

PROPOSAL 209 – 5 AAC 39.212. Forage Fish Management Plan. Designate Pacific herring as a forage fish, as follows:

5 AAC 39.212. Forage Fish Management Plan is amended to read:

...

(f) For the purposes of this section, "forage fish" means the following species of fish:

...

(10)Family Clupidae (Pacific herring).

What is the issue you would like the board to address and why? Herring (*Clupea pallasii*) fill the exact ecological niche described in the Forage Fish Management Plan. Herring feed on zoo- and phytoplankton and, in turn, are food for seabirds, salmon, and marine mammals. Herring, especially juvenile herring, are of particular importance to salmon and have been shown to constitute up to 62% of the diets of Chinook salmon (Canada Department of Oceans and Fisheries, 2013).

Ecologically, herring are indisputably forage fish. Pretending, by omission, that they are not is a scientific and legal absurdity. Herring are classified as forage fish by most government agencies, including the United States Geological Survey, the National Oceanic and Atmospheric Administration, the U.S. federal government, and the Alaska Department of Fish and Game (Alaska Research Fisheries Bulletin, 2002). Those agencies acknowledge herring to be critical to the Alaskan food web. In recognition of this, the fishing of herring in federal waters is prohibited and they cannot not be retained as bycatch (Magnuson Stevens Act, 1976).

By contrast, the State of Alaska does not classify herring as a forage fish. Adding herring to the Forage Fish Management Plan would not change or close existing fisheries, but it would bring the State of Alaska in line with scientific evidence, federal policy, practical experience, and official designation.

PROPOSED BY: Floyd Tomkins (EF-C15-069)

PROPOSAL 210 – 5 AAC 39.212 Forage Fish Management Plan. Prohibit directed fisheries on forage fish species, for the purpose of fish meal production, as follows:

5 AAC 39.212 is amended to read:

...

(f) Directed forage fish fisheries on species listed or exempt from this plan, for the purpose of fish meal production, are prohibited.

(g)[(f)] For the purposes of this section, "forage fish" means the following species of fish:

...

What is the issue you would like the board to address and why? Demand for fish meal in the last 10–15 years from expanding agriculture and aquaculture production has tripled prices of fish meal. This increase in demand has significant potential to lead to creation of direct fish meal fisheries on Alaska’s forage fish. Allowing these types of fisheries to be established would; (1) negatively affect Alaska salmon prices, other fisheries that depend on herring, sand lance and smelt as a prey species, and the ecosystem as a whole and (2) be contradictory to Alaska’s position on farmed salmon.

PROPOSED BY: Sitka Tribe of Alaska (EF-C15-105)

PROPOSAL 211 – 5 AAC 39.212. Forage Fish Management Plan. Prohibit the production of fish meal from whole forage fish, as follows:

5 AAC 39.212. Forage Fish Management Plan is amended to read:

...

(f) The production of fish meal from whole forage fish, listed or exempt from this plan, is prohibited.

(g)[(f)] For the purposes of this section, "forage fish" means the following species of fish:

...

What is the issue you would like the board to address and why? Demand for fish meal in the last 10–15 years from expanding agriculture and aquaculture production has tripled prices of fish meal. This increase in demand has significant potential to lead to creation of direct fish meal fisheries on Alaska’s forage fish. Allowing these types of fisheries to be established would; (1) negatively affect Alaska salmon prices, other fisheries that depend on herring, sand lance and smelt as a prey species, and the ecosystem as a whole and (2) be contradictory to Alaska’s position on farmed salmon.

PROPOSED BY: Sitka Tribe of Alaska (EF-C15-106)

PROPOSAL 27 – 5 AAC 39.280. Identification of stationary fishing gear. Require that a CFEC permit holder’s name displayed on a set gillnet site marking sign complies with the same character size marking requirements for permit numbers, as follows (*This proposal will be heard at the Bristol Bay Finfish meeting, and heard and deliberated on at the Statewide Finfish meeting.*):

Setnet markings signs shall include the name of the permit holder in letters at least 6" high and 1" wide, the same as the vessel name for drift vessels. The permit holder may include a phone number for contact.

What is the issue you would like the board to address and why? Currently drift boats and set net skiffs are required to have their Alaska Department of Fish and Game numbers displayed with 12" letters, drift vessels are required to have the vessel name in 6" letters. Normally a vessel or skiff can be contacted by physically approaching or by VHF using the vessel name. The regulations require the name of the fishermen operating a set gillnet to display the name of the fisherman operating it but there are no requirements for the size of the display of the fisherman's name. They could legally be 1" or less high and marking pen size thin. Set net identification signs can be a great distance, especially at low tide. In an emergency or other concern, the fisherman's name allows other to contact the fisherman by phone, VHF, or other means, and do so directly, especially when resources to track by Commercial Fisheries Entry Commission are closed. Require the set net fisherman's name to be in letters at least 6" high and at least 1" wide.

PROPOSED BY: Dan Barr (EF-C15-084)

PROPOSAL 28 – 5 AAC 39.280. Identification of stationary fishing gear. Change the character size requirements for set gillnet marking signs, as follows (*This proposal will be heard at the Bristol Bay Finfish meeting, and heard and deliberated on at the Statewide Finfish meeting.*):

Insert "twelve inches" where now says "six inches" and add "with lines at least one inch wide."

What is the issue you would like the board to address and why? Currently drift boats and setnet skiffs are required to have their Alaska Department of Fish and Game numbers displayed with 12" letters, but shore side set net markings are only required to be six inches. With 20/20 vision, the maximum readable distance is only 200'. Regulations are now inconsistent, and whereas driftnet vessels and set net skiffs can be easily approached for identification, a set net sign for contacting the permit holder for safety or resource issues can be at a distance of up to 1,200'.

PROPOSED BY: Dan Barr (EF-C15-086)

PROPOSAL 212 – 5 AAC 39.115. Designation of salmon net registration area. Repeal or modify the requirement to designate a single salmon net registration area, as follows:

Option: Repeal regulation - 5 AAC 39.115 Designation of salmon net registration area.

Additional reasoning: Individuals with two salmon net permits would still be required to have two salmon vessels under 5 AAC 39.120 (c)

Secondary option: Amend the regulation eliminating the registration for individuals with drift gillnet permits. The regulation would be amended to read as noted in bold:

5 AAC 39.115 Designation of salmon net registration area. A person who holds a salmon net gear permits for more than one area listed in 5 AAC 39.120

(d) shall designate upon a form provided by the commercial fisheries entry commission the single area in which he/**she** desires to salmon net fish in that year. The area so designated must be an area in which the person holds a valid permit. **If a person holds multiple drift gillnet permits, the individual may designate more than one salmon net registration area, but may not participate in more than one salmon net registration area in the same calendar day.**

Reasoning: There are roughly 1,836 Bristol Bay permits, 473 Southeast gillnet permits, and 536 Prince William Sound Permits, 569 Cook Inlet gillnet permits, and 162 False Pass gillnet permits. The effect on the total number of permits owned by two individuals would likely be negligible, but provide some data to warrant opening full repeal in coming years for other net fisheries.

What is the issue you would like the board to address and why? Currently, permit holders within the net fisheries are allowed to own more than one permit in more than one salmon registration area. The current regulation, 5 AAC 39.115, prohibits an individual from participating in more than one area regardless of the number of permits or the areas in which the permits are owned.

This prohibition only applies to net fisheries of like kind. An individual, who owns a Bristol Bay permit cannot gillnet in Bristol Bay if the same individual owns a permit and gillnets in Prince William Sound. The aforementioned regulation does not apply to other net fisheries however. An individual who owns a Bristol Bay gillnet permit is allowed to seine in Prince William Sound. Why are individuals penalized if they would like to fish in the same type fishery in more than one registration area? The regulation is outdated, inconsistent, and should be repealed.

Secondly, 5 AAC 39.120 (b) requires that a commercial fishing vessel fishing for salmon must be registered in a salmon net registration area. Thus commercial vessels used for salmon would still be restricted to one salmon registration area as required under the vessel registration regulation.

Therefore, if the regulation requiring an individual to register for only one net salmon registration area were repealed, then a second vessel would be required to prosecute a second salmon fishery in another area. The practice of participating in two salmon net fisheries already exists to some degree as family members often use their direct children to hold permits in second salmon net fisheries. By repealing the existing requirement for an individual, the state levels the playing field for all fishermen regardless of the number of children produced.

The regulation (5 AAC 39.115 Designation of Salmon Net Registration Area) was leftover in dealing with an issue prior to Limited Entry, whereas fleets of boats traveled from one area of the state to another. Under Limited Entry, there is a limitation on the number of permits in each

fishery; therefore, no new entrants are allowed into any one fishery without the transfer of an existing permit. In other words, there would be no increase in the number of permits nor existing fishermen.

Why would we prohibit individuals from fishing in another area if they have permits in both areas?

Upon purchase of another net permit in a second area, CFEC notifies the individual that the owner must choose one area over another. With the unpredictable nature of the commercial fisheries, any sound business model should allow for some level of differentiation particularly within the commercial salmon fisheries.

Everyone wins by removing the existing regulation. Without the existing regulation, an individual who lives in Cordova could fish in Bristol Bay, while removing his/her participation from the Prince William Sound (PWS) gillnet fishery. There is an additional benefit to having one permit not participating in PWS, which leaves more opportunity for those fishermen still fishing in Prince William Sound. Likewise, when the two-fishery individual returns, people still fishing in Bristol Bay have the added benefit of one less competitor.

Importantly, an individual fishing in multiple areas would be required to have access to two different boats for two different salmon net registration areas. The two boat requirement would spread wealth and businesses over multiple geographical areas while also allowing an individual to insulate himself from the unrelenting fluctuation of any one salmon fishery. Good business requires some level of diversification and repealing the existing regulation opens up additional opportunities with zero harm to the existing salmon net fisheries and the fishermen. In fact, repealing the regulation likely will create more opportunity for fishermen who decide not to participate in a second salmon net fishery.

PROPOSED BY: Chris Knight and Cheyne Blough (EF-C15-075)

PROPOSAL 213 – 5 AAC 28.070. Groundfish possession and landing requirements. Clarify possession and landing requirements for Pacific cod and walleye pollock, as follows:

5 AAC 28.070(e) is amended to read:

- (e) A CFEC permit holder operating a vessel fishing for [GROUND FISH SHALL RETAIN]
 - (1) **Pacific cod shall retain** all [POLLOCK AND] Pacific cod taken when a directed fishery for [POLLOCK OR] Pacific cod is open; [OR]
 - (2) **walleye pollock shall retain all walleye pollock taken when a directed fishery for walleye pollock is open; or**
 - (3) **groundfish shall retain** the maximum retainable bycatch of **walleye** pollock and Pacific cod taken when a directed fishery for **walleye** pollock or Pacific cod is closed.

What is the issue you would like the board to address and why? The existing groundfish possession and landings requirement regulation for walleye pollock and Pacific cod is not clearly

written and has been interpreted to mean a vessel participating in the Pacific cod fishery can retain walleye pollock caught above the bycatch allowance, and similarly a vessel participating in the walleye pollock fishery can retain Pacific cod caught above the bycatch allowance.

Full retention of Pacific cod and walleye pollock only applies to the directed fishery a vessel participates in (i.e., a vessel must retain all Pacific cod when the vessel is directed fishing for Pacific cod, and the same for pollock). The intent was not to provide opportunity for a vessel to retain all walleye pollock when the walleye pollock season is closed, and the same for Pacific cod.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F15-058)

PROPOSAL 214 – 5 AAC 39.010. Retention of fish taken in a commercial fishery. Specify that bycatch in excess of the allowable amount will be surrendered to the state and donated to charity and establish fines for bycatch in excess of the allowable amount, as follows:

All commercial bycatch over the amount allowed shall be surrendered to the state to be given to charity. The permit holder shall be fined, per pound, fair market value of each species of bycatch they exceeded.

What is the issue you would like the board to address and why? I would like to address the commercial bycatch problem because there is too much wastage.

PROPOSED BY: Steve Smith (EF-C15-007)

PROPOSAL 215 – 5 AAC 28.XXX. South Alaska Peninsula Area Pollock Management Plan and 5 AAC.XXX. Establish a 58' overall length limit for vessels participating in South Alaska Peninsula parallel walleye pollock fishery using trawl as follows:

Modify the current State Waters Pacific Cod Management Plan to extend the current vessel size limit for pollock as well as Pacific cod to apply year round.

What is the issue you would like the board to address and why? The Peninsula Fishermen's Coalition is composed of trawl vessels under 58' in overall length. These vessels participate in the federal Pollock and Pacific cod trawl fisheries both inside and outside state waters. Recent changes in federal regulations have capped salmon bycatch and reduced halibut bycatch caps. It is imperative that the vessels work together to insure that bycatch of both species is minimized.

Our vessels based in King Cove and Sand Point believe that restricting access to state waters by larger vessels will assist in keeping bycatch to a minimum. Our vessels have shown that we can work closely with each other to prevent the majority of bycatch.

PROPOSED BY: Peninsula Fishermen's Coalition (EF-C15-063)

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

Close all waters of Unalaska Bay to commercial fishing for groundfish with pelagic trawl gear, as follows (*This proposal will be heard at the Alaska Peninsula / Chignik / Aleutian Islands Finfish meeting, and be heard and deliberated on at the Statewide Finfish meeting*):

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

...

(b) The waters of Unalaska Bay are closed to groundfish fishing with pelagic trawl gear, [as follows:] **south of a line from Cape Kalekta at 54° 00.50' N. lat., 166° 22.50' W. long. to Cape Cheerful at 54° 01' N. lat., 166° 40' W. long.**

[(1) FROM JUNE 10 THROUGH AUGUST 31, SOUTH OF A LINE FROM CAPE KALEKTA AT 54°, 00.50' N. LAT., 166°, 22.50' W. LONG. TO CAPE CHEERFUL AT 54°, 01' N. LAT., 166°, 40' W. LONG.];]

[(2) BEGINNING SEPTEMBER 1 UNTIL THE CLOSURE OF THE PARALLEL BERING SEA WALLEYE POLLOCK 'B' SEASON, SOUTH OF A LINE FROM CAPE KALEKTA AT 54°, 00.50' N. LAT., 166°, 22.50' W. LONG. TO A POINT NEAR HOG ISLAND AT 53°, 55.42' N. LAT., 166°, 34.25' W. LONG. TO A POINT IN BROAD BAY AT 53°, 55.42' N. LAT., 166°, 38.80' W. LONG.; FOR THE PURPOSES OF THIS PARAGRAPH, "PARALLEL BERING SEA WALLEYE POLLOCK 'B' SEASON" MEANS THE PARALLEL SEASON CONDUCTED FROM JUNE 10 THROUGH NOVEMBER 1]

What is the issue you would like the board to address and why? Since 2002 large-scale trawling in tiny Unalaska Bay has unacceptably impacted an area traditionally used by subsistence, sport, and smaller non-trawl commercial fishers and hunters. Trawlers have harvested approximately four million pounds annually of pollock from Unalaska Bay over the past ten plus years. The State of Alaska opens these waters to trawling from September 1 to November 1 as a parallel fishery to the eastern Bering Sea catcher vessel pollock fishery that is managed by NMFS. There is no cap on what amount of the B season pollock trawl quota can come out of Unalaska Bay and in 2004 nearly 12 million pounds was harvested. No research has been done to understand the local pollock biomass, its abundance or what a sustainable harvest level may be. The huge trawl nets used to prosecute this fishery are putting excessive pressure on a sensitive area already fully utilized by local fishers and hunters. Based on observations made by local residents it appears fish and game are being scattered and or driven from the bay coincidentally as this trawl fishery is happening. It has become nearly impossible for local fishermen and hunters to feed their families and small commercial vessels are increasingly required to leave the safety of Unalaska Bay in order to make a living. The subsistence salmon, halibut, herring and crab fisheries and sea mammal hunting has been very poor in recent years and the local tanner crab fishery has remained closed since 2010. Most of the trawling occurs when other user groups are using the bay during the summer and fall dislocating the smaller boats out of the safety of the bay into the Bering Sea, endangering lives, in order to find fish and game and avoid gear conflicts (loss). Habitat destruction will occur where trawl gear touches the bottom. This proposal will allow fish and game to recover and return to areas closer to our community enabling us to be able to continue harvest and process our local resources. We considered limiting all commercial fishing vessels under 35 feet lengths, but so few of them

bother fishing inside the bay and their impacts are not nearly that of the trawl vessels. Trawlers are large vessels that are built to handle the stormy weather of the Bering Sea. They did not historically fish in Unalaska Bay and restricting them from these waters would alleviate many problems.

PROPOSED BY: Unalaska Native Fisherman's Association (EF-C15-128)

PROPOSAL 216 – 5 AAC 28.1XX. Southeast Alaska Area Walleye Pollock Management Plan. Establish a state waters walleye pollock purse seine fishery in Southeast Alaska as follows.

Establish a pollock seine fishery from mid-October to March in southeast Alaska state waters for vessels up to 58' in length. Limit landings to 200,000 pounds. Observer coverage would be determined by results of commissioner's permit, but could be up to 100% using observer or combination of observer and video monitoring. Observer costs to be covered by harvest vessels.

Trawl gear to remain illegal.

What is the issue you would like the board to address and why? According to the 2014 NMFS report: *Assessment of Alaska walleye pollock in the Gulf of Alaska*, pollock are abundant in southeast Alaska state waters. Because trawling is band east of longitude 144 there is no state or federal directed fishery on pollock. This underutilized resource could and should be developed to benefit fishermen, communities, and the State of Alaska. Therefore, we request that the Board of Fisheries create a State of Alaska pollock seine fishery encompassing state waters of southeast Alaska from Dixon Entrance to Cape Spencer. Initially use National Marine Fisheries Service (NMFS) survey estimates of biomass to set guideline harvest levels or acceptable biological catch (ABC) at 20% of the stock biomass (point estimate for 2015 is 56,111 tons). The biomass of pollock in southeast Alaska is likely much higher considering the NMFS trawl surveys are based on catches at Dixon Entrance and outside waters and do not include sampling the 350 miles of inside waters.

PROPOSED BY: Troy Denkinger (EF-C15-137)

PROPOSAL 217 - 5 AAC 28.410 Fishing seasons for Kodiak Area. Establish fishing season for walleye pollock that does not conflict with salmon season, as follows.

Change opening of Pollock season.

What is the issue you would like the board to address and why? Change the opening of the pollock season until the salmon season is over. Why: salmon can only be fished between June and October pollock can be fished year around and it would be easy to do this. All the canneries in Kodiak have stopped buying salmon as of August 31, 2015 and there are a large number of salmon still catchable.

PROPOSED BY: Hugh Wisner

(EF-C15-138)

PROPOSAL 218 - 5 AAC 28.XXX State-Waters Walleye Pollock Management Plans. Establish state-waters walleye pollock jig fishery management plans with guideline harvest levels deducted from total allowable catch (TAC) for the Eastern Gulf of Alaska, Prince William Sound, Cook Inlet, Kodiak, Chignik, South Alaska Peninsula and Bering Sea-Aleutian Islands areas as follows.

Creation of state-water walleye pollock jig fishery: jig fishing for walleye pollock shall be allowed within state water boundaries of the Eastern Gulf of Alaska, Prince William Sound, Cook Inlet, Kodiak, Chignik, and South Alaska Peninsula areas, and the Bering Sea/Aleutian Island districts. State water jig harvests will be deducted from Federal TAC in corresponding Federal areas up to an amount deemed reasonable by the Board of Fisheries. Jig vessels will be limited to a five mechanical jig machines, with a maximum of 30 hooks per machine.

What is the issue you would like the board to address and why? Currently, jig fishers throughout the state are unable to harvest pollock when the Federal pollock seasons are closed. Jig fishers operating within state waters need a dedicated state water pollock fishery to satisfy niche and bait markets when Federal pollock seasons are closed. If no action is taken, jig fishers will continue to lose economic opportunity— and niche/bait markets will continue to lose potential of procuring fresh pollock from local jig fleets.

PROPOSED BY: Alaska Jig Association

(HQ-F15-109)

PROPOSAL 126-2014-2015 - 5 AAC 27.XXX. New Section. Establish a commercial open pound herring spawn on kelp fishery in Sitka Sound, as follows: *(Proposal 126 from the 2015/2016 Meeting Cycle was tabled by the board for continued deliberations at the March 2017 Statewide Finfish meeting.)*

The change in regulation language would allow herring seine permit holders in Sitka to use open platforms to harvest herring roe on kelp. Many ideas were given to the department and board during previous board meetings.

What is the issue you would like the board to address and why? In 1998 and 1999 an experimental open pound herring roe on kelp fishery was conducted in Sitka Sound. This project identified open pounds as a viable alternative to the sac roe fishery and produced published studies, data, and video which demonstrate the positive results of this alternative harvest method. The proposal for open pounding in Sitka Sound was first presented to the Board of Fisheries in 1996. Nineteen years is a long time ago and the environment surrounding the sac roe fishery has changed. Perhaps it is time for the board to consider this concept again. Open pound herring roe on kelp as an alternative harvest method promotes conservation and would increase the value of the herring fishery in Sitka Sound.

PROPOSED BY: Darrell Kapp (EF-C14-091)
