

600

ARRC

HANDTROLLING

8672

- 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 Council would be moving toward a limited entry system that is

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 resource 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 gillnetters. On the other hand, this is not to say that power trolling and hand trolling are equally 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 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 situation" 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 interim measures. 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 pure speculation and is not born out by any statistics. On the other hand, a substantial increase in power troll effort has been documented and it is logical to assume that increased effort in the future will continue to come largely from this 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 policies 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 impact 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 variations in fishery. The National

- Standards of the FCMA require management "to allow for variations in fishery." Eliminating only hand or power trollers from an area would not be allowing for variations 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 associated 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 regulation 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
HANDROLLERS FROM COMMUNITIES THROUGHOUT
SOUTHEAST ALASKA, REQUEST THE BOARD TO GIVE
PRIME CONSIDERATION TO OUR ECONOMIC DEPENDENCE
ON HANDROLLING, 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 ~~FOR~~
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 HANDROLLERS AS OPPOSED
TO POWERROLLERS.

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 COOP. CH. CHILDREN

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 prompted 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

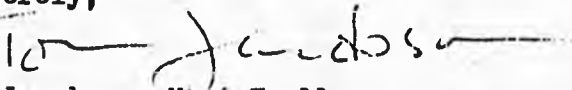
efficiency. Considering that such "Grandfather Rights" would not be transferred with the transfer of the hand troll permit, the relatively efficient operations would steadily decline. Further investment in a dead-end mode of fishing among the "Grandfathered Hand Trollers" would have little incentive, 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 maximum 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 eligibility 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, Hand Troller
Point Baker Hand Trollers Assn.

OUTSIDE WATERS DATA

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

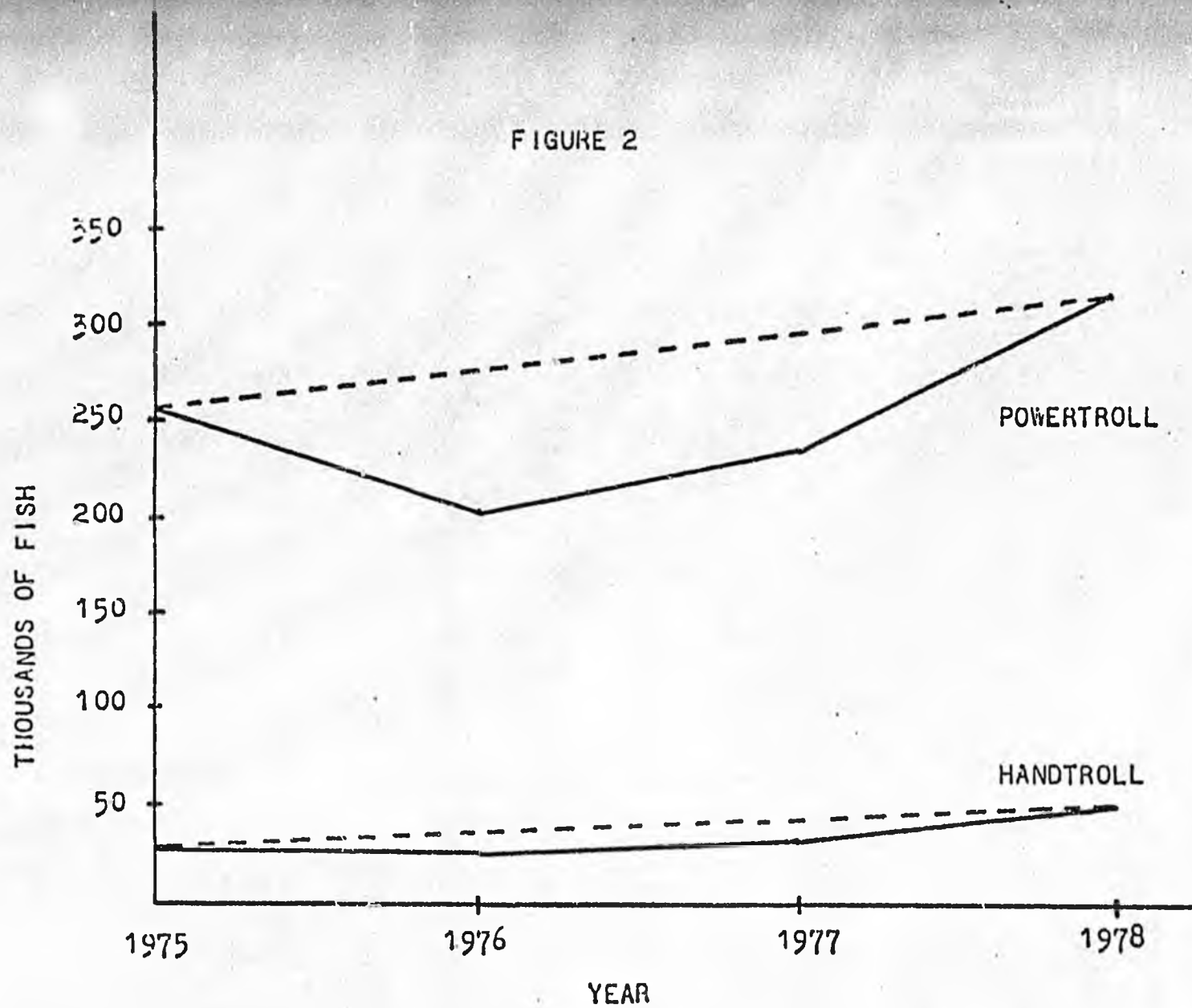
NOTE: THESE FIGURES USE DISTRICT 113 WHICH INCLUDES A SUBSTANTIAL AMOUNT OF INSIDE WATERS SUCH AS SITKA SOUND, SALISBURY SOUND, ETC. THEREFORE THEY WILL TEND TO SHOW A LARGER AMOUNT OF FISH CAUGHT BY HANDTROLLERS IN OUTSIDE WATERS THAN WAS ACTUALLY THE CASE, SO ALL PERCENTAGES MAY BE CONSIDERED TO BE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

<u>COHOS:</u>	1975	1976	1977	1978
NUMBER FISH TAKEN BY:				
POWERTROLLERS	51,693	234,330	156,689	414,257
HANDTROLLERS	2,332	17,442	21,946	47,830
TOTAL TROLL	54,025	251,772	178,635	461,837
% OUTSIDE TROLL FISH TAKEN BY HANDTROLLERS AVERAGE OVER FOUR YEARS	4.3%	8% 6.9%	12.3%	10.3%
TOTAL TROLL CATCH OF COHOS FOR SOUTHEAST	214,160	524,721	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% !!		

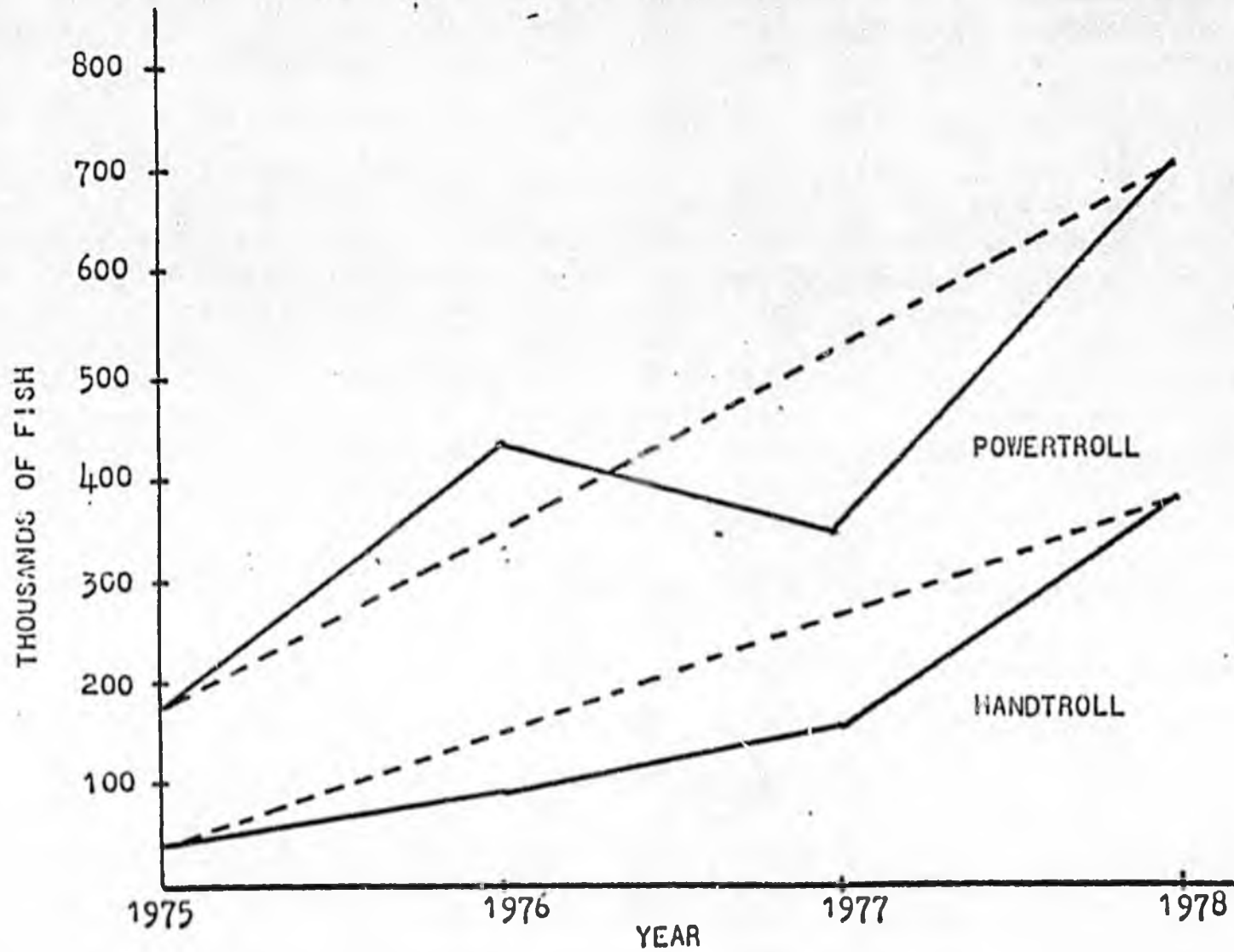
<u>KINGS:</u>	1975	1976	1977	1978
NUMBER FISH TAKEN BY:				
POWERTROLLERS	154,331	100,741	157,237	236,863
HANDTROLLERS	5,769	4,563	10,098	16,274
TOTAL TROLL	160,100	105,304	167,335	253,137
% OUTSIDE TROLL FISH TAKEN BY HANDTROLLERS	3.6%	4.3%	6.0%	6.4%
TOTAL TROLL CATCH OF KINGS FOR SOUTHEAST	287,337	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

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,

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our most productive troll area, " " 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

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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.

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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.'

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 communication 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 Association

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 allocation 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 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

3, 4, 1920

Problem: To the thousand or more hand trollers who make their principle living by fishing; the 2-guardie 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 us hand trollers have come to this meeting.

The various injustices of limited entry have been rehearsed 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-guardie 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 allowed 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 allowed 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 Governor's office to review and shorten the 5 year residency moratorium on a fishermen's loan if he qualifies in all other respects with the loan association.

Respectfully yours

Ertry R. Searff

P.O. Box 1312
Wetzi, Ak.
99921

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 restricting the hand troll fishery (because the power troll fishery was complaining that there were too many hand-trollers). I was encouraged because I thought, "Well, here is the restriction--- 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. They 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 license, 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 restrictions. 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 fisher / 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 ^{with} a convenient, and legal, method of tax evasion. ^{them} 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 ^{for a lot of people,} of the coin is this: Hand-trolling may also be, and has been, a very honest way commercial fishery. There are those of us who go at it full-time, those of us who ^{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} ~~with~~ ^{THEIR} two-line limit, which, by definition, 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 livelihood 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 interests as well as for the interests 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 ~~intention~~. 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 decision 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 gear 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, "amateur" 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 license be selected in such a way that those people most dependent upon the fishery for their livelihood, receive them.

The Class B license 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 license protects those who have entered the fishery with the intention of making a living at it. A Class B license will satisfy those who are looking for entertainment and a tax write-off. Hopefully, with the addition of a "use it or lose 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 warrant 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 closeness of the 1980 fishing season and to consider the financial 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 committee to recommend 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 TIM 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
HANDROLLING. I'M HERE REPRESENTING THE 50 SOME COMMERCIAL
HANDROLLERS IN THE VILLAGES OF PT. BAKER AND PORT MORTIMER
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. ~~REGULATIONS CONCERNING~~ ALTHOUGH OUR
INCOMES ARE RELATIVELY MEAGER, THEY HAVE BEEN SUFFICIENT
TO SUSTAIN AN ADEQUATE STANDARD OF LIVING. ~~FROM~~
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 ~~REQUIRED~~ 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 SUCCEEDING TO PUBLIC
ASSISTANCE. IF ALL THIS WERE THE RESULT OF
THERE BEING NO MORE SALMON IT WOULD BE A
REGRETTABLE BUT UNDERSTANDABLE CIRCUMSTANCE
BUT NOT, ALL THIS IS THE RESULT OF INSENSITIVE

WE WISH TO UNDERSCORE THE FACT THAT THE PT. MASON
HANDTROLLERS ENCOURAGE AND SUPPORT ALL MEANINGFUL
REGULATIONS THAT WILL CONSERVE THREATENED, ^{SALMON} ~~FEARFUL~~
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. ^{AND THAT HAS ALWAYS BEEN TRUE}
~~PROBABLY FROM THE 70 YEAR HISTORY OF~~
^{IN} ALASKAN TROLLING, IT WASN'T UNTIL JUNE 1978, WITH
CLOSURE OF OUTSIDE WATERS ~~AND~~ TO HANDTROLLING, ^{COAST}
THAT ~~THE~~ ANY REGULATION WAS MADE WHICH
APPLIED ONLY TO ONE GROUP OF TROLLERS. ^{OF} IN THE 4 YEARS
PRECEDING THIS DISCRIMINATORY CLOSURE OF OUTSIDE WATERS,
~~IT ACCOUNTS FOR LESS THAN 3% OF~~ ^{AS} ~~THE~~ ¹ ~~LESS THAN 3%~~
OF TROLL CAUGHT ~~IN THESE WATERS~~ ^{KINGS + COLTS} WERE CAUGHT
SOUTHEAST ^{BY} HT IN OUTSIDE WATERS. YET TO THOSE HT WITH ^{TRADITIONALLY} ~~FISHING~~
THESE WATERS, IT ACCOUNTS FOR THE MAJOR PORTION OF THEIR
INCOME. CLEARLY THIS WAS NOT PRIMARILY A CONSERVATION
MEASURE, AS POWER TROLLERS AND PUNSE SEINERS WHO ACCOUNT
FOR ALMOST ALL SALMON TAKEN IN OUTSIDE WATERS, WERE
COMPLETELY UNAFFECTED BY THIS CLOSURE. WHEN THE
NORTH PACIFIC MGMT. COUNCIL SUBMITTED THE ~~1979~~
TROLL BAN TO THE SE. OF COMM. IN WASHINGTON DC.
WITH A PROVISION TO BAN ^{U.S.} ~~HT~~ ^{IN} ~~TROLLING~~ ^{IN} FEDERAL WATERS,
THE 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 POLY P-T GEAR.

1. HAVE DETERMINED THAT THIS MEASURE IS INCONSISTENT WITH THE FAIRNESS AND EQUITY PROVISIONS OF NATIONAL STANDARD 4. THE PROPOSED BAN WOULD ALLOCATE FISHING PRIVILEGES UNEQUALLY BETWEEN 2 GROUPS OF FISHERMEN WHO USE ESSENTIALLY THE SAME TYPE OF GEAR."

THE STATE ~~REACTED~~ ^{REACTED} BY PROHIBITING ALASKAN HANDTROLLERS FROM PARTICIPATING IN THE FEDERAL WATERS FISHERY, ~~APPROVED~~ ^{APPROVED} IN SPITE OF WASHINGTON'S INSISTENCE THAT ~~GENERAL~~ ^{HANDTROLLERS ARE PERMITTED TO FISH THERE.} HANDTROLLERS FROM ~~OTHER~~ ^{OTHER} STATES ~~MAY~~ ^{STILL} LEGALLY FISH THESE WATERS.

THE ^{STATE} ALLOCATION OF FISHING PRIVILEGES UNEQUALLY BETWEEN 2 GROUPS OF FISHERMEN WHO USE ESSENTIALLY THE SAME GEAR, TO WHICH THE SECRETARY OF COMMERCE OBJECTS, IS PRECISELY ~~THE~~ ^{WHAT} THE BOARD RESOLVED IN ITS POLICY TO ALLOCATE THE COHO CATCH BETWEEN PT'S AND HT'S ON AN 80%-20% BASIS. (PT'S & HT'S ~~REALLY DO~~ ^{BY THE WAY,} ~~USE~~ ^{REALLY DO} PRECISELY THE SAME GEAR, FROM HOOK TO GAFI-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~~ ^{RETRIEVE} THE GEAR WHILE HAND TROLLERS ~~USE~~ ^{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} ~~THE~~ ^{BOTH} TROLL & NET WILL CONTINUE TO USE THE SAME ^{TYPE} GEAR.

AMOUNT

FURTHERMORE, IF THE BOARD IS CONCERNED ABOUT POWER
TROLLERS NOT RECEIVING ^{THEIR} 80% OF THE TROLL CAUGHT COMOS,
WHY NOT PROPOSE TO LIMIT US TO 2 LINES
12 MONTHS A YEAR, WHEN COMOS ARE ONLY CAUGHT FROM
MID JUNE TO MID SEPTEMBER? AGAIN, THE SMALL PROPORTION OF
COMOS ~~CAUGHT~~ ^{CAUGHT} THAT IS TAKEN BY HANDTROLLERS
USED IS NOT JUSTIFIED BY A 50% ~~COMO~~ REDUCTION
IN OUR GEAR
FOR ~~HANDTROLLERS ONLY~~ ONLY, AND FOR ~~THE~~ AND CERTAINLY NOT
FOR THE 9 MONTHS A YEAR WHEN COMOS ARE ~~NOT~~ CAUGHT!
WHILE IT IS TRUE THAT HANDTROLLERS IN 1979 CAUGHT
204,000 MORE COMOS THAN THEY DID IN 1975, POWER TROLLERS
CAUGHT OVER 500,000 MORE COMOS IN 1979 THAN IN 1975.
CLEARLY THE EFFORT OF POWER TROLLERS HAS INCREASED
AND IS GREATER 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.
THIS UNJUST
~~THE~~ IRRATIONAL ALLOCATION ~~AND~~ POLICY BETWEEN TROLLERS
ALSO TORPEDOED THE COMM. FISH. ENTRY COMMISSIONS
ATTEMPTS TO ~~BY~~ IMPLEMENT A WORKABLE LTC ~~ENTRY~~ SYSTEM
FOR HANDTROLLERS. BY DIRECTING THE COMMISSION TO LIMIT
THE NUMBER OF PERMITS ^{TO A NUMBER WHICH GUARANTEES} ~~TO~~ POWER TROLLERS
80% OF THE TROLL COMOS, THE NUMBER OF PROPOSED
PERMITS BECAME SO SMALL THAT THE MAJORITY OF POPULAR
OPINION AT THE COMMISSION'S PUBLIC HEARINGS ON THE MATTER
AND DISAPPROVED OF THE COMMISSION'S PLAN. THE COMMISSION
THEN PROPOSED ~~AN UNACCEPTABLE~~ A NUMBER OF PERMITS
UNACCEPTABLE ~~TO~~ BY THE BOARD'S ALLOCATION STANDARD,
WITH THE RESULT THAT EVEN MORE RESTRICTIONS WERE
IMPOSED. ~~IF~~ IF SO NOW WE ~~WILL~~ ON ~~THE~~ ON

ENFORCEMENT OF RESTRICTIONS WHICH WERE SUPPOSED
TO HAVE BEEN ~~ISSUED~~ ONLY FOR THE INDIAN LINTIL LTD.
ENTRY WAS ENACTED FOR HIND HOLLERS, AND THE PROPOSAL
FOR NEW, EVEN MORE RESTRICTIVE REGULATIONS ON
THE WAY.

THE PT. BAKER HALL HOLLERS ASSOC. HAS SPENT COUNTLESS
HOURS OF EFFORT WHICH WE DON'T HAVE PULLING OVER
OUR STATE'S FISHING REGULATORY 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 AT ~~VARIOUS~~ HEARINGS
AND IN THE HOPE THAT JUSTICE MAY PREVAIL. OUR ~~COMMITTEE~~
BY-DEEDS CONSIDERED, BY-THE-WAY ~~THEIR~~ PROPOSALS HAVE BEEN
POLITELY RECEIVED AND STUDIOUSLY IGNORED WITH ~~THE~~
COMMITTEE ~~MEETING~~ THE COMMITTEE WITH ~~A~~ COMMENTS
WE MADE LAST FALL WHEN THE TROLL MANAGEMENT
PLAN AND LTD. ENTRY PROGRAM WERE BEING FORMULATED.
WE WOULD BE DELIGHTED TO WORK WITH ANY LEGISLATORS
~~DRAWING UP~~ ~~SOME~~ ~~SENSE~~ ~~OF~~ ~~FAIRNESS~~ ~~TO~~ ~~THE~~
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
NECESSARILY

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 IN THE
HANDS OF THIS COMMITTEE. ~~PLEASE~~ ~~CONSIDER~~ ~~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
~~WILL~~ ~~TAKE~~ ~~SHOULD~~ ~~THEIR~~ ~~SCHEMES~~ ~~OF~~ ~~SUPPORT~~ ~~BE~~ ~~UNJUST~~ ~~TAKEN~~ ~~AWAY~~.
THANK YOU

7/28
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 slucking 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.

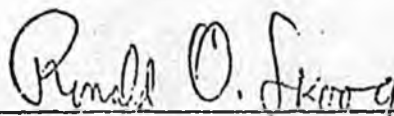
Copies of proposed changes in regulations summarized in this notice may be inspected at any Department of Fish and Game office or may be obtained upon request by writing to the Board of Fisheries, Subport Building, Juneau, Alaska 99801.

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, 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 deeper 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) Italo 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 Ormany, 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 northernmost 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.

(1) 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)