

**ALASKA DEPARTMENT OF FISH AND GAME**

**STAFF COMMENTS ON  
STATE WATERS TRAWL FISHERIES PROPOSALS  
COOK INLET AND ADAK AREAS**



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

**OCTOBER 14 - 15, 2006**

These staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries meeting, scheduled for October 14 and 15, 2006 in Anchorage, Alaska. The comments are designed to assist the public and board. The stated staff positions should be considered preliminary and subject to change, as new information becomes available. Final staff positions will be formulated after review of written and oral public testimony presented to the Board of Fisheries.

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Department Positions on Proposals 1-6

Proposal Number	Department Position	Issue
1	N	Develop a state-waters walleye pollock fishery in the Western Gulf of Alaska. The Western Gulf of Alaska extends from 159° W long. to 170° W long.
2	N	Develop a state-waters walleye pollock fishery.
3	N	Amend the existing Aleutian Islands District Pacific Cod Management Plan (5 AAC 28.647).
4	S	Modify the existing Aleutian Islands District Pacific Cod Management Plan (5 AAC 28.647).
5	N	Develop a state-waters pollock fishery around Adak, Alaska between 174° W long. and 178° W long.
6	N	Create a new regulation to provide for a state-waters walleye pollock fishery in the Cook Inlet area between 149° W long. and 150° W long.

N: The department is neutral on this aspect of the proposal.

O: The department is opposed on this aspect of the proposal.

S: The department is supportive on this aspect of the proposal.

**PROPOSAL 1 - 5 AAC 28.XXX. Pollock Management Plan for Western Gulf of Alaska.**

Develop a state-waters walleye pollock fishery in the Western Gulf of Alaska. The Western Gulf of Alaska extends from 159° W long. to 170° W long.

PROPOSED BY: King Cove Advisory Committee

WHAT WOULD THE PROPOSAL DO? Develop a state-waters walleye pollock fishery in the Western Gulf of Alaska management area with a harvest level determined as the average parallel harvest of walleye pollock in the Western Gulf of Alaska, plus an additional 15 percent. The new state-waters pollock fishery would presumably reduce the federal-waters pollock fishery by an equal amount. The proposal is unclear as to the status of the parallel fishery if the BOF develops a state-waters fishery. Vessels in the state-waters pollock fishery could not be longer than 58 feet in length, and would not be subject to Steller sea lion restrictions that are in place for the parallel fishery.

WHAT ARE THE CURRENT REGULATIONS? Walleye pollock fisheries in state waters target the same stocks harvested under federal regulations in adjacent waters of the Exclusive Economic Zone (EEZ). The department manages the state-waters portion of the walleye pollock fishery as a parallel fishery. During the parallel walleye pollock fishery the state adopts the seasons, bycatch limits, allowable gear types, and closed waters as promulgated by the federal government in adjacent waters of the EEZ. In addition, the state has adopted the federal Steller sea lion restrictions, including VMS, for the parallel walleye pollock fishery.

Walleye pollock are currently taken as directed fishery catch and as bycatch. Directed fishery quotas are released four times per year in January, March, August and October.

In state waters between 147° W long. and 170° W long., a person may not retain onboard a catcher vessel, at any time, more than 136 metric tons (300,000 pounds) of unprocessed pollock, or retain onboard a tender vessel, at any time, more than 272 metric tons (600,000 pounds) of unprocessed pollock, harvested in state waters adjacent to federal waters of the Western and Central Gulf of Alaska.

Guiding Principles For Groundfish Fishery, 5 AAC 28.089, contains guiding principles for the BOF to consider when adopting groundfish regulations.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The BOF would develop a management plan to determine guideline harvest level (GHL), season(s), gear type(s), vessel size, closed waters, reporting requirements, allocation and other measures to guide the fishery. Because the state currently does not have a stock assessment program for walleye pollock, and pollock are a transboundary species, the BOF would need to consult with the National Marine Fisheries Service and the North Pacific Fishery Management Council to ensure that the overall harvest level was coordinated.

If the BOF adopts a state-waters pollock fishery with an allocation of approximately 50 percent (based on recent historic state-waters harvest) and increases that allocation by 15 percent as requested in the proposal, the total state waters fishery would be approximately 65 percent of the Western Gulf of Alaska harvest from state-waters. In addition, if the BOF elects to provide for a

continuing parallel pollock fishery, the total removal from state waters could exceed 80 percent of the Western Gulf of Alaska TAC on an annual basis.

**BACKGROUND:** The North Pacific Fishery Management Council is considering rationalization of groundfish in federal waters off the Gulf of Alaska.

Walleye pollock is a semi-pelagic schooling fish. Near the Shumagin Islands peak spawning occurs in the February through March time period. The federal/parallel walleye pollock fishery is currently fully utilized. Harvest of walleye pollock has been primarily taken by trawl gear. Up to 20 percent bycatch of walleye pollock must be retained in other fisheries throughout the year. Walleye pollock harvests from the Western Gulf of Alaska have averaged 48.8 million pounds the last four years (2002 – 2005) with 53 percent from state waters. Nearly the entire harvest is taken by trawl gear, with small vessels taking about 70 percent of the harvest.

Western Gulf of Alaska (Area 610) pollock harvest from 2002 - 2006, showing federal and state water harvest. Percent harvest from state waters by vessel size class, along with number of trawl vessels over and under 58'.

Year	Federal Waters	State Waters	Total Harvest	Percent From State Waters	Percent State-waters Harvest by Vessel Size Class		# of Trawl Vessels in State waters	
					< or = 58 ft.	> 58 ft.	< or = 58 ft.	> 58 ft.
2002	19,651,461	18,721,764	38,373,225	49%	75%	25%	21	7
2003	16,994,005	20,179,438	37,173,443	54%	67%	33%	20	11
2004	19,969,260	31,172,840	51,142,100	61%	73%	27%	17	9
2005	34,473,488	34,044,407	68,517,895	50%	74%	26%	19	9
2006 <sup>a</sup>	2,087,041	27,116,953	29,203,994	93%	71%	29%	23	11
Total								
2002-2006	93,175,256	131,235,402	224,410,657					
Average								
2002-2005	22,772,054	26,029,612	48,801,666	53%	72%	28%	19	9

<sup>a</sup> Harvest for 2006 is not complete.

**DEPARTMENT COMMENTS:** The department is neutral on this allocative proposal. The department manages groundfish fisheries in the Western Gulf of Alaska from the Kodiak office. If this proposal is adopted, the department would request inseason management measures to help control the fishery. Daily harvest and trip limits would likely need to be lower than current levels because a state-waters GHF will be smaller than the existing federal TAC. In addition, the department would need to fund port sampling to assess biological characteristics of the harvest. The amount of staff time would be contingent upon how the fishery is structured by the BOF.

**COST ANALYSIS:** The department does not believe that approval of this proposal would result in a direct cost for a private person to participate in this fishery.

**PROPOSAL 2 - 5 AAC 28.XXX. State-Waters Pollock Management Plan.**

Develop a state-waters walleye pollock fishery.

PROPOSED BY: Sand Point Advisory Committee

WHAT WOULD THE PROPOSAL DO? Develop a state-waters walleye pollock fishery with a harvest level determined as the average parallel harvest of walleye pollock, plus an additional 15 percent. The new state-waters pollock fishery would presumably reduce the federal-waters pollock fishery by an equal amount. The proposal is unclear as to the status of the parallel fishery if the BOF develops a state-waters fishery. There are no vessel size restrictions in this proposal, as is contained in proposal #1. Vessels would not be subject to Steller sea lion restrictions that are in place for the parallel fishery.

WHAT ARE THE CURRENT REGULATIONS? Walleye pollock fisheries in state waters target the same stocks harvested under federal regulations in adjacent waters of the Exclusive Economic Zone (EEZ). The department manages the state-waters portion of the walleye pollock fishery as a parallel fishery. During the parallel walleye pollock fishery the state adopts the seasons, bycatch limits, allowable gear types, and closed waters as promulgated in adjacent waters of the EEZ. In addition, the state has adopted the Steller sea lion restrictions, including VMS, for the parallel walleye pollock fishery.

Walleye pollock are currently taken as directed fishery and as bycatch. Directed fishery quotas are released four times per year in January, March, August and October.

In state waters between 147° W long. and 170° W long., a person may not retain onboard a catcher vessel, at any time, more than 136 metric tons (300,000 pounds) of unprocessed pollock, or retain onboard a tender vessel, at any time, more than 272 metric tons (600,000 pounds) of unprocessed pollock, harvested in state waters adjacent to federal waters of the Western and Central Gulf of Alaska.

Guiding Principles For Groundfish Fishery, 5 AAC 28.089, contains guiding principles for the BOF to consider when adopting groundfish regulations.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The BOF would develop a management plan to determine guideline harvest level (GHL), season(s), gear type(s), vessel size, closed waters, reporting requirements, allocation and other measures to guide the fishery. Because the state currently does not have a stock assessment program for walleye pollock, and pollock are a transboundary species, the BOF would need to consult with the National Marine Fisheries Service and the North Pacific Fishery Management Council to ensure that that overall harvest level was coordinated.

If the BOF adopts a state-waters pollock fishery with an allocation of approximately 50 percent (based on recent historic state-waters harvest) and increases that allocation by 15 percent as requested in the proposal, the total state waters fishery would be approximately 65 percent of the Western Gulf of Alaska harvest from state-waters. In addition, if the BOF elects to provide for a

continuing parallel pollock fishery, the total removal from state waters could exceed 80 percent of the Western Gulf of Alaska TAC on an annual basis.

**BACKGROUND:** The North Pacific Fishery Management Council is considering rationalization of groundfish in federal waters off the Gulf of Alaska.

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<sup>a</sup> Harvest for 2006 is not complete.

**DEPARTMENT COMMENTS:** The department is neutral on this allocative proposal. The department manages groundfish fisheries in the Western Gulf of Alaska from the Kodiak office. If this proposal is adopted, the department would request inseason management measures to help control the fishery. Daily harvest and trip limits would likely need to be lower than current levels because a state-waters GHM will be smaller than the existing federal TAC. In addition, the department would need to fund port sampling to assess biological characteristics of the harvest. The amount of staff time would be contingent upon how the fishery is structured by the BOF.

**COST ANALYSIS:** The department does not believe that approval of this proposal would result in a direct cost for a private person to participate in this fishery.

### **PROPOSAL 3 - 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.**

PROPOSED BY: Aleut Enterprise Corporation

WHAT WOULD THE PROPOSAL DO? Amend the existing management plan to provide alternative criteria for opening and closing the state-waters Pacific cod fishery. The proposal requests opening the state-waters fishery, that is allocated 70 percent of the annual guideline harvest level (GHL), when the initial parallel catcher-vessel trawl fishery is closed. Closing criteria for the initial state-waters fishery would be when vessel-size allocations are achieved, when 70 percent of the GHL is achieved, or prior to the opening of the federal fixed-gear B season, whichever criteria is met first.

The proposal also requests opening the second state-waters season, in which 30 percent of the GHL is available, when the parallel less than 60 feet fixed-gear B season for catcher vessels is closed. The second state-waters season would close when vessel-size allocations are achieved, the 30 percent GHL is taken, or December 31.

The proposal specifically requests that the ADF&G be given authority to open and close both state-waters and parallel fisheries at times other than those specified in the management plan.

Non-pelagic trawl and longline gear types, that are scheduled to sunset from the management plan after 2007, would be allowed to continue until the federal Bering Sea/Aleutian Islands Acceptable Biological Catch (ABC) for Pacific cod is split into separate Bering Sea and Aleutian Islands regions by the North Pacific Fishery Management Council (Amendment 85).

The proposal also limits vessel size. Pot, jig, longline and small trawl vessels would be limited to less than 60 feet in overall length (OAL). Large trawl vessels would be defined as vessels 60 feet to 124.9 feet in OAL.

Allocations by vessel size and gear type would apply within each of the two seasons. Beginning in 2007, a minimum of 60 percent of each GHL is allocated to vessels less than 60 feet OAL and up to 40 percent may be taken by trawl vessels between 60 feet – 124.9 feet OAL. In subsequent years, if the small-vessel component achieves the minimum 60 percent harvest allocation in a specific GHL season, the allocation in the following year for that GHL season would increase to 80 percent. An additional step-up provision would allow for small vessels to take the entire seasonal GHL.

In the event that the small-vessel category is allocated the entire second season GHL, and small vessels are unable to harvest the entire amount in the second season, the department may roll over the unharvested amount to large-size trawl vessels.

Finally, this proposal requests that the BOF review the management plan on a three-year cycle.

WHAT ARE THE CURRENT REGULATIONS? The Aleutian Islands District Pacific Cod Management Plan, 5 AAC 28.647, was adopted by emergency regulation at the February 2006



BOF meeting in Ketchikan. This is the first year that the management plan has been in place. The harvest level for the state-waters fishery is based on three percent of the federal BSAI Pacific cod ABC.

Harvest in the Aleutian Islands state-waters Pacific cod fishery is currently split between two seasons. The first season opens on or after March 15 if the parallel catcher-vessel trawl fishery is closed. Up to 70 percent of the state-waters GHL may be taken during this season. If the parallel catcher-vessel trawl fishery is not closed by March 15, the fishery opening is delayed. The initial season closes when the GHL is reached, however it may not extend beyond June 9. The second season opens on June 10, and remains open until the GHL is achieved. Up to 30 percent of the state-waters GHL may be taken during this season as well as any unharvested poundage from the preliminary state-waters Pacific cod season. If the department projects that the total state-waters GHL is unlikely to be taken, the department may close the fishery and notify the National Marine Fisheries Service (NMFS) of the unharvested amount so that NMFS may reallocate the poundage to federal/parallel allocation(s). In addition, the department has authority to open and close state waters at times other than those specified to adapt to unanticipated openings and closings in the federal season, to promote sustained yield management, and to provide for orderly fisheries.

Non-pelagic trawl and longline gear types are currently only permitted in the state-waters fishery through the 2007 season. There are no allocations by vessel size or allocations by gear type within the existing management plan. The existing management plan is scheduled to sunset on December 31, 2007.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The proposal would limit the size of vessels allowed to participate in the state-waters fishery. Pot, jig and longline vessels 60 feet and greater OAL would be excluded; trawl vessels 125 feet and greater OAL would also be excluded. Of the 26 vessels participating in the 2006 spring season, 20 were trawl vessels. Two of those vessels were over 125 feet OAL and would be excluded in 2007. Of the five longline vessels fishing in March, all were greater than 60 feet OAL and would not qualify to fish in 2007. Three pot vessels registered to fish during the second state-waters season and they would not qualify because of vessel size.

Allocations are proposed by gear type and vessel size. NMFS has indicated that the preliminary 2007 ABC for BSAI Pacific cod will be approximately 148,000 metric tons (326.3 million pounds). If the final ABC specification does not change, the state-waters fishery will be based on an ABC that is 46,000 metric tons (105.8 million pounds) less than the 2006 ABC for the federal BSAI Area. Three percent of the BSAI ABC equates to a preliminary 2007 state-waters Pacific cod GHL of approximately 9.79 million pounds. The state-waters harvest would be allocated as follows:

A season: (70 percent of GHL): Vessels less than 60 feet OAL = 60 percent of GHL (4.11 million pounds); large trawl = 40 percent of GHL (2.74 million pounds)

B season: (30 percent of GHL): small vessels = 60 percent of GHL (1.76 million pounds); large trawl = 40 percent of GHL (1.17 million pounds)

A step-up provision is provided for small vessels to receive an increased allocation in subsequent years. The proposed step-up increment is 20 percent. If small vessels are successful in achieving a step up, the large trawl allocation will decrease by an equal amount of the step up. After two step-ups the small vessel fleet would be allocated the entire GHL.

The proposed management plan would contain additional criteria for opening and closing the two GHL seasons:

A season (70 percent of GHL): Season would open when initial parallel catcher-vessel trawl fishery is closed. In 2006 the initial parallel trawl catcher-vessel fishery closed March 8. A season would close when vessel size allocation was achieved, or before the parallel fixed gear B season (pot and longline) opens. In 2006 the second opening for the parallel fixed gear season was May 1, although there is no seasonal apportionment for this sector.

B season (30 percent of GHL): Season would open when parallel fixed-gear B season for vessels less than 60 feet OAL closes. In 2006 there is no seasonal apportionment by NMFS for the small catcher-vessel fixed gear sector. However, the second season for small pot catcher-vessels and longline vessels closed on May 23. Season would close when allocations by vessel size are achieved, or December 31.

Lastly, the proposal would also allow trawl and longline gear to continue beyond 2007, and the BOF would review this fishery on a three-year cycle.

BACKGROUND: During 2006, the initial state-waters season opened on March 15, 2006 and closed on March 24. The 70 percent GHL for the first season was 8,981,540 pounds. Twenty-six vessels participated.

The 30 percent GHL season opened on June 10. This second season closed on September 1, to permit the orderly opening and prosecution of the parallel Pacific cod fishery. The state-waters season was closed and the parallel fishery was opened because of low harvest from June 10 through August in the state-waters fishery. The department returned the majority of the second season GHL to the National Marine Fisheries Service. The department retained 500,000 pounds of state-waters GHL for a potential reopening of the state-waters fishery after the bulk of the parallel fishery is complete. The amount retained was based on expected future harvest from the state-waters fishery.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of this proposal. The vessel size allocations will result in smaller GHL components requiring greater inseason management precision. The department has the ability to manage the GHLs projected for 2007 if daily reporting requirements are adhered to by harvesters and processors, and the daily and trip limits are lowered to better accommodate the smaller GHL components. Removing provisions of the current management plan that do not provide enforcement penalties for overages would help insure that they are better adhered to (see Proposal 4). Vessel effort and future GHLs are not fixed, therefore the department recommends a daily vessel harvest limit of

75,000 pounds and a trip limit of 150,000 pounds. Under the proposed allocation scenario it is likely that the initial large trawl vessel fishery allocation in 2007 could be taken in three.

Regarding the opening and closing of the first and second GHL seasons, staff supports the opening criteria for the initial state-waters season because it provides more flexibility to open earlier than March 15, if the catcher-vessel trawl fishery is closed. However, it may not provide adequate notice for vessels to travel to the western Aleutian Islands for the immediate opening of the state-waters fishery. Therefore staff recommends a seven-day closure between the parallel closure and the opening of the state-waters fishery. A seven-day delay would promote a safer and more orderly fishery.

Regarding the closure of the initial state-waters season, there is no predictable date for closure of the small-vessel fixed gear closure. NMFS manages this sector with an initial allocation. After that allocation is achieved, it may be placed on bycatch status. However, the fishery is typically reopened due to reallocation of total allowable catch (TAC) to this fixed-gear sector. For example in 2006, the fishery was open from January 1 through April 8, placed on bycatch status, reopened to directed fishing on May 1, placed on bycatch status May 23, and reopened on August 15.

In keeping with the 70/30 GHL split in harvest timing for Steller sea lion protection, the department recommends maintaining the closing date of June 9. Likewise, the second state-waters season opening criteria should remain at June 10 for alignment with the original adoption of the 70/30 split. In addition it provides the public with advance notice of the opening date. The main disadvantage to this strategy is the lower expected catch rates from June 10 through August.

Step-up provisions for state-waters Pacific cod fisheries have previously been addressed by the BOF (5 AAC 28.081(d)). Therefore, the department recommends specifying a target allocation for a specific vessel size group, rather than specifying a vague target level such as “ a minimum of 60 percent”. According to 5 AAC 28.081(d) if 90 percent of the inseason target is achieved then the allocation may step-up in the subsequent year.

The BOF may wish to consider removing subsection (e)(1)(C) of the current management plan. Returning unharvested Pacific cod to NMFS in 2007 will not likely be an option because NMFS is expected to fully utilize the two-million metric ton cap during their 2007 harvest specification process.

The department recommends that any provisions of the management plan addressing reallocation of poundage from one vessel size or gear group to another be developed with clearly defined criteria and not be left up to the department’s discretion. Vague criteria for making these decisions place the department in an allocative role. Other state-waters Pacific cod fishery management plans specify a fixed date after which poundage may be reallocated if a GHL component has not be harvested.

If the BOF chooses to adopt the allocation scheme proposed here, then the department recommends suspending the provisions of 5 AAC 28.629 Lawful Gear for Bering Sea-Aleutian

Islands Area and 5 AAC 28.690 Vessel Length Restrictions for the Bering Sea-Aleutian Islands Area that apply to this fishery. Those vessel size and gear restriction provisions would still apply in the parallel Pacific cod fishery. The proposed allocation scheme addresses vessel size and gear type equity. Maintaining the current gear and vessel size restrictions during the state-waters fishery is unnecessary and overly confusing.

COST ANALYSIS: The department does not believe that approval of this proposal would result in a direct cost for a private person to participate in this fishery.

## **PROPOSAL 4 - 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.**

**PROPOSED BY:** Alaska Department of Fish and Game

**WHAT ARE THE CURRENT REGULATIONS?** Current regulation opens the initial state-waters Pacific cod fishery in the Aleutian Islands on March 15 or after the closure of the initial parallel trawl catcher vessel closure. The status of other parallel fishery gear types during the state-waters fishery are not addressed in the current management plan.

The management plan establishes both daily harvest and trip limits for participating vessels, however overages of these limits are not considered violations of regulation. Overages are required to be reported to the department, however, the plan does not specify who is to make the report or when it is to be made.

The management plan adopts Steller sea lion protection measures that are in place for the parallel fishery as of March 16, 2006, but does not address newly adopted parallel closures for “coral gardens” to all bottom contact gear and other closures in the Aleutian Islands Habitat Conservation Area.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** If adopted this proposal would open the initial state-waters Pacific cod fishery on March 15 or seven days after the closure of the initial parallel Pacific cod fishery for trawl catcher-vessels, whichever occurs later. This proposal would modify the management plan to expressly state that all parallel fishery gear types are closed during a state-waters Pacific cod fishery.

The proposal would maintain the current daily harvest and trip limits. If those limits were exceeded the overage would be reported by the vessel operator prior to delivery and by the processor at the time of delivery. Exceeding the daily harvest or trip limit, or failing to properly report such an overage would be subject to enforcement action.

Adoption of this proposal would result in the closure of the state-waters portion of the six “coral garden” areas in the Aleutian Islands Habitat Conservation Area to all bottom-contact fishing gear, as well as the remainder of the NMFS recently adopted habitat conservation closures in the Aleutian Islands, west of 170° W long.

**BACKGROUND:** The Alaska Board of Fisheries (BOF) adopted the Aleutian Islands District Pacific cod fishery management plan by emergency regulation in February 2006. The management plan generally provided for an orderly and manageable fishery in March and June through August 2006.

Unfortunately the initial opening date did not specify a stand-down period between the parallel and state-waters fishery. To provide for an orderly transition between the two fisheries and to ensure accurate catch accounting the department recommends the BOF adopt a stand-down period of seven days. There is an allocative component to this decision and it should be made by the BOF rather than the department. In 2006, the department waited seven days before opening

the initial state-waters fishery to allow for accurate catch accounting from the parallel fishery and to promote orderly and safe travel to the fishing grounds by harvesters.

During the March 2006 fishery, three vessel operators exceeded the trip limit of 300,000 pounds with trip limit overages ranging from 8 percent to 20 percent. According to the management plan these overages were not considered a violation. The daily harvest limit and trip limit do not appear to have been major factors in limiting the daily harvest rate. If a trip lasts more than a single day there is no way of knowing if the daily harvest limit was exceeded. Trip limit overages were generally discovered by department staff through an analysis of fish tickets rather than from timely inseason reports.

After the BOF adopted the Aleutian Islands District Pacific Cod Management Plan, the National Marine Fisheries Service implemented regulations closing specific areas of the Aleutian Islands Habitat Conservation Area to fishing gear. This area includes six “coral gardens” that are closed to all bottom-contact gear. The department closed the six coral gardens by emergency order during the 2006 season. The Aleutian Islands Habitat Conservation Area also includes areas that are closed to bottom trawling.

DEPARTMENT COMMENTS: This department supports this proposal.

COST ANALYSIS: The department does not believe that approval of this proposal would result in a direct cost for a private person to participate in this fishery.

**PROPOSAL 5 - 5 AAC 28.XXX. State Waters Walleye Pollock Fishery, Adak Area.**

Create a new regulation to provide for a state-waters walleye pollock fishery in the Adak area between 174° W long. and 178° W long.

PROPOSED BY: Alaska Department of Fish and Game on behalf of the Alaska Board of Fisheries (BOF).

WHAT WOULD THIS PROPOSAL DO? Develop a state-waters pollock fishery around Adak, Alaska between 174° W long. and 178° W long. using pelagic trawl gear on vessels 58 feet in overall length or less. The proposal presents two area options to address Steller sea lion concerns. The first option would open all state waters between 174° W long. and 178° W long., from 1-3 miles, except it would continue existing rookery closures from 0-3 miles. The second option would establish a fishery between 174° W long. and 178° W long. within state waters with closures from 0-3 miles around haulouts and 0-3 miles around rookeries. All other state waters from 0-3 miles would be open.

The proposal also presents four options for harvest limits. Option 1 would limit the A-season to 1,500 metric tons. Option 2 would limit the A-season to 3,000 metric tons. Option 3 would limit the fishery to 3,775 metric tons. Option 4 would have no harvest limit up to the Total Allowable Catch (TAC) of 19,000 metric tons. It would require that no more than 40 percent of the harvest could be taken during the A-season, with the remaining 60 percent of the TAC to be harvested during the B-season. Methods for monitoring harvest and harvest area compliance for all options would include requirements for Vessel Monitoring Systems (VMS) for all vessels participating in the fishery, and cod-end transfers would not be permitted.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.087. Management Plan For Parallel Groundfish Fisheries. The BOF has delegated to the Commissioner of ADF&G the authority to adopt, by emergency order, federal Steller sea lion protection measures and apply them to the parallel fisheries for walleye pollock in state waters. The Commissioner has adopted the Steller sea lion protection measures by emergency order. State waters are closed to fishing for walleye pollock in areas surrounding sea lion rookeries and selected haulouts, consistent with specific closures outlined in federal regulations for the Bering Sea/Aleutian Islands.

Additionally, 5 AAC 28.089. Guiding Principles For Groundfish Fishery Regulations - to the extent practicable, the BOF will coordinate regulations with the North Pacific Fishery Management Council and other federal agencies; and 5 AAC 28.072. Trip Limit For Commercial Pollock Vessels. - restricts the amount of pollock that may be retained aboard a catcher vessel or a tender to 136 and 272 metric tons, respectively.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Much of the proposed open areas include “critical habitat” of the western stock of Steller sea lions (SSL), which are listed as an endangered species under the Endangered Species Act (ESA). Critical habitat areas are buffer zones around certain SSL haulouts and all SSL rookeries that have been closed to various fisheries to provide protection from potential adverse impacts. Not all critical habitat has been closed to fishing; some areas remain open. The designation of such open and closed areas was determined by the “Section 7 Consultation” process that resulted in a 2001

Biological Opinion (BiOp) by the National Marine Fisheries Service (NMFS), regarding potential impacts from the activity of fishing for groundfish.

In the central Aleutian Islands directed fishing for pollock has been closed since 1998, thus no state waters in critical habitat between 170° W long. and 178° W long. have been open to directed pollock fishing in recent years. The area contains eight Steller sea lion haulouts. If this proposal is adopted as written, waters surrounding these haulouts including most of the state waters that lie within designated critical between habitat between 174° W long. and 178° W long., would be open to pollock fishing. However, waters surrounding the two SSL rookeries in this area would remain closed.

This proposal presents management options for a state waters pollock harvest near Adak for trawl vessels less than or equal to 58 feet OAL. This is consistent with Congressional intent to develop a small vessel fishery adjacent to the community of Adak. The US Congress required that future directed fishing allowances of pollock in the Aleutian Islands be allocated to the Aleut Corporation (in Section 803 of the Consolidated Appropriations Act of 2004 – HR 2673, now Public Law 108-199). The Aleut Corporation was unsuccessful in harvesting its allocation outside of critical habitat areas during the 2005 season and sought access to state waters via a proposal to the BOF. That proposal, Proposal A (which was substitute language for the original proposal 455 submitted by the department at the request of the BOF, based upon an Agenda Change Request from the Aleut Enterprise Corporation dated December 17, 2004) was tabled until the October 2006 Work Session).

**BACKGROUND:** This proposal, originally submitted by the Alaska Department of Fish and Game on behalf of the BOF, was based upon an Agenda Change Request from the Aleut Enterprise Corporation dated December 17, 2004.

The Aleut Enterprise Corporation requested the BOF to reopen fishing for walleye pollock in state waters of the Aleutian Islands and Gulf of Alaska that have been closed for the protection of the western stock of Steller sea lions. Specifically, they requested that state waters of the Aleutian Islands from 170° W long. to 180° W long., and in the Gulf of Alaska from 157° W long. to 163° W long., be reopened, except for those portions immediately surrounding sea lion rookeries. The proposal was tabled until the March 2005 BOF meeting. At that March meeting, the BOF divided the original proposal into three proposals according to the area and fishery. Proposal “A” became the central Aleutian Islands area pollock fishery. After discussion and deliberation, the BOF voted to table Proposal “A” until October 2006, in order to allow the FMP BiOp review and Steller sea lion Mitigation Committee review process to occur.

Proposal “A” became Proposal 5, which requests the BOF to establish a walleye pollock fishery in state waters in the Adak area, between 174° W long. and 178° W long. NMFS had indicated opening additional state waters to walleye pollock fishing had a high probability of triggering a new formal Section 7 consultation for federal groundfish fisheries under the Endangered Species Act (ESA). NMFS is now conducting a formal reconsultation. Additionally, NMFS took comments through September 1, 2006 on the draft revised [Steller Sea Lion Recovery Plan](#). The plan highlights three actions that are especially important to the recovery program: (1) maintain current fishery conservation measures (or their equivalent protection); (2) design and implement



an adaptive management program to evaluate fishery conservation measures; and (3) continue population monitoring and research on the key threats potentially impeding sea lion recovery.

Because much of these areas are now closed to fishing for pollock, and other species, in order to protect the availability of prey for sea lions, adopting this proposal as written will change the suite of fishery regulations under which a “no jeopardy“ decision was determined and Reasonable and Prudent Alternatives (RPAs) were implemented.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of this proposal. The department has concerns about state-waters fisheries and the requirement for Vessel Monitoring System use. Specific concerns surround imposition on the small boat fleet, initial purchase cost and daily use fees, restrictions imposed on a vessel with a malfunctioning VMS in federal and parallel fisheries, and lack of a data sharing agreements with the federal government. Currently the department does not have specific access to VMS data. Finally, the department opposes adoption of any fishery management measures that may cause a jeopardy finding and are not consistent with the RPAs outlined in the Steller Sea Lion Recovery Plan.

COST ANALYSIS: The department does not believe that approval of this proposal would result in a direct cost for a private person to participate in this fishery.

**PROPOSAL 6 - 5 AAC 28.XXX. State waters pollock fishery, Cook Inlet Area.**

Create a new regulation to provide for a state-waters walleye pollock fishery in the Cook Inlet area between 149° W long. and 150° W long.

PROPOSED BY: Alaska Department of Fish and Game on behalf of the Alaska Board of Fisheries (BOF).

WHAT WOULD THE PROPOSAL DO? The proposal requests the BOF to establish a walleye pollock fishery in state waters located between 149° W long. and 150° W long. and amend current state water closures to include only those waters within 3 nm of three Steller sea lion (SSL) haulouts. The proposal presents two options: Option A, a state waters season with 1,500 mt allowable harvest, a season opening date to coincide with the federal season and an emergency order closure, and Option B, a parallel season with no harvest limits. Elements common to both options include a commissioner's permit, requirement, 300,000 lb daily trip limits, a tendering prohibition, 100 percent observer coverage, and a vessel monitoring system (VMS) requirement.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 28.379 PERMIT FOR MISCELLANEOUS GROUND FISH establishes a commissioner's permit requirement for fisheries that are not otherwise addressed in regulation. The proposed pollock fishery fits this description. The permit may restrict fishing depth, seasons, periods, areas, or gear, set harvestable sizes, require logbooks, or other conditions necessary for conservation or management. The BOF delegated to the Commissioner of ADF&G the authority to adopt by emergency order the federal SSL protection measures into the parallel fishery for walleye pollock. Currently, state waters within the proposed fishing area are closed to fishing for walleye pollock using trawl gear in areas surrounding sea lion rookeries and haulouts consistent with those adopted under federal regulations. The Commissioner, via emergency order authority, has adopted by reference, federal regulations found in 50 CFR §679.22 Closures (b) and further described in Table 4 to 50 CFR part 679 Steller Sea Lion Protection Areas Pollock Fisheries Restrictions (<http://www.fakr.noaa.gov/regs/679b22.pdf>).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? On the eastern side of the Kenai Peninsula, all of the state waters between 149° long. and 150° W long., except for those waters within 3 nm of three SSL haulout areas (one of which is a reasonable and prudent alternative (RPA) closure), would open to pollock fishing with trawl gear. A fishery that last occurred in 2000 would reopen on a limited basis. If this proposal is adopted, 810 square kilometers or 0.5 percent of all GOA Steller sea lion Critical Habitat will be opened. If Option A, a state waters pollock season, were adopted, it is likely that the National Marine Fisheries Service (NMFS) would reduce the CGOA total allowable catch (TAC) by the 1,500 mt allocated to a state waters pollock season. Additionally, Option A would require the department to develop a new pollock management program, may result in stranded or foregone harvest, and would create an unprecedented requirement for VMS in a state waters groundfish fishery. Alternatively, Option B, a parallel pollock season, eliminates the possibility of stranded quota, would not require development of a new (and unfunded) management program, and would be consistent with 5 AAC 28.087 (c) that requires VMS for all parallel groundfish fisheries.

BACKGROUND: The proposal would modify where pollock, an important prey item of SSL as evidenced by diet and telemetry studies, can be harvested. A central hypothesis of the decline of SSL in the 2001 BiOp was that preferred prey may have been limiting during critical times of the year to pups and lactating female sea lions due to competition with the groundfish fisheries off the coast of Alaska. The BiOp sought to reduce the possible impacts from groundfish fishing on SSL prey by providing spatial and temporal separation of the fisheries from the areas that NMFS hypothesized were the most important if prey availability were a contributing cause for the declines. At its October 2005 meeting, the North Pacific Fishery Management Council asked NMFS to consider reinitiating consultation since the previous comprehensive FMP-level Biological Opinion (BiOp) was issued in 2000. NMFS concurred and it is expected that the new BiOp and NMFS plans for updating the Groundfish FMP will be complete no later than early 2008. However, earlier comment from NMFS (September 30, 2005 letter from J. Balsiger to Art Nelson) on the Cook Inlet pollock proposal indicated that the proposed fishery would not result in a section-7 consultation under the Endangered Species Act, provided that the proposed 1,500 mt fishery harvest limit was applied to Option B as well.

Federally managed pollock seasons in the Central Gulf of Alaska area (CGOA) have been quite variable in recent years and ranged from January 20 – February 15 in 2006 to a single 24-hour season followed by three 12-hour seasons in 2004, with dates for these open fishing periods ranging from January 20 to February 24. Total allowable catch (TAC) for the CGOA was 18,448 mt in 2006 and averaged 13,708 mt for the recent 5-year period.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspect of this proposal. As outlined above, Option B, which would have to be modified to include a 1,500 mt harvest cap to avoid triggering a separate section 7 reconsultation, presents the alternative of least cost to the department while preserving harvest opportunity both within state waters and in the EEZ.

Management details including, among others, registration deadlines, effort thresholds, and season dates will require clarification through discussion with the BOF. The department is concerned about the 100 percent observer coverage requirement. Reductions in grant-funded programs that have supported staff observers aboard vessels in state waters preclude the department providing observers necessary for the proposed fishery. The existing groundfish observer program cooperates with NMFS to meet observer requirements in federal waters. The state has no existing groundfish observer program. Finally, the department does not support VMS requirements for state-managed fisheries.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

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