

ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS ON COMMERCIAL, PERSONAL USE, SPORT, AND SUBSISTENCE REGULATORY PROPOSALS COMMITTEE OF THE WHOLE-GROUPS 1-2 FOR

STATEWIDE FINFISH AND SUPPLEMENTAL ISSUES

ALASKA BOARD OF FISHERIES MEETING ANCHORAGE, ALASKA

March 8-11, 2016



Regional Information Report No. 5J16-01

The following staff comments were prepared by the Alaska Department of Fish and Game (department) for use at the Alaska Board of Fisheries (board) meeting, March 8-11, 2016 in Anchorage, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

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**ALASKA BOARD OF FISHERIES MEETING
ANCHORAGE, ALASKA**

MARCH 8–11, 2016

by
Alaska Department of Fish and Game

Alaska Department of Fish and Game
Division of Sport Fish, Research and Technical Services
333 Raspberry Road, Anchorage, AK 99518–1565

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ABSTRACT

This document contains Alaska Department of Fish and Game (department) staff comments on commercial, personal use, sport, and subsistence regulatory proposals for the Statewide finfish and supplemental issues. These comments were prepared by the department for use at the Alaska Board of Fisheries meeting, March 8–11, 2016 in Anchorage, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

Key words: Alaska Board of Fisheries (board), Alaska Department of Fish and Game (department), staff comments, regulatory proposals, fisheries, commercial, personal use, sport, subsistence, statewide, finfish, supplemental issues, statewide, special harvest areas, methods, means, bag limits, forage fish, herring, salmon, groundfish.

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Summary of department positions on regulatory proposals for Statewide Finfish and supplemental issues – Anchorage, March 8–11, 2016.

Proposal No.	Department Position	Issue
224	S	Customary and traditional subsistence uses of shellfish stocks and amounts necessary for subsistence uses.
202	N/O	Prohibit the use of felt bottom boots in all waters, while fishing.
203	O/N	Expand emergency order authority to close sport fishing in special harvest areas if hatchery cost recovery goals may not be met.
204	S	Modify the definition of an artificial fly to include the use of a bare single hook.
205	S	Clarify that a bead not attached to a hook is an attractor, and not a lure or fly.
206	O	Revise definition of “closely attended” as it applies to coho salmon fishing.
207	S	Allow a bang stick to be used to dispatch sport-caught fish.
208	O	Establish bag limits by port of call.
209	O	Designate Pacific herring as a forage fish.
210	O	Prohibit directed fisheries on forage fish species, for the purpose of fish meal production.
211	O	Prohibit the production of fish meal from whole forage fish.
126 (2014–15)	N	Establish a commercial open pound herring spawn on kelp fishery in Sitka Sound. <i>(Tabled at 2015 Southeast Finfish meeting for consideration at this meeting.)</i>
27	N	Require that a CFEC permit holder's name displayed on a set gillnet site marking sign complies with the same character size marking requirements for permit numbers.
28	N	Change the character size requirements for set gillnet marking signs.
212	N	Repeal or modify the requirement to designate a single salmon net registration area.
213	S	Clarify possession and landing requirements for Pacific cod and walleye pollock.
214	O	Specify that bycatch in excess of the allowable amount will be surrendered to the state and donated to charity and establish fines for bycatch in excess of the allowable amount.
215	N	Establish a 58’ overall length limit for vessels participating in South Alaska Peninsula parallel walleye pollock fishery using trawl gear.
194	N	Close all waters of Unalaska Bay to commercial fishing for groundfish with pelagic trawl gear. <i>(This proposal was heard at the Alaska Peninsula/Chignik/Aleutian Islands Finfish meeting where public testimony was taken.)</i>
216	O/S	Establish a state waters walleye pollock purse seine fishery in Southeast Alaska.
217	N	Establish fishing season for walleye pollock that does not conflict with salmon season.
218	N	Establish state-waters walleye pollock jig fishery management plans with guideline harvest levels deducted from total allowable catch (TAC) for the Eastern Gulf of Alaska, Prince William Sound, Cook Inlet, Kodiak, Chignik, South Alaska Peninsula and Bering Sea-Aleutian Islands.

N = Neutral; S = Support; O = Oppose; NA = No Action, WS = Withdrawn Support

COMMITTEE OF THE WHOLE—GROUP 1 (8 PROPOSALS)

Subsistence (1 Proposal)

PROPOSAL 224 – 5 AAC 02.466. Customary and traditional subsistence uses of shellfish stocks and amount necessary for subsistence uses.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Establish in regulation C&T use findings and ANS uses of Dungeness crab, Tanner crab, miscellaneous shellfish, and shrimp throughout the Kodiak Area. This proposal would also amend the existing positive C&T finding for king crab by adding waters of the Kodiak Area currently excluded from the finding.

WHAT ARE THE CURRENT REGULATIONS? Regulations allow for subsistence fishing for certain shellfish stocks in the Kodiak Area (5 AAC 02.410, 02.415, 02.420, 02.425), but do not contain C&T findings for all stocks. Regulations contain a positive C&T finding for Dungeness crab and miscellaneous shellfish in a small portion of the Kodiak Area located on the Alaska Peninsula but not around the Kodiak archipelago itself (5 AAC 02.466(2)). Regulations also do not include ANSs for those stocks.

Regulations include a positive C&T finding for king crab in most of the Kodiak Area, but exclude waters along the Alaska Peninsula where subsistence king crab fishing is allowed (5 AAC 02.466(a)(1)).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Tanner crab and shrimp would be added to the list of stocks with a positive C&T finding throughout the Kodiak Area. The existing C&T finding for miscellaneous shellfish and for king crab by applying the finding to the entire Kodiak Area would also be amended.

The proposal would establish ANS findings for Tanner crab, Dungeness crab, shrimp and miscellaneous shellfish stocks in the Kodiak Area. There is no ANS finding proposed for king crab since subsistence harvests have been under restriction for decades, resulting in harvest data for king crab that are skewed lower than might be expected otherwise.

BACKGROUND: Subsistence fishing for crab, shrimp, and miscellaneous shellfish is allowed by regulation throughout the Kodiak Area, but not all stocks have a positive C&T finding. In 1993 the board made a positive finding for C&T uses of king crab in most of the Kodiak Area, excluding waters along the Alaska Peninsula. In 2000 the board made positive C&T finding and established ANS for miscellaneous shellfish and Dungeness crab in a portion of the Alaska Peninsula of the Kodiak Area.

During the March 2015 statewide Dungeness crab, shrimp, and miscellaneous shellfish meeting the board, under Proposal 237, added Tanner crab, Dungeness crab, shrimp, and miscellaneous shellfish to the list of Kodiak Area stocks with a positive C&T finding and which applied the findings to the entire Kodiak Area. The board also discussed ANSs for these stocks (an ANS for king crab was not discussed due to the lack of representative harvest data.) Although the board

wrote a finding of positive C&T uses, and addressed ANSs' for these stocks (see 2015-278-FB), the meeting notice was not sufficient to allow the board to adopt their findings into regulation.

Proposal 224 asks the board to adopt into regulation the C&T and ANS findings made during the March 2015 meeting, as written in 2015-278-FB.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. Subsistence fisheries for all shellfish species occur throughout the Kodiak Area, and if adopted the proposal will eliminate inconsistency.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Methods and Means/Gear (1 Proposal)

PROPOSAL 202 – 5 AAC 01.010. Methods, means, and general provisions; 5 AAC 39.105. Types of legal gear; 5 AAC 75.020. Sport fishing gear; 5 AAC 75.022. Freshwater sport fishing; and 5 AAC 77.010. Methods, means and general restrictions.

PROPOSED BY: Luke Nelson.

WHAT WOULD THE PROPOSAL DO? This would prohibit the use of felt-soled footgear in all subsistence, personal use, and sport fisheries conducted in salt waters and expand the prohibition of felt-soled footgear in freshwater sport fisheries to the subsistence and personal use freshwater fisheries.

WHAT ARE THE CURRENT REGULATIONS? The use of footgear with absorbent felt or other fiber material on the soles is prohibited while sport fishing in fresh water.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Participants in all subsistence, personal use, and sport fisheries who have felt-soled wading shoes would be required to replace them with non-felt-soled footwear. It is possible that this footwear change could reduce the introduction of harmful invasive organisms into Alaska fresh waters, but would have little effect on transport of saltwater invasive species.

BACKGROUND: The spread of invasive aquatic species to Alaska’s fresh and salt water systems can occur from any fishing, boating and/or recreational equipment used in infested waters unless equipment is properly cleaned, dried and/or disinfected after use.

The use of felt-soled wading footwear by freshwater anglers has been identified as one of the vectors responsible for introducing invasive species such as Didymo (*Didymosphenia geminate*), New Zealand mudsnails (*Potamopyrgus antipodarum*), Zebra and Quagga mussels, and whirling disease pathogens (*Myxobolus cerebralis*) to freshwater systems. Felt-soled wading footwear has not been identified as one of the vectors responsible for introducing invasive species in salt waters.

DEPARTMENT COMMENTS: The department is **NEUTRAL** to the proposed prohibition of felt-soled wading footgear in freshwater fisheries. The protection of Alaska’s freshwater aquatic environments from invasive species cannot be accomplished exclusively by prohibiting the use of felt-soled shoes by anglers. Although felt-soled shoes have been identified as one of the vectors for introducing freshwater invasive species, all equipment used in infested waters is a potential vector for transmission of invasive species.

The department **OPPOSES** the proposed prohibition of felt-soled wading footgear in saltwater fisheries. Felt-soled wading footgear has not been identified as a vector for introducing invasive species in to saltwater environments.

If adopted for subsistence fisheries, the board should determine whether a normally-diligent participant has a reasonable expectation of success of taking fish for subsistence uses.

COST ANALYSIS: Approval of this proposal may result in an additional direct cost for private persons to participate in this fishery if they were required to purchase non-felt-soled footwear.

Special Harvest Area Management

PROPOSAL 203 – 5 AAC 75.003. Emergency order authority.

PROPOSED BY: Cook Inlet Aquaculture Association, Douglas Island Pink and Chum, Inc., Kodiak Regional Aquaculture Association, Prince William Sound Aquaculture Corporation, Northern Southeast Regional Aquaculture Association, and Southern Southeast Regional Aquaculture Association.

WHAT WOULD THE PROPOSAL DO? This would extend the commissioner’s emergency order authority to close sport fishing for hatchery-produced fish in SHAs when hatchery cost recovery goals may not be met and commercial harvest within the SHA has been closed. This would also create a new definition, “hatchery escapement goal” to include broodstock, cost recovery, and any natural spawning requirements as listed in hatchery annual management plans, and provide intent that the department use its emergency order authority to manage sport fishing in special harvest areas so that the hatchery escapement goal is met.

WHAT ARE THE CURRENT REGULATIONS? Under AS 16.05.060(a), the commissioner may close common property fisheries in a special harvest area by emergency order when the escapement of anadromous fish is projected to be less than the escapement goal for brood stock specified in board adopted management plans or established by the department. In allocating enhanced fish stocks in special harvest areas, AS 16.05.730(b) requires the board to consider the needs of hatcheries to obtain fish for brood stock, and AS 16.05.730(c) allows but does not require the board to consider the cost recovery needs of hatcheries. Under AS 16.10.440, enhanced fish are available to the people for common use, and regulated as are wild fish, until the enhanced fish return to a special harvest area, at which point enhanced fish are regulated as are wild fish except that the board may provide an exclusive opportunity to hatchery operators to harvest enhanced fish in a special harvest area in order to provide for brood stock or cost recovery.

Under 5 AAC 75.003(1), the commissioner may restrict sport fisheries by emergency order when the escapement of anadromous fish is projected to be less than the escapement goal specified in board adopted management plans or established by the department; or the sport harvest must be curtailed for conservation reasons.

Regulations pertaining to the operations of PNPs are found in 5 AAC 40. The definitions section of Chapter 40 defines “escapement” as specific to that chapter and includes two categories of escapement; 1) number of fish needed for broodstock, and/or natural spawning; and 2) fish taken for cost recovery. The definition of “escapement” found under General Provisions in Chapter 39, means “spawning stock” and applies to management of fisheries.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? A statewide regulation would be created to address potential issues for specific hatcheries. Sport fisheries may be opened and closed on short notice depending upon actions taken in the commercial fishery. Sport opportunity may be denied in some SHAs on hatchery-produced runs that have exceeded broodstock needs and on wild stocks that may be present in some SHAs without providing a measurable benefit to the cost recovery target due to relatively low harvest by

anglers and the inability of anglers to distinguish hatchery from wild stocks with no external mark on the hatchery fish.

BACKGROUND: The department works with private nonprofit hatcheries throughout the state to manage enhanced fisheries for the benefit of the hatchery and various user groups. Commercial fishery managers coordinate with hatchery managers to facilitate broodstock collection and conduct cost recovery and common property commercial fisheries as directed by Alaska statute, regulation, and management plans approved by the board of fish. Anglers also harvest hatchery-produced salmon in SHAs. Because of the allocative nature of cost recovery fisheries, the board has created provisions in board adopted management plans to close sport fisheries where appropriate rather than restricting them through emergency order. If direction is not provided in a management plan, sport fish managers use emergency order authority to restrict sport fishing in SHAs based on the achievement of broodstock goals and/or natural spawning requirements. Managing for escapement to provide a sufficient number of spawning adults is a biological objective that applies to hatchery fish and wild stocks.

The board has considered similar proposals for specific SHAs and taken appropriate action through management plans. In other cases where the sport fishery was not considered to significantly impact the hatchery's ability to collect cost recovery, the board added language in the management plans to specify the sport fisheries are managed to achieve broodstock goals.

DEPARTMENT COMMENTS: The department **OPPOSES** establishing a statewide regulation to address potential issues at a few SHAs and recommends that the board continue to address these issues on a case-by-case basis through specific management plans. The department also **OPPOSES** combining brood and cost recovery goals under an inclusive "hatchery escapement goal" in 5 AAC 75.003 to be applied to fisheries management, and having the department make allocative decisions to allow PNP hatcheries to satisfy cost-recovery needs set in annual management plans. Brood goals are set based on the production need, while cost recovery goals can change inseason based cost recovery harvest, market price, or poor cost recovery at SHAs other than the SHA where the cost recovery is occurring.

The department is **NEUTRAL** on the allocative aspects of this proposal. A statewide regulation to extend the commissioner's emergency order authority will conflict with some existing management plans, may be seen as setting allocation inseason, and in some cases, potentially limit opportunity with no measureable benefit to the hatchery in SHAs where sport harvests are insignificant.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Methods and Means, Bag Limits (5 Proposals)

PROPOSAL 204 – 5 AAC 75.995. Definitions.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This would modify the definition of “artificial fly” to include the use of a single bare hook.

WHAT ARE THE CURRENT REGULATIONS? An artificial fly is defined as a fly constructed by common methods known as fly tying, including a dry fly, wet fly, and nymph, and is free of bait.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Including a single bare hook in the definition of “artificial fly” will clarify what gear may be used in waters where artificial flies are the only legal terminal tackle. Anglers and enforcement will benefit from clarity in regulation.

BACKGROUND: The use of a bare hook in waters open only to artificial flies is not referenced in regulation, so regulations regarding their use are unclear. Single bare hooks come in a variety of colors including silver, gold, red, green, and blue and can be used to catch Dolly Varden, Arctic grayling, coastal cutthroat trout, rainbow trout, rockfish, sockeye salmon, and other species. The legality of fishing with bare hooks in waters where gear is limited to artificial flies is not specified in regulation and leads to streamside interpretation of how much fly tying is needed to make a hook a fly.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. Modifying the definition of “artificial fly” to include a single bare hook will provide clarity to regulation for anglers and enforcement. There are no conservation concerns caused by including the use of bare hooks in waters where gear is limited to artificial flies.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 205 – 5 AAC 75.020. Sport fishing gear.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This clarifies that a bead used as an attractor may be used in waters where gear is limited to artificial lures or artificial flies.

WHAT ARE THE CURRENT REGULATIONS? A bead not attached to a hook is an attractor and not a fly. A bead, when used as an attractor either with a fly or with a bare hook, must be fixed within 2 inches of a bare hook, fly, or lure, or be free sliding on the line or leader.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Clear, concise regulatory language provides positive benefits to the public and enforcement personnel.

BACKGROUND: Beads are commonly used in sport fishing as attractors (i.e., either not attached to a hook and free sliding or fixed within 2 inches of the fly or lure), as flies (i.e., attached to a hook), or as part of an artificial lure. These multiple uses have created some confusion in waters where only artificial flies may be used since anglers may legally use a bead with a fly. The current regulatory language has been misunderstood to mean that when a bead is fished and is not attached to an artificial fly, it is an artificial lure. This new language will add clarity to the regulation and provide better guidance to both the angling public and law enforcement.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 206 – 5 AAC 75.995. Definitions.

PROPOSED BY: John Hoback.

WHAT WOULD THE PROPOSAL DO? This would modify the statewide definition of “closely attended” to provide a different definition when applied to fishing for coho salmon by requiring anglers to have an audible device attached to their fishing rods if they were farther than an arm’s length from it, and may be no farther than seven rod lengths from the fishing rod while the rod is in a rod holder. In addition, anglers more than seven rod lengths from their rod while fishing for coho salmon would be required to designate an observer to assist in rod attendance.

WHAT ARE THE CURRENT REGULATIONS? “Closely attended” is defined in 5 AAC 75.995(40) as meaning "the line or strike indicator is within the view of and is accessible to the angler at all times.”

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This will increase regulatory complexity with little or no benefit to anglers or the resource.

BACKGROUND: The statewide definition of closely attended has been applied by Alaska Department of Public Safety to enforce attended fishing lines in a variety of situations and species since 1998. The current definition is applicable to anglers fishing from a vessel, streamside, or through the ice.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 207 – 5 AAC 75.027. Use of explosives or toxicants.

PROPOSED BY: Jody Mason.

WHAT WOULD THE PROPOSAL DO? This would clarify regulatory language describing the use of bang sticks or powerheads as a means to dispatch a legally harvested fish taken in salt water.

WHAT ARE THE CURRENT REGULATIONS? The use of a shaft tipped with an explosive charge, commonly known as a bang stick or powerhead, is prohibited in fresh and salt waters (5 AAC 75.027(b)). A person who is completely submerged may take fish in salt water using a spear or speargun (5 AAC 75.028).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Regulatory clarity would benefit anglers who want to use a bang stick to dispatch a legally harvested fish taken in salt water.

BACKGROUND: Explosive charges or bang sticks are commonly used in saltwater sport fisheries to dispatch large fish legally caught with hook and line. The common interpretation of the regulation is that bang sticks are prohibited to take fish in salt water but allowed for dispatching a fish that has been legally caught.

At the statewide board meeting in March 2010, the department submitted Proposal 185 to recommend definitions for “spear” and “speargun,” and requested adding language prohibiting bang sticks to 5 AAC 75.028. The proposal was adopted and printed under 5 AAC 75.027, which addresses the use of explosives.

DEPARTMENT COMMENTS: The department **SUPPORTS** clarifying regulatory language allowing the use of bang sticks or powerheads to dispatch legally harvested fish in salt water. The department believes moving the bang stick language to 5 AAC 75.028 provides the desired clarity.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 208 – 5 AAC 75.010. Possession of sport-caught fish.

PROPOSED BY: Jody Mason.

WHAT WOULD THE PROPOSAL DO? This would prohibit anglers from retaining a bag limit in excess of the bag limit for the waters of their vessel’s port of call. This proposal would require the board to define “port of call”.

WHAT ARE THE CURRENT REGULATIONS? Anglers are prohibited from possessing fish that exceed the bag limits for the waters where they are fishing. Anglers who have already taken a bag limit of fish in waters with a more liberal bag limit may not fish for any species in other waters with a more conservative limit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would add unnecessary complexity to sport regulations and cause anglers to forgo opportunity provided in areas with higher bag limits.

BACKGROUND: Anglers often transit between management areas or waters within a management area that have different harvest limits or are closed to fishing.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. This proposal does not address a biological concern or an error in regulation and adds complexity to regulations with little or no benefit.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

COMMITTEE OF THE WHOLE—GROUP 2 (14 PROPOSALS)

Forage Fish (3 Proposals)

PROPOSAL 209 – 5 AAC 39.212. Forage Fish Management Plan.

PROPOSED BY: Floyd Tomkins.

WHAT WOULD THE PROPOSAL DO? This would add Pacific herring to the list of species included in the *Forage Fish Management Plan*.

WHAT ARE THE CURRENT REGULATIONS? The *Forage Fish Management Plan* prohibits the development of new commercial fisheries for species of fish included in the nine families and orders listed in the plan. The plan specifies that these species may be taken as bycatch in commercial groundfish fisheries at a rate of up to two percent of the round weight of groundfish onboard a vessel. Smelt are the only species listed in the plan for which commercial fishing is currently authorized. The board has adopted numerous management plans and other regulations relating to seasons, lawful gear, fishing areas, closed waters, and other fishing practices to allow for sustained yield management of Pacific herring.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would not have an effect on fishery management or conservation of Pacific herring because the board has previously adopted regulations ensuring sustained yield management of Pacific herring fisheries in Alaska.

BACKGROUND: The *Forage Fish Management Plan* has been in effect since 1999. The plan was intended to prevent development of new directed fisheries on forage fish species named in the plan and allow existing commercial fisheries on forage fish species to continue. Pacific herring were intentionally omitted from the *Forage Fish Management Plan* when it was adopted because ongoing herring fisheries were already regulated to provide for sustainable and beneficial uses. The board addressed this same proposal in 2013 and the proposal failed.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Adoption of this proposal would add regulatory complexity and confusion without conferring any additional management or conservation benefits relative to status quo.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 210 and 211 – 5 AAC 39.212. Forage Fish Management Plan.

PROPOSED BY: Sitka Tribe of Alaska.

WHAT WOULD THE PROPOSAL DO? Proposal 210 would prohibit directed fisheries on forage fish species for the purpose of fish meal production. Proposal 211 would prohibit the production of fish meal from whole forage fish.

WHAT ARE THE CURRENT REGULATIONS? The *Forage Fish Management Plan* prohibits the development of new commercial fisheries for species of fish included in the nine families and orders listed in the plan. The plan specifies that these species may be taken as bycatch in commercial groundfish fisheries at a rate of up to two percent of the round weight of groundfish onboard a vessel. Smelt are the only species listed in the plan for which commercial fishing is currently authorized.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Neither proposal would have an effect on fishery management or conservation of forage fish. Smelt are the only species listed in the plan for which active commercial fisheries occur and the department is unaware of any smelt being used for fish meal production.

BACKGROUND: The *Forage Fish Management Plan* has been in effect since 1999. The plan was intended to prevent development of new directed fisheries on forage fish species named in the plan and allow existing commercial fisheries on forage fish species to continue. Two commercial smelt fisheries exist in Alaska: an active fishery in Cook Inlet and an inactive fishery in Southeastern Alaska. In the Cook Inlet smelt fishery, harvest is capped at 100 tons of smelt, and most of the harvest is sold as bait, with a smaller amount sold as food.

DEPARTMENT COMMENTS: The department **OPPOSES** these proposals. The board does not have authority to regulate the types of products produced from commercially taken fish. Adoption of these proposals would add regulatory complexity without conferring any additional management or conservation benefits relative to status quo. In addition, these proposals unnecessarily restrict market opportunity should new fish meal markets be developed.

COST ANALYSIS: Approval of these proposals is not expected to result in an additional direct cost for a private person to participate in this fishery.

Herring (1 Proposal)

PROPOSAL 126-2014-2015 – 5 AAC 27.XXX. New Section. Allow permit holders the choice of purse seine or open platform gear in the Sitka Sound herring fishery.

PROPOSED BY: Darrell Kapp.

WHAT WOULD THE PROPOSAL DO: This would allow limited entry permit holders in Sitka Sound the choice of fishing open platform gear to harvest herring spawn-on-kelp, or purse seine gear to harvest herring in the Sitka Sound sac roe fishery.

WHAT ARE THE CURRENT REGULATIONS: In the herring sac roe purse seine fishery, herring may be taken during seasons established by emergency order in portions of Section 13-A. Within this area, specific waters are closed by regulation to the taking of herring in commercial fisheries to reduce conflict with subsistence fisheries. Regulations provide that herring spawn-on-kelp in pounds may be taken only during periods established by emergency order. Regulations define an open pound to consist of a single, floating, rectangular structure with suspended kelp and no webbing or lead, used for the production of spawn on kelp; the inside surface area may not exceed 2,400 square feet and no one side may be longer than 60 feet. A “lead” is a length of net employed for guiding herring to a pound.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED: Each season, limited entry permit holders would have the option of fishing open platforms (open pounds) for spawn-on-kelp, or purse seines for sac roe herring in the Sitka Sound herring fishery. Herring sac roe and spawn-on-kelp markets are generally limited to the Japanese market and pricing is often volatile and sensitive to supply. Having this option may provide flexibility to individual permit holders since they would have the option to choose what product to harvest based on market conditions. The reduction of sac roe harvest resulting from the proposed spawn-on-kelp fishery would likely have little to no effect on sac roe prices. The increase of spawn-on-kelp production would likely have a negative effect on spawn-on-kelp prices and overall economic return for the existing spawn-on-kelp fisheries, both in and outside of Alaska. The increased demand for *Macrocystis* kelp would not be expected to cause a biological concern for the overall health of kelp populations in Southeast Alaska but could affect the availability of acceptable quality kelp for existing spawn on kelp fisheries.

Though not specifically addressed in the proposal, it is assumed that the sac roe herring guideline harvest level would be reduced by some amount depending on participation level in the spawn-on-kelp fishery. This would reduce the mortality of herring associated with the harvest of sac roe herring. The impact of the spawn-on-kelp open platform fishery to the resource would be the removal of potential egg deposition; however, this would not be expected to be any greater than the removal of potential egg deposition in the sac roe fishery.

The presence of pound structures on the grounds could compete for the same areas and shoreline as the subsistence herring egg on branch fishery, causing conflict between the two user groups. This is mitigated to some degree by a regulatory closure of waters heavily used by subsistence harvesters to the taking of herring in commercial fisheries. The closed waters regulation (5 AAC

27.150) specifically states that herring may not be taken in specific areas. This language may need to be addressed because in open pound fisheries, herring are not taken.

BACKGROUND: This concept was first presented to the board in 1997. Discussions at that time indicated there were numerous legal, policy, fishery management, and socioeconomic questions regarding this proposal. Because of these many unanswered questions the board directed the department to conduct an experimental test fishery to help resolve some of the unanswered questions.

The department completed two experimental herring spawn-on-kelp test fisheries in Sitka Sound during the 1998 and 1999 seasons. Test fishery contracts were awarded to an association of 13 limited entry permit holders and their crewmembers in the Sitka Sound herring fishery. Platform gear consisted of four 40' x 60' aluminum frames that were initially built for use in the San Francisco spawn-on-kelp fishery. Kelp for the fisheries was harvested from Sea Otter Sound in District 3. Five tons of kelp were harvested and deployed in 1998 and 4.5 tons in 1999. Production in 1998 amounted to 27 tons of spawn on kelp (drained, unsalted weight), which sold for \$311,538 at an average price of \$5.46/lb. Production in 1999 was 20.6 tons which sold for \$227,965 at an average price of \$5.29/lb. No conflicts were reported either year with the subsistence fishery or the sac roe herring fishery.

During the 1998 fishery, the department applied a random sampling design to determine a conversion rate for the amount of herring utilized by the fishery per product produced based on current year fecundity samples. The department estimate determined that eggs from 100 tons of herring were required to produce 27.2 tons of spawn-on-kelp product.

During the 1999 season, the department also carried out field studies of *Macrocystis* kelp distribution, productivity and abundance (Regional Information Report 1J99-22). This study indicated a standing *Macrocystis* biomass in Southeast Alaska of around 225,225 tons. Considering 45% lower availability in March for the Sitka fishery, and selectivity of blades suitable for spawn on kelp, 14,698 tons would be available. Given that the peak historical harvest in Southeast Alaska was only 45 tons, and even considering projected needs for various fisheries, kelp supply should not be a limiting factor for fishery development.

In 2003, the board formed the Sitka Spawn-on-Kelp Open Platform Fishery Working Group (2003-224-FB) with 11 specific issues identified for discussions. A meeting was held in November 2004, and the working group recommended not moving forward with further discussions in the proposed fishery. Reasons cited included: 1) markets were at that time oversupplied with spawn-on-kelp and there was no room for a new spawn-on-kelp fishery; 2) Sitka Tribe of Alaska testified against the fishery because of the likelihood of conflict with subsistence users. It was highly likely that the preferred area to place open platforms would be the same areas in the core spawning area heavily used by the subsistence fishery; 3) all input submitted concerning this fishery was negative except for the idea that herring mortality would be reduced. In January 2005, the board agreed that the working group had finished its assignment and determined there was no need to continue discussions at that time.

Proposal 126 was considered by the board during the 2015 Southeast and Yakutat Finfish meeting. During that meeting it was determined that the CFEC administrative area for the Northern Southeast spawn-on-kelp herring fishery includes Sitka Sound. Adoption of Proposal 126 at that meeting would have authorized additional limited entry permit holders to participate in the Northern Southeast spawn-on-kelp herring fishery, an action that may only be undertaken by CFEC, not by the board. In response to this determination the board tabled Proposal 126 and, in conjunction with the Department of Law, asked CFEC to consider changing the administrative area for the Northern Southeast spawn-on-kelp herring fishery to exclude Sitka Sound. If CFEC were to exclude Sitka Sound from the administrative area the board could then consider allowing open pounds as an alternative gear type for purse seine limited entry permit holders in Sitka Sound. CFEC considered this request in November 2015 and chose not to change the administrative area.

The board adjusted the ANS for herring spawn at its 2009 meeting, finding that 136,000–227,000 pounds of herring spawn are reasonably necessary for subsistence uses in Section 13-A and Section 13-B north of the latitude of Aspid Cape. After several years in which the total subsistence harvest from Sitka Sound was less than the amount set as the lower bound of the range of the ANS, the 2014 estimated harvest of 154,412 lb exceeded this threshold. In part, the higher harvest is likely due to the increased number of harvesters in 2014 than in the previous four years, but it is also likely that the timing, quality, and dispersion of herring spawn contributed to the increased harvest amount.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. The proposal does not present conservation concerns for either herring or kelp resources needed to support the fishery. If the board decides to proceed, a regulatory program will be needed to adequately monitor and manage the fishery. The board may also need to consider an allocation strategy for reducing the sac roe guideline harvest level based on participation in the spawn-on-kelp fishery and limitations on spawn-on-kelp production.

Adoption of Proposal 126 without concomitant action by CFEC to exclude Sitka Sound from the Northern Southeast spawn-on-kelp herring fishery administrative area would likely violate the Limited Entry Act.

Other considerations include the number of open pound structures a single permit holder may use during the fishery and kelp allocations to individual permit holders.

If adopted, the board should determine whether a normally-diligent participant in the subsistence fishery for herring spawn has a reasonable expectation of success of taking fish for subsistence uses.

Finally, a kelp harvest management plan, fishery registration, and reporting requirements may need to be addressed. There would be additional costs to the department to monitor, manage, and enforce this fishery.

COST STATEMENT: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Identification of Gear (2 Proposals)

PROPOSAL 27 – 5 AAC 39.280. Identification of stationary fishing gear.

PROPOSED BY: Dan Barr.

WHAT WOULD THE PROPOSAL DO? This would make the size of the letters of the set gillnet permit holder's name the same size as the numbers of the permit.

WHAT ARE THE CURRENT REGULATIONS? Regulations currently require the numbers of the five-digit CFEC permit serial number to be at least six inches in height and at least one inch in width. There are no requirements for the size of the letters of a name.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would make the permit holder's name as visible as the permit holder's permit serial number.

BACKGROUND: Current regulations require that stationary fishing gear, such as a set gillnet, be marked with the five digit CFEC permit number and the name of the permit holder operating the gear. There are requirements for what size the numbers must be but no requirements for the letters. Currently most permit holders use a sign to identify their stationary fishing gear. Technically, a sign is not required and permit holders can put their name and permit number on a buoy. The proponent indicates that having a sign with the name large enough to be readable at a distance of up to 1,200 feet is necessary so a drift gillnet fisherman could contact a set gillnet fisherman.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal.

COST ANALYSIS: Approval of this proposal may result in an additional direct cost for a private person to participate in this fishery. An individual may need to maintain a sign or invest in larger or more buoys.

PROPOSAL 28 – 5 AAC 39.280. Identification of stationary fishing gear.

PROPOSED BY: Dan Barr.

WHAT WOULD THE PROPOSAL DO? This would require the numbers of the CFEC permit serial number marking stationary fishing gear be 12 inches high and at least one inch wide. If Proposal 27 is adopted, the letters of the permit holder’s name would also be 12 inches tall by one inch wide.

WHAT ARE THE CURRENT REGULATIONS? Regulations currently require the numbers of the five-digit CFEC permit serial number to be at least six inches in height and at least one inch in width.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would make the permit holder’s permit serial number more visible from a greater distance. It might make it difficult to put all the required information on a single buoy.

BACKGROUND: Current regulations require that stationary fishing gear such as a set gillnet be marked with the five digit CFEC permit number and the name of the permit holder operating the gear. There are requirements for what size the numbers must be but no requirements for the letters. Currently most permit holders use a sign to identify their stationary fishing gear. Technically, a sign is not required and permit holders can put their name and permit number on a buoy. The proponent indicates that having a sign with the name and permit serial number large enough to be readable at a distance of up to 1,200 feet is necessary so a drift gillnet fisherman could contact a set gillnet fisherman.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal.

COST ANALYSIS: Approval of this proposal may result in an additional direct cost for a private person to participate in this fishery. An individual may need to maintain a sign or invest in larger or more buoys.

Salmon (1 Proposal)

PROPOSAL 212 – 5 AAC 39.115. Designation of salmon net registration area.

PROPOSED BY: Chris Knight and Cheyne Blough.

WHAT WOULD THE PROPOSAL DO? This would repeal or modify regulations requiring fishermen who hold salmon net permits for more than one area to annually designate a single area where they intend to fish.

WHAT ARE THE CURRENT REGULATIONS? Alaska salmon fishermen have been required to choose a single net area to fish since well before statehood. The board has continued this requirement with 5 AAC 39.115 for permit holders and with 5 AAC 39.120 for vessels. CFEC has complementary regulations which help administer the board regulations.

In practice, permit holders designate the area where they intend to fish on a form provided by CFEC. Permit holders are issued a permit card only for the area they designate, regardless of how many salmon permits they hold. To remain valid, all salmon permits have to be renewed annually, but no permit cards are issued for the registration areas that are not designated to be fished by the permit holder.

CFEC regulations allow permit holders to redesignate an administrative area and receive a substitute permit, provided the permit holder has not yet fished the permit that was first designated.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Eliminating exclusive salmon net registration areas may increase economic benefits by being able to fish in more than one area in a year. This action could encourage consolidation of statewide fishing operations and might reduce total overhead costs if fewer individuals participate. However, 5 AAC 39.120 also restricts salmon vessels from participating in more than one area in a year. If this were adopted as written, persons fishing more than one salmon permit would still be required to fish on separate vessels in each respective area, which could increase costs to those permit holders.

Although limited entry places a cap on the total number of units of gear that can be fished at any one time, participation varies across years and within the seasons because some permits remain latent (unfished). Removing the existing regulation could increase effort and competition by bringing marginal or latent permits into the fishery. Moreover, buyers of additional permits could increase demand for entry permits, with the potential of raising permit prices. Additionally, some salmon management areas are regulated by district registration requirements. It is possible the intent of these regulations could be undermined by the flexibility this proposal seeks.

It is unknown if highly mobile fleets would develop in which holders of multiple permits would move from one registration area to the next to capitalize on each individual return, but since salmon fishing opportunity is based on escapement, adoption of this proposal would not disrupt the department's ability to meet escapement goals. It is possible that fishing time could be

reduced if latent permits are brought back into the fishery and effort increases in a given registration area.

BACKGROUND: The majority of salmon permit holders have permits for only one registration area. Table 212-1 shows salmon permit holdings by individuals at year-end 2014.

As far back as the 1980s the board has addressed proposals similar to Proposal 212. In 2007, Proposal 226 would have repealed the exclusive salmon net area restrictions for permit holders and vessels. The proposal received mixed testimony and failed. At the 2008 Kodiak Finfish meeting, the board took up Proposal 113, which would have provided an exception to the area registration requirements to allow a single vessel to fish in both the Cook Inlet and Kodiak salmon areas in the same year. Action on Proposal 113 was deferred to the Upper Cook Inlet Finfish meeting and the proposal was not adopted.

In 2013, Proposal 223 added clarifying language to 5 AAC 39.120(c)(4)(A)(ii), which now specifies the period when a vessel must not have been used prior to reregistering for a new area. The Alaska Legislature addressed the topic of exclusive salmon registration areas in 2004 with House Bill 415, which would have superseded the board's regulation by authorizing in statute the ability for persons to hold permits and fish in more than one salmon net registration area in a year. HB 415 received mixed testimony, and did not move out of the House Fisheries committee. Some of the testimony in the legislative hearings raised the question as to whether legislation was necessary or appropriate, given that the board already had the authority to maintain, change, or do away with the existing registration requirements.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it is unlikely to impede the department's ability to manage for escapement goals or sustained yield. However, the department is concerned about additional regulations that would make it more difficult for a person to acquire a permit and enter a new fishery by creating additional competition and demand for available permits. If this proposal were adopted as written, CFEC regulations would likely need to be revised through a separate CFEC proceeding.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Table 212-1.—Number of individuals who hold one or more permits in salmon net fisheries.

Salmon Net Fisheries:			
Number of Individuals Who Hold One or More Permits			
Number of Persons with:	Permits for 1 fishery	8,262	96.9%
	Permits for 2 fisheries	244	2.9%
	Permits for 3 fisheries	14	0.2%
	Permits for 4 fisheries	5	0.1%
	Permits for 5 fisheries	1	0.0%

Source: Marcus Gho; Commercial Fisheries Entry Commission. Figures reflect permit holdings at year-end 2014.

Groundfish (7 Proposals)

PROPOSAL 213 – 5 AAC 28.070. Groundfish possession and landing requirements.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Revise existing improved retention regulation to clarify that a permit holder participating in a groundfish fishery shall retain onboard all walleye pollock brought onboard when a directed fishery for pollock is open, or retain all pollock brought onboard up to the bycatch limit when the directed pollock fishery is closed. In addition, a permit holder participating in a groundfish fishery shall retain onboard all Pacific cod brought onboard when a directed fishery for Pacific cod is open, or retain all Pacific cod brought onboard up to the bycatch limit when the directed Pacific cod fishery is closed.

WHAT ARE THE CURRENT REGULATIONS? Current regulation 5 AAC 20.070(e) states that a vessel fishing for groundfish shall retain all walleye pollock and Pacific cod when either a walleye pollock or Pacific cod fishery is open. The maximum bycatch allowance of pollock and Pacific cod must be retained in a groundfish fishery when a directed pollock or Pacific cod fishery is closed.

The state has also adopted 5 AAC 28.075 to improve utilization of walleye pollock and Pacific cod. IR/IU regulations apply to both state-waters and parallel pollock and Pacific cod fisheries.

Groundfish are defined in 5 AAC 39.975(21) to mean any marine finfish except halibut, osmerids, herring, and salmonids.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? State and federal regulations for IR/IU would be consistent for walleye pollock and Pacific cod.

BACKGROUND: This regulation was originally adopted so state waters would be aligned with federal IR/IU rules for pollock and cod. Federal regulations state that if directed fishing for an IR/IU species is open, all fish of *that species* must be brought onboard while fishing for groundfish. If directed fishing for an IR/IU species is prohibited, a permit holder must retain up to the MRA for that species.

State regulation for IR is poorly written and should be modified so intent is clear. The intent was not to provide opportunity for a vessel operator fishing for groundfish to retain all pollock when the pollock season is closed but a cod season is open.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 214 – 5 AAC 39.010. Retention of fish taken in a commercial fishery.

PROPOSED BY: Steve Smith.

WHAT WOULD THE PROPOSAL DO? This would require that commercial fishermen who retain bycatch fish species in excess of a specified amount forfeit the excess bycatch to charity and pay a fine.

WHAT ARE THE CURRENT REGULATIONS? Many groundfish fisheries have established bycatch amounts that may be legally retained. Bycatch in excess of the allowable amount must be discarded. Typically the allowable bycatch amount ranges between 5% and 20% of the round weight of the target species onboard the vessel. Proceeds from bycatch in excess of the allowable amount must be forfeit to the state. Some fisheries require that all nontarget species be discarded, while others, such as crab, specify that sublegal or nontarget sex individuals be discarded.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would not affect the way fisheries are managed nor would it promote stock conservation because bycatch removals are considered in stock assessment, and in some cases bycatch retention is prohibited. Adoption of this proposal may create additional burden on processors who would be transferring excess bycatch fish to charities. The proposal does not specify which target species would be included or which species would be considered bycatch, or what constitutes a charity eligible to receive excess bycatch fish.

BACKGROUND: Bycatch retention caps are used as a way to limit the take of nontarget species that may occur in relatively low abundance or that are easily overfished. Retention of bycatch in certain fisheries is permitted because many bycatch species experience high handling mortality rates when released. Bycatch caps are set at a level to allow for traditional fishing practices while preventing excessive take of nontarget species. Fishermen may be subject to enforcement action when bycatch caps are exceeded.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. This proposal would not improve fishery management or stock status and would create additional administrative and enforcement costs. Lastly, the board does not have authority to enact fines requested in this proposal.

COST ANALYSIS: Approval of this proposal could result in an additional direct cost for a private person to participate in a fishery if excess bycatch must be processed and donated.

PROPOSAL 215 – 5 AAC 28.XXX. South Alaska Peninsula Area Pollock Management Plan and 5 AAC.XXX.

PROPOSED BY: Peninsula Fisherman’s Coalition.

WHAT WOULD THE PROPOSAL DO? Restrict vessels greater than 58 feet in length using trawl gear from participating in the South Alaska Peninsula Management Area parallel (0–3 nmi) walleye pollock fishery.

WHAT ARE THE CURRENT REGULATIONS? Federal regulations limit groundfish vessel size to no more than 125 feet in the Gulf of Alaska. There are no additional State of Alaska size restrictions for vessels participating in the South Peninsula Area parallel pollock fishery.

The department opens state waters for parallel pollock fishing by adopting federal rules from adjacent federal waters under 5 AAC 28.086. *Parallel groundfish fishery emergency order authority.*

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Vessel size has not been a condition for determining eligibility in the South Alaska Peninsula parallel pollock fishery; therefore, a range of effects may result:

- **Status quo harvest:** A 58-foot vessel limit would likely decrease the number of vessels that participate in the parallel pollock fishery. Pollock harvest in recent parallel fisheries was mainly taken by vessels 58 feet or less, suggesting harvests from parallel waters may remain relatively stable at current participation levels (Table 215-1).
- **Decreased effort/harvest:** Vessels greater than 58 feet would be excluded from the parallel fishery in South Alaska Peninsula Area. Alternatively, some vessels greater than 58 feet with federal fishery endorsements may opt out of the federal pollock fishery based on economic concerns if excluded from the parallel fishery, and then increase effort in adjacent management areas. Excluding larger vessels from the parallel fishery may reduce effort and limit harvest inside state waters (0–3 nmi). On average, from 2006–2015, vessels greater than 58 feet accounted for 12% of the parallel fishery pollock harvest.
- **Increased effort/harvest:** Despite a 20% reduction in the number of vessels 58 feet or less fishing from 2012 to 2015, the percentage of pollock harvested by those vessels increased from 75% to 100% (Table 215-1). Based on this trend, vessels 58 feet or less may continue to harvest disproportionate amounts of the WGOA pollock TAC in the parallel fishery. Excluding larger vessels from the parallel fishery may reduce competition and potentially, increase harvests by the 58-foot and under fleet.

The federal WGOA groundfish management area boundary extends into a small portion of Chignik Management Area (Figure 215-1). Vessels greater than 58 feet in length excluded from the South Alaska Peninsula parallel fishery would not be excluded from fishing in a portion of the Chignik Management Area parallel fishery during the WGOA season. It is unknown how this proposal would affect Chignik Management Area parallel waters effort and harvest.

BACKGROUND: The federal (3–200 nmi) pollock fishery in the WGOA is managed by National Marine Fisheries Service. The parallel (0–3 nmi) pollock fishery in South Alaska Peninsula Area is prosecuted by the state concurrent to the federal fishery and is opened by the State of Alaska under the authority of a department emergency order. With some exceptions, fishing seasons, allowable gear, and bycatch levels established for the federal fishery also apply to the parallel fishery unless superseded by state regulation.

Pollock harvested from federal and parallel fisheries accrue against the same annual WGOA (Area 610) pollock TAC. The Area 610 pollock TAC is apportioned seasonally with 8% of the TAC allocated to each of the A and B seasons and 27% of the TAC allocated to each of the C and D seasons (Table 215-2). Annually, the A season begins on January 20, the B season begins March 10, the C season begins August 25, and the D season begins October 1.

The pollock fishery is prosecuted by vessels using trawl gear. The WGOA pollock TAC is fully harvested in most years with an average (2006–2015) of 78% of the harvest taken by vessels less than or equal to 58 feet in length (Table 215-3). There are no restrictions on the amount of pollock harvested from state waters during the parallel fishery. Pollock harvests from the parallel fishery have ranged from 9.6 million to 49.5 million pounds since 2001 (Table 215-1). On average, vessels 58 feet or less harvested approximately 88% of pollock taken in parallel waters from 2006 to 2015 (Table 215-1).

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. If adopted, the department does not anticipate significant changes with respect to management of South Alaska Peninsula parallel pollock fishery. The department would continue to open the parallel fishery concurrent to the federal fishery and adopt most other federal regulations and NMFS management actions. A 58-foot length limit within the parallel fishery may require some additional law enforcement oversight as the requirements to participate in the fishery would be different between state and federal waters.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Table 215-1.—South Alaska Peninsula Area parallel pollock harvest and effort, by vessel size, by year, 2001–2015.

Year	Vessels less than or equal to 58 feet			Vessels greater than 58 feet			Total harvest (pounds)
	Harvest (pounds)	Percent harvest	Vessel count ^a	Harvest (pounds)	Percent harvest	Vessel count ^a	
2001	37,282,472	75%	21	12,192,634	25%	7	49,475,106
2002	14,869,774	80%	21	3,815,844	20%	5	18,685,618
2003	14,051,189	71%	19	5,785,170	29%	8	19,836,359
2004	25,340,480	82%	16	5,433,557	18%	5	30,774,037
2005	26,410,556	80%	18	6,520,814	20%	5	32,931,370
2006	24,992,951	75%	18	8,236,148	25%	8	33,229,099
2007	16,712,619	83%	16	3,405,684	17%	3	20,118,303
2008	11,124,730	99%	15	76,027	1%	1	11,200,757
2009	19,065,961	91%	17	1,864,469	9%	5	20,930,430
2010	28,569,241	86%	20	4,646,912	14%	6	33,216,153
2011	21,803,142	92%	18	1,840,570	8%	3	23,643,712
2012	32,576,742	75%	20	11,097,442	25%	6	43,674,184
2013	8,014,762	84%	14	1,567,003	16%	4	9,581,765
2014	11,204,642	93%	17	791,055	7%	3	11,995,697
2015	17,513,869	100%	16	68,599	<1%	1	17,582,468
2006–2015 Avg.	19,157,866	88%	17	3,359,391	12%	4	22,517,257

^a Does not include vessels that landed less than 50,000 pounds of pollock during the calendar year.

Table 215-2.—Seasonal distribution of GOA pollock TAC apportioned by federal management area.

Season	Seasonal Pollock TAC Apportionment Percentage		
	Shumagin (Area 610)	Chirikof (Area 620)	Kodiak (Area 630)
A (Jan 20–Mar 10)	7.99%	67.11%	24.90%
B (Mar 10–May 31)	7.99%	83.21%	8.80%
C (Aug 25–Oct 1)	26.81%	32.18%	41.01%
D (Oct 1–Nov 1)	26.81%	32.18%	41.01%

Table 215-3.—South Alaska Peninsula Management Area combined Federal and parallel pollock harvest and effort, by vessel size, by year, 2001–2015.

Year	Vessels less than or equal to 58 feet			Vessels greater than 58 feet			Total harvest (pounds)
	Harvest (pounds)	Percent harvest	Vessel count ^a	Harvest (pounds)	Percent harvest	Vessel count ^a	
2001	39,179,641	59%	21	27,388,443	41%	12	66,568,084
2002	20,592,026	56%	22	16,496,577	44%	11	37,088,603
2003	22,468,693	64%	19	12,711,963	36%	10	35,180,656
2004	32,641,124	64%	16	17,980,918	36%	8	50,622,042
2005	43,787,938	65%	18	23,492,234	35%	10	67,280,172
2006	28,628,563	53%	18	25,114,177	47%	10	53,742,740
2007	27,461,694	72%	16	10,657,929	28%	7	38,119,623
2008	31,336,319	96%	15	1,344,601	4%	3	32,680,920
2009	26,642,825	88%	17	3,716,811	12%	5	30,359,636
2010	43,455,172	77%	20	13,021,363	23%	6	56,476,535
2011	37,149,297	83%	18	7,436,931	17%	4	44,586,228
2012	41,314,445	69%	21	18,549,870	31%	7	59,864,315
2013	9,886,787	61%	14	6,411,957	39%	7	16,298,744
2014	24,349,169	87%	20	3,572,131	13%	5	27,921,300
2015	59,099,422	95%	16	3,323,801	5%	3	62,423,223
2006–2015 Avg.	32,932,369	78%	18	9,314,957	22%	6	42,247,326

^a Does not include vessels that landed less than 50,000 pounds of pollock during the calendar year.

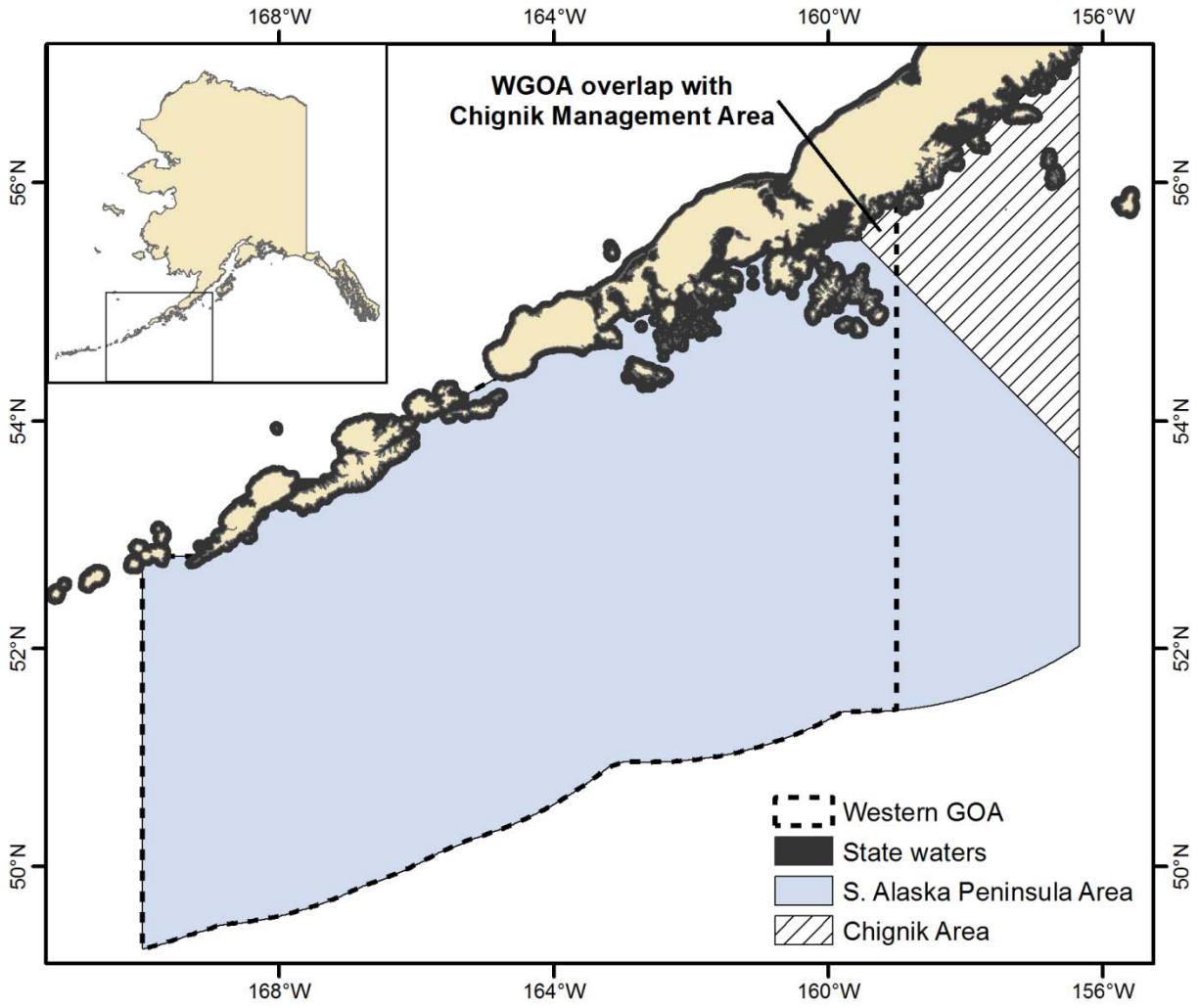


Figure 215-1.—Western Gulf of Alaska and South Alaska Peninsula management areas.

PROPOSAL 194 – 5 AAC 28.650. Closed waters in Bering Sea-Aleutian Islands Area.

PROPOSED BY: Unalaska Native Fishermen’s Association.

WHAT WOULD THE PROPOSAL DO? Close all waters of Unalaska Bay year-round to groundfish fishing with pelagic trawl gear.

WHAT ARE THE CURRENT REGULATIONS? Unalaska Bay is closed to groundfish fishing with pelagic trawl gear from June 10 through August 31 (5 AAC 28.650(b)(1); Figure 194-1). From September 1 until the closure of the parallel Bering Sea walleye pollock B season on November 1, the inner portion of Unalaska Bay is closed (5 AAC 28.650(b)(2); Figure 194-1).

The Bering Sea walleye pollock fishery in Unalaska Bay is managed under parallel rules. Unalaska Bay is part of the federal South Bering Sea Pollock Restriction Area, which closes Unalaska Bay to fishing for walleye pollock during the A season (January 20 through June 10) for protection of Steller sea lions. Unalaska Bay is closed to nonpelagic trawl gear year-round by state regulation (5 AAC 39.164(b)(4)(B)).

Starting in 2011, federal regulations require full (100%) observer coverage for all catcher vessels participating in the Bering Sea walleye pollock fishery as part of the monitoring requirements put in place under a new approach to managing salmon bycatch. Prior to 2011, all catcher processors and catcher vessels $\geq 125'$ in overall length were required to have 100% observer coverage.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Unalaska Bay would be closed to fishing year-round with pelagic trawl gear. Vessels using pelagic trawl gear to target walleye pollock in Unalaska Bay waters would relocate to other Bering Sea waters. Groundfish harvest from Unalaska Bay would decrease and those harvests would be shifted to other areas.

BACKGROUND: Prior to 2010, harvest of walleye pollock using pelagic trawl gear was allowed in all waters of Unalaska Bay throughout the Bering Sea pollock B season, June 10–November 1. In 2010, the board closed inner Unalaska Bay during the Bering Sea pollock B season, and allowed the outer portion of Unalaska Bay to open to fishing with pelagic trawl gear from August 1 through the end of the Bering Sea pollock B season (Figure 194-1). In 2012, the board extended the closure of the pelagic trawl fishery in the outer portion of Unalaska Bay through August 31; the outer portion of Unalaska Bay is open to fishing with pelagic trawl gear from September 1 through the end of the Bering Sea pollock B season.

Harvest of walleye pollock in Unalaska Bay over the past 10 years has ranged from 0.9 to 7.3 million pounds taken by an average of 8 vessels (Table 194-1). During the most recent five years, harvest of pollock annually averaged 3.1 million pounds taken by an average of six vessels, with an average vessel size of 120 feet OAL.

Based on walleye pollock fish ticket records, during the past five years Pacific cod was estimated as the largest source of bycatch with an average of 55,822 pounds, followed by Atka mackerel

with average annual bycatch of 2,165 pounds (Table 194-1). The estimated average annual Pacific herring bycatch was 1,379 pounds. Estimated bycatch of Pacific halibut averaged 1,484 pounds annually. Estimated bycatch of Pacific salmon was 2,343 pounds, made up almost entirely of chum and king salmon. Estimated bycatch of sockeye, pink, and coho salmon was minimal, estimated annually about 50 pounds. The majority of Pacific cod and Atka mackerel was sold, while Pacific salmon, halibut and herring were primarily discarded at the dock with a small amount processed for donation. Directed harvest and bycatch data are from the department fish ticket database which assigns bycatch to statistical area based on percentage of the directed harvest.

Unalaska Bay also supports subsistence, commercial, and sport fisheries for salmon, herring, crab (confidential harvest), and halibut (tables 194-2, 194-3, 194-4, 194-5, 194-6). These fisheries are typically prosecuted by smaller vessels using longline, pot, gillnet, and purse seine gear.

Sockeye and coho salmon runs returning to Unalaska Bay streams are relatively small and fully exploited by local fisheries. Current restrictions in sport and subsistence fishing regulations include partial to complete drainage closures for several streams, and conservative areawide bag limits apply to salmon in both marine and fresh waters.

The ANS for salmon, all species combined, for the entire Aleutian Islands Area is 13,500–23,000 fish. The ANS for finfish other than salmon, all species combined, for the entire Aleutian Islands Area is 200,000–330,000 usable pounds.

The ANS for king crab in the Alaska Peninsula-Aleutian Islands area is 1,200–7,400 crab. For Tanner crab, the ANS is 4,200–16,200 crab for the entire area, and for Dungeness crab and miscellaneous shellfish combined, the ANS is 22,000–68,000 usable pounds.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the vessel conflict aspects of this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Table 194-1.–Harvest, in pounds, of walleye pollock and associated bycatch from pelagic trawl gear in Unalaska Bay, 2005-2015.

Year	Number of vessels	Walleye pollock	Pacific cod	Atka mackerel	Tanner crab	Pacific halibut	Pacific herring	Coho salmon	Chum salmon	Pink salmon	King salmon
2005	11	2,241,169	2,511	18,611	ND	56	27,186	22	3,405	586	247
2006	8	892,327	1,465	10,028	0	37	4,681	ND	414	0	97
2007	12	4,137,647	12,601	1,342	28	718	2,254	2	2,378	8	8,005
2008	6	1,788,646	11,163	15	10	1,410	162	ND	385	ND	236
2009	9	3,279,153	22,248	122	2	2,567	2,769	0	2,455	24	2,442
2010 ^a	5	3,861,621	85,081	45	ND	4,683	3,403	8	2,678	31	104
2011	9	2,339,583	25,033	8,568	ND	547	3,270	ND	842	94	144
2012	4	976,663	43,782	20	ND	1,638	221	ND	4,802	4	576
2013	5	994,384	18,809	ND	ND	498	0	ND	1,282	ND	407
2014	0	0	0	0	0	0	0	0	0	0	0
2015 ^b	7	7,277,797	106,407	28	ND	55	3	ND	513	ND	111
10-yr Avg	8	2,778,899	32,910	4,309	10	1,221	4,395	8	1,915	107	1,237
5-yr Avg	6	3,090,010	55,822	2,165	0	1,484	1,379	8	2,024	43	268

Note: ND = No data

Source: Data are from department fish ticket database, department statistical area 665335.

^a Unalaska Bay pelagic trawl partial closure beginning mid-2010.

^b 2015 data are preliminary.

Table 194-2.–Reported subsistence salmon harvest, permit returns, in numbers of fish, from Unalaska Bay, 2001–2014.

Year	Permits	King	Sockeye	Coho	Pink	Chum	Total
2001	51	5	219	567	579	60	1,430
2002	43	2	263	531	222	37	1,055
2003	40	8	247	444	282	31	1,012
2004	49	6	356	778	362	20	1,522
2005	29	5	302	253	336	14	910
2006	31	11	91	313	426	57	898
2007	37	10	261	250	514	62	1,097
2008	63	2	396	599	501	70	1,568
2009	62	3	597	485	242	145	1,472
2010	45	1	324	201	250	54	830
2011	38	6	333	138	262	46	785
2012	36	17	321	326	299	37	1,000
2013	44	2	579	141	182	52	956
2014	44	2	589	263	220	9	1,083

Table 194-3.—Commercial salmon harvest in number of fish from Unalaska Bay, 2006–2015.

Year	Permits Fished	Landings	King	Sockeye	Coho	Pink	Chum
2006	3	6	0	0	0	161,600	0
2007	CF						
2008	3	7	1	0	0	111,821	5
2009	3	15	0	684	4,431	230,033	600
2010	5	6	0	0	0	22,271	22,271
2011	8	34	2	1,863	12,486	617,932	223
2012	9	23	0	0	0	173,252	245
2013	closed						
2014	0						
2015	closed						

CF = confidential harvest

Data from department fish tickets.

Table 194-4.—Commercial food and bait herring harvest from Unalaska Bay, 2006–2015.

Year	Permits	Tons
2006	4	414
2007	4	995
2008	3	1,575
2009	CF	0
2010	CF	0
2011	0	0
2012	CF	0
2013	0	0
2014	0	0
2015	0	0

Data from department fish tickets.

CF = confidential

Table 194-5.—Reported subsistence king and Tanner crab harvest in number of crab from Unalaska Bay, 2008–2014.

Year	Permits	Tanner crab	King crab
2008	N/A	821	1,203
2009	N/A	2,051	616
2010	N/A	2,259	143
2011	N/A	1,426	182
2012	49	1,997	583
2013	37	1,923	583
2014	45	1,757	236

Data from subsistence permits returned to the department.

N/A = not available

Table 194-6.—Commercial halibut longline harvest in pounds from Unalaska Bay, 2007–2015.

Year	Pounds	Vessels	Landings
2007	63,074	10	28
2008	10,812	7	11
2009	28,505	9	26
2010	17,448	6	8
2011	6,591	5	7
2012	7,729	5	6
2013	1,899	3	3
2014	0		
2015	0		

Data from department fish tickets.

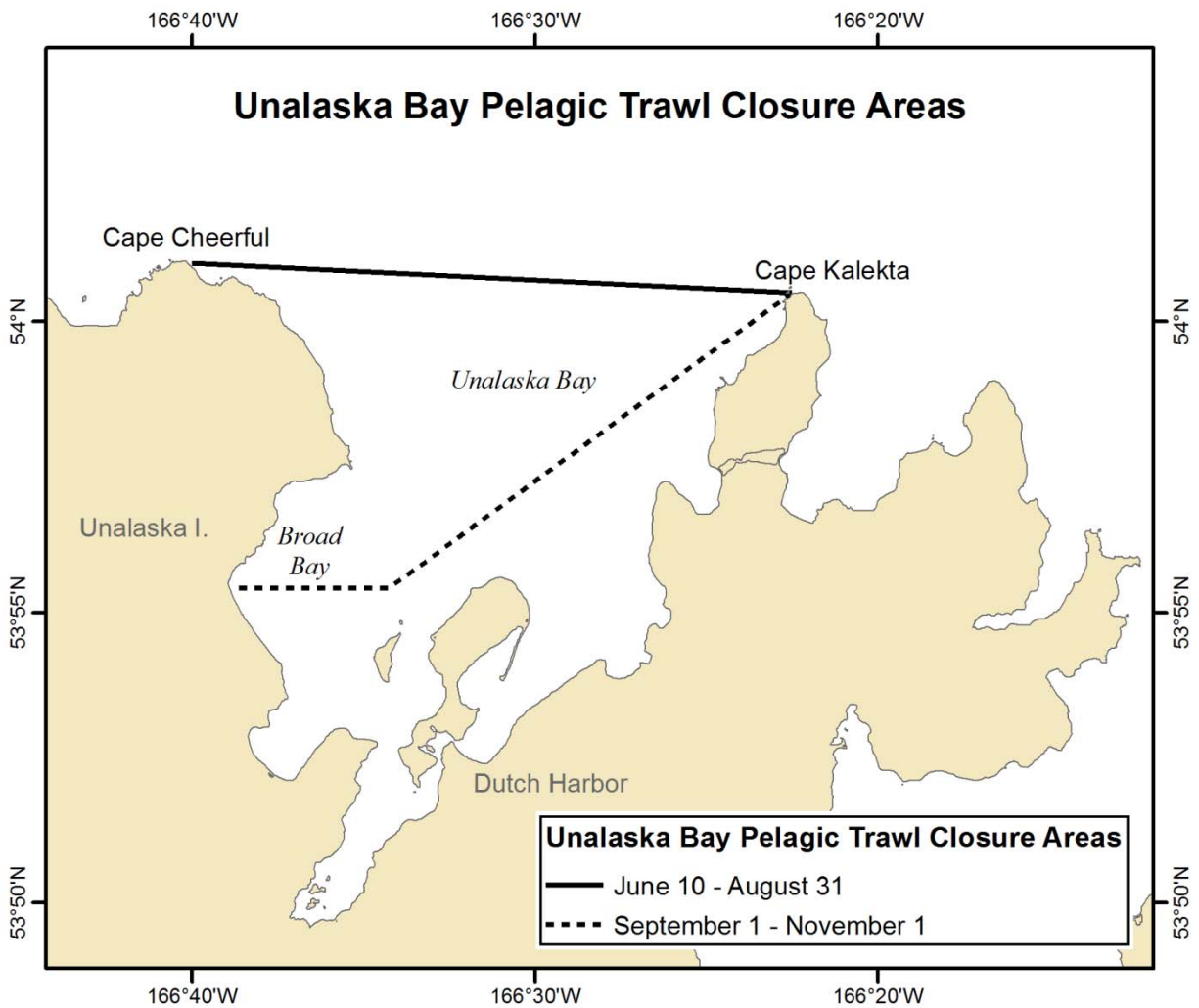


Figure 194-1.—Unalaska Bay pelagic trawl closure areas.

PROPOSAL 216 – 5 AAC 28.1XX. Southeast Alaska Area Walleye Pollock Management Plan.

PROPOSED BY: Troy Denkinger.

WHAT WOULD THE PROPOSAL DO? This would create a walleye pollock fishery using purse seine gear from mid-October to March in southeast Alaska state waters (Dixon Entrance to Cape Spencer) for vessels up to 58 feet in overall length. This would also require observer coverage (up to 100%) or combination of observer and video monitoring for all vessels, paid for by the vessel. In addition, there would be a vessel landing limit of 200,000 pounds.

WHAT ARE THE CURRENT REGULATIONS? There is no directed fishery for walleye pollock in the Eastern Gulf of Alaska, nor is purse seine gear used to target groundfish in southeast Alaska. Walleye pollock are allowed as incidental catch (up to 20% of round weight of targeted species) in other groundfish fisheries in state waters.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The department would prosecute a walleye pollock fishery using purse seine gear in Southeast state waters independent of federal walleye pollock fisheries. The GHL would be based on 20% of the Southeast Outside Area stock biomass point estimate from the federal stock assessment.

There is no pollock biomass estimate for state waters, thus the effect of an open access directed fishery on walleye pollock stocks in state waters is unknown. Developing state waters walleye pollock fisheries would result in potential reduction in opportunity for federal participants; however, there is little to no participation in the fishery: current harvest in Southeast Outside federal waters has been less than 4 mt annually since 2003 (less than 0.5% of the ABC). This proposal would require creation of a state groundfish observer program. Bycatch amounts and effects on bycatch species are unknown.

BACKGROUND: NMFS annually establishes a separate walleye pollock ABC for the Southeast Alaska Outside Area in the Gulf of Alaska (Figure 216-1). However, the federal trawl survey does not cover inside waters; thus walleye pollock biomass in state waters of Southeast Alaska is unknown. The 2016 walleye pollock ABC for Southeast Outside (areas 650 and 659) totaled 9,920 mt for the 2016 fishery. State groundfish management areas (Northern Southeast Inside and Southern Southeast Inside) overlap with NMFS Area 659; a portion of state waters (0-3 miles) in the Central Southeast Outside, Northern Southeast Outside, Southern Southeast Outside and East Yakutat Areas are within NMFS Area 650 (Figure 216-1).

Walleye pollock harvest in areas 650/659 has been low or nonexistent since the ban on trawling in the federal waters of Eastern Gulf of Alaska was enacted; this restriction, in part, accounts for the limited amount of walleye pollock harvested in Southeast Alaska. (Table 216-1).

In 2015, two commissioner's permits were issued to allow purse seining of walleye pollock in Southeast Alaska state waters; through mid-February 2016 there has been very limited fishing under the commissioner's permit with no marketable walleye pollock caught. Similar commissioner's permits have been issued for a walleye pollock purse seine fishery in Cook Inlet.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Although there has been little walleye pollock harvest relative to the federal ABC in southeast Alaska, there is no biological justification for the proposed state waters GHL of 20% of the federal Southeast Outside Area point biomass because neither walleye pollock biomass nor stock structure in state waters are known. Implementation of a groundfish observer program to monitor this fishery would require a substantial new funding source for the department and staff resources would be diverted from other fisheries for monitoring and management of an open-access derby-style walleye pollock fishery. The department **SUPPORTS** continued use of the walleye pollock commissioner's permit fishery in southeast Alaska as way to evaluate purse seine gear efficiency, bycatch rates and species composition, and to gain a better understanding of walleye pollock distribution and relative abundance in state waters.

COST ANALYSIS: Approval of this proposal would result in an additional direct cost for a private person to participate in this fishery if fishery participants are required to pay for onboard observers.

PROPOSAL 217 – 5 AAC 28.410. Fishing seasons for Kodiak Area.

PROPOSED BY: Hugh Wisner.

WHAT WOULD THE PROPOSAL DO? Establish walleye pollock season dates that do not overlap with the Kodiak Area salmon season.

WHAT ARE THE CURRENT REGULATIONS? The regulatory season for the Kodiak Area salmon fishery occurs from June 1 to October 31. Walleye pollock season dates are established by federal regulation. In the federal management areas that correspond with the Kodiak salmon management area (Figure 217-1) the walleye pollock fishery is divided into 4 seasons:

A season: January 20 – March 10

B season: March 10 – May 31

C season: August 25 – October 1

D season: October 1 – November 1

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

Coordinating salmon and walleye pollock season dates to prevent overlap may increase processing capacity in support of the salmon fishery. Modifying season dates for the federal walleye pollock fishery requires action by the NPFMC. The board has authority to adjust timing of the parallel walleye pollock fishery; however, without coordinated action federal and parallel fishery regulations would not be in agreement and would not result in an orderly fishery.

Should walleye pollock seasons be limited to dates outside of the regulatory salmon season, walleye pollock harvest opportunity in the federal management areas that correspond to the Kodiak Area would be reduced by 30 percent in NMFS Area 620 and 70 percent in NMFS Area 630 (Figure 217-1).

BACKGROUND: The federal walleye pollock fishery (3–200 nmi) in the Kodiak Area is regulated by the NMFS under guidelines developed by NPFMC. To facilitate consistency between state and federal regulations the department issues an annual emergency order establishing parallel walleye pollock fisheries. During parallel fisheries, the state adopts most NMFS rules such that seasons, allowable gear, bycatch limits, and inseason management actions mirror federal regulations in the adjacent federal fisheries.

The 2015 walleye pollock TAC in federal statistical areas 620 and 630 (Figure 217-1) totaled 331 million pounds. The walleye pollock TAC for the C season (August 25–October 1) and D season (October 1–November 1), both of which overlap the Kodiak Area salmon season, totaled 147 million pounds. From 2011–2015, 87 percent of the total walleye pollock harvest occurred in federal waters (3–200 nmi).

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

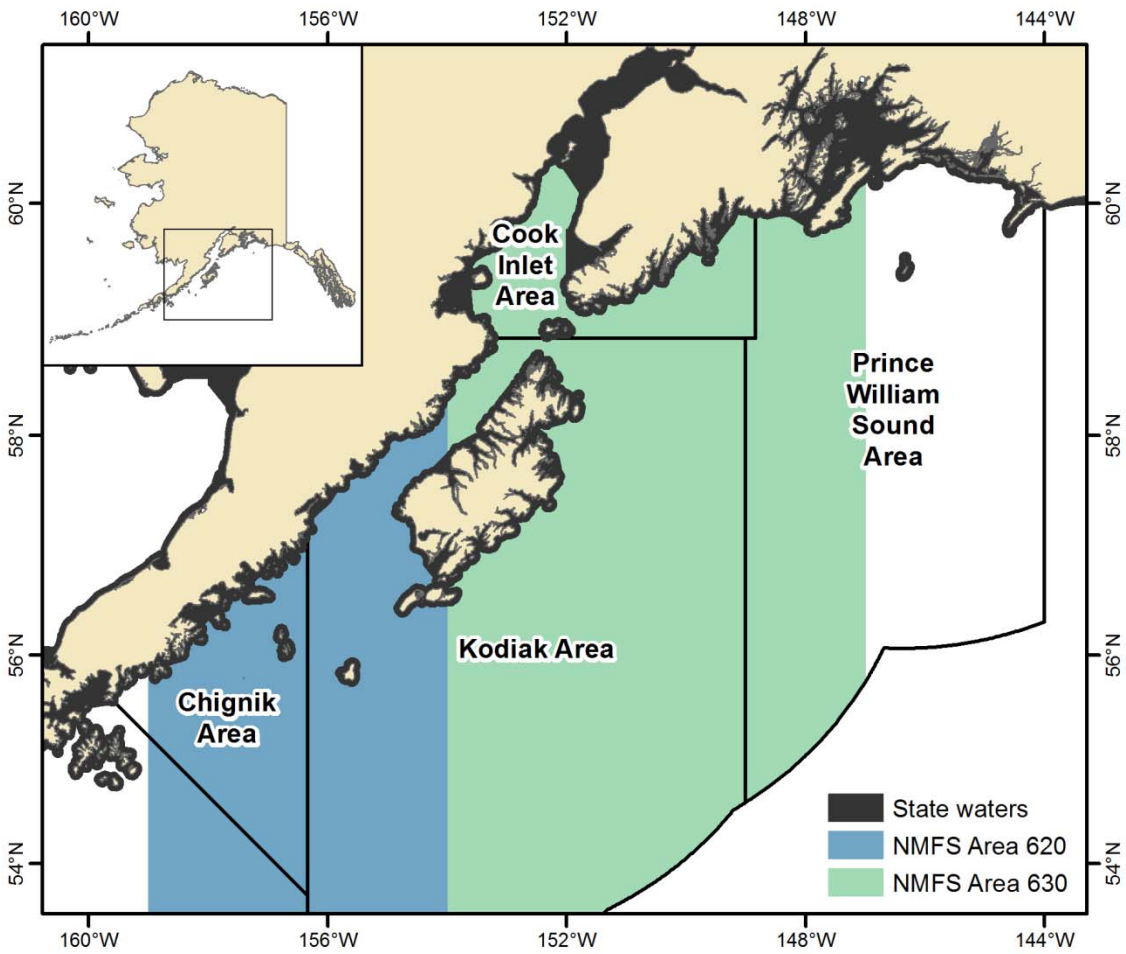


Figure 217-1.—Map of the Kodiak salmon management area and NMFS areas 620 and 630 used for walleye pollock management.

PROPOSAL 218 – 5 AAC 28.XXX. State-waters Walleye Pollock Management Plans.

PROPOSED BY: Alaska Jig Association.

WHAT WOULD THE PROPOSAL DO? Create state-waters (0–3 nmi) walleye pollock fisheries for vessels using jig gear in the Eastern Gulf of Alaska, Prince William Sound, Cook Inlet, Kodiak, Chignik, South Alaska Peninsula, and Bering Sea-Aleutian Islands areas. Jig vessels would be limited to operating no more than 5 jig machines with no more than 30 hooks per machine. Guideline harvest levels would be based on a percentage of the applicable federal walleye pollock ABC for each area. The amount of walleye pollock ABC apportioned to each state-waters walleye pollock jig fishery is undefined in the proposal.

WHAT ARE THE CURRENT REGULATIONS? Jig vessels may target walleye pollock during federal/parallel fisheries. When federal/parallel seasons are closed, jig vessels may retain walleye pollock up to 20%, by weight, of the target species onboard. When a state-waters fishery is open for Pacific cod in Prince William Sound and Cook Inlet management areas, all walleye pollock may be retained with jig gear.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Creating state-waters walleye pollock jig gear fisheries would provide additional walleye pollock harvesting opportunity for participants eligible to participate in state-waters fisheries. A redistribution of GOA and BSAI walleye pollock ABC from federal to state-waters fisheries may result in smaller harvests, shorter seasons, and increased competition among participants in the GOA and BSAI federal/parallel walleye pollock fisheries.

BACKGROUND: Currently, the State of Alaska does not establish GHs or prosecute state-waters walleye pollock fisheries for vessels using jig gear. Federal walleye pollock fisheries (3–200 nmi) are regulated by NMFS under guidelines developed by the NPFMC. In areas with developed federal walleye pollock fisheries, the department issues an annual emergency order establishing parallel walleye pollock fisheries to facilitate consistency between state and federal regulations. During parallel fisheries, the state adopts most NMFS rules such that seasons, allowable gear, bycatch limits, and inseason management actions mirror federal regulations in the adjacent federal fisheries.

Since 2014, in conjunction with the board, the department has issued jig gear participants in the Kodiak Area a commissioner’s permit for directed walleye pollock fishing to determine feasibility of a directed jig fishery. During 2014, 46 vessel operators requested permits and landed a total of 27,758 pounds of walleye pollock. Twenty-one vessel operators requested permits during 2015 and landed 18,225 pounds. On average, over 90% of all walleye pollock harvested under commissioner’s permits were landed as bycatch to Pacific cod. Few directed walleye pollock trips have occurred to date. In the Cook Inlet Management Area, a small market developed in 2013 for jig caught walleye pollock. Three vessels harvested 34,560 pounds of walleye pollock in 15 landings while jig fishing for Pacific cod. In the following two years, 2014 and 2015, there was minimal harvest (<10 pounds) of walleye pollock in Cook Inlet by jig gear. There has been no harvest of walleye pollock by jig gear in the Prince William Sound Management Area during the last three years (2013–2015).

Walleye pollock fisheries are primarily prosecuted by vessels using trawl gear. The existing federal/parallel walleye pollock trawl fisheries are characterized as high volume, low value fisheries. The exvessel price per pound for walleye pollock typically averages \$0.12. Walleye pollock harvest by jig gear vessels statewide is generally low with the largest harvests occurring in the Kodiak Area. Total annual walleye pollock harvest by Kodiak jig vessels generally averages less than 35,000 pounds per year.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.