- (3) Stikine River: 5,000 pounds.

**PROBLEM:** Forage fish are an important ecosystem component, and are prey for marine mammals, seabirds and commercially important fish species. Recent changes in predator abundance have raised concerns that forage fish may require additional protection than provided under existing regulations. In April of 1998, the North Pacific Fishery Management Council approved a forage fish management plan for the federal waters of the Exclusive Economic Zone (EEZ) adjacent to Alaska. The Council requested the Alaska Board of Fisheries to consider complementary regulations for state waters. The board approved consideration of a state forage fish management plan at its October, 1998, work session and scheduled the issue for deliberation during the March of 1999 Anchorage meeting. Some forage fish species are seasonally abundant in state waters and a successful management approach requires complementary state and federal regulations. Because of the presence of historical commercial fisheries, herring are not considered forage fish in the federal management plan. Also, the federal plan recognizes and accepts the continuance of historic Alaskan smelt fisheries.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** A comprehensive management program will not exist for forage fish in Alaska.

**WHO IS LIKELY TO BENEFIT?** A comprehensive management approach will benefit all resource users.

**WHO IS LIKELY TO SUFFER?** Unknown.

**OTHER SOLUTIONS CONSIDERED:** The proposal provides three alternative approaches. Without a specific management plan for forage fish, new commercial

fisheries can develop in state waters. Once new fisheries are capitalized, it may be difficult to develop meaningful protective regulations for forage fish.

**PROPOSED BY:** Alaska Department of Fish and Game for the Alaska Board of Fisheries.

permit for the same calendar year for the commercial halibut fishery in Area 2A.

(3) No person shall fish for halibut in the directed halibut fishery in Area 2A during the fishing periods established in Section 8 from a vessel that has been used during the same calendar year for the incidental catch fishery during the salmon troll fishery as authorized in Section 8.

(4) No person shall fish for halibut in the directed commercial halibut fishery in Area 2A from a vessel that, during the same calendar year, has been used in the sport halibut fishery in Area 2A or that is licensed for the sport halibut fishery in Area 2A.

(5) No person shall retain halibut in the salmon troll fishery in Area 2A as authorized under Section 8 taken on a vessel that, during the same calendar year, has been used in the sport halibut fishery in Area 2A, or that is licensed for the sport halibut fishery in Area 2A.

(6) No person shall retain halibut in the salmon troll fishery in Area 2A as authorized under Section 8 taken on a vessel that, during the same calendar year, has been used in the directed commercial fishery during the fishing periods established in Section 8 for Area 2A or that is licensed to participate in the directed commercial fishery during the fishing periods established in Section 8 in Area 2A.

**26. Previous Regulations Superseded**

These regulations shall supersede all previous regulations of the Commission, and these regulations shall be effective each succeeding year until superseded.

**Classification**

**IPHC Regulations**

Because approval by the Secretary of State of the IPHC regulations is a foreign affairs function, *Jensen v. National Marine Fisheries Service*, 512 F.2d 1189 (9th Cir. 1975), 5 U.S.C. 553 does not apply to this notice of the effectiveness and content of the IPHC regulations. Because prior notice and an opportunity for public comment are not required to be provided for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable.

**Catch Sharing Plan for Area 2A**

An Environmental Assessment/Regulatory Impact Review was prepared on the proposed changes to the Plan. NMFS has determined that the proposed changes to the plan and the implementing management measures contained in and implemented by the IPHS regulations will not significantly affect the quality of the human environment, and the preparation of an environmental impact statement on the final action is not required by section 102(2)(C) of the National Environmental Policy Act or its implementing regulations. At the proposed rule state,

the Assistant General Counsel for Legislation and Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration that this action will not have a significant economic impact on a substantial number of small entities. No comments were received on this certification. Consequently, no regulatory flexibility analysis has been prepared. This action has been determined to be not significant for purposes of E.O. 12866.

**Catch Sharing Plan for Areas 4C, 4D, and 4E**

At the proposed rule stage, the Assistant General Counsel for Legislation and Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration that this revision of the CSP would not have a significant economic impact on a substantial number of small entities. No comments were received on this certification. Consequently, no regulatory flexibility analysis was prepared. This action has been determined to be not significant for purposes of E.O. 12866. The revision to CFR 300.63(b) made by this rule is not substantive in that it merely revises the description of the contents of the CSP to reflect that the Council no longer allocates for subareas 4A and 4B. Accordingly, it is not subject to a delay in effective date.

**List of Subjects in 50 CFR Part 300**

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Authority: 16 U.S.C. 773-773k.

Dated: March 12, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 300 is amended as follows:

**PART 300—INTERNATIONAL FISHERIES REGULATIONS**

1. The authority citation for part 300, subpart E, continues to read as follows:

Authority: 16 U.S.C. 773-773k.

2. In § 300.63, paragraph (b) is revised to read as follows:

**§ 300.63 Catch sharing plans and domestic management measures.**

\* \* \* \* \*

(b) The catch sharing plan for area 4 allocates the annual TAC among Areas 4C, 4D, and 4E, and will be implemented by the Commission in

annual management measures published pursuant to § 300.62.

[FR Doc. 98-6854 Filed 3-12-98; 4:01 pm] BILLING CODE 3510-22-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 971124274-8052-02; I.D. 110597A]

RIN 0648-AH67

**Fisheries of the Exclusive Economic Zone Off Alaska; Forage Fish Species Category**

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

**SUMMARY:** NMFS issues regulations to implement Amendment 36 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 39 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). This action creates a forage fish species category in both FMPs and implements associated management measures. The intended effect of this action is to prevent the development of a commercial directed fishery for forage fish, which are a critical food source for many marine mammal, seabird, and fish species. This action is necessary to conserve and manage the forage fish resource off Alaska and to further the goals and objectives of the FMPs. In addition, this action includes a technical amendment removing a date that is no longer applicable.

**DATES:** Effective April 16, 1998.

**ADDRESSES:** Copies of Amendments 36 and 39 and the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for Amendments 36 and 39 are available from the Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel, or by calling the Alaska Region, NMFS, at 907-586-7228.

**FOR FURTHER INFORMATION CONTACT:** Kent Lind, 907-586-7228 or kent.lind@noaa.gov

**SUPPLEMENTARY INFORMATION:** The domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands Management Area (BSAI) and of the Gulf of Alaska

(GOA) are managed by NMFS under the FMPs. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the groundfish fisheries of the BSAI and GOA appear at 50 CFR part 679, and general regulations governing U.S. fisheries appear at 50 CFR part 600.

A notice of availability of amendments 36 and 39 was published on November 12, 1997 (62 FR 60682), with comments on the FMP amendments invited through January 12, 1998. A proposed rule to implement amendments 36 and 39 was published in the *Federal Register* on December 12, 1997 (62 FR 65402), with comments invited through January 26, 1998. One letter of comment was received and is summarized and responded to in the Response to Comments section. Additional information on this action is contained in the preamble to the proposed rule and in the EA/RIR (See ADDRESSES). Upon reviewing amendments 36 and 39, the Administrator, Alaska Region, NMFS, has determined that amendments 36 and 39 are necessary for the conservation and management of the groundfish fisheries of the BSAI and GOA and are consistent with the Magnuson-Stevens Act and with other applicable laws.

#### Response to Comments

The following comment summarizes the one letter received on the FMP amendments and proposed rule:

*Comment.* The Department of Interior believes that managing forage fish, by establishing a separate category for these species, will benefit the marine ecosystems of the North Pacific. The Department of the Interior supports approval of the amendments as well as issuance of the implementing regulations which would prohibit directed fishing on forage fish species, and the sale, barter, trade, or processing of forage fish.

*Response.* NMFS agrees with the conclusions of the Department of Interior and has approved amendments 36 and 39.

#### Elements of the Final Rule

The following is a summary of the main elements of the final rule.

#### Forage Fish Species Category

The rule defines forage fish species to mean all species of the following families:

*Osmeridae* (eulachon, capelin, and other smelts),

*Myctophidae* (lanternfishes),  
*Bathylagidae* (deep-sea smelts),  
*Ammodytidae* (Pacific sand lance),  
*Trichodontidae* (Pacific sandfish),  
*Pholidae* (gunnels),  
*Stichaeidae* (pricklebacks,  
warbonnets, eelblennys, cockscombs  
and shannys),  
*Gonostomatidae* (bristlemouths,  
lightfishes, and anglemouths), and the  
Order

*Euphausiacea* (krill).

These species have been grouped together because they are considered to be primary food resources for other marine animals and they have the potential to be the targets of a commercial fishery.

#### Affected Vessels and Processors

The requirements of the rule apply to all vessels fishing for groundfish in the Federal waters of the BSAI or GOA or processing groundfish harvested in the Federal waters of the BSAI or GOA. The rule does not apply to fishing for forage fish species within State waters.

#### Prohibition on Directed Fishing

The rule prohibits directed fishing for forage fish at all times in the Federal waters of the BSAI and GOA. The rule establishes maximum retainable bycatch (MRB) percentage of 2 percent for forage fish, meaning that vessels fishing for groundfish may retain a quantity of forage fish equal to no more than 2 percent of the round weight or round-weight equivalent of groundfish species open to directed fishing that are retained on board the vessel during a fishing trip. NMFS data indicate that the aggregate percentage of forage fish incidentally caught in current groundfish fisheries rarely exceeds 2 percent, and many vessels rarely or never encounter catch of forage fish species. Consequently, bycatch of forage fish species is not considered a problem in the groundfish fisheries off Alaska, and the 2-percent MRB is unlikely to result in increased discards of forage fish species.

#### Harvest Quotas

Insufficient information exists upon which to specify a total allowable catch amount (TAC) for forage fish species. Therefore, this action does not establish procedures for specifying an annual TAC for forage fish species. However, by establishing a new species category for forage fish, NMFS will be able to collect additional data on forage fish from vessel logbooks, weekly production reports, and observer reports. This information may be used to evaluate the need for and appropriateness of other

management measures for forage fish species.

#### Limits on Sale, Barter, Trade or Processing

The rule prohibits the sale, barter, trade, or processing of forage fish species by vessels fishing for groundfish in the Federal waters of the BSAI or GOA or processing groundfish harvested in the BSAI or GOA, except that retained catch of forage fish species not exceeding the 2-percent MRB may be processed into fishmeal and sold. The rule allows fishmeal processing of forage fish retained under the 2-percent MRB amount to prevent undue burdens on operations that process unsorted processing waste into fishmeal. Industry representatives have indicated that separating small quantities of forage fish from the volumes of fish and fish waste that typically enter fishmeal plants would be nearly impossible. The small volumes of fishmeal production allowed under this rule are not expected to provide an incentive for vessels to target on forage fish through "topping off" activity.

This rule does not apply to onshore processors due to limitations of the authority of the Secretary of Commerce under the Magnuson-Stevens Act. At the June 1997 Council meeting, the State of Alaska indicated that it intends to proceed with parallel forage fish regulations to restrict the harvest of forage fish within State waters and the processing of forage fish by onshore processors.

#### Changes From the Proposed Rule

In the proposed change to Table 2 to 50 CFR Part 679, the order *Euphausiacea* was incorrectly identified as a family. This error has been corrected in the final rule. No other changes have been made in the final rule.

A technical amendment is made to § 679.20(c)(5) by deleting a date that is no longer applicable.

#### Classification

At the proposed rule stage, the Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

An informal consultation under the Endangered Species Act was concluded for amendments 36 and 39 on July 11,

1997. As a result of the informal consultation, the Regional Administrator determined that fishing activities under this rule are not likely to adversely affect endangered or threatened species or critical habitat.

This final rule has been determined to be not significant for the purposes of E.O. 12866.

**List of Subjects in 50 CFR Part 679**

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: March 10, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

**PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA**

1. The authority citation for 50 CFR part 679 continues to read as follows:

**Authority:** 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.2, the definition of "forage fish" is added in alphabetical order to read as follows:

**§ 679.2 Definitions.**

\* \* \* \* \*

*Forage fish* means all species of the following families:

- (1) *Osmeridae* (eulachon, capelin and other smelts),
- (2) *Myctophidae* (lanternfishes),
- (3) *Bathylagidae* (deep-sea smelts),
- (4) *Ammodytidae* (Pacific sand lance),
- (5) *Trichodontidae* (Pacific sandfish),
- (6) *Pholidae* (gunnels),
- (7) *Stichaeidae* (pricklebacks, warbonnets, eelblennys, cockscombs and shannys),
- (8) *Gonostomatidae* (bristlemouths, lightfishes, and anglemouths), and
- (9) The Order *Euphausiacea* (krill).

\* \* \* \* \*

3. In § 679.20, paragraph (c)(5) is amended by removing the phrase "(Applicable through December 31, 1996)" and a new paragraph (i) is added as follows:

**§ 679.20 General limitations.**

\* \* \* \* \*

(i) *Forage fish*—(1) *Definition*. See § 679.2.

(2) *Applicability*. The provisions of § 679.20(i) apply to all vessels fishing for groundfish in the BSAI or GOA, and to all vessels processing groundfish harvested in the BSAI or GOA.

(3) *Closure to directed fishing*. Directed fishing for forage fish is

prohibited at all times in the BSAI and GOA.

(4) *Limits on sale, barter, trade, and processing*. The sale, barter, trade, or processing of forage fish is prohibited, except as provided in paragraph (i)(5) of this section.

(5) *Allowable fishmeal production*. Retained catch of forage fish not exceeding the maximum retainable bycatch amount may be processed into fishmeal for sale, barter, or trade.

4. In § 679.22, paragraph (c) is revised to read as follows:

**§ 679.22 Closures.**

\* \* \* \* \*

(c) *Directed fishing closures*. See § 679.20(d) and § 679.20(i).

\* \* \* \* \*

**Table 2 to Part 679 [Amended]**

5. Table 2 to 50 CFR part 679 is amended by adding species codes 207 Gunnels; 208 Pricklebacks, warbonnets, eelblennys, cockscombs and shannys (family *Stichaeidae*); 209 Bristlemouths, lightfishes, and anglemouths (family *Gonostomatidae*); 210 Pacific sandfish; 772 Lanternfishes; 773 Deep-sea smelts (family *Bathylagidae*); 774 Pacific sand lance; and 800 Krill (order *Euphausiacea*); in numerical order as follows:

**TABLE 2 TO PART 679.—SPECIES CODES**

Code	Species
Group Codes:	
207	Gunnels.
208	Pricklebacks, warbonnets, eelblennys, cockscombs and shannys (family <i>Stichaeidae</i> ).
209	Bristlemouths, lightfishes, and anglemouths (family <i>Gonostomatidae</i> ).
210	Pacific sandfish.
772	Lanternfishes.
773	Deep-sea smelts (family <i>Bathylagidae</i> ).
774	Pacific sand lance.
800	Krill (order <i>Euphausiacea</i> ).

**Tables 10 and 11 to Part 679 [Amended]**

6. Tables 10 and 11 to 50 CFR part 679 are amended by adding a column for aggregate forage fish as follows:

In Table 10 to 50 CFR part 679, a column for "Aggregate Forage Fish" is added between columns "Atka mackerel" and "Other species," and

footnote 5 is added to read "Forage fish are defined at § 679.2." Table 10, as revised, reads as follows:



TABLE 10.—GULF OF ALASKA RETAINABLE PERCENTAGES

	Bycatch species <sup>1</sup>												
	Pollock	Pacific cod	Deep flatfish	Rex sole	Flat-head sole	Shal-low flatfish	Arrow-tooth	Sable-fish	Aggre-gated rock-fish <sup>2</sup>	DSR SEEO <sup>4</sup>	Atka mack-erel	Aggre-gate forage fish <sup>5</sup>	Other spe-cies
<b>Basis Species</b>													
Pollock .....	<sup>3</sup> na	20	20	20	20	20	35	1	5	10	20	2	20
Pacific cod .....	20	<sup>3</sup> na	20	20	20	20	35	1	5	10	20	2	20
Deep flatfish .....	20	20	<sup>3</sup> na	20	20	20	35	7	15	1	20	2	20
Rex sole .....	20	20	20	20	<sup>3</sup> na	20	35	7	15	1	20	2	20
Flathead sole .....	20	20	20	20	<sup>3</sup> na	20	35	7	15	1	20	2	20
Shallow flatfish .....	20	20	20	20	20	<sup>3</sup> na	35	1	5	10	20	2	20
Arrowtooth .....	5	5	0	0	0	0	<sup>3</sup> na	0	0	0	0	2	20
Sablefish .....	20	20	20	20	20	20	35	<sup>3</sup> na	15	1	20	2	20
Pacific Ocean perch .....	20	20	20	20	20	20	35	7	15	1	20	2	20
Shortraker/rougheye .....	20	20	20	20	20	20	35	7	15	1	20	2	20
Other rockfish .....	20	20	20	20	20	20	35	7	15	1	20	2	20
Northern rockfish .....	20	20	20	20	20	20	35	7	15	1	20	2	20
Pelagic rockfish .....	20	20	20	20	20	20	35	7	15	1	20	2	20
DSR-SEEO .....	20	20	20	20	20	20	35	7	15	<sup>3</sup> na	20	2	20
Thornyhead .....	20	20	20	20	20	20	35	7	15	1	20	2	20
Atka mackerel .....	20	20	20	20	20	20	35	1	5	10	<sup>3</sup> na	2	20
Other species .....	20	20	20	20	20	20	35	1	5	10	20	2	<sup>3</sup> na
Aggregated amount non-groundfish species .....	20	20	20	20	20	20	35	1	5	10	20	2	20

<sup>1</sup> For definition of species, see Table 1 of the Gulf of Alaska groundfish specifications.  
<sup>2</sup> Aggregated Rockfish means any rockfish except in the Southeast Outside District where demersal shelf rockfish (DSR) is a separate category.  
<sup>3</sup> na=not applicable.  
<sup>4</sup> SEEO=Southeast Outside District.  
<sup>5</sup> Forage fish are defined at § 679.2.

In Table 11 to 50 CFR part 679, a column for "Aggregate Forage Fish" is added between columns "Squid" and "Other species," footnote 3 is redesignated as footnote 4, and a new footnote 3 is added to read "Forage fish are defined at § 679.2." Table 11, as revised, reads as follows:

TABLE 11.—BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA RETAINABLE PERCENTAGES

	Bycatch species <sup>1</sup>													
	Pollock	Pacific cod	Atka mack-erel	Arrowtooth	Yellow-fin sole	Other flatfish	Rock sole	Flat-head sole	Green-land turbot	Sable-fish	Aggre-gated rock-fish <sup>2</sup>	Squid	Aggre-gate forage fish <sup>3</sup>	Other spe-cies
<b>Basis species<sup>1</sup></b>														
Pollock .....	<sup>4</sup> na	20	20	35	20	20	20	20	1	1	5	20	2	20
Pacific cod .....	20	na	20	35	20	20	20	20	1	1	5	20	2	20
Atka mackerel .....	20	20	na	35	20	20	20	20	1	1	5	20	2	20
Arrowtooth .....	0	0	0	na	0	0	0	0	0	0	0	0	2	0
Yellowfin sole .....	20	20	20	35	na	35	35	35	1	1	5	20	2	20
Other flatfish .....	20	20	20	35	35	na	35	35	1	1	5	20	2	20
Rock sole .....	20	20	20	35	35	35	na	35	1	1	5	20	2	20
Flathead sole .....	20	20	20	35	35	35	35	na	35	15	15	20	2	20
Greenland turbot .....	20	20	20	35	20	20	20	20	na	15	15	20	2	20
Sablefish .....	20	20	20	35	20	20	20	20	35	na	15	20	2	20
Other rockfish .....	20	20	20	35	20	20	20	20	35	15	15	20	2	20
Other red rockfish-BS .....	20	20	20	35	20	20	20	20	35	15	15	20	2	20
Pacific Ocean perch .....	20	20	20	35	20	20	20	20	35	15	15	20	2	20
Sharpchin/Northern-AI .....	20	20	20	35	20	20	20	20	35	15	15	20	2	20
Shortraker/Rougheye-AI .....	20	20	20	35	20	20	20	20	35	15	15	20	2	20
Squid .....	20	20	20	35	20	20	20	20	1	1	5	<sup>4</sup> na	2	20
Other species .....	20	20	20	35	20	20	20	20	1	1	5	20	2	<sup>4</sup> na
Aggregated amount non-groundfish species .....	20	20	20	35	20	20	20	20	1	1	5	20	2	20

<sup>1</sup> For definition of species, see Table 1 of the Bering Sea and Aleutian Islands groundfish specifications.  
<sup>2</sup> Aggregated rockfish of the genera *Sebastes* and *Sebastolobus*.  
<sup>3</sup> Forage fish are defined at § 679.2.  
<sup>4</sup> na = not applicable.

Excerpted from:  
BSAI Chinook Salmon Bycatch Analysis

### Executive Summary

The Magnuson-Stevens Act amendments emphasized the importance of bycatch effects on achieving sustainable fisheries. National Standard 9 mandates that conservation and management measures shall, to the extent practicable: (1) minimize bycatch; and (2) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch. This Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) addresses a proposal to minimize the incidental bycatch of chinook salmon in the groundfish trawl fisheries of the Bering Sea and Aleutian Islands. The following three alternatives were examined:

Alternative 1: No Action. Trawling is prohibited in the Chinook Salmon Savings Areas (CHSSA) through April 15 upon attainment of a bycatch limit of 48,000 chinook salmon in the BSAI.

Alternative 2: Include salmon taken after April 15 towards the bycatch limit of 48,000 chinook salmon. The Chinook Salmon Savings Areas would close upon attainment of the bycatch limit, whenever this would occur. Hence these areas could close, or remained closed, during other pollock seasons.

Alternative 3: Reduce the trigger level to 36,000 chinook salmon in the BSAI. Trawling would be prohibited in the Chinook Salmon Savings Areas through April 15 upon attainment of a bycatch limit of 36,000 chinook salmon in the BSAI.

Option 1 (applicable to Alternatives 2 and 3): Seasonally allocate the PSC limit, such that there are separate triggers for the pollock seasons.

Option 2 (applicable to Alternatives 2 and 3): Begin accounting towards the PSC limit at the start of the fall season (currently the September 1 'B' season), with the amount carried over to the next pollock 'A' season.

Alternative 4: Annual closure of specific "hot spot" blocks. These specific blocks are the five contiguous blocks of the current Chinook Salmon Savings Area that in the vicinity of Unimak Island. These have been labeled in the document as 200, 201, 202, 227, 228, and 254. Block 201 has been further subdivided in half east to west and labeled as 997 (the eastern half) and 998 (the western half).

Option 1: Consider a seasonal closure of the selected blocks.

Option 2 (applicable to Alternative 4 and Option 1): The closure would only apply to the pollock fisheries although chinook salmon bycaught in all fisheries would apply toward a cap if in effect.

Alternative 5: Alternative 4 would be combined with Alternatives 1, 2, and 3. A cap would apply to closure of the "hot spot" blocks.

Analysis of 1994-1997 observer data indicate that, regardless of season or year, the large majority of chinook salmon have been intercepted in the CHSSA. In the five years examined, the 48,000 cap was reached three times, and the 36,000 cap would have been reached in four of the five years. A 36,000 cap would have reduced the total number of chinook taken by 7% to 28% (3,000 to 18,000 salmon depending on the year and given low bycatch outside the CHSSA). In 1998, approximately 60,000 chinook were intercepted and both caps were exceeded.

An accounting year beginning September 1, as suggested by Option 2, would better agree with the biology of the salmon in the Bering Sea. This is because juvenile salmon (those primarily taken as bycatch) enter the Bering Sea to feed in the autumn and remain thought the winter, later moving to other areas in the summer. If Option

2 had been in place, the 48,000 chinook cap would have been reached in one of the five years (4 accounting years) examined. In the 1997-1998 accounting year, both the 36,000 cap and the 48,000 caps would have been reached 1/31/98 and 2/21/98, respectively. The potential cost of adopting Option 2 would be that chinook salmon taken in the 'B' season could impact the 'A' season by closing the CHSSA, an area that accounts for a relatively large portion of the 'A' season pollock catch. Most of the pollock catch has been taken from the CHSSA during the 'A' season, but in the 'B' season, most of the pollock catch comes from outside the CHSSA.

The analysis also indicated that the current CHSSA could be modified slightly. There tends to be high bycatch in the vicinity of the Pribilof Islands, but bycatch within specific blocks is not consistent. It appears from recent data that the two block area near the Pribilof Islands have not had high bycatch rates of chinook salmon. Hence, these two blocks could be removed from the CHSSA. Alternatively, additional blocks, one which is made up mostly of land on Unimak Island, showed consistently high bycatch of chinook salmon. Consideration should be given to adding this block, or perhaps other blocks, to the CHSSA.

A simulated closure of the various cells (Alternative 4) in different combinations caused variations in the bycatch patterns in the remaining open cells. In the pollock fisheries, with the exception of 1995 when few chinook salmon were bycaught, the closure of any combination of cells resulted in reductions in predicted chinook salmon bycatch, with greater reductions coincident with larger total area closures (more cells included in the closure). Closures of the areas generally caused reductions in the bycatch of herring, slight increases in the bycatch of halibut, moderate increases in chum salmon bycatch, and large increases in crab bycatch. The closure of the cells to all trawling further reduced the predicted levels of chinook salmon bycatch. However, because greater amount of effort is directed into open areas, the closures to all trawling greatly increased the percentage of crab bycatch of all species but generally reduced halibut bycatch levels.

Benefits of minimizing chinook salmon bycatch would accrue to those fishermen who target chinook salmon and sport and subsistence users of this resource. The most restrictive alternative (among the first three, or Alternative 3) would reduce total chinook bycatch in trawl fisheries by 3,000 - 18,000 salmon. It was estimated that the total benefits to western Alaska commercial salmon fishermen would be in the range of \$45,000 to \$272,000, but the benefits to subsistence and sport users have not been estimated. Simulation results estimated reductions in chinook bycatch of up to 50% by closing the six cells for the entire year. Options which were seasonal or of smaller total area reduced savings in chinook.

The costs associated with Alternatives 2 and 3 are due to potential forgone catch, reduced catch per unit effort (CPUE), and operational costs of moving. Fishermen try to fish in areas and ways they can maximize the returns on their capital; hence, forcing them to fish in non-optimal areas could result in lower CPUE and other costs. These costs could not be quantified in this analysis, but an analysis of CPUE in recent years predicted little change in the number of tows required to take the remaining catch outside of the closure areas. The simulation results indicated that if the closures were made to all trawling, increased crab bycatch would occur thus increasing bycatch costs.

There are several developments in 1998 which could have impacts on the analysis provided in this document. The proposed reductions through the American Fisheries Act in the size of the mothership fleet, the reallocation of pollock total allowable catch (TAC) among the mothership, catcher-processor and shoreside sectors of the fleet, and the proposed co-op nature of portions of the fleet will all change the patterns of effort for pollock in the Bering Sea. The recent Biological Opinion (Section 7 consultation) on the fishing related impacts on Steller sea lions could also cause far-reaching changes in the distribution of pollock fishing effort. The consultation identified areas of critical habitat for Steller sea lions, and the NPFMC has recommended actions to reduce the fishing effort for pollock within this critical habitat. The NPFMC also recommended spreading effort out in time so that "pulse" fishing periods are reduced. The recommended periods are as follows (1) A1, beginning January 20; (2) A2, beginning February 20; (3) B, beginning August 1; and (4) C, beginning September 15.

The analysis in this document is dependent on historical data to define the most effective measures in reducing chinook salmon bycatch. However, the changes discussed above will redistribute effort both spatially and temporally and the impacts these changes might have on chinook salmon bycatch are difficult to predict. The central blocks in the CHSSA are all located within the Stellar sea lion critical habitat, and movement of effort out of this area could be expected to reduce chinook salmon bycatch. Similarly, fishing effort in August would be unlikely to encounter chinook salmon (although chum salmon bycatch might be expected to be high), and would add to chinook salmon bycatch reductions. On the other hand, the beginning of the 'C' season on September 15 will likely increase the chances of chinook interceptions.

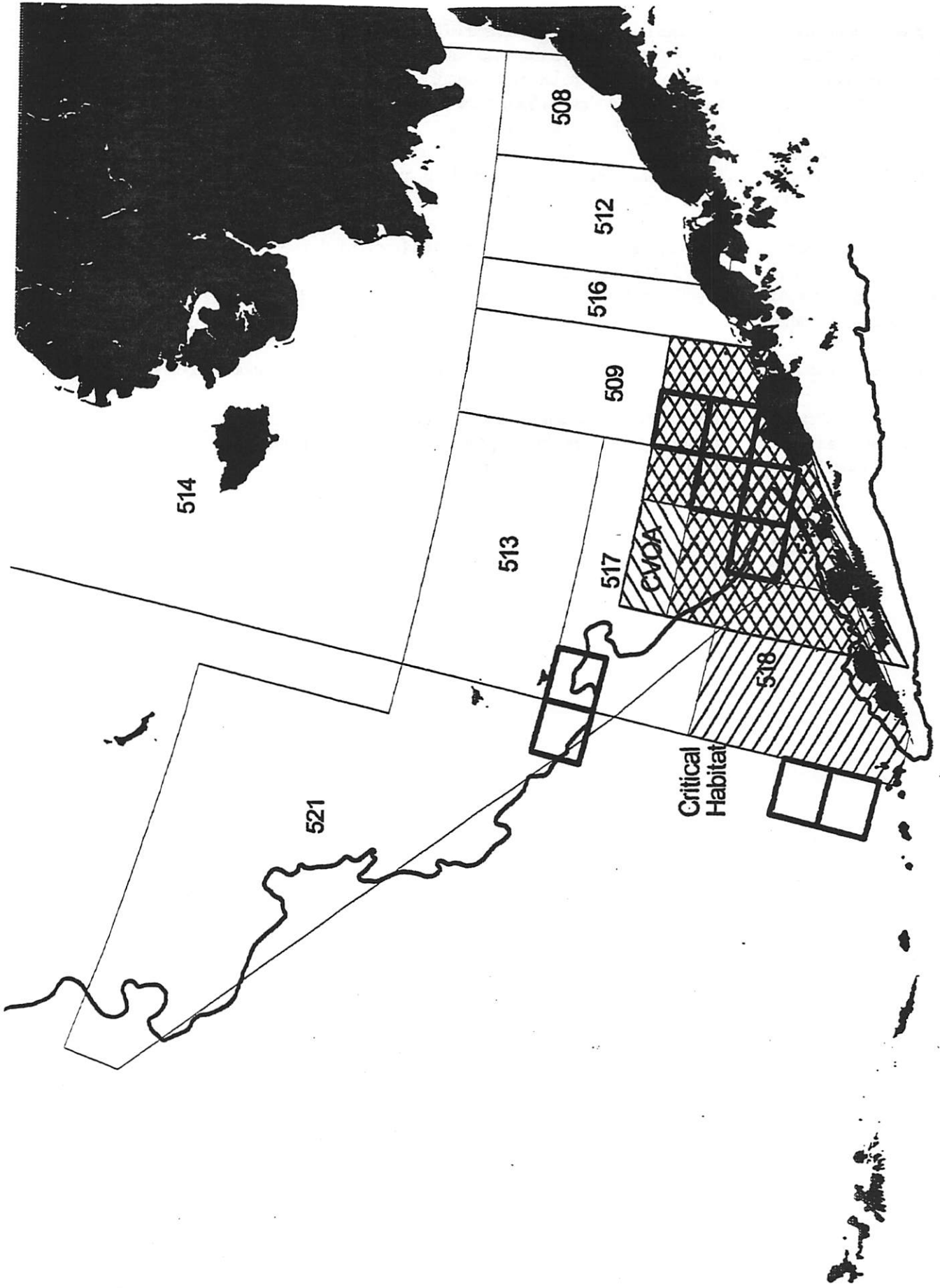
None of the alternatives are expected to have a significant impact on endangered, threatened, or candidate species, and none of the alternatives would affect takes of marine mammals. Actions taken to control chinook salmon bycatch in BSAI trawl fisheries will not alter the harvest of groundfish, but will reduce the incidental bycatch of juvenile chinook salmon.

None of the alternatives is expected to result in a "significant regulatory action" as defined in E.O. 12866.

None of the alternatives are likely to significantly affect the quality of the human environment, and the preparation of an environmental impact statement for the proposed action is not required by Section 102(2)(C) of the National Environmental Policy Act or its implementing regulations.

Figure 1. Bering Sea with NMFS statistical areas, Chinook Salmon Savings Area (nine squares in bold), and the Catcher Vessel Operational Area (CVOA, shaded).

NMFS statistical areas, CVOA (slant NE/SW), Sea lion Critical Habitat/CVOA (slant NW/SE) and current chinook salmon savings areas (bold line).



**PROPOSAL 59** - 5 AAC 28.4XX. KODIAK REGISTRATION AREA; and 5 AAC 28.5XX. CHIGNIK REGISTRATION AREA. Create a section to provide the following:

State jig quota or an experimental fishery that is closely monitored to see if it would generate interest.

**PROBLEM:** Problem being the inability to fish and harvest inshore pollock that may or may not impact crab populations.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** An opportunity for jig boats to at least see if they can fish cleanly and help bays reduce fish populations.

**WHO IS LIKELY TO BENEFIT?** All jig boats.

**WHO IS LIKELY TO SUFFER?** Nobody.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Mike Clark

(HQ-98-F-078)

\*\*\*\*\*

\*

**PROPOSAL 62** - 5 AAC 28.310. FISHING SEASONS. Amend this section to provide the following:

Open state water sablefish in Cook Inlet Management Area on or after July 15.

**PROBLEM:** State water black cod - Cook Inlet. Sablefish caught in Cook Inlet Management Area before approximately July 15 are basically juvenile type, i.e. sexually immature . Historically, after July 15 larger mature fish move into the shallower state waters. By continuing to harvest these juvenile fish we're taking tomorrow's harvest.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The inshore state water sablefish quota will be continued to be caught when they are of less value to the fisherpeople, processors, and marketplace.

**WHO IS LIKELY TO BENEFIT?** All parties involved. Quotas don't change, they are just taken later in the year when bigger fish are more abundant.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Duane Kapp

(HQ-98-F-043)

\*\*\*\*\*  
\*\*\*\*\*

**PROPOSAL 64** - 5 AAC 28.330. LAWFUL GEAR FOR COOK INLET AREA. Amend this section to provide the following:

Legalize seine gear for groundfish from Anchor Point to Point Pogibshi, concurrent with federal fishery.

**PROBLEM:** Seines are not a legal gear type for Cook Inlet.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Large biomass of pollock in Tutka Bay not being utilized.

**WHO IS LIKELY TO BENEFIT?** Seine boats in Homer could fish January Pollock fishery.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** Legalized seine gear in all of Cook Inlet - North coast rockfish may be overfished.

**PROPOSED BY:** Tim Cabana

(HQ-98-F-076)

\*\*\*\*\*

\*



**PROPOSAL 65** - 5 AAC 28.367: COOK INLET PACIFIC COD MANAGEMENT PLAN;  
and  
5 AAC 28.332. GROUND FISH POT STORAGE FOR COOK INLET AREA. Amend these  
sections to provide the following:

Close on April 15 rather than 7<sup>th</sup>. Spell out time of day for closure i.e. 4pm on date. A 3 day  
closure - Delete requirement to put gear in 25 fathoms.

**PROBLEM:** Long closure plus pot storage between fed. and state cod season.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** We sit twiddling our thumbs for a week.

**WHO IS LIKELY TO BENEFIT?** Pot fishermen.

**WHO IS LIKELY TO SUFFER?** I don't see anyone who will suffer - perhaps enforcement  
questions.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Glen Carrol (HQ-98-F-003)  
\*\*\*\*\*  
\*\*\*\*\*

**PROPOSAL 125 - 5 AAC 28.4XX. HALIBUT FISHERY MANAGEMENT PLAN.**

Create a section to provide the following:

Define a separate halibut management area for Kodiak similar to the Kodiak Salmon Management Area K: all waters south of a line extending east from Cape Douglas (58<sup>N</sup> 51.10<sup>N</sup>. lat.) and west of 150<sup>N</sup> west long. north of 55<sup>N</sup> 30.00<sup>N</sup>. lat., and east of a line extending south from the southern entrance of Imuya Bay near Kilkak Rocks (156<sup>N</sup> 20.22<sup>W</sup>. long.).

We recommend the immediate use as a guided sport registration management area. Due to the uncertainty of the application of the new regulations for the guided sport industry, we also request the opportunity to update the LAFMP in the next annual cycle.

**PROBLEM:** The rapid growth of the Alaska halibut, guided charter fleet and the increasing guided sport catch has led the NPFMC to implement a guideline harvest level. The disproportionately larger size of the Cook Inlet fleet may have a negative effect on the Kodiak fisheries if they remain in the same regulatory area.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** In the future, Kodiak's guided sport fisheries could have curtailed season as Cook Inlet's large, growing fleet consumes the GHF for area 3A. Kodiak's guided sport industry, which has a significantly slower growth rate than C.1., would experience restricted opportunities for new growth - particularly in the villages where economic opportunities are limited.

**WHO IS LIKELY TO BENEFIT?** Kodiak participants already involved in the local halibut sport industry and those local residents seeking to enter the fishery.

**WHO IS LIKELY TO SUFFER?** At this time no one would suffer if area 3A is subdivided.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Kodiak Advisory Committee

(HQ-98-F-039)

\*\*\*\*\*

\*

**PROPOSAL 126 - 5 AAC 28.4XX. HALIBUT FISHERY MANAGEMENT PLAN.**

Create a section to provide the following:

That the Board direct the development of six sub-area plans within larger Kodiak Management Area. The sub areas would be Chiniak Bay, Ouzinkie/Port Lions, Larsen Bay, Karluk, Akhiok, and Old Harbor. These plans would parallel the Sitka Sound approach of having the local residents determine what is appropriate for a particular sub area. The Board should plan to review these plans as they are developed, scheduling part of one meeting each Board cycle to review local are halibut management plans.

**PROBLEM:** Growing local area concern regarding localized depletion of near-shore halibut.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Increased localized depletion of halibut stocks, and possible interference with traditional subsistence harvest, and traditional individual angler opportunities.

**WHO IS LIKELY TO BENEFIT?** The residents of Kodiak rural communities as well as many residents of the City of Kodiak.

**WHO IS LIKELY TO SUFFER?** Prior to development of local sub-area management plans, it is unknown if there would be any negative impacts.

**OTHER SOLUTIONS CONSIDERED?** A single Kodiak Island wide local area management plan was considered. This was rejected because of the diversity within the Kodiak management area, and the unique concerns of residents living in the rural communities. Instead, we favor the development of the sub-area plans which will then fit into the broad parameters of a Kodiak Management Area Plan.

Doing nothing was also considered. While Kodiak does not have the same type of problems that occurred in Sitka Sound, the trend is in the same direction. Our desire is to workout reasonable sub-area plans in anticipation of the increasing commercial, sport, and charterboat pressures.

**PROPOSED BY:** Kodiak Native Tourism Association (SC-98-F-075)

\*\*\*\*\*

\*

**PROPOSAL 129** - 5 AAC 28.467. KODIAK AREA PACIFIC COD MANAGEMENT PLAN. Amend this section to provide the following:

(c)(1) for mechanical jigging machines and hand troll gear, when [50] ?? (e.g., in the range of 40 to 30 percent) percent of the guideline harvest level is taken by mechanical jigging machines and hand troll gear or December 31, whichever occurs first; and

(c)(2) for pots, when [50] ?? (e.g., in the range of 60 to 70 percent) percent of the guideline harvest level is taken by pot gear or December 31, whichever occurs first; if [50] ?? (e.g., in the range of 40 to 30 percent) of the guideline harvest level is not taken by mechanical jigging machines and hand troll gear before [September 1] August 1, the commissioner shall close by emergency order, the fishing season and immediately reopen a fishing season during which all legal gear may be used, and shall close by emergency order, the season on December 31 or when the guideline harvest level is reached, whichever occurs first; and

(e)(1) the guideline harvest level for Pacific cod in the Kodiak Area is [7.5] 9 percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area; and

(e)(2) if the guideline harvest level specified in (1) of this subsection is reached in any calendar year, the guideline harvest level will be increased beginning the next calendar year to [10] 12 percent of the total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area; if the [10] 12 percent guideline harvest level is reached in any calendar year after it has been implemented, the guideline harvest level will be increased beginning the next calendar year to [12.5] 15 percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area; and

(g)(1) If at any time after [October 30] September 30, the commissioner determines that the guideline harvest level for Pacific cod will not be reached by December 31, the commissioner may close by emergency order, the fishing season and immediately reopen a state waters season during which the following shall be implemented to increase the harvest rate in an attempt to reach the guideline harvest level:

**PROBLEM:** The regulations that govern the Kodiak Area Pacific Cod Management Plan place several unnecessary and inequitable restraints on the Kodiak Area state waters p. cod fishery that constrain the ability of the fleet to achieve the Kodiak Area state waters p. cod GHL, that under-allocate the Kodiak state waters p. cod GHL to pots, and that under-allocate the proportional distribution of the estimated total allowable harvest of p. cod for the federal CGOA Area to the Kodiak area.

An increase in the allocation to pots of the Kodiak state waters p. cod GHL from 50%, to a level within the range of from 60% to 70% is justified; this results in a commensurate decrease in the allocation to jig gear. During 1997, jig gear harvested only 1.99 million lbs. of a 4.25 million lb. jig gear GHL; this represented a harvest of only 45% of the actual jig gear GHL. Further, this represented only 22% (versus the 50% that is actually allocated) of the Kodiak

state waters p. cod GHL. This left 2.26 million lbs. unharvested by jig gear prior to September 1, at which time it became available to pot gear. The pot fishery for Kodiak state waters p. cod closed on May 4 when it reached its 50% allocation. Had the 1997 Kodiak state waters p. cod allocation to pot gear been more equitably and reasonably based on real expectations and historical, traditional and customary performance, participation and use, the allocation to pot gear would have been greater than 50%, and would have resulted in the achievement of the Kodiak area GHL of 8.5 million lbs. This proposal is not meant to diminish the importance of jig gear as a respected, viable and bona fide method of harvesting p. cod; rather, it is meant to correct the inequity that the traditional, customary and historical dependence and use of pots was not adequately or equitably considered when the Alaska Board of Fisheries (Board) adopted the state waters p. cod fishery for the Kodiak Area; and

The commissioner should have authority to make the unharvested portion of the jig gear allocation of Kodiak state waters p. cod available to other legal gear types on August 1, rather than on September 1; this would increase the probability that the Kodiak state waters p. cod GHL would be harvested; and

The proportional distribution of the CGOA state waters p. cod GHL to the Kodiak Area should be increased, and should more equitably and reasonably reflect the historical, traditional and customary participation, performance, dependence and use of the CGOA p. cod resource. The Board established a state waters p. cod fishery in the CGOA area by allocating a percentage of the estimated total allowable harvest of p. cod for the federal CGOA area as the beginning phase of the state waters p. cod GHL, and established an area-specific proportional distribution of the CGOA state waters p. cod GHL among the 3 areas that constitute the CGOA state waters p. cod fishery; that is, Kodiak (50%), Chignik (35%) and Cook Inlet (15%). The Board also adopted a 3-level formula that could result in an increase in the initial 15% to a maximum of 25% over several years if certain specified standards and guidelines were met within each respective area; that is, each respective area may increase the state waters p. cod GHL to a maximum of 25%, within the area-specific proportional distribution of the overall CGOA-wide allocation. This formula was expressed as a percentage of the estimated total allowable harvest of p. cod for the federal CGOA area. That is Kodiak [7.5% (15% of 50%), then 10% (20% of 50%), and then 12.5% (25% of 50%)]; Chignik [5.25% (15% of 35%), then 7% (20% of 35%), and then 8.75% (25% of 35%)]; and Cook Inlet [2.5% (15% of 15%), then 3% (20% of 15%), AND THEN 3.75% (25% of 15%)]. Kodiak should receive an increase in the base proportional distribution of the CGOA state waters p. cod GHL to at least 60%, from 50%. That is, as a percentage of the estimated total allowable harvest of p. cod for the federal CGOA area, the 3-level formula for the state waters p. cod fishery in Kodiak should be 9% (15% of 60%), then 12% (20% of 60%), then 15% (25% of 60%). The increase for the Kodiak Area should be readjusted from the Chignik area state waters p. cod GHL. For example, during 1997, only 1.15 Million lbs. was harvested of the 5.90 million p. cod GHL in the Chignik area; this represented a harvest of only 19% of the actual state waters p. cod GHL for the Chignik area. Further, this represented only 1% (versus the 5.25% that is actually allocated) of the estimated 1997 total allowable harvest of p. cod for the federal CGOA area; or only 7% of the CGOA state waters GHL (versus the 35% that Chignik was allocated). This left 4.75 million lbs. of p. cod

unharvested that could have been of economic use and value to the industry had the 1997 allocation to the Chignik state waters p. cod GHL been more reasonably based on real expectations and historical performance. This proposal is meant to correct the inequity that the traditional, customary and historical dependence and use of p. cod in the Kodiak area (and in comparison to the Chignik area) was not adequately or equitably considered when the Board adopted the state waters p. cod fishery for the CGOA; and

The Commissioner should be permitted to relax the limits on the numbers of groundfish pots and jigging machines, and designate Kodiak as a non-exclusive registration area on September 30, rather than on October 30, if it is determined that the Kodiak state waters p. cod GHL may not be harvested.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** An opportunity to increase the probability of harvesting the Kodiak state waters p. cod allocation would be lost. An opportunity to raise the percentage (from 15% to 25%) of the estimated total allowable harvest of p. cod for the federal CGOA area that is allocated to the state waters p. cod fishery (CGOA-wide, and area-specific) is lost. Pot fishermen will not have the level of access to the p. cod resource that is otherwise justified. An opportunity to improve the process and timing of making unharvested portions of the jig gear allocation available to other legal gear types will be lost.

**WHO IS LIKELY TO BENEFIT?** The industry as a whole, the state waters p. cod fleet, p. cod processors, overall economic and commercial activity, the consumer, the state of Alaska (tax revenues), the Boroughs (revenue sharing on tax revenues).

**WHO IS LIKELY TO SUFFER?** No one that we can think of.

**OTHER SOLUTIONS CONSIDERED?** We can think of no other solution that achieves the desired objectives.

**PROPOSED BY:** United Fisherman s Marketing Association, Inc. (HQ-98-F-034)

\*\*\*\*\*

\*

**PROPOSAL 130** - 5 AAC 28.467. KODIAK AREA PACIFIC COD MANAGEMENT PLAN. Amend this section to provide the following:

In the Kodiak area of the central gulf, one-fourth (25%) of the pacific codfish quota in the state codfish fishery is reserved for vessels of 58 feet and under and one fourth (25%) of the pacific codfish quota in the state codfish fishery is reserved for vessels over 58 ft., the remaining one half (50%) of the quota is retained for the jig fishery.

**PROBLEM:** Maintaining the state codfish fishery in the Kodiak area of the central gulf as primarily a small boat fishery.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Increasing percentages of the pot quota will be harvested by larger vessels in excess of 58 feet.

**WHO IS LIKELY TO BENEFIT?** Small boat pot fishermen.

**WHO IS LIKELY TO SUFFER?** Larger boat pot fishermen.

**OTHER SOLUTIONS CONSIDERED?** A decreased pot limit was considered but rejected because it reduces the operating margin for all vessels and may not stop the increase in harvest by larger vessels. Limiting the fishery to vessels of 58 ft. and under was considered. This was a solution the board crafted in the Chignik and Western Gulf areas and seems to have been effective in these areas. After much discussion, we were unwilling to advocate this solution for the Kodiak area because some of the larger vessel owners had advocated for the fishery.

**PROPOSED BY:** Old Harbor Native Corporation (HQ-98-F-052)

\*\*\*\*\*

\*

**PROPOSAL 131** - 5 AAC 28.467. KODIAK AREA PACIFIC COD MANAGEMENT PLAN. Change the time interval between the parallel and state water Pacific cod fisheries as follows:

5 AAC 28.467. KODIAK AREA PACIFIC COD MANAGEMENT PLAN.

.....  
(c) The commissioner shall open, by emergency order, a state waters season in the Kodiak Area seven [14] days following the closure of the directed federal season in the federal Central Gulf of Alaska Area and shall close, by emergency order, the state waters season as follows:

**PROBLEM:** The current regulations stipulate a 14 day period between the parallel federal Pacific cod season and the state water fishery. Kodiak fishermen and the BOF have indicated that a 7 day interval would be preferable.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Fishermen will have to wait an additional week to begin fishing Pacific cod in the state water fishery.

**WHO IS LIKELY TO BENEFIT?** Fishermen that participate in both the parallel federal season and state water fishery will have a shorter break between seasons.

**WHO IS LIKELY TO SUFFER?** Fishermen that would have preferred to fish later in the year.

**OTHER SOLUTIONS CONSIDERED?** None

**PROPOSED BY:** Alaska Department of Fish and Game. (HQ-98-F-236)

\*\*\*\*\*  
\*\*\*\*\*



**PROPOSAL 132** - 5 AAC 39.165. TRAWL GEAR UNLAWFUL. Amend this section to provide the following:

A person may not use any type of non-pelagic (hard on bottom) trawl gear for any commercial fishing purposes in the following locations: (4) the state waters of the Kodiak Management Area as described in 5 AAC 18.100

**PROBLEM:** Continued hard on bottom trawling in State waters and continued hard on bottom by-catch in state waters.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued modifications and destruction of state waters ocean bottom marine rearing habitat for shellfish and other marine life. Continued by-catch and waste of uneconomical or prohibited species captured by hard on bottom trawl gear.

**WHO IS LIKELY TO BENEFIT?** The immediate benefit will be to the state waters marine environment. As the marine environment is no longer altered or destroyed various species in state waters, particularly red king crab, tanner crab and halibut, will undoubtedly increase. The secondary benefit, which may occur once depleted shellfish populations recover, is the re-establishment of commercial king and tanner crab fisheries in the Kodiak Management Area.

**WHO IS LIKELY TO SUFFER?** Pelagic and hard on bottom trawl fishermen will suffer dislocation in their fishing efforts. **THIS IS NOT A PROPOSAL TO REDUCE TRAWL CATCH ALLOCATIONS.** Currently, approximately 10% of the codfish captured in the Central Gulf Federal codfish fishery, 25% of the pollock captured in the Central Gulf Federal pollock fishery and less than 5% of the various flatfish captured in the Central Gulf Federal flatfish fisheries are captured by trawlers in state waters. The trawl fleet will simply move outside State waters to continue to catch their quotas.

**OTHER SOLUTIONS CONSIDERED?** A. Since a major aspect of the problem is the impact or effect of hard on bottom trawling on the marine environment and the ocean bottom itself, the only viable solution is to take the trawls off of the bottom. B. Since the second aspect of the problem is the waste or destruction of other marine resources - by-catch, reducing or eliminating trawl by-catch in state waters was considered. This was rejected because the by-catch rates are determined by the NPFMC and it would be difficult to break out a state waters by-catch component to eliminate. Secondly, given the dire depletion of red king crab and tanner crab in the Kodiak management area any crab by-catch in state waters should not be considered.

**PROPOSED BY:** Ludger Dochtermann

(HQ-98-F-147)

\*\*\*\*\*  
\*

**PROPOSAL 133** - 5 AAC 28.537. CHIGNIK AREA PACIFIC COD MANAGEMENT PLAN. Amend this section to provide the following:

1. (e)(1) The guideline harvest level for Pacific cod in the Chignik area is [5.25] 3.75 percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area;
2. (g) If at any time after [October 30] September 15, the commissioner determines that the guideline harvest level for Pacific cod will not be reached by December 31, the commissioner may close, by emergency order, the fishing season and immediately reopen a state waters season during which the following shall be implemented to increase the harvest rate in an attempt to reach the guideline harvest level:

**PROBLEM:** The regulations that govern the state waters p. cod fishery in the Central Gulf of Alaska (CGOA) under-allocates the proportional distribution of the estimated total allowable harvest of p. cod for the federal CGOA area to the Kodiak area, and over-allocates such distribution to the Chignik area. Since the 1998 Chignik area Pacific cod (p. cod) state waters season has just recently opened on April 1, it is difficult to predict if the state waters guideline harvest level (GHL) for p. cod in Chignik will again go unharvested as occurred during 1997. However, adjustments to the Chignik Area Pacific Cod Management Plan may be needed to reasonably ensure that the Chignik area p. cod GHL is harvested. During 1997, only 1.15 million lbs. was harvested of the 5.9 million lb. p. cod GHL in the Chignik area; this represented a harvest of only 19% of the actual state waters p. cod GHL for the Chignik area. Further, this represented only 1% (versus the 5.25% that Chignik was allocated) of the estimated 1997 total allowable harvest of p. cod for the federal Central Gulf of Alaska (CGOA) area; or only 7% of the CGOA state waters GHL (versus the 35% that Chignik was allocated). This left 4.75 million lbs. of p. cod unharvested that could have been of economic use and value to the industry, had the 1997 allocation to the Chignik state waters p. cod GHL been more reasonably based on real expectations and historical performance. This proposal is submitted to provide the opportunity to address the state waters p. cod allocation to the Chignik area, to provide that the Chignik state waters p. cod GHL be reduced to be more reasonably based on historical performance and real expectations, and to correct the inequity that the traditional, customary and historical dependence and use of p. cod in the Kodiak area (in comparison to the Chignik area) was not adequately or equitably considered when the Board adopted the state waters p. cod fishery for the CGOA.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** P. cod may continue to be reserved and go unharvested that could otherwise be of economic use and value to others who depend on the state waters p. cod fishery. Questions may be raised at the North Pacific Fishery Management Council and at the National Marine Fisheries Service with regard to the success and soundness of the state waters p. cod fishery. Discussion may ensue with regard to the associated impacts on the federal p. cod fishery, and on other non-permitted gear types, etc. If the experience during 1998 demonstrates that the Alaska Board of Fisheries is reserving and allocating an inordinate amount of p. cod for a region and fishing effort that is unable to harvest the GHL, resultant implications may possibly jeopardize the efficacy, rationale and concept of the state waters p. cod fishery. Kodiak will not receive the proportional distribution of the state waters p. cod fishery that is otherwise justified.

**WHO IS LIKELY TO BENEFIT?** The industry as a whole, the state waters p. cod fleet, p. cod processors, overall economic and commercial activity, the consumer, the state of Alaska (tax revenues), the Boroughs (revenue sharing on tax revenues).

**WHO IS LIKELY TO SUFFER?** No one that we can think of.

**OTHER SOLUTIONS CONSIDERED?** We can think of no other solution that achieves the desired objectives.

**PROPOSED BY:** United Fisherman's Marketing Association, Inc. (HQ-98-F-035)  
\*\*\*\*\*

**PROPOSAL 134** - 5 AAC 27.6XX. SUPEREXCLUSIVE REGISTRATION AREA; and 5 AAC 28.5XX. SUPEREXCLUSIVE REGISTRATION AREA. Create two sections to provide the following:

An implementation of Super Exclusive Registration for all species except salmon within the Chignik salmon boundaries (Kilokak Rocks to Kupreanof Point). Any boat registering after January 1, of any given year would fish for all species only in the Chignik Area. Likewise, any boat fishing any other state fishery would not be allowed to fish in this area.

**PROBLEM:** Lack of sustainable year round fisheries due to the influx of boats from other areas fishing the Chignik district. In recent years, the local communities had to rely on a salmon fishery only. With the low population of the various stocks this leads to shorter season or no season for fear the of stocks being over fished as in the case of the Tanner crab fishery. The economy of the coastal village has been decreasing since the late 80's and early 90's. This has led to our younger people leaving the villages to find work in other areas, and not returning. With these short seasons, it has not been viable for the smaller local boats to gear up for the various species available. There has been improvement with the implementation of the in-shore cod fishery, but it is not enough.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The coastal communities will cease to exist.

**WHO IS LIKELY TO BENEFIT?** The communities of Chignik, Chignik Lagoon, Chignik Lake, Perryville, and Ivanoff Bay would be able to put people back to work.

**WHO IS LIKELY TO SUFFER?** Nobody would suffer as any boat could register for the Chignik Area L.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Richard Sharp/Aloys Kopun Jr. (SW-98-F-009)  
\*\*\*\*\*

\*

**PROPOSAL 135** - 5 AAC 27.6XX. SUPEREXCLUSIVE REGISTRATION AREA; and 5 AAC 28.5XX. SUPEREXCLUSIVE REGISTRATION AREA. Create two sections to provide the following:

Area "L" boundaries which consist of state waters from Kilokak Rocks to Kupreanof Point to become Super Exclusive for all marine species except salmon. A vessel would register at the beginning of each calendar year, and be required to fish area L the whole year. Vessel size would be 58 ft., and under.

**PROBLEM:** Because of diminishing or lack of access to fisheries, the economic viability of our communities has reached a crisis point.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** More bankruptcies, more loan restructuring, more welfare, a rise in social problems, and domestic violence. More loss of our young adults from our communities, because of the lack of jobs.

**WHO IS LIKELY TO BENEFIT?** It would benefit all residents of the communities of Chignik, Chignik Lagoon, Chignik Lake, Perryville, and Ivanoff Bay. It would benefit the Lake & Peninsula Borough, and any fisherman who registered for Area L.

**WHO IS LIKELY TO SUFFER?** No one as the resources are not being utilized now.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Aloya Kopon Jr. (SW-98-F-010)

\*\*\*\*\*  
\*

**PROPOSAL 136 - 5 AAC 28.537. CHIGNIK AREA PACIFIC COD MANAGEMENT PLAN.** Amend this section to provide the following:

Chignik Area I, State Waters, Pacific Cod Fishery, all waters of Alaska on the South side of the Alaska Peninsula enclosed by 156°20.22 W. long., (the longitude of the south entrance to Imuya Bay near Kilokak Rocks), and a line extending 135° southeast from Kupreanof Point (55°33.98'N. lat., 159°35.88' W. long.). Exclusive area registration, restricted to vessels 58 feet in length. Pot fishing, with a 60 pot limit, and jigging, with a 5 machine limit. Split the quota, 15% for jig, and 85% for pot. Seasons for jig only would be permitted between May 1<sup>st</sup> to September 30<sup>th</sup>, according to a guideline harvest level to be established by the Board of Fisheries.

**PROBLEM:** Chignik Area I, state waters bottom fish gear split. The gear types that are allowed to be fished during the in state-bottom fishery are pot and jig. Split the quota, 15% for jig, and 85% for pot. If the jig gear cannot harvest the 15% jig quota by September 30, then the remaining quota would be rolled over to the pot fishery, and harvested by that gear type.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Most of the P-cod state waters quota would be harvested by the pot gear with very little available for the jig fishery.

**WHO IS LIKELY TO BENEFIT?** Jig Fisherman which operate small vessels.

**WHO IS LIKELY TO SUFFER?** Pot fisherman.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alvin Pedersen (SW-98-F-001)

\*\*\*\*\*

\*

**PROPOSAL 137 - 5 AAC 39.164. NON-PELAGIC TRAWL GEAR RESTRICTIONS.**

Amend this section to provide the following:

Bottom trawling and dredging is prohibited from Kupreanof Point to Kilokak Rocks inside state waters.

**PROBLEM:** Dragging inside the 3-mile limit which is killing crab, shrimp, scallops, aquatic plants and groundfish species.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Crab and other stocks will continue to be impacted by draggers or scallop dredging.

**WHO IS LIKELY TO BENEFIT?** People who would be able to harvest the crab, shrimp and halibut stocks, and the health of the resource.

**WHO IS LIKELY TO SUFFER?** Scallop fishers and those who bottom trawl but they have other areas to fish.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Chignik Advisory Committee

(HQ-98-F-142)

\*\*\*\*\*  
\*

**PROPOSAL 394 - 5 AAC 28.577. SOUTH ALASKA PENINSULA AREA PACIFIC COD MANAGEMENT PLAN.** Amend this regulation to provide the following:

Extend the cod jig allocation until October 31, rather than just to September 1, before pot fishermen are allowed to re-enter the fishery.

**PROBLEM:** At the last Board of Fish meeting regarding state water bottom fish, a new regulation was passed to change the dates of the Area "M" cod jig fishery. The new ending date was changed to September 1. Commercial fishermen who participate in this fishery would like this to be changed to October 31. Early spring, and fall are the times of the year that this fishery is best to harvest, and the market conditions are best.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** If these recommended changes are not made, it will be very difficult for the jig fishermen to catch their allocated quota, because the cod do not seem to feed in early spring. Catch rates are much higher in the fall. Market conditions are much better in October than any other time of the year.

**WHO IS LIKELY TO BENEFIT?** The cod jig fishermen who participate in this fishery.

**WHO IS LIKELY TO SUFFER?** Perhaps pot fishermen, but they will already have taken 85% of the quota.

**OTHER SOLUTIONS CONSIDERED?** Status quo, but that fails to take full advantage of enhanced catch ability, and marketability of the resource.

**PROPOSED BY:** Sand Point Advisory Committee (SW-98-F-012)

\*\*\*\*\*

**PROPOSAL 395 - 5 AAC 28.050. LAWFUL GEAR FOR GROUND FISH.** Amend this regulation to provide the following:

Establish a new regulation that would allow sunken gillnets to be utilized in the state wide bottom fishery.

**PROBLEM:** Small vessels in the area cannot afford to purchase pots to participate in the state water cod pot fishery. They are requesting the ability to purchase another type of gear which is much cheaper that is presently not in the state water fishery, such as sunken gillnets.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The small boat fleet will be restricted to only one type of gear to fish cod with, which is jig gear.

**WHO IS LIKELY TO BENEFIT?** Commercial fishermen that own small fishing vessels, and do not participate in the state water fishery, because they cannot afford to purchase pots.

**WHO IS LIKELY TO SUFFER?** The commercial fisherman who presently participates in the state water fishery with pots; that is the only gear other than jib allowed at the present time. Another type of gear will reallocate the resource.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Sand Point Advisory Committee

(SW-98-F-014)

\*\*\*\*\*

**PROPOSAL 396** - 5 AAC 28.XXX. GROUND FISH FISHERY. Create a regulation to provide the following:

The state water bottom fishery should be reviewed for the next two years on an annual basis which would allow the areas to continue to improve on the fishery.

**PROBLEM:** The state water bottom fishery is a new fishery, and problems occur that need to be addressed by the Board on an annual basis.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The state water bottom fishery which is a new fishery, will not be allowed to be prosecuted at it's fullest potential if there are immediate problems that need to be addressed.

**WHO IS LIKELY TO BENEFIT?** Commercial fishermen who are presently involved in the statewide bottom fishery. Commercial fishermen who are not presently involved in the fishery for different reasons that may be resolved by the Board reviewing this fishery on an annual basis.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** Leave the fishery the way it has been prosecuted. We rejected this, because all user groups that feel they should be able to participate are not being able to.

**PROPOSED BY:** Sand Point Advisory Committee

(SW-98-F-015)

\*\*\*\*\*

**PROPOSAL 397** - 5 AAC 28.3XX. COOK INLET AREA; 5 AAC 28.4XX. KODIAK AREA; and 5 AAC 28.5XX. CHIGNIK AREA. Create a regulation to provide the following state water pollock fisheries:

Establish a state water pollock fishery that is similar to the state water bottom fishery that the Board established for the cod resource. The management tools for this new state water fishery, will be made available during the next Board of Fish meeting that addresses proposals for state wide fisheries.

**PROBLEM:** Approximately 80% of all pollock during the federal fishery, which starts January 20, each year is harvested in state waters. At least 50% of this pollock is harvested by large Bering Sea, and Gulf of Alaska trawlers in a very short period of time. Due to adverse weather conditions this time of the year it is difficult for the small trawl fleet which are 58' vessels to participate.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The pollock resource will continue to be harvested by the large trawl fleet from the Bering Sea, and Gulf of Alaska. Small trawler will continue to not be able to share equitably in this resource.

**WHO IS LIKELY TO BENEFIT?** This state water pollock fishery will benefit the 58' and smaller trawler.



**WHO IS LIKELY TO SUFFER?** Large Trawlers that normally participate in the Bering Sea, and Gulf of Alaska pollock trawl fishery.

**OTHER SOLUTIONS CONSIDERED?** Small boat "purse seine" fishery. But, rejected due to unknown catch ability, and potential conflicts with other resources.

**PROPOSED BY:** Sand Point Advisory Committee (SW-98-F-016)  
\*\*\*\*\*

**PROPOSAL 398** - 5 AAC 28.577. SOUTH ALASKA PENINSULA AREA PACIFIC COD MANAGEMENT AREA. Amend this regulation to provide the following:

Area M state-waters bottom fish gear split: The gear types that are allowed to be fished during the in-state bottom fishery are pot and jig. Split the quota, 40% for jig and 60% for pot. If the 40% quota cannot be harvested by the jig gear, then the remaining quota would be rolled over to the pot fishery by October 1, and harvested by that gear type.

**PROBLEM:** This advisory committee's original intent was to establish an in-state bottom P-cod quota that would be predominantly fished by jig gear. As a result of this we have recommended the gear split; however, this committee realizes that the fishery will have occurred for one year by the time the Alaska Board of Fisheries meets in Anchorage in 1998 and at that time there may be a different recommendation from this committee.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Most of the P-cod state-waters quota would be harvested by the pot gear with very little available for this jig fishery.

**WHO IS LIKELY TO BENEFIT?** Jig fishermen which operate small vessels.

**WHO IS LIKELY TO SUFFER?** Pot fishermen.

**OTHER SOLUTIONS CONSIDERED?** Leaving it status quo until some history has been established in the fishery before recommending any gear quota splits.

**PROPOSED BY:** Sand Point Fish and Game Advisory Committee (HQ-98-F-121)  
\*\*\*\*\*

**PROPOSAL 399** - 5 AAC 27.610. FISHING SEASONS AND PERIODS FOR ALASKA PENINSULA-ALEUTIAN ISLANDS AREA. Amend this regulation to create the following fishery:

Area M herring fishery: Establish an open herring fishery from Cape Pankof to an area that is adjacent to the Dutch Harbor herring fishery. This fishery could be for food, bait or roe during the months from May - August annually.

**PROBLEM:** At the present time there are tremendous herring stocks present during the June - August salmon fishery from Cape Pankof to west of Unimak Pass. These stocks appear to be distinct from those of the Dutch Harbor food and bait fishery that commences in July.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** These valuable herring stocks will continue to be unharvested. The economy is very depressed in the Area M fishery and this fishery could help offset some of these depressed times.

**WHO IS LIKELY TO BENEFIT?** All fishers that live in the communities of Area M.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Sand Point Fish and Game Advisory Committee

(HQ-98-F-122)

\*\*\*\*\*

### List of Alternatives (1-3)

- **Alternative 1: No Action.** Closure duration January 1 up to April 15, after cap of 48,000 chinook is reached.
- **Alternative 2: Extend closure duration** January 1 to December 31, after cap of 48,000 chinook is reached.
- **Alternative 3: Reduce cap to 36,000, closure duration** January 1 to April 15.
  - **Option 1: Seasonally allocate cap to pollock “A” season and “B” season.**
  - **Option 2: Begin cap accounting at start of “B” season (Sept. 1), applicable through following “A” season and ending August 31.**

### List of Alternatives (4-5)

- **Alternative 4: Close specific “hot spot” blocks in CVOA, all part of current chinook salmon savings area (up to an annual closure).**
  - **Option 1: Consider a seasonal closure of the hot spot blocks.**
  - **Option 2: Closure would only apply to pollock fisheries. Chinook caught in all fisheries would apply to the cap.**
- **Alternative 5: Combine Alternative 4 with Alternatives 1, 2 and 3. A cap would apply to the “hot spot” blocks.**

**Summary**

- Alternative 2 - 48,000 chinook cap, annual closure.
  - Closure would have been triggered on Sept. 28, 1996; Oct. 18, 1997; and Oct. 24, 1998.
  - 18% of chinook taken after 1996 closure, none after 1997 closure, and 15% after 1998 closure.

**Summary (continued)**

- Alternative 3 - 36,000 chinook cap, annual or seasonal closures.
  - Closure would have been triggered on Apr. 9, 1994; Mar. 2, 1996; Oct. 4, 1997; and Oct. 17, 1998.
  - Between 7% and 33% of chinook taken after closures.
  - Alternative 3, Option 2 - Begin accounting year at start of "B" season.
  - Bycatch measures would affect the same group of salmon.
  - 48,000 cap reached on Feb. 27, 1997-1998.
  - 36,000 cap reached on Aug. 23, 1996-1997; Feb. 24, 1995-1996; and Jan 31, 1997-1998.

**Summary (continued)**

- Alternative 4 - "hot-spot" closures.
  - Annual closure of 6 cells to all trawling reduced chinook bycatch by 19% - 63%.
  - Annual closure of 6 cells to pollock trawling reduced chinook bycatch by (3%) - 54%.
  - Reducing number of cells reduces chinook savings because cells have similar rates.
  - Closure increased crab bycatch (esp. all trawling), moderately increased chum bycatch, slightly increased halibut bycatch, and reduced herring bycatch.

---

---

---

---

---

---

---

---

---

---



---

---

---

---

---

---

---

---

---

---



---

---

---

---

---

---

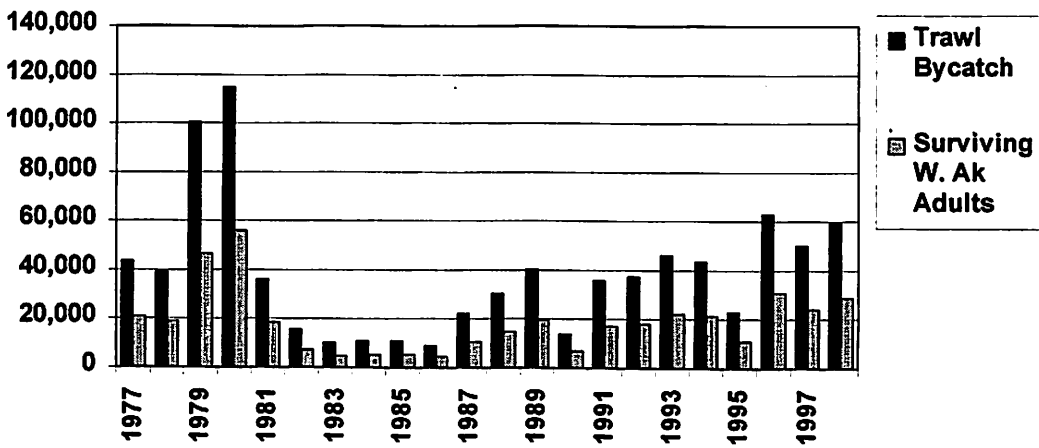
---

---

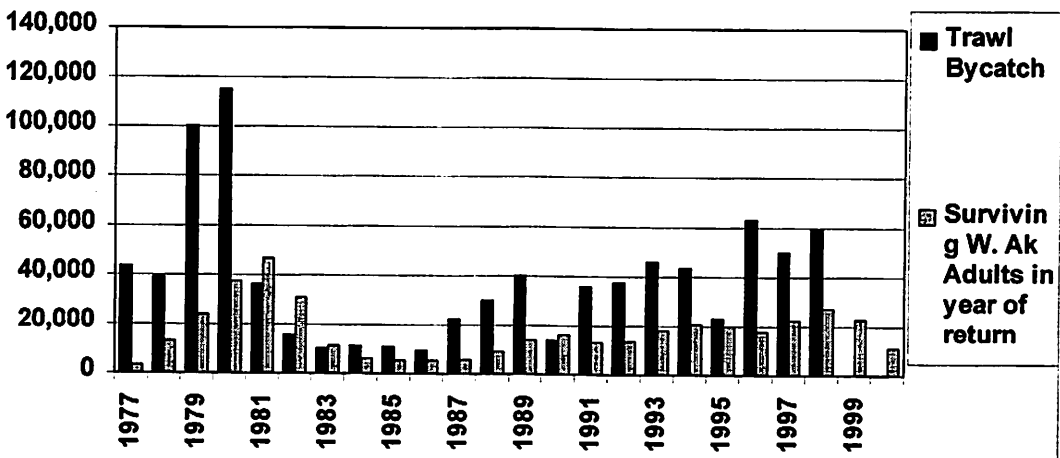
---

---

Bering Sea Chinook salmon bycatch and estimated surviving Western Alaska adults from that bycatch year.



Bering Sea Chinook salmon bycatch and estimated surviving Western Alaska adults according to year of return.



## Changes in pollock fisheries due to Biological Opinion and American Fisheries Act

### American Fisheries Act

- Pollock fleet now limited
- C/P fleet reduced
- Shoreside quota increased
- Co-op nature to fishery
- CDQ allocation increased

### Section 7 Biological Opinion

- From 2 seasons to 4 seasons
- Begin dates:
  - January 20
  - February 20
  - August 1
  - September 15
- Critical Habitat (CH) roughly equals CVOA
- Main Salmon Savings Area in CH
- Effort moved out of CH

## Changes in chinook salmon bycatch due to Biological Opinion and American Fisheries Act

### American Fisheries Act

- Shoreside quota increased
  - More effort in vicinity of chinook salmon savings area will increase bycatch
- Co-op nature to fishery
  - More orderly fishery (not derby style) should give time to avoid salmon and will decrease bycatch.

### Section 7 Biological Opinion

- From 2 seasons to 4 seasons
  - More fishing in August will reduce chinook salmon bycatch. More fishing in October will increase bycatch.
- Move effort out of Critical Habitat
  - Should reduce chinook salmon bycatch. However, increased fishing along the shelf break could increase bycatch.