

Oct. 2011 P-cod
BOF MEETING

RC 24

Committee B, Proposals 34-37
NOTES FOR ALASKA BOARD OF FISHERIES REGARDING POTENTIAL
ALLOWANCE FOR LONGLINE GEAR IN PRINCE WILLIAM SOUND STATE
WATER COD FISHERY:

From Chris Oliver, NPFMC, 12/6/08

Presuming allowance of longline gear and an assumed catch of 1 million lbs, during a March/April timeframe, we reviewed data from several observed longline hauls in GOA fisheries during similar timeframes (3-month average) from 2007 and 2008.

Halibut bycatch ranged from 150kg/mt to 280 kg/mt. Given those rates, and presumed discard mortality rates for this gear type (used by IPHC, NMFS, and NPFMC) resulting overall bycatch mortality could range from 10 mt to 20 mt (or around 20,000 to 40,000 lbs). This does not take into account that amount which might be covered by IFQs.

This would not accrue against the federal halibut PSC limits for GOA fixed gear fisheries (which is 290 mt for hook and line fisheries), so there would be no direct impact in that regard. There are no conservation concerns, as the IPHC would likely take estimated halibut bycatch mortality from this fishery into account when they establish annual CEY (catch limits). Therefore, some impacts could be experienced by halibut IFQ holders in the central GOA (IPHC Area 3A).

* This was submitted as RC 109 at the
2008 PWS BOF Meeting

**Board of Fisheries P-cod Meeting October 6 – 10, 2011
RC Index to date**

RC 25

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21	DOL	DOL Memo re: P-cod	1
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RC 26



CITY OF KING COVE
P.O. BOX 37
KING COVE, AK 99612
(907) 497-2340 PHONE
(907) 497-2594 FAX

FACSIMILE TRANSMITTAL SHEET

TO: Sherry Wright/Scott FROM: King Cove Advisory Comm.
 FAX NUMBER: 9074656094 DATE: 10/4/11
 COMPANY: ADF&G TOTAL NO. OF PAGES: 3 counting COVER.
 PHONE NUMBER: SENDER'S REFERENCE NUMBER:
 RE: YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY

NOTES/COMMENTS

Please make these available for
 the Board of Fish. Minutes on proposals
 to be held Oct 6-10, 2011 by ADF&G
 Fish Board. Thanks
 King Cove Chair
 GRANT Newton
 907-497-2856

King Cove Fish and Game Advisory Committee

Friday, September 30, 2011 @ 10:00 AM
King Cove Harbor House

1. Call to Order

Chairman Grant Newton called meeting to order at 10:00 AM

2. Roll Call

Members Present: Grant Newton
Kenneth Mack
Edwin Bendixen
Alvin Newman
Gary Mack
Joe Hogan
Corey Wilson

Members Absent: Bill Sager
Warren Wilson

Harbor Master and 5 other interested members of the community were present.

3. Review Proposals for October 6-10 P-Cod Meeting

18-support-The committee unanimously supports a 7 day stand-down for any pot vessels transferring from a Federal pot fishery into Area M or Area L state fisheries. We feel that it makes it a level playing field and possibly less attractive to BS-AI federal pot fishers.

19-support-unanimous

20-support [as amended]-Open 7 days after the closure of the pot sector of W Gulf Fed season [or March 15, whichever is later]. Majority of committee feel that the March 15 start date allows for a chance of better weather and more abundance of cod.

21-support [as amended]-Alvin Newman reported visiting with one of the proposers of prop 21 and reported a willingness to find a start date [between March 1 and our proposed March 15 date].

22-support-unanimous-We sponsored this proposal for the reason that the Federal sector splits for the 2012 Western Gulf parallel p-cod season will probably not all close at the same time. We feel that the Area M state pot and jig fishery should hinge on only the closure of the "pot sector" in the Fed season. The 7 day stand-down between seasons has been the norm to enable Fish & Game and fishermen to get ready for the state p-cod season. We feel that if the Federal "pot sector quota" goes fast, we would rather delay the start of the state season until March 15. This date is in the ballpark of some historical openings as well as allows for a chance of better weather and more abundance of cod.

23,24,25,26,27,28,29,30,31-no action-There appeared to be a unanimous concensus to oppose these proposals. We took no action on them due to their strictly allocative nature.

We felt the "call for proposals" for this meeting did not include proposals with a directed reallocation of cod.

32-support-None of the committee recognized it as an actual fishing practice.

33-support-ADF&G Housekeeping

4. Adjournment
10:45AM

RC 27

Alaska Board of Fisheries
Committee Report

COMMITTEE A

Chignik and South Alaska Peninsula
October 7, 2011

Board Committee Members:

1. Vince Webster, *Chair
2. John Jensen
3. Sue Jeffrey

Alaska Department of Fish and Game Staff Members:

1. Wayne Donaldson
2. Nicholas Sagalkin
3. Mark Stichert
4. Steve Honnold
5. Karla Bush
6. Ruth Christiansen
7. Kerri Tonkin
8. Sue Aspelund
9. Matt Miller
10. Lisa Olson

National Marine Fisheries Staff Members:

1. Seanbob Kelly

Advisory Committee Members: (only those representing committees in committee)

1. Gary Mack – King Cove AC
2. Zach Nehus – Unalaska/Dutch Harbor AC
3. Julie Kavanaugh – Kodiak AC

Public Panel Members:

1. Ron Kavanaugh – Chignik pot
2. Melvin Larsen – South Peninsula
3. Alfred AbouEid – Chignik pot
4. Tony Gregario - Chignik
5. Chuck McCullum – Lake and Peninsula Borough
6. Don Bumpus – Chignik pot

7. Robert Magnusson – Chignik pot
8. Virgil Porter – Sand Point
9. Matt Hegge – F/V Ocean Bay
10. Ernie Weiss – Aleutians East Borough
11. Benjamin Allen – Chignik
12. Sam Cotton – Aleutians East Borough
13. Dave Benson – Trident Seafoods

Federal Subsistence Representative:

1. None

The Committee met October 7, 2011 at 1:30 p.m. and adjourned at 3:30 p.m.

PROPOSALS BEFORE THE COMMITTEE WERE: (23 total, no number 13) 9-33.

PROPOSAL 9 – 5 AAC 28.537 Chignik Area Pacific Cod Management Plan. Develop regulations to coordinate state and federal Pacific cod fisheries as follows:

Regulatory provisions to address may include:

- State-waters and parallel fishery season opening and closing dates for pot and jig vessels.
- Area registration.
- Landing requirements.
- Gear storage requirements.
- Guideline harvest level (GHL) rollover and GHL clean-up provisions.

Staff Reports: RC 3, Oral Tab 2, Written Tab 5, 6.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, None.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department:

- The first board decision is whether or not to keep jig and pot state-water openings on the same date or after their respective federal sector closes.
- Management staff noted that the season dates options under discussion were manageable.
- Landing and gear storage requirements were not an issue as discussed.

Department of Law: None.

Federal Subsistence Representative: None.

Support: N/A

Opposition: N/A

General:

- Public panel member was against keeping fixed date; would prefer state-waters season to open after federal closure.
- Public panel member supported a triggered opening seven days after federal sector closure (pot). Not much jig effort in Chignik due to lack of processor.
- Public panel member noted that jig vessels usually don't start fishing until May.

- Public panel member noted that the processor's preference is for fish to flow steadily from one fishery/season to the next. Supports department's discretion to open state-waters jig fishery because it would allow for maximum flexibility.
- Public panel member noted that jig vessels would put in more effort if a processor were available. March 15 opening date covers the jig fishery for now.
- Public panel member supported opening the state-waters season after the Central Gulf of Alaska A-season federal closure because GHF is based on Central Gulf of Alaska.
- Public panel member supported opening the state-waters season after the Western Gulf of Alaska A-season federal closure.
- Public panel member supported reducing the jig allocation to 5%.
- Public panel member supported staff discretion on when to open state-waters jig season.
- Public panel supported status quo for landing requirements, gear storage, and GHF rollover dates.
- Recommendation that allocative issues be address during regular cycle.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: No consensus.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: None.

Substitute Language: None.

The following proposals were discussed as a group.

PROPOSAL 10 - Chignik Area Pacific Cod Management Plan. Open the state-waters Pacific cod season seven days after federal Gulf of Alaska Pacific cod season closes as follows:

PROPOSAL 11 - 5 AAC 28.537. Chignik Area Pacific Cod Management Plan. Open the state-waters Pacific cod season one week after federal Pacific cod season closes as follows..

PROPOSAL 12 - 5 AAC 28.537. Chignik Area Pacific Cod Management Plan. Open the state-waters Pacific cod season one week after federal Pacific cod season closes, or March 1, whichever is earlier.

Staff Reports: RC 3, Oral Tab 2, Written Tab 5, 6.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, None.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support: N/A.

Opposition: N/A.

General: See proposal 9.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: No consensus.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: None.

Substitute Language: None.

PROPOSAL 14 - 5 AAC 28.537. Chignik Area Pacific cod Management Plan. Require a 14-day stand-down period for vessels that fished in a federal/parallel season before fishing in the Chignik Area state-waters Pacific cod season.

Staff Reports: RC 3, Oral Tab 2, Written Tab 5, 6.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, None.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Public panel member submitted RC 16, which would limit the effects of this proposal only to vessels fishing in Area O (Bering Sea/Aleutian Islands).

Opposition:

- Public panel member noted that the language in RC 16 would discriminate against their fishing practices.
- Public panel member noted that this would be a different application of stand-down provisions than previously used.

General:

- If state-waters fishery opens earlier this may not be an issue.
- Recommendation that allocative issues be address during regular cycle.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: None.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: None.

Substitute Language: None.

PROPOSAL 15 – 5 AAC 28.537. Chignik Area Pacific Cod Management Plan. Reduce pot limit in state-waters Pacific cod season from 60 to 40 pots per vessel.

Staff Reports: RC 3, Oral Tab 2, Written Tab 5, 6.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, None.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Many of the local vessels are designed for salmon fishing (shallow-draft) which makes them less capable to carry large amounts of Pacific cod gear.
- Seasons are quick.

Opposition:

- Public panel member noted that a reduction in the Chignik Area pot limits could have a ripple effect on other state-water GHL fisheries. This could also increase fishing effort in other areas where pot limits are greater.

General:

- Recommendation that allocative issues be address during regular cycle.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: None.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: None.

Substitute Language: None.

PROPOSAL 16 - 5 AAC 28.537. Chignik Area Pacific Cod Management Plan. Establish daily fishing period for Chignik state-waters Pacific cod fishery from 6:00 am to 6:00 pm.

Staff Reports: RC 3, Oral Tab 2, Written Tab 5, 6.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, None.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Public panel member noted that slowing the fishery down makes it more economically viable for smaller sized vessels.

Opposition: See proposal 15.

General:

- Recommendation that allocative issues be address during regular cycle.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: None.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: None

Substitute Language: None.

PROPOSAL 17 - 5 AAC 28.500. Description of Chignik Area; and 5 AAC 28.505. Description of Chignik Area Districts. Amend regulatory description of Chignik groundfish area and districts as follows:

5 AAC 28.500. Description of Chignik Area.

The Chignik Area consists of all waters of Alaska on the south side of the Alaska Peninsula enclosed by **a line extending south from the Alaska Peninsula (near Kilokak Rocks) along 156° 20.22' W. long., [(THE LONGITUDE OF THE SOUTHERN ENTRANCE TO IMUYA BAY NEAR KILOKAK ROCKS)]** and a line extending 135° southeast from Kupreanof Point (55° 33.98' N. lat., 159° 35.88' W. long.).

5 AAC 28.505. Description of Chignik Area Districts.

(a) Sutwik Island District: all waters of the Chignik Area west of [THE LONGITUDE OF KILOKAK ROCKS] 156° 20.22' W. long. and north of 56° 30.00' N. lat.

Staff Reports: RC 3, Oral Tab 2, Written Tab 5, 6.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, None.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department: Housekeeping.

Department of Law: None.

Federal Subsistence Representative: None.

Support: None.

Opposition: None.

General: None.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: None.

Substitute Language: None.

PROPOSAL 19 – 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan. Develop regulations governing the state-waters Pacific cod fishery to address federal/parallel Gulf of Alaska gear sector allocations.

Regulatory provisions to address may include:

- State-waters and parallel fishery season opening and closing dates for pot and jig vessels.
- Area registration.
- Landing requirements.
- Gear storage requirements.
- Guideline harvest level (GHL) rollover and GHL clean-up provisions.

Staff Reports: RC 3, Oral Tab 2, Written Tab 5, 6.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, None.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department:

- Department noted if season South Alaska Peninsula season opened was more than 7 days after the closure of the Western Gulf of Alaska closure that current regulations require all gear to be removed from the fishing grounds or placed in shallow water storage. Department does not support leaving fishing gear at depth beyond 7-days due to concerns over lost gear, ghost fishing, and gear conflicts.

Department of Law: None.

Federal Subsistence Representative: None.

Support: None.

Opposition: None.

General:

- Public panel member supports date certain state-waters jig opening with department discretion.
- Public panel member supports date certain opening for state-waters South Alaska Peninsula pot season late enough to allow pot and trawl vessels to harvest respective federal sectors.
- Public panel member supports date certain state-waters pot season opening or 7 days after the federal pot sector season closes; whichever is later (Proposal 21).

- King Cove AC member supports opening the state-waters pot season on March 7 or 7 days after the federal pot sector season closes: whichever is later.
- Public panel member supports status quo for state-waters jig season and that jig fishermen are more concerned with losing their state allocation than they are with achieving federal step-ups.
- Public panel member supports status quo for discrete seasons.
- Public panel member noted there were not enough public active jig participants for adequate comment.
- Public panel member noted that they participate in the Tanner crab fishery which opens January 15, which reduces fishing opportunity to participate in the Western Gulf of Alaska Pacific cod A-season.
- Recommendation that allocative issues be address during regular cycle.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: None.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: None.

Substitute Language: None.

The following proposals were discussed as a group.

PROPOSAL 20 - 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan. Open state-waters Pacific cod season seven days after federal Western Gulf of Alaska A season Pacific cod pot sector closes.

PROPOSAL 21 - 5 AAC 28.577. South Alaska Peninsula Area Pacific Cod Management Plan. Open state-waters Pacific cod season on March 1, or seven days after federal Gulf of Alaska Pacific cod pot sector closes, whichever is later.

PROPOSAL 22 - 5 AAC 28.577. Alaska Peninsula Area Pacific Cod Management Plan. Open state-waters Pacific cod season on March 15, or seven days after federal Western Gulf of Alaska Pacific cod pot sector closes if that closure is later than March 15.

Staff Reports: RC 3, Oral Tab 2, Written Tab 5, 6.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, None.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support: See Proposal 19.

Opposition: See Proposal 19.

General: See Proposal 19.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: None.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: None.

Substitute Language: None.

The following proposals were discussed as a group.

PROPOSAL 23 - 5 AAC 28.577. Alaska Peninsula Area Pacific Cod Management Plan. Establish regulatory allocation for mechanical jigging machine gear in the state-waters Pacific cod fishery.

PROPOSAL 24 - 5 AAC 28.XXX. New Regulation. Establish regulatory allocation of 25 percent for state-waters Pacific cod jig fishery.

PROPOSAL 25 - 5 AAC 28.XXX. New Regulation. Establish regulatory allocation of 30% for state-waters Pacific cod mechanical jig fishery.

PROPOSALS 26 - 31 5 AAC 28.XXX. New Regulation. Establish regulatory allocation of 50 percent for state-waters Pacific cod jig fishery.

Staff Reports: RC 3, Oral Tab 2, Written Tab 5, 6.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, None.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department:

- Wouldn't affect current management if there was a separate jig allocation.
- Board must decide if there should be a single GHL with separate pot and jig allocations or independent GHLS for each gear group. If the board chooses to establish a single state-waters GHL allocated between pot and jig gear, then management overages for one gear type may impact the GHL for the other gear type. If the board chooses to establish separate GHLS for pot and jig gear, each gear type is managed independently ensuring management precision for one gear type does not influence the GHL for the other gear type.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Public panel member wants to establish the jig allocation in regulation but keep it at 15%.

Opposition:

- Public panel member noted that allocation issues should be addressed during the regular cycle.
- Public panel member recommended keep allocations status quo until the effects of federal sector allocations are known.

- Public panel member noted that non-jig vessels have already lost fishing opportunities due to sea lion restrictions and trawl closure areas and do not want further reductions.

General:

- Public panel member noted this is an allocation issue; pot vessels are currently fishing and can't be here to represent themselves.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral

AC Positions: Dutch Harbor AC supports establishing jig allocation in regulation.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: None.

Substitute Language: None.

PROPOSAL 32 – 5 AAC 28.570. Lawful Gear for South Alaska Peninsula Area. Repeal one definition of mechanical jigging machine gear as follows:

(d)(2) **repealed** [A SINGLE CONTINUOUS LINE WITH NO MORE THAN 150 HOOKS].

Staff Reports: RC 3, Oral Tab 2, Written Tab 5, 6.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, None.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support: None.

Opposition: None.

General:

- Public panel member noted they have this gear, but haven't used it yet and asked if it could be used under the authority of a Commissioner's Permit.
- Department responded that in order to issue a Commissioner's Permit for use of this gear type for the state-waters Pacific cod fishery, the gear must be legally defined in regulation.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: None.

Substitute Language: None.

PROPOSAL 33 – 5 AAC 28.555. Description of South Alaska Peninsula Area Districts and Sections.
Amend regulatory description of South Alaska Peninsula groundfish district and sections as follows:

(1) Eastern District: all waters of the South Alaska Peninsula Area east of the longitude of Scotch Cap Light (**164° 44.72' W. long**) [(164° 44' W. long)], which includes the following sections:

(A) Shumagin Islands Section: all waters of the Eastern District west of a line extending 135° southeast from Kupreanof Point (55° 33.98' N. lat, 159° 35.88' W. long) and east of 161° W. long.;

(B) Pavlof Bay Section: all waters of the Eastern District west of 161° W. long. and east of 162° W. long.;

(C) Sanak Island Section: all waters of the Eastern District west of 162° W. long. and east of the longitude of Scotch Cap Light (**164° 44.72' W. long.**) [(164° 44' W. long.)];

(2) Western District: all waters of the South Alaska Peninsula Area west of the longitude of Scotch Cap Light (**164° 44.72' W. long**) [(164° 44' W. long)].

Staff Reports: RC 3, Oral Tab 2, Written Tab 5, 6.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, None.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department:

- This line does not apply to the state-waters Pacific cod fishery although it will standardize the line with other groundfish fisheries.
- The North Pacific Fishery Management Council was analyzing options to coordinate with state regulations and this proposal would standardize boundary lines to a common reference point.

Department of Law: None.

Federal Subsistence Representative: None.

Support: None.

Opposition: None.

General: None.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: None.

Substitute Language: None.

PROPOSAL 18. 5 AAC 28.577 South Alaska Peninsula Area Pacific Cod Management Plan. Require 7-day stand-down period for vessels that fished during the federal Bering Sea/Aleutian Islands Pacific cod season before fishing the Chignik or South Alaska Peninsula state-waters seasons.

Staff Reports: RC 3, Oral Tab 2, Written Tab 5, 6.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, None.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department:

- State-water registration requirements do not apply to federal fisheries.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Public panel member noted that boats fishing in federal waters can easily enter the state-waters fishery because the fishery is not limited entry; however, vessels in the state-water fishery can only enter federal fisheries (in federal waters) with an LLP.

Opposition:

- Public panel member noted that there has been lots of growth in the Bering Sea Aleutian Islands (BSAI) fishery. That fishery will probably close earlier every year. Dates should be set that work for the local fleet without regard to what's happening in the BSAI.

General:

- Recommendation that allocative issues be address during regular cycle.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: None.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: None.

Substitute Language: None.

RC 28

Alaska Board of Fisheries
Committee Report

COMMITTEE B

PRINCE WILLIAM SOUND AND COOK INLET PACIFIC COD
October 7, 2011

Board Committee Members:

1. Tom Kluberton, *Chair
2. Mike Smith

Alaska Department of Fish and Game Staff Members:

1. Charlie Trowbridge - FBIII, Commercial Fisheries
2. Elisa Russ – FBII, Commercial Fisheries
3. Maria Wessel – FBII, Commercial Fisheries
4. Stefanie Moreland, Federal Fisheries Coordinator, Commissioner’s Office
5. Tracy Lingnau, Central Region Supervisor
6. Craig Farrington, CFEC
7. Al Cain, Enforcement

Other Agency Staff Members:

1. Mike Mitchell, Department of Law

Advisory Committee Members: None

Public Panel Members:

1. Glen Carroll
2. Alray Carroll
3. Bob Smith
4. Jim Smith
5. Ilia Kuzmin
6. David Polushkin

Federal Subsistence Representative: None

The Committee met October 7, 2011 at 1:45 p.m. and adjourned at 4:45 p.m.

PROPOSALS BEFORE THE COMMITTEE WERE: (9 total) 39, 34, 35, 36, 38, 37, 42, 40, 41

PROPOSAL 39 - 5 AAC 28.267. Prince William Sound Pacific Cod Management Plan. Develop regulations governing the state-waters Pacific cod fishery as follows:

Regulatory provisions to address may include:

- State-waters and parallel fishery season opening and closing dates for pot and jig vessels.
- Area registration.
- Landing requirements.
- Gear storage requirements.
- Guideline harvest level (GHL) rollover and GHL clean-up provisions.

Staff Reports: RC 3, Oral Tab 4, Written Tab 7.

Staff Comments: RC 8.

AC Reports: RC 1, Advisory Committee Comment Tab.

Timely Public Comment: RC 1, Public Comment Tab.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department:

- 2012 sector allocations will apply to Central Gulf of Alaska (CGOA) and Western Gulf of Alaska (WGOA) but not Eastern Gulf of Alaska (EGOA). For Prince William Sound (PWS), guideline harvest level (GHL) tied to EGOA while management actions tied to CGOA.
- Any decision to change opening date of parallel season will not affect federal fishery; those dates are set.
- If PWS state waters Pacific cod seasons were tied to EGOA, there would be a year-round fishery.
- Majority of harvest during state-waters PWS Pacific cod fishery historically occurred in southwestern PWS and some on outer Hinchinbrook Is. Because fishing occurred in southwestern PWS, BOF took action to tie management to CGOA.
- EGOA harvest rising since 2007.
- Want to minimize concurrent fishing so would be best to tie to one hook-and-line (HAL) sector.
- Could also tie opening to one, each, or all of the HAL sectors.
- The <50' HAL sector has the largest allocation and likely to be the longest running season.
- Board could choose to tie longline opening to one HAL sector: pot to pot; jig to jig.
- There are allocative aspects to season dates because one gear group may have earlier opportunity than another gear group.
- Original 7 day delayed opening was for accounting. It changed to 24 hours in Cook Inlet and it has worked.
- The federal 1% jig sector allocation will be managed 60% to A-season and 40% to B-season and prior to step-up, it is likely to be achieved prompting the opening of a state-waters jig fishery; although this may change after step-up.
- If CGOA jig does not close and there is no date certain opening for state-waters fishery, then there will be a year-round parallel jig.

- IPHC sets halibut opening date at January meeting based on advisory committee input; the season generally opens late Feb. to late March.
- Chris Oliver letter (RC 24) from 2008 BOF meeting supporting adoption of longline gear in state-waters fishery was read by department staff. There was no conservation concern because IPHC would take halibut bycatch mortality into account.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Open parallel season concurrent with federal season; status quo.
- Close parallel season for pot and jig when federal pot and jig sectors close.
- No date certain closure for jig parallel season.
- Open pot and jig state-waters seasons 24 hours after pot and jig parallel sectors close.
- Close parallel season for longline when federal HAL <50' sector closes.
- When closing parallel season, all other federal HAL sectors still open will close in parallel waters.
- Open longline fishery 7 days following closure of the <50' HAL sector or on halibut season opening date, whichever is later.
- Once 85% of the GHL is achieved, longline gear closes.
- When 90% of the GHL is achieved, pot gear closes.
- If state-waters season is still open, then close when parallel B-seasons open.
- Open parallel B jig, pot, and longline seasons concurrent with federal B-season opening for these gears.
- Parallel B-season closes concurrent with federal season by corresponding gear type (pot, jig, and <50' HAL sector).
- Change rollover date to September 1.
- If GHL still remains, open state-waters season to each gear type after closure of corresponding parallel B-seasons (rollover implemented to all gear types).
- Suggestion was made to open state-waters jig and pot seasons 24 hours after sector closures, although leaving longline at 7 days.

Opposition:

- Longline would not want to change 7 days because they fish CGOA federal in Kodiak and then run to PWS for state-waters and cannot get there in time.

General:

- Discussion of merits of opening 1 week after <50' HAL sector closes or with halibut opening date.
- Other option to use date certain.
- Over the next two years the NPFMC will revisit opening dates for some sectors.
- Could tie all gear openings to one sector so that they open at the same time.
- If the federal pot closes earlier than HAL sector, then pot gear would have to be stored until state-waters season opens.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: No Position.

AC Positions: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: None.

Substitute Language: None.

Decision Points	Options	Prince William Sound		
		Jig	Pot	Longline
Parallel A-season opening	Concurrent with federal opening	Yes		
	OR Other date certain	No		
Parallel A-season closure	Concurrent with federal closure	Yes, with corresponding gear sector	Yes, with <50' HAL sector	
	OR Other date certain	No		
State GHL opening	Triggered (following A-season sector closure)	Yes, 24 hours following jig sector closure	Yes, 24 hours following pot sector closure	Yes, 7 days after <50' HAL sector closure, or on halibut opening date, whichever occurs later
	OR Date Certain (March 15 or department discretion)	No		
State GHL closing	Triggered (once GHL is achieved)	Close when GHL is achieved	Close when 90% of GHL is achieved	Close when 85% of GHL is achieved
	OR When parallel B-season opens (whichever occurs first)	Yes, (June 10)	Yes, (September 1)	
	OR Date certain (department discretion)	No		
Parallel B-season opening	Once the GHL is achieved	No		
	OR When federal B-season opens	Yes, (June 10)	Yes, (September 1)	
	OR Date certain	No		
Parallel B-season closure	Triggered (once federal parallel B-season closes)	Yes, concurrent with corresponding gear sector	Yes, concurrent with <50' HAL sector	
Re-open state GHL	Triggered (once B-season sector closes)	Yes, immediately following closure of parallel B-season gear sectors		
	OR Date certain (department discretion)	No		
Rollover dates	Remaining GHL is available to all gear types	September 1		
Registration requirements and gear limits relaxed	Lift exclusive registration requirement and gear limits	October 30		

PROPOSAL 34 - 5 AAC 28.267. Prince William Sound Pacific Cod Management Plan.

Allocate the state-waters Pacific cod guideline harvest level as follows:

5 AAC 28.267(c), 5 AAC 28.267(c)(2) and 5 AAC 28.267(c)(3) add “with the exception of longline gear”.

5 AAC 28.267(c)(2) – for pots: change 60% to 90%.

5 AAC 28.267(c)(3) – add: for longline gear season will open concurrent with halibut season and close when 75% of GHF is reached, or on...etc.

Staff Reports: RC 3, Oral Tab 4, Written Tab 7.

Staff Comments: RC 8.

AC Reports: RC 1, Advisory Committee Comment Tab.

Timely Public Comment: RC 1, Public Comment Tab.

Narrative of Support and Opposition:

Department:

- State-waters fishery began in 1997. Historically, seasons were parallel to CGOA prior to 1997, similarly to now.
- Pacific cod move inshore in a west-to-east fashion; historically CGOA Pacific cod closed before fish showed up in PWS so there was an interest in developing state-waters opportunity (including in other areas, ie. Cook Inlet (CI)).
- In 2008, BOF adopted longline gear because PWS had not achieved guideline harvest level (GHL).
- Chris Oliver, Executive Director of North Pacific Fishery Management Council (NPFMC) submitted a letter (RC 24) at 2008 CR/PWS meeting stating the NPFMC did not oppose longline adoption in PWS, that halibut bycatch was not a conservation concern, and International Pacific Halibut Commission (IPHC) would account for that bycatch mortality.
- At the current meeting, NPFMC submitted a letter expressing concern about halibut bycatch, and hence, their support of aligning the halibut season and longline PWS Pacific cod state-waters season opening dates.
- Longline gear was not originally considered for state-waters fisheries when they were created in 1996. At the 1996 Board of Fisheries (BOF) meeting National Marine Fisheries Service (NMFS) representatives stated if longline was adopted, the state would have to institute an observer program to account for halibut bycatch.
- Kodiak was among the first to create a Pacific cod management plan, and they proposed limiting the fishery to pot and jig gear; the BOF was favorable towards those gears in 1996 because they are more selective gear types.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Author asserted that the reason for the proposal in 2008 to introduce longline gear in PWS was because there was virtually no season for longline. However, the original intent of the 2008 proposal was to have the season open concurrent with halibut.
- There is a bycatch issue because halibut are discarded during Pacific cod fishery prior to the halibut season opening and although all halibut bycatch will not be eliminated, it will be reduced by aligning the Pacific cod and halibut season opening dates.
- There is a Pacific cod bycatch issue during halibut season.
- It is more economical for processors to open for halibut and Pacific cod instead of earlier just for Pacific cod. In Cordova, processors do not open until halibut season opens, although now there is a buyer in Seward open earlier for the state-waters Pacific cod season.
- Although he supported adopting longline as a legal gear in 2008, author wanted to maintain some opportunity for pot and jig gear, which was essentially eliminated by effectiveness of longline gear.
- Currently there is no longline cap, only 60% to pot, and proposer wants to implement longline cap even though he is a longline fisherman.
- Committee chair asked if we are essentially throwing away a piece of GHL since other gears are not participating. Author responded that the proposed percentages are not cast in stone but he wants to allow for some opportunity for other gear types which can be adjusted in the future.
- Committee chair said the Board has discussed postponing action on allocative proposals but he will argue in favor of considering this proposal because it fits within the framework of the management plan.
- Some public panel members would prefer to deal with proposal now and not wait until December.
- It is better economically the more things you can fish at once. Halibut is limited by Individual Fishing Quota (IFQ) but still can maximize economic potential and minimize waste of resource if fishing multiple species. He is fishing exactly the same way when targeting either halibut or Pacific cod (i.e., same bait, depth).
- Study will be done on longline vessels in spring 2012: electronic monitoring for halibut and sablefish. Panel member suggested using the same system in the state-water fishery to collect some data. The system consists of two cameras, hard-drive, video monitoring (one over side, one on deck).
- Public had consensus on implementing an 85% longline cap (once 85% of GHL is achieved, longline gear closes) and a 90% pot cap (once 90% of GHL is achieved, pot gear closes).
- Public had consensus to open state-waters longline fishery either once the federal A season allocation for the <50' HAL sector closes or on the halibut season opening date, whichever occurs later.

Opposition: None.

General:

- It was first suggested that proposal could be split: season date could be dealt with at this meeting but table allocation portion until December meeting; later, the committee came to consensus.
- There was an active fishery in the 1990s for pot gear but it has declined.
- It was suggested that if fishing in state-waters and not federally licensed, vessel does not require observer but there was a public response that the over 60' vessel fishing in PWS state-waters is federally licensed.

- Public panel member expressed surprise that there is no monitoring on longline vessels during state waters Pacific cod.
- Of participants in the longline state-waters fishery, 74% of permit holders participate in IFQ.
- One fisherman suggested that if a vessel's hold is almost full, Pacific cod will be discarded the side and halibut will be kept because more valuable.
- Different fisherman said he uses different bait even if some other fishermen might use the same. "Cod is picky".

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: None.

Public Panel Recommendation: Consensus to support with the following substitutions:

- 85% cap on longline gear (once 85% of GHF is achieved, longline closes)
- 90% cap on pot gear (once 90% of GHF is achieved, pot closes)
- open state-waters longline fishery either once the federal A-season for the <50' HAL sector closes or on the halibut season opening date, whichever occurs later.

Board Committee Recommendation: None.

Substitute Language: None.

PROPOSAL 35 - 5 AAC 28.267. Prince William Sound Pacific Cod Management Plan. Establish a specific sector allocation for the jig fishery in PWS as follows:

The current regulation would be rewritten to more closely match the Pacific cod Management Plans found at 5 AAC 28.467 Kodiak and 5AAC28.267 Cook Inlet, which set specific sector allocations to the jig fishery.

Staff Reports: RC 3, Oral Tab 4, Written Tab 7.

Staff Comments: RC 8.

AC Reports: RC 1, Advisory Committee Comment Tab.

Timely Public Comment: RC 1, Public Comment Tab.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department:

- Rollover date is October 1: unharvested GHLL becomes available to ALL legal gears but would require there is a jig allocation or else there would be no rollover (longline has been successful harvesting entire GHLL). Rollover happens earlier than the later separate date of lifting gear restrictions.

Department of Law: None.

Federal Subsistence Representative: None.

Support: None.

Opposition: None.

General: None.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: None.

Public Panel Recommendation: No action based on Proposal 39.

Board Committee Recommendation: None.

Substitute Language: None.

PROPOSAL 36 - 5 AAC 28.267. Prince William Sound Pacific Cod Management Plan. Allow only vessels without a federal Pacific cod endorsement to participate in the state-waters Pacific cod fishery as follows:

(c) The commissioner shall open by emergency order, a state waters season in the PWS Area, **for vessels who do not have a Pacific cod endorsement in their federal groundfish license**, seven days following....

Staff Reports: RC 3, Oral Tab 4, Written Tab 7.

Staff Comments: RC 8.

AC Reports: RC 1, Advisory Committee Comment Tab.

Timely Public Comment: RC 1, Public Comment Tab.

Record Comments: RC 1.

Department: None.

Department of Law:

- It is beyond the authority of BOF to restrict participation in the manner proposed.

Federal Subsistence Representative: None.

Support:

- Author submitted because learned that he lost Pacific cod endorsement for LLP in CGOA and wanted to reduce competition. Later he learned that he still has opportunity to fish in Eastern Gulf of Alaska (EGOA).

Opposition: None.

General: None.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: None.

Public Panel Recommendation: None.

Board Committee Recommendation: None.

Substitute Language: None.

PROPOSAL 38 - 5 AAC 28.267. Prince William Sound Pacific Cod Management Plan. Amend opening date of the state-waters Pacific cod season as follows:

Make a regulation stating that the PWS Pacific cod Fishery will not open until at least 1 week after the <50' sector in the parallel Federal Fishery catches their given allocation for that fishing season.

Staff Reports: RC 3, Oral Tab 4, Written Tab 7.

Staff Comments: RC 8.

AC Reports: RC 1, Advisory Committee Comment Tab.

Timely Public Comment: RC 1, Public Comment Tab.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department:

- There is 14.6% of the CGOA allocated to the <50' HAL sector. This amount is greater than recent harvests and it is expected to extend season.
- During last 3 years, halibut season has been about a month different from state-waters Pacific cod season.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Author anticipates the <50' HAL sector season will go longer than previously although can't be certain. If so, anticipates will align somewhat closely with halibut season.
- Public had consensus to open state-waters longline fishery either once the federal A season for the <50' HAL sector closes or on the halibut season opening date, whichever occurs later.

Opposition: None.

General:

- Addressed while discussing Proposal 39.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: None.

Public Panel Recommendation: Consensus to support with the following substitutions:

- Open state-waters longline season either once the federal A season allocation for the <50' HAL sector closes or on the halibut season opening date, whichever occurs later.

Board Committee Recommendation: None.

Substitute Language: None.

PROPOSAL 37 - 5 AAC 28.206. Prince William Sound area registration. Require that Pacific cod from other areas be landed before a vessel participates in the state-waters Pacific cod fishery as follows:

5 AAC 28.206. Prince William Sound Area Registration.

(d) A vessel validly registered for the Prince William Sound Area state waters Pacific cod season may not operate gear in that fishery while having fish from any other registration area or the exclusive economic zone on board the vessel. These fish must be landed prior to participating in the state waters Pacific cod season. A vessel operator must land fish taken in a state waters season prior to operating gear in any other registration area or the exclusive economic zone.

Staff Reports: RC 3, Oral Tab 4, Written Tab 7.

Staff Comments: RC 8.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab.

Timely Public Comment: RC 1, Public Comment Tab.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department:.

- The purpose of proposal is to keep accounting clear due to concurrent fisheries.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Seems reasonable.

Opposition: None.

General:

- This proposal would still allow for delivery to offshore processors.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: None.

Substitute Language: As written in proposal.

PROPOSAL 42 - 5 AAC 28.367. Cook Inlet Pacific Cod Management Plan. Develop regulations governing the state-waters Pacific cod fishery as follows:

Regulatory provisions to address may include:

- State-waters and parallel fishery season opening and closing dates for pot and jig vessels.
- Area registration.
- Landing requirements.
- Gear storage requirements.
- GHL rollover and GHL clean-up provisions.

Staff Reports: RC 3, Oral Tab 4, Written Tab 7.

Staff Comments: RC 8.

AC Reports: RC 1, AC Comment Tab.

Timely Public Comment: RC 1, Public Comment Tab.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department:

- It was reiterated that the committee chose not to include a date certain opening for the jig fishery in order to prevent concurrent fishing.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Open initial parallel seasons concurrent with federal seasons.
- Close parallel A-season concurrent with each federal A-season gear sector.
- Open state-waters pot season 24 hours after parallel pot season closes.
- State-waters pot season will close when pot gear achieves 85% of the GHL (change from current 75% allocation) or if parallel season reopened. Reference discussion on Proposal 40.
- Status quo for 25% allocation to larger vessels.
- Remove May 1 – June 15 pot closure.
- State-waters jig season opens 24-hours after parallel jig season closes.
- State-waters jig season closes when jig gear achieves 15% of the GHL (change from current 25% allocation). Reference discussion on Proposal 40.
- The jig allocation of the state-waters GHL would start at 15%. If 90% of that amount was caught, it would increase by 5% beginning the next calendar year to a maximum of 25%.
- Parallel B-season opens concurrent with federal B-season for all legal gear types (June 10 for jig, September 1 for all other gears).
- Parallel B-season closes by gear type when federal B-season TAC is achieved by gear sector.

- Rollover date to remain status quo (September 1).
- State-waters season will reopen by gear type if GHF remains.
- There was consensus to maintain status quo of October 30 for relaxing registration requirements and gear limits.

Opposition: None.

General:

- Committee chose not to adopt a date certain for a state-waters jig fishery to open and committee members acknowledged that this issue could be revisited. The committee did not think it was worth creating a management structure that would allow concurrent fishing and require mitigation measures with such low jig effort in the state-waters fishery. The committee did not want concurrent fisheries to occur as a result of actions taken here, and commented that once fishery is prosecuted under new federal rules there will be an opportunity to revisit this issue and the Board is expected to address this in the future with experience under the new management measures.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: No Position.

AC Positions: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: None.

Substitute Language: None.

Decision Point	Options	Cook Inlet Area	
		Jig	Pot
Parallel A-season opening	Concurrent with federal opening		Yes
	OR Other date certain		No
Parallel A-season closure	Concurrent with federal closure	Yes, with jig sector	Yes, with pot sector
	OR Other date certain		No
State GHL opening	Triggered (following A-season sector closure)	Yes, 24 hours following jig sector closure	Yes, 24 hours following pot sector closure
	OR Date Certain (March 15 or department discretion)		No
State GHL closing	Triggered (once GHL is achieved)	Yes, close when 15% GHL achieved	Yes, close when 85% GHL achieved
	OR When Parallel B-season opens, (whichever occurs first)	Yes, (June 10)	Yes, (September 1)
	OR Date certain (department discretion)		No
Parallel B-season opening	Once the GHL is achieved		No
	OR When federal B-season opens	Yes, (June 10)	Yes, (September 1)
	OR Date certain		No
Parallel B-season closure	Triggered (once federal B-season sector closes)	Yes, concurrent with corresponding gear sector	
Re-open state GHL	Triggered (once parallel B-season sector closes)	Yes, immediately following closure of parallel B-season corresponding gear sector	
	Date certain (department discretion)	No	
Rollover dates	Remaining GHL becomes available to all gear types	September 1	
Registration requirements & gear limits relaxed	Lift exclusive registration requirement and gear limits	October 30	

PROPOSAL 40 - 5 AAC 28.367. Cook Inlet Pacific Cod Management Plan. Reallocate state-waters season guideline harvest level as follows:

The jig portion of the quota would start at 10% of the 90% of that amount was caught. It would increase by 5% beginning the next calendar year to a maximum of 25%.

Staff Reports: RC 3, Oral Tab 4, Written Tab 7.

Staff Comments: RC 8.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab.

Timely Public Comment: RC 1, Public Comment Tab.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department:

- When there is a high percentage of jig allocation remaining, then it can be too much to harvest in the fall season.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- GHL not being harvested and all authors of proposal, except for one, also jig fish; just want GHL to be harvested.
- The author just wants to achieve GHL; author would consider 85% pot and 15% jig split.
- Concern regarding sector splits and more jig fishing time. Although jig gear achieved 11% of GHL this year, state-waters season jig harvest may be reduced due to increased parallel jig opportunity under sector splits.

Opposition: None.

General: None.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: None.

Public Panel Recommendation: Consensus to support with the following substitution:

- The jig allocation of the state-waters GHF would start at 15%. If 90% of that amount was caught, it would increase by 5% beginning the next calendar year to a maximum of 25%.

Board Committee Recommendation: None.

Substitute Language: None.

PROPOSAL 41 - 5 AAC 28.367. Cook Inlet Pacific Cod Management Plan. Amend the opening date for state-waters season as follows:

The state waters pot season would open 24 hrs. after the closure of the directed federal pot season.

Staff Reports: RC 3, Oral Tab 4, Written Tab 7.

Staff Comments: RC 8.

AC Reports: RC 1, Advisory Committee Comment Tab.

Timely Public Comment: RC 1, Public Comment Tab.

Record Comments: RC 1.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support: None.

Opposition: None.

General:

- Maintains “status quo”.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: None.

Substitute Language: None.

RC 29

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

P.O. BOX 25526
JUNEAU, AK 99802-5526
PHONE: (907) 465-4210
FAX: (907) 465-2604

DEPARTMENT OF FISH AND GAME

Division of Commercial Fisheries
Division of Subsistence

MEMORANDUM

DATE: October 7, 2011

TO: Karl Johnstone, Chair
Alaska Board of Fisheries

THROUGH: Jeff Regnart, Director 
Division of Commercial Fisheries

Hazel Nelson, Director 
Division of Subsistence

FROM: John Linderman, Regional Supervisor
Region III – Arctic-Yukon-Kuskokwim

SUBJECT: Petition for Taking up Illegal Sale of Yukon River Salmon

Action Requested

This memorandum provides comments on a petition submitted to the Alaska Board of Fisheries (board) by Doug Karlberg to take up the issue of illegal sales of salmon from the Yukon River. Specifically, the concern is in regard to illegal sale of subsistence-caught king salmon from the Yukon River. The proposed solution is to require documentation of all subsistence fish harvested each day by fishermen and to document intended use of those fish, such as for customary trade. This reporting requirement is proposed to halt “black market” sales of subsistence-taken fish, as well as to more accurately document subsistence take of king salmon in the Yukon River.

Background

State regulations prohibit sale of subsistence-caught salmon unless otherwise authorized in area regulations. The board has not authorized sale of subsistence-caught fish in the Yukon Management Area. However, federal regulations do allow customary trade in the Yukon Management Area. A 2011 federal regulations summary defines customary trade as “the name given to the traditional exchange of cash for subsistence-harvested fish and wildlife.” Federal customary trade regulations do not, however, pre-empt laws regarding the processing and sale of

food for human consumption. All subsistence-caught foods sold for human consumption under federal subsistence rules must comply with state (Department of Environmental Conservation) food safety laws. Divergent state and federal regulations contribute to difficulty enforcing state regulations along waters under a patchwork of state and federal jurisdiction in the Yukon River drainage.

Currently, the federal subsistence regulatory system is addressing a proposal regarding customary trade rules in the Yukon River drainage, including potential documentation of customary trade. It is unknown what their final actions will be. However, the results of this process will be important in evaluating future state enforcement activities, as well as possible changes to state regulations. There was a proposal before the board during the 2009/10 Arctic-Yukon-Kuskokwim (AYK) cycle to require subsistence harvest calendars, which was basically a subsistence permit requirement, throughout the drainage. This proposal was not adopted by the board.

Finding of Emergency

Under the criteria listed in the Joint Board Petition Policy used by the board in determining whether or not an emergency exists, paragraph (f) of 5 AAC 96.625 reads, in pertinent part:

...In this section, 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 and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.

At this time, there is no unforeseen or unexpected event that either threatens a fish resource or precludes a biologically allowable harvest. Delayed regulatory action would not be significantly burdensome to the petitioner and there is no immediate threat to the resource. There is an action plan in place for Yukon River king salmon based upon the stock of yield concern determination. Under the Yukon River king salmon management plan, fish are managed under time and area closures, and restrictions on subsistence harvests have occurred, as needed, in recent years to meet escapement goals. Furthermore, regulation proposals for the AYK area can be submitted to the board by April 10, 2012, and will be taken up at the next AYK board meeting, which is scheduled for the 2012/2013 cycle.

Summary

It is the department's conclusion that a finding of an emergency under 5 AAC 96.625 (f) has not been satisfied by this petition. While the state acknowledges the concern expressed by the petitioner about alleged illegal sales of subsistence-caught fish from the Yukon River Management Area, it is premature to take additional regulatory action addressing this activity until the outcome of current federal processes addressing customary trade is known.

5 AAC 28.467. KODIAK AREA PACIFIC COD MANAGEMENT PLAN. (a) This management plan governs the harvest of Pacific cod in the Kodiak Area.

(b) Each year the commissioner shall open and close, by emergency order, [A] parallel seasons in the Kodiak Area during which the use of the same gear allowed in the federal Central Gulf of Alaska Area Pacific cod season is permitted, unless use of that gear is prohibited under 5 AAC 28.050, 5 AAC 28.430, or 5 AAC 28.450 [TO COINCIDE WITH THE INITIAL FEDERAL SEASON IN THE FEDERAL CENTRAL GULF OF ALASKA AREA. THE COMMISSIONER SHALL OPEN AND CLOSE, BY EMERGENCY ORDER, THE PARALLEL SEASON].

(c) Each year the [THE] commissioner shall open **and close**, by emergency order, [A] state-waters seasons in the Kodiak Area **for mechanical jigging machines/hand troll and pot gear. For purposes of this management plan, when a state-waters Pacific cod season is opened to mechanical jigging machine/hand troll and pot gear the parallel seasons for those gear groups are closed.**

(1) during a state-waters season, mechanical jigging machines/hand troll and pot gear each receive 50 percent of the annual Kodiak Area guideline harvest level; [IN THE KODIAK AREA SEVEN DAYS FOLLOWING THE CLOSURE OF THE DIRECTED FEDERAL SEASON IN THE FEDERAL CENTRAL GULF OF ALASKA AREA AND SHALL CLOSE, BY EMERGENCY ORDER, THE STATE WATERS SEASON, AS FOLLOWS]

(2) the fishing season for vessels longer than 58 feet in overall length fishing with pot gear will close when 25 percent of the guideline harvest level has been taken by those vessels or December 31, whichever occurs first, unless the pot gear season has already been closed under (1) of this subsection; in this paragraph "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers; the restrictions under this paragraph do not apply to a season reopened under (f) of this subsection.

(d) Seasons for mechanical jigging machines and hand troll gear shall occur as follows,

(1) the state-waters season shall open 48 hours after the federal Central Gulf of Alaska jig sector A-Season closes; if the federal Central Gulf of Alaska jig sector A-Season has not closed by March 15, the department may open the state-waters season, with discretion, on or after March 15; [WHEN 50 PERCENT OF THE GUIDELINE HARVEST LEVEL IS TAKEN BY MECHANICAL JIGGING MACHINES AND HAND TROLL GEAR OR DECEMBER 31, WHICHEVER OCCURS FIRST];

(2) the state-waters jig season shall close when the jig guideline harvest level is achieved; if the state-waters jig guideline harvest level is not achieved by June 8, the department shall close the state-waters season for jig gear on June 8 or later with discretion.

(3) the parallel Central Gulf of Alaska jig sector B-Season shall open on June 10 or later with department discretion;

(4) the state-waters season shall re-open 48 hours after closure of the Central Gulf of Alaska jig sector B-Season if the mechanical jigging machine/hand troll guideline harvest level has not been achieved.

(e) Seasons for pot gear shall occur as follows,

(1) the state-waters season shall open 7 days following closure of the federal Central Gulf of Alaska pot sector A-Season;

(2) the state-waters pot season shall close when the pot guideline harvest level is achieved; if the state-waters pot guideline harvest level is not achieved by August 28, the department shall close the state-waters season for pot gear on August 28;

(3) the parallel Central Gulf of Alaska pot sector B-Season shall open on September 1.

[(2) FOR POTS, WHEN 50 PERCENT OF THE GUIDELINE HARVEST LEVEL IS TAKEN BY POT GEAR OR DECEMBER 31, WHICHEVER OCCURS FIRST;]

(f) If state-waters [50 PERCENT OF THE] guideline harvest level is not taken by the conclusion of the federal Central Gulf of Alaska pot sector B-Season, [MECHANICAL JIGGING MACHINES AND HAND TROLL GEAR BEFORE SEPTEMBER 1,] the commissioner may [SHALL CLOSE, BY EMERGENCY ORDER, THE FISHING SEASON AND IMMEDIATELY] reopen a state-waters [FISHING] season during which all legal gear may be used, and shall close, by emergency order, the season on December 31 or when the guideline harvest level is reached, whichever occurs first; [(3)] If the season is closed and immediately reopened under [(2) OF] this subsection, a vessel participating in the state-waters season when it was closed will not be required to comply with the landing requirements of 5 AAC 28.471 until the season is closed again.

[(4) 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 OR DECEMBER 31, WHICHEVER OCCURS FIRST, UNLESS THE POT GEAR SEASON HAS ALREADY BEEN CLOSED UNDER (2) OF THIS SUBSECTION; IN THIS PARAGRAPH

“OVERALL LENGTH” MANS THE STRAIGHT LINE LENGTH BETWEEN THE EXTREMITIES OF THE VESSEL, EXCLUDING ANCHOR ROLLERS; THE RESTRICTIONS UNDER THIS PARAGRAPH DO NOT APPLY TO A SEASON REOPENED AFTER AUGUST 31 UNDER (2) OF THIS SUBSECTION.]

(g) [(d)] The commissioner may open and close, by emergency order, fishing seasons at times other than those specified in this management plan if

[(1) THE GUIDELINE HARVEST LEVEL SPECIFIED IN (E)(1) OR IF APPLICABLE, (E)(2) OF THIS SECTION HAS BEEN REACHED AND A FEDERAL SEASON IS ONGOING IN ADJACENT FEDERAL WATERS; OR]

(1) [(2)] the commissioner determines it is necessary to

- (A) adapt to unanticipated openings and closures of the federal season;
- (B) maintain sustained yield management; or
- (C) provide for orderly fisheries.

(h) [(e)] During a state waters season,

(1) the guideline harvest level for Pacific cod in the Kodiak Area is **12.5** [7.5] percent of the estimated total allowable harvest of Pacific cod for the federal Central Gulf of Alaska Area;

[(2) IF THE GUIDELINE HARVEST LEVEL SPECIFIED IN (1) OF THIS SUBSECTION IS REACHED IN ANY CALENDAR YEAR, THE GUIDELINE HARVEST LEVEL WILL BE INCREASED BEGINNING THE NEXT CALENDAR YEAR TO 10 PERCENT OF THE ESTIMATED TOTAL ALLOWABLE HARVEST OF PACIFIC COD FOR THE FEDERAL CENTRAL GULF OF ALASKA AREA; IF THE 10 PERCENT GUIDELINE HARVEST LEVEL IS REACHED IN ANY CALENDAR YEAR AFTER IF HAS BEEN IMPLEMENTED, THE GUIDELINE HARVEST LEVEL WILL BE INCREASED BEGINNING THE NEXT CALENDAR YEAR TO 12.5 PERCENT OF THE ESTIMATED TOTAL ALLOWABLE HARVEST OF PACIFIC COD FOR THE FEDERAL CENTRAL GULF OF ALASKA AREA;]

(2) [(3)] Pacific cod may be taken only with groundfish pots, mechanical jigging machines, and hand troll gear, as follows:

(A) except as provided in **(f)** [(D)] of this paragraph, no more than 60 groundfish pots may be operated from a vessel registered to fish for Pacific cod;

(B) no more than five mechanical jigging machines may be operated from a vessel registered to fish for Pacific cod;

(C) in addition to the requirements of 5 AAC 28.020, a vessel must be registered to fish with pot gear or with mechanical jigging machines and hand troll gear (jig gear), and may be registered to fish with only one of these two gear types; a vessel's gear registration may be changed during a state waters season to a different gear registration if the owner, or the owner's

agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Kodiak, or other locations specified by the department, for validation, and that registration has been validated by the department.

(D) during the seven days following the opening of the state waters season, an operator of a vessel registered to fish for Pacific cod may store or transport groundfish pots in excess of the pot limit established in (A) of this paragraph if the pots are

(i) stored in waters not more than 25 fathoms deep as described in 5 AAC 28.432(a); or

(ii) being transported on board the vessel and are not marked with identification tags.

(i) [(f)] The Kodiak Area is an exclusive registration area for Pacific cod during a state waters season.

(i) [(g)] If at any time after September 1, the commissioner determines that the guideline harvest level for Pacific cod will not be reached by December 31, the commissioner may close, by emergency order, the fishing season and immediately reopen a state waters season during which the following shall be implemented to increase the harvest rate in an attempt to reach the guideline harvest level:

(1) limits on the number of groundfish pots and mechanical jigging machines that may be operated from a vessel are removed; or

(2) after October 30, if needed, in addition to (1) of this subsection, designate the Kodiak Area as a nonexclusive registration area for Pacific cod.

(k) [(h)] If the season is closed and immediately reopened under [(g)] (i) of this section, a vessel participating in the state waters season when it was closed will not be required to comply with the landing requirements of 5 AAC 28.471 until the season is closed again.

(l) When state-waters and federal Pacific cod seasons are open concurrently for the same gear,

(1) vessels may not simultaneously participate in a state-waters season and any other concurrent Pacific cod season;

(2) vessels registered for the state-waters season must invalidate their Kodiak Area state-waters Pacific cod registration prior to participating in any other concurrent Pacific cod season;

(3) registration for a state-waters season may only occur in person or by facsimile during normal state office hours 8:00 a.m. to 5:00 p.m. Monday to Friday;

(4) all groundfish must be delivered prior to registering for a Kodiak Area state-waters Pacific cod season;

(m) When state-waters and federal Pacific cod seasons are open concurrently for a different gear type vessels may not simultaneously participate in a state-waters season and any other concurrent Pacific cod season.

(n) In this management plan "department discretion" means the department's ability to provide for orderly fisheries based on inseason assessment of effort, harvest rate, or remaining quota.

RC 31

Written comment addressing Alaska Board of Fish Committee 'A' report of 10/07/2011

Fishermen and area representatives of each locality know the local fleet needs and the general fishing conditions in the specific region better than other remote parties. The local stakeholder's voices should be heard first and considered above other opinions.

Proposals 21 & 22 are an attempt to coordinate the opening of the State Pacific cod fishery with the federal season closure, considering the implementation of gear sector allocations in the federal fishery. Proposal 21 was submitted by a group of Sand Point fishermen, and Proposal 22 was submitted by the King Cove Advisory Committee. These two groups, the authors of Proposals 21 & 22, have agreed on a compromise date of March 7th as a date certain to open the State fishery, if March 7th is later than seven days after the closure of the federal pot cod season in the South Alaska Peninsula.

The Department has said that pot gear can not be left out in fishing grounds longer than 7 days during a fishery closure. King Cove and Sand Point fishermen continue to support the March 7th date certain, and are willing to move gear to shallow storage areas if needed, despite the inconvenience.

Proposals 23, 24, 25 & 26 consider establishing allocation for the Alaska Peninsula Pacific cod jig sector. The Aleutians East Borough supports addressing allocation issues during the regular cycle of Board of Fish meetings. The current meeting was scheduled specifically to address coordination between the federal Pacific cod fishery closure and the State fishery, considering the upcoming implementation of the federal gear sector split, any many fishermen have been unable to attend and participate in the process during this time. We do not support Board action regarding Proposals 23, 24, 25 or 26 at this time.

Signed



Ernie Weiss
Aleutians East Borough
10/9/2011