


MEMORANDUM

TO: Council, AP, and SSC Members

FROM: Clarence G. Pautzke   
Executive Director

DATE: April 15, 1991

SUBJECT: Gulf of Alaska and the Bering Sea/Aleutian Islands Groundfish Fishery  
Management Plans

**ACTION REQUIRED**

Approve proposed groundfish amendments for public review

**BACKGROUND**

At its September 1990 meeting the Council developed a list of priority amendment topics and requested the Plan Teams to incorporate these topics, with reasonable alternatives, into a draft amendment package that includes an Environmental Assessment/Regulatory Impact Review (EA/RIR). The draft EA/RIR amendment package is presented as Amendment 17 to the Bering Sea/Aleutian Islands plan and Amendment 22 to the Gulf of Alaska plan. A copy of the draft EA/RIR was sent to you on April 10. Included in the package are the following five amendment topics:

1. Authorize experimental fishing permits:

An FMP amendment is proposed whereby the Regional Director, in consultation with the Council and the Alaska Fishery Science Center, may issue experimental fishing permits to persons for purposes of obtaining information necessary to promote fishery conservation and management.

2. Establish Walrus Islands groundfish fishing closures:

An FMP amendment is proposed which would institute protective measures for the Walrus Islands (haul-out sites) in northern Bristol Bay. The 12-mile buffer zone created in 1989 will expire at the end of 1991. Alternatives include re-establishing, permanently or for a 5 year period, the 12-mile radius buffer zones or establishing an enlarged buffer zone which would include all waters north of a line from Cape Constantine to the southern most tangent of a 12-mile radius around Cape Peirce.

3. Rescind Gulf of Alaska statistical area 68:

An FMP is proposed to delete statistical area 68 (East Yakutat District) because it is not needed for fishery conservation and management purposes and is imposing unnecessary recordkeeping and reporting costs.

4. Establish the Bogoslof District in the Bering Sea:

An FMP amendment is proposed which would create a separate statistical subarea around the area of Bogoslof Island. The analysis herein covers two options for accomplishing this: (1) create a unique Bogoslof District for which a pollock TAC, separate from the Bering Sea and the Aleutian Islands management areas, would be specified annually or, (2) a pollock catch limit specific to the Bogoslof District could be established as a subdivision of the overall Bering Sea TAC. Option 2 would work the same as the 1991 Bogoslof emergency rule.

5. Definition of a groundfish pot:

Included in this package is a regulatory amendment which would define a groundfish pot to differentiate it from king crab and Tanner crab pots.

Other items originally included as part of this package have been deleted on recommendation from the NMFS (D-1(b)(1)). First, biennial cycles for preparing SAFE Reports and for submitting plan amendments were proposed. The 602 guidelines require that the Secretary annually review the SAFE Reports and make changes as necessary; therefore, a biennial cycle for the SAFE Reports is not practical. In regards to the biennial cycle for plan amendments, the Council could amend its amendment cycle policy to implement this proposal rather than amend the FMPs.

Second, NMFS had proposed requiring groundfish processors to report retained amounts of non-groundfish species whenever any amounts of groundfish were retained. This proposal was intended to enhance enforcement of the directed fishing rule; however, the Enforcement Office of NMFS has indicated that its enforcement efforts have not been hampered by the retention of non-groundfish species. Therefore, a strong reason does not exist to amend the FMPs for this purpose at this time and, at the request of NMFS, this amendment topic was withdrawn.

Third, when the Council made final ABC and TAC recommendations in December 1990 for rockfish species in the Gulf of Alaska, there was concern about the potential of groundfish fisheries attaining the overfishing level for some species of rockfish. Emergency action was considered to seek an exemption to the overfishing definition with respect to shortraker and rougheye rockfish under the 'minor species exemption' rule. NMFS also recommended that the Gulf FMP be amended to include a minor species exemption clause. However, NMFS has now advised that such an amendment is not necessary at this time. For rockfish management in the immediate future, NMFS has adopted a Gulf-wide ABC rather than area-specific ABCs. This will allow much greater flexibility in dealing with the overfishing issue and will take care of the immediate problem in terms of rockfish. Ideally, greater flexibility would be built into the overfishing definition for groundfish and NMFS recommends reconsideration of the overfishing definition during the next amendment cycle.

The Council needs to approve the draft amendments for public review. A minimum 30-day public comment period on the amendment package will commence soon after the Council meeting. The Council will review public comments and take final action in June. Approved amendments will be submitted for Secretarial review in early July and would be implemented by December 1991.



National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

AGENDA D-1(b)(1)  
APRIL 1991

March 28, 1991

Clarence Pautzke, Executive Director  
North Pacific Fishery Management Council  
P.O. Box 103136  
Anchorage, AK 99510

Dear Clarence:

The Council tentatively adopted five measures for Amendment 17 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 22 to the FMP for Groundfish of the Gulf of Alaska. Upon reviewing these measures, we believe two of them are not necessary.

First, biennial cycles for preparing Stock Assessment and Fishery Evaluation (SAFE) Reports and for submitting plan amendments were proposed. We believe that a biennial cycle for SAFE reports would be counterproductive. The 602 guidelines (CFR 602.12(e)(1)(i)) require that the Secretary of Commerce annually review the SAFE reports and make changes as necessary. To annually review the SAFE reports but not be allowed to make changes except every two years makes no sense. With respect to a biennial cycle for submitting plan amendments, we believe the Council could amend its Standard Operating Procedures to implement this proposal rather than amend the FMPs. Amendments to the SOPs would also require a NMFS review, but it seems to us to be a more appropriate vehicle than amending the FMPs.

Second, we had proposed requiring groundfish processors to report retained amounts of non-groundfish species whenever any species of groundfish are retained. The groundfish FMPs currently authorize recordkeeping and reporting requirements only for groundfish and prohibited species. Our proposal was intended to enhance enforcement of the directed fishing rule, which specifies retainable amounts of groundfish relative to retained amounts of other fish and fish products, including non-groundfish. The reporting of retained amounts of non-groundfish species could also enhance data collection on these species and provide information on the need to bring such species under Federal management in EEZ waters.

Subsequent discussions with our Enforcement Office indicate that NMFS' enforcement of the directed fishing rule has not been hampered by the retention of non-groundfish species. Vessel operators who retain groundfish in the directed fisheries for halibut, salmon, lingcod, and other non-groundfish species normally deliver shoreside. As such, enforcement of the directed fishing rule for retained bycatch of groundfish species can be effectively conducted through dockside monitoring of landed catch. Enforcement officers also have the authority to audit and weigh total retained catch of groundfish and non-groundfish



species on board at-sea operations to enforce the directed fishing rule. At this time, therefore, a strong reason does not exist to amend the groundfish FMPs to authorize the recording and reporting of non-groundfish species for purposes of enforcing the directed fishing rule.

As mentioned above, the reporting of retained amounts of non-groundfish species may be desirable to collect retained catch data on these species, particularly from catcher/processors. We believe that this purpose alone, however, does not justify the additional recordkeeping and reporting burden to the groundfish industry at this time.

The Council may need to reconsider amending the FMPs to authorize the recordkeeping and reporting of non-groundfish species under the proposed amendment to implement the North Pacific Research Plan, especially if fees are assessed against landed or retained catch of non-groundfish species caught as bycatch in directed groundfish operations.

Clarence, for the above reasons, the plan teams have not included analyses of the biennial cycles or the reporting requirements in the draft amendments. Nonetheless, should the Council request that these measures be included in the draft Public Review Packages anyway, we would prepare the necessary analyses following the April Council meeting.


Sincerely,



Steven Pennoyer,  
Director, Alaska Region

MEMORANDUM

TO: Council, AP and SSC Members

FROM: Clarence G. Pautzke   
Executive Director

DATE: April 17, 1991

SUBJECT: Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish Plans

**ACTION REQUIRED**

- (c) Consider schedule for analyzing quarterly cod allocations in the BSAI.
- (d) Consider apportionment of pollock to midwater trawls in the BSAI.
- (e) Consider request for emergency action to prohibit trawling in the eastern Gulf of Alaska.

**BACKGROUND**

Quarterly Cod Allocations

In December the Council took emergency action to seasonally allocate Pacific cod in the BSAI, 35% to the first quarter, 25% to the second quarter, and the remaining 40% upon expiration of the emergency rule (then anticipated as July 1). In January, the Regional Director requested additional discussion and rationale for the emergency rule request.

While some Council members felt there was no emergency, the majority thought that, without seasonal allocations, most of the cod TAC would be taken in the first half of the year and the crowded fishery would lead to gear conflicts, increased bycatch, loss of product quality and safety problems. The Council let stand their earlier request for emergency action and requested that a plan amendment be initiated sometime this year if staff is available to perform the analysis.

Catch reports as of March 31 show that 62,745 mt of Pacific cod have been taken, 32% of the initial DAP apportionment (194,650 mt) and 27% of the TAC (229,000 mt). The catch had increased by April 7 to 72,875 mt. The bottom trawl fishery for cod closed February 17 in Zones 1 and 2H because the primary first quarter halibut PSC had been taken. The entire BSAI closed on March 8 when the secondary halibut cap was attained. The fishery reopened on April 1 when the second quarter halibut PSC became available.

Item D-1(c)(1) requests the Council to task the staff with analyzing an amendment that would provide the Council the authority to seasonally allocate cod in the Bering Sea and Aleutians.

### Pollock Apportionment to Midwater Trawls

Amendment 16a to the Bering Sea plan allows the Council to apportion pollock between bottom and midwater trawls to save bycatch. In approving the amendment for Secretarial Review, the Council accepted the 88%-12% split (midwater-bottom trawl) recommended by the Region. These were the actual percentages from the 1990 fishery.

Amendment 16a, which also has herring bycatch measures and hotspot authority, was filed with the Federal Register on April 11. It calls for the Council to determine the split in December for the coming year. However, the Council wanted to review the proportions this year in April or June. Factors to be considered include:

1. The PSC limits and PSC bycatch allowances;
2. The projected bycatch of prohibited species that would occur with and without a limit on the amount of pollock TAC that may be taken with non-pelagic trawls;
3. The cost of a limit in terms of amounts of pollock TAC that may be taken with non-pelagic trawl gear on the non-pelagic and pelagic trawl fisheries; or
4. Other factors pertaining to consistency with the goals and objectives of the FMP.

### Ban on Trawling in Eastern Gulf of Alaska

The Council has received a request for a plan amendment to ban trawling in the Eastern Gulf of Alaska. The principle request is under item D-1(e)(1). This follows an earlier request for similar action using an emergency rule. The Council conferenced on the emergency request, on February 27, in accordance with Council policy, and recommended that the issue be placed on the April agenda for consideration.

**NORTH PACIFIC LONGLINE COALITION**

- VIA FAX -

April 15, 1991

Mr. Rick Lauber, Chairman  
North Pacific Fishery Management Council  
P.O. Box 103136  
Anchorage, AK 99510

**RE: Tasking of Amendment to Seasonally Apportion  
BSAI Pacific Cod**

Dear Mr. Lauber:

Attached please find a copy of a petition from all of the longline associations whose fishermen fish for Pacific cod in the Bering Sea Aleutian Islands Area. We are requesting that the Council direct its staff to begin work on the plan amendment it recommended in January of this year, to provide authority for the seasonal apportionment of BSAI Pacific cod TAC. There is no need to review the purposes of this amendment at length, but the petition contains certain information which was not available earlier. We hope that you can take a minute to review it.

The primary purpose of the proposed amendment is to protect spawning cod from an uncontrolled pulse fishery. Such a fishery raises obvious concerns of overharvesting and possible disruption of the spawning process. Spawning cod stocks deserve the same sort of protection which has been provided for spawning pollock stocks. The negative market implications of a sudden glut of cod product are of course obvious.

Please note that the proposed amendment is not allocative, per se. If it is drafted like BSAI Amendment 14 it will merely provide the Council the option to apportion cod TAC seasonally. Please note also that this authority may be necessary even if an ITQ system is implemented for halibut bycatch. If those interested in conducting a pulse fishery on cod have the ability to purchase enough halibut ITQ to cover their halibut bycatch, they could still harvest all of the cod in a very short time. The Council should have the authority to prevent this. Finally, please recognize that this amendment stands alone and is not meant as a substitute for any allocations the Council may elect to implement at a future date.

The proposed amendment should be easily approvable after analysis and public comment.

FROM SEATTLE

4.15.1991 12:22

P. 2

We feel as the Council does that spawning cod deserve the same protection provided for spawning pollock. We hope that the Council will remain consistent in its management philosophy and true to its policy decision by tasking the proposed amendment.

Sincerely,

Kodiak Longline Vessel Owners' Association  
Fishing Vessel Owners' Association  
Alaska Longline Fishermen's Association  
Freezer-Longliner Group  
Petersburg Vessel Owners' Association



**NORTH PACIFIC LONGLINE COALITION**

- VIA FAX -

April 15, 1991

Mr. Richard B. Lauber, Chairman  
North Pacific Fishery Management Council  
P.O. Box 103136  
Anchorage, AK

RE: Plan Amendment to Seasonally Apportion BSAI  
Pacific Cod TAC

Dear Mr. Lauber:

As you know the North Pacific Fishery Management Council (Council) has repeatedly recommended regulatory action to provide authority for the seasonal apportionment of Pacific cod in the Bering Sea/Aleutian Islands Area (BSAI). The Council approved an emergency rule to achieve this goal in December of 1990, and again in January of 1991. At the January meeting it also approved development of an out-of-cycle permanent plan amendment, by a nearly unanimous vote of 9-2; a very clear policy decision.

The emergency rule was not approved, apparently because of some reluctance to "allocate" without going through the full amendment process. The National Marine Fisheries Service (NMFS) has since reversed its position on allocating by emergency rule (see IV below). In our view the proposed rule was based on conservation concerns, with possible allocative side-effects (see II below). The undersigned associations now respectfully request that the Council direct staff to commence preparation of this amendment package at the earliest practical date.

The Council has heard considerable testimony on this topic from all affected elements of the groundfish industry, has developed a substantial administrative record, and has recommended action. There is no reason to review again the merits of the proposal. Since January, however, certain events have taken place and certain information has become available which demonstrate its approvability.

**I. Bycatch Considerations**

In February halibut bycatch problems in the BSAI Pacific cod fishery put an end to the use of bottom trawls during the remainder of the first quarter of 1991 - only "pelagic" trawls could be used. These trawls took almost as many halibut as the bottom trawls, and the NMFS Alaska

Region may close the bottom trawl fishery for cod by emergency rule when the halibut PSC cap is reached. While these occurrences have prevented an intense pulse fishery on spawning cod aggregations and thus may have averted an emergency, directed fishery closures due to halibut bycatch are irrelevant to the long-term rational management of the cod fishery. Management of the cod fishery requires regulations which address problems of the cod fishery directly - such as the proposed amendment. We do not manage directed fisheries by bycatch.

The major purpose of seasonal TAC apportionment is avoidance of excessive fishing on spawning stocks. Any number of schemes have been suggested to alleviate the bycatch problems of the bottom trawl industry. It is likely that one or more of these proposals will ultimately prove successful, but that will lead back to the same problem - spawning cod stocks left vulnerable to a pulse fishery. The Council must have authority to address this problem.

Longliners also catch halibut in the BSAI Pacific cod fishery. The mortality inflicted upon the halibut is much less than that inflicted by cod trawlers, however. Longliners account for a far lesser proportion of the actual number of halibut killed in the BSAI cod fishery, as they take larger halibut. They do not have serious bycatch problems with bairdi or king crab, herring, or chinook salmon. From the standpoint of prohibited species conservation, longlining is clearly a preferable way to prosecute the cod fishery.

## II. Protection of Spawning Stocks

In written and oral testimony on seasonal apportionment of BSAI Pacific cod TAC, longliners have stressed the need to offer protection to the declining cod stocks - protection similar to that afforded spawning pollock stocks in the Gulf of Alaska and the Bering Sea. Citations were offered to Canadian precedent for this protection. Recently two NMFS documents have affirmed the need to protect spawning cod and pollock stocks.

The first is the BSAI 1991 TAC specifications, at 56 FR 6292. This document highlights the need to protect spawning pollock through seasonal apportionment of Bering Sea pollock TAC, as follows:

"The Secretary finds also that the roe-season catch limit may help prevent adverse effects on the ecosystem and on future pollock productivity from intensive fishing mortality during the roe season. Although the environmental assessment of alternatives considered for Amendment 14 indicated no clear evidence of significant negative impacts on the ecosystem from intensive fishing during a compressed

season, there is uncertainty about the actual effects of such fishing. The complexity of the ecosystem can easily mask any statistical relationship between the abundance of pollock eggs and larvae, and the future abundance of various pollock predators (including the threatened Stellar sea lion) and of harvestable stocks of pollock. Given this uncertainty, conservative limitation of the roe-season pollock harvest is reasonable. (emphasis added)

The second document, the DRAFT ENVIRONMENTAL ASSESSMENT for the inshore/offshore proposal, makes it clear that spawning cod stocks deserve the same protection. It states at Section 2.3.2, Effects of fishing on aggregated stocks, that "Concentration of effort on aggregated stocks raises concerns of overharvesting...and possible disruption of the spawning process." With regard to cod it observes that much less is known about spawning aggregations and related seasonal movements of cod than of pollock, and cites the author quoted by longline interests in December regarding the uncertainty surrounding intense fishing on cod populations. The Section concludes: "This admonition is equally appropriate to the evaluation of concentrated fishing on aggregations of pollock and cod of the Bering Sea/Aleutian Islands and Gulf of Alaska."

The Council and the Secretary are fully justified in their concerns regarding intense fishing on spawning stocks of pollock and cod. If Amendments 14/19 were approvable, an amendment seasonally apportioning BSAI Pacific cod is approvable.

III. The Proposed Amendment Is Not Necessarily Allocative

BSAI Amendment 14, which provides for the seasonal apportionment of Bering Sea pollock, is not allocative per se. The amendment simply gives the Council authority to recommend seasonal apportionments based on a series of criteria. A well-framed cod amendment would provide that same authority. The Council could choose to adopt an apportionment similar to that of the prior year, as it did with pollock in 1991, or could alter the apportionment based on specified considerations. Should the Council decide to apportion the harvest in a manner which guaranteed a steady supply of cod product to markets throughout the year, shoreside delivery longliners and trawlers, freezer-longliners, head-and gut factory trawlers and shoreside processors would all benefit. In any event the tools would be at hand to manage the cod fishery in a rational manner.

IV. NMFS Policy on Allocations

In a letter to Senator Stevens dated March 7, 1991, Dr. William W. Fox, Assistant Administrator for Fisheries, NOAA,

made it clear that NMFS has no policy what would preclude approval of any management action, emergency or otherwise, on the grounds that it deals with allocation. Any allocative potential of the proposed amendment should not be an impediment to approval - especially if the full amendment process is followed.

Conclusion

Spawning BSAI Pacific cod deserve the same protection provided for spawning pollock in the Gulf and the Bering Sea. The Council has made this policy decision repeatedly, and it is time to move forward with an amendment giving the Council and the Secretary authority to seasonally apportion BSAI Pacific cod TAC. Such action will promote conservation of both cod and prohibited species. Further, recent publications of the National Marine Fisheries Service make it clear that such an amendment is approvable.

Thank you for your attention to this important matter.

Sincerely,

Kodiak Longline Vessel  
Owners' Association

By Linda Kozak

Alaska Longline  
Fishermen's Association

By Arda Behrken

Petersburg Vessel Owners'  
Association

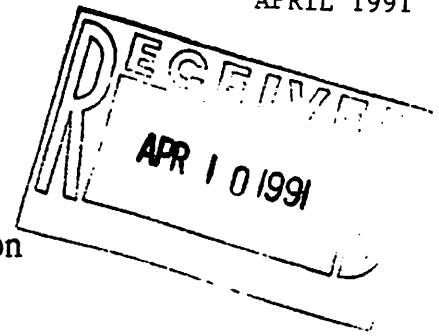
By Kris Novosy

Fishing Vessel Owners'  
Association

By Eric Olson

Freezer-Longliner Group

By Thom Smith



Alaska Longline Fishermen's Association  
P.O. Box 1229 Sitka, AK 99835  
Phone: (907) 747-3400  
FAX: (907) 747-6268

April 2, 1991

Clarence Pautzke, Exec. Director  
North Pacific Fishery Management Council  
P.O. Box 103136 Anchorage, AK 99510

Re: Request for closure of the Eastern Gulf of Alaska to all trawling.

Dear Dr. Pautzke,

As you know, in late February the Alaska Longline Fishermen's Association (ALFA) requested an Emergency Rule to prohibit trawling in the Eastern Gulf. The request has been scheduled for consideration at the April Council meeting in Kodiak.

Since February, discussions with the Council's staff, various Council members, and representatives from organizations supporting ALFA's request have revealed the problems associated with emergency rule actions--namely the lack of available staff time to perform the necessary analyses. Because ALFA and other supporting organizations seek permanent protection for the marine resources, fisheries and coastal communities in the Eastern Gulf, and because the same organizations respect the time demands faced by the Council's staff, we propose that, rather than attempt an emergency rule, the Council initiate an out-of-cycle plan amendment at the April meeting to prohibit trawling in the Eastern Gulf. ALFA and other organizations supporting ALFA's request believe that an out-of-cycle amendment, if initiated immediately, would adequately address the threat posed by the factory trawlers in the Eastern Gulf.

I will send by mail a completed Groundfish Fishery Management Plan Amendment Proposal along with supporting information by the end of this week. Please contact me at the above listed phone or facsimile if you have any further questions or directions. Thank you for your time and attention.

Sincerely,

*Linda Behnken*  
Linda Behnken, ALFA

1

**GROUND FISH FISHERY MANAGEMENT PLAN AMENDMENT PROPOSAL**  
**North Pacific Fishery Management Council**

**Name of Proposer:** Alaska Longline Fishermen's Association (ALFA)      **Date:** 4/4/91

**Address:** P O Box 1229  
Sitka, Alaska 99835

**Telephone:** (907) 747-3400

**Fishery Management Plan:** Gulf of Alaska Groundfish

**Brief Statement of Proposal:** Out-of-cycle Plan Amendment to prohibit trawling in the Eastern Gulf of Alaska (waters east of 140 degrees West longitude)

**Objectives of the Proposal: (What is the problem?)** To protect the marine resources, the traditional fisheries, and the socioeconomic health of coastal communities in the Eastern Gulf by eliminating all forms of trawling in the Gulf of Alaska east of 140 degrees West longitude

The intended level of effort by factory trawlers in the Eastern Gulf this year is unprecedented. Because the factory trawl fleet is over-capitalized and faced with early closures in western areas (due to excessive halibut bycatch rates), trawl effort in the Eastern Gulf can only be expected to increase in years to come. Only by prohibiting trawling in the Eastern Gulf now will a crisis be averted.

Factory trawlers in the Eastern Gulf are depleting rockfish stocks that have never recovered from the decimation wrought by the foreign trawl fleet during the 1960s and placing undue pressure on fully-utilized groundfish species traditionally targeted by the hook and line fleet. Trawl bycatch of salmon in the Eastern Gulf is unacceptable: it is a form of interception as deplorable as that for which the high seas driftnet fleet has been condemned, and undermines state conservation and enhancement programs. The trawl fleet may be contributing to marine mammal and seabird population declines observed in the Bering Sea and the Western and Central Gulf; the trawl fleet should not be allowed to expand into the Eastern Gulf where Steller sea lion populations remain healthy. The Eastern Gulf is rich in slow-growing, deep water corals that are easily damaged by trawl impact, a vulnerability that is intensified by the narrowness of the shelf/slope region. Finally, the traditional hook and line fisheries support the coastal communities of the Eastern Gulf; factory trawlers threaten not only the resource but the socioeconomic health of the area.

**Need and Justification for Council Action: (Why can't the problem be resolved through other channels?)** The North Pacific Council has sole jurisdiction over gear-types authorized to fish in the Eastern Gulf

**Foreseeable Impacts of Proposal: (who wins, who loses?)** In the short term, the few factory trawl vessels presently fishing in the Eastern Gulf will lose access to the area. If the Council delays in prohibiting trawling, the number of vessels affected will increase.

In the long term, the entire area will benefit from the elimination of bycatch inroads into fish populations that are currently harvested by tightly controlled longline fisheries, in the case of groundfish, and troll, seine, gillnet and sport fisheries in the case of salmon. Bottom habitat will be protected, hence the productivity of the Eastern Gulf will be maintained. Marine mammal and seabird populations will benefit from decreased competition for food. Coastal communities in the Eastern Gulf will remain healthy.

**Are There Alternative Solutions? If so what are they and why do you consider your proposal the best way of solving them?** ALFA, United Fishermen of Alaska, Alaska Trollers Association, Ketchikan Trollers' Committee, Petersburg Vessel Owners' Association, Sitka Charter Vessels' Association, Sitka Sound Seafoods, Seafood Producers Cooperative, Hoonah Cold Storage, Sitka Conservation Society, City Assemblies in Sitka, Petersburg, Haines, Haines Borough and Pelican, Fish and Game Advisory Committees in Sitka, Petersburg, Sumner Strait and Tenakee Springs, and the over 1,000 individuals who have signed the petition requesting closure of the Eastern Gulf to trawling recognize that there are no viable alternatives. Trawl gear is non-selective and fatally stresses bycatch species during capture. It is destructive of bottom habitat and ecosystem productivity. Trawlers threaten the traditional fisheries of the Eastern Gulf, the socioeconomic health of coastal communities, and the ecosystem itself. Prohibiting trawling in the Eastern Gulf will eliminate these threats. Prohibiting trawling now will insure that the threats are eliminated before permanent damage is done.

**Supportive Data & Other Information: What data are available and where can they be found?** Information to document the concerns cited for requesting closure of the Eastern Gulf to trawling accompany this proposal for an out-of-cycle Plan Amendment. Because much of the information is undoubtedly familiar to Council members and/or comes from lengthy papers, only excerpts or abstracts are included in some cases. Additional information is available on request.

**Signature:** *Linda Behnken* Linda Behnken, ALFA

Alaska Longline Fishermen's Association  
P.O. Box 1229 Sitka, AK 99835  
March 1991

REQUEST FOR CLOSURE OF THE EASTERN GULF TO TRAWLING

The Alaska Longline Fishermen's Association requests that all trawling be prohibited in the Gulf of Alaska east of 140 degrees West longitude. The request is made for the following reasons:

1 The foreign trawl fleet decimated slope rockfish stocks during the 1960s, an attack from which stocks in the Eastern Gulf have not yet recovered. Roughey and shortraker rockfish stocks also remain depressed. Now the American factory trawl fleet is threatening the same rockfish stocks. The 1991 allowable biological catch (ABC) and total allowable catch (TAC) for roughey shortraker in the Eastern Gulf is only 580 MT, according to the new federal definition of "over fishing," if the ABC is reached or exceeded all fisheries having an impact on the "over fished" stock will be closed--in other words, the Eastern Gulf longline sablefish fishery could be cancelled before it is opened. Since rockfish are long-lived (up to 100 years), have a low rate of production, and are area-specific, the National Marine Fisheries Services' solution of "borrowing" rockfish quota from the Central Gulf is short-term at best. Rockfish stocks are highly vulnerable to exploitation and should not be subjected to increased fishing pressure.

2 The Eastern Gulf has been a hook and line zone for close to 100 years. Most fisheries are fully utilized by the hook and line fleet and have been since 1983 or before. The intended level of effort by factory trawlers in the Eastern Gulf this spring is unprecedented, but can only be expected to increase given the extent to which the factory trawl fleet is overcapitalized. The expansion of the trawl fleet into waters of the Eastern Gulf will place undue pressure on fish stocks and displace traditional users.

3 The bottom habitat in the Eastern Gulf is particularly vulnerable to on-bottom trawling due to the nature of the benthic community. This community contains an abundance of fragile corals, an ecosystem component recognized as being highly productive and critical to ecosystem health. The vulnerability is compounded by the narrowness of the shelf/slope region, a physical limitation that concentrates effort, preventing damaged area from recovering. Increased trawl effort could permanently impoverish Eastern Gulf ecosystems.

4 At the recommendation of the International Pacific Halibut Commission, the North Pacific Fishery Management Council postponed the longline sablefish fishery until May 15, 1991 to reduce halibut bycatch. Factory trawlers, with a 100% halibut bycatch mortality rate, intend to target grey cod this spring in the Eastern Gulf (retaining their allowed 15% sablefish bycatch), working the same grounds closed to longliners in order to protect halibut stocks. Only by prohibiting trawling will the halibut stocks actually gain the intended protection.

5 NMFS observer data for 1990 substantiated concerns regarding trawler bycatch of salmon. In the Eastern Gulf, this bycatch consisted of both chinook and "other" salmon. Salmon taken in the Eastern Gulf originated from streams in Alaska, British Columbia, Washington or Oregon. Runs in some of these states have been proposed for listing under the Endangered Species Act. Salmon interception undermines conservation and enhancement efforts at both the federal and the state level.

6 Steller sea lion populations in the Eastern Gulf are stable and possibly increasing. Evidence suggests that trawling may be implicated in the precipitous decline of Steller populations in all other parts of their range. The Steller Sea Lion Recovery Team has indicated the critical importance of comparing the effects of various fisheries on sea lion populations. Designating the Eastern Gulf a trawl-free zone will provide an ideal laboratory for researchers to conduct comparison studies; it will also provide maximum protection to the one area in which Steller populations remain healthy.



## ROADMAP TO ENCLOSED INFORMATION

Rockfish- The enclosed papers document the need for conservative management of rockfish species. Although studies on the movement and distribution patterns of deep-water rockfish have not yet been conducted, scientist believe rougheyeye/shortraker rockfish are non-migratory and area specific (personal communication, Dr. Richard Carlson, Auke Bay Fisheries Laboratory), as are the shallow-water rockfish that have been studied (see Carlson and Haight, 1972. Evidence for a home site and homing of adult yellowtail rockfish, *Sebastes flavidus*. J. Fish. Res. Bd. Canada 29: 1011-1014; not included). Recent submersible observations of Pacific ocean perch stocks indicate that stock assessments derived by traditional means (i.e., trawl surveys) may significantly over-estimate stock biomass (pers. comm., Dr. Ken Krieger, ABFL). The trawl industries response that areas considered untrawlable (due to the roughness of the terrain) by the research team, and hence not included in the survey, are routinely worked by commercial trawlers is increased cause for concern regarding trawl damage to corals.

News Releases, South Atlantic Fishery Management Council- These news releases, with included attachment, document the habitat damage attributed to trawl gear in the South Atlantic coral/sponge communities. Unfortunately, no such studies have been conducted in the North Pacific where the corals are slower growing and hence more susceptible to damage. Van Dolah et al. (1987) emphasizes that the damage observed and reported resulted from one trawl tow through an area and that under commercial fishing conditions, where an area is "fished over and over until the catches from such an area become unprofitable... habitat damage would be much greater." This consideration is particularly relevant when considering potential damage to Eastern Gulf habitat where the shelf/slope area is narrow, concentrating effort.

Excerpts from: Habitat Requirements and Expected Distribution of Alaska Corals; and Pacific Ocean Perch Distribution in Southeast Alaska; Cruise No. TC 89-07 - These excerpts document the abundance of corals in the Eastern Gulf, describe the slow growth rate of cold water corals (1 cm/yr), and predict the recovery time for impacted coral areas (100 years). They also identify the high rate of occurrence of corals and/or sponges in the areas targeted by trawlers in the Eastern Gulf. Repeated direct impact from trawl gear would destroy coral heads and sponges; corals adjacent to heavily trawled areas could be suffocated by the increased sediment transport attributed to bottom-trawl activity in other areas (see Churchill, 1989).

Too Many Boats Chase Too Few Fish and Historic excerpts- The status of the North Atlantic fisheries has recently received much publicity. New England fishermen are facing 50% reductions in all quotas. North Sea fisheries are also in serious decline. Both have been subjected to years of intensive trawling.

Steller sea lions- The various articles and abstracts enclosed indicate the concern expressed by a number of scientist (and environmentalists) concerning the possible correlation between the pollock trawl fishery and the observed decline of Steller sea lion populations. The 1990 Alaska Department of Fish and Game and National Marine Fisheries Service survey found that Steller populations are still stable and healthy in southeast Alaska. Prohibiting trawling in this area will provide maximum protection the remaining healthy population.

Entanglement- Trawl web has been identified as a major component of the marine mammal entanglement problem. Prohibiting trawling in the Eastern Gulf will benefit not only sea lions, but all other resident and migratory marine mammals.

Salmon Interception- The implementation of a domestic observer program in 1990 revealed unacceptably high rates of salmon bycatch by trawlers. Although bycatch rates are highest in the Bering Sea, trawl interception of salmon in the North Pacific (from Alaska to California) are also significant. For comparison and perspective: the Pacific Fishery Management Council recently imposed a .05 lb/ton cap on salmon bycatch by the whiting trawl fleet. NMFS observers reported a .27 lb/ton salmon bycatch by bottom trawlers targeting rockfish in the Eastern Gulf during July, 1990.

Effects of Trawling and Longlining on the Yield and Biomass of Cod Stocks- This study suggests that significant differences may exist between the respective ecosystem impacts of trawls and longlines. These differences could be reflected throughout the food chain, possibly manifested as observable differences in species composition or abundance.

Alaska Longline Fishermen's Association  
P.O. Box 1229 Sitka, AK 99835  
February 21, 1991

## REQUEST FOR EMERGENCY CLOSURE OF THE EASTERN GULF TO PELAGIC AND ON-BOTTOM TRAWLING

The Alaska Longline Fishermen's Association (ALFA) requests an Emergency Order to prohibit trawling in federal waters off the coast of Alaska east of 140 degrees West longitude. The request is made for the following reasons:

1. Steller sea lion populations in the Eastern Gulf are stable and possibly increasing. Evidence suggests that trawling may be implicated in the precipitous decline of Steller populations in all other parts of their range. The Steller Sea Lion Recovery Team has indicated the critical importance of comparing the effects of various fisheries on sea lion populations. Designating the Eastern Gulf a trawl-free zone will provide an ideal laboratory for researchers to conduct comparison studies; it will also provide maximum protection to the one area in which Steller populations remain healthy.
2. The Eastern Gulf has been a hook and line zone for close to 100 years. Most fisheries are fully utilized by the hook and line fleet and have been since 1983 or before. The intended level of trawl effort in the Eastern Gulf this spring is unprecedented, but can only be expected to increase given the extent to which the trawl fleet is overcapitalized. The expansion of the trawl fleet into waters of the Eastern Gulf will place undue pressure on fish stocks and displace traditional users.
3. The foreign trawl fleet decimated Slope rockfish stocks during the 1960s, an attack from which stocks in the Eastern Gulf have not yet recovered. Roughey and shorttraker rockfish stocks also remain depressed. Now the American trawl fleet is threatening the same rockfish stocks. In the Eastern Gulf, the trawl fleet is rapidly approaching the 1991 allowable biological catch (ABC) for the roughey/shorttraker rockfish complex and, according to the new federal definition of "over fishing," if the ABC is reached or exceeded all fisheries having an impact on the "over fished" stock will be closed; in other words, the Eastern Gulf longline sablefish fishery could be cancelled before it opened.
4. At the recommendation of the International Pacific Halibut Commission, the North Pacific Fishery Management Council postponed the longline sablefish fishery until May 15, 1991 to reduce halibut bycatch. Trawlers, with a 100% halibut bycatch mortality rate, intend to target grey cod this spring in the Eastern Gulf (retaining their allowed 15% sablefish bycatch), working the same grounds closed to longliners in order to protect halibut stocks. Only by prohibiting trawling will the halibut stocks actually gain the intended protection. Prohibiting trawling in the Eastern Gulf will also give the Canadians reason to hope that the North Pacific Council honestly intends to reduce halibut bycatch.
5. The bottom habitat in the Eastern Gulf is particularly vulnerable to on-bottom trawling due to the nature of the benthic community. The vulnerability is compounded by the narrowness of the shelf/slope region which concentrates effort, preventing damaged area from recovering. Increased trawl effort could permanently impoverish Eastern Gulf ecosystems.

This request will be followed by a list of individuals, agencies, and organizations supporting the proposed Emergency Order.

KENAI PENINSULA SPORTMENS ASSOCIATION

P.O. Box 1995

Kenai, AK 99611

(907) 283-3331

Gary Cadd, Director

April 24, 1991

Mr. Chairman, Members of the Council:

My name is Gary Cadd and I am the Director of the Kenai Peninsula Sportmens Association. Representing sport fishermen from all the peninsula; the salt water fisheries in the Gulf of Alaska to the fresh waters of the Kenai River and smallest lakes and streams.

The 1991 Chinook salmon bycatch (35,381 in the Gulf of Alaska and 30,000 plus in the Bering Sea) has doubled last years catch in the first three months of this year. That's not even considering the four weeks in April and the first week in May; that were, by far, the largest bycatch periods of last year. The first quarter, 1991, bycatch by zone is not available as yet; but if it were, we are sure, it would be a warning of impending disaster.

The bycatch of 1990 was simply not acceptable, and yet not enough has been done to solve this situation. If the present increase levels of bycatch for 1991 continue; the year end totals will be well over 110,000 Chinook Salmon.

Last year, a system was put into place that requires observers on the domestic trawling fleets. Some fish biologists say with two years of data, it is too early to say how the trawlers are affecting salmon returns. How much more data do we need? The 1991 bycatch numbers tell us that a small number of trawlers are hammering the Chinook Salmon, in both the Gulf of Alaska and the Bering Sea, as I speak.

We feel the trawl fishery must be brought under control immediately; by instituting a Chinook Salmon bycatch cap and immediate implementation of emergency regulations.

It simply will not do to put this program off any longer. We believe the Council must address the areas, methods, zones and time; used to catch flatfish, rockfish, pacific cod, pollock and sablefish, in both the Gulf of Alaska and the Bering Sea.

With the possibility of several salmon species and steelhead going on the endangered species list on the west coast; and these same stocks healthy in Alaska. We must target the areas where these stocks are together. The Gulf of Alaska and the Bering Sea.

All user groups in Cook Inlet (Drift, Setnet, Commercial Guides, Sport Fishermen and Personal Use) have been impacted by changing areas, times, methods and species.

1. Restricted areas for Drift fleet.
2. Restricted time for Drift, Setnet, Sport, Guide and Personal Use.
3. Restricted specie for Sport and Guide.
4. Restricted numbers for Kenai River Guides.

Again, we need a Cap on Chinook Salmon bycatch, forcing the industry to target bottom fish in a more calculated though less efficient manner.

Testimony from December 1990 Council meeting, in Anchorage, stated that a large number of Chinook salmon are being taken at night and along Shelf Brakes.

In the first three months of 1991, the rockfishery, in Zone 620, bycatch was 22,499 King Salmon from 1504 M/T of rockfish = 14.9 King Salmon per M/T.

We would like to thank you for this time to testify.



# Senator Lyman F. Hoffman

Alaska State Senate  
P.O. Box V • Juneau, Alaska 99811 • (907) 465-4453

April 23, 1991

P.O. Box 103136 Anchorage, Alaska 99510 (907) 548-2121

**Rick Lauber, Chairman**  
**North Pacific Fisheries Management Council**  
P.O. Box 103136  
Anchorage, Alaska 99510

Dear Rick:

Attached is a copy of a resolution - SCR 13 - that I introduced and that was signed today by Governor Hickel. This resolution calls for the state of Alaska and the North Pacific Fisheries Management Council to take immediate action to end the excessively high bycatch of chinook salmon by the U.S. and foreign trawl fleets. This resolution received the unanimous support of the Alaska Legislature.

I would appreciate it if you could make sure all the members of the Council receive copies of this resolution. This is certainly an issue whose time has come to be addressed, and I would certainly hope that the Council aggressively moves to end what we view as another form of piracy.

Sincerely,

Senator Lyman F. Hoffman

Vertical list of names on the left margin: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YY, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ.

WALTER J. HICKEL  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

April 23, 1991

The Honorable Ben Grussendorf  
Speaker of the House  
P.O. Box V  
Juneau, AK 99811

Dear Speaker Grussendorf:

I have read the following resolution and am transmitting the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

COMMITTEE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 13 (RES)

(Relating to the bycatch of Alaska  
chinook salmon by United States  
and foreign trawl fisheries)

Legislative Resolve No. 13

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel  
Governor



WALTER J. HICKEL  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

April 23, 1991

The Honorable Richard I. Eliason  
President of the Senate  
P.O. Box V  
Juneau, AK 99811

Dear President Eliason:

I have read the following resolution and am transmitting the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

COMMITTEE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 13 (RES)

(Relating to the bycatch of Alaska  
chinook salmon by United States  
and foreign trawl fisheries)

Legislative Resolve No. 13

Sincerely,

Walter J. Hickel  
Governor

WALTER J. HICKEL  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

April 23, 1991

The Honorable Richard I. Eliason  
President of the Senate  
P.O. Box V  
Juneau, AK 99811

Dear President Eliason:

I have read the following resolution and am transmitting the engrossed and enrolled copies to the Lieutenant Governor's Office for permanent filing:

COMMITTEE SUBSTITUTE FOR  
SENATE CONCURRENT RESOLUTION NO. 13 (RES)

(Relating to the bycatch of Alaska  
chinook salmon by United States  
and foreign trawl fisheries)

Legislative Resolve No. 13

Sincerely,

A handwritten signature in cursive script that reads "Walter J. Hickel".

Walter J. Hickel  
Governor

# STATE OF ALASKA

THE LEGISLATURE

1991

Source

CSSCR 13(RES)

Legislative  
Resolve No.

13



Relating to the bycatch of Alaska chinook salmon by United States and foreign trawl fisheries.

**BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**WHEREAS** salmon of Alaska origin are important to the people of Alaska for subsistence, sport, and commercial fisheries; and

**WHEREAS** chinook salmon are one of the most prized and valuable species of Alaska salmon; and

**WHEREAS** chinook salmon originating in Alaska range extensively along the Alaska coast and out into the North Pacific; and

**WHEREAS** the State of Alaska has a vested interest in the conservation of chinook salmon populations originating within Alaska, and throughout western North America, due to its active involvement in numerous national and international salmon management bodies and treaties; and

**WHEREAS** new information from the National Marine Fisheries Service observer program is documenting a significant bycatch of chinook salmon in the groundfish trawl fisheries in the United States Exclusive Economic Zone off Alaska; and

**WHEREAS** the bycatch of chinook salmon threatens to affect allocation, conservation,

and management programs within the State of Alaska and confound international allocation and equity issues for these chinook fisheries which are managed under the provisions of the United States-Canada Pacific Salmon Treaty; and

**WHEREAS** new information from domestic and federal observers also strongly indicates a significant bycatch of chinook salmon in the international waters of the central Bering Sea "donut hole"; and

**WHEREAS** biological information developed by the Fisheries Research Institute of the University of Washington and accepted by the International North Pacific Fisheries Commission has determined that the chinook salmon in the Bering Sea are primarily North American in origin and from streams in Southcentral, Southeast, and Western Alaska as well as from British Columbia; and

**WHEREAS** bycatch occurs on a mixture of salmon stocks well before run strength can be assessed and thus reduces the number of fish available in inshore areas and increases the risk of overharvest; and

**WHEREAS** the documented bycatch of any chinook salmon originating in the Canadian portion of the transboundary Yukon River can adversely affect United States interests in the ongoing United States-Canada Yukon River treaty negotiations;

**BE IT RESOLVED** by the Alaska State Legislature that the Governor petition the North Pacific Fishery Management Council and the United States Secretary of Commerce to be prepared to implement emergency regulations to limit the bycatch of chinook salmon in the 1991 trawl fisheries in the United States Exclusive Economic Zone, and to expedite a 1992 chinook salmon bycatch plan amendment to the Bering Sea/Aleutian Island and Gulf of Alaska Groundfish Fishery Management Plans; and be it

**FURTHER RESOLVED** that the Governor petition the North Pacific Fishery Management Council and the United States Secretary of Commerce to implement emergency and permanent regulations limiting the bycatch of Alaska chinook salmon by domestic trawlers in the central Bering Sea "donut hole"; and be it

**FURTHER RESOLVED** that the Governor petition the United States Secretary of Commerce to identify the complete range of chinook salmon as defined in the 1990 revisions of the Magnuson Fishery Conservation and Management Act and implement a rebuttable presumption for the interception of chinook salmon beyond the United States Exclusive Economic

Zone; and be it

**FURTHER RESOLVED** that the Governor petition the United States Secretary of State, Secretary of Commerce, and Secretary of Transportation to immediately initiate international negotiations to end fishing within the "donut hole" in order to protect Alaska chinook salmon; and be it

**FURTHER RESOLVED** that the Governor request the United States Secretary of State, Secretary of Commerce, and Secretary of Transportation to authorize the United States Coast Guard to seize, under the authority of the Magnuson Fishery Conservation and Management Act as well as other treaties or bilateral agreements as might be appropriate, vessels discovered with contraband salmon on board, with such vessels to be sequestered in United States ports until disposition by the Federal Courts.

**COPIES** of this resolution shall be sent to the Honorable James A. Baker, III, Secretary of the U.S. Department of State; to the Honorable Robert A. Mosbacher, Sr., Secretary of the U.S. Department of Commerce; to the Honorable Samuel K. Skinner, Secretary of the U.S. Department of Transportation; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

WALTER J. HICKEL, GOVERNOR

8

**DEPARTMENT OF FISH AND GAME**

**OFFICE OF THE COMMISSIONER**

P.O. BOX 3-2000  
JUNEAU, ALASKA 99802-2000  
PHONE: (907) 485-4100

February 13, 1991

Steve Pennoyer  
Director  
Alaska Region  
National Marine Fisheries Service  
P.O. Box 1668  
Juneau, Alaska 99802

Dear Mr. Pennoyer:

As you are aware, the Bering Sea trawl fishery has exhibited some startlingly high bycatch rates for chinook salmon during the first several weeks of 1991. The incidental harvest of some 20,000 chinook by February 3 has fishermen, biologists, and the Alaska Board of Fisheries very alarmed. Past reports of chinook bycatch in the Gulf of Alaska and in the "donut hole" of international waters of the central Bering Sea are also of great concern.

The Department of Fish and Game has developed a summary of the 1991 bycatch to date, based upon initial observer reports, and comparisons to past levels of chinook catches, both as bycatch and as directed harvest in state waters (enclosed). The few stock identification studies available indicate that the majority of chinook taken in Bering Sea trawl fisheries are likely from western and central Alaska stocks. Most of these stocks are already fully allocated to commercial, sport, and/or subsistence fisheries, and several of them are suffering declines in run strength.

The additional pressure of bycatch on these stocks may, in at least a few instances, constitute a conservation problem; it certainly constitutes a reallocation of state-managed resources. Given the obvious disputes between our own fishermen over even small numbers of kings in many systems, I am sure you understand our concern for yet another source of mortality, let alone one that is truly incidental and of no apparent benefit.

I believe that this problem warrants your immediate attention. We encourage the National Marine Fisheries Service (NMFS) to monitor the salmon bycatch very closely and make projections of any additional take expected during the 1991 groundfish fisheries. In addition, I ask that you review your authorities to institute time/area ("hot spot") closures or other emergency measures to protect Alaskan chinook stocks. Because of the importance of these

Steve Pennoyer

- 2 -

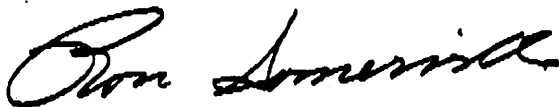
February 13, 1991

stocks to our traditional fisheries, we are urging you to consider emergency action as requested by the Board of Fisheries.

As a potential point of reference, we note that foreign and joint-venture fishermen were able to control their annual chinook bycatch rates from 115,100 chinook salmon per 1.33 million mt of groundfish (0.087 chinook/mt) in 1980 down to about 0.004 chinook/mt in 1986. Presumably we should expect our own domestic fishermen to exhibit the same, if not better, control of their impacts on the resources upon which other domestic fishermen depend. I suggest that NMFS, in the short term, and perhaps the North Pacific Fishery Management Council, consider a bycatch management program that would limit chinook take to, at maximum, a commensurate 0.004 chinook/mt. For 1990, this rate would have restricted bycatch to approximately 6,600 chinook for the 1.65 million mt of groundfish taken, rather than the 14,000 chinook reported by observers. Similar protection may also need be afforded in the Gulf of Alaska and the donut hole.

Steve, I know that this is not a simple issue. On the other hand, it is not an issue easily dismissed. The burden of responsibility lies properly with the newly exploding groundfish fishery rather than with the established and traditional users of chinook salmon. I look forward to your consideration of the control of this bycatch and offer the assistance of ADF&G staff for any further data analysis which may be necessary. Please keep us apprised of your actions. Thanks.

Sincerely,



Ron Somerville  
Deputy Commissioner

Enclosure

cc: Michael Martin  
Clem Tillion  
Clarence Pautzke  
Denby Lloyd

# Moose killed by car

20-year-old Sterling's car received about \$10,000 in damages after it ran over a moose running across the Sunnyside Loop Road Sunday around 10:50 p.m., police reported.

John H. Johns suffered lacerations and cuts on his hands and a broken windshield. The moose meat was donated to charity.

## POLICE REPORTS

On Tuesday at 5:06 p.m. and the Division of Family and Youth Services will be advised.

A 19-year-old Soldotna man reported his car was stolen after he left it parked and running in front of River Terrace Trailer Court Monday around 11 p.m., Soldotna police said.

A Soldotna woman was given a citation after police responded to a report of an attempted burglary into a Banner Lane home Wednesday.

Denise Mason, 26, was given a citation for criminal mischief and criminal trespassing after Sharon Musgrove told Soldotna police her neighbor was responsible for kicking in her door.

# Driftnet boats catch illegal salmon

SEATTLE (AP) — The Coast Guard and federal fisheries agents are tracking two drift-net boats off the Aleutian Islands that may be illegally catching salmon.

The crew of one boat was seen hauling in a net containing silver-colored fish.

"We suspect that's what they are (salmon)," said William Lutton, deputy enforcement chief for the National Marine Fisheries Service at Sand Point in Seattle. "There aren't many species other than salmon that are silver like that."

The drift-net vessels are supposed to be catching squid. They are barred from catching salmon or steelhead trout. Fish caught by accident are supposed to be returned to the ocean.

During a routine surveillance flight Sunday,

## Kodiak cannery workers protest factory trawlers

KODIAK (AP) — Cannery workers in Kodiak who say factory trawlers are overfishing and costing them jobs are advocating that a larger percentage of the fish caught in the Gulf of Alaska be processed on land.

Chanting "100 percent on-shore," workers from Alaska Pacific Seafoods marched with placards this week outside a hotel where the North Pacific Fishery Management Council was meeting.

The workers blame the factory trawlers for a reduced number of fish coming ashore for processing in Kodiak.

"No fish, no work," said Virgilio Yamat, who has worked at APS for six years.

day, a transport plane with Coast Guard and fisheries service personnel aboard spotted one vessel, possibly Japanese, about 500 miles north of the legal limit for drift netting.

When the plane flew overhead, the boat's crew cut the net free and sped

away, the fisheries service said. The plane's radar also detected a second vessel 100 miles away. It had a radar image similar to the drift net boat.

A flight Monday found the vessels again outside the legal fishing grounds. One boat's crew was

bringing in a drift net. Radio calls went unanswered.

Agents spotted the second boat and its name, Chi Uei. The vessel, possibly Taiwanese, was hauling in silver-colored fish and did not respond to a radio call, the fisheries service said.

If Coast Guard cutters are sent out and can reach the vessels, agents can board the boats as long as they are Japanese, Taiwanese or South Korean. The United States has drift-net agreements with all three countries.

Several Northwest lawmakers and environmentalists have called for a ban on drift-net fishing.

They contend the nets, some twice as long as the island of Manhattan, indiscriminately snare and kill hundreds of thousands of fish, marine mammals and sea birds.

STATE OF ALASKA  
ANNOUNCEMENT OF REQUEST FOR PROPOSALS  
THE DEPARTMENT OF COMMUNITY AND  
REGIONAL AFFAIRS  
RURAL DEVELOPMENT DIVISION,  
SOUTHCENTRAL REGIONAL OFFICE

Announces the availability of funds for FY92 Youth Pre-Employment Programs. These programs are for "economically disadvantaged" youth and youth with documentable barriers to employment. Programs must prepare youth for successful entry into the work-place by providing training, job readiness, remedial education, job search skills, positive self-esteem, and specific work skills.

Proposals must be received at the address below by 4:30



APR 25 '91 09:30 UNITED CI DRIFT ASSN 9072833306

P.2

Orca Theaters K-Beach Cinemas  
Locally Owned and Operated 222-7022  
Adults \$9.00 Child \$3.00  
\*Liquor Price Only. Wine Shows are in Bayside

FROM JOHN RECHES  
**HOMELAND**  
A FAMILY COMEDY  
THE FAMILY



## COOK INLET COALITION

C/O Susie Kaiser  
P.O. Box 110381  
Anchorage, AK 99511

April 16, 1991

North Pacific Fishery  
Management Council  
605 West 4th Avenue  
P.O. Box 103136  
Anchorage, AK 99501

Dear Council Representatives:

The Cook Inlet Coalition, which is comprised of seven major sport and commercial salmon user groups in Cook Inlet, has presented the council with two letters of concern regarding the chinook salmon by-catch in the Gulf of Alaska (GOA) during the past fifteen months. In our September, 1990 letter, we asked the Council to address methods to reduce the chinook salmon by-catch in the Central and Western Gulf of Alaska. Our concern last fall was for the relatively larger chinook salmon by-catch in the GOA and the potential relationship between this catch and future Cook Inlet chinook salmon returns. Poor inshore returns, especially to the Kenai River system, have caused severe impact to both sport and commercial fishing industries on the Kenai Peninsula.

We now find six months later that nothing has been done to curtail the GOA trawl fishery and our worst fears have been realized. In just the first three months of 1991, the chinook salmon by-catch has already exceeded that for the entire year of 1990. Chinook by-catch rates during March ran between 3,000-9,000 per week. We know that many of these are Cook Inlet fish based on coded wire tag recovery information from previous years.

The Coalition again urges the Council to take immediate steps to reduce the chinook salmon by-catch in the GOA bottom trawl fishery. A chinook salmon by-catch cap should be established for the future. We feel that lacking a by-catch cap the Council should implement an emergency regulation to limit the chinook by-catch through time and area closures. We would also urge the Council to accelerate efforts to analyze and make available data from the observer program.

Thank you for your attention to this extremely important matter.

Sincerely,

The Cook Inlet Coalition  
c/o Susie Kaiser



Enclosure: Page of Agreement

cc: Coalition Members  
Governor Hickel  
Commissioner Rosier  
Steve Pennoyer, NMFS Director

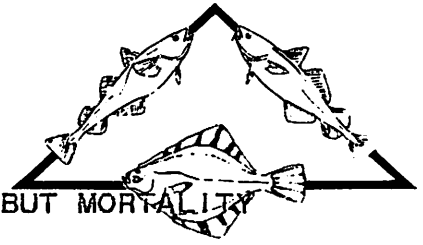


COOK INLET COALITION  
MEMBERSHIP

PAGE OF AGREEMENT

1. Kenai Peninsula Fishermen's Cooperative Association  
Foren B. J. J. J. DATE 4/24/91  
(Signature of Representative)
2. North Pacific Fisheries Association  
Ken Castner DATE 4/24/91  
(Signature of Representative)
3. Alaska Sportfishing Association  
V. M. Choi DATE 04/22/91  
(Signature of Representative)
4. Kenai River Sportfishing Association  
Thomas Stewart DATE 4/24/91  
(Signature of Representative)
5. Cook Inlet Professional Sportfishing Association  
Rod Berg DATE 4/24/91  
(Signature of Representative)
6. Northern District Setnetters of Cook Inlet  
Terry Jorgensen DATE 4/24/91  
(Signature of Representative)
7. United Cook Inlet Drift Association  
Chris Matthews DATE 4/24/91  
(Signature of Representative)

# Alaska Groundfish Data Bank



TO: STEVE PENNOYER, REGIONAL DIRECTOR  
ALASKA REGION

RE: MOVING 100 MT OF GULF OF ALASKA TRAWL HALIBUT MORTALITY  
FROM 4TH QUARTER TO 2ND QUARTER

DATE: APRIL 26, 1991

DELIVERED BY HAND

All Alaskan Seafoods and International Seafoods sent you a joint letter April 19 requesting that 100 MT of trawl halibut bycatch in the Gulf of Alaska be moved from 3rd and/or 4th quarter to 2nd quarter to minimize disruption in the developing flatfish and arrowtooth flounder fisheries.

The two companies understand that, were this to be done, it would be done by emergency regulation and would require about a month of become effective. They also understand that it would be added to the Gulf-wide halibut mortality and be available to all fisheries.

After reviewing the historic data and current status of the fisheries AGDB has the following comments:

## EFFECT ON OTHER FISHERIES

1. For most of the remainder of 2nd quarter and part or all of third quarter the target fisheries available to trawlers are expected to be:
  - a. Pollock - Central Gulf - (possibly)
  - b. All flounder fisheries -- most of the effort should be confined to Central Gulf.
  - c. Other rockfish - Central, Western Gulf and Eastern Gulf
2. In 4th quarter the only target fishery expected to be open is the flounder fisheries. (If pollock is released, any quota will be taken within the first two weeks of the quarter.)
3. The requested 100 MT of halibut mortality should be moved from 4th quarter only. This will avoid any impact on any of the other target trawl fisheries which may be open third quarter.

## HALIBUT BYCATCH

1. Were it not for the excessive take of halibut in the Central Gulf by the rockfish fleet, this request would not be necessary.
2. Because of the method used to calculate bycatch rates for shorebased plants, there are no aggregate halibut bycatch rates published for the Gulf of Alaska shorebased operations.
3. The flounder fleet is requesting its bycatch rates from the Center.

4. The first sets of individual vessel data faxed up from the Center show bycatch rates ranging from 1.5% to 2% (mortality rates of .75% to 1%).

REASONS FOR THE REQUEST

1. There is a real possibility the Gulf will close to bottom trawling during second quarter. The additional 100 MT of halibut mortality is expected to eliminate, or at least mitigate, the length of the closure.
2. The plant workers trained for the flatfish line will be able to remain in Kodiak over a short closure. A six to eight week closure would result in the loss of trained personnel and the plants would incur the expense of finding and training new workers.
3. The good weather usual for May and June allows for steady production, unlike the weather in first and 4th quarters. Therefore the plants will maximize their production.
4. The weekly halibut mortality in the Gulf has dropped from the highs seen the last two weeks of March and there is no reason to think the additional halibut would be gulped up in a dirty fishery. The fisheries responsible for the high rates are now closed.
5. The additional halibut would also support the current, small, shorebased fishery for Other rockfish, and allow bottom trawling for pollock (should quota be released) by those vessels unable to midwater.
6. Should the weekly bycatch continue to decline, any unused halibut would roll over into the following quarter.
7. There is a real possibility that Gulf trawl fisheries will not use the entire halibut cap this year. Should this happen it does not make sense to have a 2nd quarter closure and end the year with unused halibut.

Thank you for your consideration of this request.



Chris Blackburn, director  
Alaska Groundfish Data Bank

**NORTH PACIFIC LONGLINE COALITION**

Testimony Before the  
North Pacific Fishery Management Council  
April 26, 1991

**Regulatory Analysis - Seasonal Apportionment of BSAI P. Cod**

Mr. Chairman, Members of the Council:

Thank you for the opportunity to appear today. Thank you also for your repeated recommendations that a plan amendment be developed which will provide authority for the seasonal apportionment of Pacific cod TAC in the Bering Sea/Aleutian Islands Area.

The Kodiak Longline Vessel Owners' Association, the Alaska Longline Fishermens' Association, the Petersburg Vessel Owners' Association, the Fishing Vessel Owners' Association, and the Freezer-Longliner Group have joined together to respectfully request that regulatory analysis of this proposed amendment be undertaken at the earliest practical date.

As you know, the primary purpose of this proposal is to protect spawning cod from a pulse fishery. Less is known about spawning cod than about spawning pollock, and the uncertainties surrounding intense fishing on spawning cod populations clearly justify this amendment. Spawning cod deserve the same protection as spawning pollock enjoy in the Gulf of Alaska and Bering Sea.

This proposal is not in allocative in nature. We do not recommend fixed quarterly apportionments. Rather the Council should have the option to apportion or not to apportion each year, after addressing specified criteria. If the Council chooses to limit harvest in any given quarter and that limit is reached, all gear types will have to cease fishing. If the Council finds reason to limit the harvest on spawning stocks, a wide variety of industry participants will benefit from the extended fishery. Only those who wish to conduct a pulse fishery on spawning stocks will lose.

Season changes may have unintended allocative effects. The 1991 seasonal apportionment of BSAI pollock and the postponement of the BSAI flatfish fishery raised concerns about greatly accelerated fishing on spawning cod by trawlers which otherwise would have been engaged in those fisheries. Only halibut PSC limits prevented a very rapid harvest of the entire cod TAC - an occurrence which would have had unprecedented allocative effects. This potential

stimulated the request for seasonal apportionment of cod TAC. Rational management of the cod resource requires regulations which specifically address the cod fishery. We do not manage by bycatch.

It is increasingly apparent that trawlers have serious PSC bycatch problems. Longliners have comparatively few PSC problems. If a seasonal apportionment to protect spawning cod collaterally "allocates" cod to longliners, significant PSC bycatch savings may be realized.

We sincerely believe that the Council needs authority to protect spawning cod stocks, just as it has authority to protect spawning pollock stocks - no matter who is harvesting the fish. This proposal is based on conservation concerns. No allocative or preferential measures should be added to it. We request merely that regulatory analysis of this urgently-needed amendment be tasked at the earliest practical date.

Thank you for your attention. We will do our best to respond to any questions you may have.

## FISHERIES CONSERVATION ACTION GROUP

### TESTIMONY TO THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

APRIL, 1991 - KODIAK, ALASKA

The Fisheries Conservation Action Group was formed one year ago at the April, 1990 NPFMC meeting to assure that the effective bycatch control measures in the EEZ fisheries under Council jurisdiction are adopted. We now have 45 member groups consisting of longline, coastal dragger, salmon gillnet and seine, herring gillnet and seine, crab catcher and catcher/processors, sport fishing interests, and processors. Groups range in area from the Pribilofs to Petersburg in Alaska and throughout British Columbia, Washington and Oregon.

In the annual FCAG meeting this week, the following nine member Board of Directors were elected:

Chris Blackburn, Alaska Groundfish Data Bank  
Linda Kozak, Kodiak Longline Vessel Owners' Assn.  
Gary Cadd, Kenai Peninsula Sportsmens Assn.  
Harold Sparck, Yukon/Kuskokwim Fisheries Task Force  
John Bruce, Deep Sea Fishermen's Assn.  
Arni Thomson, Alaska Crab Coalition  
Kris Norosz, Petersburg Vessel Owners Assn.  
Shari Gross, Halibut Association of North America  
Greg Seider, United Fishermen of Alaska

Before you today are many bycatch issues that require your immediate attention. We are before you today to offer a number of solutions to these problems.

### PELAGIC TRAWL DEFINITION

The FCAG is concerned about the current pelagic trawl definition for the Bering Sea/Aleutian Islands. It is common knowledge that fishermen have circumvented the intent of the definition in order to continue targeting on a bottom trawl fishery. We support the efforts to stop this use of pelagic trawls that are designed or rigged for bottom trawling or that equate to bottom trawling. We believe that when the halibut cap is reached for the BS/AI area that the directed Pacific cod fishery by the trawl segment of the fleet be prohibited.

### GULF OF ALASKA SALMON BYCATCH

We propose that the North Pacific Council prioritize an out-of-cycle amendment to prohibit the directed trawl rockfish fishery in the entire Gulf of Alaska. It is apparant that the high salmon bycatch in the Gulf of Alaska resulted from a few vessels targeting on the valuable rockfish fishery. Of a total 7,338 MT of groundfish taken in the rockfish fishery, the king salmon bycatch was 27,496 (3.75 king salmon per metric ton of rockfish).



### **BERING SEA SALMON BYCATCH**

It is essential that the Bering Sea salmon bycatch be reduced. We request that the Council put in place a Plan Amendment effective January 1, 1992 to bring about the least restrictive method of bycatch control.

Avoidance techniques employed by the Japanese fisheries were found to be extremely effective in a brief period of time. Effective implementation of those measures by American fishermen should result in a greatly reduced bycatch of salmon. If those methods are not effective when used by American fishermen, then a rigorous system of time and area closures and other measures should be employed.

### **CRAB AND HALIBUT CAPS**

The FCAG believes that the bycatch caps for crab and halibut should remain fixed, rather than floating at this time. Stock assessments are often inaccurate and subject to in-season changes, particularly in the juvenile age classes. Until such time that a better evaluation and assessment methodology for juvenile stocks has been approved, we recommend that the system of utilizing fixed caps remain.

Since the Council is focusing efforts on prohibited specie caps as a means of bycatch control, it is important that a schedule be established for a reduction in bycatch rates and perhaps through a reduction in caps.

### **PROHIBITION OF TRAWLING IN THE GULF OF ALASKA EAST OF 140<sup>0</sup>**

We request that the North Pacific Council immediately begin an out-of-cycle Groundfish Plan Amendment to prohibit trawling in that portion of the Gulf of Alaska, east of 140<sup>0</sup> West longitude. The FCAG further requests that an emergency rule be implemented effective July 1, 1991 which prohibits trawling in this area of the Gulf of Alaska.

The groundfish fisheries of the SE0/EY areas have been fully utilized by the hook and line fleet since 1983 or before. The incursion of the developing rockfish factory trawl fleet into this area has placed undue pressure on these fully-utilized stocks through unacceptably high bycatch rates. This bycatch threatens not only fish stocks but the traditional hook and line fisheries and the coastal communities of the SE0/EY areas dependant on these stocks. The bottom habitat of this portion of the Eastern Gulf is highly vulnerable to trawl damage due to the narrowness of the shelf/slope region, which serves to concentrate effort, and the documented abundance of fragile, slow growing corals, sponges and other invertebrates.

The slope rockfish targeted by the factory trawl fleet were severely depressed by the foreign trawl fleet in the 1960's and still have not recovered. Pressure from the domestic factory trawl fleet is unjustifiable. The demersal shelf rockfish bycatch by the trawl fleet has created a conservation and socioeconomic crisis in the southeast area.

### CRAB AND HALIBUT PROTECTION ZONE IN THE BERING SEA

We recommend that the North Pacific Council take action in 1991 to conduct an immediate analysis and evaluation of Zone 1, the Bristol Bay crab and halibut protection zone. A complete analysis should include all options including a complete closure of the area 162° to 165° as well as effective use of time and area closures in this area. This will allow a Plan Amendment for the protection of crab and halibut in the Zone 1 area to be fully in place for January 1, 1992.

Historically, this area is a documented historic no-trawl zone due to its status as a critical habitat for juvenile halibut and king crab. King crab stocks have been in a depressed condition since 1983 and show little signs of recovery. The FCAG recognizes the need to minimize the trawl bycatch of king crab to assist in the recovery of king crab in the Bristol Bay area.

The IPHC reports that the halibut stocks are in a serious decline at present and directed fisheries are being severely reduced. To assure maximum protection of crab and halibut it is imperative that the zone boundaries be analyzed to assure that they are correctly drawn.