



Alaska Department of Fish and Game

Board of Fisheries

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## ALASKA BOARD OF FISHERIES

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**Alaska Board of Fisheries  
Charge to Sitka Spawn-on-Kelp  
Open Platform Fishery Workgroup  
2003-224-FB**

The objective of the Sitka Spawn-on-Kelp Open Platform Fishery Workgroup is to develop solutions to problems identified by the Board of Fisheries related to implementation of a new open platform spawn-on-kelp fishery in Sitka Sound.

Workgroup members will include two sac roe purse seine, two open platform, two closed pound, two subsistence stakeholders, and one Sitka Advisory Committee member. Workgroup members will be selected from nominations submitted to the board by each group or organization. Workgroup members will attend meetings at their own expense. Board member John Jensen will work with the group.

Specific issues identified by the board include:

- How to allocate herring and kelp at both low and high guideline harvest levels.
- Minimum threshold GHs for competitive sac roe seine and open platform fisheries.
- Number of open platforms.
- Configuration of pounds.
- Product limits versus kelp frond limits and related economic considerations.
- What stipulations should be in permit versus regulation. Refine permit requirements including fish ticket reporting requirements, when and where product is weighed, transfer of overages between pound operators, etc.
- How to deal with overages under a bag limit scenario.
- Application of kelp product to conversion rates.
- Funding issues related to fishery.
- Identify enforcement problems and develop regulatory or permit requirements to address them.
- Potential subsistence/commercial conflict.

The workgroup should report back in writing at the completion of their work, or by the October 2005 board work session.

Dated: October 3, 2003  
Anchorage Alaska

  
\_\_\_\_\_  
Ed Dersham, Chair

Vote: 7 - 0

**MEMORANDUM OF AGREEMENT  
BETWEEN THE SITKA TRIBE OF ALASKA  
AND STATE OF ALASKA DEPARTMENT OF FISH AND GAME**

# 2003-220-FB

This MEMORANDUM OF AGREEMENT is entered into between the Sitka Tribe of Alaska, hereinafter referred to as the "Tribe", and the State of Alaska Department of Fisheries and Game, hereinafter referred to as "ADF&G". This MEMORANDUM OF AGREEMENT is further witnessed by the State of Alaska, Board of Fisheries as requested by formal motion of the Board. This Agreement serves in addition to but does not supercede existing laws, regulations, policies and agreements that recognize and enforce a subsistence priority and the unique relationship between Tribal Governments and the State of Alaska.

This Memorandum of Agreement provides the structure for collaboration between the Tribe and ADF&G to "distribute commercial harvest if necessary so that subsistence users have a reasonable opportunity to harvest" while recognizing that the "quality and quantity of herring roe on branches and herring sac roe is an important consideration in the management of subsistence and commercial fisheries." Hereinafter, "subsistence" will be referred to in this Agreement as the "customary and traditional" harvest and/or uses of herring and herring eggs.

The parties to this Agreement recognize that the Tribe, in managing Tribal affairs within the Sheet'ka Kwaan [please see attached map], has information, resources, and responsibilities beneficial to ADF&G. ADF&G, in managing natural resources within the State, has information and resources beneficial to the Tribe. Thus, the Tribe and ADF&G will consult and cooperate in the management of all commercial fisheries, hereinafter referred to as "commercial herring fisheries", occurring within the greater Sitka Sound area, understood to be the waters of Section 13-B, north of the latitude of Aspid Cape, excluding the waters of Whale and Necker Bays.

These commercial fisheries include all commercial herring fisheries existing when this document is signed and any/all commercial herring fisheries developed in the future. Additionally, the Tribe and ADF&G will collaborate on the management of the customary and traditional herring and herring egg fisheries through this document, which establishes an annual herring-monitoring program.

**SECTION I: COMMUNICATION AND COLLABORATION AGREEMENT**

In Section I of this Agreement, a framework is established for consultation between the Tribe and ADF&G that recognizes the unique responsibilities the Tribe has for protecting its tribal citizens and the obligations the State of Alaska has with federally recognized Tribal Governments.

**A. TRIBAL CONSULTATION PROCESS**

The Tribe Shall:

1. Enter into specific agreements or contracts with ADF&G and/or other parties to accomplish the agreed upon programs and projects arising from this Memorandum of Agreement.

2. Consult and collaborate with ADF&G on commercial herring fisheries management activities in the greater Sitka Sound area.
3. Forward names of tribal citizens who will participate in the annual pre-season planning meeting(s) [Section II, part A].
4. Appoint a Tribal Liaison to coordinate in-season collaborative management and data gathering [Section II, parts B and C].
5. Encourage its Council, citizens and harvesters to attend tribal meetings, local ADF&G Advisory Committee meetings, public ADF&G meetings and other forums where there is an opportunity for open communication regarding the traditional and commercial herring fisheries within the greater Sitka Sound area.
6. Prepare and provide an annual collaborative management and customary and traditional herring harvest monitoring report to ADF&G and the Board of Fisheries.

## **B. ADF&G CONSULTATIVE PROCESS**

ADF&G Shall:

1. Make ADF&G resources and professional expertise available for the furtherance of this Agreement, subject to the applicable State laws, regulations, and ADF&G directives, for the affected area and subject to the approval by the Commissioner or designated representatives.
2. Consult with the Tribe when developing regulatory proposals for the greater Sitka Sound area herring fisheries.
3. Cooperate in the planning, implementation, and monitoring of project work undertaken pursuant to agreements or contracts arising from this Agreement.
4. Assign an ADF&G Liaison who shall be responsible for routine consultative activities between the Tribe and ADF&G.
5. Inform and invite the Sitka Tribe's appointed tribal citizens and Tribal Liaison to attend all pre-season and in-season stakeholder planning meetings [Section II, Section A].
6. Contact the Tribe prior to release of commercial guideline harvest level information to the media [Section II, part D].
7. Participate, to the extent possible, in Sitka Tribe of Alaska Council and other appropriate tribal and public meetings regarding the management of the commercial herring fisheries in the greater Sitka Sound area.
8. To the extent possible, provide technical assistance to the Tribe as it conducts the annual customary and traditional harvest-monitoring program [Section III].

## **SECTION II: COLLABORATIVE MANAGEMENT OF THE GREATER SITKA SOUND COMMERCIAL FISHERIES**

### **A. PRE-SEASON MANAGEMENT**

The Tribe will participate in the Sitka Herring Fisheries Pre-Season Meeting(s).

1. Each year, the Tribe will forward the names of three tribal citizens to participate in ADF&G's pre-season meetings to coordinate the annual management of the greater Sitka Sound commercial herring fisheries.

2. Tribal citizens participating in the annual meeting(s) will be empowered by the Tribe to speak on its behalf regarding pre-season planning for management of the commercial herring fisheries.
3. Tribal citizens participating in the meeting(s) will report to the Tribal Council and its citizens and will report to the Tribal Liaison prior to and during the fisheries regarding pre-season plans and in-season activities.

## **B. IN-SEASON MANAGEMENT**

The Sitka Tribe will participate in collaborative management of the greater Sitka Sound commercial herring fisheries.

1. Prior to commercial fisheries, the Tribe shall forward the names and contact information for the Tribal Liaison, empowered by the Tribe to speak on behalf of the Tribal Council and to be the sole point of contact during greater Sitka Sound commercial fisheries.
2. Contact between the Tribal Liaison and ADF&G will occur daily or as often as needed and at minimum will occur prior to a public announcement of a commercial opening.
3. ADF&G will provide estimations of the times and locations of the day's test fishing activities to the Tribal Liaison. Observations of the previous day's test fishing will be recorded by the Tribal Liaison and will be reported to ADF&G during in-season meetings and the Tribe's annual activities report.
4. When commercial fisheries are placed on two-hour notice, ADF&G will make regular announcements on the VHF radio (Ch. 10) and the Tribal Liaison will monitor this channel.
5. During in-season meetings to determine fishery openings, the Tribal Liaison and ADF&G will consult regarding whether the proposed opening will affect customary and traditional harvesters.
6. If the Tribe concludes there is the potential for customary and traditional harvesters to be negatively impacted by the proposed opening, the Tribal Liaison will provide this conclusion and reasoning to the ADF&G Liaison verbally and in writing.
7. Following the Sitka Sound commercial herring fisheries, ADF&G will provide a written summary of the fisheries and provide this report to the Sitka Tribe.

## **C. DATA GATHERING**

The Tribe will be involved to the extent possible with data gathering activities conducted by ADF&G to estimate the quantity, quality and distribution of herring and herring eggs in the greater Sitka Sound area used to plan and implement commercial harvest activities.

1. ADF&G will consult the Tribe during pre-season, in-season and post-season data gathering activities.
2. The Tribal Liaison, tribal biologist or other Tribal representatives may accompany ADF&G to assist in gathering data as opportunities arise. The ADF&G Liaison will contact the Tribe's in-season Liaison with dates and details concerning these opportunities.
3. Copies of ADF&G's management and stock assessment data will be made available to the Tribe. This includes, but is not limited to, cast net surveys, spawn deposition transects, and aerial maps identifying length and locations of spawning areas.

4. After ADF&G has compiled the majority of their commercial fishery management data, ADF&G and the Tribe will meet to discuss this information.

#### **D. CONSULTATION PRIOR TO MEDIA NOTIFICATION**

ADF&G's Liaison will contact the Tribe's General Manager to set a meeting with the Tribal Council prior to the release of the season's estimated and guideline commercial harvest quota information to the media.

1. A consultation meeting between the Tribe and ADF&G will be initiated by ADF&G at least one week prior to the release of the year's estimated commercial guideline harvest level to the media.
2. If agreed to by both the Tribe and ADF&G, the consultation meeting prior to the release of the guideline harvest level to the media may be accomplished through ADF&G's pre-season management planning meetings. Agreement must be requested by ADF&G and be provided by the Tribe in writing.

### **SECTION III: ANNUAL CUSTOMARY AND TRADITIONAL HARVEST MONITORING PROGRAM**

#### **A. IMPLEMENTATION OF A TRADITIONAL HARVEST MONITORING PROGRAM**

Beginning in 2002, the Tribe and ADF&G will establish and maintain, contingent on tribal funding, an annual customary and traditional herring egg harvest-monitoring program.

1. The Tribe will collaborate with ADF&G in 2002 to create and conduct an annual customary and traditional harvest-monitoring program based on post-season surveys and interviews with local harvesters.
2. The annual harvest-monitoring program will follow standard survey sampling methodology.
3. The Tribe and ADF&G will collaboratively conduct the harvest interviews. The Tribe and ADF&G will collaboratively maintain the survey data, including a confidential list of participants and their contact information.
4. The Tribe will provide ADF&G with harvest data each year and this raw data will be analyzed by ADF&G using standard statistical techniques. ADF&G may post the survey results on their Statewide Subsistence Harvest Database but there will be no way for a user of this database to view any personal information regarding survey participant.
5. Participation in the survey is voluntary and confidential and will not serve to limit a participant's future harvest activities.
6. The Tribe and ADF&G will collaborate to improve the survey interview reporting system and survey methodology, with ADF&G providing technical consultative work and, when possible, field interview project support.
7. The Tribe and ADF&G will work to identify and pursue funding opportunities to support this important customary and traditional harvest monitoring activity. Funding pursuits include but are not limited to, project support for staff at the Tribe and ADF&G, historical and present day expanded interview projects and site-use mapping.

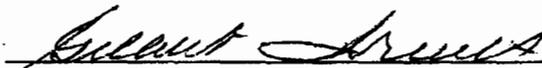
**IV. EFFECTIVE DATE AND REVISIONS**

1. The effective date of this agreement shall be from the date of the final signature.
2. This agreement is entered in good faith by the signatories and its success depends on continued mutual communication and good will. Either signatory may request a review for the purpose of modifying this agreement at any time. No revision shall be binding without the written consent of both parties.
3. A signatory may terminate its participation in this agreement by providing notice in writing 30 days in advance of the date on which its termination becomes effective.

**V. SIGNATURES**

  
\_\_\_\_\_  
For the Alaska Department of Fish and Game  
Frank Rue, Commissioner

11.04.02  
Date

  
\_\_\_\_\_  
For the Sitka Tribe of Alaska  
Gilbert Truitt, Vice Chairman

NOV 4 - 2002  
Date

This Memorandum of Agreement is consistent with the collaborative management and research approach regarding commercial herring fisheries and customary and traditional harvest monitoring in the greater Sitka Sound area discussed and agreed to by the Board of Fisheries in actions taken January 14, 2002.

  
\_\_\_\_\_  
For the State of Alaska, Board of Fish  
Edward Dersham, Chairman

12/17/02  
Date



# **Alaska Department of Fish and Game Alaska Boards of Fisheries and Game Policy on Government-to-Government Relations With the Federally Recognized Tribes of Alaska**

## **Purpose:**

This policy articulates and reinforces a government-to-government relationship between the Alaska Department of Fish and Game (ADF&G) and Boards of Fisheries and Game (boards), and the federally recognized tribes in Alaska through consultation on significant matters of mutual concern.

This department policy provides guidance to all tribes and employees of the department involved in any department or boards action(s) that significantly or uniquely affect a tribal government in Alaska and pertaining to any tribal action that significantly or uniquely affects the department or boards. It also reinforces the foundation for establishing and maintaining effective government-to-government communications between the department and tribes, and between the boards and the tribes, and promotes consultation and coordination with these tribes, with the goal of ensuring the department conducts consultation in a culturally sensitive manner.

## **Policy:**

The department and boards are committed to consulting with tribes in Alaska as early in the department's decision-making process as practicable, and as permitted by law, prior to taking action or undertaking activities that significantly or uniquely affect a tribe or tribes, except that the department is not required to consult with a tribe in those instances described in "Exclusions" below. Department and board actions shall favor meaningful participation of the affected tribe, with the goal of achieving informed decision-making.

## **Responsibilities, Process, and Protocols:**

To ensure the department's processes and procedures throughout all of Alaska are generally uniform and consistent, while maintaining necessary flexibility, the department will adhere to the following steps when consulting with a tribe:

1. Notice to Affected Tribe. The department will make a good faith effort to notify a tribe, at the earliest practicable time, of any proposed department actions that will significantly or uniquely affect the tribe's access to or use of fish, wildlife, or habitat. The boards will notify tribal contacts by mail or other means used to inform the public about potential regulatory actions that may have an effect on the tribe's access to or use of fish, wildlife, or habitat. When circumstances permit, the department will afford the tribe reasonable time to respond to any notification and to participate in

consultation with the department. Consultation should continue throughout the department's decision-making process, to the extent practicable, except where expressly prohibited by law or subject to limitations described below. If the department determines that any state or federal law expressly prohibits continued consultation at a specified point in the decision-making process, the department shall so inform the tribe at the outset of the consultation process, or as soon as possible after the department becomes aware of the prohibition.

2. Dissemination of Information. At the outset of the consultation process, prior to the first consultation meeting, the department and boards should provide the affected tribe with sufficient information about the proposed action to ensure that the tribe can properly assess and respond to the action or proposed action.
3. Identification of the Participants. The department will identify their representatives for the consultation process and the affected tribe will be expected to do the same. The department should work with the representative of the affected tribe to identify any other affected tribe(s) that should be involved in the consultation.
4. Authorized Initiators. Any member of the department with decision-making authority regarding an action that may significantly affect a tribe is authorized to initiate a request for consultation with the tribe. The department will likewise accept an unsolicited request for consultation from any representative of a tribal government who has decision-making authority on behalf of that tribe. The department member will provide timely notification to the department's "key contact" regarding any consultation.
5. Consultation Process. Consultation should incorporate processes for ongoing communications. The department shall work with the tribe to develop a timeline, list of participants, and method and frequency of communication to be used during the consultation. The department will notify the tribe of any final decision on a proposed action within a reasonable time period prior to the time the decision takes effect, unless extraordinary or emergency circumstances preclude it.
6. Tribal Request for Consultation. The department shall maintain a list of its Key Contacts, including phone and email addresses, and shall provide a copy of this list to the tribes. These are the individuals the tribes should contact when requesting consultation on a department matter that they believe will significantly affect the tribe, or a tribal action that may significantly affect the department.
7. Inter-department Cooperation. The department will work cooperatively with other state and federal agencies to accomplish the goals and responsibilities of this policy. Requests for consultation determined to be out of the department's purview will be referred to the appropriate "Key Contact" of another state department.
8. Working Group Participation. The department recognizes the importance of participation in the Working Groups established within the State-Tribal Forum to facilitate meaningful dialogue

regarding issues of concern to the state and the tribes. The department will make a good faith effort to ensure its Key Contacts actively participate in meetings of any Working Group that includes the department.

9. Exclusions. The following actions are exempt from this policy: department participation in investigations relating to actual or suspected violations of state law, and initiation of the civil or criminal justice process; adjudicatory and rule-making decisions of the Commercial Fisheries Entry Commission; emergency order (EO) announcements and management actions; preseason management strategies, outlooks, or forecasts.
10. Limitations on Consultation. The department is not required to consult with Tribes if such consultation could result in an infringement or breach of any applicable privileges, including but not limited to the attorney-client privilege, executive privilege, work product doctrine, deliberative process privilege, and law enforcement confidentiality requirements or privileges.
11. Other Considerations. Consultation on development of regulations by the department and all regulatory actions of the boards will occur in accordance with the Administrative Procedures Act. Nothing in this policy is intended to prohibit constructive communication between the department and a tribe. Consultations on management plans may occur through specific agreements with affected tribes.

**General Provisions:**

1. This policy is intended to promote constructive dialogue between the department and the tribes, and assure consistency within the different divisions and offices of the department.
2. This policy clarifies the department's and boards' protocol for consulting with federally recognized tribes in Alaska in a government-to-government relationship.
3. This policy shall be effective upon signature of the Commissioner of the Department of Fish and Game and the board chairs.
4. This policy is not intended to expand, contract, or otherwise diminish or limit the sovereignty held by the state or any federally recognized tribe in Alaska.

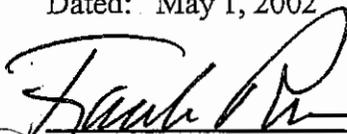
**Definitions:** For the purposes of this Policy:

1. "Tribe" means any tribe in Alaska that is on the list of federally recognized tribes published by the federal Bureau of Indian Affairs.
2. "Consultation" means the timely process of meaningful inter-governmental dialogue between ADF&G divisions and/or offices and tribes, and between the boards and the tribes, regarding a

proposed department or board action that significantly or uniquely affects a tribe. When assessing what action will be subject to consultation, the department shall take into account the cultural and traditional activities of the tribe that may be significantly or uniquely affected by the proposed action, as well as any relevant state and/or federal law. "Consultation" may take place by in-person meeting, teleconference, videoconference, and exchange of written documents, e-mail, or other means appropriate to the circumstances.

3. "Department" means the State of Alaska, Department of Fish and Game including its divisions, offices, officials, and/or employees, the Alaska Boards of Fisheries and Game (Boards), and the Commercial Fisheries Entry Commission.
4. "Boards" means the Alaska Boards of Fisheries and Game
5. "Department Action" and "Board Action" means any proposed action, activities, decision, legislation, regulation, plan, policy, procedure, program, project, service, or other actions that significantly or uniquely affect on a tribe, except as identified under "exclusions," below.

Dated: May 1, 2002



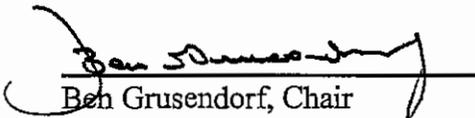
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Frank Rue, Commissioner  
Alaska Department of Fish and Game



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Ed Dersham, Chair  
Alaska Board of Fisheries



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Ben Grusendorf, Chair  
Alaska Board of Game

**Alaska Board of Fisheries Findings  
State Waters Pacific Cod Management Plans  
Adopted October 29 - 31, 1996, at Wasilla**

**Introduction:**

The Alaska Board of Fisheries (board) met at Wasilla (October 29-31, 1996) and approved new management plans for the commercial harvesting of Pacific cod in state waters of the Prince William Sound, Cook Inlet, Kodiak, Chignik, and South Alaska Peninsula Areas. The board's action represented the culmination of a two year public process to advance state involvement in management of groundfish resources in Alaska's territorial waters.

The process included strong support from the Governor's office, a re-programming of state funding to support management activities, and extensive interactions with fishermen, processors, industry representatives and community leaders through the board's local Advisory Committee process. The board, through the Alaska Department of Fish and Game (department) staff, also kept the North Pacific Fisheries Management Council (NPFMC) and National Marine Fisheries Service (NMFS) up to date on the development of state groundfish management plans.

**Background:**

The board was informed of an April 1995 conference, sponsored by the Peninsula Marketing Association and the Alaska Department of Commerce and Economic Development, to discuss development of a state managed groundfish fishery. A report from this conference was supported by the Governor who in turn requested the department to re-program \$200,000 in funding for state groundfish management.

At its October 1995 work session, the board accepted a department agenda change request to consider groundfish management plans during the 1996/97 meeting cycle. In the winter of 1995/96, the board issued a call for proposals for statewide groundfish management plans to be deliberated in October 1996. The NPFMC and NMFS were informed of the board's acceptance of the agenda change request and its subsequent call for proposals early on in the process. In response to the published legal notice, 46 proposals were submitted by the public and the department before the April 10, 1996, deadline.

Prior to the October 1996 meeting, Prince William Sound, Cook Inlet, Kodiak, Chignik, and Alaska Peninsula Advisory Committees, and other groups met to formulate recommendations for state waters groundfish fisheries.

**Identification of Issues and Concerns:**

At its October 1996 meeting, the board heard reports from the department staff, including Bob Clasby, Director of the

Commercial Fisheries Management and Development Division, who explained that the department was fiscally limited in its ability to manage groundfish. The board was informed that insufficient funds were available to conduct independent stock assessment. The department also reported that funding was not available to monitor groundfish fisheries with inherent high bycatch rates, such as trawl or longline gear fisheries. Based on this information, the board found that state water groundfish management plans must operate within the conservation parameters established by federal managers and that allowable gear must have low bycatch rates.

Department staff also provided reviews of the various fisheries, from Prince William Sound westward to the Aleutians. The board also reviewed a letter submitted by NMFS Region Director, Steve Pennoyer, which encouraged a strong partnership between state and federal management. The Pennoyer letter urged the board to consider the need to maintain historic harvest statistics based on federal boundaries when establishing new state management areas. Staffs from NMFS and the NPFMC also made presentations to the board.

The board was advised by the Alaska Department of Law that under the Magnuson-Stevens Act, it should not take actions that would have substantial and adverse impacts on federal management or they could run the risk of preemption.

The board discovered that with the advent of federal IFQ and vessel limitation programs, in the absence of similar state waters effort limitation programs, the department was obligated to either close state waters to all fishers or let all fishers participate in state water fisheries. The board believed these considerations, mandated involvement in management of groundfish fisheries conducted in state waters.

The board heard of the impact of federal IFQs, Community Development Quotas (CDQ), and inshore/offshore allocation programs on state fisheries. The board found that current council management had not addressed the needs of small vessel groundfish fishermen. The board also found that the winter season, specified in the NPFMC management plans, made it difficult for small vessels to fully participate in the fishery.

The board received information on the history of state involvement in the management of groundfish resources. The board learned that the department tailored groundfish, and specifically Pacific cod, management actions in state waters to be consistent with the management actions implemented by federal managers in the adjoining waters of the Exclusive Economic Zone (EEZ). In general, state waters were opened and closed concurrently with the adjacent federal management areas.

The board was informed that the harvest of Pacific cod from state waters has gradually increased in recent years. From 1994-1996, the take in the state water portions of the federal Central and

Western Gulf of Alaska Areas averaged approximately 22.6% of the total harvest. The board discovered that the implementation of federal Individual Fishery Quota (IFQ) and license limitation programs were changing the structure of Alaskan groundfish fisheries and making it difficult for many local fishermen to participate in groundfish harvest.

Given this information, the board decided that it would be appropriate to first develop factors to consider when developing state water groundfish management plans. The board discussed the following factors:

1. Minimize bycatch to the maximum extent practicable.
2. Consider protection of habitat from fishing practices.
3. Slow harvest rates to ensure adequate reporting and analysis for necessary season closures.
4. Utilize such gear restrictions as necessary to create a year round harvest for maximum benefit to local communities, the region and the State.
5. Harvest the resource to maximize quality and value of product.
6. Harvest the resource with consideration of ecosystem interactions.
7. Harvest to be based on the total catch of the stock that is consistent with the principles of sustained yield.
8. Prevent localized depletion of stocks to avoid sport, subsistence and personal use conflicts.
9. Management based upon the best available information presented to the board.
10. Management consistent with conservation and sustained yield of healthy groundfish resources and of other associated fish and shellfish species.
11. State fishery management plans adopted by the Board should not substantially and adversely affect federal fishery management plans adopted by the NPFMC.

At a later meeting, the board adopted a set of guiding principles to consider when developing groundfish management plans.

#### **Board Actions and Deliberations:**

Prior to deliberating on the 46 proposals, the board reviewed comprehensive staff reports on Alaska groundfish fisheries. In addition, the board reviewed extensive written public comments and heard oral public comments from 30 individuals and eight advisory committees.

The board found it necessary to limit the scope of the new state management plans to Pacific cod to ensure management obligations were consistent with current department funding.

The board specified that state waters should continue to be open concurrent with the federal season. This represents a continuation of the state's recent management practice of tailoring state water groundfish seasons to coincide with the

seasons in the adjoining EEZ waters. The methods and means regulations for participation in the federally authorized season were not significantly modified. In addition, the board established separate state water Pacific cod fishing seasons to be open following closures of federally authorized seasons.

The board linked guideline harvest levels for the state authorized seasons to a percentage of the total catch of Pacific cod authorized by the NPFMC. The board recognized that the total catch authorized by NPFMC is based on stock assessment surveys and is consistent with principles of sustained yield management. The guideline harvest level for the Prince William Sound Area is set at 25% of the total catch authorized by the NPFMC for the Eastern Gulf of Alaska Area. The state authorized season guideline harvest level is initially set at 15% of the Central and Western Gulf of Alaska catch and apportioned between the Cook Inlet, Kodiak, Chignik, and South Peninsula Areas. Once these fisheries have shown an ability to fully utilize the area's guideline harvest level, the guideline harvest level will be increased to 20%, and similarly, when that level is reached, it will be increased again to a maximum of 25%.

The board recognized that the state authorized season would result in transfer of catch from federal waters to state waters. The board believes the graduated guideline harvest level approach allows for an incremental and gradual shift in the harvest so as to minimize the impact on existing fishing patterns. The board expected the initial 15% guideline harvest level to result in an actual modest increase in the state water take of Pacific cod of approximately 6 - 8 percent over recent year levels. At a 20% state season guideline harvest level, the board anticipated an actual 10 - 12 percent increase in harvest from state waters; at a 25% state season guideline harvest level, the board anticipated a 14 - 16 percent increase in actual harvest from state waters. The board reasoned that the federal season will tend to become shorter, corresponding to less Pacific cod being harvested. The shorter season will lead to a decrease in the proportional share of harvest being taken in state waters during the federal season, because the more efficient trawl and longline gear types generally operate in federal waters.

The board elected to utilize existing salmon management areas in order to provide functional jurisdictional areas for groundfish management plans that are familiar to the local fleets. These areas include; Prince William Sound, Cook Inlet, Kodiak, Chignik and Alaska Peninsula Areas. Public testimony supported utilizing existing salmon management area boundaries. Department comments also supported this approach, because it would be functionally consistent with current staffing and organizational structures. The board, however, recognized the need of federal managers to have the ability to apportion catch from state waters to appropriate federal catch reporting areas. The board received information from the department indicating that, even though different management areas were established, the existing

configuration of state water statistical catch reporting areas would enable catch reporting by federal reporting areas.

The board found it necessary to approve registration and gear limitations to reduce harvest rates and to ensure management consistent with available funding. The board chose to make the Prince William Sound, Cook Inlet, Kodiak, Chignik, and South Alaska Peninsula Areas exclusive registration areas. This action was also selected to provide benefits to local economies that are based largely on small boat fishing.

The board was compelled to further reduce the catch rate by limiting the gear in state managed fisheries to mechanical jigging machines, pots and hand troll gear. These gear types were also selected because of the inherent minimal bycatch and mortality of non target species associated with their use.

The board also limited the number of pots that may be fished to 60 per vessel and the number of mechanical jigging machines to 5 per vessel. To assist in the enforcement of pot limits, the board found it necessary to require each pot to be marked with an identification tag. The board did not limit the units of hand troll gear that may be fished per vessel, because hand troll gear is a very inefficient type of fishing gear.

The board also found it necessary to limit the size of participating vessels in some areas to further reduce catch rates, provide for extended seasons, and provide economic benefits to the regions in which the fishing is conducted. In the Kodiak Area, the board found it necessary to impose a 25,000 pound landing limit, per week, for catcher/processor vessels to reduce Pacific cod catch rates and to improve inseason catch reporting capabilities.

The board recognized that the approved registration and gear requirements may limit the ability of the existing fleets to fully utilize the established guideline harvest levels. To alleviate this potential problem, the board authorized inseason management authority for the department to rescind gear restrictions, vessel size limits, and exclusive registration requirements, in that order, if it became necessary to foster full utilization of established guideline harvest levels.

The board found that since the approved plan operated within the Total Allowable Catch (TAC) and Acceptable Biological Catch (ABC) levels established by the NPFMC, the plan was consistent with the state's, NMFS's and NPFMC's sustained yield mandate. The board's approved management plan contained provisions for a slow paced fishery, allowing the department to ensure catches do not exceed the harvest levels set by the board, as well as keeping the harvest at or below the ABC set by the NPFMC. Further the plan did not place a fiscal burden upon the department to conduct stock assessment programs outside of its fiscal means.

At the meeting in October 1996, members of the board repeatedly asked representatives from NMFS whether or not the proposed state groundfish plan would substantially and adversely affect the federal management plan. The board, in response to those direct and pointed inquiries, was consistently and repeatedly informed that the state's proposed groundfish plan would not substantially and adversely affect federal inseason management. These responses led the board to conclude that the state proposed plan would conform to the federal management plan.

At Sitka, Alaska

Date: January 29, 1996

Approved: (7/0/0/0) (Yes/No/Absent/Abstain)

  
Larry Engel, Chair  
Alaska Board of Fisheries