HAND TROLLING

Alaska State Legislature

ADMINISTRATIVE REGULATION REVIEW COMMITTEE

Pouch V
State Capitol
Juneau, Alaska 99811

SENATE
Don Bennett, Chairman
M. "Ed" Dankworth
George Hohman

HOUSE OF REPRESENTATIVES
Oral E. Freeman, Vice-Chairman
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Charlie Parr

FEBRUARY 28, 1980

Attached is some information that will be useful when the Administrative Regulation Review Committee meets Tuesday, March 4, 7:00 p.m. in the Butrovich Room for a public hearing on handtrolling regulations.

Carla

THE FOLLOWING:

(1) the handtroll petition that will be considered by the Board of Fish in March is item #VI-1 on page 7 under notice of proposed changes...etc.

(2) the largest group of papers contain the Southeastern Alaska and Yakutat area salmon troll regulations adopted by the Board of Fish during Dec. 78 and Jan. 80. Expect they will be approved by the Department of Law for filing by March 1.

(3) The smaller group of papers, about 4 pages, are regulations on the salmon troll fishery that were adopted by the Department of Fish and Game under delegation from the board. They were delivered to the Department of Law yesterday, so probably will not be approved for filing until mid to late March.

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS
OF THE ALASKA BOARD OF FISHERIES

Pursuant to the Administrative Procedure Act, Alaska Statutes 44.62, notice is hereby given that the Alaska Board of Fisheries, under authority vested by Alaska Statutes 16.05.251, 16.05.475, 16.05.690, 16.05.940, 16.10.380, 16.10.440, and 16.20.260 proposes to adopt, amend or repeal regulations contained in Title 5 of the Alaska Administrative Code which implement, interpret and make specific the provisions of Title 16, Alaska Statutes.

Regulations to be the subject of Board action concern subsistence fishing, commercial fishing, sport fishing, and habitat protection.

The Board of Fisheries may adopt, amend, repeal or take no action on the proposed regulatory changes listed in the following informative summary:

SECTION I. SOUTHEASTERN-YAKUTAT AREA.

A. In the Subsistence Shellfish Fishery:

1. Change the boundary for the area in which the king crab season and size limit applies, so that the area will include all inside waters north of the latitude of Cape Spencer.

2. Increase the king crab season.

3. Establish separate legal size limits for abalone taken with or without diving gear.

B. In the Commercial Shrimp Fishery:

1. Reduce the season for taking shrimp with pots in districts 3, 4, and 5, reduce the shrimp pot limit in districts 3 and 4 and establish a pot limit in district 5.

2. Establish a guideline harvest level for shrimp taken in Cholmondely Sound.

3. Prohibit the use of trawls for taking shrimp in Lituya Bay.

C. In the Commercial Dungeness Crab Fishery:

1. Increase or reduce the dungeness crab fishing season and provide separate dungeness crab fishing seasons for the Southeastern and Yakutat portions of the area.

2. Increase the area closed to dungeness crab fishing in district 11.

D. In the Commercial King Crab Fishery:

1. Change the opening and closing dates for the king crab fishing season.

2. Require that a permit be obtained from the commissioner prior to taking brown king crab during a specific season and provide provisions that can be required by the permit. Such provisions may include, but not be limited to, harvest area and reporting requirements.

3. Provide a guideline harvest level for king crab in the Yakutat districts.

4. Allow the use of ring nets for taking king crab, reduce the king crab pot limit in districts 3, 4 and 5 and require that king crab pots be removed from the water during specified time periods.

5. Increase the area closed to king crab fishing in district 11.

E. In the Commercial Tanner Crab Fishery:

1. Require that all tanner crab pots be removed from the water during the closed tanner crab fishing season.

2. Change the opening and closing dates of the tanner crab fishing season.

3. Reduce the legal size limit for tanner crab.

4. Provide a tanner crab pot limit for the Yakutat districts.

F. In the Commercial Abalone Fishery:

1. Prohibit the commercial harvest of abalone.

2. Establish a season for taking abalone and provide guideline harvest levels.

3. Limit the amount of gear that may be fished from an abalone fishing vessel.

4. Prohibit shipment out of the state of live unprocessed abalone, require that persons shipping abalone out of the state contact the department and have the abalone inspected prior to shipment, prohibit the shucking of abalone until they have been inspected by the department and adopt other regulations to prevent the harvest of undersized abalone and insure that harvest reporting requirements are complied with.

G. In all Commercial Shellfish Fisheries:

1. Prohibit the taking of crab and abalone in areas adjacent to any community.

H. In the Commercial Salmon Fishery:

1. Change the salmon fishing season opening date in section 1-B.

SECTION II. PRINCE WILLIAM SOUND AREA.

A. In the Subsistence Shellfish Fishery:

1. Establish a daily bag and possession limit and legal size limit for dungeness crab and prohibit the taking of female dungeness crab.

B. In the Commercial Shrimp Fishery:

1. List Kodiak as an inspection and reinspection point for shrimp fishing vessels.

C. In the Commercial Tanner Crab Fishery:

1. Reduce the tanner crab fishing season.

D. In the Commercial Clam Fishery:

1. Allow the taking of gaper clams and change the opening and closing dates for the clam fishing season.

E. In the Commercial Trawl Fishery:

1. Allow the use of trawl gear in portions of Hinchinbrook Entrance now closed to the use of trawl gear.

SECTION III. COOK INLET AREAS.

A. In the Commercial Shrimp Fishery:

1. Change the registration deadline for shrimp trawl vessels and require operators of shrimp trawl vessels to report their catch to the department prior to landing.

2. Establish seasons and weekly fishing periods and change the guideline harvest levels for taking shrimp with pots.

3. Change the seasons, weekly fishing periods and guideline harvest levels for taking shrimp with trawls.

4. Define a selective shrimp trawl and establish a season for its use in taking shrimp.

B. In the Commercial Dungeness Crab Fishery:

1. Change the dungeness crab fishing season in the Southern district.

C. In the Commercial Clam Fishery:

1. Increase the Polly Creek certified clam harvesting area.

D. In the Subsistence Finfish Fishery:

1. Provide a season, weekly periods, open and closed areas, bag and possession limits, permit requirements, gear and operation requirements, and other necessary regulations to allow the taking of king salmon for subsistence purposes in the Northern district.

SECTION III. WESTWARD (KODIAK, CHIGNIK, ALASKA PENINSULA, DUTCH HARBOR, ADAK AND BERING SEA) AREAS.

A. In the Subsistence Shellfish Fishery:

1. Establish a subsistence king and tanner crab pot limit in the Kodiak area.

B. In the Commercial Shrimp Fishery:

1. Change the shrimp fishing seasons for the South Peninsula district and the Unalaska Bay section.

2. Reduce the guideline harvest level for shrimp in the South Peninsula district.

3. Repeal the shrimp trawl gear restrictions for the Inner Marmot Bay and Kalsin Bay sections.

C. In the Commercial King Crab Fishery:

1. Change the Adak and Bering Sea king crab areas to exclusive registration areas, prohibit vessels registered for the Kodiak king crab area from fishing any other king crab area, repeal the registration deadline for the Kodiak king crab area and change the registration deadline for the Cook Inlet king crab area.

2. Change the king crab vessel tank inspection requirements for the Kodiak king crab area.

3. Establish sections for the districts of the Kodiak king crab area.

4. Change the opening and closing dates for the king crab fishing season in all the Westward king crab areas.

5. Change the legal size limit for king crab for the Kodiak and Bering Sea areas.

6. Change the king crab guideline harvest levels for all the Westward king crab areas.

7. Provide that the department may allow district transfer of king crab vessels in the Dutch Harbor and Bering Sea king crab areas after determining there will be no enforcement problem.

8. Change the requirements for removal of king crab pots from closed waters for all the Westward king crab areas.

9. Change the king crab pot limit for the Kodiak king crab area.

D. In the Commercial Tanner Crab Fishery:

1. Establish portions of the Westward tanner crab area as exclusive registration areas.

2. Establish sections in the Kodiak tanner crab district.

3. Change the opening and closing dates for the tanner crab fishing seasons in all the districts of the Westward tanner crab area.

4. Establish tanner crab pot limits for the Kodiak and South Peninsula districts.

5. Change the requirements for removal of tanner crab pots from closed waters for all districts of the Westward tanner crab area.

6. Establish tanner crab vessel tank inspection requirements for all districts of the Westward tanner crab area.

7. Establish a tanner crab vessel district registration system for the Westward tanner crab area, including provisions for the number of districts a vessel may register for, changing district registration, movement of gear and crab between districts, validation of registration and suspension or exemption of registration requirements.

E. In the Commercial Miscellaneous Shellfish Fishery:

1. Establish a season and area for the taking of Korean hair crab in the Westward miscellaneous shellfish area.

2. Clarify in what portion of the Westward miscellaneous shellfish area scallops may be taken during the period June 1 through March 31.

SECTION IV. BRISTOL BAY AND ALASKA PENINSULA AREAS.

A. In the Commercial Salmon Fishery:

1. Adopt a Bristol Bay Sockeye Salmon Management Plan. The plan may include, but is not limited to, changes to seasons, weekly fishing periods, gear, gear operation and specification requirements, vessel specifications, operation and registration requirements, closed waters, and other provisions that will maximize the harvest of Bristol Bay sockeye salmon.

SECTION V. STATEWIDE.

A. In the Subsistence Shellfish Fishery:

1. Allow the use of biodegradable pot lid tiedowns on subsistence shrimp pots as an alternative escape mechanism.

2. Provide a daily bag limit for subsistence taken king crab.

3. Allow the use of jigging gear in salt water at all times of the year for the subsistence taking of shellfish.

4. Allow a commercially licensed fishing vessel not registered for miscellaneous shellfish to have aboard subsistence taken miscellaneous shellfish and gear for taking miscellaneous shellfish.

B. In the Commercial Shrimp Fishery:

1. Establish requirements for the use of a vessel to tender a shrimp fishing vessel.

C. In the Commercial Dungeness Crab Fishery:

1. Allow the use of a single escape ring in dungeness crab pots.

D. In the Commercial King Crab Fishery:

1. Repeal the inspection requirements for king crab vessels landing their catch in an area other than the one for which they are registered.

2. Allow storage of king crab pots in waters closed to king crab fishing for a specified time before the opening of those waters to the taking of king crab.

3. Define a king crab pot.

4. Require the reporting of king crab harvested, but lost, dumped overboard or not sold.

E. In the Commercial Tanner Crab Fishery:

1. Change the tanner crab vessel registration deadline for exclusive registration areas.

2. Allow the use of tanner crab pots on long lines.

3. Define a tanner crab pot.

F. In the General Provisions:

1. Require that operators of floating fish processing vessels report to a local representative of the department located within the area of intended operation prior to commencement of processing operations.

2. Prohibit the use of biodegradable pot lid tie downs on commercial dungeness crab pots and allow their use on commercial shrimp pots as an alternative escape mechanism.

3. Adopt the 1980 halibut fishing regulations of the International Pacific Halibut Commission.

4. Provide that the regulations of the U.S. Secretary of Commerce governing the taking of groundfish in the Gulf of Alaska also apply in state waters.

5. Define "waters of Alaska" and "escapement goals or needs."

G. In the Protection of Critical Fish Habitat Areas.

1. Provide that the commissioner or his authorized designee may require individuals and governmental agencies to submit full plans and obtain a permit for proposed land or water use or construction within waters or lands comprising fish critical habitat areas. Establish permit conditions necessary for the protection and maintenance of fish populations or habitat, provide for permit restrictions or revocation, monitoring of activities by the department, delegation of the commissioner's authority, mitigation procedures for rehabilitating damaged habitat, reporting requirements, and define terms necessary to implement these requirements.

SECTION VI. PETITIONS.

The Board of Fisheries will consider the following petitions submitted in accordance with Alaska Statute 44.62.220 which request the board to adopt, amend or repeal regulations contained in Title 5 of the Alaska Administrative Code:

1. Prohibit or allow sport fishing from commercial fishing vessels licensed under AS 16.05.490 that are used to carry passengers for hire for the recreational or subsistence taking of fish and are also used to take salmon for commercial purposes with troll gear.

2. Establish the Kodiak and Chignik commercial herring fishing areas as exclusive registration areas, prohibit herring fishing vessels and gear that are registered for the Kodiak and Chignik areas from fishing for herring in any other herring fishing area, prohibit herring vessels and gear that are registered for another herring fishing area from fishing for herring in the Kodiak and Chignik areas and establish a deadline for registering herring vessels and gear for the Kodiak and Chignik areas.

Copies of proposed changes in regulations summarized in this notice may be inspected at any Department of Fish and Game office or may be obtained upon request by writing to the Board of Fisheries, Subport Building, Juneau, Alaska 99801.

Notice is also given that any persons interested may present oral or written statements or arguments relevant to the action proposed in this notice. Written comments should be mailed so as to be received by the Board of Fisheries, Subport Building, Juneau, Alaska 99801, before 4:30 p.m. on March 14, 1980. Written comments may also be submitted to the Board of Fisheries at any time prior to the close of a public hearing to be held at the Anchorage-Westward Hilton Hotel, Anchorage, Alaska. Oral testimony may be given at the public hearing which will commence at 10:00 p.m. March 25, 1980, and continue until all persons have been given the opportunity to be heard. Additional public hearings may be held throughout the meeting just prior to the consideration and adoption of proposed changes in the regulations of the various regulatory areas. An agenda will be posted daily during the meeting.

All persons interested in or affected by commercial, sport and subsistence fishing and habitat protection regulations are hereby informed that, by publishing this legal notice, the Board of Fisheries may consider all of the subjects covered by the proposed changes contained in this notice; the Board is not limited by the specific language or confines of the actual regulatory proposals submitted by the public or the staff. Unless otherwise specified, references to such topics as areas, seasons, species, gear and guideline harvest levels apply to all or portions of the specific topic. On its own motion, after public hearing, the Board may adopt, amend, reject, supplement, or take no action on these matters. The Board may adopt regulations that fall within the range of existing regulations and the proposals summarized in this legal notice. In addition, the Board may adopt other regulations necessary to implement, administer, or enforce the regulations adopted by the Boards. All persons interested in or affected by the subject matter contained in this legal notice should make written or oral comments if they wish to have their views considered by the Board.

DATE: 15 Feb 80

Ronald O. Skoog

Ronald O. Skoog, Secretary
Alaska Board of Fisheries

CHAPTER 30.
YAKUTAT AREA.

5 AAC 30.100 is amended to read:

5 AAC 30.100. DESCRIPTION OF AREA. The Yakutat area includes all waters of Alaska between the longitude of Cape Suckling (143°53' W. long.) and a line projected southwest from the westernmost tip of Cape Fairweather.

Authority: AS 16.05.251(a)(2)

5 AAC 30.200(a) and (b) are amended to read:

5 AAC 30.200. FISHING DISTRICTS. (a) Yakataga district: all waters of Alaska between the longitude of Cape Suckling (143°53' W. long.) and the longitude of Icy Cape (141°42' W. long.).

(b) Yakutat district: all waters of Alaska between the longitude of Icy Cape (141°42' W. long.) and a line projected southwest from the westernmost tip of Cape Fairweather.

Authority: AS 16.05.251(a)(2)

5 AAC 30.331(a)(1)(C) and (F), (a)(2)(A) and (b) are amended to read:

5 AAC 30.331. GILL NET SPECIFICATIONS AND OPERATION. (a) Set gill nets with mesh size smaller than eight inches may not be deepr than 45 meshes and set gill nets with mesh size eight inches or larger may not be deeper than 35 meshes. The individual and aggregate lengths of any and all set gill nets aboard a vessel or in use by a person may not be more than one of the following hung measure:

(1) in the Yakutat district

(C) Yahtze River, Yana River and Malaspina Lake drainage, one net not to exceed 25 fathoms;

(F) East River, one net not to exceed 20 fathoms, except that after the third Monday in August two nets not to exceed 20 fathoms each and an aggregate length not to exceed 40 fathoms;

(2) in the Yakataga district

(A) Tsiu River; one net not to exceed 15 fathoms;

(b) Set gill nets may not obstruct more than two thirds of any salmon migratory waterway; except in the Tsiu River where set gill nets may not obstruct more than one half of the waterway. In the intertidal zone this applies at all stages of the tide.

Authority: AS 16.05.251(a)(4),(5)

5 AAC 30.335 is amended to read:

5 AAC 30.335. MINIMUM DISTANCE BETWEEN UNITS OF GEAR. No part of a set gill net may be set or operated within 100 yards of any part of another set gill net, except that in the Tsiu River, no part of a set gill net may be set or operated within 75 yards of any part of another set gill net.

Authority: AS 16.05.251(a)(4)

5 AAC 30.340 is added to read:

5 AAC 30.340. GILL NET OPERATION IN SURFLINE AREAS. The provisions of secs. 310, 320, 331 and 335 of this chapter as applied to each river fishery also apply to the area within a radius of one-half mile from the terminus of that river.

Authority: AS 16.05.251(a)(2)

5 AAC 30.350(a) is amended to read:

5 AAC 30.350. CLOSED WATERS. (a) Salmon may not be taken in the following waters:

(1) Alsek River: upstream starting at three miles below the southern end of "basin";

(2) Situk River: upstream from the Department of Fish and Game regulatory marker one-half mile west of the tip of Strawberry Point to the cut bank on the eastern side of the mouth of Johnson Slough;

(3) Ankau Inlet: inside of a line from 59°32'51" N. lat., 139° 49'42" W. long., to 59°32'47" W. lat., 139°49'42" W. long.

(4) Italio River: upstream from the Department of Fish and Game regulatory markers located six and one-half miles from the terminus of the river;

(5) East River: upstream from the Department of Fish and Game regulatory markers located four miles upstream from the terminus of the river;

(6) Akwe River: upstream from the Department of Fish and Game regulatory markers located six and one-half miles upstream from the terminus of the river;

(7) Lost River: upstream from Department of Fish and Game regulatory markers located 500 yards upstream from the most downstream tree line on the west bank at the terminus of the river;

(8) Old Village Lagoon: upstream from the road.

Authority: AS 16.05.060
AS 16.05.251(a)(2)

CHAPTER 33.
SOUTHEASTERN ALASKA AREA.

5 AAC 33.200(f)(1)(2) and (3),(m),(n) and (o) are amended and (f)(4) is added to read:

5 AAC 33.200. FISHING DISTRICTS AND SECTIONS.

(f) unchanged

(1) section 6-A: waters north of a line from the tip of Point Colpoys to the tip of Macnamara Point, west of a line from the tip of Low Point to the tip of Point Alexander and east of a line from the tip of Point Barne to the tip of Point Baker;

(2) section 6-B: waters south of a line from the tip of Point Colpoys to the tip of Macnamara Point, north and west of a line from the tip of Luck Point to the tip of Point Stanhope to Lincoln Rock light to Key Reef light to Nesbitt Reef light to the tip of Point Nesbitt;

(3) section 6-C: waters enclosed by a line from Lincoln Rock light to the westernmost point of Screen Islands to the westernmost point of March Island to the westernmost point of Steamer Rocks to Mariposa Rock Buoy to the tip of Point Nesbitt to Nesbitt Reef light to Key Reef light to Lincoln Rock light;

(4) section 6-D: all other waters of the district.

(m) District 13: all waters north of a line projecting southwest from the southernmost tip of Cape Ommany, south of a line projecting west from the southernmost tip of Cape Spencer, west of a line from the southernmost tip of Cape Spencer through Yakobi Rock to Yakobi Island, south of a line from the northernmost tip of Soapstone Point to the westernmost tip of Column Point and west of a line from the southernmost tip of Point Hayes to the northernmost point of Point Thatcher.

(n) District 14: all waters of Icy Strait west of a line from the southernmost tip of Point Couverden to Point Augusta light, east of a straight line from the southernmost tip of Cape Spencer through Yakobi Rock to Yakobi Island and north of a line from the northern most point of Soapstone Point to the westernmost point of Column Point.

(p) District 16: all waters north of a line projecting west from the southernmost tip of Cape Spencer and south of a line projecting southwest from the westernmost tip of Cape Fairweather.

Authority: AS 16.05.251(a)(2)

5 AAC 33.310(b)(1)(A)(iv), (b)(2) and (c)(5)(B) are amended to read:

5 AAC 33.310. FISHING SEASONS AND WEEKLY FISHING PERIODS.

(b) unchanged:

(1) unchanged:

(A) unchanged:

(iv) district 14, except during the period April 16 to August 1 for that portion of the district south of a line from the southernmost tip of Cape Spencer to the northernmost tip of Point Lavinia;

(2) during the period April 16 through September 20, salmon may be taken by power troll gear in that portion of district 12 north of the latitude of the northernmost tip of Point Hepburn, district 14, except during the period April 16 to August 1 for that portion of the district south of a line from the southernmost tip of Cape Spencer to the northernmost tip of Point Lavinia, section 15-A and 15-C only during the fishing periods set forth in (b)(1) (B) of this section;

(c) unchanged:

(5) district 15

(B) section 15-C opens by emergency order.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(4)

5 AAC 33.350(b)(3)(8)(14)(15)(16)(17)(18)(20)(22)(28), (c)(1)(2)(B), (d)(1)(3)(5)(7)(9)(10)(21)(25)(26)(28)(29), (f)(2)(C), (f)(3)(A)(C), (f)(7)(8)(9)(10), (g)(1)(4)(8)(9)(11)(13)(15)(16), (h)(1)(2)(3)(4)(6)(7)(8)(11), (i)(1), (j)(1)(C), (j)(7)(9)(10)(14)(15), (k)(3)(7), (l)(1)(2)(3)(4)(5), (l)(6)(B)(C), (m)(1)(4)(5)(7)(8)(9)(11)(13)(14)(15), (n)(1)(2)(3)(4)(5)(7)(8)(9)(10)(13)(14)(15)(16)(17)(18)(19)(20)(21)(22)(23)(24)(25)(26), (o)(2)(3)(7)(9) and (p)(3)(4) are amended to read:

5 AAC 33.350. CLOSED WATERS.

(b) District 1

(3) Hidden Inlet: north of the latitude of the tip of Hidden Point;

(8) Very Inlet: inside of a line from 54°57'44" N. lat., 130°57'36" W. long. to 54°57'44" N. lat., 130°57'00" W. long.;

(14) Traitors Cove: east of 131°41'48" W. long.;

(15) Naha Bay: east of 131°38'18" W. long;

(16) Moser Bay: south of a line from the tip of Cod Point to 55°34'00" N. lat., 131°40'54" W. long.;

(17) Port Stewart: west of a line from 55°43'06" N. lat., 131°49'17" W. long. to 55°41'33" N. lat., 131°50'05" W. long.;

(18) Helm Bay: west of a line from the tip of Helm Point to 55°34'54" N. lat., 131°56'57" W. long.;

(20) Vallendar Bay: south of a line from 55°23'45" N. lat., 131° 50'52" W. long. to 55°22'55" N. lat., 131°52'58" W. long.;

(22) Ward Cove: east of a line from 55°23"56" N. lat., 131°44' 27" W. long. to 55°23'38" N. lat., 131°44'01" W. long.;

(28) Ray Anchorage: all waters inside a line between 54°56'39" N. lat., 131°13'54" W. long. and 54°55'42" N. lat., 131°12'54" W. long.;

(c) District 2

(1) Nichols Bay: north of 54°42'07" N. lat.;

(2) Moira Sound

(B) Johnson Cove: south of 54°59'43" N. lat.;

(d) District 3

(1) Hunter Bay: east of a line from the tip of Turn Point to 54°52'48" N. lat., 132°21'20" W. long.;

(3) Keete Inlet: east of the longitude of the tip of Keete Point;

(5) Hetta Harbor: east of the longitude of the tip of Hetta Point;

(7) Eek Inlet: west of a line from 55°08'48" N. lat., 132°39' 25" W. long. to 55°08'53" N. lat., 132°39'23" W. long.;

(9) Ham Cove: south of 54°53'00" N. lat.;

(10) Kasook Inlet: north of 55°01'40" N. lat.

(21) Salt Lake Bay: east of 133°23'22" W. long.

(25) Edna Bay: north of a line from Limestone Point light to 55°55'55" N. lat., 133°37'40" W. long.;

(26) Tokeen Bay: east of a line from the tip of Holbrook Point to 55°59'52" N. lat., 133°27'51" W. long.;

(28) Devilfish Bay: west of 133°20' W. long.;

(29) Hessa Inlet: east of the longitude of the tip of Whirlpool Point;

(f) District 5

(2) Port Beauclerc

(C) The cove 0.7 miles west of the northern tip of Edwards Island between 56°18'20" N. lat., 133°58'30" W. long., and 56°19'15" N. lat., 133°58'20" W. long.;

(3) Affleck Canal

(A) Bear Harbor: north of a line from 56°13'25" N. lat., 134°05'45" W. long., to 56°13'50" N. lat., 134°05'05" W. long.;

(C) north of 56°16'20" W. long.;

(7) Hole in the Wall, northwest coast of Prince of Wales Island: east of 133°38'30" W. long.;

(8) Alvin Bay: west of 133°53'25" W. long.;

(9) Reid Bay: west of 133°53'55" W. long.;

(10) Barrie (Kushehin) Creek: east of a line from 56°27'50" N. lat., 133°40'05" W. long., to Trouble Island at 56°28'45" W. lat., 133°40'45" W. long. to 56°28'00" N. lat., 133°39'55" W. long.;

(g) District 6

(1) Salmon Bay: within a line extending from 56°17'24" N. lat., 133°08'14" W. long., to Rookery Island to 56°19'06" N. lat., 133°09'42" W. long.;

(4) Ratz Harbor: south and west of a line from 55°53'08" N. lat., 132°35'37" W. long., to 55°53'16" N. lat., 132°35'47" W. long.;

(8) Rocky Bay, west coast of Etolin Island: north of a line from 56°04'20" N. lat., 132°36'30" W. long., to 56°04'24" N. lat., 132°36'03" W. long.;

(9) Mosman Inlet: north of 56°05'20" N. lat.;

(11) Exchange Cove: south of a line from 56°13'07" N. lat., 133°03'42" W. long., to 56°12'54" N. lat., 133°03'25" W. long;

(13) Kah Sheets Bay: west of a line from 56°31'28" N. lat., 133°05'12" W. long., to 56°29'46" N. lat., 133°07'12" W. long.;

(15) Wrangell Narrows: all waters north of the tip of Point Alexander except by trolling;

(A) Blind Slough: east of a line from the tip of Anchor Point to Coast Guard light #25 to Coast Guard light #27 to a point 200 yards due north of the tip of Blind Point;

(B) Petersburg Creek: west of a line from 56°48'15" N. lat., 132°59'33" W. long., to Coast Guard light #56 to Coast Guard light #58 to the tip of Bayou Point;

(16) Navy Creek: east of a line from 56°03'30" N. lat., 132°27'54" W. long., to the southwest tip of South Burnett Island and east of a line from the northern tip of South Burnett Island to the southern tip of North Burnett Island and east of a line from the northern tip of North Burnett Island to 56°04'36" N. lat., 132°27'29" W. long.

(h) District 7

(1) Anita Bay: west of a line from the tip of Anita Point to 56° 15'18" N. lat., 132°22'56" W. long., except by trolling;

(2) Olive Cove: south of a line from 56°11'33" N. lat., 132°19' 06" W. long. to 56°11'24" N. lat., 132°18'43" W. long.;

(3) Thom's Place, Zimovia Strait: north of 56°09'38" N. lat.;

(4) Fool's Inlet: north of 56°12'30" N. lat.;

(6) Blake Channel and eastern Passage: north of 56°12'00" N. lat., and east of a line from the tip of Babbler Point to 56°27'48" N. lat., 132° 16'38" W. long., on Hour Point except by trolling which is closed from April 16 through September 30;

(7) Vixen Inlet: east of the longitude of the westernmost tip of Sunshine Island;

(8) Santa Anna Inlet: south of the latitude of the tip of Point Santa Anna;

(11) Union Bay: south of a line from 55°44'48" N. lat., 132°14' 07" W. long. to 55°45'34" N. lat., 132°11'08" W. long.;

(i) District 8

(1) Blind Slough: north of a line from 56°30'45" N. lat., 132°43' 18" W. long., to 56°31'55" N. lat., 132°40'32" W. long.;

(j) District 9

(1) Tebenkof Bay

(C) Thetis Bay: south of 56°23'22" N. lat.;

(7) Port Walter and Little Port Walter: west of a line from 56°23'15" N. lat., 134°38'05" W. long. to 56°23'42" N. lat., 134°38'15" W. long.;

(9) Eliza Harbor: north of 57°14'18" N. lat.;

(10) Kadake Bay: south of a line from 56°48'45" N. lat., 133°58' 00" W. long. to 56°48'23" N. lat., 133°56'28" W. long.;

(14) Deep Cove: west of 134°43'38" W. long.;

(15) Patterson Bay: north of 56°36'44" N. lat.

(k) District 10

(3) Farragut Bay: Francis Anchorage north of 57°08'45" N. lat.;

(7) Dry Bay: inside of a line from 57°03'32" N. lat., 133°01'55" W. long., to 57°02'49" N. lat., 133°01'45" W. long., to 57°02'57" N. lat., 133°00'10" W. long.

(l) District 11

(1) Auke Bay: inside a line from the tip of Point Louisa to the tip of Outer Point;

(2) Taku Inlet: north of a line from the Annex Creek Power House to a point at 58°17'30" N. lat., 134°01'00" W. long.;

(3) Slocum Inlet: all waters east of a line from 58°08'21" N. lat., 134°04'14" W. long., to 58°07'49" N. lat., 134°04'24" W. long.;

(4) Taku Harbor: all waters east of a line from the tip of Stokade Point to 58°03'41" N. lat., 134°01'59" W. long.;

(5) Limestone Inlet: all waters east of a line from 58°01'48" N. lat., 133°59'16" W. long., to 58°02'04" N. lat., 133°59'40" W. long.

(6) Seymour Canal

(B) Mole Harbor: inside a line from the tip of Flaw Point to a point at 57°39'40" N. lat., 134°01'30" W. long.;

(C) Pleasant Bay: all waters inside a line from 57°38'50" N. lat., 133°59'42" W. long. to a point at 57°38'28" N. lat., 133° 57'25" W. long.;

(m) District 12

(1) Wilson Cove: all waters east of the longitude of Point Wilson;

(4) Hood Bay: all waters east of 134°24'30" W. long. except by trolling;

(5) Kootznahoo Inlet: all waters east of a line from the tip of Turn Point to Village Rock light except by trolling;

(7) Funter Bay: all waters inside the longitude of the tip of Clear Point, except by trolling;

(8) Howard Bay: all waters inside the latitude of the tip of Point Howard, except by trolling;

(9) Freshwater Bay: all waters inside a line from a point at 57°53'20" N. lat., 135°07 35" W. long., to 57°54'45" N. lat., 135°06'00" W. long.;

(11) Basket Bay: all waters inside a line from 57°39'50" N. lat., 134°53'12" W. long., to 57°39'17" N. lat., 134°53'53" W. long.;

(13) Warm Springs Bay: west of 134°46'38" W. long.;

(14) False Bay: west of a line from 57°58'33" N. lat., 134°55' 05" W. long., to 57°57'00" N. lat., 134°55'23" W. long.;

(15) Wukuklook Creek: west of a line from a point at 57°05'15" N. lat., 135°55'30" W. long., to Flinks Point at 57°52'30" N. lat., 135°57'20" W. long.;

(n) District 13

(1) Lisianski Inlet: south of a line from 57°56'46" N. lat., 136°14'10" W. long.; to 57°57'15" N. lat., 136°12'53" W. long. except by trolling;

(2) Salt Lake Lagoon, Takanis Bay: north and east of a line from 57°55'05" N. lat., 136°30'22" W. long., to 57°55'25" N. lat., 136°31'00" W. long.;

(3) Stag Bay: east of 136°21'25" W. long.;

(4) Goulding Harbor: north of a line from 57°46'18" N. lat., 136°15'05" W. long., to 57°46'22" N. lat., 136°15'27" W. long.;

(5) Black Bay: north and east of a line from 57°42'37" N. lat., 136°09'20" W. long., to 57°42'23" N. lat., 136°09'10" W. long.;

(7) Waterfall Cove, Slocum Arm: north and east of a line from 57° 37'18" N. lat., 135°56'10" W. long., to 57°30'53" N. lat., 135°55'00" W. long.;

(8) Fish Bay: east of 135°35'10" W. long.;

(9) Hoonah Sound: west and north of a line from 57°44'12" N. lat., 135°43'40" W. long., to 57°43'45" N. lat., 135°44'40" W. long.;

(10) Ushk Bay: west of 135°35'00" W. long.;

(13) Hanus Bay: south of a line from 57°25'29" N. lat., 134°59' 00" W. long., to 57°25'18" N. lat., 135°03'40" W. long.;

(14) Nakwasina Passage: north and east of a line from 57°14'12" N. lat., 135°29'55" W. long., to 57°14'53" N. lat., 135°30'28" W. long.;

(15) Nakwasina Sound: north and east of a line from 57°11'42" N. lat., 135°23'30" W. long., to 57°12'12" N. lat., 135°22'40" W. long.;

(16) Katlian Bay: north and east of a line from 57°09'30" N. lat., 135°22'35" W. long., to 57°09'07" N. lat., 135°21'55" W. long.

(17) Redoubt Bay: east of 135°18'53" W. long.;

(18) Port Banks: south and east of a line from 56°36'07" N. lat. 135°00'20" W. long., to 56°35'55" N. lat., 135°01'10" W. long.;

(19) Still Harbor: south and east of a line from 56°33'15" N. lat., 135°02'40" W. long., to 56°33'38" N. lat., 135°02'25" W. long.;

(20) Redfish Bay: north and west of a line from 56°20'41" N. lat., 134°51'31" W. long., to 56°20'49" N. lat., 134°51'05" W. long.;

(21) Big Branch Bay: north and east of a line from 56°19'27" N. lat., 134°50'30" W. long., to 56°19'18" N. lat., 134°50'08" W. long.;

(22) Sitkoh Bay: west of a line from 57°29'17" N. lat., 134°53'25" W. long., to 57°29'36" N. lat., 134°53'58" W. long.;

(23) Patterson Bay: west of a line from 57°40'23" N. lat., 135° 42'42" W. long., to 57°39'35" N. lat., 135°42'18" W. long.;

(24) Fick Cove: south and west of a line from 57°37'51" N. lat., 135°39'38" W. long., to 57°38'25" N. lat., 135°40'39" W. long.;

(25) Starrigavan Bay: all waters east of a line from 57°07'47" N. lat., 135°22'45" W. long., to the ferry terminal dock at 57°08'25" N. lat., 135°22'30" W. long.;

(26) Deep Bay: west of a line from 57°39'35" N. lat., 135°37'20" W. long., to 57°26'32" N. lat., 135°37'46" W. long.

(o) District 14

(2) Port Althorp: within a line from the tip of Point Lucan to a point at 57° 09'40" N. lat., 135°19'30" W. long., except by trolling;

(3) Idaho Inlet: south of the latitude of the tip of Gull Point, except by trolling;

(7) Whitestone Harbor: within a line from 58°04'15" N. lat., 135° 04'36" W. long., to 58°03'36" N. lat., 135°04'15" W. long., except by trolling;

(9) Excursion Inlet: north of a line from 58°22'36" N. lat., 135° 28'30" W. long., to 58°22'36" N. lat., 135°28'18" W. long., except by trolling;

(p) District 15

(3) Taiya Inlet: all waters north of the latitude of the tip of Taiya Point, except by trolling;

(4) St. James Bay: all waters north of a line from the tip of Point Whidby to St. James Point at 58°33'45" N. lat., 135°09'45" W. long., except by trolling.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(4)

5 AAC 33.360 is added to read:

5 AAC 33.360. DISTRICT ONE AND SIX PINK SALMON MANAGEMENT PLAN. In districts 1 and 6, when a purse seine fishery is harvesting pink salmon stocks subject to concurrent fishing by drift gill nets; for each day or portion of a day the purse seine fishery is open, the corresponding gill net fishery shall be open a full 24 hours.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(3),(4)

5 AAC 33.392 is amended to read:

5 AAC 33.392. SIZE LIMIT AND LANDING OF KING SALMON. King salmon taken must measure at least 28 inches from tip of snout to tip of tail (in its natural open position) or 23 inches from the mid-point of the clethral arch to the tip of the tail. The heads of all king salmon must remain attached to the fish until sold. Undersized fish which are taken must be returned to the water without injury. The size limit restrictions in this section do not apply to gill net and purse seine fishing. No king salmon may be mutilated or otherwise disfigured in any manner which prevents determining the minimum size set forth in this paragraph.

Authority: AS 16.05.251(a)(3),(4),(7)

5 AAC 33.393 is amended to read:

5 AAC 33.393. LANDING OF COHO SALMON. The heads of all coho salmon must remain attached to the fish until sold. No troll vessel may be used to take or attempt to take salmon when coho salmon are aboard in an area closed to the taking of coho by troll gear.

Authority: AS 16.05.251(a)(3),(4),(7)

5 AAC 33.410(a)(1) and (2) are amended to read:

5 AAC 33.410. FISHING SEASONS. (a) Sablefish may be taken only as follows:

(1) in the northern area which includes district 9 north and east of a line from the southernmost tip of Cape Ommaney to the northernmost tip of Nation Point, district 10, 11, 12, section 13-C, districts 14 and 15, from September 1 through November 15 or until the area is closed by emergency order;

(2) in the southern area which includes districts 1, 2, 3, 5, 6, 7, and 8, from June 15 through November 15 or until the area is closed by emergency order.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(3)

5 AAC 33.415(a) and (b) are added to read:

5 AAC 33.415. GUIDELINE HARVEST LEVELS. (a) In the northern area as described in sec. 410(a)(1) of this chapter, the guideline harvest range for sable fish is 500,000 to 900,000 pounds (227 to 408 m.t.).

(b) in the southern area as described in sec. 410(a)(2) of this chapter, the guideline harvest range for sablefish is 125,000 to 500,000 pounds (57 to 227 m t.).

Authority: AS 16.05.251(a)(2),(3)

5 AAC 33.420(a),(b) and (c) are added to read:

5 AAC 33.420. REGISTRATION. (a) Operators of fishing vessels intending to fish for sablefish in the northern area as described in sec. 410(a)(1) of this chapter shall notify a local representative of the department by phone, radio or in person within 72 hours before starting fishing operations in the area.

(b) Within 24 hours after leaving the northern area, operators of sablefish fishing vessels shall notify a local representative of the department by phone, radio or in person.

(c) A vessel operator reporting as required by (a) and (b) of this section shall also report the amount of sablefish on board the vessel at the time of reporting.

Authority: AS 16.05.251(a)(2).(4),(7),(12)

Authority: AS 16.05.251(a)
AS 16.05.475
AS 16.05.905
AS 16.05.910
AS 16.05.920
AS 16.05.940

5 AAC 39.250(c) is amended and (d) is added to read:

5 AAC 39.250. GILL NET SPECIFICATIONS AND OPERATION.

(c) Gill net web may not contain no less than 30 filaments.

(d) The float line and floats of gill nets must be floating on the surface of the water while the net is fishing, unless natural conditions cause the net to temporarily sink. The restriction of this subsection does not apply in Kotzebue-Northern area (5 AAC 03.100), Norton Sound-Port Clarence area (5 AAC 04.100), Yukon area (5 AAC 05.100) and Kuskokwim area (5 AAC 07.100).

Authority: AS 16.05.251(a)(4)

5 AAC 39.270(c) and (d) are amended and (e) is added to read:

5 AAC 39.270. TROLL SPECIFICATIONS AND OPERATION.

(c) Each licensed power troll vessel must display its permanent vessel license plate number in permanent symbols of black on a white background. Each number must be at least twelve inches in height, with lines at least one inch in width and must be permanently affixed on both sides of the cabin or hull so as not to be obscured. The numbers must be displayed at all times until the end of the calendar year.

(d) Each licensed hand troll vessel must display the letters HT in permanent block letters. Each letter must be painted on both sides of the vessel hull or cabin in a color contrasting with the background, at least four inches in height, at least one-half inch in width, plainly visible and unobscured at all times. The letters must be displayed at all times until the end of the calendar year. No hand troll vessel may display its permanent vessel plate number (ADF&G number) in any location other than on the vessel license plate.

(e) No more than six troll gurdies may be mounted on board any salmon troll vessel. A troll gurdy is a spool type device around which a troll line can be wrapped.

Authority: AS 16.05.251(a)(4),(5),(7)

TITLE 5. FISH AND GAME.

PART I. COMMERCIAL AND SUBSISTENCE FISHING AND PRIVATE NONPROFIT SALMON HATCHERIES.

CHAPTER 21.
COOK INLET AREA.

5 AAC 21.430(a) is amended to read:

5 AAC 21.430. GEAR. (a) Bottomfish may be taken in all districts only by trawls, longlines and mechanical jigging machines.

Authority: AS 16.05.251(a)(4),(7), (12)

CHAPTER 30.
YAKUTAT AREA.

5 AAC 30.392 is amended to read:

5 AAC 30.392. SIZE LIMIT AND LANDING OF KING SALMON. King salmon taken must measure at least 28 inches from tip of snout to tip of tail (in its natural open position) or 23 inches from the midpoint of the clethral arch to the tip of the tail. The heads of all king salmon must remain attached to the fish until sold. Undersized fish which are taken must be returned to the water without injury. The size limit restrictions in this section do not apply to gill net and purse seine fishing. No king salmon may be mutilated or otherwise disfigured in any manner which prevents determining the minimum size set forth in this section.

Authority: AS 16.05.251(a)(3),(4), (7)

5 AAC 30.393 is amended to read:

5 AAC 30.393. LANDING OF COHO SALMON. The heads of all coho salmon must remain attached to the fish until sold. No troll vessel may be used to take or attempt to take salmon when coho salmon are aboard in an area closed to the taking of coho salmon by troll gear.

Authority: AS 16.05.251(a)(3),(4), (7)

CHAPTER 33.
SOUTHEASTERN ALASKA AREA.

5 AAC 33.310(b)(1)(B) is amended to read:

5 AAC 33.310. FISHING SEASONS AND WEEKLY FISHING PERIODS.

(b) Salmon may be taken by hand troll and power troll gear from January 1 through December 31 in all districts except as provided in sec. 350 of this chapter and except as follows:

(1) during the period April 16 through September 20 salmon may be taken by hand troll gear:

(B) April 16 through April 21
April 28 through May 5
May 12 through May 19
May 26 through June 2
June 9 through June 16
June 23 through June 30
July 7 through July 14
July 21 through July 28
August 4 through August 11
August 18 through August 25
September 1 through September 8
September 15 through September 20

Authority: AS 16.05.060
AS 16.05.251(a)(2),(4)

5 AAC 33.365 is adopted to read:

5 AAC 33.365. SOUTHEASTERN ALASKA-YAKUTAT CHINOOK AND COHO SALMON TROLL FISHERIES MANAGEMENT PLAN. (a) The management of the Southeastern Alaska and Yakutat areas chinook and coho salmon troll fisheries is complex because of mixing of the salmon stocks and fishing effort placed upon those salmon stocks by the subsistence, commercial and recreational user groups. The Board of Fisheries is concerned that some user groups, particularly those who traditionally fish the inshore and terminal salmon fishing areas as described in sec. 312(a)(1),(2) and (3) of this chapter, may be receiving reduced opportunities to take chinook and coho salmon because of increasing fishing effort by the salmon power troll fleet on mixed stocks of those species of salmon in the coastal and offshore salmon fishing areas as described in sec. 312(a)(4) and (5) of this chapter. The board is also concerned that continued increases in fishing effort on mixed chinook and coho salmon stocks may result in overharvest of individual salmon stocks or aggregations of those stocks, such that spawning escapement of those stocks to their natal streams may fall below that required to maintain a sustained yield of those stocks. Because of the above concerns, the board has adopted regulations that control the time, area of operation and efficiency of the salmon power and hand troll fisheries.

(b) The board recognizes that changes in size and timing of the chinook and coho salmon runs and changes in the distribution of fishing effort by the hand and power troll fleet may require inseason adjustments to salmon fishing seasons, periods and areas to allow chinook and coho salmon to escape the coastal and offshore fisheries and move into the inshore and terminal fishing areas. The department shall make inseason adjustments to salmon fishing seasons, periods and areas as follows:

(1) there may be no changes made to the chinook salmon fishing seasons, periods and areas during the period January 1 through June 14;

(2) there may be no changes made to the coho salmon fishing seasons, periods and areas during the period June 15 through July 9;

(3) about July 10 the department will evaluate the size and distribution of the coho salmon run and will close the Southeastern and Yakutat areas salmon troll fishery for 10 days, unless the department determines that the coho salmon run is larger than the last 10 year average and that acceptable numbers of coho salmon are moving into the inshore salmon fishing areas;

(4) following any July closure made in accordance with (3) of this subsection, the Southeastern Alaska and Yakutat salmon fishing areas will reopen for salmon hand and power troll fishing as provided for in the salmon hand and power troll fishing regulations contained in chaps. 30, 33 and 39 of this title;

(5) additional closures of the salmon hand and power troll fishing seasons, periods and areas may be required if the department determines that the strength of the coho salmon run in the inshore and terminal salmon fishing areas is less than required to provide a spawning escapement that will maintain the runs on a sustained yield basis.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(3),(11)

CHAPTER 39.
GENERAL PROVISIONS.

5 AAC 39.120(g) is added to read:

5 AAC 39.120. REGISTRATION OF COMMERCIAL FISHING VESSELS.

(g) Registration requirements for salmon troll fishing vessels are as follows:

(1) the owner or operator of any fishing vessel that is to be used to take salmon with hand or power troll gear shall register that vessel with the department;

(2) no fishing vessel may be registered as both a hand troll and a power troll vessel;

(3) registration is accomplished by completing a form provided by the department and returning that form to a department office;

(4) any vessel that is to be used as a salmon troll fishing vessel must be registered before April 15 of each calendar year;

(5) this subsection becomes effective January 1, 1981.

Authority: AS 16.05.251(a)(2),(4),(5),(12)
AS 16.05.490
AS 16.05.510

5 AAC 39.270(a) is amended to read:

5 AAC 39.270. TROLL SPECIFICATIONS AND OPERATION. (a) The maximum number of trolling lines that may be operated from any salmon troll vessel is as follows.

(1) from power troll vessels: no more than four lines, except that no more than six lines may be operated in that portion of the Seaward Biological Influence Zone north of the latitude of the southernmost tip of Cape Spencer;

(2) from hand troll vessels

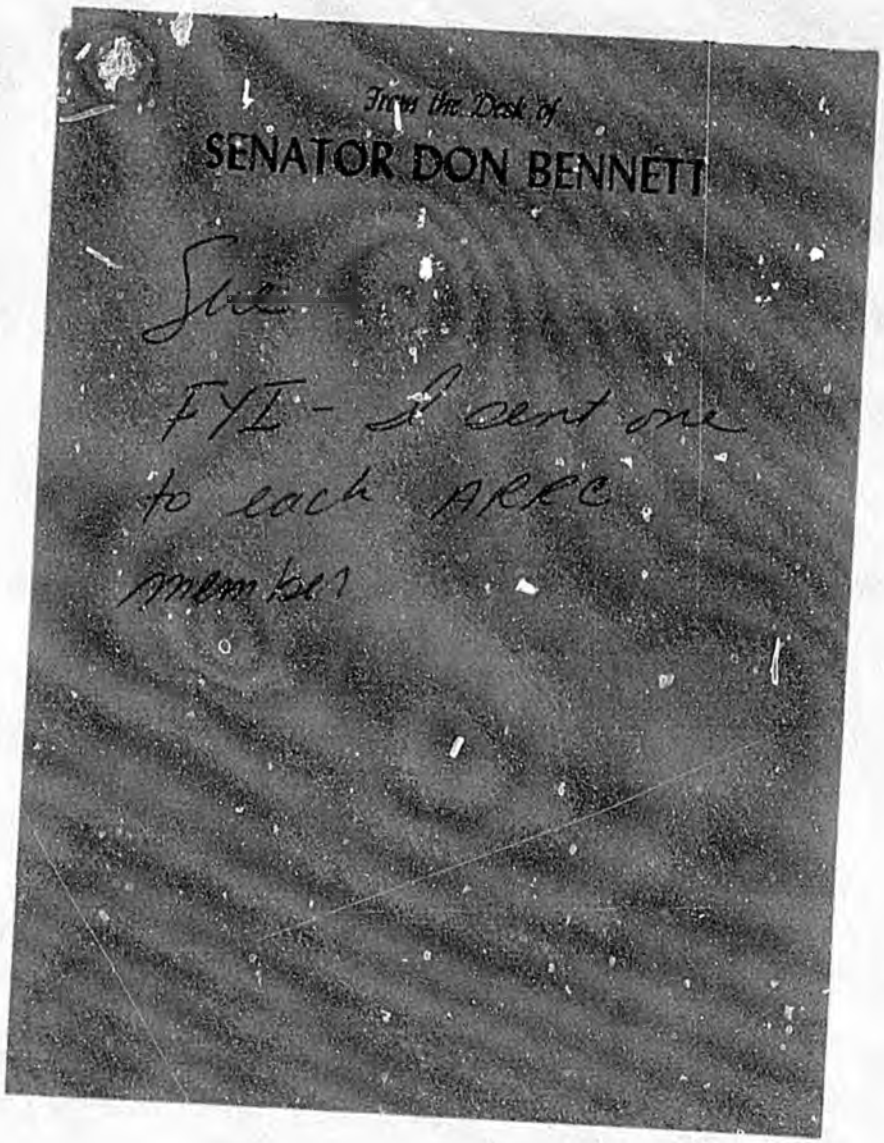
(A) using hand troll gurdies: no more than two lines to which multiple leaders and hooks may be attached;

(B) using fishing rods: no more than four lines with no more than one leader and one lure or two baited hooks per leader;

(3) hand troll vessels may not concurrently use hand troll gurdies and fishing rods;

(4) for the purposes of this subsection, a fishing rod is a tapering often jointed rod equipped with a hand grip and line guides and upon which is mounted a hand powered reel used to deploy and retrieve the trolling line and a hand troll gurdy is a troll gurdy powered by hand or hand crank that is not mounted on or used in conjunction with a fishing rod.

Authority: AS 16.05.251(a)(4),(5), (7)


From the Desk of
SENATOR DON BENNETT
Stu -
FYI - I sent one
to each AREC
member

February 25, 1980
(LETTER OF PETITION)
"PESIDENT 1977 HANDTROLLERS"

BY CERTIFIED MAIL TOO:
GOV. JAY HAMMOND
LIMITED ENTRY COMMISSION
DEPT. OF FISH AND GAME
STATE BOARD OF FISH AND GAME
KETCHIKAN BOARD OF FISH AND GAME

Sen. Don Bennett
ALASKA STATE LEGISLATURE
ALASKA SEINERS ASSN:
ALASKA POWERTROLLERS ASSN:
KETCHIKAN DAILY NEWS
CITEZINS OF ALASKA

Dear Alaskans:

Date Mailed: March 6, 1980

We hereby request immediate action from the State of Alaska, and other authorities controlling Handtrolling in districts 1 & 2 Southeast Alaska to immediately revoke the 8 days on and 6 days off regulation enforced on us last year, the closure to not apply to Handtroll permits who fished prior to "78 & 79". The State of Alaska fisherey authorities are negligent and discriminating to old Handtrollers who have traditionally fished the newly closed areas, and we feel that we are being unduly penalized, because the State did not have limitations on number of Handtroll permits in effect by "1977"(considered the breaking point) and kept selling thousands of permits, which has led to this deplorable situation. This must be enacted immediately and in effect for the 1980 season so we can financially stay in the fishing industry. Soaring inflation, high fuel prices etc. now restrict us more than ever to fish these areas that we have previsously fished, restrictions like this figure 50% off a normal fishing season. We cannot wait while the State burocarcy is floundering and we are being unduly penalized for their negligence. The State fishery authorities imposed the closures due to excess % of Handtroll fish caught by thousands of excess Handtroll permits sold by the State in "1978 & 1979". So an immediate moritorium must beheld from that date concering the closures and not restrict the estabilished Handtroll permit holders prior to "1978". We cannot survive another hardship closure such as was imposed on us last year. Untill the limited Entry Handtroll situation is equitably resolved and applied-remove the closures now! Which are strangling the Handtrollers who have fished and lived here for years.

We are looking foreward to your earliest attention, acknowledgment, action and answer to this ur ent situation.

Your reply is a ted.

Sincerely,
"Resident 1977 Handtrollers"
Letter of Petition
P.O. Box 5260
Ketchikan, Alaska 99901

Name & Address	H,T, Permit 1970-1977	H.T. Permit Number	STATERES. yes-no	RES. yrs.
[illegible] Ketch Box 941	Yes	26035	Yes	fished 6 yrs.
[illegible] Ketch.	Yes	21035	Yes	fished 12 yrs.
Robert Stanton PO Box 5260 Ketch ALASKA	yes	24342	yes	(fished) 25 yrs
Eva O. John P.O. Box 7563 Ketch Alaska	yes	S05B18422A 28420	yes	21 years
Bob Lee Box 991 WARD COVE ALASKA 99928	YES	34972	YES	9 YEARS
Irene R. Russell Rt. 1-Box 486 Kelleher Alaska	yes	20069	Yes	20 years
Thomas Fuller Box 1125 Ward Cove AK 99928	Yes	24328	Yes	fished 5yrs lived 20 yrs
Bernard Kurdoglo Box 3311 Ketch	yes	S05B17790C	yes	19½ years
Jarid W. Lein	Yes	S05B11043L	Yes	40 years
Lothar Christophe 3802 Ingraham Seattle	Yes		YES	43 yrs

February 25, 1980
(LETTER OF PETITION)
"RESIDENT 1977 HANDTROLLERS"

BY CERTIFIED MAIL TOO:
GOV. JAY HAMMOND
LIMITED ENTRY COMMISSION
DEPT. OF FISH AND GAME
STATE BOARD OF FISH AND GAME
KETCHIKAN BOARD OF FISH AND GAME

Sen. Don Bennett
ALASKA STATE LEGISLATURE
ALASKA SEINERS ASSN:
ALASKA POWERTROLLERS ASSN:
KETCHIKAN DAILY NEWS
CITEZINS OF ALASKA

Dear Alaskans:

DATE MAILED: MARCH 6, 1980

We hereby request immediate action from the State of Alaska, and other authorities controlling Handtrolling in districts 1 & 2 Southeast Alaska to immediately revoke the 8 days on and 6 days off regulation enforced on us last year, the closure to not apply to Handtroll permits who fished prior to "78 & 79". The State of Alaska fisherey authorities are negligent and discriminating to old Handtrollers who have traditionally fished the newly closed areas, and we feel that we are being unduly penalized, because the State did not have limitations on number of Handtroll permits in effect by "1977"(considered the breaking point) and kept selling thousands of permits, which has led to this deplorable situation. This must be enacted immediately and in effect for the 1980 season so we can financially stay in the fishing industry. Soaring inflation, high fuel prices etc. now restrict us more than ever to fish these areas that we have previsously fished, restrictions like this figure 50% off a normal fishing season. We cannot wait while the State burocarcy is floundering and we are being unduly penalized for their negligence. The State fishery authorities imposed the closures due to excess % of Handtroll fish caught by thousands of excess Handtroll permits sold by the State in "1978 & 1979". So an immediate moritorium must beheld from that date concering the closures and not restrict the estabilished Handtroll permit holders prior to "1978". We cannot survive another hardship closure such as was imposed on us last year. Untill the limited Entry Handtroll situation is equitably resolved and applied-remove the closures now! Which are strangling the Handtrollers who have fished and lived here for years.

We are looking foreward to your earliest attention, acknowledgment, action and answer to this urgent situation.

Your reply is awaited.

Sincerely,
"Resident 1977 Handtrollers"
Letter of Petition
P.O. Box 5260
Ketchikan, Alaska 99901

Name & Address	H.T. Permit 1970-1977	H.T. Permit Number	STATE RES. yes-no		RES. yrs.
William H. Dow, Sr KTN		26128	✓		40 yrs.
[illegible] Box 3924 KTN AK	74 [illegible]	26265	✓		19 yrs
[illegible] Rt 1 Box 680 KTN AK	1975	16958	✓		33 yrs
[illegible] Box 6551 KTN	1975-1978	24351	✓		21 years
[illegible] WARD Box 1183 Ketch	77 [illegible]	28347	✓		30 years
[illegible] SR Box 3121 KTN	yes	13753	✓		76 y.e.o
[illegible] Box 9635 KTN	YES	30 5 B 29 X 93 P	✓		19 Yrs
Joseph F. Stanker 1712 First Ave Ketch.	yes	33720	✓		27 years
James B. Stanker 1712 FIRST AVE KETCHIKAN	yes	33725	✓		25

(Letter of Petition #2)
(Resident 1977 Handtrollers)
(District #1)

By Certified Mail to:
Gov. Jay Hammond
Limited Entry Commission
Dept.,of Fish and Game
State Board of Fish and Game
Ketchikan Board of Fish and Game

4 PAGES
of 45
Signers

Terry Gardiner State Legislature
Robert Zeigler State Legislature
Oral Freeman State Legislature
Alaska Power Trollers
Ketchikan Daily News
Alaska Seiners Association

Mailed 3/19/80

Dear Alaskans:

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Sincerely,
"Resident 1977 handtrollers"
(District #1)
(Letter of Petition #2)
P.O. Box 5260
Ketchikan, Alaska 99901

Name & Address	H.T. Permit 1970-1977	H.T. Permit Number	STATE RES. yes-no	RES. yrs.
Robert Stanker P.O. Box 5260 Ketch. Alaska	yes	S 612480 24342	yes	25
Mabel W. Jones 3944 Dale St Ketchikan	yes	S05B110431 24001	yes	41
Keith E Hall Hollis Box 5311	yes	3989	yes	10
Bernard Kimball	yes	S05B17790C	yes	19½
Jack Hilton R.I. Box 941 Ketchikan Alaska	yes	24638	yes	62
Frank R. Hill R.I. Box 941 Ketchikan Alaska	yes	24634	yes	19
Irene R. Renahan RR 1 - Box 986 Ketchikan	yes	S05B14420656	yes	20
Thomas A Tinker Box 1128 Ward Cove	yes	SCSB30976C 24328	yes	5 yrs
Minnie Christopher Box 802 Ward Cove	yes	154660 Permit 24041	yes	50 yrs
Robert Lee Box 991 WARD COVE	YES	34972	yes	9 YRS
James A Stanker 1712 FIRST AVE KETCH	YES	SO5B34835 33725	YES	25 YRS
Joseph F. Stanker	yes	S05B164571 33725		24 YRS
E. A. Erickson	yes	24215	yes	19 years
Wm. A. Lucas Sr.	yes	24175	yes	41 years

(Letter of Petition #2)
(Resident 1977 Handtrollers)
(District #1)

PAGE #2

By Certified Mail to:
Gov. Jay Hammond
Limited Entry Commission
Dept.,of Fish and Game
State Board of Fish and Game
Ketchikan Board of Fish and Game

4 PAGES, 6 of 45 SIGNERS

Terry Gardiner State Legislature
Robert Zeigler State Legislature
Oral Freeman State Legislature
Alaska Power Trollers
Ketchikan Daily News
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Name & Address	H.T. Permit 1970-1977	H.T. Permit Number	STATE RES. yes-no		RES. yrs.
John L. Leslie Box 6531 Ketchikan	Yes	S05B39517X 24331	✓		21
M. A. Jack Rt 1 Box 680 Ketchikan AK	yes.	S05B32900L	✓		33
Lawrence Carson Rt. 1 Box 426 Ketchikan	Yes	S05B33020U	✓		37
R V Ellis PO Box 8201 Ketchikan	Yes	S05B14832M	✓		34
John L Minnich 3826 Hillside Dr. Ketchikan AK	yes	S05B33307W	✓		38
R T Aymond Box 8135 Ketchikan	Yes	S05B29495P	✓		19

(Resident 1977 handtrollers)
(District #1)

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(Letter of Petition #2)
P.O. Box 5260
Ketchikan, Alaska 99901

Metlakatla Handtroller Assn.
Box 42
Metlakatla, Alaska
99926

Name & Address	H,T, Permit 1970-1977	H.T. Permit Number	STATE RES. yes-no		RES. yrs.
Donnell Williams Sr. Metlakatla AK.	X	S04B19553K.	X		32
Samuel Williams Sr. Metlakatla AK	X	S05B17652E	X		28
Cobby Williams Sr. Metlakatla AK	X	S05B19258F	X		55
Ronald E. Wimbish Metlakatla	X	S05B36141N	X		26
Alex Atkinson Metlakatla AK	X	S04B23185L	X		36
Frank Ryan Sr	X	S04B31872P	X		56
Ronnie J. Henry Metlakatla AK	X		✓		24
Wm C. Christensen Metlakatla AK	X	S05B31529BK	✓		7
Elizabeth A. Metlakatla AK	X	S05B34716L	✓		33
Tony A. Wellington Metlakatla AK	X		✓		46
Samuel Clayton Metlakatla AK		S05B17549N	✓		32
Daniel C. Kinegak Metlakatla AK	X	S05B22252M	✓		33
Irene A. Olsen Metlakatla	✓		✓		31
Irene D. Wilson Metlakatla	X	S05B37215N	✓		31
Lawrence Henry Metlakatla	X	S05B18314H	✓		38

(Resident 1977 Handtrollers)
(District #1)

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Name & Address	H.T. Permit 1970-1977	H.T. Permit Number	STATE RES. yes-no		RES. yrs.
Benjamin J Etc	Box 264 Met. AK.	X	S05B23255ND	X		38
Edward S Tuttle	Met. AK	X	S05B16544G	X		45
Truman McAllister Jr	Box 201 Met. AK	X	S05B33786G	X		39
Nile Wallace	Box 473	X		X		33
Richard Rambo	Box 22 Met. AK	X	S05B27477K	X		57
Cecil C Stinson	Box 422 Met. AK	X	S05B27402K	X		52
[illegible] Co		X		X		30
[illegible]	PO 126 Met AK	X	S05B155120	X		41
[illegible]	Box 455 Ketchikan	X	S05D32547H	X		66
[illegible]	Box [illegible] Met AK	X	S05S5B31461K	X		1

STATE OF ALASKA

Inter-Department Route Slip

TO:
MAIL STATION NUMBER_____

DEPARTMENT_____

ATTENTION Rep Freeman

☐ Approval	☐ Note & Return
☐ Signature	☐ Initial & Return
☐ Comment	☐ Return As Requested
☐ Contact Me	☐ Return For Approval
☐ Prepare Reply	☐ Necessary Action
☐ For Your File	☐ Your Information

Remarks:

hand trolling testimony

FROM:
MAIL STATION NUMBER_____

DEPARTMENT_____

BY Carla DATE 3/21

02-002 (REV.10/73)

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SUBPORT BUILDING
JUNEAU, ALASKA 99801

March 13, 1980

The Honorable Don Bennett
Alaska State Senate
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Senator Bennett:

Following the public hearing held by your committee on hand troll regulations you requested that any further comments be sent to your office in writing within a ten day period of time. This letter will constitute the Alaska Department of Fish and Game's comments regarding regulations for the troll fishery in 1980.

I have enclosed a troll fishery review paper drafted by our Department explaining actions taken by the Board of Fisheries at their December 1979 meeting. The necessity for regulating efficiency of the hand troll fleet in terms both of conservation and preserving the present allocation balance between various gear groups is addressed. I recognize that during your hearing you heard a fair amount of public testimony from the hand troll fleet reacting adversely to the proposed limitations on their efficiency, and in particular to the two line limit concept. In actual fact, the limitation is presently two gurdies for those hand trollers who fish gurdies and up to four poles for those rod and reel fishermen involved. Based on our experience in troll fisheries hearings, we believe that you heard from only a minor portion of the hand troll fleet, namely those who have become "professional" hand trollers. In general, the hand troll fleet, during hearings held last fall by the Commercial Fisheries Entry Commission, opted for a greater number of permits rather than increasing efficiency. The Board of Fisheries publicly indicated their willingness to manage the troll fishery as a single unit if in fact the allocation balances could be maintained under this type of scheme. The only way the Board saw that this would be possible would be to limit the number of potential hand trollers who would enter the fishery to between 500 and 600. Obviously with 2,150 units, if all these units opted to increase their efficiency to four gurdies, the total harvesting power of this fleet would increase dramatically and significant social and economic changes would ensue in the non-hand troll segments of Southeastern Alaska's fishing industry.

It is a fact that in recent years a portion of the hand troll fleet has opted toward larger, faster vessels and hand gurdy gear, which has allowed them to increase their efficiency significantly. Numerically, this part of the hand troll fleet is in the minority. We believe that it is this minority you were

hearing from at your public hearing. The Board of Fisheries, conversely, over several years of covering this topic in public hearings and in testimony from various user groups and biological staff, has heard from seiners, power trollers, gillnetters, recreational fishermen, subsistence fishermen, the hand trollers themselves, and the biologists regarding the need for escapement. We believe that any action taken by your committee to reverse part of this Board action without considering the implications in terms of overall management of the fishery would raise more questions and problems than it would solve.

As shown in the enclosed effort and catch information, the hand troll fishery has placed a significant increase in effort on our salmon stocks in recent years. The entire Alaskan troll fishery is being closely watched by interests in the other Pacific coastal states and Canada who wish to see overall effort and catches reduced so that more salmon will reach their waters and user groups. The vehicles they may attempt to use are the North Pacific Fishery Management Council, the Secretary of the Interior, and the courts. Federal or court ordered decisions could wreak havoc on our troll fishery as a whole. Our strongest argument against outside intervention in our troll fishery is the regulatory efforts that have been made to stabilize fishing effort by troll gear and to rebuild our king salmon stocks. To allow major effort increases in our fishery that will increase catch levels of king salmon from depressed stocks originating from anywhere on the west coast invites intervention into the management of our fishery that could reduce our catch levels and drastically restructure our fishery.

We appreciated the chance to appear in front of your committee and stand ready to provide you with any further information you may require to aid you in reaching your decisions.

Sincerely,

Ronald O. Skoog
Commissioner

Enclosure

DRAFT March 11, 1980

1980 TROLL FISHERY MANAGEMENT AND NEW REGULATIONS AND DECISIONS AFFECTING THE TROLL FISHERY

This document is intended to familiarize interested individuals with regulations which will affect the troll fishery in 1980, and the changes in the fishery that have created the need for these regulations. The provisions of this plan are primarily intended to address allocation and resource problems for chinook and coho salmon stocks returning to Alaskan streams. Chinook salmon stocks originating from streams or hatcheries located along the coast south of Alaska will benefit to some degree by attempts to stabilize trolling effort on mixed stocks in waters off Alaska. This management strategy and the 1980 regulations have been approved by the Board of Fisheries and the North Pacific Fishery Management Council.

Two major changes have occurred in the troll fishery in recent years that have caused increased fishing pressure on depressed or heavily utilized chinook and coho salmon stocks and shifts in the allocation of the coho salmon harvest among resource user groups.

First, both the hand troll and power troll fisheries have improved in their capability to effectively harvest salmon. Hand trollers have increased greatly in numbers as no limited entry program has been placed on hand trolling to date. Individual units of hand troll gear have increased in efficiency due to widespread conversion from the use of sport rods to hand gurdies capable of using a far greater number of hooks and the development of a "full time" hand troll fleet. Power trollers were limited in numbers in 1975, but heavy capitalization has increased the efficiency of the average power troll vessel. The building of larger vessels capable of ranging greater distances, staying on the fishing grounds for longer periods of time and fishing more gear has contributed substantially to this efficiency increase. To summarize, in both the hand and power troll fisheries high prices for salmon and increased effort put forth by individual fishermen have contributed heavily to the overall increased efficiency of the troll fleet.

The second major change in the troll fishery has been a shift of fishing effort from inside districts to the outer coastal fishing grounds. This effort shift has occurred primarily with the power troll fleet and has resulted in major changes in the areas where the bulk of the troll catch is occurring. Tables 1 and 2 show the magnitude of this effort shift over the last five seasons, both in terms of number and percentage of landings and the number and percentage of cohos caught from inside and outside districts. This trend is reducing the number of coho salmon that are reaching the inside districts, thus changing the allocation balance between sport fishermen, seiners, gillnetters, hand trollers, and power trollers. Also, by applying more fishing effort on coho salmon stocks further away from their home streams, earlier in the season, overall fishing pressure on coho salmon has increased to the detriment of the stocks.

In formulating policy and regulations for the 1980 troll fishery the Board of Fisheries addressed two major concerns. First, the Board attempted to stabilize effort in the troll fishery to avoid increasing fishing pressure on individual salmon stocks or aggregations of stocks to guard against overfishing. Second, the Board attempted to insure that all resource user groups continue to receive approximately the same proportion of the coho salmon resource as has occurred in recent years.

Prior to establishing policies and regulations for the 1980 troll fishery the Board of Fisheries took into consideration a decision by the Commercial Fisheries Entry Commission to limit the hand troll fishery to 2,150 units of gear. This number is equal to the number of hand trollers that made salmon landings in 1979 and it would allow an expansion of the overall efficiency of the hand troll fleet in future years, since rod and reel trollers may convert to more efficient gurdy gear. The Commission's decision to issue a large number of permits was based on extensive hearings held last fall. The majority of the persons testifying at the hearings indicated that they would prefer a limited entry system that would provide for a large number of participants in a fishery that would be easy to enter.

In order to stabilize effort in the troll fishery, conserve the coho and chinook resources, and maintain recent allocation patterns for coho salmon, the Board of Fisheries adopted the following policies and regulations that will be in effect during the 1980 season:

1. The Board established a provisional hand troll - power troll policy on coho harvest in Southeastern Alaska which establishes a goal of power troll harvest of approximately 80% of the coho troll catch and a hand troll harvest of 20%.

2. Limits to the amount of legal gear were placed on both the hand troll and power troll fisheries as follows:

   Hand trollers may fish two gurdies or up to four sport poles. Gurdies and sport poles may not be fished in combination. A sport pole may be fished with a maximum of one leader and two hooks.

   Power trollers are limited to four lines except in the Fisheries Conservation Zone (Federal waters) north of the latitude of Cape Spencer where six lines may be used. This limited exception to the four line limit is designed to allow economically reasonable "prospecting" of the Fairweather Grounds.

   No more than six troll gurdies may be mounted on board any salmon troll vessel.

3. In order to curtail fishing pressure on coho salmon early in the season before run strength can be determined, and to allow more coho salmon to move further along their migration routes and to the inside waters where spawning streams are located, all commercial trolling will be closed for ten days in mid-July. This 10 day closure will take place <u>unless</u> the coho run appears well above average in magnitude and the movement of coho to inshore waters appears to be good. This closure will apply to trolling for all species of salmon.

4. Other regulations applied to the troll fishery during the 1979 season will remain in effect except for minor changes as noted in the following section.

The new regulations that will be in effect during the 1980 season are intended to facilitate enforcement of existing regulations, and improve microwire tag recovery. (Microwire tags are one of the most useful and important sources of management data.)

1. No king salmon may be mutilated or otherwise disfigured in any manner which prevents determining its size. Regulations establish a minimum size to protect immature fish.

2. The heads of all king and coho salmon must remain attached to the fish until sold. This will ensure recovery of coded wire tags placed in the snouts of Alaskan coho and chinook salmon.

3. No troll vessel may be used to take salmon when coho salmon are aboard in an area closed to the taking of coho by troll gear. This is an enforcement step to inhibit fishing in closed waters.

4. The boundaries of districts 13, 14 and 16 in the Cross Sound area were changed as follows to be more readily identifiable by fishermen:

   District 13: All waters north of a line projecting southwest from the southernmost tip of Cape Ommany, south of a line projecting west from the southernmost tip of Cape Spencer, west of a line from the southernmost tip of Cape Spencer through Yakobi Rock to Yakobi Island, south of a line from the northernmost tip of Soapstone Point to the westernmost tip of Column Point, and west of a line from the southernmost tip of Point Hayes to the northernmost point of Point Thatcher.

   District 14: All waters of Icy Strait west of a line from the southernmost tip of Point Couverden to the Point Augusta light, east of a line from the southernmost tip of Cape Spencer through Yakobi Rock to Yakobi Island, and north of a line from the northernmost point of Soapstone Point to the westernmost point of Column Point.

   District 16: All waters north of a line projecting west from the southernmost tip of Cape Spencer and south of a line projecting southwest from the westernmost tip of Cape Fairweather.

The following modifications of existing regulations will be implemented during the 1980 season in response to fishermen's requests that closed periods be during the strongest tides:

1. The open periods for trolling in district 12 north of the latitude of Point Hepburn, district 14, sections 15-A and 15-C, and for hand trolling only in district 1 during the April 16 through September 20 time period will be as follows for the 1980 season:

   April 16 - April 21

   April 28 - May 5

   May 12 - May 19

   May 26 - June 2

   June 9 - June 16

   June 23 - June 30

   July 7 - July 14

   July 21 - July 28

   August 4 - August 11

   August 18 - August 25

   September 1 - September 8

   September 15 - September 20

2. To provide increased fishing area for the villages of Hoonah and Elfin Cove without endangering coho salmon, in the Cross Sound portion of district 14 south of a line from Point Lavina to Cape Spencer, trolling will be allowed for seven days per week prior to August 1. After August 1 the 8 on, 6 off fishing pattern will be in effect in all of the district. As August 1 falls during a closed period, the Cross Sound area will close August 1 until the beginning of the next 8 day open period.

3. To facilitate enforcement by Fish and Wildlife Protection, the wording in the regulation requiring that hand troll and power troll vessels be marked now reads as follows:

   (c) Each licensed power troll vessel must display its permanent vessel license plate number in permanent symbols of black on a white background. Each number must be at least twelve inches in height, at least one inch in width and must be permanently affixed on both sides of the cabin or hull so as not to be obscured. The numbers must be displayed at all times until the end of the calendar year.

(d) Each licensed hand troll vessel must display the letters HT in permanent block letters. Each letter must be painted on both sides of the vessel hull or cabin in a color contrasting with the background, at least four inches in height, and at least one-half inch in width, plainly visible and unobscured at all times. The letters must be displayed at all times until the end of the calendar year. No hand troll vessel may display its permanent vessel plate number (ADF&G number) in any location other than on the vessel license plate.

Gear permits are tied to an individual and not a vessel. A licensed vessel can have different gear types fished from it by holders of various entry permits. A licensed vessel does not actually become a hand troll vessel or power troll vessel until an entry permit holder for one of these gear types actually begins fishing the gear from the vessel. Therefore, power troll vessels must display their vessel license plate number and hand troll vessels must display the letters HT beginning at the time the gear is first fished from the vessel. Once the required markings are displayed they must remain displayed for the remainder of the calendar year.

Limited Entry for the Handtroll Fishery

As mentioned earlier, the permanent entry level for the hand troll fishery has been set by the Commercial Fisheries Entry Commission at 2,150. This number is equal to the number of persons that actually held hand troll permits and made landings of salmon during the 1979 season. Limited entry for hand troll gear is expected to go into effect in 1981. Interim permits will be issued for the 1980 season only to persons who landed hand troll caught salmon on a salmon hand troll interim-use permit at least once during the 1975-1979 time period. During the fall of 1980 the Entry Commission intends to hold public meetings at various locations throughout Southeastern Alaska concerning the proposed structure of the point system that will be used to determine who will qualify for permanent entry permits.

Inseason Management - 1980

Within the framework of the new regulations described in this plan and the existing regulations that will remain in effect, the Department of Fish and Game staff may make inseason adjustments of fishing time and open areas necessary to achieve adequate escapements of coho salmon. These adjustments will be made using the Commissioner's Emergency Order authority when biological circumstances require its use. (AS 16.05.060). It must be recognized that sufficient coho salmon must be allowed to reach inside fisheries to permit them to operate at normal levels and to provide for adequate escapements. Adjustments of regulations to achieve the 80%/20% allocation split of the troll catch of coho salmon will not be made inseason. The Board of Fisheries adopted this provisional policy as a goal to be met by Board regulation adjustment from year to year, not by use of the Commissioner's Emergency Order authority.

After the mid-July 10 day closure, catches will be monitored to determine overall run strength with special emphasis on the abundance of coho in inside areas. If catches of coho salmon are normal and the run strength to inside areas appears average, the troll fishery will remain open under the regulations listed in the Alaska Commercial Fishing Regulations Finfish book for 1980. Weak returns to inside areas will necessitate further inseason adjustments of fishing time, open areas, and a possible early closure of the coho season. If the overall coho run in the region appears weak in early August a second ten day closure of all trolling may become necessary.

General Outlook

The troll fishery in Alaska has been undergoing rapid change as a result of extensive capitalization in both the hand troll and power troll segments of the fleet and the increasing numbers of hand trollers. Individual gear units have become more efficient in a number of ways including the effort put forth by individual fishermen in response to competition and the need to realize a return on large investments. This trend toward increased efficiency has been hastened by substantial fish price increases in recent years. Many fisheries have undergone similar evolution, and the end result is that more regulations are required to conserve and maintain the fish stocks involved.

The troll fishery is spread over vast areas and operates almost entirely on mixed stocks of salmon. Due to its complexity, effective regulations to protect stocks are not readily found. As new information becomes available, new management approaches to regulation of the troll fishery can be expected.

TABLE I

HAND & POWER TROLL LANDINGS
Inside Fishing Areas vs. Outside Fishing Areas
1975 - 1979

	HAND TROLL				POWER TROLL			
	Outside[1/]	%	Inside[2/]	%	Outside	%	Inside	%
1975	621	9	6,599	91	3,591	35	6,653	65
1976	1,446	13	9,633	87	5,108	40	7,572	60
1977	3,497	16	18,138	84	7,661	53	6,658	47
1978[3/]	4,375	13	28,264	86	8,873	58	6,548	42
1979[3/]	5,573	22	19,830	78	10,952	77	3,304	23

TABLE II

COHO TROLL CATCH BY HAND & POWER TROLL GEAR
Inside Fishing Areas vs. Outside Fishing Areas
1975 - 1979

	HAND TROLL				POWER TROLL			
	Outside[1/]	%	Inside[2/]	%	Outside	%	Inside	%
1975	2,332	6	38,682	94	51,813	30	121,333	70
1976	12,442	20	71,291	80	234,707	54	201,281	46
1977	23,945	15	131,749	85	161,278	46	189,836	54
1978[3/]	62,919	16	319,611	84	463,792	65	240,865	35
1979[3/]	45,671	18	199,345	82	531,379	80	141,832	20

1/ Outside catch reporting areas are 104, 152, 113, 154, 116, 157, 181, 186, 189.
2/ Inside catch reporting areas all other areas.
3/ 1978 & 1979 figures are preliminary.

Table III. Coho catch by gear type for Southeast Alaska - excludes Yakutat, 1964 to present.

	Purse	%	Drift Gillnet	%	Troll	%	Other	%	Total
1964	506,502	37	156,980	12	729,284	52	8347	1	1,401,113
1965	557,008	40	166,452	12	695,241	49	816		1,419,517
1966	452,088	39	162,141	14	524,663	46	18,203	2	1,157,095
1967	188,988	26	134,028	18	420,602	57	2322	1	745,940
1968	463,557	33	204,213	15	748,369	53	3820	1	1,409,959
1969	109,972	21	65,056	13	361,143	68	693	1	536,864
1970	294,559	45	163,881	25	198,606	30	3009		600,055
1971	326,264	37	159,143	18	388,232	44	314	1	873,953
1972	390,321	27	275,428	19	781,852	54	5273	0	1,452,874
1973	129,593	16	124,338	16	539,044	68	324	0	793,299
1974	166,757	14	186,543	16	845,113	70	1006	0	1,199,419
1975	70,201	18	102,331	26	213,877	55	562	1	386,971
1976	87,584	11	156,223	20	523,556	68	1223	1	768,586
1977	160,519	19	183,702	22	498,985	59	1374	1	844,580
1978*	137,053	10	186,798	14	1,016,863	76	3932	0	1,344,646
1979*	122,401	11	80,318	7	891,839	81	3684	1	1,098,242

* Preliminary

Table IV

SALMON HAND TROLL PERMITS ISSUED BY CFEC

Year	Res	Non-Res	Total	Percent Non-Resident
1975	2006	11	2017	0.06
1976	1999	83	2082	4.0
1977	2831	117	2948	4.0
1978	3634	288	3922	7.3
1979	3317	379	3696	10.3

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1975	620	229	849	27.0
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TOTAL NON-RES PERMITS

Year	Number
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Power and Hand Troll Coho Catch

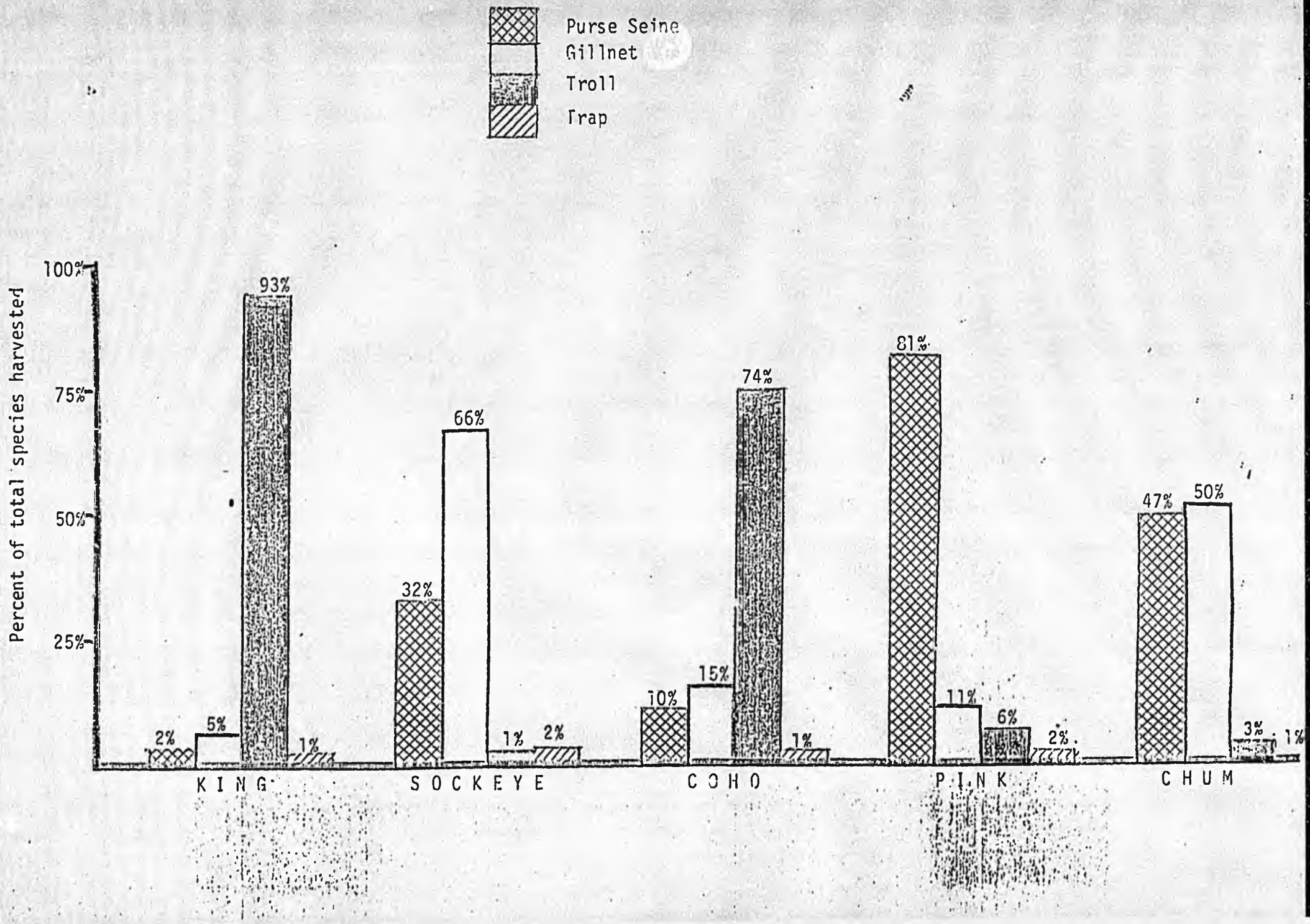
In Numbers of Fish

1975 - 1979

	Power Troll		Hand Troll	
Year	Number of Fish	Percent of Total Catch	Number of Fish	Percent of Total Catch
1975	173,146	81%	41,014	19%
1976	435,988	83%	88,733	17%
1977	351,114	69%	155,813	31%
1978	722,099	66%	378,588	34%
1979	673,211	73%	245,016	27%

Note: 1978 and 1979 data are preliminary.

Figure 1 Percentage of king, sockeye, coho, pink and chum salmon harvested by gear type in Southeast Alaska, 1979.



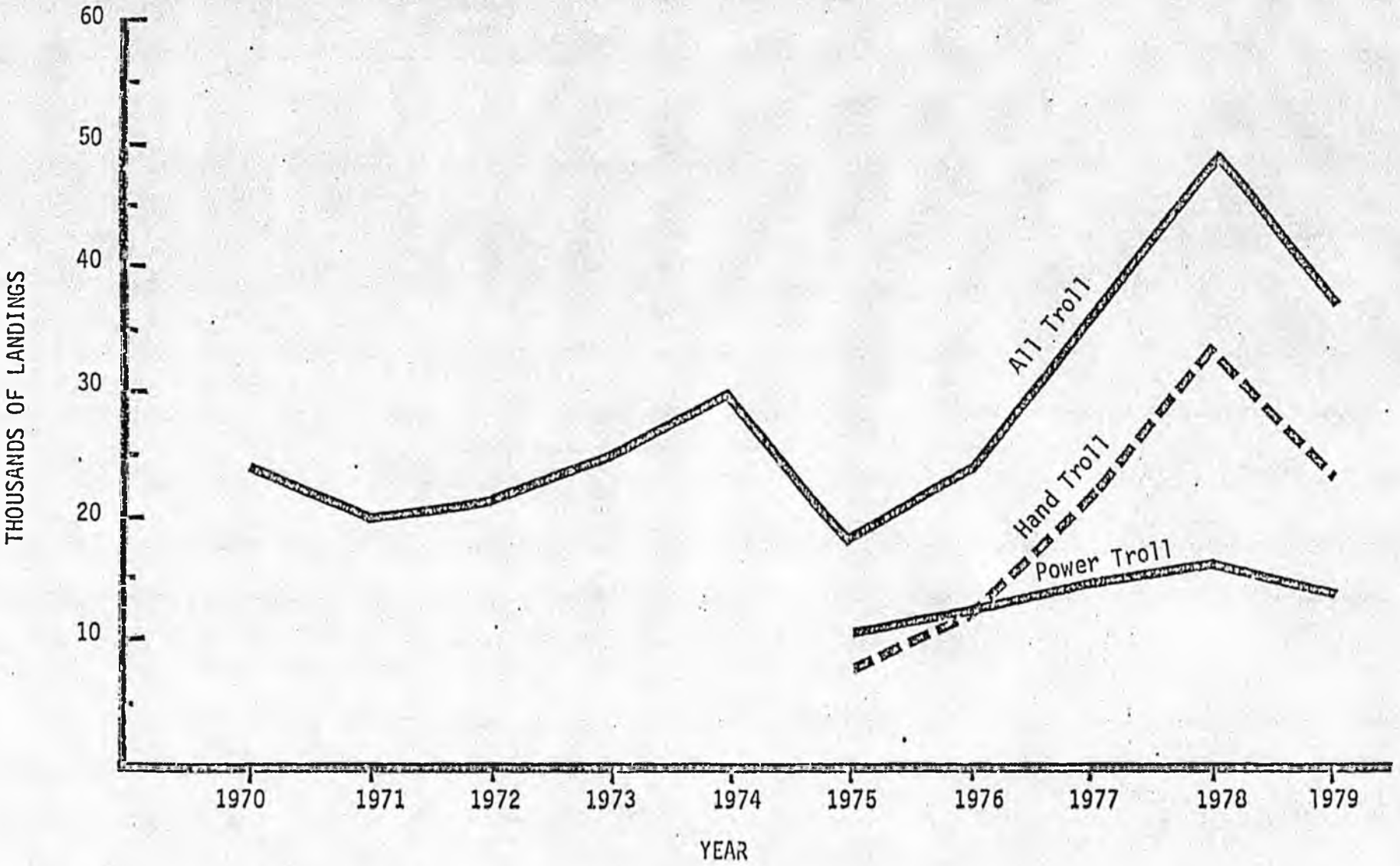


Fig. 2 . Effort by year in the Southeastern troll fishery expressed in number of landings. Power and hand troll gear separation only available beginning in 1975.

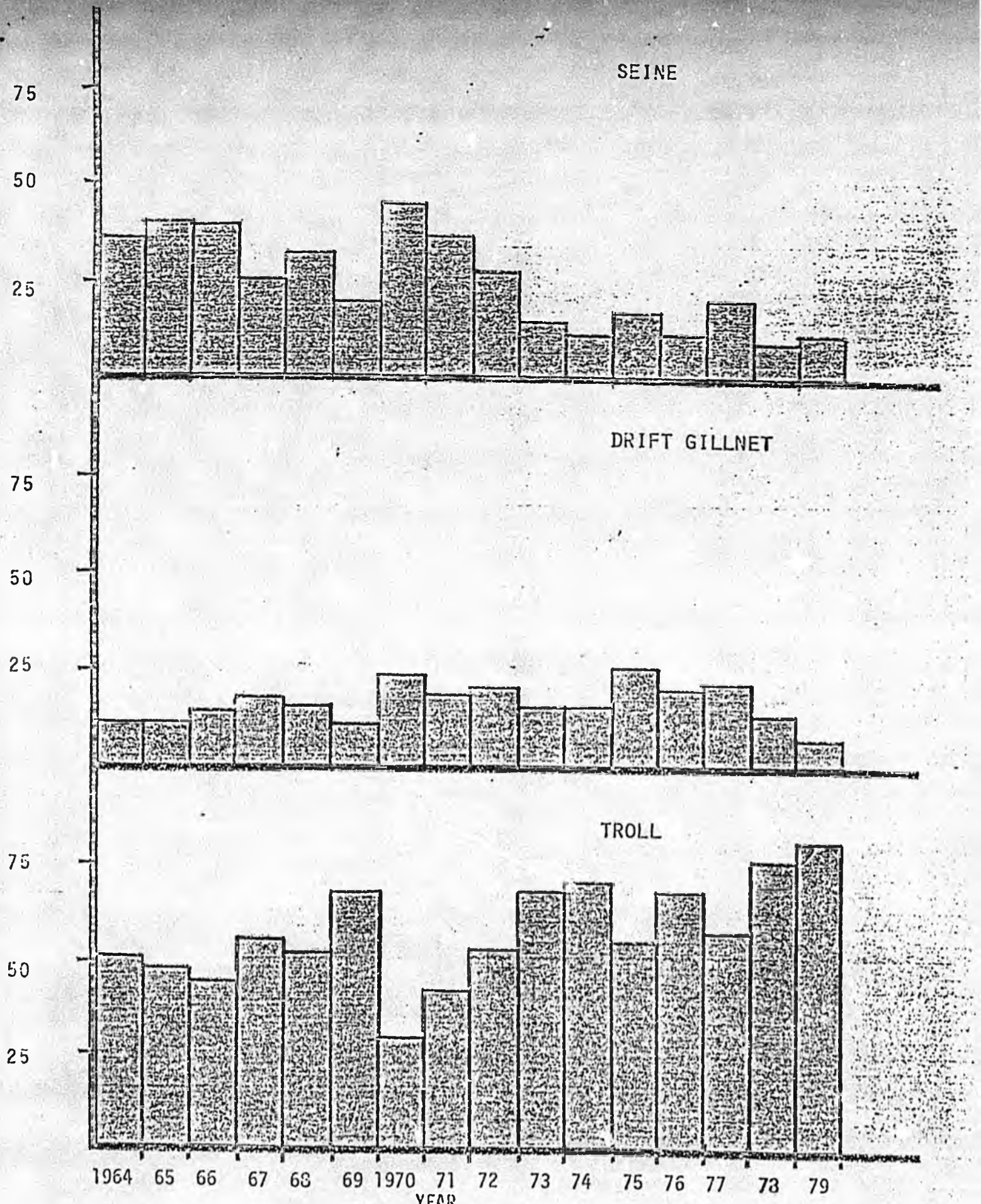
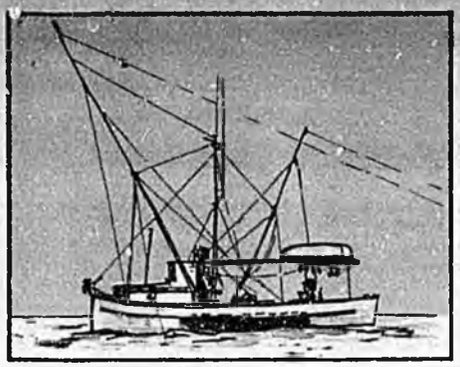


Fig. 3. Percentage of Coho Harvest by gear type for Southeast ALaska, excluding Yakutat, 1964 to present



Alaska Trollers Association

REPRESENTING ALASKA POWER TROLLERS

205 North Franklin Street
Juneau, Alaska 99801
(907) 586-9400

March 6, 1980

Senator Don Bennett
Chairman
Administrative Regulation Review Committee
Pouch V
Juneau, Alaska 99811

RE: HANDTROLL REGULATIONS

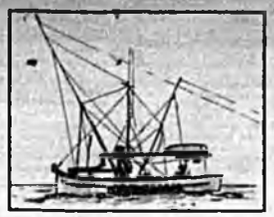
Dear Senator Bennett:

The Alaska Trollers Association represents the power troll fishermen of Alaska. We strongly urge you and your committee to approve the handtroll regulations as set by the Board of Fisheries.

One of the most confusing aspects of the current hand troll situation is the nature of the present hand troll fishing fleet. Perhaps the most important thing to realize is that this fleet is radically different than it was in 1975 when limited entry was imposed on the power troll fleet.

At that time the hand troll fleet was small (less than 2000) and relatively inefficient, landing only 19% of the Coho catch. Limited entry stabilized the number of power trollers at less than 1,000. In 1975 there were 849 power troll permits issues, and today there are 939. That reflects a power troll fleet increase of 10.6%. During the same period the hand troll fleet, in the absence of limited entry increased by 83.2% (from 2017 in 1975 to 3898 in 1979). This enlarged hand troll fleet is using more boats in the 30 to 40 foot range, and an increasing number of hand troll boats are approaching power trollers in fishing efficiency. The result of the uncontrolled entry to the hand troll fishery was a jump from 19% of the Coho catch in 1975 for the hand trollers to 34% in 1978 (before area and time limits were imposed).

When power trollers supported limited entry in 1973 it was based on the premise that limited entry (which in fact removed a substantial number of power trollers from the fishery) would stabilize the fleet. There was, of course, no guarantee that fishing would be successful, just that the available fish would be shared amoung a fixed number of power trollers. At the time that limited entry was introduced, the hand troll fleet



Alaska
Trollers
Association

was composed almost exclusively of small boats, almost all of which were fishing sport gear. The reason for this was clear: before limited entry any boat that troll fished could easily rig a system to use power to pull its gear; all of the boats that stayed as hand trollers were content to operate in a low-cost, low efficiency manner.

The present large and efficient hand troll fleet is a direct result of the imposition of limited entry. With power troll permits limited, the only option available to those wanting to enter the troll salmon fleet at the commercial level was to use multiple hand gurdies; and in many of these boats the method of powering the reels that pull the gear is the only difference between hand and power trollers.

This new and efficient group of hand trollers in effect used a loophole in the limited entry law, and the effect has been that the power trollers who have been under limited entry for five years are now sharing a significant portion of the available fish with a fleet that wasn't supposed to exist when the limited entry numbers were computed.

In summary, we feel that the Board of Fisheries has done the best they could in equitably dealing with an extremely difficult question. This does not in any way suggest that imposing controls on the hand troll fleet does not work real hardships on men and women now engaged in hand trolling; it does, but through the years many other fishermen have had to pay a similar price, for the number of fish available to be harvested, in any fishery throughout the world, is limited.

Sincerely,

Stan Reddekopp

Stan Reddekopp
President
F/V Carol Ann

TABLE I

HAND & POWER TROLL LANDINGS
Inside Fishing Areas vs. Outside Fishing Areas
1975 - 1979

	HAND TROLL				POWER TROLL			
	Outside[1/]	%	Inside[2/]	%	Outside	%	Inside	%
1975	621	9	6,599	91	3,591	35	6,653	65
1976	1,446	13	9,633	87	5,108	40	7,572	60
1977	3,497	16	18,138	84	7,661	53	6,658	47
1978[3/]	4,375	13	28,264	86	8,873	58	6,548	42
1979[3/]	5,573	22	19,830	78	10,952	77	3,304	23

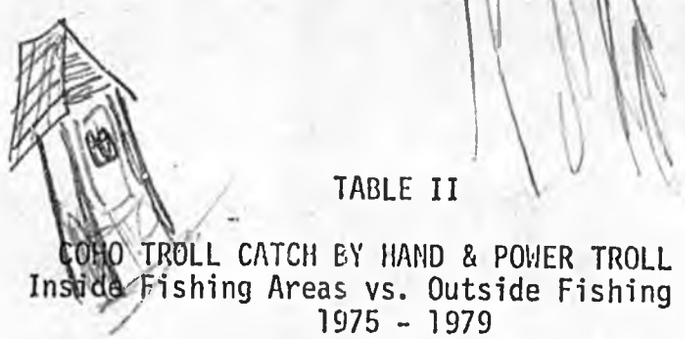


TABLE II

COHO TROLL CATCH BY HAND & POWER TROLL GEAR
Inside Fishing Areas vs. Outside Fishing Areas
1975 - 1979

	HAND TROLL				POWER TROLL			
	Outside[1/]	%	Inside[2/]	%	Outside	%	Inside	%
1975	.2,332	6	38,682	94	51,813	30	121,333	70
1976	12,442	20	71,291	80	234,707	54	201,281	46
1977	23,945	15	131,749	85	161,278	46	189,836	54
1978[3/]	62,919	16	319,611	84	463,792	65	240,865	35
1979[3/]	45,671	18	199,345	82	531,379	80	141,832	20

1/ Outside catch reporting areas are 104, 152, 113, 154, 116, 157, 181, 186, 189.
2/ Inside catch reporting areas all other areas.
3/ 1978 & 1979 figures are preliminary.

Table III. Coho catch by gear type for Southeast Alaska - excludes Yakutat, 1964 to present.

	Purse	%	Drift Gillnet	%	Troll	%	Other	%	Total
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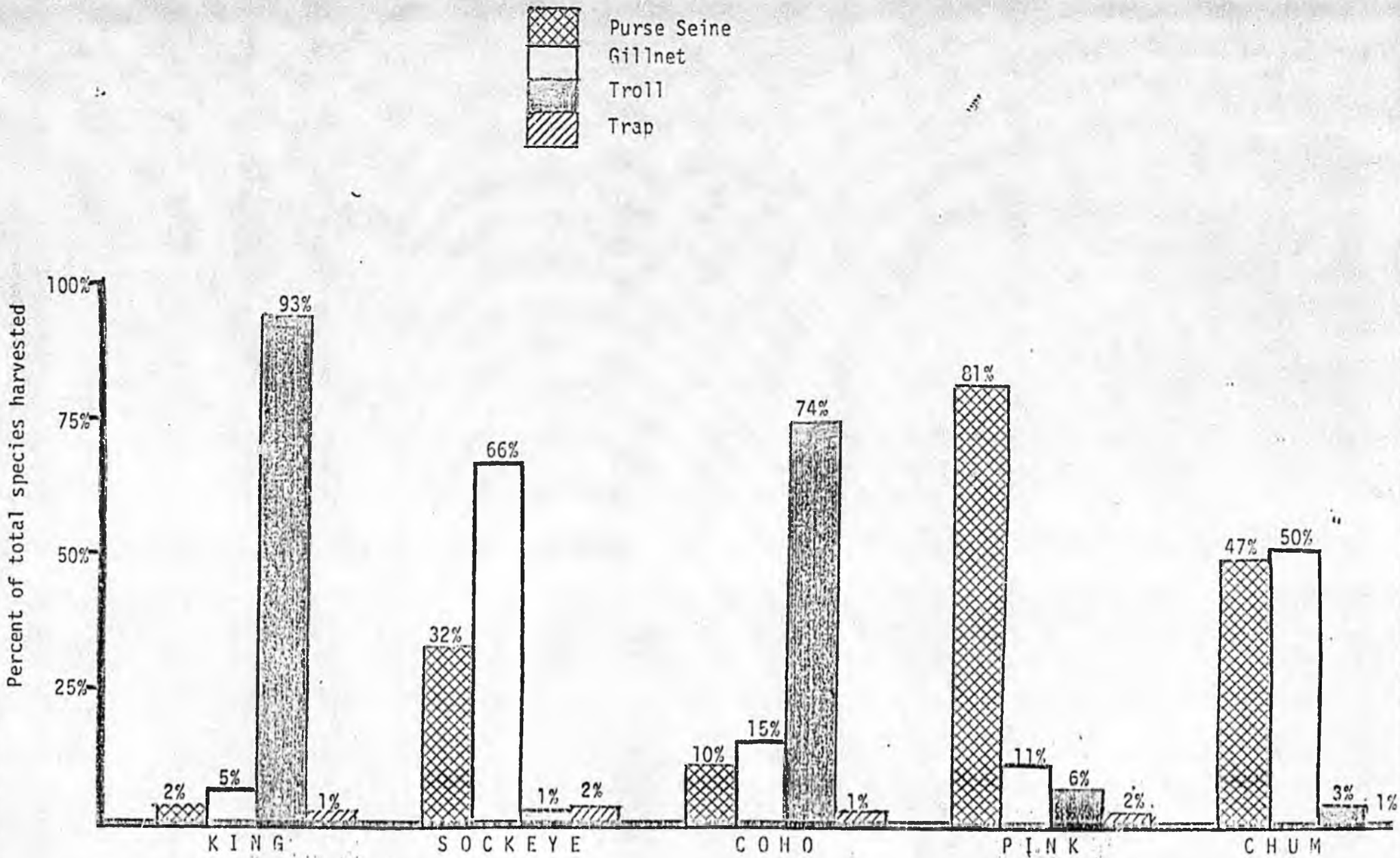
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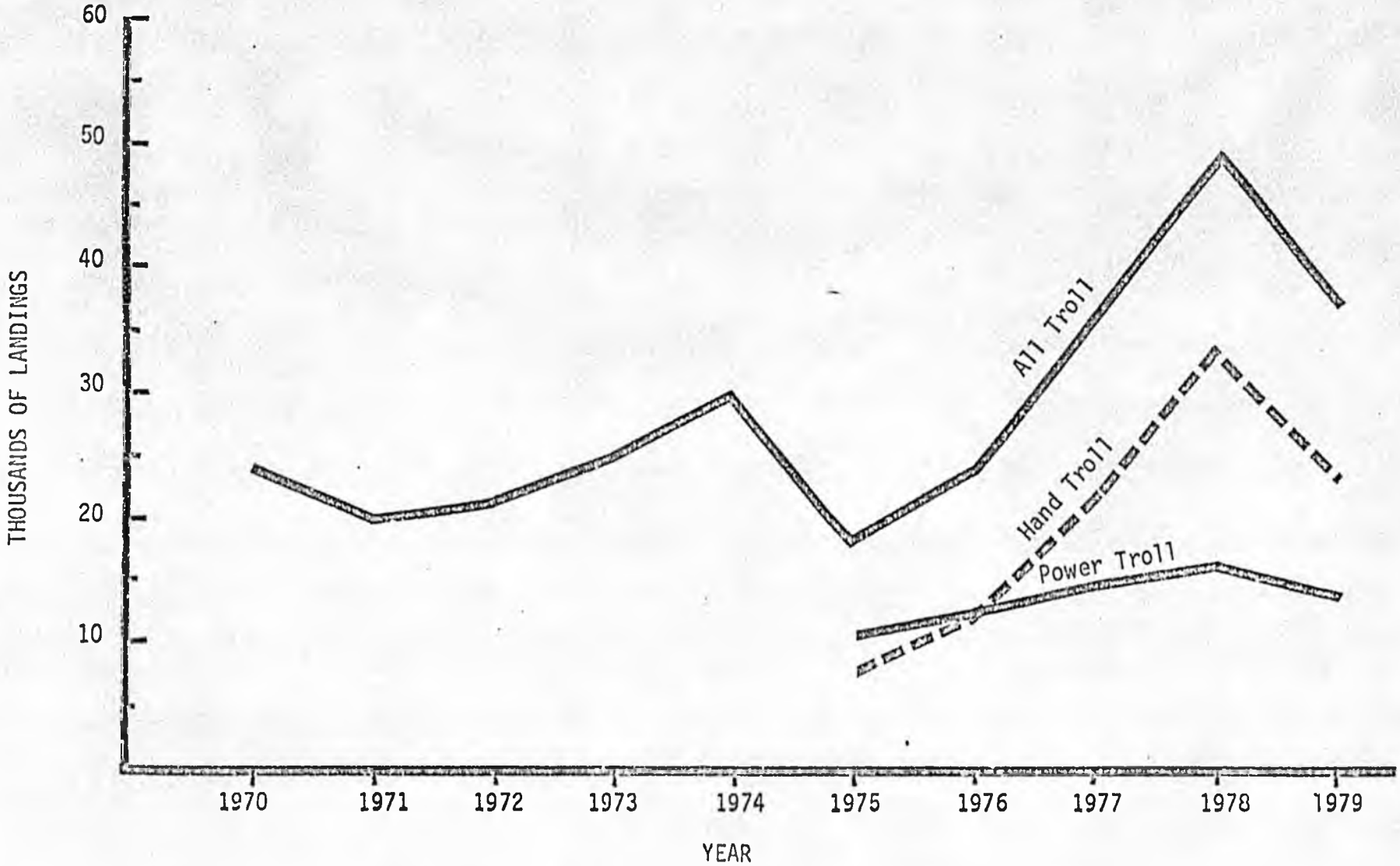


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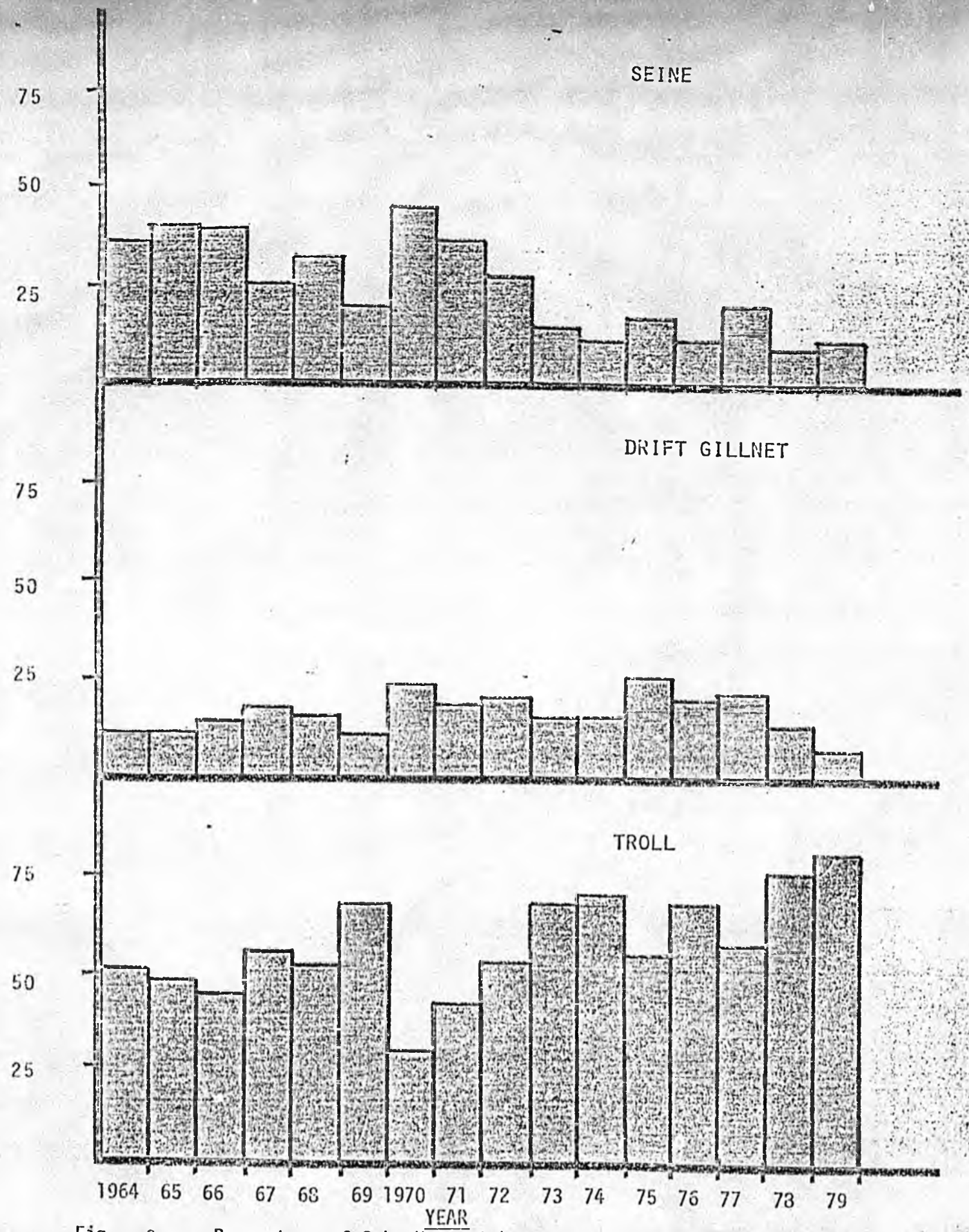


Fig. 3. Percentage of Coho Harvest by gear type for Southeast ALaska, excluding Yakutat, 1964 to present

Introduced 5-14-80

BY THE RULES COMMITTEE BY
REQUEST OF THE ADMINISTRATIVE
REGULATION REVIEW COMMITTEE

IN THE SENATE

SENATE BILL NO. 586

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to hand trolling."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 16.05.251 is amended by adding a new subsection to read:

(c) Regulations adopted by the Board of Fisheries may not differentiate between hand trolling and power trolling.

* Sec. 2. AS 16.05 is amended by adding a new section to article 6 to read:

Sec. 16.05.904. NUMBER OF TROLL LINES PERMITTED HAND TROLLERS. (a) A person engaged in hand trolling may deploy from a single vessel up to four troll lines if no more than two hand-troll gurdies are employed. Multiple hooks and leaders may be attached to each of the four troll lines allowed under this section.

(b) For the purposes of this section,

(1) "fishing rod" means a tapering jointed rod equipped with a handgrip and line guides upon which is mounted a hand-powered reel used to deploy and retrieve the trolling line;

(2) "hand-troll gurdy" means a troll gurdy powered by hand or hand crank that is not mounted on or used in conjunction with a fishing rod.

* Sec. 3. AS 16.05.940 is amended by adding new paragraphs to read:

(29) "hand trolling" means the taking of salmon with a troll line which is retrieved by hand power or hand-powered crank and not with the assistance of any type of machine that uses energy to develop mechanical power;

(30) "power trolling" means the taking of salmon with a troll line retrieved with the assistance of any type of machine that uses energy to develop mechanical power.

* Sec. 4. AS 16.43.100(a)(1) is amended to read:

(1) regulate entry into the commercial fisheries for all fishery resources in the state with the exception of the statewide salmon hand troll fishery;

* Sec. 5. AS 16.43.380(4) is amended to read:

(4) "gear" means the specific apparatus used in the commercial harvest of a species, including but not limited to purse seines, drift gill nets, set gill nets, and power troll gear; however, the term does not include apparatus used in hand trolling;

* Sec. 6. AS 16.43.380(8)(B) is amended to read:

(B) distinct subclassifications of gear [SUCH AS "POWER" TROLL GEAR AND "HAND" TROLL GEAR];

* Sec. 7. AS 16.43.380 is amended by adding new paragraphs to read:

(10) "hand troll" or "hand trolling" means the taking of a salmon fishery resource with a troll line which is retrieved by hand power or hand-powered crank and not with the assistance of any type of machine that uses energy to develop mechanical power;

(11) "power troll" means the taking of a salmon fishery resource with a troll line retrieved with the assistance of any type of machine that uses energy to develop mechanical power.

* Sec. 8. 5 AAC 33.310(b)(1), 5 AAC 39.270(a)(2)(A), and 5 AAC 48.090 are annulled.

fishing seasons
weekly fishing periods

increase to
4 lines/2 guides

allow spots-
fishing off troll
vessels

placed at the longitude of the outlet of Long Lake: the daily bag and possession limit is one king salmon from May 1 through July 12;

(B) Behm Canal and contiguous bays north of a line from Point Eva to Cactus Point around to a line from Point Lees to Elsie Point and west to a line between markers placed in the longitude of the outlet of Long Lake: closed to salmon fishing;

(C) sport fishing is prohibited in commercial fishing sections 1-C (between a line from Point Sykes to Point Alava and a line from Point Eva to Cactus Point) from May 1 through August 14;

(2) Thomas Basin: closed to salmon fishing;

(3) Boca de Quadra: from a point on the mainland near Black Island south to Slate Island to White Reef to Black Rock to Kirk Point on the mainland the daily bag and possession limit is one king salmon.

(c) Juneau area

(1) Stephens Passage and all contiguous waters north of the latitude of Limestone Inlet (south side) to a line from Point Louisa to Piling Point: closed to king salmon fishing from April 16 to June 15;

(2) Lynn Canal and all contiguous waters south of the latitude of Point Sherman to (A) the latitude of Point Couverden in Lynn Canal, and (B) the latitude of Limestone Inlet (south side) in Stephens Passage: the limit is one king salmon daily or in possession;

(3) All saltwater areas to one-fourth mile offshore between Point Bishop and Sawmill Creek including all of Douglas Island: the bag and possession limit is five dolly varden, provided that only two may be over 12 inches in length.

(d) Southeast Alaska: king salmon minimum size limit is 28 inches in length. King salmon caught under this size must be returned to the water immediately.

(e) Haines Area: all waters of Lynn Canal north of the latitude of Point Sherman: from April 15 to June 15, the limit is one king salmon daily or in possession.

(f) Wrangell Area

Stikine River (Greys Pass area): Inside a line from Babbler Point to Hour Point on Wrangell Island to Point Shekesti light (including all of Wrangell Harbor) to Five Mile Island light to Two Tree Island light to the western entrance of Blind Slough on Mitkof Island to a point 500 yards north of Bear Creek at 56° 42′ 30″ N. lat., 132° 43′ W. long. to the mouth of Jap Creek on the mainland shore; closed to salmon fishing from April 16 through June 14. In the remaining area of commercial fishing district 8 and that portion of commercial fishing district 7 north of the latitude of the channel marker in the narrows of Eastern Passage, the daily bag limit is one king salmon from April 16 through June 14.

Authority: AS 16.05.251(a)(2) and (3)

5 AAC 48.070. SPORT FISHING FOR SALMON WITH COMMERCIALLY CAUGHT TROLL SALMON IN POSSESSION. No person, while in possession of salmon taken by means of commercial troll gear, may sport fish for salmon in areas closed to commercial fishing.

Authority: AS 16.05.251(4)

5 AAC 48.080. MARKING OF KING SALMON CAUGHT FROM A COMMERCIALLY REGISTERED BOAT. All persons sport fishing from a commercially registered boat in waters closed to commercial fishing shall, immediately upon boating, mark all king salmon by removal of the dorsal (large back) fin.

Authority: AS 16.05.251(4)

5 AAC 48.090. SPORT FISHING FROM A COMMERCIAL SALMON TROLL VESSEL. No person may sport fish from a salmon hand troll or power troll vessel, as those vessels are identified by the marking requirements of 5 AAC 39.270(c) and (d), in any area except that this prohibition does not apply

(1) to charter vessels as defined in 5 AAC 72.040(27); and

(2) in derby areas during derbies authorized by the department.

Authority: AS 16.05.251(a)(4)

not annutted

20 AAC 05.310(a) is amended and a new subsection (c) is added to read:

20 AAC 05.310. OTHER DESIGNATED FISHERIES.

(a)
Salmon Fisheries

(8) Statewide (B)
power troll fishery
hand troll fishery

Publisher: Please make same correction in §310(

(c) As used in ~~this article~~ secs. 300-320 of this chapter, "hand troll" means the taking of a salmon fishery resource with troll lines which are retrieved by hand power or hand powered crank and not by any type of electrical, hydraulic, mechanical or other device or attachment.
(Eff. 1/25/80, Reg. 73)

Authority: AS 16.43.100(b)
AS 16.43.110(a)
AS 16.43.240(b)

20 AAC 05.320 is amended to read:

20 AAC 05.320. MAXIMUM NUMBER OF ENTRY PERMITS.

Salmon Fisheries

(9) Statewide B
power troll fishery..... 895
hand troll fishery.....2150
(Eff. 1/25/80, Reg. 73)

Authority: AS 16.43.100(a)(4)
AS 16.43.110(a)
AS 16.43.240(b)

New reg. as of 4/80
not in Blue Book - AAC

CHAPTER 21.
COOK INLET AREA.

5 AAC 21.430(a) is amended to read:

5 AAC 21.430. GEAR. (a) Bottomfish may be taken in all districts only by trawls, longlines, and mechanical jigging machines.

Authority: AS 16.05.251(a)(4),(7), (12)

CHAPTER 30.
YAKUTAT AREA.

5 AAC 30.392 is amended to read:

5 AAC 30.392. SIZE LIMIT AND LANDING OF KING SALMON. King salmon taken must measure at least 28 inches from tip of snout to tip of tail (in its natural open position) or 23 inches from the midpoint of the clethral arch to the tip of the tail. The heads of all king salmon must remain attached to the fish until sold. Undersized fish which are taken must be returned to the water without injury. The size limit restrictions in this section do not apply to gill net and purse seine fishing. No king salmon may be mutilated or otherwise disfigured in any manner which prevents determining the minimum size set forth in this section.

Authority: AS 16.05.251(a)(3),(4), (7)

5 AAC 30.393 is amended to read:

5 AAC 30.393. LANDING OF COHO SALMON. The heads of all coho salmon must remain attached to the fish until sold. No troll vessel may be used to take or attempt to take salmon when coho salmon are aboard in an area closed to the taking of coho salmon by troll gear.

Authority: AS 16.05.251(a)(3),(4), (7)

CHAPTER 33.
SOUTHEASTERN ALASKA AREA.

5 AAC 33.310(b)(1)(B) is amended to read:

5 AAC 33.310. FISHING SEASONS AND WEEKLY FISHING PERIODS.

(b) Salmon may be taken by hand troll and power troll gear from January 1 through December 31 in all districts except as provided in sec. 350 of this chapter and except as follows:

(1) during the period April 16 through September 20 salmon may be taken by hand troll gear:

(B) April 16 through April 21
April 28 through May 5
May 12 through May 19
May 26 through June 2
June 9 through June 16
June 23 through June 30
July 7 through July 14
July 21 through July 28
August 4 through August 11
August 18 through August 25
September 1 through September 8
September 15 through September 20

Authority: AS 16.05.060
AS 16.05.251(a)(2),(4)

5 AAC 33.365 is adopted to read:

5 AAC 33.365. SOUTHEASTERN ALASKA-YAKUTAT CHINOOK AND COHO SALMON TROLL FISHERIES MANAGEMENT PLAN. (a) The management of the Southeastern Alaska and Yakutat areas chinook and coho salmon troll fisheries is complex because of mixing of the salmon stocks and fishing effort placed upon those salmon stocks by the subsistence, commercial and recreational user groups. The Board of Fisheries is concerned that some user groups, particularly those who traditionally fish the inshore and terminal salmon fishing areas as described in sec. 312(a)(1),(2) and (3) of this chapter, may be receiving reduced opportunities to take chinook and coho salmon because of increasing fishing effort by the salmon power troll fleet on mixed stocks of those species of salmon in the coastal and offshore salmon fishing areas as described in sec. 312(a)(4) and (5) of this chapter. The board is also concerned that continued increases in fishing effort on mixed chinook and coho salmon stocks may result in overharvest of individual salmon stocks or aggregations of those stocks, such that spawning escapement of those stocks to their natal streams may fall below that required to maintain a sustained yield of those stocks. Because of the above concerns, the board has adopted regulations that control the time, area of operation, and efficiency of the salmon power and hand troll fisheries.

(b) The board recognizes that changes in size and timing of the chinook and coho salmon runs and changes in the distribution of fishing effort by the hand and power troll fleet may require inseason adjustments to salmon fishing seasons, periods and areas to allow chinook and coho salmon to escape the coastal and offshore fisheries and move into the

From the Desk of

SENATOR DON BENNETT

Additional Testimony on proposed regs. for hand trolling -

By Larry Smith

789-9923

Juneau 465-2700

* Sport fishing registration discrimination against trollers
* Look closely @ 8 and 6 closure + gear limitations as they relate to "over kill" 7 & 6 statistics + undue restrictions
* also some measure to curtail out of state catch of fishery as it relates to hand-troll licenses

put a great amount of points on a person's Alaska residency + rural residency, & the amount of personal dependency upon the resource } to cut down on out-of-state resident fishing the hand-trolling fishery

1. ~~Personal Rights are being abused.~~

2. Practicable Data in respect to: 5 AAC 33.365 ; 5 AAC 39.270

a) Hand troll % allocation - overkill on restrictions

1. area/time closure
2. gear restrictions
3. out of state hand troll effort.
4. per deem for days stopped fishing by Fish & Game

might be advantageous to get out of state

b) Minimal field studies and escapement counts.

1. out of 2,000 rivers & streams in Southeast 15 to 20 have been looked at. Data used to manage fishery

only Alaska residents would be eligible for per diem

2. Personal Rights being abused. Adopted 1-15-79

a) 5 AAC 39.270 ; 5 AAC 48.090 No Public Hearing

b) 39.270 - Troll vessel is easily identified by gear it bears. undue harassment, to depict vessel with painted numbers or letters.

c) 48.090 - absolutely no reason for this reg. discrimination, violation of personal property, undue harassment. - could be easily policed ~~in other areas~~ by sport division in closed commercial areas. Sport caught fish to be identified by cut off fins.

3. Fish Enhancement. - Most funds for fish less for wasteful enforcement projects. First people to get cut are stream observers.

relates to the
5 AAC 33.310 Weekly Fishing Periods 8 and 6 closures

Comment: Does this amended regulation mean state wide? I believe these restrictions are compounding the economical impact on the dependent fisherman and the small community in conjunction with 5 AAC 39.270, "troll specs and operation," there is a definite overkill on the catch percentage allowed. I would like to raise the question of foreign vessel catch of our salmon stocks. I do not believe the troll fishery is directly responsible for the condition of the salmon.

2-line limit

Cut efficiency by 50% by only allowing 2 lines

5 AAC 33.365 Salmon Troll Management Plan

Comment: Again the Board of Fisheries and the ADF&G point directly at the troll fishery as the main problem in salmon management. This is true only in point that we fish on the open sea and feeding grounds and present a bureaucratic paper filing problem on which drawer to put the trollers! If the troll fleet is not sectioned off to certain areas, as the ADF&G seems bent on doing; there would not be stress on returning stocks in certain areas. The limited entry system was set up to limit the

mixed stock fish - caught by Federal Conservation Statistical (F&G) - not adequate

the number of fishermen, to protect the salmon stocks and insure a livelihood for the dependent fisherman; (granted a permit to be protected by the State and pursue his business.) Again, with my own experience in catching gill net burned fish in Cross Sound; I know the foreign fleets are taking our salmon. On paragraph (5) of the (Management Plan), the ADF&G has given themselves all power in relation to closing the season at any given time. Included is the right to write their own criteria to base their decision.

5 AAC 39.120 Registration

Comment: The licensing and vessel registration was consolidated into the office of the CFEC 2 years ago for simplicity and efficiency of handling. The ADF&G has given me absolutely no justification for this proposal. Carl Rosier and Don Collingsworth of the Commissioners office gave the reason of future gear restrictions. We don't have those restrictions, therefore, this is undue harassment and illegal regulatory practice. Where is ADF&G ~~credability~~ credability.

@ this time there is no existing regulation to use it on

5 AAC 39.270 Troll Specs. and operation - 2 line limit

Comment: As stated before, the total of the area/time closures and gear restrictions presents an overkill in the percentage allocations. I would like to make the point, that the number of dependent fishermen in the hand troll fishery, for example, could be estimated at 700. The number of out of state hand trollers is 379. These people have nothing else to do but push up here. (They could conceivably be catching 50% of the hand troll allocation. In other words our residents and fellow alaskans are being forced into poverty because of an outside interest.) This problem has ~~not~~ never been addressed. The ADF&G seems more interested in Empire Building than protecting the residents of this state.

out of state interests

5 AAC 48.090 Adopted 1-15-79 (No spot fishing) Introduced by enforcement people

Comment: There was no public hearing on this action to start with. Discrimination against hand troller. Undue hardship to not be able to use private property for recreation or

* gillnetter seiner longliner all can fish but troller cannot

subsistence. Some of us, in this world, have to fish for a living and or live closer to mother nature than the local supermarket. Even so, a bad season means no money to purchase food. A bias and unseeing ADF&G puts people, who need food, in a worrisome and precarious position. If the ADF&G wants to make sure "the closed to commercial areas" are policed; they can have all fish caught in such an area clipped of their fins. One small vessel and two people, 8 hrs. a day, could insure the sport division satisfactory results. As for outside closed areas, this regulation is grossly bias against the troller, discriminatory, unjust, violation of personal rights and definitely an undue hardship on the owner and his relatives and friends. * The latter, who are not allowed on the vessel for recreation or subsistence, cannot enjoy a day on the waters of S.E. Alaska for any reason other than Commercial fishing. This regulation is a perfect example of the ADF&G's insinuation that trollers are pirates to begin with and should be delt with in said manner.

* How much money from fish enhancement funding is going for enforcement? Compile funding requests for each division

Fish Enhancement!

Comment: Where is fish enhancement? 6 years have passed since the ADF&G has been talking about strengthening the native stock or hatcheries. All they have done is take money (tax dollars) and purchase police boats, charter airplanes, purchase guns, badges, and uniforms. To stock the streams with? We took the limited entry system in as a step needed to save our native runs. Also to insure safety to make a living. The ADF&G has not upheld their end of the bargain. All we have received from ADF&G is more time and area restrictions and very bias gear restrictions. There are certain areas and time closures that I want to single out as "temporary measures until?". These measures, instead of being dropped when the excuse was achieved, have been left as another monument from ADF&G that they have no intention of just regulation. Also any information you may volunteer or bring up to the Commercial Fishing Division, will be found in the proposed regulations

altered in a way to make it more difficult for trolling. I have been told by people that work as stream observers, etc, they are the first people let go by ADF&G if they run low on budget. Dave Cantillions own words about management and the resource is that the data they have is weak, they have tested or observed 15 to 20 rivers or streams out of 2,000 in Southeast Alaska, and the Coho stocks in southeast are not in danger but are borderline. Yet this is the excuse given for continual cuts and pressures put on the bush communities through the troll industry; or visa versa. I have thoughts about why these trends are moving against the troller but basically are without proof.

TITLE 5. FISH AND GAME.

PART I. COMMERCIAL AND SUBSISTENCE FISHING AND PRIVATE NONPROFIT SALMON HATCHERIES.

CHAPTER 21.
COOK INLET AREA.

5 AAC 21.430(a) is amended to read:

5 AAC 21.430. GEAR. (a) Bottomfish may be taken in all districts only by trawls, longlines and mechanical jigging machines.

Authority: AS 16.05.251(a)(4),(7), (12)

CHAPTER 30.
YAKUTAT AREA.

5 AAC 30.392 is amended to read:

5 AAC 30.392. SIZE LIMIT AND LANDING OF KING SALMON. King salmon taken must measure at least 28 inches from tip of snout to tip of tail (in its natural open position) or 23 inches from the midpoint of the clethral arch to the tip of the tail. The heads of all king salmon must remain attached to the fish until sold. Undersized fish which are taken must be returned to the water without injury. The size limit restrictions in this section do not apply to gill net and purse seine fishing. No king salmon may be mutilated or otherwise disfigured in any manner which prevents determining the minimum size set forth in this section.

Authority: AS 16.05.251(a)(3),(4), (7)

5 AAC 30.393 is amended to read:

5 AAC 30.393. LANDING OF COHO SALMON. The heads of all coho salmon must remain attached to the fish until sold. No troll vessel may be used to take or attempt to take salmon when coho salmon are aboard in an area closed to the taking of coho salmon by troll gear.

Authority: ~~AS 16.05.251~~(a)(3),(4), (7)

CHAPTER 33.
SOUTHEASTERN ALASKA AREA.

5 AAC 33.310(b)(1)(B) is amended to read:

5 AAC 33.310. FISHING SEASONS AND WEEKLY FISHING PERIODS.

(b) Salmon may be taken by hand troll and power troll gear from January 1 through December 31 in all districts except as provided in sec. 350 of this chapter and except as follows:

(1) during the period April 16 through September 20 salmon may be taken by hand troll gear:

(B) April 16 through April 21
April 28 through May 5
May 12 through May 19
May 26 through June 2
June 9 through June 16
June 23 through June 30
July 7 through July 14
July 21 through July 28
August 4 through August 11
August 18 through August 25
September 1 through September 8
September 15 through September 20

Authority: AS 16.05.060
AS 16.05.251(a)(2),(4)

5 AAC 33.365 is adopted to read:

5 AAC 33.365. SOUTHEASTERN ALASKA-YAKUTAT CHINOOK AND COHO SALMON TROLL FISHERIES MANAGEMENT PLAN. (a) The management of the Southeastern Alaska and Yakutat areas chinook and coho salmon troll fisheries is complex because of mixing of the salmon stocks and fishing effort placed upon those salmon stocks by the subsistence, commercial and recreational user groups. The Board of Fisheries is concerned that some user groups, particularly those who traditionally fish the inshore and terminal salmon fishing areas as described in sec. 312(a)(1),(2) and (3) of this chapter, may be receiving reduced opportunities to take chinook and coho salmon because of increasing fishing effort by the salmon power troll fleet on mixed stocks of those species of salmon in the coastal and offshore salmon fishing areas as described in sec. 312(a)(4) and (5) of this chapter. The board is also concerned that continued increases in fishing effort on mixed chinook and coho salmon stocks may result in overharvest of individual salmon stocks or aggregations of those stocks, such that spawning escapement of those stocks to their natal streams may fall below that required to maintain a sustained yield of those stocks. Because of the above concerns, the board has adopted regulations that control the time, area of operation and efficiency of the salmon power and hand troll fisheries.

(b) The board recognizes that changes in size and timing of the chinook and coho salmon runs and changes in the distribution of fishing effort by the hand and power troll fleet may require inseason adjustments to salmon fishing seasons, periods and areas to allow chinook and coho salmon to escape the coastal and offshore fisheries and move into the inshore and terminal fishing areas. The department shall make inseason adjustments to salmon fishing seasons, periods and areas as follows:

(1) there may be no changes made to the chinook salmon fishing seasons, periods and areas during the period January 1 through June 14;

Foreign trawl and gill net fisheries have ~~impact~~ on ocean stocks. Troll is minimal in comparison

(2) there may be no changes made to the coho salmon fishing seasons, periods and areas during the period June 15 through July 9;

(3) about July 10 the department will evaluate the size and distribution of the coho salmon run and will close the Southeastern and Yakutat areas salmon troll fishery for 10 days, unless the department determines that the coho salmon run is larger than the last 10 year average and that acceptable numbers of coho salmon are moving into the inshore salmon fishing areas;

(4) following any July closure made in accordance with (3) of this subsection, the Southeastern Alaska and Yakutat salmon fishing areas will reopen for salmon hand and power troll fishing as provided for in the salmon hand and power troll fishing regulations contained in chaps. 30, 33 and 39 of this title;

(5) additional closures of the salmon hand and power troll fishing seasons, periods and areas may be required if the department determines that the strength of the coho salmon run in the inshore and terminal salmon fishing areas is less than required to provide a spawning escapement that will maintain the runs on a sustained yield basis.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(3),
(11)

CHAPTER 39.
GENERAL PROVISIONS.

5 AAC 39.120(g) is added to read:

5 AAC 39.120. REGISTRATION OF COMMERCIAL FISHING VESSELS.

(g) Registration requirements for salmon troll fishing vessels are as follows:

(1) the owner or operator of any fishing vessel that is to be used to take salmon with hand or power troll gear shall register that vessel with the department;

(2) no fishing vessel may be registered as both a hand troll and a power troll vessel;

(3) registration is accomplished by completing a form provided by the department and returning that form to a department office;

(4) any vessel that is to be used as a salmon troll fishing vessel must be registered before April 15 of each calendar year;

(5) this subsection becomes effective January 1, 1981.

Authority: AS 16.05.251(a)(2),(4),
(5),(12)
AS 16.05.490
AS 16.05.510

There are no fish to speak of at this pt. to evaluate

who draws conclusions on what basis. Free ticket to close fishing

no justification no public hearing registration was just consolidated to CFEC why does ADF&G want to compound registration discriminatory?

5 AAC 39.270(a) is amended to read:

5 AAC 39.270. TROLL SPECIFICATIONS AND OPERATION. (a) The maximum number of trolling lines that may be operated from any salmon troll vessel is as follows:

(1) from power troll vessels: no more than four lines, except that no more than six lines may be operated in that portion of the Seaward Biological Influence Zone north of the latitude of the southernmost tip of Cape Spencer;

(2) from hand troll vessels

(A) using hand troll gurdies: no more than two lines to which multiple leaders and hooks may be attached;

(B) using fishing rods: no more than four lines with no more than one leader and one lure or two baited hooks per leader;

(3) hand troll vessels may not concurrently use hand troll gurdies and fishing rods;

(4) for the purposes of this subsection, a fishing rod is a tapering often jointed rod equipped with a hand grip and line guides and upon which is mounted a hand powered reel used to deploy and retrieve the trolling line and a hand troll gurdy is a troll gurdy powered by hand or hand crank that is not mounted on or used in conjunction with a fishing rod.

Authority: AS 16.05.251(a)(4),(5),
(7)

Point Baker Hand Trollers Assn
Box 408
Pt. Baker, AK
99927

EVERETT, WA 982
PM
25 MAR
1990

Sen. Dom Bennett
Pouch V
Juneau, AK
99811

On February 5, 1980 the Administrative Regulations Review Committee of the Alaska State Legislative held a public hearing on hand troll regulations at the state capitol building in Juneau. Representing fifty some commercial hand trollers from the villages of Point Baker and Port Protection, centers of continuous hand troll activity for over fifty years, hand troller Tom Jacobson, of Port Protection, presented the following testimony:

The Point Baker hand trollers depend almost entirely on our hand troll income for our survival, there being no other viable alternatives in our small isolated village. Although our incomes are relatively meager, they have been sufficient to sustain an adequate standard of living. However, regulations designed to deny us the right to fish traditional grounds (such as the closure of outside waters), regulations to reduce our gear by 50% (the new two-line limit), and prospects for still more restrictions to come, will have a disastrous effect on the socio-economic well-being of our community. Not having the type of vessel or the capitol required for permits and gear in order to enter a different fishery, we will face the prospect of leaving homes and families to seek employment in town or succumbing to public assistance. If all this were the result of there being no more salmon it would be a regrettable but understandable circumstance. But, rather, all this is the result of insensitive and heavy-handed actions on the part of our State Bureaucracy, by using hand trollers as the scapegoat for problems unrelated to our catch of fish.

Let's put this situation in perspective. In the year of Highest Hand Troll Effort, 1978, of all the salmon caught in Southeast Alaska, only 3.1% were caught by hand trollers, according to Fish and Game statistics. And last year, both the number of hand troll permits fished and the hand troll portion of the catch dropped even lower. While hand trollers are being subjected to closure of outside waters, time restrictions on certain inside waters, a 50% reduction in gear, and more restrictions promised to come, the power trollers remain totally unaffected in state waters. They may continue to use four lines and fish waters closed to hand trollers only. Purse seining and gill netting will continue in areas and during times when hand trollers can not fish. The group of fisherman who have by far the least impact on the salmon resource and can least afford further economic hardship, hand trollers, are receiving the full brunt of the state's restrictions, while those fishermen who have had the greatest impact on the state's resource can continue fishing barely affected. Clearly, hand troll restrictions are primarily <u>not</u> conservation measures, but unwarranted manipulation of the livelihood of Alaskan citizens, elimination of small individual enterprises without justification or compensation.

We wish to underscore the fact that the Point Baker hand trollers support and encourage all meaningful regulations that will conserve threatened salmon stocks. But, we demand equal treatment under the law. The troll fishery must be regulated as one fishery with all fisherman sharing conservation efforts equally. In the seventy year history of Alaskan trolling, it wasn't until June 1978, with the closure of outside waters to hand trolling, that any regulation was made which applied only to one group of trollers. In the four years preceeding this discriminatory closure of outside waters, less than 3% of Southeast Alaska troll

caught kings and cohos were caught by hand trollers in outside waters. Yet to those hand trollers who traditionally fish these waters, it accounts for the major portion of their income. Clearly, this was not primarily a conservation measure, as power trollers and purse seiners who account for nearly all salmon taken in outside waters, were completely unaffected by this closure.

When the North Pacific Management Council submitted their 1979 troll plan to the Secretary of Commerce in Washington, D.C. with a provision to ban hand trolling in Federal waters, the U.S. Secretary of Commerce rejected the hand troll ban stating, " After studying all available information, I have determined that no conservation purpose is served by distinguishing hand troll from power troll gear. I have determined that this measure is inconsistent with the fairness and equity provisions of National Standard 4. The proposed ban would allocate fishing priveleges unfairly between two groups of fishermen who use essentially the same type of gear."

The State reacted by prohibiting Alaskan hand trollers from participating in the federal waters fishery, in spite of Washington's insistence that hand trollers are permitted to fish there. Hand trollers from other states may still legally fish these waters. The "allocation of fishing priveleges unfairly between two groups of fishermen who use essentially the same gear", to which the Secretary of Commerce objected, is precisely what the board resolved in its policy to allocate the coho catch between power trollers and hand trollers on an 80% - 20% basis. (By the way, power trollers and hand trollers use precisely the same gear, from hook to gaff hook, fish the same areas, with the same strategies, for the same species. The one and only difference is that power trollers use mechanical means to retrieve the gear while hand trollers use manual means.) This policy of allocating 80% of the troll caught cohos is the justification given for cutting the hand troller's gear in half, through the two-line limit regulation, while all other salmon fishermen, both troll and net, will continue to use the same amount of gear. Furthermore, if the Board is truly concerned about power trollers not receiving their 80% of the troll caught cohos, why do they propose to limit us to two lines twelve months a year, when cohos are only caught from mid June to mid September? The small proportion of cohos that is taken by hand trollers is not justified by a 50% reduction in our gear only, and certainly not for the nine months a year when cohos are never caught! While it is true that hand trollers in 1979 caught 204,000 more cohos than they did in 1975, power trollers caught over 500,000 more cohos in 1979 than in 1975. Clearly, the effort of power trollers has increased more than hand trollers, yet it is only the hand trollers who are having their gear cut by 50%. This is not conservation, but social and economic manipulation.

This unjust allocation policy between trollers also torpedoed the Commercial Entry Commission's attempts to implement a workable limited entry system for hand trollers. By directing the Commission to limit the number of permits to a number which guarantees power trollers 80% of the troll cohos, the number of proposed permits became so small that the majority of popular opinion at the Commission's public hearings on the matter disapproved of the Commission's plan. The Commission then proposed a number of permits unacceptably high by the Board's allocation standard, with the result that even more restrictions on hand trollers

were recommended. So now we have a limited entry policy which benefits no one whatsoever, the entrenchment of restrictions which were supposed to have been only for the interim until limited entry was enacted for hand trollers, and the proposal for new, even more restrictive regulations on the way. This, when the number of hand troll permits in Point Baker increased from fifty one in 1975 to fifty two in 1978.

The Point Baker Hand Trollers Association has spent countless hours, which we don't have, puzzling over our state's fishing bureaucracy, trying to play it by their rules, hoping to come up with solutions that will work by their standards. Money, which we don't have, has been spent attending hearings in the hope that justice may prevail. Our carefully considered, by-the-rules proposals have been politely received and studiously ignored without comment. We would be delighted to work with any legislators to draft legislation to bring some sense of fairness to this beaurocratic jungle. We hate to once again see the little guy needlessly squeezed out by the big guy through the power of our state government. Especially, since we are the little guy. The hopes and futures of many families at Point Baker and elsewhere are now in the hands of this committee. Your careful study and consideration of the issue is our last hope for a responsible resolution of our situation. It is difficult to predict what actions individuals will take should their sole means of support be unjustly taken away. Thank you.

Sen. Bennett,

I am writing you in regards to the present hand trolling situation from an uneasy position as i see no simple solution at hand. The limited entry program has made fisheries management (even though still very complex) by reducing some of the variables. Also & most important, the fish will benefit by eventually attaining an optimum resource level that fluctuates with naturally imposed conditions & not because of mans greed or ignorance. But the program - not by intention but because of design - is going to make the choice of a fishing way of life almost impossible for many of Alaska's young or future young people. To even hope to attain a permit, that is on a limited basis ranging in price from thousands to hundreds of thousands of dollars, one must be able join the fishing community at an entry level. This at least holds the possibility that with hard work, a bit of luck & a lot of paying attention one may be able to eventually scrape together the money required to begin fishing with a limited permit. By cutting the line limit from four in half hand trolling will cease to be an avenue toward this goal as a person will not be able to make the move because of economies. You have to eat & stay warm before money can be put into savings & there wont be enough. So i have a suggestion and also a question.

First - would it be possible to maintain hand trolling at an entry level & also make it a source of economic possibility by breaking it

into two catigories

1) Four hand gurdies with a limited permit required (owned by the state & given to a indivisual for use that meets certain developed requirements such as need, economic dependence & tradition tempered of course with common sense, upon non use the permit would go back to the state & be reissued acording to developed guidelines — no personal ownership would alleviate the money market trading & speculation we see with present limited entry permits) & ADDITIONALLY;

2) Two gurdies or two poles maintained at entry level so all paths to a fishing way of life are not closed.

Secondly the question

Would it be possible for the State to do something about the present high prices of limited entry permits? The State created a system of personal ownership of the right to harvest a public resource & because of the resulting permit prices many people will not be able to participate in this way of life unless they come from a fishing family (that presently owns permits) or have access to large amounts of money. It may be the States responsibility to use some of its "new money" alleviate this discriminitory situation.

I want to thank you for taking the time to read this letter & am looking forward to your reply. I have lived in Alaska for four years and am presently hand trolling. I love the fishing way of life & at 32 years of age will make it my way of living regardless of restrictions or permit prices, but i hate to see the door slamed shut in front of other young Alaskans.

Thank You

Chris Sharpsteen
P.O 1255
Petersburg, Alaska
99833

TO: Senator Don Bennett, Chairman
Administrative Regulation Review Committee

FROM: Sue Lowell

DATE: March 25, 1980

RE: Commissioner Skoog's letter of March 13.

For your information, the following is a summary of Commissioner Skoog's letter of March 13, constituting the Department of Fish and Game's comments regarding the troll fishery regulation for 1980.

With reference to the Administrative Regulation Review Committee's March 4 hearing, the Department feels that the Committee heard adverse testimony from handtrollers,who are both "professional" and in the minority, to the proposed regulations regarding the two line limit concept, which they believe decreases their efficiency. The Department states that the existing limitation is already two gurdies for hand trollers, and up to four poles for those involved in rod and reel fishing.

In Department hearings last fall, the hand troll fleet did not express the above concern; instead, they opted out for a greater number of permits, rather than increasing their efficiency. The Board of Fisheries expressed their interest in managing the troll fishery by limiting the number of potential hand trollers who would enter the fishery to between 500 and 600.

The Department feels that the hand troll fleet has increased their efficiency in recent years without the use of four gurdies. This has been done so they say, through the use of larger and faster vessels and hand gurdy gear. I just can't believe this statement Don, because the average Alaskan resident who is involved in the hand troll fishery does not own one of these larger and faster boats. But, instead he is usually rural oriented individual with an average boat size of about 18 feet. This information was derived from discussing the problem with several village hand troll association people. The hand trollers that are making out like bandits are the out-of-state fishermen with the big boats that are also rigged to engage in other types of fishing.

To return to the Department's feelings, they also believe that it was the handtrollers with the above type of vessel that testified at our last hearing. I again cannot believe this. Further, the Department feels that if the Committee should vote to reverse part of the regulations, that this would cause serious fishery management problems. In essence Don, they warned you that the North Pacific Fishery Management Council, the Secretary of the Interior, and courts would work against Alaska's fishery if the Committee decided to further increase the hand trollers efficiency. It is my opinion, that I am inclined to cast a more jaded eye at the Department of Fish and Game than I am with the above groups they mentioned.

3/21/80

Dear Sir,

I understand from talking to Lt. Gov. Terry Miller you are holding meetings now in Juneau on hand trolling. I have been trolling salmon and halibut fishing for 5 years. When I started I could fish halibut from May to September. I could fish salmon with four lines all summer - in inside or outside waters. Last year halibut ~~was~~ fishing was open three weeks. This year it may be shorter. This year my troll gear is cut in half, while the cost of fuel may be double befor the season is over. Canneries

are saying the price of fish will be down, Give me a chance to ~~let~~ make a living - let me fish four line. The ~~ma~~ majority of hand trollers are Alaskans - how about Alaska for Alaskans.

Send me any ~~form~~ information on hand trolling meetings you have. What can I do to get my other two lines back in the water.

Dennis Harvey
Box 554
Petersburg Alaska
99833

TO: Senator Bennett

FROM: Sue Lowell

RE: Handtroll Regulations

DATE: March 19, 1980

Bob Anderson, Chairman of the Yakutat Advisory Committee called to express his support, representing the Committee, to the Board of Fisheries action taken at their December meeting regarding the regulations adopted to go into effect this fishing season.

They held a recent meeting in Yakutat, out of which the following groups joined in support of the Board of Fisheries proposals:

Alaska Native Brotherhood
Village Corporation of Yakutat
City of Yakutat
Yakutat Fishery Advisory Committee

March 12, 1980

Members of the Regulatory Review Committee:

My name is Alice Barton. I have a halibut longline permit and I crew for my husband when we fish gillnet, longline, crabpots, jigging machines, as well as handtrolling. I am secretary for the United Southeast Alaska Gillnetters.

Although our organization usually is working to have the Board of Fish review and change regulations, we now find ourselves defending their position and decisions. Jim Eaton and Greg Cook offered excellent testimony at your public hearing. The Boards decisions on handtrolling are based on extensive and exhaustive research and many, many hours of public hearings. It did not make their decision any easier; it only served to make them more aware of the fact that <u>any</u> decision would be unpopular. The Department of Fish and Game also presented evidence of the statistical decline of coho and increase of handtroll effort.

Three years ago, when Limited Entry was first seriously considered, handtrollers turned out in force at public hearings to cry, "Don't limit our numbers; just give us gear and area restrictions!" Last year, the number of permits was not restricted and there were time and area closures. The fish stocks still suffered because there was still too much gear in the water.

Now, this year a limit has been put on the permits; if you didn't have one last year, you don't get one this year. The limit in numbers of permits and area closures would only maintain the level of last year's effort. To decrease the handtroll take of fish, a gear restriction is necessary. All other gear types are restricted already.

There was much public testimony to the effect that a handtroller could not make a good living at it last year. This should tell them something:

There are not enough troll fish to be caught to support 2100 hand-trollers!

I urge you to consider the effort and testimony that has gone into the Fish Board's decision. While I am glad that any group can have final appeal with the legislature, I think it is important to be careful of undermining the effectiveness of any State Board.

Sincerely,

Alice Bartoo
Secty, U.S.A.G.
Box 847
Juneau, AK 99802

Attached please find 3 information sheets. I made the graphs from ADF&G statistics — AB

(11/14/79--SOURCE: ADF&G)

SOUTHEASTERN HAND AND POWER TROLL CATCH IN NUMBERS OF COHO SALMON, 1975-1979.

(1978 and 1979 data is preliminary)

	HAND TROLL					POWER TROLL				
District	1975	1976	1977	1978	1979	1975	1976	1977	1978	1979
101 1/	18,153	12,247	11,840	49,121	10,441	52,222	39,967	54,313	88,479	37,944
102	1,591	1,059	4,818	11,785	19,066	9,305	7,944	10,588	13,554	18,643
103	6,510	11,341	14,118	33,473	52,770	23,129	52,491	22,320	20,107	25,668
104 2/	530	192	1,197	424	2,302	29,283	14,020	17,854	50,943	63,951
105	526	1,853	52	9,702	9,583	8,502	6,853	1,512	6,163	5,279
106	2,735	4,568	3,773	12,552	5,932	4,944	7,402	3,965	5,874	3,155
107	379	530	598	3,991	383	557	1,501	1,880	1,559	233
108 2/	0	202	142	1,774	94	0	57	447	180	11
109	2,081	7,398	16,288	21,116	62,492	7,007	22,069	23,691	21,068	39,260
110	259	1,042	2,001	1,523	3,272	2,004	4,225	5,930	7,287	3,210
111 3/	3,679	7,092	11,271	14,089	981*	2,548	1,478	2,987	1,396	2
112 1/	50	3,737	16,317	33,408	8,249	43	2,347	4,839	4,917	987
113	1,293	13,326	13,086	37,753	32,374	12,677	120,136	64,322	233,495	100,392
114 1/	2,709	19,970	45,975	119,985	13,557	10,932	52,297	50,360	67,530	4,203
115 1/	0	213	3,888	3,097	367	0	1,598	6,318	1,296	152
116 1/	454	3,633	7,563	3,844	21	2,583	47,931	68,269	50,358	63,940
150	0	0	0	0	0	0	859	0	0	321
152 4/	0	0	0	9	2	16	32	0	695	79,190
154 4/	0	0	0	5,547	528	0	4,454	231	66,923	162,497
157	55	291	100	12	0	7,134	47,857	6,013	12,538	16,424
181 4/	0	0	1,999	14,628	316	120	117	1,811	26,929	2,227
183	10	39	668	3,995	4,638	140	193	554	1,455	24
186	0	0	0	602	3,286	0	0	0	163	25
189	0	0	0	100	0	0	160	2,778	21,748	9,510
TOTAL	41,014	88,733	155,694	382,530	230,654	173,146	435,988	351,114	704,657	636,254

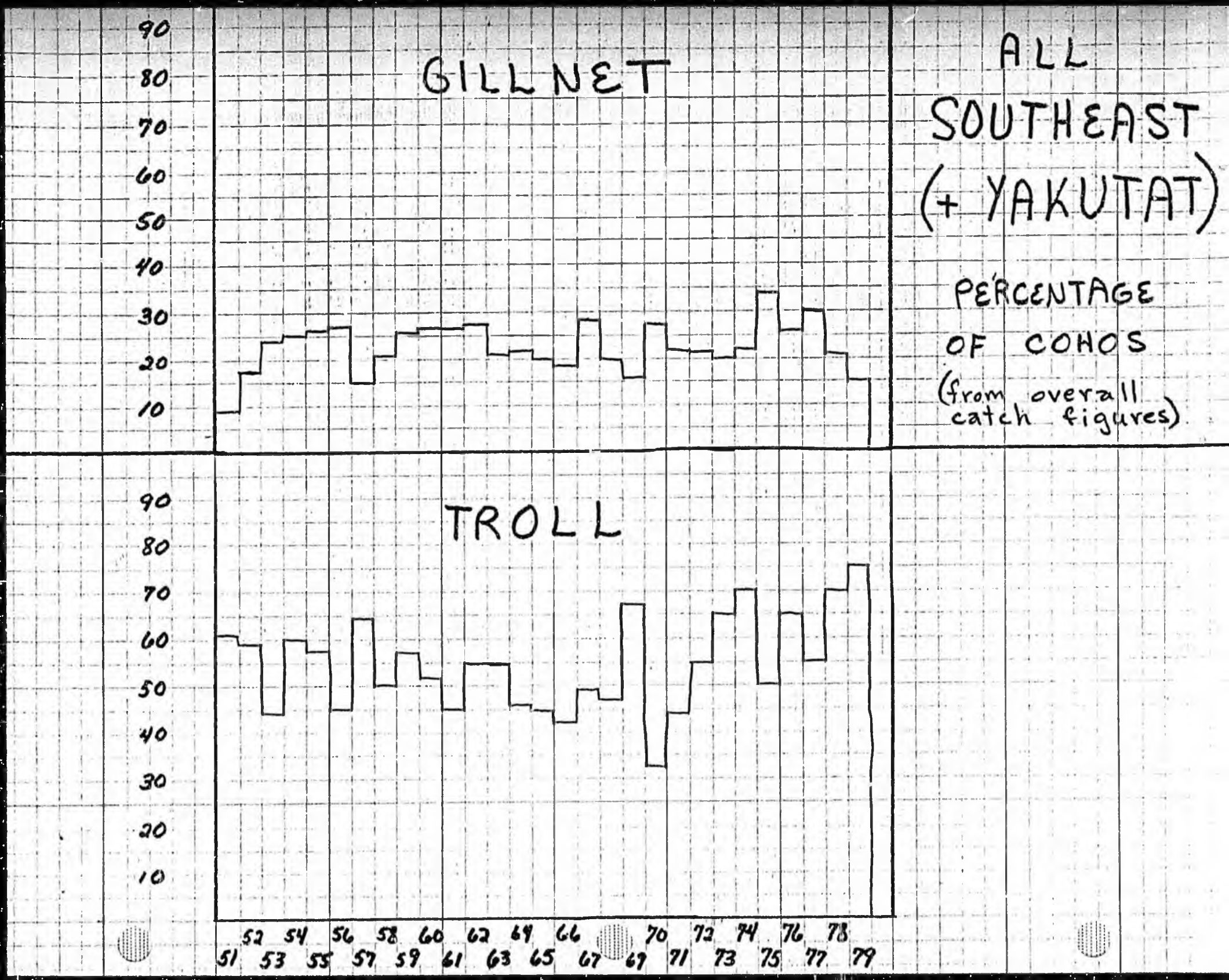
50318 gillnet

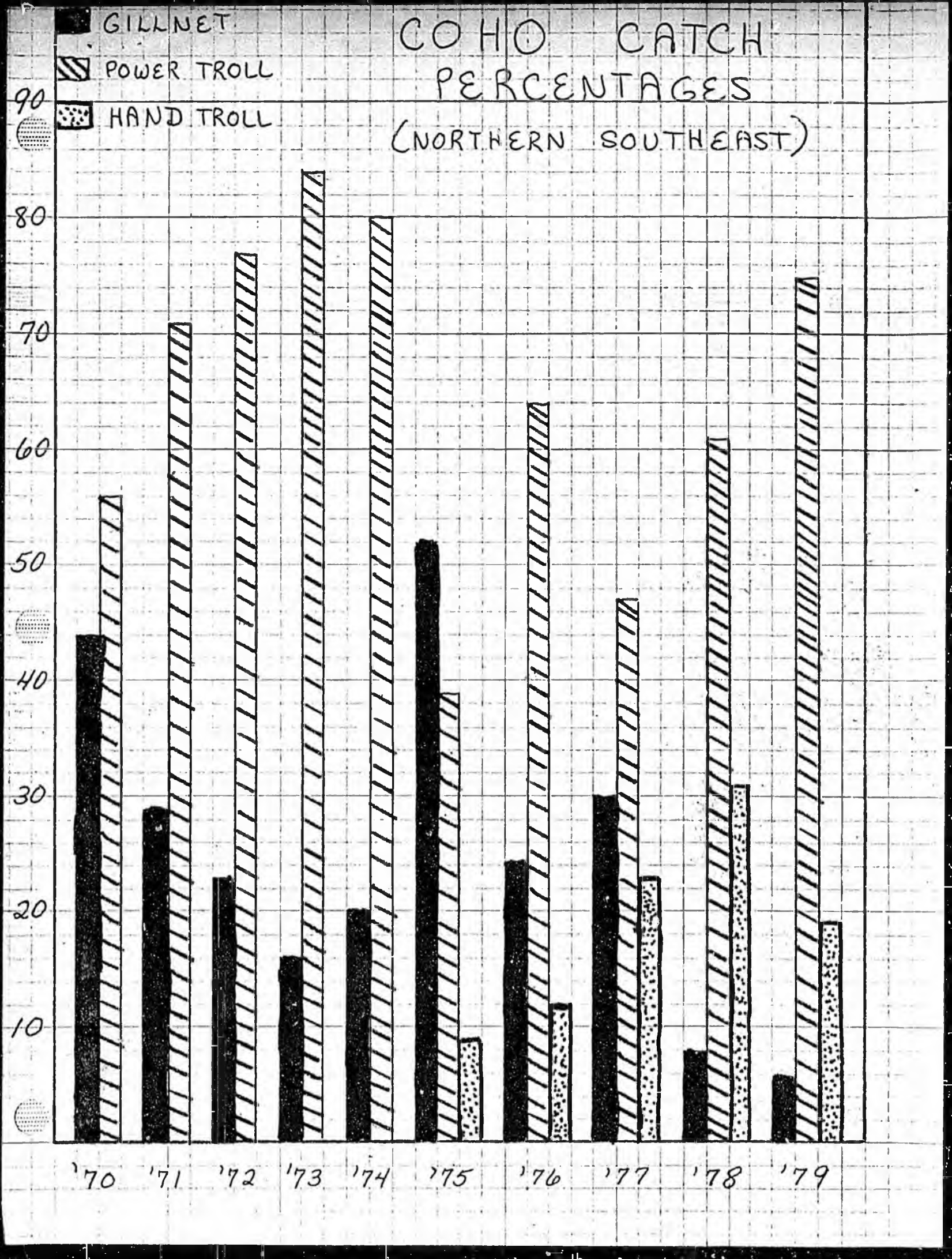
1/ These districts were subject to the 8-on/6-off closures during the 1979 season.

2/ During the 1979 season this district was open to trolling only during drift gill net openings.

3/ The hand troll catch in this district includes derby catch.

4/ Hand troll catch shown for 1978 and 1979 is probably in error since the outside coastline fishery has been closed to hand trolling.


GILLNET
TROLL
ALL SOUTHEAST (+ YAKUTAT)
PERCENTAGE OF COHOS
(from overall catch figures)
90
80
70
60
50
40
30
20
10
51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79


GILLNET
POWER TROLL
HAND TROLL
COHO CATCH PERCENTAGES
(NORTHERN SOUTHEAST)
90
80
70
60
50
40
30
20
10
'70
'71
'72
'73
'74
'75
'76
'77
'78
'79

March 8, 1980

Fisheries Regulation Review Board
Pouch D
Juneau, Alaska 99801

Dear sirs:

Enclosed you will find a copy of the minutes of the latest meeting of our area advisory Committee to the Department of Fish and Game.

You may find the entire minutes of interest, but I have been instructed by the Committee to draw your attention to our position which is strongly opposed to the two line limit, 80%-20% allocation of the resource affecting handtrollers.

We strongly feel that the present restrictions have come very close to making it economically impossible to make a living handtrolling and in addition make it impossible for a person to accumulate capital to enable a person to move up in the fisheries, either as a young person just able to start fishing or someone who wishes to start out in the industry.

We strongly urge that you exert all power at your disposal and every aveune open to you to end these discrimations and restrictions.

We realize that in some areas there are problems, but we feel the present restrictions are not designed to solve the problems, but will only serve to destroy the handtroll fleet as a viable fishery in the rural areas.

Sincerely,

Arden Fritz

Arden Fritz
Box 29
Hydaburg, Alaska 99922

March 8, 1980

MINUTES OF THE MEETING OF THE HYDABURG AREA ADVISORY COMMITTEE OF THE ALASKA DEPARTMENT OF FISH AND GAME. March 7, 1980.

The meeting was held in the Council Chambers of the Hydaburg Municipal Building. The meeting was called to order at 7:00 pm by Chariman Victor Burgess. Members present: Victor Burgess, Mitchell Carle and Don Natkong. Absent: Warren Peele and Claude Morrison. Others Present: Robert Price, Albert Natkong, Brady Edenshaw, Jr., Adrian Le Cornu, Robert Sanderson, Jan Burgess, John Morris.

The first order of business was to expand the committee from the present five members. Warren Peele has asked that his name be removed from the committee roster and Claude Morrison has sold his seine permit and will now be powertrolling. Submitted for approval with user group or organization represented:

John Morris - City of Hydaburg, Mayor
Albert Natkong - Longline - Bottomfishery
Robert Price - Handtroll
Brady Edenshaw, Jr. - Handtroll
Adrian Le Cornu - Subsistence
Arden Fritz - Longline - Bottomfishery
Robert Sanderson - Haida Seafoods
Viola Burgess - Subsistence

With these additions the Committee will have twelve members. Until notified otherwise the committee will proceed considering the above named persons as members in full standing.

The Committee then discused various issues presently having an impact on the fishing industry in our area.

On a motion by John Morris and seconded by Robert Sanderson, the committee voted to strongly support the following regulations being considered by the Board of Fisheries: 5AAC 31-125 concerned with shrimp fishing; 5AAC 34-125 concerned with King Crab fishing; and 5AAC 38-135 concerned with Abolone fishing. The reasoning of the Committee is that because these are limited resources in this area restriction is necessary to keep large operators from wiping out the resource in one season. The vote was unanimous.

There was discussion of the Lee Wang Zin oil spill with questions asked concerning lack of effort to clean up the Westside of Prince of Wales Island and particularily the Barrier Islands which have been hard hit by the oil. Oil has been sighted as far North as Reef Point near View Cove on Dall Island. The Committee would like a response from the Department.

The Committee wishes to go on record as strongly opposing current legislation which would remove the fifty-eight foot limit on seine boats and allowing the use of siene drums. In view of the necessity to allocate the resourse now, between various fisheries and the limited number of hours of fishing per week of the present seing fleet, it would appear to be extremely unwise to increase the amount and effieiency of the gear at this time. Efforts should in fact be made to reduce gear. Motion was made by Robert Sanderson and seconded by Adrian Le Cornu. Motion carried unanimously. In addition the Chairman will notify our legislaturers of this position in the next three days.

(Minutes: March 8, Hydaburg Advisory Committee, Cont'd)

The Committee also wishes to go on record as opposing the present regulation which limits handtrollers to two lines and by consensus agreement requests the Secretary to noitify the Review Board (which is currently hearing testimony) of this position. This was by consensus agreement.

Also by consensus agreement, the Committee urges from a strenuously held position, that should limited entry in the handtroll fishery become reality and a point system be established to determine who will participate; that several extra points be given to those whose domicile is in rural areas and villages so as not to repeat the disaster of the powertroll allocation in which some villages ended up with only three or four permits. The Committee also discussed the fact that contrary to testimony by department personal, this area has always opposed limited entry for the handtroll fishery and continues to do so.

The Committee on a motion by Sanderson and seconded by Arden Fritz voted to ask the Board and Department to extend their public hearings to the rural areas so that rural people can have an opportunity for proper input. Hearings currently held in metropolitian areas are dominated by the number of those living in the metro areas who have easy access to the hearing locations, while those in rural areas are limited to one or two persons due to cost of travel.

The Committee also opposes through a motion by Morris and second by Albert Natkong and passed unanimously the current pending legislation which would extend the application time limit on any of the present limited fisheries, except that it be done by a single region; ie, Bristol Bay if that's what that region wants.

Acting on a request from the Hydaburg City Council, Adrian La Cornu was appointed by the chairman to be a member of the Hydaburg Planning and Zoning Commission. This will also make it possible to be closer aligned with the Regional Coastal Management Division.

After hearing a report from James Lockhart who attended the Review Board hearings in Juneau on March 4th, the Committee again reemphasized its opposition to the current policy of greater restrictions on handtrollers, in particular, the present discrimanation of the 80%-20% resource allocation, the two line limit and the restrictions of the three mile limit.

Throughout the meeting the Committee was given pertinent information relative to further efforts in developing the fishing industry in Hydaburg and that as a Committee we need to be actively involved in assuring that proposed regulations and legislation will not be harmful to those efforts.

Respectfully submitted,

Arden Fritz, Sec Pro Tem
Box 29
Hydaburg, Alaska 99922

February 25, 1980
(LETTER OF PETITION)
"RESIDENT 1977 HANDTROLLERS"

BY CERTIFIED MAIL TOO:
GOV. JAY HAMMOND
LIMITED ENTRY COMMISSION
DEPT. OF FISH AND GAME
STATE BOARD OF FISH AND GAME
KETCHIKAN BOARD OF FISH AND GAME

ALASKA STATE LEGISLATURE
ALASKA SEINERS ASSN:
ALASKA POWERTROLLERS ASSN:
KETCHIKAN DAILY NEWS
CITEZINS OF ALASKA

DATE mailed March 14, 1980

Dear Alaskans:

We hereby request immediate action from the State of Alaska, and other authorities controlling Handtrolling in districts 1 & 2 Southeast Alaska to immediately revoke the 8 days on and 6 days off regulation enforced on us last year, the closure to not apply to Handtroll permits who fished prior to "78 & 79". The State of Alaska fisherey authorities are negligent and discriminating to old Handtrollers who have traditionally fished the newly closed areas, and we feel that we are being unduly penalized, because the State did not have limitations on number of Handtroll permits in effect by "1977"(considered the breaking point) and kept selling thousands of permits, which has led to this deplorable situation. This must be enacted immediately and in effect for the 1980 season so we can financially stay in the fishing industry. Soaring inflation, high fuel prices etc. now restrict us more than ever to fish these areas that we have previsously fished, restrictions like this figure 50% off a normal fishing season. We cannot wait while the State burocarcy is floundering and we are being unduly penalized for their negligence. The State fishery authorities imposed the closures due to excess % of Handtroll fish caught by thousands of excess Handtroll permits sold by the State in "1978 & 1979". So an immediate moritorium must beheld from that date concering the closures and not restrict the estabilished Handtroll permit holders prior to "1978". We cannot survive another hardship closure such as was imposed on us last year. Untill the limited Entry Handtroll situation is equitably resolved and applied-remove the closures now! Which are strangling the Handtrollers who have fished and lived here for years.

We are looking foreward to your earliest attention, acknowledgment, action and answer to this urgent situation.

Your reply is awaited.
"Resident 1977 Handtrollers"
% Don Williams
Box 382
Metlakatla, Alaska (Annette Island
99926

Sincerely,
"Resident 1977 Handtrollers"
Letter of Petition
P.O. Box 5260
Ketchikan, Alaska 99901

Name & Address Metlakatla	H,T, Permit 1970-1977	H.T. Permit Number	STATERES. yes--no	RES. yrs.
D. Williams Sr.	X	S05B19258F	X	55
Timothy J. D. Williams	X	S05B19393H	X	32
Gilbert Booth	X	?	X	47
James Reynolds Sr.	X	?	X	5?
William-N Baines	X	?	Y	31
Frank E. Peterson	X	S05B32547H	X	55
Richard E. Leonard	X	S05B27097C	X	39
Edward R. Littlefield Sr.	X	?	X	32
Gerald G. Samuelson	X	S05B29497U	X	37
Alex Atkinson	X	S05B33102U	X	57
Lawrence Henry	X	S05B15314H	X	52
Thomas A. Arnold	X	S05B33141U	X	27
Frederick Leask	X	?	X	31

February 25, 1980
(LETTER OF PETITION)
"RESIDENT 1977 HANDTROLLERS"

BY CERTIFIED MAIL TOO:
GOV. JAY HAMMOND
LIMITED ENTRY COMMISSION
DEPT. OF FISH AND GAME
STATE BOARD OF FISH AND GAME
KETCHIKAN BOARD OF FISH AND GAME

ALASKA STATE LEGISLATURE
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% Don Williams
Box 752
Metlakatla, Alaska (Annette Island)
99926

Sincerely,
"Resident 1977 Handtrollers"
Letter of Petition
P.O. Box 5260
Ketchikan, Alaska 99901

Name & Address Metlakatla	H,T, Permit 1970-1977	H.T. Permit Number	STATERES. yes-no	RES. yrs.
EDWARD F. CHARLIES	X	S05B17562E	✓	28
Lorin Wolpert	X	S05B17541N	✓	32
Edward Ryan Sr	X	S05B21872P	✓	56
Edward S Wilson	X	?	X	45
Bill Wilson	X	?	X	72
(illegible)	X	S05B37215W	✓	32
Simon W. Wilson Sr	X	S05B16752W	✓	39
Allan Arnett Sr.	X	?	X	50
Frank Wilson Jr.	X	?	X	40

(LETTER OF PETITION)
"RESIDENT 1977 HANDTROLLERS"

BY CERTIFIED MAIL TOO:
GOV. JAY HAMMOND
LIMITED ENTRY COMMISSION
DEPT. OF FISH AND GAME
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Box 382
Metlakatla, Alaska (Annette Island
99926

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Ketchikan, Alaska 99901

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Don Williams Sr.	X	S Ø5B19258F	X	55
Kenneth J. Williams	X	S Ø5 B19393 H	X	32
Albert Bates	X	?	X	47
James Leonard Sr.	X	?	X	52
William N Baines	X	?	Y	31
Frank Paul Peterson	X	S05B32547H	X	55
Richard E. Leonard	X	S05B27097C	X	39
Edward L. Littlefield Sr.	X	?	X	32
Cecil G. Samuelson	X	S Ø5 B29407U	X	37
Alex Atkinson	X	S05B23402L	X	52
Raymond Henry	X	S Ø5B15-314H	X	52
[illegible]	X	S05B33467K	X	27

(LETTER OF PETITION)
"RESIDENT 1977 HANDTROLLERS"

BY CERTIFIED MAIL TOO:
GOV. JAY HAMMOND
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DEPT. OF FISH AND GAME
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Louis Wagner	X	S05B1754 1N	✓	[illegible]
Conrad Ryan Sr	X	S[illegible]B2187[illegible]P	✓	56
Edward S Luthi	X	?	X	45
Bud Collins	X	?	X	32
Glenn H Tibbetts	X	S05B3721SW	✓	30
Samuel W. Luthi Jr	X	S[illegible] 5B167524	✓	39
Allan Everett Sr.	X	?	X	50
Thomas E Wilson Jr.	X	?	X	40

March 8, 1980

Fisheries Regulation Review Board
Pouch D
Juneau, Alaska 99801

Dear sirs:

Enclosed you will find a copy of the minutes of the latest meeting of our area advisory Committee to the Department of Fish and Game.

You may find the entire minutes of interest, but I have been instructed by the Committee to draw your attention to our position which is strongly opposed to the two line limit, 80%-20% allocation of the resource affecting handtrollers.

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The first order of business was to expand the committee from the present five members. Warren Peele has asked that his name be removed from the committee roster and Claude Morrison has sold his seine permit and will now be powertrolling. Submitted for approval with user group or organization represented:

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Respectfully submitted,

Arden Fritz, Sec Pro Tem
Box 29
Hydaburg, Alaska 99922

MEMO 3/13/80

TO: Senator Don Bennett, Chairman
Administrative Regulation Review Committee

FROM: Sue Lowell

Jimmie Huntington called in response to the Committee's notification on the Handtrolling Hearings that were held on March 4. He has just returned from trapping and was not aware of the meeting until returning back home.

Jimmie related that he was not in favor of the handtroll regulations as they were set. He feels that the power trollers are the group receiving all the benefits and the village people (mostly involved in handtrolling) were being infringed upon by these regulations. He related he will continue to be in opposition of these. Jimmie also feels that Jim Beaton and Gregg Cook are prejudicial against handtrollers.

He wanted you to know he is always available for input to the committee by phone, on matters relating to fish and game.

Rural Route 5, Box 5665
Juneau, Alaska 99803
March 11, 1980

Senator Don Bennett, Chairman
Administrative Regulation Review Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Bennett:

On March 4, 1980, I testified before the above committee in support of the recently adopted salmon troll regulations for Southeastern Alaska, citing over-harvests, inadequate escapements, endangered fish stocks, and a deteriorating sport fishery. My testimony was based on newspaper accounts of sport and commercial fishing activity (or inactivity), on information provided by the Fisheries Board and the Department of Fish and Game, and, above all, on my experiences and observations as a sport fisherman here in the Juneau area for over a quarter-century.

Now that I have had an opportunity to reflect on the testimony of others and to examine further the Fish and Game's statistics on the Southeastern Alaska commercial salmon fishery, I wish to reiterate most strongly my support for the gear reductions and other management steps set forth in these regulations. I also believe that the number of persons engaged in the hand troll fishery must be sharply reduced and tightly controlled. A limited entry fishery seems essential to protect the resource and ensure its equitable distribution among various user groups. Although I admired the handtrollers for showing up in such numbers to express their views and for expressing them so vigorously, I disagreed with most of what they said. In fact, the tenor of their remarks helped me to understand why Fisheries Board member Jim Beaton has spoken of "the apparently insatiable appetite that appears to be developing among handtrollers" (Southeast Alaska Empire, 12/21/78).

When, in my testimony, I said that a great many of those present did not seem to be hearing the message, I meant, of course, the message from the Fisheries Board and the Department of Fish and Game that the resource is endangered. We are all concerned about the same thing: fish. We must all protect this invaluable resource. Conservation is essential. We share the bounty; we must also share the pain of inescapable management decisions. What any one user group does affects all the others. Sometimes the results are immediately observable (as in my example of what happened when the herring fleet was allowed to come right in on a prime local sportfishing beach) and sometimes the effects, the warning signs, take a while to show up. Now, after five years of runaway growth in the handtroll fishery, the signs are everywhere. I didn't need the Fish and Game statistics to tell me the coho are threatened. For the past five years I have seen a most troubling decline in the number of spawning coho in several streams I have fished for many years. As for the over-all local sport fish picture, it has become increasingly dismal. What's happening on the outside is affecting us on the inside, and very badly.

In this reource area, as in many others, the Legislature has much to answer for. Here's a chance to redress the balance or at least make a start. Protect this resource by supporting these regulations.

Sincerely yours,

William Philip Dunn

William Philip Dunn

MY NAME IS JOE H. SATKO AND I SUBMIT THE FOLLOWING REGARDING THE HANDTROLLERS REGULATIONS FOR SOUTHEAST ALASKA.

I have been handtrolling for over 20 years and do not make my living at it. Also feel it would be impossible to on the short season, plus the open and closures. The time we handtrollers are unable to fish because of the weather. The weather is more of a factor now than ever for us in the Juneau area as the fishing grounds that we have fished for years are now closed to us (handtrollers). We now have to go to at least the Chatham Straits and Icey Straits to fish which increases our fuel consumption more than double, and the price of fuel has more than doubled. Then we are trying to learn new fishing grounds, then the season closes and we have to come back home and more fuel is wasted, unless we lay at anchor for six days.

Because we were being moved out of our fishing grounds I bought a new boat with twin engines in order to move with the change in regulations, and with gear have invested approximately $40,000.00. With my old boat I just did not feel safe in running to the waters that were open for me t o fish in. Now the Board wants to further restrict us to two gurdies or four poles.

This coming after the short season and the 8 day on and 6 day off season. With the open season on the big tides when fishing is generally poor. Plus the restricted areas, it seem to me the Dept. of Fish & Game are trying and succeeding I might add in eliminating the handtroller completely. When I refer to handtroller I mean those that use poles, gurdies and hand lines or any other means but power to bring in their fish.

I suggest that should the Dept. feel that these further restrictions are fair and proper then their salary should be cut to about 20% of what other state employees of same scale are making. They are saying that a much expanded fleet should still (if they are anywhere near right be limited to take only 20% of the troll fish). A clear reduction in earning for anyone that has fished for any length of time. I don't believe that the allotment of the fish is a proper function of the Dept. of Fish & Game. Further should the House and/or Senate condone this action, it is my belief that both Houses should pass legislation to refund to the people (taxpayers) of Alaska all monies spent for administration, management and any other functions of the Fisheries as they were for a special interest group and not the best interest of the people (taxpayer) as a whole.

Another note on the 80/20% - if the Fish & Game were interested in being anywhere near fair they would take into consideration the number of gill net and some seine boats with HT Permits. Boats that do not and have not handtrolled. But they have HT Permits to sell their fish caught by other means as troll fish. There are some of these boats that have and are handtrolling. Most do not. But they do inflate the number of permits and percent of fish supposedly caught by handtroll fishermen. I read a new account by the Dept. last year discounting the practice as minimal. I reject that. Last Sept. (1979) while anchored in Taku Harbor, I could not believe how many gill netters W/HT signs on. Having fished every open season for handtroll (troll) for some years, and never seeing any of the boats that were in Taku ever on the grounds. One gill netter told me in the presence of one other person, that he had the license for one thing only, so he could sell gill net kings and cohos as troll fish. He did not have any troll gear of any kind. (handtroll or power troll.

In conclusion if a percent of fish are to be allotted to groups, then the Dept. should at least check to see that one group is not getting unfair treatment over the other. Lastly we handtrollers do realize that the Dept. (the one we support with our taxes and have even before we started fishing) is dedicated to our extinction as has become quite obvious these past few years. Again I must say that I don't feel that a proper function of the Dept. to decide that certain fishermen should become wealthy and others should lose their shirts. I believe a fairer way would be to allow all groups to fish when the runs are good. When the runs are low as to jeopardize the runs then close all fishing until they improve.

Further in Juneau and other likewise communities to say one makes his or her living on handtrolling is a joke. Maybe they would be willing to produce IRS records - welfare - foodstamps - records, etc. I do not believe it. My IRS and any other records are available for inspection when and if a fair system is instituted. Including cost of boat gear, etc. and maintenance and anything else needed.

March 13, 1980

Senator Don Bennett
Legislative Review Committee
State Senate
Juneau, Alaska

Dear Senator Bennett;

This has reference to your public hearing regarding complaints about the Board of Fisherys regulatory measures against the Hand Troll Fishery.

I am the first to agree and have been very vocal, that they have in fact, treated us unfairly, but in this instance I have grave fears that many of them are minor relative to what you may do in the light of testimony you heard the other night.

Specifically, the main thrust of it was directed to the 80/20 allocation and the gear cut to two lines. I said grave concern in the preceeding para because if your committee tampers with these two items, we will have chaos in the Hand Troll Fishery::::::::::::

To explain that statement I need to go into depth, so here it is.

The Board of Fisherys has for the past three years, been very concerned about the rapid growth of the Hand Troll fleet. To the extent that they directed the limited entry commission to put this fishery into limited entry and said "we will accept a maximum of 500 permits". The reasoning being, according to boat landings, that many boats could land 20% of the cohoe troll catch. Without going into detail of whether that allocation is a fair figure or not, the point is that there is a direct relationship to effort vs catch. Since 1975 when power troll went under limited entry, we have seen a new breed of hand troller arise. He is the big boat, 4 lines, 12 to 18 hour per day fisherman. Had limited entry not been in, he would have been a power troller. Since he cannot, he hand trolls. This is not the historical, typical hand troll fisherman. This is the type that swells the catch data ·taining to hand troll and given an allocation without gear restiction, would

mean that quota would be reached far sooner than had it been done by Historical gear. Since we are looking at about 2000 annual participants of which the p[r]ofessional constitutes about 4 to 500, we obviously have a problem.

In 1979, the Limited Entry Commission undertook a survey to determine what kind of a fishery the hand trollers wanted. I am attaching their results and conclusions as it more aptly describes the situation. In sum it says that contrary to the boards position of 5 or 600 permits, they recommend 2150 with restrictions and that it be treated as a low income, low keyed fishery, thus enabling the majority of existing users to obtain permits.

With this in mind, we thru Rep. Duncan, have introduced a Limited Entry Hand Troll Bill (HB 350). The contents have been derived from many meetings and idea exchanges with various Associations and individuals thru out South East Alaska. It is by no means a 100% concurrence but it is the best we could come up with to fit the majority.

It is different in that we propose a non transferability clause (non Sale), that the Commission issue and reissue, that it would accomodate new entry within a 3 or 4 year maximum time.

Now getting back to the chaos statement. Outside of the professional group, we have majority support for this Bill as it accomodates most everyone, Professionals included. It was approved based on that 2150 number, and the contents therein. If your Committee were to force a change in the allocation or the gear cut, then the Commission could not support that number because of the built in criteria that it was based upon. Thus it would be revised downward to X degree. If this were to occur then the Handtrollers could not support the Bill and it will die.

The Remaining alternatives would then be:

1. Hand Troll would go under existing Law. Freely transferable permits will mean an outward migration of permits from rural areas. Prices will become so [h]igh that the historical user will not be able to afford the permit. Also the

500 permit number would probably become a reality in which case the permits will go to those whose historys have been high volume production (ieProfessional Hand Troll) rather than to the rural areas whose equipment and way of life, precludes the ability to compete, thus villagers will be left out of the 500 number to a great degree. OR

2. There will be no limited entry for Hand Troll. The resultant regulatory measures would be so drastic that there would be no point in having a Hand Troll Fishery. This is stated because there are only so many fish to go around. Power Troll, Hand Troll, Gillnet and escapement. With one unregulated Fishery amongst the regulated, it would not work.

So please, do not tamper with the allocation and gear cut at this time. Two years down the road with experience under our belt, changes in the Boards attitude will be in order if they still adhere to unfair policys.

Chuck Porter

Member of Juneau Hand Troll Assoc.

HAND TROLL PRESENTATION TO THE BOARD OF FISHERIES
1979

The Commission appreciates the opportunity to be here today. Our purpose is to discuss with you the complex problem of managing the hand troll fishery. This particular fishery highlights the necessity of the Commission, the Board, and the Department coordinating management policies. We appreciate the recommendations received from the Board in the past regarding limitation of this fishery and other fisheries; and hope that our recommendations to the Board will be accepted in the same vein.

To summarize quickly, when the majority of the salmon fisheries were brought under entry limitation, the hand troll fishery was specifically segregated from power troll and left open to entry. From 1975 to 1978, the number of active hand trollers increased annually -- 1,094 in 1975, 1,237 in 1976, 1,849 in 1977, and 2,604 in 1978. Through those same years, the hand troll share of the troll fishery harvest has increased from 13% to 28%, measured by poundage. The preliminary data for 1979 shows that approximately 25% of the total troll harvest was taken by hand trollers.

During the spring of 1973, the Commission held several joint hearings with the Board in Southeastern communities regarding the hand troll fishery. Public comment at that time was generally opposed to limitation. In the 1978 season, the Board began a series of management measures to try to ensure a historical allocation of the troll catch, beginning with closing all outside waters to hand trolling. Despite the closure, the hand troll portion of the troll catch increased sharply. Consequently, for 1979, the Board further restricted hand troll effort by adding a series of closures in inside waters in an attempt to implement a tacit policy of an 80/20 split of the coho troll catch.

At the December, 1978 Board meeting, the Commission announced that it intended to propose limitation of the fishery in 1979. On September 14, after receiving management recommendations from the Department of Fish and Game, the Commission proposed limitation of the hand troll fishery, beginning in 1980, with a maximum number of 1,100. That proposal was advanced on September 21, 1979. Eight public hearings were held by the Commission with the public comment period closing on November 9, 1979.

At the time the Commission advanced the proposed regulation, we had received recommendations from the Board and the Department of Fish and Game. The Board recommended a maximum number of no greater than 600, by which you indicated to us a desire to significantly decrease the size of the fleet, so that the professional hand trollers that remained could be subject to the same management policies as applied to power trollers, and still not harvest more than 20% of the troll catch. The Department stated that the maximum number should not exceed 1,000 to avoid the necessity of excessive regulation to maintain historical harvest balances. The Department referenced expected efficiency gains in the fleet after limitation, a concern also raised by you in your recommendation.

The Commission proposed maximum number of 1,100 was chosen based upon the input from the Board and Department, plus the Commission's own research. Our intent was to use the fishing seasons from 1975 forward as the predominate indicators of hardship when the hand troll fishery was limited. As a practical matter, the Commission cannot use maximum numbers outside the boundaries of participation established during the most recent years. Thus, we chose the smallest effort level in recent years as our proposal.

Attached to your copies of this presentation is a summary of the public input received by the Commission during the public comment period. It seems quite apparent to us that the news release issued by the Board shortly before the first Commission public hearing greatly influenced the testimony. Prior to the news release, many viewed entry limitation as a mechanism for removing some of the restrictions imposed in the recent past. After the news release, many people testified that if limitation of the fishery would not ease management restrictions, they would prefer that it be left open to entry. Most comments we received favored removal of the restrictions plus an increase in the proposed maximum number, which would exacerbate the management problems you face today.

The Commission has now evaluated all comments and data available at this time. It is very apparent that no simple answer exists which will satisfy the management concerns of the Board, the Department, and ourselves; and at

the same time satisfy the wishes and desires of the Southeastern hand trollers. The very best that can be accomplished in the near future is to prevent the situation from becoming more complicated. We want everyone to understand that the Commission does not have a solution that will be all things for all people. It is our wish, though, to undertake a beginning in what will by necessity be an involved system of slowly working toward a fair and practical management framework. A reasonable result can only be achieved with full agreement between the Board and the Commission, close coordination of our respective regulatory powers, and with the understanding of hand trollers, power trollers, gillnetters, and seiners.

With that prelude, we come before you today to ask for your cooperation in the implementation of a management strategy for the hand troll fishery. After evaluating the management problems and hearing the desires of the fishermen, we cannot agree that your management plan to drastically reduce the size of the fleet and allow full development of highly efficient hand troll operations is the best solution. Instead, it is our proposal to work toward a different goal - that is, to maintain the historical character of the hand troll fishery while at the same time providing for a professional fishery. Hand trolling has been a small scale, low investment, low return fishery generally attracting participants who either utilize the fishery to sustain a particular lifestyle, or as a fishing outlet for young and older residents of Southeast and others who depend upon the bulk of their income from land-based occupations.

The fishery has generally been referred to as an entry level fishery. The distinguishing characteristic of this fishery is the prohibition of mechanical assistance other than hand power to place and retrieve gear. The definition of such a fishery suggests a special circumstance, particularly in the present environment of highly automated commercial fishing operations. We believe the special circumstance to be very indicative of the essence of this fishery. It is in fact a fishery purposefully defined as a low-cost, relatively low-return fishery tailored to social desires of those people who have historically partaken of the opportunities it presents. We must assume that those who have developed hand troll operations nearly as efficient as

power trollers have done so because of power troll limitation, or through reinvestment of hard-earned income from hand trolling in the past for the purpose of maximizing the benefits to be accrued in the future. Without some efforts at this time to prevent further efficiency increases, history tells us that limitation of the fishery will almost force those permits that remain to maximize their efficiency within the regulatory framework that dictates their operation. This would in fact seem to be contrary to the Board's statements to the Commission of maximizing the number of permits to be held by residents of rural communities. Rural residents have limited access to wellpaying jobs and mortgageable property. Hence, even if the Commission were to succeed in initially issuing a high percentage of permits to rural residents, those permits would through time tend to migrate to residents of urban communities IF large amounts of capital investment are necessary to remain competitive.

Preliminary analysis does suggest that profits earned in limited fisheries are being reinvested into more efficient operations. That same trend of efficiency increase can be demonstrated in the hand troll fleet. Since 1975, the numbers of permits fished has steadily increased along with the average number of weeks fished and the number of fish caught per week by each active permit holder. Much of this can be attributed to the widespread conversion to hand gurdies, and some must be attributed to the recent entry of more of the larger scale, more aggressive and versatile hand troll operations.

Our proposal is the antithesis of your present management policies. Rather than use regulatory powers to limit the vessel or gear efficiency of the hand troll fleet, time and area closures have been utilized almost exclusively to date. Our suggestion is to combine our respective regulatory powers to limit the efficiency of hand troll operations, through such means as entry limitation, gear restrictions, vessel restrictions, and tying permits to geographic areas; and to use closures as a mechanism for in-season adjustments. Considering the dearth of management data available, it is impossible at this time to identify any particular combination of these restrictions to accomplish a specific goal. Nonetheless, we must begin now to implement some combination of these management restrictions if a profitable, entry level

hand troll fishery is to be maintained and made available to a reasonable number of users.

If you agree to work with us in the development of this management policy, the Board should develop a formal policy, including not only the desired structure of the fishery, but also including a statement of the relationship to the power troll fishery. If you wish to allocate the troll harvest between these two fleets, we need to know what that allocation will be so that we can develop an optimum number analysis. Such a policy will also be a determinant in the establishment of an initial maximum number.

In 1973, the Legislature turned down a proposal by then Governor Egan to limit fisheries by initially establishing a maximum number which would have been synonymous with the present law definition of optimum number. That amendment to the Egan administration bill must be interpreted as a desire by the Legislature to buy fishermen out of a fishery, rather than to ruthlessly eliminate them without compensation. As if to reiterate that point, they specifically identified three salmon fisheries that were distressed and specified that the initial maximum number was to be equivalent to the largest number of participants in any of the four most recent years prior to enactment of the law. Although they allowed the Commission broad authority in the establishment of maximum numbers in other fisheries, we feel compelled to follow the basic example established at that time.

In the attachments which you have to this presentation, you will find in Table 17 a breakdown of participation since 1975. Considering the particular patterns of participation in this fishery, we believe that a maximum number in the range of 2,000 to 2,400 will allow all hand trollers with present dependence on this fishery ample opportunity to qualify for a permanent permit if the fishery were limited in 1980. Should we resolve to mutually develop a management program including entry limitation for hand trolling, we would propose that range of participants should be considered for management purposes until a reduction can be accomplished either through buy-back or attrition.

This proposal recognizes the necessity of diminishing the original number of permanent permits to an optimum level to minimize the necessity of time and area closures and thus ensure an opportunity to realize reasonable earnings. We do not believe that closures can be eliminated in the near future even if this management proposal is implemented. While we realize that time/area closures are anethema to most of the hand troll fleet, we foresee no mechanism at this time for their elimination -- with the exceptions of Draconian reductions in the number of gear units or removal of allocation guidelines. Without entry limitation, the severity of management restrictions will by necessity be greater.

Reduction from the initial maximum number can be accomplished by two mechanisms. The first is as provided for in present law by using assessments against hand troll gross earnings to purchase permits on the open market. The second would involve some combination of non-transferability and attrition and would require legislative amendment. Such a bill was introduced last year at the request of the Southeast Hand Trollers Association, and has also, been suggested by Governor Hammond as a modification of the Entry Commission's enabling legislation. Limitation of the hand troll fishery in 1980 would not preclude legislative review of this issue because of the timing that would by necessity be followed. The Commission does not yet have access to completed 1978 and '79 participation data. Also, it is not like that a massive fish ticket editing process presently being conducted by Commission staff for the years 1975-78 will be completed before March. Consequently, permanent, transferable permits could not be made available until late in 1980 at the earliest. This would allow the Legislature the entirety of the upcoming session to review the pros and cons of the two distinctly different procedures.

In summary, we are proposing a joint use of Board and Commission regulatory powers to shape the future of the hand troll fishery. Those who would be most adversely impacted by these proposed changes are persons who have invested in relatively large scale operations, capable of high seas fishing and possessing great mobility. It is definitely not our intention to purposefully single out those individuals as the culprits of the hand troll fleet. We would hope that through discussions among the Board, the Commission, and

other interested parties that a mechanism might be developed to "grandfather" those operations that have established themselves as models of the efficient hand troller.

The Commission has met with representatives from the Department of Fish and Game on a number of occasions to discuss the possibilities of implementing a management plan along the lines suggested to you today. While we have mutually agreed in principle to this approach, time constraints precluded us from working on a detailed management proposal to present to you today. It is our hope that you will be able to agree to this approach and to develop an appropriate management regime to accomplish our mutual objective.

Thank you.

Respectfully submitted,

Commercial Fisheries
Entry Commission

December 6, 1979

December 8, 1979

ALASKA BOARD OF FISHERIES

We support a 2,150-permit limited entry program. This program should accommodate mobile, two-line hand trollers. This fishery would have a floating allocation of approximately 20-25 percent. We support a four-line limit on power trollers, except north and west of Cape Spencer outside three miles where a six-line limit will be imposed. We endorse inseason management for both the hand and power troll fishery. Low cost permits within the hand troll fleet are requested.

IN FAVOR	OPPOSED
Sitka Advisory Committee	Point Baker
Yakutat Advisory Committee	Upper Lynn Canal Advisory Committee
for Ketchikan Advisory Committee	Angoon Advisory Committee
Hoonah	
Gastineau Channel Advisory Committee	
Elfin Cove	
Pelican Advisory Committee	

March 10, 1980
Box 3077
Ketchikan, AK
99901

Administrative Regulation and Review Committee
Senator Don Bennett
Representative Oral Freeman
% State Capitol Building
Juneau, Alaska 99801

Members of the Committee

I have spent many hours trying to come up with some simple answers and proposals to present to the committee. I have failed to arrive at a comprehensive solution, but at least I can pass along my thoughts as to the nature and scope of the problems in hopes they may be helpful.

To protect the fishery as a "viable means of support" it must be limited in terms of permits issued. Basically, there are three categories of handtrollers:

1- Professional fishermen, "would be" powertrollers, legitimate businessmen.
2- Subsistence fishermen, native villagers dependent on the fishery, residents of rural communities with limited economic alternatives.
3- Speculators, recreational users and abusers, those who abuse or take advantage of the fishery for tax purposes.

I believe that if an applicant for a permanent entry permit were required to show by means of tax returns a 25% income dependency on handtrolling for any one of the last four years (1976-1979) we would be looking at 1100 permit

instead of 2150. I don't think any legitimate handtrollers would object to this criteria, and the regulatory powers would no longer be faced with the idea of 2150 maximum effort gear units, which is their justification for the stringent, restrictive regulations.

It is unfortunate that we cannot have a wide open, unlimited fishery but indeed we cannot, and those people who are dependent on the fishery for their livelihoods must be given the first and final consideration.

Although the data is 'weak' and inadequate, no one disputes the fact that some of our salmon stocks are in need of additional protection in the form of reduction of harvest levels. Handtrollers are simply insisting that ALL GEAR TYPES SHARE EQUALLY in this responsibility and this has not been the case!!

Perhaps if handtrollers had some representation things would be different, but there are no handtrollers on the Board of Fisheries. Mr. Beaton testified that the handtroll regulations were based in part on the recommendations of local advisory boards. I would like to point out that a powertroller by the name of Ed Linkous virtually controls the Ketchikan Advisory Board and this man is almost totally responsible for the outside closure to handtrollers and God knows what else.

I would like to thank the committee for hearing our grievances and trust that the decisions made will be fair to all. Our future,

our business, our dreams of sustaining a living in the fishing industry, now appear to rest in your hands.

Sincerely,
The Wells family

Doug Hergert
Box 1616
Wrangell, Alaska

Dear Sir,

I've been hand trolling now for about six years for a living. I'm not saying I'm getting rich at it, but I take a certain amount of pride in my work and give a quality product.

This deal about having two sport poles off the back of the boat with two gurdies is a joke. If you got a salmon on the sport pole he would just get tangelled in your gurdie lines. If they cut hand trolling back to two lines I figure thats going to cut off at least 40% of my fish. So much for making a living at it.

I still have faith in the government as most do, but I think the the people should have a little say in there future rather than be dictated to.

The amount of pressure the hand troll fleet has put on the fisheries is blown completely out of proportion. What about the foreign fishing fleets off our shores.

They deal in Hundreds of metric tons. At least the people that live here and fish here are contributing something.

On the subject of the permits going back to the state, I'm totally against this. A fisherman pays good money for that license and anyone that fishes four liners knows you work for your fish. Anybody who has been in the business awhile deserves to do what he wants to with that permit. at least be able to give it to a son or daughter. Girls like to fish too.

Governor Hammond talks about slowing up Government growth. I agree, but this is just another example of it. I do hope you reconsider on a few of these things.

I know quite a few fisherman would have a lot of faith restored back in the system, that is actually good.

Doug Hergert

Southeast Handtroll Assoc.
Box 1303
Sitka, Alaska
99835

The Honorable Don Bennett,

On 3 March 1980 I presented testimony to your committee as Chairman of the Southeast Handtroll Assoc. I would at this time like to reiterate the testimony I presented and expand on some additional areas of testimony.

At times the Board of Fisheries is no more or less than an exercise in politics. As the handtroller was not a political force in 1977, the surfline closure was allowed to get by. In the lawyers opinion to the Secretary of Commerce, the lawyer cited National Standards 4 and the very small catch by the handtroller in the FCZ as the reason the ban on handtrolling should be removed from the FCZ Troll Plan. The Secretary of Commerce concored and removed that portion from the FCZ Troll Plan. Even with the evidence presented by the Dept. of Commerce lawyers, the Board of Fisheries still would not allow the handtroller into the FCZ. Ergo that made the decision by the Board of Fisheries a political decision. Not a biological decision. If there is a biological problem with the salmon stocks in any given area, you do not remove those who catch the least to protect the endangered stocks. The decision to ban handtrolling in the FCZ as a biological decision is ludicrous at best. The same logic applies to all other decisions and regulations that apply to handtroll only. The decision to protect the salmon stocks has to be equally bore by all of those who fish in the problem areas.

The salmon stocks are unique in the sense that they belong to no one yet everone. As a common property resource they must be equally shared by ALL user groups. The board of Fisheries, in their dubious wisdom, decreed that the handtroll fishery will harvest only 20% of the total troll catch of the Coho catch. Again, how do you own a common property resource? As the handtroll fishery was not under the Limited Entry System and the other fisheries were, there appeared a need to curtail the growth of the handtroll fishery. The Board of Fisheries used "time and area" closures as their management tool when the problem actually belonged to the Commercial Fisheries Entry Commission. I would offer this anology. "As you go into your living room, you find that your children are playing with the T.V. set. They are turning the nobs and so on, but you are to busy and ignore the problem. This goes on for a while untill you go into your living room and find all of the neighborhood kids are there, playing with your T.V. set. When you are done screaming and shouting, all of the kids now have their back pockets up around their ears. Who is at fault? You or the kids?" The same rational applies to the handtroll fishery. The handtroll fishery has done no more than they were allowed to do.

When the Board of Fisheries proposed the "two line only" limit on the handtroll fishery, the Southeast Handtroll Assoc. proposed a 4 sport pole-2 gurdy limitation that was adopted by the Board as regulation. The Southeast handtroll Assoc. proposed the 4 sport rod for a traditional sport rod fishery that exists in the inside waters of Southeast Alaska.

The Southeast Handtroll Assoc. accepted the 2-gurdy limitation for several reasons. The C.F.E.C. gave their presentation on the inclusion of the handtroll fishery in the Limited Entry System at the Fall Board Hearings. The C.F.E.C. proposed a high number of handtroll permits (2000-2400) with restricted capabilities. The restrictions were (1) vessel size (2) time-area closures (3) gear restrictions. A special panel created by the Board of Fisheries came up with a 2150 handtroll permit number and a restriction of gear. Namely a "2-line" limitation, which was ammended to a 4 sport rod- 2 gurdy limitation. (1) The Southeast Handtroll Assoc. accepted this limitation under the primus that the regulation was preparing the handtroll fishery for a smooth transitition into the Limited Entry System. (2) The 2-gurdy limitation is commensurate with the traditional handtroll fishery. (3) As the power troll fishery was limited to 4 "lines" south of Cape Spencer, the 2-gurdy limitation allows the two troll fleets a commonly desired approxemately equallity in the number of "lines" used in the commercial fishery.

For several years the high number of issued handtroll permits has caused alarm within the Board of Fisheries. It is neccessary to note here that there is a very high disparity between those permits issued and those that actually fished. In an effort to reduce that high number of issued handtroll permits, the Board of Fisheries apopted a regulation that prohibits sports fishing from a commercially licensed troll vessel. Again the regulation was politically motivated. It was done with the disreguard to the nature of the handtroll fishery As a case in point, I will use my vessel to illiatrate the point. I have a 24' Reinell rigged for handtroll. The vessel is a "sport" class of vessel. In essence, my wife owns ¼ of the vessel. She does not like to spend the long hours I spend commercially trolling. In a very real way, the vessel is worthless to her. With the regulation now in effect, she cannot spend a day or a weekend out just for the pleasure of jigging up a halibut, or a red snapper or anything associated with sports fishing. I, and many like me, enjoy taking out my friends or relitives for the pure pleasure of being able to take them fishing in Alaska. And what really galls me is that there is no biological basis for this asinine regulation. I was also informed by my insurance broker that as I cannot sports fish from my vessel, I must try to find commercial insurance as the company that endorsed my part time commercial fishing will no longer cover my vessel. I would reccomend the ammending of that regulation to read as follows. "Commercial licensed troll (hand or power) vessels may sports fish only in AREAS that are open to commercial fishing. They must abide by sportsfish regulations and have no commercailly caught fish (salmon or halibut) on board while engaged in sports fishing." This would allow multipule use of the vessel, and allow the commercial fisherman to again enjoy the Alaskan outdoors for the fun and love of it.

In conclusion, the Southeast handtroll Assoc. requests that you repeal all regulations that apply to handtroll only that do not have biological reasons behind them. 5AAC 33.310--5AAC 33.310 (b)(A)(B).

The Southeast Handtroll Assoc. requests that the 4 sport pole-2gurdy limitation on handtroll be left intact, as is. 5AAC 39.270 (A).

The Southeast Handtroll Assoc. requests that you repeal or ammend the ban on sportsfishing from a commercially licensed vessel. 5AAC 48.090.

As chairman I would like at this time to express my sincere appreciation for your willingness to get envolved with the handtroll issue. For to long the handtroller has felt like they were getting the short end of the stick just because they were the little guy. It is also my sincere hope that you recognize the problems that are faced with and can offer a solution to those unjust regulations that we as a fishery have been saddled with. Never has the handtroller been afraid to share in the responsibility for sound resource management. Never has the handtroller been afraid to share in the conservation of the salmon resource, so long as it is done across the board with all of the other fisheries. All regulations for conservation of the salmon resource must apply to hand and power troll as a single fishery because, you see, we really are a single fishery.

With Respect,

Bill Stokes
Chairman,
Southeast Handtroll Assoc.

March 12, 1980

Members of the Regulatory Review Committee:

My name is Alice Bartoo. I have a halibut longline permit and I crew for my husband when we fish gillnet, longline, crabpots, jigging machines, as well as handtrolling. I am secretary for the United Southeast Alaska Gillnetters.

Although our organization usually is working to have the Board of Fish review and change regulations, we now find ourselves depending their position and decisions. Jim Eaton and Greg Cook offered excellent testimony at your public hearing. The Board's decisions on handtrolling are based on extensive and exhaustive research and many, many hours of public hearings. It did not make their decision any easier; it only served to make them more aware of the fact that <u>any</u> decision would be unpopular. The Department of Fish and Game also presented evidence of the statistical decline of coho and increase of handtroll effort.

Three years ago, when Limited Entry was first seriously considered, handtrollers turned out in force at public hearings to cry, "Don't limit our numbers; just give us gear and area restrictions!" Last year, the number of permits was not restricted and there were time and area closures. The fish stocks still suffered because there was still too much gear in the water.

Now, this year a limit has been put on the permits; if you didn't have one last year, you don't get one this year. The limit in numbers of permits and area closures would only maintain the level of last year's effort. To decrease the handtroll take of fish, a gear restriction is necessary. All other gear types are restricted already.

There was much public testimony to the effect that a handtroller could not make a good living at it last year. This should tell them something:

There are not enough troll fish to be caught to support 2100 hand-trollers!

I urge you to consider the effort and testimony that has gone into the Fish Board's decision. While I am glad that any group can have final appeal with the legislature, I think it is important to be careful of undermining the effectiveness of any State Board.

Sincerely,

Alice Bartoo
Secty, U.S.A.C.
Box 847
Juneau, AK 99802

Attached please find 3 information sheets. I made the graphs from ADF&G statistics — P.S.

(11/14/79--SOURCE: ADF&G)

SOUTHEASTERN HAND AND POWER TROLL CATCH IN NUMBERS OF COHO SALMON, 1975-1979.
(1978 and 1979 data is preliminary)

	HAND TROLL					POWER TROLL				
District	1975	1976	1977	1978	1979	1975	1976	1977	1978	1979
101 1/	18,153	12,247	11,840	49,121	10,441	52,222	39,967	54,313	88,479	37,944
102	1,591	1,059	4,818	11,785	19,066	9,305	7,944	10,588	13,554	18,643
103	6,510	11,341	14,118	33,473	52,770	23,129	52,491	22,320	20,107	25,668
104 2/	530	192	1,197	424	2,302	29,283	14,020	17,854	50,943	63,951
105	526	1,853	52	9,702	9,583	8,502	6,853	1,512	6,163	5,279
106	2,735	4,568	3,773	12,552	5,932	4,944	7,402	3,965	5,874	3,155
107	379	530	598	3,991	383	557	1,501	1,880	1,559	233
108 2/	0	202	142	1,774	94	0	57	447	180	11
109	2,081	7,398	16,288	21,116	62,492	7,007	22,069	23,691	21,068	38,260
110	259	1,042	2,001	1,523	3,272	2,004	4,225	5,930	7,287	3,210
111 3/	3,679	7,092	11,271	14,089	981*	2,548	1,478	2,987	1,396	2
112 1/	50	3,737	16,317	33,408	8,249	43	2,347	4,839	4,917	987
113	1,293	13,326	13,086	37,753	32,374	12,677	120,136	64,322	233,495	100,392
114 1/	2,709	19,970	45,975	119,985	13,557	10,932	52,297	50,360	67,530	4,203
115 1/	0	213	3,888	3,097	367	0	1,598	6,318	1,296	152
116 1/	454	3,633	7,563	3,844	21	2,583	47,931	68,269	50,358	63,946
150	0	0	0	0	0	0	859	0	0	321
152 4/	0	0	0	9	2	16	32	0	695	79,190
154 4/	0	0	0	5,547	528	0	4,454	231	66,923	162,497
157	55	291	100	12	0	7,134	47,857	6,013	12,538	16,424
181 4/	0	0	1,999	14,628	316	120	117	1,811	26,929	2,227
183	10	39	668	3,995	4,638	140	193	554	1,455	24
186	0	0	0	602	3,286	0	0	0	163	25
189	0	0	0	100	0	0	160	2,778	21,748	9,510
TOTAL	41,014	88,733	155,694	382,530	230,654	173,146	435,988	351,114	704,657	636,254

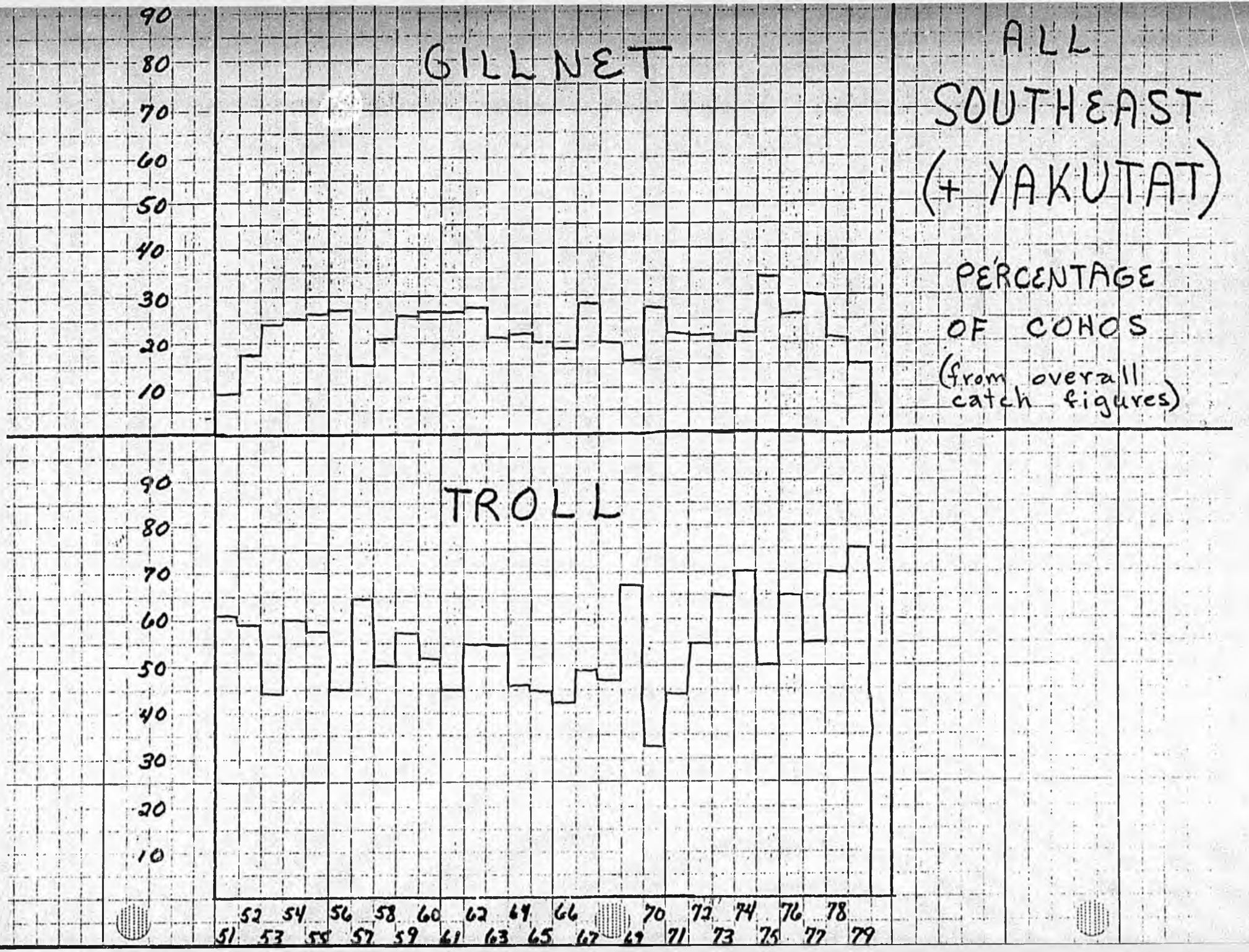
80318 gillnet

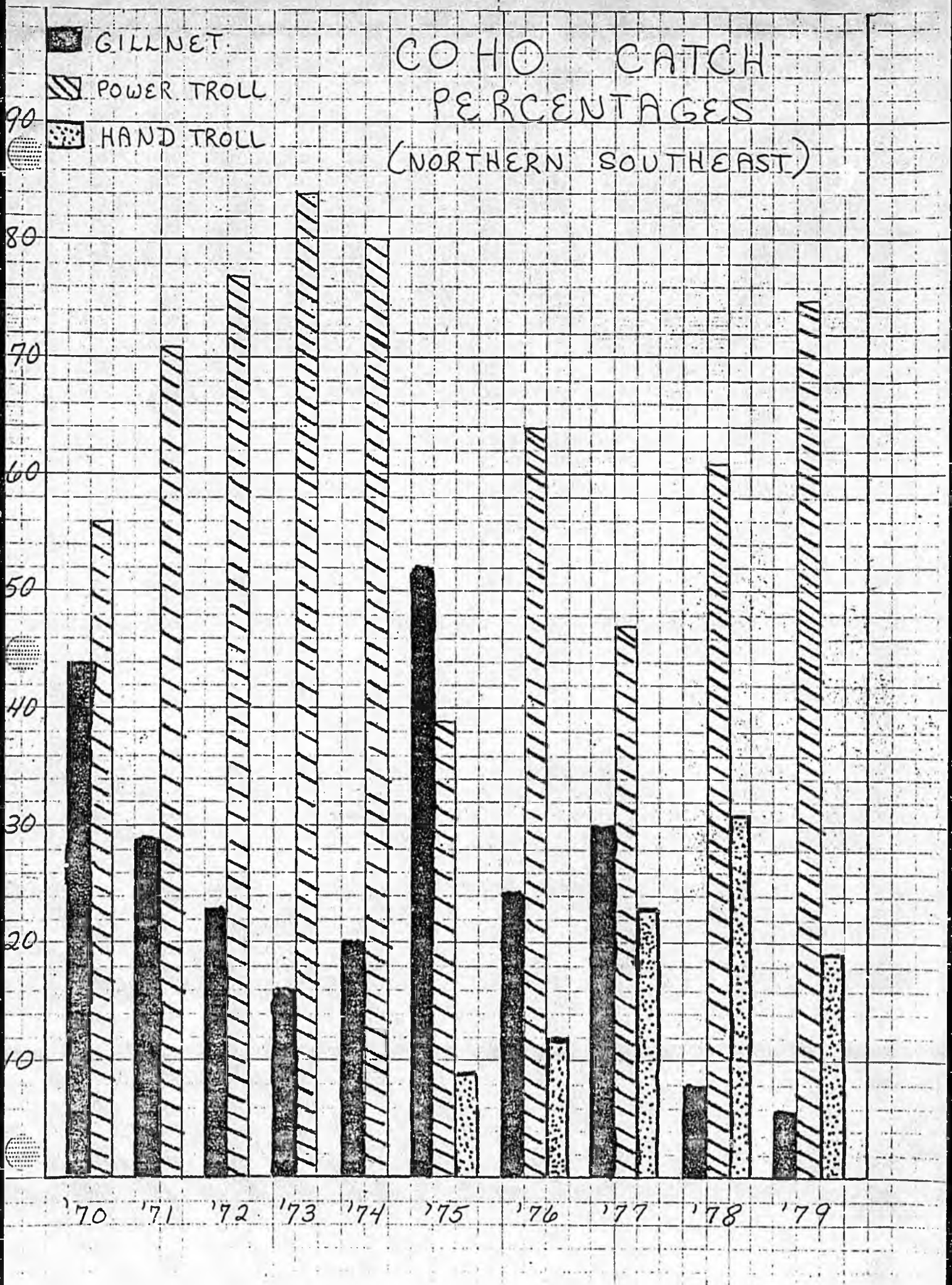
1/ These districts were subject to the 8-on/6-off closures during the 1979 season.

2/ During the 1979 season this district was open to trolling only during drift gill net openings.

3/ The hand troll catch in this district includes derby catch.

4/ Hand troll catch shown for 1978 and 1979 is probably in error since the outside coastline fishery has been closed to hand trolling.


GILLNET
TROLL
90
80
70
60
50
40
30
20
10
51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79
ALL SOUTHEAST (+ YAKUTAT)
PERCENTAGE OF COHOS
(from overall catch figures)


GILLNET
POWER TROLL
HAND TROLL
COHO CATCH PERCENTAGES
(NORTHERN SOUTHEAST)
90
80
70
60
50
40
30
20
10
'70
'71
'72
'73
'74
'75
'76
'77
'78
'79

March 10, 1980
Box 3077
Ketchikan, AK
99901

Administrative Regulation and Review Committee
Senator Don Bennett
Representative Oral Freeman
% State Capitol Building
Juneau, Alaska 99801

Members of the Committee

I have spent many hours trying to come up with some simple answers and proposals to present to the committee. I have failed to arrive at a comprehensive solution, but at least I can pass along my thoughts as to the nature and scope of the problems in hopes they may be helpful.

To protect the fishery as a "viable means of support" it must be limited in terms of permits issued. Basically, there are three categories of handtrollers:

1- Professional fishermen, "would be" powertrollers, legitimate businessman.
2- Subsistence fishermen, native villagers dependent on the fishery, residents of rural communities with limited economic alternatives.
3- Speculators, recreational users and abusers, those who abuse or take advantage of the fishery for tax purposes.

I believe that if an applicant for a permanent entry permit were required to show by means of tax returns a 25% income dependency on handtrolling for any one of the last four years (1976-1979) we would be looking at 1100 permits

instead of 2150. I don't think any legitimate handtrollers would object to this criteria, and the regulatory powers would no longer be faced with the idea of 2150 maximum effort gear units, which is their justification for the stringent, restrictive regulations.

It is unfortunate that we cannot have a wide open, unlimited fishery, but indeed we cannot, and those people who are dependent on the fishery for their livelihoods must be given the first and final consideration.

Although the data is 'weak' and inadequate, no one disputes the fact that some of our salmon stocks are in need of additional protection in the form of reduction of harvest levels. Handtrollers are simply insisting that ALL GEAR TYPES SHARE EQUALLY in this responsibility and this has not been the case!!

Perhaps if handtrollers had some representation things would be different, but there are no handtrollers on the Board of Fisheries. M. Beaton testified that the handtroll regulations were based in part on the recommendations of local advisory boards. I would like to point out that a powertroller by the name of Ed Linkous virtually controls the Ketchikan Advisory Board and this man is almost totally responsible for the outside closure to handtrollers and God knows what else.

I would like to thank the committee for hearing our grievances and trust that the decisions made will be fair to all. Our future.

our business, our dreams of sustaining a living in the fishing industry, now appear to rest in your hands.

Sincerely,
The Wells family

Box 3077
Ketchikan, AK
99901

AIR MAIL
SPECIAL DELIVERY



Administrative Legislation and Review Committee
Senator Don Bennett
Representative Oral Freeman
% State Capital Bldg.
Juneau, AK
99801

AIR MAIL
SPECIAL DELIVERY

Doug Hergert
Box 1616
Wrangell, Alaska

Dear Sir,

I've been hand trolling now for about six years for a living. I'm not making a ting rich at it, but I take a certain amount of pride in my work and give a quality product.

This deal about having two sport poles off the back of the boat with two gurdies is a joke. If you got a salmon on the sport pole he would just get tangelled in your gurdie lines. If they cut hand trolling back to two lines I figure thats going to cut off at least 40% of my fish. So much for making a living at it.

I still have faith in the government as most do, but I think the the people should have a little say in there future rather than be dictated to.

The amount of pressure the hand troll fleet has put on the fisheries is blown completely out of proportion. What about the foreign fishing fleets off our shores.

They deal in Hundreds of metric tons. At least the people that live here and fish here are contributing to the economy of On the subject of the permits going back to the state, I'm totally against this. A fisherman pays good money for that license and anyone that fishes four lines knows you work for your fish. Anybody who has been in the business awhile deserves to do what he wants to with that permit. At least be able to give it to a son or daughter who like to fish too.

You are right about government growth. I agree, but this is just another example of it. I do hope you reconsider on a few of these things. I know quite a few fisherman would have a lot of faith restored back in the system that is actually good.

Doug Hergert

DEC. 19, 1978

IN THE BOARD'S CONSIDERATION OF THE HAND TROLL FISHERY, WE, REPRESENTING THE PROFESSIONAL HANDTROLLERS FROM COMMUNITIES THROUGHOUT SOUTHEAST ALASKA, REQUEST THE BOARD TO GIVE PRIME CONSIDERATION TO OUR ECONOMIC DEPENDENCE ON HANDTROLLING, SUCH AS RESIDENCE IN A TOWN OF A SIZE WITH LITTLE OR NO ALTERNATIVE OPPORTUNITIES FOR INCOME, AND PER CENT OF INCOME DERIVED FROM HAND TROLLING. WE ALSO ASK THAT YOU CONSIDER SUCH MANAGEMENT AS WILL PROVIDE FOR A CONTINUING, VIABLE, COMMERCIAL FISHERY, OPEN TO ENTRY BY OUR CHILDREN, WITH SOME SYSTEM OF NON-MONETARY TRANSFER OF PERMITS.

WE WILL NOT SUPPORT REGULATION WHICH SPECIFICALLY DISCRIMINATES AGAINST HANDTROLLERS AS OPPOSED TO POWERTROLLERS.

ANGOON: CHARLIE JIM, SR.
DENNIS EAMES
ANDREA EAMES

CRAIG: ROBERT FULTON

HOONAH: ARCHIE BROWN, SR.
ALBERT DICK

PORT ALEXANDER: JOHN BADER

POINT BAKER: TOM JACOBSON

PORT PROTECTION: HOWARD PENDELL

SITKA: ALFRED PERKINS

YAKUTAT: BOB ANDERSON
HANK PORTER

TLINGET-HAIDA CENTRAL COUNCIL AND SEALASKA CORP.: GIL GUNDERSON

Point Baker Hand Trollers Assn.
Point Baker, Alaska 99927

Commercial Fisheries
Entry Commission
Pouch KB
Juneau, Alaska 99811

31 January, 1980

Dear Sirs:

The Point Baker Hand Trollers have read your Hand Troll presentation to the Board of Fisheries which you presented in Anchorage last month and offer the following comments and proposal in response.

We are deeply disturbed by your plan to force even more restrictive regulation on Alaskan Hand Trollers instead of reducing the number of permits. As you know, in the seventy some year history of Alaskan Salmon Trolling all trollers have been regulated equally up until eighteen months ago when hand trollers were expelled from the Coastal Fishing Zone. It was in anticipation of this first discriminatory troll closure and the ones that followed that promted the Point Baker Hand Trollers Association to push for limited entry with the understanding from the Board of Fisheries that these interim closures would then be lifted and the troll fishery would again be managed as one. Instead the Commission has opted for an unrealistically high number of permits and now suggests further regulation to reduce our efficiency. The majority of the testimony at the Commission's public hearings which supported such action came from part-timers and urban recreationalists who do not stand to loose their sole means of income as full-time trollers in Point Baker stand to loose.

The Commission seems to have taken in account the situation of everyone but the true fisherman, that is the full-time professional hand troller. "It is definitely not our intention to purposefully single out those individuals as the culprits of the hand troll fishery." You say concerning the more efficient professional hand trollers. "We would hope that through discussions among the Board, the Commission and other interested parties that a mechanism might be developed to 'Grandfather' those operations that have established themselves as models of the efficient hand troller." Although we disagree entirely with your plan to make hand trolling a relatively inefficient, highly regulated, "entry level" fishery, we feel your proposal to "Grandfather" professional hand troll operations is absolutely essential should your vision of the future hand troll fishery be followed.

To this end we propose that the 600 most economically dependent hand trollers be granted non-transferable "Grandfather Rights" to continue hand trolling as they did prior to June 1978, (on the same basis as power trollers.) The Board of Fisheries has already said that 600 hand trollers could readily be regulated on the same basis as power trollers, even considering potential increases in hand troll

efficiency. Considering that such "Grandfather Rights" would not be transferred with the transfer of the hand troll permit, the relatively efficient operations would steadily decline. Further investment in a dead-end mode of fishing among the "Grandfathered Hand Trollers" would have little incentive, as a well equipped four-line outside hand troller will have no future buyers. Remember, too, that many of these "Grandfathered Hand Trollers" have already achieved the maximun practical level of efficiency manageable with hand-cranked gear. Therefore, overall efficiency and effort of the "Grandfathered Hand Trollers" can be expected to drop steadily as people move out of the fishery, eventually phasing themselves out altogether.

The Point Baker Hand Trollers Association recommends that elgibility for "Grandfather Rights" be weighed on the following criteria:

1. Per cent of income derived from hand trolling in each year, 1975-1979.
2. Availability of alternative employment in place of residence, (size of community.)
3. Current and past participation, 1975-1980.

In rural communities like Point Baker and Port Protection where many families are totally dependent on hand trolling with no alternatives available, poverty, increased public assistance and dislocation of heads of family will be unavoidable if your vision of the future hand troll fishery comes to pass without at least providing the "Grandfather Rights" you suggest to establish full-time trollers.

Sincerely,

Tom Jacobson

Tom Jacobson, Hand Troller
Point Baker Hand Trollers Assn.

OUTSIDE WATERS DATA

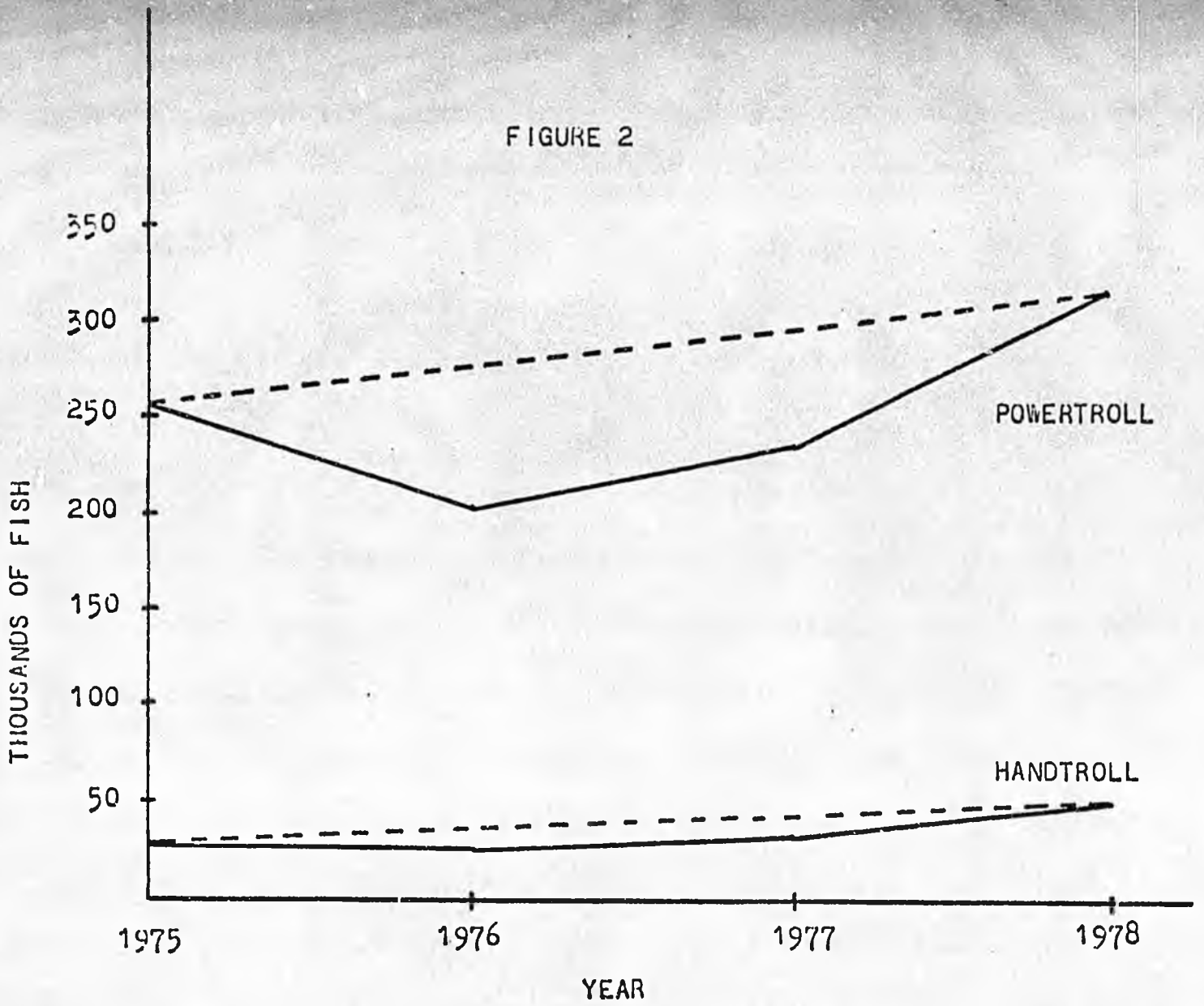
USING DISTRICTS 104, 113, 116, 152, 154, 157

NOTE: THESE FIGURES USE DISTRICT 113 WHICH INCLUDES A SUBSTANTIAL AMOUNT OF INSIDE WATERS SUCH AS SITKA SOUND, SALISBURY SOUND, ETC. THEREFORE THEY WILL TEND TO SHOW A LARGER AMOUNT OF FISH CAUGHT BY HANDTROLLERS IN OUTSIDE WATERS THAN WAS ACTUALLY THE CASE, SO ALL PERCENTAGES MAY BE CONSIDERED TO BE MAXIMUM PERCENTAGES.

COHOS:	1975	1976	1977	1978
NUMBER FISH TAKEN BY:				
POWERTROLLERS	51,693	234,330	156,689	414,257
HANDTROLLERS	2,332	17,442	21,946	47,580
TOTAL TROLL	54,025	251,772	178,635	461,837
% OUTSIDE TROLL FISH TAKEN BY HANDTROLLERS	4.3%	6.9%	12.3%	10.3%
AVERAGE OVER FOUR YEARS	8%			
TOTAL TROLL CATCH OF COHOS FOR SOUTHEAST	214,160	524,721	506,808	1,087,137
% SOUTHEAST TROLL COHOS TAKEN BY HANDTROLLERS IN OUTSIDE WATERS	1.1%	3.3%	4.3%	4.4%
AVERAGE OVER FOUR YEARS		3.3% !!		

KINGS:	1975	1976	1977	1978
NUMBER FISH TAKEN BY:				
POWERTROLLERS	154,331	100,741	157,237	236,863
HANDTROLLERS	5,769	4,563	10,098	16,274
TOTAL TROLL	160,100	105,304	167,335	253,137
% OUTSIDE TROLL FISH TAKEN BY HANDTROLLERS	3.6%	4.3%	6.0%	6.4%
TOTAL TROLL CATCH OF KINGS FOR SOUTHEAST	287,337	231,188	271,758	371,328
% SOUTHEAST TROLL KINGS TAKEN BY HANDTROLLERS IN OUTSIDE WATERS	2.0%	2.0%	3.7%	4.4%
AVERAGE OVER FOUR YEARS		3.0% !!		

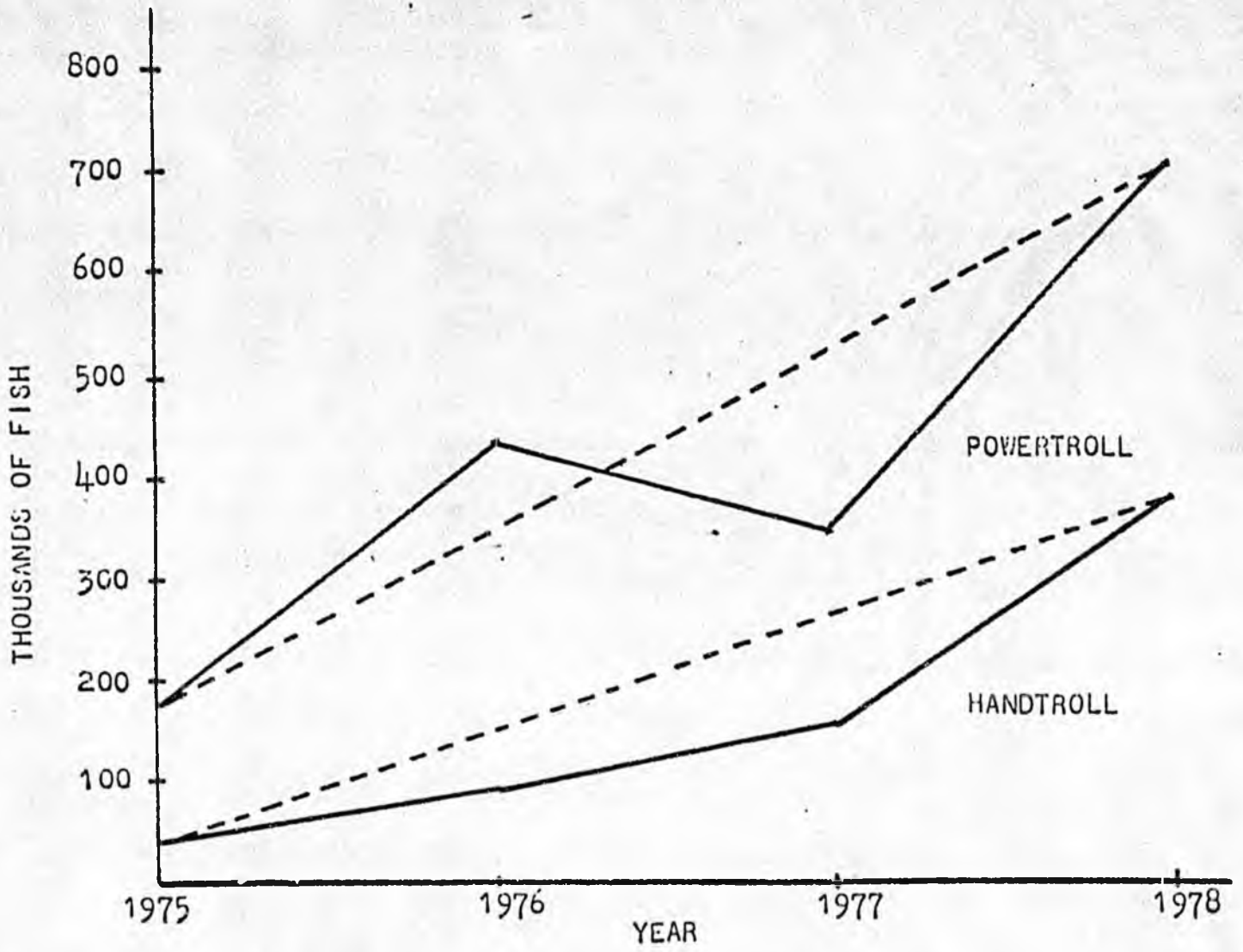
FIGURE 2



SOUTHEASTERN TROLL CATCH OF KING SALMON BY GEAR TYPE

EXPRESSED IN TOTAL CATCH

FIGURE 1



SOUTHEASTERN CATCH OF COHO SALMON BY GEAR TYPE

EXPRESSED IN TOTAL CATCH

The Point Baker Hand Trollers Association has examined the draft of the 1980 troll plan. We present here a review of the plan's text, particularly in its relation to hand trolling, comments on the plan's methodology, and finally, specific recommendations as to changes in text.

INTRODUCTION

The Point Baker Hand Trollers Association believes that the troll fishery should be managed as one fishery. The notion that trollers who are permitted to retrieve their gear with power deserve preferential regulatory treatment over trollers who retrieve their gear by hand was championed by the power troll lobby. The first discriminatory troll regulation, the closure of coastal waters to hand trollers only, was enacted in June, 1978. Never before in the long history of the troll fishery had such regulatory discrimination been made. Prior to June, 1978, regulations on trolling have always been born equally by all trollers, regardless of the manner in which they retrieve the gear. Further troll closures were made in 1979 for certain inside areas and the FCZ, and again power trollers received special exemption. Forcing those trollers who have had the least impact on the resource to accept closures, in the name of conservation, while allowing those trollers who have had the greatest impact on the resourse to fish unrestricted, is plain nonsense and totally baffling to any non-bureaucratic mind.

POWER AND HAND TROLL: SIMILARITIES AND DIFFERENCES

The notion, as stated in the plan, that "hand trollers and power trollers are two groups of fishermen who do not use essentially the same type of gear," is false. The gear is exactly the same, from hook to gaff hook. The only difference is the kind of power used to retrieve the gear, muscle or mechanical. Even the gurdies themselves are often identical, the only difference being either a handcrank or mechanical coupling on the end of the gurdy shaft. Hooks, spoons, plugs, leader, wire line, poles, rigging, blocks, and all the miscellaneous hardware commonly known as troll gear is exactly the same identical gear, regardless of the source of power used to retrieve it. Many former power troll boats are today hand troll boats with the simple addition of a crank to the gurdies. The extreme difficulty of telling one boat from another was demonstrated by this year's new regulation requiring identifying markings on all trollers so that law enforcement personnel could tell the hand trollers from the power trollers. Both hand and power trollers are found fishing side by side, fishing in the same method, following the same strategies, and fishing for the same fish. Distinctions between these two groups of trollers are completely insignificant compared to differences between other gear types such as purse seine, gillnet, longline, trawl, etc., where the actual gear and hardware, fishing methods, strategies, vessel design, and target species are unique to each fishery. To attempt to regulate and allocate among trollers is not the same thing as to

regulate and allocate between, say, seiners and gellnetters. On the other hand, this is not to say that power trolling and hand trolling areequally effective. Although the gear itself is identical, the use of mechanical power allows the gear to be "run" faster, deeper, and more frequently than the average set of muscles generally allows. This can make the use of the same gear much more effective. An analogy may be made to the use of the power block in purse seining, making the use of the same gear(in this case a net)more effective than without a power block. But the seiner who uses a power block does not become a different gear type by virtue of such use.

The arguments presented as justification for treating trollers as two distinct gear types on page 21 of the draft plan are embarrassingly contrived. We respond to them in the order presented:

A. The fact that the Commercial Fisheries Entry Commission chose not to include hand trolling under a limited entry program at the same time as power trolling does not necessarily make it a separate gear type. The CFEC is now, in fact, in the process of including the hand powered portion of the troll fishery under limited entry as well.

B. The definitions used by the state to describe hand trolling and power trolling are only several years old and have been changed a number of times. Still, the line of distinction remains drawn strictly on the type of power used to retrieve the gear, muscle vs. mechanical.

C. Sport rods are rarely used by handtrollers, but being hand powered, remain legal. They can also be used by power trollers, though rarely are. They form no basis of distinction between commercial trollers.

D. The fact that recent regulations have been made which, in their application, discriminate between trollers, does not make the two groups essentially different gear types. Laws that prohibited persons with black skin from sitting in the front of the bus did not make them essentially different types of persons, in spite of what was claimed at the time by those state law makers who made such distinctions.

E. Regulations of jigging machines are the same for power trollers, hand trollers and non-trollers. No distinction in gear types is made, as implied in the draft plan. The statement that "distinct and differential treatment between these two user groups is and will continue to be a significant aspect of managing the resource," is highly presumptuous. Hand trolling has been conducted in Southeast Alaska for nearly 75 years. Power trolling, as we now call it, has been around some 50 years. Preferential regulatory treatment for power trollers is 18 months old. These recent closures on hand trollers only were primarily adopted to "control expansion of an unrestricted fishery" in lieu of any existing limited entry program. Now, with the advent of limited entry for hand trolling, it can be expected that these interim closures will be re-evaluated. Furthermore, the impact of these closures on the social environment as well as the resource has yet to be examined. Such examination may lead to the discontinuance of differential treat-

ment among trollers, regardless of limited entry. It is unlikely that the Board of Fisheries will wish to remain locked in to an unsuccessful management strategy, as is suggested by the statement in the draft plan.

On page 23 of the draft plan appears the statement, "A detailed analysis of each fleet's effort--expressed by criteria such as vessel characteristics(seaworthiness, hold capacity, range, electronics, etc.) ...should show that a 'typical' hand troller is significantly different from a 'typical' power troller." Saying that the "typical hand troller" is significantly different from the "typical power troller" is no justification for treating trollers as though they were two different gear types, but rather is a crude generalization of the difference in socio-economic status of the two groupings of trollers. Historically, hand trollers have mainly been those trollers not able to afford the cost of powered gurdies. Today, with power troll permits selling in excess of $30,000, the socio-economic distinction between trollers continues. Hand trollers are now those trollers who can not afford $30,000 for the luxury of powered gurdies. Likewise, the "typical hand troller" cannot afford a boat of the size and capability of the "typical power troller." However, these socio-economic differences in no way justify regulatory discrimination against the relatively economically disadvantaged group of trollers. The "typical hand troller," in spite of his sesser capability of effort, should have just as much right of access to the fishing grounds as the "typical power troller." The notion that the right to fish of hand trollers is somehow more expendible than that of a power troller is one hand trollers, as Americans, can not accept. Hand trollers have a right to equal treatment under the law. As has been shown, differential regulatory treatment of trollers derives from distinctions that have no reasonable basis and are largely arbitrary in application.

HAND TROLL CLOSURES, THE FCZ, AND LIMITED ENTRY

As stated before, the Point Baker Hand Trollers Association believes trolling must be regulated as one fishery. Therefore, hand trolling in the FCZ should be allowed on the same basis as power trolling. Beginning on page 23 of the draft plan, possible consequences of continuation of the present policy are listed, to which the following comments are addressed:

1. Leaving the FCZ open to hand trollers will in no way obstruct the state's efforts to control expansion of the troll fishery, as claimed in the draft plan. All the traditional management tools(limitation of vessel days, quotas, gear restriction, etc.)will remain as options for controlling effort in the troll fishery. Closing the area to hand trollers only merely deprives a small number of people of a portion of their traditional livelihood, forcing their efforts into the more biologically sensitive inside areas. Their impact on the FCZ fishery, as pointed out in the draft plan, is insignificant. As the state is now including the hand powered portion of the troll fishery under limited entry, reducing the fleet to near 1975 levels, the potential for unrestricted growth in this portion of of the fishery is no longer possible. Furthermore, federal

limited entry for hand trollers in the FCZ remains a viable option.

2. Significant expansion of the power troll effort, in the past five years, has occurred in the FCZ, while hand troll effort has remained insignificant in the FCZ, as is stated in the draft plan. Allowing this admittedly insignificant participation to continue in the FCZ, in the face of the expanding power troll effort in the FCZ, should therefore have no effect on West Coast U.S.-Canada negotiations in regard to the issue of not allowing significant expansion of the intercepting fisheries. The statement in the draft plan that "The efforts of Alaska to limit the potential expansion of the hand troll effort in its coastal and offshore intercepting fishery have been favorably received by representatives of all parties involved," is insulting to hand trollers, as they are the only party directly affected, and very detrimentally, and whose opinion was never even considered.
3. The "difficult enforcement sityation" that now exists will be eliminated when trollers are treated equally under the law. Specifically, these enforcement difficulties offshore will be eliminated when the recent ban on hand trollers in coastal waters is eliminated. With the advent of limited entry for hand trolling, the future of this and other discriminatory closures is in doubt. in Appendix F, "Power Troll--Hand Troll Interactions," it is stated that "present regulations concerning power troll-hand troll interactions should be viewed as <u>interim measures</u>. Restrictions on the further expansion of the number of hand troll units and reduction of that number through an acceptable limited entry system should receive priority." The closure, by the Board of Fisheries of the coastal waters to hand trollers was based on the absence of a limited entry program at that time. The CFEC now intends to limit 1980 permits to those who fished in 1978 or earlier, and by 1981 permanently limit permits to near 1975 levels. Therefore, future enforcement problems would likely increase if hand trollers are banned from the FCZ.
4. As stated here in the draft plan "The small number of operators that did occasionally fish offshore caught an insignificant portion of the total troll fishery harvest." There is no evidence to indicate any significant increase in effort by hand trollers in the FCZ. The threat of "a major increase in offshore troll effort...within a few years" if hand trollers are not banned, is prue speculation and is not born out by any statistics. On the other hand, a substantial increase in power troll effort <u>has</u> been documented and it is logical to assume that increased effort in the future will continue to come largely from <u>this</u> group, not from trollers using hand power. To ignore the real source of increased FCZ harvest, namely increased power troll effort, and use the admittedly insignificant harvest by hand trollers as a scapegoat, is disgraceful not only to efforts to save the resource, but on the basis of ordinary fairness.

5. The Point Baker Hand Trollers Association is well aware of the plight of many salmon stocks and encourages whatever limitation on effort that is required to protect and rebuild runs, so long as such restrictions are born equally by all trollers and not exclusively by those who use hand power. To exclude hand trollers from participating in the FCZ while allowing power trollers, also negates National Standards of the FCMA, namely, "to allocate fairly" and "to allow for variations in fishery."
6. Hand trollers should be allowed to fish in the FCZ in the same manner as power trollers have been allowed--currently meaning, under a system of limited entry, be it state or federal. As state limited entry for hand trolling is now being formulated, continuing the current system, for the interim, may be the most practical course. Still, a federal limited entry system would be preferable to denying individuals access to their traditional fishing grounds. In fact, on page 42 of the draft plan it plainly states that "...limited entry is less socially and economically disruptive than alternative management measures designed to restrict trolling in the FCZ."

The draft plan goes on to state that "each change in the fishing pattern of an Alaskan salmon fishing fleet necessitated by new restrictions has secondary impacts on numerous rural communities. The Alaska Board of Fisheries tries to minimize these secondary impacts, but to allow further increases of trolling effort offshore will only speed the closure of more inside areas and could force a major disruption of existing fisheries and the communities which they support." The facts have proven that just the opposite happens. Forcing hand trollers to abandon outside waters has hastened, not minimized, impacts on rural communities. To take one example from the 1979 season, the closure of outside waters to hand trollers had the following impact on our community, Point Baker, located inside Area 6:

1. Local hand trollers who normally rely heavily on outside areas for their livelihood were forced to concentrate efforts on the less profitable and more biologically sensitive inside areas. This resulted in substantial loss of potential personal income and increased pressure on depleted local salmon stocks.
2. This fleet(displaced by the outside closures) plus a large Ketchikan fleet(displaced by Area 1 closures on hand trollers only)plus the usual Point Baker "homeguard" concentrated to create an unusually intense and competitive effort in our area. Boats and litter clogged our harbor. Local fuel and other supplies were exhausted. Local fishermen caught a smaller proportion of an already small catch.
3. Due to the scarcity of fish and unusually high levels of effort, Area 6 was finally closed to trolling altogether.

Forcing hand troll effort from outside to inside waters has negative impacts on individual fishermen, rural communities, and most certainly on the resource.

Closure of the coastal fishing zone to hand trollers was implemented before the CFEC had begun action on limited entry for hand trollers. Not being under limited entry, the increase in the number of hand troll

permits annually issued was given as the primary reason for closures to hand trollers only. Under the CFEC's timetable, a moratorium on new permits will be in effect for the 1980 season, limiting participation to those who fished prior to 1979. By 1981, the number of permits should be permanently reduced to near 1975 levels, the year limited entry was enacted on power trolling. Therefore, entry into the hand troll fishery is no longer unrestricted and the basic premise, on which closures to hand trollers were enacted, is no longer valid. Thus, with the advent of limited entry for hand trolling, the coastal waters as well as the FCZ and other areas should be open or closed to all trollers on an equal basis.

It should also be remembered that the increase in numbers of hand troll permits that occurred during the years 1975-1978 was due primarily to urban recreational fishing and permit speculation, not trollers who customarily fish the outside waters. For example, here in Point Baker, the number of hand troll permits fished in 1975 was 48. In 1978 there were 49. In Juneau in 1975 there were 205 hand troll permits and in 1978, 784 permits were fished(CFEC records). In effect, Point Baker hand trollers, who rely entirely on fishing for a living and have not increased in number, were excluded from their usual outside grounds as a result of an increase in the purchase of permits by predominately urban non-fishermen who do not rely on these waters for a living. In the proposed draft of the plan which preceded this one, one of the policie stated for directing management objectives was to "Stabilize the hand troll portion of the troll harvest with preference to rural and economically dependent trollers." We feel the deletion of this policy from the present draft of the plan is a very serious mistake. Regulations effecting hand trollers have enormous impact on rural communities like Point Baker, far beyond that felt by urban recreationalists. Management policy must be shaped with this greater socio-economic impadt on rural and economically dependent trollers in mind. We would like to see this policy reinstated in the final plan.

METHODOLOGY AND ENVIRONMENTAL IMPACT

The Point Baker Hand Trollers Association agrees with Sea Grant Advisory Specialist, Zach Lea, when he wrote in an article in the 1977 Yearbook Issue of National Fisherman, entitled "Successful Fisheries Management Needs 'People Input,'" that "...too much of current fishery management science is aimed at finding the best allocation package for a resource rather than showing the effects of alternative packages on the resource and the people using it. Scientists are going too far beyond their proper bounds when they dictate the best solution to resource allocation problems." These words should be kept in mind when drafting a troll plan, particularly in regard to hand trolling. Clearly, eliminating trollers who use hand power from their accustomed fishing grounds will have effects on these users of the resource. In the 230+ pages of this draft plan, no study or even mention of such effects is made. In fact, no impacts on the social environment at any level have really been examined in this draft plan. The only alternative management packages presented in the draft plan are in relation to limited entry for power trollers in the FCZ, and here the stated advantages and disadvantages of the various alternatives relate only to the relative ease

of administration and enforcement rather than social impacts or resource impact. In relation to hand trollers, no alternatives are presented and no studies of social impacts have been considered.

Although at the bottom of the list of research recommendations mention in the draft plan is made that"Information is also needed on the potential consequences of alternative management strategies, particularly from a socio-economic perspective," it would seem that such information is absolutely prerequisite to the drafting of any plan that has such broad and drastic social effects. Anthropologists and sociologists are certainly needed to provide the social science research to put the already extensive biological science research into the proper perspective to form sound management policy. Particularly with regard to the dependence on hand trolling in rural Alaska, many questions need to be asked which go beyond the realm of the biological sciences. For example, what is the actual monetary cost to individual communities of hand troll closures? What is the cultural cost, particularly in Native communities? How does hand troll catch relate to public assistance roles, food stamp requests, unemployment, and other costs to society? What are the cultural costs to our society when "the big guys squeeze out the little guys," when small independent businessmen must leave their home communities to become wage earners or become welfare recipients? We wonder if fishery managers realize the gravity their decisions have on the lives of many rural Alaskans. There is nothing in this draft plan to indicate so.

Clearly, the loss of our salmon resource would have the most far reaching social impact of all. The Point Baker Hand Trollers Association is totally supportive of all meaningful regulations and laws to conserve the resource. All we ask for is equal treatment under such laws. Regulations to limit troll effort must be applied equally to all trollers.

SPECIFIC RECOMMENDATIONS FOR TEXT REVISION

Pages 20-26

Eliminate Regulatory Recommendation 1 and associated discussion. Substitute:

1. The troll fishery shall be regulated as one fishery. Existing regulations which apply only to the hand troll portion of the fishery shall be eliminated. This will:
    1. Provide equal treatment under the law. Trollers use the same type of gear regardless of whether it is retrieved manually or mechanically. To regulate differently is to give preferential treatment under the law to one group, where the distinction between groups is largely arbitrary and has no reasonable basis.
    2. Provide for fair allocation. The National Standards of the FCMA require management "to allocate fairly." Regulating trollers equally will ensure that conservation measures are born equally by all trollers, rather than effectively allocating fish to one group exclusively.
    3. Allow for variantions in fishery. The National

Standards of the FCMA require management "to allow for variations is fishery." Eliminating only hand or power trollers from an area would not be allowing for variantions in fishery.

4. Simplify management. Developing one set of regulations for the troll fishery instead of two inter-dependent and often conflicting sets of regulations will greatly simplify management.
5. Simplify enforcement. Conflicting and controversial regulation will be eliminated. The same rules will apply to all trollers. The need for identification of vessels as to gear retrieval method will be eliminated.
6. Minimize costs. Simplification of enforcement and management will minimize costs, one of the requirements of the National Standards of the FCMA.
7. Prevent disruption of established social, economic, and family structures. Regulation aimed exclusively at hand trollers has far reaching social impact, particularly in rural Alaska, where dependency on this mode of trolling is often total. Depriving individuals significant portions of their income when their income is already relatively meager and when no alternatives for income are available will be avoided. Dislocation of heads of family to find work unavailable at home will be avoided. The continuation of small-time capitalism will be allowed; the continuation of cultural values associalted with fishing will be allowed.
8. Provide for conservation. The application of all management tools will continue to be possible. The options of quota, vessel day limitation, area closures, etc., will remain viable. However, all trollers will be equally effected by any such limitation: not just one class of trollers.
9. Be consistent with historical regualtion of the troll fishery. In the 75 year history of Alaska trolling, no regulatory preference has ever been given to trollers who use power to retrieve their gear over trollers who use their muscles, the past 18 months excepted.
10. Recognize the fact that hand trolling is no longer an "open fishery." The recent hand troll closures were based on the fact that hand trolling was unrestricted in potential growth because it was not yet included under limited entry. This is no longer the situation. The CFEC intends to have a moratorium in effect for the 1980 season, limiting entry to those who fished prior to 1979, and by the 1981 season, to have permanently reduced the number of permits to near 1975 levels, the year limited entry was applied to power trolling.

Page 10. Paragraph 2:
Line 6: Change "efficient" to "effective."
Line 7: Sentence beginning "However..," change to: Hand troll vessels usually operate at less expense than power troll vessels and, because of lesser vessel capabilities, less need to recapture capital investments in permits and large vessels, or closure of more profitable areas to hand trolling, may fish in areas that power trollers cannot profitably fish.
(This more realistically describes the actual situation.)
Line 9: Delete the word "further."
Line 11: Delete the word "therefore."

Page 13, Item 2: Change to: Management strategies that lead to disruptions of established social and economic structures are undesirable.
(In keeping with the previous draft.)

Page 14, Item 4: Change to: The existing CFEC power troll limited entry system is well established and stabilization of the hand troll portion of the troll harvest has begun by CFEC, with preference to rural and economically dependent trollers.
(In keeping with previous draft.)

Page 18, Line 5: Delete: "And, if necessary, regulations."
(An effective program is one which precludes need for separate regulation. Redundant.)

Submitted by:
Tom Jacobson, hand troller
Point Baker Hand Trollers Association

October 17, 1979.

Point Baker Hand Trollers Assn.
Point Baker, Alaska 99927

October 10, 1979

Commercial Fisheries Entry Commission
Pouch KB
Juneau, Alaska 99811

Dear Sirs:

The Point Baker Hand Trollers Association would like the following comments considered as part of your public hearing concerning the inclusion of Hand Trollers under limited entry. We limit our remarks at this time to the appropriateness of limited entry for the hand troll fishery, the proposed number of Permits, and potential inequities under a limited system.

For nearly two years the Point Baker Hand Trollers have publicly supported limited entry for the hand troll portion of the troll fishery. On January 22, 1978, we sent the Commercial Fisheries Entry Commission, the Board of Fisheries, and the Department of Fish and Game, a petition, signed by over 95% of all residents of Point Baker and Port Protection, in support of limited entry for hand trollers. In the letter accompanying the petition and proposal for limited entry we said:

> "The following proposal [for limited entry] is being made by full-time Hand Trollers living in Point Baker, Port Protection, and other small fishing villages. We are not recreational fishermen, but a diverse group of commercial trollers ranging from skiff-fishermen, content with near subsistence incomes, to former power trollers who were denied permits under limited entry. What we have in common is our overall dependence on commercial hand trolling for our livelihood, there being no alternative sources of income, practically available, where we live. Therefore, proposed changes in the hand troll fishery have total bearing on our futures, that of our families, and our communities."

Since then, our fears for the future of our fishery have proven justified. Later that year the Coastal Fishing Zone,

our most productive troll area, was closed to hand trollers, while remaining open to power gear and purse seines. The following year all of districts 1 and 14, and portions of districts 11, 12, and 15 were closed to hand trollers only, for 43% of the time. Every year recreational users of hand troll permits in the urban areas propose gear limitations that would destroy economically dependent hand trollers. Power troll and gillnet organizations then support the restrictions as a way to thwart what they perceive as a potential threat to "their" salmon resource by an "unlimited fishery."

Since 1978, the Board of Fisheries has repeatedly taken the stance that unless the growth potential of the hand troll portion of the troll fishery is limited, more and more restrictive regulations can be expected. For those of us completely dependent on trolling for our livelihood, with no alternatives available where we live, further restrictions applied exclusively to hand troll gear are totally unacceptable. Compared to others, our incomes are already meager. In Southeast Alaska's rural communities more public assistance and dislocation of families can be the only result if the hand powered portion of the troll fishery is not given the same protection of limited entry as every other commercial salmon fishery.

Our criteria for determination of the number of permits would be as follows:

1. That the number of permits be large enough so that all fishermen economically dependent on hand trolling can receive permits.

2. That the number of permits be small enough so that the Board of Fisheries cannot justify regulating the hand powered portion of the troll fishery more restrictively than those trollers allowed to use power.

One thousand one hundred (1,100) permits appears to be a very reasonable number, realizing, of course, that we do not have access to statistics on income dependence, location of residence, etc.

The Point Baker Hand Trollers Association has certain reservations concerning potential inequities under limited entry. While we emphasize that we would not want these concerns to

in any way threaten the inclusion of hand trolling under limited entry as soon as possible, they need to be addressed at some point in the future. They are:

1. Any point system developed must give much more consideration to economic dependence than has been given other fisheries. Specifically, percentage of income derived from hand trolling and residence in a locale with little or no alternatives for income, must be the primary determinants.

2. As we understand current proposals, those who fished for the first time in 1979 would not be eligible for a permit. Remembering that those who first power trolled in 1973 and 1974 were eventually allowed to apply for a power permit, (though not gain any extra points for that participation) we feel it only fair that first time hand trollers in 1979 at least be allowed to apply.

3. With the institution of limited entry some additional criteria for the issuance of restricted gear interim-use permits might be considered. Perhaps only "small commercial operations" as currently defined by the Department of Fish and Game, or perhaps those over 65 years of age, students, those eligible for public assistance, urban sportsmen on a lottery basis could be allowed to fish with one line on an interim-use basis. This might provide for a limited use of the resource by those non-dependent users who would likely be excluded under limited entry. The sale of sport-caught fish might be an alternative option.

4. Some method of future entry into the fishery, in addition to buying one's way in, needs to be developed. Somehow a way has to be found for new fishermen, particularly children growing up in rural areas, to obtain permits without having to buy them at prohibitive prices.

We applaud the Commission's efforts to finally include hand trollers under limited entry and hope these comments prove useful to that end.

Sincerely,

POINT BAKER HAND
TROLLERS ASSOCIATION

Tom Jacobson

TJ/es

Ketchikan Handtrollers' Association
P. O. Box 6237
Ketchikan, Alaska 99901

February 14th, 1980

The Honorable Jay Hammond
Governor
State of Alaska
Juneau, Alaska 99801

Dear Governor Hammond:

In the enclosed material we, the Ketchikan Handtrollers' Association, have clearly outlined our case and our position. Handtrollers are old people, young people, pioneers, students, businessmen, professional fishermen and Alaskans. There is just no moral or legal way way the Board of Fisheries can be allowed to systematically force us out of business. We are a part of Alaska's past, present, and future and we are just simply not going to fade away.

We ask you at this time to instruct the Board of Fisheries to repeal all time and area closures applicable only to handtrollers and also the four line-two line gear restriction. Furthermore, we ask that in the future the Board of Fisheries adopt policies which will manage and protect our fisheries resources in an equal and unbiased manner. After all, it is the responsibility of the Board of Fisheries to protect and manage the resource for the highest sustained yield, not to decide who lives or dies in the commercial fishing business.

Sincerely,

John Trout, President
Ketchikan Handtrollers' Association

enc.

A professional handtroller's view

To the Editor:

I am concerned as to the impact of many existing and proposed regulations on those of us who are 'professional' handtrollers. In my own case, I am an independent Alaskan businessman with a substantial gear and vessel investment, a family of four and a 100% income dependency on the handtroll fishery. Having sold our home and fished for 3 seasons we have afforded ourselves a suitable trolling vessel. If we are allowed to earn a reasonable living in the next two seasons we will have saved enough money to buy a permit and enter the power troll fishery. Of what practical use is an 'entry level fishery' if the income opportunities do not provide a means for this type of advancement?

The proposed two-line limit will have a negligible impact on the smaller boats, weekenders, etc., while the larger boats, and again, those with the largest investments, putting forth the greater effort will suffer the greatest hardship.

If you must limit the units of gear, then do it, but at least lot some of us continue to fish at our present income producing capabilities. Reducing several hundreds of self-supportive businessmen to welfare by cutting their income potential in half (again) is not my idea of an acceptable solution.

— —ith.

Handtrollers get business support

Individuals representing at least 24 businesses and the city mayor in Ketchikan have signed a petition endorsing the efforts of the Ketchikan Handtrollers Assn. in its legal challenge to fisheries management orders by the State Board of Fisheries.

The petition cites the Ketchikan group's "significant contribution" to Ketchikan's economy, and states that "protecting the viability of all fishery groups is a matter of public concern."

John Trout, president of the Ketchikan Handtrollers Association, in a recent letter to the American Civil Liberties Union, asked its help in determining the legality of the State Board of Fisheries' allocation of resources and its proposed gear restrictions for handtrollers.

The association is asking whether it has a basis for a legal challenge under restraint of trade and discrimination provisions of laws and the state and federal constitutions.

The handtroller letter states that there are about 2,100 active handtrollers and about 900 active power trollers, yet power trollers are allocated 80 percent of the total troll catch.

Handtrollers may challenge state fishery policies

KETCHIKAN (AP) — The Ketchikan Handtrollers Association is considering a legal challenge to fisheries management orders by the state Board of Fisheries, a member said Thursday.

Mark Wells of the association said the group, with about 20 active members, will contact the American Civil Liberties Union about a possible legal challenge.

"We want legal help from the ACLU regarding questions such as can the state protect and favor (one group of fishermen) by the allocation of the resource at the expense of another," he said. Also questioned by the handtrollers are proposed gear line limits.

Wells said the association wants to find out whether it may have a basis for a legal challenge under restraint of trade and equal protection provisions of laws and the state and federal constitutions.

Handtrollers asking A.C.L.U. for legal aid

EDITOR, The Daily News:

"We've got to hang on to all the rights we can!"

Ketchikan handtrollers report they are in contact with the American Civil Liberties Union seeking legal help in their fight for survival. Among questions being asked by the handtrollers are :

—Is it legal for the State of Alaska to protect and favor, by enforcing allocation of a resource, one group of fishermen at the expense of another?

—No other gear type under the limited entry system is allocated a portion of another gear type's catch. Is this restraint of trade?

—Is it legal for the State of Alaska to inhibit the productivity of, and thereby suppress the incomes of, several thousand handtrollers in order to affect allocation of 80 percent of a fishery resource to 900 power trollers? Is this discriminatory?

In the communicaton being prepared for the ACLU, handtrollers also state: "Handtrolling means different things to different people. A profession, a livelihood, a way of life, a student's summer job, the local economies of several small communities, etc. We feel that earning a living in this traditional fishery is a civil right, and that the practices of the Board of Fisheries which violate that right are not in accordance with the concepts of existing discrimination and trade laws."

John Trout, President
Ketchikan Handtrollers Assocation

Letters from Readers

Handtrollers protest

EDITOR, Daily News:
American Civil Liberties Union
630 W. 4th Ave.
Anchorage, AK 99501
Gentlemen:

We have been referred to you by the ACLU office in New York regarding some problems southeast Alaskan handtrollers are having with the Board of Fisheries and the Limited Entry Commission.

There are 2,100 or so active handtrollers and some 900 active power trollers. The power trollers are being allocated 80 percent of the total troll catch and the following are four steps taken by the Board of Fisheries to enforce that allocation.

1. Expulsion of the handtroll fleet from the "prime" coastal fishing zone. (1978)
2. Initiate eight-day-on, six-day-off closures applicable only to handtrollers in many areas. (1979)
3. Reduce the number of lines a handtroller may fish, from four to two.
4. Bring the handtroll fishery under limited entry.

Is it legal for the state to protect and favor by allocation of a resource one group of fishermen at the expense of another?

No other gear type under the limited entry system is allocated a portion of another gear type's fish catch. Is this restraint of trade?

Is it legal for the State of Alaska to inhibit the producitivity of, and thereby suppress the incomes of, several thousand handtrollers in order to effect allocation of 80 percent of a fishery resource to 900 power trollers? Is this discrimination?

The Board of Fisheries contends that the 80 to 20 percent allocation must be maintained, justifying this with dubious references to a "historical" and "traditional" status quo. To quote a newsletter dated Dec. 19, 1979, from the Board of Fisheries, "The policy on which the management plan is based calls for maintaining the historical 80-20 percent harvest ratios within the total coho harvest." The catch records for handtrollers only go back to 1974. The professional handtroll fishery goes back 60 years.

Handtrolling means different things to different people— a profession, a way of life, a student's summer job, the local economies of several communities. We feel that earning a living in this fishery is a civil right and that the practices of the Board of Fisheries which violate that right are not in accordance with the concepts of existing discrimination and trade laws.

We at this time feel an urgent need to challenge the legality of discriminatory allocaton of resources by the state and se legal precedents ensuring the protection of all fisheries and all fishermen from this unjust and dangerous practice.

A timely injunction lifting the four-line to two-line handtroll regulation for the 1980 season would be of enormous help. We have neither the organizational strength nor the funds to bring this matter to court. Indeed, the cost of pursuing justice in our court systems exceeds our means. Any assistance or advice you can offer on this matter will be greatly appreciated.

Sincerely,
JOHN TROUT
President
Ketchikan Handtrollers Assn

PRODUCTS Maaufacturers of Custom Cut Fence Materials · Split and/or Sawed Western Red Cedar

Memo: to regulation review committee From: Hand Trollers

3,4,80

Problem: To the thousand or more hand trollers who make their principle living by fishing; the 2-gurdie law is the last straw. To these people this law is not just a restriction, but a force that is breaking their way of life that historically is thousands of years old. To them it threatens their life itself.

Reasoning: Because it is a law does not make a law right nor good nor just; It only makes it legal. To have a Democracy every citizen has not only the right but the duty to question and contest any law he thinks unjust. For this reason some of the hand trollers have come to this meeting.

The various injustices of limited entry have been rehashed many times and most have been accepted as the lesser of 2 evils. However the restrictive law prohibiting a livelihood within the hand troll fishery is intolerable if a person qualifies otherwise for a limited entry permit.

The cost of fuel and other expenses are the same for 2 gurdie fishing as for 4, but that expense must be taken from

half the opportunity to catch fish. Also the hand troller finds himself holding the bag having paid for twice as much gear as he is allotted to use.

Answer: In the qualifying point system let there be two types of permit, One for those who make all their living from fishing allowing 4 gurdies, and one for those who have other income to be allotted only 2 gurdies.

To provide for a future younger generation of fishermen, let there be no ownership nor sale of permits, but let them return to the commission to be applied on a first come - first served basis to a list of new applicants.

No one should be allowed a permit unless he fishes the permit.

Finally: As a personal request I would like the Governors office to review and shorten the 5 year residency moratorium on a fisherman loan if he qualifies in all other respects with the loan association.

Respectfully yours

Entry R. Sarff

P.O. Box 1312
Wrangell, Ak.
99929

Gentlemen:

I moved to Wrangell three years ago after living ten years in Fairbanks. I moved to Wrangell with the sole purpose of somehow getting into the commercial fishing industry. I chose hand-trolling which, at that time, seemed to be a viable and reasonable means of support. And indeed, it was. AT THAT TIME.

I fished the first year from a 14 foot skiff with two down-riggers and a fishing rod. My production from this skiff and especially the production from larger hand-troll boats convinced me that I could make a living within this fishery. At that time, the hand troll fishery was considered to be "an entry level fishery." Meaning that you could make enough money for a living and gain knowledge enough to go onto something more lucrative, if you so chose.

The next spring, I invested about $10,000, most of it borrowed, into a 28 foot troller.

That year, my second, I sold about $8,000 worth of fish. I began the season with only two lines and worked my way up to four, buying the other gurdies and line as I could afford them. I fished steadily from the first of May into late October. It was that year that hand trollers were prohibited from fishing in outside waters. This didn't bother me because I had no intention of going out there anyway. In fact, this regulation encouraged me because I, of course, had heard the talk that "they" would be restriciting the hand troll fishery (because the powerrtroll fishery was complaining that there were too many hand-trollers). I was encouraged because I thought, "WEll, here is the restrcition--- the power trollers now have the best fishing grounds and I wasn't planning on fishing there anyway--- so this restriction does not alter my outlook on the possibility of making a living." Further, I thought that this was probably enough of a concession to keep them off our backs. hey have the best fishing ground, what more could they want? At the time, I even thought that maybe this regulation was fair and honest because, after all, they did have larger investments and expenses than hand-trollers. And maybe they should have an advantage. And maybe when I got a power troll licsense, I would feel the same way. In the meantime, I knew it was still possible to make a living fishing the inside waters. You certainly wouldn't get rich but you could at least make a living at it.

The next year saw even more restrictions for the hand-troll fishery. Specifically, the 8-on, 6-off closures in certain areas. None of these were areas in which I fished, so I still figured I could make a living although I knew that these closures would probably put more pressure on the areas where I did fish. Still, that year, last year, I improved my business to a gross sale of $16,000 and was, by then, totally convinced that even with these additional restrictions, I could still earn a living. Surely, it seemed that we in the hand troll fishery had been penalized enough with these two major restrictions in as many years. Surely, in such a short period of time, there would be no more major restricitions. We could still make a living, however reduced.

And now, now the Board of Fisheries tells us that this year we may use only two lines.

The Board gives us two or three months notice that our gear has been cut in half!

The Board gives us two or three months notice that our already marginal incomes are to be cut by at least 1/3.

The Board gives us two or three months notice that we are no longer engaged in a fishery that can provide us with a reasonable chance of making a living.

The Board gives us two or three months notice that hand-trolling is no longer a commercial fishery but merely some kind of expensive hobby to be enjoyed by those who can afford it. By reducing hand-trolling to merely two lines, the Board immediately and casually eliminates the so-called professional hand-troller and reduces the fishery to a mockery of what it was just two and three years ago. The Board has made a mockery out of the profession we have chosen, ~~with the Board's previous blessing~~, and we feel, understandably I think, cheated.

Let us take an honest look at the hand-troll fishery. Basically, as a commercial fishery, it is a dishonest fishery in that most people who hold and desire hand-troll permits have no intention of making a living at it. These people, and they are in the majority it seems, have other sources of income and view hand-trolling as a pleasant pasttime with which to supplement their incomes. We can go further. There are many people holding hand-troll permits who do not need or even want income from them. With the permit, which costs $40, and with two or three fishing rods, which they would own anyway, the hand-troll permit provides them with a convienient, and legal, method of tax evasion. With an investment of less than one hundred dollars they are able to write off a $50,000 boat as a business expense.

This, perhaps, is common knowledge, but must be mentioned so that the other side of the coin may be more clearly seen.

The other side of the coin is this: Hand-trolling may also be, and has been for a lot of people, a very honest way commercial fishery. There are those of us who go at it full-time, those of us who try to make most, if not all, of our yearly income from hand-trolling. There are those of us who declare this income and pay taxes on it instead of receiving a tax benefit. We entered this fishery with an honest desire to make a living at it and indeed, the State encouraged us by referring to hand-trolling as an "entry level fishery."

We now contend that given the stringent restrictions of the last two years, and especially with the introduction of a two line limit proposed for this year, hand-trolling is no longer a viable means of support. It no longer qualifies as an "entry level fishery" but rather has been made into a subtle form of tax evasion encouraged by the Board of Fisheries ~~and the~~ with their two-line limit, which, by defintion, separates the serious hand-troller from the fraudulent hand-troller.

We, the professional hand-trollers of South-east Alaska, we who have improved our efforts and our businesses into something that can support us, probably number no more than three or four hundred permits. We wonder if it was the Board s intention to take our livlihood from us. We trust not.

We recognize the problems facing the Board in dealing with the question of limited entry within the hand-troll fishery. We wonder if the Board recognizes our problem of making a living within the hand-troll fishery. With this latest restriction of just two lines, we think not. We believe that the Board has the responsibility of looking out for our intersts as well as for the intersts of the salmon stocks. We, who entered the fishery in good faith and performed and conducted ourselves as commercial fishermen, now feel abandoned by those who would govern us. We question their ~~intelligence~~ judgment. We question their motives. Most of all, we question their compassion for those of us financially dependent upon hand-trolling.

We ask the Board to reconsider its decsion to limit, with such short notice, our gear to two lines. We ask the Board to search within its own conscience to determine if there are not some of us entitled to certain "grandfather rights"; specifically, the right to fish with the same gaer in 1980 and in future years as we have been permitted to do in the past.

We ask that the four line limit be somehow worked into the limited entry program for hand-trolling. Since we are a divided fishery---divided between "serious" and, for lack of a better word, "amatuer" fishermen, we ask that this distinction be made when the limited entry permits are ~~fiannly~~ finally issued.

We propose that the Board issue two classifications of hand-troll permits. Let us refer to them as Class A and Class B permits. For a Class A permit, we ask the Board to determine, through fishing receipts and tax records available to them, the number of people dependent upon hand-trolling for a substantial proportion of their income. We ask that these people who have demonstrated a desire and ability to earn a living by hand-trolling be issued a Class A permit allowing them to fish four (4) lines and to be governed by the rules and regulations pertaining to its sister fishery, the Power Troll fishery. We merely ask that the recipients of a Class A licsense be selected in such a way that those people most dependent upon the fishery for their livelihood, receive them.

The Class B licsesne shall be distinguished by a 2 line limit and whichever of the current hand-troll regulations the Board deems necessary to retain.

We believe that this proposal best represents the interests of those involved in this controversy. Therefore, it reflects the best application of ~~the~~ democratic principals. A Class A licsense protects those who have entered the fishery with the intention of making a living at it. A Class B licsense will satisfy those who are looking for entertainment and a tax write-off. Hopefully, with the addition of a "use it or loose it" clause, Class B permits will someday be in the hands of those who wish to enter into commercial fishing.

Finally, we hope that this proposal represents the desires of the Board, which, it seems, should be to find a way of controlling the fishery without putting out of business those who are dependent upon it. The Class A and Class B proposal allows the Board to regulate exactly the number of hand-troll lines in the water while still issuing a maximum number of permits.

We are grateful for the chance of being heard by this special committee. It has done much to restore our faith in the democratic process, a process, which lately, we, as fishermen, have become skeptical of. We recognize the need for commercial fishing regulations. However, we do not believe that at this point in time the salmon stocks are so depleted and so desperate as to warrent a reaction by the Board which so severely restricts our ability to earn a living. We ask this committee to convey this feeling to the Board. We ask this committee to consider the closenesss of the 1980 fishing season and to consider the finanacial impact of being informed, with only two or three months notice, that your gear is being cut by 50%. ~~We ask this committee to convey our feelings and situation to the Board of Fisheries.~~ We ask this commiteee to reccomend that the proposed two-line limit for 1980 be lifted until a more reasonable and equitable solution can be found.

Thank you,

Ron Rau

Ron Rau

MY NAME IS TOM JACOBSON. I'M FROM PORT PROTECTION, A SMALL FISHING VILLAGE NEAR PT. BAKER ON PRINCE OF WALES ISLAND. MY SOLE SOURCE OF INCOME FOR THE PAST 6 YEARS HAS BEEN FROM HANDTROLLING. I'M HERE REPRESENTING THESE SOME COMMERCIAL HAND TROLLERS IN THE VILLAGES OF PT. BAKER AND PORT PROTECTION, CENTERS OF CONTINUOUS HAND TROLL ACTIVITY FOR OVER 50 YEARS. THE POINT BAKER HAND TROLLERS DEPEND ALMOST ENTIRELY ON OUR H-T INCOME FOR OUR SURVIVAL, THERE BEING NO OTHER VIABLE ALTERNATIVES IN OUR SMALL ISOLATED VILLAGE. ~~ALTHOUGH~~ ALTHOUGH OUR INCOMES ARE RELATIVELY MEAGER, THEY HAVE BEEN SUFFICIENT TO SUSTAIN AN ADEQUATE STANDARD OF LIVING. HOWEVER, REGULATIONS DESIGNED TO DENY US THE RIGHT TO FISH TRADITIONAL ~~FISHING~~ GROUNDS (SUCH AS THE CLOSURE OF OUTSIDE WATERS), REGULATIONS TO REDUCE OUR GEAR BY 50% (THE NEW 2-LINE LIMIT), AND PROSPECTS FOR STILL MORE RESTRICTIONS ~~PROPOSED~~ TO COME WILL HAVE A DISASTROUS EFFECT ON THE SOCIO-ECONOMIC WELL BEING OF OUR COMMUNITY. NOT HAVING THE TYPE OF VESSELS OR THE CAPITAL REQUIRED FOR PERMITS AND GEAR IN ORDER TO ENTER A DIFFERENT FISHERY, WE WILL FACE THE PROSPECT OF LEAVING HOMES AND FAMILIES TO SEEK EMPLOYMENT IN TOWN OR SUCCUMBING TO PUBLIC ASSISTANCE. IF ALL THIS WERE THE RESULT OF THERE BEING NO MORE SALMON IT WOULD BE A REGRETTABLE BUT UNDERSTANDABLE CIRCUMSTANCE BUT MAN, ALL THIS IS THE RESULT OF INSENSITIVE

AND HEAVY-HANDED ACTIONS ON THE PART OF THE
STATE BUREAUCRACY, HANDICAP BY USING HANDTROLLERS
AS THE SCAPEGOAT FOR PROBLEMS UNRELATED TO OUR
CATCH OF FISH. LET'S PUT THIS SITUATION IN PERSPECTIVE.
IN 1978, THE YEAR OF HIGHEST HT OPENING, ALL
HANDTROLLERS OF THE SALMON CAUGHT IN
SOUTHEAST ALASKA, ONLY 3.1% WERE CAUGHT BY
HANDTROLLERS, ACCORDING TO FISH & GAME STATISTICS.
AND LAST YEAR, BOTH THE NUMBER OF HT
PERMITS FISHED AND OUR PROPORTION OF CATCH DROPPED
EVEN LOWER. WHILE HANDTROLLERS ARE BEING SUBJECTED
TO CLOSURES OF OUTSIDE WATERS AND TIME RESTRICTIONS
ON CERTAIN INSIDE WATERS, A 50% REDUCTION IN GHL,
AND MORE RESTRICTIONS PROMISED TO COME, THE POWER
TROLLERS ARE REMAIN TOTALLY UNAFFECTED. THEY MAY
CONTINUE TO USE 4 LINES AND FISH WATERS NOW CLOSED TO
HANDTROLLERS ONLY. PURSE SEINING AND GILLNETTING
WILL CONTINUE IN AREAS AND DURING TIMES WHEN
HANDTROLLERS CAN NOT FISH. THE GROUP OF FISHERMEN
WHO HAVE BY FAR THE LEAST IMPACT ON THE SALMON
RESOURCE AND CAN LEAST AFFORD FURTHER ECONOMIC HARDSHIP,
HANDTROLLERS ARE RECEIVING THE FULL BRUNT OF THE
STATE'S PUSHING RESTRICTIONS, WHILE
SALMON FISHERIES. FOR THOSE FISHERMEN WHO HAVE HAD THE
GREATEST IMPACT ON THE STATE RESOURCE ARE BARELY
CAN CONTINUE FISHING, BARELY EFFECTED. CLEARLY
HAND TROLL RESTRICTIONS ARE
NOT CONSERVATION MEASURES BUT ARE UNWARRANTED MANIPULATION
OF THE LIVELIHOOD OF ALASKAN CITIZENS. ELIMINATION
OF SMALL INDIVIDUAL ENTERPRISES WITHOUT JUSTIFICATION

OR COMPENSATION.

WE WISH TO UNDERSCORE THE FACT THAT THE PT. BARON HANDTROLLERS SUPPORT AND ENCOURAGE AND SUPPORT ALL MEANINGFUL REGULATIONS THAT WILL CONSERVE THREATENED, ENDANGERED SALMON STOCKS. BUT, WE DEMAND EQUAL TREATMENT UNDER THE LAW. THE TROLL FISHERY MUST BE REGULATED AS ONE FISHERY WITH ALL FISHERMAN SHARING CONSERVATION EFFORTS EQUALLY, AS HAS ALWAYS BEEN TRUE AMONG TROLLERS, FROM THE 70 ODD YEAR HISTORY OF IN PUGET SOUND TROLLING, IT WASN'T UNTIL JUNE 1978, WITH CLOSURE OF OUTSIDE WATERS TO HANDTROLLING, THAT ANY REGULATION WAS MADE WHICH APPLIED ONLY TO ONE GROUP OF TROLLERS. IN THE 4 YEARS PRECEDING THIS DISCRIMINATORY CLOSURE OF OUTSIDE WATERS, HT ACCOUNTED FOR LESS THAN 3% OF TROLL CAUGHT KINGS + COHOS WERE CAUGHT SOUTHEAST BY HT IN OUTSIDE WATERS. YET TO THOSE HT WHO FISH TRADITIONALLY THESE WATERS, IT ACCOUNTS FOR THE MAJOR PORTION OF THEIR INCOME. CLEARLY THIS WAS NOT PRIMARILY A CONSERVATION MEASURE, AS POWER TROLLERS AND PURSE SEINERS WHO ACCOUNT FOR NEARLY ALL SALMON TAKEN IN OUTSIDE WATERS, WERE COMPLETELY UNAFFECTED BY THIS CLOSURE. WHEN THE NORTH PACIFIC MGMNT. COUNCIL SUBMITTED THEIR 1979 TROLL PLAN TO THE SEC. OF COMM. IN WASHINGTON D.C. WITH A PROVISION TO BAN HT TROLLING IN FEDERAL WATERS, THE U.S. SECRETARY OF COMMERCE REJECTED THE HAND TROLL BAN STATING " AFTER STUDYING ALL AVAILABLE INFORMATION, I HAVE DETERMINED THAT NO CONSERVATION PURPOSE IS

SOLVED BY DISTINGUISHING H-T FROM P-T GEAR.
I HAVE DETERMINED THAT THIS MEASURE IS INCONSISTENT WITH THE FAIRNESS AND EQUITY PROVISIONS OF NATIONAL STANDARD 4. THE PROPOSED BAN WOULD ALLOCATE FISHING PRIVILEGES UNFAIRLY BETWEEN 2 GROUPS OF FISHERMEN WHO USE ESSENTIALLY THE SAME TYPE OF GEAR." THE STATE REACTED BY PROHIBITING ALASKAN HANDTROLLERS FROM PARTICIPATING IN THE FEDERAL WATERS FISHERY, EVEN THOUGH IN SPITE OF WASHINGTON'S INSISTENCE THAT HANDTROLLERS ARE EQUITABLE TO FISH THERE. HANDTROLLERS FROM OTHER STATES MAY STILL LEGALLY FISH THESE WATERS.
THE STATE ALLOCATION OF FISHING PRIVILEGES UNFAIRLY BETWEEN 2 GROUPS OF FISHERMEN WHO USE ESSENTIALLY THE SAME GEAR", TO WHICH THE SECRETARY OF COMMERCE OBJECTS, IS PRECISELY WHAT THE BOARD RESOLVED IN ITS POLICY TO ALLOCATE THE COHO CATCH BETWEEN PT's AND HT's ON AN 80% - 20% BASIS. (BY THE WAY, PT's & HT's REALLY DO USE PRECISELY THE SAME GEAR, FROM HOOK TO GAFF-HOOK, FISH THE SAME AREAS, WITH THE SAME STRATEGIES, FOR THE SAME SPECIES. THE ONE AND ONLY DIFFERENCE IS THAT POWER TROLLERS USE MECHANICAL MEANS TO RETRIEVE THE GEAR WHILE HAND TROLLERS USE MANUAL MEANS.) THIS POLICY OF ALLOCATING 80% OF THE TROLL CAUGHT COHOS TO POWER TROLLERS IS THE JUSTIFICATION GIVEN FOR CUTTING THE HAND TROLLER'S GEAR IN HALF, BY THE 2-LINE LIMIT REGULATION, WHILE ALL OTHER SALMON TROLL + NET, WILL CONTINUE TO USE THE SAME GEAR AMOUNT BOTH

FURTHERMORE, IF THE BOARD IS TRULY CONCERNED ABOUT POWER TROLLERS NOT RECEIVING THEIR 80% OF THE TROLL CAUGHT COHOS, HOW WITH DO THEY PROPOSE TO LIMIT US TO 2 LINES 12 MONTHS A YEAR, WHEN COHOS ARE ONLY CAUGHT FROM MID JUNE TO MID SEPTEMBER? AGAIN, THE SMALL PROPORTION OF COHOS THAT HANDTROLLERS TAKE IS NOT JUSTIFIED BY A 50% GEAR REDUCTION IN OUR GEAR ONLY, AND FOR THIS AND CERTAINLY NOT FOR THE 9 MONTHS A YEAR WHEN COHO'S ARE NOT CAUGHT! WHILE IT IS TRUE THAT HANDTROLLERS IN 1979 CAUGHT 204,000 MORE COHOS THAN THEY DID IN 1975, POWER TROLLERS CAUGHT OVER 500,000 MORE COHOS IN 1979 THAN IN 1975. CLEARLY THE EFFORT OF POWER TROLLERS HAS INCREASED MORE THAN HAND TROLLERS, YET IT IS ONLY THE HANDTROLLERS WHO ARE HAVING THEIR CUT BY 50%. THIS IS NOT CONSERVATION BUT SOCIAL AND ECONOMIC GEAR MANIPULATION. THIS UNJUST ALLOCATION POLICY BETWEEN TROLLERS ALSO TORPEDOED THE COMM. FISH. ENTRY COMMISSIONS ATTEMPTS TO IMPLEMENT A WORKABLE LTD. ENTRY SYSTEM FOR HANDTROLLERS. BY DIRECTING THE COMMISION TO LIMIT TO A NUMBER WHICH GUARANTEES THE NUMBER OF PERMITS POWER TROLLERS GATHER 80% OF THE TROLL COHOS, THE NUMBER OF PROPOSED PERMITS BECAME SO SMALL THAT THE MAJORITY OF POPULAR OPINION AT THE COMMISSION'S PUBLIC HEARINGS ON THE MATTER DISAPPROVED OF THE COMMISSION'S PLAN. THE COMMISSION THEN PROPOSED A NUMBER OF PERMITS UNACCEPTABLY HIGH BY THE BOARD'S ALLOCATION STANDARD, WITH THE RESULT THAT EVEN MORE RESTRICTIONS WERE RECOMMENDED ON HANDTROLLERS SO NOW WE HAVE A LTD. ENTRY

POLICY WHICH BENEFITS NO ONE WHATSOEVER, THE ENTRENCHMENT OF RESTRICTIONS WHICH WERE SUPPOSED TO HAVE BEEN IMPOSED ONLY FOR THE INTERIM UNTIL LTD ENTRY WAS ENACTED FOR HAND TROLLERS, AND THE PROPOSAL FOR NEW, EVEN MORE RESTRICTIVE REGULATIONS ON THE WAY.

THE PT. BAKER HAND TROLLERS ASSOC. HAS SPENT COUNTLESS HOURS DEVELOPING WHICH WE DON'T HAVE PUZZLING OVER OUR STATE'S FISHING BUREAUCRACY TRYING TO PLAY IT BY THEIR RULES HOPING TO COME UP WITH WORKABLE SOLUTIONS THAT WILL WORK BY THEIR STANDARDS. MONEY, WHICH WE DON'T HAVE, HAS BEEN SPENT ATTENDING HEARINGS ALL IN THE HOPE THAT JUSTICE MAY PREVAIL. OUR CAREFULLY REASONABLE CONSIDERED, BY THE BOARD PROPOSALS HAVE BEEN POLITELY RECEIVED AND STUDIOUSLY IGNORED WITH THE EXCEPTION OF THE COMMENT. I AM SUBMITTING THE COMMITTEE WITH A COPIES OF THE COMMENTS WE MADE LAST FALL WHEN THE TROLL MANAGEMENT PLAN AND LTP. ENTRY PROGRAM WERE BEING FORMULATED. WE WOULD BE DELIGHTED TO WORK WITH ANY LEGISLATORS ~~DRAFTING BILLS SOME SENSE OF FAIRNESS TO ALL~~ TO DRAFT LEGISLATION TO BRING SOME SENSE OF FAIRNESS TO THIS BUREAUCRATIC JUNGLE. WE HATE TO ONCE AGAIN SEE THE LITTLE GUY SQUEEZED OUT BY THE BIG GUY NEEDLESSLY THRU THE POWER OF OUR STATE GOVT. ESPECIALLY SINCE WE ARE THE LITTLE GUY. THE HOPES AND FUTURES OF MANY FAMILIES AT PT. BAKER AND ELSEWHERE ARE NOW LIQUIDLY IN THE HANDS OF THIS COMMITTEE. ~~OUR LAST HOPE~~ YOUR CAREFUL STUDY AND CONSIDERATION OF THE ISSUES IS OUR LAST HOPE FOR A REASONABLE RESOLUTION OF OUR SITUATION. IT IS DIFFICULT TO PREDICT WHAT ACTIONS INDIVIDUALS WILL TAKE SHOULD THEIR SOLE MEANS OF SUPPORT BE UNJUSTLY TAKEN AWAY.

THANK YOU

PROPOSED ACTION: I recommend that you concur in my proposed action to accept the Council's judgment that the FMP will not contribute to overfishing either the Alaskan or non-Alaskan salmon stocks.

Issue 2: Proposal to Ban a Technique of Fishing Known as "Hand Trolling."

A basic objective of the FMP is to maintain the status quo with respect to fishing effort in the FCZ. The FMP's proposed ban on hand trolling is intended to help achieve this objective. The ban was deemed necessary to prevent hand trollers from expanding into the FCZ and increasing the amount of fishing pressure on stocks that are already fully utilized. The State of Alaska's ban on hand trolling in its offshore waters (i.e., from the outer coast to the FCZ; see Figure 2) is an attempt to control the burgeoning hand troll fishery which increased from roughly 2,000 boats in 1973 to almost 4,000 in 1978. By keeping the growing number of hand trollers from fishing on the fully expoited stocks in offshore waters, Alaska is promoting wise use of the resource and ensuring escapement to the spawning grounds. Permitting hand trolling in the FCZ could negate the beneficial effects of this State measure and create an enforcement problem.

Section 303(b) of the FCMA allows an FMP to "prohibit, limit, condition, or require the use of specified types and quantities of fishing gear . . . ." However, there is little to distinguish hand- from power-trolling gear. The essential difference is that the reels of hand trollers are cranked manually, whereas those on power trollers are cranked by power from the boat's engine. In general, hand trollers operate smaller boats (average length: 22 feet) than power trollers (average length: 35 feet), but some hand trollers have boats longer than 40 feet. Power trollers landed 76 percent of the salmon but made up only 31 percent of the troll fleet. The FMP notes that only five persons hand trolled in the FCZ during 1975-1977.

After studying all the available information, I have determined that no conservation purpose is served by distinguishing hand-troll from power-troll gear. The FCMA requires in National Standard 4, that

> "Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocations shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges."

The ban would apply equally to residents of all States and therefore is consistent with the discrimination clause.

However, although the ban has potential merit by reducing the chance of overfishing and by enhancing enforcement of Alaska's regulations, I have determined that this measure is inconsistent with the fairness and equity provisions of National Standard 4. The proposed ban would allocate fishing privileges unfairly between two groups of fishermen who use essentially the same type of gear. While power trollers who have previously fished off Alaska would be permitted to continue to do so, hand trollers who have previously fished this area would not. A provision which would allow all fishermen who have fished these waters to continue to do so would satisfy National Standard 4.

Deleting the ban on hand trollers from the FMP will not destroy the integrity of the FMP. Optimum yield can still be attained since the FMP gives the NMFS Regional Director authority to make in-season adjustments necessary for conservation and management.

PROPOSED ACTION: I propose to disapprove that portion of the FMP which bans hand trollers from the FCZ.

Issue 3: Limit on the number of power trollers in the FCZ.

The FMP proposes to adopt Alaska's system for limiting the number of power trollers. The Council determined that a limited entry system for the FCZ was necessary to prevent expanded fishing effort and overfishing. The Council determined that alternative means of limiting fishing effort in the FCZ would be either too disruptive to present social and economic structures or too costly to administer and enforce (e.g., a separate limited entry system for the FCZ, or a separate FCZ catch quota).

Presently, there is no restriction on the number of power trollers fishing in the FCZ. Although fishermen may not land salmon in Alaska without an Alaskan limited-entry permit, they can land salmon taken off Alaska in Washington, Oregon, and California. A small number of power trollers presently do so. Because of increasing restrictions off Washington, Oregon, and California, it is likely that additional trollers will seek to fish in the FCZ off Alaska.

The proposal to limit entry maintains a fishing privilege gained by those who have historically fished in the FCZ off Alaska. The proposal does not grant excessive privileges to particular groups. The FMP provides that any power-troll fisherman who does not have a State of Alaska power-troll permit is entitled to a Federal entry permit if he can show that he fished in the FCZ in any one of the base years of 1975, 1976, or 1977. Unlike the State permit, the Federal permits would be nontransferable. If a holder of one of the Federal permits should retire from the fishery, that permit would be retired from the fishery.

Gentleman of the Board.

Included here are some of my thoughts and accusations toward the regulatory practices of the Dept. of Fish and Game.

I have trolled since 1970 and am totally dependent on salmon trolling for my yearly income.

- I basically question the Integrity, Justice, and Honor of the Dept. of Fish & Game.
- I challenge the Dept. of Fish & Game's right to make law or regulation, pertaining to the use of privately owned vessels; especially with questionable management and resource data.
- I question the way and means by which the Dept. of Fish & Game drafts and institutes certain regulations, i.e. without proper time to respond or public hearing on certain subjects.
- Continual disregard for property and livelihood of dependent fishermen in the industry.
- Dept. of Fish and Game drafts policy with delusion that all trollers are law breakers and will stop at nothing to eliminate the last salmon in the sea.
- In the past, I have volunteered personal fishing information, to the Dept. of F. & G. Only to have

what I considered information substantiating our right to fish, twisted into justification to curtail the trolling effort. I will not communicate with ADF&G under these circumstances.

- My concern for the resource, that the stocks remain strong throughout the coming years, is of utmost importance. Like any person involved in a farming industry, we must deliver a quality product and make our ends meet financially.

- The ADF&G seems to quick to point an accusing finger at the troll industry, for problems the Dept. has trouble substantiating or identifying.

- I have lost sleep, working time (60%) in 1979, and 25% of my off season, these past few years. My efforts have had little or no influence on ADF&G policy. The regulations are making it almost impossible to operate as a businessman. I cannot emphasize enough, underlying Dept. policy is to reduce the smaller southeast Alaska troller to poverty. Thus forcing him or her into a soup line or other financial dilemma. In most cases in the bush, there is no alternate occupation.

My patience has been strained to the end and

my character slandered by ADF&G Regulations. If in the Departments mind, we as trollers have no credibility; than I believe it is fair to assume the same of the ADF&G.

These are just a few of the things that are lodged in my mind. I hope I will be able to communicate with anyone responsive to this predicament. I Sincerely thank the Senators and Representatives responsible for this opportunity. I have included notes and letters I feel shed a little light on this situation.

Again Sincerely,

Larry S. Smith

Larry S. Smith
Box 3020
Juneau, ak. 99803
789-9923

P.O. Box 3020
Juneau, Alaska 99803

January 11, 1980

Mr. Carl Rosier
Deputy Commissioner
Program Management
Department of Fish & Game
Subport Building
Juneau, Alaska 99811

Dear Mr. Rosier:

This is personal testimony regarding a regulation change proposal by the Alaska Board of Fisheries. The regulation states:

> 3. Establish a vessel registration system for hand and power troll vessels, designate procedures for registering troll vessels, prohibit a vessel from being registered as both a hand troll and power troll vessel and establish an effective date and a registration deadline.

We have had no public hearing on a matter of this magnitude, directly affecting our very livelihoods, and I demand that the public be informed of this regulation and a public hearing be set before any action be taken.

Also, the Department should show just cause for such a regulation. My conversations with representatives of the Department of Fish and Game have failed to provide a reason for this regulation.

I will comment more on this subject as information becomes available.

Thank you.

Sincerely,

Larry S. Smith

cc: Governor Jay S. Hammond
Lt. Governor Terry Miller
Senator Bill Ray
Representative Mike Miller
Representative Jim Duncan
Commissioner Skoog
Juneau Advisory Board
Editor, Juneau Empire

JAY S. HAMMOND
GOVERNOR

TERRY MILLER
LIEUTENANT GOVERNOR

STATE OF ALASKA
LIEUTENANT GOVERNOR
JUNEAU

January 16, 1980

Mr. Larry S. Smith
P. O. Box 3020
Juneau, AK 99803

Dear Mr. Smith:

Thank you for sending me a copy of your January 11, 1980 letter to Mr. Carl Rosier, Deputy Commissioner, Department of Fish and Game. I appreciate your bringing the matter of this regulation to my attention. I have contacted the Board of Fisheries and have sent them a copy of your letter. They have informed me that the Board has taken no action on this proposed regulation. At this point in time, they are soliciting written comment and your letter will become part of their file. If you wish to make further comment (pertaining to this particular proposed regulation), I was informed that you must submit written opinions to the Board of Fisheries, Subport Building, Juneau, Alaska 99811 by 4:30 p.m., February 1.

After public hearing is held on these regulations, changes may be made by the Board of Fisheries in conjunction with the Department of Law and the regulations will be drafted into a more permanent format. After complete review, they will be forwarded to my office for filing and for subsequent publication in the Alaska Administrative Code. I would be interested in your comments concerning these regulations after the public hearing phase.

If I can be of any additional assistance in this matter, please let me know.

Sincerely yours,

Terry Miller
Lieutenant Governor

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF
THE ALASKA BOARD OF FISHERIES

Pursuant to the Administrative Procedure Act, Alaska Statutes 44.62, notice is hereby given that the Alaska Department of Fish and Game, under authority vested by Alaska Statutes 16.05.251, 16.05.270, 16.05.475, and 16.05.690, proposes to adopt, amend, or repeal regulations contained in Title 5 of the Alaska Administrative Code which implement, interpret, and make specific the provisions of Title 16, Alaska Statutes.

Regulations to be the subject of the Department's action concern commercial salmon troll fishing in the Southeastern Alaska and Yakutat areas.

The Department may adopt, amend, repeal or take no action on the proposed regulatory changes listed in the following informative summary.

1. Management Plan for the Yakutat and Southeastern Alaska Chinook and Coho Salmon Troll Fisheries. This management plan will establish the manner in which the Department will make inseason adjustments of time and area closures to achieve escapements and distribution of harvest of chinook and coho salmon to inshore areas of Southeastern Alaska.

2. Increase or decrease the number of trolling lines that may be operated from hand and power troll vessels.

3. Establish a vessel registration system for hand and power troll vessels, designate procedures for registering troll vessels, prohibit a vessel from being registered as both a hand troll and power troll vessel and establish an effective date and a registration deadline. If in FUTURE, there are areas open or closed to hand and not power, or vise versa, ? Collingsworth Jan. 3, 1980 Kosner

4. Require that the heads of all chinook and coho salmon must remain attached to the body until the salmon are sold.

5. Prohibit salmon fishing with troll gear in an area closed to coho fishing when coho salmon are on board the fishing vessel.

Making Regulation on trollers for future planned area closures and gear discrimination

Copies of proposed changes in regulations summarized in this notice may be inspected at any Department of Fish and Game office or may be obtained upon request by writing to the Department of Fish and Game, Subport Building, Juneau, Alaska 99801

Notice is also given that any persons interested may present written statements or arguments relevant to the action proposed in this notice. Written comments received at the offices of the Alaska Department of Fish and Game, Subport Building, Juneau, Alaska 99801, before 4:30 p.m. February 1, 1980 will be considered.

The Alaska Department of Fish and Game, upon its own motion or at the instance of any interested person, may thereafter adopt, amend, reject, supplement or take no action on the proposed regulations without further notica.

Date: _____

Ronald O. Skoog, Commissioner
Alaska Department of Fish and Game

(OVER)

FAST Commissioner
15 years ago.

Sept 8. Telephone w/ Sen. Bill Ray – "Commissioner of Fish & Game stated the Dept. policy toward Trolling was to eliminate the fishery."

Phil Rigby (Bottomfish Fish & Game) "Dept. can't ~~Allot~~ Regulate stocks with Troll fishery harvesting mixed stocks on high seas (Troll should not be allowed to fish mixed stocks because of regulatory practices")

Dave Cantillion (Commercial fish) Aug 25th "We will open days Straits corridor for a week, look at figures, and decide what to do. (announced closure one day after opening with no effort to recover stats – Sept. 1 '79')

Nov. '79' NPMC hearings – Bill Beaver (Fish Biologist – Stapp Law Off.) found [doctored] 10% of real [total] Coho escapements for Chilkat Coho run. Made public issue at hearing. Was passed a note from Dept. person stating. "No one in Juneau office knows how to read figures." (only response)

– Don Bennett – Chairman –
Ed Dankworth
Jorge Holman
Carl Foreman – Vice Chairman – Rm 515 465-4993 4937
Charlie Parr
Mike Beans

March 4th 7 o'clock Capitol Bldg.

Greg Cook exec. director Boards of Fish 465-4110

Kim Elton Lt. Governors office

The fish get all the benefit in the doubt without any regard for the fishermen.
Regulation without reason
Regulation on people and gear instead of managing the resource
Where is fish enhancement? ← ADF&G spends lots to police us, why not strengthen runs.

Take issue in public with Dept. regs. & policies
TV time KINY
Why accept Reg. (Future)

Proposal 2 gurdie or 4 sport pole limit.
Chuck Porter
John Trout
Kenny Proctor
Bill Stokes

ADFG Protection Budget Cuts
"1 line 2 gurdie" limit will force pole fisherman to upgrade to gurd. 2 thus making fisherman more efficient and putting more pressure on stock
"4 line 2 gurdie hand troll gear classification
Legal gear for it be four line whereas two lines only may be attached to gurdies."

GENERAL PROVISIONS

NO Public HEARING

5 AAC 39.270 TROLL SPECIFICATIONS AND OPERATIONS

(c) Each vessel engaged in power trolling shall display its permanent Department registration number (ADF&G number) in permanent symbols of black on a white background. Each number shall be at least twelve (12) inches in height, with lines at least one inch wide, and shall be permanently affixed and displayed plainly visible and unobscured on both sides of the hull or cabin at all times.

(d) Each vessel engaged in hand trolling must display the letters HT in permanent block letters on both sides of the vessel. Each letter must be painted in a color contrasting with the background, at least four inches in height, at least one-half inch in width, and permanently affixed on both sides of the vessel hull or cabin, plainly visible and unobscured at all times. No hand troll vessel may display its permanent department registration number (ADF&G number) in any location other than on the vessel license plate.

"Enforcement justification: (STATED PRIVATE Board of Fisheries hearing - BARANOF)
It will make it easy for us to police fishing grounds from an airplane."

5 AAC 48.090. SPORT FISHING FROM A COMMERCIAL SALMON TROLL VESSEL.

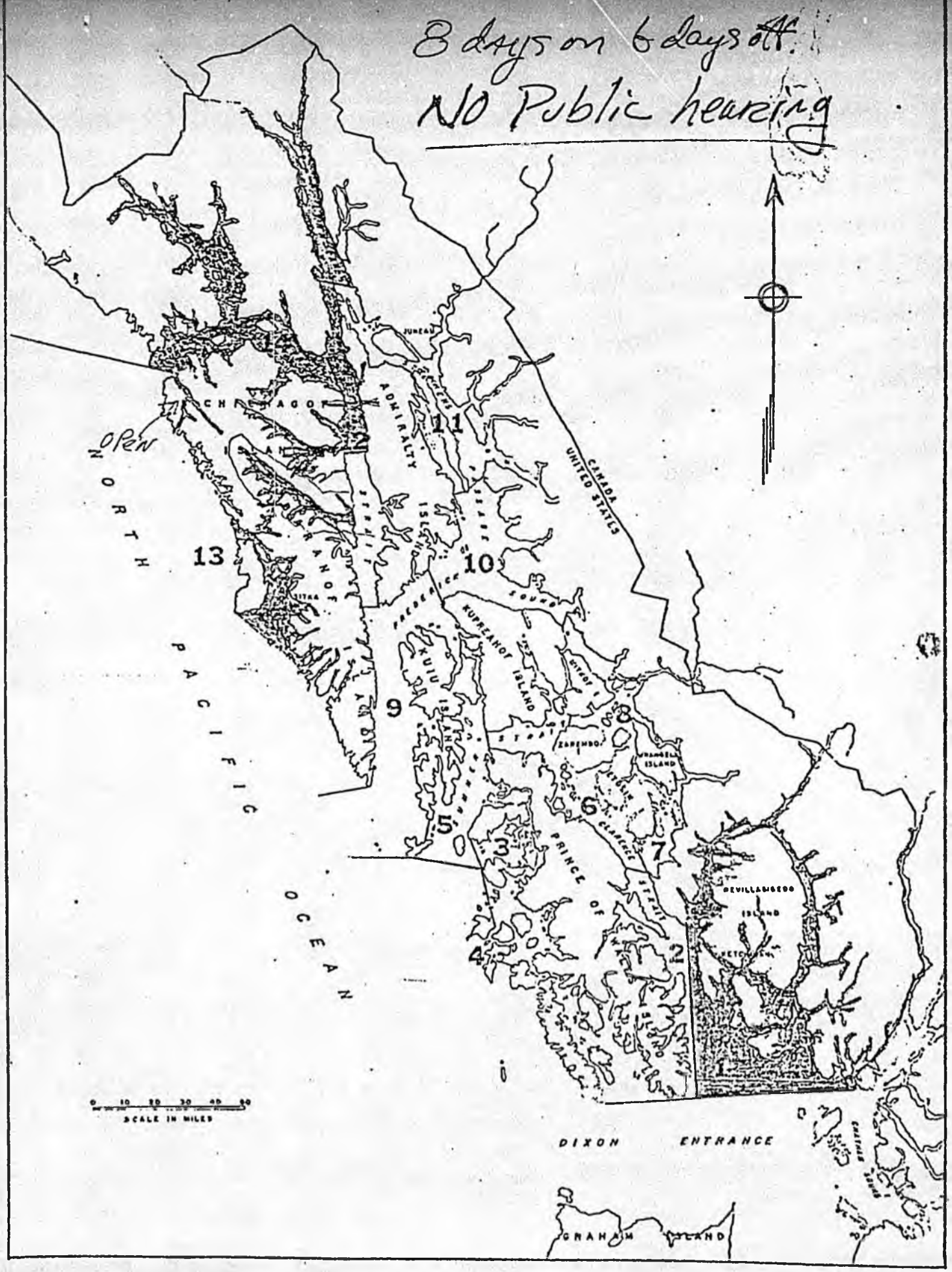
No person may sport fish from a commercially licensed salmon hand troll or power troll vessel, as those vessels are identified by the marking requirements of 5 AAC 39.270 (c) and (d), in any area except that this prohibition does not apply:

(1) to charter vessels as defined in 5 AAC 72.040 (27); and

(2) in derby areas during derbies authorized by the department.

01

adopted 1-15-79


8 days on 6 days off.
NO Public hearing
Open
NORTH PACIFIC OCEAN
CHICAGO
ISLAND
ADMIRALTY
JUNEAU
CANADA
UNITED STATES
SITKA
KUIU ISLAND
KUPREANOF ISLAND
ZARemBO
WRANGELL ISLAND
PRINCE OF WALES ISLAND
KETCHIKAN
DIXON ENTRANCE
GRAHAM ISLAND
1
2
3
4
5
6
7
8
9
10
11
13
SCALE IN MILES

(1) I believe these two letters have content that should be brought to the boards attention. It does express a growing concern of the fisherman.

Box 6181
Ketchikan, Alaska
99901

October 18, 1979

Alaska Board of Fisheries
Alaska Department of Fish and Game
Subport Building
Juneau, Alaska
99811

Dear Sirs:

We have a problem. The problem had better be looked at, talked about and taken care of before it gets too big to do anything about. The problem is hatcheries and the role of the Board of Fish and ADF&G. To refresh everyone's memory and maybe to educate a few, I was one of the three people who started what has become known as SSRAA. In those days, we had an ide listic dream that we were going to help Mother Nature and help our resource by building back our once great salmon runs. This idealistic dream led us down a primrose path that has now turned into an impenetrable bunch of thorn bushes that I am afraid we are all going to get stuck on. In fact, we are already starting to get stuck on them.

In the beginning, our dream was to help Mother Nature and the natural runs of fish. Our sole purpose was to build up the natural runs, not to create any unnatural runs or any hatchery stocks. We had this plan that we would have some nice, simple plywood boxes with a good water supply, find out from ADF&G which creeks were low, and go to those creeks and get eggs. We would then bring them back for incubation during the winter time and then return those fry to the same creeks. Everything would go on in its own natural way, except for our small part in helping winter survival. The Commissioner of ADF&G, who at that time was James Brooks, and several people in ADF&G told me that the ADF&G was in the business of managing natural stocks and was definitely not going to have anything to do with the management or protection of hatchery stocks. According to these people, the private, non-profit aquaculture system that we were setting up would be on its own, which was the way we wanted it. There would be no guarantees to the aquaculture groups.

Well, SSRAA has turned into a political, bureaucratic monster, and the plywood boxes have turned into a concrete monument. Now the ADF&G, the Commissioner, and the Board of Fish deem it necessary to play "god" and manage our resource for hatchery stocks, guaranteeing the hatcheries their brood stock. I think that the Department has no business in this sort of management. The ADF&G is soley to manage the resource from a biological standpoint, not from a political standpoint. It has definitely become political.

The latest example of this political management versus sound biological management is what has just happened in the judgement sent down by the Board of Fish through the Commissioner to the Department regarding Disappearance Creek in Cholmondeley Sound. This area is our one and only viable fall run which comes through every year. Cholmondeley Sound provides a fall fishery sometimes and always can be relied on for summer production. Disappearance Creek is a beautiful system. The water temperature is very stable in the winter time, and the creek has a welling condition with the water coming through the gravel, which is perfect for chum salmon. I don't think that anyone should be tampering with it. I am sure if you look at it from a biological standpoint, which is the way that the ADF&G should be looking at it, you can do nothing but agree. At any rate, the Board of Fish decided that the standard 30,000 escapement would have to be upped to 40,000 so that SSRAA could get a guarantee for brood stock. How can the Board justify such a reallocation of an established fishery.

This type of political decision is very unhealthy, and I can see no good coming from it in the future. I can see it going from this as a start, to protecting hatchery fish as they come through the fishery, protecting hatchery fish as they near their destination and guaranteeing that the hatchery will get their escapement. This means nothing but more closures for the fishermen, less fishing area and less fishing time as we get deeper and deeper into political management.

It is a sad thing to see such a beautiful dream of helping Mother Nature turn into such a political, bureaucratic monster. I don't know where we went wrong, but I guess one thing led to another. Now it is kind of like a snowball going downhill. Somewhere we have to stop that snowball and either break it up or melt it to where we can deal with it.

The Department must get back into biological management and do what it is supposed to do best. They need to start thinking about the good of the natural runs and not about unnatural runs. The natural runs are the strong ones, anyway, which has been proven many times. I would hate to see the State of Alaska end up with the same situation they have down in Washington and Oregon where all they have are hatchery fish. These states are relying on these unnatural runs for their fisheries. We have a good stock up here of natural runs, and I think that they are the ones that should be taken care of. You don't manage a fishery for the fishermen. You are supposed to manage the fishery biologically for the fish. You certainly aren't supposed to be managing it for the hatcheries.

Sincerely,

Larry Painter

Larry Painter
Commercial Fisherman
F/V Alsek

(2)

Box 6181
Ketchikan, Alaska
99901

October 18, 1979

DEAR FELLOW FISHERMAN:

I am enclosing a copy of a letter I sent to the ADF&G concerning the political management in place of biological management in the allocation of fish to the SSRAA hatchery. As I stated in that letter, I am sorry to say that I was one of the people responsible for the beginning of SSRAA. It seems that the beautiful dream that we started has backfired. What was started out to help our fisheries resources and to help solidify our industry and earning power has lost sight of its original intent. We are going to end up losing our share to hatcheries. SSRAA has received loans from the State. Therefore, the State must make sure that SSRAA is successful in order to get their loans repaid. We are in a Catch-22 situation. This appears to me to be just the beginning, and I am afraid we are going to lose more and more as time goes by. Profit hatcheries are slowly creeping their way up the coast. Washington state is receiving pressure in this direction. We don't need this kind of hatchery or political management. Also, Jack Milnes, the former director of SSRAA, is now serving as a director on the Renewable Resources Corporation. We are playing against a stacked deck.

You have all received the forms to fill out from the Justice Department concerning the 3% assessment. I want you to think about this very deeply before you make your choice of one of the options. I am not going to tell you which option to select, and I am not going to tell you which option I chose, but I just want the facts to be before you. You should be well aware of what has taken place so far, and the direction it seems to be flowing. We certainly don't need more regulations, more politics and more beauracracy involved in our occupations. We have all kinds of trouble in Washington with the Boldt Decision. There is trouble for Washington, Alaska and Oregon trollers on the outside. The 200-mile decision which was supposed to help us out has turned into more politics and more regulation. Everywhere you turn you find the same thing happening. And SSRAA is just another example.

I think that the fishermen are going to have to come to the realization that although we are a bunch of independent, optimistic souls, that we are all akin....that is, we are all interested in one thing, and that is making our living fishing. We are going to have to forget about our gear wars that we have going on, continually looking down our noses at each other and trying to gain over each other.

We must start looking down that long, narrowing road and start walking down it together instead of fighting down it. Now more than ever and in the future more than now, we are going to need some unity. The way we are going now we are pretty weak, because we are all haggling amongst ourselves. The politicians are sitting in the background hamstringing us. We as fishermen need to have a more active part in the shaping of our destiny. We must rise up in a <u>united</u> voice and be heard, rather than sit back and accept decisions handed down by people who are not knowledgable of our problems or the problems of our resource. We do <u>not</u> need political decisions and/or allocations.

We have just lost our fall fishery in Southeast this year. I am not writing this letter due to mere selfish reasons because of the loss of this fishery. There probably wouldn't have been much this year, anyway. There is a good chance that ADF&G won't even attain their escapement, let alone provide 10,000 chums for SSRAA. But the Board of Fish and the ADF&G in Juneau didn't know that, which reflects even more on their lack of knowledge. My reason for writing is that this political allocation is the last straw....the straw that broke the camel's back. Once our back and our spirit is borken, fellow fishermen, we are done.

I don't want to see more regulations, I don't want to see more closures, I don't want our fisheries resources managed by politicians. Biologists have enough trouble, and you are certainly not going to get fairness from political management. I see no reason in supporting SSRAA when they are just turning into an institution which is interested in their own gains. They are turning into a very powerful political force. We don't need that. If we don't watch out, we are all going to be out of business.

I would like to know what you all think about this situation and what you would like to do about it. I would appreciate it if you would put your thoughts down on paper and send them to me. I would also like you to write the Board of Fish your thoughts about them getting in the political ring instead of insuring sound biological management. I hope that there will be enough of you from the different gear types to have some input that will impress the "powers that be" when they receive the letters. Maybe we can start turning the tide before it is too late. Don't sit back, like I know it is easy to do, and like I have at times. Don't figure that "what I say won't make any difference," or, "well, it will take care of itself." I think that it is time that we all start saying something about this problem. What you can say will make a difference. We have to start helping each other. We are on a sinking ship and we have to start bailing. The time is <u>now</u> before it is too late.

Sincerely,

Larry Painter

Larry Painter
F/V Alsek

Box 8888
Port Alexander, Ak
9983

RECEIVED
MAR 11 1980
COMMERCIAL FISHERIES
ENTRY COMMISSION

March 7, 1980

Mr. Bennet,

It has come to our attention that your committee is accepting statements regarding recent handtroll regulations. Fishing is the major source of income for our community, with handtrolling the predominate fishery. We feel that the economic and sociol well-being of our community is in jeopardy if the present 1980 handtroll regulations are not changed. We are submitting the following statements for your consideration.

(1) We feel the two line limit being imposed on handtrollers is unjustified and that this law seriously handicaps the efforts of the full-time commerical fisherman. It affects us in way it never could part-time and weekend fishermen who normally use two lines. Our needs are greater than part-time and week end fishermen and we should not be categorized as such.

(2) We believe the Fish and Game Board's present policy of regulating trolling by dividing it into two groups,(power and hand), is unnecessary and detrimental to trolling in general. Closing the outside coast in 1978, and instituting area and time closures in 1979, (applicable only to handtroll), has caused much of the fleet to be pushed into more limited areas. This has resulted in crowding conditions, unrealistic catch data, and economic hardship.

(3) The Fish and Game Boards ruling, allocating only 20% of the total troll catch to hand troll on "traditional" grounds is not only absurd but poorly disquises the greed and corruption in the allocation of everyone's fish into the hands of a few.

(4) It is our opinion that if Fish and Game feels that limited entry is necessary for the hand troll fishery than limited entry should be instituted in a manner consistant with previous programs in Alaska's salmon fisheries. We fear that if a system of gear, area, and time restrictions are used in place of, or along with a limited entry scheme the hand troll fishery will no longer be a viable commercial fishery. Without a truly comercial handtroll fishery, a vital part in Alaska's fisheries, villiages and bush life as we know it now, will be gone forever.

Respectfully Yours,

Handtrollers of Port Alexander

Bernard P. Oster

Peter O. Kinzey

General Delivery
Gustavus, Alaska 99826
March 17, 1980

Dear Sir:

I live in Gustavus and am starting my fourth season as a commercial fisherman. With the exception of my first season in 1977, 100% of my income has come from hand-trolling. I must support my wife, two children, and make house, boat, and land payments from my earnings as there are very few employment opportunities in thes community. Here are my comments regarding the management of the salmon troll fishery in Southeast.

It appears hand-trollers will be under limited entry within the near future. I supported limited entry because the alternative was to be regulated out of existence. Unfortunately, with the large number of permits to be issued and the bias of the Board of Fisheries against hand-trollers, it appears the full-time hand-troller may still be put out of business.

I attended the Limited entry commission's hearing in Hoona last Fall, and testified in favor of the proposed 1,100 permits. If this number of permits were issued fairly in regards to "hardship" all people who actually depended on hand-trolling as means for income would receive a permit.

The majority of the testimony favored a higher number than the suggested 1,100. I felt part of the reason was the peoples mistrust of the ability of a state agency to fairly issue permits in regard to economic dependency and job availability. Also, many who testified did not seem to realize the alternative to more stringent numbers was more stringent regulations.

It is obvious the majority of testimony state wide would favor no limited entry or a large number of permits, since the majority of present permit holders are part-timers. I had hoped the commission would reach a decision which would favor the person who hand-trolls for a livelihood. Instead, we are having more restrictions imposed by the Board of Fisheries which will the take the profit from hand-trolling.

such a closure. I very rarely see another troller and the few boats I do encounter are invariably fishing sport poles. My fish average 20 lbs. and I seldom catch or harm a "shaker". The average profit is low and the weather is more often than not miserable. I winter fish in order to pay bills as the restrictions have made it hard to earn enough to make it through the winter. It is the only way I can earn money and still stay close to my home and family. Again, a winter troll closure, or closure of waters open to trolling would only harm the village handtroller.

The Alaska Board of Fisheries seems to avoid and ignore general public input in it's decision making process. In 1978, in a letter to the Board, I asked if outlying post offices could be mailed a copy of proposals for public posting. I also asked to be put on their mailing list. Neither was done.

The regulations which do come out of the hearings seem to reflect neither the published proposals or public testimony and in some cases receive no public review.

Last summer, I telephoned Dave Cantillon to clarify his position on the shakey start of the Cohoe run and the rumors of an early troll closure. He Told me, if emergency closures took place they would cover the outside waters first, since fish entered that area first; and the 8-6 closure on Icy Straits should be adequit. There was one more opening for Icy Straits and then it was closed until August 28. During the last regular opening, the buyer at Point Adolphis got less than 50 cohoes on several days of the opening. It could hardly be said the few boats in Icy Straits were decimating the run, yet despite what Cantillon told me, Icy Straits was then closed. Meanwhile, power trollers were doing very well in the waters off the coast.

Icy Straits was re-opened on the 28th, supposedly to evaluate the condition of the coho run. On the morning of the 29th at Excursion Inlet, Fish and Game's tag checking girl told me she had already heard the season would be closed the 6th of Semptember. The floating buyers had delivered no fish and it was impossible for the commission to have gotten any information from the field before the closure was decided upon.

A friend of mine has worked for Fish and Game on fish wiers and

doing egg counts in the streams. He tells me that whenever there is a fund shortage this is the first type of activity cut. The technology is available to collect data and make reasonably accurate determinations of what is happening in the salmon fisheries, and end hind-sight management and inaccurate predictions. It would be nice if the State would put some of the effort and money spent trying to put people out of business into improving the runs. Some of the "Oil money" should be spent on hatcheries and enhancement of natural stocks. It is sadly ironic that politicians who give such good lip service to small business and the needs of the bush communities appoint individuals who make regulations detrimental to both.

I am asking for your help. The presently proposed entry program and the attitude of the Board of Fisheries are making regulations which may drive hand-trollers who fish as a livelihood out of business. This will force us to leave homes and families in search of outside employment in already tight job markets. It is unfair for anyone to be cut by an entry program. However, it will be grossly unfair if people who fish only for enjoyment, and don't care about profitability are allowed to drive people in my situation from the fisheries.

Douglas R. Ogilvy

Douglas R. Ogilvy

c.c. Terry Miller
E. J. Haugen
Don Bennett
Bill Ray

THE FOLLOWING:

(1) the handtroll petition that will be considered by the Board of Fish in March is item #VI-1 on page 7 under notice of proposed changes...etc.

(2) the largest group of papers contain the Southeastern Alaska and Yakutat area salmon troll regulations adopted by the Board of Fish during Dec. 78 and Jan. 80. Expect they will be approved by the Department of Law for filing by March 1.

(3) The smaller group of papers, about 4 pages, are regulations on the salmon troll fishery that were adopted by the Department of Fish and Game under delegation from the board. They were delivered to the Department of Law yesterday, so probably will not be approved for filing until mid to late March.

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS
OF THE ALASKA BOARD OF FISHERIES

Pursuant to the Administrative Procedure Act, Alaska Statutes 44.62, notice is hereby given that the Alaska Board of Fisheries, under authority vested by Alaska Statutes 16.05.251, 16.05.475, 16.05.690, 16.05.940, 16.10.380, 16.10.440, and 16.20.260 proposes to adopt, amend or repeal regulations contained in Title 5 of the Alaska Administrative Code which implement, interpret and make specific the provisions of Title 16, Alaska Statutes.

Regulations to be the subject of Board action concern subsistence fishing, commercial fishing, sport fishing, and habitat protection.

The Board of Fisheries may adopt, amend, repeal or take no action on the proposed regulatory changes listed in the following informative summary:

SECTION I. SOUTHEASTERN-YAKUTAT AREA.

A. In the Subsistence Shellfish Fishery:

1. Change the boundary for the area in which the king crab season and size limit applies, so that the area will include all inside waters north of the latitude of Cape Spencer.

2. Increase the king crab season.

3. Establish separate legal size limits for abalone taken with or without diving gear.

B. In the Commercial Shrimp Fishery:

1. Reduce the season for taking shrimp with pots in districts 3, 4, and 5, reduce the shrimp pot limit in districts 3 and 4 and establish a pot limit in district 5.

2. Establish a guideline harvest level for shrimp taken in Cholmondely Sound.

3. Prohibit the use of trawls for taking shrimp in Lituya Bay.

C. In the Commercial Dungeness Crab Fishery:

1. Increase or reduce the dungeness crab fishing season and provide separate dungeness crab fishing seasons for the Southeastern and Yakutat portions of the area.

2. Increase the area closed to dungeness crab fishing in district 11.

THE FOLLOWING:

(1) the handtroll petition that will be considered by the Board of Fish in March is item #VI-1 on page 7 under notice of proposed changes...etc.

(2) the largest group of papers contain the Southeastern Alaska and Yakutat area salmon troll regulations adopted by the Board of Fish during Dec. 78 and Jan. 80. Expect they will be approved by the Department of Law for filing by March 1.

(3) The smaller group of papers, about 4 pages, are regulations on the salmon troll fishery that were adopted by the Department of Fish and Game under delegation from the board. They were delivered to the Department of Law yesterday, so probably will not be approved for filing until mid to late March.

D. In the Commercial King Crab Fishery:

1. Change the opening and closing dates for the king crab fishing season.

2. Require that a permit be obtained from the commissioner prior to taking brown king crab during a specific season and provide provisions that can be required by the permit. Such provisions may include, but not be limited to, harvest area and reporting requirements.

3. Provide a guideline harvest level for king crab in the Yakutat districts.

4. Allow the use of ring nets for taking king crab, reduce the king crab pot limit in districts 3, 4 and 5 and require that king crab pots be removed from the water during specified time periods.

5. Increase the area closed to king crab fishing in district 11.

E. In the Commercial Tanner Crab Fishery:

1. Require that all tanner crab pots be removed from the water during the closed tanner crab fishing season.

2. Change the opening and closing dates of the tanner crab fishing season.

3. Reduce the legal size limit for tanner crab.

4. Provide a tanner crab pot limit for the Yakutat districts.

F. In the Commercial Abalone Fishery:

1. Prohibit the commercial harvest of abalone.

2. Establish a season for taking abalone and provide guideline harvest levels.

3. Limit the amount of gear that may be fished from an abalone fishing vessel.

4. Prohibit shipment out of the state of live unprocessed abalone, require that persons shipping abalone out of the state contact the department and have the abalone inspected prior to shipment, prohibit the shucking of abalone until they have been inspected by the department and adopt other regulations to prevent the harvest of undersized abalone and insure that harvest reporting requirements are complied with.

G. In all Commercial Shellfish Fisheries:

1. Prohibit the taking of crab and abalone in areas adjacent to any community.

H. In the Commercial Salmon Fishery:

1. Change the salmon fishing season opening date in section 1-B.

SECTION II. PRINCE WILLIAM SOUND AREA.

A. In the Subsistence Shellfish Fishery:

1. Establish a daily bag and possession limit and legal size limit for dungeness crab and prohibit the taking of female dungeness crab.

B. In the Commercial Shrimp Fishery:

1. List Kodiak as an inspection and reinspection point for shrimp fishing vessels.

C. In the Commercial Tanner Crab Fishery:

1. Reduce the tanner crab fishing season.

D. In the Commercial Clam Fishery:

1. Allow the taking of gaper clams and change the opening and closing dates for the clam fishing season.

E. In the Commercial Trawl Fishery:

1. Allow the use of trawl gear in portions of Hinchinbrook Entrance now closed to the use of trawl gear.

SECTION III. COOK INLET AREAS.

A. In the Commercial Shrimp Fishery:

1. Change the registration deadline for shrimp trawl vessels and require operators of shrimp trawl vessels to report their catch to the department prior to landing.

2. Establish seasons and weekly fishing periods and change the guideline harvest levels for taking shrimp with pots.

3. Change the seasons, weekly fishing periods and guideline harvest levels for taking shrimp with trawls.

4. Define a selective shrimp trawl and establish a season for its use in taking shrimp.

B. In the Commercial Dungeness Crab Fishery:

1. Change the dungeness crab fishing season in the Southern district.

C. In the Commercial Clam Fishery:

1. Increase the Polly Creek certified clam harvesting area.

D. In the Subsistence Finfish Fishery:

1. Provide a season, weekly periods, open and closed areas, bag and possession limits, permit requirements, gear and operation requirements, and other necessary regulations to allow the taking of king salmon for subsistence purposes in the Northern district.

SECTION III. WESTWARD (KODIAK, CHIGNIK, ALASKA PENINSULA, DUTCH HARBOR, ADAK AND BERING SEA) AREAS.

A. In the Subsistence Shellfish Fishery:

1. Establish a subsistence king and tanner crab pot limit in the Kodiak area.

B. In the Commercial Shrimp Fishery:

1. Change the shrimp fishing seasons for the South Peninsula district and the Unalaska Bay section.

2. Reduce the guideline harvest level for shrimp in the South Peninsula district.

3. Repeal the shrimp trawl gear restrictions for the Inner Marmot Bay and Kalsin Bay sections.

C. In the Commercial King Crab Fishery:

1. Change the Adak and Bering Sea king crab areas to exclusive registration areas, prohibit vessels registered for the Kodiak king crab area from fishing any other king crab area, repeal the registration deadline for the Kodiak king crab area and change the registration deadline for the Cook Inlet king crab area.

2. Change the king crab vessel tank inspection requirements for the Kodiak king crab area.

3. Establish sections for the districts of the Kodiak king crab area.

4. Change the opening and closing dates for the king crab fishing season in all the Westward king crab areas.

5. Change the legal size limit for king crab for the Kodiak and Bering Sea areas.

6. Change the king crab guideline harvest levels for all the Westward king crab areas.

7. Provide that the department may allow district transfer of king crab vessels in the Dutch Harbor and Bering Sea king crab areas after determining there will be no enforcement problem.

8. Change the requirements for removal of king crab pots from closed waters for all the Westward king crab areas.

9. Change the king crab pot limit for the Kodiak king crab area.

D. In the Commercial Tanner Crab Fishery:

1. Establish portions of the Westward tanner crab area as exclusive registration areas.

2. Establish sections in the Kodiak tanner crab district.

3. Change the opening and closing dates for the tanner crab fishing seasons in all the districts of the Westward tanner crab area.

4. Establish tanner crab pot limits for the Kodiak and South Peninsula districts.

5. Change the requirements for removal of tanner crab pots from closed waters for all districts of the Westward tanner crab area.

6. Establish tanner crab vessel tank inspection requirements for all districts of the Westward tanner crab area.

7. Establish a tanner crab vessel district registration system for the Westward tanner crab area, including provisions for the number of districts a vessel may register for, changing district registration, movement of gear and crab between districts, validation of registration and suspension or exemption of registration requirements.

E. In the Commercial Miscellaneous Shellfish Fishery:

1. Establish a season and area for the taking of Korean hair crab in the Westward miscellaneous shellfish area.

2. Clarify in what portion of the Westward miscellaneous shellfish area scallops may be taken during the period June 1 through March 31.

SECTION IV. BRISTOL BAY AND ALASKA PENINSULA AREAS.

A. In the Commercial Salmon Fishery:

1. Adopt a Bristol Bay Sockeye Salmon Management Plan. The plan may include, but is not limited to, changes to seasons, weekly fishing periods, gear, gear operation and specification requirements, vessel specifications, operation and registration requirements, closed waters, and other provisions that will maximize the harvest of Bristol Bay sockeye salmon.

SECTION V. STATEWIDE.

A. In the Subsistence Shellfish Fishery:

1. Allow the use of biodegradable pot lid tiedowns on subsistence shrimp pots as an alternative escape mechanism.

2. Provide a daily bag limit for subsistence taken king crab.

3. Allow the use of jigging gear in salt water at all times of the year for the subsistence taking of shellfish.

4. Allow a commercially licensed fishing vessel not registered for miscellaneous shellfish to have aboard subsistence taken miscellaneous shellfish and gear for taking miscellaneous shellfish.

B. In the Commercial Shrimp Fishery:

1. Establish requirements for the use of a vessel to tender a shrimp fishing vessel.

C. In the Commercial Dungeness Crab Fishery:

1. Allow the use of a single escape ring in dungeness crab pots.

D. In the Commercial King Crab Fishery:

1. Repeal the inspection requirements for king crab vessels landing their catch in an area other than the one for which they are registered.

2. Allow storage of king crab pots in waters closed to king crab fishing for a specified time before the opening of those waters to the taking of king crab.

3. Define a king crab pot.

4. Require the reporting of king crab harvested, but lost, dumped overboard or not sold.

E. In the Commercial Tanner Crab Fishery:

1. Change the tanner crab vessel registration deadline for exclusive registration areas.

2. Allow the use of tanner crab pots on long lines.

3. Define a tanner crab pot.

F. In the General Provisions:

1. Require that operators of floating fish processing vessels report to a local representative of the department located within the area of intended operation prior to commencement of processing operations.

2. Prohibit the use of biodegradable pot lid tie downs on commercial dungeness crab pots and allow their use on commercial shrimp pots as an alternative escape mechanism.

3. Adopt the 1980 halibut fishing regulations of the International Pacific Halibut Commission.

4. Provide that the regulations of the U.S. Secretary of Commerce governing the taking of groundfish in the Gulf of Alaska also apply in state waters.

5. Define "waters of Alaska" and "escapement goals or needs."

G. In the Protection of Critical Fish Habitat Areas.

1. Provide that the commissioner or his authorized designee may require individuals and governmental agencies to submit full plans and obtain a permit for proposed land or water use or construction within waters or lands comprising fish critical habitat areas. Establish permit conditions necessary for the protection and maintenance of fish populations or habitat, provide for permit restrictions or revocation, monitoring of activities by the department, delegation of the commissioner's authority, mitigation procedures for rehabilitating damaged habitat, reporting requirements, and define terms necessary to implement these requirements.

SECTION VI. PETITIONS.

The Board of Fisheries will consider the following petitions submitted in accordance with Alaska Statute 44.62.220 which request the board to adopt, amend or repeal regulations contained in Title 5 of the Alaska Administrative Code:

1. Prohibit or allow sport fishing from commercial fishing vessels licensed under AS 16.05.490 that are used to carry passengers for hire for the recreational or subsistence taking of fish and are also used to take salmon for commercial purposes with troll gear.

2. Establish the Kodiak and Chignik commercial herring fishing areas as exclusive registration areas, prohibit herring fishing vessels and gear that are registered for the Kodiak and Chignik areas from fishing for herring in any other herring fishing area, prohibit herring vessels and gear that are registered for another herring fishing area from fishing for herring in the Kodiak and Chignik areas and establish a deadline for registering herring vessels and gear for the Kodiak and Chignik areas.

Copies of proposed changes in regulations summarized in this notice may be inspected at any Department of Fish and Game office or may be obtained upon request by writing to the Board of Fisheries, Subport Building, Juneau, Alaska 99801.

Notice is also given that any persons interested may present oral or written statements or arguments relevant to the action proposed in this notice. Written comments should be mailed so as to be received by the Board of Fisheries, Subport Building, Juneau, Alaska 99801, before 4:30 p.m. on March 14, 1980. Written comments may also be submitted to the Board of Fisheries at any time prior to the close of a public hearing to be held at the Anchorage-Westward Hilton Hotel, Anchorage, Alaska. Oral testimony may be given at the public hearing which will commence at 10:00 p.m. March 25, 1980, and continue until all persons have been given the opportunity to be heard. Additional public hearings may be held throughout the meeting just prior to the consideration and adoption of proposed changes in the regulations of the various regulatory areas. An agenda will be posted daily during the meeting.

All persons interested in or affected by commercial, sport and subsistence fishing and habitat protection regulations are hereby informed that, by publishing this legal notice, the Board of Fisheries may consider all of the subjects covered by the proposed changes contained in this notice; the Board is not limited by the specific language or confines of the actual regulatory proposals submitted by the public or the staff. Unless otherwise specified, references to such topics as areas, seasons, species, gear and guideline harvest levels apply to all or portions of the specific topic. On its own motion, after public hearing, the Board may adopt, amend, reject, supplement, or take no action on these matters. The Board may adopt regulations that fall within the range of existing regulations and the proposals summarized in this legal notice. In addition, the Board may adopt other regulations necessary to implement, administer, or enforce the regulations adopted by the Boards. All persons interested in or affected by the subject matter contained in this legal notice should make written or oral comments if they wish to have their views considered by the Board.

DATE: 15 Feb 80

Ronald O. Skoog

Ronald O. Skoog, Secretary
Alaska Board of Fisheries

CHAPTER 30.
YAKUTAT AREA.

5 AAC 30.100 is amended to read:

5 AAC 30.100. DESCRIPTION OF AREA. The Yakutat area includes all waters of Alaska between the longitude of Cape Suckling (143°53' W. long.) and a line projected southwest from the westernmost tip of Cape Fairweather.

Authority: AS 16.05.251(a)(2)

5 AAC 30.200(a) and (b) are amended to read:

5 AAC 30.200. FISHING DISTRICTS. (a) Yakataga district: all waters of Alaska between the longitude of Cape Suckling (143°53' W. long.) and the longitude of Icy Cape (141°42' W. long.).

(b) Yakutat district: all waters of Alaska between the longitude of Icy Cape (141°42' W. long.) and a line projected southwest from the westernmost tip of Cape Fairweather.

Authority: AS 16.05.251(a)(2)

5 AAC 30.331(a)(1)(C) and (F), (a)(2)(A) and (b) are amended to read:

5 AAC 30.331. GILL NET SPECIFICATIONS AND OPERATION. (a) Set gill nets with mesh size smaller than eight inches may not be deepr than 45 meshes and set gill nets with mesh size eight inches or larger may not be deeper than 35 meshes. The individual and aggregate lengths of any and all set gill nets aboard a vessel or in use by a person may not be more than one of the following hung measure:

(1) in the Yakutat district

(C) Yahtze River, Yana River and Malaspina Lake drainage, one net not to exceed 25 fathoms;

(F) East River, one net not to exceed 20 fathoms, except that after the third Monday in August two nets not to exceed 20 fathoms each and an aggregate length not to exceed 40 fathoms;

(2) in the Yakataga district

(A) Tsiu River; one net not to exceed 15 fathoms;

(b) Set gill net may not obstruct more than two thirds of any salmon migratory waterway; except in the Tsiu River where set gill nets may not obstruct more than one half of the waterway. In the intertidal zone this applies at all stages of the tide.

Authority: AS 16.05.251(a)(4),(5)

5 AAC 30.335 is amended to read:

5 AAC 30.335. MINIMUM DISTANCE BETWEEN UNITS OF GEAR. No part of a set gill net may be set or operated within 100 yards of any part of another set gill net, except that in the Tsiu River, no part of a set gill net may be set or operated within 75 yards of any part of another set gill net.

Authority: AS 16.05.251(a)(4)

5 AAC 30.340 is added to read:

5 AAC 30.340. GILL NET OPERATION IN SURFLINE AREAS. The provisions of secs. 310, 320, 331 and 335 of this chapter as applied to each river fishery also apply to the area within a radius of one-half mile from the terminus of that river.

Authority: AS 16.05.251(a)(2)

5 AAC 30.350(a) is amended to read:

5 AAC 30.350. CLOSED WATERS. (a) Salmon may not be taken in the following waters:

(1) Alsek River: upstream starting at three miles below the southern end of "basin";

(2) Situk River: upstream from the Department of Fish and Game regulatory marker one-half mile west of the tip of Strawberry Point to the cut bank on the eastern side of the mouth of Johnson Slough;

(3) Ankau Inlet: inside of a line from 59°32'51" N. lat., 139° 49'42" W. long., to 59°32'47" W. lat., 139°49'42" W. long.

(4) Italio River: upstream from the Department of Fish and Game regulatory markers located six and one-half miles from the terminus of the river;

(5) East River: upstream from the Department of Fish and Game regulatory markers located four miles upstream from the terminus of the river;

(6) Akwe River: upstream from the Department of Fish and Game regulatory markers located six and one-half miles upstream from the terminus of the river;

(7) Lost River: upstream from Department of Fish and Game regulatory markers located 500 yards upstream from the most downstream tree line on the west bank at the terminus of the river;

(8) Old Village Lagoon: upstream from the road.

Authority: AS 16.05.060
AS 16.05.251(a)(2)

CHAPTER 33.
SOUTHEASTERN ALASKA AREA.

5 AAC 33.200(f)(1)(2) and (3),(m),(n) and (o) are amended and (f)(4) is added to read:

5 AAC 33.200. FISHING DISTRICTS AND SECTIONS.

(f) unchanged

(1) section 6-A: waters north of a line from the tip of Point Colpoys to the tip of Macnamara Point, west of a line from the tip of Low Point to the tip of Point Alexander and east of a line from the tip of Point Barne to the tip of Point Baker;

(2) section 6-B: waters south of a line from the tip of Point Colpoys to the tip of Macnamara Point, north and west of a line from the tip of Luck Point to the tip of Point Stanhope to Lincoln Rock light to Key Reef light to Nesbitt Reef light to the tip of Point Nesbitt;

(3) section 6-C: waters enclosed by a line from Lincoln Rock light to the westernmost point of Screen Islands to the westernmost point of March Island to the westernmost point of Steamer Rocks to Mariposa Rock Buoy to the tip of Point Nesbitt to Nesbitt Reef light to Key Reef light to Lincoln Rock light;

(4) section 6-D: all other waters of the district.

(m) District 13: all waters north of a line projecting southwest from the southernmost tip of Cape Ommany, south of a line projecting west from the southernmost tip of Cape Spencer, west of a line from the southernmost tip of Cape Spencer through Yakobi Rock to Yakobi Island, south of a line from the northernmost tip of Soapstone Point to the westernmost tip of Column Point and west of a line from the southernmost tip of Point Hayes to the northernmost point of Point Thatcher.

(n) District 14: all waters of Icy Strait west of a line from the southernmost tip of Point Couverden to Point Augusta light, east of a straight line from the southernmost tip of Cape Spencer through Yakobi Rock to Yakobi Island and north of a line from the northern most point of Soapstone Point to the westernmost point of Column Point.

(p) District 16: all waters north of a line projecting west from the southernmost tip of Cape Spencer and south of a line projecting southwest from the westernmost tip of Cape Fairweather.

Authority: AS 16.05.251(a)(2)

5 AAC 33.310(b)(1)(A)(iv), (b)(2) and (c)(5)(B) are amended to read:

5 AAC 33.310. FISHING SEASONS AND WEEKLY FISHING PERIODS.

(b) unchanged:

(1) unchanged:

(A) unchanged:

(iv) district 14, except during the period April 16 to August 1 for that portion of the district south of a line from the southernmost tip of Cape Spencer to the northernmost tip of Point Lavinia;

(2) during the period April 16 through September 20, salmon may be taken by power troll gear in that portion of district 12 north of the latitude of the northernmost tip of Point Hepburn, district 14, except during the period April 16 to August 1 for that portion of the district south of a line from the southernmost tip of Cape Spencer to the northernmost tip of Point Lavinia, section 15-A and 15-C only during the fishing periods set forth in (b)(1) (B) of this section;

(c) unchanged:

(5) district 15

(B) section 15-C opens by emergency order.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(4)

5 AAC 33.350(b)(3)(8)(14)(15)(16)(17)(18)(20)(22)(28), (c)(1)(2)(B), (d)(1)(3)(5)(7)(9)(10)(21)(25)(26)(28)(29), (f)(2)(C), (f)(3)(A)(C), (f)(7)(8)(9)(10), (g)(1)(4)(8)(9)(11)(13)(15)(16), (h)(1)(2)(3)(4)(6)(7)(8)(11), (i)(1), (j)(1)(C), (j)(7)(9)(10)(14)(15), (k)(3)(7), (l)(1)(2)(3)(4)(5), (l)(6)(B)(C), (m)(1)(4) ,(7)(8)(9)(11)(13)(14)(15), (n)(1)(2)(3)(4)(5)(7)(8)(9)(10)(13)(14)(15)(16)(17)(18)(19)(20)(21)(22)(23)(24)(25)(26), (o)(2)(3)(7)(9) and (p)(3)(4) are amended to read:

5 AAC 33.350. CLOSED WATERS.

(b) District 1

(3) Hidden Inlet: north of the latitude of the tip of Hidden Point;

(8) Very Inlet: inside of a line from 54°57'44" N. lat., 130° 57'36" W. long. to 54°57'44" N. lat., 130°57'00" W. long.;

(14) Traitors Cove: east of 131°41'48" W. long.;

(15) Naha Bay: east of 131°38'18" W. long;

(16) Moser Bay: south of a line from the tip of Cod Point to 55° 34'00" N. lat., 131°40'54" W. long.;

(17) Port Stewart: west of a line from 55°43'06" N. lat., 131° 49'17" W. long. to 55°41'33" N. lat., 131°50'05" W. long.;

(18) Helm Bay: west of a line from the tip of Helm Point to 55° 34'54" N. lat., 131°56'57" W. long.;

(20) Vallendar Bay: south of a line from 55°23'45" N. lat., 131° 50'52" W. long. to 55°22'55" N. lat., 131°52'58" W. long.;

(22) Ward Cove: east of a line from 55°23'56" N. lat., 131°44' 27" W. long. to 55°23'38" N. lat., 131°44'01" W. long.;

(28) Ray Anchorage: all waters inside a line between 54°56'39" N. lat., 131°13'54" W. long. and 54°55'42" N. lat., 131°12'54" W. long.;

(c) District 2

(1) Nichols Bay: north of 54°42'07" N. lat.;

(2) Moira Sound

(B) Johnson Cove: south of 54°59'43" N. lat.;

(d) District 3

(1) Hunter Bay: east of a line from the tip of Turn Point to 54°52'48" N. lat., 132°21'20" W. long.;

(3) Keete Inlet: east of the longitude of the tip of Keete Point;

(5) Hetta Harbor: east of the longitude of the tip of Hetta Point;

(7) Eek Inlet: west of a line from 55°08'48" N. lat., 132°39' 25" W. long. to 55°08'53" N. lat., 132°39'23" W. long.;

(9) Ham Cove: south of 54°53'00" N. lat.;

(10) Kasook Inlet: north of 55°01'40" N. lat.

(21) Salt Lake Bay: east of 133°23'??" W. long.

(25) Edna Bay: north of a line from Limestone Point light to 55°55'55" N. lat., 133°37'40" W. long.;

(26) Tokeen Bay: east of a line from the tip of Holbrook Point to 55°59'52" N. lat., 133°27'51" W. long.;

(28) Devilfish Bay: west of 133°20' W. long.;

(29) Hessa Inlet: east of the longitude of the tip of Whirlpool Point;

(f) District 5

(2) Port Beauclerc

(C) The cove 0.7 miles west of the northern tip of Edwards Island between 56°18'20" N. lat., 133°58'30" W. long., and 56°19'15" N. lat., 133°58'20" W. long.;

(3) Affleck Canal

(A) Bear Harbor: north of a line from 56°13'25" N. lat., 134°05'45" W. long., to 56°13'50" N. lat., 134°05'05" W. long.;

(C) north of 56°16'20" W. long.;

(7) Hole in the Wall, northwest coast of Prince of Wales Island: east of 133°38'30" W. long.;

(8) Alvin Bay: west of 133°53'25" W. long.;

(9) Reid Bay: west of 133°53'55" W. long.;

(10) Barrie (Kushehin) Creek: east of a line from 56°27'50" N. lat., 133°40'05" W. long., to Trouble Island at 56°28'45" W. lat., 133°40'45" W. long. to 56°28'00" N. lat., 133°39'55" W. long.;

(g) District 6

(1) Salmon Bay: within a line extending from 56°17'24" N. lat., 133°08'14" W. long., to Rookery Island to 56°19'06" N. lat., 133°09'42" W. long.;

(4) Ratz Harbor: south and west of a line from 55°53'08" N. lat., 132°35'37" W. long., to 55°53'16" N. lat., 132°35'47" W. long.;

(8) Rocky Bay, west coast of Etolin Island: north of a line from 56°04'20" N. lat., 132°36'30" W. long., to 56°04'24" N. lat., 132°36'03" W. long.;

(9) Mosman Inlet: north of 56°05'20" N. lat.;

(11) Exchange Cove: south of a line from 56°13'07" N. lat., 133°03'42" W. long., to 56°12'54" N. lat., 133°03'25" W. long;

(13) Kah Sheets Bay: west of a line from 56°31'28" N. lat., 133°05'12" W. long., to 56°29'46" N. lat., 133°07'12" W. long.;

(15) Wrangell Narrows: all waters north of the tip of Point Alexander except by trolling;

(A) Blind Slough: east of a line from the tip of Anchor Point to Coast Guard light #25 to Coast Guard light #27 to a point 200 yards due north of the tip of Blind Point;

(B) Petersburg Creek: west of a line from 56°48'15" N. lat., 132°59'33" W. long., to Coast Guard light #56 to Coast Guard light #58 to the tip of Bayou Point;

(16) Navy Creek: east of a line from 56°03'30" N. lat., 132°27'54" W. long., to the southwest tip of South Burnett Island and east of a line from the northern tip of South Burnett Island to the southern tip of North Burnett Island and east of a line from the northern tip of North Burnett Island to 56°04'36" N. lat., 132°27'29" W. long.

(h) District 7

(1) Anita Bay: west of a line from the tip of Anita Point to 56° 15'18" N. lat., 132°22'56" W. long., except by trolling;

(2) Olive Cove: south of a line from 56°11'33" N. lat., 132°19' 06" W. long. to 56°11'24" N. lat., 132°18'43" W. long.;

(3) Thom's Place, Zimovia Strait: north of 56°09'38" N. lat.;

(4) Fool's Inlet: north of 56°12'30" N. lat.;

(6) Blake Channel and eastern Passage: north of 56°12'00" N. lat., and east of a line from the tip of Babbler Point to 56°27'48" N. lat., 132° 16'38" W. long., on Hour Point except by trolling which is closed from April 16 through September 30;

(7) Vixen Inlet: east of the longitude of the westernmost tip of Sunshine Island;

(8) Santa Anna Inlet: south of the latitude of the tip of Point Santa Anna;

(11) Union Bay: south of a line from 55°44'48" N. lat., 132°14' 07" W. long. to 55°45'34" N. lat., 132°11'08" W. long.;

(i) District 8

(1) Blind Slough: north of a line from 56°30'45" N. lat., 132°43' 18" W. long., to 56°31'55" N. lat., 132°40'32" W. long.;

(j) District 9

(1) Tebenkof Bay

(C) Thetis Bay: south of 56°23'22" N. lat.;

(7) Port Walter and Little Port Walter: west of a line from 56°23'15" N. lat., 134°38'05" W. long. to 56°23'42" N. lat., 134°38'15" W. long.;

(9) Eliza Harbor: north of 57°14'18" N. lat.;

(10) Kadake Bay: south of a line from 56°48'45" N. lat., 133°58' 00" W. long. to 56°48'23" N. lat., 133°56'28" W. long.;

(14) Deep Cove: west of 134°43'38" W. long.;

(15) Patterson Bay: north of 56°36'44" N. lat.

(k) District 10

(3) Farragut Bay: Francis Anchorage north of 57°08'45" N. lat.;

(7) Dry Bay: inside of a line from 57°03'32" N. lat., 133°01'55" W. long., to 57°02'49" N. lat., 133°01'45" W. long., to 57°02'57" N. lat., 133°00'10" W. long.

(l) District 11

(1) Auke Bay: inside a line from the tip of Point Louisa to the tip of Outer Point;

(2) Taku Inlet: north of a line from the Annex Creek Power House to a point at 58°17'30" N. lat., 134°01'00" W. long.;

(3) Slocum Inlet: all waters east of a line from 58°08'21" N. lat., 134°04'14" W. long., to 58°07'49" N. lat., 134°04'24" W. long.;

(4) Taku Harbor: all waters east of a line from the tip of Stokade Point to 58°03'41" N. lat., 134°01'59" W. long.;

(5) Limestone Inlet: all waters east of a line from 58°01'48" N. lat., 133°59'16" W. long., to 58°02'04" N. lat., 133°59'40" W. long.

(6) Seymour Canal

(B) Mole Harbor: inside a line from the tip of Flaw Point to a point at 57°39'40" N. lat., 134°01'30" W. long.;

(C) Pleasant Bay: all waters inside a line from 57°38'50" N. lat., 133°59'42" W. long. to a point at 57°38'28" N. lat., 133° 57'25" W. long.;

(m) District 12

(1) Wilson Cove: all waters east of the longitude of Point Wilson;

(4) Hood Bay: all waters east of 134°24'30" W. long. except by trolling;

(5) Kootznahoo Inlet: all waters east of a line from the tip of Turn Point to Village Rock light except by trolling;

(7) Funter Bay: all waters inside the longitude of the tip of Clear Point, except by trolling;

(8) Howard Bay: all waters inside the latitude of the tip of Point Howard, except by trolling;

(9) Freshwater Bay: all waters inside a line from a point at 57°53'20" N. lat., 135°07'35" W. long., to 57°54'45" N. lat., 135°06'00" W. long.;

(11) Basket Bay: all waters inside a line from 57°39'50" N. lat., 134°53'12" W. long., to 57°39'17" N. lat., 134°53'53" W. long.;

(13) Wann Springs Bay: west of 134°46'38" W. long.;

(14) False Bay: west of a line from 57°58'33" N. lat., 134°55' 05" W. long., to 57°57'00" N. lat., 134°55'23" W. long.;

(15) Wukuklook Creek: west of a line from a point at 57°05'15" N. lat., 135°55'30" W. long., to Flinks Point at 57°52'30" N. lat., 135°57'20" W. long.;

(n) District 13

(1) isianski Inlet: south of a line from 57°56'46" N. lat., 136°14'10" W. long.; to 57°57'15" N. lat., 136°12'53" W. long. except by trolling;

(2) Salt Lake Lagoon, Takanis Bay: north and east of a line from 57°55'05" N. lat., 136°30'22" W. long., to 57°55'25" N. lat., 136°31'00" W. long.;

(3) Stag Bay: east of 136°21'25" W. long.;

(4) Goulding Harbor: north of a line from 57°46'18" N. lat., 136°15'05" W. long., to 57°46'22" N. lat., 136°15'27" W. long.;

(5) Black Bay: north and east of a line from 57°42'37" N. lat., 136°09'20" W. long., to 57°42'23" N. lat., 136°09'10" W. long.;

(7) Waterfall Cove, Slocum Arm: north and east of a line from 57° 37'18" N. lat., 135°56'10" W. long., to 57°30'53" N. lat., 135°55'00" W. long.;

(8) Fish Bay: east of 135°35'10" W. long.;

(9) Hoonah Sound: west and north of a line from 57°44'12" N. lat., 135°43'40" W. long., to 57°43'45" N. lat., 135°44'40" W. long.;

(10) Ushk Bay: west of 135°35'00" W. long.;

(13) Hanus Bay: south of a line from 57°25'29" N. lat., 134°59' 00" W. long., to 57°25'18" N. lat., 135°03'40" W. long.;

(14) Nakwasina Passage: north and east of a line from 57°14'12" N. lat., 135°29'55" W. long., to 57°14'53" N. lat., 135°30'28" W. long.;

(15) Nakwasina Sound: north and east of a line from 57°11'42" N. lat., 135°23'30" W. long., to 57°12'12" N. lat., 135°22'40" W. long.;

(16) Katlian Bay: north and east of a line from 57°09'30" N. lat., 135°22'35" W. long., to 57°09'07" N. lat., 135°21'55" W. long.

(17) Redoubt Bay: east of 135°18'53" W. long.;

(18) Port Banks: south and east of a line from 56°36'07" N. lat. 135°00'20" W. long., to 56°35'55" N. lat., 135°01'10" W. long.;

(19) Still Harbor: south and east of a line from 56°33'15" N. lat., 135°02'40" W. long., to 56°33'38" N. lat., 135°02'25" W. long.;

(20) Redfish Bay: north and west of a line from 56°20'41" N. lat., 134°51'31" W. long., to 56°20'49" N. lat., 134°51'05" W. long.;

(21) Big Branch Bay: north and east of a line from 56°19'27" N. lat., 134°50'30" W. long., to 56°19'18" N. lat., 134°50'08" W. long.;

(22) Sitkoh Bay: west of a line from 57°29'17" N. lat., 134°53'25" W. long., to 57°29'36" N. lat., 134°53'58" W. long.;

(23) Patterson Bay: west of a line from 57°40'23" N. lat., 135° 42'42" W. long., to 57°39'35" N. lat., 135°42'18" W. long.;

(24) Fick Cove: south and west of a line from 57°37'51" N. lat., 135°39'38" W. long., to 57°38'25" N. lat., 135°40'39" W. long.;

(25) Starrigavan Bay: all waters east of a line from 57°07'47" N. lat., 135°22'45" W. long., to the ferry terminal dock at 57°08'25" N. lat., 135°22'30" W. long.;

(26) Deep Bay: west of a line from 57°39'35" N. lat., 135°37'20" W. long., to 57°26'32" N. lat., 135°37'46" W. long.

(o) District 14

(2) Port Althorp: within a line from the tip of Point Lucan to a point at 57° 09'40" N. lat., 135°19'30" W. long., except by trolling;

(3) Idaho Inlet: south of the latitude of the tip of Gull Point, except by trolling;

(7) Whitestone Harbor: within a line from 58°04'15" N. lat., 135° 04'36" W. long., to 58°03'36" N. lat., 135°04'15" W. long., except by trolling;

(9) Excursion Inlet: north of a line from 58°22'36" N. lat., 135° 28'30" W. long., to 58°22'36" N. lat., 135°28'18" W. long., except by trolling;

(p) District 15

(3) Taiya Inlet: all waters north of the latitude of the tip of Taiya Point, except by trolling;

(4) St. James Bay: all waters north of a line from the tip of Point Whidby to St. James Point at 58°33'45" N. lat., 135°09'45" W. long., except by trolling.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(4)

5 AAC 33.360 is added to read:

5 AAC 33.360. DISTRICT ONE AND SIX PINK SALMON MANAGEMENT PLAN. In districts 1 and 6, when a purse seine fishery is harvesting pink salmon stocks subject to concurrent fishing by drift gill nets; for each day or portion of a day the purse seine fishery is open, the corresponding gill net fishery shall be open a full 24 hours.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(3),(4)

5 AAC 33.392 is amended to read:

5 AAC 33.392. SIZE LIMIT AND LANDING OF KING SALMON. King salmon taken must measure at least 28 inches from tip of snout to tip of tail (in its natural open position) or 23 inches from the mid-point of the clethral arch to the tip of the tail. The heads of all king salmon must remain attached to the fish until sold. Undersized fish which are taken must be returned to the water without injury. The size limit restrictions in this section do not apply to gill net and purse seine fishing. No king salmon may be mutilated or otherwise disfigured in any manner which prevents determining the minimum size set forth in this paragraph.

Authority: AS 16.05.251(a)(3),(4),(7)

5 AAC 33.393 is amended to read:

5 AAC 33.393. LANDING OF COHO SALMON. The heads of all coho salmon must remain attached to the fish until sold. No troll vessel may be used to take or attempt to take salmon when coho salmon are aboard in an area closed to the taking of coho by troll gear.

Authority: AS 16.05.251(a)(3),(4),(7)

5 AAC 33.410(a)(1) and (2) are amended to read:

5 AAC 33.410. FISHING SEASONS. (a) Sablefish may be taken only as follows:

(1) in the northern area which includes district 9 north and east of a line from the southernmost tip of Cape Ommaney to the northernmost tip of Nation Point, district 10, 11, 12, section 13-C, districts 14 and 15, from September 1 through November 15 or until the area is closed by emergency order;

(2) in the southern area which includes districts 1, 2, 3, 5, 6, 7, and 8, from June 15 through November 15 or until the area is closed by emergency order.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(3)

5 AAC 33.415(a) and (b) are added to read:

5 AAC 33.415. GUIDELINE HARVEST LEVELS. (a) In the northern area as described in sec. 410(a)(1) of this chapter, the guideline harvest range for sable fish is 500,000 to 900,000 pounds (227 to 408 m.t.).

(b) in the southern area as described in sec. 410(a)(2) of this chapter, the guideline harvest range for sablefish is 125,000 to 500,000 pounds (57 to 227 m.t.).

Authority: AS 16.05.251(a)(2),(3)

5 AAC 33.420(a),(b) and (c) are added to read:

5 AAC 33.420. REGISTRATION. (a) Operators of fishing vessels intending to fish for sablefish in the northern area as described in sec. 410(a)(1) of this chapter shall notify a local representative of the department by phone, radio or in person within 72 hours before starting fishing operations in the area.

(b) Within 24 hours after leaving the northern area, operators of sablefish fishing vessels shall notify a local representative of the department by phone, radio or in person.

(c) A vessel operator reporting as required by (a) and (b) of this section shall also report the amount of sablefish on board the vessel at the time of reporting.

Authority: AS 16.05.251(a)(2).(4),(7),(12)

Authority: AS 16.05.251(a)
AS 16.05.475
AS 16.05.905
AS 16.05.910
AS 16.05.920
AS 16.05.940

5 AAC 39.250(c) is amended and (d) is added to read:

5 AAC 39.250. GILL NET SPECIFICATIONS AND OPERATION.

(c) Gill net web may not contain no less than 30 filaments.

(d) The float line and floats of gill nets must be floating on the surface of the water while the net is fishing, unless natural conditions cause the net to temporarily sink. The restriction of this subsection does not apply in Kotzebue-Northern area (5 AAC 03.100), Norton Sound-Port Clarence area (5 AAC 04.100), Yukon area (5 AAC 05.100) and Kuskokwim area (5 AAC 07.100).

Authority: AS 16.05.251(a)(4)

5 AAC 39.270(c) and (d) are amended and (e) is added to read:

5 AAC 39.270. TROLL SPECIFICATIONS AND OPERATION.

(c) Each licensed power troll vessel must display its permanent vessel license plate number in permanent symbols of black on a white background. Each number must be at least twelve inches in height, with lines at least one inch in width and must be permanently affixed on both sides of the cabin or hull so as not to be obscured. The numbers must be displayed at all times until the end of the calendar year.

(d) Each licensed hand troll vessel must display the letters HT in permanent block letters. Each letter must be painted on both sides of the vessel hull or cabin in a color contrasting with the background, at least four inches in height, at least one-half inch in width, plainly visible and unobscured at all times. The letters must be displayed at all times until the end of the calendar year. No hand troll vessel may display its permanent vessel plate number (ADF&G number) in any location other than on the vessel license plate.

(e) No more than six troll gurdies may be mounted on board any salmon troll vessel. A troll gurdy is a spool type device around which a troll line can be wrapped.

Authority: AS 16.05.251(a)(4),(5),(7)

TITLE 5. FISH AND GAME.

PART I. COMMERCIAL AND SUBSISTENCE FISHING AND PRIVATE NONPROFIT SALMON HATCHERIES.

CHAPTER 21.
COOK INLET AREA.

5 AAC 21.430(a) is amended to read:

5 AAC 21.430. GEAR. (a) Bottomfish may be taken in all districts only by trawls, longlines and mechanical jigging machines.

Authority: AS 16.05.251(a)(4),(7), (12)

CHAPTER 30.
YAKUTAT AREA.

5 AAC 30.392 is amended to read:

5 AAC 30.392. SIZE LIMIT AND LANDING OF KING SALMON. King salmon taken must measure at least 28 inches from tip of snout to tip of tail (in its natural open position) or 23 inches from the midpoint of the clethral arch to the tip of the tail. The heads of all king salmon must remain attached to the fish until sold. Undersized fish which are taken must be returned to the water without injury. The size limit restrictions in this section do not apply to gill net and purse seine fishing. No king salmon may be mutilated or otherwise disfigured in any manner which prevents determining the minimum size set forth in this section.

Authority: AS 16.05.251(a)(3),(4), (7)

5 AAC 30.393 is amended to read:

5 AAC 30.393. LANDING OF COHO SALMON. The heads of all coho salmon must remain attached to the fish until sold. No troll vessel may be used to take or attempt to take salmon when coho salmon are aboard in an area closed to the taking of coho salmon by troll gear.

Authority: AS 16.05.251(a)(3),(4), (7)

CHAPTER 33.
SOUTHEASTERN ALASKA AREA.

5 AAC 33.310(b)(1)(B) is amended to read:

5 AAC 33.310. FISHING SEASONS AND WEEKLY FISHING PERIODS.

(b) Salmon may be taken by hand troll and power troll gear from January 1 through December 31 in all districts except as provided in sec. 350 of this chapter and except as follows:

(1) during the period April 16 through September 20 salmon may be taken by hand troll gear:

(B) April 16 through April 21
April 28 through May 5
May 12 through May 19
May 26 through June 2
June 9 through June 16
June 23 through June 30
July 7 through July 14
July 21 through July 28
August 4 through August 11
August 18 through August 25
September 1 through September 8
September 15 through September 20

Authority: AS 16.05.060
AS 16.05.251(a)(2),(4)

5 AAC 33.365 is adopted to read:

5 AAC 33.365. SOUTHEASTERN ALASKA-YAKUTAT CHINOOK AND COHO SALMON TROLL FISHERIES MANAGEMENT PLAN. (a) The management of the Southeastern Alaska and Yakutat areas chinook and coho salmon troll fisheries is complex because of mixing of the salmon stocks and fishing effort placed upon those salmon stocks by the subsistence, commercial and recreational user groups. The Board of Fisheries is concerned that some user groups, particularly those who traditionally fish the inshore and terminal salmon fishing areas as described in sec. 312(a)(1),(2) and (3) of this chapter, may be receiving reduced opportunities to take chinook and coho salmon because of increasing fishing effort by the salmon power troll fleet on mixed stocks of those species of salmon in the coastal and offshore salmon fishing areas as described in sec. 312(a)(4) and (5) of this chapter. The board is also concerned that continued increases in fishing effort on mixed chinook and coho salmon stocks may result in overharvest of individual salmon stocks or aggregations of those stocks, such that spawning escapement of those stocks to their natal streams may fall below that required to maintain a sustained yield of those stocks. Because of the above concerns, the board has adopted regulations that control the time, area of operation and efficiency of the salmon power and hand troll fisheries.

(b) The board recognizes that changes in size and timing of the chinook and coho salmon runs and changes in the distribution of fishing effort by the hand and power troll fleet may require inseason adjustments to salmon fishing seasons, periods and areas to allow chinook and coho salmon to escape the coastal and offshore fisheries and move into the inshore and terminal fishing areas. The department shall make inseason adjustments to salmon fishing seasons, periods and areas as follows:

(1) there may be no changes made to the chinook salmon fishing seasons, periods and areas during the period January 1 through June 14;

(2) there may be no changes made to the coho salmon fishing seasons, periods and areas during the period June 15 through July 9;

(3) about July 10 the department will evaluate the size and distribution of the coho salmon run and will close the Southeastern and Yakutat areas salmon troll fishery for 10 days, unless the department determines that the coho salmon run is larger than the last 10 year average and that acceptable numbers of coho salmon are moving into the inshore salmon fishing areas;

(4) following any July closure made in accordance with (3) of this subsection, the Southeastern Alaska and Yakutat salmon fishing areas will reopen for salmon hand and power troll fishing as provided for in the salmon hand and power troll fishing regulations contained in chaps. 30, 33 and 39 of this title;

(5) additional closures of the salmon hand and power troll fishing seasons, periods and areas may be required if the department determines that the strength of the coho salmon run in the inshore and terminal salmon fishing areas is less than required to provide a spawning escapement that will maintain the runs on a sustained yield basis.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(3),(11)

CHAPTER 39.
GENERAL PROVISIONS.

5 AAC 39.120(g) is added to read:

5 AAC 39.120. REGISTRATION OF COMMERCIAL FISHING VESSELS.

(g) Registration requirements for salmon troll fishing vessels are as follows:

(1) the owner or operator of any fishing vessel that is to be used to take salmon with hand or power troll gear shall register that vessel with the department;

(2) no fishing vessel may be registered as both a hand troll and a power troll vessel;

(3) registration is accomplished by completing a form provided by the department and returning that form to a department office;

(4) any vessel that is to be used as a salmon troll fishing vessel must be registered before April 15 of each calendar year;

(5) this subsection becomes effective January 1, 1981.

Authority: AS 16.05.251(a)(2),(4),(5),(12)
AS 16.05.490
AS 16.05.510

5 AAC 39.270(a) is amended to read:

5 AAC 39.270. TROLL SPECIFICATIONS AND OPERATION. (a) The maximum number of trolling lines that may be operated from any salmon troll vessel is as follows:

(1) from power troll vessels: no more than four lines, except that no more than six lines may be operated in that portion of the Seaward Biological Influence Zone north of the latitude of the southernmost tip of Cape Spencer;

(2) from hand troll vessels

(A) using hand troll gurdies: no more than two lines to which multiple leaders and hooks may be attached;

(B) using fishing rods: no more than four lines with no more than one leader and one lure or two baited hooks per leader;

(3) hand troll vessels may not concurrently use hand troll gurdies and fishing rods;

(4) for the purposes of this subsection, a fishing rod is a tapering often jointed rod equipped with a hand grip and line guides and upon which is mounted a hand powered reel used to deploy and retrieve the trolling line and a hand troll gurdy is a troll gurdy powered by hand or hand crank that is not mounted on or used in conjunction with a fishing rod.

Authority: AS 16.05.251(a)(4),(5), (7)

Ombudsman

MEMO

Date: April 3, 1980

To: Regulation Review Committee Members

From: Judith Holden, Ombudsman Assistant

Subject: Handtrolling Cases

Attached is a copy of material which was to have been distributed to each of you some months ago, but may not have found its way to your desk.

As you will see, this office investigated quite a number of cases brought to us from handtrollers throughout Southeast Alaska. We made formal recommendations which were not acted upon in a positive manner by the Board of Fisheries. The issue was then brought before your committee, at our request.

We understand that the formal/public hearings have taken place, your committee has discussed the matter, and is now waiting until after the Board of Fisheries meets again* to see what action they take. We further understand that if the Board of Fisheries does not take sufficient action, you will consider the matter further.

We are now in the process of formally closing the handtrolling cases and the ball is in your court. If further input is desired from this office, please contact Frank Flavin. Thank you for your attention to this matter.

/jah
Attachment
cc: Frank Flavin

*Board of Fisheries is meeting this week in Anchorage.

Ombudsman
Frank Flavin

State of Alaska

Reply to:

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JUNEAU
OFFICE OF THE OMBUDSMAN

September 21, 1979

Ronald O. Skoog
Commissioner
Alaska Department of Fish & Game
Subport Building
Juneau, Alaska 99801

Re: Ombudsman Complaints J79-0270, J79-0271, J79-0272, J79-0283, J79-0366, J79-0368 and J79-0391
aJ79-0298

Dear Commissioner Skoog:

Please take notice that the Office of the Ombudsman has completed its investigation of the following allegations:

1. That the ban on hand trolling in the high seas salmon fishery is an unfair and illegal economic sanction;

2. That the ban on hand trolling in the high seas salmon fishery unfairly discriminates against hand trollers vis-a-vis power trollers;

3. And, that the State regulation imposing the hand trolling ban in the Fishery Conservation Zone is illegal in light of the approval of the federal Fishery Management Plan on May 15, 1979.

BACKGROUND

1. At the December 1977 Board of Fisheries meeting, the "Board unanimously adopted the coastal fishing area 6/0, Goll absent. It was moved by Jensen and seconded by Fair that hand troll gear be prohibited in the coastal fishing zone. The motion carried 6/0."

2. In early 1979, in a "Report to the Board of Fisheries on the Southeast Alaska Salmon Troll Fishery," it was stated that the North Pacific Fisheries Management Council had recently concluded a first level of review on the draft of the High Seas Salmon Fishery Off the Coast of Alaska East of 175° East Longitude. The FMP was to undergo further review and redrafting and was expected to be implemented by mid-April, 1979. Included in the "proposed regulations in the plan" was "3. Power troll and sport fish gear only."

3. On May 9, 1979, the Division of Commercial Fisheries, in a "NEWS" release, reminded salmon trollers that the State Regulations adopted at the January, 1979 Alaska Board of Fisheries meeting (which extended state regulatory control of the Southeast troll fishery into the adjacent Seward Biological Influence Zone) were currently in effect. It further stated that anticipated adoption of federal regulations for salmon fisheries in the Fisheries Conservation Zone has caused uncertainties over the applicability of the State regulations offshore. The news release concluded that the NPFMC's Fishery Management Plan and its regulations would not go into effect until they were approved by the Secretary of Commerce and therefore, State fishery regulations concerning salmon trolling (ban on hand trolling) were still effective in both state and federal waters.

4. On May 15, 1979, (earlier than was expected) the assistant administrator for Fisheries, Department of Commerce (NOAA) announced approval of the Fishery Management Plan "with the exception of one provision," and issued on an emergency basis regulations implementing the approved portion. The following appeared in the Federal Register, Vol. 44, No. 98, dated Friday, May 18, 1979:

> provision of the FMP was not approved and will not be implemented. The disapproved portion of the FMP would have prevented fishing by hand trollers in the fishery conservation zone (FCZ). The Assistant Administrator determined that this provision was inconsistent with National Standard 4 of the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 et seq., (Act), because it would have prohibited fishing by certain hand trollers who had historically fished in this area, while it would have allowed power trollers with a similar history to continue to fish in the FCZ. Power trollers use power from their boats' engines to crank their reels, while hand trollers crank their reels manually. It was determined that no valid conservation purpose was served by the distinctions that were drawn between the two types of gear.

The FMP further stated, under Sec. 674.24 Gear restrictions, that "Commercial fishing for salmon in the East Area is permitted only with power or hand-troll gear."

5. Winifred H. Meibohm, Executive Director, National Marine Fisheries Service, in a May 15, 1979 communication to the Juneau NOAA office, related detail on the Fishery Management Plan. Selected portions of that memo include:

"Regulations implementing the approved portion of the FMP are issued on an emergency basis in order to limit fishing effort on the salmon stocks."

"The salmon fishery covered by the FMP occurs throughout the waters off Alaska east of 175° east longitude... divided into two management units...(and) Both management units include the FCZ and waters under Alaskan jurisdiction. All harvest taking place on those portions of the management units within State waters will be regulated by Alaska."

"Optimum yield for this fishery corresponds to the average annual harvest during recent years. The FMP is intended to maintain recent levels of fishing effort on the salmon stocks. The NPFMC determined that an increase in fishing effort would be detrimental to the stocks. Any substantial decrease in fishing effort, on the other hand, would be unacceptable for social and economic reasons, because many individuals are dependent on the ocean salmon fishery."

Under a section entitled "Limited Entry Moratorium" it was stated that, "Under those regulations, (limited entry) this maximum number would be exceeded only to the extent necessary to ensure that no eligible person who has been dependent on this fishery would be precluded from harvesting salmon." (Emphasis added.)

"With the exception of allowing hand trolling in the FCZ, these management measures are essentially the same as the Alaska regulations governing salmon fishing in waters under its jurisdiction."

"These regulations are effective immediately as emergency regulations."

It was further stated under Subpart A-General, 674.1 Purpose and Scope, (b), that "These regulations govern fishing for salmon by fishing vessels of the United States within that portion of the North Pacific Ocean seaward of Alaska, east of 175° East Longitude, over which the United States exercised exclusive fishery management authority under the Act." (Emphasis added.) The "Act" means the Fishery Conservation and Management Act of 1976, 16 U.S.C. Sec. 1801-1882, as amended.

6. On May 22, 1979, the Division of Commercial Fisheries, in a "NEWS" release, announced the recent enactment of the Fishery Management Plan. It stated that, "The plan and implementing regulations, which became effective on May 15, 1979, fail to regulate the salmon hand troll fishery in offshore waters. In the absence of federal management and regulatory measures concerning the salmon hand troll fishery offshore, State of Alaska salmon conservation regulations continue to be effective." (Emphasis added; regulation referred to is the "ban" on hand trolling offshore.)

7. In a letter to Mr. Robert C. Loomis dated June 13, 1979, Mr. Harry L. Rietze, Director of the Alaska Region, NOAA, NMFS, commented that "salmon regulations cover fishing for salmon and tanner crab in Alaskan waters outside 3 miles. No other domestic fisheries are now covered by federal regulation within the 3-200 mile Fishery Conservation Zone. When regulations for additional fisheries are finalized, permits may be required, at which time NMFS Juneau will begin issuing permits. Regulations implementing the fishery management plan for the salmon fishery in the 3-200 mile Fishery Conservation Zone (FCZ) in the Gulf of Alaska are now in effect. These regulations allow commercial fishing for salmon with troll gear only." Mr. Rietze further stated that "Persons fishing with hand troll gear are advised that the State of Alaska has implemented a regulation which prohibits use of hand troll gear in offshore waters. We strongly urge that hand trollers contact the Alaska Department of Fish and Game or the Alaska Department of Public Safety regarding this State regulation. NMFS Juneau strongly recommends that all Alaska State fishing and landing laws and regulations be reviewed prior to the beginning of fishing activities." The letter did not, however, make it clear whose regulations (Alaska or Federal) were to be followed.

FINDINGS

Allegation No. 1: That the ban on hand trolling in the high seas salmon fishery is an unfair and illegal economic sanction.

Analysis: The primary Departmental basis for the ban on high seas salmon hand trolling is the increase in effort by hand trollers on depleted King Salmon and heavily utilized coho stocks. [Interviewers - Skoog, Cook, Pennoyer, Cantillon; letter from Commissioner Skoog to Secretary Kreps, April 21, 1979; Memo John G. Gissberg, Assistant Attorney General re: proposed ban on hand trolling in FCZ] The Board of Fisheries intent in

adopting the ban was to limit the total hand troll catch to 20% of the salmon catch. [Performance Review of Commercial Fisheries Entry Commission by Legislative Audit, May 15, 1979, at pages 26 and 376); Memo John Williams, CFEC from Carl Rosier, Deputy Commissioner Alaska Department of Fish and Game, August 21, 1979, re: Limited Entry for Hand Troll Gear.]

There is no doubt that the increase in hand troll effort is a legitimate cause for Board and Department concern and regulatory response. Certainly, the increase calls for restrictive regulation and arguably a lid on the hand troll effort.

However, a regulation establishing a total ban on one gear type in one area and the adoption of a maximum catch percentage for that gear type in the region is economic and social regulation that is deliberate and not incidental to conservation management.

There is little doubt the high seas hand trolling ban and overall hand troll restrictions are in response to the failure of the Limited Entry Commission to implement limited entry in the hand troll fishery. However, the Board of Fisheries regulatory scheme amounts to limited entry without the procedural safeguards and thorough economic and social research required of the Commercial Fisheries Entry Commission.

It is clear from the Board of Fisheries minutes and our interviews with Departmental staff that hand troll fishermen are considered less "traditional," less "beneficial," and less "dependent" than power trollers. [These assumptions will be considered later in this report.]

The legal problems associated with the Board of Fisheries assuming a responsibility delegated to the Commercial Fisheries Entry Commission has been adequately explored in the recent Legislative audit of the Commercial Fisheries Entry Commission. Practically, the Board of Fisheries does not have the economic or social data base to decide that one class of fishermen, hand trollers, should be totally restricted from the high seas fishery while another class of fishermen, power trollers, are allowed the privilege.

Social or economic manipulation of the livelihood of the state's citizens should be accomplished, if at all, by elected officials (the Legislature) directly or through appointed officials (the Commercial Fisheries Entry Commission) pursuant to a legislatively established formula with due process safeguards. With the Commercial Fisheries Entry Commission safeguards have been legislatively established--with the Board of Fisheries they have not.

It should be noted that the federal Fisheries Management Plan disapproved the high seas hand troll ban because it served no valid conservation purpose.

With the implementation of the high seas hand trolling ban and maximum catch percentage, the Board of Fisheries moved from managing the methods and means of harvest to managing the composition of the harvesters.

To further restrict or even put a lid on the hand troll effort in the high seas would undoubtedly have a salutory effect on the fish. To ban the hand trollers completely has an unconscionably greater salutory effect on competing fishermen.

Determination: Partially Justified. The increase in hand troll effort necessitates restrictions or arguably a lid on the effort. The Board of Fisheries, in adopting a complete high seas ban, has adopted a limited entry rather than conservation measure.

Allegation No. 2: That the ban on hand trollers in the high seas salmon fishery unfairly discriminates against hand trollers vis-a-vis power trollers.

Analysis: One Departmental basis for the hand trolling ban in the high seas fishery was to prevent the hand troll fishery from becoming more established. [Letter from Commissioner Skoog to Secretary Kreps, April 23, 1979.] Most Departmental personnel interviewed felt that power trolling was the "traditional" use in the high seas area.

Some Departmental officials characterize hand trolling as sport-commercial, "weekend warriors," etc. Others point to a growing "professional" hand trolling effort. One is struck, however, with the lack of concrete data, beyond observation or assumption as to both the size and importance (social and economic) of the hand troll effort both in the inshore and high seas zones.

In his memo on the proposed ban on handtrolling in the FCZ, Assistant Attorney General Gissberg states: "In the past that fleet has generally represented weekend fishermen seeking additional income or tax advantages on their fishing expenditures." This statement is fairly reflective of the Departmental characterization of hand trollers that we encountered. However, we have yet to see any hard data which establishes the income, dependence or "tax sophistication" of the average hand troller, past or present.

Even the total number of hand troll fishermen in the high seas area (Fisheries Conservation Zone) is not tied down. Five hand trollers were "reported" operating by both Gissberg and the federal "Informational Memorandum" on the "Partial Disapproval of the Fishery Management Plan for the High Seas Salmon Fisheries off the Coast of Alaska." It is not at all certain that this figure is accurate as it does not account for "occasional" effort, nor is the information on fish tickets accurate or thorough enough to establish the actual location of catch and the total hand troll effort in the FCZ.

If the total hand troll fishing effort in the FCZ were indeed five hand trollers this fact certainly undermines the conservation necessity of a total ban in lieu of tighter restrictions or a lid on the high seas hand troll effort.

The federal Fisheries Management Plan rejected the proposed hand troll ban as power trollers who had previously fished the area would be permitted to continue but hand trollers would not.

Determination: Justified. Very little data concerning the economic and social aspects of the troll fishery have been compiled yet basic assumptions concerning the nature of this fishery have influenced the allocation of fish between user groups. Traditional hand troll effort in the FCZ is not well documented, nor is there any legitimate or rational reason why traditional hand trollers in the FCZ should be banned and power trollers permitted to continue.

Allegation No. 3: That the State regulation imposing the hand trolling ban in the Fishery Conservation Zone is illegal in light of the approval of the federal Fishery Management Plan.

Analysis: On May 15, 1979, the assistant administrator for Fisheries announced the approval of the Fishery Management Plan, but with the disapproval of that portion of the plan that provided for a ban on hand trolling in the FCZ. This created a clear inconsistency between federal regulation and state regulation of hand trolling in the FCZ; the federal plan allowing, the state plan prohibiting.

Since that date neither the State nor federal government have made a reasonable effort to inform the involved fishermen as to which management scheme the fishermen should obey.

Clearly the federal law pre-empts. In State v. Bundrant, et. al., 546 P. 2d 530 (Alaska, 1976) the Alaska Supreme Court stated that the doctrine of pre-emption holds "that when Congress has exercised its regulatory authority over a particular subject

in manner to indicate an intention to deal fully and exclusively therewith, all state regulation in that particular field must yield." (Id. at p. 538)

The language in the Fishery Conservation and Management Act (16 U.S.C. 1801 et. seq.) is clear as to federal exclusivity. The Act provides:

> (b) Purposes.--It is therefore declared to be the purposes of the Congress in this Act--
>
> (1) to take immediate action to conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States, by establishing (A) a fishery conservation zone within which the United States will assume exclusive fishery management authority over all fish, except highly migratory species, and (B) exclusive fishery management authority beyond such zone over such anadromous species and Continental Shelf fishery resources;. . .

Despite the clear pre-emption of the FMP allowing hand trolling, State and federal regional officials have finessed the pre-emption question leaving involved fishermen guessing as to if and when the FMP takes effect.

The May 22, 1979 Division of Commercial Fisheries "NEWS" release was at best deceptive in stating:

> "In the absence of federal management and regulatory measures concerning the salmon hand troll fishery offshore, State of Alaska salmon conservation regulations continue to be effective."

The preceeding language implies a failure to act when in fact the hand troll ban was specifically disapproved and a regulatory scheme allowing hand trollers approved.

The director of the Alaska Region, NOAA, NMFS was more artful in dodging the pre-emption question completely and steering Robert C. Loomis, a fisherman, back into the morass of legal uncertainty:

> "Persons fishing with hand troll gear are advised that the State of Alaska has implemented a regulation which prohibits use of hand troll gear in offshore waters.

We strongly urge that hand trollers contact the Alaska Department of Fish and Game or the Alaska Department of Public Safety regarding this State regulation. NMFS Juneau strongly recommends that all Alaska State fishing and landing laws and regulations be reviewed prior to the beginning of fishing activities."

Determination: Justified. State and federal regional officials are leaving the pre-emption question murky until ADF&G and the North Pacific Management Council seek a reversal of the disapproval of the hand troll ban in the FCZ. This is fine for administrators and managers but lousy for the fishermen caught in the middle.

CONCLUSION

The expansion of the hand troll fleet clearly calls for increasingly restrictive regulation to protect salmon stocks and diminish the unfairness to other fishermen who have been subject to limited entry. However, any economic regulation of hand trollers is clearly the province of the legislatively empowered Commercial Fisheries Entry Commission and not the Board of Fisheries. The FCZ hand troll ban and 20% catch limitations both amount to economic regulation and the administrative seizure of control over the livelihoods of State residents without their approval, without the approval of their elected representatives, and without adequate research or procedural safeguards.

Recommendations:

1. The Administrative Regulation Review Committee of the Legislature should review 5 AAC 33.330 and 5 AAC 48.090;

2. The Board of Fisheries should reconsider 5 AAC 33.330 and 5 AAC 48.090 at its next meeting;

3. The commissioner of Fish and Game and regional director, NOAA, NMFS should announce the date that hand trolling pursuant to the FMP will be permissible, or offer negotiation or litigation plans for resolving the inconsistencies in the federal and state regulatory schemes; and

4. That limited entry of the hand troll fishery be undertaken expeditiously.

Thank you for your assistance and consideration in this matter. We look forward to your response within 30 days.

Sincerely,

Frank Flavin

Frank Flavin
Ombudsman

FF:rj

cc: Gregory F. Cook
Steven Pennoyer
Nick Szabo
S. E. Regional "O" Office

Ombudsman

Frank Flavin

State of Alaska

Reply to:

☒ 840 K Street, Room 203
Anchorage, Alaska 99501
(907) 276-4011

☐ Pouch WO
Juneau, Alaska 99811
(907) 465-4970

☐ P.O. Box 74358
Fairbanks, Alaska 99707
(907) 452-4001

September 25, 1979

RECEIVED
SEP 2[illegible]
JUNEAU
OFFICE OF THE OMBUDSMAN

Ronald O. Skoog
Commissioner
Department of Fish and Game
Subport Building
Juneau, Alaska 99801

Re: Ombudsman Complaints J79-0279, J79-0271, J79-0272, J79-0283, J79-0366, J79-0368, J79-0391 and *J79-0398 (* not previously listed)

Dear Commissioner Skoog:

Several items in our findings issued September 21, 1979, need further explanation.

First, we will not send these findings to the Administrative Regulation Review Committee or the Commercial Fisheries Entry Commission until you have responded, and a copy of that response will be included with our materials.

Second, we will not send copies of these findings to our complainants for two weeks. As you know we do not publicize our findings (if at all) until we have a response from the Department. In fairness to agencies, as we cannot control the activities of our complainants, we try to allow a grace period for the Department in controversial matters.

Finally, recommendation number four is made with the understanding that CFEC is already working on limited entry for hand trolling. Because of the problems brought to light by the Alaska Department of Fish and Game we hope that CFEC evaluation and implementation occur expeditiously.

Thank you for your attention and consideration in this matter.

Sincerely,

Frank Flavin

Frank Flavin
Ombudsman

FF:rj
cc: Gregory F. Cook
Steven Pennoyer
Nick Szabo

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SUBPORT BUILDING
JUNEAU, ALASKA 99801

October 12, 1979

RECEIVED
OCT 15 1979
ANCHORAGE
OFFICE OF THE OMBUDSMAN

Mr. Frank Flavin, Ombudsman
State of Alaska
840 K Street, Room 203
Anchorage, Alaska 99501

Dear Frank:

I have received your letter of September 21, 1979, and will respond to the allegations and findings contained in that letter in the order in which they were made. I have consulted with Steve Pennoyer, Director of the Division of Commercial Fisheries, and Greg Cook, Executive Director of the Alaska Boards of Fisheries and Game, before compiling these comments.

Allegation No. 1. The ban on hand trolling in the high seas salmon fishery is an unfair and illegal economic sanction.

The gist of the analysis appears to be contained in the second full paragraph on page 5, wherein you state "...a regulation establishing a total ban on one gear type in one area and the adoption of a maximum catch percentage for that gear type in the region is economic and social regulation that is deliberate and not incidental to conservation management." In order to respond to that conclusion I must examine each clause of that lengthy sentence separately.

The Board of Fisheries has established a total ban on one gear type in one area in many different instances. For example, a variety of areas exist in the state that are open exclusively to gillnetting for both the salmon fishery and the herring fishery. Also,

a) Security Cove was made an exclusive gillnet area for herring in December, 1978;

b) In Upper Cook Inlet, no seining north of Anchor Point is allowed, and no drift gillnetting is allowed below Anchor Point;

c) Set gillnetting was eliminated from Lynn Canal in 1972.

Such action by the Board of Fisheries is within their delegated powers to affect the methods and means of take of fisheries resources.

(AS 16.05.251. See also Dow v. Ickes 123 F. 2d 909 (1941)). The ban on hand trolling in the FCZ similarly falls within the Board's powers as a regulation affecting the methods and means of take.

The second clause of the sentence cited above states that "the adoption of a maximum catch percentage for that gear type in the region is economic and social regulation that is deliberate and not incidental to conservation management." First, the Board has never "adopted" a maximum catch percentage for hand trolling. The percentage figure to which you refer, I assume, comes from a January 23, 1979, letter from Greg Cook, Executive Director, Board of Fisheries, to the Commercial Fisheries Entry Commission. In that letter the following language appears, "The Board respectfully wishes to express to the Commission its interest in the development of a program that would consider the following elements: 1) preference for rural over urban hand trollers, and 2) allocation of hand troll permits in a number that will result in an overall ratio of the troll catch of 80 percent power troll and 20 percent hand troll." The Board of Fisheries has not adopted any regulations which impose a maximum catch percentage on hand trollers. The percentage figure to which you refer was a request made to the Commercial Fisheries Entry Commission for their consideration. No formal adoption of that figure has been made by the Board of Fisheries.

Finally, you state that the Board's disposition toward that 80 percent/ 20 percent distribution of the total troll catch is "economic and social regulation that is deliberate and not incidental to conservation management." As stated above, no regulation per se is involved. To claim that limiting effort in a particular fishery is not an aspect of conservation management is not realistic. The level of effort present in a particular fishery corrolates directly to the total number of fish which will be taken, and concomitantly affects total escapement.

In summary, I disagree with all of the conclusions which you state in the second full paragraph on page 5.

In paragraph 3 of page 5, you state that the Board of Fisheries' regulatory scheme "amounts to limited entry." Again I must disagree strongly with your conclusion. As all Alaskans know, a limited entry scheme entails regulating entry into a commercial fishery. (See AS 16.43.100(a)) Entry into the hand troll fishery is still unlimited and is open to anyone with gear and a boat. The Board of Fisheries has taken no action that is tantamount to "limited entry."

In paragraph 4 of page 5, you make the conclusion that hand troll fishermen are considered inferior in several ways in relation to power trollers. Certainly, the Board of Fisheries is well aware that hand trollers antedate power trollers and consequently are more "traditional." However, hand trolling gear has not remained static since the inception of the hand troll fishery. The gear used by hand trollers now is far more sophisticated (more lines, more hooks, more efficient methods of retrieval) than the gear fished by hand trollers during the early years of the fishery. It is the use of the outside waters by the hand trollers that is less traditional than the use of the outside waters by power trollers. (See catch data for troll fishery, Alaska Department of Fish and Game, 1975 - 1977).

In paragraph 6 of page 5, you state that the Board of Fisheries' legal responsibilities have been adequately explored in the recent Legislative audit of the Commercial Fisheries Entry Commission. I suggest that you review the entire report, published May 15, 1979, with special attention to pages 37(f) through 37(j). It should be noted that the auditors' responses on page 40(f) were nonresponsive to the merits of the argument raised in the Department of Fish and Game's response. (See also AS 16.43.350).

Additionally, your conclusion that the Board of Fisheries does not have the economic or social data base to evaluate the restrictions necessary in Alaskan fisheries is incorrect. Regarding the hand troll issue, I would call your attention to the series of hearings held throughout Southeastern Alaskan in 1977 on hand trolling (See below, page 4, paragraph 3). In addition, I also call your attention to the hundreds of fishermen who semi-annually come before the Board of Fisheries to offer both economic and social testimony. Finally, please find appended to this response the Alaska Department of Fish and Game Report to the Board of Fisheries, December 1978.

The final paragraph, which begins on page 5, states that safeguards have not been legislatively established for the Board of Fisheries. Again, I must disagree with this statement since it is incorrect. (See AS 44.62.320, AS 16.05.280). Naturally collateral due process safeguards inhere in the system of judicial review as well. (AS 44.62.-020, .030, .300).

The first full paragraph on page 6 states that "the Federal Fisheries Management Plan disapproved of the high seas hand troll ban because it served no valid conservation purpose." That statement is incorrect. In reality, the reason for the Federal action was stated to be "no valid conservation purpose was served by the distinctions that were drawn between the two types of gear" and the attitude in Washington that the distinction contravened 16 U.S.C. 1851 (emphasis added). The ban on high seas hand trolling reduced the total potential salmon fishing effort on the high seas and prevents further increases in the mixed stock fishery. Consequently, a valid conservation purpose was served by limiting effort. It should be noted that only the Washington, D.C., attorneys for the Department of Commerce took the position that the distinction between hand trollers and power trollers was invalid. An attorney for NOAA in Juneau, Alaska is in agreement with the State's position that the ban on hand trolling in the FCZ is in conformance with the national standards of the FCMA and equal protection under the 14th Amendment to the U.S. Constitution.

In conclusion, I must disagree with the statement that the Board of Fisheries "has adopted a limited entry rather than conservation measure." The Board of Fisheries' action has not slowed entry into the hand troll fishery. Indeed, in 1979, 5,400 permits were issued to commercial hand trollers. This represents an increase of 1,500 over the total number of permits issued in 1978 and an increase of 3,300 over the total number of permits issued in 1975. The number of permits actually fished increased from 1,086 in 1975, to 2,604 in 1978.

Although data are not available in final form for the 1979 high seas troll fishery, I am confident that the reduction in effort occasioned by the ban on hand trolling on the high seas contributed to conservation of the depleted and depressed coho and king salmon stocks present off the coast of Southeastern Alaska. I sincerely appreciate your concern for these depleted and depressed stocks and look forward to hearing your testimony before the Board of Fisheries when they meet to consider finfish proposals in Anchorage December 3-20, 1979.

Allegation No. 2: That the ban on hand trollers in the high seas salmon fishery unfairly discriminates against hand trollers-vis-a-vis power trollers.

The fact that entry and the level of potential effort in the hand troll fishery is presently without bounds establishes a reasonable basis for the Board of Fisheries' action in eliminating hand troll fishing for salmon in the FCZ. This key distinction between hand trollers and power trollers, i.e., power trollers' effort has been limited whereas hand trollers' effort is unlimited in magnitude, is a clear basis for differentiating between the two gear types. The fundamental reason for the distinction between the two gear types remains, of course, functional distinction, viz., the method of retrieval.

From January 20 through March 16, 1978, representatives from the Board of Fisheries held hearings on the hand troll fishery in the communities of Ketchikan, Juneau, Sitka, Petersburg, Wrangell, Angoon, and Hoonah. These hearings were held to allow members of the public to present their views and ideas on possible regulation and limitation of the hand troll fishery. At least one Limited Entry Commissioner and a varied number of Department of Fish and Game personnel attended the hearings with Gordon Jensen and/or Jim Beaton, who represented the Alaska Board of Fisheries. Approximately 145 persons testified during the hearings. Extensive testimony was received on the economic and social aspects of the hand troll and power troll fisheries. I must emphasize that the expertise possessed by the members of the Alaska Board of Fisheries, the data presented by the Commercial Fisheries Entry Commission, the data presented by the Alaska Department of Fish and Game, and the extensive testimony received in regulatory sessions of the Board of Fisheries and special hearings the Board has held constitute a thoroughly legitimate data base on which to make decisions.

Your statement that traditional hand troll effort in the FCZ is not well documented is well taken. It is the Department's and the Board's position that the lack of documentation of such "traditional" effort is due to the fact that the effort has been so low as to be negligible in the past. The Board of Fisheries' action, however, was based on the precept that the previously negligible level of effort is subject to rapid expansion, and the depleted and depressed state of the king and coho stocks does not allow for potentially unlimited expansion of the hand troll effort in the FCZ at the expense of the resource for the sole purpose of obtaining data to satisfy other state agencies.

It goes without saying that hand trollers still fish intensively in inside waters in areas where stocks are more discrete. Management of discrete stocks is biologically more sound than a mixed stock fishery, since it allows managers a better chance to avoid overfishing specific stocks. (See Washington Kelpers' Association v. State 502 P 2d 1170, 1172 (Wash., 1972)).

Allegation No. 3: That the State regulation imposing the hand trolling ban in the Fishery Conservation Zone is illegal in light of the approval of the Federal Fishery Management Plan.

You are correct in stating that there is an inconsistency between the State regulation and the Fisheries Management Plan. It is not, however, the duty of the State or the Federal Government to give legal counsel to individual fishermen. Your statement that "clearly the Federal law pre-empts" is a legal conclusion unsupported by judicial application to the hand troll issue. There is no substitute for the informed legal counsel which a competent attorney can render to an individual citizen. (See AS 08.08.210). With that caveat in mind, I will comment on the personal opinions of your office staff relating to the pre-emption issue.

Your citation of 16 U.S.C. Sec. 1801 is well taken. However, your unexplained omission of 16 U.S.C. 1856(a) was unfortunate. That section (Sec. 306 P.L. 94-265) states the following: "except as provided in subsection (b), nothing in this Act shall be construed as extending or diminishing the jurisdiction or authority of any state within its boundaries. No state may directly or indirectly regulate any fishing which is engaged in by any fishing vessel outside its boundaries unless such vessel is registered under the laws of such state." Naturally the State of Alaska regulations pertaining to hand trolling in the FCZ are meant to apply only to vessels registered under the laws of the State of Alaska and citizens of Alaska. Similar regulations of the State of Alaska exist for the king crab fishery in the FCZ. Since the Secretary of Commerce has not held a hearing in accordance with the Federal APA as mandated by subsection (b) of Section 306, the exception to State jurisdiction noted above in Section 306 does not apply. Your opinion, therefore, that federal pre-emption is "clear" and federal exclusivity is "clear", is fragile and appears to be unsupported by an understanding of the F.C.M.A. as a whole.

I agree with you that the area of State/Federal jurisdiction is murky and that the action taken by the Secretary of Commerce inures to the detriment of all fishermen concerned. Nonetheless, I am unable to control actions taken in Washington, D.C., and I cannot deliberately abuse Alaska's resources because of unwise action taken on the Federal level.

CONCLUSIONS

I concur with your opinion that the mushrooming of the hand troll fleet calls for increasingly restrictive regulation to protect salmon stocks and to diminish the unfairness to other fishermen who have been subjected to limited entry. I am sure you see the folly of attempting to completely separate regulations in the troll fishery into "economic" regulations and "non-economic" regulations. (See Legislative Audit Report, May 15, 1979, pages 37(g) - 37(i)).

The Board of Fisheries' statutory responsibilities include conservation and development of the State of Alaska's fisheries resources (AS 16.05.221(a)). It should be clear to even the most ingenuous observer that many actions taken for the purpose of conservation will have collateral economic results. In other words, conservation actions may affect the development or utilization of fisheries resources and vice versa. The regulations of the Alaska Board of Fisheries regarding hand trolling in the FCZ are founded on a rational basis. Extensive public testimony has been received over a period of years, forming a massive data base for their decision. The specific action taken by the Board of Fisheries is within their legitimate powers under AS 16.05.251(4), and is not ultra vires as you contend.

COMMENTS ON OMBUDSMAN's RECOMMENDATIONS

1. The Administrative Regulation Review Committee should review 5 AAC 33.330 and 5 AAC 48.090.

No comment.

2. The Board of Fisheries should reconsider 5 AAC 33.330 and 5 AAC 48.090 at its next meeting.

The published deadline for submission of public proposals for consideration by the Board of Fisheries at its December 1979 meeting was September 14. It is now too late for you to submit a proposal regarding the referenced regulations. Nonetheless, to the extent public proposals have been submitted concerning those regulations, they will be legally advertised, and the Board may take regulatory action in those two areas (AS 44.62.190). I suggest that you may wish to offer oral or written testimony to the Board of Fisheries on the referenced regulations. The Board of Fisheries meeting will be held December 3-20, during which public testimony will be received. If you wish to submit written comments, those comments may be submitted directly to the Board's office in Juneau prior to November 23, 1979. Alternatively, you may wish to submit a petition to the Boards under AS 44.62.220.

3. The Commissioner of Fish and Game and the Regional Director of the National Marine Fisheries Service should announce the date that hand trolling pursuant to the Fisheries Management Plan will be permissible or offer negotiation or litigation plans resolving the inconsistencies

in the federal and state regulatory schemes.

I am not now working with NOAA or the National Marine Fisheries Service on the regional level to resolve the inconsistency. You should be aware, however, that the North Pacific Fishery Management Council is strongly in support of the State Board of Fisheries' regulation pertaining to hand trolling in the FCZ. The North Pacific Fishery Management Council is actively pursuing a change in orientation at the Washington, D.C., level, so that the federal Fisheries Management Plan will be brought into line with the state regulations. If you wish further information on the position of the North Pacific Fishery Management Council, I suggest that you contact Jim Branson, Executive Director of the NPFMC in Anchorage.

4. That Limited Entry of the hand troll fishery be undertaken expeditiously.

I agree strongly with this recommendation. The Commercial Fisheries Entry Commission stated to the Board of Fisheries at their 1978 Finfish Regulatory Session that it would take a minimum of two years to institute a limited entry program on the hand troll fishery. If you sincerely desire to expedite the application of a limited entry scheme on the hand troll fishery, I suggest that you contact the Commercial Fisheries Entry Commission.

CODA

Regulation of the Southeastern Alaska troll fishery is a massively complex matter. The issues are multifarious and the solutions are far from easy. The salmon resource is a highly valuable one and allocation of that scarce resource is bound to inflame volatile emotions. I appreciate your deep concern for the maintenance of Alaska's natural resources and fishery resources in particular. I look forward to hearing your testimony in Anchorage at the December 1979 Board of Fisheries meeting and anticipate that you will have specific constructive comments to make at that time. Achieving an equitable solution and a sound management scheme are in the interests of all Alaskans.

I thank you for this opportunity to comment.

Sincerely,

Ronald O. Skoog
Commissioner

Attachment

Ombudsman

MEMO

Date: November 1, 1979

To: Handtroll Complainants

From: Judith Holden, Ombudsman Assistant

Subject: Status of Handtroll Cases

Attached for your information are four documents:

1) September 21, 1979 letter from Frank Flavin to Commissioner Skoog

2) September 25, 1979 letter from Frank Flavin to Commissioner Skoog

3) October 12, 1979 response from Commissioner Skoog to Frank Flavin

4) November 1, 1979 response to the response from Frank Flavin to Commissioner Skoog.

As you will note in the last paragraph of document #4, we have forwarded copies of these enclosures to the Administrative Regulations Review Committee which may or may not take positive appropriate action. For this reason, we are going to leave all handtroll cases included in this investigation in a "pending" state. However, in view of the Commissioner's response (or non-response) the ball is now in another court. If we hear from the Regulation Review Committee, or if additional useful information is forwarded to us, I will be in contact.

Call me, collect, if you have questions and/or concerns after reading the attachments. We are sorry this exercise did not result in a reversal of the Board of Fisheries and Division of Commercial Fisheries actions. As you may know, under our statutes we can not force an action to take place. We can only recommend that it take place when investigation so indicates.

/jah
Enclosures as listed above

Ombudsman

Frank Flavin

State of Alaska

Reply to:

☒ 840 K Street, Room 203
Anchorage, Alaska 99501
(907) 276-4011

☐ Pouch WO
Juneau, Alaska 99811
(907) 465-4970

☐ P.O. Box 74358
Fairbanks, Alaska 99707
(907) 452-4001

RECEIVED
NOV 6 1979

November 1, 1979

Mr. Ronald O. Skoog
Commissioner
Department of Fish and Game
Subport Building
Juneau, Alaska 99801

Re: Ombudsman Complaints J79-0279
J79-0271, J79-0272, J79-0283
J79-0366, J79-0368, J79-0391,
and J79-0398

Dear Commissioner Skoog:

Without belaboring the obvious differences in opinion in this matter, we remain firm in our conviction that the ban on hand trolling in the "outside" waters is unfair, discriminatory, and illegal. Further, we still find questionable, actions of the Board of Fisheries and the Department of Commercial Fisheries regarding that ban.

We feel compelled to offer several brief comments.

1) The Board of Fisheries was created for the purpose of the conservation and development of the fishery resources of the state. We fail to see, for the purpose of conservation, how the banning of hand trollers would lead to an impact on the fishery sufficient enough to be termed an effective conservation effort. To wit, your statement, "It is the Department's and the Board's position that the lack of documentation of such 'traditional' effort is due to the fact that the effort has been so low as to be negligible in the past." Although the hand troll effort is expanding, that expansion has not yet been quantified. Therefore, how could the action in question be termed "sound" conservation management? It is obvious that a hand troll restriction is a limited entry measure.

You further stated, "The level of effort present in a particular fishery corrolates directly to the total number of fish which will be taken, and concomitantly affects total escapement." Again, how effective is the conservation effort if hand troll fishing in the FCZ "had been so low as to be negligible" and the increase is an unknown factor?

2) You state that, "The Board of Fisheries has not adopted any regulations which impose a maximum catch percentage on hand trollers." However, (in addition to the two documents cited in my 9/2/79 letter) a January 16, 1979 News release from the Department of Fish and Game

states, "the Board believes hand trollers should be allowed to harvest 20 per cent of the commercial troll catch of coho salmon. Szabo also said the Board thinks that any future limited entry program for the hand troll fishery should be designed to maintain that 20 per cent level...As an interim measure until a limited entry program can be developed, the Board adopted regulations which will help protect coho salmon stocks in northern Southeast and will begin to reduce hand troll catches to the level the Board wants to maintain." The news release than went on to list regulations which were in effect during the 1979 fishing season. If, in fact, "No formal adoption of that figure has been made by the Board of Fisheries.", they should not be imposing it upon the fishery as is obviously the case at present.

3) As we previously stated, the Fishery Manangement Plan, under a section entitled "Limited Entry Moratorium" states that, "Under those regulations, (limited entry) this maximum number would be exceeded only to the extent necessary to ensure that no eligible person who has been dependent on this fishery would be precluded from harvesting salmon." (Emphasis added) The Board of Fisheries, has however, precluded 'traditional' fishermen from harvesting salmon in the waters covered under the Fishery Management Plan. You stated, "the use of the outside waters by the hand trollers... is less traditional than the use of the outside waters by power trollers." We do not believe the decision to eliminate fishing in those waters for any traditional fishery lies with the Board of Fisheries. Furthermore the FMP guidelines ~~go~~ to "traditional" in the sense of the individual fisherman ("no eligible person") and not a collective use.

4) We are, and have been, aware of the North Pacific Fishery Management Council's pursuance of a change in "orientation" and find it interesting that the federal plan should "be brought into line with state regulations." Until a change is accomplished the status quo does not favor state regulations which conflict with the federal standard (ie. handtrolling ban).

5) The "safeguards" which you have cited (AS 44.62.320 and AS 16.05.280) are after the fact and do not provide management standards by which agency action is to be measured. They are not on a scale with the legislatively imposed management and procudure safeguards under which the Commercial Fisheries Entry Commission is mandated to operate.

6) We are dismayed by your response to allegation No. 3 on page 5. Throughout this investigation no official, state or federal, seriously questioned federal preemption. It is a sorry system of governmental administration which foists the responsibility, and associated costs, of solving inter-governmental legal disputes onto private citizens. It is truly disheartening to see local federal and state officials "waffle", to buy time, at the expense of individual fishermen who are trying to figure out where they stand.

7) Limited Entry: It is not our function to make a decision

as to the extent of or necessity for hand troll limited entry. However, the economic and social research of all affected fishermen should certainly be undertaken expeditiously so that an informed decision can be made as quickly as possible.

8) If you are speaking to "entry", ~~which~~ when you say the Board of Fisheries has taken no action to "limit" hand trollers, how then can you justify the Board of Fisheries action of "eliminating hand troll fishing for salmon in the FCZ", an action which is in opposition to the FMP? (You have limited by total elimination!)

In regard to your comments regarding testimony by the Ombudsman's Office at your December 1979 Board of Fisheries meeting we operate under AS 24.55.190; not under the procedures you suggest. When a complaint is received and investigated, we take our findings and recommendations directly to the agency involved so they may take corrective measures, as permitted by law, through their own (the agency's) initiative. The Board can certainly review this matter on their own initiative.

We appreciate the complexity and magnitude of the task of regulation of Alaska's fishery resources with which you are challeged. We also encourage your efforts toward achievement of the "equitable" solution and "sound" management scheme you seek "in the interest of all Alaskans."

By copy of this letter we are bringing these complaints and subsequent related materials, to the attention of the Administrative Regulations Review Committee, the Commercial Fisheries Entry Commission, and all complainants involved.

Sincerely,

Frank Flavin

Frank Flavin
Ombudsman

FF/JAH/jm

cc: Gregory F. Cook, Executive Director, Board of Fisheries
Steven Pennoyer, Director, Division of Commercial Fisheries
Nick Szabo, Chairman, Board of Fisheries
John Williams, Commissioner, Commercial Entry Fisheries Commission
Senator Don Bennett, Chairman, Administrative Regulation Review Committee

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SUBPORT BUILDING
JUNEAU, ALASKA 99801

November 23, 1979

RECEIVED
NOV 26 1979
ANCHORAGE
OFFICE OF THE OMBUDSMAN

Mr. Frank Flavin
Ombudsman
State of Alaska
840 "K" Street, Room 203
Anchorage, Alaska 99501

J 79-0270

Re: Ombudsman Complaints J79-0279, J79-0271, J79-0272, J79-0283, J79-0366, J79-0368, J79-0391, and J79-0398

Dear Mr. Flavin:

Thank you for your letter of November 1, 1979, in which you respond to the Department's last letter to you, and make further comments regarding the subject "Ombudsman Complaints."

Your letter omitted reference to several specific points mentioned in our reply of October 12, 1979. Since those points are capital to consideration of the troll salmon issue, I am taking this opportunity to reiterate them briefly and request that you include this material as part of the Department of Fish and Game's formal reply to your inquiry.

1) The ban on hand trolling in the FCZ was enacted by the Board of Fisheries because of the depleted and depressed coho and chinook stocks of Southeast Alaska. Such conditions demand an effective and immediate reduction in the amount of fishing effort directed at those stocks. Permitting expansion of fishing effort is clearly not advisable. It would be irresponsible, at best, for the Board to wait until hand-trolling effort increased before paying heed to it.

2) No State regulation exists at this time which limits the hand troll fleet to 20 per cent of the total troll fleet's salmon catch. Indeed, preliminary figures for the 1979 season show that hand trollers caught slightly over 25 per cent of the total troll catch of salmon in Southeast Alaska. The Board will devote further attention to the troll salmon issue at their December, 1979, regulatory session. I wish to encourage you again to offer any constructive advice you may have to the Board at that time. This is one of the enumerated powers of your Office as listed in AS 24.55.190 and .200, and I urge you to take advantage of it.

11-K11LH

3) The State of Alaska and the Board of Fisheries have the authority to regulate fishing in the FCZ by Alaska residents and by vessels registered under the laws of the State of Alaska. See: AS 16.05.220 - .300, Alaska Constitution, Article VIII, Fisheries Conservation and Management Act of 1976, 16 U.S.C.A. 1856, State v. Sieminski 556 P2d 929 (Ak, 1976), Glenovich v. Noerenberg 346 F. Supp. 1286, 1291-1292 (D. Alaska, 1972). Continued Regulation of all Alaskan fisheries by the State of Alaska as opposed to the Federal government is a primary objective of our Department and the Board of Fisheries.

Sincerely,

for Ronald O. Skoog
Commissioner

cc: Nick Szabo, Chairman,
Alaska Board of Fisheries
Gordon Jensen, Vice Chairman
Alaska Board of Fisheries

Ombudsman

MEMO

Date: May 1, 1980

To: Regulation Review Committee Members

From: Frank Flavin, Ombudsman

Subject: Handtrolling Cases

Attached is a copy of material which was to have been distributed to each of you some months ago, but may not have found its way to your desk.

As you will see, this office investigated quite a number of cases brought to us from handtrollers throughout Southeast Alaska. We made formal recommendations which were not acted upon in a positive manner by the Board of Fisheries. The issue was then brought before your committee, at our request.

We understand that the formal/public hearings have taken place, your committee has discussed the matter, and was waiting until after the Board of Fisheries met to see what action they took. We further understand that if the Board of Fisheries did not take sufficient action, you were to consider the matter further.

We are now in the process of formally closing the handtrolling cases and the ball is in your court. If further input is desired from this office, please contact me. Thank you for your attention to this matter.

FF:bk
Attachment
cc: S.E. Regional Ombudsman Office

Ombudsman
Frank Flavin

RECEIVED
SEP 25 1979
JUNEAU
OFFICE OF THE OMBUDSMAN

State of Alaska

Reply to:

☐ 840 K Street, Room 203
Anchorage, Alaska 99501
(907) 276-4011

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September 21, 1979

Ronald O. Skoog
Commissioner
Alaska Department of Fish & Game
Subport Building
Juneau, Alaska 99801

Re: Ombudsman Complaints J79-0270, J79-0271, J79-0272, J79-0283, J79-0366, J79-0368 and J79-0391 & J79-0398

Dear Commissioner Skoog:

Please take notice that the Office of the Ombudsman has completed its investigation of the following allegations:

1. That the ban on hand trolling in the high seas salmon fishery is an unfair and illegal economic sanction;

2. That the ban on hand trolling in the high seas salmon fishery unfairly discriminates against hand trollers vis-a-vis power trollers;

3. And, that the State regulation imposing the hand trolling ban in the Fishery Conservation Zone is illegal in light of the approval of the federal Fishery Management Plan on May 15, 1979.

BACKGROUND

1. At the December 1977 Board of Fisheries meeting, the "Board unanimously adopted the coastal fishing area 6/0, Goll absent. It was moved by Jensen and seconded by Fair that hand troll gear be prohibited in the coastal fishing zone. The motion carried 6/0."

2. In early 1979, in a "Report to the Board of Fisheries on the Southeast Alaska Salmon Troll Fishery," it was stated that the North Pacific Fisheries Management Council had recently concluded a first level of review on the draft of the High Seas Salmon Fishery Off the Coast of Alaska East of 175° East Longitude. The FMP was to undergo further review and redrafting and was expected to be implemented by mid-April, 1979. Included in the "proposed regulations in the plan" was "3. Power troll and sport fish gear only."

3. On May 9, 1979, the Division of Commercial Fisheries, in a "NEWS" release, reminded salmon trollers that the State Regulations adopted at the January, 1979 Alaska Board of Fisheries meeting (which extended state regulatory control of the Southeast troll fishery into the adjacent Seward Biological Influence Zone) were currently in effect. It further stated that anticipated adoption of federal regulations for salmon fisheries in the Fisheries Conservation Zone has caused uncertainties over the applicability of the State regulations offshore. The news release concluded that the NPFMC's Fishery Management Plan and its regulations would not go into effect until they were approved by the Secretary of Commerce and therefore, State fishery regulations concerning salmon trolling (ban on hand trolling) were still effective in both state and federal waters.

4. On May 15, 1979, (earlier than was expected) the assistant administrator for Fisheries, Department of Commerce (NOAA) announced approval of the Fishery Management Plan "with the exception of one provision," and issued on an emergency basis regulations implementing the approved portion. The following appeared in the Federal Register, Vol. 44, No. 98, dated Friday, May 18, 1979:

> provision of the FMP was not approved and will not be implemented. The disapproved portion of the FMP would have prevented fishing by hand trollers in the fishery conservation zone (FCZ). The Assistant Administrator determined that this provision was inconsistent with National Standard 4 of the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 et seq., (Act), because it would have prohibited fishing by certain hand trollers who had historically fished in this area, while it would have allowed power trollers with a similar history to continue to fish in the FCZ. Power trollers use power from their boats' engines to crank their reels, while hand trollers crank their reels manually. It was determined that no valid conservation purpose was served by the distinctions that were drawn between the two types of gear.

The FMP further stated, under Sec. 674.24 Gear restrictions, that "Commercial fishing for salmon in the East Area is permitted only with power or hand-troll gear."

5. Winifred H. Meibohm, Executive Director, National Marine Fisheries Service, in a May 15, 1979 communication to the Juneau NOAA office, related detail on the Fishery Management Plan. Selected portions of that memo include:

"Regulations implementing the approved portion of the FMP are issued on an emergency basis in order to limit fishing effort on the salmon stocks."

"The salmon fishery covered by the FMP occurs throughout the waters off Alaska east of 175° east longitude... divided into two management units...(and) Both management units include the FCZ and waters under Alaskan jurisdiction. All harvest taking place on those portions of the management units within State waters will be regulated by Alaska."

"Optimum yield for this fishery corresponds to the average annual harvest during recent years. The FMP is intended to maintain recent levels of fishing effort on the salmon stocks. The NPFMC determined that an increase in fishing effort would be detrimental to the stocks. Any substantial decrease in fishing effort, on the other hand, would be unacceptable for social and economic reasons, because many individuals are dependent on the ocean salmon fishery."

Under a section entitled "Limited Entry Moratorium" it was stated that, "Under those regulations, (limited entry) this maximum number would be exceeded only to the extent necessary to ensure that no eligible person who has been dependent on this fishery would be precluded from harvesting salmon." (Emphasis added.)

"With the exception of allowing hand trolling in the FCZ, these management measures are essentially the same as the Alaska regulations governing salmon fishing in waters under its jurisdiction."

"These regulations are effective immediately as emergency regulations."

It was further stated under Subpart A-General, 674.1 Purpose and Scope, (b), that "These regulations govern fishing for salmon by fishing vessels of the United States within that portion of the North Pacific Ocean seaward of Alaska, east of 175° East Longitude, over which the United States exercised exclusive fishery management authority under the Act." (Emphasis added.) The "Act" means the Fishery Conservation and Management Act of 1976, 16 U.S.C. Sec. 1801-1882, as amended.

6. On May 22, 1979, the Division of Commercial Fisheries, in a "NEWS" release, announced the recent enactment of the Fishery Management Plan. It stated that, "The plan and implementing regulations, which became effective on May 15, 1979, fail to regulate the salmon hand troll fishery in offshore waters. In the absence of federal management and regulatory measures concerning the salmon hand troll fishery offshore, State of Alaska salmon conservation regulations continue to be effective." (Emphasis added; regulation referred to is the "ban" on hand trolling offshore.)

7. In a letter to Mr. Robert C. Loomis dated June 13, 1979, Mr. Harry L. Rietze, Director of the Alaska Region, NOAA, NMFS, commented that "salmon regulations cover fishing for salmon and tanner crab in Alaskan waters outside 3 miles. No other domestic fisheries are now covered by federal regulation within the 3-200 mile Fishery Conservation Zone. When regulations for additional fisheries are finalized, permits may be required, at which time NMFS Juneau will begin issuing permits. Regulations implementing the fishery management plan for the salmon fishery in the 3-200 mile Fishery Conservation Zone (FCZ) in the Gulf of Alaska are now in effect. These regulations allow commercial fishing for salmon with troll gear only." Mr. Rietze further stated that "Persons fishing with hand troll gear are advised that the State of Alaska has implemented a regulation which prohibits use of hand troll gear in offshore waters. We strongly urge that hand trollers contact the Alaska Department of Fish and Game or the Alaska Department of Public Safety regarding this State regulation. NMFS Juneau strongly recommends that all Alaska State fishing and landing laws and regulations be reviewed prior to the beginning of fishing activities." The letter did not, however, make it clear whose regulations (Alaska or Federal) were to be followed.

FINDINGS

Allegation No. 1: That the ban on hand trolling in the high seas salmon fishery is an unfair and illegal economic sanction.

Analysis: The primary Departmental basis for the ban on high seas salmon hand trolling is the increase in effort by hand trollers on depleted King Salmon and heavily utilized coho stocks. [Interviewers - Skoog, Cook, Pennoyer, Cantillon; letter from Commissioner Skoog to Secretary Kreps, April 21, 1979; Memo John G. Gissberg, Assistant Attorney General re: proposed ban on hand trolling in FCZ] The Board of Fisheries intent in

adopting the ban was to limit the total hand troll catch to 20% of the salmon catch. [Performance Review of Commercial Fisheries Entry Commission by Legislative Audit, May 15, 1979, at pages 26 and 376); Memo John Williams, CFEC from Carl Rosier, Deputy Commissioner Alaska Department of Fish and Game, August 21, 1979, re: Limited Entry for Hand Troll Gear.]

There is no doubt that the increase in hand troll effort is a legitimate cause for Board and Department concern and regulatory response. Certainly, the increase calls for restrictive regulation and arguably a lid on the hand troll effort.

However, a regulation establishing a total ban on one gear type in one area and the adoption of a maximum catch percentage for that gear type in the region is economic and social regulation that is deliberate and not incidental to conservation management.

There is little doubt the high seas hand trolling ban and overall hand troll restrictions are in response to the failure of the Limited Entry Commission to implement limited entry in the hand troll fishery. However, the Board of Fisheries regulatory scheme amounts to limited entry without the procedural safeguards and thorough economic and social research required of the Commercial Fisheries Entry Commission.

It is clear from the Board of Fisheries minutes and our interviews with Departmental staff that hand troll fishermen are considered less "traditional," less "beneficial," and less "dependent" than power trollers. [These assumptions will be considered later in this report.]

The legal problems associated with the Board of Fisheries assuming a responsibility delegated to the Commercial Fisheries Entry Commission has been adequately explored in the recent Legislative audit of the Commercial Fisheries Entry Commission. Practically, the Board of Fisheries does not have the economic or social data base to decide that one class of fishermen, hand trollers, should be totally restricted from the high seas fishery while another class of fishermen, power trollers, are allowed the privilege.

Social or economic manipulation of the livelihood of the state's citizens should be accomplished, if at all, by elected officials (the Legislature) directly or through appointed officials (the Commercial Fisheries Entry Commission) pursuant to a legislatively established formula with due process safeguards. With the Commercial Fisheries Entry Commission safeguards have been legislatively established--with the Board of Fisheries they have not.

It should be noted that the federal Fisheries Management Plan disapproved the high seas hand troll ban because it served no valid conservation purpose.

With the implementation of the high seas hand trolling ban and maximum catch percentage, the Board of Fisheries moved from managing the methods and means of harvest to managing the composition of the harvesters.

To further restrict or even put a lid on the hand troll effort in the high seas would undoubtedly have a salutory effect on the fish. To ban the hand trollers completely has an unconscionably greater salutory effect on competing fishermen.

Determination: Partially Justified. The increase in hand troll effort necessitates restrictions or arguably a lid on the effort. The Board of Fisheries, in adopting a complete high seas ban, has adopted a limited entry rather than conservation measure.

Allegation No. 2: That the ban on hand trollers in the high seas salmon fishery unfairly discriminates against hand trollers vis-a-vis power trollers.

Analysis: One Departmental basis for the hand trolling ban in the high seas fishery was to prevent the hand troll fishery from becoming more established. [Letter from Commissioner Skoog to Secretary Kreps, April 23, 1979.] Most Departmental personnel interviewed felt that power trolling was the "traditional" use in the high seas area.

Some Departmental officials characterize hand trolling as sport-commercial, "weekend warriors," etc. Others point to a growing "professional" hand trolling effort. One is struck, however, with the lack of concrete data, beyond observation or assumption as to both the size and importance (social and economic) of the hand troll effort both in the inshore and high seas zones.

In his memo on the proposed ban on handtrolling in the FCZ, Assistant Attorney General Gissberg states: "In the past that fleet has generally represented weekend fishermen seeking additional income or tax advantages on their fishing expenditures." This statement is fairly reflective of the Departmental characterization of hand trollers that we encountered. However, we have yet to see any hard data which establishes the income, dependence or "tax sophistication" of the average hand troller, past or present.

Even the total number of hand troll fishermen in the high seas area (Fisheries Conservation Zone) is not tied down. Five hand trollers were "reported" operating by both Gissberg and the federal "Informational Memorandum" on the "Partial Disapproval of the Fishery Management Plan for the High Seas Salmon Fisheries off the Coast of Alaska." It is not at all certain that this figure is accurate as it does not account for "occasional" effort, nor is the information on fish tickets accurate or thorough enough to establish the actual location of catch and the total hand troll effort in the FCZ.

If the total hand troll fishing effort in the FCZ were indeed five hand trollers this fact certainly undermines the conservation necessity of a total ban in lieu of tighter restrictions or a lid on the high seas hand troll effort.

The federal Fisheries Management Plan rejected the proposed hand troll ban as power trollers who had previously fished the area would be permitted to continue but hand trollers would not.

Determination: Justified. Very little data concerning the economic and social aspects of the troll fishery have been compiled yet basic assumptions concerning the nature of this fishery have influenced the allocation of fish between user groups. Traditional hand troll effort in the FCZ is not well documented, nor is there any legitimate or rational reason why traditional hand trollers in the FCZ should be banned and power trollers permitted to continue.

Allegation No. 3: That the State regulation imposing the hand trolling ban in the Fishery Conservation Zone is illegal in light of the approval of the federal Fishery Management Plan.

Analysis: On May 15, 1979, the assistant administrator for Fisheries announced the approval of the Fishery Management Plan, but with the disapproval of that portion of the plan that provided for a ban on hand trolling in the FCZ. This created a clear inconsistency between federal regulation and state regulation of hand trolling in the FCZ; the federal plan allowing, the state plan prohibiting.

Since that date neither the State nor federal government have made a reasonable effort to inform the involved fishermen as to which management scheme the fishermen should obey.

Clearly the federal law pre-empts. In State v. Bundrant, et. al., 546 P. 2d 530 (Alaska, 1976) the Alaska Supreme Court stated that the doctrine of pre-emption holds "that when Congress has exercised its regulatory authority over a particular subject

in manner to indicate an intention to deal fully and exclusively therewith, all state regulation in that particular field must yield." (Id. at p. 538)

The language in the Fishery Conservation and Management Act (16 U.S.C. 1801 et. seq.) is clear as to federal exclusivity. The Act provides:

> (b) Purposes.--It is therefore declared to be the purposes of the Congress in this Act--
>
> (1) to take immediate action to conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States, by establishing (A) a fishery conservation zone within which the United States will assume exclusive fishery management authority over all fish, except highly migratory species, and (B) exclusive fishery management authority beyond such zone over such anadromous species and Continental Shelf fishery resources;. . .

Despite the clear pre-emption of the FMP allowing hand trolling, State and federal regional officials have finessed the pre-emption question leaving involved fishermen guessing as to if and when the FMP takes effect.

The May 22, 1979 Division of Commercial Fisheries "NEWS" release was at best deceptive in stating:

> "In the absence of federal management and regulatory measures concerning the salmon hand troll fishery offshore, State of Alaska salmon conservation regulations continue to be effective."

The preceeding language implies a failure to act when in fact the hand troll ban was specifically disapproved and a regulatory scheme allowing hand trollers approved.

The director of the Alaska Region, NOAA, NMFS was more artful in dodging the pre-emption question completely and steering Robert C. Loomis, a fisherman, back into the morass of legal uncertainty:

> "Persons fishing with hand troll gear are advised that the State of Alaska has implemented a regulation which prohibits use of hand troll gear in offshore waters.

We strongly urge that hand trollers contact the Alaska Department of Fish and Game or the Alaska Department of Public Safety regarding this State regulation. NMFS Juneau strongly recommends that all Alaska State fishing and landing laws and regulations be reviewed prior to the beginning of fishing activities."

Determination: Justified. State and federal regional officials are leaving the pre-emption question murky until ADF&G and the North Pacific Management Council seek a reversal of the disapproval of the hand troll ban in the FCZ. This is fine for administrators and managers but lousy for the fishermen caught in the middle.

CONCLUSION

The expansion of the hand troll fleet clearly calls for increasingly restrictive regulation to protect salmon stocks and diminish the unfairness to other fishermen who have been subject to limited entry. However, any economic regulation of hand trollers is clearly the province of the legislatively empowered Commercial Fisheries Entry Commission and not the Board of Fisheries. The FCZ hand troll ban and 20% catch limitations both amount to economic regulation and the administrative seizure of control over the livelihoods of State residents without their approval, without the approval of their elected representatives, and without adequate research or procedural safeguards.

Recommendations:

1. The Administrative Regulation Review Committee of the Legislature should review 5 AAC 33.330 and 5 AAC 48.090;

2. The Board of Fisheries should reconsider 5 AAC 33.330 and 5 AAC 48.090 at its next meeting;

3. The commissioner of Fish and Game and regional director, NOAA, NMFS should announce the date that hand trolling pursuant to the FMP will be permissible, or offer negotiation or litigation plans for resolving the inconsistencies in the federal and state regulatory schemes; and

4. That limited entry of the hand troll fishery be undertaken expeditiously.

Thank you for your assistance and consideration in this matter. We look forward to your response within 30 days.

Sincerely,

Frank Flavin

Frank Flavin
Ombudsman

FF:rj

cc: Gregory F. Cook
Steven Pennoyer
Nick Szabo
S. E. Regional "O" Office

Ombudsman

Frank Flavin

State of Alaska

Reply to:

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September 25, 1979

RECEIVED
SEP 2[illegible]
JUNEAU
OFFICE OF THE OMBUDSMAN

Ronald O. Skoog
Commissioner
Department of Fish and Game
Subport Building
Juneau, Alaska 99801

Re: Ombudsman Complaints J79-0279, J79-0271, J79-0272, J79-0283, J79-0366, J79-0368, J79-0391 and *J79-0398 (* not previously listed

Dear Commissioner Skoog:

Several items in our findings issued September 21, 1979, need further explanation.

First, we will not send these findings to the Administrative Regulation Review Committee or the Commercial Fisheries Entry Commission until you have responded, and a copy of that response will be included with our materials.

Second, we will not send copies of these findings to our complainants for two weeks. As you know we do not publicize our findings (if at all) until we have a response from the Department. In fairness to agencies, as we cannot control the activities of our complainants, we try to allow a grace period for the Department in controversial matters.

Finally, recommendation number four is made with the understanding that CFEC is already working on limited entry for hand trolling. Because of the problems brought to light by the Alaska Department of Fish and Game we hope that CFEC evaluation and implementation occur expeditiously.

Thank you for your attention and consideration in this matter.

Sincerely,

Frank Flavin

Frank Flavin
Ombudsman

FF:rj
cc: Gregory F. Cook
Steven Pennoyer
Nick Szabo

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SUBPORT BUILDING
JUNEAU, ALASKA 99801

October 12, 1979

RECEIVED
OCT 15 1979
ANCHORAGE
OFFICE OF THE OMBUDSMAN

Mr. Frank Flavin, Ombudsman
State of Alaska
840 K Street, Room 203
Anchorage, Alaska 99501

Dear Frank:

I have received your letter of September 21, 1979, and will respond to the allegations and findings contained in that letter in the order in which they were made. I have consulted with Steve Pennoyer, Director of the Division of Commercial Fisheries, and Greg Cook, Executive Director of the Alaska Boards of Fisheries and Game, before compiling these comments.

Allegation No. 1. The ban on hand trolling in the high seas salmon fishery is an unfair and illegal economic sanction.

The gist of the analysis appears to be contained in the second full paragraph on page 5, wherein you state "...a regulation establishing a total ban on one gear type in one area and the adoption of a maximum catch percentage for that gear type in the region is economic and social regulation that is deliberate and not incidental to conservation management." In order to respond to that conclusion I must examine each clause of that lengthy sentence separately.

The Board of Fisheries has established a total ban on one gear type in one area in many different instances. For example, a variety of areas exist in the state that are open exclusively to gillnetting for both the salmon fishery and the herring fishery. Also,

a) Security Cove was made an exclusive gillnet area for herring in December, 1978;

b) In Upper Cook Inlet, no seining north of Anchor Point is allowed, and no drift gillnetting is allowed below Anchor Point;

c) Set gillnetting was eliminated from Lynn Canal in 1972.

Such action by the Board of Fisheries is within their delegated powers to affect the methods and means of take of fisheries resources.

(AS 16.05.251. See also Dow v. Ickes 123 F. 2d 909 (1941)). The ban on hand trolling in the FCZ similarly falls within the Board's powers as a regulation affecting the methods and means of take.

The second clause of the sentence cited above states that "the adoption of a maximum catch percentage for that gear type in the region is economic and social regulation that is deliberate and not incidental to conservation management." First, the Board has never "adopted" a maximum catch percentage for hand trolling. The percentage figure to which you refer, I assume, comes from a January 23, 1979, letter from Greg Cook, Executive Director, Board of Fisheries, to the Commercial Fisheries Entry Commission. In that letter the following language appears, "The Board respectfully wishes to express to the Commission its interest in the development of a program that would consider the following elements: 1) preference for rural over urban hand trollers, and 2) allocation of hand troll permits in a number that will result in an overall ratio of the troll catch of 80 percent power troll and 20 percent hand troll." The Board of Fisheries has not adopted any regulations which impose a maximum catch percentage on hand trollers. The percentage figure to which you refer was a request made to the Commercial Fisheries Entry Commission for their consideration. No formal adoption of that figure has been made by the Board of Fisheries.

Finally, you state that the Board's disposition toward that 80 percent/ 20 percent distribution of the total troll catch is "economic and social regulation that is deliberate and not incidental to conservation management." As stated above, no regulation per se is involved. To claim that limiting effort in a particular fishery is not an aspect of conservation management is not realistic. The level of effort present in a particular fishery corrolates directly to the total number of fish which will be taken, and concomitantly affects total escapement.

In summary, I disagree with all of the conclusions which you state in the second full paragraph on page 5.

In paragraph 3 of page 5, you state that the Board of Fisheries' regulatory scheme "amounts to limited entry." Again I must disagree strongly with your conclusion. As all Alaskans know, a limited entry scheme entails regulating entry into a commercial fishery. (See AS 16.43.100(a)) Entry into the hand troll fishery is still unlimited and is open to anyone with gear and a boat. The Board of Fisheries has taken no action that is tantamount to "limited entry."

In paragraph 4 of page 5, you make the conclusion that hand troll fishermen are considered inferior in several ways in relation to power trollers. Certainly, the Board of Fisheries is well aware that hand trollers antedate power trollers and consequently are more "traditional." However, hand trolling gear has not remained static since the inception of the hand troll fishery. The gear used by hand trollers now is far more sophisticated (more lines, more hooks, more efficient methods of retrieval) than the gear fished by hand trollers during the early years of the fishery. It is the use of the outside waters by the hand trollers that is less traditional than the use of the outside waters by power trollers. (See catch data for troll fishery, Alaska Department of Fish and Game, 1975 - 1977).

In paragraph 6 of page 5, you state that the Board of Fisheries' legal responsibilities have been adequately explored in the recent Legislative audit of the Commercial Fisheries Entry Commission. I suggest that you review the entire report, published May 15, 1979, with special attention to pages 37(f) through 37(j). It should be noted that the auditors' responses on page 40(f) were nonresponsive to the merits of the argument raised in the Department of Fish and Game's response. (See also AS 16.43.350).

Additionally, your conclusion that the Board of Fisheries does not have the economic or social data base to evaluate the restrictions necessary in Alaskan fisheries is incorrect. Regarding the hand troll issue, I would call your attention to the series of hearings held throughout Southeastern Alaskan in 1977 on hand trolling (See below, page 4, paragraph 3). In addition, I also call your attention to the hundreds of fishermen who semi-annually come before the Board of Fisheries to offer both economic and social testimony. Finally, please find appended to this response the Alaska Department of Fish and Game Report to the Board of Fisheries, December 1978.

The final paragraph, which begins on page 5, states that safeguards have not been legislatively established for the Board of Fisheries. Again, I must disagree with this statement since it is incorrect. (See AS 44.62.320, AS 16.05.280). Naturally collateral due process safeguards inhere in the system of judicial review as well. (AS 44.62.-020, .030, .300).

The first full paragraph on page 6 states that "the Federal Fisheries Management Plan disapproved of the high seas hand troll ban because it served no valid conservation purpose." That statement is incorrect. In reality, the reason for the Federal action was stated to be "no valid conservation purpose was served by the distinctions that were drawn between the two types of gear" and the attitude in Washington that the distinction contravened 16 U.S.C. 1851 (emphasis added). The ban on high seas hand trolling reduced the total potential salmon fishing effort on the high seas and prevents further increases in the mixed stock fishery. Consequently, a valid conservation purpose was served by limiting effort. It should be noted that only the Washington, D.C., attorneys for the Department of Commerce took the position that the distinction between hand trollers and power trollers was invalid. An attorney for NOAA in Juneau, Alaska is in agreement with the State's position that the ban on hand trolling in the FCZ is in conformance with the national standards of the FCMA and equal protection under the 14th Amendment to the U.S. Constitution.

In conclusion, I must disagree with the statement that the Board of Fisheries "has adopted a limited entry rather than conservation measure." The Board of Fisheries' action has not slowed entry into the hand troll fishery. Indeed, in 1979, 5,400 permits were issued to commercial hand trollers. This represents an increase of 1,500 over the total number of permits issued in 1978 and an increase of 3,300 over the total number of permits issued in 1975. The number of permits actually fished increased from 1,086 in 1975, to 2,604 in 1978.

Although data are not available in final form for the 1979 high seas troll fishery, I am confident that the reduction in effort occasioned by the ban on hand trolling on the high seas contributed to conservation of the depleted and depressed coho and king salmon stocks present off the coast of Southeastern Alaska. I sincerely appreciate your concern for these depleted and depressed stocks and look forward to hearing your testimony before the Board of Fisheries when they meet to consider finfish proposals in Anchorage December 3-20, 1979.

Allegation No. 2: That the ban on hand trollers in the high seas salmon fishery unfairly discriminates against hand trollers vis-a-vis power trollers.

The fact that entry and the level of potential effort in the hand troll fishery is presently without bounds establishes a reasonable basis for the Board of Fisheries' action in eliminating hand troll fishing for salmon in the FCZ. This key distinction between hand trollers and power trollers, i.e., power trollers' effort has been limited whereas hand trollers' effort is unlimited in magnitude, is a clear basis for differentiating between the two gear types. The fundamental reason for the distinction between the two gear types remains, of course, functional distinction, viz., the method of retrieval.

From January 20 through March 16, 1978, representatives from the Board of Fisheries held hearings on the hand troll fishery in the communities of Ketchikan, Juneau, Sitka, Petersburg, Wrangell, Angoon, and Hoonah. These hearings were held to allow members of the public to present their views and ideas on possible regulation and limitation of the hand troll fishery. At least one Limited Entry Commissioner and a varied number of Department of Fish and Game personnel attended the hearings with Gordon Jensen and/or Jim Beaton, who represented the Alaska Board of Fisheries. Approximately 145 persons testified during the hearings. Extensive testimony was received on the economic and social aspects of the hand troll and power troll fisheries. I must emphasize that the expertise possessed by the members of the Alaska Board of Fisheries, the data presented by the Commercial Fisheries Entry Commission, the data presented by the Alaska Department of Fish and Game, and the extensive testimony received in regulatory sessions of the Board of Fisheries and special hearings the Board has held constitute a thoroughly legitimate data base on which to make decisions.

Your statement that traditional hand troll effort in the FCZ is not well documented is well taken. It is the Department's and the Board's position that the lack of documentation of such "traditional" effort is due to the fact that the effort has been so low as to be negligible in the past. The Board of Fisheries' action, however, was based on the precept that the previously negligible level of effort is subject to rapid expansion, and the depleted and depressed state of the king and coho stocks does not allow for potentially unlimited expansion of the hand troll effort in the FCZ at the expense of the resource for the sole purpose of obtaining data to satisfy other state agencies.

It goes without saying that hand trollers still fish intensively in inside waters in areas where stocks are more discrete. Management of discrete stocks is biological. more sound than a mixed stock fishery, since it allows managers a better chance to avoid overfishing specific stocks. (See Washington Kelpers' Association v. State 502 P 2d 1170, 1172 (Wash., 1972)).

Allegation No. 3: That the State regulation imposing the hand trolling ban in the Fishery Conservation Zone is illegal in light of the approval of the Federal Fishery Management Plan.

You are correct in stating that there is an inconsistency between the State regulation and the Fisheries Management Plan. It is not, however, the duty of the State or the Federal Government to give legal counsel to individual fishermen. Your statement that "clearly the Federal law pre-empts" is a legal conclusion unsupported by judicial application to the hand troll issue. There is no substitute for the informed legal counsel which a competent attorney can render to an individual citizen. (See AS 08.08.210). With that caveat in mind, I will comment on the personal opinions of your office staff relating to the pre-emption issue.

Your citation of 16 U.S.C. Sec. 1801 is well taken. However, your unexplained omission of 16 U.S.C. 1856(a) was unfortunate. That section (Sec. 306 P.L. 94-265) states the following: "except as provided in subsection (b), nothing in this Act shall be construed as extending or diminishing the jurisdiction or authority of any state within its boundaries. No state may directly or indirectly regulate any fishing which is engaged in by any fishing vessel outside its boundaries unless such vessel is registered under the laws of such state." Naturally the State of Alaska regulations pertaining to hand trolling in the FCZ are meant to apply only to vessels registered under the laws of the State of Alaska and citizens of Alaska. Similar regulations of the State of Alaska exist for the king crab fishery in the FCZ. Since the Secretary of Commerce has not held a hearing in accordance with the Federal APA as mandated by subsection (b) of Section 306, the exception to State jurisdiction noted above in Section 306 does not apply. Your opinion, therefore, that federal pre-emption is "clear" and federal exclusivity is "clear", is fragile and appears to be unsupported by an understanding of the F.C.M.A. as a whole.

I agree with you that the area of State/Federal jurisdiction is murky and that the action taken by the Secretary of Commerce inures to the detriment of all fishermen concerned. Nonetheless, I am unable to control actions taken in Washington, D.C., and I cannot deliberately abuse Alaska's resources because of unwise action taken on the Federal level.

CONCLUSIONS

I concur with your opinion that the mushrooming of the hand troll fleet calls for increasingly restrictive regulation to protect salmon stocks and to diminish the unfairness to other fishermen who have been subjected to limited entry. I am sure you see the folly of attempting to completely separate regulations in the troll fishery into "economic" regulations and "non-economic" regulations. (See Legislative Audit Report, May 15, 1979, pages 37(g) - 37(i)).

The Board of Fisheries' statutory responsibilities include conservation and development of the State of Alaska's fisheries resources (AS 16.05.221(a)). It should be clear to even the most ingenuous observer that many actions taken for the purpose of conservation will have collateral economic results. In other words, conservation actions may affect the development or utilization of fisheries resources and vice versa. The regulations of the Alaska Board of Fisheries regarding hand trolling in the FCZ are founded on a rational basis. Extensive public testimony has been received over a period of years, forming a massive data base for their decision. The specific action taken by the Board of Fisheries is within their legitimate powers under AS 16.05.251(4), and is not ultra vires as you contend.

COMMENTS ON OMBUDSMAN's RECOMMENDATIONS

1. The Administrative Regulation Review Committee should review 5 AAC 33.330 and 5 AAC 48.090.

No comment.

2. The Board of Fisheries should reconsider 5 AAC 33.330 and 5 AAC 48.090 at its next meeting.

The published deadline for submission of public proposals for consideration by the Board of Fisheries at its December 1979 meeting was September 14. It is now too late for you to submit a proposal regarding the referenced regulations. Nonetheless, to the extent public proposals have been submitted concerning those regulations, they will be legally advertised, and the Board may take regulatory action in those two areas (AS 44.62.190). I suggest that you may wish to offer oral or written testimony to the Board of Fisheries on the referenced regulations. The Board of Fisheries meeting will be held December 3-20, during which public testimony will be received. If you wish to submit written comments, those comments may be submitted directly to the Board's office in Juneau prior to November 23, 1979. Alternatively, you may wish to submit a petition to the Boards under AS 44.62.220.

3. The Commissioner of Fish and Game and the Regional Director of the National Marine Fisheries Service should announce the date that hand trolling pursuant to the Fisheries Management Plan will be permissible or offer negotiation or litigation plans resolving the inconsistencies

in the federal and state regulatory schemes.

I am not now working with NOAA or the National Marine Fisheries Service on the regional level to resolve the inconsistency. You should be aware, however, that the North Pacific Fishery Management Council is strongly in support of the State Board of Fisheries' regulation pertaining to hand trolling in the FCZ. The North Pacific Fishery Management Council is actively pursuing a change in orientation at the Washington, D.C., level, so that the federal Fisheries Management Plan will be brought into line with the state regulations. If you wish further information on the position of the North Pacific Fishery Management Council, I suggest that you contact Jim Branson, Executive Director of the NPFMC in Anchorage.

4. That Limited Entry of the hand troll fishery be undertaken expeditiously.

I agree strongly with this recommendation. The Commercial Fisheries Entry Commission stated to the Board of Fisheries at their 1978 Finfish Regulatory Session that it would take a minimum of two years to institute a limited entry program on the hand troll fishery. If you sincerely desire to expedite the application of a limited entry scheme on the hand troll fishery, I suggest that you contact the Commercial Fisheries Entry Commission.

CODA

Regulation of the Southeastern Alaska troll fishery is a massively complex matter. The issues are multifarious and the solutions are far from easy. The salmon resource is a highly valuable one and allocation of that scarce resource is bound to inflame volatile emotions. I appreciate your deep concern for the maintenance of Alaska's natural resources and fishery resources in particular. I look forward to hearing your testimony in Anchorage at the December 1979 Board of Fisheries meeting and anticipate that you will have specific constructive comments to make at that time. Achieving an equitable solution and a sound management scheme are in the interests of all Alaskans.

I thank you for this opportunity to comment.

Sincerely,

Ronald O. Skoog
Commissioner

Attachment

Ombudsman

MEMO

Date: November 1, 1979

To: Handtroll Complainants

From: Judith Holden, Ombudsman Assistant

Subject: Status of Handtroll Cases

Attached for your information are four documents:

1) September 21, 1979 letter from Frank Flavin to Commissioner Skoog

2) September 25, 1979 letter from Frank Flavin to Commissioner Skoog

3) October 12, 1979 response from Commissioner Skoog to Frank Flavin

4) November 1, 1979 response to the response from Frank Flavin to Commissioner Skoog.

As you will note in the last paragraph of document #4, we have forwarded copies of these enclosures to the Administrative Regulations Review Committee which may or may not take positive appropriate action. For this reason, we are going to leave all handtroll cases included in this investigation in a "pending" state. However, in view of the Commissioner's response (or non-response) the ball is now in another court. If we hear from the Regulation Review Committee, or if additional useful information is forwarded to us, I will be in contact.

Call me, collect if you have questions and/or concerns after reading the attachments. We are sorry this exercise did not result in a reversal of the Board of Fisheries and Division of Commercial Fisheries actions. As you may know, under our statutes we can not force an action to take place. We can only recommend that it take place when investigation so indicates.

/jah
Enclosures as listed above

Ombudsman

Frank Flavin

State of Alaska

Reply to:

☒ 840 K Street, Room 203
Anchorage, Alaska 99501
(907) 276-4011

☐ Pouch WO
Juneau, Alaska 99811
(907) 465-4970

☐ P.O. Box 74358
Fairbanks, Alaska 99707
(907) 452-4001

November 1, 1979

Mr. Ronald O. Skoog
Commissioner
Department of Fish and Game
Subport Building
Juneau, Alaska 99801

Re: Ombudsman Complaints J79-0279
J79-0271, J79-0272, J79-0283
J79-0366, J79-0368, J79-0391,
and J79-0398

Dear Commissioner Skoog:

Without belaboring the obvious differences in opinion in this matter, we remain firm in our conviction that the ban on hand trolling in the "outside" waters is unfair, discriminatory, and illegal. Further, we still find questionable, actions of the Board of Fisheries and the Department of Commercial Fisheries regarding that ban.

We feel compelled to offer several brief comments.

1) The Board of Fisheries was created for the purpose of the conservation and development of the fishery resources of the state. We fail to see, for the purpose of conservation, how the banning of hand trollers would lead to an impact on the fishery sufficient enough to be termed an effective conservation effort. To wit, your statement, "It is the Department's and the Board's position that the lack of documentation of such 'traditional' effort is due to the fact that the effort has been so low as to be negligible in the past." Although the hand troll effort is expanding, that expansion has not yet been quantified. Therefore, how could the action in question be termed "sound" conservation management? It is obvious that a hand troll restriction is a limited entry measure.

You further stated, "The level of effort present in a particular fishery corrolates directly to the total number of fish which will be taken, and concomitantly affects total escapement." Again, how effective is the conservation effort if hand troll fishing in the FCZ "had been so low as to be negligible" and the increase is an unknown factor?

2) You state that, "The Board of Fisheries has not adopted any regulations which impose a maximum catch percentage on hand trollers." However, (in addition to the two documents cited in my 9/2/79 letter) a January 16, 1979 News release from the Department of Fish and Game

states, "the Board believes hand trollers should be allowed to harvest 20 per cent of the commercial troll catch of coho salmon. Szabo also said the Board thinks that any future limited entry program for the hand troll fishery should be designed to maintain that 20 per cent level...As an interim measure until a limited entry program can be developed, the Board adopted regulations which will help protect coho salmon stocks in northern Southeast and will begin to reduce hand troll catches to the level the Board wants to maintain." The news release than went on to list regulations which were in effect during the 1979 fishing season. If, in fact, "No formal adoption of that figure has been made by the Board of Fisheries.", they should not be imposing it upon the fishery as is obviously the case at present.

3) As we previously stated, the Fishery Manangement Plan, under a section entitled "Limited Entry Moratorium" states that, "Under those regulations, (limited entry) this maximum number would be exceeded only to the extent necessary to ensure that no eligible person who has been dependent on this fishery would be precluded from harvesting salmon." (Emphasis added) The Board of Fisheries, has however, precluded 'traditional' fishermen from harvesting salmon in the waters covered under the Fishery Management Plan. You stated, "the use of the outside waters by the hand trollers... is less traditional than the use of the outside waters by power trollers." We do not believe the decision to eliminate fishing in those waters for any traditional fishery lies with the Board of Fisheries. Furthermore the FMP guidelines apply to "traditional" in the sense of the individual fisherman ("no eligible person") and not a collective use.

4) We are, and have been, aware of the North Pacific Fishery Management Council's pursuance of a change in "orientation" and find it interesting that the federal plan should "be brought into line with state regulations." Until a change is accomplished the status quo does not favor state regulations which conflict with the federal standard (ie. handtrolling ban).

5) The "safeguards" which you have cited (AS 44.62.320 and AS 16.05.280) are after the fact and do not provide management standards by which agency action is to be measured. They are not on a scale with the legislatively imposed management and procudure safeguards under which the Commercial Fisheries Entry Commission is mandated to operate.

6) We are dismayed by your response to allegation No. 3 on page 5. Throughout this investigation no official, state or federal, seriously questioned federal preemption. It is a sorry system of governmental administration which foists the responsibility, and associated costs, of solving inter-governmental legal disputes onto private citizens. It is truly disheartening to see local federal and state officials "waffle", to buy time, at the expense of individual fishermen who are trying to figure out where they stand.

7) Limited Entry: It is not our function to make a decision

as to the extent of or necessity for hand troll limited entry. However, the economic and social research of all affected fishermen should certainly be undertaken expeditiously so that an informed decision can be made as quickly as possible.

8) If you are speaking to "entry", ~~which~~ when you say the Board of Fisheries has taken no action to "limit" hand trollers, how then can you justify the Board of Fisheries action of "eliminating hand troll fishing for salmon in the FCZ", an action which is in opposition to the FMP? (You have limited by total elimination!)

In regard to your comments regarding testimony by the Ombudsman's Office at your December 1979 Board of Fisheries meeting we operate under AS 24.55.190; not under the procedures you suggest. When a complaint is received and investigated, we take our findings and recommendations directly to the agency involved so they may take corrective measures, as permitted by law, through their own (the agency's) initiative. The Board can certainly review this matter on their own initiative.

We appreciate the complexity and magnitude of the task of regulation of Alaska's fishery resources with which you are challeged. We also encourage your efforts toward achievement of the "equitable" solution and "sound" management scheme you seek "in the interest of all Alaskans."

By copy of this letter we are bringing these complaints and subsequent related materials, to the attention of the Administrative Regulations Review Committee, the Commercial Fisheries Entry Commission, and all complainants involved.

Sincerely,

Frank Flavin

Frank Flavin
Ombudsman

FF/JAH/jm

cc: Gregory F. Cook, Executive Director, Board of Fisheries
Steven Pennoyer, Director, Division of Commercial Fisheries
Nick Szabo, Chairman, Board of Fisheries
John Williams, Commissioner, Commercial Entry Fisheries Commission
Senator Don Bennett, Chairman, Administrative Regulation Review Committee

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

SUBPORT BUILDING
JUNEAU, ALASKA 99801

November 23, 1979

RECEIVED
NOV 28 1979
ANCHORAGE
OFFICE OF THE OMBUDSMAN

Mr. Frank Flavin
Ombudsman
State of Alaska
840 "K" Street, Room 203
Anchorage, Alaska 99501

J 79-0279

Re: Ombudsman Complaints J79-0279, J79-0271, J79-0272, J79-0283, J79-0366, J79-0368, J79-0391, and J79-0398

Dear Mr. Flavin:

Thank you for your letter of November 1, 1979, in which you respond to the Department's last letter to you, and make further comments regarding the subject "Ombudsman Complaints."

Your letter omitted reference to several specific points mentioned in our reply of October 12, 1979. Since those points are capital to consideration of the troll salmon issue, I am taking this opportunity to reiterate them briefly and request that you include this material as part of the Department of Fish and Game's formal reply to your inquiry.

1) The ban on hand trolling in the FCZ was enacted by the Board of Fisheries because of the depleted and depressed coho and chinook stocks of Southeast Alaska. Such conditions demand an effective and immediate reduction in the amount of fishing effort directed at those stocks. Permitting expansion of fishing effort is clearly not advisable. It would be irresponsible, at best, for the Board to wait until hand-trolling effort increased before paying heed to it.

2) No State regulation exists at this time which limits the hand troll fleet to 20 per cent of the total troll fleet's salmon catch. Indeed, preliminary figures for the 1979 season show that hand trollers caught slightly over 25 per cent of the total troll catch of salmon in Southeast Alaska. The Board will devote further attention to the troll salmon issue at their December, 1979, regulatory session. I wish to encourage you again to offer any constructive advice you may have to the Board at that time. This is one of the enumerated powers of your Office as listed in AS 24.55.190 and .200, and I urge you to take advantage of it.

3) The State of Alaska and the Board of Fisheries have the authority to regulate fishing in the FCZ by Alaska residents and by vessels registered under the laws of the State of Alaska. See: AS 16.05.220 - .300, Alaska Constitution, Article VIII, Fisheries Conservation and Management Act of 1976, 16 U.S.C.A. 1856, State v. Sieminski 556 P2d 929 (Ak, 1976), Glenovich v. Noerenberg 346 F. Supp. 1286, 1291-1292 (D. Alaska, 1972). Continued Regulation of all Alaskan fisheries by the State of Alaska as opposed to the Federal government is a primary objective of our Department and the Board of Fisheries.

Sincerely,

Donald Collinsworth

for Ronald O. Skoog
Commissioner

cc: Nick Szabo, Chairman,
Alaska Board of Fisheries
Gordon Jensen, Vice Chairman
Alaska Board of Fisheries

SUPPORTIVE MATERIAL FOR THE 1980 REGULATORY PROGRAM

FOR THE

SOUTHEAST ALASKA

TROLL SALMON FISHERY

(FINAL DRAFT)

November 1979

Alaska Department of Fish and Game

Juneau, Alaska 99801

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Summary

Regulatory Recommendations For The 1980 Season

In order to address the objectives and problems set forth in this regulatory program, existing State and Federal troll fishery regulations should continue in force. In addition, recommendations are proposed that will enhance the conservation of chinook and coho salmon stocks in S.E. Alaska and attempt to stabilize the interception of non-Alaska chinook salmon at present levels. The following recommended additions to existing regulations will require complementary action by both the Alaska Board of Fisheries and the North Pacific Fishery Management Council.

1. Hand trolling should be prohibited in that portion of the FCZ adjacent to the State's waters prohibiting hand trolling.

   This would prevent a potential increase in troll effort and also contribute to consistent State/Federal regulation of the coastal/offshore fishery.

2. In waters bounded by a line projected west of Cape Spencer at 58°12'30" N., 136°39'00" W., to a point at 58°12'30" N., 137°08'30" W., thence to a point at 59°21'00" N., 139°47'30" W., then east to the mouth of the Dangerous River at 59°21'00" N., 139°19'00" W., the troll season should be from April 15 through June 30 except that coho salmon may be taken only from June 15 through June 30.

Closure of this coastal strip (Cape Spencer to Dangerous River) to troll gear after July 1 is recommended for conservation of coho and immature chinook salmon.

3. In waters bounded by a line projected west from the mouth of the Dangerous River at 59°21'00" , 139°19'00" W. to a point at 59°21'00" N., 139°47'30" W., then to a point at 59°43'00" N., 141°08'30" W., then east to Sitkage Bluffs at 59°43'00" N., 140°39'00" W., the following regulations should be in effect:

   A. The season for troll gear will be from April 15 through September 20, except that coho salmon may be taken only from June 15 through September 20.

   B. From the first Monday in July through September 20 the weekly fishing period for troll gear should be from 12:01 p.m. Monday through 12:00 noon Friday.

   This is intended to check effort increases on Yakutat district coho and still allow the established local troll fishery to continue.

4. The maximum number of lines fished from a troll vessel should be four.

5. The maximum number of power gurdies allowed on a power troll vessel should be four.

These (4 and 5) are intended to curtail an increase in troll effort and harvest.

6. No salmon should be mutilated or otherwise disfigured in any manner which prevents determining the legal minimum size requirement or the species of the fish.

   There are indications that a market may exist for salmon fillets. This regulation is intended to prevent butchering of salmon on the fishing grounds which would make it impossible to enforce size limits.

7. No troll vessel may fish for salmon in an area closed to coho salmon fishing if it has coho salmon aboard.

   After the close of the coho troll season commercial trolling boats might continue to fish for other salmon species, making it difficult to enforce the closing of the coho season. This is especially true for freezer boats and trip boats where it would be impossible to tell when a fish was landed if held on board. This regulation would enhance enforcement of the coho season closure.

FORWARD

In order to provide the reader with a reasonably quick understanding of the management program presented herein, the main text contains information relevant to chinook and coho resource problems, current management policies, and proposed alterations to the current management system with adequate, though limited, supportive discussion. Additional supportive materials and information with respect to resource considerations, the interaction of various fisheries conducted in the troll fishery area, supplemental production effects, special data reports and other items of relevance to the chinook and coho resources are presented in Appendices A - K.

Literature references in the text are designated by appendix. Literature references in the Appendices are documented for each appendix where appropriate.

INTRODUCTION

This document addresses the chinook (Oncorhynchus tshawytscha) and coho (O. Kisutch) salmon resources throughout Southeast Alaska -- from Cape Suckling southeast to Dixon Entrance; in State and Federal waters. The chinook and coho fisheries are a significant segment of the socioeconomic and ecological character of Southeast Alaska.

There are well established life styles and industry components that are oriented to these salmon resources and their existing management regimes. In particular, an extensive troll fishery has developed throughout the area. Dramatic changes in these institutions would not come without disruptive socioeconomic costs. On the other hand, if the resources on which this fishery is dependent are allowed to decline catastrophic changes will occur nonetheless. The continued existance of these institutions at present levels will require some changes in conduct of the fishery.

The stocks (wild and hatchery) of chinook and coho originate from the Pacific states, Canada and Alaska. The abundance and distribution of all stocks are not well established and many stocks intermingle to an unknown degree making the management of this mixed stock fishery very complex.

Annual catches in recent years have often exceeded 325,000 chinook and 950,000 coho. These substantial harvests though, are considerably lower than levels produced between the 1930s and the 1950s.

The status of these stocks coupled with the nature of the fishing industry has generated dilemmatic problems in management.

HISTORY OF MANAGEMENT PLANS

Prior to 1979 no formal management plan document was prepared for all or part of the chinook and coho resources of Southeast Alaska. Management strategies and rationale were annually presented to the Alaska Board of Fisheries and reflected in their Commercial Fishing Regulations.

The North Pacific Management Council, whose jurisdiction covers all of the FCZ seaward of Alaska, assigned a high priority to the Southeast Alaska salmon fishery and included it in the first round of plans to be prepared for the U. S. Secretary of Commerce. This priority was based on the recognition of the significance of the salmon resources of the northwest coast and a coastwide concern for the status of these salmon resources.

A draft FMP was released by the Council for public comment in the fall of 1977. That draft concentrated on the troll fishery in the FCZ which is only a segment of the entire chinook and coho fishery in Southeast Alaska. It proposed time and area restrictions that received strong negative response from industry which claimed: 1) insufficient biological and fishery data; and 2) insufficient analyses of socioeconomic impacts. The draft was retracted by the Council and in the fall of the following year, 1978, another draft was released that proposed an interim plan. With an objective to control

the expansion of the offshore fishery it seemed necessary to have a plan with implementing Federal regulations in place for the 1979 fishery. This would ensure that for all vessels fishing the FCZ (whether registered under the laws of the State of Alaska or not) the following significant restrictions would apply: no trolling east of Cape Suckling; minimum size on chinook; limited entry on power trollers; and a prohibition of hand trolling. In May 1979, the Secretary approved and implemented this plan except for the ban on hand trolling. The Secretary's plan is "interim" because the need was recognized for a comprehensive plan for all fisheries on chinook and coho in all waters of Southeast Alaska -- State and Federal.

THE CHINOOK AND COHO PLAN

The Alaska Department of Fish and Game proposed to develop a fishery management plan for the chinook and coho salmon resources throughout all of Southeast Alaska. It would also recognize the importance of non-Alaskan chinook stocks to the coastal troll fishery and the need for coordinated coastwide management of these stocks.

The first version of this plan is presented in this document. It makes no claim to being a final, comprehensive plan. The complexity and dynamics of the resources and the management of their utilization will require additional versions. It is intended that management will enhance as more information is learned about the stocks and the fisheries.

This current document emphasizes the problems associated with the chinook and coho resources; the existing management approach; and the need for modifying the regulatory program for the 1980 fishery.

There are five major items which may cause significant future impacts which must be resolved before a truly comprehensive plan can be effective. These are:

1. The status of U. S. - Canada salmon negotiations;

2. the outcome of the Indian treaty entitled allocations on the Pacific Coast;

3. development of a hand troll limited entry system;

4. acquisition of data on stock contributions of other Alaska origin chinook and coho and analysis of data from non-Alaskan origin chinook; and

5. results of a biometric analysis investigating the feasibility of "time-area management" in the Southeast troll fishery. (Predominantly funded by NPFMC Contract # 79-4)

The time required to resolve: items 1, 2, and 3 is difficult to predict and out of the hands of the current PDT. Item 4 is dependent on Alaskan tag returns in 1981 and 1982, and the availability of coastwide harvest and tag return files. Item 5 is scheduled for completion in January 1981.

PROBLEM STATEMENT

Four major problems confront management of the chinook and coho resources in Southeast Alaska: 1) depleted stocks of native chinook; 2) excessive harvest rates on coho; 3) the character of the troll fishery; and 4) coordinated coastwide management.

Depleted Stocks of Native Chinook

Chinook stocks native to Southeast Alaska have historically supported gill net harvests near the mouths of large mainland rivers, and commercial troll and limited recreational fisheries in most inshore waters. Catch records for the chinook gill net fisheries indicate historical harvest levels at as much as ten times present levels. Little is known of the relative troll harvest of native Alaskan chinook during this period of historically high gill net harvests but it can be assumed that these stocks also contributed to the troll fishery at levels substantially higher than at present (Appendix B, Chinook and Coho Resource Considerations).

There has been little measurable environmental degradation of the watersheds of Alaskan chinook rivers. Neither has there been any indication of detrimental ecological disturbance (besides that caused by fishing) of chinook ocean life. Therefore, the management of the commercial net and

troll fisheries and the recreational fishery must bear the responsibility for the decline in Alaskan chinook production.

In recent years, directed gill net fisheries for chinook have been eliminated by regulation, although an incidental harvest of chinook occurs in the chum, sockeye, and pink salmon gill net fisheries. Certain levels of incidental harvests cannot be avoided as chinook run timing overlaps with significant runs of pink, sockeye and chum salmon. Therefore, management must take into account this incidental harvest of chinook when providing for the escapement from the troll fishery.

Troll gear continues to harvest chinook of Alaskan origin in areas adjacent to (but not within) terminal areas but in unknown numbers (due to the mixed nature of the stocks). Unfortunately, the restrictions on chinook harvests in terminal areas by net and troll gear have not increased escapements substantially (ADF&G unpublished escapement reports 1928-78).

Excessive Harvest Rates on Coho

Interception by commercial fisheries of coho from certain Southeast Alaska streams was measured in 1974 (pigment marking) and 1978 (coded wire tagging). (See Chinook and Coho Resource Considerations, Appendix B). Harvest by the commercial troll and gill net fisheries for several coho stocks were calculated to be in excess of 80 percent of the return. These interceptions occurred in offshore, coastal and inshore waters. Although the information from these studies was limited in geographical coverage (northern Southeast Alaska), it amply demonstrates the ability of present commercial troll and net fleets to effectively harvest coho stocks at great distances from their natal streams.

Coho are harvested by all gear types with the combined purse seine and gill net harvest usually being less that 50 percent of the total harvest by all gear types. Troll gear generally harvests in excess of 50 percent of the entire commercial coho catch.

Net fisheries are discouraged by regulation (time and area closures) from targeting on coho. However, there is little control over the troll fleet (particularly in coastal and offshore waters) during the coho season. There is no closed season for troll gear in coastal and offshore waters from June 15 to September 20 (which encompasses the time of peak coho harvests). In fact, during weekly closures of the gill net season trolling continues in areas adjacent to the closed areas. This results, for example, in the management of gill net fisheries for chums in which there will be an incidental harvest of coho when as much as 75 - 80 percent of the return of some coho stocks may have already been harvested by troll gear. This can force the premature closure of inshore net fisheries to protect remaining coho for escapement. Thus, incidental harvests of coho salmon by the net fisheries controls major harvests of other salmon species since coho harvestable surplus above that needed for escapement may have already occurred in the troll fishery.

The Troll Fishery

The nature of the troll fishery itself creates problems for fisheries management. A large percentage of the salmon taken in the commercial troll harvest are caught at great distances from their natal streams. Trollers concentrate on schools of feeding salmon comprised of fish from many different stocks. A large ocean fishery coupled with little information on stock definition (stock origins, time and area distributions of stocks, and stock contribution to fisheries) make it difficult to manage for inside fisheries and escapements.

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Fishery managers have responded to identified chinook and coho problems with closures for troll and/or net fisheries near terminal areas where the stocks are more identifiable. The effect of these closures has been minimized by the ability of the troll fleet to move outside the closures and continue fishing on mixed stocks. Where chinook salmon is the species of concern, closures to protect adult spawners results in additional effort being placed on immature feeding fish outside of the closure boundaries. Fishing pressure by troll gear on mixed stocks of chinook and coho salmon now appears to be approaching an intensity which does not allow enough escapement for some stocks to even reach the terminal areas. A recent tagging study on major Lynn Canal and Stephens Passage coho stocks has established that this mixed stock overfishing is occurring in some areas (Appendix B). The need to provide an incidental catch for "inside" net fisheries in or near terminal areas further complicates this problem.

Troll gear efficiency is compounded by the long time period that salmon are available to this gear type and the large area that can be fished. An individual salmon stock may be exploited for several weeks or years and pass through several concentrations of troll gear before reaching its natal stream. In effect, there is a sequence of intercepting fisheries for chinook and coho. From the northern limit of the troll fishery at Cape Suckling, south to Dixon Entrance, the troll fleet is not evenly dispersed but can be seen in groups of from five to two hundred vessels. These congregations of vessels directly correspond to known coho and chinook interception locations along the coast, and the fleet is capable of rapid re-deployment when migration behavior patterns of coho or chinook salmon develop concentrations in new or different areas. Maturing chinook and coho must pass through one or several of these congregations of power and hand troll vessels to reach the inside/terminal areas where they may be subjected to a net fishery.

Not only has the troll fishery been relatively unrestricted from intercepting chinook and coho prior to exposure to an inside net fishery, but the troll fleet (hand and power) in the past decade has expanded its capability to harvest these fish due to expanded fleet size and vessel efficiency.

The number of power troll vessel operators was limited in 1974 by the Alaska Commercial Fisheries Entry Commission, but vessel quality and expressed fishing effort have increased in spite of this limit. Hand troll gear units are not limited in number and there are presently approximately 4,000 hand troll permits. Because individual hand troll units are generally less effective than power troll units, the collective catch is less than the power troll catch. However, hand troll vessels usually operate at less expense than power troll vessels and may fish in areas that power trollers cannot profitably fish. A significant portion of hand trollers in recent years, particularly those adjacent to urban areas, have a low level of economic dependence on the fishery. Recent increases in hand troll gear units may add effort on stocks that are already in jeopardy.

A characteristic of the troll fishery is the occurrence of chinook "shakers" - fish that are required to be returned to the water because they are less than the minimum legal size. This legal size serves two functions. First, it established "three ocean fish" as the recruit age (scale analyses determined 28 inches as the size to separate two year from three year fish). Second, it assumes there is a potential gain of growth by returning undersized fish for future harvest if the growth is greater than losses to natural and "hooking" mortalities and escapement. However, this assumption may not be valid for the Southeast fishery in areas of high concentrations of immature chinook and if hooking mortalities range as high as 30 to 70 percent (as shown by studies of delayed mortalities, Appendix B).

Coastwide Coordinated Management

Tagging studies have clearly shown that the chinook resource off Southeast Alaska is a composite of stocks originating as far south as Oregon. Further, some of these fish are also exposed to established ocean fisheries from Canada through the Pacific coast states prior to spawning.

However, the distribution, abundance and conservation needs of these stocks are not well established. The total harvest by all user groups (coastwide) must not exceed the stock's capability to reproduce itself on a sustained yield basis. If the harvestable surplus is exceeded the stock will become depressed below its full production potential and eventually depleted. Until international, Federal and State agencies clarify the conservation and allocation of these fish (through objectives and rationalized management regimes) Alaska will continue recent harvest rates and apply conservation measures where research and fishery performance clearly identifies the need and solutions.

These problems must be addressed jointly by coastal management agencies as the fisheries of all areas are dependent upon the continued health of the resource. Savings in one area must not be simply passed to another fishery, but must also be passed through that fishery into the necessary spawning escapement.

MANAGEMENT OBJECTIVES

The regulatory regime for the harvest of chinook and coho salmon stocks in Southeast Alaska was formulated to realize the following management objective:

Increase the chinook and coho production for Southeast Alaska fisheries by:

A. 1) Maintaining present escapement levels for healthy native coho stocks; and,

2) Maintaining the present interception proportion from non-Alaskan chinook stocks (until biological, socioeconomical and/or political sources justify a reason to change this proportion).

B. 1) Increasing the escapement of native Southeast Alaskan chinook and depleted coho stocks;

2) Reducing the harvest and the "hooking" mortalities of salmon having significant remaining growth potential; and,

3) Utilizing hatchery and habitat manipulation programs.

To increase production, part A above addresses the need to maintain (i.e., not reduce) certain segments of the resources and their fisheries. Efforts should be made to protect remaining healthy runs of coho and, until the status of non-Alaskan stocks are clarified and coastwide management addressed, production from these stocks should not be reduced, but maintained at current levels.

Part B above addresses increased chinook and coho production by enhancing certain components of the fishery. In particular, the need to increase escapements of native Alaskan chinook and depleted coho stocks.

Structuring a management regime to achieve the above objective is governed by certain criteria.

1) Significant reallocation of harvests between user groups (sport, purse seine, gill net, set net, subsistence, hand troll and power troll) should be avoided.

2) Some management strategies could lead to major disruptions of established social and economic structures.

3) The Board of Fisheries policy toward mixed stock fisheries is:

   a) In the case of long standing, historical fisheries which operate to a large degree on mixed stocks and for which it is not feasible for participating fishermen to relocate in more inshore fisheries operating on more discrete stocks, such fisheries may be continued provided that the harvest <u>rate</u> and/or fishing effort on stocks passing through such fisheries does not, on the average, increase, and provided that this harvest by these fisheries is not detrimental to the conservation of these stocks.

b) In the case of long standing, historic fisheries which operate to a large degree on mixed stocks but for which fishermen participating in these fisheries can feasibly participate in the harvest of these same and other stocks in more inshore fisheries operating to a greater degree in discrete stocks, preference shall be given to the fishery that serves the public's best interests.

4) The existing CFEC power troll limited entry system is well established and investigation of a hand troll system has begun.

5) International negotiations with Canada are still underway and Washington State Indian treaty entitled allocations have significant implications.

6) The seven National Standards of the FCMA are:

1. prevent overfishing and achieve OY
2. use best scientific information available
3. manage stocks throughout their range
4. allocate fairly
5. promote efficiency
6. allow for variations in fishery
7. minimize costs

MANAGEMENT RECOMMENDATIONS AND CONSIDERATIONS

INTRODUCTION

The existing management policies and regulations currently used by the Board of Fisheries and the National Pacific Fisheries Management Council (and NMFS) provide necessary flexibility to meet in-season abundance variations. Some of the important regulations briefly outlined below provide the framework for meshing the existing policies of management for net, troll and recreational fisheries in Southeast Alaska.

In addition to present regulations covering the coastal and offshore troll fishery, more restrictive recommendations are made to enhance the conservation of chinook and coho stocks in Southeast Alaska and stabilize the interception of non-Alaskan chinook at present levels. These recommended changes in existing regulations are also discussed and will require complementary action by both the Board of Fisheries and the NPFMC.

EXISTING REGULATIONS

1. Numerous terminal area net, sport and commercial troll closures are designed to protect runs of mature Alaska chinook entering their spawning rivers.

2. At current effort levels, the existing sport fishing structure (gear type, bag limits, etc.) is adequate to protect the chinook and coho resource unless poor runs occur.

3. The troll closures in portions of districts 6 and 11 (Juneau) are designed to protect areas of large concentrations of sublegal chinook.

4. The four-line limit for State waters helps control the expansion of effort.

5. The historic chinook season (April 15 - October 31) for waters west of the surfline (defined by 5 AAC 33.310 (B)(4)) conforms with the interest to maintain the current levels of chinook harvest.

6. The coho season (June 15 - September 20) has a delayed opening to allow for the rapid growth of this species which occurs in the spring of their last year of life.

7. The 28-inch size limit for commercial troll and sport caught chinook salmon discourages effort in areas where concentrations of immature chinook exist and promotes the harvest of chinook salmon after a significant portion of their growth potential has been realized.

8. The new 8-day fishing period in a portion of northern Southeast Alaska was designed to decrease the troll gear harvest on coho. Modifications

in the open time periods and areas of application may be necessary after the evaluation of its effectiveness.

9. The 8-day fishing period for hand troll gear in district 1 (Ketchikan) is intended to stabilize hand troll effort until tagging studies to determine the condition of wild coho stocks in the area are completed.

10. The in-season adjustment of time and area openings and closures (i. e., emergency/field orders) are a necessary aspect of effective salmon management.

11. The State ban on hand trolling beyond the surfline controls the expansion of effort in coastal and offshore waters.

FUTURE DIRECTION FOR SOUTHEAST ALASKA CHINOOK AND COHO SALMON MANAGEMENT

The information available at this time suggests that the troll fishery in Southeast Alaska has become efficient to a level that, under current regulations, will allow it to harvest a high percentage of the coho stocks on an annual basis. At this time, high harvests of coho salmon are evidenced by tagging studies on some major producing systems in northern Southeast Alaska, declining production from inside water fisheries and general observations of declining escapements at various locations throughout the region. The information for Alaskan chinook salmon stocks is limited, but their depressed status is well documented and wild stock tagging studies on the Stikine and Taku rivers will provide information on harvest rates and distribution in the fisheries for these stocks over the next few seasons.

Obviously, additional research on chinook and coho salmon stocks in Southeast Alaska is necessary to provide a more complete picture of stock status and the effects of the existing fisheries on these stocks. Although additional coho tagging studies to determine harvest rates and migration routes, observer programs and high seas tagging of chinook to determine availability and distribution from year to year have been proposed, this information does not solve the immediate problem. Unless effort in the troll fishery can be stabilized and possibly reduced to some degree, inside water fisheries will have a decreasing number of salmon available to them over time, and harvest rates will remain dangerously high or even increase from present levels.

In order to avoid placing Southeast Alaska's chinook and coho salmon stocks in ever increasing jeopardy from increases in troll fishery effort and efficiency two measures should be taken without waiting for further research, 1) hand trolling effort must be stabilized through the establishment of an effective limited entry program and, if necessary, regulations and, 2) power troll effort in outer coastal waters must be stabilized and reduced to some degree to offset efficiency increases by this fleet. The degree of difficulty encountered in stabilizing the handtroll effort will be directly related to the number of gear units established by a limited entry program and the efficiency that this gear can develop over time. Limiting power troll effort offshore provides a problem of great difficulty as a clear approach to its solution is not available. The proposed regulations for the 1980 season should be viewed as interim measures that may have to undergo revision once their effectiveness is determined.

The extreme mixed stock nature of chinook and coho salmon stocks in offshore waters suggests that overall effort control and not stock management be the approach used to prevent overharvest of Southeast Alaska coho stocks. The proper information needed to establish an effort control program is lacking at this time. Although it is generally recognized that a number of factors have combined to make the power troll fleet more effective, no quantitative information exists in a usable form. Obviously, if an effort control program based on the fleet capacity and performance is to be designed, a data base on the fleet itself will be necessary. Programs to establish the following data base should be implemented as soon as possible:

1. The port sampling program should be strengthened such that the following information can be collected in addition to tag recovery work:
   a. A yearly profile of the fleet itself should be maintained so that changes that contribute to harvesting efficiency can be documented. This information would include vessel size, number of lines used, crew size and processing or extended holding capacity.

   b. Through interviews, an extensive (as practical) data base on catch-per-day-fished for all areas should be established. This information exists in part for the 1977, 1978 and 1979 seasons. If catch-per-day-fished information can be established it may prove indicative of run size and may serve as a tool to monitor catches in conjunction with any numerical limitation on the fishery to be managed.

c. One of the greatest variables in the outer coastal troll fishery is the behavior of the chinook and coho stocks themselves from season to season. A better in-season understanding of this variable is necessary in order to insure that any in-season management decisions are made with the benefit of an understanding of current conditions in the fishery. At least two persons working with the port samplers to maintain close contact with the fleet would be necessary to gather this information.

If effort offshore can effectively be managed through control of the number of vessel days expended in the fishery, this method may provide a better basis for troll fishery management than time and area restrictions, which tend to shift effort, and are difficult to evaluate for effectiveness.

REGULATORY RECOMMENDATIONS FOR THE 1980 SEASON

1. Only power troll gear should be fished in waters west of the coastal fishing zone (as defined by 5 AAC 33.312(a)(4)). Alaska State regulations presently prohibit the use of hand troll gear in the Seaward biological Influence Zone (as defined by 5 AAC 33.312(a)(5), and Federal regulations should follow suit.

Effective fishery management has historically relied on distinctions between gear types. Such plans have consistently been approved by the State and Federal courts and the U. S. Supreme Court where the distinctions drawn have a reasonable basis and have not been applied arbitrarily.

In managing the Southeast salmon resource the State of Alaska recognizes power troll and hand troll as two distinct gear types and treats them differently. This is demonstrated by State regulations that:

(a) limit entry into the power troll fishery but not into the hand troll fishery;

(b) define power gurdy troll gear separate and distinct from hand troll gear;

(c) recognize that hand troll gear includes not only hand cranked gurdies, but also the use of sport rods and reels to harvest salmon commercially;

(d) provide separate time and area restrictions by gear type including a total ban for hand trolling along the coast of Alaska south of 56°04'45" n. latitude (one mile south of Cape Ommaney) and north of the latitude of Red Fish Cape and 43 percent less fishing time in all of Southeast Alaska regulatory districts 1, 14 and portions of districts 11, 12 and 15.

(e) prohibit hand trollers from possessing salmon or halibut while taking other species with mechanical jigging machines.

Distinct and differential treatment between these two user groups is, and will, continue to be a significant aspect of managing the resource.

Policies adopted by the Board of Fisheries concerning hand troll gear were designed to control expansion of the exploitation of chinook and coho salmon by that gear. Restrictions placed on the gear as a result of those policy decisions were applied only where significant growth in terms of numbers of vessels had occurred or where there was already other gear types present in numbers so abundant as to be able to fully harvest the available resource. In several instances, as a result of Board policy, hand troll gear was awarded special consideration and areas that had previously been closed were opened. The Board reviewed all information available in making these decisions. The recognized differences in socioeconomic characteristics, the potential for rapid increase in numbers, the improving gear efficiency, and the biologically detrimental results of no action prompted the Board's action. Hand troll gear continues to support those dependent upon that fishing gear type at historic levels. Lack of time or area restrictions on hand troll gear for those areas not effected by the Board's action continues to allow for substantial harvest of chinook and coho.

Difference Between the Two Gear Types

Hand trollers and power trollers are two distinct groups of fishermen. The criterion in the State's regulation to differentiate these groups is the method to retrieve the lines: hand power (or hand powered crank including rod and reel) vs. electrical, hydraulic, mechanical or other. A detailed analysis of each fleet's effort -- expressed by criteria such as vessel characteristics (seaworthiness, hold capacity, range, electronics, etc.), number of lines and leaders, retrieval mechanism (indicating fishable depths, retrieval speed, etc.), and crew experience - would show that a "typical" hand troller is significantly different from a typical power troller.

It is emphasized that hand trolling is allowed throughout many of the inside districts in Southeast Alaska.

Impact of Hand Trolling in the FCZ

Hand trolling was allowed by the Secretary of commerce in the FCA during the 1979 season.

Continuation of this policy will have the following consequences:

A. It will obstruct the State's efforts to control expansion of the troll fishery.

B. Present West Coast U.S. - Canada salmon negotiations are proceeding on the understanding that neither country will allow significant expansion of the intercepting fisheries. The efforts of Alaska to limit the potential expansion of hand troll effort in its coastal and offshore intercepting fishery have been favorably received by representatives of all negotiating parties involved.

C. The prohibition of hand trolling in State coastal waters and the acceptance of hand trolling in the FCZ creates a difficult enforcement situation for the U.S. Coast Guard, NMFS, and the Alaska Department of Public Safety.

D. Prior to the closure of the State's coastal waters to hand trolling in 1978, little hand troll effort took place offshore due to the nature of the boats and retrieval mechanism used by the hand troll fishery. Small craft, many equipped with sport rods, could not effectively fish the exposed coasts of Southeast Alaska. The small number of operators that did occasionally fish offshore caught an insignificant portion of the

total troll fishery harvest. However, limited entry on power trolling and the current high price paid for chinook and coho salmon has stimulated the development of a "professional" hand troll fleet which fishes full-time in State waters. Large boats equipped with hand gurdies are capable of participating in the FCZ fishery. A major increase in offshore troll effort on mixed stocks of chinook and coho salmon is expected if hand trolling is not banned. This effort increase could have the following social and biological impacts:

The chinook salmon resource in the FCZ includes stocks of fish from Oregon, Washington, Canadian and Alaska river systems. Many wild stocks of chinook salmon from the west coast, including Alaska, are depleted. The states of Alaska, Washington and Oregon and the Pacific Fishery Management Council have adopted regulations designed to protect and rebuild chinook salmon runs. To allow increased troll fishing effort on the mixed stocks of chinook off Alaska would directly negate these actions as depressed stocks would be subject to even greater fishing pressure.

Mark and recapture studies of wild stocks in northern Southeast Alaska have established that some coho salmon stocks are being harvested at the 80 to 95 percent level (Appendix B). The major portion of this harvest is taken by troll fishing. Conservation measures will be frustrated if hand trolling effort continues on the mixed stocks offshore. Methods must be found to reduce and stabilize (not increase) troll fishing effort. A harvest level exceeding 80 percent is considered much too high to insure maintenance of a wild stock. A harvest level of 60 to 70 percent is more rational and the State of Alaska is attempting to reduce the harvest rates to this level.

In order to protect and rebuild depleted chinook salmon stocks and to reduce the high harvest rate on coho salmon, the State of Alaska has developed a complex regulatory regime for all inshore salmon fisheries. Drift gillnetting, seining, sport fishing and commercial trolling in the inside waters have all been markedly affected. Each change in the fishing pattern of an Alaska salmon fishing fleet necessitated by new restrictions has secondary impacts on numerous rural communities. The Alaska Board of Fisheries tries to minimize these secondary impacts, but to allow further increases of trolling effort offshore will only speed the closure of more inside areas and could force a major disruption of existing fisheries and the communities which they support.

E. A final consequence of the Secretary continuing the policy toward permitting hand trolling in the FCZ would be the necessity for an alternative technique to limit hand trolling such as:

a) A Federal limited entry system which would only grant access to hand trollers who could document having fished in the FCZ during a given base time period; or

b) A system to limit effort (e.g., restrict the number of vessel days); or

c) Rely on the State to prohibit hand trolling in the "adjacent biological influence zone" (i.e., the FCZ) as was done in 1979.

Hand trolling has been treated as a separate entity in Alaska since 1973 and meets the test of a different gear type. Hand troll gear has not been significantly utilized in offshore areas and to assure conservation of the salmon resources, the State has prohibited this gear in its coastal zone (0-3 N miles

offshore). A necessary element contributing to the success of this management program is the prohibition of hand trolling in the FCZ.

2. In waters bounded by a line projected west of Cape Spencer at 58°13'20" N., 136°39'00" W., to a point at 58°12'30" n., 137°08'30" W., thence to a point at 59°21'00" N., 139°47'30" W., then east to the mouth of the Dangerous River at 59°31'00" N., 139°19'00" W., the troll season should be from April 15 through June 30 except that coho salmon should be taken from June 15 through June 30. This proposes to close the coastal zone north of Spencer and south of Yakutat to all salmon fishing after June 30.

Closure of this area to trolling is recommended for conservation of coho and immature chinook.

With current information and management techniques it is difficult to directly monitor the effect of the outside troll fishery on coho since it is the first fishery to intercept these fish. This fishery was acceptable in the past, when enough fish escaped the outside fishery to provide allotments for inside fisheries and stream escapements. Because of the intensity of recent fishing pressure, the Board has dramatically increased conservation measures for the inside fisheries in an attempt to provide for stream escapement and maintenance of net fisheries directed on pinks and chums. (The need to provide an incidental harvest of coho in these net fisheries was identified in the "Problem Statement"). This is demonstrated by: area closures, 8 on /6 off fishing periods, no sport fishing from commercial vessels, etc. However, these measures have not been sufficient. Further, the outside area was closed to hand trolling to prevent

an increase in effort there by this user group. But, restrictions on the inside (e. g., 8 on / 6 off) have motivated a redistribution of some power troll effort to the coastal zone.

Recent tagging studies (Appendix B) have shown that the coastal area north of Cape Spencer serves as a migratory route for coho destined for Southeast Alaska streams. Further, harvest rates on these stocks have been excessively high.

In other words, it is necessary to allow these coho to enter inside waters where their harvest can be more effectively monitored and managed.

The present coho season for troll gear begins June 15. Initial catches in the outside area are small and begin to increase in July with peak harvests occurring in mid-August. The weights of indivicual coho early in the season are small and increase as the season progresses. The proposed closure would prevent any significant harvest of coho in the area north of Cape Spencer and, in turn, make these native coho available for an inside harvest at a larger size.

Coupled with the high harvest of coho in this area is the high incidence of immature, sublegal chinook particularly after July 1. The 1978 troll observer program (NPFMC leaflet #6, p. 12) reports that:

> "The highest incidence of undersized fish occurred on observer trips to on-shore fishing districts adjacent to, or north of, Icy Straits (statistical areas 116-05, 181-05 and 114-21). The average incidence of undersized chinook for trips in these areas was 1.57 for each legal fish caught. For the other areas fished (statistical areas 104, 113, 116-25, 154, and

181-25) the incidence of undersized fish averaged 0.24 undersized chinook for each legal chinook caught."

A statistical analysis of the 1978 harvest tickets shows that the daily average weight of chinook salmon caught in areas 181 and 116 was significantly smaller than fish caught in areas 113 and 104 to the south (Appendix K).

Fishermen concentrate in this coastal area beginning in July to harvest the large availability of coho and thereby also harvest a large number of shaker chinook. It can be argued that if the coho were not available the fishermen would look elsewhere for chinook of a larger size. By closing the area to fishing, not only will the coho be allowed to enter the inside waters, but the pressure on shaker chinook will be reduced.

3. In waters bounded by a line projected west from the mouth of the Dangerous River at 59°21'00' N., 139°19'00" W. to a point at 59°21'00" N., 139°47'30" W., then to a point at 59°43'00" N., 141°08'30" W., then east to Sitkagi Bluffs at 59°43'00" N., 140°39'00" W., the following regulations should be in effect:

   A. The season for troll gear should be from April 15 through September 20, except that coho salmon may be taken from June 15 through September 20.

   B. From the first Monday in July through September 20 the weekly fishing period for troll gear should be from 12:01 p.m. Monday through 12:00 noon Friday.

This proposal closes the general fishing season on September 20 and restricts the weekly fishing period to four days in the area outside Yakutat Bay after the first Monday in July.

Coho salmon taken in Yakutat Bay, and along the coast immediately outside the Bay, are stocks bound for Yakutat District streams. A local troll fleet has developed a dependency on a portion of the harvest from these streams, but set gill net fisheries located in river mouths in the Yakutat District have historically harvested and continue to harvest the majority of these fish.

A weekly fishing period for troll gear inside Yakutat Bay has stabilized troll effort in recent years, but additional troll effort is increasing outside the bay and allocation problems between trollers and gillnetters will soon develop unless trolling is restricted from expanding. Extending the existing fishing period to waters immediately outside of Yakutat Bay is intended to check effort increases on Yakutat District coho stocks and still allow the established troll and net fisheries to continue. Further, troll effort on chinook should not be increased because 1) local stocks of Yakutat chinook are depleted, and 2) fish that migrate through, and feed along, the coast from Dry Bay to Cape Spencer are usually small.

4. The maximum number of lines fished from a troll vessel should be four lines.

5. The maximum number of power gurdies allowed on a power troller should be four.

Legal power troll and hand troll gear is defined by 5 AAC 39.105 (d)(7) and (8).

The four line limit has been existant in waters of State jurisdiction for

several years. The regulation is intended to control the effort on the resource.

The four line limit is also more efficient in terms of reducing shaker mortality. When more than four lines are fished there is the potential for additional mortalities to shakers, through drowning, as the lines take longer to work.

A four line limit in Council waters would be valid for the above reasons, plus being compatible with the State for purposes of enforcement. The corresponding limit on power gurdies (4) is intended to promote ease in enforcement of the four line limit regulation.

6. No salmon should be mutilated or otherwise disfigured in any manner which prevents determining the legal minimum size requirement or the species of the fish.

   There are indications that a market may exist for salmon fillets. This regulation is intended to prevent butchering of salmon on the fishing grounds which would make it impossible to enforce size limits.

7. No troll vessel should fish for salmon in an area closed to coho salmon fishing if the vessel has coho salmon aboard.

   After the close of the coho troll season, commercial trolling boats may continue to fish for other salmon species, making it difficult to enforce the closing of the coho season. This is especially true for freezer boats and trip boats, where it would be impossible to tell when a fish was landed if held on board. This regulation would enhance enforcement of the coho season closure.

The proposed regulatory recommendations for the 1980 season are considered minimal in light of depressed chinook stock abundance and known high coho harvest rates. It should be recognized that this program is amendable as new resource and fishery performance data become available.

REGULATORY OPTIONS CONSIDERED FOR THE 1980 SEASON

During formulation of the 1980 management recommendations for this program consideration was given to various "options" that might be implemented to alleviate resource and management problems identified in the Problem Statement. Management options considered but rejected for the 1980 season were as follows:

Coastal Closures South of Cape Spencer

Closures south of Cape Spencer were rejected on the basis that:

1. Even though harvest rate studies have indicated that coastal harvest rates in excess of 80 % have been indicated for certain northern Southeast stream systems, (see Appendix B, Chinook and Coho Resource Considerations) coho stock compositions, migrations and harvest rate information for southern Southeast systems is inadequate for the formulation of meaningful regulations at this time. Information from studies currently in progress should become available starting in late 1980.

2. There does not appear to be a problem with immature chinook salmon of the same magnitude as that north of Cape Spencer.

3. It is uncertain what impacts closures south of Cape Spencer, in addition to those north of Cape Spencer, would have on coastal communities and buying stations.

Temporal Closures

1. Recent action by the Alaska Board of Fisheries resulted in eight-day-on, six-day-off commercial fishing periods for much of the "inside" waters of Southeast Alaska (Alaska Commercial Finfish Regulations 1979). The effects of these closures on the harvest rates of coho salmon, for which they were intended to benefit, will not be known until the returns for several seasons have been analyzed; similar restrictions, were they to be implemented on a coastal basis, would not address the immature chinook salmon ("shaker") problem along the coast, especially north of Cape Spencer.

In waters where migrating cohos are passing through heavy concentrations of troll gear, temporal closures are probably the best way to limit catches without totally closing the fishery. In outside waters where longer trips are made and buying stations are more distant from fishing areas, this type of regulation would not serve to protect concentrations of immature chinook that are feeding and not migrating.

2. A winter closure inside the surfline was also considered as being beneficial to chinook salmon conservation in terms of the savings in potential native Southeast Alaska spawners. Such restriction, however, was considered excessive in light of the limited knowledge available in relation to native chinook escapements and the new fishing periods imposed by the Board of Fisheries.

3. Daylight only drift gill net openings may reduce incidental catches of immature chinook salmon. The use of night closures to reduce the incidental catch of small chinooks was successfully attempted in the district 6 gill net fishery in 1978 on an Emergency Order basis. The further

use of this type of regulation may be warranted in instances where above-average incidental chinook or coho catches occur.

Total "Outside" Trolling Closure; Relaxation of "Inside" Closures

This option was rejected for the following reasons:

1. The troll fleet would be denied the opportunity to harvest much of the non-Alaskan stocks of chinook salmon that have, historically, provided the bulk of the Alaskan chinook troll catch.

2. Coastal communities and buying stations, dependent on the troll fleet for their livelihood, would be severely impacted.

Gear Restrictions for Trollers

In order for an individual unit of troll gear to maintain the potential for effective harvesting of salmon, no regulations other than the current four line limit should be imposed.

ENFORCEMENT RECOMMENDATIONS

PUBLIC AWARENESS

Regulations adopted by the Board of Fisheries and NPFMC/NMFS should receive a greater degree of media exposure. The public cannot be expected to comply with new regulations if they do not know the changes. Part of the responsibility for the lack of knowledge about new regulations must fall to the various

agencies that promulgate these regulations. However, the primary responsibility for learning of regulatory changes must fall on the fishermen themselves. The lack of regulatory changes throughout most of the history of the troll fishery has promoted an attitude of complacency among trollers and some of them fish for the whole season without being aware of regulation changes.

INCREASED ENFORCEMENT EMPHASIS AND CAPABILITY

Presently the amount of time spent enforcing the regulations in the troll fishery by both the Department of Public Safety and National Marine Fisheries Service is not adequate to insure compliance. The staff of both enforcement agencies are often poorly equipped and undermanned and duties related to other fisheries enforcement have required that minimum time be spent on troll regulation enforcement.

As the necessity for troll restrictions increase, greater enforcement emphasis will be required to insure an orderly harvest and compliance with regulatory changes.

RESEARCH RECOMMENDATIONS

Effective management of the chinook and coho resources of Southeast Alaska requires expanded fisheries research.

Of greatest significance are micro-wire tag related projects because the major portion of the chinook and coho are harvested from mixed stocks. Analysis of data from the marking and recovery of native and hatchery stocks from Alaska and the other Pacific Coast states supplies the basis for stock definition - stock origin, time and area distribution of stocks, migration routes and harvest rates.

Since decreased harvests and escapements indicate critically low levels of native Alaskan chinook current tagging programs for these stocks need to be expanded and new programs should be started for the remaining major river systems in Southeast Alaska.

Results from marking stocks of coho from northern Southeast Alaska systems indicate excessive harvest rates. Coho tagging projects must be expanded throughout Southeast, particularly to the outer coasts of Baranof and Chichagof Islands, lower Chatham Strait, the west coast of Prince of Wales Island and the "inside" streams of southern Southeast. Further, marking studies should be periodically repeated to evaluate the effectiveness of management strategies.

The recovery and analysis of micro-wire tags is significant not only in terms of determining harvest rates and distributions of native Alaskan chinook and coho, but also for the determination of the contributions of non-Alaskan stocks and salmon produced from Alaska hatcheries. The effect of hatchery fish on mixed stock fisheries and the success of hatchery facilities will require analysis.

It is essential, therefore, to maintain or increase the current rate of tag recovery. Since it is necessary to expand tagging programs it follows that the effort put into the recovery program for these tags must also expand.

Another topic of research concern are times and areas of suspected high incidence of chinook shakers. Limited troll observer programs and analyses of fish tickets and logbooks are needed to document, and hopefully predict, the occurrence of undersized fish in these selected areas.

Continuing data collection through harvest tickets has shown certain fishing

grounds to be primarily feeding and nursery areas for immature chinook salmon. The coastal banks from Cape Spencer north to Yakutat are, in particular, such an area. More definitive information could be gathered by means of an in-season high seas tag and recovery program. Though costly, such a program would provide information not only on size composition, but also on stock origins, migration and timing of runs, interaction between user groups (gear conflicts) and harvest rates. This information would start to become available the first season that such a program was implemented.

Information is also needed on the potential consequences of alternative management strategies, particularly from a socio-economic perspective. This requires investigation into the processing, harvesting and community sectors as discussed in the Socioeconomic Data: Collection & Analysis For Use In Fishery Management Plans, Council Document #6, Aug. 1979.

Finally, there is a definite need to identify and pursue quantitative evaluations of fishery perfermance data as they relate to possible management strategies for the troll fisheries throughout the range of the chinook and coho resources. Is there a way to truly limit effort? Can seasonal time / area management be used with existing data? What data and criteria should be applied to in-season management? etc.

Beginning November 1, 1979, the NPFMC will fund a one year biometric analysis to investigate the feasibility of using certain fishery data as the basis of time and area management for the Southeast Alaska troll fishery. Additional work of this nature must be conducted.

PRELIMINARY D...
FOR REVIEW/SUBJECT TO ...
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ALASKA's LIMITED ENTRY SYSTEM

The State of Alaska passed limited entry enabling legislation in April of 1973, which established the Commercial Fisheries Entry Commission (CFEC) and charged it with promulgating regulations to limit entry into those fisheries which, in the CFEC's judgment, require limitation. The Southeast power troll salmon fishery was limited by the CFEC in December of 1974. Entry into the Southeast hand troll fishery has not been limited.

Regulations implementing power troll limited entry established the maximum number of permits at 950, although this could be exceeded so as to prevent exclusion of persons who would suffer "significant economic hardship." (See. Appendix 8.3.1.3, December 1, 1979 final draft of the Salmon Plan approved on May 15, 1979 (44 FR 33250, June 8, 1979), for a discussion of how the State system was developed.) As of May 15, 1979, 934 power troll permanent entry permits had been issued. Approximately 40 more applications for such permanent permits were still in adjudication, the applicants for which were allowed to continue fishing under power troll interim-use permits. Thus at the time regulations for the 1979 salmon plan were first implemented, there were about 974 units of power troll gear allowed to fish under Alaska's limited entry system.

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In July of 1979, however, the Alaska Supreme Court handed down a decision which will require CFEC to issue an as yet undetermined number of additional permits. Essestially, the CFEC will have to award a certain number of points to persons who did not hold a gear license, and were thus prevented from applying for an entry permit, but who nevertheless were partners of, and equal in status to, the power troller who held the gear license and was awarded the entry permit. The CFEC is not drafting regulations to implement this decision, but it is too soon to know how many persons will apply for permits, and how many of those applicants will be granted interim-use permits until decisions on their applications are made. The CFEC estimates that the number of additional interim-use and perhaps permanent entry permits may range from as low as 25 to as high as 200, although 50 is suggested as the most realistic estimate.

As states, the CFEC has not implemented limited entry for hand trollers. Whether or not this fishery should continue to remain open to entry has been a hotly debated issue for the last few years. Those who wish the fishery to continue to remain open feel that there should be at least one unlimited salmon fishery to provide a relatively low cost entry opportunity to anyone who wishes to become a fisherman. Those who want the fishery included under the limited entry system cite the tremendous growth in the fishery over recent years and the resulting management problems (See Problem Statement)

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The CFEC is now taking initial steps to limit the hand troll fishery. Studies are being conducted to determine characteristics of fishermen participation. The results of these studies and their applicability to a limited entry system will be the subject of public hearings held this year. Subsequently, regulations establishing a point system will be drafted and presented at a second round of hearings. These regulations, or a modified version, will then be adopted. However, it is unlikely that access to the hand troll fishery will be controlled prior to 1981.

COUNCIL MORATORIUM

The Salmon Plan prepared by the Council now in effect states that limited entry is necessary to maintain present levels of effort and catch in the power troll fishery in the FCZ, that limited entry will promote efficient operation of other management measures, that without limited entry there is a significant probability that persons affected by restrictions in other fisheries will turn to Alaska, and that limited entry is less socially and economically disruptive than alternative management measures designed to restrict trolling in the FCZ. Earlier drafts of the plan proposed a separate limited entry system for the FCZ which would have only granted access to power trollers who could document having fished there in the years 1975-1977. This was rejected, however, partly due to allegations by power trollers that the fish ticket data upon which such a scheme

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would be based was faulty, but primarily due to the recognition by the Council that the power troll fishery was a single fishery and should not be split by the three-mile boundary line. Accordingly, the plan "adopted" Alaska's limited entry system, thus permitting all holders of power troll entry permits to fish in the FCZ. The plan also granted access to persons not holding an Alaska permit but who could document having fished in the FCZ. No one has yet qualified under this last provision.

During preparation of regulations to implement the plan, it became apparent that there was little, if any, guidance in the plan on just how the State system should be "adopted." The most significant problem was expressed by the Assistant Administrator for Fisheries, NMFS, in a letter to the Chairman of the Council explaining approval of the salmon plan:

> In examining the details of the Alaska system, it became apparent that under this system, State officials make certain discretionary judgments that could affect the rights of individuals to fish in the FCZ under the FMP. Some of these discretionary judgments involve revoking existing permits, granting additional permits, determining the optimum number of permits, and transferring permits. The FCMA contemplates that the Secretary is responsible for promulgating and carrying out the regulations for plans. It would be inappropriate under the FCMA if State, regional or local officials, or private parties, were to be given the authority to determine the rights of individuals in the FCZ. Accordingly, we have implemented the limited entry system in a manner which is consistent with the

intent of the Council, by allowing those persons holding State permits to fish in the FCZ in 1979. The many difficulties associated with developing a unified Federal-State limited entry system, however, should be addressed before that system is extended beyond 1979.

As further explained in the preamble to the proposed regulations (44 FR 29080, May 18, 1979), the plan's "adoption" of the State system was implemented as a one year moratorium on issuance of commercial power troll permits for the FCZ. Only those persons who held a State power troll permanent entry or interim-use permit on May 15, 1979 were allowed to fish in the FCZ in 1979, which, as discussed above, was approximately 974 persons.

The regulations implementing this moratorium provided that the Regional Director could override a decision by the CFEC which affected an individual's right to fish in the FCZ. For example, if the CFEC denied transfer of a State entry permit, which effectively would also deny transfer of the FCZ authorization, the parties involved could apply to the Regional Director to have that FCZ authorization transferred. Although the Regional Director would make his decision based on the same criteria as the State decision, it is possible that he could approve such a transfer, which would effect a severance of the FCZ authorization from the State permit. If this happened, the State permit holder could no

longer fish in the FCZ and the Federal permit holder could not fish in State waters. Unfortunately, a severance as described would have a result contrary to the management objectives of the salmon plan in that where there formerly was only one unit of gear, there would, after a severance, be two units of gear, although each would be restricted to a separate area. In addition, that a separate FCZ-only authorization or permit would result from a severance, and possibly in other situations as well -- override a State denial of an emergency transfer, revocation of a State permit, and more -- raises serious enforcement problems in determining which permit holder is allowed to fish where.

ALTERNATIVES FOR THE FCZ FOR 1980

Power Troll Fishery

Four alternatives are identified for limited entry for the FCZ for 1980. These are having no limited entry or moratorium; extending the moratorium now in effect, which means no entry into the FCZ for anyone who obtained a State interim-use or permanent entry permit after May 15, 1979; broadening the current moratorium to include any persons who obtain a State permit after May 15, 1979, mostly as a result of the recent Alaska Supreme Court decision; and establishing the limited entry system proposed last year, which would allow into the FCZ only those power trollers who can document having fished in the FCZ during the base years 1977-1979.

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1. No Limited Entry or Moratorium

This alternative would essentially reopen the FCZ to any power trollers who desired to fish there, including all Alaska entry permit holders as well as other power trollers who don't have Alaska permits but land their catches out of Alaska (e.g., Washington).

Advantages:

- Eliminates all administrative and enforcement problems associated with having a limited entry system in the FCZ.

Disadvantages:

- Does nothing to restrain or control expansion of the power troll fishery in the FCZ; and

- Would probably necessitate rather severe time and area limitations in the FCZ in order to accomplish such restraint or control.

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2. Current Moratorium

This alternative would leave matters as they now exist - the number of units of gear would be limited to the approximately 974 allowed in the FCZ as of May 15, 1979. New interim-use or permanent entry permit holders, that is, who became such after May 15, 1979, would not be allowed to fish in the FCZ. The intent would be to exclude those persons who obtain their permits as a result of the recent Alaska Supreme Court decisions. Of course, transferees of permanent permits which had been issued by May 15, 1979 would not be excluded from the FCZ.

Advantages:

- Prevents the number of units of power troll gear allowed in the FCZ from increasing beyond the approximately 974 units now allowed, which addresses the management goal of restricting increased effort; and

- By controlling effort in that manner would do nothing to worsen current West Coast salmon problems, including treaty entitlements of Washington State tribes.

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Disadvantages:

- Raises problems in administering two types of State permits - those allowed into the FCZ, and those recently issued permits not allowed into the FCZ;

- Creates potential enforcement problems associated with having the two sets of permits; and

- Contemplates almost a "separate" limited entry system in the FCZ.

3. New Moratorium

This alternative would extend the current moratorium but in a revised fashion -- persons who receive a State permanent entry or interim-use permit after May 15, 1979, mostly as a result of the recent court decisions, would be permitted to fish in the FCZ. There would still be a restriction to entry for persons who did not have a State permit.

Advantages:

- Alleviates the enforcement problems associated with allowing some, but not other, State permit holders to fish in the FCZ; and

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- Eases many problems with administering the two sets of permits.

Disadvantages:

- Gives, by the CFEC estimates, anywhere from 25-200, but probably around 50 additional persons the right to fish in the FCZ, which is contrary to the stated goals of the plan; and

- Allows such additional effort at a time when the issue of interception of Canadian and Washington State bound stocks is quite sensitive.

4. Entry Limited to Actual Participants

This alternative is essentially the same as one proposed, but rejected, by the Council last year -- entry into the FCZ would be limited to only those power trollers who could document having fished in the FCZ during the base years 1977-1979. This proposal is raised again primarily as an option to alternative 2 above. If the Council were to retain the current moratorium as that alternative suggests, which necessarily means that the Coucnil would be moving toward a limited entry system that is

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not coextensive with, but in fact separate from, the State's system, then it seems logical to consider a separate system for the FCZ that would be the most effective in holding effort to current levels.

Advantages:

- Provides the most effective and meaningful restriction on increases of effort beyond present levels; and

- As such, accomodates the recognized goals of maintaining present harvest and interception rates but also maintaining, and even increasing, escapement.

Disadvantages:

- Creates the same administrative and enforcement problems with administering two limited entry systems as suggested by alternative 2, only to a much greater degree; and

- Involves many, though not all, of the same data problems thought to be objectionable last year.

The Point Baker Hand Trollers Association has examined the draft of the 1980 troll plan. We present here a review of the plan's text, particularly in its relation to hand trolling, comments on the plan's methodology, and finally, specific recommendations as to changes in text.

INTRODUCTION

The Point Baker Hand Trollers Association believes that the troll fishery should be managed as one fishery. The notion that trollers who are permitted to retrieve their gear with power deserve preferential regulatory treatment over trollers who retrieve their gear by hand was championed by the power troll lobby. The first discriminatory troll regulation, the closure of coastal waters to hand trollers only, was enacted in June, 1978. Never before in the long history of the troll fishery had such regulatory discrimination been made. Prior to June, 1978, regulations on trolling have always been born equally by all trollers, regardless of the manner in which they retrieve the gear. Further troll closures were made in 1979 for certain inside areas and the FCZ, and again power trollers received special exemption. Forcing those trollers who have had the least impact on the resource to accept closures, in the name of conservation, while allowing those trollers who have had the greatest impact on the resourse to fish unrestricted, is plain nonsense and totally baffling to any non-bureaucratic mind.

POWER AND HAND TROLL: SIMILARITIES AND DIFFERENCES

The notion, as stated in the plan, that "hand trollers and power trollers are two groups of fishermen who do not use essentially the same type of gear," is false. The gear is exactly the same, from hook to gaff hook. The only difference is the kind of power used to retrieve the gear, muscle or mechanical. Even the gurdies themselves are often identical, the only difference being either a handcrank or mechanical coupling on the end of the gurdy shaft. Hooks, spoons, plugs, leader, wire line, poles, rigging, blocks, and all the miscellaneous hardware commonly known as troll gear is exactly the same identical gear, regardless of the source of power used to retrieve it. Many former power troll boats are today hand troll boats with the simple addition of a crank to the gurdies. The extreme difficulty of telling one boat from another was demonstrated by this year's new regulation requiring identifying markings on all trollers so that law enforcement personnel could tell the hand trollers from the power trollers. Both hand and power trollers are found fishing side by side, fishing in the same method, following the same strategies, and fishing for the same fish. Distinctions between these two groups of trollers are completely insignificant compared to differences between other gear types such as purse seine, gillnet, longline, trawl, etc., where the actual gear and hardware, fishing methods, strategies, vessel design, and target species are unique to each fishery. To attempt to regulate and allocate among trollers is not the same thing as to

regulate and allocate between, say, seiners and gellnetters. On the other hand, this is not to say that power trolling and hand trolling areequally effective. Although the gear itself is identical, the use of mechanical power allows the gear to be "run" faster, deeper, and more frequently than the average set of muscles generally allows. This can make the use of the same gear much more effective. An analogy may be made to the use of the power block in purse seining, making the use of the same gear(in this case a net)more effective than without a power block. But the seiner who uses a power block does not become a different gear type by virtue of such use.

The arguments presented as justification for treating trollers as two distinct gear types on page 21 of the draft plan are embarrassingly contrived. We respond to them in the order presented:

A. The fact that the Commercial Fisheries Entry Commission chose not to include hand trolling under a limited entry program at the same time as power trolling does not necessarily make it a separate gear type. The CFEC is now, in fact, in the process of including the hand powered portion of the troll fishery under limited entry as well.

B. The definitions used by the state to describe hand trolling and power trolling are only several years old and have been changed a number of times. Still, the line of distinction remains drawn strictly on the type of power used to retrieve the gear, muscle vs. mechanical.

C. Sport rods are rarely used by handtrollers, but being hand powered, remain legal. They can also be used by power trollers, though rarely are. They form no basis of distinction between commercial trollers.

D. The fact that recent regulations have been made which, in their application, discriminate between trollers, does not make the two groups essentially different gear types. Laws that prohibited persons with black skin from sitting in the front of the bus did not make them essentially different types of persons, in spite of what was claimed at the time by those state law makers who made such distinctions.

E. Regulations of jigging machines are the same for power trollers, hand trollers and non-trollers. No distinction in gear types is made, as implied in the draft plan. The statement that "distinct and differential treatment between these two user groups is and will continue to be a significant aspect of managing the resource," is highly presumptuous. Hand trolling has been conducted in Southeast Alaska for nearly 75 years. Power trolling, as we now call it, has been around some 50 years. Preferential regulatory treatment for power trollers is 18 months old. These recent closures on hand trollers only were primarily adopted to "control expansion of an unrestricted fishery" in lieu of any existing limited entry program. Now, with the advent of limited entry for hand trolling, it can be expected that these interim closures will be re-evaluated. Furthermore, the impact of these closures on the social environment as well as the resource has yet to be examined. Such examination may lead to the discontinuance of differential treat-

ment among trollers, regardless of limited entry. It is unlikely that the Board of Fisheries will wish to remain locked in to an unsuccessful management strategy, as is suggested by the statement in the draft plan.

On page 23 of the draft plan appears the statement, "A detailed analysis of each fleet's effort--expressed by criteria such as vessel characteristics(seaworthiness, hold capacity, range, electronics, etc.) ...should show that a 'typical' hand troller is significantly different from a 'typical' power troller." Saying that the "typical hand troller" is significantly different from the "typical power troller" is no justification for treating trollers as though they were two different gear types, but rather is a crude generalization of the difference in socio-economic status of the two groupings of trollers. Historically, hand trollers have mainly been those trollers not able to afford the cost of powered gurdies. Today, with power troll permits selling in excess of $30,000, the socio-economic distinction between trollers continues. Hand trollers are now those trollers who can not afford $30,000 for the luxury of powered gurdies. Likewise, the "typical hand troller" cannot afford a boat of the size and capability of the "typical power troller." However, these socio-economic differences in no way justify regulatory discrimination against the relatively economically disadvantaged group of trollers. The "typical hand troller," in spite of his sesser capability of effort, should have just as much right of access to the fishing grounds as the "typical power troller." The notion that the right to fish of hand trollers is somehow more expendible than that of a power troller is one hand trollers, as Americans, can not accept. Hand trollers have a right to equal treatment under the law. As has been shown, differential regulatory treatment of trollers derives from distinctions that have no reasonable basis and are largely arbitrary in application.

HAND TROLL CLOSURES, THE FCZ, AND LIMITED ENTRY

As stated before, the Point Baker Hand Trollers Association believes trolling must be regulated as one fishery. Therefore, hand trolling in the FCZ should be allowed on the same basis as power trolling. Beginning on page 23 of the draft plan, possible consequences of continuation of the present policy are listed, to which the following comments are addressed:

1. Leaving the FCZ open to hand trollers will in no way obstruct the state's efforts to control expansion of the troll fishery, as claimed in the draft plan. All the traditional management tools(limitation of vessel days, quotas, gear restriction, etc.)will remain as options for controlling effort in the troll fishery. Closing the area to hand trollers only merely deprives a small number of people of a portion of their traditional livelihood, forcing their efforts into the more biologically sensitive inside areas. Their impact on the FCZ fishery, as pointed out in the draft plan, is insignificant. As the state is now including the hand powered portion of the troll fishery under limited entry, reducing the fleet to near 1975 levels, the potential for unrestricted growth in this portion of of the fishery is no longer possible. Furthermore, federal

limited entry for hand trollers in the FCZ remains a viable option.

2. Significant expansion of the power troll effort, in the past five years, has occurred in the FCZ, while hand troll effort has remained insignificant in the FCZ, as is stated in the draft plan. Allowing this admittedly insignificant participation to continue in the FCZ, in the face of the expanding power troll effort in the FCZ, should therefore have no effect on West Coast U.S.-Canada negotiations in regard to the issue of not allowing significant expansion of the intercepting fisheries. The statement in the draft plan that "The efforts of Alaska to limit the potential expansion of the hand troll effort in its coastal and offshore intercepting fishery have been favorably received by representatives of all parties involved," is insulting to hand trollers, as they are the only party directly affected, and very detrimentally, and whose opinion was never even considered.
3. The "difficult enforcement sityation" that now exists will be eliminated when trollers are treated equally under the law. Specifically, these enforcement difficulties offshore will be eliminated when the recent ban on hand trollers in coastal waters is eliminated. With the advent of limited entry for hand trolling, the future of this and other discriminatory closures is in doubt. in Appendix F, "Power Troll--Hand Troll Interactions," it is stated that "present regulations concerning power troll-hand troll interactions should be viewed as <u>interim measures</u>. Restrictions on the further expansion of the number of hand troll units and reduction of that number through an acceptable limited entry system should receive priority." The closure, by the Board of Fisheries of the coastal waters to hand trollers was based on the absence of a limited entry program at that time. The CFEC now intends to limit 1980 permits to those who fished in 1978 or earlier, and by 1981 permanently limit permits to near 1975 levels. Therefore, future enforcement problems would likely increase if hand trollers are banned from the FCZ.
4. As stated here in the draft plan "The small number of operators that did occasionally fish offshore caught an insignificant portion of the total troll fishery harvest." There is no evidence to indicate any significant increase in effort by hand trollers in the FCZ. The threat of "a major increase in offshore troll effort...within a few years" if hand trollers are not banned, is prue speculation and is not born out by any statistics. On the other hand, a substantial increase in power troll effort <u>has</u> been documented and it is logical to assume that increased effort in the future will continue to come largely from <u>this</u> group, not from trollers using hand power. To ignore the real source of increased FCZ harvest, namely increased power troll effort, and use the admittedly insignificant harvest by hand trollers as a scapegoat, is disgraceful not only to efforts to save the resource, but on the basis of ordinary fairness.

5. The Point Baker Hand Trollers Association is well aware of the plight of many salmon stocks and encourages whatever limitation on effort that is required to protect and rebuild runs, so long as such restrictions are born equally by all trollers and not exclusively by those who use hand power. To exclude hand trollers from participating in the FCZ while allowing power trollers, also negates National Standards of the FCMA, namely, "to allocate fairly" and "to allow for variations in fishery."
6. Hand trollers should be allowed to fish in the FCZ in the same manner as power trollers have been allowed--currently meaning, under a system of limited entry, be it state or federal. As state limited entry for hand trolling is now being formulated, continuing the current system, for the interim, may be the most practical course. Still, a federal limited entry system would be preferable to denying individuals access to their traditional fishing grounds. In fact, on page 42 of the draft plan it plainly states that "...limited entry is less socially and economically disruptive than alternative management measures designed to restrict trolling in the FCZ."

The draft plan goes on to state that "each change in the fishing pattern of an Alaskan salmon fishing fleet necessitated by new restrictions has secondary impacts on numerous rural communities. The Alaska Board of Fisheries tries to minimize these secondary impacts, but to allow further increases of trolling effort offshore will only speed the closure of more inside areas and could force a major disruption of existing fisheries and the communities which they support." The facts have proven that just the opposite happens. Forcing hand trollers to abandon outside waters has hastened, not minimized, impacts on rural communities. To take one example from the 1979 season, the closure of outside waters to hand trollers had the following impact on our community, Point Baker, located inside Area 6:

1. Local hand trollers who normally rely heavily on outside areas for their livelihood were forced to concentrate efforts on the less profitable and more biologically sensitive inside areas. This resulted in substantial loss of potential personal income and increased pressure on depleted local salmon stocks.
2. This fleet(displaced by the outside closures) plus a large Ketchikan fleet(displaced by Area 1 closures on hand trollers only)plus the usual Point Baker "homeguard" concentrated to create an unusually intense and competitive effort in our area. Boats and litter clogged our harbor. Local fuel and other supplies were exhausted. Local fishermen caught a smaller proportion of an already small catch.
3. Due to the scarcity of fish and unusually high levels of effort, Area 6 was finally closed to trolling altogether.

Forcing hand troll effort from outside to inside waters has negative impacts on individual fishermen, rural communities, and most certainly on the resource.

Closure of the coastal fishing zone to hand trollers was implemented before the CFEC had begun action on limited entry for hand trollers. Not being under limited entry, the increase in the number of hand troll

permits annually issued was given as the primary reason for closures to hand trollers only. Under the CFEC's timetable, a moratorium on new permits will be in effect for the 1980 season, limiting participation to those who fished prior to 1979. By 1981, the number of permits should be permanently reduced to near 1975 levels, the year limited entry was enacted on power trolling. Therefore, entry into the hand troll fishery is no longer unrestricted and the basic premise, on which closures to hand trollers were enacted, is no longer valid. Thus, with the advent of limited entry for hand trolling, the coastal waters as well as the FCZ and other areas should be open or closed to all trollers on an equal basis.

It should also be remembered that the increase in numbers of hand troll permits that occurred during the years 1975-1978 was due primarily to urban recreational fishing and permit speculation, not trollers who customarily fish the outside waters. For example, here in Point Baker, the number of hand troll permits fished in 1975 was 48. In 1978 there were 49. In Juneau in 1975 there were 205 hand troll permits and in 1978, 784 permits were fished(CFEC records). In effect, Point Baker hand trollers, who rely entirely on fishing for a living and have not increased in number, were excluded from their usual outside grounds as a result of an increase in the purchase of permits by predominately urban non-fishermen who do not rely on these waters for a living. In the proposed draft of the plan which preceded this one, one of the policie stated for directing management objectives was to "Stabilize the hand troll portion of the troll harvest with preference to rural and economically dependent trollers." We feel the deletion of this policy from the present draft of the plan is a very serious mistake. Regulations effecting hand trollers have enormous impact on rural communities like Point Baker, far beyond that felt by urban recreationalists. Management policy must be shaped with this greater socio-economic impadt on rural and economically dependent trollers in mind. We would like to see this policy reinstated in the final plan.

METHODOLOGY AND ENVIRONMENTAL IMPACT

The Point Baker Hand Trollers Association agrees with Sea Grant Advisory Specialist, Zach Lea, when he wrote in an article in the 1977 Yearbook Issue of National Fisherman, entitled "Successful Fisheries Management Needs 'People Input,'" that "...too much of current fishery management science is aimed at finding the best allocation package for a resource rather than showing the effects of alternative packages on the resource and the people using it. Scientists are going too far beyond their proper bounds when they dictate the best solution to resource allocation problems." These words should be kept in mind when drafting a troll plan, particularly in regard to hand trolling. Clearly, eliminating trollers who use hand power from their accustomed fishing grounds will have effects on these users of the resource. In the 230+ pages of this draft plan, no study or even mention of such effects is made. In fact, no impacts on the social environment at any level have really been examined in this draft plan. The only alternative management packages presented in the draft plan are in relation to limited entry for power trollers in the FCZ, and here the stated advantages and disadvantages of the various alternatives relate only to the relative ease

of administration and enforcement rather than social impacts or resource impact. In relation to hand trollers, no alternatives are presented and no studies of social impacts have been considered.

Although at the bottom of the list of research recommendations mention in the draft plan is made that"Information is also needed on the potential consequences of alternative management strategies, particularly from a socio-economic perspective," it would seem that such information is absolutely prerequisite to the drafting of any plan that has such broad and drastic social effects. Anthropologists and sociologists are certainly needed to provide the social science research to put the already extensive biological science research into the proper perspective to form sound management policy. Particularly with regard to the dependence on hand trolling in rural Alaska, many questions need to be asked which go beyond the realm of the biological sciences. For example, what is the actual monetary cost to individual communities of hand troll closures? What is the cultural cost, particularly in Native communities? How does hand troll catch relate to public assistance roles, food stamp requests, unemployment, and other costs to society? What are the cultural costs to our society when "the big guys squeeze out the little guys," when small independent businessmen must leave their home communities to become wage earners or become welfare recipients? We wonder if fishery managers realize the gravity their decisions have on the lives of many rural Alaskans. There is nothing in this draft plan to indicate so.

Clearly, the loss of our salmon resource would have the most far reaching social impact of all. The Point Baker Hand Trollers Association is totally supportive of all meaningful regulations and laws to conserve the resource. All we ask for is equal treatment under such laws. Regulations to limit troll effort must be applied equally to all trollers.

SPECIFIC RECOMMENDATIONS FOR TEXT REVISION

Pages 20-26

Eliminate Regulatory Recommendation 1 and associated discussion. Substitute:

1. The troll fishery shall be regulated as one fishery. Existing regulations which apply only to the hand troll portion of the fishery shall be eliminated. This will:
    1. Provide equal treatment under the law. Trollers use the same type of gear regardless of whether it is retrieved manually or mechanically. To regulate differently is to give preferential treatment under the law to one group, where the distinction between groups is largely arbitrary and has no reasonable basis.
    2. Provide for fair allocation. The National Standards of the FCMA require management "to allocate fairly." Regulating trollers equally will ensure that conservation measures are born equally by all trollers, rather than effectively allocating fish to one group exclusively.
    3. Allow for variantions in fishery. The National

Standards of the FCMA require management "to allow for variations is fishery." Eliminating only hand or power trollers from an area would not be allowing for variantions in fishery.

4. Simplify management. Developing one set of regulations for the troll fishery instead of two inter-dependent and often conflicting sets of regulations will greatly simplify management.
5. Simplify enforcement. Conflicting and controversial regulation will be eliminated. The same rules will apply to all trollers. The need for identification of vessels as to gear retrieval method will be eliminated.
6. Minimize costs. Simplification of enforcement and management will minimize costs, one of the requirements of the National Standards of the FCMA.
7. Prevent disruption of established social, economic, and family structures. Regulation aimed exclusively at hand trollers has far reaching social impact, particularly in rural Alaska, where dependency on this mode of trolling is often total. Depriving individuals significant portions of their income when their income is already relatively meager and when no alternatives for income are available will be avoided. Dislocation of heads of family to find work unavailable at home will be avoided. The continuation of small-time capitalism will be allowed; the continuation of cultural values associalted with fishing will be allowed.
8. Provide for conservation. The application of all management tools will continue to be possible. The options of quota, vessel day limitation, area closures, etc., will remain viable. However, all trollers will be equally effected by any such limitation: not just one class of trollers.
9. Be consistent with historical regualtion of the troll fishery. In the 75 year history of Alaska trolling, no regulatory preference has ever been given to trollers who use power to retrieve their gear over trollers who use their muscles, the past 18 months excepted.
10. Recognize the fact that hand trolling is no longer an "open fishery." The recent hand troll closures were based on the fact that hand trolling was unrestricted in potential growth because it was not yet included under limited entry. This is no longer the situation. The CFEC intends to have a moratorium in effect for the 1980 season, limiting entry to those who fished prior to 1979, and by the 1981 season, to have permanently reduced the number of permits to near 1975 levels, the year limited entry was applied to power trolling.

Page 10, Paragraph 2:
Line 6: Change "efficient" to "effective."
Line 7: Sentence beginning "However..," change to: Hand troll vessels usually operate at less expense than power troll vessels and, because of lesser vessel capabilities, less need to recapture capital investments in permits and large vessels, or closure of more profitable areas to hand trolling, may fish in areas that power trollers cannot profitably fish.
(This more realistically describes the actual situation.)
Line 9: Delete the word "further."
Line 11: Delete the word "therefore."

Page 13, Item 2: Change to: Management strategies that lead to disruptions of established social and economic structures are undesirable.
(In keeping with the previous draft.)

Page 14, Item 4: Change to: The existing CFEC power troll limited entry system is well established and stabilization of the hand troll portion of the troll harvest has begun by CFEC, with preference to rural and economically dependent trollers.
(In keeping with previous draft.)

Page 18, Line 5: Delete: "And, if necessary, regulations."
(An effective program is one which precludes need for separate regulation. Redundant.)

Submitted by:
Tom Jacobson, hand troller
Point Baker Hand Trollers Association

October 17, 1979.

IN THE BOARD'S CONSIDERATION OF THE HAND TROLL FISHERY, WE, REPRESENTING THE PROFESSIONAL HANDTROLLERS FROM COMMUNITIES THROUGHOUT SOUTHEAST ALASKA, REQUEST THE BOARD TO GIVE PRIME CONSIDERATION TO OUR ECONOMIC DEPENDENCE ON HANDTROLLING, SUCH AS RESIDENCE IN A TOWN OF A SIZE WITH LITTLE OR NO ALTERNATIVE OPPORTUNITIES FOR INCOME, AND PER CENT OF INCOME DERIVED FROM HAND TROLLING. WE ALSO ASK THAT YOU CONSIDER SUCH MANAGEMENT AS WILL PROVIDE FOR A CONTINUING, VIABLE, COMMERCIAL FISHERY, OPEN TO ENTRY BY OUR CHILDREN, WITH SOME SYSTEM OF NON-MONETARY TRANSFER OF PERMITS.

WE WILL NOT SUPPORT REGULATION WHICH SPECIFICALLY DISCRIMINATES AGAINST HANDTROLLERS AS OPPOSED TO POWERTROLLERS.

ANGOON: CHARLIE JIM, SR.
DENNIS EAMES
ANDREA EAMES

CRAIG: ROBERT FULTON

HOONAH: ARCHIE BROWN, SR.
ALBERT DICK

PORT ALEXANDER: JOHN BADER

POINT BAKER: TOM JACOBSON

PORT PROTECTION: HOWARD PENDELL

SITKA: ALFRED PERKINS

YAKUTAT: BOB ANDERSON
HANK PORTER

TLINGET-HAIDA CENTRAL COUNCIL

Point Baker Hand Trollers Assn.
Point Baker, Alaska 99927

Commercial Fisheries
Entry Commission
Pouch KB
Juneau, Alaska 99811

31 January, 1980

Dear Sirs:

The Point Baker Hand Trollers have read your Hand Troll presentation to the Board of Fisheries which you presented in Anchorage last month and offer the following comments and proposal in response.

We are deeply disturbed by your plan to force even more restrictive regulation on Alaskan Hand Trollers instead of reducing the number of permits. As you know, in the seventy some year history of Alaskan Salmon Trolling all trollers have been regulated equally up until eighteen months ago when hand trollers were expelled from the Coastal Fishing Zone. It was in anticipation of this first discriminatory troll closure and the ones that followed that promted the Point Baker Hand Trollers Association to push for limited entry with the understanding from the Board of Fisheries that these interim closures would then be lifted and the troll fishery would again be managed as one. Instead the Commission has opted for an unrealistically high number of permits and now suggests further regulation to reduce our efficiency. The majority of the testimony at the Commission's public hearings which supported such action came from part-timers and urban recreationalists who do not stand to loose their sole means of income as full-time trollers in Point Baker stand to loose.

The Commission seems to have taken in account the situation of everyone but the true fisherman, that is the full-time professional hand troller. "It is definitely not our intention to purposefully single out those individuals as the culprits of the hand troll fishery." You say concerning the more efficient professional hand trollers. "We would hope that through discussions among the Board, the Commission and other interested parties that a mechanism might be developed to 'Grandfather' those operations that have established themselves as models of the efficient hand troller." Although we disagree entirely with your plan to make hand trolling a relatively inefficient, highly regulated, "entry level" fishery, we feel your proposal to "Grandfather" professional hand troll operations is absolutely essential should your vision of the future hand troll fishery be followed.

To this end we propose that the 600 most economically dependent hand trollers be granted non-transferable "Grandfather Rights" to continue hand trolling as they did prior to June 1978, (on the same basis as power trollers.) The Board of Fisheries has already said that 600 hand trollers could readily be regulated on the same basis as power trollers, even considering potential increases in hand troll

efficiency. Considering that such "Grandfather Rights" would not be transferred with the transfer of the hand troll permit, the relatively efficient operations would steadily decline. Further investment in a dead-end mode of fishing among the "Grandfathered Hand Trollers" would have little incentive, as a well equipped four-line outside hand troller will have no future buyers. Remember, too, that many of these "Grandfathered Hand Trollers" have already achieved the maximun practical level of efficiency manageable with hand-cranked gear. Therefore, overall efficiency and effort of the "Grandfathered Hand Trollers" can be expected to drop steadily as people move out of the fishery, eventually phasing themselves out altogether.

The Point Baker Hand Trollers Association recommends that elgibility for "Grandfather Rights" be weighed on the following criteria:

1. Per cent of income derived from hand trolling in each year, 1975-1979.
2. Availability of alternative employment in place of residence, (size of community.)
3. Current and past participation, 1975-1980.

In rural communities like Point Baker and Port Protection where many families are totally dependent on hand trolling with no alternatives available, poverty, increased public assistance and dislocation of heads of family will be unavoidable if your vision of the future hand troll fishery comes to pass without at least providing the "Grandfather Rights" you suggest to establish full-time trollers.

Sincerely,

Tom Jacobson

Tom Jacobson, Hand Troller
Point Baker Hand Trollers Assn.

OUTSIDE WATERS DATA

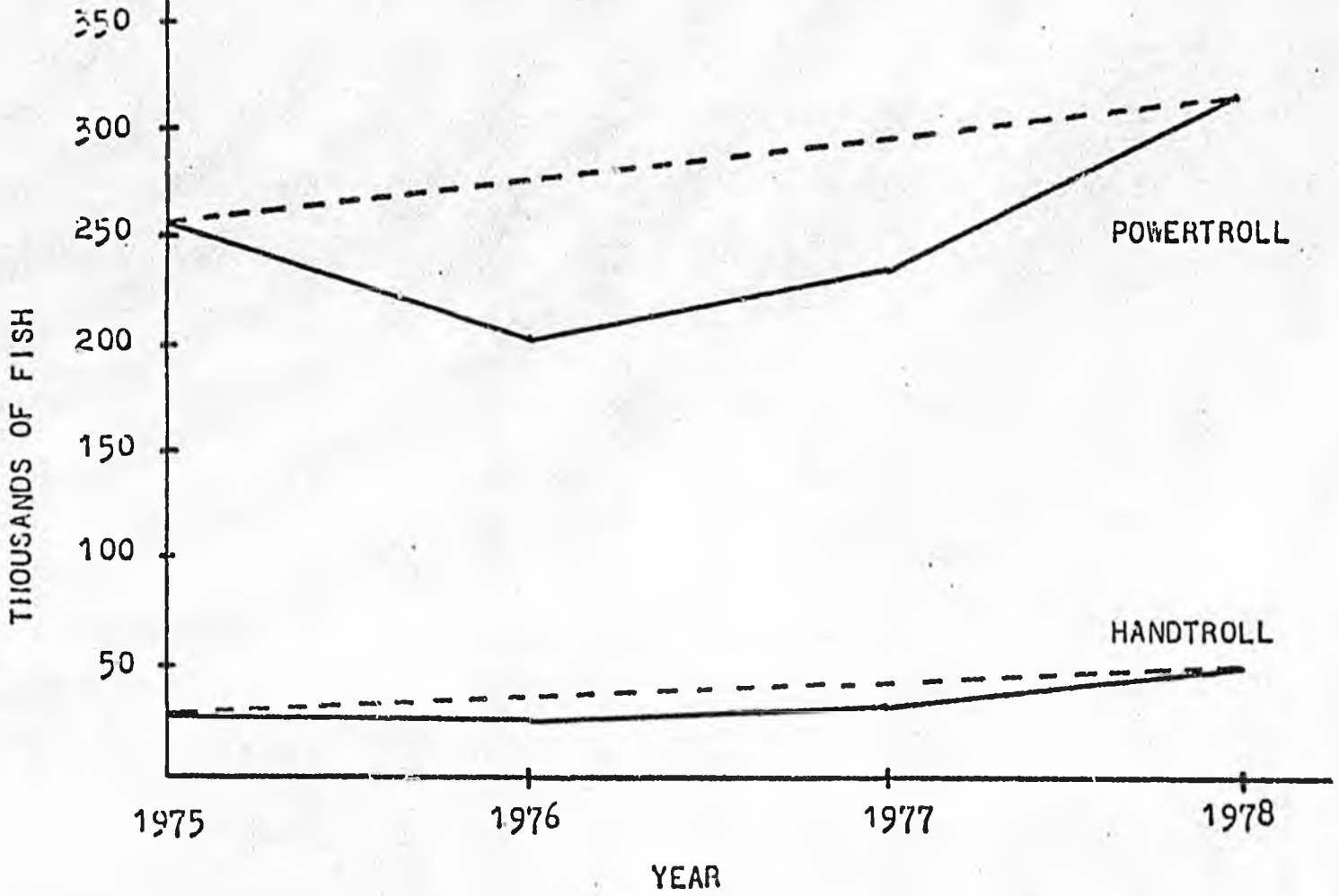
USING DISTRICTS 104, 113, 116, 152, 154, 157

NOTE: THESE FIGURES USE DISTRICT 113 WHICH INCLUDES A SUBSTANTIAL AMOUNT OF INSIDE WATERS SUCH AS SITKA SOUND, SALISBURY SOUND, ETC. THEREFORE THEY WILL TEND TO SHOW A LARGER AMOUNT OF FISH CAUGHT BY HANDTROLLERS ON OUTSIDE WATERS THAN WAS ACTUALLY THE CASE, SO ALL PERCENTAGES MAY BE CONSIDERED TO BE MAXIMUM PERCENTAGES.

COHOS:	1975	1976	1977	1978
NUMBER FISH TAKEN BY:				
POWERTROLLERS	51,693	234,330	156,689	414,257
HANDTROLLERS	2,332	17,442	21,946	47,580
TOTAL TROLL	54,025	251,772	178,635	461,837
% OUTSIDE TROLL FISH TAKEN BY HANDTROLLERS	4.3%	6.9%	12.3%	10.3%
AVERAGE OVER FOUR YEARS	8%			
TOTAL TROLL CATCH OF COHOS FOR SOUTHEAST	214,160	5247721	506,808	1,087,187
% SOUTHEAST TROLL COHOS TAKEN BY HANDTROLLERS IN OUTSIDE WATERS	1.1%	3.3%	4.3%	4.4%
AVERAGE OVER FOUR YEARS		3.3% 11		

KINGS:	1975	1976	1977	1978
NUMBER FISH TAKEN BY:				
POWERTROLLERS	154,331	100,741	157,237	236,863
HANDTROLLERS	5,769	4,563	10,098	16,274
TOTAL TROLL	160,100	105,304	167,335	253,137
% OUTSIDE TROLL FISH TAKEN BY HANDTROLLERS	3.6%	4.3%	6.0%	6.4%
TOTAL TROLL CATCH OF KINGS FOR SOUTHEAST	287,337	251,188	271,758	371,328
% SOUTHEAST TROLL KINGS TAKEN BY HANDTROLLERS IN OUTSIDE WATERS	2.0%	2.0%	3.7%	4.4%
AVERAGE OVER FOUR YEARS		3.0% 11		

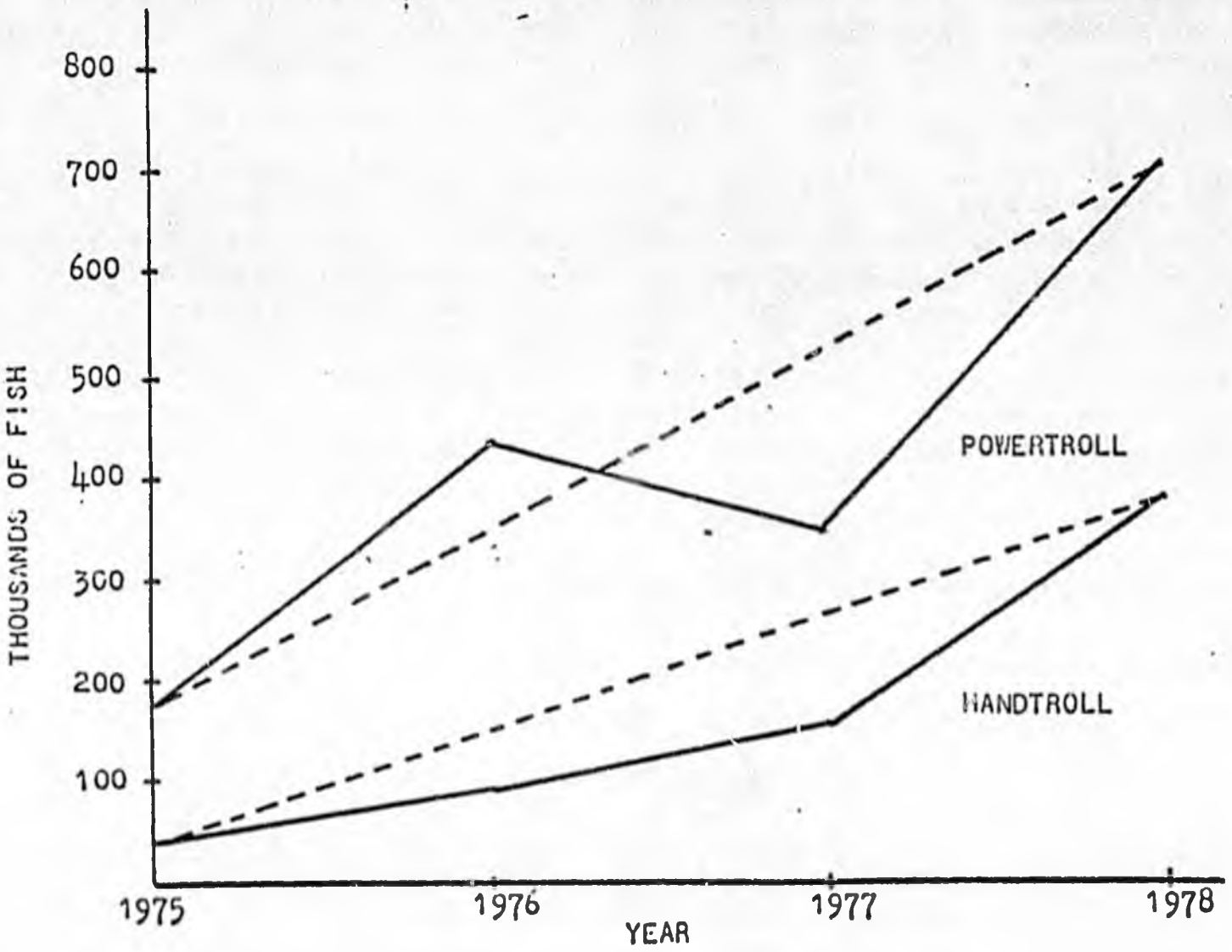
FIGURE 2



SOUTHEASTERN TROLL CATCH OF KING SALMON BY GEAR TYPE

EXPRESSED IN TOTAL CATCH

FIGURE 1



SOUTHEASTERN CATCH OF COHO SALMON BY GEAR TYPE

EXPRESSED IN TOTAL CATCH

Point Baker Hand Trollers Assn.
Point Baker, Alaska 99927

October 10, 1979

Commercial Fisheries Entry Commission
Pouch KB
Juneau, Alaska 99811

Dear Sirs:

The Point Baker Hand Trollers Association would like the following comments considered as part of your public hearing concerning the inclusion of Hand Trollers under limited entry. We limit our remarks at this time to the appropriateness of limited entry for the hand troll fishery, the proposed number of Permits, and potential inequities under a limited system.

For nearly two years the Point Baker Hand Trollers have publicly supported limited entry for the hand troll portion of the troll fishery. On January 22, 1978, we sent the Commercial Fisheries Entry Commission, the Board of Fisheries, and the Department of Fish and Game, a petition, signed by over 95% of all residents of Point Baker and Port Protection, in support of limited entry for hand trollers. In the letter accompanying the petition and proposal for limited entry we said:

> "The following proposal [for limited entry] is being made by full-time Hand Trollers living in Point Baker, Port Protection, and other small fishing villages. We are not recreational fishermen, but a diverse group of commercial trollers ranging from skiff-fishermen, content with near subsistence incomes, to former power trollers who were denied permits under limited entry. What we have in common is our overall dependence on commercial hand trolling for our livelihood, there being no alternative sources of income, practically available, where we live. Therefore, proposed changes in the hand troll fishery have total bearing on our futures, that of our families, and our communities."

Since then, our fears for the future of our fishery have proven justified. Later that year the Coastal Fishing Zone,

our most productive troll area, was closed to hand trollers, while remaining open to power gear and purse seines. The following year all of districts 1 and 14, and portions of districts 11, 12, and 15 were closed to hand trollers only, for 43% of the time. Every year recreational users of hand troll permits in the urban areas propose gear limitations that would destroy economically dependent hand trollers. Power troll and gillnet organizations then support the restrictions as a way to thwart what they perceive as a potential threat to "their" salmon resource by an "unlimited fishery."

Since 1978, the Board of Fisheries has repeatedly taken the stance that unless the growth potential of the hand troll portion of the troll fishery is limited, more and more restrictive regulations can be expected. For those of us completely dependent on trolling for our livelihood, with no alternatives available where we live, further restrictions applied exclusively to hand troll gear are totally unacceptable. Compared to others, our incomes are already meager. In Southeast Alaska's rural communities more public assistance and dislocation of families can be the only result if the hand powered portion of the troll fishery is not given the same protection of limited entry as every other commercial salmon fishery.

Our criteria for determination of the number of permits would be as follows:

1. That the number of permits be large enough so that all fishermen economically dependent on hand trolling can receive permits.

2. That the number of permits be small enough so that the Board of Fisheries cannot justify regulating the hand powered portion of the troll fishery more restrictively than those trollers allowed to use power.

One thousand one hundred (1,100) permits appears to be a very reasonable number, realizing, of course, that we do not have access to statistics on income dependence, location of residence, etc.

The Point Baker Hand Trollers Association has certain reservations concerning potential inequities under limited entry. While we emphasize that we would not want these concerns to

in any way threaten the inclusion of hand trolling under limited entry as soon as possible, they need to be addressed at some point in the future. They are:

1. Any point system developed must give much more consideration to economic dependence than has been given other fisheries. Specifically, percentage of income derived from hand trolling and residence in a locale with little or no alternatives for income, must be the primary determinants.

2. As we understand current proposals, those who fished for the first time in 1979 would not be eligible for a permit. Remembering that those who first power trolled in 1973 and 1974 were eventually allowed to apply for a power permit, (though not gain any extra points for that participation) we feel it only fair that first time hand trollers in 1979 at least be allowed to apply.

3. With the institution of limited entry some additional criteria for the issuance of restricted gear interim-use permits might be considered. Perhaps only "small commercial operations" as currently defined by the Department of Fish and Game, or perhaps those over 65 years of age, students, those eligible for public assistance, urban sportsmen on a lottery basis could be allowed to fish with one line on an interim-use basis. This might provide for a limited use of the resource by those non-dependent users who would likely be excluded under limited entry. The sale of sport-caught fish might be an alternative option.

4. Some method of future entry into the fishery, in addition to buying one's way in, needs to be developed. Somehow a way has to be found for new fishermen, particularly children growing up in rural areas, to obtain permits without having to buy them at prohibitive prices.

We applaud the Commission's efforts to finally include hand trollers under limited entry and hope these comments prove useful to that end.

Sincerely,

POINT BAKER HAND
TROLLERS ASSOCIATION

Tom Jacobson

TJ/es

Ketchikan Handtrollers' Association
P. O. Box 6237
Ketchikan, Alaska 99901

The Honorable Jay Hammond
Governor
State of Alaska
Juneau, Alaska 99801

February 14th, 1980

Dear Governor Hammond:

In the enclosed material we, the Ketchikan Handtrollers' Association, have clearly outlined our case and our position. Handtrollers are old people, young people, pioneers, students, businessmen, professional fishermen and Alaskans. There is just no moral or legal way way the Board of Fisheries can be allowed to systematically force us out of business. We are a part of Alaska's past, present, and future and we are just simply not going to fade away.

We ask you at this time to instruct the Board of Fisheries to repeal all time and area closures applicable only to handtrollers and also the four line-two line gear restriction. Furthermore, we ask that in the future the Board of Fisheries adopt policies which will manage and protect our fisheries resources in an equal and unbiased manner. After all, it is the responsibility of the Board of Fisheries to protect and manage the resource for the highest sustained yield, not to decide who lives or dies in the commercial fishing business.

Sincerely,

John Trout, President
Ketchikan Handtrollers' Association

enc.

handtroller's view

To the Editor:

I am concerned as to the impact of many existing and proposed regulations on those of us who are 'professional' handtrollers. In my own case, I am an independent Alaskan businessman with a substantial gear and vessel investment, a family of four and a 100% income dependency on the handtroll fishery. Having sold our home and fished for 3 seasons we have afforded ourselves a suitable trolling vessel. If we are allowed to earn a reasonable living in the next two seasons we will have saved enough money to buy a permit and enter the power troll fishery. Of what practical use is an 'entry level fishery' if the income opportunities do not provide a means for this type of advancement?

The proposed two-line limit will have a negligible impact on the smaller boats, weekenders, etc., while the larger boats, and again, those with the largest investments, putting forth the greater effort will suffer the greatest hardship.

If you must limit the units of gear, then do it, but at least let some of us continue to fish at our present income producing capabilities. Reducing several hundreds of self-supportive businessmen to welfare by cutting their income potential in half (again) is not my idea of an acceptable solution.

Handtrollers get business support

Individuals representing at least 24 businesses and the city mayor in Ketchikan have signed a petition endorsing the efforts of the Ketchikan Handtrollers Assn. in its legal challenge to fisheries management orders by the State Board of Fisheries.

The petition cites the Ketchikan group's "significant contribution" to Ketchikan's economy, and states that "protecting the viability of all fishery groups is a matter of public concern."

John Trout, president of the Ketchikan Handtrollers Association, in a recent letter to the American Civil Liberties Union, asked its help in determining the legality of the State Board of Fisheries' allocation of resources and its proposed gear restrictions for handtrollers.

The association is asking whether it has a basis for a legal challenge under restraint of trade and discrimination provisions of laws and the state and federal constitutions.

The handtroller letter states that there are about 2,100 active handtrollers and about 900 active power trollers, yet power trollers are allocated 80 percent of the total troll catch.

Handtrollers may challenge state fishery policies

KETCHIKAN (AP) — The Ketchikan Handtrollers Association is considering a legal challenge to fisheries management orders by the state Board of Fisheries, a member said Thursday.

Mark Wells of the association said the group, with about 20 active members, will contact the American Civil Liberties Union about a possible legal challenge.

"We want legal help from the ACLU regarding questions such as can the state protect and favor (one group of fishermen) by the allocation of the resource at the expense of another,'" he said. Also questioned by the handtrollers are proposed gear line limits.

Wells said the association wants to find out whether it may have a basis for a legal challenge under restraint of trade and equal protection provisions of laws and the state and federal constitutions.

Handtrollers asking A.C.L.U. for legal aid

EDITOR, The Daily News:

"We've got to hang on to all the rights we can!"

Ketchikan handtrollers report they are in contact with the American Civil Liberties Union seeking legal help in their fight for survival. Among questions being asked by the handtrollers are :

—Is it legal for the State of Alaska to protect and favor, by enforcing allocation of a resource, one group of fishermen at the expense of another?

—No other gear type under the limited entry system is allocated a portion of another gear type's catch. Is this restraint of trade?

—Is it legal for the State of Alaska to inhibit the productivity of, and thereby suppress the incomes of, several thousand handtrollers in order to affect allocation of 80 percent of a fishery resource to 900 power trollers? Is this discriminatory?

In the communicaton being prepared for the ACLU, handtrollers also state: "Handtrolling means different things to different people. A profession, a livelihood, a way of life, a student's summer job, the local economies of several small communities, etc. We feel that earning a living in this traditional fishery is a civil right, and that the practices of the Board of Fisheries which violate that right are not in accordance with the concepts of existing discrimination and trade laws."

John Trout, President
Ketchikan Handtrollers Assocation

Letters from Readers

Handtrollers protest

EDITOR, Daily News:
American Civil Liberties Union
630 W. 4th Ave.
Anchorage, AK 99501
Gentlemen:

We have been referred to you by the ACLU office in New York regarding some problems southeast Alaskan handtrollers are having with the Board of Fisheries and the Limited Entry Commission.

There are 2,100 or so active handtrollers and some 900 active power trollers. The power trollers are being allocated 80 percent of the total troll catch and the following are four steps taken by the Board of Fisheries to enforce that allocation.

1. Expulsion of the handtroll fleet from the "prime" coastal fishing zone. (1978)
2. Initiate eight-day-on, six-day-off closures applicable only to handtrollers in many areas. (1979)
3. Reduce the number of lines a handtroller may fish, from four to two.
4. Bring the handtroll fishery under limited entry.

Is it legal for the state to protect and favor by allocation of a resource one group of fishermen at the expense of another?

No other gear type under the limited entry system is allocated a portion of another gear type's fish catch. Is this restraint of trade?

Is it legal for the State of Alaska to inhibit the productivity of, and thereby suppress the incomes of, several thousand handtrollers in order to effect allocation of 80 percent of a fishery resource to 900 power trollers? Is this discrimination?

The Board of Fisheries contends that the 80 to 20 percent allocation must be maintained, justifying this with dubious references to a "historical" and "traditional" status quo. To quote a newsletter dated Dec. 19, 1979, from the Board of Fisheries, "The policy on which the management plan is based calls for maintaining the historical 80-20 percent harvest ratios within the total coho harvest." The catch records for handtrollers only go back to 1974. The professional handtroll fishery goes back 60 years.

Handtrolling means different things to different people— a profession, a way of life, a student's summer job, the local economies of several communities. We feel that earning a living in this fishery is a civil right and that the practices of the Board of Fisheries which violate that right are not in accordance with the concepts of existing discrimination and trade laws.

We at this time feel an urgent need to challenge the legality of discriminatory allocaton of resources by the state and set legal precedents ensuring the protection of all fisheries and all fishermen from this unjust and dangerous practice.

A timely injunction lifting the four-line to two-line handtroll regulation for the 1980 season would be of enormous help. We have neither the organizatonal strength nor the funds to bring this matter to court. Indeed, the cost of pursuing justice in our court systems exceeds our means. Any assistance or advice you can offer on this matter will be greatly appreciated.

Sincerely
JOHN TROUT
President
Ketchikan Handtrollers Assn.

CEDAR PRODUCTS
Manufacturers of Custom Cut Fence Materials · Split and/or Sawed Western Red Cedar

Memo: to regulation review Committee From: Hand trollers

3,4,80

Problem: To the thousand or more hand trollers who make their principle living by fishing; the 2-gurdie law is the last straw. To these people this law is not just a restriction but a force that is breaking their way of life that historically is thousands of years old. To them it threatens their life itself.

Reasoning: Because it is a law does not make a law right nor good nor just; It only makes it legal. In Rome a Democracy every citizen has not only the right but the duty to question and contest any law he thinks unjust. For this reason some of the hand trollers have come to this meeting.

The various injustices of limited entry have been rehashed many times and most have been accepted as the lesser of 2 evils. However the restrictive law prohibiting a livelihood within the hand troll fishery is intolerable if a person qualifies otherwise for a limited entry permit.

The cost of fuel and other expenses are the same for 2-gurdie fishing as for 4, but that expense must be taken from

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half the opportunity to catch fish. Also the hand troller finds himself holding the bag having paid for twice as much gear as he is allotted to use.

Answer: In the qualifying point system let there be two types of permit. One for those who make all their living from fishing allowing 4 gurdies, and one for those who have other income to be allotted only 2 gurdies.

To provide for a future younger generation of fishermen, let there be no ownership nor sale of permits, but let them return to the commission to be applied on a first come - first served basis to a list of new applicants.

No one should be allowed a permit unless he fishes the permit.

Finally: As a personal request I would like the Governors office to review and shorten the 5 year residency moratorium on a fishermans loan if he qualifies in all other respects with the loan association.

Respectfully yours

Ed Ray R. Sarff

P.O. Box 1312
Wrangell, Ak.
99929

Gentlemen:

I moved to Wrangell three years ago after living ten years in Fairbanks. I moved to Wrangell with the sole purpose of somehow getting into the commercial fishing industry. I chose hand-trolling which, at that time, seemed to be a viable and reasonable means of support. And indeed, it was. AT T' .T TIME.

I fished the first year from a 14 foot skiff with two down-riggers and a fishing rod. My production from this skiff and especially the production from larger hand-troll boats convinced me that I could make a living within this fishery. At that time, the hand troll fishery was considered to be "an entry level fishery." Meaning that you could make enough money for a living and gain knowledge enough to go onto something more lucrative, if you so chose.

The next spring, I invested about $10,000, most of it borrowed, into a 28 foot troller.

That year, my second, I sold about $8,000 worth of fish. I began the season with only two lines and worked my way up to four, buying the other gurdies and line as I could afford them. I fished steadily from the first of May into late October. It was that year that hand trollers were prohibited from fishing in outside waters. This didn't bother me because I had no intention of going out there anyway. In fact, this regulation encouraged me because I, of course, had heard the talk that "they" would be restriciting the hand troll fishery (because the powerrtroll fishery was complaining that there were too many hand-trollers). I was encouraged because I thought, "WEll, here is the restrcition--- the power trollers now have the best fishing grounds and I wasn't planning on fishing there anyway--- so this restriction does not alter my outlook on the possibility of making a living." Further, I thought that this was probably enough of a concession to keep them off our backs. hey have the best fishing ground, what more could they want? At the time, I even thought that maybe this regulation was fair and honest because, after all, they did have larger investments and expenses than hand-trollers. And maybe they should have an advantage. And maybe when I got a power troll licsense, I would feel the same way. In the meantime, I knew it was still possible to make a living fishing the inside waters. You certainly wouldn't get rich but you could at least make a living at it.

The next year saw even more restrictions for the hand-troll fishery. Specifically, the 8-on, 6-off closures in certain areas. None of these were areas in which I fished, so I still figured I could make a living although I knew that these closures would probably put more pressure on the areas where I did fish. Still, that year, last year, I improved my business to a gross sale of $16,000 and was, by then, totally convinced that even with these additional restrictions, I could still earn a living. Surely, it seemed that we in the hand troll fishery had been penalized enough with these two major restrictions in as many years. Surely, in such a short period of time, there would be no more major restricitions. We could still make a living, however reduced.

And now, now the Board of Fisheries tells us that this year we may use only two lines.

The Board gives us two or three months notice that our gear has been cut in half!

The Board gives us two or three months notice that our already marginal incomes are to be cut by at least 1/3.

The Board gives us two or three months notice that we are no longer engaged in a fishery that can provide us with a reasonable chance of making a living.

The Board gives us two or three months notice that hand-trolling is no longer a commercial fishery but merely some kind of expensive hobby to be enjoyed by those who can afford it. By reducing hand-trolling to merely two lines, the Board immediately and casually eliminates the so-called professional hand-troller and reduces the fishery to a mockery of what it was just two and three years ago. The Board has made a mockery out of the profession we have chosen, ~~with the Board's previous blessing~~, and we feel, understandably I think, cheated.

Let us take an honest look at the hand-troll fishery. Basically, as a commercial fishery, it is a dishonest fishery in that most people who hold and desire hand-troll permits have no intention of making a living at it. These people, and they are in the majority it seems, have other sources of income and view hand-trolling as a pleasant pasttime with which to supplement their incomes. We can go further. There are many people holding hand-troll permits who do not need or even want income from them. With the permit, which costs $40, and with two or three fishing rods, which they would own anyway, the hand-troll permit provides a convienient, and legal, method of tax evasion. With an investment of less than one hundred dollars they are able to write off a $50,000 boat as a business expense.

This, perhaps, is common knowledge, but must be mentioned so that the other side of the coin may be more clearly seen.

The other side of the coin is this: Hand-trolling may also be, and has been for a lot of people, a very honest way commercial fishery. There are those of us who go at it full-time, those of us who [illegible] to make most, if not all, of our yearly income from hand-trolling. There are those of us who declare this income and pay taxes on it instead of receiving a tax benefit. We entered this fishery with an honest desire to make a living at it and indeed, the State encouraged us by referring to hand-trolling as an "entry level fishery."

We now contend that given the stringent restrictions of the last two years, and especially with the introduction of a two line limit proposed for this year, hand-trolling is no longer a viable means of support. It no longer qualifies as an "entry level fishery" but rather has been made into a subtle form of tax evasion encouraged by the Board of Fisheries ~~another~~ with their two-line limit, which, by defintion, separates the serious hand-troller from the fraudulent hand-troller.

We, the professional hand-trollers of South-east Alaska, we who have improved our efforts and our businesses into something that can support us, probably number no more than three or four hundred permits. We wonder if it was the Board s intention to take our livlihood from us. We trust not.

We recognize the problems facing the Board in dealing with the question of limited entry within the hand-troll fishery. We wonder if the Board recognizes our problem of making a living within the hand-troll fishery. With this latest restriction of just two lines, we think not. We believe that the Board has the responsibility of looking out for our intersts as well as for the intersts of the salmon stocks. We, who entered the fishery in good faith and performed and conducted ourselves as commercial fishermen, now feel abandoned by those who would govern us. We question their ~~intelligence~~ justification. We question their motives. Most of all, we question their compassion for those of us financially dependent upon hand-trolling.

We ask the Board to reconsider its decsion to limit, with such short notice, our gear to two lines. We ask the Board to search within its own conscience to determine if there are not some of us entitled to certain "grandfather rights"; specifically, the right to fish with the same gaer in 1980 and in future years as we have been permitted to do in the past.

We ask that the four line limit be somehow worked into the limited entry program for hand-trolling. Since we are a divided fishery---divided between "serious" and, for lack of a better word, "amatuer" fishermen, we ask that this distinction be made when the limited entry permits are ~~finally~~ finally issued.

We propose that the Board issue two classifications of hand-troll permits. Let us refer to them as Class A and Class B permits. For a Class A permit, we ask the Board to determine, through fishing receipts and tax records available to them, the number of people dependent upon hand-trolling for a substantial proportion of their income. We ask that these people who have demonstrated a desire and ability to earn a living by hand-trolling be issued a Class A permit allowing them to fish four (4) lines and to be governed by the rules and regulations pertaining to its sister fishery, the Power Troll fishery. We merely ask that the recipients of a Class A licsense be selected in such a way that those people most dependent upon the fishery for their livelihood, receive them.

The Class B licsesne shall be distinguished by a 2 line limit and whichever of the current hand-troll regulations the Board deems necessary to retain.

We believe that this proposal best represents the interests of those involved in this controversy. Therefore, it reflects the best application of ~~its~~ democratic principals. A Class A licsense protects those who have entered the fishery with the intention of making a living at it. A Class B licsense will satisfy those who are looking for entertainment and a tax write-off. Hopefully, with the addition of a "use it or loose it" clause, Class B permits will someday be in the hands of those who wish to enter into commercial fishing.

Finally, we hope that this proposal represents the desires of the Board, which, it seems, should be to find a way of controlling the fishery without putting out of business those who are dependent upon it. The Class A and Class B proposal allows the Board to regulate exactly the number of hand-troll lines in the water while still issuing a maximum number of permits.

We are grateful for the chance of being heard by this special committee. It has done much to restore our faith in the democratic process, a process, which lately, we, as fishermen, have become skeptical of. We recognize the need for commercial fishing regulations. However, we do not believe that at this point in time the salmon stocks are so depleted and so desperate as to warrent a reaction by the Board which so severely restricts our ability to earn a living. We ask this committee to convey this feeling to the Board. We ask this committee to consider the closenesss of the 1980 fishing season and to consider the finanacial impact of being informed, with only two or three months notice, that your gear is being cut by 50%. ~~We ask this committee to convey our feelings and situation to the Board of Fisheries~~. We ask this commiteee to reccomend that the proposed two-line limit for 1980 be lifted until a more reasonable and equitable solution can be found.

Thank you,

Ron Rau



MY NAME IS TOM JACOBSON. I'M FROM POINT PROTECTION, A SMALL FISHING VILLAGE NEAR PT. BAKER ON PRINCE OF WALES ISLAND. MY SOLE SOURCE OF INCOME FOR THE PAST 6 YEARS HAS BEEN FROM HANDTROLLING. I'M HERE REPRESENTING THE SO SOME COMMERCIAL HAND TROLLERS IN THE VILLAGES OF PT. BAKER AND PORT PROTECTION. CENTERS OF CONTINUOUS HAND TROLL ACTIVITY FOR OVER 50 YEARS. THE POINT BAKER HAND TROLLERS DEPEND ALMOST ENTIRELY ON OUR HT INCOME FOR OUR SURVIVAL, THERE BEING NO OTHER VIABLE ALTERNATIVES IN OUR SMALL ISOLATED VILLAGE. ~~AREA~~ ALTHOUGH OUR INCOMES ARE RELATIVELY MEAGER, THEY HAVE BEEN SUFFICIENT TO SUSTAIN AN ADEQUATE STANDARD OF LIVING. HOWEVER, REGULATIONS DESIGNED TO DENY US THE RIGHT TO FISH TRADITIONAL ~~WATERS~~ GROUNDS (SUCH AS THE CLOSURE OF OUTSIDE WATERS), REGULATIONS TO REDUCE OUR GEAR BY 50% (THE NEW 2-LINE LIMIT), AND PROSPECTS FOR STILL MORE RESTRICTIONS ~~PROPOSED~~ TO COME WILL HAVE A DISASTROUS EFFECT ON THE SOCIO-ECONOMIC WELL BEING OF OUR COMMUNITY. NOT HAVING THE TYPE OF VESSELS OR THE CAPITAL REQUIRED FOR PERMITS AND GEAR IN ORDER TO ENTER A DIFFERENT FISHERY, WE WILL FACE THE PROSPECT OF LEAVING HOMES AND FAMILIES TO SEEK EMPLOYMENT IN TOWN OR SUCCUMBING TO PUBLIC ASSISTANCE. IF ALL THIS WERE THE RESULT OF THERE BEING NO MORE SALMON IT WOULD BE A REGRETTABLE BUT UNDERSTANDABLE CIRCUMSTANCE BUT MAN, NOT THIS IS THE RESULT OF INSENSITIVE

STATE BUREAUCRACY, HENCE BY USING HANDTROLLERS AS THE SCAPEGOAT FOR PROBLEMS UNRELATED TO OUR CATCH OF FISH. LET'S PUT THIS SITUATION IN PERSPECTIVE. IN 1978, THE YEAR OF HIGHEST HT EFFORT, ALL HANDTROLLERS OF THE SALMON CAUGHT IN SOUTHEAST ALASKA, ONLY 3.1% WERE CAUGHT BY HANDTROLLERS, ACCORDING TO FISH & GAME STATISTICS. AND LAST YEAR, BOTH THE NUMBER OF HT PERMITS FISHED AND OUR PROPORTION OF CATCH DROPPED EVEN LOWER. WHILE HANDTROLLERS ARE BEING SUBJECTED TO CLOSURES OF OUTSIDE WATERS AND TIME RESTRICTIONS ON CERTAIN INSIDE WATERS, A 50% REDUCTION IN LCM, AND MORE RESTRICTIONS PROMISED TO COME, THE POWER TROLLERS REMAIN TOTALLY UNAFFECTED. THEY NOW MAY CONTINUE TO USE 4 LINES AND FISH WATERS NOW CLOSED TO HANDTROLLERS ONLY. PURSE SEINING AND GILLNETTING WILL CONTINUE IN AREAS AND DURING TIMES WHEN HANDTROLLERS CAN NOT FISH. THE GROUP OF FISHERMEN WHO HAVE BY FAR THE LEAST IMPACT ON THE SALMON RESOURCE AND CAN LEAST AFFORD FURTHER ECONOMIC HARDSHIP, HANDTROLLERS ARE RECEIVING THE FULL BRUNT OF THE STATE'S FISHING RESTRICTIONS, WHILE SALMON FISHERIES ON THOSE FISHERMEN WHO HAVE HAD THE GREATEST IMPACT ON THE SALMON RESOURCE ARE BARELY EFFECTED. CLEARLY HANDTROLL RESTRICTIONS ARE TECHNOLOGICALLY CONSERVATION PRIMARILY NOT CONSERVATION MEASURES BUT AN UNWARRANTED INFRINGEMENT OF THE LIVELIHOOD OF ALASKAN CITIZENS. ELIMINATION OF [illegible] INDIVIDUAL OPERATORS WITHOUT JUSTIFICATION

WE WISH TO UNDERSCORE THE FACT THAT THE PT. ANGELES
HANDTROLLERS ENCOURAGE AND SUPPORT ALL MEANINGFUL
REGULATIONS THAT WILL CONSERVE THREATENED & ENDANGERED
STOCKS. BUT, WE DEMAND EQUAL TREATMENT UNDER
THE LAW. THE TROLL FISHERY MUST BE REGULATED AS
ONE FISHERY WITH ALL FISHERMAN SHARING CONSERVATION
EFFORTS EQUALLY, THAT HAS ALWAYS BEEN TRUE AMONG
TROLLERS, REGARDLESS OF GEAR IN THE 70 YEAR HISTORY OF
PUGET SOUND TROLLING, IT WASN'T UNTIL JUNE 1978, WITH
CLOSURE OF OUTSIDE WATERS TO HANDTROLLING, CAME
THAT THE FIRST ANY REGULATION WAS MADE WHICH
APPLIED ONLY TO ONE GROUP OF TROLLERS. IN THE 4 YEARS
PRECEDING THIS DISCRIMINATORY CLOSURE OF OUTSIDE WATERS,
HT ACCOUNTED FOR LESS THAN 3% OF THE LESS THAN 3%
OF TROLL CAUGHT KINGS & COHOS WERE CAUGHT
SOUTHEAST
BY HT IN OUTSIDE WATERS. YET TO THOSE HT WHO FISH
TRADITIONALLY
THESE WATERS, IT ACCOUNTS FOR THE MAJOR PORTION OF THEIR
INCOME. CLEARLY THIS WAS NOT PRIMARILY A CONSERVATION
MEASURE, AS POWER TROLLERS AND PURSE SEINERS WHO ACCOUNT
FOR NEARLY ALL SALMON TAKEN IN OUTSIDE WATERS, WERE
COMPLETELY UNAFFECTED BY THIS CLOSURE. WHEN THE
NORTH PACIFIC MGMNT. COUNCIL SUBMITTED THEIR 1979
TROLL PLAN TO THE SEC. OF COMM. IN WASHINGTON D.C.
WITH A PROVISION TO BAN HT TROLLING IN FEDERAL WATERS,
THE U.S. SECRETARY OF COMMERCE REJECTED THE HAND TROLL PLAN
STATING "AFTER STUDYING ALL AVAILABLE INFORMATION, I
HAVE DETERMINED THAT NO CONSERVATION PURPOSE IS

SOLVED BY DISTINGUISHING H-T FROM P-T GEAR.

I HAVE DETERMINED THAT THIS MEASURE IS INCONSISTENT WITH THE FAIRNESS AND EQUITY PROVISIONS OF NATIONAL STANDARD 4. THE PROPOSED BAN WOULD ALLOCATE FISHING PRIVILEGES UNFAIRLY BETWEEN 2 GROUPS OF FISHERMEN WHO USE ESSENTIALLY THE SAME TYPE OF GEAR." THE STATE REACTED BY PROHIBITING ALASKAN HANDTROLLERS FROM PARTICIPATING IN THE FEDERAL WATERS FISHERY, IN SPITE OF WASHINGTON'S INSISTENCE THAT HANDTROLLERS ARE POINTING TO FISH THERE. HANDTROLLERS FROM OTHER STATES MAY STILL LEGALLY FISH THESE WATERS.

THE STATE'S ALLOCATION OF FISHING PRIVILEGES UNFAIRLY BETWEEN 2 GROUPS OF FISHERMEN WHO USE ESSENTIALLY THE SAME GEAR", TO WHICH THE SECRETARY OF COMMERCE OBJECTS, IS PRECISELY WHAT THE BOARD RESOLVED IN ITS POLICY TO ALLOCATE THE COHO CATCH BETWEEN PT's AND HT's ON AN 80% - 20% BASIS. (BY THE WAY, PT's & HT's REALLY DO USE PRECISELY THE SAME GEAR, FROM HOOK TO GAFF-HOOK, FISH THE SAME AREAS, WITH THE SAME STRATEGIES, FOR THE SAME SPECIES THE ONE AND ONLY DIFFERENCE IS THAT POWER TROLLERS USE MECHANICAL MEANS TO RETRIEVE THE GEAR WHILE HAND TROLLERS USE MANUAL MEANS.) THIS POLICY OF ALLOCATING 80% OF THE TROLL CAUGHT COHOS TO POWER TROLLERS IS THE JUSTIFICATION GIVEN FOR CUTTING THE HAND TROLLER'S GEAR IN HALF, BY THE 2-LINE LIMIT REGULATION, WHILE ALLOTTING SALMON TROLL & NET, BOTH WILL CONTINUE TO USE THE SAME GEAR.

AMOUNT

FURTHERMORE, IF THE BOARD IS "CONCERNED" ABOUT POWER TROLLERS NOT EXCEEDING THEIR 80% OF THE TROLL CATCH OF COHOS, WHY WITH DO THEY PROPOSE TO LIMIT US TO 2 LINES 12 MONTHS A YEAR, WHEN COHOS ARE ONLY CAUGHT FROM MID JUNE TO MID SEPTEMBER? AGAIN, THE SMALL PROPORTION OF COHOS THAT IS TAKEN BY HANDTROLLERS EACH YEAR IS NOT JUSTIFIED BY A 50% GEAR REDUCTION IN OUR GEAR FOR HANDTROLLERS ONLY, AND FOR THEM AND CERTAINLY NOT FOR THE 9 MONTHS A YEAR WHEN COHO'S ARE NOT CAUGHT! WHILE IT IS TRUE THAT HANDTROLLERS IN 1979 CAUGHT 204,000 MORE COHOS THAN THEY DID IN 1975, POWER TROLLERS CAUGHT OVER 500,000 MORE COHOS IN 1979 THAN IN 1975. CLEARLY THE EFFORT OF POWER TROLLERS HAS INCREASED MUCH GREATER MORE THAN HANDTROLLERS, YET IT IS ONLY THE HANDTROLLERS WHO ARE HAVING THEIR GEAR CUT BY 50%. THIS IS NOT CONSERVATION BUT SOCIAL AND ECONOMIC MANIPULATION. THIS UNJUST ALLOCATION POLICY BETWEEN TROLLERS ALSO TORPEDOED THE COMM. FISH. ENTRY COMMISSIONS ATTEMPTS TO IMPLEMENT A WORKABLE LTE ENTRY SYSTEM FOR HANDTROLLERS. BY DIRECTING THE COMMISSION TO LIMIT THE NUMBER OF PERMITS TO A NUMBER WHICH GUARANTEES POWER TROLLERS GATHER 80% OF THE TROLL COHOS, THE NUMBER OF PROPOSED PERMITS BECAME SO SMALL THAT THE MAJORITY OF POPULAR OPINION AT THE COMMISSION'S PUBLIC HEARINGS ON THE MATTER WAS DISAPPROVED OF THE COMMISSION'S PLAN. THE COMMISSION THEN PROPOSED A LARGER NUMBER OF PERMITS. UNACCEPTABLY HIGH BY THE BOARD'S ALLOCATION STANDARD, WITH THE RESULT THAT EVEN MORE ALLOCATIONAL INEQUITIES ON HANDTROLLERS ALLOCATIONS WERE SO KNOW WE HAVE A [illegible]

ENFORCEMENT OF RESTRICTIONS WHICH WERE SUPPOSED TO HAVE BEEN IMPOSED ONLY FOR THE INDIAN CUTTLE LTD. ENTRY WAS ENACTED FOR HAND TROLLERS, AND THE PROPOSAL FOR NEW, EVEN MORE RESTRICTIVE REGULATIONS ON THE WAY.

THE PT. BAKER HAND TROLLERS ASSOC. HAS SPENT COUNTLESS HOURS RECENTLY WHICH WE DON'T HAVE PUZZLING OVER OUR STATE'S FISHING BUREAUCRACY TRYING TO PLAY BY THEIR RULES HOPING TO COME UP WITH WORKABLE SOLUTIONS THAT WILL WORK BY THEIR STANDARDS. MONEY, WHICH WE DON'T HAVE, HAS BEEN SPENT ATTENDING MEETINGS ALL IN THE HOPE THAT JUSTICE MAY PREVAIL. OUR CAREFULLY THOUGHT CONSIDERED, BY-THE-RULES PROPOSALS HAVE BEEN POLITELY RECEIVED AND STUDIOUSLY IGNORED IN DRAFT COMMENT. ATTACHED ARE COPIES OF OUR COMMENTS REGARDING THE COMMITTEE WITH A COMMENTS WE MADE LAST FALL WHEN THE TROLL MANAGEMENT PLAN AND LTP. ENTRY PROGRAM WERE BEING FORMULATED. WE WOULD BE DELIGHTED TO WORK WITH ANY LEGISLATORS ~~DRAFTING BRING SOME SENSE OF FAIRNESS TO THIS~~ TO DRAFT LEGISLATION TO BRING SOME SENSE OF FAIRNESS TO THIS BUREAUCRATIC JUNGLE. WE HATE TO ONCE AGAIN SEE THE LITTLE GUY SQUEEZED OUT BY THE BIG GUY NEEDLESSLY THRU THE POWER OF OUR STATE GOVT. ESPECIALLY SINCE WE ARE THE LITTLE GUY. THE HOPES AND FUTURES OF MANY FAMILIES AT PT. BAKER AND ELSEWHERE ARE NOW LITERALLY IN THE HANDS OF THIS COMMITTEE. ~~OUR LAST RESORT~~ YOUR CAREFUL STUDY AND CONSIDERATION OF THE ISSUE IS OUR LAST HOPE FOR A REASONABLE RESOLUTION OF OUR SITUATION. IT IS DIFFICULT TO PREDICT WHAT ACTIONS INDIVIDUALS ~~DESPERATELY~~ WILL TAKE SHOULD THEIR SOURCES OF SUPPORT BE UNJUSTLY TAKEN AWAY.

THANK YOU

4/28

THE FOLLOWING:

(1) the handtroll petition that will be considered by the Board of Fish in March is item #VI-1 on page 7 under notice of proposed changes...etc.

(2) the largest group of papers contain the Southeastern Alaska and Yakutat area salmon troll regulations adopted by the Board of Fish during Dec. 78 and Jan. 80. Expect they will be approved by the Department of Law for filing by March 1.

(3) The smaller group of papers, about 4 pages, are regulations on the salmon troll fishery that were adopted by the Department of Fish and Game under delegation from the board. They were delivered to the Department of Law yesterday, so probably will not be approved for filing until mid to late March.

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS
OF THE ALASKA BOARD OF FISHERIES

Pursuant to the Administrative Procedure Act, Alaska Statutes 44.62, notice is hereby given that the Alaska Board of Fisheries, under authority vested by Alaska Statutes 16.05.251, 16.05.475, 16.05.690, 16.05.940, 16.10.380, 16.10.440, and 16.20.260 proposes to adopt, amend or repeal regulations contained in Title 5 of the Alaska Administrative Code which implement, interpret and make specific the provisions of Title 16, Alaska Statutes.

Regulations to be the subject of Board action concern subsistence fishing, commercial fishing, sport fishing, and habitat protection.

The Board of Fisheries may adopt, amend, repeal or take no action on the proposed regulatory changes listed in the following informative summary:

SECTION I. SOUTHEASTERN-YAKUTAT AREA.

A. In the Subsistence Shellfish Fishery:

1. Change the boundary for the area in which the king crab season and size limit applies, so that the area will include all inside waters north of the latitude of Cape Spencer.

2. Increase the king crab season.

3. Establish separate legal size limits for abalone taken with or without diving gear.

B. In the Commercial Shrimp Fishery:

1. Reduce the season for taking shrimp with pots in districts 3, 4, and 5, reduce the shrimp pot limit in districts 3 and 4 and establish a pot limit in district 5.

2. Establish a guideline harvest level for shrimp taken in Cholmondely Sound.

3. Prohibit the use of trawls for taking shrimp in Lituya Bay.

C. In the Commercial Dungeness Crab Fishery:

1. Increase or reduce the dungeness crab fishing season and provide separate dungeness crab fishing seasons for the Southeastern and Yakutat portions of the area.

2. Increase the area closed to dungeness crab fishing in district 11.

D. In the Commercial King Crab Fishery:

1. Change the opening and closing dates for the king crab fishing season.

2. Require that a permit be obtained from the commissioner prior to taking brown king crab during a specific season and provide provisions that can be required by the permit. Such provisions may include, but not be limited to, harvest area and reporting requirements.

3. Provide a guideline harvest level for king crab in the Yakutat districts.

4. Allow the use of ring nets for taking king crab, reduce the king crab pot limit in districts 3, 4 and 5 and require that king crab pots be removed from the water during specified time periods.

5. Increase the area closed to king crab fishing in district 11.

E. In the Commercial Tanner Crab Fishery:

1. Require that all tanner crab pots be removed from the water during the closed tanner crab fishing season.

2. Change the opening and closing dates of the tanner crab fishing season.

3. Reduce the legal size limit for tanner crab.

4. Provide a tanner crab pot limit for the Yakutat districts.

F. In the Commercial Abalone Fishery:

1. Prohibit the commercial harvest of abalone.

2. Establish a season for taking abalone and provide guideline harvest levels.

3. Limit the amount of gear that may be fished from an abalone fishing vessel.

4. Prohibit shipment out of the state of live unprocessed abalone, require that persons shipping abalone out of the state contact the department and have the abalone inspected prior to shipment, prohibit the shucking of abalone until they have been inspected by the department and adopt other regulations to prevent the harvest of undersized abalone and insure that harvest reporting requirements are complied with.

G. In all Commercial Shellfish Fisheries:

1. Prohibit the taking of crab and abalone in areas adjacent to any community.

H. In the Commercial Salmon Fishery:

1. Change the salmon fishing season opening date in section 1-B.

SECTION II. PRINCE WILLIAM SOUND AREA.

A. In the Subsistence Shellfish Fishery:

1. Establish a daily bag and possession limit and legal size limit for dungeness crab and prohibit the taking of female dungeness crab.

B. In the Commercial Shrimp Fishery:

1. List Kodiak as an inspection and reinspection point for shrimp fishing vessels.

C. In the Commercial Tanner Crab Fishery:

1. Reduce the tanner crab fishing season.

D. In the Commercial Clam Fishery:

1. Allow the taking of gaper clams and change the opening and closing dates for the clam fishing season.

E. In the Commercial Trawl Fishery:

1. Allow the use of trawl gear in portions of Hinchinbrook Entrance now closed to the use of trawl gear.

SECTION III. COOK INLET AREAS.

A. In the Commercial Shrimp Fishery:

1. Change the registration deadline for shrimp trawl vessels and require operators of shrimp trawl vessels to report their catch to the department prior to landing.

2. Establish seasons and weekly fishing periods and change the guideline harvest levels for taking shrimp with pots.

3. Change the seasons, weekly fishing periods and guideline harvest levels for taking shrimp with trawls.

4. Define a selective shrimp trawl and establish a season for its use in taking shrimp.

B. In the Commercial Dungeness Crab Fishery:

1. Change the dungeness crab fishing season in the Southern district.

C. In the Commercial Clam Fishery:

1. Increase the Polly Creek certified clam harvesting area.

D. In the Subsistence Finfish Fishery:

1. Provide a season, weekly periods, open and closed areas, bag and possession limits, permit requirements, gear and operation requirements, and other necessary regulations to allow the taking of king salmon for subsistence purposes in the Northern district.

SECTION III. WESTWARD (KODIAK, CHIGNIK, ALASKA PENINSULA, DUTCH HARBOR, ADAK AND BERING SEA) AREAS.

A. In the Subsistence Shellfish Fishery:

1. Establish a subsistence king and tanner crab pot limit in the Kodiak area.

B. In the Commercial Shrimp Fishery:

1. Change the shrimp fishing seasons for the South Peninsula district and the Unalaska Bay section.

2. Reduce the guideline harvest level for shrimp in the South Peninsula district.

3. Repeal the shrimp trawl gear restrictions for the Inner Marmot Bay and Kalsin Bay sections.

C. In the Commercial King Crab Fishery:

1. Change the Adak and Bering Sea king crab areas to exclusive registration areas, prohibit vessels registered for the Kodiak king crab area from fishing any other king crab area, repeal the registration deadline for the Kodiak king crab area and change the registration deadline for the Cook Inlet king crab area.

2. Change the king crab vessel tank inspection requirements for the Kodiak king crab area.

3. Establish sections for the districts of the Kodiak king crab area.

4. Change the opening and closing dates for the king crab fishing season in all the Westward king crab areas.

5. Change the legal size limit for king crab for the Kodiak and Bering Sea areas.

6. Change the king crab guideline harvest levels for all the Westward king crab areas.

7. Provide that the department may allow district transfer of king crab vessels in the Dutch Harbor and Bering Sea king crab areas after determining there will be no enforcement problem.

8. Change the requirements for removal of king crab pots from closed waters for all the Westward king crab areas.

9. Change the king crab pot limit for the Kodiak king crab area.

D. In the Commercial Tanner Crab Fishery:

1. Establish portions of the Westward tanner crab area as exclusive registration areas.

2. Establish sections in the Kodiak tanner crab district.

3. Change the opening and closing dates for the tanner crab fishing seasons in all the districts of the Westward tanner crab area.

4. Establish tanner crab pot limits for the Kodiak and South Peninsula districts.

5. Change the requirements for removal of tanner crab pots from closed waters for all districts of the Westward tanner crab area.

6. Establish tanner crab vessel tank inspection requirements for all districts of the Westward tanner crab area.

7. Establish a tanner crab vessel district registration system for the Westward tanner crab area, including provisions for the number of districts a vessel may register for, changing district registration, movement of gear and crab between districts, validation of registration and suspension or exemption of registration requirements.

E. In the Commercial Miscellaneous Shellfish Fishery:

1. Establish a season and area for the taking of Korean hair crab in the Westward miscellaneous shellfish area.

2. Clarify in what portion of the Westward miscellaneous shellfish area scallops may be taken during the period June 1 through March 31.

SECTION IV. BRISTOL BAY AND ALASKA PENINSULA AREAS.

A. In the Commercial Salmon Fishery:

1. Adopt a Bristol Bay Sockeye Salmon Management Plan. The plan may include, but is not limited to, changes to seasons, weekly fishing periods, gear, gear operation and specification requirements, vessel specifications, operation and registration requirements, closed waters, and other provisions that will maximize the harvest of Bristol Bay sockeye salmon.

SECTION V. STATEWIDE.

A. In the Subsistence Shellfish Fishery:

1. Allow the use of biodegradable pot lid tiedowns on subsistence shrimp pots as an alternative escape mechanism.

2. Provide a daily bag limit for subsistence taken king crab.

3. Allow the use of jigging gear in salt water at all times of the year for the subsistence taking of shellfish.

4. Allow a commercially licensed fishing vessel not registered for miscellaneous shellfish to have aboard subsistence taken miscellaneous shellfish and gear for taking miscellaneous shellfish.

B. In the Commercial Shrimp Fishery:

1. Establish requirements for the use of a vessel to tender a shrimp fishing vessel.

C. In the Commercial Dungeness Crab Fishery:

1. Allow the use of a single escape ring in dungeness crab pots.

D. In the Commercial King Crab Fishery:

1. Repeal the inspection requirements for king crab vessels landing their catch in an area other than the one for which they are registered.

2. Allow storage of king crab pots in waters closed to king crab fishing for a specified time before the opening of those waters to the taking of king crab.

3. Define a king crab pot.

4. Require the reporting of king crab harvested, but lost, dumped overboard or not sold.

E. In the Commercial Tanner Crab Fishery:

1. Change the tanner crab vessel registration deadline for exclusive registration areas.

2. Allow the use of tanner crab pots on long lines.

3. Define a tanner crab pot.

F. In the General Provisions:

1. Require that operators of floating fish processing vessels report to a local representative of the department located within the area of intended operation prior to commencement of processing operations.

2. Prohibit the use of biodegradable pot lid tie downs on commercial dungeness crab pots and allow their use on commercial shrimp pots as an alternative escape mechanism.

3. Adopt the 1980 halibut fishing regulations of the International Pacific Halibut Commission.

4. Provide that the regulations of the U.S. Secretary of Commerce governing the taking of groundfish in the Gulf of Alaska also apply in state waters.

5. Define "waters of Alaska" and "escapement goals or needs."

G. In the Protection of Critical Fish Habitat Areas.

1. Provide that the commissioner or his authorized designee may require individuals and governmental agencies to submit full plans and obtain a permit for proposed land or water use or construction within waters or lands comprising fish critical habitat areas. Establish permit conditions necessary for the protection and maintenance of fish populations or habitat, provide for permit restrictions or revocation, monitoring of activities by the department, delegation of the commissioner's authority, mitigation procedures for rehabilitating damaged habitat, reporting requirements, and define terms necessary to implement these requirements.

SECTION VI. PETITIONS.

The Board of Fisheries will consider the following petitions submitted in accordance with Alaska Statute 44.62.220 which request the board to adopt, amend or repeal regulations contained in Title 5 of the Alaska Administrative Code:

1. Prohibit or allow sport fishing from commercial fishing vessels licensed under AS 16.05.490 that are used to carry passengers for hire for the recreational or subsistence taking of fish and are also used to take salmon for commercial purposes with troll gear.

2. Establish the Kodiak and Chignik commercial herring fishing areas as exclusive registration areas, prohibit herring fishing vessels and gear that are registered for the Kodiak and Chignik areas from fishing for herring in any other herring fishing area, prohibit herring vessels and gear that are registered for another herring fishing area from fishing for herring in the Kodiak and Chignik areas and establish a deadline for registering herring vessels and gear for the Kodiak and Chignik areas.

Copies of proposed changes in regulations summarized in this notice may be inspected at any Department of Fish and Game office or may be obtained upon request by writing to the Board of Fisheries, Subport Building, Juneau, Alaska 99801.

Notice is also given that any persons interested may present oral or written statements or arguments relevant to the action proposed in this notice. Written comments should be mailed so as to be received by the Board of Fisheries, Subport Building, Juneau, Alaska 99801, before 4:30 p.m. on March 14, 1980. Written comments may also be submitted to the Board of Fisheries at any time prior to the close of a public hearing to be held at the Anchorage-Westward Hilton Hotel, Anchorage, Alaska. Oral testimony may be given at the public hearing which will commence at 10:00 p.m. March 25, 1980, and continue until all persons have been given the opportunity to be heard. Additional public hearings may be held throughout the meeting just prior to the consideration and adoption of proposed changes in the regulations of the various regulatory areas. An agenda will be posted daily during the meeting.

All persons interested in or affected by commercial, sport and subsistence fishing and habitat protection regulations are hereby informed that, by publishing this legal notice, the Board of Fisheries may consider all of the subjects covered by the proposed changes contained in this notice; the Board is not limited by the specific language or confines of the actual regulatory proposals submitted by the public or the staff. Unless otherwise specified, references to such topics as areas, seasons, species, gear and guideline harvest levels apply to all or portions of the specific topic. On its own motion, after public hearing, the Board may adopt, amend, reject, supplement, or take no action on these matters. The Board may adopt regulations that fall within the range of existing regulations and the proposals summarized in this legal notice. In addition, the Board may adopt other regulations necessary to implement, administer, or enforce the regulations adopted by the Boards. All persons interested in or affected by the subject matter contained in this legal notice should make written or oral comments if they wish to have their views considered by the Board.

DATE: 15 Feb 80

Ronald O. Skoog

Ronald O. Skoog, Secretary
Alaska Board of Fisheries

CHAPTER 30.
YAKUTAT AREA.

5 AAC 30.100 is amended to read:

5 AAC 30.100. DESCRIPTION OF AREA. The Yakutat area includes all waters of Alaska between the longitude of Cape Suckling (143°53' W. long.) and a line projected southwest from the westernmost tip of Cape Fairweather.

Authority: AS 16.05.251(a)(2)

5 AAC 30.200(a) and (b) are amended to read:

5 AAC 30.200. FISHING DISTRICTS. (a) Yakataga district: all waters of Alaska between the longitude of Cape Suckling (143°53' W. long.) and the longitude of Icy Cape (141°42' W. long.).

(b) Yakutat district: all waters of Alaska between the longitude of Icy Cape (141°42' W. long.) and a line projected southwest from the westernmost tip of Cape Fairweather.

Authority: AS 16.05.251(a)(2)

5 AAC 30.331(a)(1)(C) and (F), (a)(2)(A) and (b) are amended to read:

5 AAC 30.331. GILL NET SPECIFICATIONS AND OPERATION. (a) Set gill nets with mesh size smaller than eight inches may not be deepr than 45 meshes and set gill nets with mesh size eight inches or larger may not be deeper than 35 meshes. The individual and aggregate lengths of any and all set gill nets aboard a vessel or in use by a person may not be more than one of the following hung measure:

(1) in the Yakutat district

(C) Yahtze River, Yana River and Malaspina Lake drainage, one net not to exceed 25 fathoms;

(F) East River, one net not to exceed 20 fathoms, except that after the third Monday in August two nets not to exceed 20 fathoms each and an aggregate length not to exceed 40 fathoms;

(2) in the Yakataga district

(A) Tsiu River; one net not to exceed 15 fathoms;

(b) Set gill nets may not obstruct more than two thirds of any salmon migratory waterway; except in the Tsiu River where set gill nets may not obstruct more than one half of the waterway. In the intertidal zone this applies at all stages of the tide.

Authority: AS 16.05.251(a)(4),(5)

5 AAC 30.335 is amended to read:

5 AAC 30.335. MINIMUM DISTANCE BETWEEN UNITS OF GEAR. No part of a set gill net may be set or operated within 100 yards of any part of another set gill net, except that in the Tsiu River, no part of a set gill net may be set or operated within 75 yards of any part of another set gill net.

Authority: AS 16.05.251(a)(4)

5 AAC 30.340 is added to read:

5 AAC 30.340. GILL NET OPERATION IN SUFFLINE AREAS. The provisions of secs. 310, 320, 331 and 335 of this chapter as applied to each river fishery also apply to the area within a radius of one-half mile from the terminus of that river.

Authority: AS 16.05.251(a)(2)

5 AAC 30.350(a) is amended to read:

5 AAC 30.350. CLOSED WATERS. (a) Salmon may not be taken in the following waters:

(1) Alsek River: upstream starting at three miles below the southern end of "basin";

(2) Situk River: upstream from the Department of Fish and Game regulatory marker one-half mile west of the tip of Strawberry Point to the cut bank on the eastern side of the mouth of Johnson Slough;

(3) Ankau Inlet: inside of a line from 59°32'51" N. lat., 139° 49'42" W. long., to 59°32'47" W. lat., 139°49'42" W. long.

(4) Italio River: upstream from the Department of Fish and Game regulatory markers located six and one-half miles from the terminus of the river;

(5) East River: upstream from the Department of Fish and Game regulatory markers located four miles upstream from the terminus of the river;

(6) Akwe River: upstream from the Department of Fish and Game regulatory markers located six and one-half miles upstream from the terminus of the river;

(7) Lost River: upstream from Department of Fish and Game regulatory markers located 500 yards upstream from the most downstream tree line on the west bank at the terminus of the river;

(8) Old Village Lagoon: upstream from the road.

Authority: AS 16.05.060
AS 16.05.251(a)(2)

CHAPTER 33.
SOUTHEASTERN ALASKA AREA.

5 AAC 33.200(f)(1)(2) and (3),(m),(n) and (o) are amended and (f)(4) is added to read:

5 AAC 33.200. FISHING DISTRICTS AND SECTIONS.

(f) unchanged

(1) section 6-A: waters north of a line from the tip of Point Colpoys to the tip of Macnamara Point, west of a line from the tip of Low Point to the tip of Point Alexander and east of a line from the tip of Point Barne to the tip of Point Baker;

(2) section 6-B: waters south of a line from the tip of Point Colpoys to the tip of Macnamara Point, north and west of a line from the tip of Luck Point to the tip of Point Stanhope to Lincoln Rock light to Key Reef light to Nesbitt Reef light to the tip of Point Nesbitt;

(3) section 6-C: waters enclosed by a line from Lincoln Rock light to the westernmost point of Screen Islands to the westernmost point of March Island to the westernmost point of Steamer Rocks to Mariposa Rock Buoy to the tip of Point Nesbitt to Nesbitt Reef light to Key Reef light to Lincoln Rock light;

(4) section 6-D: all other waters of the district.

(m) District 13: all waters north of a line projecting southwest from the southernmost tip of Cape Ommany, south of a line projecting west from the southernmost tip of Cape Spencer, west of a line from the southernmost tip of Cape Spencer through Yakobi Rock to Yakobi Island, south of a line from the northernmost tip of Soapstone Point to the westernmost tip of Column Point and west of a line from the southernmost tip of Point Hayes to the northernmost point of Point Thatcher.

(n) District 14: all waters of Icy Strait west of a line from the southernmost tip of Point Couverden to Point Augusta light, east of a straight line from the southernmost tip of Cape Spencer through Yakobi Rock to Yakobi Island and north of a line from the northern most point of Soapstone Point to the westernmost point of Column Point.

(p) District 16: all waters north of a line projecting west from the southernmost tip of Cape Spencer and south of a line projecting southwest from the westernmost tip of Cape Fairweather.

Authority: AS 16.05.251(a)(2)

5 AAC 33.310(b)(1)(A)(iv), b)(2) and (c)(5)(B) are amended to read:

5 AAC 33.310. FISHING SEASONS AND WEEKLY FISHING PERIODS.

(b) unchanged:

(1) unchanged:

(A) unchanged:

(iv) district 14, except during the period April 16 to August 1 for that portion of the district south of a line from the southernmost tip of Cape Spencer to the northernmost tip of Point Lavinia;

(2) during the period April 16 through September 20, salmon may be taken by power troll gear in that portion of district 12 north of the latitude of the northernmost tip of Point Hepburn, district 14, except during the period April 16 to August 1 for that portion of the district south of a line from the southernmost tip of Cape Spencer to the northernmost tip of Point Lavinia, section 15-A and 15-C only during the fishing periods set forth in (b)(1) (B) of this section;

(c) unchanged:

(5) district 15

(B) section 15-C opens by emergency order.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(4)

5 AAC 33.350(b)(3)(8)(14)(15)(16)(17)(18)(20)(22)(28), (c)(1)(2)(B), (d)(1)(3)(5)(7)(9)(10)(21)(25)(26)(28)(29), (f)(2)(C), (f)(3)(A)(C), (f)(7)(8)(9)(10), (g)(1)(4)(8)(9)(11)(13)(15)(16), (h)(1)(2)(3)(4)(6)(7)(8)(11), (i)(1), (j)(1)(C), (j)(7)(9)(10)(14)(15), (k)(3)(7), (l)(1)(2)(3)(4)(5), (l)(6)(B)(C), (m)(1)(4)(5)(7)(8)(9)(11)(13)(14)(15), (n)(1)(2)(3)(4)(5)(7)(8)(9)(10)(13)(14)(15)(16)(17)(18)(19)(20)(21)(22)(23)(24)(25)(26), (o)(2)(3)(7)(9) and (p)(3)(4) are amended to read:

5 AAC 33.350. CLOSED WATERS.

(b) District 1

(3) Hidden Inlet: north of the latitude of the tip of Hidden Point;

(8) Very Inlet: inside of a line from 54°57'44" N. lat., 130° 57'36" W. long. to 54°57'44" N. lat., 130°57'00" W. long.;

(14) Traitors Cove: east of 131°41'48" W. long.;

(15) Naha Bay: east of 131°38'18" W. long;

(16) Moser Bay: south of a line from the tip of Cod Point to 55° 34'00" N. lat., 131°40'54" W. long.;

(17) Port Stewart: west of a line from 55°43'06" N. lat., 131° 49'17" W. long. to 55°41'33" N. lat., 131°50'05" W. long.;

(18) Helm Bay: west of a line from the tip of Helm Point to 55° 34'54" N. lat., 131°56'57" W. long.;

(20) Vallendar Bay: south of a line from 55°23'45" N. lat., 131° 50'52" W. long. to 55°22'55" N. lat., 131°52'58" W. long.;

(22) Ward Cove: east of a line from 55°23'56" N. lat., 131°44' 27" W. long. to 55°23'38" N. lat., 131°44'01" W. long.;

(28) Ray Anchorage: all waters inside a line between 54°56'39" N. lat., 131°13'54" W. long. and 54°55'42" N. lat., 131°12'54" W. long.;

(c) District 2

(1) Nichols Bay: north of 54°42'07" N. lat.;

(2) Moira Sound

(B) Johnson Cove: south of 54°59'43" N. lat.;

(d) District 3

(1) Hunter Bay: east of a line from the tip of Turn Point to 54°52'48" N. lat., 132°21'20" W. long.;

(3) Keete Inlet: east of the longitude of the tip of Keete Point;

(5) Hetta Harbor: east of the longitude of the tip of Hetta Point;

(7) Eek Inlet: west of a line from 55°08'48" N. lat., 132°39' 25" W. long. to 55°08'53" N. lat., 132°39'23" W. long.;

(9) Ham Cove: south of 54°53'00" N. lat.;

(10) Kasook Inlet: north of 55°01'40" N. lat.

(21) Salt Lake Bay: east of 133°23'22" W. long.

(25) Edna Bay: north of a line from Limestone Point light to 55°55'55" N. lat., 133°37'40" W. long.;

(26) Tokeen Bay: east of a line from the tip of Holbrook Point to 55°59'52" N. lat., 133°27'51" W. long.;

(28) Devilfish Bay: west of 133°20' W. long.;

(29) Hessa Inlet: east of the longitude of the tip of Whirlpool Point;

(f) District 5

(2) Port Beauclerc

(C) The cove 0.7 miles west of the northern tip of Edwards Island between 56°18'20" N. lat., 133°58'30" W. long., and 56°19'15" N. lat., 133°58'20" W. long.;

(3) Affleck Canal

(A) Bear Harbor: north of a line from 56°13'25" N. lat., 134°05'45" W. long., to 56°13'50" N. lat., 134°05'05" W. long.;

(C) north of 56°16'20" W. long.;

(7) Hole in the Wall, northwest coast of Prince of Wales Island: east of 133°38'30" W. long.;

(8) Alvin Bay: west of 133°53'25" W. long.;

(9) Reid Bay: west of 133°53'55" W. long.;

(10) Barrie (Kushehin) Creek: east of a line from 56°27'50" N. lat., 133°40'05" W. long., to Trouble Island at 56°28'45" W. lat., 133°40'45" W. long. to 56°28'00" N. lat., 133°39'55" W. long.;

(g) District 6

(1) Salmon Bay: within a line extending from 56°17'24" N. lat., 133°08'14" W. long., to Rookery Island to 56°19'06" N. lat., 133°09'42" W. long.;

(4) Ratz Harbor: south and west of a line from 55°53'08" N. lat., 132°35'37" W. long., to 55°53'16" N. lat., 132°35'47" W. long.;

(8) Rocky Bay, west coast of Etolin Island: north of a line from 56°04'20" N. lat., 132°36'30" W. long., to 56°04'24" N. lat., 132°36'03" W. long.;

(9) Mosman Inlet: north of 56°05'20" N. lat.;

(11) Exchange Cove: south of a line from 56°13'07" N. lat., 133°03'42" W. long., to 56°12'54" N. lat., 133°03'25" W. long;

(13) Kah Sheets Bay: west of a line from 56°31'28" N. lat., 133°05'12" W. long., to 56°29'46" N. lat., 133°07'12" W. long.;

(15) Wrangell Narrows: all waters north of the tip of Point Alexander except by trolling;

(A) Blind Slough: east of a line from the tip of Anchor Point to Coast Guard light #25 to Coast Guard light #27 to a point 200 yards due north of the tip of Blind Point;

(B) Petersburg Creek: west of a line from 56°48'15" N. lat., 132°59'33" W. long., to Coast Guard light #56 to Coast Guard light #58 to the tip of Bayou Point;

(16) Navy Creek: east of a line from 56°03'30" N. lat., 132°27'54" W. long., to the southwest tip of South Burnett Island and east of a line from the northern tip of South Burnett Island to the southern tip of North Burnett Island and east of a line from the northern tip of North Burnett Island to 56°04'36" N. lat., 132°27'29" W. long.

(h) District 7

(1) Anita Bay: west of a line from the tip of Anita Point to 56° 15'18" N. lat., 132°22'56" W. long., except by trolling;

(2) Olive Cove: south of a line from 56°11'33" N. lat., 132°19' 06" W. long. to 56°11'24" N. lat., 132°18'43" W. long.;

(3) Thom's Place, Zimovia Strait: north of 56°09'38" N. lat.;

(4) Fool's Inlet: north of 56°12'30" N. lat.;

(6) Blake Channel and eastern Passage: north of 56°12'00" N. lat., and east of a line from the tip of Babbler Point to 56°27'48" N. lat., 132° 16'38" W. long., on Hour Point except by trolling which is closed from April 16 through September 30;

(7) Vixen Inlet: east of the longitude of the westernmost tip of Sunshine Island;

(8) Santa Anna Inlet: south of the latitude of the tip of Point Santa Anna;

(11) Union Bay: south of a line from 55°44'48" N. lat., 132°14' 07" W. long. to 55°45'34" N. lat., 132°11'08" W. long.;

(i) District 8

(1) Blind Slough: north of a line from 56°30'45" N. lat., 132°43' 18" W. long., to 56°31'55" N. lat., 132°40'32" W. long.;

(j) District 9

(1) Tebenkof Bay

(C) Thetis Bay: south of 56°23'22" N. lat.;

(7) Port Walter and Little Port Walter: west of a line from 56°23'15" N. lat., 134°38'05" W. long. to 56°23'42" N. lat., 134°38'15" W. long.;

(9) Eliza Harbor: north of 57°14'18" N. lat.;

(10) Kadake Bay: south of a line from 56°48'45" N. lat., 133°58' 00" W. long. to 56°48'23" N. lat., 133°56'28" W. long.;

(14) Deep Cove: west of 134°43'38" W. long.;

(15) Patterson Bay: north of 56°36'44" N. lat.

(k) District 10

(3) Farragut Bay: Francis Anchorage north of 57°08'45" N. lat.;

(7) Dry Bay: inside of a line from 57°03'32" N. lat., 133°01'55" W. long., to 57°02'49" N. lat., 133°01'45" W. long., to 57°02'57" N. lat., 133°00'10" W. long.

(l) District 11

(1) Auke Bay: inside a line from the tip of Point Louisa to the tip of Outer Point;

(2) Taku Inlet: north of a line from the Annex Creek Power House to a point at 58°17'30" N. lat., 134°01'00" W. long.;

(3) Slocum Inlet: all waters east of a line from 58°08'21" N. lat., 134°04'14" W. long., to 58°07'49" N. lat., 134°04'24" W. long.;

(4) Taku Harbor: all waters east of a line from the tip of Stokade Point to 58°03'41" N. lat., 134°01'59" W. long.;

(5) Limestone Inlet: all waters east of a line from 58°01'48" N. lat., 133°59'16" W. long., to 58°02'04" N. lat., 133°59'40" W. long.

(6) Seymour Canal

(B) Mole Harbor: inside a line from the tip of Flaw Point to a point at 57°39'40" N. lat., 134°01'30" W. long.;

(C) Pleasant Bay: all waters inside a line from 57°38'50" N. lat., 133°59'42" W. long. to a point at 57°38'28" N. lat., 133° 57'25" W. long.;

(m) District 12

(1) Wilson Cove: all waters east of the longitude of Point Wilson;

(4) Hood Bay: all waters east of 134°24'30" W. long. except by trolling;

(5) Kootznahoo Inlet: all waters east of a line from the tip of Turn Point to Village Rock light except by trolling;

(7) Funter Bay: all waters inside the longitude of the tip of Clear Point, except by trolling;

(8) Howard Bay: all waters inside the latitude of the tip of Point Howard, except by trolling;

(9) Freshwater Bay: all waters inside a line from a point at 57°53'20" N. lat., 135°07'35" W. long., to 57°54'45" N. lat., 135°06'00" W. long.;

(11) Basket Bay: all waters inside a line from 57°39'50" N. lat., 134°53'12" W. long., to 57°39'17" N. lat., 134°53'53" W. long.;

(13) Warm Springs Bay: west of 134°46'38" W. long.;

(14) False Bay: west of a line from 57°58'33" N. lat., 134°55' 05" W. long., to 57°57'00" N. lat., 134°55'23" W. long.;

(15) Wukuklook Creek: west of a line from a point at 57°05'15" N. lat., 135°55'30" W. long., to Flinks Point at 57°52'30" N. lat., 135°57'20" W. long.;

(n) District 13

(1) Lisianski Inlet: south of a line from 57°56'46" N. lat., 136°14'10" W. long.; to 57°57'15" N. lat., 136°12'53" W. long. except by trolling;

(2) Salt Lake Lagoon, Takanis Bay: north and east of a line from 57°55'05" N. lat., 136°30'22" W. long., to 57°55'25" N. lat., 136°31'00" W. long.;

(3) Stag Bay: east of 136°21'25" W. long.;

(4) Goulding Harbor: north of a line from 57°46'18" N. lat., 136°15'05" W. long., to 57°46'22" N. lat., 136°15'27" W. long.;

(5) Black Bay: north and east of a line from 57°42'37" N. lat., 136°09'20" W. long., to 57°42'23" N. lat., 136°09'10" W. long.;

(7) Waterfall Cove, Slocum Arm: north and east of a line from 57° 37'18" N. lat., 135°56'10" W. long., to 57°30'53" N. lat., 135°55'00" W. long.;

(8) Fish Bay: east of 135°35'10" W. long.;

(9) Hoonah Sound: west and north of a line from 57°44'12" N. lat., 135°43'40" W. long., to 57°43'45" N. lat., 135°44'40" W. long.;

(10) Ushk Bay: west of 135°35'00" W. long.;

(13) Hanus Bay: south of a line from 57°25'29" N. lat., 134°59' 00" W. long., to 57°25'18" N. lat., 135°03'40" W. long.;

(14) Nakwasina Passage: north and east of a line from 57°14'12" N. lat., 135°29'55" W. long., to 57°14'53" N. lat., 135°30'28" W. long.;

(15) Nakwasina Sound: north and east of a line from 57°11'42" N. lat., 135°23'30" W. long., to 57°12'12" N. lat., 135°22'40" W. long.;

(16) Katlian Bay: north and east of a line from 57°09'30" N. lat., 135°22'35" W. long., to 57°09'07" N. lat., 135°21'55" W. long.

(17) Redoubt Bay: east of 135°18'53" W. long.;

(18) Port Banks: south and east of a line from 56°36'07" N. lat. 135°00'20" W. long., to 56°35'55" N. lat., 135°01'10" W. long.;

(19) Still Harbor: south and east of a line from 56°33'15" N. lat., 135°02'40" W. long., to 56°33'38" N. lat., 135°02'25" W. long.;

(20) Redfish Bay: north and west of a line from 56°20'41" N. lat., 134°51'31" W. long., to 56°20'49" N. lat., 134°51'05" W. long.;

(21) Big Branch Bay: north and east of a line from 56°19'27" N. lat., 134°50'30" W. long., to 56°19'18" N. lat., 134°50'08" W. long.;

(22) Sitkoh Bay: west of a line from 57°29'17" N. lat., 134°53'25" W. long., to 57°29'36" N. lat., 134°53'58" W. long.;

(23) Patterson Bay: west of a line from 57°40'23" N. lat., 135° 42'42" W. long., to 57°39'35" N. lat., 135°42'18" W. long.;

(24) Fick Cove: south and west of a line from 57°37'51" N. lat., 135°39'38" W. long., to 57°38'25" N. lat., 135°40'39" W. long.;

(25) Starrigavan Bay: all waters east of a line from 57°07'47" N lat., 135°22'45" W. long., to the ferry terminal dock at 57°08'25" N. lat., 135°22'30" W. long.;

(26) Deep Bay: west of a line from 57°39'35" N. lat., 135°37'20" W. long., to 57°26'32" N. lat., 135°37'46" W. long.

(o) District 14

(2) Port Althorp: within a line from the tip of Point Lucan to a point at 57° 09'40" N. lat., 135°19'30" W. long., except by trolling;

(3) Idaho Inlet: south of the latitude of the tip of Gull Point, except by trolling;

(7) Whitestone Harbor: within a line from 58°04'15" N. lat., 135° 04'36" W. long., to 58°03'36" N. lat., 135°04'15" W. long., except by trolling;

(9) Excursion Inlet: north of a line from 58°22'36" N. lat., 135° 28'30" W. long., to 58°22'36" N. lat., 135°28'18" W. long., except by trolling;

(p) District 15

(3) Taiya Inlet: all waters north of the latitude of the tip of Taiya Point, except by trolling;

(4) St. James Bay: all waters north of a line from the tip of Point Whidby to St. James Point at 58°33'45" N. lat., 135°09'45" W. long., except by trolling.

Authority: AS 16.05.060
AS 16.05.25](a)(2),(4)

5 AAC 33.360 is added to read:

5 AAC 33.360. DISTRICT ONE AND SIX PINK SALMON MANAGEMENT PLAN. In districts 1 and 6, when a purse seine fishery is harvesting pink salmon stocks subject to concurrent fishing by drift gill nets; for each day or portion of a day the purse seine fishery is open, the corresponding gill net fishery shall be open a full 24 hours.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(3),(4)

5 AAC 33.392 is amended to read:

5 AAC 33.392. SIZE LIMIT AND LANDING OF KING SALMON. King salmon taken must measure at least 28 inches from tip of snout to tip of tail (in its natural open position) or 23 inches from the mid-point of the clethral arch to the tip of the tail. The heads of all king salmon must remain attached to the fish until sold. Undersized fish which are taken must be returned to the water without injury. The size limit restrictions in this section do not apply to gill net and purse seine fishing. No king salmon may be mutilated or otherwise disfigured in any manner which prevents determining the minimum size set forth in this paragraph.

Authority: AS 16.05.251(a)(3),(4),(7)

5 AAC 33.393 is amended to read:

5 AAC 33.393. LANDING OF COHO SALMON. The heads of all coho salmon must remain attached to the fish until sold. No troll vessel may be used to take or attempt to take salmon when coho salmon are aboard in an area closed to the taking of coho by troll gear.

Authority: AS 16.05.251(a)(3),(4),(7)

5 AAC 33.410(a)(1) and (2) are amended to read:

5 AAC 33.410. FISHING SEASONS. (a) Sablefish may be taken only as follows:

(1) in the northern area which includes district 9 north and east of a line from the southernmost tip of Cape Ommaney to the northernmost tip of Nation Point, district 10, 11, 12, section 13-C, districts 14 and 15, from September 1 through November 15 or until the area is closed by emergency order;

(2) in the southern area which includes districts 1, 2, 3, 5, 6, 7, and 8, from June 15 through November 15 or until the area is closed by emergency order.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(3)

5 AAC 33.415(a) and (b) are added to read:

5 AAC 33.415. GUIDELINE HARVEST LEVELS. (a) In the northern area as described in sec. 410(a)(1) of this chapter, the guideline harvest range for sable fish is 500,000 to 900,000 pounds (227 to 408 m.t.).

(b) in the southern area as described in sec. 410(a)(2) of this chapter, the guideline harvest range for sablefish is 125,000 to 500,000 pounds (57 to 227 m.t.).

Authority: AS 16.05.251(a)(2),(3)

5 AAC 33.420(a),(b) and (c) are added to read:

5 AAC 33.420. REGISTRATION. (a) Operators of fishing vessels intending to fish for sablefish in the northern area as described in sec. 410(a)(1) of this chapter shall notify a local representative of the department by phone, radio or in person within 72 hours before starting fishing operations in the area.

(b) Within 24 hours after leaving the northern area, operators of sablefish fishing vessels shall notify a local representative of the department by phone, radio or in person.

(c) A vessel operator reporting as required by (a) and (b) of this section shall also report the amount of sablefish on board the vessel at the time of reporting.

Authority: AS 16.05.251(a)(2).(4),(7),(12)

Authority: AS 16.05.251(a)
AS 16.05.475
AS 16.05.905
AS 16.05.910
AS 16.05.920
AS 16.05.940

5 AAC 39.250(c) is amended and (d) is added to read:

5 AAC 39.250. GILL NET SPECIFICATIONS AND OPERATION.

(c) Gill net web may not contain no less than 30 filaments.

(d) The float line and floats of gill nets must be floating on the surface of the water while the net is fishing, unless natural conditions cause the net to temporarily sink. The restriction of this subsection does not apply in Kotzebue-Northern area (5 AAC 03.100), Norton Sound-Port Clarence area (5 AAC 04.100), Yukon area (5 AAC 05.100) and Kuskokwim area (5 AAC 07.100).

Authority: AS 16.05.251(a)(4)

5 AAC 39.270(c) and (d) are amended and (e) is added to read:

5 AAC 39.270. TROLL SPECIFICATIONS AND OPERATION.

(c) Each licensed power troll vessel must display its permanent vessel license plate number in permanent symbols of black on a white background. Each number must be at least twelve inches in height, with lines at least one inch in width and must be permanently affixed on both sides of the cabin or hull so as not to be obscured. The numbers must be displayed at all times until the end of the calendar year.

(d) Each licensed hand troll vessel must display the letters HT in permanent block letters. Each letter must be painted on both sides of the vessel hull or cabin in a color contrasting with the background, at least four inches in height, at least one-half inch in width, plainly visible and unobscured at all times. The letters must be displayed at all times until the end of the calendar year. No hand troll vessel may display its permanent vessel plate number (ADF&G number) in any location other than on the vessel license plate.

(e) No more than six troll gurdies may be mounted on board any salmon troll vessel. A troll gurdy is a spool type device around which a troll line can be wrapped.

Authority: AS 16.05.251(a)(4),(5),(7)

TITLE 5. FISH AND GAME.

PART I. COMMERCIAL AND SUBSISTENCE FISHING AND PRIVATE NONPROFIT SALMON HATCHERIES.

CHAPTER 21.
COOK INLET AREA.

5 AAC 21.430(a) is amended to read:

5 AAC 21.430. GEAR. (a) Bottomfish may be taken in all districts only by trawls, longlines and mechanical jigging machines.

Authority: AS 16.05.251(a)(4),(7), (12)

CHAPTER 30.
YAKUTAT AREA.

5 AAC 30.392 is amended to read:

5 AAC 30.392. SIZE LIMIT AND LANDING OF KING SALMON. King salmon taken must measure at least 28 inches from tip of snout to tip of tail (in its natural open position) or 23 inches from the midpoint of the clethral arch to the tip of the tail. The heads of all king salmon must remain attached to the fish until sold. Undersized fish which are taken must be returned to the water without injury. The size limit restrictions in this section do not apply to gill net and purse seine fishing. No king salmon may be mutilated or otherwise disfigured in any manner which prevents determining the minimum size set forth in this section.

Authority: AS 16.05.251(a)(3),(4), (7)

5 AAC 30.393 is amended to read:

5 AAC 30.393. LANDING OF COHO SALMON. The heads of all coho salmon must remain attached to the fish until sold. No troll vessel may be used to take or attempt to take salmon when coho salmon are aboard in an area closed to the taking of coho salmon by troll gear.

Authority: AS 16.05.251(a)(3),(4), (7)

CHAPTER 33.
SOUTHEASTERN ALASKA AREA.

5 AAC 33.310(b)(1)(B) is amended to read:

5 AAC 33.310. FISHING SEASONS AND WEEKLY FISHING PERIODS.

(b) Salmon may be taken by hand troll and power troll gear from January 1 through December 31 in all districts except as provided in sec. 350 of this chapter and except as follows:

(1) during the period April 16 through September 20 salmon may be taken by hand troll gear:

(B) April 16 through April 21
April 28 through May 5
May 12 through May 19
May 26 through June 2
June 9 through June 16
June 23 through June 30
July 7 through July 14
July 21 through July 28
August 4 through August 11
August 18 through August 25
September 1 through September 8
September 15 through September 20

Authority: AS 16.05.060
AS 16.05.251(a)(2),(4)

5 AAC 33.365 is adopted to read:

5 AAC 33.365. SOUTHEASTERN ALASKA-YAKUTAT CHINOOK AND COHO SALMON TROLL FISHERIES MANAGEMENT PLAN. (a) The management of the Southeastern Alaska and Yakutat areas chinook and coho salmon troll fisheries is complex because of mixing of the salmon stocks and fishing effort placed upon those salmon stocks by the subsistence, commercial and recreational user groups. The Board of Fisheries is concerned that some user groups, particularly those who traditionally fish the inshore and terminal salmon fishing areas as described in sec. 312(a)(1),(2) and (3) of this chapter, may be receiving reduced opportunities to take chinook and coho salmon because of increasing fishing effort by the salmon power troll fleet on mixed stocks of those species of salmon in the coastal and offshore salmon fishing areas as described in sec. 312(a)(4) and (5) of this chapter. The board is also concerned that continued increases in fishing effort on mixed chinook and coho salmon stocks may result in overharvest of individual salmon stocks or aggregations of those stocks, such that spawning escapement of those stocks to their natal streams may fall below that required to maintain a sustained yield of those stocks. Because of the above concerns, the board has adopted regulations that control the time, area of operation and efficiency of the salmon power and hand troll fisheries.

(b) The board recognizes that changes in size and timing of the chinook and coho salmon runs and changes in the distribution of fishing effort by the hand and power troll fleet may require inseason adjustments to salmon fishing seasons, periods and areas to allow chinook and coho salmon to escape the coastal and offshore fisheries and move into the inshore and terminal fishing areas. The department shall make inseason adjustments to salmon fishing seasons, periods and areas as follows:

(1) there may be no changes made to the chinook salmon fishing seasons, periods and areas during the period January 1 through June 14;

(2) there may be no changes made to the coho salmon fishing seasons, periods and areas during the period June 15 through July 9;

(3) about July 10 the department will evaluate the size and distribution of the coho salmon run and will close the Southeastern and Yakutat areas salmon troll fishery for 10 days, unless the department determines that the coho salmon run is larger than the last 10 year average and that acceptable numbers of coho salmon are moving into the inshore salmon fishing areas;

(4) following any July closure made in accordance with (3) of this subsection, the Southeastern Alaska and Yakutat salmon fishing areas will reopen for salmon hand and power troll fishing as provided for in the salmon hand and power troll fishing regulations contained in chaps. 30, 33 and 39 of this title;

(5) additional closures of the salmon hand and power troll fishing seasons, periods and areas may be required if the department determines that the strength of the coho salmon run in the inshore and terminal salmon fishing areas is less than required to provide a spawning escapement that will maintain the runs on a sustained yield basis.

Authority: AS 16.05.060
AS 16.05.251(a)(2),(3),(11)

CHAPTER 39.
GENERAL PROVISIONS.

5 AAC 39.120(g) is added to read:

5 AAC 39.120. REGISTRATION OF COMMERCIAL FISHING VESSELS.

(g) Registration requirements for salmon troll fishing vessels are as follows:

(1) the owner or operator of any fishing vessel that is to be used to take salmon with hand or power troll gear shall register that vessel with the department;

(2) no fishing vessel may be registered as both a hand troll and a power troll vessel;

(3) registration is accomplished by completing a form provided by the department and returning that form to a department office;

(4) any vessel that is to be used as a salmon troll fishing vessel must be registered before April 15 of each calendar year;

(5) this subsection becomes effective January 1, 1981.

Authority: AS 16.05.251(a)(2),(4),(5),(12)
AS 16.05.490
AS 16.05.510

5 AAC 39.270(a) is amended to read:

5 AAC 39.270. TROLL SPECIFICATIONS AND OPERATION. (a) The maximum number of trolling lines that may be operated from any salmon troll vessel is as follows:

(1) from power troll vessels: no more than four lines, except that no more than six lines may be operated in that portion of the Seaward Biological Influence Zone north of the latitude of the southernmost tip of Cape Spencer;

(2) from hand troll vessels

(A) using hand troll gurdies: no more than two lines to which multiple leaders and hooks may be attached;

(B) using fishing rods: no more than four lines with no more than one leader and one lure or two baited hooks per leader;

(3) hand troll vessels may not concurrently use hand troll gurdies and fishing rods;

(4) for the purposes of this subsection, a fishing rod is a tapering often jointed rod equipped with a hand grip and line guides and upon which is mounted a hand powered reel used to deploy and retrieve the trolling line and a hand troll gurdy is a troll gurdy powered by hand or hand crank that is not mounted on or used in conjunction with a fishing rod.

Authority: AS 16.05.251(a)(4),(5), (7)