

**ALASKA STATE LEGISLATURE  
HOUSE SPECIAL COMMITTEE ON FISHERIES**

February 28, 2013

10:07 a.m.

**MEMBERS PRESENT**

Representative Paul Seaton, Chair  
Representative Eric Feige  
Representative Lynn Gattis  
Representative Craig Johnson  
Representative Jonathan Kreiss-Tomkins

**MEMBERS ABSENT**

Representative Bob Herron  
Representative Kurt Olson

**COMMITTEE CALENDAR**

OVERVIEW: CHINOOK BYCATCH

- HEARD

Discussion: Draft Bycatch Resolution

- SCHEDULED BUT NOT HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

JOHN GRUVER, InterCooperative Manager  
United Catcher Boats (UCB)  
Seattle, Washington

**POSITION STATEMENT:** Provided an overview on the inshore salmon savings incentive plan (SSIP).

BECCA ROBBINS GISCLAIR, Policy Director  
Yukon River Drainage Fisheries Association (YRDFA)  
Anchorage, Alaska

**POSITION STATEMENT:** Presented a PowerPoint on Salmon Bycatch in the Gulf of Alaska and Bering Sea Groundfish Fisheries.

**ACTION NARRATIVE**

[10:07:24 AM](#)

**CHAIR PAUL SEATON** called the House Special Committee on Fisheries meeting to order at 10:07 a.m. Representatives Kreiss-Tomkins, Gattis, Johnson, Feige, and Seaton were present at the call to order.

**OVERVIEW: Chinook Bycatch**

[10:07:43 AM](#)

CHAIR SEATON announced that the first order of business would be a Chinook Bycatch overview.

[10:08:43 AM](#)

JOHN GRUVER, InterCooperative Manager, United Catcher Boats (UCB), stated that the UCB is comprised of two parts: a 65-boat membership, and 118 American Fisheries Act (AFA) qualified, catcher vessels. The UCB contracts with the AFA vessels, some of whom are members of the UCB. He stated some are members of other associations or are independent. He began his presentation entitled "Inshore Salmon Savings Incentive Plan (SSIP) Managing Chinook Bycatch for the Bering Sea Inshore Pollock Sector." He explained this fleet of catcher vessels, the inshore pollock vessels, operate with small crews ranging from three to six crewmembers, catch pollock with mid-water trawls, transport them in refrigerated seawater holds, and deliver them to cooperative-based ports in Dutch Harbor, Akutan, and King Cove. In 2011, new regulations under Amendment 91 were adopted with respect to Chinook salmon bycatch, following three years of consideration by the North Pacific Fisheries Management Council (NPFMC) and an environmental impact statement process [slide 2]. Amendment 91 implemented a hard cap on Chinook salmon bycatch in the Bering Sea pollock fishery. Previously, a series of triggered closures and a rolling hot spot program had been in place. Additionally, catcher processors (C/Ps) have an incentive plan with a rolling hot spot component.

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CHAIR SEATON asked whether the AFA vessels replace the rolling hot spot program.

MR. GRUVER answered yes. He explained that prior to Amendment 91 being adopted, Amendment 84 allowed an exemption to the

trigger closures for the Chinook and chum salmon rolling hot spot programs; however, Amendment 91 replaces the Chinook salmon portion of the rolling hot spot exemption. Thus the fleet still operates under Amendment 84 for chum salmon rolling hot spot avoidance, but Amendment 91 allows each sector or group of vessels to take management actions that are new or unique and to build an incentive plan to reduce salmon bycatch.

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MR. GRUVER outlined the three hard cap options under Amendment 91 that steered the fleet to the Institute for the Development of Artisanal Fisheries option. First, a 60,000 Chinook salmon hard cap was adopted for groups of vessels with an incentive plan agreement (IPA). Second, absent a plan, a 47,591 hard cap would be split among the four sectors. Third, if only part of the fleet agreed to participate in IPAs, the remaining vessels would act to take their historic Chinook allocation based on the 28,496 Chinook salmon bycatch in an opt-out pool. He offered his belief the NPFMC wanted to avoid this last option [slide 3]. In fact, currently every AFA vessel participates in an IPA. Since the fish are split up among three sectors, the natural occurrence has been for IPAs to be encompassed by all the sectors. Thus the C/P sector, the mother ship sector, and the inshore sector each have IPAs, he said. Additionally, the Community Development Quota (CDQ) participates in the C/P sector since these CDQs don't actually fish, but have others catch their quotas. There were allocations under the first and second options for all four sectors in the Bering Sea pollock fishery. To qualify as an IPA the vessels must: 1) provide incentives at the individual vessel level; 2) incentivize vessels to avoid Chinook bycatch at all levels of abundance in all years - which is the critical point since the hard cap occurs at a certain level; and 3) reward vessels that successfully avoid Chinook and/or penalize vessels that fail to avoid Chinook salmon.

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REPRESENTATIVE FEIGE asked what avoidance techniques are used.

MR. GRUVER answered that the fleet uses a data company, Sea State, Inc., to collect delivery data from fish tickets as vessels land. Additionally, the company provides immediate catch information at sea. The website records all landings, the bycatch, and provides immediate feedback to vessels to provide data regarding fishing, as well as any hot spot alerts. He explained that maps are issued each week along with any

locations in which high bycatch incidence occurs so the fleet can avoid those area.

REPRESENTATIVE FEIGE understood it was a sampling situation and the information is provided to the fleet as quickly as possible. He asked whether the target fish are essentially similar in size so it isn't possible to prevent salmon bycatch from being caught in the net by using a certain net size.

MR. GRUVER answered that the fish range in size and while there isn't any way to prevent bycatch netting designs are being tested to minimize the bycatch. He described one salmon escapement process using a salmon excluder with a recapture net that typically provides 30-35 percent escapement, with some escapement as high as 40 percent for Chinook salmon. He pointed out the size of the bycatch does matter since the stronger fish can escape, which can vary year to year based on the bycatch fish size.

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MR. GRUVER returned to the remaining IPA requirements: 4) the incentives must influence fishing decisions at levels below the hard cap; and 5) the IPA must hold the bycatch to a performance standard of 47,591 in most years. Most importantly the IPA must describe, right down to each vessel, the plan to manage vessel bycatch to keep it below the sector level performance standards and not the hard cap. The rules must prevent the bycatch from exceeding each sector's portion of 47,591 in any three years within a seven-year period [slide 6]. The result means access beyond the 47,591 can occur in every two years of seven years. In fact, it would be a violation the sector's portion is exceeded in the third year. In response to a question, Mr. Gruver said the performance standard is taken to the individual vessel level since the allocations are made at the vessel level and not at the higher level. He further explained that the allocation is done after first deducting 1,000 fish for the insurance pool. The insurance pool would be used in instances in which a vessel encounters an out of control situation and exceeds the limit, noting the pool has its own set of penalties that he would not cover today.

The committee took an at-ease from 10:22 a.m. to 10:25 a.m.

[10:25:20 AM](#)

MR. GRUVER said the IPA must describe how each vessel will manage its bycatch to keep total bycatch below the sector level regulatory performance standard. Again, the agreement must contain rules to prevent the sum of vessel bycatch within a sector from exceeding that sector's portion of 47,591 in any three years within a consecutive seven year period. He said last week's presentation did not break this down to the C/P sector, but instead reviewed the SSIP program at the 60,000 and 47,000 fish levels. He stated he would like to provide more specificity today on the inshore sector. The allocation is split between four sectors, including the CDQ, C/Ps, mothership, and inshore sectors.

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MR. GRUVER reviewed slide 8, entitled, "Sector Hard Cap Limits." He reviewed the performance standard of each sector, which limits the Chinook salmon bycatch to 47,591 for all sectors: 26,484 for inshore, 3,707 for the mothership sector, 13,516 for the C/Ps and 3,883 for the CDQs. He explained the same ratios apply to the IPA hard cap of 60,000. He listed the bycatch limits under the hard cap, including 60,000 bycatch for all sectors: 33,390 for inshore, 4,674 for mothership, 17,040 for the C/Ps and 4,896 for the CDQs. Additionally, the hard cap is only available in three out of seven years, but in real terms, an explanation is required in the IPA to limit the bycatch to two of seven years. He turned to "Sector Performance Standard Allocations," which recaps the sector performance standard [slide 9]. The performance standard is the bycatch limit. Allocations are made seasonally to the vessel level. He described the "Inshore Sector's Salmon Savings Incentive Plan - SSIP" [slides 10-11]. Each inshore vessel receives its share based on its pro rata to its pollock allocation or a share of the 26,484 performance standard with a deduction for the insurance pool of 1,000 fish, as previously mentioned. Each vessel has an annual use limit of its share of the 33,390 inshore IPA hard cap limit. The bycatch cannot be transferred even if vessels are allowed by regulation to catch their initial allocation with the higher number of Chinook salmon than their initial share of the IPA hard cap.

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REPRESENTATIVE KREISS-TOMKINS asked whether a prorated share means an equal share is given to each catcher boat (C/P) or if it prorated on length or fishing capacity.

MR. GRUVER responded that originally under the AFA, the years 1995, 1996, and 1997 provided the history years for the AFA. Each vessel received an historic percentage of the inshore pollock fishery for the best two out of its three-year catch. In essence, this provided the vessel's pollock catch history. When a vessel joins a cooperative and the cooperative is approved by the National Marine Fisheries Service (NMFS), the cooperative receives the catch history in total. The membership through a private agreement allocates the individual vessel level at the historic amount. Part of Amendment 91 provides tables in regulation that identify the pollock history so the allocations of Chinook salmon are based on published pollock percentages.

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MR. GRUVER said the difference being that the performance standard provides the allocation amount and the IPA hard cap provides the annual use limit. He offered to discuss access to the annual use limit - the share of the IPA hard cap. Vessels cannot exceed their base cap unless the vessels earn salmon savings credits, which is the incentive in the SSIP [slide 12]. Thus when a vessel's Chinook salmon bycatch is below the base cap allocation - its share of the performance standard - salmon savings credits are earned and represent the bridge between the performance standard and the IPA hard cap limit. The vessel earns one savings credit for every three Chinook salmon avoided below its share of the performance standard. So in order to harvest one fish above the performance standard the vessel must not catch an average of three Chinook salmon in a year for every target fish caught.

MR. GRUVER turned to the "Inshore SSIP Summary" [slide 14]. The hard cap is not a hard cap limit in the usual sense. In fact, substantial interpretation has been made that the hard cap limit in the Bering Sea and in the fall fishery allows vessels to catch 60,000 fish; however, this is not so. The aforementioned type of cap has been observed in halibut and crab fisheries, but in reality is not the way the IPA hard cap and performance standards operate. In fact, the only way to obtain the 33,390 IPA hard cap figure is by earning sufficient salmon savings credits to reach it, which means avoiding three Chinook salmon for every fish caught towards the IPA hard cap limit. Again, keep in mind that under the terms of the IPA agreement, vessels can only utilize the fish in every two of seven years throughout the fleet.

CHAIR SEATON asked whether it a cumulative number.

MR. GRUVER answered that it is a five-year cumulative credit total.

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MR. GRUVER said it's nearly impossible to continuously approach bycatch levels at or even near the hard cap limit since fishing would have to be extremely good. Additionally, the Chinook salmon credits are active for five years and expire on a "first in" "first out" basis. He said, "It's really about what you do for me lately to make this all work." While five years may seem like a long time to build up enough credits, once again, the vessel is limited to use the IPA hard cap level in one year and the savings account is reduced as the credits are used. Credits are not earned when fishing above the performance standard level savings so a vessel cannot continually fish at that level since savings would be used in years without credits earned.

MR. GRUVER said it is not possible to go above the performance standard year after year. This means bycatch is guaranteed over a series of years to be at the performance standard or lower [slide 15]. He surmised it is possible for a vessel to ignore building up savings credits and simply fish at the IPA's hard cap level; however, since the fleet is concerned about the big year and building up savings credits this hasn't happened. While not everyone is successful every year, everyone is concerned about the consequences of bycatch. Thus the inshore performance standard level of 26,484 is a hard, factual number. Prior to giving a presentation before the NPFMC on the initial program under Amendment 91, two economists agreed this is how the program works. In fact, the Inshore SSIP program provides incentives to keep inshore average annual bycatch at or below 21,750 Chinook salmon. He said one could also think of the savings credits account as an insurance pool.

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MR. GRUVER finished his presentation, stating that the Inshore SSIP program includes a rolling hot spot program that moves the fleet out of high bycatch areas [slide 16]. He pointed out the slide indicates the location of the rolling hot spot closures. He also pointed out the Chinook salmon savings area, which is located in the "horseshoe" of the pollock grounds just north of Unimak Pass. Additionally, all sectors have a Chinook salmon savings conservation closure area in their agreements. The

horseshoe area always has a high Chinook salmon bycatch. Therefore, fishing does not occur in these areas even though historically this area has produced the best roe. The value lost in the pollock fishery by permanently closing the area has been significant, he said.

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CHAIR SEATON asked how much of the fleet uses the previously described salmon excluder device.

MR. GRUVER offered to make a separate presentation on the salmon excluder.

The committee took an at-ease from 10:37 a.m. to 10:38 a.m.

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MR. GRUVER turned to his presentation entitled, "Salmon Excluder Update, February 2013." He stated that the majority of cooperative boats use a salmon excluder, of various designs [slide 1]. He suggested that some cooperatives require them to be used in the Area "A" season, but they typically are not needed in the Area "B" seasons.

CHAIR SEATON established that it is a common practice.

MR. GRUVER answered yes; it is in some form, but perhaps not 100 percent of the time. He said the focus has been on the midwater trawl design [slide 2].

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MR. GRUVER described the salmon excluder device. He explained the netting is large and in a midwater trawl would be 30 meters long when the diamond net shape is closed. The diameter gets smaller and smaller until it reaches approximately four inches in the codend. The salmon excluder location has been tested in a 120 foot range on the trawl. The excluder that has worked best is located in front of the codend. He referred to the drawing on slide 2. He explained the excluder panel drives the fish down and creates a lee above it. The fish that find the lee rise out of the crowd and escape. The key is to be certain the area is not too short or pollock will escape also. He reported this midwater trawl design has been successful in releasing approximately 40 percent of the Chinook salmon with pollock escapement at 1 percent or less.

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REPRESENTATIVE KREISS-TOMKINS asked if using the salmon excluder affects the way in which the C/P vessels fish.

MR. GRUVER said the best way to avoid bycatch is to fish in places without salmon. The other side of the equation is whether the salmon excluder affects the efficiency of the trawl. The number one goal is not to affect the catch rate to any noticeable degree. The trials have shown the aforementioned design retains the dynamic quality of the trawl. He further described the working elements of the excluder net, how it was tested, and the conclusion that the key is the diamond net netting design or net tearing can occur [slide 3].

MR. GRUVER explained that after trials and tribulations, the salmon excluder design evolved to one that doesn't interfere with the trawl's efficiency. He described the annual design testing, which uses up to half-scale models of the end of the net and is tested in a flume tank in St. John's, Newfoundland, - one of three trawl tanks in the world [slide 4]. In 2010, the highest escapement rate was 40.3 percent by the Pacific Prince, a higher horsepower C/P vessel that delivers to Westward Seafoods in Dutch Harbor [slide 5]. Additionally, a parallel test was performed on the Starbound, a factory trawler in the C/P sector, which resulted in a 35 percent escapement. He characterized these figures as solid numbers. The foundation that performs this type of research plans a research project in late March 2013 in the Gulf of Alaska to measure Chinook salmon bycatch at the end of the pollock "B" season. Another salmon excluder device is an over-under excluder, which has been developed for chum salmon escapement [slide 7]. The latest device allows escapement over and under the trawl and takes up less space. He explained the video trials showed less than half of one percent of pollock escapement [slide 8]. The Pacific Prince has volunteered to use this to obtain additional testing video. Thus far, the device has increased chum escapement from about 9 percent to 20 percent [slide 9].

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REPRESENTATIVE KREISS-TOMKINS asked how salmon escapement is measured.

MR. GRUVER answered that six underwater cameras are used, which were developed by the National Marine Fisheries Service (NMFS)

[slides 10-12]. He said the six cameras are positioned around the net and subsequently hundreds of hours of video have been shot, which are reviewed by biologists to interpret the data. He concluded his presentation by noting another method is to use a recapture net to measure escapement by capturing escaped fish in the codend, dumping it, and comparing the results.

10:51:20 AM

BECCA ROBBINS GISCLAIR, Policy Director, Yukon River Drainage Fisheries Association (YRDFA), Anchorage, Alaska, stated that she also does some work for the Alaska Marine Conservation Council on this issue. She turned to slide 2, entitled "Chinook Salmon Bycatch: Background." She stated that the Chinook salmon bycatch occurs in the Bering Sea pollock fishery as well as the Gulf of Alaska in pollock and non-pollock fisheries. The trends in the pollock fishery in the Gulf of Alaska and Bering Sea are depicted in blue and red, respectively [slide 3]. She explained that the Gulf of Alaska has the highest bycatch occurrence in the pollock fishery; however, in some years other groundfish fisheries contribute significantly to the bycatch numbers.

MS. GISCLAIR said the recent spike in 2010 triggered concern, with the over 50,000 salmon bycatch in the 2010 groundfish fisheries. In fact, little information exists on the Gulf of Alaska Chinook salmon bycatch stock of origin [slide 5]. She acknowledged the YRDFA understands the stocks present, but a clear idea of the impact or the level of impact that occurs has not been established for stocks, including those from coastal southeastern Alaska, the Pacific Northwest, and British Columbia. The other stocks of origin in the western Gulf of Alaska include the Deshka, Karluk, Kasilof, Kenai, Ninilchik, and Willow. In 2010, some measures were put into place for the pollock fishery in the Gulf of Alaska so slightly better information should come from this fishery in the future.

MS. GISCLAIR turned to slide 6, entitled, "Gulf of Alaska: Chinook Salmon Stock Status." She understood the committee is aware of the dire condition of many of the Gulf of Alaska Chinook salmon stocks. She highlighted seven stocks of concern, including six in upper Cook Inlet and the Karluk River. She reported that in 2012 the setnet fishery was almost completely shut down and the Kenai River was closed to all recreational Chinook salmon fishing. Despite those restrictions, only 4 of 12 escapement goals were met in upper Cook Inlet. Additionally, in 2012, a disaster declaration for upper Cook Inlet occurred,

with economic losses estimated at almost \$27.7 million to commercial fisheries and direct and indirect losses to sport fisheries, as well as additional losses to subsistence fisheries.

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MS. GISCLAIR reviewed the current management efforts in the Gulf of Alaska for Chinook salmon bycatch [slide 7]. In 2012, a hard cap of 25,000 was imposed on the pollock [slide 8]. The North Pacific Fishery Management Council (NPFMC) currently has been considering hard caps for the non-pollock fishery, which encompasses other groundfish fisheries ranging from 5,000-12,500 tentatively scheduled for final action in June 2013. Additionally, the central Gulf of Alaska trawl catch share program is under consideration by the NPFMC, which consists of a more extensive program for both the pollock and non-pollock fisheries to reduce bycatch and implement some of the strategies Mr. Gruver mentioned being used in the Bering Sea. The current recommendation to address salmon bycatch is to reduce the bycatch by 18,000.

CHAIR SEATON announced the telephonic feed for Ms. Gisclair has been lost. The committee has the presentation in the record and can review the remainder of her presentation.

[10:57:53 AM](#)

The committee took an at-ease from 10:57 a.m. to 11:08 a.m.

[11:08:03 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 11:08 a.m.