

RC 053




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Commercial Fisheries Entry Commission

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To: Glenn Haight, Executive Director
Alaska Board of Fisheries
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Date: February 19, 2016

From:  Bruce Twomley, Chairman
Benjamin Brown, Commissioner
Commercial Fisheries Entry Commission

Subject: Proposals 209, 210, 211, and 212 for the
2015/2016 Statewide Finfish meeting

This memorandum provides comments on proposals the Alaska Board of Fisheries (Board) will consider at the March 2016 meeting for Statewide Finfish and Supplemental Issues in Anchorage.

Proposal 212

This proposal seeks to repeal or modify the requirement to register for a single salmon net area. Under current regulations, an individual may hold permits in more than one salmon net area, but can register to fish the season in a single salmon net area only. For example, an individual cannot fish with a S03E drift gillnet permit in early-season Copper River openings, and then turn around to fish a S03T drift gillnet permit in Bristol Bay later in the same season.

If repealed:

To altogether abolish and do away with the single salmon net area requirement would necessitate more in addition to the repeal of 5AAC 39.115 in the proposal. It would need repeal of 5AAC 39.120(c) regarding area registration requirements for salmon net fishing vessels, and it would also need repeal of two companion CFEC regulations. The CFEC regulations are: 20AAC 05.1940 which requires registration in a single CFEC administrative area for salmon net gear permits; and 20AAC 05.1950 which requires registration in a single CFEC administrative area for the vessel employed to harvest in a salmon net gear fishery.

If modified:

To modify the single salmon net area requirement for drift gillnet gear as proposed would also necessitate modifying the CFEC regulation 20AAC 05.1940 *Designation of salmon net gear*

permits by area in addition to modifying 5AAC 39.115. Were the proposal to be adopted with amended language to include both modifications, there would be circumstances for which an individual could realistically fish two salmon drift gillnet fisheries in a season, and yet register his/her vessel in one salmon net area only. Take the above example of an individual with both S03E and S03T permits: should that person register for PWS and fish with a S03E permit in early-season Copper River openings, he/she could still use the S03T permit to enter into a dual-permit operation to fish in Bristol Bay, as long as that operation and vessel were registered for Bristol Bay under the partner in the dual-permit operation.

Proposals 209, 210, and 211

These proposals seek to establish Pacific herring as a species covered under the Forage Fish Management Plan. The specific language used to include herring in the Plan varies among the proposals. Proposal 211 uses language to prohibit the production of fish meal from whole forage fish. Should this proposal be adopted with language as-is, it would have a negative impact on some trawl fisheries, in that *whole* forage fish and *whole* herring are currently part of the species composition of trawl landings. Although trawl fisheries often target selected mid-water or bottom species, a trawl can inadvertently take forage fish on deploying the net down into the water column. Forage fish by-catch has been a significant part of the total of some individual trawl landings, and herring by-catch has been 2% or more of the total poundage of some individual trawl landings. These species in the by-catch are not useful for other than fish meal. If prohibited, trawl landings would need to be sorted and any forage fish and herring discarded.

Summary

CFEC urges caution with respect to Proposal 212 to repeal or modify the requirement to register for a single salmon net area.

Since before Alaska statehood, single area registration has been an effective effort control device, often strongly supported by local people. As an effort control device, single area registration with respect to herring fisheries has been tested and upheld by the Alaska Supreme Court in *State v. Hebert*, 803 P.2d 863 (Alaska 1990).

