

Agenda #11  
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# North Pacific Fishery Management Council

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## REVIEW OF RECOMMENDATIONS TO THE ALASKA BOARD OF FISHERIES

### Decision Paper

The attached synopsis of proposals to the Alaska Board of Fisheries for consideration at their meeting beginning March 29, 1979, in Anchorage was compiled by Guy Thornburgh, ADF&G. It covers all of the proposals that appear to affect Council actions and responsibilities.

In addition to the items listed in Guy's paper the Board will discuss their previous action closing the offshore herring fishery north of 56° N. latitude in the Bering Sea to the U.S. fishermen. This subject was considered at the last Council and Advisory Panel meeting and we asked for more information on the rationale for the Board's decision. It should be available from Mr. Greg Cook, Executive Director of the Board of Fisheries & Game, at this Council meeting.

Proposal #228, which would close the Bering Sea north of 57° N. latitude to a commercial clam fishery based on food requirements for walrus. Survey data from 1977-78 on this resource by National Marine Fisheries Service, industry, Alaska Department of Fish & Game, and the North Pacific Fishery Council indicates that of the 329,179 metric tons of exploitable biomass estimated for the Bristol Bay area 164,808 tons is north of 57° N. The only walrus observed on the surveys were in the areas north of 57°30'N.

Either Mark Hutton or I will attend all of the Alaska Board of Fisheries meetings. If the Council desires input into any of the regulations proposed a decision at this meeting is necessary.

Attachment

The Board of Fisheries will meet in Anchorage, Alaska to consider proposed changes in certain commercial and subsistence fishing regulations, from March 29, 1979 through approximately April 6, 1979. A public hearing on the proposed subsistence fishing changes will be held by the Board commencing at 10:00 am March 29 at the Anchorage Westward Hilton Hotel. A public hearing on the proposed shellfish changes (including subsistence fishing), private nonprofit salmon hatcheries, and miscellaneous finfish subjects will commence at 9:00 a.m. April 2 at the same location.

Over 240 proposed changes have been submitted by the public, ADF&G staff and Board of Fisheries. The Board may adopt or reject these proposed changes or may develop alternatives on the subject matter contained in the proposals. The Board may also consider any additional subject matter set forth in the legal notice published in compliance with the Administrative Procedure Act.

Usually, the "Spring" board meeting concentrates on all the shellfish fisheries. This spring is different because: 1. the majority of the Tanner crab proposals were considered at the December meeting (to accommodate the timing of the fishery and the NPFMC) and 2. there is a substantial number of subsistence proposals (an effort to put the existing system of subsistence permits into the more formal regulation process).

Attached is a synopsis of proposals that are relevant to NPFMC fishery management plans.

1. Groundfish

Proposal #237 provides that the groundfish regulations of the U.S. Secretary of Commerce for the Gulf of Alaska are effective in State waters.

The proposed regulation reads as follows:

5 AAC 39.395. LIMITATIONS FOR GROUND FISH. In the Gulf of Alaska it is unlawful to take, fish for, or possess for commercial purposes any species of groundfish in a manner inconsistent with the regulations of the U.S. Secretary of Commerce (Title 50, Part 672) governing the taking of groundfish which implement the Secretary's Fishery Management Plan for Groundfish of the Gulf of Alaska.

2. Halibut

(A) Proposal #236 provides that halibut regulations of the U.S. Secretary of Commerce are effective in State waters. This action may no longer be necessary.

The proposed regulation reads as follows:

5 AAC 39.390. LIMITATIONS FOR HALIBUT. It is unlawful to take, fish for or possess for commercial purposes any species of halibut (Hippoglossus) in a manner inconsistent with the 1979 regulations of the U.S. Secretary of Commerce (Title 50, Part 673) governing the taking of halibut which implement the Secretary's Fishery Management Plan for Halibut off the coast of Alaska.

(B) Proposal #77 considers specifying that the bag and possession limit for subsistence caught halibut in the Kodiak, Cook Inlet, Prince William Sound, Yakutat and Southeastern Alaska areas is not an addition to the sport bag limit.

The proposed regulations reads as follows:

5 AAC 39.890. RESTRICTIONS.

(j) In waters of Alaska in which a halibut subsistence bag and possession limit is specified by regulation no persons may possess sport caught and subsistence caught halibut on the same day.

3. Shellfish Fisheries

Proposal #81 establishes two additional criteria for closing registration areas by emergency order.

The proposed regulation reads as follows:

5 AAC 34.035. CLOSURE OF REGISTRATION AREAS.

(c) In determining whether to close a registration area, the Commissioner shall consider all appropriate factors to the extent there is information available on such factors. Factors which may be considered include:

(8) timeliness and accuracy of catch reporting by buyers within the registration area to the extent that such timeliness or accuracy may reasonably be expected to affect proper management; and

(9) adequacy of subsistence harvests within the registration area.

Justification: Consideration of subsistence harvest is mandated by the new laws governing the Board's authority to adopt subsistence fishing regulations AS 16.05.251(b). Catch reporting requirements have been lax in certain fisheries such that the Department receives the information required for proper management of some shellfish fisheries only after the fact.

#### 4. Crab Fisheries

##### (A) General

(1) Proposal #83 repeals the pot limits for Dungeness, king and Tanner crabs in all areas of the State.

The Departments of Fish and Game and Public Safety have received requests by the fishing industry to evaluate the present status of all crab pot limits. For this reason the pot limit regulation is being proposed for deletion or amendment consideration to allow ample public review. The Department of Fish and Game recognizes that a pot limit is based on economic rather than biologic factors.

(there are proposals from the public that increase, decrease and even add pot limits.)

Proposal #149 creates a new subsection that establishes a registration and identification system for king crab pots or buoys in king crab registration areas where pot limits are effective.

This or a similar type of king crab pot identification system is mandated by legislation effective in 1978 prescribing a means to identify pots and enforce pot limits.

(2) There are proposals (#92, 150, 198) for each of the crab fisheries that would prohibit the use of commercially licensed vessels for subsistence fishing during the period two weeks prior to and following an open fishing season in any area and prohibit the use of registered crab vessels for subsistence fishing during any open fishing season in the area of registration.

(3) There are numerous proposals addressing registration, validation, inspection and gear placement. The Department of Public Safety and Fish and Game propose major refinements to the system by:

a) 1. Providing that a valid crab "area registration" becomes invalid 24 hours following a season closure in a registration area and;

2. requiring that a crab vessel operator possessing crab after 24 hours following a season closure make contact with an ADF&G representative during the 24 hour period following the

closure.

b) Prohibiting pot storage in water depths greater than 25 fathoms prior to a season opening and allowing the storage of nonfishable pots at any depth for the first seven days after a season closure (72 hours after a partial closure of a registration area).

(B) King Crab

(1) Examples of major modification in guideline harvest levels are:

	78/79	79/80
	(million pounds)	
Kodiak	7-15	20-30
Dutch Harbor	5-13	16-26
Bering Sea		
S.E. Distr.	60-90	60-110

(2) Proposal #189 introduces a second season in the Southeastern and Pribilof districts of the Bering Sea for red and blue king 7½" or greater in shell width. This season would open and close by emergency order.

(3) Proposal #134 would change the Bering Sea from a non-exclusive to an exclusive registration area.

Proposal #135 would change the Kodiak area from an exclusive to a completely exclusive area (Cook Inlet is now completely exclusive and a vessel registered for that area cannot fish in any other area).

(4) Proposal #192 redescribes the pot storage area in the Southeastern district of the Bering Sea area. During the 1978/79 red king crab season, fish were caught in the southern portion of the existing pot storage.

(C) Tanner Crab

Proposal #204 provides for a Feb. 1 opening for Tanner crab in all areas of the Westward region (statistical area J). The Kodiak district presently opens Jan. 5 and the South Peninsula, Eastern Aleutians, Western Aleutians, and Bering Sea districts open Nov. 1.

5. Clams

(A) Proposal #228 would add a new section to prohibit commercial clam harvesting in the Bering Sea north of 57°N. 1at.

The proposed regulation reads as follows:

5 AAC 38.415 HARVEST LEVELS. Clams may not be taken for commercial purposes north of 57° N. 1at.

Justification submitted with the proposal: It is apparent there are no scientific studies, available, on walrus food sources, e.g. clams, which might be helpful in assessing the adequacy of the food supply for the burgeoning walrus population. In contrast, there has been a substantial study of the possibilities for commercial clam harvesting.

Accordingly, before any activity which might adversely affect marine mammal food sources is permitted, it is imperative that a serious study of these food sources, and the broad dissemination of its results, be accomplished.

Proposed by: Eskimo Walrus Commission

(B) Proposal #208 would include mechanical clam diggers as a type of gear requiring a permit from the Commissioner prior to the operation of the gear.

The inclusion of the word mechanical would assure that the permitting structure would be effective for any fishery in the Bering Sea that might develop prior to a FMP.

The proposed regulation reads as follows:

5 AAC 38.050. GEAR FOR CLAMS.

(e) Prior to taking clams with hydraulic or mechanical clam diggers in an area of intended operation a permit shall be obtained from the Commissioner. An application for permit shall specify the location of intended operation, the proposed duration of operation and detailed specifications of the gear. An application shall be refused or a permit restricted or terminated by the Commissioner if he finds that the operation of the gear may injure or jeopardize the continued viability of clams and other resources inhabiting the area of intended operation.