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January 9, 2014

Alaska Board of Fisheries
 Board Support Section
 P.O. Box 115526
 Juneau, Alaska 99811-5526

RE: Kodiak Finfish Regulatory Meeting 01.07-10.14

Support information on Proposal 45 and 5 AAC 39.166 Mandatory retention of prohibited salmon species by commercial trawl vessels for counting and sampling.

Chairman Johnstone,

We would like to assist the Alaska board of Fisheries (BOF) with support documentation addressed in our testimony.

We would like the Board to review the regulation cited above for consistency with the Gulf of Alaska (GOA) – State waters trawl fisheries. *If necessary, we feel that the language and area description should include GOA adjacent regions.*

Included with this packet is the letter from Alaska regional Federal Fisheries manager to the North Pacific Fishery Management Council (NPFMC) on progress in the 2013 groundfish observer program. Please note the table on actual observed and the bold font on page two.

We would highly encourage the BOF to seriously consider and at the very least plan a set of hearings to discuss and implement a state waters groundfish observer program. We do not feel that the Federal program is working in the best interests of the State and does not ensure the strong mandates of our constitution for resource sustainability. We should be considering mandated guidelines that will direct the current Federal observer program to take more stringent measures to ensure accountability in state waters.

We are as always concerned about the high catch of Chinooks in and adjacent to the Exclusive Economic Zone (EEZ) off the coasts of Alaska. It is our ardent hope that the BOF will address this situation with the utmost urgency.

Thank you,

Paul A. Shadura II

Kenai Peninsula Fishermen's Association



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668*

September 3, 2013

Eric Olson, Chairman
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Dear Chairman Olson:

At its June 2013 meeting, the North Pacific Fishery Management Council (Council) received a report presented by the National Marine Fisheries Service (NMFS) on observer deployment for the first 16 weeks of the year under the 2013 Annual Deployment Plan (ADP). The Council then provided recommendations and requests related to (1) the 2014 ADP, (2) additional information for review in October 2013, (3) the final 2013 annual performance review, (4) electronic monitoring, and (5) future regulatory amendments. This letter addresses the Council's recommendations and requests in development of the draft 2014 ADP.

In evaluating the Council's six requests and recommendations for the 2014 ADP, we considered whether an issue was appropriate for inclusion in the draft 2014 ADP or should be addressed separately. Our responses are summarized below and detailed in the enclosure.

- The draft 2014 ADP continues to reflect a priority on vessels managed under PSC limits by setting the anticipated selection rate for vessels managed under trip selection higher than vessels managed under vessel selection in the same relative weighting as was used in the 2013 ADP.
- The draft 2014 ADP continues to reflect the Council's policy of conditional releases from observer coverage for vessel operators who provide reasonable information that accommodating an observer would displace crew members or additional Individual Fishing Quota (IFQ) permit holders. Please note, however, that NMFS only intends to issue releases to vessels in the vessel selection stratum in 2014 for reasons explained in more detail in section 1.4.6 of the draft 2014 ADP.
- Further consideration of a proposal to release vessels from observer coverage if the IFQ permit holders on board have a "de minimus" or small amount of halibut or sablefish IFQ remaining in their accounts requires discussion and analysis beyond what could be accomplished between June and August of this year. In addition, depending on the specific proposal developed, it may require regulatory amendments to effectively implement and enforce. NMFS anticipates that



A preliminary assessment of the anticipated coverage rates (Sampling Fractions) vs. actual in the vessel selection pool is provided in the table below (Table 2).

Table 2. Anticipated versus actual numbers of vessels and sampling fraction in the vessel-selection pool for the first 3 selection draws in 2013. Anticipated values were based on 2011 data projections.

Selection Period	Anticipated Vessels	Anticipated Observers	Actual Observers	Anticipated Sampling Fraction	Vessels Selected	Observers Selected	Actual Sampling Fraction
	(A)	(B)	(C)	(B/C)	(D)	(E)	(E/D)
1: Jan - Feb	65	7	75	9.3%	9	3	4%
2: Mar-Apr	153	17	147	11.5%	29	14	9.5%
3: May-Jun	231	25	214	11.6%	39	10	4.6%

While a 11% sampling fraction was anticipated, a lower sampling fraction (4 to 9.5%) was actually achieved. **Changes to the Annual Deployment Plan that reduce sampling fractions should be avoided because they reduce confidence in the resulting data.**

Should the 2-month deployment period for those in the vessel selection pool remain or be reduced (e.g., one month)?

Here we consider the trip as the unit of measure and evaluate this question in terms of the infrastructure required to achieve an observer sample and the likelihood of achieving that sample. The process whereby vessels are placed into the vessel selection pool is conducted by NMFS and is costless to the vessel; there is no requirement for a check-in/check-out system as there is for some quota cooperative systems (e.g., The Central Gulf of Alaska Rockfish Program). However, this process does impose additional costs on NMFS. NMFS must review past vessel activity, decide whether that activity would fall under the current ADP, and determine the number of vessels to select. The number of vessels NMFS selects each time period is influenced by the results of past selections, meaning that if past vessel selections have not met expectations, the number of vessels selected in the next draw is inflated and vice versa. Yet despite these adjustments, NMFS has seen little improvement in the sampling fractions in this pool of vessels during the timeframe examined here.

It is important that NMFS use the best available information to inform its decisions of how many vessels to observe. Currently NMFS has a 60-day notification period for vessel selection. This means that draws of selected vessels and letters are sent to vessel operators 60 days in advance of the start of their selected observation period, which also lasts 60 days. Consequently, this means that selection draws are informed only by the results of the draw that was conducted and completed two periods prior (e.g., the results of the first draw influence the third draw while the results of the second draw influence the fourth draw and so on). Unless the response rate (the rate at which selected vessels actually carry an observer) is constant among time periods, there exists the chance that NMFS is selecting too many or not enough vessels. Reducing the selection duration from two months to one month would actually exacerbate this situation. If a 60-day notification period remained but the observation period were reduced to 30 days, selection draws would be informed by the results of the draws three periods prior (e.g.,

Table 4-5 GOA pollock and Pacific cod harvests from State waters (2009 through 2012)

Area	Waters	Year			
		2009	2010	2011	2012
		Pollock			
CG	Federal	14,799	34,394	50,246	56,254
	State	8,594	10,908	5,341	12,667
CG Total		23,394	45,302	55,587	68,921
CG State % of Total		36.7%	24.1%	9.6%	18.4%
WG	Federal	4,461	11,929	9,894	7,441
	State	9,956	16,492	11,292	20,985
WG Total		14,417	28,421	21,186	28,425
WG State % of Total		69.1%	58.0%	53.3%	73.8%
		Pacific cod			
CG	Federal	5,881	14,688	10,916	12,521
CG Total		5,881	14,688	10,916	12,521
CG State % of Total		0.0%	0.0%	0.0%	0.0%
WG	Federal	1,948	1,652	2,411	5,685
	State	50	191	103	646
WG Total		1,998	1,844	2,514	6,331
WG State % of Total		2.5%	10.4%	4.1%	10.2%

There are specific decisions that must be made for a GHL program to be implemented. The outcome of those decisions may affect stakeholder's perspectives on whether a quota share system, which replaces the current limited access system and the parallel system in state waters, based on a fraction of the total fish available would warrant the cost and effort and be preferable to the status quo. It is likely that stakeholder's perspectives will be influenced by the size of the GHL relative to the Federal quota, the accounting system for State water harvests, the structure of the Federal program, and the pool of historic participants and potential new entrants into the GHL fishery.

4.2.4.1 Size of the GHL

If the State of Alaska develops a Western Gulf GHL trawl pollock fishery it must determine the GHL amount. Historically GHLs have been set as a percentage of the area's ABC. In the Western Gulf pollock fishery, the TAC is currently set equal to the ABC. Assuming this practice continues in the future, the percentage of the ABC selected by the State would result in an equal reduction to the amount of fish available to the federal fishery.

The previous section described the impacts of various accounting methods on the GHL and federal fisheries. To simplify this discussion, the following assumptions are made based on the earlier accounting methodologies presented:

- Harvest that occurs in State waters is deducted from a person's Federal quota if they hold quota for that species;
- Harvest that occurs in State waters is deducted from the GHL if the persons harvesting the fish do not hold Federal quota or their cooperative has checked-out of the target fishery (State management decision).

If the assumptions above were implemented, State water harvests would only count against the GHL when the persons harvesting the fish did not hold quota. That means the person was never issued quota or had already used the entire quota amount they were issued in federal waters. Based on 2012 data for the Western Gulf, every person that harvested pollock from State waters with trawl gear also held a Federal