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*cc: Brauson  
Hutton  
Hershberger  
all SSC.  
all AP.*

November 22, 1977

Mark Hutton  
Assistant Executive Director  
North Pacific Regional Fisheries Management Council  
P.O. Box 3136 DT  
Anchorage, Alaska  
99510

Dear Mark:

Enclosed is a copy of my November 18, 1977 testimony in Sitka, Alaska on behalf of the Alaska Trollers Association (ATA) and Halibut Producers Cooperative (HPC) in which I unveiled the "Sitka Plan". As you know, the genesis of the Sitka Plan was the unanimous and severe criticism heaped upon the Second Draft Plan of the Fishery Management Plan for the Commercial Troll Fishery off the Coast of Alaska (Draft Plan) at the public hearings in Juneau, Ketchikan, Petersburg, Sitka and Pelican. Besides the Draft Plan, the only other thing virtually everyone agreed was bad was the Alaskan King salmon resource in southern Southeastern. Because the Plan did not adequately address this problem, council members sought suggestions from the public. The Council's quest for answers inspired the Sitka Plan.

Provisions #6 - 9 of the Sitka Plan address the southern Southeastern king salmon difficulties. They are directed to the Alaska Board of Fish and Game because that is the regulatory agency with the authority to solve this problem. That is because the inside waters within the Board's jurisdiction contain predominantly Alaska kings. The Council waters where present fishing exists contain only small amounts of depleted Alaskan chinook.

Sections #1 - 5 of the Sitka Plan, which are presented for Council action, relate primarily to the alleged shaker problem on the inner banks of the Fairweather Grounds.\*

\*The existence of a shaker problem of any magnitude even on the Inner Banks was vigorously challenged at the Public Hearings. Scientific evidence will be presented to the Council on this matter in "Industry's Appraisal of the Alaska Salmon Troll Plan". See also Report of the Advisory Panel Subcommittee Chairman on the Second Draft of the Proposed Fishery Management Plan for the Commercial Troll Fishery Off the Coast of Alaska; pp. 5 - 7.



Two of the provisions, (#2 & 3), are taken from The Draft Plan. The other 3 proposals (1, 4 and 5) could be implemented by ATA and HPC and administered in conjunction with federal and state regulatory agencies. There would be no need to have them written into the Plan.

I point this out because a few people have indicated that in order to adopt The Sitka Plan the Council would have to hold public hearings on it. If that happened, my clients would be put to great expense simply because the drafting team did not have the foresight to seek and/or allow adequate troller input initially. If trollers are required to pay for the drafting committee's errors now, then certainly in the future fishermen would be less likely to propose alternative management suggestions to a draft plan which like the Troll Plan, would have to be rejected anyway in light of the overwhelming evidence against it.

This is not to say that under circumstances where additional public comment would be beneficial, ATA and HPC would be opposed to incurring further expense. But in this instance there has been more, and in my opinion, finer, public testimony on this plan than any plan thus far considered by the Council. Consequently, because requiring further testimony is unnecessary and would be costly and of doubtful benefit, the Council should simply reject both of the Draft Plan's closure options and work with ATA and HPC toward the development of the voluntary management proposals contained in the Sitka Plan.

Very truly yours,



Scott Stafne

SS/jp

xc: North Pacific Council members  
Keith Specking

THE SITKA PLAN

Presented to:

North Pacific Fisheries Management Council  
At The Public Hearing Held in Sitka Alaska  
November 17, 1977

By: Scott Stafne  
Attorney for the Alaska Trollers  
Association and the Halibut  
Producers Cooperative

Gentlemen:

Welcome to Sitka. To my left is Ed Linkaus, President of Alaska Trollers' Association. To my right is Lee Krause, President of HPC. My name is Scott Stafne. I'm an attorney, and our office represents both organizations.

We are here today on behalf of the six or so hundred members of both organizations to present to you a resource conservation management plan prepared by those persons closest to the resource - the fishermen.

The fishermen who make up both organizations are professionals - they know as well as you and I that they and their children must depend on the resource. And that means the resource is very important to them.

Without further introduction I would like to explain the SITKA PLAN, or ATA and HPC's alternative resource management plan.

## THE SITKA PLAN

1. ADF&G redesign the statistical areas based on known biological considerations. That means in this case of the Fairweather Grounds, the creation of distinct recording areas which include the East Bank, the West Bank, the Ham Bone, and the Inner Bank. In this regard, I suggest that ADF&G contact ATA since its logbooks are already divided into these areas.
2. Adoption of the Alaska limited entry scheme for Council waters.
3. Adoption of the 28 inch size limit. This was adopted by Alaska last year and appears to have solved any small fish problems which existed in Alaska. Professional fishermen simply can't afford to fish on small fish when this limit is in effect.
4. Adoption of log book record keeping in Council waters. In this regard, we suggest that the Council use ATA's log book program.
5. Adoption of a troller self enforcement system. This system would involve not only peer pressure against those few rejects who jeopardize the livelihood of all trollers by fishing on small fish, but also the ability to report a small fish problem which can be verified by a regulatory agency with the power to implement necessary time/area closures. Self-enforcement could be supplemented by the use of onboard observers and landing spot checks.
6. Because Council waters contain very little Alaskan King salmon, the following recommendations of necessity will be made to the Board of Fisheries. We hope you will support us with the Board. Our recommendations include:

- a. Close district 10 south and east of a line from Boulder Point to Bay Point to trolling from April 16 through June 14 to protect the spawning run of Stikine River king salmon.
  - b. Close Bradfield Canal east of  $131^{\circ} 55' 30''$  West longitude after the last Sunday in April (East of  $131^{\circ} 53'$  West longitude) through September 30. This regulation change would add protection to dwindling king salmon stocks in Bradfield Canal.
  - c. Close Blake Channel and Eastern Passage to all trolling from the last Sunday in April through September 30.
  - d. Close district 8 to trolling and sport fishing from April 16 through the third Monday in June. This closure will help provide maximum protection to mature king salmon entering the Stikine River.
  - e. Include section 15-A in the area in Lynn Canal closed to trolling from April 16 through June 14. This regulation would give additional protection to the Chilkat River King salmon run by stopping commercial troll effort on spawners as they approach the river mouth.
7. Our seventh major recommendation also relates to the Board of Fisheries. They should open the inside waters north and west of Cape Suckling in order to more adequately distribute troll effort throughout the state. We realize, of course, certain parts of this area, like Cook Inlet, would have to be excluded from this area.

8. We believe the Board of Fisheries should take steps to define hand trollers. In this regard we propose that a hand trollers may not have on board his vessel a power gurdy or the equipment to run his hand gurdy by any means other than hand power. Hand trollers are proliferating rapidly and taking larger and larger salmon catches. Under present regulations it is difficult to enforce restrictions against hand trollers using power gurdies unless actually caught violating the law. These management regulations would more closely define and limit hand trollers so that their use can be more in keeping with the intent of the Alaska Limited Entry law.

We also believe consideration should be given to limiting hand trollers. In making these statements we want it understood that we support and will continue to support, those hand trollers which are true commercial fishermen, who depend on hand trolling for a significant source of their livelihood. We do not support those Sunday morning fishermen who call themselves hand trollers merely in order to receive a tax break on their pleasure yachts and to take more king salmon than would be allotted to them if they were considered sport fishermen. And in this regard, we fault the State of Alaska which enacted a one bag King sport limit and kept the price differential between sport and hand troll permits to a minimum.

9. ATA has had discussions with representatives of organizations

representing other gear types which fish salmon. We are hopeful that this Spring we will create a Salmon Conservation Congress, which will be an organization where fishermen from all gear types can meet to discuss the need for, and best way to create and enforce conservation regulations. We hope that after this episode - and by that I mean this troll plan - ADF&G will at least come to us and talk about future proposals before they are made. In the future, however, we certainly intend to submit our own comprehensive management schemes to appropriate regulatory bodies. Management options which we considered, but felt were inappropriate were:

Requiring the use of single hooks. Fishermen felt they did not reduce mortalities and studies already submitted for the record substantiate this.

We considered as a management option closing the Inner Bank, but rejected this because if catches are averaged there is a 1:4 shaker to legal ratio. This is far less than in the State of Washington. Additionally, it should be noted that when there is a shaker problem on the Inner Bank, it varies by area and time. For example, in 1973 and 1977 there were virtually no shakers. And also it should be noted that closing the inside bank would in some instances, amount to a total closure of the grounds since the weather is often so bad on the outside bank that fishermen retreat to the inside bank to fish. If fishermen didn't have the inside bank to retreat to they couldn't fish the outside bank.



Certainly if self enforcement works, it would be far better than any closure. And of course you would have an opportunity to evaluate whether self enforcement worked in 1978.

We also considered closing possible nursery grounds, but felt that statistical evidence suggested that the 28 inch limit may have solved those problems.

In closing, we would like to direct one final comment to the Alaska Department of Fish and Game, and to the Washington and Oregon Departments of Fish and Game. Both are based on these facts:

As fishermen we depend on the resource. It's our primary livelihood. We have supported programs to benefit that resource. Among the things we've done are:

1. Support enactment of limited entry and fight the initiative against it.
2. Support and institute aquaculture programs at our expense.
3. Develop a log book program with vast research potential.
4. Secure funding to employ a fisheries biologist.
5. Present this, the Sitka Plan, as a constructive, and we believe, far better alternative to the proposed plan.

What we want to say about these facts to Alaska Fish and Game is that we deserve and demand better from you. We are the people you work for and management of our lives should include us. In the future it will be more difficult to divide us and unless you work with fisher-

men, we will all be against you.

To Washington and Oregon Departments of Fish and Game, we would say: we, too, are concerned about the conservation of the U.S. resources which spawn in your states. We have our own scientist, in addition to ADF&G, and we want you to work with him and us. The time has long since ended when your departments can be content to work only with your own residents.

With these almost brief comments, I will end this presentation.