

RC 61



UNITED FISHERMEN OF ALASKA

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March 21, 2012

Mr. Karl Johnstone, Chair
Alaska Board of Fisheries
PO Box 115526
Juneau, Alaska 99811-5526

Re: Proposal #385, Revision of the Yukon River Summer Chum Salmon Management Plan to grant ADFG Emergency Order authority to restrict (allow) commercial chum Salmon harvesting to fish wheels only in Subdistrict Y-4A; provided that the fish wheels be manned at all times while in operation.

Dear Chairman Johnstone:

United Fishermen of Alaska is the largest statewide commercial fishing trade association, representing 37 commercial fishing organizations participating in fisheries throughout the state and offshore federal waters. UFA has a standing policy of supporting the implementation of new and existing harvesting technologies for a developing commercial fishery, that might not otherwise occur, due to the potential conflict with stocks of concern.

UFA has reviewed the proposal and the supporting comments of the Yukon River Drainage Fisheries Association. UFA is aware that YRDFA is an association of diverse commercial and subsistence fishermen and women on the Yukon River with a mission of promoting healthy, wild fisheries and cultures on the Yukon River. The YRDFA and its Board represents thirty representatives from each of the fishing districts on the Yukon River in Alaska, as well as one alternate from Canada.

UFA concurs with YRDFA that this proposal does not attempt to open a new fishery, but it is requesting the reopening of a historical fishery, with conservation measures that will minimize bycatch of depressed Chinook salmon stocks. Including a requirement that fish wheels be manned when they are in operation will insure protection and the release of Chinook salmon alive. UFA also recognizes the potential economic significance that adoption of this proposal represents to residents along the Yukon River and strongly supports the passage of proposal #385.

Sincerely, 

Arni Thomson, President
cc: Cora Campbell, Commissioner, ADFG
Hazel Nelson, Director, ADFG, Subsistence Division

Bruce Wallace, Vice President

RC 62

Alaska Board of Fisheries

Public Comment on Committee Summary Report for Committee A (RC47)

March 23, 2012

Submitted by the Norton Sound Economic Development Corporation (NSEDC)

We have several corrections to make to the Committee A Summary (RC 47) regarding proposal 381:

- 1) The first bullet under the heading "Department" reads: "RC 46 supplies modifications to proposal, lowering minimum legal threshold from original proposal." This is incorrect. In fact, RC 46 **raises** the minimum legal threshold from the original proposal; RC 46 lowers the minimum legal threshold from the Department's original alternative.
- 2) The fourth bullet under the heading "Public Panel Comments" reads: "Norton Sound AC – since proposal was submitted, AC has worked with the department to refine language, including a stair-stepping provision." This is incorrect in several ways. An accurate summary of this comment would be the following.

The northern Norton Sound AC approved the original proposal. Since the proposal was submitted, the Norton Sound Economic Development Corporation (NSEDC) has worked with the Department to refine language and set appropriate levels of harvest. The stair-stepping provision is part of the current regulation and has been part of each iteration of this proposal, including RC 46.

We would also like to emphasize that proposal 381 and its current version as presented in RC 46 are meant to maintain harvests at the levels of the past 10 years. All indications are that these levels are sustainable.

Submitted by Department of Fish and Game at the request of board member Webster

Substitute language for proposal 358

March 23, 2012

5 AAC 55.055. Prince William Sound noncommercial shrimp fishery management plan. (a)
The department shall manage the sport and other noncommercial shrimp fisheries in the Prince William Sound Area as follows:

(1) the guideline harvest level for shrimp taken by pot gear in [ALLOCATED TO THE SPORT AND OTHER] noncommercial fisheries is calculated as 60 percent of the total allowable harvest for the area;

(2) a harvest recording form is required as specified in 5 AAC 75.016;

(3) shrimp may be taken with pots as follows:

(A) only from April 15 through September 15;

(B) no bag, possession, or size limit;

(C) no more than five pots per vessel may be used to take shrimp.

(b) **Repealed:** [IF THE NONCOMMERCIAL FISHERIES ARE PROJECTED BY THE DEPARTMENT TO EXCEED THE GUIDELINE HARVEST LEVEL FOR NONCOMMERCIAL FISHERIES, THE COMMISSIONER MAY, BY EMERGENCY ORDER, RESTRICT THE NONCOMMERCIAL FISHERIES. THE RESTRICTIONS MAY BE IMPLEMENTED BEFORE THE SEASON BASED ON THE MOST RECENT HARVEST ESTIMATES FOR THE NONCOMMERCIAL FISHERIES AND THE GUIDELINE HARVEST LEVEL ESTABLISHED FOR THAT YEAR. RESTRICTIONS MAY INCLUDE A REDUCTION IN THE NUMBER OF ALLOWABLE POT GEAR, AND TIME AND AREA.

(c) **Repealed:** IF THE NONCOMMERCIAL FISHERIES ARE PROJECTED BY THE DEPARTMENT TO NOT EXCEED THE GUIDELINE HARVEST LEVEL FOR NONCOMMERCIAL FISHERIES, THE COMMISSIONER MAY, BY EMERGENCY ORDER, LIBERALIZE THE NONCOMMERCIAL FISHERIES. THE LIBERALIZATIONS MAY BE IMPLEMENTED BEFORE THE SEASON BASED ON THE MOST RECENT HARVEST ESTIMATES FOR THE NONCOMMERCIAL FISHERIES AND THE GUIDELINE HARVEST LEVEL ESTABLISHED FOR THAT YEAR. LIBERALIZATIONS

MAY INCLUDE AN INCREASE IN THE NUMBER OF POT GEAR, AND TIME AND AREA.] (Eff. 8/23/2009, Register 191)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 31.214. Shrimp pot guideline harvest level for Registration Area E. The estimated total allowable harvest for the waters described in 5 AAC 31.210(a) must be more than 110,000 pounds of spot shrimp by round weight before a commercial shrimp pot fishery may be opened. The guideline harvest level for the commercial pot gear fishery in the waters described in 5 AAC 31.210(a) is 40 percent of the total allowable harvest for the area; **the department will, to the extent practicable manage so that no more than 25 percent of the guideline harvest level will be taken from any one statistical area, using emergency order authority to adjust pot limits, time, or area to achieve the 25 percent statistical area harvest target.** (Eff. 8/23/2009, Register 191)

Authority: AS 16.05.251

RC 64

Recommendation on Kootznoowoo Petition for Extraterritorial Jurisdiction

Southeast Alaska Subsistence Regional Advisory Council March 22, 2012

Introduction:

The Council met in concurrent session with the Federal Subsistence Board to hear the staff analysis and public testimony regarding the Kootznoowoo Inc. Petition for extraterritorial jurisdiction into Chatham Strait. The petitioner contends that management of commercial fisheries by the State of Alaska has interfered with sockeye salmon escapements and subsistence harvests in systems fished by residents of the City of Angoon, including the Eva, Hasselborg, Kanalku, Kook, and Sitkoh drainages, to such an extent as to result in a failure of the subsistence priority.

The following comments are the Council's interpretation, summary and recommendations for action by the Secretaries.

Petition Requests:

The Kootznoowoo petition of May 10, 2010, requests Federal assertion of extraterritorial jurisdiction to restrict or close commercial fishing in marine waters of:

- 1) reserved Federal waters within and immediately surrounding Admiralty Island within the boundaries of Admiralty Island National Monument and Kootznoowoo Wilderness Area
- 2) reserved Federal waters three miles distant from the continental mainland and islands of Admiralty, Chichagof and Baranof
- 3) all marine waters and lands encompassed by "Angoon Territory," the defined boundaries of which are based on past use and current ownership

The petition supplement of June 15, 2011, requests:

- 1) reducing the harvest area adjacent to Hidden Falls Hatchery
- 2) closing all fishing districts in Chatham, Icy, and Peril Straits during June, July and the first two weeks of August
- 3) that "Kootznoowoo's rights, interests and quiet enjoyment of Federal lands and waters within Admiralty Island" be acknowledged, maintained and protected and that any current and continued enforcement efforts contrary to these be dismissed and discontinued.

Office of Subsistence Management Identification of Issues

Has State management of the commercial purse seine fishery interfered with subsistence fishing on Federal public lands and associated waters to such an extent as to result in a failure to provide

the subsistence priority to Angoon residents. This issue can be separated into three distinct questions:

1. Is there a Federal subsistence priority for Angoon residents?
2. Does State management of the commercial purse seine fishery interfere with subsistence fishing on Federal public lands and associated waters?
3. If there is interference, does it occur to such an extent as to result in failure to provide the subsistence priority to Angoon residents?

Council Findings:

There is no doubt that some sockeye salmon bound for streams used by residents of Angoon are intercepted by the commercial seine fishery operating in Chatham Strait. That is a reasonable conclusion because commercial fishery openings occur at the same time and in the same area where sockeye salmon of local origin are expected to migrate.

The total number or proportional contribution of sockeye salmon from these stocks to the Chatham Straits commercial fishery harvest is unknown. While the genetic stock database is generally complete, the commercial catch is not sampled for wild stock contributions.

The sockeye salmon streams in the local area are generally small in size with limited potential to provide for subsistence needs. In recent years, escapements in each of these five streams have likely been less than required to allow for returns within the natural range of sockeye production. Low estimates of sockeye fry densities and high estimates of prey species in the lakes support additional adult escapements. It is also likely that the demand for a 250 sockeye salmon per household annual limit for subsistence users will remain unfulfilled when adequate escapements are attained.

The geographic distribution of these streams force residents of Angoon to travel long distances over open waters to access the terminal areas of the five sockeye systems in question.

Subsistence fishing at these five systems occurs primarily in marine and intertidal waters near the mouths of these streams. There is little evidence of significant harvest in streams above the high tide mark. It appears that in addition to vagaries in natural production, management of the State mixed stock commercial seine fishery has the greatest effect on the State managed subsistence fishery in the terminal areas.

Critical habitat needs to be identified and addressed. Streams should be monitored each season, prior to sockeye returns to ensure that any blockages are removed. The Council supports the planning process currently in place to modify the natural barrier at Kanalku Lake. The falls will be altered to facilitate passage of sockeye salmon into the lake. Spawning areas need to be evaluated for quantity and quality. Some spawning areas are in need of rehabilitation.

Response to Questions Posed by the Office of Subsistence Management:

Question 1:

The Federal Subsistence Board has determined that residents of Angoon have a positive customary and direct dependence upon salmon returning to the five lakes under consideration (Eva, Hasselborg, Kanalku, Kook, and Sitkoh) as a mainstay of livelihood and have a subsistence priority.

Question 2:

The commercial purse seine fishery in Chatham Strait is a mixed-stock fishery; sockeye salmon system specific harvest data is limited, but based on Kanalku Lake and Kook Lake sockeye salmon escapements and seine harvest diagrams (Figures 4A, 4B, 5A, 5B, 5C from the staff analysis) the staff report summary states, "It appears more likely than not that the commercial purse seine fishery is reducing the number of sockeye salmon returning to Federally managed waters". The Council supports this conclusion.

Question 3:

Sockeye salmon migrate to spawn within the exterior boundaries of the Tongass National Forest. Federal nexus extends into the marine waters of Southeast Alaska. Sockeye salmon subsistence fisheries at Eva, Hasselborg, Kanalku, Kook, and Sitkoh Lakes have historically occurred primarily in State waters and these fisheries are managed by the State. Subsistence sockeye salmon fisheries occur adjacent to Federal public land and on Federal public land. Sockeye salmon rear and return to spawn on Federal public land. Although there is interference, the proportion of fish harvested on Federal public land and the extent of this interference to the Federal fishery has yet to be determined. Based on public testimony, subsistence needs by the residents of Angoon are not being met at Kanalku Lake and this condition has failed to provide for the subsistence priority of Angoon residents.

Conclusion:

The Council suggests that the resolution of ownership of marine waters is not a requirement to address the question of whether there is a meaningful subsistence priority for the harvest of sockeye salmon on Federal public land by the residents of Angoon.

The Council feels strongly that the resolution of the questions and concerns contained within the petition is not a Secretarial responsibility alone. The ultimate solution will require cooperation between the State of Alaska, the Federal Subsistence Program and local communities.

Recommendation:

Defer extending Federal jurisdiction into waters of Chatham Straits, as recommended by the petition, for three years. Deferring action by the Secretaries to extend Federal jurisdiction into the marine waters of Chatham Strait will provide an opportunity for the State of Alaska, the Federal subsistence management program, and local residents and organizations to achieve the following milestones and management actions. The Council believes these actions will address the issues raised by Kootznoowoo Inc. and facilitate a solution developed at the local level.

Amend the Northern Southeast Alaska Seine Fishery Management Plan and the Hidden Falls Hatchery Management Plan to include accommodations for the State and Federal subsistence fisheries.

Close the commercial seine fishery areas in regulation that have been closed by State Emergency Order near Basket Bay and Kootznoowoo Inlet.

The Federal subsistence program and the Alaska Department of Fish and Game will assist the community of Angoon in developing a regulatory proposal for the State Board of Fish at the next regular cycle to change the Amounts Necessary for Subsistence finding to a community level rather than a Juneau management area designation.

It is advantageous for evaluation of the success of the management plan if escapement goals for Kanalku, Kook, Sitkoh, Hasselborg, and Eva Lakes are developed. Genetic stock identification programs and escapement goal studies by the State of Alaska in cooperation with the Federal subsistence management program will be implemented within three years.

The Federal subsistence program contact and cooperate with Kootznoowoo Inc. concerning the application of ANILCA.

The Council requests the Secretary provide annual progress reports to the Council and the Subsistence Board regarding these recommendations.

Gordon Scott, Box 847, Girdwood AK 99587
Comments to Alaska Board of Fisheries

March 23, 2012

Re PWS SHRIMP

Proposals: 358, 359, 360, 361
362, 363, 364, 368

Mr. Chairman and Members of the Board

These comments supplement and expand upon my comments in PC-3 and RC-28

Various relevant quotes and anecdotes:

Fishery Management Report 12-05
p.6 2012 Management Outlook

“ Department survey results for 2011 suggests that spot shrimp abundance remains high relative to recent years....

Mean weight per pot of commercially marketable shrimp was 1.7 lb, the highest in the history of the survey (Figure 5)”

The GHLL is determined by modeling using the Shaeffer method. Normally a 95% confidence level is used for fishery management from this model. ADFG uses a 90% confidence level, creating an extra conservative buffer of 5% in determining the catch limits.

The 3 rotating areas are designed to let the stocks rebuild after commercial effort, another conservative tool, which is being used ONLY for the commercial fleet.

Anecdote: According to department personnel, the model used to output the GHLL only uses Spot Shrimp inputs. So therefore it would be reasonable that the Spot Shrimp fishery would be managed to account only for Spot Shrimp. Apparently it is not done that way. All species of shrimp that are landed are counted against the Spot Shrimp GHLL for in season management decisions and much of the ensuing catch reports. (ref Appendix A2 of Fishery Management Report No. 12-5)

When quizzed about this practice, Department personnel told me that this is another conservative management tool. Data shows this to be a 1% buffer in 2010 and 2% in 2011.

SUMMARY OF THE ABOVE:

ADFG is using conservative methods to establish harvest levels to help sustain the fishery. And on top of that they are using very conservative tools to manage the fishery. AND the fishery is as healthy or healthier than ever before.

Regarding discussions about Area 2

I have heard (in the last couple of days) the following percents of commercial catches in 2011. I assume they are rough percentages, but they are what is available to me.

Area	Stat Area	harvest %	lbs approx
Port Wells	486034	60	31,616
King's Bay		15	7,904
Harriman Fjord		4	2,108

The rest 21 11,066

Non commercial catch (2010 – latest available), (from Fishery Data Series No. 11-67)

Total	87,699 lbs
Near Whittier	486033 29,818 lbs
Port Wells	486034 13,155 lbs

So for Port Wells (486034)

If we extrapolate the latest year's catches over a 3 year period

The non commercial catches will be 39,465 lbs (3 x 13,155 lbs)

The commercial catch will be 31,616 lbs

The total for 3 years would be 71,081 lbs

The average annual total catch would be 23,694 lbs

And the noncommercial percentage of that catch would be 55.5%

So the 3 year catch distribution for that area is very much aligned with the allocated percent of the resource.

Fishery Data Series No. 11-67

"Summary of Noncommercial Pot Shrimp, PWS"

p.1 Abstract

"from 2002 through 2010, On average, the majority of effort (70%) and harvest (56%) in the noncommercial fishery occurs within relatively isolated areas nearest the ports of Whittier and Valdez. Increased spot shrimp mortality via this fishery in areas nearest the ports of Whittier and Valdez raises concern for localized depletion."

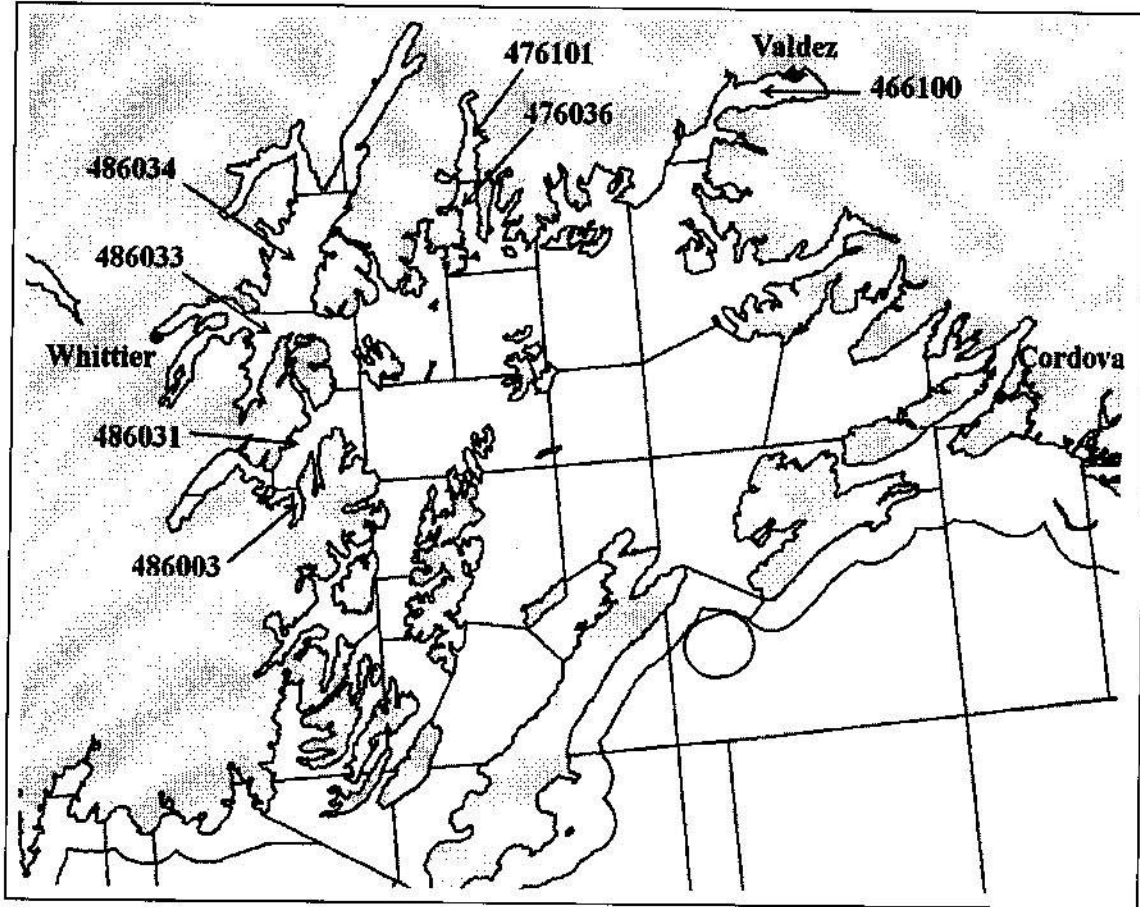
p.7

"... ADF&G PWS pot shrimp survey data suggests that the relative abundance of spot shrimp greater than 32 mm carapace length increased steadily from 1998 through 2009 and then decreased slightly in 2010. This suggests that CPUE in the noncommercial fisher broadly tracks trends in spot shrimp CPUE observed in fishery-independent surveys of spot shrimp in PWS."

These citations help support the rationalization behind the COMMERCIAL CLOSED AREAS. Port Nellie Juan does not fit into these categorized "relatively isolated areas nearest the ports of Whittier and Valdez".

Please reopen Port Nellie Juan to commercial fishermen.

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Submitted by ADFG
at the request of Sec Jeffrey

Table 2.—Contribution of selected statistical areas to total effort expended in the noncommercial shrimp fishery in Prince William Sound, AK by year.

Name/ Statistical area	2002		2003		2004		2005		2009		2010	
	Pot days	%	Pot days	%	Pot days	%	Pot days	%	Pot days	%	Pot days	%
Valdez Arm/466100	9,694	50	8,192	34	14,119	46	15,281	41	20,958	44	32,795	42
Near Whittier/486033	4,459	23	7,710	32	5,832	19	10,436	28	13,337	28	24,987	32
S. Port Wells/486034	1,745	9	1,928	8	2,456	8	2,982	8	3,334	7	5,466	7
Port Nellie Juan/486031, 486003	1,551	8	2,891	12	3,376	11	2,236	6	2,382	5	3,123	4
Unakwik Inlet/476036, 476101	582	3	964	4	1,535	5	2,236	6	2,382	5	3,123	4
All other areas ^a	1,357	7	2,409	10	3,376	11	4,100	11	5,239	11	8,589	11
Total effort	19,387		24,094		30,694		37,271		47,631		78,083	

^a Each of the remaining 24 statistical areas where noncommercial shrimp harvest was reported contributed on average less than 5% to the total reported shrimp harvest on any given year.

∞

Table 3.—Contribution of selected statistical areas to total harvest of whole shrimp in the noncommercial fishery in Prince William Sound, AK by year.

Name/ Statistical area	2002		2003		2004		2005		2009		2010	
	lbs	%	lbs	%	lbs	%	lbs	%	lbs	%	lbs	%
Valdez Arm/466100	3,901	42	3,771	27	9,764	38	8,627	27	14,030	25	19,294	22
Near Whittier/486033	1,579	17	3,631	26	4,882	19	8,627	27	16,836	30	29,818	34
S. Port Wells/486034	1,115	12	1,815	13	2,312	9	3,195	10	6,734	12	13,155	15
Port Nellie Juan/486031, 486003	1,115	12	2,095	15	3,083	12	2,556	8	3,928	7	7,016	8
Unakwik Inlet/476036, 476101	650	7	1,397	10	2,826	11	5,112	16	7,296	13	7,893	9
All other areas ^a	928	10	1,257	9	2,826	11	3,834	12	7,296	13	10,524	12
Total harvest	9,288		13,965		25,694		31,950		56,120		87,699	

^a Each of the remaining 24 statistical areas where noncommercial shrimp harvest was reported contributed on average less than 5% to the total reported shrimp harvest on any given year.