

**Joint Protocol Committee (BOF/NPFMC) meeting  
September 12, 2008  
Hilton Hotel  
Anchorage, Alaska**

Summary

Council members in attendance: Eric Olson, Ed Dersham, and Dave Benson. Board of Fisheries members in attendance: Melvan Morris and John Jensen.

NMFS and NPFMC staff in attendance included Lisa Lindeman, Diana Stram, Jane DiCosimo, Jeannie Heltzel, Sue Salvesson, and Chris Oliver. State staff in attendance included Nick Sagalkin, Stefanie Moreland, Kerri Tonkin, Jim Fall, Charlie Trowbridge, Herman Savikko, Wayne Donaldson, Jim McCullough, Forrest Bowers, Sue Aspelund, Steve Daugherty, Lance Nelson, and Jim Marcotte.

Public attending included Kenny Downs, Clem Tillion, Sam Cotton, Brent Paine, Art Nelson, Chuck McCallum.

Call to Order. Mel Morris, Chair of the Board of Fisheries serving as Chair for the meeting, called the meeting to order at 9:00 a.m. Friday, September 12.

Annual catch limits (ABC/TAC): Possible revisions to scallop and crab management. Jane DiCosimo (NPFMC staff) provided a review of proposed federal standards applied nation-wide as a result of congressional action to revise guidelines to prevent overfishing. A key component is a new ecosystem component for management of non-target species. Direction is provided in setting Annual Catch Limits (ACL) for all Federally managed stocks. There are implications for all fisheries, including revisions to management of crab and scallop fisheries that are under joint federal and state management. Dr. Diana Stram (NPFMC staff) indicated that a new component is the need to have some form of buffer to keep harvests below Overfishing Level (OFL), the maximum level that can be taken. The Council had recently provided comments on the proposed rule to the National Marine Fisheries Service.

Subsistence halibut program - Bycatch retention. Dr. Jim Fall (ADF&G, Subsistence) noted that low numbers of rockfish and lingcod are taken as bycatch when halibut are targeted in subsistence fisheries, and that retention is allowed. Retention is provided for in Southeast Alaska by either personal use regulations or by educational permits. Retention is provided for in Southcentral Alaska by educational permits in areas outside of nonsubsistence areas. He recommended coordination between state and federal management. He reported that an ADF&G proposal to the BOF would provide a solution.

Salmon bycatch.

a) Chinook. Diana Stram reviewed elements of the draft environmental impact statement on regulatory action being taken to revise management measures for Chinook salmon in the Bering Sea Pollock fishery. Options include closing different areas and/or applying a hard cap by sector and by season. A preliminary preferred alternative (PPA) was selected by the Council in June 2008. The Council's PPA includes a specified cap level of 68,392 Chinook salmon (Annual scenario 1) "if an ICA is in place that provides explicit incentive(s) for each participant to avoid salmon bycatch in all years". The hard cap in the absence of such an approved ICA (Annual scenario 2) would be 47,591 Chinook salmon. The

agency hopes to have the draft ready for public review in early December, then allow a 60-day review period prior to April 2009. The full range of alternatives will be available to the Council in April.

b) Chum. Diana Stram provided an overview of current Council activities on chum salmon bycatch management measures. The Council bifurcated the analyses of chum and Chinook management measures and are pursuing them on different timeframes. The Council will review alternatives for revised management measures for chum salmon at the October Council meeting. The current ICA continues to manage rolling hot spot closures for chum salmon under the regulatory closure exemption provided by Amendment 84.

Gulf of Alaska issues - Pacific cod sector split and GOA Pacific cod jig fishery

Jeannie Heltzel (NPFMC staff) described a potential Council action that would allocate the Western and Central GOA Pacific cod TACs among the various gear and operation sectors. The action includes options to restructure management of the GOA Pacific cod jig fisheries so that a federal jig allocation could be managed jointly with the State waters jig allocations. The intent of the jig options is to increase opportunities for jig vessels to fish in Federal waters and to minimize the amount of unharvested jig quota. Initial review of the sector split action is scheduled for the December 2008 Council meeting, and final action is tentatively scheduled for April 2009.

Gulf of Alaska issues - GOA Fixed Gear Recency

Jeannie Heltzel (NPFMC staff) described a potential Council action that would remove latent fixed gear LLP licenses from the WGOA and CGOA groundfish fisheries, and potentially add a Pacific cod endorsement to fixed gear licenses that would restrict access to the directed Pacific cod fisheries. Initial review and final action are scheduled concurrently with the GOA Pacific cod sector split action.

BSAI Fixed Gear Parallel Waters Pacific Cod Fishery

Jeannie Heltzel (NPFMC staff) reported that in 2008, 5 fixed gear CPs that do not have Federal fisheries permits (FFPs) and/or LLP licenses participated in the BSAI Pacific cod fishery. These vessels fished exclusively in the parallel waters Pacific cod fishery. Vessels are not required to hold FFPs or LLPs to fish in the parallel waters fisheries.

The Council is considering several options to preclude non-federally permitted vessels from participating in the parallel waters fisheries. Options include: 1) requiring any CP pot or hook-and-line vessel with an LLP to have a Pacific cod endorsement, 2) requiring any CP pot or hook-and-line vessel with an LLP to surrender its LLP to participate in the BSAI Pacific cod parallel waters fishery, 3) requiring any CP pot or hook-and-line vessel to surrender all federal permits (FFP, LLP, and IFQ) to participate in the BSAI Pacific cod parallel waters fishery, 4) other solutions for the Council to maintain control over federally permitted vessels, and 5) potential actions for vessels with no federal permits or licenses.

Forrest Bowers (ADFG) noted that one approach the Board could take is to modify the existing parallel waters fisheries management plan. What is allowed in state regulation (5 AAC 28.087) was discussed. Lance Nelson (Department of Law) noted that the State may have concerns about Option 1, and would like to review any options the Council is considering under this action.

Agenda Change Requests submitted to BOF. Herman Savikko (ADF&G) and Forrest Bowers described the Agenda Change Requests (ACRs) submitted to the Board of Fisheries for initial review at its October 2008 worksession.

*ACR 3 - Clarify regulations on non-pelagic trawl closure in the Bristol Bay Area. (5 AAC 39.165(3), and 39.164 (b)(7))*

*ACR 7 - Modify regulations on non-pelagic trawl and essential fish habitat in the Bering Sea. (5 AAC 39.164(b) and 5 AAC 39.167)*

*ACR 8 - Provide a uniform vessel size limit of 60 feet in the Aleutian Islands District Pacific cod fishery. (5 AAC 28.647(d)(3))*

*ACR 9 - Reduce catch in A season and spread out harvest over monthly increments for the Aleutian Islands District Pacific cod fishery. (5 AAC 28.647(d))*

*ACR 10 - Reduce daily catch limit to 75,000 pounds for the Aleutian Islands District Pacific cod fishery. (5 AAC 28.647(d)(7))*

*ACR 12 - Limit longline vessel to 55 feet in the Bering Sea/Aleutian Islands management area Pacific cod fishery. (5 AAC 28.087)*

Lance Nelson noted that the Board need not limit consideration of these requests to only the agenda change request criteria (5 AAC 39.999(a)(1)) since its same policy provides for coordination of state regulatory actions with federal fishery agencies, programs, and laws as reasonably necessary.

Groundfish Maximum Retainable Allowance (MRA) issues. Herman Savikko described issues recently identified by enforcement authorities over differences between Kodiak area and Bering Sea area catch reporting practices for fish harvested but not offloaded at a processor. This discrepancy may be tied to different interpretations of "delivery" in 5 AAC 28.055 and 5 AAC 28.344.

Other species management - State report on state/federal data collection differences for octopus. Wayne Donaldson (ADF&G) described the different state and federal management approaches for octopus and expressed concerns over the potential lack of coordination on conservation. State regulations classify octopus as a miscellaneous shellfish whereas federal regulations classify octopus as a groundfish. Differences in catch reporting, allowable bycatch, and allowance of directed harvest can all lead to conservation problems with this trans-boundary resource. Additional concerns include management as a complex when there may be important species conditions and potential rapid increases of harvest effort should market conditions change quickly.

Charlie Trowbridge (ADF&G) pointed out a similar situation in trying to better coordinate state and federal management of sharks and skates. A recent state legislation appropriation was made for a skate fishery feasibility study. Jane DiCosimo noted federal action taken in 2002 that created separate skate quotas for big skate, long nose skate, and other skates through a fishery management plan in the Gulf of Alaska, although there has been little follow-up interest by industry. A similar FMP amendment is planned to set a separate quota for the Bering Sea/Aleutian Islands skates in 2009.

Charlie Trowbridge also noted several Prince William Sound area proposals scheduled for consideration by the Board of Fisheries in December.

Public Testimony. In the public testimony portion of the meeting, only Kenny Down (Freezer Longline Coalition) offered testimony. He addressed issues associated with the Bering Sea/Aleutian Islands Pacific cod fishery and allowances in state waters that are inconsistent with allocations in federal regulations.

The meeting concluded at noon.

**ALASKA BOARD OF FISHERIES**  
**Teleconference**  
**Use of 200 fathom nets in Upper Cook Inlet**  
**June 26, 2008**

**Summary of Actions**

The Alaska Board of Fisheries (board) met by teleconference on June 26, 2008 to consider a petition submitted by United Cook Inlet Drift Association (UCIDA) requesting that the board adopt an emergency regulation to modify the regulatory provisions of 5 AAC 21.333 regarding the use of 200 fathom nets when two permit holders are on board a vessel. Six of seven board members were in attendance (Campbell absent). Public listen-only sites were available in Palmer, Soldotna, Anchorage, and Juneau.

Questions had come up in-season about the intent of the board when it developed requirements and specifications for the use of 200 fathoms of drift gillnets in the Cook Inlet area. The petition sought clarification on the board's intent.

During the teleconference, the board adopted a finding of emergency based on the Joint Board Petition Policy and general welfare as provided for in Alaska Statute 44.62.250. The board noted that there were unforeseen effects of the 200 fathom net regulation that were not fully anticipated when first approved.

The board adopted a motion to delegate authority to the Commissioner of Fish and Game to establish an emergency regulation to apply in the 2008 season and to make permanent. The emergency regulation clarifies that transport through any area where the legal compliment of gear is less than 200 fathoms of gillnet would be allowed as long as the gear is not deployed into the water.

By amendment the board also specified that when fishing in any area where gear is restricted to less than 200 fathoms of gillnet, the extra length of gear must be sacked or bagged. The board noted that a similar gear stowage requirement is applied in Southeast Alaska. It recognized that this requirement may be more cumbersome for the fishermen but that it is also more enforceable.

The board concluded that the action fulfills its earlier intent to provide the opportunity to fish two permits from one vessel thereby allowing participants to benefit from the potential efficiency measure and allowing an overall reduction in the total amount of gear and vessels in the fishery. The board clarified its intent to make the regulation permanent.

Appreciation was expressed to Larry Edfelt for his service on the board.

**ALASKA BOARD OF FISHERIES**  
Teleconference  
Southeast King Salmon Sport Fishery  
April 28, 2008

Summary of Actions

The Alaska Board of Fisheries (board) met by teleconference on April 28, 2008 to consider possible emergency regulations regarding sport fishing for king salmon fishing in Southeast Alaska. Six of seven board members were in attendance (Morris absent). Public listen-only sites were available in Ketchikan, Petersburg, Sitka, and Juneau.

The Alaska Department of Fish and Game recently announced a 48 percent reduction in the Southeast Alaska king salmon harvest quota for the 2008 season. The board considered possible adjustments to the sport fishing regulations beyond those announced by the department in a April 9, 2008 Emergency Order, including modifying the date of a salmon derby, allowing for in-season adjustment to regulations, and modifying the number of allowable lines for charter boats.

The board adopted a finding of emergency based on the immediate preservation of the public peace, health, safety, or general welfare as provided for in Alaska Statute 44.62.250.

The board adopted an emergency regulation to apply to the 2008 season that would 1) allow retention of king salmon 28 inches or greater in length during the period of July 15-Sept. 30 by resident anglers, and 2) allow charter boats to use up to six lines in May and June. In addition from July 15 through September 30 nonresidents may only retain king salmon 48 inches or greater in length.

The board noted that a key consideration from a resident fishing perspective was that prohibiting the retention of king salmon 28-inches or greater after August 1 for residents would essentially close an important fishing opportunity. The action taken was intended by the board to allow for continued sport fishing opportunity for king salmon in marine waters for unguided sport anglers, consistent with board finding #1993-142-FB. It was understood that a week-long reduction in non-resident fishing would make up the difference to allow an additional two months of resident fishing time in terms of conservation savings.

The board also noted that a key consideration from a charter fleet perspective was avoiding a reduction in the number of lines allowed per vessel from six down to four, particularly during the months of May and June. It was understood by the board that an additional week of non-resident fishing restriction in July would make up the difference in conservation savings that could be achieved by a reduction in the number of lines to four.

The board addressed the allocation criteria, the sustainable salmon fisheries policy, and discussed costs to the public. The board clarified its intent to delegate to the Commissioner the authority to adopt the emergency regulation permanently. The emergency regulation will sunset on September 30, 2008.

*Note, this proposal was inadvertently omitted from the 2008/2009 Board of Fisheries proposal book. It is scheduled for preliminary consideration during the January 21-27, 2009 meeting in Petersburg and final consideration during the February 17-26, 2009 meeting in Sitka.*

**PROPOSAL 368 - 5 AAC 47.xxx.** Establish possession limits for nonresidents at one daily bag limit for all species as follows:

**5 AAC 47.xxx The possession limit for non-residents for all species will be one daily bag limit.**

**ISSUE:** Change the regulations for possession limits for non-residents to be one daily bag limit for all species. Too many non-residents determined the validity of their trip on what the commercial value is of the bag limits they are allowed to keep. Alaska does not need to give larges amounts of its resources away to non-residents to take home and put in freezers and eventually be thrown out. A reasonable amount of fish would be provided under this regulation as processed fish does not count toward their possession limit. This regulation would also prevent the abuse of leaving at 11:59 the night before and therefore claiming it is a two day trip or alternatively coming in on the second day at 12:01 a.m. This does not harm the Alaskan resident taking a weekend trip.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued abuse of the bag limits and the amount of fish taken out of the State. Accurate and timely reporting of the harvest in the recreational sector is an issue. The ADF&G logbook report presented to the Council in April of 2008 stated their was a 7% difference in harvest numbers if the Statewide Harvest Survey is not adjusted for the charter clients that report over a daily bag limit.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** N/A

**WHO IS LIKELY TO BENEFIT?** Enforcement of bag limits will be easier.

**WHO IS LIKELY TO SUFFER?** Those who abuse the current system.

**OTHER SOLUTIONS CONSIDERED?** The Board of Fish developed a committee after the last Southeast BOF cycle to address the issue of possession limits. Didn't know if a recommendation or proposals would be forthcoming. Dealing with this is probably better than changing the possession limit but we wanted to offer an alternative.

**PROPOSED BY:** Southeast Alaska Fishermen's Alliance

(HQ-08F-276)

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