

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke  
Executive Director



ESTIMATED TIME  
1 HOUR

DATE: December 1, 1999

SUBJECT: Alaska Board of Fisheries

**ACTION REQUIRED**

- (a) Review Board's October work session.
- (b) Review Board proposals of mutual concern.

**BACKGROUND**

October work session

The Board met in Fairbanks in late October for a Work Session to address a variety of issues, some of which relate to Council/Board interactions (agenda for that meeting is Item C-8(a)). Council and NMFS staff attended portions of the session and reported on actions from our October meeting. That report, in addition to relating our actions for bairdi rebuilding, included the process necessary to develop the rebuilding plans for opilio and blue king crab. The Board approved placing the issue of harvest strategy for these stocks on their March 2000 agenda, which will be a necessary component of the rebuilding plans to be reviewed by the Council in April. Other issues of note include:

\* The Board reviewed, approved, and signed (Chairman Coffey) the addendum to our joint protocol which was approved by the Council at our October meeting.

\* The Board discussed management of the AFA catcher vessel sideboard limit for the red king crab fisheries (approved by the Council in June 1999), and will continue to work next spring through the Board process to develop management options which need to be finalized in time for the fall fishery.

\* Council staff and the Board discussed the issue of the stand-down regulations (pre-season gear restrictions) in the crab fisheries which were intended to deter prospecting, with the Board approving ACR#2 to consider alternatives on their March agenda if necessary. This would be an issue on the joint Council/Board agenda in February for discussion - following that meeting either body could pursue separate measures as deemed necessary and appropriate.

\* Staff informed the Board of the Council's motion to review the crab FMP to determine whether clarifying amendments were warranted. The Board acknowledged that this would be an issue for both the joint committee and the full Council/Board.

\* The Board requested an opportunity to address the Council in December on the issues of halibut GHL and halibut subsistence.

\* the Board received a report from U.S. Fish and Wildlife representatives, and had lengthy discussion, on the issue of the federal subsistence takeover. One question raised was, if the Council deferred halibut subsistence to the BOF, would then the Federal Subsistence Board have pre-emptive authority over the State, or would halibut still be considered as being under the authority of the Halibut Act?

\* Council staff reported generally on Council actions related to American Fisheries Act and management measures related to BSAI Pacific cod.

\* The Board heard a report from Council staff on the status of groundfish management proposals, recognizing that we would not be addressing these until the February meeting. The issue of Council and Board proposals of mutual concern would be an additional agenda item for the joint meeting in February. **The joint committee is now schedule to meet Friday, January 28 at the Regal Alaskan Hotel in Anchorage. The full Council/Board will meet on Tuesday, February 8 at the Hilton Hotel in Anchorage.**

#### Board Proposals of Mutual Concern

Per our joint protocol the staff of the Board has identified proposals received by the Board which may be of interest to the Council. Our protocol calls for us to review those in December so that we can comment to the Board at our joint meeting in February. That packet of proposals, in order of proposal number, is under Item C-8(b) - the subset identified by Council staff as being of most interest include the following:

#12 - Alter crab season opening dates (Area T/Area J) to allow for concurrent species harvest. Proposed by Alaska Crab Coalition.

#23 - Establish a Prince William Sound (PWS) pollock management plan (to address sea lion related issues). Proposed by North Pacific Processors.

#31 - Re-open commercial shark fishery in PWS. Proposed by Patrick Sterling.

#35 and 36 - develop halibut LAMP (sport catcher vessel only areas) for PWS. Proposed by Valdez Advisory Committee and David Pinquoch.

#37, 38, and 39 - develop halibut LAMPs, season changes, or superexclusive registration areas in PWS. Proposed by Valdez/Seward Charterboat Associations and the Valdez Advisory Committee.

#41 - Cook Inlet LAMP. Proposed by Alaska Sportfishing Association.

#43 - Moratorium on PWS charterboats. Proposed by Valdez/Seward Charterboat Associations and the Valdez Advisory Committee.

#129 - Halibut LAMP for the Yakutat area. Proposed by Yakutat Advisory Committee.

#195 - Require full retention of rockfish in Southeast. Proposed by ADF&G.

#197 and 198 - Establish a separate Yakutat management area (relative to IPHC Area 3A). Proposed by Yakutat Advisory Committee and several individuals.

#200 - Establish a directed fishery for skates in the Eastern Gulf. Proposed by Yakutat Advisory Committee.

#202 - Differentiate pelagic and bottom longline gear definitions. Proposed by Alaska Longline Fishermen's Association.

#381 - Allow for exploratory permits for new scallop beds in (previously) closed areas. Proposed by Teresa Kandianis.

#417 - Establish a jig or experimental fishery for Kodiak area pollock. Proposed by Mike Clark.

#418 - Prohibit trawling for cod in State waters. Proposed by the Aleut Corporation.

#420 - Establish a State water pollock fishery in Cook Inlet/Kodiak/Chignik Areas. Proposed by the Sand Point Advisory Committee.

#424 - Moratorium on new halibut charter/guide services in Cook Inlet. Proposed by Homer Charter Association.

#425 - Develop separate halibut management area for Kodiak (LAMP). Proposed by Kodiak Advisory Committee.

#426 - Develop six sub-area LAMPs (halibut) within Kodiak area. Proposed by Kodiak Native Tourism Association.

ACR#3 - Require permits for taking miscellaneous groundfish in PWS. Proposed by ADF&G.

ACR - Change regulations limiting larger pot boats to 25% of State water cod harvest. Proposed by Kevin Bundy and Mark Alwert.

**Alaska Board of Fisheries**  
**WORK SESSION**  
**TENTATIVE AGENDA**  
**October 27 – 30, 1999**  
**Wedgewood Resort, Fairbanks**

NOTE: This tentative agenda is subject to change throughout the course of the meeting.  
The board will not take oral testimony at its work session; written comments are welcome.

**WEDNESDAY, OCTOBER 27, 8:30 a.m.**

**[Lead Person]**

1. Call to Order; introduction of Board Members and Staff
2. Elections
3. New Ethics Disclosure Requirements **[Cote/L. Nelson]**
4. Ethics Disclosures **[All Board Mbrs]**
5. Boards Section Budget Overview: FY2000 **[Cote]**  
    Prioritize activities for task forces and committee work, including schedules
6. BOF Meeting Procedures  
    A. Committee Process: **[Coffey]**  
        Review written comments  
        Approve board policy on use of committees  
    B. Other Board Procedures:  
        Agenda Change Request Form (change 5 AAC 39.999--ACR policy)  
        Proposal form: Add question concerning "quality"  
        Policy on Findings  
        Oral testimony: time limits; cut-off time for sign-up
7. Committee Reports:  
    A. Joint BOF/NPFMC **[Coffey]**  
        • Report from September 1999 committee meeting **[Coffey/Engel]**  
        • Review/approve draft addendum to Joint Protocol and Action Plan **[Board]**  
        • Reports from NPFMC/NMFS **[C. Oliver]**  
            -Bairdi Rebuilding Plan (Report on Council action)  
            -Bering Sea Red King Crab (Report on Council action and ACR)  
        • St. Matthews blue king crab rebuilding process **[Probasco]**  
        • Bering Sea opilio snow crab rebuilding process **[Probasco]**  
        • American Fisheries Act (AFA) Sideboards **[L.Nelson/ADF&G staff]**  
    B. Habitat **[Miller]**  
    C. Hatchery **[Coffey]**  
    D. Legislation **[Coffey]**  
        • Subsistence/Special Session, Federal Takeover **[Coffey/Bosworth/USFWS staff]**  
        • Preparation/discussion for meeting w/Senator Pearce (tentative)  
    E. Joint BOF/BOG **[R. Nelson]**  
    F. Rod and Reel Subsistence **[Umphenour/White]**  
    G. Sustainable Fisheries: Updated Draft Policy **[Bosworth]**

**Alaska Board of Fisheries**  
**WORK SESSION**  
**TENTATIVE AGENDA, continued**

**THURSDAY, OCTOBER 28, 8:30 a.m.**

8. Task Force Updates: (ADF&G staff will provide report or update on each Task Force)  
AND consideration of proposals from work session roadmap (1 thru 12 and 423 thru 426)
  - A. Halibut LAMP
  - B. North GOA Chinook
  - C. Kodiak Trawl
  - D. Kodiak Herring
  - E. Guide Restrictions
  - F. Perryville Subsistence
  - G. Shellfish Onboard Observers
  - H. Alitak (tentative)
9. Senator Pearce re: SB 183, Professional Board Legislation
10. Future Meeting Schedule
  - A. Consider annual vs. 3-year review of groundfish proposals
  - B. Approve 2000/2001 Call for Proposals
  - C. Approve 2000/2001 Meeting Schedule
11. Approve outstanding draft Findings from 1998/1999 cycle
  - Brown king crab, Area O
  - Red king crab, Bristol Bay
  - CDQ crab
  - Cook Inlet
12. Delegation of Authority to Make Technical Changes in Regulations  
Update delegation of authority to commissioner

[Cote/Mecum]

**Alaska Board of Fisheries**  
**WORK SESSION**  
TENTATIVE AGENDA, continued

**FRIDAY, OCTOBER 29, 8:30 a.m.**

**13. AGENDA CHANGE REQUESTS: (The order below is by area and/or subject matter)**

**Groundfish**

- ACR 10: Revisit allocation of state water Pacific cod fishery quota by vessel length
- ACR 12: Revisit allocation of state water Pacific cod fishery quota by vessel length
- ACR 16: Return opening of state water cod fishery to April 1
- ACR 17: Divide Pacific cod quota between pot vessels in Area L by vessel length
- ACR 18: Allow CFEC permit holders to take sablefish for personal use and bait in SE
- ACR 19: Allow retention of bycatch of high mortality species in Southeast
- ACR 20: Require permits for taking miscellaneous groundfish in PWS

**Bristol Bay Salmon**

- ACR 4: Address the salmon allocation system in the Nushagak District

**Kuskokwim/Aniak Salmon**

- ACR 1: Require registration for specific salmon districts in Kuskokwim Area
- ACR 6: Implement salmon spawning season sportfish closures in Aniak River
- ACR 7: Establish resident species management plan in Aniak River
- ACR 21: Establish a coho management plan for Kuskokwim River

**Crab**

- ACR 2: Consider alternatives to deter prospecting for red king crab in the Bering Sea
- ACR 3: Consider alternatives to deter prospecting for red king crab in the Bering Sea
- ACR 11: Address replacement of lost tags for Tanner crab fishermen in Area J

**Cook Inlet Salmon**

- ACR 8: Reevaluate the Yentna River/Susitna River sockeye escapement goal
- ACR 13: Amend the Little Susitna River and Northern District coho management plans
- ACR 14: Review Cook Inlet coho salmon management strategy
- ACR 15: Address conflicts among different sportfish user groups on Kenai River
- ACR 21: Establish a comprehensive coho management plan for Cook Inlet

**Miscellaneous**

- ACR 5: Allow purse seining for herring in Nunivak Island district
- ACR 9: Reduce the number of crew members on scallop fishing vessels statewide

**Alaska Board of Fisheries**  
**WORK SESSION**  
TENTATIVE AGENDA, continued

**SATURDAY, OCTOBER 30, 8:30 a.m.**

13 continued. Agenda Change Requests: continued as necessary

14. Petitions:

- Allow trophy fishing of Kenai River early run chinook [Hepler]
- Bristol Bay red king crab landing requirements [ADF&G staff]

15. Consider proposals from Work Session Roadmap (1-12, 423-426) [Board]

16. Organize Proposals and Establish In-Meeting Committees for 1999/2000 cycle:

- A. November/December: Prince William Sound (Valdez) [Dersham]
- B. January: Southeast and Yakutat Subsistence/PU/Crab/Herring (Juneau) [Umphenour]
- C. February: Southeast and Yakutat Other Finfish (Sitka) [Miller]
- D. March: Statewide Dungeness, etc: (Anchorage) [R. Nelson]

17. Requests for Change in Meeting Location, current cycle [Cote]

18. Other Reports:

- Audit Update [Cote]
- New and Developing Fisheries Policy [Bruce, ADF&G]
- Use of king salmon for dog food: Update on data collection [Subsistence Div]
- Recovering shellfish fisheries [Mecum]

19. Miscellaneous, if any

20. Adjourn

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**AGENDA NOTES:**

- I. This agenda is TENTATIVE and subject to change during the meeting. Scheduled updates can be obtained by calling the board's recorded message phone. Phone Number: **1-800-764-8901** [In Juneau call: 465-8901]. Updates will also be posted on the ADF&G Boards Section website at:  
<http://www.state.ak.us/local/akpages/FISH.GAME/boards/bordhome.htm>
- II. The board will not hear oral public testimony at this meeting. Written public comments are welcome up to adjournment.
- III. The State of Alaska, Department of Fish and Game complies with Title II of the Americans with Disabilities Act of 1990 (ADA). Individuals with disabilities who may need auxiliary aids, services, and/or special modifications to participate in this hearing and public meeting should contact Diana Cote at 465-4110 (To correspond by text telephone (TDD), call 1-800-478-2028; and in Juneau call: 465-2028) no later than 72 hours prior to the meeting, to make any necessary arrangements.

**NOTE: The Board of Fisheries deferred this proposal to the 1999/2000 meeting cycle.**

**PROPOSAL 12 - 5 AAC 35.510(b). FISHING SEASONS FOR REGISTRATION AREA 1.**

Amend this section to provide the following:

Remove the season opening date for the waters between 163 and 173 W. 10 days following the closure of the Area 1 concurrent king and bairdi season in the waters east of 168 W. (Provided there is sufficient harvestable surplus, bairdi would continue to open concurrently with C. opilio on January 15.) This measure should be included as an integral part of a new harvest strategy to stimulate rebuilding of depressed C. bairdi stocks in the Bering Sea.

**PROBLEM:** Fisheries management measures to enhance rebuilding of C. bairdi Tanner crab stocks in the Bering Sea.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued depressed stock status and loss of long-term economic benefits from the fishery.

**WHO IS LIKELY TO BENEFIT?** The fleet will benefit from increased long term yields.

**WHO IS LIKELY TO SUFFER?** The fleet and the industry will benefit from improvement in stocks.

**OTHER SOLUTIONS CONSIDERED?** The ACC has consistently supported concurrent fisheries for king and bairdi crab and bairdi and opilio crab, to reduce handling impacts and startup costs, to improve retention and maximize long-term economic yields.

**PROPOSED BY:** Ami Thomson, Alaska Crab Coalition  
(HQ-98-F-130)(HQ-99-F-370)

**PROPOSAL 14 - 5 AAC 28.265 PRINCE WILLIAM SOUND ROCKFISH MANAGEMENT PLAN.** Amend this regulation as follows:

- 1) Close the directed rockfish fishery in all PWS area waters. 2) Manage the rockfish GHL to support bycatch only in all PWS area waters. 3) Require full retention of all rockfish caught in all PWS longline and trawl fisheries until the 150,000 pound bycatch GHL is achieved. 4) Continue commercial reporting requirements that would provide specie assemblage and harvest by weight from the PWS area waters. 5) Once the rockfish bycatch GHL of 150,000 pounds is harvested, all PWS area fixed gear fisheries will be closed. 6) Require onshore IFQ registered buyers to accept deliveries of rockfish as a condition of their permit. 7) Fishermen would be allowed to sell up to 10 percent maximum retainable bycatch amount (MRB) (round weight equivalent of their target species weight). 8) The remainder of the fish would be voluntarily relinquished to ADF&G. Proceeds of the sale of forfeited fish would accrue to state rockfish management, research and enforcement. 9) The commissioner may establish a bycatch management plan but may not exceed the 150,000 pound bycatch GHL, to provide a harvest strategy in a manner that emphasizes the best quality and value of the rockfish bycatch fishery product. 10) Overharvest weights of the GHL will be subtracted from the GHL weight and carried forward to the following year. 11) All rockfish taken as bycatch in the Prince William Sound area by the fixed gear and trawl fishery will be reported as bycatch. No personal use from these fisheries is authorized.



**PROBLEM:** Concerns exist over the unreported mortality of the demersal shelf rockfish (DSR) that is believed to be occurring in the directed and bycatch fisheries of the Prince William Sound area waters. The current rockfish management plan limits the fisherman to a maximum of 3,000 pounds (round weight) of all rockfish against the harvest. The present GHL is 150,000 pounds for all rockfish species combined, and any poundage in excess of the five day 3000 pound limit would be discarded at sea. Fixed gear fishermen that do not have a rockfish market, or find that icing and separating rockfish species is labor intensive aside from their targeted species in regards to price received for the product, they could discard all rockfish bycatch. The managers would not receive any data in regards to this type of practice. The 1993 PWS Rockfish Management Plan (5 AAC 28.265) was developed prior to the implementation of the 1995 halibut IFQ system. Since 1995, the halibut harvest of the Prince William Sound area has increased by nearly double, however the ADF&G harvest data on rockfish reflects a decrease from 1995 to 1998. This simply reflects one of three situations: 1) The fixed gear fishermen are fishing cleaner around rockfish habitat; or 2) the bycatch discards are enormous; or 3) the rockfish underlying population is in serious decline. The current Prince William Sound Rockfish Management Plan does not address unreported mortality of DSR that is believed to be occurring as bycatch in the halibut fixed gear fisheries of this area. PWS groundfish managers currently manage the GHL as to provide 50,000 pounds to support a directed rockfish fishery and 100,000 pounds to support bycatch in other PWS commercial fisheries.

Rockfish have a physoclistic, or closed, swim bladder. They are not capable of quickly adjusting to depth changes and therefore, suffer embolism mortality when brought to the surface from depth. Most rockfish taken in the course of longline fishing are fatally injured. Therefore, release of rockfish results in waste.

5 AAC 28.089 provides the guiding principles for groundfish fishery regulations. The 1993 Prince William Sound Rockfish Management Plan does not adequately address the principles set forth by this 1997 regulation.

Principle #1: conservation of the groundfish resource to ensure sustained yield, which requires that the allowable catch in any fishery be based upon biological abundance of the stock. The problem increases with consideration that the management biologists have indicated their inability to define fishing mortality and to define the underlying population. The 150,000 GHL was not established against stock abundance, but was established against historical harvest prior to 1993.

Principle #2: minimization of bycatch of other associated fish and shellfish species and prevention of the localized depletion of stocks. The current rockfish management plan does not address this principle. Rockfish species are currently grouped and managed as single stock; non-reporting of discards and how this may effect DSR mortality could be causing localized depletion of DSR stocks.

Principle #3: protection of the habitat and other associated fish and shellfish species from nonsustainable fishing practices. The 150,000 GHL was established by all rockfish species historical harvest. Without accurate reporting or requiring full retention, managers do not have the needed data to calculate total mortality or define true bycatch rates for these assemblages.

Principle #4: maintenance of slower harvest rates by methods and means and time and area restrictions to ensure the adequate reporting and analysis necessary for management of the fishery. The IFQ halibut fishery has changed from the traditional halibut fishery prior to 1995, rockfish bycatch equally changes. The 1993 Prince William Sound Rockfish Management Plan must be

changed by comparison to provide analysis necessary for various species assemblage management of the Prince William Sound Rockfish fishery as addressed by this principle.

Principle #5: extension of the length of fishing season by methods and means and time and area restrictions to provide for the maximum benefit to the state and to regions and local areas of the state. Halibut and yelloweye overlap in their distributions to varying degrees during the new eight month IFQ season. Depth, time of year, and habitat all influence the bycatch rate. Less easy to predict is the occurrence of yelloweye associated with patchy prey distribution.

Principle #6: harvest of the resource in a manner that emphasizes the quality and value of the fishery product. The demersal shelf assemblage is a sportfish shared fishery with primary concern of potential overharvests. The Alaska Department of Fish and Game (Sport Fish Division) recognized the importance of applying a conservative approach in the sport fish nonpelagic removals in 1998, and through the board process, did implement an 80% reduction in daily sport fish bag limits. The 1993 Prince William Sound Rockfish Management Plan must be updated to reflect equally a conservative approach that will provide managers the data needed to ensure sustained yield to all rockfish harvesters.

Principle #7: use of the best available information presented to the board. A new plan will provide the rockfish mortality data; this will be the best available information to the board to manage the resource.

Principle #8: cooperation with the North Pacific Fishery Management Council (NPFMC) and other federal agencies associated with groundfish fisheries. As exemplified by the NPFMC actions in the "Full Retention of Demersal Shelf Rockfish in the Fixed Gear Fisheries of GOA Area 650" federal effort to establish mortality data is recognized and action is currently being considered to address these needs in federally managed waters.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued unreported DSR mortality associated with the halibut fishery and the uncertainty in accounting for this mortality may lead to nearshore depletion of this fragile fishery. This may result in an adverse effect that may become irreversible on the Prince William Sound DSR resource. Research does reflect that overfished DSR stocks take decades to recover.

**WHO IS LIKELY TO BENEFIT?** Commercial, sport guide and sport fishermen that desire a rockfish management plan that will provide full utilization of the Prince William Sound area rockfish resource. Accurate reporting from the full-retention program would be used by managers to calculate total mortality and define true bycatch rates for the various rockfish assemblages. This solution would not encourage "topping off" with bycatch species and wasting the resource.

**WHO IS LIKELY TO SUFFER?** Those that participate in the directed PWS longline fishery of 50,000 pounds; however, these fishermen can still fish in the federal fishery beyond the three-mile territorial line. This solution does place additional requirements to the IFQ fishermen in that they would be required to retain all rockfish bycatch.

**OTHER SOLUTIONS CONSIDERED?** Depth strata management to restrict targeting DSR assemblage. Enforcement indicates that this type of regulation is not enforceable in regards to buoy location and actual location of the longline anchor.

PROPOSED BY: Rik VanStone

(SC-99-F-002)

**PROPOSAL 15 - 5 AAC 28.265. PRINCE WILLIAM SOUND ROCKFISH MANAGEMENT**  
PLAN. Amend this regulation as follows:

- (A) Require full retention of all rockfish caught in all PWS longline and trawl fisheries until the 150,000 pound bycatch GHL is achieved. (B) Continue commercial reporting requirements that would provide specie assemblage and harvest by weight from the PWS area waters. (C) Once the rockfish GHL of 150,000 pounds is harvested, all PWS area fixed gear and trawl fisheries will be closed. (D) All IFQ registered buyers are required to accept deliveries of rockfish as a condition of their permit. (E) Fisherman would be allowed to sell up to 10 percent round weight equivalent of their target species weight. (F) The remainder of the fish would be voluntarily relinquished to ADP&G. Proceeds of the sale of forfeited fish would accrue to state rockfish management, research and enforcement. (G) The commissioner may establish a GHL distribution that provides a harvest strategy in a manner that emphasizes the best quality and value of the rockfish product. This plan shall not exceed the total rockfish GHL. (H) Any overharvest weights of the GHL per management season will be subtracted from the GHL weight and carried for to the following season. (I) All rockfish taken in the commercial fishery of the Prince William Sound Area will be reported on fish tickets. No personal use of rockfish from these fisheries is authorized.

Require full retention of all rockfish caught in all state waters of the PWS longline and trawl fisheries. Continue with commercial reporting requirements that provides rockfish specie type and harvest weight.

As reported by ADP&G staff, the current nonpelagic harvest represents 70% to 85% of the commercial reported removals, the DSR assemblage species represents 19% to 53% of the 150,000 pound GHL from 1995 to 1998.

As demonstrated in the sport fishery in 1998 by implementation of the 80% reduction, a conservative approach to the management of this resource is equally needed in the commercial fishery. Due to the nature of this shared resource, the need for demersal shelf rockfish bycatch allowance is obvious by the change in fishing practices since the implementation of the IFQ halibut fishery. It is recommended that a new PWS rockfish management plan be implemented that would establish commercial fishery mortality of rockfish removals by mandatory retention and reporting.

The new plan would provide for a management trigger weight of 30,000 pounds of the DSR removals that would restrict the PWS longline and trawl fisheries from fishing within two miles from all PWS shorelines. Upon reaching the GHL of 150,000 pounds of all rockfish species, the PWS longline and trawl fisheries would be closed in all state waters of the PWS. Managers would be provided authority to allocate rockfish bycatch within this trigger value for specific directed fisheries.

To aid enforcement, a requirement would exist that the longline of this fishery must be buoyed at both ends and that enforcement compliance would be validated from the buoy.

**PROBLEM:** The Prince William Sound Rockfish Management Plan of 1993 (5 AAC 28.265) provides for a commercial rockfish guideline harvest level (GHL) at 150,000 pounds, this GHL was established by traditional rockfish harvest prior to 1993 and not based upon biological abundance of stock. The state definition of GHL as defined by 5 AAC 27 "means the preseason estimated level of allowable fish harvest which will not jeopardize the sustained yield of the fish stocks." The

implementation of the 1995 IFQ halibut fishery now provides for an eight-month commercial halibut season, the PWS nearshore halibut harvest has nearly doubled, the bycatch on rockfish removals is perceived to grow in direct relationship to halibut harvest growth. However, ADF&G reports a decline in rockfish harvest since 1995. The current Prince William Sound Rockfish Management Plan does not address unreported mortality of DSR (discards) that is believed to be occurring as bycatch in the halibut fixed gear fisheries of this area.

PWS groundfish managers currently manage the GHL as to provide 50,000 pounds to support a directed rockfish fishery and 100,000 pounds to support bycatch in other PWS commercial fisheries. The demersal shelf assemblage is a sport fish shared fishery with primary concern of potential over harvests. The Alaska Department of Fish and Game (Sport Fish Division) recognized the importance of taken a conservative approach in the sport fish nonpelagic removals in 1998 and implemented a 80% reduction in daily bag limits. The current commercial regulation provides for a 5-day trip limit of 3000 pounds. This is not acceptable should these removals come from the nonpelagic demersal shelf assemblage and that commercial rockfish discards remain unknown. The 1993 PWS rockfish management plan does not express the same conservative management measures that has been demonstrated by the sport fishery regulation. The problem increases with consideration that the management biologists have indicated their inability to define fishing mortality and to define the underlying population. The nonpelagic rockfish of the demersal shelf assemblage are a fragile resource that tend to remain in localized areas and do not undergo extensive migration, some of these mature fish are documented to have reached age classes of over 100 years, recruitment is extremely slow due to reproductive age classes of 15 to 18 years, and that 100% mortality exist of discarded nonpelagic rockfish in deep water removals.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued depletion of this fragile fishery that may become irreversible or create long-term adverse effects on the demersal shelf assemblage rockfish resource of the Prince William Sound. The existing management strategies are based on historical fishery performance, this fishery has changed from traditional methods. Without adequate documentation of fishing mortality, management cannot ensure sustained yield, localized depletion of stocks could soon follow.

Halibut harvest has increased by 282,000 pounds since 1995 on inside waters of the PWS, however, rockfish harvest has decreased by 54,229 pounds since 1995. This data could be viewed that a nearshore depletion situation already exists. Full retention will clarify the true condition of the rockfish stocks.

**WHO IS LIKELY TO BENEFIT?** Commercial, sport guide and sport fishermen that desire a management plan that will provide optimum harvest without jeopardizing the PWS nonpelagic demersal shelf rockfish population. This solution would enforce the commercial harvester to fish cleaner within the nearshore state waters which may extend their season. ADF&G groundfish resource managers would have true removal data to base management decisions. All users benefit from a sustainable-shared fishery. This solution would not encourage "topping off" with bycatch species and wasting the resource.

**WHO IS LIKELY TO SUFFER?** Commercial fishermen that desire to fish without regard for rockfish bycatch may cause early season closures by harvesting the bycatch management trigger.

**OTHER SOLUTIONS CONSIDERED?** Depth strata management to restrict targeting DSR assemblage; enforcement indicates that this type of regulation is not enforceable, in regards to buoy location and actual location of the long-line anchor.

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**PROPOSAL 16 - 5 AAC 28.265. PRINCE WILLIAM SOUND ROCKFISH MANAGEMENT PLAN. Change the PWS Rockfish Management Plan to read as follows:**

A)(1) Vessels participating in all directed ground fisheries in Prince William Sound will retain all rockfish caught. (2) Fishermen will be allowed to sell rockfish up to 10% round weight of all groundfish species delivered as bycatch. (3) All fish above the 10% by catch cap will be voluntarily forfeited to the Alaska Department of Fish and Game. All proceeds from the sale will be distributed to the local area management groups for research, management and enforcement. (4) All buyers of groundfish in PWS will be required to accept deliveries of rockfish as a condition of their permit. (5) All rockfish taken commercially in PWS will be sold and reported on fish tickets. This includes any rockfish retained for personal use.

B) (1) In the event that the TAC of 150,000 pounds is not exceeded by the close of the directed halibut fishery, the commissioner may allow one of the following: a) Allow a directed fishery on any surplus. This should not exceed the 150,000 TAC; b) Roll any remaining TAC to the following year.

While there is a likelihood that this management plan may lead to an exceeding of the 150,000 TAC, most TACs are set at levels far below the overexploitation threshold.

**PROBLEM:** Currently, the rockfish management plan for the Prince William Sound region, 5 AAC 28.265 developed in 1993 by the Alaska Department of Fish and Game, provides for a total allowable catch (TAC) for directed and bycatch fisheries of 150,000 pounds (round weight). The department provides for a directed fishery starting January 1 of the year with a guideline harvest level (GHL) of approximately 50,000 pounds. The remainder of the TAC approximately 100,000 pounds is allowed to be exploited by the directed halibut, cod and sablefish fisheries at a rate of 20%. At no time can a vessel have more than 3,000 pounds on board in any five day period.

It is recognized that rockfish species are slow growing, territorial and easily subject to overexploitation. This has caused fisheries managers to act very conservatively when dealing with management decisions concerning this fragile resource. Currently, the sport and guided sport user groups have seen their bag limits reduced from five nonpelagic rockfish per person per day to one. The commercial users have also seen a reduction in harvest from previous years with the implementation of the PWS rockfish management plan.

The current management plan does not promote total utilization of the resource. It puts first a directed fishery and once the GHL has been exceeded allows the continuance of a harvest that may or may not utilize all of the fish that have been harvested. This is not acceptable. Once the GHL for the directed fishery has been met and the bycatch limit has been imposed by emergency order, commercial fishermen must retain any rockfish up to 20% of the gross weight of any groundfish delivered. If a fisherman catches more than the 20% they are usually discarded at sea and the department does not receive an accurate count of these removals. This is not acceptable to the users of the resource.

Wanton waste of these rockfish due to the penalty of exceeding the bycatch cap or simple lack of markets cannot be allowed to continue. It is important to recognize that once these fish have been brought to the surface, they are dead.

It is important that the PWS rockfish management plan be changed to allow the commercial users to be better stewards of the resource.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Rockfish will continue to be wasted. This will inevitably lead to tighter restrictions on both the sport, guided sport as well as the commercial users of the resource. Changing the PWS plan will promote a healthy use of the rockfish resource and allow for the provision of accurate data concerning removals from the fishery.

**WHO IS LIKELY TO BENEFIT?** All user groups will benefit. Sport and guided sport will benefit from possible increases in bag limits. Commercial users will be allowed to benefit from clean fishing practices by the allowance of a directed fishery. ADF&G will benefit from the collection of accurate data regarding removals and the generation of much needed revenue dollars for the further study, management and enforcement of the rockfish resource.

**WHO IS LIKELY TO SUFFER?** A small handful of individuals that benefit from a small directed fishery. This may not be an issue if cleaner fishing practices lead to a surplus in the TAC. The option of a directed fishery should be a reward for clean fishing.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Valdez Advisory Committee  
(SC-99-F-030) \*\*\*\*\*

**PROPOSAL 17 5 AAC 28210. FISHING SEASONS FOR PRINCE WILLIAM SOUND AREA.** Consider changes to rockfish seasons in the PWS area.

(c) Rockfish may be taken in a directed fishery from July 1 until closed by emergency order.

**PROBLEM:** The rockfish season in PWS opens January 1. There is a rockfish harvest cap of 150,000 pounds and a 3,000-pound trip limit for a five day trip. The directed fishery has closed earlier each year since 1996 and in 1999 closed on March 27. Some targeting on rockfish occurs in the period January through March, however, the current management approach results in the department allocating rockfish as bycatch to other directed fisheries (primarily halibut and Pacific cod) as well as the closure to directed rockfish fishing during the directed lingcod fishery. The department has set rockfish bycatch at a 10% level since 1996. This level is intended to allow for most rockfish bycatch while also providing a disincentive for "topping off." There has been concern expressed by the Valdez Advisory Committee that this approach has resulted in unreported rockfish discards. The department is concerned about the recent allocative aspects of the current management approach, the possibility of unreported discards, and the rockfish closure during the directed lingcod fishery. Moving the rockfish season date to July 1 would coincide with the opening of the directed lingcod fishery, provide for rockfish bycatch during the first half of the year, and reduce the time frame over which the remaining bycatch needs must be estimated.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The directed rockfish fishery will likely close earlier each year until a point is reached where rockfish is a bycatch-only fishery for the entire year. This will not address the department's concern for rockfish bycatch during the lingcod fishery.

**WHO IS LIKELY TO BENEFIT?** Individuals that wish to target lingcod and rockfish concurrently. This proposal has some allocative aspects because changing season dates may impact different resource groups.

**WHO IS LIKELY TO SUFFER?** Individuals that currently target rockfish during the January through March period may be displaced if they normally participate in other fisheries during July.

**OTHER SOLUTIONS CONSIDERED?** There are several possibilities that might be explored for rockfish management. These include the status quo, a bycatch-only rockfish harvest plan, or a different season opening date.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-99-F-314)

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**PROPOSAL 18 - 5 AAC 28.265. PRINCE WILLIAM SOUND ROCKFISH MANAGEMENT PLAN.** Amend this regulation as follows:

Rockfish may be taken in a directed fishery for rockfish only from July 1 through December 31, unless closed by emergency order, but may be reopened on (date set by department) if the full quota has not been taken. Rockfish may be retained only in bycatch amounts if taken during a directed fishery for other species in amounts specified by the department.

**PROBLEM:** The Alaska Board of Fisheries adopted a harvest cap of 150,000 pounds for rockfish in the Prince William Sound area. In 1999, the directed fishery for rockfish closed on March 27, the earliest ever. The current management approach results in a closure on the directed rockfish fishery during the lingcod season. Black rockfish, as well as yellow eye in deeper waters, inhabit the same structure and feeding areas. Rockfish discards in excess of bycatch limits during the directed lingcod fishery results in additional and undocumented mortality.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The directed rockfish fishery will close earlier each year until a point where closures of other fisheries can result because the 150,000 pound quota may be exceeded by an excessive amount.

**WHO IS LIKELY TO BENEFIT?** The resource will benefit through the reduction in undocumented mortality, as well as the small fleet of vessels striving to earn a living fishing for those species of fish that are not limited entry or IFQ regulated. Safety issue: 1999 proved to be quite dangerous to many vessels trying to compete for a piece of the fishery pie during the harsh winter conditions this year, a later rockfish season would still allow the complete rockfish quota to be taken, but in safety. The consumer in Alaska would also benefit by having fresh rockfish available for a longer season, the early season could be supplied from bycatch.

**WHO IS LIKELY TO SUFFER?** No one, Pacific cod, sablefish, and halibut fisheries are able to supply the market with bycatch quantities of rockfish.

**OTHER SOLUTIONS CONSIDERED?** None, but please consider all other options submitted to the board.

**PROPOSED BY:** Patrick L. Sterling (HQ-99-F-142)

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**PROPOSAL 19 - 5 AAC 28.265. PRINCE WILLIAM SOUND ROCKFISH MANAGEMENT PLAN.** Amend this regulation to provide the following:

A separate harvest cap of (50,000 pounds suggested) for the Outer Prince William Sound management area should be established for the directed fishery for rockfish.

**PROBLEM:** When the Outer Prince William Sound management area was created a separate rockfish harvest quota was not set. Outer PWS is a rather large area of habitat for rockfish and other commercially harvestable species. My comments are directed towards rockfish, but consideration should be given to the state waters sablefish and Pacific cod fisheries). It is not fair for the Inner PWS area fishermen to have to continue to absorb the Outer PWS area into their quota of 150,000 pounds.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The early closure of the entire PWS rockfish directed fishery has and will continue to happen due to this expansion of the PWS management area.

**WHO IS LIKELY TO BENEFIT?** All. The Inner PWS rockfish harvest cap has been made to support the increasing fishing pressure of the Outer PWS management area, thus depriving all PWS fishermen of their traditional fair share.

**WHO IS LIKELY TO SUFFER?** Absolutely no one, not even the fishery resource, which should be able to support a fishery of this size.

**OTHER SOLUTIONS CONSIDERED?** Other considerations are included in other proposals submitted by myself, and ADF&G and others.

**PROPOSED BY:** Patrick L. Sterling (HQ-99-F-139)  
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**PROPOSAL 20 - 5 AAC 28.265. PRINCE WILLIAM SOUND ROCKFISH MANAGEMENT PLAN.** Amend this regulation as follows:

During the directed fishery for rockfish, no more than 20% of the total of all other rockfish on board may be yellow eye rockfish.

**PROBLEM:** Overharvesting of yellow eye rockfish.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Currently, high prices are being paid for yellow eye rockfish, bled and in the round for the export market. A fishery is developing, targeting just the yellow eye rockfish, this variety of rockfish is highly susceptible to over fishing, due to its long life and slow growth cycle.

**WHO IS LIKELY TO BENEFIT?** Everyone; a directed fishery for just yellow eye will result in a closure for yellow eye, other rockfish, and possibly for other fisheries, such as halibut and Pacific cod.

**WHO IS LIKELY TO SUFFER?** No one; fishermen could fish for and market other varieties of rockfish of which there are many.



**OTHER SOLUTIONS CONSIDERED?** Other proposals in this area of consideration should be assessed and possibly combined for an even more effective solution for managing this important resource.

**PROPOSED BY:** Patrick L. Sterling

(HQ-99-F-141)

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**PROPOSAL 21 - 5 AAC 28.265. PRINCE WILLIAM SOUND ROCKFISH MANAGEMENT PLAN.** Amend this regulation as follows:

Establish a Prince William Sound rockfish GHL at 89,394 pounds for the following reasons.

If harvest data is to be used in developing the GHL for the lack of abundance data, then a suggested formula that takes a conservative approach is provided as follows: Since 1995 to 1997 the halibut harvest has increased by 252,000 pounds or approximately 73%, this would reflect an annual growth rate of 24%. Since 1995 to 1998 the total rockfish harvest has decreased by 54,200 pounds or approximately 35%, this would reflect an annual decrease rate of 9%.

Using this rationale, it would be fair to apply a 9% reduction to the 1998 harvest level of 99,327 pounds, which would be a 89,394 pound GHL. Until limits or restrictions are placed on nearshore IFQ halibut harvest and its effect on state managed rockfish bycatch and unreported discards, the GHL must be reduced to protect the nearshore rockfish stocks.

**PROBLEM:** The Prince William Sound rockfish guideline harvest level of 150,000 pounds appears to be established at a level too high to provide for sustainable yield. In the absence of abundance data due to high mortality in normal survey methods, this GHL was established by traditional harvest prior to 1993. Changes in commercial harvest amounts and methods of other directed fisheries indicate that target fish harvest has increased tremendously while bycatch levels have decreased tremendously.

**Example:** During the first year of the IFQ halibut fishery (1995), the IPHC reports that the halibut harvest of the inside waters of the PWS was 353,000 pounds and the total rockfish harvest was 153,556 pounds, the second year of the IFQ halibut fishery (1996), the IPHC reports that the halibut harvest of the inside waters of the PWS was 488,000 pounds and the total rockfish harvest dropped to 105,804 pounds, the third year of the IFQ halibut fishery (1997), the IPHC reports that the halibut harvest of the inside waters of the PWS was 605,000 pounds and the total rockfish harvest was 137,192 pounds. IPHC data for 1998 is not available at the time of this submission however, the ADF&G reports 1998 total rockfish harvest at 99,327 pounds.

In summary, this data reflects a huge growth of the inside waters PWS halibut harvest and large decline in rockfish removals. It is fair to assume that if abundance were sustainable, then bycatch amounts of rockfish would grow at the same rate as that of the targeted species. This is not happening in the Prince William Sound.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Overharvest of rockfish within PWS inside area waters will continue. Damage and/or depletion of this fragile fishery may become nonrecoverable.

**WHO IS LIKELY TO BENEFIT?** All PWS fishermen that support a sustained rockfish fishery.

**WHO IS LIKELY TO SUFFER?** The directed rockfish fishermen, halibut IFQ nearshore effort growth will absorb this GHF unless restraints are placed that will provide for a directed rockfish harvest that will allow for sustainable yield.

**OTHER SOLUTIONS CONSIDERED?** Manage the rockfish as a directed fishery only in inside PWS waters, rejected due to IFQ halibut harvest bycatch needs and the community fishery net worth value. Because halibut is federally managed, the time to implement change may be too late.

**PROPOSED BY:** Valdez Charterboat Assoc. and Seward Charterboat Assoc. (SC-99-F-016)  
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**PROPOSAL 22 - 5 AAC 28.210. FISHING SEASONS FOR PRINCE WILLIAM SOUND AREA.** Set open season dates for the PWS pollock fishery that closely coincides with the federal seasons in the Central Gulf of Alaska.

(d) Pollock may be taken by all lawful groundfish gear except pelagic trawls on January 1 until closed by emergency order

(e) Pollock may be taken by pelagic trawls on noon January 20 until closed by emergency order.

**PROBLEM:** Although significant harvests have occurred since 1995, there are no published regulatory season dates for pollock in the PWS area. Since 1996 the department has issued an emergency order (EO) each year, which in effect, excludes the PWS pollock fishery from those groundfish fisheries which will open and close to coincide with federal inseason adjustments to the groundfish fishery in the adjacent waters of the Exclusive Economic Zone. The department then opens PWS pollock by EO to coincide with the federal trawl opening and closes by EO when our guideline harvest level is attained. To avoid unmanageably high effort, trawl seasons should remain concurrent with the federal season. Fisheries targeting pollock with other legal gear types have not developed, however, it is reasonable that the opportunity be maintained.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The fishing public will not have access to published notice of the PWS pollock season.

**WHO IS LIKELY TO BENEFIT?** Both the department and the public will benefit from being able to find season dates published in regulation.

**WHO IS LIKELY TO SUFFER?** No one, because this proposal will simply put into regulation seasons that the department currently manages for.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-99-F-315)  
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**PROPOSAL 23 - 5 AAC 28.2XX. PRINCE WILLIAM SOUND POLLOCK MANAGEMENT PLAN.** Create a new regulation as follows:

Establishment of a Prince William Sound pollock management plan to rationalize management of this fishery. This plan to be devised by a joint effort between ADF&G and the pollock industry of the area. Divide Prince William Sound into three areas that may be fished concurrently and limit

pollock catch in any one area to no more than 40% of the total guideline harvest level for PWS. The three areas to be detailed later but to include Port Bainbridge, Snug Harbor and Eastern Prince William Sound.

Currently, Eastern Prince William Sound is closed to all trawl fishing under 5 AAC 39.165(1). This closure was directed at bottom trawling in an area where crabs were being fished with pots. This proposal would define a new area (Eastern Prince William Sound) open to pelagic (midwater) trawling for pollock as follows:

Waters of PWS enclosed by lines from Zaikof Point to Seal Rocks to Cape Hinchinbrook to Johnstone Point, then north on the longitude of Johnstone Point to Knowles Head, thence following the western boundary of the closed area defined by 5 AAC 39.165(2) to Rocky Point to Pt. Freemantle to the light on the eastern side of Glacier Island to the easternmost tip of Naked Island to the light at Smith Island to the northwest corner of the current closed water area described in 5AAC 39.165(1). This corner is described as 60°29'96" N. latitude, 147°20'12" W. longitude thence returning to Zaikoff Point.

**PROBLEM:** Prince William Sound currently does not have a management plan to manage the pollock fishery in the sound. Additionally, NMFS directed closures of areas in Prince William Sound for sea lion protection measures will effectively eliminate the historical pollock fishery in Prince William Sound.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The pollock industry in PWS will cease to exist. The dozen or so small boats that participate in this fishery will be forced to fish other areas during this period, which will tend to overcrowd those area and will also lead to some safety concerns as small (150,000 lb. class) vessels are forced to go offshore during a very bad weather time of the year. The 300 or so pollock processing workers in Cordova and Seward will be idled during a time of the year when there are no other economic opportunities, and the economics of both Seward and particularly Cordova will suffer a big hit.

**WHO IS LIKELY TO BENEFIT?** The whole pollock fishing industry of Cordova, Seward and to some extent Kodiak. This will not only benefit the boats involved by continuing a traditional fishery, but will have a great safety benefit as well. The processing workers and the small coastal communities of Cordova and Seward will also benefit. And the pollock stocks will benefit too as catch will be spread more evenly over the total biomass in the area. Sea lions should also benefit, if the current NMFS plans for sea lion recovery has any merit, by spreading out catch over a large area and minimizing localized depletion of sea lion food supply.

**WHO IS LIKELY TO SUFFER?** This proposal appear to have no losers.

**OTHER SOLUTIONS CONSIDERED?** The only other solution that could help is if NMFS could be persuaded to not close the Pt. Elrington and Needles critical habitat areas for sea lions. Even though these two areas are inside the only state waters pollock fishery, it is doubtful that NMFS would consider this idea without the proposal to spread the PWS fishery into three areas with a cap on the fish taken from each area. With these assurances and recognizing that PWS pollock exploitation rate (under 2% of the know biomass) is the lowest in the industry by far it may be possible to get some cooperation from NMFS on this problem.

**PROPOSED BY:** North Pacific Processors

(SC-99-F-048)

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**PROPOSAL 24 - 5 AAC 28.070. GROUND FISH POSSESSION AND LANDING REQUIREMENTS and 5 AAC 28.267. PRINCE WILLIAM SOUND PACIFIC COD MANAGEMENT PLAN. Amend these regulations as follows:**

Regarding a directed halibut fishery, the commissioner, by emergency order, may close and immediately reopen the fishing season for bycatch P. cod. During which a CFEC halibut and miscellaneous finfish (longline) permit holder may have on board a bycatch level of P. cod up to 150% by round weight of the halibut on board the vessel. The P. cod bycatch allowance will not affect any other bycatch allowance. The augmented P. cod bycatch allowance will only occur when directed fishing of P. cod by other gear types is open.

**PROBLEM:** Under current regulations vessels engaged in a halibut fishery in Prince William Sound are allowed to retain a maximum 20% P. cod bycatch at a time when P. cod may be caught legally in any quantity by vessels fishing other gear types. Grey cod normally show up in quantity in PWS after the season has been closed. Bycatch levels may be exceeded while engaged in the halibut fishery but it is illegal to catch these fish with a longline even though the season is open for pots and jigs.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** P. cod catches could be underreported and/or wasted.

**WHO IS LIKELY TO BENEFIT?** The small boat fleet that predominantly fishes PWS coastal communities.

**WHO IS LIKELY TO SUFFER?** There is a potential of eventually impacting other gear types but as of now pot and jig boats have not taken the quota of PWS P. cod.

**OTHER SOLUTIONS CONSIDERED?** Super exclusive area for PWS P. cod, thought this proposal had a better chance.

**PROPOSED BY:** Robert A. Smith (SC-99-F-020)  
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**PROPOSAL 25 - 5 AAC 28.267(b). PRINCE WILLIAM SOUND PACIFIC COD MANAGEMENT PLAN. Amend this regulation as follows:**

The commissioner shall open and close, by emergency order, a parallel season in the Prince William Sound Area to coincide with the federal Eastern Gulf of Alaska Area.

**PROBLEM:** Under current regulations P. cod season for PWS is closed for longlining before the P. cod enter the sound.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The small vessel fleet from Prince William Sound will continue to find it not feasible economically to participate in the P. cod fishery.

**WHO IS LIKELY TO BENEFIT?** PWS coastal communities PWS fleet. Local economies.

**WHO IS LIKELY TO SUFFER?** I do not know.

**OTHER SOLUTIONS CONSIDERED?** Superexclusive area for PWS P. cod thought this proposal had a better chance.

**PROPOSED BY:** Robert A. Smith

(SC-99-F-022)

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**PROPOSAL 26 - 5 AAC 28.267. PRINCE WILLIAM SOUND PACIFIC COD MANAGEMENT PLAN.** Amend this regulation as follows:

Longline vessels under 60 foot length overall or fishing less than 4,000 hooks shall be allowed to participate in the PWS P. cod management plan fishery in the closed waters in Prince William Sound as described in 5 AAC 28.250(a).

**PROBLEM:** The longline fleet of PWS consisting of small boats has pretty much been eliminated from the P. cod fishery in PWS not due to biological abundance but rather to the fact that the season for longlining closes before the P. cod enter the sound. Further, the eastern portion of PWS is closed to groundfish pot fishing in order to protect crab stocks.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Longline fleet of PWS communities which used to number up to 20 vessels has been reduced to less than a handful. Also, virtually no fishing is being done on the predators that are working on the crab stocks in eastern PWS.

**WHO IS LIKELY TO BENEFIT?** Small vessel fleet coastal communities crab stocks.

**WHO IS LIKELY TO SUFFER?** Potentially other gear groups.

**OTHER SOLUTIONS CONSIDERED?** Super exclusive for PWS P. cod I thought this proposal had a better chance.

**PROPOSED BY:** Robert A. Smith

(SC-99-F-021)

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**PROPOSAL 31 - 5 AAC 28.084. FISHING SEASONS FOR SHARKS; AND 28.210 FISHING SEASONS FOR PRINCE WILLIAM SOUND AREA.** Amend this regulation in the Prince William Sound Area as follows:

The commercial fishery for shark will open on May 1 and close on (XXXX). Salmon shark, dogfish shark, Pacific sleeper shark, and all others will be managed in separate categories and closed by emergency order by the department for a sustained fishery as it develops. A bycatch for sharks other than these three predominate species could work. (All sharks cannot be lumped together as they are now, they are not all the same, and the markets are different.)

**PROBLEM:** The Board of Fisheries closed the commercial fishery for shark just as the fishery was beginning to develop, and at such a time that the salmon and dogfish shark have invaded our waters in plague proportions.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** These sharks will continue to multiply and feed on our near coastal fish and other sea life. The sport, charter, and commercial fishing fleet can testify as to the ever increasing numbers of these sharks that catch our bait, our catch, as well as ruin our gear and create lost fishing time.

**WHO IS LIKELY TO BENEFIT?** All fishermen; properly managed and controlled, this shark fishery could prove to be a valuable resource for all.

**WHO IS LIKELY TO SUFFER?** As in all life on this planet, too many of one creature will trigger a wasted die off from starvation or other means; we all will suffer, even the sharks, if this solution is not adopted.

**OTHER SOLUTIONS CONSIDERED?** Leave the commercial fishery closed and let these sharks continue to eat our bait, the feed that other fish in our target fisheries eat, including our valuable salmon; salmon sharks are called salmon sharks for a reason.

**PROPOSED BY:** Patrick L. Sterling

(HQ-99-F-140)

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**PROPOSAL 32 - 5 AAC 28.230. LAWFUL GEAR FOR PRINCE WILLIAM SOUND AREA.**  
Amend this regulation as follows:

Delete (c) and change (d) to read: At least one buoy on each buoy line whether on a single pot or a string of pots on a groundline must . . .

**PROBLEM:** This law was made to ease gear conflicts in area where pots, longlines, and trawls could be fished at the same time. Prince William Sound does not have these problems.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** New pot fisheries such as flounders with smaller pots would continue to go through the unnecessary expense of a buoy and line for each pot. Even the larger pots could long line their gear and save time and money.

**WHO IS LIKELY TO BENEFIT?** Fishermen in Prince William Sound who are going to the expense of more line and losing efficiency.

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

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Valdez Advisory Committee

(HQ-99-F-250)

See also (SC-99-F-025)

\*\*\*\*\*

**PROPOSAL 33 - 5 AAC 28.230. LAWFUL GEAR FOR PRINCE WILLIAM SOUND AREA.**  
Amend this regulation as follows:

Delete (c) and change (d) to read: At least one buoy on each buoy line whether on a single pot or a string of pots on a groundline must . . .

**PROBLEM:** Allow longlining of groundfish pots in PWS. This rule against longlining pots in PWS is unnecessary because there is no gear conflict with trawls and other gear like in other areas of Alaska. We could have smaller pot fisheries in the future and longlining them will be more economical. This law was made to reduce gear conflicts between pots and trawls on longlines in areas of the state that have multiple fisheries. PWS doesn't have these problems and pot fishermen could be more efficient if they could longline pots.

**WHAT WILL HAPPEN IF NOTHING IS DONE?**

**WHO IS LIKELY TO BENEFIT?** All that want to longline pots.

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

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** David Daniels

(SC-99-F-025)

(see also HQ-99-F-250)

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**PROPOSAL 35 - 5 AAC 28.2XX. LOCAL AREA HALIBUT FISHERY MANAGEMENT PLAN.** Create a new regulation to provide the following:

Establish sport catcher vessel only areas from May 15 to September 15 that would prevent the gear conflicts that currently exist. The high use sport fish areas of the Prince William Sound that would require this action are identified as follows:

1. Three nautical mile radius from Cape Hinchinbrook light.
2. Two nautical mile radius from Montague Point, Middle Point and Zaikof Point.
3. Three nautical mile radius from around Seal Rocks Buoy.
4. Three nautical mile radius from Porpoise Rocks.
5. Three nautical mile radius from Knowles Head and Red Head.
6. Three nautical mile radius from Porcupine Point.
7. Three nautical mile radius from Bligh Reef Buoy.
8. One nautical mile radius from the shoreline of Glacier Island.
9. Two nautical mile radius from the shoreline of Naked, Story and Peak islands.
10. Three nautical mile radius from the Smith Island Buoy.
11. Two nautical mile radius from Seal Island.
12. Three nautical mile radius from Cape Cleare.

**PROBLEM:** The implementation of the commercial IFQ halibut program of 1995. The harvest growth of nearshore commercial halibut IFQ has changed the halibut harvest of the Prince William Sound region. This change has created a commercial halibut season of eight months in duration and has equally created gear conflicts between recreational/sport guide and commercial harvesters on shared fishing grounds that was never experienced prior to the IFQ system. Prior to the IFQ the recreational and sport guided halibut angler have fished in certain areas and shoals of the Prince William Sound that require protection from small area local depletion that has been intensified. Many of these shoals are being impacted by IFQ harvest during the same time periods that the recreational angler has previously fished upon them.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued growth in gear conflicts and negative impacts to the recreational halibut harvest in these fishing areas.

**WHO IS LIKELY TO BENEFIT?** All recreational and sport guided halibut anglers that desire uninterrupted fishing opportunity in their halibut harvest areas.

**WHO IS LIKELY TO SUFFER?** Those IFQ shareholders that have been fishing in the sport fish areas since 1995 during the period that is normally fished by the recreational angler.

**OTHER SOLUTIONS CONSIDERED?** A PWS halibut management plan that would offer IFQ access in all PWS area waters from March 15 to May 15 and from September 15 to November 15. Supported by several sport and sport guided anglers however, rejected by IFQ fishermen because access to deeper inside waters would not be allowed during this period.

**PROPOSED BY:** Valdez Advisory Committee  
(SC-99-F-028)  
(see also SC-99-F-046)

**PROPOSAL 36 - 5 AAC 28.2XX LOCAL AREA HALIBUT FISHERY MANAGEMENT**  
PLAN. Create a new regulation to provide the following:

Establish sport catcher vessel only areas from May 15 to September 15 that would prevent the gear conflicts that currently exist. The high use sport fish areas of the Prince William Sound that would require this action are identified as follows:

- 13. Three nautical mile radius from Cape Hinchinbrook light.
- 14. Two nautical mile radius from Montague Point, Middle Point and Zalkof Point.
- 15. Three nautical mile radius from around Seal Rocks Buoy.
- 16. Three nautical mile radius from Porpoise Rocks.
- 17. Three nautical mile radius from Knowles Head and Red Head.
- 18. Three nautical mile radius from Porcupine Point.
- 19. Three nautical mile radius from Bligh Reef Buoy.
- 20. One nautical mile radius from the shoreline of Glacier Island.
- 21. Two nautical mile radius from the shoreline of Naked, Story and Peak islands.
- 22. Three nautical mile radius from the Smith Island Buoy.
- 23. Two nautical mile radius from Seal Island.
- 24. Three nautical mile radius from Cape Clear.

**PROBLEM:** The implementation of the commercial IFQ halibut program of 1995. The harvest growth of nearshore commercial halibut IFQ has changed the halibut harvest of the Prince William Sound region. This change has created a commercial halibut season of eight months in duration and has equally created gear conflicts between recreational/sport guide and commercial harvesters on shared fishing grounds that was never experienced prior to the IFQ system. Prior to the IFQ the recreational and sport guided halibut angler have fished in certain areas and shoals of the Prince William Sound that require protection from small area local depletion that has been intensified. Many of these shoals are being impacted by IFQ harvest during the same time periods that the recreational angler has previously fished upon them.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued growth in gear conflicts and negative impacts to the recreational halibut harvest in these fishing areas.

**WHO IS LIKELY TO BENEFIT?** All recreational and sport guided halibut anglers that desire uninterrupted fishing opportunity in their halibut harvest areas.

**WHO IS LIKELY TO SUFFER?** Those IFQ shareholders that have been fishing in the sport fish areas since 1995 during the period that is normally fished by the recreational angler.



**OTHER SOLUTIONS CONSIDERED?** A PWS halibut management plan that would offer IFQ access in all PWS area waters from March 15 to May 15 and from September 15 to November 15. Supported by several sport and sport guided anglers however, rejected by IFQ fishermen because access to deeper inside waters would not be allowed during this period.

**PROPOSED BY:** David Finquoch  
(SC-99-F-046)  
(see also SC-99-F-028) \*\*\*\*\*

**PROPOSAL 37 - 5 AAC 28.210. FISHING SEASONS FOR PRINCE WILLIAM SOUND AREA**

Add a new provision as follows:

(d) IFQ halibut may be taken from March 15 through May 15 and from September 15 through November 15.

Establish management measures that support nearshore community stability based on nearshore participation of the halibut harvest and user economic value. This management guideline provides the best public value of the fishery and of the PWS supporting communities and the State of Alaska.

This PWS nearshore halibut management plan directs management of effort and harvest to support fishery priority that best supports economic stability for the Prince William Sound communities. The following management alternative is recommended.

For the purpose of establishing the area covered by this management alternative, and in consideration that halibut are federally managed, this alternative would apply to state waters of IPHC Statistical Areas 230, 232, 240 and 242.

Traditionally, the halibut sport guided and sport fish fishery begins in the Prince William Sound Area on May 15 and lasts through September 15 (four months). This traditional period is public-demand driven and supports the summer visitor infrastructure of the Prince William Sound communities. Many of the commercial halibut quota shareholders participate in other state managed fisheries during this time.

This alternative recommends that commercial halibut IFQ harvest be closed in all state waters of IPHC Statistical Areas 230, 232, 240 and 242 from May 15 to September 15. This would still provide IFQ harvest from March 15 to May 15 (two months) and from September 15 to November 15 (two months). This alternative would allow quota shareholders to possess halibut harvested as bycatch while engaged in other state and federal fisheries within this area.

This management strategy will provide equitable harvest opportunity to all halibut users and prevent the gear and user conflicts that now exist.

**PROBLEM:** The implementation of the commercial IFQ halibut program of 1995. The harvest growth of nearshore commercial halibut IFQ has changed from the traditional halibut harvest of the Prince William Sound region. This change has created a commercial halibut season of eight months in duration with an increase of nearshore removals nearly doubled from traditional levels. The commercial halibut IFQ system is displacing the PWS guided and unguided halibut sport fisherman. The growth in the nearshore commercial harvest is eroding the PWS sportfishing

opportunity and impacting the sport fisheries potential to harvest. The sport fishery is currently at their travel limits from their ports of origin to provide reasonable harvest opportunity. The International Pacific Halibut Commission currently reports declining halibut biomass in Area 3A. They also report that they lack information on the nearshore halibut movement, local area population density and nearshore exploitable yield data. The absence of management nearshore information to provide exploitable yield and the lack of controls to limit nearshore commercial halibut removals on shared fishing grounds is causing nearshore depletion in the PWS region.

The IPHC considers the halibut resource to be a single population. The IPHC sets halibut harvest in regulatory areas in proportion to abundance. This harvest philosophy protects against overharvest of the entire 3A area and spreads fishing effort over the entire range, however it does not prevent local depletion. This harvest philosophy does not protect against small scale local depletion. It is understood that small-scale local depletion does not have a significant biological effect for the resource as a whole. The adverse effects from small-scale local depletion is experienced by vessels that do not have the ability to move to grounds of higher abundance.

The Prince William Sound Halibut sport-guided and sport fishery vessels are constrained by time and distance from their ports of origin and do not have the mobility to move to adjacent grounds of higher abundance. The displaced guided and unguided sport fishermen have and will continue to target on other state managed fish stocks.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Nearshore depletion will occur, economic loss will occur to the halibut sport-guided businesses and economic loss will occur to all PWS communities and businesses that provide support to the halibut guided and unguided sport-fishery. Gear conflicts on shared fishing grounds will continue to increase.

**WHO IS LIKELY TO BENEFIT?** Based on the state data as provided below, the commercial IFQ halibut fisherman would be able to continue in nearshore harvest during the periods when the product market values are high without negatively impacting the Prince William Sound sport and sport-guided fishery.

The sport and sport-guided fishery will benefit from this solution as it resolves gear conflicts and displaced issues on the fishing grounds of the PWS nearshore areas. This solution also allows the choke points around Montague Strait to remain open to halibut stock movement into the PWS area during the four-month closure. Abundant inshore stocks will benefit all including the IFQ harvester again on the September 15 – November 15 opening.

This solution benefits all nearshore halibut users that provide economic community stability within the PWS region. This solution benefits all Prince William Sound communities that derive stability from a management plan that promotes community-based economics (both commercial and sport fisheries).

A commercial nearshore halibut split season will also aid state groundfishery managers in regards to bycatch management on other state managed fish stocks of the nearshore fishery.

#### Supporting State Data Below:

Note: At the time of this submission, the 1998 CFEC data was not available.

The Alaska Commercial Fisheries Entry Commission (Ref: CFEC Report 98-SPValdez-N) reflects that in 1997 only 34 Area 3A halibut quota shareholders were from Valdez, this report also reflects that these 34 QS holders hold 56,864 pounds of halibut commercial shares (1997 equivalent). In 1997 only 11 Valdez Area 3A halibut QS holders fished halibut with a total gross earning of \$59,793 (Ref: CFEC Report 98-SPCordova-N) Cordova CFEC records reflect that 79 QS holders hold 648,268 pounds of halibut commercial shares (1997 equivalent). In 1997 only 55 Cordova Area 3A halibut QS holders fished halibut with a total gross earnings of \$1,220,832 (Ref: CFEC Report 98-SPWhittier-N). Whittier CFEC records reflect that eight QS holders hold 16,711 pounds of halibut commercial shares (1997 equivalent). In 1997 only 2 Whittier Area 3A halibut QS holders fished halibut, however, based on confidentiality laws of only two fishermen, their total gross earnings are not published. The 1997 halibut CFEC records reflect that no QS is owned in the Village of Tattler and only an 85 pound share is owned in Chenega, the Chenega share was not fished in 1997. The CFEC data does not express where the actual harvest occurred in IPHC Area 3A, some may have come from federal waters beyond the territorial line.

These gross earnings are small in proportion of what the communities receive from the recreational halibut fishery net worth. However, this solution provides the IFQ fisherman the harvest opportunity that is much greater than pre-IFQ.

The newly implemented state charter logbook program of 1998 reflects that 376,390 pounds of halibut come off of charter vessels by sport fishermen in the Prince William Sound. This includes all PWS communities.

**WHO IS LIKELY TO SUFFER? No one.** Prior to 1995, the traditional halibut fishery was only a few short 24-hour openers. This solution provides equitable access of four months each to this public resource. The waters beyond the territorial line would continue to be available to all halibut users.

The IPHC reports that the 1997 IFQ total harvest from the Prince William Sound and the two statistical areas (230 and 240) that feed directly into the sound has grown to over 4.6 million pounds. These removals are coming from the shared fishing grounds of the sport and sport guided fleet.

Based on CFEC data, it is obvious that the bulk of these nearshore removals are coming from transit Area 3A quota shareholders that bring minimal economic value to the local communities.

These nearshore halibut users that do not provide community stability within the PWS region and may be affected by the proposed solution, however, the offshore federal waters would remain open for summer halibut harvest.

**OTHER SOLUTIONS CONSIDERED? A) Gear length restriction, this would help in reducing the nearshore halibut removals and aid in managing bycatch because shorter skates would not fish over as much varied habitat, gear conflicts would still occur on upper shallow shoals. B) Depth strata gear type separation, enforcement indicates that this type of regulation is not enforceable, in regards to buoy to actual location of the anchor. C) Smaller sport fish catcher only areas inside the PWS, considering that the 1997 data reflects that 3,090,000 pounds of halibut are removed from IPHC Statistical Area 240 and the inability to separate this harvest amount from offshore to what is caught directly in the natural choke points of the western PWS entrance corridor, the summer movement of halibut in and out of the PWS may be severely restricted. Due to continued heavy**

longline activity in these choke points will prevent inshore migration and continue to impact harvest opportunity inside the PWS.

PROPOSED BY: Valdez Charterboat Assoc. and Seward Charterboat Assoc. (SC-99-F-006)

**PROPOSAL 38 - 5 AAC 28.2XX LOCAL AREA HALIBUT FISHERY MANAGEMENT**

PLAN. Create a new regulation as follows:

Establish and implement a Prince William Sound halibut superexclusive registration area that includes all waters of the PWS area (as defined by 5 AAC 24.001), however, extended to the 12-mile territorial sea line. This superexclusive registration area would apply to 3A quota shareholders and halibut sport guides. This measure would allow halibut sport guides and 3A quota shareholders the opportunity to either fish within this area or not, however, once the guide or shareholder has elected to fish out of this area, they could not register to fish within it. And once the guide or shareholder fished within the registration area, they could not fish out of it.

**PROBLEM:** Currently there are no provisions that restrict 3A quota shareholders from harvesting the majority of the TAC in close proximity to ports that equally depend on the economics derived by local IFQ shareholders, recreational and sport guided halibut fishermen.

Created by the implementation of the commercial IFQ halibut program of 1995. The harvest growth of near-shore commercial halibut IFQ has changed from the traditional halibut harvest of the Prince William Sound region. This change has created a commercial halibut season of eight months in duration with an increase of near-shore removals nearly doubled from traditional levels. The growth in the near-shore halibut harvest has the potential of eroding the PWS shared fishery opportunity and impacting the shared harvest. The PWS boats of the local IFQ shareholders, recreational and sport guided fishery are currently at their travel limits from their ports of origin to provide reasonable harvest opportunity.

In 1997, IPHC reports that 4,636,000 pounds of IFQ halibut was harvested from the PWS area waters, this is an increase of 2,094,400 since 1995. This near-shore IFQ halibut harvest growth rate cannot continue and still provide realistic harvest opportunity on this shared fishery.

In reviewing the CFEC data as supplied below, it is obvious that the majority of this harvest and growth is coming from transient 3A quota shareholders that provide less economic support to the coastal communities affected.

The Commercial Fisheries Entry Commission reports that in 1997, 94 3A quota shareholders of the coastal communities of the Prince William Sound (including Seward) fished their quota shares. Of these 94 fishermen, the total gross earnings were \$2,149,505. The CFEC also reports that 71 3A shareholders did not fish during this period. Should all 165 PWS 3A quota shareholders fish their 1997 IFQ equivalent pounds, CFEC reports that they collectively hold 1,130,654 pounds. Majority of the resident PWS 3A quota shareholders fish either directly in the Prince William Sound or within the 12 mile territorial sea line in the GOA.

The IPHC considers the halibut resource to be a single population and they set halibut harvest in regulatory areas in proportion to abundance. This harvest philosophy protects against overharvest of the entire area 3A area and spreads fishing effort over the entire range, however, it does not prevent local depletion. This harvest philosophy does not protect against small-scale local

depletion. It is understood that small scale local depletion does not have a significant biological effect for the resource as a whole. The adverse effects from small-scale local depletion are experienced by vessels that do not have the ability to move to grounds of higher abundance.

Similar to the IFQ small class vessels, the sport guided and sport fishery vessels are constrained by size, time and distance from their ports of origin and do not have the mobility to move to adjacent grounds of higher abundance.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Nearshore IFQ halibut harvest growth will continue to impact other users of this shared halibut resource. Nearshore depletion will continue to grow creating economic losses to all PWS communities and businesses that provide support to the commercial IFQ holders, halibut guided and unguided sport fishery. Growth in nearshore bycatch on other fish stocks will also continue. Gear conflicts on shared fishing grounds will continue to increase.

**WHO IS LIKELY TO BENEFIT?** All fishermen that desire management measures that provide nearshore harvest opportunity without jeopardizing other fisheries.

**WHO IS LIKELY TO SUFFER?** Transient 3A halibut quota shareholders that want to fish part of their shares in other areas of 3A.

**OTHER SOLUTIONS CONSIDERED?** A PWS halibut management plan that would offer IFQ access in all PWS area waters from March 15 to May 15 and from September 15 to November 15. Supported by several sport and sport guided anglers, however rejected by IFQ fishermen because access to deeper inside waters would not be allowed during this period.

**PROPOSED BY:** Valdez Advisory Committee

(SC-99-F-029)

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**PROPOSAL 39 - 5 AAC 28.2XX. LOCAL AREA HALIBUT FISHERY MANAGEMENT PLAN.** Create a new regulation as follows:

Establish and implement a Seward halibut superexclusive registration area that includes all waters inside the area defined by the following boundaries: West boundary identified from Nuka Point to an east boundary identified as Box Point, Montague Island, and a north boundary of all waters in Prince William Sound south of latitude 60°10". Halibut sport guides would be required to register for an area they intend to guide clients for halibut. If they register for any area other than the Seward halibut exclusive registration area they would be prohibited from fishing within the Seward halibut exclusive area.

This superexclusive registration area would apply all halibut sport guides. The establishment of this exclusive registration area would prevent transient halibut sport guides from exploiting local fish stocks.

**PROBLEM:** Transient sport guided halibut charters. Information concerning the problem is as follows: currently 3A quota shareholders, local and transient sport guided halibut charters compete for halibut in the same waters. There are no provisions that restrict 3A quota shareholders from harvesting the majority of the TAC in close proximity to ports that equally depend on the economics derived by local sport guided halibut fisherman.

The harvest growth of nearshore commercial halibut IFQ has increased since the implementation of the IFQ program. This change has created a commercial halibut season of eight months in duration with an increase of nearshore removals growing beyond traditional levels. The growth in the nearshore halibut harvest is contributing to the erosion of the charter fishery opportunity. In 1998, IPHC reports that 3,113,000 pounds of 3A IFQ halibut was harvested from the IPHC statistical area 240 waters; this is an increase of 1,506,000 pounds since 1995.

Along with the commercial removal of halibut there are a number of transient sport guided halibut charters that contribute to depletion of local halibut stocks. Restriction of these transient vessels would be one way to reduce over harvest of local halibut stocks.

The IPHC considers the halibut resource to be a single population and they set halibut harvest in regulatory areas in proportion to abundance. This harvest philosophy protects against overharvest of the entire 3A area and spreads fishing effort over the entire range, however it does not prevent local depletion. This harvest philosophy does not protect against small-scale local depletion. It is understood that small-scale local depletion does not have a significant biological effect for the resource as a whole. The adverse effects from small-scale local depletion are experienced by vessels that do not have the ability to move to grounds of higher abundance.

The sport guided and sport fishery vessels are constrained by size, time and distance from their ports of origin and do not have the mobility to move to adjacent grounds of higher abundance.

In consideration of the issues stated above, request the Board of Fisheries restrict transient sport guided halibut charters from fishing in areas normally fished by established sport guided halibut charters.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Nearshore halibut harvest growth will escalate and negatively impact users of this shared halibut resource. Nearshore depletion will continue to grow creating economic losses to the Seward community and businesses that provide support to the halibut guided fishery. Growth in nearshore bycatch on other fish stocks will also continue.

**WHO IS LIKELY TO BENEFIT?** All fishermen that desire management measures that provides nearshore harvest opportunity without jeopardizing other fisheries.

**WHO IS LIKELY TO SUFFER?** Halibut charter guides that desire to fish in multi-management areas.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Valdez Charterboat Assoc. and Seward Charterboat Assoc. (SC-99-F-047)  
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**PROPOSAL 40 - 5 AAC 27.131(a). GILLNET SPECIFICATIONS AND OPERATIONS FOR SOUTHEASTERN ALASKA AREA.** Amend this regulation to include the following:

(a) A vessel fishing for herring may [NOT] have more than one permit holder on board. Only one herring gillnet per permit holder may be on board or operated from any vessel taking herring. [A HERRING GILLNET MAY NOT BE LONGER THAN 50 FATHOMS.]

**PROBLEM:** Herring gillnet fishermen would like to consolidate equipment and cut their cost of operation.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Herring gillnet fishermen will continue to incur excessive expenses.

**WHO IS LIKELY TO BENEFIT?** Fishermen with less expenses, ADFG with less costly management.

**WHO IS LIKELY TO SUFFER?** There will be less crew jobs available.

**OTHER SOLUTIONS CONSIDERED?** No other solutions came to mind.

**PROPOSED BY:** Arnold Enge and Andy Wright (HQ-99-F-045)  
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***NOTE:** The Board of Fisheries deferred this proposal to the 1999/2000 meeting cycle.*

**PROPOSAL 41 - 5 AAC 28.3XX. COOK INLET AREA HALIBUT MANAGEMENT PLAN.**  
Amend this management to prohibit the following:

Prohibit commercial fishing for halibut, and lingcod in areas within three miles of land.

**PROBLEM:** The initiation of individual fishing quotas (IFQs) in the halibut commercial fishery in the Cook Inlet, and Seward areas with the resultant relatively small IFQs for local small boat fishermen have given rise to these fishermen fishing closer to port than they did prior to IFQs. This increased effort has depleted the near shore resources of halibut, ling cod, and rock fish.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The fish resource in the near shore areas will not be able to be rebuilt back to acceptable levels.

**WHO IS LIKELY TO BENEFIT?** Sport fishermen who have traditionally fished the close in waters, and the stocks of lingcod, halibut, and rockfish.

**WHO IS LIKELY TO SUFFER?** Those commercial fishermen who wish to fish in the areas.

**OTHER SOLUTIONS CONSIDERED?** A 12-mile exclusive economic zone being reserved for noncommercial fisheries.

**PROPOSED BY:** Alaska Sportfishing Association (HQ-98-F-183)(HQ-99-F-372)  
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**PROPOSAL 43 - 5 AAC 55.XXX. SALTWATER CHARTERING REQUIREMENTS.** Create a new regulation to provide the following:

As historically demonstrated, a moratorium or limited entry system has been the best choice of management tools to address restriction of fishing effort that would cover a broad range of many management objectives, including conserving fish stocks, increasing economic efficiency and addressing equity concerns. The establishment of a discrete group of fishing units, most often individuals or vessels, is the core of a moratorium or limited entry system. This body request that

the Alaska Board of Fisheries support and forward to the North Pacific Fishery Management Council, implement a moratorium that prevents new entry into the halibut charterboat industry of the Prince William Sound Region for six years, during the six year moratorium and because limited entry cannot be introduced into already over capitalization fisheries and be effective. The Alaska Department of Fish and Game will continue with the data retrieval program that was fielded by 1998 mandatory log books for the guided fishing effort. Given three to six years of verifiable data, a management decision of whether to pursue license limitations, raise the established GHL to accommodate more effort or continue a moratorium would be better served without risking added effort to the resource or risking the current infrastructure of community based established businesses. We defined effective limited entry as a program that prevents overcapitalization. Fishing capacity should be equal to or less than the amount required to take the sustainable yield. Should the data reflect that the PWS region is already in an overcapitalized fishery, license fees and different classes of licenses may be more effective in reducing the number of vessel's fishing.

The area effected by this solution would be identified as the Prince William Sound Region and would include all water of the Prince William Sound and the North Gulf Coast (including the EEZ) from an east boundary identified as the longitude of Cape Suckling to the west boundary at the longitude from Nuka point.

Industry movement of qualifying vessels from the primary ports of the region as currently reflected in the CFEC data base should not be authorized during the first three years of a moratorium. Nearshore stock assessment, harvest and participation of the resource would be gained management data required to implement planned added effort or industry shift to another primary port of the PWS region. The six-year moratorium would fit well within the board of fish PWS three-year cyclic management process. The BOF should consider three year reviews of data to further industry drift within the region, or continue with a moratorium based on data or pursue other management options including potential license limitation.

To properly address a moratorium or limited entry, the fishing capacity of the current Prince William Sound Region Charter fleet needs to be know including future changes in capacity projected. The Whittier development will bring this future change with capacity that may require allowed industry drift.

#### **Recommended Requirements of a Prince William Sound Charterboat Moratorium:**

- I. Establishment of qualifying years:
  - A. Qualifying vessel must have participated in the PWS region halibut guided fishery for at least the 1998 season.
  - B. Qualifying vessel that due to special circumstances that did not participate in 1998 PWS region halibut sport guided fishery must provide evidence of participation for the years of 1995, 1996 or 1997. These vessels must have participated at least two of these three years.



- II. Criteria of Participation in the PWS Halibut Guided Fishery:
- A. Evidence of PWS Halibut Charter Participation
- For 1995 Season: IPHC sport license and CFEC sport charter license for 95 reflecting a primary port of the PWS region and saltwater fishery in area (9) PWS and (10) Gulf Coast.
  - For 1996 Season: IPHC sport license and CFEC sport charter license for 96 reflecting a primary port of the PWS region and saltwater fishery in area (9) PWS and (10) Gulf Coast.
  - For 1997 Season: IPHC sport license and CFEC sport charter license for 97 reflecting a primary port of the PWS region and saltwater fishery in area (9) PWS and (10) Gulf Coast.
  - For 1998 Season: ADF&G log book reflecting vessel sport guided PWS halibut participation.
- III. Controls and Enforcement:
- A. Logbooks will continue to be issued by the Alaska Department of Fish and Game, however, those vessels qualifying by the provisions above will be provided a PWS Region Sport guided halibut access endorsement (Serial numbered stamp or seal) to the cover of the logbook for each qualifying vessel registered. Delineation between certified and non-certified would need to be established.
- B. Add requirement that all logbooks are to be located on the vessel at the time of fishery participation, this would provide enforcement personnel easy validation proper registration. (Possibly issue a separate visible external hull registration sticker.)
- IV. Establish Administrative Guidelines:
- A. Moratorium ownership and transfers:
- Ownership belongs to the owner of the qualified fishery participation vessel and may be used or transferred in increments of six lines only.
- a. One six-passenger vessel transferred would remain as one six-passenger vessel.
- b. Two six-passenger vessels could be transferred to form one twelve passenger vessel.
- c. One twelve passenger vessel could be transferred as one twelve-passenger vessel.
- d. Grandfathered vessels can be transferred as same vessel (not replaced) of 18 passengers, once the grandfathered vessel is removed from the fishery a transfer for replacement to one twelve passenger vessel and one six-passenger vessel or three six-passenger vessels would be allowed.
- Moratorium participation is transferable only within the documented CFEC primary port of the PWS region fishery.
- Moratorium qualified participation is of value to the owner.
  - All transfers must be registered with the moratorium-controlling agency concerning vessel ownership and line participation prior to vessel engaging in the PWS region halibut sport-guided fishery.
- V. Line Limitation per vessel:
- A. All USCG Certified vessels authorized to fish up to 12 halibut sport fishermen.
- B. All noncertified vessels authorized to fish up to 6 halibut sport fishermen.
- C. In consideration of USCG certified vessels that meet qualifications that have documents client numbers of over 16 or higher in the 1998 sportfishing charter

vessel logbook program. These specific vessels would be grandfathered into this fishery with a line limit of 18. This provision would only apply to 1998 fishery participation vessels.

**VI. Provision for added entry:**

Compliance of all the elements listed below must be adhered to:

- Must be a fishing service business that was registered with the Alaska Department of Fish and Game for 1998.
- The business must have participated in the 1998 sportfishing charter vessel logbook program for 1998 with documented PWS region halibut fishery activity within the PWS region as identified above.
- The business must provide verifiable proof to the moratorium controlling agency that contractual purchase of the entry vessel was in the pipeline by legal contractual obligation prior to establishment or the moratorium control date.
- Any vessels granted entry under this provision would operate from the primary port of the business that qualifies.

**VII. Vessel trip limit:**

A vessel qualifying under this solution would be restricted to a trip limit of one halibut sport guided trip per twenty-four period. A twenty-four hour period is defined at midnight (12:00p.m.) to midnight (12:00a.m.)

**VIII. Participation Forfeiture:**

All vessels qualifying under this solution would be required to document participation within the PWS region halibut sport-guided fishery for one of every three regulatory years. Qualifying vessels that do not meet this participation requirement will forfeit their PWS region sport-guided access permit to the moratorium-controlling agency for reissue to replacement entry. Replacement entry will be provided by first come annual application to the moratorium-controlling agency, all provisions of these solutions would apply to replacement entry vessels.

**PROBLEM:** During its September 1997 meeting the North Pacific Fishery Management Council (NPFMC) implemented a guideline harvest level (GHL) on halibut harvested by the charter fishing industry. A GHL was established at 125% of the 1995 harvest levels in regulatory area 3A. Under this action, the council stated its intent to manage the guided sport fishery to not exceed 15.61% of the combined commercial and guided sport halibut quota. This action was initiated on the premise that the halibut charter fleet was increasing without restrictions; however, the NPFMC failed to address regulations or restrictions that would curtail new entries into the fleet. The GHL was intended to address "displacement of unguided local sport and subsistence users and erosion of commercial quota share by the open-ended allocation to the charter fishery," within Area 3A. Without provisions to restrict increased industry participation that will operate within a GHL, a potential of over capitalization and economic distress looms over the entire halibut charter industry within Area 3A, including those halibut charter vessel owners within the Prince William Sound Region (PWSR). Due to a normally short fishing season and quite sizable investments, the PWSR charter owners are concerned about season stability. The current GHL design does not provide for a stable allocation to insure season stability. The rise and fall of halibut biomass and methods used to obtain the TAC does support the charter industry needs in regards to Alaska tourism.

The IPHC considers the halibut resource to be a single population. The IPHC sets halibut harvest in regulatory areas in proportion to abundance. This harvest philosophy protects against overharvest and spreads fishing effort over the entire range to prevent regional depletion. Small-scale local depletion does not have a significant biological effect for the resource as a whole.

Continued high exploitation will maintain local depletion. However, estimates of biomass and rates of local movement are not available to manage small areas. Local depletion affects mainly vessels with limited mobility, which cannot move to adjacent areas of higher abundance (Trumble, IPHC, 1997).

In consideration of:

- Continued growth of new entries into the PWS region sport guided fishery.
- IPHC stock assessment methods and the lack of data for small area biomass assessment and local movement.
- The commercial IFQ harvest of the inside waters of the Prince William Sound has nearly doubled since the implementation of the 1995 IFQ system.
- Growth in IFQ harvest of outside waters directly adjacent to the two primary entrances of the Prince William Sound is up to 4,031,000 net pounds for 1997.
- The change from traditional commercial halibut harvest methods since the implementation of the IFQ is increasing effort and harvest of the nearshore shared fisheries.
- Construction of the Whittier road and the added fishery participation brought with infrastructure development.
- Impacts to other state managed fish stocks.

Without providing some immediate controls that effect these concerns may lead to local depletion thus requiring much stronger action for more restrictive management options that would apply to all PWSR halibut harvest efforts.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued growth in the Prince William Sound region halibut charterboat industry will cause early season achievement of the GHIL and added efforts to the near shore stocks. Overexploitation will cause local depletion, which will effect all PWS region halibut users that have limit mobility based on time or vessel size to access adjacent areas of higher abundance. Thus adding financial distress to the halibut charter businesses of the Prince William Sound region. Other fisheries will become targets for the guided fishery and due to this added effort with little or no restrictions will lead to other species low abundance and low catch rates that force restrictive management measures as reduced seasons, bag limits, or quotas.

**WHO IS LIKELY TO BENEFIT?** A moratorium or license limitation does create a relatively stable group of participants and creates incentives for maintaining the long-term viability of the fishery. Long term viability of the Prince William Sound region halibut fishery will benefit everyone.

**WHO IS LIKELY TO SUFFER?** Those desiring to begin a PWS region halibut charter business that cannot validate historic participation in the Prince William Sound halibut sport guided fishery. However, data may provide bases for future entry or purchase or transfer existing participating activity from established companies.

**OTHER SOLUTIONS CONSIDERED?** All of the other solutions were considered at the NPFMC when the GHF was adopted. To have a restrictive GHF without restricting participation is a very serious industry concern.

It would be in the State of Alaska's best interest, due to tourism and its direct effect in sport fishing and management of other nearshore species to equally manage all fisheries of state waters. There seems to be no other justifiable solution available of this federal managed fishery.

**PROPOSED BY:** Valdez Advisory Committee, Valdez Charterboat Association,  
Seward Charterboat Association (SC-99-F-003)

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**PROPOSAL 129 - 5 AAC 01.6XX, 5 AAC 28.1XX and 5 AAC 47.XXX. YAKUTAT AREA HALIBUT MANAGEMENT PLAN.** Create a new regulation as follows:

The new regulation would provide a plan to maintain current catch and harvest levels in local subsistence, commercial, unguided sport, and charter fisheries in Yakutat Bay and islands and bay.

**PROBLEM:** The demonstrated likelihood for decline of local halibut stocks in Yakutat Bay, Monti Bay and islands due to increasing sport charter effort and changes in fishing patterns (IFQs) on the reef across the mouth of Yakutat Bay.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Many Alaskan coastal communities that have experienced increased halibut fishing effort have also experienced a decline in local halibut stocks, some to the point where fishing restrictions are necessary to rebuild local stocks.

**WHO IS LIKELY TO BENEFIT?** All user groups that depend on Yakutat Bay halibut stocks.

**WHO IS LIKELY TO SUFFER?** Commercial fishing interests, including sport charter operations would share any detrimental effects of this plan. Subsistence and non-guided sport anglers would not be negatively affected by this plan.

**OTHER SOLUTIONS CONSIDERED?** Not creating a plan prior to the decline of local halibut stocks. This did not work for other Alaska coastal communities.

**PROPOSED BY:** Yakutat Advisory Committee (HQ-99-F-267)

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**PROPOSAL 186 - 5 AAC 75.012. SPORT SHARK FISHERY MANAGEMENT PLAN.** Amend this regulation for the Yakutat Area as follows:

Rescind the daily sport bag and possession limit on spiny dogfish in the Yakutat area.

**PROBLEM:** The spiny dogfish population in the Yakutat area has increased dramatically during the past five years. Sport anglers should not be restricted to one dogfish per day/two per season with such an abundance of dogfish. National Marine Fisheries Service data documents this dramatic increase in the local spiny dogfish population.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Sport fishermen will continue to not have the opportunity to harvest dogfish if desired.

**WHO IS LIKELY TO BENEFIT?** All sport fishermen in the Yakutat area and desirable fish stocks that compete for the same food sources as dogfish.

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

**OTHER SOLUTIONS CONSIDERED?** Continue status quo.

**PROPOSED BY:** Yakutat Advisory Committee (HQ-99-F-268)  
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**PROPOSAL 195 - 5 AAC 28.XXX. ROCKFISH POSSESSION AND LANDING REQUIREMENTS FOR THE EASTERN GULF OF ALASKA AREA.** Create a new regulation to modify rockfish possession and landing requirements as follows:

In the Southeast District, a CFEC permit holder must retain all rockfish bycatch caught and surrender all but the allowable bycatch of the rockfish (based on target species weight) to the Alaska Department of Fish and Game. Surrendered fish must be weighed and documented by species, as harvest code 18, on the ADF&G fish ticket documenting the landing.

**PROBLEM:** Rockfish are dead when brought to the surface from depth. In order to manage these fishes correctly, ADF&G needs to have an accounting of total mortality by area. Requiring fishermen to retain all rockfish bycatch caught in non-directed fisheries, but only sell up to the traditional bycatch levels will allow a full accounting of mortality, reduce wastage which occurs when dead fish are discarded at sea, and discourage "topping-off".

**WHAT WILL HAPPEN IF NOTHING IS DONE?** ADF&G will not have the tools needed to successfully manage this resource. The NPFMC passed a similar regulation for demersal shelf rockfish at their February 1999 meeting.

**WHO IS LIKELY TO BENEFIT?** All users of this resource as the resource will be managed more accurately.

**WHO IS LIKELY TO SUFFER?** If bycatch rates are higher than currently estimated than the directed fishery may be reduced in some areas.

**OTHER SOLUTIONS CONSIDERED?** Change in bycatch levels (rejected because this creates and economic incentive to top-off).

**PROPOSED BY:** Alaska Department of Fish and Game. HQ-99-F-298  
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**PROPOSAL 196 - 5 AAC 30.XXX. SPINY DOGFISH HARVEST STRATEGY IN REGISTRATION AREA D.** Establish a spiny dogfish harvest strategy for the Yakutat Area (Area D) as follows:

Develop harvest strategies for spiny dogfish (*Squalus acanthias*) and establish a commercial spiny dogfish fishery. Data used to determine guideline harvest levels would include potential markets, estimates of exploitable biomass, estimates of recruitment, estimates of threshold levels of abundance, estimates of acceptable biological catch, and/or estimates of reproductive potential.

**PROBLEM:** The spiny dogfish population in the Yakutat area has exploded to the point that the species is negatively affecting subsistence, sport, and commercial fisheries. During the summer fishing season entire set gillnets are being lost to dogfish. Longline catches are dominated by dogfish. Sport anglers are losing gear, bait, and experiencing a reduction in catches of halibut, salmon, and other desirable species due to the abundance of dogfish (there is a sport limit of one dogfish per day/two per season). National Marine Fisheries Service data documents this dramatic increase in the local spiny dogfish population. The commercial fishing industry is depressed in the Yakutat area. Creating a commercial fishery on this overabundant stock would solve many problems.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Commercial and sport fishermen will continue to lose gear and bait to dogfish. Much needed economic opportunity will be lost.

**WHO IS LIKELY TO BENEFIT?** All fishermen in the Yakutat area and desirable fish stocks that compete for the same food sources as dog fish.

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

**OTHER SOLUTIONS CONSIDERED?** Continue status quo.

**PROPOSED BY:** Yakutat Advisory Committee (HQ-99-F-266)

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**PROPOSAL 197 - 5 AAC 28.XXX. YAKUTAT AREA (REGISTRATION AREA X).** Create a new groundfish management area as follows:

The Yakutat halibut and groundfish management area includes all marine waters from (location A) to (location B), to a point x miles seaward, for purposes of halibut and groundfish management.

**PROBLEM:** Management decisions based on sport charter harvests in distant Area 3A locations (Cook Inlet, Homer, Prince William Sound, etc.) have the potential to shut down the halibut charter fleet and commercial fisheries in Yakutat Bay.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The Yakutat area halibut sport charter fishery will be closed when a quota is reached based on relatively huge halibut harvests hundreds of miles from this area. This will create an economic hardship for Yakutat businesses.

**WHO IS LIKELY TO BENEFIT?** All of the local Yakutat businesses and fishermen that depend on Yakutat Bay sport charter operations. Local halibut stocks will benefit from localized management instead of being grouped within the huge Area 3A.

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

**OTHER SOLUTIONS CONSIDERED?** Remain in Area 3A and suffer the consequences of management decisions based on distant fisheries.

**PROPOSED BY:** Yakutat Advisory Committee (HQ-99-F-269)

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**PROPOSAL 198 - 5 AAC 28.XXX. YAKUTAT AREA (REGISTRATION AREA X).** Create a new groundfish management area as follows:

The Yakutat halibut and groundfish management area includes all marine waters from (location A) to (location B), to a point x miles seaward, for purposes of halibut and groundfish management.

**PROBLEM:** Management decisions based on sport charter harvests in distant Area 3A locations (Cook Inlet, Homer, Prince William Sound, etc.) have the potential to shut down the halibut charter fleet and commercial fisheries in Yakutat Bay.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The Yakutat area halibut sport charter fishery will be closed when a quota is reached based on relatively huge halibut harvests hundreds of miles from this area. This will create an economic hardship for Yakutat businesses.

**WHO IS LIKELY TO BENEFIT?** All of the local Yakutat businesses and fishermen that depend on Yakutat Bay sport charter operations. Local halibut stocks will benefit from localized management instead of being grouped within the huge Area 3A.

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

**OTHER SOLUTIONS CONSIDERED?** Remain in Area 3A and suffer the consequences of management decisions based on distant fisheries.

**PROPOSED BY:** G. Dierick, S. Henry, R. Pavlik, W. Johnson, J. Endicott, T. Maloney,  
G. Bogren (HQ-99-F-262)  
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**PROPOSAL 200 - 5 AAC 28.XXX. SKATE FISHING SEASON FOR EASTERN GULF OF ALASKA AREA.** Create a new regulation to provide the following:

In the Yakutat Area, a directed fishery will be established for skates equal to the IFQ longline season.

**PROBLEM:** In the Yakutat area there is a abundance of skates. There is a need to change fishery from bycatch status to directed fishery.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Skates will continue to prey on all crab stocks, small halibut, and any other bottom species until pressure is so great that skates will dominate Yakutat Bay.

**WHO IS LIKELY TO BENEFIT?** All interested Yakutat fishermen would be allowed to become active in this new fishery. With very few IFQ holders in Yakutat any fishermen could directed fish for skates.

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

**OTHER SOLUTIONS CONSIDERED?** This is the only obvious solution.

**PROPOSED BY:** Yakutat Advisory Committee (HQ-99-F-259)  
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**PROPOSAL 199 - 5 AAC 28.105. DESCRIPTION OF EASTERN GULF OF ALASKA AREA DISTRICTS, SUBDISTRICTS, AND SECTIONS; and 5 AAC 28.113. LINGCOD FISHING SEASONS FOR EASTERN GULF OF ALASKA AREA; and 5 AAC 28.210. FISHING SEASONS FOR PRINCE WILLIAM SOUND. Amend these regulations to provide the following:**

A Yakutat Area fishery established from Cape Fairweather to Cape Suckling with quota of 100 tons. Fishery to include the waters of Yakutat Bay and to be managed from Yakutat.

**PROBLEM:** Lingcod fishery for Yakutat area is split between Southeast and West Yakutat areas. SE fishery closed prior to opening of IFQ season and West Yakutat does not open until July 1. Abundance of species in area does not allow for local lingcod fishery.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Local fishermen will not have opportunity to become active in this potential fishery.

**WHO IS LIKELY TO BENEFIT?** Commercial fishermen of the Yakutat area who cannot participate in this fishery due to season limitations.

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

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Yakutat Advisory Committee (HQ-99-F-260)  
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**PROPOSAL 208 - 5 AAC 28.2XX. LINGCOD ALLOCATION GUIDELINES FOR PRINCE WILLIAM SOUND AREA. Create a new regulation to provide the following:**

The department shall allocate the lingcod fisheries in the West Yakutat Subdistrict according to historic directed fishery harvest and harvest of lingcod fisheries for other species as follows: (A) \_\_\_ to longline gear. (B) \_\_\_ to salmon troll gear. (C) the remainder of the annual harvest objective to dinglebar and jigging machines. (2) If the annual harvest level is changed, it will be done proportionately to all gear groups.

**PROBLEM:** I believe it was an oversight years ago when allocating lingcod bycatch not to include salmon troll gear in the West Yakutat Subdistrict. I would like to see this corrected to reflect the historic catch levels prior to the growth of the directed dinglebar fishery.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Salmon trollers may no longer retain lingcod while fishing throughout the summer season because the area quota is so small. At the start of the 1998 season, one boat in the directed fishery was able to take the entire quota in about a week.

**WHO IS LIKELY TO BENEFIT?** Salmon trollers will continue to enjoy the benefits of a fishery they helped pioneer.

**WHO IS LIKELY TO SUFFER?** The new dinglebar fleet would probably not be able to sustain itself in this area.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Walt Sonen

(SC-99-F-018)

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**PROPOSAL 202 - 5 AAC 28.130. LAWFUL GEAR FOR EASTERN GULF OF ALASKA** AREA, and 5 AAC 39.105. TYPES OF LEGAL GEAR. Amend these regulations as follows:

Pelagic longline gear would be differentiated from bottom longline gear in the following way: Bottom longline gear is attached to the ocean substrate at two points and hooks fished along or on the bottom; pelagic longline gear is attached to the bottom at one or more points and the ground line is buoyed such that hooks are fished in the water column off bottom.

**PROBLEM:** Lack of definition for pelagic longline gear.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** ADF&G is concerned that the use of bottom longline in the pelagic and black rockfish fishery may result in bycatch or halibut or DSR, and is requesting that the board prohibit longline gear from this fishery. If the board accepts the ADF&G proposal without differentiating between bottom and pelagic longline, fishermen will be precluded from developing low-impact, low bycatch gear for harvesting pelagics.

**WHO IS LIKELY TO BENEFIT?** Local fishermen, processors, and Southeast communities. Southeast fishermen should be encouraged, not prohibited, from developing a viable, clean fishery for underutilized rockfish species. Sitka processors have invested in value-added processing equipment and are pursuing marketing opportunities for pelagic rockfish species. Southeast communities depend on coastal fisheries such as rockfish.

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

**OTHER SOLUTIONS CONSIDERED?** ALFA could oppose the ADF&G proposal to prohibit longline gear in the pelagic rockfish fishery. We question whether the proposal is necessary; but if the board adopts the gear restriction it is imperative that pelagic and bottom longline be differentiated.

**PROPOSED BY:** Alaska Longline Fishermen's Association  
(HQ-99-F-166)

**PROPOSAL 381 - 5 AAC 38.430(1). GUIDELINE HARVEST RANGE FOR THE TAKING OF SCALLOPS, and 5 AAC 38.425(2).** Amend these regulations as follows:

Add "in waters of scallop registration Area K, the guideline harvest range is zero to 400,000 pounds of shucked meat, except that for the open area described in 5 AAC 38.425(2), a person may take weathered scallops only if the department issues the person a permit under 5 AAC 38.076(e) for exploratory fishing for new scallop beds.

and

Add "except for the area contained enclosed within a line from 156°19' W, 57°00' N, then to 155°00' W, 57°00' N, then to 155°00 W, 55°57' N., then to 156°19' W, 55°57' N., and back to 156°19' W, 57°00' N., which will be open from the period July 1 through February 15."

**PROBLEM:** In 1969, the board enacted a closure to scallop fishing in an area to the south and west of Kodiak Island including the Trinity Islands and Chirikof Island. These closures have remained in effect since.

The scallop industry has undergone major changes in the past decade. Beginning in 1989, a number of new vessels entered the scallop fishery to the degree that, by 1992, a catch of record was established that exceeded that of the "fishing up" period. In response to this surge in effort and to protect scallop stocks as well as species by caught in the scallop fishery, the department in 1993 implemented new guidelines for the fishery which included mandatory 100% observer coverage, limits on scallop catches for each management area, as well as limits on bycatch of crab in management areas containing crab stocks. Also in 1993, a federal moratorium was enacted on new entrants to the fishery. The federal moratorium permitted 18 vessels to fish scallops though the high year of landings in 1992 had only 7 vessels participation while only in 1981 did 18 vessels actually fish. In February of 1995, a scalloper fished in federal waters without registering with the State of Alaska. Without that state registration, the vessel in federal waters was not subject to any of the state's scallop regulations. And, at that time, there were no federal scallop regulations. To prevent any further over fishing of the resource than had occurred before the vessel was discovered, all scalloping in federal waters was closed. Subsequent to the closure, several vessels returned to the East Coast or other scallop fisheries. The only fishery during the federal closure was in two areas of the Gulf of Alaska where scallop stocks exist within state waters. After 18 months, federal regulations duplicating those of the State of Alaska were finalized and the fishery was reopened in federal waters in August of 1996.

A moratorium for state waters was enacted in 1997 by the Alaska State Legislature giving permits to seven vessels to fish inside state waters. In 1998, changes in the Magnuson Act closed the loophole and all aspects of the fishery except license limitation programs were removed from federal jurisdiction giving back authority to the State of Alaska. In February of 1999, the North Pacific Fishery Management Council took final action on a license limitation system to supplant the moratorium before it would expire in 2000. This action reduced the fleet to a total of nine vessels. It is expected that a state license limitation system will mirror the federal action.

The bycatch caps are set for each management area. For the Kodiak area, the 1998 Tanner crab cap was 80,000 Tanner crab and 217 red king crab. The actual catch was 28,000 Tanner crab and one red king crab. By way of contrast, in 1993, over 100,000 bairdi were taken in the Kodiak area scallop fishery. In 1994, 67,000 bairdi were taken. (In 1995, no fishing took place due to the Mr. Big closure.) In 1996, 48,000 bairdi were taken. During this time series, the scallop catch has remained stable producing about 300,000 lbs of shucked meats each year in the Kodiak area (about 3 million lbs round weight). (The scallop fishery is the only fishery in the Gulf of Alaska on which crab bycatch caps are in place. The scallop fishery must stop once the cap is reached, whether or not the guideline harvest level for scallops has been attained. For all other fisheries, the retention of king crab or Tanner crab is prohibited, but the fisheries are not stopped once a certain number of crab are incidentally taken. Additionally, the department policy is that the bycatch cap is a maximum allowed but that if bycatch rates become excessive, the department may close the affected areas prior to reaching the bycatch cap.)

The scallop vessels fishing in the statewide fishery in 1998, with the exception of one vessel (a smaller vessel making its first foray into the statewide fishery), followed the model used in the Bering Sea groundfish trawl industry to reduce bycatch. They decided to retain Seastate to monitor vessel bycatch rates. Seastate has assisted the head and gut fleet of groundfish trawlers in reducing halibut rates by: closely monitoring rates in season on a daily basis; issuing frequent

lists of each vessel's bycatch rates; producing maps of the areas fished with locations pinpointing high rate catches; and using analytical tools and knowledge of the fisheries to determine trends and focus the fishermen on strategies which seem helpful in controlling bycatch.

For scallop vessel owners, the process was more difficult in that releases had to be filed pre-season with the department from the operators of each vessel allowing the department to release observer data to Seastate. (The groundfish program requires a release from the owner as the owners have access to their own vessel's information - as opposed to the state fisheries where owners must receive permission from operators to access their vessel's data.) This requires operators to agree to share their catch information and location with the rest of the fleet - foregoing personal interests to improve the performance of the industry as a whole. Further, each vessel paid a monthly charge to Seastate for their services - which was an additional operations cost for data on top of the industry paid mandatory 100% observer coverage (currently about \$350 per fishing day depending on debriefing time, travel time, travel costs, weather days, steaming days, and breakdown days.)

The data, provided to the owners and then back to the vessels, in real time mode, assisted the industry in identifying, for example, statistical areas where bycatch rates were lower and depths and timing that may also prove to reduce bycatch. This helped the vessels to determine trends and move to areas where rates were better. Performance of the fleet as to bycatch was improved. The heightened cooperation among competitive vessels that comes from having solid data on their vessel's performance relative to other vessels brings about long term progress in managing this difficult problem. In the scallop fishery, this type of program is possible because: 1) Every vessel has 100% observer coverage; 2) Every vessel has Inmarsat capability to electronically transmit data to the department as required--whether it is three times a week or twice daily or every haul; and 3) The fleet size has been strictly limited--from before 1993 when no restrictions were in place; to the federal moratorium limiting the number of vessels to 18; to license limitation giving permits to nine vessels to participate in this fishery. Unlike other license programs, all permits in this fleet are frozen at their current length and gear type and cannot be upgraded by sale or reconstruction to further overcapitalize the fleet.

Events in the past ten years have severely restricted the scallop fishery, but additional actions have also restricted the fleet size and will prevent new incursions of vessels or increases in capacity of current license holders. With the exception of three smaller vessels that have made only token effort in the scallop fishery in recent years, the other six vessels are experienced in the Alaskan scallop fishery and are learning about reducing impacts of the scallop fishery on the nontarget species encountered. The scallop dredge is a smaller, lighter gear than a nonpelagic trawl and has a significantly smaller footprint. The total gear permitted for the entire scallop industry is 222 feet in width--an average of about 25 feet per vessel. The area actually fished by the fleet in the 1996/1997 season--which would be typical of any year--is 133 square nautical miles while an area exceeding 100,000 square nautical miles is off limits year round to this fishery.

The scallop resource itself is made of distinct long and narrow beds following the course of the gyre in the Gulf of Alaska. In some areas, beds are fairly consistent from year to year, while others the beds vary depending on currents and weather at the time of spawning and settlement of spat downstream from the spawning population. The type of bottom preferred and the chance of spat settling downstream from spawning stocks on this bottom is what makes the populations sporadic and cyclical. The beds' substrate type "are mainly fine to medium sand, shell, coarse gravel... unconsolidated glacial sediments and some ash-rich silts (Characteristics of the Pacific Weathervane Scallop Fishery in Alaska, Rodney J Kaiser).

In February of 1993, the department authorized an experimental use permit for research purposes allowing a scallop vessel to enter two areas closed to scalloping. The experimental fishery was monitored by two state observers onboard the vessel. One of the two areas was inside the closed area south of Kodiak Island. It was to the north of Chirikof Island in an area open to nonpelagic trawls. In this area, 40 hauls were observed and no commercial crab species were seen. Ninety percent of the harvest was weathervane scallops (memorandum from Jim Blackburn of ADF&G to regional supervisor Larry Nicholson dated March 8, 1993).

The undersigned vessels would like the Board of Fisheries to approve modified closure lines in the Chirikof area. The overall closure would remain in effect with a rectangular area on the westside of the closed area open from July 1 to February 15. A chart describing this area in relation to scallop closed areas and nonpelagic trawl closed areas is available. This is roughly the area fished during the experimental fishery of 1993 and would be outside of the areas closed year round to nonpelagic trawl. This is an area of high bottom activity where tide and currents play a major role in shaping the bottom. Bottom type is sandy and the predominant catch is expected to be scallops and scallop shells. Other bycatch will be starfish and shallow complex flatfish. (The weight by percent in the experimental fishery was 90% weathervane scallops, with starfish the next most abundant in the catch at 2.2% and weathervane shells the third at 1.9%. Flatfish consisting of butter sole, flathead sole, and rock sole comprised 3.1% of the catch. Memorandum from Jim Blackburn of ADF&G to regional supervisor Larry Nicholson dated March 8, 1993.)

We propose that the department issue permits for this fishery based on the requirements of 5 AAC 38.076(c) for exploratory fishing for new scallop beds. For bycatch caps, we propose that current caps for the Kodiak area would not be increased. The fishery is 100% observed with frequent reporting required by inseason management. Any problems encountered with scallop catches or bycatch would be known immediately. With the close inseason scrutiny from the department, areas producing bycatch rates considered to be excessive can be closed immediately. Further, the scallop industry would voluntarily participate in a private industry funded monitoring system such as Seastate.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** An area that could provide additional scallop harvests will remain closed. All evidence suggests that the area proposed for opening contains no stocks of crab. An experimental fishery conducted in the area in 1993 harvested no crab of any species while harvesting commercial quantities of scallops. The area is open to nonpelagic trawl during the time the scallop fishery may be conducted so additional data on bycatch is available from the federal groundfish observer program. In all of federal reporting area 620 (reaching from the 154 W longitude line to 159 W longitude (the Shumagins)), bycatch of crab is low. In 1998, bairdi bycatch by the trawl fleet for all of area 620 was 6582 bairdi and 170 red king crab. In 1998, bairdi bycatch by the pot cod fleet for all of area 620 was 13,241 bairdi and no red king crab. The observer program data gathered in the groundfish fishery could provide additional details on bycatch in the area the scallop fleet wishes to have opened. By considering the opening of this area to the scallop fleet under the protocol established by 5 AAC 39,076(e), the board will permit a scallop resource to be harvested without detriment to other resources.

**WHO IS LIKELY TO BENEFIT?** Scallop vessels and crews will benefit. The opening of additional area of productive scallop beds will benefit all of the vessels even if they do not fish there as it will help to spread out the fleet. Scallop populations are mostly sporadic and cyclical

in nature. Additional commercial beds will help to further stabilize this fishery - allowing more consistent catches over time as the various scallop beds in the North Pacific expand and contract depends on ocean conditions and currents. Additional fishing grounds help ameliorate these effects by providing more alternatives.

**WHO IS LIKELY TO SUFFER?** If the solution is adopted as proposed, then no one will suffer. The area will close quickly if bycatch is observed. Currently, these areas are fished during the same period by groundfish vessels in the nonpelagic trawl fishery and by those in groundfish pot fisheries. The catch of crab by either gear group, if occurring in this area, is ongoing at present. Indications are that little, if any, crab is present in this area. If so, no one will suffer.

**OTHER SOLUTIONS CONSIDERED?** The entire area of the Chirikof closure, with the exception of the Type I area around the Trinity Islands and the sea lion protection zone around Chirikof Island itself, is open for non pelagic trawling. The proposed open area is outside of both of these zones but does not "match" with the trawl closures as considerable areas will remain closed to scalloping. The scallop industry felt that any areas to be opened or closed to scalloping should be approached singly and with close attention to bycatch and habitat issues as well as the likelihood of finding commercial quantities of weathervane scallops. This proposal addresses a unit for which information is available both from the groundfish observer program and from the scallop experimental fishery. This area was felt to have a high likelihood of commercial quantities of scallops, a low likelihood of encountering any crab species and a bottom type appropriate to the type of gear being used.

**PROPOSED BY:** Teresa Kandianis

(HQ-99-F-084)

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**PROPOSAL 383 - 5 AAC 38.425. CLOSED WATERS FOR SCALLOPS IN REGISTRATION AREA J.** Amend this regulation to provide the following:

Close the Pribilof Islands Habitat Conservation Area in the Bering Sea to scallop dredging. The Pribilof Islands Habitat Conservation Area is described as all waters enclosed by 57° 57.0' N. lat., 168° 30.0' W. long., to 56° 55.2' N. lat., 168° 30.0' W. long., to 56° 48.0' N. lat., 169° 2.4' W. long., to 56° 34.2' N. lat., 169° 2.4' W. long., to 56° 30.0' N. lat., 169° 25.2' W. long., to 56° 30.0' N. lat., 169° 44.1' W. long., to 56° 55.8' N. lat., 170° 21.6' W. long., to 57° 13.8' N. lat., 171° 0.0' W. long., to 57° 57.0' N. lat., 171° 0.0' W. long. to 57° 57.0' N. lat., 168° 30.0' W. long.

**PROBLEM:** Amendment 1 to the scallop FMP established a joint state-federal management regime under which NMFS implemented federal management measures to parallel most state management measures. Under Amendment 1, areas that were closed to groundfish trawling by federal regulations, including the Pribilof Islands Habitat Conservation Area, were also closed to scallop fishing.

Subsequently, Amendment 3 to the scallop FMP delegated to the state authority to manage all aspects of the scallop fishery in federal waters off Alaska except limited entry. Therefore, federal regulations closing EEZ waters to scallop dredging have been rescinded. To remain consistent with the intent of the existing federal trawl closure of the Pribilof Islands Habitat Conservation Area, it is necessary to close the area to scallop dredging.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Federal waters of the Pribilof Islands Habitat Conservation Area that were previously closed to scallop dredging under federal regulation are now open.

**WHO IS LIKELY TO BENEFIT?** Crab habitat.

**WHO IS LIKELY TO SUFFER?** No one. No scallop fishing takes place in the area.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-99-F-328)

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**PROPOSAL 406 - 5 AAC 28.577. SOUTH ALASKA PENINSULA AREA PACIFIC COD MANAGEMENT PLAN.** Amend this regulation to provide the following:

To allow fishing for cod in the winter by use of a dogfish net, no monofilm gillnet. The mesh size to be six or seven inches". We would like to have 9 or 12 size twine. We would like to have the same size dogfish net as Puget Sound. The reason for this size net is less bycatch of halibut and no small fish.

**PROBLEM:** To reduce bycatch from cod fishing operations and to provide alternative uses for smaller local boats during the winter. I have been a drag fisherman for many years and know the waste of bycatch.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** By-catch will continue to rise and cod fish will continue to be the domain of larger non-local fishermen.

**WHO IS LIKELY TO BENEFIT?** Local fishermen with smaller boats, and the environment generally by reducing bycatch.

**WHO IS LIKELY TO SUFFER?** Larger trawl vessels.

**OTHER SOLUTIONS CONSIDERED?** I propose a new fishery and only point out that the new fishery will not harm the environment and will provide local jobs.

**PROPOSED BY:** Ben Mobeck (HQ-99-F-083)

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**PROPOSAL 410 5 AAC 28.571. GROUND FISH POT STORAGE REQUIREMENTS FOR SOUTH PENINSULA AREA.** Amend this regulation as follows:

(a) Rectangular groundfish pots with all bait and bait containers removed and with all doors secured fully open, and cone or pyramid groundfish pots with all bait and bait containers removed and all doors not secured closed may be stored in waters not more than 25 fathoms deep.

(b) Following the closure of the parallel or state water Pacific cod fishing season all groundfish pot gear used by a vessel registered to fish Pacific cod must be removed from the water except as specified in (1).

(1) Rectangular groundfish pots with all bait and bait containers removed and with all doors secured fully open and cone or pyramid groundfish pots with all bait and bait containers removed and all doors not secured closed may be stored in waters

(A) of 25 fathoms or less.

(B) deeper than 25 fathoms for seven days following the closure of the parallel or state water Pacific cod seasons.

**PROBLEM:** There are two problems. Baited pots can be left on the fishing grounds after the closure of both parallel federal and state managed fisheries. Also, pot gear is often baited up prior to fishery openings. There are no regulations that require cod gear from a registered pot cod vessel to be unbaited at the time of fishery closures.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Pots will continue to fish during closed cod seasons. Baited gear will continue to be prevalent at the season openings. This fosters grounds preemption, circumvents a fair start and may cause wastage of the resource if cod suffer mortality in gear left on the grounds.

**WHO IS LIKELY TO BENEFIT?** The public, FWP and ADF&G.

**WHO IS LIKELY TO SUFFER?** Cod harvesters may have increased expenses if they are required to unbait gear between the parallel fishery closure and bait up at the time of season openings.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game

HQ-99-F-333

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**PROPOSAL 415 5 AAC 28.532. GROUND FISH POT STORAGE REQUIREMENTS FOR CHIGNIK AREA.** Amend this regulation as follows:

(a) Rectangular groundfish pots with all bait and bait containers removed and with all doors secured fully open, and cone or pyramid groundfish pots with all bait and bait containers removed and all doors not secured closed may be stored in waters not more than 25 fathoms deep.

(b) Following the closure of the parallel or state water Pacific cod fishing season all groundfish pot gear used by a vessel registered to fish Pacific cod must be removed from the water except as specified in (1).

(1) Rectangular groundfish pots with all bait and bait containers removed and with all doors secured fully open and cone or pyramid groundfish pots with all bait and bait containers removed and all doors not secured closed may be stored in waters

(A) of 25 fathoms or less.

(B) deeper than 25 fathoms for seven days following the closure of the parallel or state water Pacific cod seasons.

**PROBLEM:** There are two problems. Baited pots can be left on the fishing grounds after the closure of both parallel federal and state managed fisheries. Also, pot gear is often baited up



prior to fishery openings. There are no regulations that require cod gear from a registered pot cod vessel to be unbaited at the time of fishery closures.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Pots will continue to fish during closed cod seasons. Baited gear will continue to be prevalent at the season openings. This fosters grounds preemption, circumvents a fair start and may cause wastage of the resource if cod suffer mortality in gear left on the grounds.

**WHO IS LIKELY TO BENEFIT?** The public, FWP and ADF&G.

**WHO IS LIKELY TO SUFFER?** Cod harvesters may have increased expenses if they are required to unbait gear between the parallel fishery closure and bait up at the time of season openings.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game

HQ-99-F-332

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**PROPOSAL 416 - 5 AAC 28.432. GROUND FISH POT STORAGE REQUIREMENTS FOR KODIAK AREA.** Amend this regulation as follows:

(a) Rectangular groundfish pots with all bait and bait containers removed and with all doors secured fully open, and cone or pyramid groundfish pots with all bait and bait containers removed and all doors not secured closed may be stored in waters not more than 25 fathoms deep.

(b) Following the closure of the parallel or state water Pacific cod fishing season all groundfish pot gear used by a vessel registered to fish Pacific cod must be removed from the water except as specified in (1).

(1) Rectangular groundfish pots with all bait and bait containers removed and with all doors secured fully open and cone or pyramid groundfish pots with all bait and bait containers removed and all doors not secured closed may be stored in waters

(A) of 25 fathoms or less.

(B) deeper than 25 fathoms for seven days following the closure of the parallel or state water Pacific cod seasons.

**PROBLEM:** There are two problems. Baited pots can be left on the fishing grounds after the closure of both parallel federal and state managed fisheries. Also, pot gear is often baited up prior to fishery openings. There are no regulations that require cod gear from a registered pot cod vessel to be unbaited at the time of fishery closures.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Pots will continue to fish during closed cod seasons. Baited gear will continue to be prevalent at the season openings. This fosters grounds preemption, circumvents a fair start and may cause wastage of the resource if cod suffer mortality in gear left on the grounds.

**WHO IS LIKELY TO BENEFIT?** The public, FWP and ADF&G.

**WHO IS LIKELY TO SUFFER?** Cod harvesters may have increased expenses if they are required to unbait gear between the parallel fishery closure and bait up at the time of season openings.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-99-F-331)  
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*NOTE: The Board of Fisheries deferred this proposal to the 1999/2000 meeting cycle.*

**PROPOSAL 417 - 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)(HQ-99-F-373)  
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**PROPOSAL 418 - 5 AAC 28.050. LAWFUL GEAR FOR GROUND FISH.** Amend this regulation to provide the following:

Limit cod fishery to pot, jig and longline within state waters.

**PROBLEM:** Allowing trawlers to fish for cod within state waters in Western Aleutians.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Local use cod fishery will never be developed, possible adverse impacts to management of the local cod fishery. Status quo could lead to derby fishing and depletion of the resource, LLP 2000 could have adverse affects within state waters.

**WHO IS LIKELY TO BENEFIT?** Local cod fishermen and processors in Southwest Alaska.

**WHO IS LIKELY TO SUFFER?** Non-Alaska trawlers.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** The Aleut Corporation

(HQ-99-F-172)

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**NOTE:** *The Board of Fisheries deferred this proposal to the 1999/2000 meeting cycle.*

**PROPOSAL 420** - 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 Fisheries 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)(HQ-99-F-371)

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**PROPOSAL 423 - 5 AAC 64.XXX. KING SALMON HARVEST RECORD; YEARLY COST. Create a regulation to provide the following:**

KSFA feels that any concerns about king salmon over utilization by sport fishers should address nonresident sport fisher's bag limits prior to any restrictions being placed on Alaska resident resource users. Consequently, we propose the following: king salmon sport limits for Kodiak Island waters will be: Over 20 inches: three (3) king salmon per day, three (3) in possession, only two (2) of which may be over 28 inches in length. Less than 20 inches: ten (10) per day, ten (10) in possession. Nonresident anglers will be restricted to the taking of six (6) king salmon greater than 20 inches annually.

**PROBLEM:** The Kodiak Sport Fishing Association (KSFA) does not recognize a specific problem with the Kodiak Island sport king salmon fishery. However, this proposal is in response to Board of Fisheries concerns, raised at their February 1998, meeting of a perceived problem with the potential increase of nonresident sport fishing pressure on Kodiak king salmon stocks, resulting from anglers traveling to Kodiak from areas with more restrictive king salmon sport limits.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Should the board's concerns be realized, Kodiak Island could experience a considerable increase in fishing pressure on king salmon stocks by visiting nonresidents.

**WHO IS LIKELY TO BENEFIT?** All users of the Kodiak king salmon resource will benefit if the proposed regulation prevents a "ballooning" of sport fishing effort from other, more heavily fished areas of the state.

**WHO IS LIKELY TO SUFFER?** A relatively few nonresident sport fishermen who currently come to Kodiak for long periods during the fishing season, and who would like to catch and keep more than six king salmon per year.

**OTHER SOLUTIONS CONSIDERED?** KSFA first considered proposing returning to the original limits with no seasonal limits on king salmon. This was rejected due to the Board of Fisheries insistence that potential problem exists with Kodiak Island king salmon stocks. KSFA also considered proposals for annual restrictions on residents and nonresidents alike for the Karluk and Ayakulik freshwater systems. This was rejected since it did not address the salt-water fishery, and because ADF&G has excellent on-scene monitoring of those rivers.

**PROPOSED BY:** Kodiak Sport Fishing Association (HQ-99-F-391 / SC-98-F-036)  
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**PROPOSAL 424 - 5 AAC 58.036. SALTWATER CHARTERING REQUIREMENTS. Amend this section to provide the following:**

Proposal to implement a moratorium on new entry into the halibut charter or guide service business in the waters of Cook Inlet and Kachemak Bay for a period of three years. At that time

data collected could be used to develop a comprehensive license limitation plan if it is found necessary. If the data show no overcapitalization concern and the GHL is raised to accommodate more effort then the moratorium could be reconsidered.

**PROBLEM:** With the GHL management plan from the North Pacific Fishery Management Council a moratorium on new entry is needed to prevent economic stress In the existing charter fleet.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** New entries into the halibut charter industry will cause overcapitalization and then current operators will suffer when the season is restricted after achievement of the GHL. To restrict the number of operators at the current level will prevent overcapitalization and economic distress.

**WHO IS LIKELY TO BENEFIT?** Those established charter companies that were here when the GHL was instituted

**WHO IS LIKELY TO SUFFER?** Those wanting to begin a charter service to fish for halibut. If it becomes necessary to implement a license limitation program then new entries would purchase an existing license to gain entry into the guiding business.

**OTHER SOLUTIONS CONSIDERED?** To allow continued entry into the charter industry will contribute to the possible overcapitalization in the Cook Inlet waters under the GHL plan, and with future TAC reductions the current fleet size will be in question. There is current data to show an excess number of charterboats available now, with a moratorium the problem will be held to current levels, a higher GHL would help during high abundance but when the TAC is reduced the impact on individual businesses need to be minimized. There seems to be no other justifiable solutions available.

**PROPOSED BY:** Homer Charter Association (HQ-99-F-389 / SC-98-F-016)

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**PROPOSAL 425 - 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° 51.10' N. lat.), west of 150° W. long., north of 55° 30.00' N. lat., and east of a line extending south from the southern entrance of Imuya Bay near Kilokak Rocks (156° 20.22' W. 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 LAMP 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 GHL 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-99-F-390 / HQ-98-F-039)

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**PROPOSAL 426 - 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 area 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 that 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 (HQ-99-F-392 / SC-98-F-075)  
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**PROPOSAL 427** - 5 AAC 55.020. CODE KEYS FOR BAG LIMITS, POSSESSION LIMITS, AND SIZE LIMITS; and 5 AAC 55.022. WATERS: SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS. Amend these regulations as follows:

Decrease the bag and possession in Shelter Bay on Hinchinbrook Island in Prince William Sound to one coho salmon per day and one in possession.

**PROBLEM:** Shelter Bay on Hinchinbrook Island has historically supported a coho salmon population and associated sport fishery. The location and topographic characteristics make it an ideal destination for floatplanes to land because of the large protected bay. There is also a US Forest Service cabin located at the mouth of the freshwater stream entering the bay. This location has, in recent years, become an increasingly popular destination of floatplane operators and commercial transporters and guides. As a result, the numbers of fish reaching spawning areas has decreased significantly in recent years. There are no directed commercial fisheries on this stock of coho salmon. Habitat evaluations by the US Forest Service conservatively estimate that this drainage could support a spawning population of approximately 700 pairs. Recent surveys by the Forest Service have found less than 12 fish on the spawning grounds in the past three years, while at the same time significant numbers of fish are harvested in the bay at the mouth of this stream. The bag limits have been reduced to one in this location and throughout PWS by emergency order in 1997 and 1998 due to poor coho salmon returns throughout the area. This proposal is being submitted to discourage the use of this system as a destination for anglers seeking the harvest a large number of fish. The reduction of the bag limit to one should discourage those wanting to "fill the freezer" while at the same time provide the opportunity for anglers using the recreational facilities at this location to have an occasional salmon for the evening meal. There are other areas within PWS that may suffer a similar fate as Shelter Bay that may also be addressed by this proposal.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Local stocks of coho salmon will continue do be severely depressed.

**WHO IS LIKELY TO BENEFIT?** This action would allow the recovery of stocks within the Shelter Bay drainage with the objective of increasing the bag limits when stocks are recovered, therefore, future anglers would benefit from opportunities provided when stocks recover.

# North Pacific Fishery Management Council

Richard B. Lauber, Chairman  
Clarence G. Prutzke, Executive Director

Telephone: (907) 271-2809



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**AGENDA CHANGE REQUEST: 5 AAC 34.053. OPERATION OF OTHER POT GEAR, AND 5 AAC 35.053, OPERATION OF OTHER POT GEAR.** These sections were amended by the Board of Fisheries (Board) in March 1999 to provide the following:

A person or vessel that operates commercial, subsistence, personal use or sport fishing gears [POTS] in the 30 days immediately before the opening, or prior to registering for a commercial king or Tanner crab fishery in a crab registration area, may not participate in a commercial crab fishery in the crab registration area (where groundfish gear of any kind has been used).

The purpose of this ACR is for the Board to have the opportunity to review the above change in regulations and to consider other approaches to deter prospecting before a crab season begins.

## Present Situation:

At its March 1999 meeting in Anchorage, the Board adopted regulations that (1) move the opening of the Bristol Bay red king crab season from November 1 to October 15 and (2) extend the preseason gear operation restriction from 14 to 30 days and include trawl gear with the types of gears that are prohibited for those who want to participate in the crab fisheries. The Board's intent was to provide for a fair start by participants in the crab fisheries by removing all opportunity for prospecting. Although the setting of season dates is deferred to the State of Alaska by the North Pacific Fishery Management Council (Council) as a Category 2 measure in the federal fishery management plan for Bering Sea and Aleutian Islands king and Tanner crab, the extension of any gear standdown to include trawl gear, arguably falls within category 3 "Other" which requires consultation with the Council.

The Board carried out its responsibility to consult with the Council in a joint meeting on July 27, 1999 in Anchorage. During discussion, various concerns were raised by Council members over the high economic costs to the trawlers of the above approach used to discourage prospecting, if indeed prospecting occurs at all. Ultimately it was suggested that there may be other ways to accomplish the same goal, such as increasing observer coverage to 100% for the affected groundfish vessels before the crab seasons. Other approaches may be available also. It was further decided that the joint Council and Board committee would meet in September 1999 and develop a full range of options for resolving the Board's concerns over prospecting and fair start issues. These recommendations would be forwarded to the Council for its October 13-18, 1999 meeting, and to the Board for its work session on October 29, 1999. An analysis could be developed for final consideration of the joint bodies at their annual February meeting, and for action as appropriate by the Board in March 2000.

The Board then held a teleconference on August 6, 1999, and among other things, requested the Council to submit an Agenda Change Request to allow the above issue to be taken up by the Board in March 2000.

## What the Proposal Seeks to Change:

The proposal extended the gear exclusion regulation to include trawl gear to eliminate any opportunity for prospecting and provide for a fair start to crab fishing. This Agenda Change Request would allow the Board to consider other alternatives as well.



1. Staff Assessment of the Agenda Change Request Criteria as it relates to this request

A. Is there a fishery conservation purpose or reason? No.

B. Does the proposal correct an error in a regulation? No, not any technical error.

C. Does it correct an effect on a fishery that was unforeseen when a regulation was adopted?

Yes. The impacted trawl fleet has voiced strong concern that the above measure unduly restricts their opportunity to participate in both the pollock and crab fisheries and will have major economic impacts on them that were not sufficiently quantified for the Board at the time of its decision. Compounding the problem is that this economic hardship will be imposed despite little firm evidence that prospecting actually occurs. Other approaches may have less economic impacts and still serve to discourage prospecting.

2. Is the proposal predominantly allocative in nature? No, not predominantly, though there are direct and indirect allocative effects.

Additional Information: Additional alternatives and information will be developed starting in September 1999 with the joint committee meeting of the Board and Council, and during the analytical phases and public comment periods envisioned above, prior to the Board convening in March 2000.

PROPOSED BY: North Pacific Fishery Management Council

Submitted by Fax on 8/25/99.

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## BOARDS

**AGENDA CHANGE REQUEST (CF # 3) 5 AAC 28.279. PERMIT FOR MISCELLANEOUS GROUND FISH.** Create a new section to require permits for the taking of miscellaneous groundfish in the Prince William Sound Area.

**Present Situation:** Interest has increased in a wide variety of groundfish resources as limited access programs are adopted for fisheries in both state and federal waters. It is impossible to develop comprehensive regulations for every species. The department often finds that it has little or no information on distribution, abundance, stock status, or in some instances life history. Without this information it is difficult to determine appropriate seasons, gears, or harvest rates for these state water's resources. Similarly, markets and price can drive interest in resources that result in development of a fishery that quickly outstrips the department's ability to manage on a sustainable basis. Most recently the Alaska Board of Fisheries recognized the limitation by adopting regulations closing directed fishing for sharks and setting a commissioner's permit requirement for targeting skates and rays. A permit process provides controls in the fishery while providing the department and the public with a strong yet flexible management framework. The department has been working to develop a policy that provides guidance to managers of developing fisheries. Although it is not incumbent on the department to issue such permits, the proposed Miscellaneous groundfish permit framework provides a level of flexibility to allow a low level harvest while controlling development and providing for the collection of information necessary to develop a management approach.

**What the Proposal Seeks to Change:** The department would like Board approval to create this regulation to effectively manage and develop these fisheries.

**Staff Assessment of the Agenda Change Request Criteria as it Relates to This Request:**

1. Is there a fishery conservation purpose or reason? Yes.
2. Does the proposal correct an error in a regulation? No.
3. Does it correct an effect on a fishery that was unforeseen when a regulation was adopted? No.
4. Is the proposal predominantly allocative in nature? No.
5. Does the department have new information with respect to this proposal? No.

**Additional information:** Management of many state water's groundfish resources is set to parallel openings and closures in adjacent federal waters. Allowable harvests in federal waters are typically very large and therefore inappropriate for the smaller state management units. However, under the current management scenario, harvest could occur

ACR 20

without restriction. In certain situations the department can invoke 5 AAC 39.210 MANAGEMENT PLAN FOR HIGH IMPACT AND EMERGING FISHERIES, however, this regulation is primarily effective after effort or harvest has escalated to the point of concern and mandates that the fishery be closed.

**PROPOSED BY: Alaska Department of Fish and Game.**

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SEP 10 1999

BOARDS

Kevin Bundy

Mark Alwert

P. O. Box 2624

Kodiak, AK 99615

10 September 1999

Alaska Board of Fisheries  
P. O. Box 25536  
Juneau, AK 99802-5526

Subject: 5 AAC 28.467 (C) (4); Regulation Book Page No. 116

Attention: Diana Cote

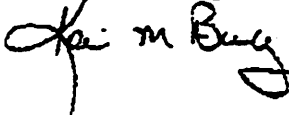
Board of Fisheries Members:

We request that a change be placed on the next meeting agenda. The subject regulation limits larger pot boats to 25% of the state quota. We believe that this qualifies for an agenda change, because it is necessary to correct an effect on a fishery that was unforeseen when the regulation was adopted. As a result of this regulation the state water's cod in Kodiak will not be caught, because a portion of the fleet will now be unnecessarily closed down.

Your assistance in this matter is appreciated.

Sincerely,

Kevin Bundy



Mark Alwert



AGENDA C-8  
Review of Board proposals of mutual concern

C-8  
Brent  
Haine

Proposal # 418 - Prohibit trawling of cod in State waters.

- 1- Clarify whether the proposal is intended to apply only in the Aleutian Island management area.
- 2- Areas in which federal input into the analysis based on NORPAC observer data would be useful:
  - a) What percentage of the AI cod harvest has been taken by each gear and processing type in the period 1994-1999?
  - b) What have the bycatch rates been in the AI cod fishery of halibut and other PSCs, as well as non-target groundfish, by each gear type during the 1994-1999 period?
  - c) How do these rates compare with cod fishing in the BS management area?
  - d) What percentage of the trawl hauls have start and/or end positions inside 3 miles?
3. Other data that would be useful to incorporate into the analysis:
  - a) What percentage of the shelf area (in the 10-90 fathom depth range) is inside 3 miles?
  - b) What percentage of the shelf area outside 3 miles is within sea lion rookery closure areas?
  - c) How many LLP groundfish permits will issued for each gear type and processing mode in the AI area?
  - d) Seasonal closure dates for the trawl cod fishery during the period 1994-1999.
4. List Council actions that would provide opportunity for the development of Adak participation in the AI cod fishery.
  - a) Jig cod set aside.
  - b) Fixed gear cod set aside for vessels under 60'
  - c) CV/CP cod allocation splits in the trawl sector.
  - d) Trawl/Fixed gear cod allocation splits.