

**List of Written Materials  
from December 1-7, 2008 meeting  
for December 31, 2008 meeting re Proposals 369-374**

Public comments

PC 4 Curyung Tribal Council  
PC 5 North Pacific Fishery Council  
PC 6 City of Adak  
PC 7 Steve Aarvik  
PC 8 Charles and Lois Burrece  
PC 62 Independent Cod Trawlers Association  
PC 65 Freezer Longline Coalition  
PC 69 Adak Fisheries LLC  
PC 72 Costal Villages Region Fund

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RC 2 ADF&G staff comments, re Committee F  
RC 18 Governor Sarah Palin  
RC 20 Nushagak Advisory Committee  
RC 21 Bristol Bay Economic Development Corp.  
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RC 62 Patrick Burns, Blue North Fisheries, Inc.  
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**INDEX OF PUBLIC COMMENT**  
**submitted prior to the December 1-7, 2008 meeting**  
**regarding proposals 369-374**

*This index of advisory committee and public comments submitted prior to the December 1-7, 2008 meeting shows either SUPPORT or OPPOSITION for the individual proposals at this meeting. The center column indicates a comment was made but without a clear indication of support or opposition. The reference number (ACxx or PCxx) refers to the Advisory Committee comment number or Public Comment number.*

<b>Prop. #</b>	<b>Proposal description</b>	<b>FAVOR</b>	<b>COMMENT</b>	<b>OPPOSE</b>
<b>369</b>	<i>Clarify regulations on non-pelagic trawl closure in the Bristol Bay Area (was ACR 3)</i>		Curyung Tribal Council <b>PC4</b>	
<b>370</b>	<i>Add two areas for closure to non-pelagic trawl gear to compliment recent federal essential fish habitat closures (was ACR 7)</i>	North Pacific Fishery Council <b>PC5</b>		
<b>371</b>	<i>Provide a uniform vessel size limit of 60 feet in the Aleutian Islands Pacific cod fishery (was ACR 8)</i>	City of Adak <b>PC6</b> Adak Fisheries LLC <b>PC69</b>		Steve Aarvik <b>PC7</b> Steve and Lois Burrece <b>PC8</b> Indep. Cod Trawlers Association <b>PC62</b> Costal Villages Region Fund <b>PC72</b>
<b>372</b>	<i>Reduce daily catch limit to 75,000 pounds for the Aleutian Islands District Pacific cod fishery (was ACR 10)</i>	Steve Aarvik <b>PC7</b> Indep. Cod Trawlers Association <b>PC62</b> Adak Fisheries LLC <b>PC69</b>		
<b>373</b>	<i>Limit longline vessel to 55 feet in the Bering Sea/Aleutian Is. management area Pacific cod fishery (was ACR 12)</i>	Freezer Longline Coalition <b>PC65</b>		
<b>374</b>	<i>Allow the commissioner to require additional reporting requirements during the parallel fishery statewide (was Prop. A)</i>			



RECEIVED

SEP 29 2008

September 23, 2008

BOARDS

Alaska Department of Fish & Game  
Board Support Section  
Board of Fisheries  
P. O. Box 115525  
Juneau, Alaska 99811-5526

(RE PROPOSAL # 369)

RE: Curyung Tribal's Resolution 2008-20


Dear Board of Fisheries Council Members,

Please refer to the attached resolution. Curyung Tribal Council recently passed at its September monthly meeting the attached resolution; Resolution 2008-20; a resolution to stop all trawling in the waters of Bristol Bay to trawling for Yellow Fin Sole.

Curyung Tribal respectfully requests your consideration, assistance and support in closing all state and federal waters within Bristol Bay to trawling.

If you have any questions or concerns, please feel free to contact us.

Sincerely,

  
\_\_\_\_\_

Tom Tilden, Chief

CC: Bristol Bay Economic Development Corporation  
US Senator Ted Stevens  
US Senator Lisa Murkowski  
US Representative Don Young  
Governor Sarah Palin  
Senator Lyman Hoffman  
Representative Bryce Edgmon  
North Pacific Fisheries Management Council  
Commissioner of Alaska Department of Fish & Game

1/3

COMMENT# 4

**CURYUNG TRIBAL COUNCIL  
RESOLUTION 2008 – 20**

**A resolution to stop all trawling in the waters of Bristol Bay to trawling for Yellow Fin Sole**

WHEREAS: The Curyung Tribe is a federally recognized Alaska Native Tribe serving its tribal members, 2500 strong and the community of Dillingham; and

WHEREAS: The Curyung Tribal Council is the federally recognized and duly elected governing body of the Curyung Tribe; and

WHEREAS: The Curyung Tribe is very concern with the bycatch of halibut, herring and salmon along the Nushagak Peninsula where the yellow fin sole fishery takes place, in some years the halibut bycatch is more than the directed CDQ halibut fishery; and

WHEREAS: Curyung Tribal members are reporting conflicts between the CDQ longline halibut fishermen and the yellow fin sole fishermen who operate in the area. In 2007 and 2008 these were reported to the National Marine Fisheries Service (NMFS); and

WHEREAS: The Curyung Tribe and its members have a heavy dependence of all near-shore marine mammals such as seals and walrus and the yellow fin sole trawl fishery takes place along the migratory path of these species; and

WHEREAS: The Curyung Tribe, its members, the North Pacific Fishery Management Council (NPFMC) and the State of Alaska have long recognized the waters of Bristol Bay as a crab and halibut nursery for these juvenile species and have closed all other waters of Bristol Bay to trawling; and

WHEREAS: The Curyung Tribe has known the waters that are being fished by the yellow fin sole fishermen in Bristol Bay, is also along the migratory path of caplin. The NPFMC has listed caplin as an important forage fish species for Stellar Sea lions. Caplin spawns in the Togiak district of Bristol Bay and migrates along the same path as our herring stocks, the Nushagak Peninsula.

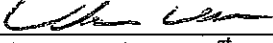
NOW THEREFORE BE IT RESOLVED the Curyung Tribal Council formally requests the State of Alaska close all State waters within Bristol Bay to trawling. We also request the North Pacific Fisheries Management Council close adjacent Federal waters within Bristol Bay to trawling by May 2009.

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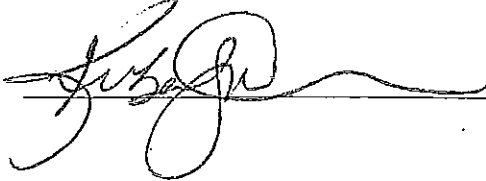
COMMENT# 4

CERTIFICATION:

The foregoing resolution was passed by the Curyung Tribal Council on the 10<sup>th</sup> day of September, 2008 and that a quorum was present.

  
\_\_\_\_\_  
Thomas Tilden, 1<sup>st</sup> Chief

ATTEST:

  
\_\_\_\_\_  
Kimberly Williams, 3<sup>rd</sup> Chief

4/3

COMMENT# 4

# North Pacific Fishery Management Council

Eric A. Olson, Chairman  
Chris Oliver, Executive Director



605 W. 4th Avenue, Suite 306  
Anchorage, AK 99501-2252

Telephone (907) 271-2809

Fax (907) 271-2817

Visit our website: <http://www.fakr.noaa.gov/npfmc>

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September 1, 2008

SEP 10 2008

Boards Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, AK 99811

(RE PROPOSAL # 370) BOARDS

Dear Board Members:

I am writing this letter in support of an agenda change request submitted by Robert Mecum of the National Marine Fisheries Service (NMFS), Alaska Region. Specifically, the Council would encourage the Alaska Board of Fisheries to accept the agenda change to address bottom trawling closures in the Bering Sea.

In June 2007, the Council adopted precautionary measures to conserve benthic fish habitat in the Bering Sea by "freezing the footprint" of bottom trawling by limiting trawl effort only to those areas more recently trawled. These measures prohibit bottom trawling in the basin area of the Bering Sea, as well as on the continental shelf north of Nunivak Island and St. Matthew Island. These regulations were implemented by NMFS, and became effective August 25, 2008 (73 FR 43362, July 25, 2008). These regulations apply to federally permitted vessels regardless if they operate within Federal or State waters.

To ensure consistency in the protection of bottom habitat from the effects of bottom trawling, for all vessels operating in State waters, the Council urges the State to consider the adoption of regulations that are consistent with federal regulations. This has been the standard practice in cases when federal trawl closure areas have been designated immediately adjacent to State waters.

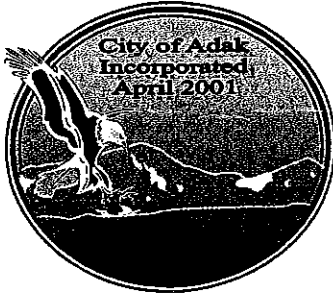
Once again, thank you for carefully considering the NMFS agenda change request.

Sincerely,



Chris Oliver  
Executive Director

COMMENT# 5



P.O. Box 2011 • Adak, Alaska 99546  
(907) 592-4513 • (907) 592-4500  
Fax: (907) 592-4262  
Email: [adakcityclerk@yahoo.com](mailto:adakcityclerk@yahoo.com)

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SEP 29 2008  
BOARDS

November 11, 2008

ALASKA DEPARTMENT OF FISH AND GAME  
Boards Support Section  
P.O. Box 115526  
Juneau, Ak. 99811-5526

Dear Chairman John Jensen,

The City of Adak adopted the attached Resolution # 2008-10b at our City Council meeting September 25, 2008.

We wish to submit this Resolution as a public comment with regard to BOF Proposals #371 and 372 for your consideration at your Cordova meeting in December.

Thank You Very Much

Peggy Campbell  
Adak City Clerk

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COMMENT# 6

CITY OF ADAK RESOLUTION # 2008-10b

TO THE ALASKA BOARD OF FISH

WHEREAS: the economy of the City of Adak depends on fisheries;

WHEREAS: the 60' and under vessels depend upon and utilize the shorebased infrastructure in the community and thus contribute more to our local economy;

WHEREAS: the City of Adak has invested in a small boat harbor and desires to see fishing opportunities that would make a local fleet viable;

WHEREAS: Congress allocated the Aleutian Island pollock quota for the economic development of Adak, but NPFMC has failed to open any areas within sea lion Critical Habitat to pollock fishing;

WHEREAS: Crab Rationalization dramatically reduced the amount of crab being processed in Adak;

WHEREAS: the Aleutian Islands are the only area in Alaska where the NPFMC has provided no protection for onshore processing;

WHEREAS: the City of Adak believes onshore processing provides the most benefit to fishing communities

WHEREAS: the foregoing actions and lack of actions by the NPFMC all negatively impacted the ability of Adak to realize its potential as a fishing community;

WHEREAS: the Aleutian Island Statewater cod fishery is vital to the development of our community;

WHEREAS: in the most recent AI Statewater "B" season, roughly 80% of the GHL was taken by Catcher/Processors;

WHEREAS: the lack of a 60' vessel size limit in the AI Statewater cod fishery has resulted in the majority of the GHL being processed offshore;

WHEREAS: one of the BOF's Guiding Principles is the "extension of the length of fishing seasons by methods and means and time and area restrictions to provide for the maximum benefit to the state and to regions and local areas of the state"

THEREFORE, BE IT RESOLVED: The City of Adak requests the Board of Fish modify the 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan to limit vessel size to a uniform 60 foot maximum and take actions to spread out the statewater season.

Signed

C. D. Mohr

Date

10-07-08

COMMENT# 6



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SEP 29 2008  
BOARDS

STEVE AARVIK  
F/V WINDJAMMER  
18316 68<sup>th</sup> AVENUE W.  
LYNNWOOD, WA 98037

October 8, 2008

Mr. Mel Morris, Chairman  
Alaska Board of Fisheries  
Alaska Dept. Of Fish & Game  
P.O. Box 115526  
Juneau, AK 99811-5526

(RE PROPOSALS # 371  
# 372)

Re: Comments Regarding ACR 8, ACR 9, and ACR 10

Dear Chairman Morris:

I am the owner of the 75-foot trawler F/V WINDJAMMER. The WINDJAMMER has engaged in the Bering Sea and Aleutian Islands Pacific since the 1987, including in the Aleutian Islands State Water fisheries in the last three seasons. I was very happy to have been asked by Clem Tillion to start delivering at Adak, and have delivered all of my Aleutian Islands catch during the last three years to Adak Fisheries onshore. I have always fished shore-based.

My father was a fisherman, and so am I. However, being a non-American Fisheries Act (AFA) vessel with a long history of fishing mainly cod, the WINDJAMMER has fallen between the cracks created by the various rationalization plans such as the AFA. I was shut out of the AFA because during the lead-in to the AFA, the processors would not by my pollock.

I shifted much of my effort to Aleutian Islands because of greatly increased participation early in the "A" season by AFA vessels freed up to do so by the coop system of the AFA. Many more AFA vessels now start fishing for cod in January, instead of about March 1<sup>st</sup> as they did before the AFA. As a result, "A" season ends earlier each year.

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COMMENT# 7

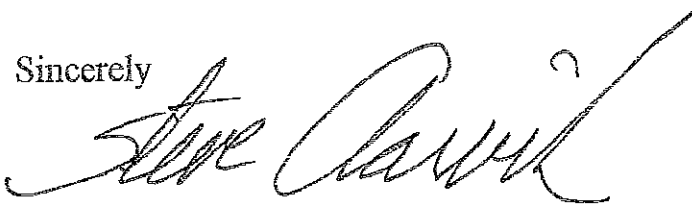
I would like to briefly touch on each of these 3 ACR's:

- I OPPOSE ACR 8, which would provide for a 60' limit in the Aleutian Islands District Pacific cod fishery. This would reallocate cod from the WINDJAMMER to other vessels, many of which would be new to the fishery. However, if any new limit is set, it should be at least 87.5 feet, to accomodate non-AFA catcher vessels with a history of fishing in the State waters.
- I SUPPORT the concept of ACR 9 to reduce catch in "A" season and spread out the Aleutian Islands District P. cod fishery. However, the ACR provides insufficient detail to fully evaluate it.
- I SUPPORT ACR 10, a proposal to reduce the daily catch limits to 75,000 pounds for the AI Pacific cod fishery, or even to 50,000 pounds per day to help slow down the harvest rate.

Another measure which would help to reduce the adverse impacts by the AFA on other fishermen and shoreside processors such as Adak Fisheries would be to have a stand-down period for AFA vessels which transferred their AFA pollock allocation before they could enter the cod fishery.

When you consider these 3 ACR's, please let me stay in the path, and do not let the WINDJAMMER fall into yet another crack.

Sincerely



Steve Aarvik  
F/V WINDJAMMER

hp/STEVE.AARVIK

**CHARLES & LOIS BURRECE**

**F/V LONE STAR**

**2406 Peabody Street**

**Bellingham, WA 98225**

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SEP 20 2008

BOARDS

**October 10, 2008**

**Mr. Mel Morris, Chairman  
Alaska Board of Fisheries  
Alaska Dept. Of Fish & Game  
P.O. Box 115526  
Juneau, AK 99811-5526**

**Re: Comments on ACR 8**

(PROPOSAL  
# 371)

**Dear Chairman Morris:**

**My name is Charles A. Burrece. Together with my wife Lois Burrece, we are the owners of the 86-foot F/V Lone Star. This letter is to explain where our concern is if the 60 foot and under rule passes for fishing out in Adak.**

**This is how it is: we will lose \$150,000.00 to \$225,000.00 if this happens, and Adak will lose a lot more. The 60' and under boats did not unload to Adak in the last State opener and half did not even come out there for the opening.**

**Adak Seafoods did not get the 60' and under fish. Their fish went to Trident Seafoods. The F/V Lone Star, F/V Windjammer and F/V Miss Leona supported Adak when 60' and under didn't. How will 60' and under help Adak? They won't. There won't be enough fish to support Adak if it is left to the 60' and under boats. It takes volume in bottom**

fish.

**We cannot fish in State Waters April-Sept.15th out there; that's why we weren't there. If this 60' and under measure goes through, the F/V Lone Star, F/V Windjammer and F/V Miss Leona will not be able to unload at Adak for Federal Season because we don't have LLP for it yet. I don't think it would be in the best interest of Adak to push for this 60' and under. It is a worthy dream to have a small boat fishery out in Adak, but that dream is clouded by a disfavor of bigger boats. Bigger boats are the back bone of any cannery - volume makes it work. Our concerns are for the City of Adak and the Aleut Corporation and all the boats that fish out that way. No one will win a thing with this 60' and under measure but 5 or 6 boats. Well, that won't support Adak. The City of Adak won't gain a thing and will be hard pressed to survive with what they have now. Why make it worse. This is a bad thing for the Aleut People and all the people in the Aleutians.**

Sincerely,

**Charles & Lois Burrece**

**F/V Lone Star**

**PRITCHETT & JACOBSON, P.S.**  
ATTORNEYS AT LAW

RUSSELL W. PRITCHETT  
MEG J. JACOBSON

870 DEMOCRAT STREET  
BELLINGHAM, WASHINGTON 98229  
(360) 647-1238  
FAX (360) 671-5352  
E-MAIL: PandJ@nas.com

November 17, 2008

By facsimile to: 907-465-6094  
(10 pages total)

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NOV 17 2008  
BOARDS

Alaska Department of Fish and Game  
Boards Support Section  
PO Box 115526  
Juneau, AK 99811-5526

Attention: Mr. Mel Morris, Chairman  
Alaska Board of Fisheries

Re: Comments Regarding Proposals 371(ARC 8) and 372(ACR 10)

Dear Mr. Morris:

I am writing on behalf of the Independent Cod Trawlers Association. The Association consists of three members:

1. Charles Burrece, owner of the 86-foot F/V LONE STAR, who has engaged in the Bering Sea cod trawl fisheries since the 1970s, and the Aleutian Islands state waters cod fishery for the past three years.
2. Steve Aarvik, owner of the 75-foot F/V WINDJAMMER, who has engaged in the Bering Sea cod trawl fisheries since 1980s, and the Aleutian Islands state waters cod fishery for the past three years.
3. Omar Allinson, owner of the 86½-foot F/V MISS LEONA, who has engaged in the Bering Sea cod trawl fisheries since 1991, and the Aleutian Islands state waters cod fishery for the past three years.

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COMMENT# 102

RECEIVED TIME NOV. 17. 2:58PM

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More than three years ago, these three vessel owners were urged by a representative of Aleut Enterprise LLC (the proposer of ACR 8 and 10) to fish in the Aleutian Islands State water fisheries, and deliver onshore to Adak Seafoods. They have done so for the last three seasons, delivering only to that shoreside plant, and are now dependent upon those fisheries.

These three vessels are not vessels which started fishing in the Aleutian Islands state waters because they were freed-up to do so by rationalization, such as crab rationalization or the pollock rationalization of the American Fisheries Act (AFA). Rather, all three vessels have shifted much of their effort to the Aleutian Islands because of increased participation of other vessels which were freed up by rationalization. After the enactment of the AFA, AFA-qualified vessels have fished Pacific Cod in the Bering Sea much earlier in the year than they did prior to the AFA. Before the 2000 Pacific cod season in the Bering Sea and the Aleutian Islands, the vast majority of vessels which are now AFA-qualified did not participate in the Pacific cod fishery until approximately the end of February each year. However, with the onset of the AFA in 2000, AFA vessels were freed-up to engage in the Pacific cod fishery from the very beginning of the season in January. This has resulted in an immensely increased effort early in the cod season each year, with the effect that the seasons have closed increasingly early.

The protections intended by Congress in the AFA, if enforced, would obviate most of the concerns raised by the Aleut Enterprise LLC in ACR 8 (Proposal 371) and ACR 10 (Proposal 372), both as to large catcher vessels and catcher processors.

In the AFA, Congress mandated that fishermen outside of the AFA pollock fishery must be protected from any adverse impacts of the AFA. As is made clear below, Congress plainly stated that the incursion of freed-up AFA vessels into a fishery such as the Pacific cod fishery is exactly the type of adverse which should have been prevented. Section 211(a) of the AFA provides as follows:

**Sec. 211. Protections for other Fisheries; conservation measures.**

**(a) General.--** The North Pacific Council shall recommend for approval by the Secretary such conservation and management

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COMMENT# 62

RECEIVED TIME NOV. 17. 2:58PM

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measures as it determines necessary to protect other fisheries under its jurisdiction and the participants in those fisheries, including processors, from adverse impacts caused by this Act or fishery cooperatives in the directed pollock fishery.

However, the federal government has not effectively provided the intended protections, as can be seen by the current adverse impacts in the Aleutian Islands. In Section 211 of the AFA as quoted above, Congress articulated certain measures for the purpose of determining, and remedying, such adverse impacts. In the presentation of the AFA to the Senate for its consideration, key sponsoring Senators including Senator Ted Stevens and Senator Patty Murray, explained what Section 211 requires. Those comments are set forth in the Conference Report (Senate - October 20, 1998).

Senator Murray explained the nearly absolute protections intended in the AFA for non-pollock fisheries as follows:

The bill attempts to ensure adequate protections for other fisheries in the North Pacific from any potential adverse impacts resulting from the formation of the fishery cooperatives in the pollock fishery. The formation of fishery cooperatives will undoubtedly free up harvesting and processing capacity that can be used in new or expanded ways in other fisheries. Although many of these vessels and processors have legitimate, historic participation in these other fisheries, they should not be empowered by this legislation to gain a competitive advantage in these other fisheries to the detriment of participants who have not benefitted from the resolution of the pollock fishery problems.

While we have attempted to include at least a minimum level of protections for these other fisheries, it is clear to many of us that unintended consequences are likely. It is therefore imperative that the fishery management councils not perceive the protections provided in this bill as the only protections needed. In fact, the opposite is true. Although the protections provided for the head and gut groundfish offshore sector are more highly developed and articulated in the bill, the protections for other fisheries are largely left for the Councils to recommend. Those of us involved in the development of this

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COMMENT# 62

RECEIVED TIME NOV. 17. 2:58PM

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legislation strongly urge the Councils to monitor the formation of fishery cooperatives closely and ensure that other fisheries are held harmless to the maximum extent possible. [Conference Report, at page 12707].

Thus, Senator Murray's comments make clear that an early incursion of AFA vessels into the Pacific cod fishery is in and of itself an adverse impact, where those vessels did not have a pre-AFA history of such early participation. Of course, this is particularly obvious in a fishery such as the Bering Sea Pacific cod fishery where the January and February fishery is crowded primarily into one small area in Statistical Area 655430.

The comments of Senator Stevens were wholly consistent:

Subsection (a) of Section 211 directs the North Pacific Council to submit measures for the consideration and approval of the Secretary of Commerce to protect other fisheries under its authority and the participants in those fisheries from adverse impacts caused by subtitle II of the American Fisheries Act or by fishery cooperatives in the BSAI directed pollock fishery. The Congress intends for the North Pacific Council to consider particularly any potential adverse effects on fishermen in other fisheries resulting from increased competition in those fisheries from vessels eligible to fish in the BAI directed pollock fishery or in fisheries resulting from any decreased competition among processors. [At page 12781].

Paragraph (3) of subsection (c) directs the Pacific Council to submit any measures that may be necessary to protect fisheries under its authority by July 1, 2000 and allows the Secretary of Commerce to implement measures if the Council does not submit measures or if the measures submitted are determined by the Secretary to be inadequate. [At page 12781].

There can be no doubt that it was Congress' intent that protections be put in place for any adverse impacts on non-AFA fishermen, to ensure that other fisheries are held harmless to the maximum extent possible. And it is clear that Congress intended to forbid the type of extra fishing effort which has occurred in

4/10



the January and February Bering Sea cod fishery due to the AFA, and the incursion of AFA vessels into the State waters or parallel fisheries in the Aleutians.

The National Marine Fishery Service promulgated a regulation which also provides for the agency to protect participants in other ground fisheries from the adverse impacts of the AFA. The regulation promulgated at 50 CFR §679.64(b) reads as follows:

Harvesting sideboards of AFA catcher vessels. The Regional Administrator will restrict the ability of AFA catcher vessels to engage in directed fishing for other groundfish species to protect participants in other groundfish fisheries from adverse effects resulting from the AFA and from fishery cooperatives in the directed pollock fishery.

However, the Federal Government has not taken adequate measures in accordance with the provisions of the AFA and the above-quoted regulation to protect participants in non-pollock fisheries from the adverse impacts of the early participation in the cod trawl fisheries which has resulted from the enactment of the AFA.

In view of these facts, the Alaska Board of Fisheries is requested to take steps, either on its own initiative, or in conjunction with the North Pacific Fishery Management Council, to lessen the impact on the Bering Sea and the Aleutian Islands Pacific cod fishery from the non-traditional incursion of AFA vessels into those fisheries. As noted below, one way to further such protections would be the acceptance of the 75,000 pound daily catch limit in ACR 10 (Proposal 372). However, for the reasons set forth below, the members of the Independent Cod Trawlers Association oppose ACR 8 (Proposal 371).

1. Proposal 371 (ACR 8). This measure, to provide for a vessel size limit of 60' in the Aleutian Islands District Pacific cod fishery, was unanimously rejected by the Alaska Board of Fisheries in its November, 2007 meeting in Homer. The Board is urged to reject it again, or to change the length limit from 60' to 87' so that these three long-time cod dependent vessels which have delivered only shoreside in Adak will not be excluded.

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COMMENT# 602

RECEIVED TIME NOV. 17. 2:58PM

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At the November, 2007 meeting, the attached Memorandum from Wayne Donaldson, Regional Management Biologist, was available and discussed the proposal to limit vessel size to 60'. Mr. Donaldson's memo indicated as follows:

Reducing the vessel size limit is not likely to be effective in substantially slowing the pace of the harvest because even small trawl vessels are capable of reaching the daily harvest-limit. A daily harvest-limit of 75,000 to 100,000 pounds would provide for a more manageable fishery and would likely produce a higher quality product by slowing the daily harvest rate.

Thus, if the intention of the vessel size limitation proposed under ACR 8 is to slow the harvest rate, as indicated in the initial justification for ACR 8, it is clear that the solution offered in ACR 10 (reduction of daily catch limit to 75,000 pounds) would be much more effective, whereas a size limitation will not be.

However, if the Board determines that a reduction in vessel size should be made, it is respectfully requested to adopt a length of 87' (instead of 60'), so that these three vessels will not be unfairly excluded from the fishery. These vessels have for the last three years participated to aid in the development of the community of Adak by delivering only shoreside to Adak fisheries, and not to floating processors. And it would be wrong to now deprive them of access to those State water fisheries based upon an ACR proposed by Aleut Enterprise LLC. These three vessels are now dependent upon the State water fisheries off Adak because they were urged by a representative of Aleut Enterprise LLC three years to shift fishing activities to Adak, and did so in reliance on that request.

2. Proposal 372 (ACR 10). This is a proposal to reduce daily catch limits to 75,000 pounds for the Aleutian Islands Pacific cod fishery. The Independent Cod Trawlers Association supports Proposal 372. As noted in the attached Memorandum of Wayne Donaldson, reducing the daily harvest limit to 75,000 pounds would provide for more manageable fishery and would likely product a higher quality product by slowing the daily harvest rate. In light of this, the Board is asked to approve this measure.

As a method of dealing with the adverse impacts of the AFA as described above, the Board is asked also to consider slowing down the fishery by requiring a

stand-down period for AFA vessels leaving the pollock fishery before they could enter the State waters Pacific cod fishery. This would help to address some of the concerns of the Aleut Enterprise LLC in proposing ACR 10.

### CONCLUSION

The three vessels in the Independent Cod Trawlers Association have a dependence on the Aleutian Islands state water fishery. I respectfully ask that their dependency be closely considered. These vessels have already been adversely impacted in the Eastern Bering Sea in large part due to the impacts of the AFA. In light of their long term dependency on Pacific cod trawl fisheries in the Bering Sea and the Aleutian Islands, it would be unjust to adopt with measures which would further adversely impact these traditional cod boats.

For the reasons stated above, the Board is respectfully requested to reject Proposal 371 (or to modify the size limit to 87'), and to adopt Proposal 372.

Thank you.

Sincerely,



Russell W. Pritchett

Enclosure: Memorandum of Wayne Donaldson,  
Regional Management Biologist  
cc: Omar Allinson (with encl.)  
Charles Burrece (with encl.)  
Steve Aarvik (with encl.)

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COMMENT# 62

RECEIVED TIME NOV. 17. 2:58PM

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PRINT TIME NOV. 17. 3:10PM



ALASKA DEPARTMENT OF FISH AND GAME

DIVISION OF COMMERCIAL FISHERIES

MEMORANDUM

TO: John Hilsinger  
Director  
Commercial Fisheries Division  
Headquarters - Juneau

DATE: September 28, 2007  
PHONE: (907) 486-1842  
FAX: (907) 486-1824

FROM: Wayne Donaldson  
Regional Management Biologist  
Commercial Fisheries Division  
Region IV - Kodiak

SUBJECT: Aleutian state-waters  
Pacific cod fishery

Petition A

This memo provides staff assessment of the petition from Clem Tillion submitted to the Alaska Board of Fisheries (BOF) on September 11, 2007, to consider emergency action, out of cycle. The petition asks the BOF to further restrict vessel size in the Aleutian Islands District state-waters Pacific cod fishery. The Aleutian Islands District state-waters Pacific cod fishery is managed according to 5 AAC 28.647. In this memorandum vessel length refers to overall vessel length.

**Emergency Proposal Criteria**

The BOF may consider this petition out-of-cycle if it finds that it satisfies criteria under the Joint Board Petition Policy (5 AAC 96.625).

Within the Joint Board Petition Policy, paragraph (f) specifies that "it is the policy of the boards that a petition will be denied...unless the problem outlined in the petition justifies a finding of emergency." Further, "an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action..."

The petition requests to limit vessel size to no more than 60 feet for all gear types currently allowed in the fishery: non-pelagic trawl, mechanical jig, longline and pot. Given that the petition does not address any unforeseen or unexpected resource situation involved, the petition does not appear to satisfy these criteria for a finding of emergency.

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### The Issue at Hand

The petition requests to reduce the maximum vessel size limit to 60 feet for all permitted gear types because the duration of the A season is too short, and to encourage shore-based deliveries and processing.

The Aleutian Islands District Pacific cod fishery began in 2006. The fishery takes place in state-waters of the Aleutian Islands west of 170° W long. The state-waters fishery harvest level is based upon 3% of the Bering Sea/Aleutian Islands federal acceptable biological catch (ABC).

The state-waters guideline harvest level is apportioned 70% to the A season and 30% to the B season (Table 1). The state-waters fishery A season opens after the initial catcher-vessel trawl sector parallel/federal Pacific cod season is closed, and remains open until the A season GHL is attained, or no later than June 9. Beginning June 10, the state-waters B season opens. There are no harvest allocations by gear type.

During the 2006 season there were no vessel size limits. The 2007 Aleutian Islands District state-waters A season Pacific cod fishery was the first in which vessel size limits of 125 feet or less for pot vessels, 100 feet or less for trawl vessels and 58 feet or less for longline and jig vessels were in effect.

During 2007, the state-waters A season opened to commercial fishing for Pacific cod on March 16, 2007, and closed on March 23, a 7-day fishery. The harvest was 8,229,931 pounds of Pacific cod taken by 27 vessels, although 29 vessels registered for the fishery. Three floating-processor vessels and two shore-based processors participated. No catcher processor vessels (CPs) participated in 2007 whereas six CPs participated in the 2006 A season. Average fishing vessel size was 89' overall length during 2007 (Table 2).

Only two gear types participated in the 2007 A season; non-pelagic trawl gear harvested 85% of the A season total catch and pot gear 15%. Of the 20 trawl vessels that participated, 13 trawl vessels (>60 feet) accounted for 72% of the trawl harvest. All pot vessels that participated were over 60 feet. Overall for both gear types, 76% of the 2007 A season harvest was taken by vessels over 60 feet and 24% was taken by vessels 60 feet or less.

During 2007, a daily and trip harvest-limit of 150,000 pounds applied to each vessel. During 2006, the daily harvest-limit was 150,000 pounds, with a vessel trip harvest-limit of 300,000 pounds. The vessel size limits and daily harvest-limit during 2007 were not effective in slowing the pace of the 2007 harvest compared to the 2006 fishery and overages of the daily and trip limits occurred in both seasons. The 2006 fishery lasted 9 days whereas the 2007 fishery lasted 7 days. Fishery catches indicate that most trawl vessels in the fleet, including those less than 60 feet, are capable of catching and holding onboard quantities of Pacific cod very near to or exceeding the current daily harvest limit.

Reducing the vessel size limit is not likely to be effective in substantially slowing the pace of the harvest because even small trawl vessels are capable of reaching the daily harvest-limit. A daily

harvest-limit of 75,000 to 100,000 pounds would provide for a more manageable fishery and would likely produce a higher quality product by slowing the daily harvest rate.

### Summary

The petition requests emergency consideration to limit vessel size in the state-waters Pacific cod fishery in the Aleutian Islands west of 170° W longitude. The Board of Fisheries developed the current vessel size limits at their October 2006 meeting.

Based on the harvest statistics from the 2006 A season and the 2007 A season whereby the guideline harvest level was fully achieved, there does not appear to be any unfamiliar, unforeseen, or unexpected resource situation. The A season fishery is very short, but has thus far been manageable, and the A season GHL has been achieved. The petition does not appear to satisfy criteria for a finding of emergency under the Joint Board Petition Policy.

Table 1. Aleutian Islands state-waters Pacific cod fishery guideline harvest level and harvest apportionment.

Year		Initial GHL (lbs)	Harvest (lbs)
2006	A season	8,981,540	8,502,781
	B season	3,849,232 <sup>a</sup>	357,884
	TOTAL	12,830,772	8,860,665
2007	A season	8,148,202	8,229,931 <sup>b</sup>
	B season	3,492,086	
	TOTAL	11,640,288	

<sup>a</sup>ADF&G made 3.5 million pounds of the GHL available to National Marine Fisheries effective on September 1.

<sup>b</sup>GHL was exceeded by 81,729 pounds.

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Office Phone 206-284-2522

Alaska Board of Fisheries  
December 1-7, 2008 – Cordova, Alaska

Committee F- Other Groundfish

**Proposal 373** – (ACR 12) 5AAC 28.087

Management Plan for Parallel Groundfish Fisheries.

November 17<sup>th</sup>, 2008

Chairperson Jensen, Board of Fisheries members.

Thank you very much for your service to the state of Alaska fisheries and your time in consideration of the issues surrounding the state parallel fishery, particularly setting a length limit for hook-and-line vessels in the BSAI adjacent federal waters state parallel fishery.

I am submitting these written comments representing the Freezer Longline Coalition. The Freezer Longline Coalition (FLC) represents thirty-four of the thirty-six hook-and-line catcher processors operating in the Bering Sea and Aleutian Islands area with LLP's and cod endorsements for the federal fishery. This is a Washington and Alaska based and owned fleet.

Before I bring you to the heart of our concerns I want to make clear two issues of importance to weigh in consideration of BOF action on this proposal.

- 1.) **The 55' length in proposal 373** was intended to represent a size least likely to encourage larger vessels from entering the parallel fishery. Our intention here is not to eliminate long-term

participants delivering shoreside. For this reasons we would not oppose another reasonable size limit, say 58' that would still identify the intention of the proposal.

- 2.) The Freezer Longline Coalition vessels fish within three miles.** The FLC members, in this proposal are themselves giving up fishing grounds that we have historically fished. On committee F documents, page 210 lists four vessels that participated in 2006 and 2007 as CP's. These were all four our vessels with federal LLP's and cod endorsements for the federal fishery. We are here as a part of the solution. By voluntarily not-participating in the parallel fishery we are willing to give up those grounds to solve what we see as a much larger issue, that being the open gate that has and will continue to allow a flow of larger longline vessels into the fishery. In 2008 "B" season alone you can see from the same data on page 210 of the report that three new participants entered the fishery, there are reports of several other new vessels that could be gearing up to participate in the near future. Our vessels are willing to give this area up during the parallel fishery to help close the loop-hole that if left unabated will bring a serious overcapacity to the fishery.

The time to act on this issue is now. If action is taken now to begin to deal with this issue before the problem grows into an emergency situation we can avoid a sure development of more vessels each season. I respectfully urge the Board of Fisheries to enact a reasonable vessel length for the BSAI state parallel fishery for the hook-and-line vessels as soon as is reasonably possible. I am asking for action at the December 2008 meeting so emergency rules can be put in place prior to the January 2009 opening or as soon as possible.

Although no one holds the crystal ball here the voice of experience would say this is simply too large of a loop-hole to exist without speculative entry into the fishery to continue to develop with larger size and financed vessels pouring into the fishery. If left with no action by the BOF it will certainly explode into a much larger problem. At its present management structure vessel owners could for instance, place a large, say 150 foot LOA, CP hook-and-line vessel into the parallel fishery that had never participated in the BSAI Pacific cod fishery, carry no observer, have no vessel monitoring system, no LLP requirement and have no requirement to stop fishing when the hook-and-line CP sector closed in federal waters, so long as any other hook-and-line sector was still open. This is a highly unregulated fishery that will continue to draw in operators that are intent on finding a way around the regulations in place that prevent the expansion of the hook-and-line CP fleet in the BSAI Pacific cod fishery. Regulations and laws set up by the United States Congress (Fishing Capacity Reduction Program for the Longline Catcher Processor Subsector of the Bering Sea/Aleutian Island Non-pollock Groundfish Fishery) and NMFS, Council A 67 (Pacific Cod Endorsements) and Council A 85 (BSAI P cod sector allocations.) The US Congress has acted to prevent the overcapacity of the larger longline Pacific cod vessels, NMFS has acted on many occasions to prevent the overcapacity of the larger longline Pacific cod vessels, and I now respectfully ask the BOF to take action as well.

We have before us a simple fix that will be of great help in stopping the unimpeded growth of large hook-and-line vessels operating in the BSAI state parallel fishery. If the BOF was to take no action on this



agenda item, there is no lack of the "if you can't beat em' join em'" operators that I fear will move into the parallel fishery. For instance there is nothing to prevent larger hook-and-line CPs who are participating in the federal fishery from entering the parallel fishery after the federal CP allocation is reached but CV hook-and-line remained open. This is a huge problem and a large enough loop-hole for a 175 foot hook-and-line catcher processor to drive through.

Thank you for your consideration on this proposal. I will be attending the December meeting in Cordova and will be speaking publicly on this matter at that time.

In closing thank you again for your time. I am hopeful that the Board of Fishery will take into account the concerns of our members and the long-term well-being of the fishery and deal with this issue in an expedient manner as possible.


Kenny Down  
Executive Director  
Freezer Longline Coalition



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	<p>Corporate Offices 800 E. Dimond Blvd., Suite 3-400 Anchorage, AK 99515-2043 Phone: 907-561-3400 Fax: 907-561-3401</p>
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November 11<sup>th</sup> 2008

Alaska Board of Fisheries (BOF)  
Alaska Department of Fish and Game  
Boards Support Section  
P.O. Box 25526  
Juneau, AK 99802-5526

RE: Proposals #371 & 372

Dear Chairman Jensen,

The Board decision in 2006 to create the AI Statewater cod fishery has the potential to mean a great deal to our community and region. It was clear that the Board understood how critical these fisheries are for the community of Adak and for the development of a sustainable locally based fleet of small vessels.

Unfortunately that potential has remained largely unrealized as the majority of the cod has been processed offshore by Catcher/Processors and transient floaters.

The AI statewater "A" season, which represents 70% of the GHIL, has never lasted much more than a week.

This year the "B" season quota was taken in just one month, and over 80% of the quota was processed at sea.

The Aleutian Island Statewater fishery is the only Statewater fishery in which the majority of the catch isn't processed onshore, benefiting the local economy in the region.

**Action Requested on Proposals #371 and #372**

Adak Fisheries supports taking action on proposals #371 and #372, with slight modification of #371 that reflects triggers for vessel length limits found in the GOA state water regulations.

On Proposal #371, we propose that the BOF adopt an 85' vessel size limit for the A season until 70% of the A season GHIL has been reached, at which point the size limit would be reduced to 60'.

Adak Fisheries LLC  
100 Supply Road, Adak, Alaska 99546 USA Tel 907 592 4366 Fax 907 592 4241  
Email Adak@adakfisheries.com

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Similarly, we propose a 60' limit be adopted from the beginning of the B season, until October 1<sup>st</sup>, at which time the Commissioner may allow a vessel of any size to register to fish for Pacific cod if needed to reach the GHL.

Adak Fisheries also supports the 75,000 lb daily trip limit in proposal #372.

### Authority to Use Triggers

The Board's authority to allocate within a fishery is restricted by the Grunert decision. However, some of the statewater cod fisheries in the GOA have a provision that triggers a change in the size limit when a certain percent of the GHL has been reached.

For example, the ~~Kodiak Area Pacific Cod Management Plan~~ at 5AAC 28.467(c)(4) states the commissioner shall close "the fishing season for vessels longer than 58 feet in overall length fishing with pot gear when 25 percent of the guideline harvest level has been taken by those vessels." The Cook Inlet plan has the same provision.

Likewise, the GOA plans have provisions lifting the size restrictions late in the year if the Commissioner determines the smaller vessels are unlikely to reach the GHL.

### Addressing the Guiding Principles

A modification of the regulations to reduce the daily trip limit to 75,000 lbs and to guarantee a portion of the allocation for vessels under 60' would go a long ways toward addressing three of the 5 AAC 28.089. Guiding principles for groundfish fishery regulations.

While the management of the Statewater fishery has addressed the biological aspects of the "Guiding Principles" we believe that these three important social principles have not been met.

#### 4) maintenance of slower harvest rates by methods and means and time and area restrictions to ensure the adequate reporting and analysis necessary for management of the fishery;

A reduced trip limit and reduced vessel size limits will slow harvest rates.

#### (5) extension of the length of fishing seasons by methods and means and time and area restrictions to provide for the maximum benefit to the state and to regions and local areas of the state;

Too much of the benefit of the statewater fishery is being lost outside to Aleutian region under the status quo.

Slower harvest rates will lengthen the season and will benefit the local areas of the state in the Aleutian region as originally intended by providing enough fishing time for small vessels to base operations in the local area. Benefits to the local economies will be multiplied to the extent the catch is processed on shore.

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**(6) harvest of the resource in a manner that emphasizes the quality and value of the fishery product;**

Our onshore processing plant in Adak is a full utilization operation for cod. We don't just retain the H&G product, we also produce value added sugar salted roe, cod heads, cod liver oil. The CP's in the statewater fishery are not doing full utilization.

**Background**

We came to the BOF in October of 2005 and presented an RC highlighting the problems of maintaining an economically viable fishing community in Adak. That became the basis for the BOF generated Proposal #399 adopted at your February 2006 meeting. In October of 2006 the BOF acted on ADF&G's Proposal #4 and AEC Proposal #3.

The Board discussion at the October 2006 meeting made clear that its objective was a more orderly, slower pace fishery that provided opportunity for small boats delivering to local communities. ADF&G's comments at that meeting also indicated its desire for a more orderly, slower paced fishery. The Board did adopt some size limits, but they have not served their intended purpose.

**Ongoing Crisis**

We came to the Board in October of 2005 seeking a Statewater cod fishery because - 1) the NPFMC had not completed a formal consultation to allow fishing of Aleutian pollock anywhere inside sea lion Critical Habitat; 2) Crab Rationalization had taken away most of Adak's the brown crab landings; 3) the federal cod A seasons were an ever accelerating derby that were reducing Adak's share of cod landings.

None of these issues has yet been addressed by the NPFMC, and the Aleutians are the only area in Alaska with no protections for onshore processing. The State water cod fishery is critical to our ability to weather the ongoing crisis.

We support the goal of developing a local small boat fleet that has enough opportunity that they can base their operations in Adak and contribute to the economic base of the community. We have proposed setting aside a guaranteed percent of the harvest for vessels under 60'.

There was an increase of participation by under 60' vessels in 2008. However, the short season duration has had a very discouraging impact on these small boats.

The decision for a small vessel of whether to make the trip to the Aleutian Islands depends on whether there will be enough fishing time to amortize the cost of the trip.

Without acting modifying the size limit on vessels in the state water fishery, benefit will continue to flow to Catcher-Processors and transient floaters rather than to the Aleutian Island communities of Adak and Atka, or to the small boat fleet that we are seeking to provide with viable fishing opportunities in these communities.

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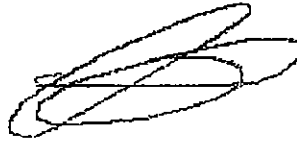
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Again, we thank you for acting to provide the state water cod fishery in the Aleutians, and look forward to working with you to provide orderly management of these important fisheries.

Sincerely,

dave fraser



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# Coastal Villages Region Fund

711 H Street, Suite 200 • Anchorage, Alaska 99501 • Phone 907.278.5151 • Fax 907.278-5150

November 17, 2008

ATTN: BOF COMMENTS

Alaska Department of Fish and Game

Boards Support Section

P.O. Box 115526

Juneau, Alaska 99811-5526 FAX: 9070-465-6094

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Re: **Opposition to Proposal 371**

Dear Member of the Board of Fisheries:

Coastal Villages Region Fund (CVRF) opposes Proposal 371 which proposes to standardize the maximum vessel size limit to 60 feet overall length (OAL) for vessels of all gear types participating in the Aleutian Islands District state-waters Pacific cod fishery. We oppose this proposal because we participate heavily in this fishery through our ownership (46%) of the KATIE ANN, which relies on delivery volumes of Pacific cod from vessels larger than 60'. CVRF is an Alaska non-profit company that represents 20 Alaskan communities and 9,000 Alaskans who reside along the coast of the Bering Sea from Scammon Bay to Platinum. Our 20 member villages (Scammon Bay, Chevak, Hooper Bay, Newtok, Tununak, Toksook Bay, Nightmute, Cheformak, Kipnuk, Kwigillingok, Kongigianak, Tuntutuliak, Napakiak, Napaskiak, Oscarville, Eek, Quinbagak, Goodnews Bay, and Platinum) are among the poorest in Alaska. A major glimmer of economic hope for our people has been our investments in the Bering Sea and Aleutian Islands groundfish fisheries. For the first time in history, our residents have a stake in the large-scale groundfish fisheries happening off our shores. These investments provide jobs for our people, new in-region economic development, a market for our local salmon and halibut fleets, scholarships and training for our people, and hundreds of employment opportunities at plants within our communities.

**Decreased quality:** The catcher/processor KATIE ANN produces the highest-quality Pacific cod fillets that are available on the market. The operation does this by processing fish at-sea within hours of the harvest. Imposing a ban on vessels like the KATIE ANN would increase the time to process the catch, thereby reducing the quality. Bringing the catch to shore on smaller vessels would also decrease quality as compared to our operation -- a difference that will be reflected in a lower price at the market.

**Harm to Alaskan Owners:** Proposal 371 would harm CVRF and the KATIE ANN's operations by reducing the volume, the pace, and most importantly, the reliability of the supply of Pacific cod delivered to the KATIE ANN. Our operation and machinery require a consistent volume for efficiency and viability. Even the larger catcher vessels are challenged at times in this fishery by weather and ocean conditions. The supply of cod from smaller vessels would be jeopardized by the treacherous and unpredictable weather commonly

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experienced in the Aleutian Islands. Downtime and reduced supply of cod to our factory would result in lower production, reduced product quality, decreased revenue, lower crew wages and an erosion of the return on the investment for our Alaska communities and residents. We have invested in the KATIE ANN in reliance on her ability to participate in the fisheries under existing rules. The proponents of Proposition 371 fail to mention in their questionnaire that the "Mothership" their proposal would hurt worst is owned by Alaskans. We urge the board not to stamp out our existing successful Alaska-owned operation in order to provide potential opportunities for smaller vessels that might not be owned by Alaskans, might not materialize, and probably cannot produce the volume or supply consistency needed by our Alaska-owned operation.

**Harm to Alaskan Employees:** The KATIE ANN provides important jobs to Alaskans from our region. The KATIE ANN is used as an entry vessel for our village residents who want to participate in the fisheries. Since 2001, residents from our communities have earned about a half million dollars as crew members aboard the KATIE ANN -- a significant amount of income when you consider the limited cash economy in most of our member villages. If an employee from our region performs adequately aboard the KATIE ANN, he/she often will move up to higher paying jobs on vessels in which CVRF is an owner.

**Competition:** Limiting the fishery to vessels 60' or less will reduce, or more likely eliminate competition among processors, because the only processor likely able to remain in the fishery would be the existing processor in Adak. The KATIE ANN has not utilized catcher vessels smaller than 60' for cod operations, and as mentioned above, it is unlikely that we could maintain the volume and harvest/delivery consistency needed for our operation with smaller vessels. The Pacific cod fishery has been overcapitalized for years and many of the existing cod harvesting vessels are owned by Alaskans, including CVRF. We do not need more competition on the harvesting side of the fishery. We need to be able to continue to receive cod from larger vessels that have made our investment in the Katie Ann viable and beneficial for Alaskans.

**Conservation:** The KATIE ANN carries two independent NMFS-certified observers at all times, while vessels under 60' have no observer coverage at all. The continued participation of the KATIE ANN in the fishery will provide the highest confidence possible in the monitoring and accounting of harvest and bycatch amount in the fishery. We are also able to move with the harvesting vessels to where cod stocks are most abundant, minimizing the possibility of localized depletion.

Thank you for your consideration of these comments and of CVRF's opposition to Proposal 371.

Sincerely,



Neil Rodriguez  
Community and Governmental Affairs Manager  
COASTAL VILLAGES REGION FUND

COMMENT# 72

**ALASKA DEPARTMENT OF FISH AND GAME**  
**STAFF COMMENTS**  
**ON SUBSISTENCE, PERSONAL USE, SPORT, GUIDED SPORT, AND**  
**COMMERCIAL REGULATORY PROPOSALS**

**FOR THE PRINCE WILLIAM SOUND-COPPER RIVER-**  
**UPPER COPPER /UPPER SUSITNA MANAGEMENT AREAS**

**ALASKA BOARD OF FISHERIES MEETING**  
**CORDOVA, ALASKA**

**DECEMBER 1-7, 2008**



The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries (Board) meeting, December 1-7, 2008 in Cordova, 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.



**COMMITTEE F- OTHER GROUND FISH  
(7 PROPOSALS)**

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**PROPOSAL 369 - (ACR 3) 5 AAC 39.164 (b)(7) Non-pelagic Trawl Gear Restrictions; and 5 AAC 39.165 (3) Trawl Gear Unlawful.**

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal asks the Board to clarify which of two conflicting regulations is applicable to state waters of Bristol Bay near Togiak. One regulation allows non-pelagic trawling (5 AAC 39.164 (b)(7) and one does not (5 AAC 39.165 (3)).

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 39.164 (b)(7) Non-pelagic Trawl Gear Restrictions permits the use of non-pelagic gear in state waters along the Nushagak Peninsula in Bristol Bay, while 5 AAC 39.165 (3) Trawl Gear Unlawful closes state waters of Bristol Bay to all trawling.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Should the Board decide not to allow non-pelagic trawl gear in state waters of Bristol Bay, then current regulation allowing for a seasonal opening would be repealed. Conversely, should the Board decide to allow non-pelagic trawl gear in specified state waters of Bristol Bay on a seasonal basis, the regulation closing all of Bristol Bay would be amended to allow for the seasonal opening as provided for in 5 AAC 39.164 (b)(7).

Proposed regulatory language as follows:

Should the Board decide to not allow non-pelagic trawl gear to operate in state waters of Bristol Bay the regulation would be as follows:

**5 AAC 39.164. Non-pelagic Trawl Gear Restrictions.**

(b) Non-pelagic trawl gear may not be operated in waters of Alaska as follows:

(7). the waters of Alaska of the Bering Sea east of 162 W. Long. [EXCEPT THAT THE WATERS BOUNDED BY 159 W. LONG. TO 160 W. LONG AND 58 N. LAT. TO 58 43' N. LAT. ARE OPEN TO FISHING WITH NON-PELAGIC TRAWL GEAR FROM APRIL 1 THROUGH JUNE 15].

Conversely, should the board decide to allow non-pelagic trawl gear in state waters of Bristol Bay the regulation would be as follows:

## 5 AAC 39.165. Trawl Gear Unlawful.

(3) The state waters of Bristol Bay, described in 5 AAC 06.100, except as provided for in 5 AAC 39.164 (b)(7).

### BACKGROUND:

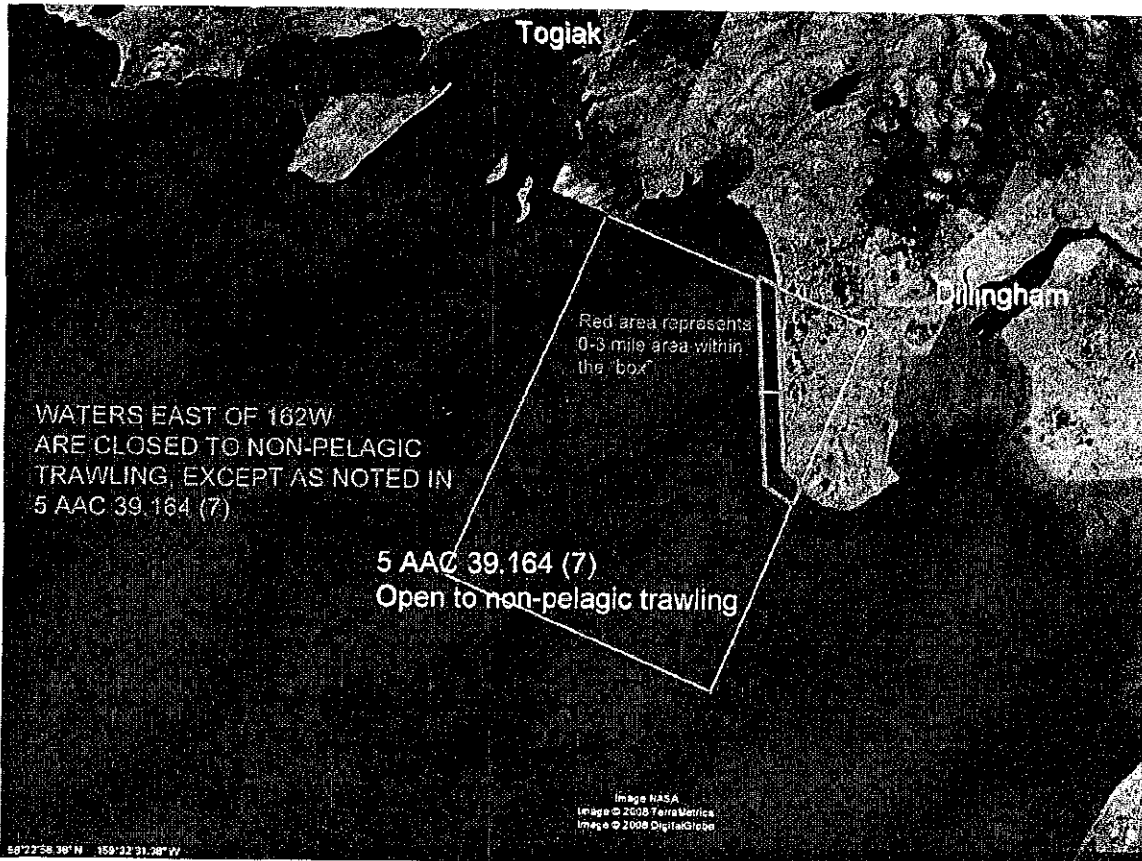


Figure 1. Map of the Bristol Bay area showing waters open to non-pelagic trawling. Red shaded area indicates where state waters are open April 1 through June 15.

Current state regulations regarding the use of non-pelagic trawl gear in the Bristol Bay area are in conflict. In some years, much of the yellowfin sole harvest within federal waters occurs in the Bristol Bay area. The Board originally opened state waters to compliment the yellowfin sole opening in adjacent federal waters. However, no non-pelagic trawl landings have occurred within state waters (as indicated by the red area in Figure 1) in this area since 1991. That year a single operator fished. Therefore landings data is confidential.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal to clarify regulations.

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.

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**PROPOSAL 370 – (ACR 7) 5 AAC 39.167. Commercial Fishing Gear Prohibited In Waters Of Alaska Surrounding Essential Fish Habitat Areas.**

PROPOSED BY: Alaska Department of Fish and Game at the request of the National Marine Fisheries Service.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to close two areas in state waters of the Bering Sea to non-pelagic trawl gear to compliment recent essential fish habitat closures in adjacent federal waters by the federal government.

WHAT ARE THE CURRENT REGULATIONS? The proposed closure areas are currently open to non-pelagic trawl gear. .

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The North Pacific Fishery Management Council and the National Marine Fisheries Service (NMFS) have taken action closing several locations considered to be essential fish habitat in the northern Bering Sea to federally permitted non-pelagic trawl vessels. NMFS has closed these federal waters to protect Essential Fish Habitat under Amendment 89 of the Bering Sea/Aleutian Islands Groundfish FMP. 'Essential Fish Habitat' means those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity. Waters include aquatic areas and their associated physical, chemical and biological properties. Substrate includes sediment underlying the waters. 'Necessary' means the habitat required to support a sustainable fishery and the managed species' contribution to a healthy ecosystem. Spawning, breeding, feeding, or growth to maturity covers all habitat types utilized by a species throughout its life cycle. Amendment 89 prohibits non-pelagic trawling in certain federal waters of the Bering Sea subarea to protect bottom habitat from the potential adverse effects of non-pelagic trawling. That action promotes the goals and objectives of the Magnuson-Stevens Fishery Management and Conservation Act, the FMP, and other applicable federal laws. If the Board were to close state waters to state permitted vessels, complimentary protection would be in place for state waters.

5 AAC 39.167 is amended as follows:

(a) In the waters of Alaska surrounding essential fish habitat areas, as defined in 50 C.F.R. 679.22, as revised as of August 25, 2008 [JULY 28, 2006], during state managed fisheries, the following commercial fishing gear is prohibited as follows:

**(6) the St. Lawrence Island Habitat Conservation Area is closed to non-pelagic trawl gear;**

**(7) the Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area is closed to non-pelagic trawl gear.**

BACKGROUND: The following maps indicate current closures to federally permitted vessels under Amendment 89 of the Bering Sea/Aleutian Islands groundfish fishery management plan:

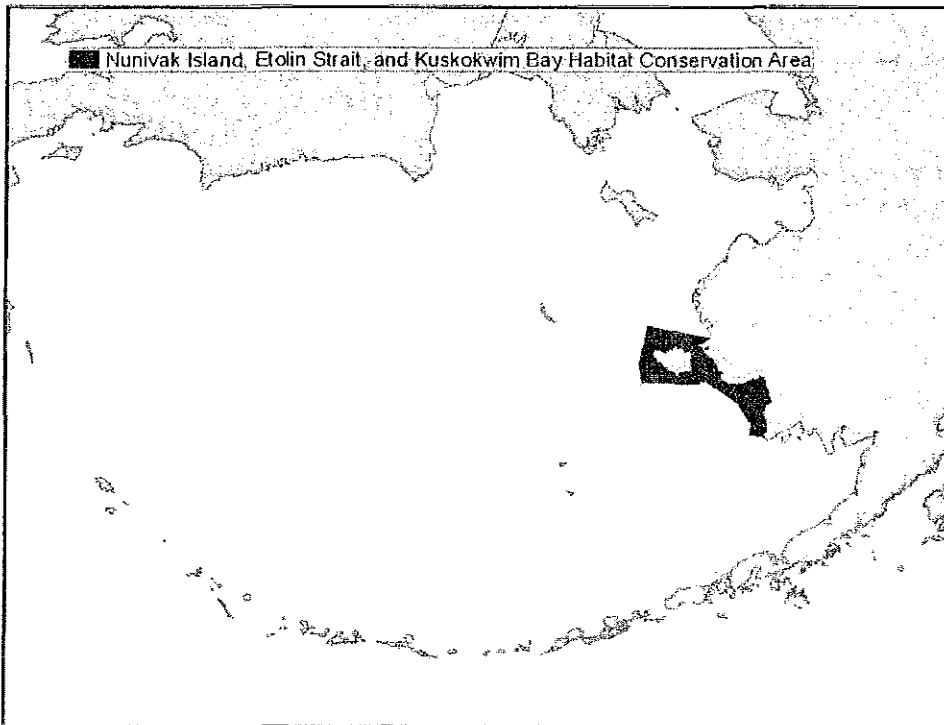


Figure 1 Map of the Nunivak Island, Etolin Strait, and Kuskokwim Bay federal Habitat Conservation Area.

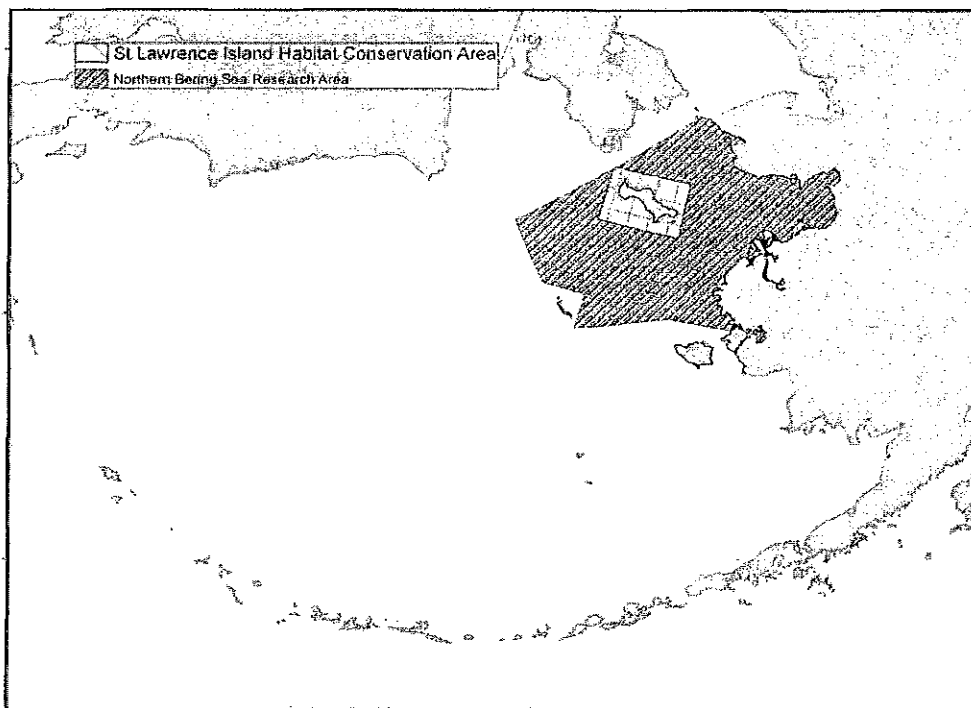


Figure 2. Map of the St. Lawrence Island federal Habitat Conservation Area.

There have been no landings using non-pelagic trawl gear from state waters in these areas for the past 20 years.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal for state waters because it protects bottom habitat identified as essential fish habitat by the National Marine Fisheries Service.

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.

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**PROPOSAL 371 – (ACR 8) 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.**

PROPOSED BY: Clem Tillion, Aleut Enterprise LLC.

WHAT WOULD THE PROPOSAL DO? This proposal requests to standardize the maximum vessel size limit to 60 feet overall length (OAL) for vessels of all gear types participating in the Aleutian Islands District state-waters Pacific cod fishery.

WHAT ARE THE CURRENT REGULATIONS? Current vessel size limits are 125 feet or less OAL for pot vessels, 100 feet or less OAL for trawl vessels and

58 feet or less OAL for longline and jig vessels. The current vessel size limits were adopted prior to the 2007 season. There are no harvest allocations by gear type.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted all harvest of Pacific cod in the Aleutian Islands District state-waters fishery would occur on vessels 60 feet OAL or less. The current make-up of the fleet is principally large vessels. In the 2008 A season 22 vessels were over 60 feet and 8 vessels were 60 feet or under. Because the fishery is open-access it is unknown how many vessels would participate if the vessel size limit is reduced.

Proposed regulatory language as follows:

**5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.**

- (d) During a state waters season,
  - (3) a vessel used to harvest Pacific cod with
    - (A) non-pelagic trawl gear may not be more than 60 [100] feet in overall length;
    - (B) mechanical jigging machines and longline gear may not be more than 60 [58] feet in overall length;
    - (C) pot gear may not be more than 60 [125] feet in overall length;

BACKGROUND: The guideline harvest level (GHL) for the Aleutian Islands state-waters Pacific cod fishery west of 170° W long. is based on 3 percent of the federal Pacific cod Allowable Biological Catch (ABC) for the Bering Sea – Aleutian Islands area. The state-waters GHL is apportioned so that a maximum of 70% of the GHL is available prior to June 10 during the A season, and the remaining 30% of the state GHL and any unharvested GHL from the A season is available during the B season beginning June 10. Vessel size limits of 125 feet or less overall length (OAL) for pot vessels, 100 feet or less OAL for trawl vessels and 58 feet or less OAL for longline and jig vessels are in effect. Vessels are allowed to utilize jig and longline gear concurrently. There are daily and trip limits of 150,000 pounds.

Since the fishery began in 2006, the A season length has ranged from seven to nine days. During the 2008 A season, 30 vessels harvested 7,478,914 pounds. Twenty-two trawl vessels harvested 82% of the A season total and vessels using pot and longline gear accounted for the remaining 18%. Of the 22 trawl vessels, 17 (>60 feet OAL) accounted for 84% of the trawl harvest. Overall, for all gear types combined, 84% of the 2008 A season harvest was taken by vessels over 60 feet OAL and 16% was taken by vessels 60 feet OAL or less. If this proposal is adopted the portion of the fleet that has taken most of the harvest during 2008 would be eliminated.

Three of the 2008 A season vessels were catcher processors. No catcher processors operated during the 2007 A season. Four floating processors and two

shore-based processors also participated in the 2008 A season. Average fishing vessel size was 86 feet OAL (Table 2).

During the 2008 state-waters B season the fishery opened to commercial fishing on June 10 and closed on July 9, a 29 day fishery (Table 1). In 2007 the B season was a 146 day fishery. In 2008, 18 vessels participated including five catcher processors. One floating processor and one shore-based processor also participated in the B season. Average fishing vessel size was 66 feet OAL (Table 3) and 4,235,449 pounds were harvested. Pot vessels accounted for 89% of the harvest. Vessels using longline and jig gear harvested the remaining 11%. Fishing effort broken out by vessels under and over 60 feet OAL is confidential for the B season.

During the 2008 A season, vessels less than 60 feet OAL utilizing trawl gear reported daily catches of up to 110,000 pounds. However, during the 2007 A season fishery, trawl vessels less than 60 feet OAL reported daily catches of up to 165,000 pounds which exceeded the daily limit of 150,000 pounds. Three trawl vessels less than 60 feet OAL exceeded the daily catch limit in the 2007 A season fishery.

Table 1. Aleutian Islands state-waters Pacific cod fishery guideline harvest level and harvest apportionment.

Year	Season	Initial GHL <sup>b</sup>	Season Dates		Season Length <sup>a</sup>	Harvest <sup>b</sup>	Number of	
			Opened	Closed			Vessels	Deliveries
2006	A season	8,981,540	15-March	24-March	9	8,502,781	26	68
	B season	3,849,232 <sup>c</sup>	10-June	1-Sep	83		Confidential	
	TOTAL	12,830,772			92		Confidential	
2007	A season	8,148,202	16-March	23-March	7	8,229,931	29	97
	B season	3,492,086 <sup>e</sup>	10-June	1-Sep	83	2,143,310	10	92
			1-Oct	3-Dec	63	1,265,760	5	14
	TOTAL	11,640,288			153	11,639,001	41 <sup>d</sup>	203
2008	A season	8,148,202	10-March	18-March	8	7,478,914	30	116
	B season	3,492,086 <sup>f</sup>	10-Jun	9-Jul	29	4,235,449	18	77
	TOTAL	11,640,288			37	11,714,363	45 <sup>d</sup>	193

<sup>a</sup> In days.

<sup>b</sup> In whole pounds.

<sup>c</sup> ADF&G made 3.5 million pounds of the GHL available to National Marine Fisheries effective on September.

<sup>d</sup> Some vessels participated in both seasons.

<sup>e</sup> 81,729 pounds were deducted from the B season due to an overage during the A season.

<sup>f</sup> 669,288 pounds remained from the A season and was rolled into the B season.



Table 2. Aleutian Islands state-waters Pacific cod fishery fleet composition, A season.

Year	Vessel type	Number participating	Average overall length
2006	Trawl catcher under 60'	3	58'
	Trawl catcher over 60'	16	104'
	Pot catcher over 60'	1	92'
	Trawl catcher-processor	1	296'
	Longline catcher-processor	5	152'
	Total	26	115'
2007	Trawl catcher under 60'	7	58'
	Trawl catcher over 60'	15	91'
	Pot catcher over 60'	7	113'
	Total	29	89'
2008	Trawl catcher under 60'	5	58'
	Trawl catcher over 60'	17	98'
	Trawl catcher-processor	1	98'
	Pot catcher under 60'	1	58'
	Pot catcher over 60'	3	108'
	Pot catcher-processor	2	105'
	Longline catcher under 60'	2	58'
Total	30 <sup>a</sup>	86'	

<sup>a</sup> One vessel participated as both a trawl catcher-processor and a trawl catcher-vessel.

Table 3. Aleutian Islands state-waters Pacific cod fishery fleet composition, B season.

Year	Vessel type	Number participating	Average overall length
2006	Pot catcher over 60' OAL	2	98'
	Longline catcher under 60' OAL	3	54'
	TOTAL	5	71'
2007	Pot catcher under 60' OAL	1	58'
	Pot catcher over 60' OAL	1	108'
	Pot catcher-processor	3	112'
	Longline catcher	7	52'
	Jig	1	47'
	TOTAL	12 <sup>a</sup>	72'
2008	Pot catcher under 60' OAL	2	59'
	Pot catcher over 60' OAL	2	95'
	Pot catcher-processor	4	107'
	Longline catcher	6	48'
	Longline catcher-processor	1	58'
	Jig	5	38'
	TOTAL	18 <sup>b</sup>	66'

<sup>a</sup> One vessel used both jig and longline gear.

<sup>b</sup> Two vessels used both jig and longline gear.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of reducing the maximum vessel size limit in this fishery. Since the fishery began in 2006, the A season length has ranged from seven to nine days. If GHs decline and vessel participation increases the fishery will become increasingly difficult to manage inseason and the department would be forced to take more aggressive and restrictive inseason management measures.

COST ANALYSIS: The department believes that approval of this proposal could result in a direct cost for a private person to participate in this fishery. The direct cost would be for those participants currently participating in the fishery with a vessel over 60' that would need to procure a smaller vessel to participate.

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**PROPOSAL 372 - (ACR 10) 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.**

PROPOSED BY: Clem Tillion, Aleut Enterprise LLC.

WHAT WOULD THE PROPOSAL DO? This proposal requests to reduce the daily harvest and trip limit from 150,000 pounds to 75,000 pounds during the Aleutian Islands District state-waters Pacific cod fishery.

WHAT ARE THE CURRENT REGULATIONS? The current daily/trip limit is 150,000 pounds.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted vessels would not be able to harvest more than 75,000 pounds of Pacific cod during a day or during a fishing trip of more than one day. If more than 75,000 pounds was harvested on a fishing trip then the vessel would forfeit the fish to the state as an overage and would be subject to enforcement action.

Proposed regulatory language as follows:

**5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.**

(d) During a state waters season,

(7) a **registered** vessel **operator** may harvest up to **75,000** [150,000] pounds of Pacific cod per day and may not have more than **75,000** [150,000] pounds of unprocessed Pacific cod on board the vessel at any time; a **registered** vessel **operator** may not have on board the vessel more processed fish than the round weight equivalent of the fish reported on ADF&G fish tickets during the seasons specified in (1)(A) and (B) of this section; a validly registered vessel must report daily to the department the pounds of Pacific cod taken and on board the vessel;

BACKGROUND: The guideline harvest level (GHL) for the Aleutian Islands state-waters Pacific cod fishery west of 170° W long. is based on three percent of the federal Pacific cod Allowable Biological Catch (ABC) for the Bering Sea – Aleutian Islands area. The state-waters GHL is apportioned so that a maximum of 70% of the GHL is available prior to June 10 during the A season, and the remaining 30% of the state GHL and any unharvested GHL from the A season is available during the B season beginning June 10. Vessel size limits of 125 feet or less overall length (OAL) for pot vessels, 100 feet or less OAL for trawl vessels and 58 feet or less OAL for longline and jig vessels are in effect. Vessels operators are allowed to utilize jig and longline gear concurrently.

There are daily and trip limits of 150,000 pounds. Catcher-processors provide verbal daily harvesting reports to the department. Fish tickets are not typically received from catcher-processors until after the fishing season is complete.

The existing daily/trip limit, and fleet participation levels have allowed the department to manage the A season GHL to within approximately 96% of the GHL during the 2006-2008 seasons.

Since the beginning of the fishery in 2006, only vessels utilizing trawl gear have exceeded 75,000 pounds in a single trip and trawl vessel fishing activity has been limited to the A season exclusively.

During the 2008 A season, 32 trips were in excess of 75,000 pounds. If the trip limit had been 75,000 pounds, fish ticket data shows that 1.37 million pounds would have been harvested over the trip limit in the 2008 A season. The average daily harvest during the A season was 826,000 pounds. Given the average daily harvest rate, it would have taken the fleet 1.7 additional days to harvest 1.37 million pounds. Pot vessels have reported daily catches of up to 75,000 pounds during both seasons but have never exceeded that amount.

During the B season, under current fleet make-up, season length would not be affected because vessels during the B season have not exceeded the 75,000 pound proposed trip limit. Since the fishery began in 2006, the A season length has ranged from seven to nine days. During the 2008 fishery the state-waters A season opened to commercial fishing on March 10 and closed on March 18, an eight day fishery (Table 1). The harvest of 7,478,914 pounds of Pacific cod was taken by 30 vessels, although 32 vessels registered. Three of the vessels were catcher processors. No catcher processors operated during the 2007 A season. Four floating processors and two shore-based processors also participated in the 2008 A season. Trawl vessels accounted for 82% of the harvest. Average fishing vessel size was 86 feet OAL (Table 2).

The 2008 state-waters B season opened to commercial fishing on June 10 and closed on July 9, a 29 day season (Table 1). In 2007, the B season was 146 days. In 2008, 18 vessels participated including five catcher processors. One floating processor and one shore-based processor also participated in the B season. Average fishing vessel size was 66 feet OAL (Table 3) and 4,235,449 pounds were harvested. During the 2008 A season, five overages exceeding the 150,000 pound daily limit were reported (Table 4). In 2007, 17 overages were reported during the A season. No overages have ever been reported during the B season. All overages occurred on vessels utilizing trawl gear and no trawl vessels have participated in the B season.

Table 1. Aleutian Islands state-waters Pacific cod fishery guideline harvest level and harvest apportionment.

Year	Season	Initial GHL <sup>b</sup>	Season Dates		Season Length <sup>a</sup>	Harvest <sup>b</sup>	Number of	
			Opened	Closed			Vessels	Deliveries
2006	A season	8,981,540	15-March	24-March	9	8,502,781	26	68
	B season	3,849,232 <sup>c</sup>	10-June	1-Sep	83	Confidential		
	TOTAL	12,830,772			92	Confidential		
2007	A season	8,148,202	16-March	23-March	7	8,229,931	29	97
	B season	3,492,086 <sup>e</sup>	10-June	1-Sep	83	2,143,310	10	92
			1-Oct	3-Dec	63	1,265,760	5	14
	TOTAL	11,640,288			153	11,639,001	41 <sup>d</sup>	203
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	B season	3,492,086 <sup>f</sup>	10-Jun	9-Jul	29	4,235,449	18	77
	TOTAL	11,640,288			37	11,714,363	45 <sup>d</sup>	193

<sup>a</sup> In days.

<sup>b</sup> In whole pounds.

<sup>c</sup> ADF&G made 3.5 million pounds of the GHL available to National Marine Fisheries effective on September.

<sup>d</sup> Some vessels participated in both seasons.

<sup>e</sup> 81,729 pounds were deducted from the B season due to an overage during the A season.

<sup>f</sup> 669,288 pounds remained from the A season and was rolled into the B season.

Table 2. Aleutian Islands state-waters Pacific cod fishery fleet composition, A season.

Year	Vessel type	Number participating	Average overall length
2006	Trawl catcher under 60'	3	58'
	Trawl catcher over 60'	16	104'
	Pot catcher over 60'	1	92'
	Trawl catcher-processor	1	296'
	Longline catcher-processor	5	152'
	Total	26	115'
2007	Trawl catcher under 60'	7	58'
	Trawl catcher over 60'	15	91'
	Pot catcher over 60'	7	113'
	Total	29	89'
2008	Trawl catcher under 60'	5	58'
	Trawl catcher over 60'	17	98'
	Trawl catcher-processor	1	98'
	Pot catcher under 60'	1	58'
	Pot catcher over 60'	3	108'
	Pot catcher-processor	2	105'
	Longline catcher under 60'	2	58'
Total	30 <sup>a</sup>	86'	

<sup>a</sup> One vessel participated as both a trawl catcher-processor and a trawl catcher-vessel.

Table 3. Aleutian Islands state-waters Pacific cod fishery fleet composition, B season.

Year	Vessel type	Number participating	Average overall length
2006	Pot catcher over 60' OAL	2	98'
	Longline catcher under 60' OAL	3	54'
	TOTAL	5	71'
2007	Pot catcher under 60' OAL	1	58'
	Pot catcher over 60' OAL	1	108'
	Pot catcher-processor	3	112'
	Longline catcher	7	52'
	Jig	1	47'
	TOTAL	12 <sup>a</sup>	72'
2008	Pot catcher under 60' OAL	2	59'
	Pot catcher over 60' OAL	2	95'
	Pot catcher-processor	4	107'
	Longline catcher	6	48'
	Longline catcher-processor	1	58'
	Jig	5	38'
	TOTAL	18 <sup>b</sup>	66'

<sup>a</sup> One vessel used both jig and longline gear.

<sup>b</sup> Two vessels used both jig and longline gear.

Table 4. 2008 Aleutian Islands state-waters Pacific cod deliveries by pound range and vessel type.

Whole Pounds	Season	Number of Deliveries					
		Trawl under 60' OAL	Trawl 60' and over OAL	Pot under 60' OAL	Pot 60' and over OAL	Longline under 60' OAL	Jig under 60' OAL
0 - 50,000	A	8	32	2	19 <sup>a</sup>	6	0
	B	0	0	13	74 <sup>b</sup>	17 <sup>d</sup>	18
50,001 - 75,000	A	3	17	1	7 <sup>c</sup>	0	0
	B	0	0	0	15 <sup>e</sup>	0	0
75,001 - 100,000	A	3	9	0	0	0	0
	B	0	0	0	0	0	0
100,001 - 150,000	A	3	12	0	0	0	0
	B	0	0	0	0	0	0
150,001 and up	A	0	5	0	0	0	0
	B	0	0	0	0	0	0
Total:		17	75	16	115	23	18

<sup>a</sup> Includes 13 daily radio reports from catcher processors.

<sup>b</sup> Includes 57 daily radio reports from catcher processors.

<sup>c</sup> Includes 3 daily radio reports from catcher processors.

<sup>d</sup> Includes 14 daily radio reports from catcher processors.

<sup>e</sup> Daily radio reports from catcher processors only.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on the allocative aspects of this proposal. The A season fishery has been short and manageable, however, if effort or average harvest rate were to increase the A season fishery could be less than 7 days. During the A season, only vessels utilizing trawl gear have reported harvests over 75,000 pounds for a trip. Based on the 2008 season a 75,000 pound trip limit would extend the A season, however, it would most likely only extend the season by two or three days.

Since the fishery began in 2006 no vessel has reported a harvest over 75,000 pounds for a trip during the B season. Based on existing delivery information, lowering the trip limit to 75,000 pounds will not affect the B season.

**COST ANALYSIS:** If this proposal were adopted it could result in a direct cost for a private person to participate in this fishery. The direct cost would be incurred for those participants that would need to reduce efficiency to stay below the new trip limit and incur higher fuel costs.



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**PROPOSAL 373 – (ACR 12) 5 AAC 28.087. Management Plan for Parallel Groundfish Fisheries.**

PROPOSED BY: Freezer Longline Coalition – Kenny Down, Executive Director.

WHAT WOULD THE PROPOSAL DO? This proposal requests to limit the size of hook and line vessels participating in the Bering Sea-Aleutian Islands (BSAI) parallel Pacific Cod fishery to 55 feet overall length (OAL) and under.

WHAT ARE THE CURRENT REGULATIONS? Current regulations limit the size of vessels that may be used to take Pacific cod in the parallel fishery to 60 feet overall length in Sitkin Sound (year-round) and in the central Aleutian Islands (May 1 through September 15) (5 AAC 28.690). Unless other state regulation takes precedent, the state adopts the adjacent federal-waters season, gear types, bycatch limits and closed waters for the parallel fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted all harvest by vessels utilizing hook and line gear for Pacific cod in the BSAI parallel fishery would occur on vessels 55 feet OAL or less.

Proposed regulatory language as follows:

5 AAC 28.690. Vessel Length Restrictions for the Bering Sea – Aleutian Islands Area.

**(d) A person may not utilize longline gear on a vessel that is longer than 55 feet overall length to take Pacific cod during the Pacific cod parallel fishery.**

BACKGROUND: State waters of the Bering Sea-Aleutian Islands Area are opened annually for parallel Pacific cod fishing. Unless other state regulation takes precedent, the state adopts the adjacent federal-waters season, gear types, bycatch limits and closed waters for the parallel fishery.

The federal Pacific cod fishery in the Bering Sea and Aleutian Islands is allocated by sector (Amendment 85). Several federal sectors are distinguished by gear type, vessel size and processing type. As a result of the Alaska Supreme Court's decision in *State v. Grunert*, 139 P.3d 1226 (2006), ADF&G may not distinguish between catcher vessels (CV) and catcher processors (CP) using the same gear type in state waters. Therefore, a vessel operator using a particular gear type may participate in the parallel Pacific cod fishery if that federal gear sector is open in adjacent federal waters regardless if the sector open is for catcher-vessels only or catcher-processor vessels.

Federal Pacific cod fishery sectors and 2008 gear shares (metric tons):

CDQ	18,267 mt.
Hook and line CP	73,844 mt.
Hook and line or pot CV < 60 ft.	3,033 mt.
Hook and line CV >= 60 ft.	303 mt.
Pot CV >= 60 ft.	12,737 mt.
Pot CP	2,274 mt.
Trawl CV	33,692 mt.
AFA trawl CP	3,506 mt.
Amendment 80	20,429 mt.
Jig	2,134 mt.

A vessel operator in a parallel fishery does not need a federal LLP to participate. Participation in federal waters, for the hook and line catcher-processor sector is capped, whereas effort for hook and line is not capped in state waters because vessels do not need a federal LLP to participate.

Hook and line harvest in recent BSAI parallel Pacific cod fisheries are summarized as follows:

	<u>No. vessels</u>		<u>CV harvest</u>	<u>CP harvest</u>
	CV	CP		
2006	12	4	279 mt.	275 mt
2007	15	4	267 mt.	359 mt.
2008	14	5	473 mt.	178 mt

State fish ticket data as of October 2008, indicates that five catcher processors and 14 catcher vessels have participated utilizing hook and line gear in the Bering Sea – Aleutian Islands parallel Pacific cod fishery in 2008. None of the catcher processors were less than 55 feet OAL. Eight of the 14 catcher vessels were less than 55 feet OAL (Table 1). If this proposal is adopted over half of the fleet that has taken hook and line harvest during the parallel fishery would be eliminated. For 2006 and 2007, hook and line CPs participating in the BSAI parallel Pacific cod fishery have had federal LLPs with Pacific cod endorsements. However, in 2008, three hook and line CPs without LLPs with Pacific cod endorsements fished in the BSAI parallel Pacific cod fishery during the B season (i.e., the second season for Pacific cod which opened on September 1). Catch data from these vessels cannot be reported separately due to confidentiality requirements. One of the hook and line CPs fishing in the BSAI parallel fisheries without an LLP in 2008 is under 60 feet OAL. All other hook and line CPs have been greater than 60 feet OAL. Most hook and line CVs in the BSAI parallel Pacific cod fishery are less than 60 feet OAL.

Table 1. Hook and line vessels participating in the 2008 BSAI parallel Pacific cod fishery by vessel size.

Overall Length in Feet	Catcher Vessels	Catcher Processors
<=55	8	0
55-59	5	1
60-125	1	1
>125	0	3
Totals:	14	5

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of reducing the maximum vessel size limit for hook and line vessels.

COST ANALYSIS: The department believes that approval of this proposal could result in a direct cost for a private person to participate in this fishery. The direct cost would be for those participants currently participating in the fishery with a hook and line vessel over 55' that would need to procure a smaller vessel to participate.

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**PROPOSAL 374** - (Proposal A) 5 AAC 28.087. Management Plan for Parallel Groundfish Fisheries.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to amend the parallel groundfish fishery management plan to allow the commissioner to require additional reporting requirements during the parallel fishery.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow the commissioner to open and close state waters by emergency order to fisheries that mirror the federal waters fishing seasons, fishing gear, area closures, vessel size limits and monitoring and enforcement requirements. Current regulations (5 AAC 39.130 Reports required of fishermen, processors, buyers, exporters, and operators of certain commercial fishing vessels; transporting requirements) also stipulate that catch data must be reported electronically or by paper fish ticket at the completion of delivery. There are also Board regulations requiring completion of logbooks (5 AAC 28.052) and observer coverage (5 AAC 28.053) for certain vessels fishing under federal catch limits.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The Board would require vessels in the parallel fishery to report to the National

Marine Fishery Service information on a schedule that the agency determines necessary to manage to their Total Allowable Catch.

Proposed language would read as follows:

Option A:

**5 AAC 28.087. Management Plan for Parallel Groundfish Fisheries.** Notwithstanding the provisions of 5 AAC 28.001 – 5 AAC 28.732, in managing the parallel groundfish fisheries, the commissioner may open and close, by emergency order, fishing seasons during which area closures, gear restrictions, vessel size limits, reporting, [AND] monitoring and enforcement requirements may be imposed to match federal fishery management measures for protecting Steller sea lions.

Option B:

**5 AAC 28.0xx. Reporting Requirements for Parallel Groundfish Fisheries**

The operator of a vessel that is registered in the parallel groundfish fishery shall report fishery harvest information on a schedule that the NMFS determines necessary to manage to their Total Allowable Catch

This option would include all groundfish species, not just the three (Pacific cod, walleye pollock and Atka mackerel) listed in current parallel groundfish regulation.

BACKGROUND: Catcher/Processors (CPs) operating in parallel fisheries are fishing against a federal Total Allowable Catch. The federal Pacific cod fishery is fully allocated by sector (Amendment 85). CPs are not required to report landings until product is offloaded (landed). This can be several weeks after fishing occurs. Timely catch reporting is imperative to management and enforcement of a fishery resource within established catch limits.

DEPARTMENT COMMENTS: The 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.

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**PROPOSAL 375 – (formerly Proposal B) 5 AAC 28.075. Utilization of pollock and Pacific cod taken in a commercial fishery.**

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to amend this regulation to require that all groundfish taken in a commercial fishery be reported on a fish ticket.

WHAT ARE THE CURRENT REGULATIONS? The current regulations (5 AAC 28.075 Utilization of pollock and Pacific cod taken in a commercial fishery) require accountability of all pollock and Pacific cod retained by a fisherman.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, all groundfish retained by a vessel would have to be documented on fish tickets. Managers must be aware of all fish removals. Complete harvest data will provide better management precision.

The regulatory language would be as follows:

The header to 5 AAC 28.075 is amended to read and 5 AAC 28.075(a) is amended to read:

**5 AAC 28.075. Delivery and utilization of groundfish [POLLOCK AND PACIFIC**

**COD] taken in a commercial fishery. (a) A processor or processors agent that takes**

**[ACCEPTS] delivery of or purchases groundfish from a vessel shall take [ACCEPT] delivery of all groundfish [POLLOCK AND PACIFIC COD] retained by the vessel under 5 AAC 28.070(e).**

BACKGROUND: This issue was brought to the department's attention by NOAA Office of Law Enforcement. Their concern dealt with overages of bycaught species. At this time, groundfish not offloaded by a fishing vessel are not required to be accounted for on a fish ticket, thereby avoiding overage penalties. In order to better manage groundfish, and to enforce regulations dealing with bycatch levels onboard, all groundfish harvested during a commercial fishery must be accounted for. A concern develops however, with proposed language because vessels currently may deliver to multiple processors. A vessel may elect to off-load all or a portion of their harvest to one or more processors, or may retain a portion of their harvest for dockside sales. Some groundfish, such as skates, have specific markets that not all processors supply. The processor involved in the first off-load does not want to 'carry' on their books the vessel's total retained poundage, as it is a potential tax obligation, even though it was not purchased. To create a second landing report without a subtraction of the poundage from the first purchaser would create double counting of the same fish. However, by design, fish tickets are able to record partial (split) deliveries, or indicate that the delivery is the last landing for a trip.

ALASKA DEPARTMENT OF FISH & GAME  
ELECTRONIC GROUND FISH TICKET

DO NOT WRITE IN THIS SPACE

E08 059220

Statistical Area Worksheet			
Stat Area	%	Stat Area	%
515700	10	515700	10
515700	10		

Vessel [REDACTED] ADF&G NO. [REDACTED] Permit [REDACTED]

Crew Size: 5 Mgmt Pgm: DA  
Observer: 0 ID

Date Fishing Began (Gear by Water): 08/01/2008  
Date Landed: 08/03/2008

Port of Landing or off-shore operation type: 800 Kodiak  
Type of Gear used: 07 Non-pelagic/bottom trawl

Owner: 97270 East Point Building  
Custom Processor:

PARTIAL DELIVERY:  
 Partial Delivery  
 Last Landing for Trip  
 Multiple IFQ Permits

SPECIES	STAT AREA	DEL. COND	SCALE WEIGHT	NUM	DISP.	SIZE & GRADE	SOLD WEIGHT	PRICE	AMOUNT
700 Skate	515700	01 Whole	[REDACTED]		60 sold		[REDACTED]	[REDACTED]	[REDACTED]
700 Skate	515700	01 Whole	[REDACTED]		60 sold		[REDACTED]	[REDACTED]	[REDACTED]
700 Skate	515700	01 Whole	[REDACTED]		60 sold		[REDACTED]	[REDACTED]	[REDACTED]

Total:

I HEREBY ATTEST THAT THESE FISH WERE CAUGHT IN COMPLIANCE WITH ADF&G REGULATIONS.

Permit Holder's Signature: \_\_\_\_\_

Fish Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Landing Report ID: [REDACTED] CPEC Serial Number: [REDACTED]

Scales Round Weight: [REDACTED]

ADF&G USE	
Interview	
Observer	
Logbook	

Therefore, another possible solution would place the reporting requirement on the fisherman who retained the fish, as well as the processor who takes delivery, thereby documenting utilization and providing accountability.

Suggested wording could be:

5 AAC 28.0XX A vessel that takes and retains groundfish onboard a vessel in a directed or non-directed fishery shall offload and account for all retained catch on an ADF&G fish ticket. If the retained groundfish are offloaded to more than one processor, the vessel and processor must indicate a partial delivery in the check box on all fish tickets.

The eLandings System auto-assigns trip number based upon the following logic: Year, Vessel ADF&G, overlapping month/day. The system easily allows agency staff to review the landing report records for both deliveries, and even print out a fish ticket. This eLandings System feature can facilitate the disposition of product placed back on-board a vessel.

DEPARTMENT COMMENTS: The 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.



SARAH PALIN  
GOVERNOR

GOVERNOR@GOV.STATE.AK.US

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

November 24, 2008

RC 18  
P.O. Box 110001  
JUNEAU, ALASKA 99811-0001  
(907) 465-3500  
FAX (907) 465-3532  
WWW.GOV.STATE.AK.US

RECEIVED  
NOV 24 2008  
BOARDS

Mr. John Jensen, Chairman  
Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, AK 99811-5526

Dear Chairman Jensen and Board Members:

Welcome to Cordova. I want convey my sincere appreciation for your service on the Alaska Board of Fisheries. Membership on a board such as this, with many meeting days and travel to all parts of Alaska, requires tremendous sacrifice and a spirit of public service on your part. As you go forward into yet another meeting cycle, you will visit the beautiful fishing communities of Cordova, Petersburg, Sitka, and Anchorage. You will put families and business interests on hold to serve the resources and the people of Alaska.

You know better than most how the economy, especially in coastal Alaska, relies on healthy commercial, sport, and subsistence fisheries. Our fisheries are the envy of the national and international community. However, important work remains to be done. As Alaska matures as a state, we must move toward self-sufficiency and self-reliance, which can best be achieved by capturing the maximum value for our resources.

Alaska's resources and our coastal economy are best served by clean fishing and local ownership and stewardship. As board members, you make important decisions that can help achieve these goals, such as encouraging selective gear types to reduce bycatch, requiring reporting to improve scientific data gathering, and promoting fisheries that can be prosecuted by local vessels that deliver to Alaska ports and spur the economy. I am grateful to have you as partners in my quest to maintain and improve fisheries in the state of Alaska.

Sincerely,

Sarah Palin  
Governor



RC 20

## NUSHAGAK ADVISORY COMMITTEE

9 a.m. November 14, 2008

Dillingham City Council Chambers

DILLINGHAM, ALASKA

### DRAFT MEETING MINUTES

#### 1. CALL TO ORDER

Chairman Hans Nicholson called the meeting to order at 9:23 a.m.

#### 2. ROLL CALL/ESTABLISH QUORUM

Members present at roll call were: Curt Armstrong, Victor Sifsof, Hans Nicholson, Kenny Wilson, alt. William Johnson, Dennis Andrew-New Stuyahok, Joseph Wasilly-Clarks Point, Wassillie Tugatuk-Manokotak, John Bavilla-Togiak.

#### 3. APPROVAL OF AGENDA

After amendments, William Johnson moved to adopt, Dennis Andrew seconds. Unanimous approval.

#### 4. APPROVAL OF MINUTES

After pointing out one typo to be corrected, the committee approved the February 15, 2008 meeting minutes.

#### 5. INTRODUCE STAFF AND GUESTS

The ADF&G staff present for all or part of the meeting included: Joe Chythlook, Boards Support; Tim Sands and Matt Jones, Area Biologists Commercial Fish; Jim Woolington, Area Biologist Wildlife Conservation; Craig Schwanke, Area Biologist Sport Fish; Ted Krieg, Subsistence Division; Andy Aderman, Tevis Underwood, and Paul Liedberg, TNWR; Fritz Johnson, BBEDC; Frank Woods, BBNA Natural Resources; Members of the public arriving later in the meeting – John Bennett, Dave Pederson

#### 6. STAFF REPORTS

**A.** Fritz Johnson referring to BBEDC's letter asking the BOF to reconsider their Anchorage meeting and have it in Dillingham. With approximately 800 permit holders in the Bristol Bay watershed with around 2500 participants in the fishery (crewmembers, captains, etc.), it is cost prohibitive for local residents to attend the meeting outside the Bay. BBEDC is willing to help anyone draft comment, testimony, or proposals to the Board in preparation for the upcoming board cycle.

to get up to speed on the Board process and would like to start an educational project that would educate locals on the regulatory process it would take to enact regulation. We just don't see much interest from the younger generation as what we see in our meetings is generally older people. He would like to see more interest at the local level.


Andy Aderman, TNWR: Andy reported that caribou count on the Nushagak Peninsula is 556. Two years ago it was 546 and he thought that the herd may have found it's optimum sustainability number. The composition survey last fall showed that there were 44 bulls/100 cows. There was 50 calves/100 cows. This is very encouraging as the herd isn't decreasing and is increasing slowly with good ratios and better overall health of the caribou. The Nushagak Peninsula Caribou Planning Committee met on October 10 and decided that they would allow a limited hunt authorizing 5 permits for a winter hunt only to the residents of Manokotak. They will be conducting another count as soon as conditions improve. They estimate that there are 700 brown bears on the Refuge with a density of 40 bears per 1000 sq. kilometers.

Caribou in Unit 17A range is that same as 5 years ago. The overall health of the caribou and food source is healthy. The overall weights of caribou haven't changed since the 1990's but what is encouraging right now is that more 2 year olds are now having calves. This is an indicator of overall health improvement and good food resources.

Hans calls for a lunch break at 12:00 pm. and requests that we take up the trawling issue right after lunch.

Robin Samuelson is here at 1:05 pm.

Back to order at 1:08 pm.


 Trawling Issue: Hans asks Robin to bring us up to speed on background and present issues.

Robin explains that recently there were two deliveries in State jurisdiction and that there was an incident between a 32-foot herring fisherman and 1 trawler. The Coast Guard investigated the incident. There were also reports by campers along the Nushagak Peninsula of trawlers fishing inside the 3-mile limit and so close to shore that their buoys and nets didn't even go under water. Through investigation by the state and federal agencies is when they found out that there was a loophole in regulation that needed to be addressed at the state and federal level. Of issue are allegations of fishing in State waters and delivering in Federal waters, gear conflicts with halibut fishermen, by-catch, and impacts to local sea mammals. The BOF will be addressing the State regulations during the Cordova meeting and the North Pacific Fisheries Management Council will be addressing Federal regulations during their March 09 meeting. Robin mentions that the department's recommendation is to close state waters. The halibut by-catch is higher than the near-shore directed fishery.

Two local halibut fishermen indicate that the trawl fleet has economically impacted them. Ensuing discussion of trawlers dragging up local fishermen's halibut gear and where they sometimes deliver in State waters. They felt that their catches are low because the trawlers are catching them. Consensus by committee and locals in attendance was that they would like to see the trawl fishery closed. Multiple reasons stated were the impact to local fisheries, disturbances to walrus on and near the Round Island haul-out and impact to the clam beds in the vicinity that they rely on. This was the first year that subsistence walrus hunters did not find walrus on Round Island to harvest. Halibut fishermen said that the trawl fishery should be closed to improve their halibut catches.

Robin mentions that two years ago the trawlers made deliveries to processors anchored at Nicholas Hills in the Nushagak River and at Hagemeister Island, both in State waters. Both incidents involved trawlers dragging their nets there to deliver while pulling up local halibut fishermen gear.

Hans mentions that the Qayassiq Walrus Commission is very concerned about walrus disturbances around Round Island, destroying local clam beds and habitat that they rely on, and other impacts to other local sea mammals.

 Robin makes a motion to adopt and support that section of proposal 369, SAAC 39.165(3) that would close all trawl fishing in Bristol Bay. William Johnson seconds.

**Committee unanimously supports.**

Robin also recommends that the Chairman write a letter to the NPFMC to close trawl fishing in Bristol Bay. The intent is to close the regulatory box and make all of Bristol Bay a closed area. The committee agrees by consensus that the chairman would write the letter and testify at the March meeting.

Jim Woolington, Wildlife Conservation.

Brown Bears harvested and tagged in unit 17 is about 120. This year's harvest is about the same as the past few years with 80% of the harvest taken in unit 17b by non-resident hunters. Brown Bear population statewide is increasing supported by claims of locals saying that bear numbers are increasing.

Wolf populations are healthy with harvests contingent on snow cover for traveling, price of gas, and cost of maintaining or buying equipment. Daily bag limits are adequate (10/day) and encourages hunting and trapping. Definitely no shortage here.

Robin says that he's never seen so many predators in all the years that he's had a cabin up-river since the early 80's. The caribou are gone, moose calves are gone, and reports of lots of wolves everywhere people are hunting. We need to step up to Intensive Game Management. Jim says that he will present later and doesn't have any information on wolf population estimates, just observations that there are lots of them. Harvest is staying about the same. Predator control programs are immediately taken to court. In the past the State has had to pay ½ million dollars per year just to defend current programs.

RC 21

# Bristol Bay Economic Development Corporation

P.O. Box 1464 • Dillingham, Alaska 99576 • (907) 842-4370 • Fax (907) 842-4336 • 1-800-470-4370



John Jensen, Chairman  
Alaska Board of Fish  
P. O. Box 115526  
Juneau, Alaska 99811-5526

LE =  
7 6 2008  
- 2 A F -

Dear Chairman Jensen and Board members:

The Bristol Bay Economic Development Corporation represents 17 villages within the Bristol Bay region with over 6,000 people.

BBEDC vigorously supports provisions of **Proposal 369**. (previously ACR 3), put forward by the Alaska Department of Fish and Game, closing all the State waters of Bristol Bay to trawling.

As ADF&G's proposal points out, existing state regulations on the subject are conflicting, allowing trawl fishing near shore and the Board needs to take action.

We urge you to repeal paragraph (7) of 5 AAC 39.164 that allows trawling in Bristol Bay State waters, or, as an alternative, adopt consistent regulations that would ban all trawling in the waters of Bristol Bay. In addition to the confusion of the conflicting regulations, local halibut fishermen have had conflicts between local halibut fishermen and the trawlers which is not a healthy situation for the local halibut fishermen.

This area is a highly sensitive area to Walrus, king salmon, halibut, seals and herring. Fishing with trawl gear in these shallow waters is also very disruptive to the bottom habitat. I have heard from local folks that these trawl fishermen are fishing in such shallow water that the nets are floating, this is not good.

Local concerns over marine habitat destruction and its impact on fish populations, marine mammals, and their food sources suggests that we ought to err on the side of caution to protect important near-shore commercial and subsistence resources. Thank You.

Sincerely,

H. Robin Samuelsen Jr.  
CEO/President

RECEIVED TIME NOV. 26. 9:56AM

RC 22

UNALASKA /DUTCH HARBOR, FISH AND GAME ADVISORY COMMITTEE  
PO Box 162 Unalaska, AK 99685

ADVISORY COMMITTEE MINUTES

DATE: November 22, 2008

UNALASKA PUBLIC LIBRARY MEETING ROOM

UNALASKA, ALASKA

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NOV 26 2008

BOARDS

1. CALL TO ORDER-Chairman Frank Kelty called the meeting to order at 12:05 PM
2. Roll Call- present, Frank Kelty, Don Graves, Don Goodfellow, Reid Brewer, Alyssa McDonald, and Roger Rowland quorum established. Absent -Sinclair Wilt, Pete Hendrickson and Zac Nehus Guests included Forrest Bowers ADFG, Elisa Russ, ADFG Paul Wilkins, NMFS
3. APPROVAL OF AGENDA-Don Graves moved/Don Goodfellow seconded motion to approve agenda adopted 6-0.
4. APPROVAL OF MINUTES-Don Goodfellow moved/Reid Brewer seconded minutes adopted 6-0.
5. OLD BUSINESS
  - a. ADFG UPDATE: Forrest Bowers of ADFG gave an update on the status and harvest amounts on the current Bering Sea/Aleutian Island crab fisheries that are in progress, which include the Bristol Bay Red King Crab, Eastern Aleutian Tanner Crab, and Aleutian Island Golden King fisheries. Forrest also announced the opening of the Eastern Aleutian Island Tanner Crab fishery on January 15, 2009 in Unalaska Bay Makushin/Scan Bay and Akutan Bay areas total quota for those areas 128,000lbs. He also discussed the survey methods used by the department in these areas.
  - b. Committee member Roger Rowland, gave update on his trip provided by Shell Oil to their offshore operations in the Gulf of Mexico. Roger was very impressed by what he saw on the trip and came away with the feeling that oil development can be done safely in seafood producing areas. This trip was put together to inform seafood industry representatives in Alaska

on the way Shell does business in the Gulf that has allot of seafood harvesting and processing and that the two industries coexist very well in the Gulf of Mexico. This was a primer for seafood industry folks to not oppose oil and gas development in the North Aleutian basin area by Shell and other industry members when lease sales move forward in 2011.

## 6. NEW BUSINESS

- a. Review and Comment on Supplemental Proposals 369-375 by the Unalaska Advisory Committee as well as ADFG Staff comments on the proposals by Forrest Bowers of ADFG.

**Proposal 369, 5AAC 39.164(b) (?) Non-pelagic trawl gear restrictions; and 5 AAC 39.165(3) trawl gear unlawful.** Motion by Rowland second by Graves, Discussion this proposal clarifies state regulations on non-pelagic trawl closure in the Bristol Bay area a housekeeping issue passed 6-0 by the committee. ADFG staff comments in support as well.

**Proposal 370- 5AAC 39.167 Commercial fishing gear prohibited in waters of Alaska surrounding essential fish habitat areas.** Motion by Graves second by Goodfellow, Discussion this proposal adds two areas of state waters for closure to non-pelagic trawl gear to compliment the recent EFH closures in federal waters, by the federal government in the Bering Sea. This is Housekeeping issue and brings the state in compliance with new federal regulations, passed 6-0 by the committee. ADFG staff comments also in support as well.

**Proposal 371- 5AAC 28.647(d) (3) Aleutian Island District Pacific Cod Management Plan.** Motion by Graves second by MacDonald, Discussion this proposal reduces all vessels to 60 feet in length for all gear types in the Aleutian Island District Pacific Cod fishery, committee members expressed concern about safety, majority of this fishery takes place in the A season a winter time fishery. Unalaska would be impacted by larger vessels that harvest cod and make landings in Unalaska will be shut out of the fishery, local impacts would be seen for the local processing plants, city revenues and to support sector businesses. It was also pointed out that if cod didn't come back to Unalaska for processing secondary products such as cod milt which is very valuable product may not be processed for shipping out fresh to markets overseas. Historically not a small boat fishery most of the fish has been harvested by medium sized trawlers, committee felt small boats wouldn't do well in a winter time fishery this proposal would hurt larger vessels and there investments in there operations and it should be pointed out that the larger vessels that have fished this area have pioneered the cod fishery in this area. Motion to adopt failed 6-0: ADFG staff comments were neutral on this proposal.

**Proposal 372- 5AAC 28.647(d) (7) Aleutian Islands District Pacific Cod Management Plan.** Motion by Rowland second by Graves Discussion this proposal reduces daily catch limit from 150,000lbs to 75,000lbs. Another proposal aimed at restricting large vessels operations in the Adak area not justifiable. The fishery is manageable as is; if trip limit is lowered we could see more vessels getting fines for being over the smaller trip limit. With vessels facing high fuel costs and other expenses at this time lowering the cod trip limit doesn't make sense and shouldn't be approved. Motion to adopt failed 6-0; ADFG staff comments were neutral on this proposal.

**Proposal 373-5AAC 28.087 Management Plan for Parallel Groundfish Fisheries.** Motion by Rowland, second by Brewer. Limit longline vessels to 55 feet in the Bering Sea /Aleutian Island Pacific Cod state water parallel fishery. Discussion, committee somewhat split on this issue some didn't want to restrict new entrants into the cod fishery. The large freezer longliners CP's already control the majority of the Cod TAC why do they need more. This proposal would stop new entrants in the fishery from double dipping on two cod sector allocation. Many of the new entrants do business with local processing plants and contribute to the local economy and support local businesses in Unalaska and they should be supported. Motion to adopt failed 3-2 and 1 abstention. ADFG staff comments were neutral on this proposal.

**Proposal 374, 5 AAC 28.087 Management plan for parallel Groundfish Fisheries.** Motion by Rowland second by Brewer. This proposal seeks to amend the management plan to allow the commissioner to require additional reporting requirements for catcher processors during the during the state water parallel fishery. Discussion good proposal levels the playing field and get needed information to the department will help management of the fishery. Motion to adopt passed 6-0 by the committee, ADFG staff comments in support of the proposal.

**Proposal 375, 5 AAC 28.075 Utilization of Pollock and Pacific Cod taken in a commercial fishery.** Motion by Rowland second by Graves. This proposal seeks to amend this regulation to require that all groundfish taken in a commercial fishery to be reported on the fish ticket. Housekeeping issues for the state. Committee supports proposal, but still worried that a loophole exists if a vessels splits his offloads between two plants how will the bycatch be reported between the plants? And what if the vessel dumps his bycatch before moving on to finish his offload at the second plant. Motion to adopt passed 6-0 by the committee, ADFG staff comments in support.

- b. Advisory Committee Member Travel to Cordova BOF meeting, Don Graves passed on attending the meeting, Alyssa MacDonald was going to try to attend. she would get back to Chairman Keltly on her travel.
- c. Voice of the Membership, Don Graves asked about the proposal for

a Unalaska Bay trawl ban, Chairman Kelty replied said that would come up at the next meeting and he would have a draft proposal for review by the committee.

7. NEXT MEETING DATE and TIME, next meeting would be by the call of the chair probably in early February 2009.
8. ADJOURNMENT at 2:00PM

 11-26-08  
Frank Kelty Chairman



RC 62

December 2, 2008

Alaska Board of Fisheries  
C/o Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, Alaska 99811

HAND DELIVERED

Re: Proposal 373 – Management Plan for Parallel Groundfish Fisheries

Chairman Jensen and members of the Board:

My name is Patrick Burns and I am co-owner of Blue North Fisheries, Inc., which owns and operates 8 (eight) catcher/processor vessels in the Alaska groundfish and crab fisheries. 6 (six) of our vessels fish in the Federal catcher/processor hook & line fleet for Pacific Cod. Our vessels spend over 6 months a year in Alaska and fish out of Dutch Harbor. Blue North Fisheries is a member of the Freezer Longline Coalition which has submitted Proposal 373. I am here today to speak against Proposal 373.

As an initial matter, I would like to express my concern that Proposal 373 is premature – the Board of Fisheries should wait until the North Pacific Fishery Management Council takes action on this issue before implementing regulations restricting participation in the BSAI Pacific Cod parallel fishery. At its October 2008 meeting, the Council considered a discussion paper addressing potential concerns with the BSAI Fixed Gear Parallel Waters Fishery (agenda item D-2(b)). In response to that discussion paper, the Council adopted a preliminary motion that proposes a wide range of options to address the issues of catcher/processor vessels fishing in the BSAI Pacific Cod Parallel Water Fishery. It is likely that one or more of the proposed options will resolve the question without regulation by the State of Alaska (for example, the additional restrictions on transfer of FFP and LLP permits discussed in Sub-option 2 would likely prevent migration of harvesting and processing capacity from other fisheries). Notably, the motion specifically calls for “a discussion of potential actions for vessels with no Federal Permits or licenses and possible complimentary action by BOF.” This issue is not ripe for action by the Board of Fisheries at this time – a better and more comprehensive solution will be reached by waiting for discussion and resolution of the issue by the Council, at which time appropriate State action can be taken.

If, however, the Board decides to address Proposal 373 on its merits, I believe that the current situation in the Parallel Waters Fishery does not justify its adoption. Despite the fact that its analysis focuses on the potential harm of large catcher/processor vessels entering the Parallel fishery, Proposal 373 would impose a ban on all vessels over fifty-five feet participating in the Parallel Pacific Cod Fishery. Even presuming that the fifty-five foot limit would eliminate catcher/processor vessels from the fishery (a presumption for which no support is given, either in Proposal or the written testimony of its sponsor), statistics do not justify this blanket prohibition. For starters, the impact of catcher/processor vessels operating in the Parallel fishery is negligible – the amounts harvested by hook and line catcher/processor vessels in the AI Parallel fishery (which is where most Pacific Cod in the Parallel fishery is harvested) constituted roughly 0.28% (in 2006) and 0.47% (in 2007) of the total BSAI Pacific Cod allocation harvested by catcher/processor vessels utilizing hook and line gear.<sup>1</sup> In both 2006 and 2007, only five catcher/processor vessels (four utilizing hook and line, and one utilizing pot gear) operated in the Aleutian Islands Parallel Waters Pacific Cod Fishery. In fact, catcher/processors utilizing hook and line gear only harvested 18.44% (in 2006) and 14.87% (in 2007) of the total amounts harvested

in the Aleutian Islands Parallel Waters Pacific Cod Fishery.<sup>2</sup> These statistics reveal an inconvenient fact not addressed by Proposal 373 – to date, the threat of a massive influx of catcher/processor capacity into the Parallel Waters Fishery has not materialized, and there is nothing more than anecdotal evidence to suggest that it will be a threat in the future.

Another significant oversight of Proposal 373 is that it does not explain how limiting vessel length to fifty-five feet will accomplish its purpose. Even if the threat of increased capacity is real, there is no evidence or analysis that show why fifty-five is the magic number. This is more or less acknowledged by its sponsor who, in comments to the Board admits that “we would not oppose another reasonable limit, say 58’ that would still identify [sic] the intention of the proposal.”<sup>3</sup> Conveniently, increasing the length restriction to fifty-eight feet would preserve the right of limit seiners to participate in the Parallel fishery, deflecting a potentially significant source of opposition to the proposal. But since statistics from NMFS show that the catcher vessel sector of the Parallel fishery harvests the lion’s share of Pacific Cod, it would appear that increasing the limit to fifty-eight feet is more about politics and less about any meaningful attempt to limit capacity from entering the Parallel fishery. The fact of the matter is that the sponsors of Proposal 373 have little evidence of what potential there is for additional capacity to enter the Parallel fishery, and no solid analysis of how to effectively limit entry into the Fishery, if limitations are actually necessary. The Board should not take action on Proposal 373 for that reason alone.

Proposal 373 is a thinly veiled attempt to undercut the Alaska Parallel fishery and exclusively allocate TAC to the Federal LLP fleet. Proposal 373 asserts that it is “an entirely allocative neutral request,” but this is just not the case – it would, in fact, permanently limit the development of the BSAI Parallel fishery for the benefit of the Federal fleet. The proposal relies on the assumption that smaller vessels operating in the parallel fishery can’t harvest as quickly as their larger counterparts in the Federal LLP fleet, resulting in a larger portion of the overall TAC being harvested in the Federal fishery. This, in turn, limits the ability of non-Federally licensed vessels to enter and participate in the parallel fishery, effectively restricting that portion of TAC accessible in those fisheries and reserving it for the Federal LLP fishery. If the sponsors of Proposal 373 are looking for guaranteed quota, then I suggest that they approach the Council or Congress for an explicit allocation. Absent such a mandate, however, this Board should not attempt to facilitate a private rationalization of the fishery by limiting the ability of vessels to participate in the BSAI parallel waters fishery.

Another important omission from the analysis of Proposal 373 is the potential safety and product quality impacts that it will have (these concerns are an issue with Proposal 371 as well). Many areas of the Bering Sea and Aleutian Islands are unsafe for smaller vessels to operate in during the parallel season. Larger vessels can venture farther and weather more severe conditions, giving them access to a wider range of fishing grounds and generally providing a safer platform from which to operate. Safety is a paramount concern and should not be undercut by limiting participation in the parallel fishery to small vessels. Catcher/processors operating in the parallel fishery pay landing tax on our fish, buy fuel and supplies in Alaskan ports, employ Alaskans on board, and are otherwise significant contributors to the Alaskan economy. By attempting to lock catcher/processors out of the parallel fishery fleet, Proposal 373 further disadvantages the non-Federal fleet by limiting its ability to produce comparable products

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<sup>1</sup> Derived from data contained in North Pacific Fishery Management Council Staff, Discussion Paper on BSAI Fixed Gear Parallel Waters Fishery, 3-5 (October 2008).

<sup>2</sup> North Pacific Fishery Management Council Staff, Discussion Paper on BSAI Fixed Gear Parallel Waters Fishery, 3 (October 2008).

<sup>3</sup> Letter of Kenny Down, Executive Director of the Freezer Longline Coalition, to the Board of Fisheries dated November 17, 2008.

with the same fishery resource, taking revenue away from the fishermen and Alaskan communities that benefit from the parallel fishery.

Finally, if the Board is inclined to adopt the restrictions of Proposal 373 or some variation thereof, it should also implement provisions to permit vessels with recent participation in the parallel fishery to continue that participation. While the parallel fishery is a fairly recent phenomenon, there are also clearly a limited number of vessels that have consistent participation in these fisheries. Proposal 373 is entirely prospective in its scope – it seeks not to address an existing problem, but instead to address a potential migration of harvesting and processing capacity in the future. It should therefore not be used as a tool to eliminate those vessels that currently participate in the parallel fishery, especially since those vessels (as discussed earlier in this testimony) have little impact on the allocation issues that Proposal 373 seeks to address. In recent years, Blue North Fisheries has invested a significant amount of time and money in the fishery that Proposal 373 would eliminate. We accordingly request that, if the Board does adopt Proposal 373, it do so with an amendment that establishes a grandfather provision that would permit those vessels over fifty-five feet with recent historical participation in the BSAI Pacific cod parallel fishery to continue to operate in those fisheries.

Thank you for this opportunity to discuss this issue with the Board, and I would be happy to answer any question you may have.

Regards,

BLUE NORTH FISHERIES, INC.

Patrick Burns

Updated tables for ADF&G staff comments on proposal no. 373. All data is based on the ADF&G fish ticket database as of November 26, 2008. Submitted by ADF&G.

Hook and line harvest in recent BSAI parallel Pacific cod fisheries.

Year	No. Vessels		CV	CP
	CV	CP	Harvest	Harvest
2006	12	4	279 mt.	275 mt.
2007	15	4	267 mt.	359 mt.
2008	16	7	483 mt.	630 mt.

Table 1. Hook and line vessels participating in the 2008 BSAI parallel Pacific cod fishery by vessel size.

Overall Length in Feet	Catcher Vessels	Catcher Processors
<=55	10	0
56-59	5	1
60-125	1	2
>125	0	4
Totals:	16	7

**Substitute language for proposal 374:**

The header to 5 AAC 28.087(a) is amended to read:

**STELLER SEA LION MITIGATION MANAGEMENT MEASURES.**

5 AAC 39.130(h) is amended to read:

(h) In addition to other requirements of this section, **unless otherwise specified in this chapter or by emergency order**, each person that is the first purchaser of or that first processes raw groundfish or halibut shall comply with the record keeping and electronic reporting requirements through elandings System or any other reporting requirements in **50 CFR 679.5, revised as of October 16, 2008** [50 C.F.R. 679, REVISED AS OF OCTOBER 1, 2005].

**Substitute language for proposal 370**

**5 AAC 39.164(b). Non-pelagic trawl gear restrictions.** is amended by adding two new paragraphs to read:

**(8) the St. Lawrence Island Habitat Conservation Area and the Northern Bering Sea Research Area;**

**(9) the Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area.**

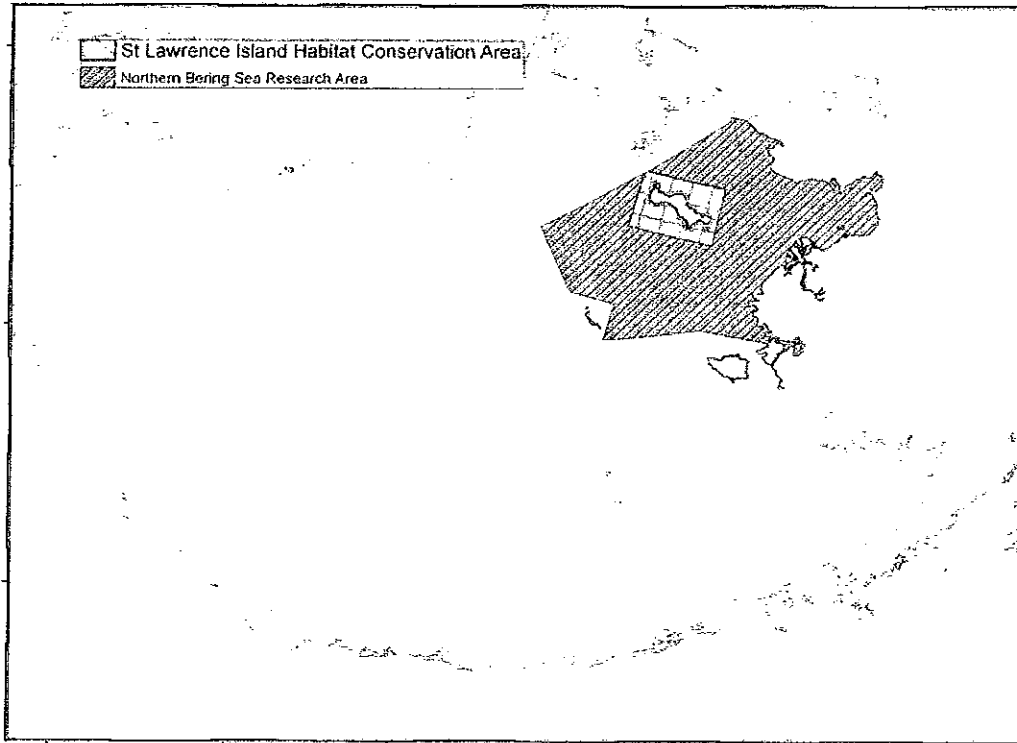


Figure 17 to Part 679--Northern Bering Sea Research Area and St. Lawrence Island Habitat Conservation Area

(Table 43 To Part 679.  
**Northern Bering Sea Research Area**)

Longitude/Latitude	
168° 07.48'W	65° 37.48N*
165° 01.54'W	60° 45.54N
167° 59.98'W	60° 45.55N
171° 59.92'W	60° 03.52N
172° 00.00'W	60° 54.00N
174° 01.24'W	60° 54.00N
176° 13.51'W	62° 06.56N
172° 24.00'W	63° 57.03N
172° 24.00'W	62° 42.00N
168° 24.00'W	62° 42.00N
168° 24.00'W	64° 00.00N
172° 17.42'W	64° 00.01N
168° 58.62'W	65° 30.00N
168° 58.62'W	65° 37.48N

(Table 45 To Part 679.  
**St. Lawrence Island Habitat Conservation Area**)

Longitude/Latitude	
168° 24.00W	64° 00.00N
168 ° 24.00W	62° 42.00N
172 ° 24.00W	62° 42.00N
172 ° 24.00W	63° 57.03N
172 ° 17.42W	64° 00.01N

**Note:** The area is delineated by connecting the coordinates in the order listed by straight lines, except as noted by \* below. The last set of coordinates for each area is connected to the first set of coordinates for the area by a straight line. The projected coordinate system is North American Datum 1983, Albers.

\* This boundary extends in a clockwise direction from this set of geographic coordinates along the shoreline at mean lower-low tide line to the next set of coordinates.

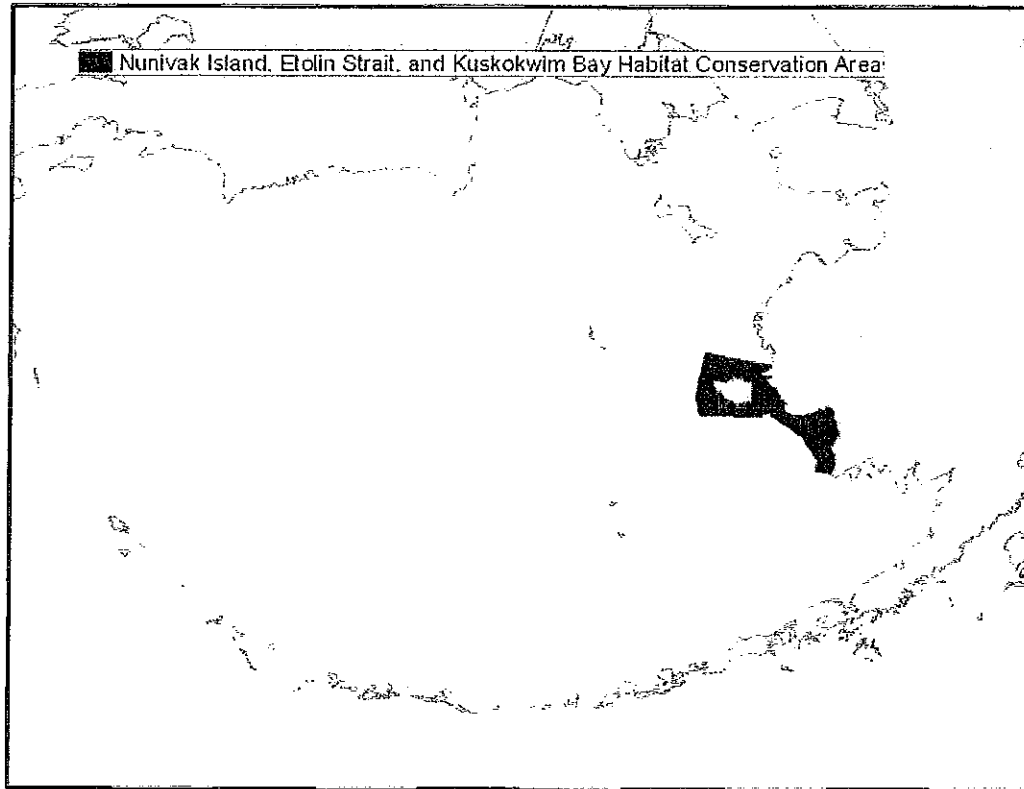


Figure 21 to Part 679--Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area

(Table 44 To Part 679—Nunivak Island, Etolin Strait, And Kuskokwim Bay Habitat Conservation Area)	
Longitude/Latitude	
165 1.54W	60 45.54N*
162 7.01W	58 38.27N
162 10.51W	58 38.35N
162 34.31W	58 38.36N
162 34.32W	58 39.16N
162 34.23W	58 40.48N
162 34.09W	58 41.79N
162 33.91W	58 43.08N
162 33.63W	58 44.41N
162 33.32W	58 45.62N

162 32.93W	58 46.80N
162 32.44W	58 48.11N
162 31.95W	58 49.22N
162 31.33W	58 50.43N
162 30.83W	58 51.42N
162 30.57W	58 51.97N
163 17.72W	59 20.16N
164 11.01W	59 34.15N
164 42.00W	59 41.80N
165 0.00W	59 42.60N
165 1.45W	59 37.39N
167 40.20W	59 24.47N
168 0.00W	59 49.13N
167 59.98W	60 45.55N

**Note:** The area is delineated by connecting the coordinates in the order listed by straight lines, except as noted by \* below. The last set of coordinates for each area is connected to the first set of coordinates for the area by a straight line. The projected coordinate system is North American Datum 1983, Albers.

\* This boundary extends in a clockwise direction from this set of geographic coordinates along the shoreline at mean lower-low tide line to the next set of coordinates.



**BSAI Pacific Cod Management, Proposals 371,  
372 and 373.**

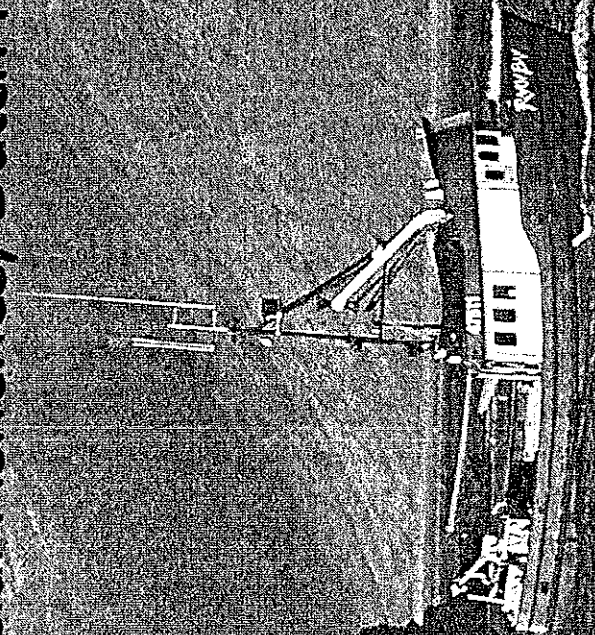
**Forrest R. Bowers**

**Division of Commercial Fisheries, Dutch Harbor**



RC 89

RC 89

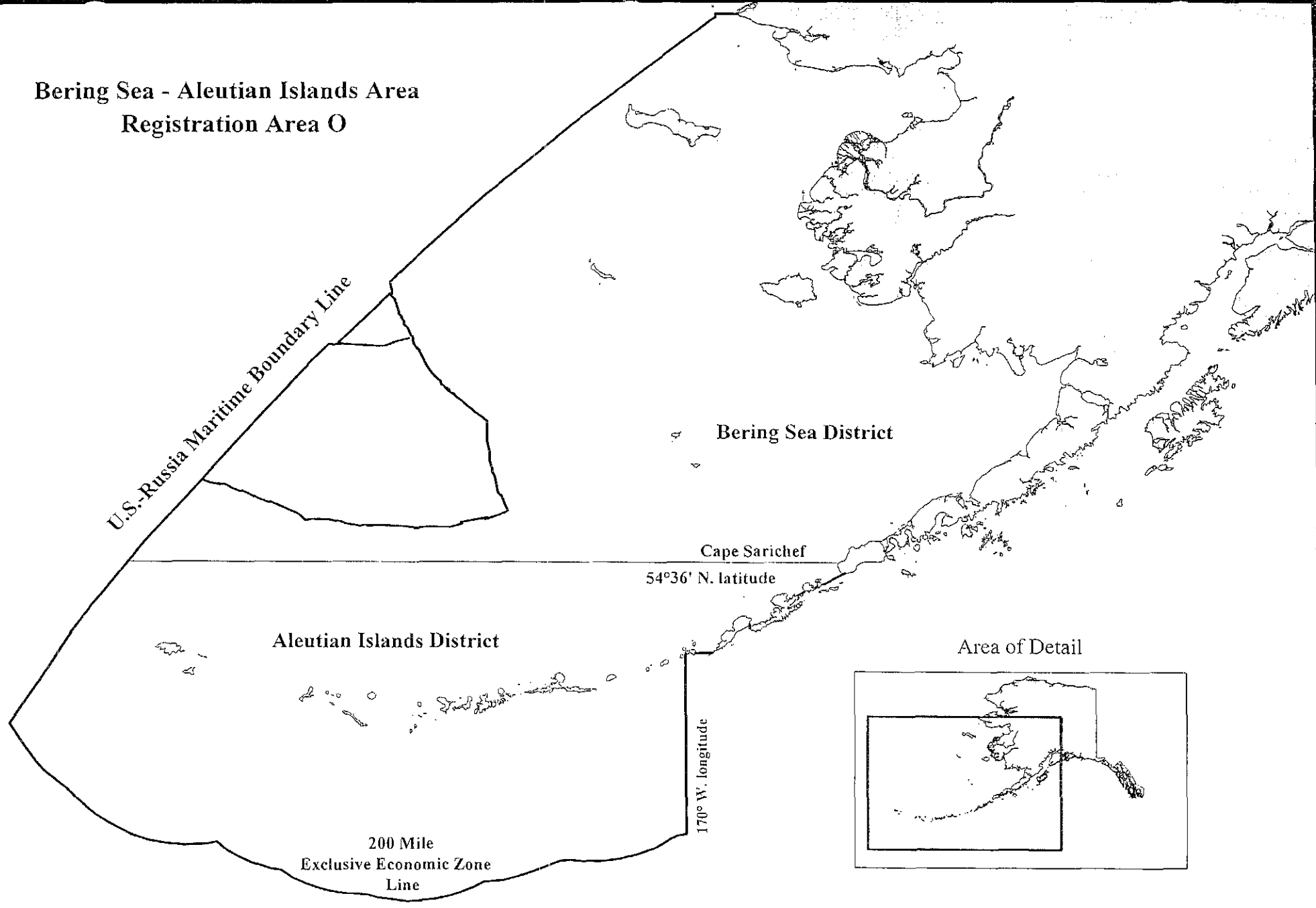


# Committee F Proposals

- ▶ 371 – Establish a uniform vessel size limit of 60' OAL for the state-waters Pacific cod fishery.
- ▶ 372 – Lower the daily and trip limit in the state-waters Pacific cod fishery to 75,000 pounds.
- ▶ 373 – Establish a size limit of 55' OAL for hook and line vessels in the BSAI parallel Pacific cod fishery.



**Bering Sea - Aleutian Islands Area  
Registration Area O**

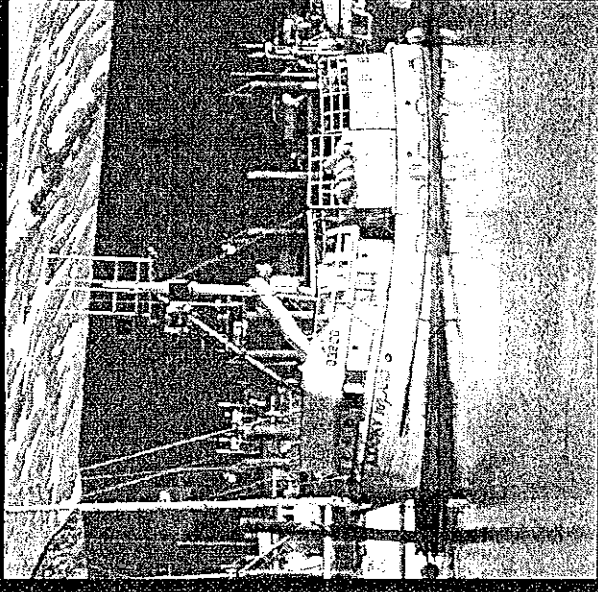


## Pacific Cod Fisheries in State Waters

- ▶ ***Parallel Fishery***
  - Open concurrent to federal fishery
  - ▶ Same total allowable catch and gear types as federal fishery
  - ▶ Open prior to state-waters fishery
  - Adak Vessel Length and Gear Restriction Zones apply
- ▶ ***State-waters fishery***
  - Non exclusive fishery for Pacific cod
  - Aleutian Islands District (west of 170°W long)
  - Participation requirements:
    - ▶ Gear-specific vessel size limits established in October 2006
    - ▶ Area-specific registration
    - ▶ Daily catch reporting by catcher vessels and processors
    - ▶ Daily harvest and trip limit

## State-waters Pacific cod season

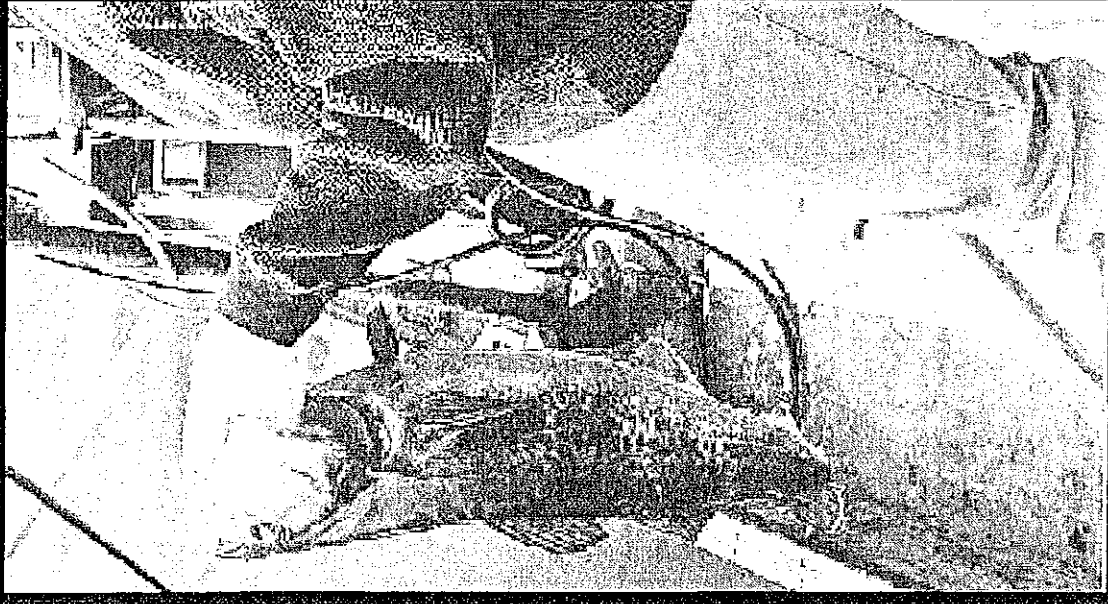
- ▶ 2008 Guideline Harvest Level 11,640,288 pounds
  - Based on 3% of federal BSAI Pacific cod ABC
  - Seasonal apportionment 70/30 split before and after June 10
- ▶ Allowable gear types:
  - Mech. jig, longline – 58' OAL limit
  - NP trawl – 100' OAL limit
  - Pot – 125' OAL limit





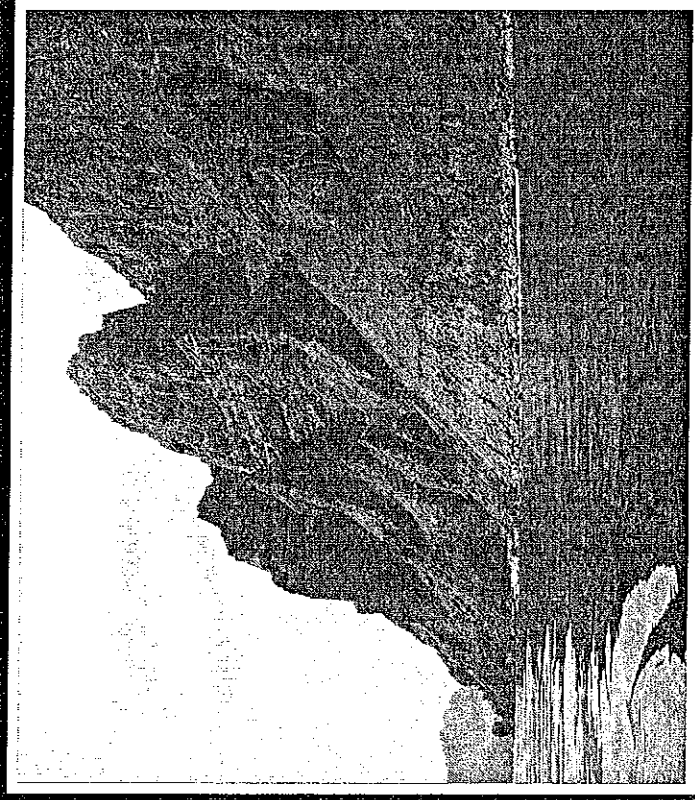
## ● 2008 State-waters A Season

- ▶ Fishery opened March 10, 2008.
- ▶ 30 harvesting vessels made landings, 9 processors participated.
- ▶ Effort in 2008 increased by one vessel and 4 processors from 2007.
- ▶ Guideline Harvest Level was 8,148,202 pounds round weight (70% of initial GHL).
- ▶ Fishery closed March 18, 2008 with 7,478,914 pounds harvested.



## 2008 State-waters A season estimated daily catch

Report Period Ending	Pounds Harvested
March 10	1,140,000
March 11	1,430,000
March 12	337,000
March 13	600,000
March 14	570,000
March 15	730,000
March 16	820,000
March 17	950,000
March 18	1,003,000
Total	7,580,000





# Aleutian Islands state-waters Pacific cod fishery A season fleet composition, 2006-2008.

Year	Vessel type	Number participating	Average overall length
2006	Trawl catcher under 60'	3	58'
	Trawl catcher over 60'	16	104'
	Pot catcher over 60'	1	92'
	Trawl catcher-processor	1	296'
	Longline catcher-processor	5	152'
	Total	26	115'
2007	Trawl catcher under 60'	7	58'
	Trawl catcher over 60'	15	91'
	Pot catcher over 60'	7	113'
	Total	29	89'
2008	Trawl catcher under 60'	5	58'
	Trawl catcher over 60'	17	98'
	Trawl catcher-processor	1	98'
	Pot catcher under 60'	1	58'
	Pot catcher over 60'	3	108'
	Pot catcher-processor	2	105'
	Longline catcher under 60'	2	58'
	Total	30 <sup>a</sup>	86'

<sup>a</sup> One vessel participated as both a trawl catcher-processor and a trawl catcher-vessel.



## 2008 State-waters B Season

- ▶ B Season opened on June 10, 2008.
- ▶ B Season GHL = 4,161,374 pounds (669,288 pounds added from A season GHL).
- ▶ 18 vessels participated compared to 10 in 2007.
- ▶ Fishery closed on July 9, 2008.
- ▶ Prior to 2008 fishery characterized by low effort levels and smaller landings relative to A season with weekly landings ranging from 44,000 pounds to 380,000 pounds.
- ▶ 2008 B season was conducted at a faster pace with landings of approximately 1,000,000 pounds per week.

# Aleutian Islands state-waters Pacific cod fishery B season fleet composition, 2006-2008.

Year	Vessel type	Number participating	Average overall length
2006	Pot catcher over 60' OAL	2	98'
	Longline catcher under 60' OAL	3	54'
	TOTAL	5	71'
2007	Pot catcher under 60' OAL	1	58'
	Pot catcher over 60' OAL	1	108'
	Pot catcher-processor	3	112'
	Longline catcher	7	52'
	Jig	1	47'
	TOTAL	12 <sup>a</sup>	72'
2008	Pot catcher under 60' OAL	2	59'
	Pot catcher over 60' OAL	2	95'
	Pot catcher-processor	4	107'
	Longline catcher	6	48'
	Longline catcher-processor	1	58'
	Jig	5	38'
TOTAL	18 <sup>b</sup>	66'	

<sup>a</sup>One vessel used both jig and longline gear.

<sup>b</sup>Two vessels used both jig and longline gear.



# 2008 Aleutian Islands state-waters Pacific cod deliveries by size range and vessel type.

Whole Pounds	Season	Number of Deliveries					
		Trawl under 60' OAL	Trawl 60' and over OAL	Pot under 60' OAL	Pot 60' and over OAL	Longline under 60' OAL	Jig under 60' OAL
0 - 50,000	A	8	32	2	19 <sup>a</sup>	6	0
	B	0	0	13	74 <sup>b</sup>	17 <sup>d</sup>	18
50,001 - 75,000	A	3	17	1	7 <sup>c</sup>	0	0
	B	0	0	0	15 <sup>e</sup>	0	0
75,001 - 100,000	A	3	9	0	0	0	0
	B	0	0	0	0	0	0
100,001 - 150,000	A	3	12	0	0	0	0
	B	0	0	0	0	0	0
150,001 and up	A	0	5	0	0	0	0
	B	0	0	0	0	0	0
Total:		17	75	16	115	23	18

<sup>a</sup>Includes 13 daily radio reports from catcher processors.

<sup>b</sup>Includes 57 daily radio reports from catcher processors.

<sup>c</sup>Includes 3 daily radio reports from catcher processors.

<sup>d</sup>Includes 14 daily radio reports from catcher processors.

<sup>e</sup>Daily radio reports from catcher processors only.



# Proposal 373

BSAI federal Pacific cod fishery allocations by gear sector, 2008.

BSAI Pacific cod parallel fishery hook and line fleet vessel size, 2008.

Gear Sector	Allocation (MT)	Overall length (feet)	Catcher vessels	Catcher processors
CDQ	18,267	<55	10	0
Hook and Line CP	73,844	56-59	5	1
Hook and line or pot CP < 60'	3,033	60-125	1	2
Hook and line CV < 60'	303	>125	0	4
Pot CV > 60'	12,737	Total	16	7
Pot CP	2,274			
Trawl CV	33,692			
AFA Trawl CP	3,506			
Amendment 80	20,429			
Jig	2,134			

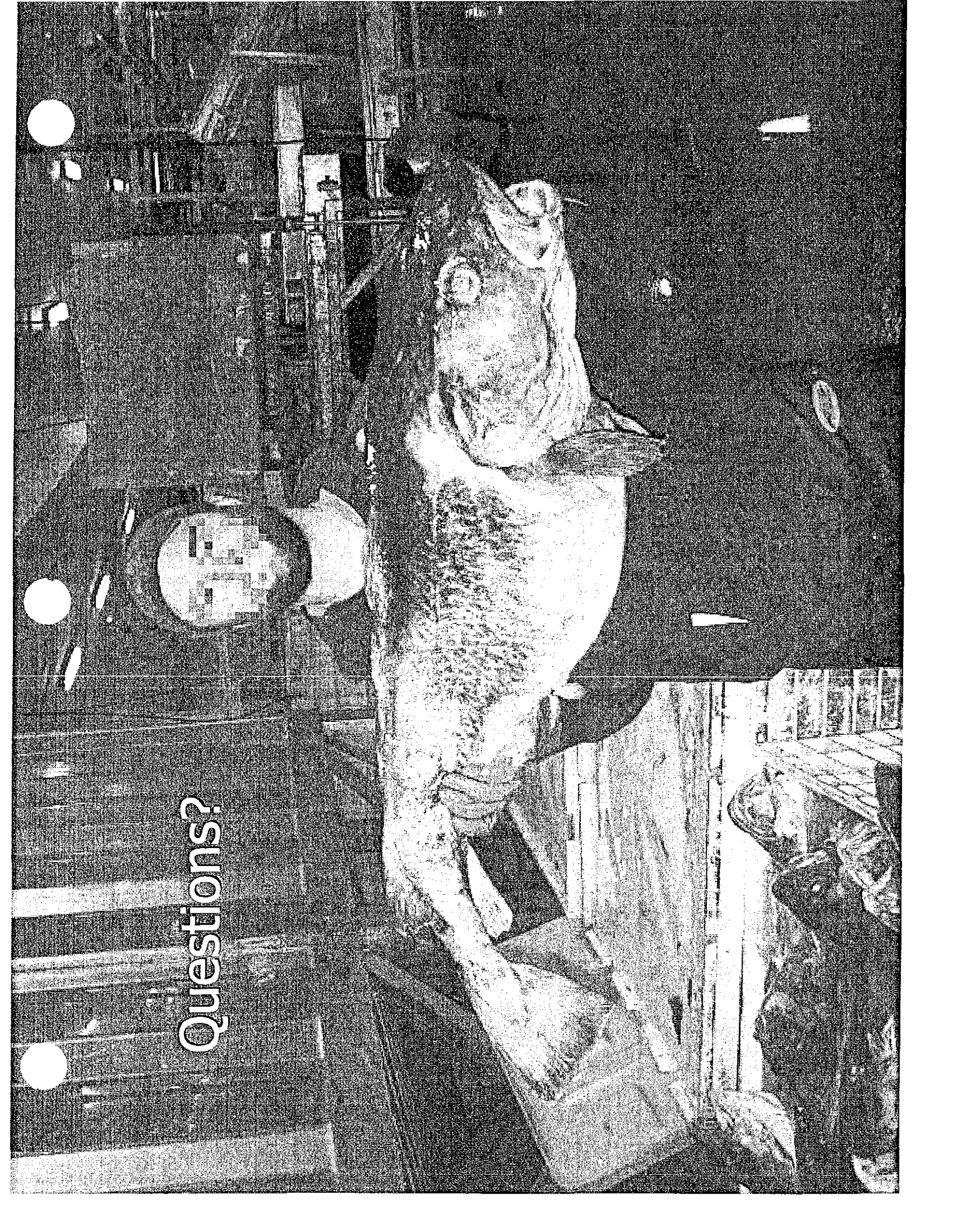
BSAI parallel fishery Pacific cod harvest by vessels using hook and line gear, 2006-2008.

Year	No. Vessels		CV Harvest (MT)		CP Harvest (MT)	
	CV	CP	CV	CP	CV	CP
2006	12	4	279	275		
2007	15	4	267	359		
2008	16	7	483	630*		

\*221 MT taken by non-federally permitted vessels.



Questions?



RC91

**BRISTOL BAY NATIVE ASSOCIATION  
P.O. BOX 310  
DILLINGHAM, ALASKA 99576  
(907) 842-5257  
by Full Board of Directors**

**Resolution 2008- 25**

**A RESOLUTION URGING THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
TO ELIMINATE THE NEARSHORE BRISTOL BAY TRAWL AREA**

WHEREAS: The NPFMC and the State of Alaska have long recognized the waters of Bristol Bay as a crab and halibut nursery and have closed most waters of Bristol Bay to trawl fishing; and

WHEREAS: An exception to the general ban is the Nearshore Bristol Bay Trawl Area (NBBTA), which is a seasonal yellow fin sole trawl fishery open from April 1 to June 15 in a rectangular area off the Nushagak Peninsula, and including both state and federal waters; and

WHEREAS: The Bristol Bay Native Association is very concerned with the bycatch of halibut, herring and salmon along the Nushagak Peninsula where the yellow fin sole fishery takes place; in some years the halibut bycatch is more than the directed CDQ halibut fishery; and

WHEREAS: Local residents have reported conflicts between the CDQ longline halibut fishermen and the yellow fin sole fishermen who operate in the area; and

WHEREAS: BBNA tribal members have a heavy dependence of all near-shore marine mammals such as seals and walrus and the yellow fin sole trawl fishery takes place along the migratory path of these species; and

WHEREAS: The NBBTA is also along the migratory route of herring and of caplin, which is an important forage fish species for Stellar Sea lions.

NOW, THEREFORE, BE IT RESOLVED that the Bristol Bay Native Association Full Board of Directors urges the North Pacific Fishery Management Council to close the Nearshore Bristol Bay Trawl Area.

Signed: Fred J. Argesson  
President

**CERTIFICATION:**

I, the undersigned Recording Secretary of the Bristol Bay Native Association, hereby certify that the Board of Directors of the Bristol Bay Native Association passed the foregoing resolution on this 19<sup>th</sup> day of September, 2008, at a duly called and noticed meeting, and that a quorum was present.

Signed: [Signature]  
Secretary