



December 5, 2013

Alaska Board of Fisheries  
 Alaska Department of Fish and Game  
 P.O. Box 115526  
 Juneau, AK 99811-5526

**Re: Comments in Support of Proposal 45, Board of Fish 2013-14 Proposals**

Dear Chairman Johnstone and Alaska Board of Fisheries Members:

The Alaska Marine Conservation Council (AMCC) is a non-profit dedicated to protecting Alaska's marine ecosystems and promoting healthy, ocean dependent communities. Our members are fishermen, subsistence harvesters, marine scientists, small business owners and families. AMCC, along with Cape Barnabus, Inc. and Ouzinkie Community Holding, Inc., submitted proposal 45 to require 100% observer coverage on groundfish trawl vessels in State waters in the Cook Inlet, Kodiak and Chignik management areas (Central Gulf of Alaska or CGOA) to provide desperately needed information on bycatch of Chinook salmon, Tanner crab and halibut in the trawl fisheries. **AMCC supports proposal 45 for the reasons outlined below.**

1. Observer coverage which provides accurate data about bycatch in the GOA trawl fisheries is desperately needed.

Observer coverage which provides accurate information about bycatch in the trawl fisheries is long overdue. In the context of the current declines in Chinook salmon, Tanner crab and halibut in the Gulf of Alaska, this need has become more urgent than ever. The Board is well aware of the dramatic declines in Chinook salmon throughout the State. As Chinook salmon decline to levels at which escapement goals aren't even being met in some river systems, allocation battles between user groups are heating up. Accurate data on bycatch in the trawl fisheries is critical in this climate – both to understand the biological impacts and the allocative issues. Board-managed Tanner crab stocks in the Gulf of Alaska are also greatly reduced, and the Kodiak area commercial fishery is closed for the year. In addition to these State-managed species, Pacific halibut are also experiencing dramatic declines, with commensurate reductions on directed commercial and sport fisheries. At the same time, Chinook salmon, Tanner crab and halibut are caught as bycatch in the pelagic<sup>1</sup> and non-pelagic trawl fisheries. In this climate of low abundance for Chinook salmon, Tanner crab and halibut—all of which are foundational species for Alaska's fishing

<sup>1</sup> Note that while "pelagic" trawling refers to mid-water trawling, pelagic trawls also have significant contact with the seafloor. NMFS estimates that pelagic trawl contact the seafloor across some substrates for 44% of the duration of a tow. National Marine Fisheries Service, *Final Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska*, Appendix B, Table B.2-4 (Apr. 2005).

communities—accurate information on the number of these species caught as bycatch in the trawl fisheries is critical in the Gulf of Alaska. The current levels of observer coverage do not ensure that bycatch is accurately estimated.

II. Observer coverage under the federal observer program is insufficient to provide accurate data.

Observer coverage in the CGOA trawl fisheries is currently provided through the federal observer program managed by the National Marine Fisheries Service (NMFS) under the advice of the North Pacific Fishery Management Council (the Council). This observer program was recently restructured, and the new program went into place in 2013. Accurate bycatch accounting in the Gulf of Alaska trawl fisheries was a driving force behind the need for a restructured observer program. In practice, however, coverage on the over 57.5 foot trawl fleet (the majority of the CGOA trawl fleet is over 57.5 feet) was 17-18% in the first part of 2013 (slightly higher than the goal of 14-15%).<sup>2</sup> These results are severely disappointing, as the promise of the restructured federal observer program was that the low bycatch coverage on the trawl fleet would be addressed. While the new program has spread observer coverage to other previously unobserved vessels and fleets, and eliminated some source of bias by removing the decision about when to carry observers from the individual vessel, in terms of observer coverage on the trawl fleet the coverage is still problematically low.

While the restructured program will eliminate the bias associated with picking when to carry an observer, the low coverage rate still allows for a significant ability to fish differently with an observer on board. Logically, the higher the observer coverage rate, the less ability to create non-representative samples by fishing differently with an observer on board, because proportionally more of the catch will be harvested when an observer is present. In other fisheries in which Chinook salmon bycatch is a concern, such as the Bering Sea pollock fishery, NMFS and the Council determined that a minimum of 100% observer coverage was required. Ironically, this point is further enforced by another fishery in the Bering Sea: the trawl catcher vessel cod fleet in the Bering Sea, which under the restructured program is in the partial coverage category, had a special contractual agreement with NMFS in 2013 which allowed that fleet to carry 100% observer coverage voluntarily. This is because the data generated under the partial coverage category is not accurate enough for their co-op management, which requires accurate accounting of bycatch at the individual vessel level.

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<sup>2</sup> National Marine Fisheries Service, Letter to North Pacific Fishery Management Council, Table B-1 (Sept. 27, 2013), available at [http://alaskafisheries.noaa.gov/npfmc/PDFdocuments/conservation\\_issues/Observer/NMFSletter913.pdf](http://alaskafisheries.noaa.gov/npfmc/PDFdocuments/conservation_issues/Observer/NMFSletter913.pdf). See also National Marine Fisheries Service, Letter to North Pacific Fishery Management Council (Nov. 30, 2013), available at [http://alaskafisheries.noaa.gov/npfmc/PDFdocuments/conservation\\_issues/Observer/ADPletter1212.pdf](http://alaskafisheries.noaa.gov/npfmc/PDFdocuments/conservation_issues/Observer/ADPletter1212.pdf).

Observer coverage under the federal observer program at the present rate is not sufficient to provide a full and accurate assessment of the amount or impacts of bycatch of critical species. As the Board deals with addressing chronically low Chinook salmon returns throughout the State, a full and accurate accounting of bycatch is critical to the Board's responsibility for sustainable management of Alaska's fisheries.

III. The Board of Fish has the authority and the ability to get accurate data on bycatch by requiring 100% observer coverage in State waters.

While change within the federal observer program to increase observer coverage is unlikely at this time, the Alaska Board of Fisheries has the ability to require 100% coverage in State waters now. A significant portion of the pollock harvest occurs in State waters. On average, 2003-2012, 33% of the allowable biological catch (ABC) was caught in the parallel fisheries in area 630 and 19% in area 620. While the percentages are highly variable, in some years, almost half of the pollock harvest took place in the parallel fisheries in area 630: in 2005, 49%, in 2006, 47% and in 2009, 46% of the pollock harvest occurred in the parallel fisheries.<sup>3</sup>

With a significant portion of the harvest occurring in State waters in some years, requiring 100% observer coverage in State waters could dramatically increase the amount of coverage, and the amount of data available. While having better observer data on a portion of the harvest would be an improvement, additional coverage in State waters is particularly relevant. Since State waters represent the nearshore environment, improved data on bycatch, particularly of Chinook salmon, is critical. With better observer coverage in State waters, communities dependent upon healthy Chinook stocks for commercial and subsistence such as Old Harbor, Ouzinkie and Kodiak will have a more comprehensive understanding of the levels and impacts of Chinook salmon bycatch occurring literally outside their front doors.

Requiring 100% observer coverage in State waters would provide the greatest benefit in terms of estimates of Chinook salmon bycatch, since the vast majority of trawl harvests inside three miles consists of pollock. This would provide much better information about the level of Chinook salmon bycatch occurring in State waters. In this current climate of Chinook salmon declines, the Board of Fish needs accurate information about removals and impacts from bycatch on Alaska's Chinook salmon stocks. While additional information is needed from other Gulf of Alaska trawl fisheries as well, improved coverage in State waters would be an important starting point. While the Board can only recommend changes to observer coverage in federal waters, the Board has the authority to require observer coverage in State waters. It's critical that the Board use this authority to allow the State to lead in setting the bar for what level of observer coverage is required by mandating 100% coverage in State waters.

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<sup>3</sup> Alaska Department of Fish and Game, *Staff Comments on Chignik Finfish Regulatory Proposals, Alaska Board of Fisheries Meeting, Anchorage Alaska, Dec. 5-6, Regional Information Report 4K13-12, at 23.*

IV. Action to require 100% observer coverage in State waters should not wait for the development of a catch share/comprehensive trawl bycatch management program.

The Council is currently in the process of developing a comprehensive trawl bycatch management program for the GOA trawl fleet. Progress thus far indicates that the program is likely to take the form of a catch share or rationalization program. One hundred percent observer coverage has been included in the initial design of the new program.<sup>4</sup> While this program may ultimately be the vehicle for requiring 100% observer coverage in all GOA trawl fisheries, the timeline or ultimate success of the program is uncertain.

Attempts to develop this type of program have been ongoing for the past decade and the last attempt, called "Gulf Rationalization" was put on hold in 2006 in response to strong community outrage to giving away a public resource and concerns about specific design features of the program. Given this experience, and the combined experience of Alaska communities impacted negatively by past catch share programs, a catch share program for the GOA could take a while. While there is a higher degree of support for examining a catch share program this time around, that support is highly contingent on program design. AMCC supports development of a new management program which provides the trawl fleet with additional tools to reduce bycatch. However, a catch share program which repeats the mistakes of past programs by privatizing the resource and impacts communities negatively will be met by AMCC and others with strong opposition.

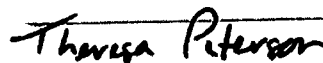
We do encourage the Board of Fish to work cooperatively with the Council and other stakeholders in the development of the new management program. However, to fulfill the Board's immediate management needs for better data on Chinook salmon bycatch, the 100% observer coverage requirement should not be pursued only through a catch share program. We urge the Board to move forward expeditiously to require 100% observer coverage in trawl fisheries in State waters in the Cook Inlet, Kodiak and Chignik management areas by adopting proposal 45.

Thank you for your consideration of our comments and your continued dedication to managing Alaska's bountiful fisheries.

Sincerely,



Becca Robbins Gisclair  
Sr. Fisheries Policy Advisor



Theresa Peterson  
Kodiak Outreach Coordinator

<sup>4</sup> North Pacific Fishery Management Council, Motion C-5(a) GOA Trawl Bycatch Management (Oct. 5, 2013), available at: <http://alaskafisheries.noaa.gov/npfmc/PDFdocuments/bycatch/GOAtrawlDesignMotion1013.pdf>.