

ALASKA LEGISLATURE COMMITTEE FILES DO DOZ DOZ

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(c) International Pacific Halibut Commission (Doc. 2330)

The International Pacific Halibut Commission will continue in 1981 its long-term series of annual surveys of juvenile halibut in the southeast Bering Sea.

6. REVIEW OF THE PROPOSED U.S. ECOSYSTEM MANAGEMENT CONCEPT

Japanese scientists reviewed the basis for the concept of managing the multi-species resources of an area as an ecosystem complex. This review is directed to the management of the eastern Bering Sea area but contains elements of a general review of this type of management. In particular, they presented some constraints to the application of this technique, namely: the lack of quantitative data on energy flow and productivity of ecosystems; the assumptions made about the constancy of ecosystem functions; the dangers of extracting segments of the ecosystem and treating them in isolation; and the inter-relationships of assumed state and driving variables.

They also have reviewed the procedure of this management and concluded that (1) ABC of the groundfish complex should be the sum of ABCs calculated for individual species and (2) when MSY is estimated for the groundfish complex, allocation of the overall MSY to species should be based on ratios of estimates of EY for individual species (Doc. 2313).

7. SUMMARY

(1) This report was prepared by the Rapporteur for the Bering Sea Panel and summarizes documents submitted for the 1980 Annual Meeting pertaining to commercial fisheries, biology and assessment of stocks, management procedures, and field research activities on Bering Sea groundfish. The report was reviewed, revised, and adopted by the panel during its meetings of October 23-25.

(2) In 1977 the United States extended its fishery jurisdiction and assumed responsibility for management of fishery resources within a 200-mile fishery conservation zone bordering its coastline. Under terms of extended jurisdiction, all fisheries in the Bering Sea operate under a number of area-time restrictions and catch limitations. Total allowable catch limitations (optimum yield) were approximately 1.4 million mt annually in 1977-79, and about 1.6 million mt in 1980.

(3) Total estimated catches of groundfish, squid, and herring taken by all fisheries other than the United States in 1979 was 1,288,300 mt, about 95,000 mt less than in 1978. As in past years, Japan accounted for the majority of the catch (79.1%) and pollock was the major species (73.3%) in catches.

(4) In 1979 Japan operated 6 motherships with 90 catcher boats, 56 independent stern trawlers, and 22 longline-gillnet vessels in the mothership, North Pacific trawl, North Pacific longline-gillnet fisheries and 70 trawlers in the landbased dragnet fishery. Efforts by these fisheries in 1979 was similar to that in 1978 except that 24,200 tons of gillnet were fished in 1979, but none in 1978, and landbased trawl effort increased by 33.4% from 1978 to 1979. Total catches by these fisheries were 995,019 mt, a 5.7% decrease from 1978. Pollock accounted for 82.3% and yellowfin sole 6.4% of the total catch by the mothership, North Pacific trawl, and North Pacific longline fisheries, while "other flatfish" accounted for 24.2% and pollock 22.0% of the landbased dragnet catch.

(5) Preliminary data for January-July, 1980 indicate that the catch by all Japanese fisheries was 466,587 mt, 7,300 mt less than for the same period in 1979. Catches of pollock (which accounted for 79% of the total catch) and yellowfin sole (6% of the total catch) increased while the catch of all other species decreased.

(6) Estimated catches by other fisheries in 1979 were 150,776 mt by the U.S.S.R., 98,066 mt by the R.O.K., 18,283 mt by Poland, and 2,013 mt by Taiwan. Pollock was the major target species for all of these nations but the U.S.S.R. also had a target fishery for yellowfin sole (41,259 mt) and Atka mackerel (20,277 mt).

(7) Incidental catches of halibut in 1979 were estimated to be 580,000 fish, or 2,800 mt, which was similar to the estimate of 600,000 fish in 1978, but substantially greater than the estimate of 340,000 fish taken in 1977.

(8) United States groundfish fisheries in the Bering Sea were limited to a setline fishery for halibut and a purse seine-gillnet fishery for herring in 1979. The halibut catch was 574 mt and the herring catch 12,000 mt.

(9) Catch-effort data for halibut from the commercial fishery in the eastern Bering Sea are too meager to assess the abundance of the adult stock. The mean CPUE of juvenile halibut in 1980 was 27.7 fish per 60-minute haul, representing a substantial increase from the value in 1979 and the highest value since the mid 1960s. The high CPUE in 1980 was attributed to the abundance of age 2 and age 3 fish of the 1977 and 1978 year-classes. Equilibrium yield of halibut in the eastern Bering Sea was estimated to range between 1 and 2 million pounds (454-907 mt).

(10) Pollock catches have declined from a peak of 1.9 million mt in 1972 to 979,000-914,000 mt in 1977-79 due to restrictions placed on the fishery because of evidence of declines in stock abundance. CPUE analysis by both U.S. and Japanese scientists indicate that abundance of pollock was relatively stable from 1975 to 1977 and increased moderately (8-12%) from 1977 to 1979. All sources of data show that the 1977 and 1978 year-classes of pollock are relatively strong and

Gambier Bay → Bering Sea

(1) King salmon recovery
US Trawl.

(2) pinks inside Hawk dulet
recovers Prince William Sound

(4) ~~King~~ pinks P.W.S. recovered
N.S.E. streams.

(2) Steelhead recovered gup trawls
in Gulf of Alaska. from S.E.

Substantiated Recovery

Any emergency regulation which changes any existing fishery management plan shall be treated as an amendment to such plan for the period in which such regulation is in effect. Any emergency regulation promulgated under this subsection (A) shall be published in the Federal Register together with the reasons therefor; (B) shall remain in effect for not more than 45 days after the date of such publication, except that any such regulation may be repromulgated for one additional period of not more than 45 days; and (C) may be terminated by the Secretary at any earlier date by publication in the Federal Register of a notice of termination.

Publication in Federal Register.

Publication in Federal Register.

Report to Congress and President.

(f) ANNUAL REPORT.—The Secretary shall report to the Congress and the President, not later than March 1 of each year, on all activities of the Councils and the Secretary with respect to fishery management plans, regulations to implement such plans, and all other activities relating to the conservation and management of fishery resources that were undertaken under this Act during the preceding calendar year.

(g) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall have general responsibility to carry out any fishery management plan or amendment approved or prepared by him, in accordance with the provisions of this Act. The Secretary may promulgate such regulations, in accordance with section 553 of title 5, United States Code, as may be necessary to discharge such responsibility or to carry out any other provision of this Act.

Regulations.

SEC. 306. STATE JURISDICTION.

16 USC 1856.

(a) IN GENERAL.—Except as provided in subsection (b), nothing in this Act shall be construed as extending or diminishing the jurisdiction or authority of any State within its boundaries. No State may directly or indirectly regulate any fishing which is engaged in by any fishing vessel outside its boundaries, unless such vessel is registered under the laws of such State.

(b) EXCEPTION.—(1) If the Secretary finds, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that—

Notice, hearing.

(A) the fishing in a fishery, which is covered by a fishery management plan implemented under this Act, is engaged in predominately within the fishery conservation zone and beyond such zone; and

(B) any State has taken any action, or omitted to take any action, the results of which will substantially and adversely affect the carrying out of such fishery management plan;

the Secretary shall promptly notify such State and the appropriate Council of such finding and of his intention to regulate the applicable fishery within the boundaries of such State (other than its internal waters), pursuant to such fishery management plan and the regulations promulgated to implement such plan.

(2) If the Secretary, pursuant to this subsection, assumes responsibility for the regulation of any fishery, the State involved may at any time thereafter apply to the Secretary for reinstatement of its authority over such fishery. If the Secretary finds that the reasons for which he assumed such regulation no longer prevail, he shall promptly terminate such regulation.

SEC. 307. PROHIBITED ACTS.

16 USC 1857.

It is unlawful—

(1) for any person—

(A) to violate any provision of this Act or any regulation or permit issued pursuant to this Act;

TO: Billy Berrier
Director
Legal Services

DATE: 5/12/82

Attn: Ed Hain

FROM: Battye Fahrenkamp
Chairman

RE: FINAL CSSJR 60(Res)

Attached is language the ~~Committee~~ would like incorporated into a final SCSJR 60(Res).

If you have any questions please contact Resa King at 465-3834. When the resolution is completed please return to Room 211 Capitol Building.

Attachment

SENATE AMENDMENT

By Resources Committee

To: _____ SENATE BILL No. _____

To: _____ HOUSE BILL No. _____

To: _____ SENATE JOINT RESOLUTION No. 60

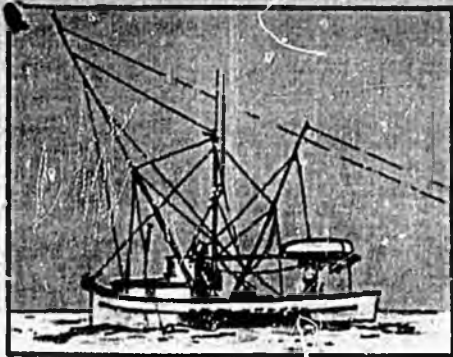
PAGE:

LINE:

Delete line 29 on page 2 and lines 1 through 4 on page 3, and Insert

" FURTHER RESOLVED that the Secretary of Commerce is respectfully requested to direct the North Pacific Fishery Management Council to rewrite those portions of the plan that deal with a high seas harvest of herring so as to advise against an offshore allocation until scientific information clearly demonstrates that a high seas fishery of discrete stocks would not harm the inshore fishery."

This amendment suggested by Roger Painter, Executive Director of United Fishermen of Alaska.



Alaska Trollers Association

REPRESENTING ALASKA POWER TROLLERS

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

February 18, 1982

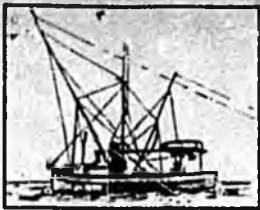
TESTIMONY OF EARL E. KRYGIER TO THE HOUSE RESOURCES COMMITTEE HEARING ON HJR 78.

When I sat in my first graduate fisheries course, I remember that the professor stated that fisheries are a negotiable item as far as the U.S. State Department is concerned. This was the case fourteen years^{ago} and it is so today.

In 1959 when Alaska became a state, one of the driving forces for statehood was that Alaska might control its fisheries. With the inception of the 200-mile limit, the federal managers are once again usurping control of Alaska fisheries. The State Department now has a negotiable item.

Foreign fishing, within and just outside the 200-mile limit, does impact the salmon of Alaska. I have provided three posters which show ocean distribution of salmon, excluding the Bering Sea, and distribution of foreign fisheries. Also shown are numerous pictures of net-marked salmon. We contend that these marks can only logically come from foreign trawlers and high-seas gillnetters.

Through my logbook program this past year, the daily incidence of net-scarred fish ranged from 0-5%. The single largest reported



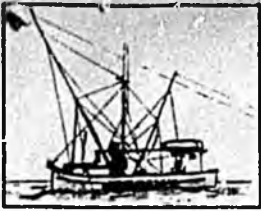
Alaska
Trollers
Association

Krygier testimony
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landing of net-marked fish was 30%. While the overall percentage, which I consider a minimum estimate, is small (1% for kings salmon and 3% for coho), this may in fact represent a significant impact if we assume that 1-3% of the king and coho salmon population, plus some unknown percentage of the other salmon species, which swim in the Gulf of Alaska, from the Kenai Peninsula to the Columbia River are net-scarred. If we remember that these net-scarred fish are only the fish which survive, and mortality from trawls is as high as 97% and 50% from high-seas gillnets (predator-net mortality and drop-out rate combined) the number of fish impacted could be incredibly high.

A first best estimate for fish which are caught in the Southeast is 194,000 king salmon dead in trawls and 1,755,000 coho caught or dead in high-seas gillnets. (See attached sheet for further explanation. This is 53% of the king salmon caught in 1981 under a conservation quota and 146% of the coho caught in 1981 in Southeast. These numbers for cohos are incredibly close to the run sizes taken in Southeast during the 1940's before the Japanese high-seas gillnet fishery became a factor.

Dean Paddock, a former biologist of ADF&G and a member of the INPFC stated in his testimony on February 10, 1982



Alaska
Trollers
Association

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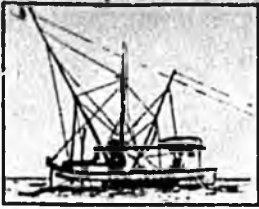
to the Administrative Regulations Review Committee that they were told that the impact of the Japanese fishery was low, but that after the Japanese high-seas fishery was moved off of sockeye, the true magnitude of interception became evident.

Konda, a Japanese scientist, in his 1966 paper states that "high-seas salmon fishing is always accompanied with a large loss of the resource".

Petrova (1964), a Russian scientist, stated that "net-marked fish were less effective spawners, retaining 20% of their eggs, and many died before spawning.

Foreign fishing is a major impact on all salmon resources in Alaska. I urge you to do what you can to alleviate this problem.

Our salmon, which swim in Southeast, do migrate to these areas. We have almost no high-seas recovery because the foreigners are catching them. However, a disc-tagged king salmon tagged near Admiralty Island was taken in the Bering Sea and 14 coded wire tagged kings, the same stocks taken in Southeast, were taken in Kachemak Bay. Also a Cook Inlet king was taken at Shumagin Island.



ATTACHMENT

1. King salmon [most king salmon are taken in trawls (NMFS)]
 - assume 50% exploitation rate by Southeast fishermen (NMFS study)
 - 1981 catch without closures would be approximately 300,000 kings
 - 1% net-marked kings (Logbook Program & ADF&G)
 - 3% survival from trawls
 - Total catchable kings is 600,000, of which 6,000 are net-marked
 - $6,000/3\% : x/97 = 194,000$ caught and died
2. Coho - most were caught in gillnets
 - total population + 1.5 million (approximately 1.2 million catch + 300,000 escapement)
 - 3% net-scarred (logbook & ADF&G)
 - therefore, 45,000 fish total net-marked in population
 - if survival of dropouts is 5% and 50% is combined loss from from dropouts and predator loss + 50% caught and retained, then 2.5% of the total is representative of escaped fish
 - $2.5/45,000 : 97.5/x = 1,755,000$ coho caught/died

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

CSHJR 78 (Res)
BILL NUMBER

IDENTIFICATION:

BILL NAME: Relating to commercial fishing by foreign fleets in the 200-mile fishery conservation zone along Alaska's coast.

SPONSOR(S): Resources

RELATED BILLS PENDING:

DATE INTRODUCED: (H) 1/27/82
(S) 4/1/82

REFERRALS

*Resources
Labor + Comm*

INITIAL RESEARCH:

INITIAL BILL SUMMARY COMPLETED ✓

SUMMARY BY LEGAL DIVISION:
DEPT. OF LAW SUMMARY:

SPONSOR CONTACTED FOR BACKUP,
MATERIALS: *H. Re, 4/27; Reid, 4/28
Randolph, 4/27; Reid, 4/28*

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE

BACKGROUND MATERIAL DISTRIBUTED

PSA/PRESS RELEASE

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/CS DRAFTED

*Alaska Trollers Association (586-9400) ✓ 5-6-82
United Fishermen, Rodger Painter (586-2820) ✓ 5-6-82
Fish + Game, Mary Jablonski (4100) ✓ 5-6-82
Rep. Randolph (4821) ✓ 5-6-82*

TESTIMONY BEFORE HOUSE RESOURCES COMMITTEE

BY

WALLACE McDONALD, COMMERCIAL FISHERMAN, PETERSBURG

I think it's important to understand the meaning and the intent behind House Joint Resolution 78. This bill could be viewed as being a futile exercise. It is, after all, a request of the federal government for responsive action. It is a statement of Alaska policy. This bill represents a commitment on the part of the state to reserve developing underutilized species of fisheries for resident fishermen. It is a commitment to protect vital established industry in this state: the commercial salmon, halibut, and herring fisheries. It is a recognition of constitutionally mandated obligations, spelled out in Article VIII, to develop our vast natural resources for the maximum benefit of our own people.

Some of you present may have listened in on yesterday's fishermen's teleconference. You might have noticed, as I did, an undercurrent, an underlying theme, that our fisheries are not being utilized in the best interests of Alaskans.

Any examination of the Alaska fishing industry will reveal considerable non-resident and non-American ownership of boats, permits, and physical plants. These are the facts of doing business in the Alaska fishing industry today. However one may feel about non-resident participation, it exists. In the case of foreign capital investment, it has had its benefits.

But what has been needed is parallel development of substantial resident owned, resident operated, and resident managed fisheries. It is not just for a few fisherman. It is to reserve for future generations access to viable community-based industry. This is essential.

Ten years ago, the fishing industry was a much more major contributor to the state's coffers in terms of percentage of total revenues. The petroleum industry has since provided by far the greatest revenues to the state in the form of royalties. This major role of the petroleum industry is certain to continue, but this year's experience in drastic, unpredicted reduction in those revenues has proven the inadvisability of a one-dimensional industrial base for our state's economy. It is imperative, now more than ever before, to diversify the state's economy and to encourage development of those industries based on resources we will not see depleted.

HJR 78 is a starting point.

While nearly all resident fishermen are sitting on the beach, fishermen from out of state and from foreign countries are making a living on our fish.

Have I made it clear there is something seriously wrong?

What is lacking is a comprehensive approach to the commercial fisheries, with a unified system of management, that recognizes the problems of marketing and transportation infrastructure development. Why not tie individual programs

which address specific problems in the industry into a comprehensive, economically sound program to ensure the development of the resident industry?

If Alaska's regions and its individual communities are to gain control of their destinies, it must be done by control of their economic base.

We can't do this without the initial thrust HJR 78 represents.

I would like to thank all of you for giving me this opportunity to express my views. I sincerely hope you will sound out your constituents on the broad issues involved in HJR 78, on the commitment it represents, and on the furtherance of unified policy on the legislative and executive levels. I think you will find a groundswell of support for such a concept.

TRANSCRIPT SYNOPSIS

ADMINISTRATIVE REGULATION REVIEW COMMITTEE
FEBRUARY 10TH, 1982 TELECONFERENCE HEARING
RE: DEPT. OF FISH AND GAME REGULATIONS

- 1) METHODS USED BY THE DEPT. OF F&G TO DETERMINE POTENTIAL FISH CATCH STATISTICS
- 2) WHETHER REGULATIONS PROHIBITING SPORT FISHING OFF TROLL VESSELS SHOULD BE REPEALED.

TAPE #1, SIDE #A

Rep. Dick Randolph, Chairman -- made opening statements and introduced committee members, Sen. Colletta, Rep. Abood, and Rep. Moss, guest members of the Dept. of F&G Mil Zhan, Ken Parker, Nel Seibel, Paul Larson, Frank Van Hulle, Paul Kissner, Bob Simons, Conrad Seibel, Guest Chairman of Juneau Troll-PAC Larry Smith.

Rep. Dick Randolph then outlined the five areas of concern: 1) principle of Optimum Yield, 2) Limited Entry, 3) Time and Area Closures, 4) the use of Fish Tickets to establish harvest guidelines, 5) present prohibition of sport fishing from troll vesse.

Larry Smith, Chairman of Juneau Troll-PAC, Box 3020, Juneau AK 99803, - expressed concern regarding government management of the Troll fishing industry; effects of the 1976 Magnuson Act have been the mass implementation of regulations. Interplay Federal and State management has resulted in confusing and uncoordinated data and regulations. He set parameters of discussion. The salmon resource is not as depleted as we have been led to believe by management. Data is insufficient. Escapement figures are inaccurate. Foreign interception in FCZ is extensive - 200 to 500 thousand fish annually. Data input from other sources other than their own is ignored. ATA data is ignored. Troll fishing industry is the major part of Southeast AK's economy and in the past the industry has been an economically stable one. Troll catch represents over 40% of all catch of Southeast gear types. Optimum Yield has not been proven as an effective way of managing the fishery. Federal and State management only takes into account that data which complies with their already existing management plans. Biological data is being used for political ends. The public is exempt from decision making process. Public response is not taken into account. The management goal of conservation of fisheries resources should not be carried out to the extent that the Alaska fishing industry is destroyed. Mr. Smith calls for a private study to re-evaluate present methods used to evaluate data and to investigate more efficient possibilities. Inaccuracy of the use of fish tickets as means of determining abundance of the resource. All that fish tickets provide is a report of the number of fish caught. Written testimony will be provided.

Ken Parker, Deputy Director of Commercial Fisheries Division of the Dept. of F&G. - Written documents submitted. The Southeastern troll fishery has been subject to stringent regulations in the last two years. This has occurred because of the depressed state of the Chinook and Coho salmon stocks and the necessity to balance the harvest between the in and off shore fisheries. He introduced other department staff.

Paul Larson, Southeast Region Finfish Coordinator for Division of Commercial Fisheries of Dept. of F&G. - Statement re: time and area closures placed on Southeast troll fishery. Troll fishery occurs in both State and Federal waters. Troll fishery is the only AK fishery allowed in FCZ off AK coast. It is important to manage the fishery so that the harvest is only the surplus after escapement needs have been met. The Board of Fisheries establishes the regulations which will guide the arrangement of fishing seasons. Conservation measures are necessary and time and area closures are the means the Board relies on

ADMINISTRATIVE REGULATION REVIEW COMMITTEE
FEBRUARY 10TH, 1982 TELECONFERENCE HEARING
RE: DEPT. OF FISH AND GAME REGULATIONS
PAGE TWO ----

TAPE #1, SIDE #A continued

to achieve this. Further restrictions of harvesting seasons is necessary because the resource has shown a need to be further protected; therefore, time and area closures have become more stringent. Compared with other fishing industries around the state there were very few emergency closing orders issued for the Southeast area troll fleet in 1981. He expressed all the complicated mechanisms of issuing time and area closures to indicate that they are not decided at the whim of the department.

Nel Seibel, Southeast Region Biometrician for Division of Commercial Fisheries of Dept. of F&G. - Comments on principle of Optimum Yield. He introduced statistics regarding first use of OY in 1980 season. All gillnet operations on Southeast Chinook salmon have been closed down since mid 1970s to lighten pressure on Southeast stocks. The necessity of Federal management of especially Chinook salmon within the FCZ was determined to be of great importance because the majority of those stocks being fished by the Southeast troll fleet were found not to be of AK origin. Rather, they were from Oregon, Washington and British Columbia rivers, streams, and hatcheries, where there is also a demand for these fish. The SE troll fishery is also one of the oldest sharing the harvest of these stocks, and the number of Chinook salmon is depressed. Hence, there have been cutbacks in the number of fish that can be harvested to allow these stocks to be replenished. There are not effective identification methods currently available for Chinook salmon stocks in areas of intermingling stocks; neither are they available for other species. Chinook salmon harvest in SE has increased from 301,000 in 1975 to 401,000 in 1978, even though there were more trawl vessels in intermingling stock areas in outer coastal regions. The problem then became how to take these concerns into account in a manner consistent with the Fisheries Conservation and Management Act, which says fisheries must be managed for Optimum Yield. This was not possible because of a lack of information, and the complexities of commercial, recreational, and subsistence fisheries throughout the state. Therefore, an overall catch limit was thought to be a reasonable way of addressing these problems; the limit was found by averaging stocks taken by trawlers from 1971-77 mainly, and was reviewed each season. In the 1980 season, 286-320 thousand was the limit developed by the state and federal boards of fisheries; the actual catch exceeded the upper range end by about 3,000. In 1981, the limit was lowered to 268 thousand, which was at the lower end of the Board's range, and upper end of the Council's range. From projections made in late August and early September, there was expected to be more Chinooks caught in the late part of the season. However, this didn't occur because of the shifting of stocks, and the FCZ closure in an attempt to keep the number within the lower Council limit, among other reasons. Preliminary hand counts based on some 30 thousand fish tickets were

Mil Zhan, Executive Director of Board of Fisheries and Game ---

The Board of Fish and Game establishes regulations and policies which are implemented by the Department of Fish and Game; the Board of F&G functions separately from the Department. The Board's regulations are for the conservation and management of resources, and determine the allocation of resources. Board decisions are based on biological data, expertise from the department staff, and public input. The Board is the primary way for public involvement; there are 67 different boards across the state, where public testimony is heard concerning local needs

TAPE #1, SIDE #A continued

and issues. The Fish and Game Board considers 400-600 regulations annually; coordinated efforts are intended to be responsive of public needs, as well as, those of the resource. Sen. Colletta asked about how much weight the Board puts on public testimony. It was replied that the Board has professional biologists who could be depended upon most of the time. He then asked if it wasn't a sham, because the conclusions are one-sided, and the public has no recourse. Mr. Zhan replied that the Board is in a tough situation and must decide between biological and social needs.

TAPE #1, SIDE #B

Earl Krygier, Biologist for the Alaska Troller's Association --- He indicated that Alaskan fisheries should be managed by Alaskans, and that there are problems with the Department of Fish and Game's management. The Department can much better manage our resources in conjunction with the industry than with the federal government. A dual management system is not possible other than what could be called dual management by the state and the fishing industry. Escapement data is inaccurate. Optimal counts in reality were historic highs. Counts taken with fixed wing aircraft are highly inaccurate. It would take two years to gather, devise methodology, and develop index systems for Cohos when there is presently practically no data available. He states that much time would also be needed to complete the stock recruitment information for King Salmon. The troll fishery was closed down in 1981 for 10 days under a two tier prerequisite; one - the salmon were moving to inside waters, and two - the stocks were above the ten year average. The first prerequisite was irrelevant because of changed patterns in seining and gillnet fishing. A test fishery would much better answer this prerequisite. The second prerequisite is refuted by the fact that even after a 10 day closure, the 1981 catch was a record catch for the past 12 years. Exploitation rates are incorrect. Even with the total exploitation rate as high as 90%, we doubt this happens under the present management system; we do not know how much Coho stocks can take, i.e., they may be able to take as much as 95 or 96%. Work needs to be done on an a true exploitation rate for adequate management. Information on stock separation is also needed by scale pattern analysis and electrophoresis studies. As an industry biologist, he does not feel money would be well spent on investigative methods of evaluating the Department's present research methodology, but rather, money is needed to complete or initiate research either privately or governmentally which would give the Dept. the tools for correct management of the fishery. A list of needed management research has been provided by the Natural Resource Consultants in their work for the North Pacific Management Council. Industry and the Department should sit down together and prioritize the research that needs to be done. Written testimony has been provided.

Don Masterson, representing the Juneau Charter Boat Association. --- He spoke on the issue of sport fishing from troll vessels. Hand and power trollers are often involved in the charter business as well. They are almost forced to be because their fishing time has been so drastically cut and because tourism makes it a worth while enterprise. The charter boat owner is allowed to sport fish off his vessel. He sees no reason why the troller should not be allowed to do the same, like every other commercial fishing vessel.

Eric McDowell, a commercial salmon fisherman from Homan-McDowell Economic and Management Consulting Firm. --- He stated that he had been asked by the Alaska Troll Legal Fund to investigate the economic impact of two management measures. One is a series of 6 errors made in season management made in 19 and the other is the economic impact of the quota system established by the Department. Cost of managment errors which could be rectified through better management techniques was 1.3 million dollars lost to Southeastern

TAPE #1, SIDE #B continued

fishermen. The quota system cost nearly another million dollar loss to AK fishermen. Errors were: 1- overestimation of potential catch by 73%, 2- Arithmetic error of 12,000 Chinook salmon, 3- double counting of fish tickets, 4- overestimation of contents capacity of freezer boats, 5- use of fish tickets with relatively high catches as indication of average catches, 6- inaccurate estimates of boats fishing and daily catch per boat. He expressed need for improved management, but emphasized that although there are problems with state management, it far surpasses the federal management capabilities. Written testimony was provided.

Floyd Blossom from Soldotna -- There is no need for the Department to create a fourth fisheries group; the categorization of commercial, sport and subsistence is enough. Advisory boards are not being listened to by the Dept. There is a run of fish two weeks before the fishing season starts. The biologist in Soldotna thinks the Dept. of F&G should open up the season earlier because of this early run particularly since the fishermen fill their quota on the late run putting undue stress on that particular run and none on the earlier one. He is afraid the late run will be destroyed. Proposals put in by the advisory boards were ignored by the Board.

Theo Carson, member of the United Cook Inlet Association. -- Drift fishermen who practices law during the winter. In Cook Inlet there is no data base from which their biologists can work. There is no inventory of their streams, not even the Kenai River or important spawning beds. Sport fishing is permitted right on the spawning beds. Mayor of Kenai Peninsula complained to Governor, who, when he consulted with the commission was told there was no problem and nothing was done. Area biologists have tried to get management action through emergency orders before the Board; this is an indication of what type of data they are working from. He strongly favors the organization of regional boards who actually have more than an advisory function. Actual regional control is needed. A private agency should investigate the Dept. of F&G research methodology, but it is imperative that that agency be independent, and have full authority to investigate.

Walt Pasternak, troller from Sitka who also is an ATA board member --- He addressed Optimum Yield. The OY is not based on biological data, but rather inaccurate catch data. Through the mid 60s and early 70s there was a small Canadian troll fleet operating off the Fairweather Grounds which had a substantial catch and was not moved outside of 12 miles until the late 70s. Their catch is not incorporated into the Dept. determination of the OY. The Canadians also fish on much smaller fish.

Bruce Bachen, former fisheries biologist for ATA who is presently testifying because of personal interest. --- Money should not be allocated to a private agency to tell us what the Dept. already knows it does not know. What is needed is that money be used to further existing research and for implementing greatly needed new research. There need for additional work on researching Coho stocks. Rational plan needs to be developed for better management that will benefit the fishermen, as well as, the resource.

Richard Lundahl, chairman of Pelican advisory committee --- the committee has participated in public hearings for a long time. Since 1974, Pelican has had an advisory committee which has been very active by attending almost every Board meeting. They have also attended every North Pacific Fisheries Council meeting since 1977. The Pelican advisory board has only met with frustration; They have never been listened to. A packet put together by the advisory board is available. There is a disproportionate number of non Alaskans on the Council. Foreign fleets which should be gradually eliminated from the 200 mile limit. He expressed the fear that the OY will be frozen, and that although stocks are improving, fishermen

TAPE #1, SIDE #B continued

will never be allowed to harvest the additional fish. The OY range is not large enough. A complete biomass study of King salmon should be made. A fishery should not be managed if there is no data. Trollers should tag the fish they are forced to throw back overboard because of size limits. If the troll fleet is destroyed these fishermen will be forced to impact other fisheries. The banks do not want back the boats which no other fishermen would buy. Hatcheries are a too long term solution another solution is needed now! Trawling on the high seas is far more destructive than trolling. Trollers should be allowed to sport fish off their vessels. Written proposals from the Pelican board are available.

Al Burch, manager of the Alaskan Draggers Association and a member of the Kodiak Dept. of F&G Advisory Committee, and an appointee to the Shrimp Study Group. --- There is quite a problem in the Kodiak area with shrimp survey methods; surveys are only as good as the boat and equipment they are done with. They should be done in a commercial boat with a commercial captain on board because his livelihood depends on these counts. There are many problems which cause unnecessary compromising by management and the fisheries; there have been many lengthy meetings; now something should be done. More testimony will be given later.

TAPE #2, SIDE #A

Jim Hubbard, member of the Alaska Draggers Association and an appointee to the Shrimp Study Group in Kodiak --- He stated that quotas have a large impact on Kodiak's shrimp industry. As an example, 50,000 lbs. of product takes 3-4 hundred man hours to process. Hence, when catches are restricted, there is a great impact on the whole town's economy. Written testimony will be forwarded.

Rob Miller, Ketchikan --- He feels the law prohibiting sport fishing fishing from a troll vessel is unnecessary. His reasons for opposition included that charter boats which are licensed to hand and power troll have certain strict requirements to follow; trolling vessels should be required to comply with charter vessel regulations. Another problem facing charter vessels is that the Dept. of F&G has a registration form that doesn't check the licensing of the person through the Coast Guard and thus makes it so that a person chartering without being licensed by the Guard can not be prosecuted.

Frank Thompson, of the Thompson Fish Company in Huina ---- He agrees with Rep. Randolph's proposal which calls for an investigation by a private agency into F&G methods. The OY should not be cut because such action would hurt the trollers considerably. The fishery should be maintained as much as possible, and not be constrained by unnecessary bureaucracy. The eight day on, six day off closure on fishing is a great economic hardship for the community. Bob Bitterman also tried to testify, but the teleconference transmission at that moment was cut off.

Gordon Peterson, a representative of the Icy Straits Trollers Association from Huina. --- Because management didn't feel limited entry would take care of pressures from the rapidly growing hand trollers, the eight day on, six day off fishing closure was imposed. The eight and six plan is not the prime reducer of pressure in the eight and six area. The number of hand troll permits dropped from 3000 permits before the eight and six closure to 1150 permits in 1981. The reduced number of permits is spread over a larger area now because of the reopening of Cross Sound and the 3-mile limit to hand trollers. Then it was decided that the rest of SE needed a measure to ensure escapement, so the Chinook Closure for 30 days in the spring and the 10 day Coho Closure was imposed. Now SE could be assured of escapement, but Icy Straits still has the eight and six closures, plus the 30 and 10 day ones, although no one else does.

TAPE #2, SIDE #A

With limited entry the area doesn't need the 10 and 30 day closures in conjunction with the eight and six day ones, which is evident from area Coho catches. Regulations that management has made are often hard to repeal, and he suggests that this problem be severely looked at.

Michael Ferguson, a nine year troll fisherman, who until last year could support himself by fishing; however, because of management regulations which reduced fishing time, he has had to go to work this winter. --- This is happening to many fishermen in Pelican. Fisheries management is causing social and economic hardships that haven't been taken into consideration by the fisheries' managers. Many fish that are caught are marked by gillnet and trawl scars. These two different types of fisheries are intercepting troll catches. The State of Alaska says there is no intermingling of SE trollers' catch stocks and the westward stocks, however, the trollers weren't allowed to fish west of Cape Suckling because these stocks supposedly didn't intermingle. He wrote and sent pictures to the National Marine Fisheries Service, and they explained them as drop outs from the Copper River Gillnet Fishery. Federal Biologists claim the above absurdity, while the state claims the fish don't go west of Cape Suckling. Who is right? The fishermen get caught in the crunch. The Japanese Gillnet Fishery admitted to catching over 700 thousand salmon in 1980. The OY doesn't deal with foreign interception, and so businessmen like him are bankrupt, while foreign fisheries continue to be active. In a July closure last year, the foreigners were catching the fish that the American fisherman were not allowed to catch. Management said they had gotten rid of all the bottom fisherman and in place put midwater fishermen, therefore, nevertheless, allowing foreigners. One solution could be a troll plan using newer data; the F&G even admitted that there were problems with the data. --- Satellites could also be used to solve this problem. Fishermen are being managed to allow escapement in southern rivers. Fish are being "pastured" in Alaskan waters, but Alaskan fisherman are not getting any return; fishermen should be entitled to a form of "rent" in terms of fish.

Diana Runde, fisherman and chairwoman of Sitka Troll-Pac. She mentioned that Ed Wojeck, executive director of ATA couldn't be there due to meetings in Phoenix on the Columbia River issue. There is insufficient information on Alaskan fish. People on the Yukon with fishwheels indicate that they find many King salmon with old sport fishing treble-hooks in them, and would like to know where they are coming from. Sitka fishermen have recovered tags from Washington State, partially because the tags weren't taken early enough in the season. Area tags have been pooled, so important information is lost. A test troll fishery was turned down because net fisherman were not getting many Cohos. The Sitka office admitted that they had no way of knowing if escapement had been reached because tests couldn't be carried out on glacial streams. The Sitka City and Borough assembly passed a resolution asking the Board for support of the troll fishery because the city is economically dependent on its fisheries.

Larry Drummer, an operator of a charter boat who has been engaged in hand trolling since 1975 and earns his living by fishing. --- He finds it impossible to comply with the regulation whereby only two gurdies and four fishing poles can be aboard. Due to the sporadic nature of his life and because he lives aboard, when called for a charter, they have no place to put their extra fishing poles and gurdies. This also means that if a charter wants to take out more than six fishermen, he is doing it illegally. He would also like to sportfish off any boat, and sees no reason why trollers should be discriminated against.

Ron Williams, chairman of the Fisheries Committee of the Alaska Native Brotherhood --- The ANB is opposed to limited entry for hand trollers.

ADMINISTRATIVE REGULATION REVIEW COMMITTEE
FEBRUARY 10TH, 1982 TELECONFERENCE HEARING
RE: DEPT. OF FISH AND GAME REGULATIONS
PAGE SEVEN ----

TAPE #2, SIDE #A continued

There was a potential of 4400 permit holders, but there were only 1100 issued. The commissioned number of 2150 was supported because it was thought it would allow the elders and young people to participate in hand trolling. It would provide a means of employment when there isn't other employment available. This has been discussed with the Limited Entry Commission, which has assured them that they have tried to develop provisions for the young and elderly, but to no avail. ANB has been conservation minded, because their survival depends on fish. ANB feels there ought to be an agreement with the US, Canadians and Natives before harvest levels are established. Resolutions that had been adopted by ANB and ANS conventions were then introduced. 8163 - asks for removal of fisheries on the Chilkat and Cowat Rivers, and Chilkat Lake, so salmon would be able to reach their spawning ground. 8144 - asks the Board of Fisheries to remove the regulation that prohibits the use of commercial troll vessels for sport fishing, and 8119 - asks that the Board of Fisheries abolish eight and six day closure regulations. Copies of these were left for members of the committee.

John Wilcox, president of the Juneau Hand Troll Association, which represents 400 hand trollers. --- There is a need for an outside agency to examine the Dept. of Fish and Game methods of operating. Fish tickets have been used to establish guidelines and quotas; the data acquired from them is being manipulated so that the resource is not being used to its best advantage. OY allows for bad years, but in good years, fishermen are only allowed as many as the Board says. Hence, the number of trollers has decreased from 4000 in 1978 to 1918 last year. OY is a product of a joint meeting of the Alaska Board of Fish and the North Pacific Fisheries Management Council; The North Pacific Council was forced to accept the OY, and then the OY was determined, excluding the two best years in the past decade. Hence, the base started out low, and each year, there has been more reductions. The eight and six day closures has forced Huina residents to fish part time, so that they can barely make a living. They use small skiffs, and when attempting to get to the open fishing areas, there have been accidents. Other fisheries continue to operate during the trolling closures. Fisherman cannot take their problems to court because of high costs; the lawyers used by the are also used by the Japanese; it seems a more objective attorney could be found to help the Board. The Juneau Hand Troll Assoc. has quit placing proposals before the Board since in the past 3 years, only 2 have been adopted; the Dept. of F&G had most of theirs approved. In a past Board meeting, a Washington biologist said they had lost over 34 thousand Chinook from one dam to another on the Columbia River. It was not stated where the fish had gone; instead, they asked the Alaskans to further cut their take of Kings. Fish have been caught with net and troll marks on them, although there are no American trawl or gillnet fisheries out in the FCZ. Hence, foreign fisheries are having a profound impact. Direction needs to be given to the Dept. of F&G, the Board of Fisheries, and the North Pacific Fisheries Management Council.

Ed Bergeron. He wanted to know how much money is being spent on the off-shore studies for King and Chinook salmon, and also the in-shore studies on salmon. This information should be available through the Dept. of F&G. There has only been one Dept. of F&G study on which they base all their off-shore information. It was done in the 50's. Also, he would

TAPE #2, SIDE #A continued

like to see a catalogue of all salmon streams in AK, and how much was spent by different areas for tagging. He is fairly sure the tagging program is almost non-existent. With a state-wide troll permit, he is not allowed to fish above Cape Suckling, although he was before 1970; if they were allowed to fish up there, it would eliminate the concentration of trollers on the outside. He would like to see the Sitka field office personnel replaced due to the erroneous information it produces.

Dean Paddock, a commercial fisherman who once worked for the Dept. of F&G, and has attended almost all meetings of the Board of Fisheries. --- We now have problems in SE, which were not there before. In Bristol Bay, where he fishes, there was once many more restrictions, now there are great returns of fishing stocks. This has occurred because of consistent biological programs of the Dept. of F&G and the Board of Fisheries. The Board, at statehood, received the ability to function freely and not to be committed by concrete rules. The system has been successful and he feels it will continue to be successful as it is presently managed. We don't have data and management tools because in the past we didn't need them. The Fishery used to be wide-open. Department problems are fiscal and personal. Also, the Board cannot adopt every resolution made by the advisory boards. There is a bad situation down here, and there are tremendous unsolved problems concerning foreign fleets. We need more tools and money to help the fisheries. The basic agency responsibility is for the conservation of the resource, not for the economic base it provides.

John Ritter, who makes his living by trolling. When the troll season is closed, yet other fishery seasons are open to boats that catch more in one day than trollers catch in a week, there are obvious management problems. In regards to sport fishing from a commercial vessel, many would like to have crab or shrimp for personal use, but aren't allowed to take it.

Bob Horchover, skipper of a charter vessel, who primarily takes people fishing, but also uses it to go from Juneau to Sitka. ---- These trips are often used for pleasure, but because it is a commercial vessel, it can't be used for personal fishing. He proposes that charter vessels not be commercial vessels: the small amount of fish taken could be registered with the Dept. He would like to be taken out of the commercial fisheries category or have it made such that when a person is not using his boat for commercial purposes, it wouldn't be classified as a commercial vessel.

Sara Walsh, She is in favor of repealing the regulation prohibiting sport fishing from commercial troll vessels. One of the main summer SE attractions is sport fishing, and it would be nice to take friends out fishing. This regulation is far too restrictive and discriminatory.

Russ Schultz, a hand troller. ---- Regulations are regulating Alaska fisherman, though we don't know for sure whether the fisherman in this state are the major impact on Alaskan fisheries. The Boards can only regulate our catches; it ignores the foreign aspect. He suggests using some political clout to get all-around management of the stocks which people make a living on. If fisherman must stay at the docks and watch foreign trawlers, what is currently being done isn't effective management.

Jerry Musa, member of the Elephant Cove Advisory Committee, and also active in Troll-Pac. ---- Elephant Cove is totally supported by fishing. It is frustrating to be managed by people who only use best available

TAPE #2, SIDE #B continued

data, fish are miscounted, areas are not put down properly, and tag data is not correct. 50 thousand Taku Area fish were tagged, but not recovered by American fisheries unless they were spawning or juvenals. If the Dept. of F&G doesn't guess correctly, there is a big impact on the community. When the State has such vast resources, all possible efforts should be made to know what those resources are.

Larry Smith, Chairman of Troll-PAC, ---- The reason sport fishing from commercial vessels was prohibited was to deter people from going into the hand troll fishery. Since then, limited entry has been established; there were about 4 thousand hand trollers around in 1978-79, now there are only about 1,800. There no longer is a valid reason for keeping this regulation. Family and friends aren't allowed to go sport fishing of a fisherman's vessel. Also, about 75 days were taken away in fishing time, yet insurance must still be paid even while the boat lies idle. The eight and six day closure in Icy Straights has caused all the pressure to be concentrated into certain areas farther away from home. In fact, it has increased pressure on the resource by concentrating pressure on particular stocks in smaller areas. Trollers have not been able to make the Board understand the problems of the eight and six closure, and they don't get an equal opportunity to speak at Board meetings. The Federal Government is a lot to blame for this, because it manipulates the Board's ability to manage the fishery. The industry is not being heard. Fishermen are on shaky economic ground. The Federal Government is not considering Alaska's stocks and resources, but has ulterior motives as its priority. They have not proven that Alaskans are catching Columbia River Brites. Other problems of wastes and dams on the Columbia are impacting stocks not the Alaskan troller. There is no answer for why so many fish disappear between the Bonneville and McNary dams. They are probably being poached. Because of the Council, the Board is not allowed to address these problems. Even the fish numbers being accounted for on the Columbia River are not being calculated into Alaska's OY. Fishermen need to be dealt with fairly, and someone isn't addressing the real problem. Senator Colletta then asked if Mr. Smith or his organization appeared before the Board when these regulations were being proposed. Mr. Smith answered that he had appeared at local advisory board meetings, and that he had submitted written testimony to the Board regarding the proposed regulations. Sen. Colletta asked if there was much response to Board meeting notices, or if fishermen waited until regulations were implemented before complaining. Mr. Smith responded that in some cases regulations are accepted to see if they will work, and only then if they don't is there an outcry. A fisherman has other responsibilities than just monitoring the state and can't always keep up with what regulations are being promulgated.

Dorothy Osburn, a fisherman. ---- She indicated that she knew three biologists who had worked on Bristol Bay stream enhancement of Sockeye Salmon runs. She remarked that they were finding net marked fish. On her boat she has one sport pole which she has never been able to use. Whenever the family prepares to go commercial fishing, they must arrange to have the pole kept with someone in Pelican. By having a sport fishing and hunting license from the state, she is entitled to use a crab pot and to fish for shrimp. Foreign trawlers have to pay the US government so that observers can be placed on their boats. The money goes to the National Marine Fisheries Service but never gets allocated to actually place those observers on foreign vessels. When people lose their gear due to reckless foreign fishermen, the Coast Guard doesn't respond to citizens complaints. Many fishermen are retired and have provided a good income for themselves, however, if things continue the way they are, they will be the only people who ever can afford to fish.

TAPE #2, SIDE #B continued

Rod Darnell, a troller. ---- His boat is his only home, and yet he is being told that unlike every other US citizen, he is not allowed to keep a sport fishing pole in his home. There is something wrong. Not allowing sport fishing from trolling vessels is a very poor policy and indicates poor management. Since limited entry came into effect in 1972, the troll industry has, every year, taken cut-backs. The OY figures came from years with low catches. Every year more and more regulations are implemented. The King salmon has a 5 to 7 year cycle, yet each year there are more restrictions, without any evidence that these regulations are even helping. Regarding the eight and six day closure, we don't know what effect it has on stocks. It hasn't been even seven years, but hand trollers are only allowed two lines. Somewhere the piling up of regulations must st

Dorothy Osburn then asked about the rules regulating the use of crab pots. She understood that if she had a sport fishing and hunting license, she could then use a crab pot. A member of the Dept. of F&G responded that he was not totally sure on this policy, but that he knew the personal use fishery is handled under subsistence regulations, and that there is no provision prohibiting someone from having a subsistence crab pot on a troll or other commercial vessel. Ms. Osburn said that she was under the impression she could have a crab pot over the side of her boat. Conrad Seible, who is a member of the Dept. of Public Safety Division of Fish and Wildlife Protection, said that there is possibly some confusion between what is considered subsistence and what is considered sport fishing. Under subsistence regulations, one is allowed to possess a crab pot, and one does not need a sport fishing license. Ms. Osburn asked about out of state fishermen; are they also only prohibited from taking salmon?

Sen. Colletta then informed the group of the Regulation Review Committee's functions. It addresses regulations, and has the authority to submit legislation to make changes. It will not take any action to implement policy changes. Its members do what they can to act as mediators between the state's policy makers and the people as concerns whether or not regulations coincide with legislative intent.

TAPE #3, SIDE #A

Sen. Colletta continued that the ARRC can open lines of communication between the state and the people by at least making regulators aware that there are problems and by getting, like in this hearing, both sides to actually listen to each other and communicate their frustrations. When regulators see that the lines of communication are breaking down, instead of putting the public on the defensive, perhaps it should come to the Administrative Regulation Review Committee and see if they can help bridge the gap. Sen. Colletta thanked Dorothy Osborn for having brought up the issue of crab pots, because due to her statements, Dept. of F&G members were able to clarify a confusion which had frustrated many fishermen; namely, having a crab pot over the side of one's boat was considered subsistence fishing and not sport fishing which means there is no licensing requirement. The problem was simple one of miscommunication. Hopefully by next Wednesday, Dept. of F&G members will be able to answer other queries, and if not, Sen. Colletta is sure answers will be forthcoming. This hearing and the Dept.'s answers will be the first steps towards getting the problems actually solved. Transcripts in synopsis will be available for everyone attending next Wednesday's meeting so that everyone can quickly refresh their memory as to what the major problems were that this hearing addressed. Sen. Colletta then apologized for the absence of the other committee members who could not be present during the entire conference because of the call on the House which they can in no way avoid.

A continuation of this Feb. 10th, 1982 hearing on the Dept. of Fish and Game regulations will be held on Feb. 17, 1982 in the Capital Building Butrovich Room (#205) from 4:00 to 6:30 p.m. PST.



Alaska State Legislature

SENATE Resources Committee

Official Business

BETTYE FAHRENKAMP, Chairman
VIC FISCHER, Vice-Chairman
BRAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURGULEWSKI

Billy Berrier
Director
Legal Services

DATE: 5/11/82

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Attn.: Ed Hein

FROM: Bettye Fahrenkamp *B.F.*
Chairman

RE: CS SJR 60
WORK DRAFT

Attached is language I would like incorporated into a Committee Substitute for SJR 60. The language originated in CSJR 78(Res) with some deletions and additions.

If you have any questions please contact Resa King at 465-3834. The bill is up for a hearing tomorrow, therefore I would appreciate it being returned prior to 12:00 - noon to Room 211 Capitol Building.

THE FOLLOWING AMENDMENTS WERE PROPOSED TO THE HOUSE
RESOURCES COMMITTEE.

MIKE MAYO
Alaska Halibut Longliner

Proposed amendment to HJR 78

Insert the following Whereas clauses, and Resolved clause:

WHEREAS existing domestic fisheries can harvest all potential halibut in and along Alaska's coasts within the 200 mile fishery conservation zone; and

WHEREAS the foreign fleet since the 1950's has had a devastating effect on the Alaskan halibut resource; and

WHEREAS the foreign fleet in the Gulf of Alaska and the Bering Sea presently kills enough halibut to have a detrimental effect on the Alaskan economy both now and in the future; and

WHEREAS of the halibut resource left in the world, the vast majority resides in the waters off Alaska; and

WHEREAS the 1982 harvest allocation of halibut by the International Pacific Halibut Commission in statistical area 2 consisting of Southeast Alaska and British Columbia is restricting the harvest by Alaskan fishermen by grossly misrepresenting the allowable harvest allocated to each country; and

WHEREAS proposed federal cutbacks to the already understaffed Coast Guard will further hinder their curtailment of illegal foreign fishing in the 200 mile fishery conservation zone; and

FURTHER RESOLVED that the State of Alaska manage the halibut resource in and along its coasts within the 200 mile fishery conservation zone; and be it

Page 2, line 23. Delete lines 23 and 24, and replace with:

Act of 1976 to phase out foreign fishing vessels over a two-year period and to allow foreign fishing vessels to fish inside the 200 mile limit on an emergency basis at the discretion of the Governor, on advice from the Board of Fisheries.

Justification: To protect domestic fishermen, Alaska stocks of fish and insure the State of Alaska the right to manage the resource at the maximum optimum level for the benefit of all Alaska. Recommend using procedures set out by the Alaska Foreign Processing workshop in their recommendations to U.S. Congress.

Proposed amendment to HJR 78

Submitted by Kellus Sewell

page 2, line 23: Delete [TO PREVENT]

Insert in its place:

to accomplish through significant reductions over the next two years elimination by 1984 of

HOUSE JOINT RESOLUTION NO. 78

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE - SECOND SESSION

Relating to commercial fishing by foreign fleets in the 200-mile fishery conservation zone along Alaska's coast.

ADFG
Changes

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

WHEREAS the fishing industry constitutes a major portion of the economic activity of Alaska; and

WHEREAS the Magnuson Fishery Conservation and Management Act of 1976 reserves to United States fishermen all the harvestable surplus of fisheries resources when the surplus [THAT] can be taken by domestic fishermen; and

WHEREAS [EXISTING] domestic fishermen [FISHERIES] can harvest all potential salmon, halibut, crab and herring and could have the capacity to harvest all other stocks of Alaska origin; and

WHEREAS the commercial and noncommercial fishermen of Alaska are dependent on these resources as one of the mainstays of their economy and livelihood; and

WHEREAS the fishing industry in Alaska provides the highest employment of any industry in the state; and

WHEREAS it is possible that half of the total harvest of Western Alaska chinook salmon may be taken on the high seas as immature fish by foreign motherships, land-based gillnet fleets and trawl fleets; and [THE HARVEST AND INCIDENTAL INTERCEPTION OF NORTH AMERICAN PACIFIC SALMON BY FOREIGN MOTHERSHIPS, LAND-BASED GILLNET FLEETS, AND BERING SEA TRAWL FLEETS EXCEEDS THE HARVEST AND INCIDENTAL INTERCEPTION ALLOWED ALASKA TROLL FISHERMEN BY THE NORTH PACIFIC

FISHERY MANAGEMENT COUNCIL]

WHEREAS interceptions of this magnitude on mixed stocks of immature salmon on the high seas [MAY] adversely impact Alaska's ability to assure the conservation and sustained yield of these stocks; and

WHEREAS the impact of foreign Gulf of Alaska trawl and foreign land-based gillnet catches on Gulf of Alaska chinook salmon may be [HAS BEEN] significant; and

WHEREAS the high seas gillnet operations for squid by foreign fleets may also [APPEAR TO] be intercepting significant numbers of North American salmon; and

WHEREAS the continuing dominant harvests [HARVESTING] of bottomfish by foreign fleets is inhibiting [INCAPACITATING] the fledgling Alaska bottomfish industry as illustrated by reduction in abundance and size of Gulf of Alaska sablefish; and

[WHEREAS FOREIGN OVERFISHING IN CERTAIN AREAS IS CAUSING AN IMBALANCE IN THE ECOSYSTEM;] and

WHEREAS Federal lenience toward foreign harvesting [OF FISHERY STOCK] inside the [200-MILE] Fishery Conservation Zone has disrupted Alaska fisheries through, for example, gear conflicts and interceptions of species fully harvested by domestic fishermen; and

WHEREAS the Federal government [NORTH PACIFIC FISHERY MANAGEMENT COUNCIL] is impacting State [ALASKA BOARD OF FISHERIES] policy at the expense of the Alaska fishing industry in an obvious display of favoritism towards foreign fishing interests; and

WHEREAS every Alaska fisherman should have the legal right to protect the resources on which he and the Alaska economy are dependent; and

WHEREAS the State of Alaska has demonstrated and will continue to demonstrate a significant contribution to the management of fisheries within the waters of the State and throughout the Fishery Conservation Zone; and

WHEREAS State and Federal governmental agencies are limited in fiscal resources and the optimal use of these monies for fisheries management, research, and enforcement occurs through a clear definition of State and Federal agency roles by dividing responsibilities and thus avoiding unnecessary duplication;

BE IT RESOLVED that the Alaska State Legislature respectfully requests the United States Congress to change the voting members on the seating arrangement of the North Pacific Fishery Management Council so as to exclude the Regional Director of the National Marine Fisheries Service and to include an Alaskan-at-large representative; and be it

FURTHER RESOLVED that the Alaska State Legislature respectfully requests the United States Congress to expedite the development of domestic fisheries in the Fishery Conservation Zone off Alaska, but not at the expense of established domestic fisheries, by:

a) Immediately clarifying for the Departments of Commerce and State the intent of congress toward the implementation of the Magnuson Act with respect to foreign participation in Fishery Conservation Zone fisheries.

Issues to be considered include:

- 1) Full observer coverage to assure foreign compliance with fishery management plans and their implementing regulations;
- 2) Further time, gear and area restrictions on foreign trawling in order to protect salmon, halibut and other species;
- 3) Optimum yield reductions (particularly pollock and cod) to reduce foreign harvests; and
- 4) Further use of the "Fish and Chips" policy of Section 201(e) of the Magnuson Act.

and b) Pursuing legislation to provide further incentives to the developing domestic industry by decreasing the competitive disadvantage they have with foreigners; and be it

[FURTHER RESOLVED THAT THE ALASKA STATE LEGISLATURE RESPECTFULLY REQUESTS THE UNITED STATES CONGRESS TO AMEND THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976 TO PREVENT FISHING BY ALL FOREIGN FLEETS IN THE 200-MILE FISHERY CONSERVATION ZONE ALONG ALASKA'S COAST]

FURTHER RESOLVED that the Alaska State Legislature respectfully requests the United States Congress to grant the State of Alaska exclusive jurisdiction over domestic fisheries management within the Fishery Conservation Zone along Alaska's coast. [ESTABLISHED BY THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976.]

LEGISLATION SUMMARY

SJR 60: "Requesting the Secretary of Commerce to disapprove certain portions of the Bering-Chukchi Sea Fishery Management Plan."

Whereas: the stocks of Bering-Chukchi Sea herring have not fully recovered from past foreign fisheries overharvesting, and high seas harvesting does not allow proper management of the fishery;

Resolves: the legislature disapproves of those portions of the Fishery Management Plan which provide for a high seas herring Fishery;

requests that the Secretary of Commerces disapprove those portions;

that the North Pacific Fisheries Management Council rewrite those portions and eliminate them.

PRIME SPONSOR: Ferguson

CO-SPONSOR(S): Sackett



JUNEAU, ALASKA

Alaska State Legislature
Senate

RESOURCES SUBCOMMITTEE ON FISHERIES

February 1, 1982

TO: Senator Bettye Fahrenkamp, Chairman
Senate Resources Committee

FROM: Senate Resources Subcommittee on Fisheries

SUBJ: SJR 60 "Requesting the Secretary of Commerce to disapprove certain portions of the Bering-Chukchi Sea Fishery Management Plan."

The subcommittee has taken testimony and reports SJR 60 back to the committee as a whole with the following recommendations.

Members

Recommendation

Senator Mulcahy

Frank Mulcahy

Disapprove

Senator Eliason

Don Eliason

"

Senator Gilman

Don Gilman

Disapprove

LEGISLATION SUMMARY

SJR 60: 'Requesting the Secretary of Commerce to disapprove certain portions of the Bering-Chukchi Sea Fishery Management Plan.'

Whereas: the stocks of Bering-Chukchi Sea herring have not fully recovered from past foreign fisheries overharvesting, and high-seas harvesting does not allow proper management of the fishery;

Resolves: the legislature disapproves of those portions of the Fishery Management Plan which provide for a high seas herring fishery;

requests that the Secretary of Commerce disapprove those portions;

that the North Pacific Fisheries Management Council rewrite those portions and eliminate them.

PRIME SPONSOR: Ferguson

CO-SPONSOR(S): Sackett



Alaska State Legislature

Official Business

Resources Committee

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Bob Mulcahy, Chairman
Fisheries Subcommittee

FROM: Bettye Fahrenkamp, Chairman
Senate Resources Committee

DATE: January 28, 1982

A handwritten signature in cursive script, appearing to read "Bettye Fahrenkamp".

The following resolution has been referred to the Senate Resources Committee:

SJR 60 Requesting the Secretary of Commerce to disapprove certain portions of the Bering-Chukchi Sea Fishery Management Plan.

I am assigning it to the Fisheries Subcommittee for your Subcommittee's consideration.

cc: Members Senate Resources Committee



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465-3991

February 9, 1982

MEMORANDUM

TO: Representative Ben Grussendorf

FROM: Leslie Longenbaugh *LL*
Research Staff

RE: Effect of Craig Decision on Troll Fisheries
Research Request Number 82-4

You asked for information on the order issued by federal district court Judge Craig in the case of Confederated Tribes v. Baldrige, with particular attention to the possible effects of the decision on the troll fisheries in Southeastern Alaska. We have included in this memorandum a description of the events that led up to the Craig decision, an outline of proposed remedies for the problems that engendered the suit, and a brief description of the troll fisheries in Southeast Alaska.

Summary of Findings

- Chinook (king) salmon spawned in the Columbia River have been overexploited during the last several decades; twenty-four percent of this stock of chinook are caught by trollers off the coast of Alaska.
- Treaties signed in the nineteenth century guaranteed the Yakima Tribes of Washington the right to the fish that are spawned upriver in the Columbia River. Federal court decisions in 1969 and 1976 affirmed the Tribes' right to half of the fish, and ordered the federal government to manage the resource to ensure the Tribes' portion of the run.
- In 1981 the Tribes again brought suit, alleging that the chinook were not being allowed to return to spawn in sufficient numbers; Judge Craig upheld their claim, ordering the Secretary of Commerce to "take a real hard look at Alaska" in designing a plan for restoring the chinook to the tribes.
- Judge Craig's final decision in this case, due in April 1982, could result in an order to reduce substantially or eliminate the salmon troll fishery in Southeastern Alaska.

Background

We spoke with Ed Wojeck of the Alaska Trollers' Association in Juneau,¹ who provided copies of some of the documents pertinent to the decision; Mike Stanley of the National Oceanic and Atmospheric Administration (NOAA),² also provided an informal summary of the events leading up to the present.

The case that engendered the "Craig decision" is Confederated Tribes and Bands of the Yakima Nation v. Malcolm Baldrige, Secretary of Commerce, or simply Confederated Tribes v. Baldrige. This case was brought in 1981 in the federal District Court for the Western District of Washington. Judge Craig, a senior federal district court judge from Arizona, was assigned to hear the case.

In their suit, the Confederated Tribes sought a "writ of mandamus," which is an order compelling a public official, in this case the Secretary of Commerce, to perform his duties. The duties in this case were listed by the tribes as "to secure treaty fishing rights, observe the highest fiduciary standards and properly implement the Columbia River Plan." The Columbia River Plan derived from a court decree in 1976, in which a federal court held the Department of Commerce responsible for designing and implementing a management plan for the resource.

A treaty of 1855 between the Tribes and the United States provides that the tribes have the "exclusive right" to fish a 130-mile stretch along the Columbia River, between the present Bonneville and McNary Dams. The fish to which the tribes have rights are called upriver fall chinooks, or brights, because they spawn upriver and migrate back to the river to spawn in the fall, and are peculiarly bright in coloring. During the four-year life span of the upriver brights, the fish are thought to move along the coast, from Washington and Oregon north toward British Columbia and Southeastern Alaska, then back down to the river to spawn. During this migration, upriver brights are caught in great numbers by ocean trollers; the estimated distribution of the 1981 catch is 55% by trollers off British Columbia, 40% off Alaska, and 5% off Washington and Oregon.³ This catch represents 60% of the total stock of brights.

¹Ed Wojeck, Executive Director, Alaska Trollers' Association, Juneau; telephone: 586-9400.

²Mike Stanley, National Oceanic and Atmospheric Administration, Office of General Counsel, Juneau; telephone: 586-7414.

³Report to the representatives of the Secretary of Commerce by the Technical Committee appointed to study the questions raised by the Craig decision. December 29, 1981.

The Yakima Tribes are joined by the Washington Department of Fisheries in their contention that the 63,900 salmon that are not caught and do come back upriver to spawn (the "terminal run") are not sufficient to ensure the continued existence of this run of salmon. The Tribes further contend that the depletion of their supply of salmon is a violation of the treaties, and they have asked the court to order the Secretary of Commerce to enforce the treaties by ensuring that the run will be preserved.

Judge Craig, in his decision of August 4, 1981, agreed with the Tribes' claim, giving highest claim to the restoration of the tribes' share of the brights. Second in importance, he argued, was the conservation of the salmon fishery; last was any economic impact on the present salmon troll fishery.

The Washington and Oregon ocean troll fisheries have been the subject of scrutiny and reductions since the first suit filed by the Tribes in 1969, but evidence that many of the brights are fished in waters off Alaska prompted Judge Craig to conclude that the Secretary of Commerce should "take a real hard look at the Alaska fishery" as well. This part of his decision has been a source of concern among Alaskan trollers and fisheries officials since it was announced.

The State of Alaska has not entered the suit, fearing that it would be definitely bound to any decision of the court if it were to become a party in the case. One important question of jurisdiction has not yet been resolved: it is not clear whether treaties made with Washington tribes are binding on Alaskan residents. Because some of the treaties involved are between the Indian tribes and the federal government, Mike Stanley of NOAA has stated that Alaska is probably obliged to observe the treaties. The Trollers Association has considered filing suit in a federal court in Alaska, in hopes of prevailing on this question of jurisdiction, but Mr. Stanley feels that the chances are good that a federal court here would move the case to Washington, where Judge Craig, who is presumed to be less in sympathy with trollers' claims, would decide the case.

The Secretary of Commerce views the decision as one which remands the case to him for remedy. Judge Craig asked that the Secretary report to him in 90 days. Because more than 90 days have passed since the August 4 decision, the tribes have asked Judge Craig for a hearing during the week of February 8. The Tribes are expected to ask the judge that he decide the issue immediately. We will keep your office apprised of the outcome of this hearing.

Proposed Remedies

The Secretary of Commerce asked two groups to advise him on the issue of the management of the Columbia River salmon runs: the federally-funded North Pacific Fisheries Management Council, which has control over the salmon fishery in federal waters (3 to 200 miles offshore) off Alaska, Washington and Oregon; and a Policy Group, made up of state (including Alaska) and federal employees who have expertise in this area. The Policy Group named a subcommittee, called the Technical Committee, which consists largely of fisheries biologists. The first two groups have been holding hearings in their respective jurisdictions, and are scheduled to report their decisions on reducing the catch of salmon to the Secretary by the end of March 1982. The Policy Group, with the guidance of its Technical Committee, reported its findings to the Secretary in January.

The Technical Committee used a computer model in evaluating the reductions in catch needed in order to bring up the size of the "terminal run," or those fish which are not caught in the ocean, to 80,000 or 100,000. Although these figures were used by the Policy Group for illustrative purposes only, they are levels that have been set by the Washington Department of Fisheries for the continuation of the upriver run.

The conclusions reached by the Technical Committee could have very important results for the troll salmon fishery in Southeast Alaska. In its final report, issued in January 1982, the committee presented several scenarios that would increase the size of the terminal run to 80,000 or 100,000; in each scenario, the troll fishery in Alaska either is reduced by more than half or is eliminated.

If it is determined by the federal court that the treaties do not apply to Alaskan residents, the federal court's decision will apply only in the Fishery Conservation Zone (FCZ) waters, from 3 to 200 miles off Alaska. If the treaties do apply to Alaskans, reductions in troll fishing in State as well as federal waters may be ordered by Judge Craig.

Some scenarios for reducing the catch include reductions in the British Columbia troll fishery, which catches an estimated 55% of the upriver brights. The United States and Canada have been negotiating for more than a decade over limiting fishery of each other's salmon stocks. Although the federal government remains hopeful of coming to some agreement with the Canadians over this issue, no such agreement has been reached.

Descriptions of the Technical Committee's scenarios for increasing the salmon run through reducing the ocean catch are below.

Run Size of 100,000 Brights. The Washington Department of Fisheries staff estimates that a terminal run size of 100,000 brights is necessary if salmon are to spawn in sufficient numbers upriver after their migration in the ocean. If this minimum number do not return to the spawning habitat, the upriver brights stock may not long survive.

Total closure of the troll fishery off the coast of Alaska, Washington and Oregon in federal waters (FCZ) only, would result in an increase of 7,000 to 11,000 or fewer brights. The 63,900 brights in the present terminal run, plus the increase, would mean between 71,900 and 74,900 brights returning to the Columbia to spawn, well under the goal of 100,000 in the terminal run.

Closure of both State and federal waters off Alaska, Washington and Oregon could result in an increased return of approximately 27,100 brights. Added to the 63,900 brights that returned to spawn in 1981, this increase would amount to a terminal run of 91,000 brights, which would not achieve the goal of 100,000.

The Technical Committee's report concludes that in order to reach the goal of 100,000 through a reduction in the ocean catch of brights, the British Columbia fishery would have to be reduced as well. The committee presents two scenarios that include a reduction in the British Columbia fishery.

The first scenario involving British Columbia would eliminate the chinook troll fishery in Alaska and the central section of British Columbia, and would close all other troll fisheries during June. In this case, the terminal run size theoretically could be raised to 106,000.

TABLE A
Closure of Troll Fishery from Alaska to Central British Columbia:
Distribution of Brights

<u>Area</u>	<u>Catch</u>
Alaska	-0-
British Columbia	19,100
Washington-Oregon	4,800
Potential Terminal Run Size	106,000

The second scenario involving the reduction of the British Columbia fishery would completely close the Alaskan and northern British Columbia troll fisheries, again raising the potential terminal run size to 106,000.

TABLE B
Closure of Troll Fishery in Alaska and Northern British Columbia -
Distribution of Brights

<u>Area</u>	<u>Catch</u>
Alaska	-0-
British Columbia	31,100
Washington-Oregon	4,800
Potential Terminal Run Size	106,000

Run of 80,000 Brights. An increase in the size of the terminal run from the present 63,900 to 80,000 would result in a larger number of brights that make it back upriver to spawn, although the committee report indicates that a terminal run of 80,000 would be somewhat less than optimum.

As shown on the previous page, the committee report indicates that closure of the FCZ waters off Oregon, Washington and Alaska would result in no more than 70,900 to 73,000 brights returning to the Columbia to spawn. Therefore, this scenario would not increase the run sufficiently to yield a return of 80,000 brights.

The committee used two models in calculating a return of 80,000 brights; both include a significant reduction in the Alaska troll fishery.

The first of these scenarios assumes no reductions in the troll fishery off the coast of Washington and Oregon; this model would not affect the British Columbia fishery, and would demand a reduction of 67% in Alaska's troll harvest.

TABLE C
No Reduction in Washington-Oregon Troll Fishery,
67% Reduction in Alaska Troll Fishery -
Distribution of Brights

<u>Area</u>	<u>Brights</u>
Alaska	12,507
British Columbia	51,900
Washington-Oregon	4,600
Potential Terminal Run Size	89,300

The second scenario calculated by the Technical Committee to yield a terminal run in the range of 80,000 brights assumes elimination of the troll fishery off the coast of Washington and Oregon, and a reduction of 54% in the Alaskan troll fishery.

TABLE D
Elimination of Washington-Oregon Troll Fishery,
54% Reduction in Alaska Troll Fishery -
Distribution of Brights

<u>Area</u>	<u>Brights</u>
Alaska	17,400
British Columbia	51,900
Washington-Oregon	-0-
Potential Terminal Run Size	89,000

In achieving both the 80,000 and the 100,000 terminal run size through reductions in the ocean troll fisheries, numerous combinations of reductions are possible. The scenarios described above are those used by the Technical Committee in reporting to the Secretary of Commerce, and are not meant to be exhaustive.

Some analysts of the Columbia upriver brights look to solutions other than reduction or elimination of troll fisheries. The Alaska Trollers Association (ATA), in particular, takes exception to the emphasis on reductions in fisheries in the report of the Technical Committee of the Policy Group appointed by the Secretary of Commerce. The Association points to the fact that brights that return from the ocean are lost in the river on their way upstream in huge numbers; this phenomenon, called "interdam loss" because it takes place somewhere in the 130-mile stretch between the Bonneville and McNary Dams, takes fully 60% of the brights that make it back to the river. Some of the loss can be attributed to the dams, which make the brights' journey upriver more arduous, but a 60% rate of loss is abnormally high, according to Ed Wojcek of the ATA. Mr. Wojcek stated that it is widely held that many of these brights are poached. The ATA would encourage the federal government, as ordered in previous federal court cases, to enforce laws against poaching.

According to Mr. Stanley of NOAA, the North Pacific Fisheries Management Council at its January meeting decided preliminarily to recommend no immediate large reductions in the troll fisheries. Instead, the Alaska Board of Fisheries, which sets limits on the number of fish to be caught in State waters, tentatively has set this year's limit for trollers at the low end of the range of considered limits. This approach has frustrated trollers, who feel that such actions chip away at their livelihood.

Troll Fisheries in Southeast Alaska

Fisheries have been important to the cash economy of Southeastern Alaska since the beginning of this century. The salmon fishery is economically the most important of the fisheries, and the power and hand troll fisheries together are the most important of the salmon fisheries.

From 1974, when the Commercial Fisheries Entry Commission first limited entry to the power troll fishery in Southeast Alaska, until 1980, when hand trolling was also limited, the hand troll fishery grew significantly. The power and hand troll fisheries together accounted for 43.8% of all salmon catch value in the region in 1979. Southeast trollers' catch from 1976 to 1979 was valued at \$76.1 million, or 37% of all catch value in Southeast during that period. The troll fisheries provided \$20.4 million in gross income to residents of Southeast Alaska in 1976; this represents approximately half of the income from fisheries to Southeast Alaskan residents in that year.

In 1976, the most recent year for which such information is available, the power and hand troll fisheries in Southeast Alaska provided an estimated 953 harvesting jobs. Processing jobs resulting from the Southeast troll fisheries have been estimated at 442 in 1976.⁴

Hand trollers and power trollers together had a total investment of \$143,199,840 in vessels, gear and permits in 1979. This figure represents 51% of such investment in all fisheries in Southeast Alaska in 1979. The average Southeast Alaskan power troller in 1979 made more profit on his or her investment in vessel, permit and gear than other fishermen in the region. The profit to power trollers in 1979 was \$7,642 on an investment of 128,000.⁵

Conclusion

It is generally agreed that no matter which course of action finally is chosen by Judge Craig, the Columbia River brights stock must be managed in such a way that its survival will be ensured. The present level of ocean trolling, interdam loss, and river fishing are straining the stock almost to the breaking point, and must be adjusted somehow to increase the number of brights that make it upriver to spawn. The

⁴These numbers represent the equivalent number of year-round jobs, or the average monthly employment.

⁵D. Eric McDowell, Homan-McDowell, The Socioeconomic Impact of the Salmon Power Troll Industry in Southeast Alaska: A Comparative Analysis; Juneau, November 1980.

Representative Grussendorf
February 9, 1982
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disagreement lies in the method of the adjustments to be made: those involved in the case disagree on whether planners should concentrate on reducing the ocean troll catch or on exploring possible methods of producing the desired result without eliminating or severely restricting the troll fisheries. According to Mr. Wojack, the State Department of Fish and Game and the Attorney General's office are examining the legal implications of the suit as it applies, or does not apply, to Alaska's trollers.

Judge Craig's final decision in Confederated Tribes v. Baldrige is expected in April, after the Secretary of Commerce has made his recommendations. The judge's decision during the telephone hearing sometime this week also could be important; we will contact your office as soon as the results of the hearing are known. Please contact us if we can be of further assistance.

LL/dlp

Attachments: Draft Report of Technical Committee to representatives of the Secretary of Commerce, December 29, 1981. (No copy of the final report is now available; the draft is substantially the same as the final report, according to Mr. Stanley.)

Court's Decision by Judge Walter E. Craig, Tuesday, August 4, 1981, Confederated Tribes v. Baldrige.



UNITED FISHERMEN OF ALASKA

MAILING ADDRESS & OFFICE:
197 SOUTH FRANKLIN ST.
JUNEAU, ALASKA 99801
907 586-2820

- Rodger Painter
Executive Director

February 8, 1982

TO: Representative Dick Randolph
RE: HJR 78

As I mentioned in our conversation last week, I will be in Washington, D.C. when your resolution comes up for a hearing in the House Resources Committee. Although the UFA and other commercial fishermen's groups strongly support the intent of HJR 78, there are a couple of clauses in the legislation that we would like to have changed.

I suggest the following amendments: . . .

"WHEREAS the numerous seizures and subsequent convictions of foreign fishing vessels for underlogging catches and retaining prohibited species over the past three years indicate that the foreign fleets are taking at least 15 percent more fish than have been allocated; and"

Replace lines 8 through 15 on page 2 with the following language:

"WHEREAS federal lenience toward foreign harvesting of stocks within the 200-mile fisheries conservation zone has disrupted important Alaska fisheries; and"

sk
WHEREAS the federally controlled North Pacific Fishery Management Council is usurping the long-standing and highly successful management of several exclusively domestic fisheries by the Alaska Board of Fisheries; and

sk
WHEREAS imposition of federal fisheries management plans on the Alaska salmon troll, Bering Sea herring and Bering Sea king crab fisheries leaves the State of Alaska with the primary responsibility for management, research and enforcement but vests all final decision making authority in federal agencies;"

Replace lines 21-24 on page 2 with the following language:

sk
"FURTHER RESOLVED that the Alaska State Legislature respectfully requests the United States Congress to allocate sufficient funding to put U.S. observers on every foreign vessel fishing in Alaska's 200-mile zone and on the high seas Japanese fleets catching salmon of Alaska origin; and be it"

Add resolved clauses at the top of page 3 saying:

"FURTHER RESOLVED that the Alaska State Legislature respectfully requests the North Pacific Fishery Management Council and the U.S. Department of Commerce to reduce the optimum yields for Pacific cod, pollock and sablefish in the Bering Sea and Gulf of Alaska by at least 25 percent so as to conserve stocks and stimulate market opportunity for U.S. caught bottomfish; and be it

"FURTHER RESOLVED that the Alaska State Legislature respectfully requests the North Pacific Fishery Management Council and the U.S. Department of Commerce to reduce the impact of offshore trawl efforts on Alaska's crucial inshore shellfish and longline fisheries by time and area closures on the foreign and domestic trawl fleets."

Copies of this resolution should be sent to Bill Gordon, director of the National Marine Fisheries Service, and the North Pacific Fishery Management Council.

c.c. House Resources Committee

1/4 *

REOPENING THE WATER WEST OF CAPE SUCKLING TO TROLLING
The Only Solution to a Critical Situation

Submitted by

Richard W. Lundahl
2/17/82

I. SITUATION AS OF 2/1/82.

A. Chinook Stocks.

1. Chinook stocks South and East of Cape Suckling are generally depressed.
2. Chinook stocks North and West of Cape Suckling are generally in good shape. These stocks have just this year had a reduction in harvest level by foreign trawlers of approximately 600,000 Kings.

B. Harvest Level -- O. Y.

1. Both the N.P.F.M.C. and the A.B. of F. have drastically cut the O.Y. recently for conservation reasons and for political reasons.
2. Both the N.P.F.M.C. and the A.B. of F. are now intending to further cut the O.Y. by an additional 10 percent.

C. Judge Craig.

1. Judge Craig has stated his intention to see that the U.S.A. will uphold its treaty obligations to the Wash. Treaty Indian Tribes.
2. Judge Craig via the N.P.F.M.C. is seriously looking at the Alaskan Troll Fisheries as a real threat to these obligations.

D. The Alaska Troll Fisheries are overcapitalized because of Government Mismanagement.

1. The issuance of permanent permits to the troll fisheries clearly implies (practically guarantees) the viable, permanent, and professional status of these fisheries. We have bought and sold permits and taken out loans with this understanding.
2. The area designation of "Statewide" strongly implies that the Troll fisheries will again be allowed to fish West of Cape Suckling when the biological condition of these stocks allow. We have bought and sold permits and indebted ourselves with this understanding. This was board intent in 1973 when trolling was restricted to Southeast.

- 3. The enactment of the 200 mile limit (The F.C.M.A.) strongly implied to the public that the Federal Government intended to protect the American Fisherman from foreign harvests in our waters.
 - 4. Despite depressed stock conditions South and East of Cape Suckling and down into Washington and Oregon, and serious habitat ~~degradation~~^{degradation} problems to the South, and the threat to Alaskan Trollers of the Judge Boldt Decision; managers allowed high harvests until 1979.
 - 5. Low interest Government loans during periods of high inflation rates, Government construction fund incentives, and Tax incentives have all encouraged the fisherman to invest in his boat and equipment, especially in leiu of # 1, 2, 3, and 4 above.
 - 6. The number of Power Troll permits was based upon fishing efforts from 1968 thru 1972 when we were allowed to fish Statewide. In essence managers have restricted a "Statewide" fishery to one region and then blame the trollers for over-fishing that Area.
 - 7. Legislative over-sight and A. B. of F. inaction allowed the Hand Troll Fleet to grow out of all proportion. This "Statewide" Fishery is also restricted to Southeast.
- E. Approximately $\frac{1}{2}$ of the Power Troll Fleet is facing Bankruptcy. The current policies are going to hurt us all.
- 1. At least $\frac{1}{4}$ of the P. T. Fleet is unable to meet their financial obligations at current harvest levels.
 - 2. Because of the economic situation in the lower '48 these fishermen can not sell their boats. Who wants to go into debt to fish in a severely restricted fishery.
 - 3. The bankers don't want to repossess these boats because they can't get rid of them. Who would buy them. Besides, if you repossess it; you have to maintain it.
 - 4. These fisherman are thus encouraged to try another year or to try alternate fisheries. Another year's interest is piled onto the priciple and/or the fisherman buys new gear.

II. OPTIONS --- A REALISTIC LOOK.

A. Hatcheries and Enhancement.

- 1. Too long term. The troll fleets need ^a ~~an~~ solution now.
- 2. Not even a long term solution. The Kings that spawn in Southeast Alaska live and feed in waters West of Cape Suckling.
- 3. Possibly Hatcheries in the lower '48 (placed there in our behalf) would be a solution; but again, it's too long term.

B. Buy Back.

- 1. Not acceptable to vast majority of trollers as of Spring of 1981.
- 2. Unfair. Why should we bear the brunt of government's mismanagenent? Besides, Who can afford the 7% tax on our gross. We're paying a voluntary 3% tax on our gross already for hatcheries.
- 3. Too long term. It would be several years to set the system up and get it working. We need a solution now.

C. Alternative Fisheries.

- 1. A possible solution; but not very probable. Subsistence considerations.
- 2. The established lucrative fisheries are already fully exploited and many are protected by Limited Entry. Who can afford to change fisheries now?
- 3. New fisheries are very uncertain. New markets would have to be found and developed for many. Who can afford to experiment now? Possibly too long term to be an effective solution.
- 4. New fisheries can create biological problems. Many species have very low fecundity. Lack of biological data on these fish could seriously deplete these resources thru overharvesting and mismanagement.
- 5. Many of the species currently not being used in large commercial fisheries are used in rural communities by subsistence users.

D. Status Quo and/or raising the O.Y.

- 1. The Chinook stocks South and East of Cape Suckling are generally in a depressed condition.
- 2. The A. B. of F. initiated a 15 to 20 year program of allowing increased escapement in order to rebuild these runs (started during 1981 season).
- 3. Increasing the O. Y. on Southeast stocks could destroy the rebuilding program besides endangering the resource.

- 4/4
4. The troll fleet is in serious even critical trouble now -- with the present O.Y. Status Quo, while being a biological solution, is not an economic solution. It is just too long term.

E. Reopen Westward to Statewide Trolling.

1. The Chinook stocks West of Cape Suckling generally are in good shape.
2. These Stocks have within the last year received a major shot in the arm --- the extreme curtailment of (prohibited) foreign fleet harvests. This amounts to 350,000 to possibly over 1,000,000 extra Kings for escapement and Alaskan fishermen.
3. There is no biological reason for restricting Statewide Trollers to Southeast any longer.
4. There is a tremendous need for biological data about Chinook Salmon. Managers need to know migration patterns and concentrations, feeding patterns, habits, and concentrations, rearing areas, etc. Replacing foreign trawl fleets with Alaskan trawl fleets on the high seas, in the F.C.Z. and in State waters does not reduce the danger of harvesting mixed stocks with high catch rate fisheries.
5. The Troll fisheries are slow attrition fisheries with low catch rates. The Troll fisheries are the only safe way to harvest mixed stocks on the high seas, F.C.Z. and State waters, besides being the cheapest, and fastest way to gather the necessary biological data. This data is going to be needed if the managers are going to protect the mixed salmon stocks and the Alaskan subsistence user from incidental and accidental over-harvest of salmon by Trawl fleets.
6. The Troll caught salmon has the best quality and highest market price of any salmon on the commercial market.
7. Statewide Troll is biologically acceptable and needed. It enhances the managers need for data to ensure ^{the} subsistence priority, Statewide Troll maximizes the benefits to the public and ensures the health ^{of} the Southeast fishing economy.

III. Conclusion.

Reopening Statewide waters to the Troll fleet is the only solution to a critical situation in this fishery. This solution ensures the conservation of the resource, satisfies the subsistence priority, and maximizes the benefits to the public.

Federal influence in state fisheries decried by Miller

The Associated Press

JUNEAU — Lt. Gov. Terry Miller, a Republican gubernatorial candidate, says it is imperative that the new governor move to end federal interference in Alaska's fisheries policy decisions.

"I believe we need a new direction and a new commitment to stem the steady tide of federal encroachment on fisheries management decisions," Miller told a Juneau Rotary luncheon last week.

Three major sources of conflict were highlighted by Miller: who decides harvests of king salmon in Southeast Alaska, crab in Western Alaska and herring in the Bering Sea.

"In each of these three areas, the state of Alaska is faced with either surrendering to the federal government or, alternatively, mounting a defense of state's rights equal in magnitude to the recent battle over d-2 lands (Alaska lands legislation)."

But before taking on the federal government, Miller said "the state must put its own house in order" by streamlining the current system for setting fishery policy.

He said "presently there are several dozen agencies ... that have a piece of the fisheries policy pie. There should be only two: the governor's office for policy direction and the Board of Fisheries for resource allocation decisions.

Miller also said members of the fishing industry should be able to work directly with a coordinator in the governor's office and have access to the governor "instead of being shuffled from agency to agency



Terry Miller

or division director to division director."

He said "these two changes will allow Alaska to speak with a firm, authoritative voice when we approach the federal government. We will be able to mount an aggressive campaign in Congress to amend the federal legislation that has been the fulcrum used by federal agencies to usurp state management authority."

Miller said federal interference in Alaska's billion dollar fishing industry, which once was run by state officials, could raise havoc with the state's economy.

"Fisheries is one of our most important economic mainstays, a resource which has transcended the gold era and one which, if managed properly, will transcend the present era of oil. The livelihood of more than 50,000 Alaskans depends on the outcome of this issue."

Fisheries battle feared

Candidate Miller decries federal interference

By ANNABEL LUND
Empire Staff Reporter

Increasing federal interference in Alaska's fisheries could catapult the state into launching a state's rights defense as fierce and as comprehensive as the d-2 land fight, Lt. Gov. Terry Miller warned Tuesday.

Miller, Republican candidate for governor, called the situation a "crisis" and urged development of a new fisheries management program to protect the state's rights in the industry.

"We did not support the 200-mile limit to promote an army of federal employees, organized into platoons of commissions and councils, that would overrun state managers," Miller told a packed house of Rotarians at the 11:30 noon luncheon in the Cape Fox Sheffield House Tuesday.

Miller said there were three major issues now facing the state's largest private industry dramatizing the struggle for control of Alaska's fish resources between the state and federal government: who controls the harvesting of king salmon in Southeast, who controls the crab fishery in Western Alaska and who will set policy for the herring fishery in the Bering Sea.

"In each of these three areas, the state of Alaska is faced with either surrendering to the federal government or, alternatively, mounting a defense of state's rights equal in magnitude to recent battles over d-2 lands," Miller said. "The federal government must understand that Alaska knows the difference between cooperation and capitulation."

Miller called the federal plans for management of these three fisheries "myopic" and said the implications of them are "dangerous."

He added there were continuing struggles with the federal government over resource trade-off decisions, such as offshore oil development in the fisheries-rich Bristol Bay area and Norton

Sound.

"Is there really any reason for hasty development in areas where the danger of drilling is great and where a major world source of fish protein is located?" Miller asked. "There are many more onshore areas with more potential for oil and gas discoveries that should be first explored and developed."

Miller also called for drastic changes in state fish management policies. He suggested the several dozen agencies now handling state policy be boiled down to two: the governor's office for policy direction and the Board of Fisheries for resource allocation decisions.

He also suggested that a cohesive fisheries policy be created, with one individual designated as responsible to the governor for the implementation of that policy.

"These two changes will allow Alaska to speak with a firm, authoritative voice when we approach the federal government," Miller said, and permit the state to mount "an aggressive campaign in Congress to amend the federal legislation that has been the fulcrum used by federal agencies to usurp state management authority."

"The state's rights campaign, he said, should be multi-faceted and coordinated with other coastal states facing similar problems."

A major question should be posed, Miller said: "Is it reasonable to expect that the management decisions in Washington, D.C., will be as attentive to conservation, as attentive to protection, or as attentive to the unique socio-economic circumstances of Alaska as state efforts?"

Resolution of federal-state friction points is not merely a matter of philosophy, Miller said, but is necessary to compel the federal government to allow the state management of its resources.

"Without control of its own resources," Miller said, "a state is basically just a colony."



omise posed

ness in that zone.
promise proposal calls for a 40-square-foot, free-standing
ending about 20 feet above the pavement.
mpromise adheres to zoning requirements and pleases
ration, which has sent a letter to the city-borough urging
m Bannister's decision.
out Street Improvements are designed to keep traffic
moving between the Old Glacier Highway and the access
ut Street) to the restaurant.
ald's has not objected to Bannister's decision that it
a turning lane and make other improvements, according
rough Attorney Lee Sharp.
n the agenda for Thursday's assembly meeting is in
a proposed ordinance to establish a local improve-
let to pay for a portion of the downtown parking garage

Cancer telethon plans start

When Janice Holst walked into the studio at KINY-TV, nearly a year ago, no one, not even the governor could have predicted a population of more than 24,000 would telephone in over \$25,000 in pledges to a cancer telethon.



REQUESTS FOR RESOLUTIONS, POLICIES, AND MANagements DIRECTIVES TO
THE ALASKA ^{Board of FISHERIES} ~~DEPARTMENT OF FISH AND GAME~~

FROM

PELICAN ADF&G ADVISORY COMMITTEE

RICHARD W. LUNDAHL, CHAIRMAN

Sept. 1981

CONTENTS

1. Curtailment of Foreign Nets
2. All Alaskan N.P.F.M.C.
3. Reinstatement of Incidental Troll Halibut Catch
4. Marine Mammal Predators
5. Shark Predators
6. Washington and Treaty Indian Demands
7. Foreign Marketing Gap
8. Salmon Optimum Yield
9. Adoption of and Review of Regulations and Policies
10. Chinook and Coho Hatcheries

RESOLUTION REQUEST

RELATING TO THE CURTAILMENT OF FOREIGN NETS

RESOLUTION: Curtail foreign gillnet and trawl fisheries in the Gulf of Alaska.

JUSTIFICATION: A tremendous number of net marked and injured Chinook and Coho salmon caught by trollers make evident that these species are targets for the foreign net fisheries.

Statistics show a significant number of halibut are taken by foreign trawl gear.

Documented testimony reveals there are miles of nets being used by foreign fleets.

Pelican ADF&G Advisory Committee
Richard W. Lundahl, Chairman
Box 793
Pelican, Alaska 99832

RESOLUTION REQUEST

RELATING TO ALL ALASKAN N.P.F.M.C.

WHEREAS, the F.C.M.A. seats many non-Alaskans on the N.P.F.M.C.; and

WHEREAS, the dollar value of Chinooks and Cohos that migrate from the waters of the N.P.F.M.C. to the waters of the P.F.M.C. is insignificant when compared to the dollar value of the King Crab, Tanner Crab, Black Cod, Halibut, ocean perch, pollock, hake, sockeyes, chums, pinks, cohos, chinooks, and etc. that do not migrate from the waters of the N.P.F.M.C. to the waters of the P.F.M.C.; and

WHEREAS there are already adequate provisions for coordination and cooperation between the N.P.F.M.C. and the P.F.M.C.;

NOW, THEREFORE, BE IT RESOLVED, that the Alaska Board of Fisheries hereby requests that the Congress of the United States amend the F.C.M.A. to state that all voting members of the N.P.F.M.C. be Alaskan residents; and

BE IT FURTHER RESOLVED, that the vast majority of scientific and statistical committee and the advisory panel members also be Alaskan residents.

Pelican ADF&G Advisory Committee
Richard W. Lundahl, Chairman
Box 793
Pelican Alaska 99832

RESOLUTION REQUEST

RELATING TO FOREIGN MARKETING GAP

- WHEREAS, the F.C.M.A. allows foreign fishing fleets to augment the American harvest until 100% of the allowable biological catch is harvested; and
- WHEREAS, the major markets of these foreign fleets is in their mother countries; and
- WHEREAS, the American fisherman is at a great financial overhead disadvantage in competing on the world market in the harvesting of our own American fish; and
- WHEREAS, this marketing disadvantage creates a financial incentive for foreign fleets to displace American fleets; and
- WHEREAS, our American fleets actually are being displaced by foreign fleets; and
- WHEREAS, prices vary with supply and demand; and
- WHEREAS, the price for our fish is kept low because 100% of the allowable catch is always harvested; and
- WHEREAS, the price for our American fish would rise if the allowable foreign catch was reduced; and
- WHEREAS, the incentive for American fishermen to invest in new fisheries and thereby displace foreign competition would increase if the price for American fish increased;
- NOW, THEREFORE, BE IT RESOLVED, that the Alaska Board of Fisheries does hereby request the Congress of the United States to amend the F.C.M.A. to include:
1. that if the American fleets can harvest 100% of the allowable biological catch then the Americans and the Americans only be allowed and encouraged to do so; and
 2. that if the American fleets cannot harvest 100% of the allowable biological catch that a 20% "foreign marketing gap" be established (as an economic incentive to American fishermen) so that the combination of American and foreign harvest can only total 80% of the allowable biological catch.

Pelican ADF&G Advisory Committee
Richard W. Lundehll, Chairman
Box 793
Pelican, Alaska 99832

POLICY AND RESOLUTION REQUEST

RELATING TO SALMON OPTIMUM YIELD

WHEREAS, the OY was established during a period of severely depleted stocks; and

WHEREAS, the current Alaska Board of Fisheries and ADF&G management policies are greatly increasing salmon escapements; and

WHEREAS, aquaculture research and enhancement have just developed potentials for greatly increasing Alaska salmon stocks; and

WHEREAS, Alaska is upgrading its timber harvesting standards for environmental protection, including spawning habitats;

NOW, THEREFORE, BE IT RESOLVED, that the OY be reestablished at projected potential harvest levels and that anything less than this potential harvest level be called a temporarily reduced harvest level (or temporary OY).

Pelican ADF&G Advisory Committee
Richard W. Lundahl, Chairman
Box 793
pelican, Alaska 99832

ALASKA BOARD OF FISHERIES
Policy Request

REGARDING ADOPTION OF AND REVIEW OF REGULATIONS AND POLICIES

In the proposition or adoption of regulations and policy we request that the Board and Department state:

1. the objectives to be achieved,
2. the time frame needed to achieve them, and
3. the projected benefits to that fishery be listed.

JUSTIFICATION: The past system of adoption has led us into the difficulties that most of our fisheries are experiencing today in that there is no system of review of regulations that were adopted in the past. The goals and benefits of these regulations were often unclear.

Pelican ADF&G Advisory Committee
Richard W. Lundahl, Chairman
Box 793
Pelican, Alaska 99832

PERSONAL REQUESTS

FOR

RESOLUTIONS, POLICIES, AND MANAGEMENT DIRECTIVES

TO

FROM

RICHARD W. LINDAHL

PELLICAN, ALASKA

SEPT 1981

REQUEST FOR MANAGEMENT DIRECTIVE

RELATING TO BIOMASS STUDY OF CHINOOK SALMON

WHEREAS, the size limit for troll caught Chinook salmon has been a constant issue; and

WHEREAS, "shaker mortality" and treble hooks have consequently also been constant issues; and

WHEREAS, the predator caused mortality of salmon in the high seas has always been a subject of conjecture; and

WHEREAS, the "growth potential" of immature salmon has long been a subject of debate; and

WHEREAS, the ability of management to maximize the benefits to the public depends on knowing when the value of the resource is highest;

NOW, THEREFORE, BE IT RESOLVED, that the Alaska Board of Fisheries does hereby direct ADF&G to initiate a complete study of the Bio-mass value of Chinook salmon throughout their cycle.

Richard W. Lundahl
Box 793
Pelican, Alaska 99832
PERSONAL REQUEST

POLICY REQUEST

RELATING TO TAGGING AND RELEASING OF IMMATURE SALMON
BY TROLLERS

WHEREAS, aquaculture biologists need continuous research in migration patterns, feeding habits, and growth rates of both natural and hatchery stocks; and

WHEREAS, various trollers and groups of trollers have always been interested in tagging salmon that must be released anyway; and

WHEREAS, the cost of such study would be minimal if the "tagging" were done by commercial fishermen;

NOW, THEREFORE, BE IT RESOLVED, that the Alaska Board of Fisheries does hereby direct ADF&G and requests the N.M.F.S. biologists to set up a tagging and releasing program of immature salmon with all interested trollers.

Richard W. Lundahl
Box 793
Pelican, Alaska 99832
PERSONAL REQUEST

REQUEST FOR MANAGEMENT DIRECTIVE

RELATING TO F.R.E.D. AND FEDERAL HATCHERIES IN OTHER STATES

WHEREAS, the policies of the N.P.F.M.C. are directed toward lowering the OY and reallocating salmon (appearing in our waters and the waters of the FCZ) to the peoples of other states, other Indian tribes, and other nations; and

WHEREAS, our S.E. economies are dependent on our harvesting of these fish; and

WHEREAS, these fish pasture in our waters and feed on our feed stocks; and

WHEREAS, the expertise and technology for raising and enhancing these Washington and Oregon runs is in existence; and

WHEREAS, the bilateral (Canadian and U.S.A.) treaty and several Indian treaties will probably "lock" the OY into "specific" permanent numbers;

NOW, THEREFORE, BE IT RESOLVED that the Alaska Board of Fisheries does hereby direct F.R.E.D. to study the feasibility and benefits of locating several ADF&G Chinook and Coho hatcheries in Washington and Oregon; and

BE IT FURTHER RESOLVED, that the Alaska Board of Fisheries does hereby request the federal government to do the same in our behalf.

FURTHER DISCUSSION: 1. The existence of ADF&G hatcheries in Washington and Oregon would give Alaska a lever in maintaining a reasonably high OY for S.E. Alaska.

2. The possibility of the N.P.F.M.C.'s recommendations for further reducing our activity in the FCZ would be lessened.

Richard W. Lundahl
Box 793
Pelican Alaska 99832
PERSONAL REQUEST

Table 3. Numbers of buyers and fishermen participating in eastern Bering Sea Pacific herring fisheries, Alaska, 1978-1981.

District	Number of Buyers	Number of Fishermen ^{1/}	
		Gillnet	Purse Seine
<u>1981</u>			
Togiak	28	106	83
Security Cove	7	113	**
Goodnews Bay	5	175	**
Cape Romanzof	4	111	**
Norton Sound	13	332	**
<u>1980</u>			
Togiak	27	363	140
Security Cove	8	175	**
Goodnews Bay	4	165	**
Cape Romanzof	2	69	**
Norton Sound	6	294	**
<u>1979</u>			
Togiak	33	350	175
Security Cove	2	61	**
Goodnews Bay	1	41	**
Cape Romanzof	No Fishery Conducted		
Norton Sound	7	50	17
<u>1978</u>			
Togiak	16	40	25
Security Cove	3	-	-

** Purse seine gear prohibited

^{1/} Refers to # of vessels in Togiak District

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LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Fish and Game	Sponsor (Principal) Ferguson and Sackett	Bill Number SJR #60
-----------------------------	---	------------------------

Department Position Support

Division Director Steve Pemoyer	Date 1-20-82	Commissioner's Signature <i>[Signature]</i>	Date 1-20-82
------------------------------------	-----------------	--	-----------------

GOVERNOR'S OFFICE USE

Comments

<input checked="" type="checkbox"/> Position Noted	By	Date
--	----	------

SUMMARY

1. a) Rejected Bills (Similar or Conflicting) Unknown	1. b) Other Agencies Affected by Bill Public Safety
--	--

2. a) Organizational Support for Bill Unknown	2. b) Organizational Opposition to Bill Unknown
--	--

3. Program Effects of Bill None

4. Fiscal Impact: <input checked="" type="checkbox"/> None <input type="checkbox"/> Fiscal Note Attached
--

5. Amendments Proposed: None

6. Comments: The North Pacific Fishery Management Council members voted 6 to 3 to send the Bering/Chukchi Sea Herring Management Plan back to Washington, D.C. for Secretary of Commerce approval and implementation. The Commissioner's office vigorously argued against the provisions in the plan which would provide for an offshore mixed stock fishery. This new fishery would be in direct competition to the existing sac roe fishery and may present unacceptable management risks. The near shore harvesting and processing sectors are sufficiently capitalize to fully utilize any available surplus.
--

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

Mr. Clement V. Tillion

-2-

December 22, 1981

We urge the Council to endorse the State position and would be pleased to discuss the topic at the joint Board-Council meeting in January.

Sincerely,

Ron

Ronald O. Skoog
Commissioner
Alaska Dept. of Fish and Game

for *mil Szabo*

Nick Szabo
Chairman
Alaska Board of Fisheries

cc: Governor Hammond

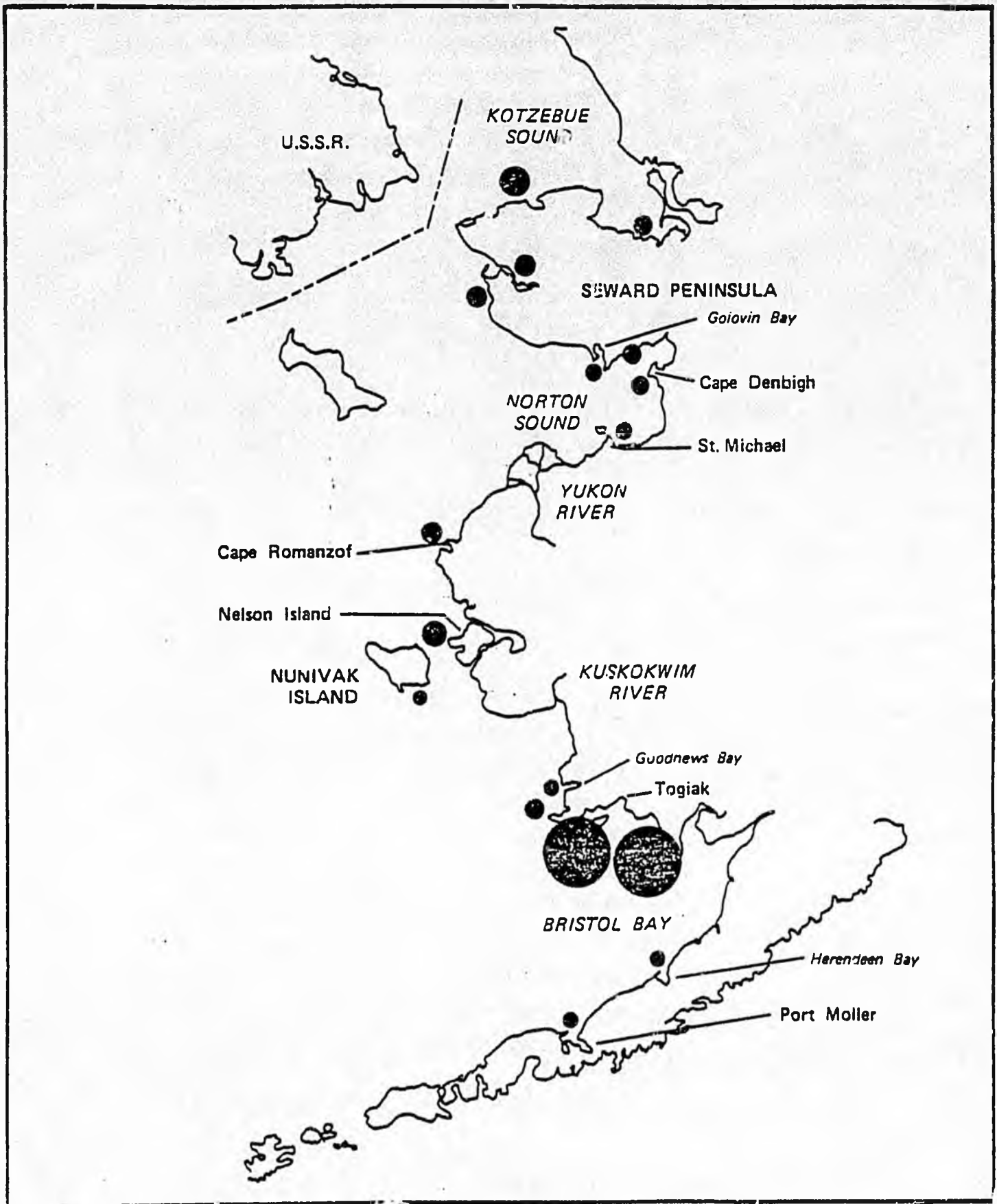


Figure 18. Relative abundance of Pacific herring based upon peak count surface area estimates of schools observed during aerial surveys, 1976-1979.

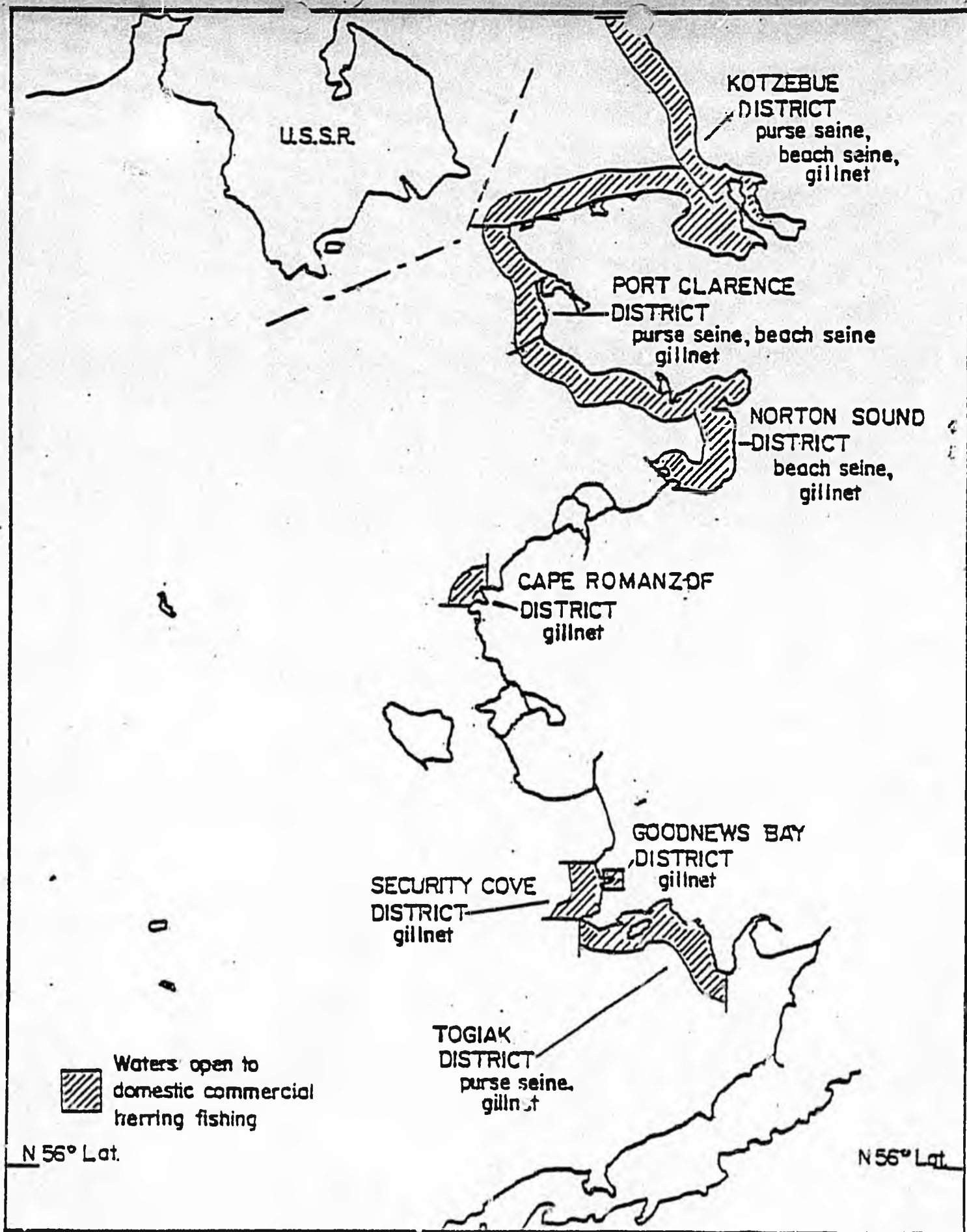


Figure 1. Commercial herring fishing districts and applicable gear, eastern Bering Sea Alaska, 1981.

Table 4. Subsistence herring catch (in metric tons) and effort data by selected areas, eastern Bering Sea, Alaska, 1975-1981. 1/

Village	1975	1976	1977	1978	1979	1980	1981
Nelson Island							
Tununak	19.8	13.9	51.9	34.6	31.0	59.2	36.0
Umkumiut	30.0	8.5	2.8	10.4	7.5	3.1	9.0
Toksook Bay	31.0	31.8	19.3	33.5	46.5	26.6	13.0
Total	80.8	61.2	74.0	78.5	85.0	88.9	58.0
Number of fishing families	109	42	90	83	54	70	93
Yukon-Kuskokwim Delta							
Scammon Bay	-	0.6	-	0.6	5.4	2.8	6.9
Chevak	-	0.6	0.1	-	2.1	3.2	1.7
Hooper Bay	2.5	2.7	2.1	3.5	2.8	3.3	3.6
Kwigillingok	-	9.6	0.9	-	7.2	12.0	-
Total	2.5	13.5	3.1	4.1	17.5	21.3	12.2
Number of fishing families	34	49	39	29	106	80	45
Areas Combined							
Total Catch	83.3	74.7	77.1	82.6	102.5	110.2	70.2
Number of fishing families	143	91	129	112	160	150	138

1/ Other areas with small catches have been surveyed irregularly (1975-1978 estimated total coastal yearly subsistence catch averaged 100 m.t.).

Table 2. Estimated biomass and commercial harvest of Pacific herring in eastern Bering Sea fishing districts, Alaska, 1978-1981.

District	Biomass (m.t.)	Harvest (m.t.)	Roe %	Estimated Value (dollars)	% Biomass Harvested
<u>1981</u>					
Togiak	143,900	11,374	9.1	3,988,000	7.9
Security Cove	7,500	1,064	8.1	347,070	14.2
Goodnews Bay	3,900	596	7.7	196,170	15.3
Cape Romanzof	4,400	653	8.0	211,260	15.0
Norton Sound	22,800	3,965	8.8	1,500,000	17.3
Totals	182,500	17,652	8.9	6,242,500	9.7
<u>1980</u>					
Togiak	62,300	17,774 ^{1/}	9.2	3,205,000	28.5 ^{1/}
Security Cove	1,100	632	8.2	151,000	57.4
Goodnews Bay	1,100	406	9.5	97,000	36.9
Cape Romanzof	2,700	554	9.8	132,000	20.5
Norton Sound	7,600	2,224	8.1	500,500	29.3
Totals	74,800	21,590	8.8	4,085,500	28.9
<u>1979</u>					
Togiak	216,800	10,115	8.6	6,700,000	4.7
Security Cove	19,500	385	8.5	327,000	2.0
Goodnews Bay	6,700	82	4.7	38,500	1.2
Cape Romanzof	2,700	0	-	-	0
Norton Sound	7,000	1,172	7.0	628,200	16.7
Totals	252,700	12,406	8.0	7,694,000	4.9
<u>1978</u>					
Togiak	172,800	7,033	8.2	2,300,000	4.1
Security Cove	1,200	259	-	-	21.6
Goodnews Bay	400	0	-	-	0.0
Cape Romanzof	2,700	0	-	-	0.0
Norton Sound	4,800	13	-	-	0.3
Totals	181,700	7,305	8.2	2,300,000	4.0

^{1/} Does not include an estimated 5,200 m.t. of waste.

SUMMARY OF HERRING FMP POLICY AND PROCEDURES

The Bering/Chukchi Sea Herring FMP is designed as a framework FMP which should not need annual amendments. Optimum Yield (OY) can be determined each year based on annual biomass surveys and alternative methodology is included in cases where no annual survey data is available. The determination of OY is based on a series of steps:

1. Annual biomass data is generated from aerial spawning surveys and other sources.
2. A single exploitation rate for the entire management area is calculated based on the current biomass level. This rate increases as the biomass increases and reaches 20% exploitation at MSY. ~~Above MSY levels it can increase to an absolute maximum of 39%.~~
3. An Allowable Biological Catch (ABC) is calculated by multiplying the biomass estimate by the exploitation rate. This is adjusted upwards by 2,000 mt to allow for stocks not included in annual surveys.
4. OY is an adjustment of ABC to account for subsistence stocks (which are to be unexploited by inshore commercial fisheries) and the previous year's Allowable Incidental Catch (AIC) in the groundfish fisheries. The portion of the total ABC which is attributed to subsistence and the AIC are subtracted from ABC.

The FMP recognizes the fact that an offshore fishery would be a mixed-stock fishery and that it is impossible to intentionally avoid any particular stock or group of stocks. However, the method of determining OY coupled with other conservative measures ensure adequate protection to the herring populations. The FMP procedure uses primarily spawning biomass estimates rather than total biomass estimates, thus providing a buffer of pre-recruit herring. This also acts to depress the exploitation rate below what could otherwise be allowed.

An offshore herring fishery per se cannot be viewed as detrimental to either individual stocks or groups of stocks. At the Alaska Herring Symposium in 1980 (Proceedings, p. 265), it was noted that deleterious impacts could occur if the stocks were not well-mixed, but stocks are more evenly distributed at greater distances from the spawning grounds. The likelihood of impacting subsistence stocks in a fishery on the winter grounds is very small as long as these stocks are a small component of the total biomass. Thus, although it may be more difficult to assess the impact of an offshore fishery on individual stocks, it is very unlikely that any stocks would suffer. Rather, inshore and offshore fisheries would probably complement and augment each other in terms of both biological data and economic benefits.

Allocation

The FMP allocates OY in the following order:

1. Subsistence fisheries
2. Domestic Inshore (Roe) fisheries
3. Domestic Offshore (Food and Bait) fisheries
4. Foreign offshore fisheries

If stocks were critically depressed it is possible that subsistence harvests would be the only fisheries allowed. Any surplus beyond subsistence needs automatically goes to domestic inshore commercial fisheries, managed by the State. Any surplus beyond the domestic inshore fisheries is allocated to domestic offshore harvest.

Two modifications of OY take place during this procedure. There is a 2,000 mt allocation made to domestic offshore fisheries to account for food and bait harvest. This allocation is made to prevent interference with domestic non-herring fisheries (e.g. king crab), and to provide for minimal directed fishing. The other adjustment is to account for herring harvested incidentally the previous year in offshore groundfish operations (AIC).

AIC

The Herring FMP accounts for an unavoidable incidental catch of herring occurring in normal groundfish operations but requires that this be the minimum possible. AIC is set prior to the offshore fisheries and becomes part of the groundfish OY, i.e. herring is not a prohibited species at the beginning of the year.

Under the Bering Sea/Aleutian Islands Groundfish FMP, AIC will be allocated among foreign and domestic fishermen according to the proportion of the groundfish OY each receives. When a foreign nation's portion of herring OY (under the Herring FMP) and AIC are harvested, the Herring Savings Area is closed to that nation's trawl operations and herring becomes a prohibited species. The situation for domestic fishermen is slightly different because of the 2,000 mt allocation to this fishery and the possibility of harvesting any surplus after the inshore herring fisheries. Thus herring harvested by U.S. fishermen would be subtracted first from the 2,000 mt initial allocation, second from final herring OY (if any remains unharvested) and lastly from AIC. This will allow U.S. trawlers a degree of freedom from the Herring Savings Area closure, although they can be excluded from the area. As with foreign fisheries, herring becomes a prohibited species for U.S. fishermen after all allocations are harvested.

The procedures for determining exploitation rate, ABC, OY, and AIC are provided in the Appendix.

APPENDIX

Exploitation Rate (E_t)

$$E_t = \frac{\text{biomass estimate}}{\text{MSY biomass}} \times .2$$

$$E_{1981} = \frac{186,100}{240,930} \times .2 = .154$$

Allowable Biological Catch (ABC)

$$ABC = E_t \times \text{biomass estimate} + 2,000 \text{ mt}$$

or

$$= \frac{\text{biomass estimate}}{\text{MSY biomass}} \times .2 \times \text{biomass estimate} + 2,000 \text{ mt}$$

$$\begin{aligned} ABC_{1981} &= .154 \times 186,100 + 2,000 \text{ mt} \\ &= 30,750 \end{aligned}$$

Optimum Yield (OY)

$$OY = ABC - \text{subsistence stock} \quad ABC - \text{previous year's AIC}$$

$$\begin{aligned} OY_{1981} &= 30,750 - (3,700 \times .154) - 1,900 \\ &= 28,278 \end{aligned}$$

Allowable Incidental Catch (AIC)

AIC will not exceed 3,000 mt, and will be adjusted based on changes in groundfish (OY), herring biomass, and incidence rate of herring in groundfish trawl operations (IR).

PROPOSED REVISION OF HERRING FMP

2.0 SUMMARY

The Magnuson Fishery Conservation and Management Act (Magnuson Act) requires each of eight Regional Fishery Management Councils to prepare Fishery Management Plans for fisheries within its area of jurisdiction in the Fishery Conservation Zone (FCZ) from 3 to 200 miles offshore. The purpose of each plan is to provide for an optimum yield of the resource to the fishermen and to the nation, and to promote fair and equitable allocation of the resource.

The present plan has been developed by the North Pacific Fishery Management Council (Council) with the assistance of the Alaska Department of Fish & Game (ADF&G) and the National Marine Fisheries Service (NMFS) as a framework which will govern management of fisheries for herring conducted beyond the three-mile limit on a multi-year basis.

The domestic inshore fishery within three miles has been managed by the State of Alaska since the fishery developed in 1977. This plan establishes a cooperative management policy of the North Pacific Council, State of Alaska Board of Fisheries (Board) and the NMFS, under which efforts will be made to assure that the Federal offshore and State inshore herring management regimes complement each other. It provides the basis for management measures and regulations for herring resources over a period of several years.

After a long public comment period, the draft fishery management plan has been modified to incorporate decisions on options and alternatives, including the final decision on the implementation of a herring savings area. This plan proposes the following:

2.1 Management Objectives

The plan proposes the following objectives:

- (a) To maintain the herring resource at a spawning biomass level that will provide the maximum production of recruits to the population on an annual basis.
- (b) To maintain the herring resource at a level that will sustain populations of predatory fish, birds and mammals.
- (c) To maintain the herring resource at a level that will enable the traditional subsistence fishery to harvest herring in the amounts necessary for subsistence purposes.

- (d) To promote full utilization of the herring resource by domestic fisheries.
- (e) To encourage development of herring fisheries in Western Alaska.
- (f) To provide, to the extent possible, a unified management regime between Federal and State jurisdictions.

Together, these management objectives suggest that priority should be given to the various herring fisheries in the following order:

- (a) the inshore subsistence fishery;
- (b) the inshore roe fishery;
- (c) the offshore domestic food and bait fishery; and
- (d) the offshore foreign food and bait fishery.

In addition, the incidental harvest of herring in foreign and domestic groundfish trawl fisheries must be limited.

- 2.2 The Fisheries

The subsistence fishery is conducted within territorial waters from the coast of the Alaska Peninsula to the southern part of the Chukchi Sea, with varying degrees of local dependency on the resource. This is a small spring and summer gillnet fishery (average annual catch from 1975-1980 was approximately 100 metric tons) for herring for personal use.

The domestic commercial herring fishery includes a spawn-on-kelp fishery (1980 catch was 108 mt worth \$168,000) and a developing herring sac roe fishery (1980 catch was 26,782 mt worth \$4.1 million). Both fisheries are conducted in a short early summer season, generally by off-season salmon seiners and gillnetters, within territorial waters. There is also a small bait and food fishery.

Japan and the U.S.S.R. have been the historic participants in the directed distant water herring fishery conducted primarily northeast of the Pribilof Islands. Catches have declined since the peak in the late 1960's and early 1970's (Japanese catch in 1968-1969 was 50,857 mt, Soviet catch in 1969-1970 was 92,228 mt, foreign fleet total in 1968-1969 was 128,230 mt). A Preliminary Fishery Management Plan (PMP) for trawl fisheries and herring gillnet fisheries in the Bering Sea and Aleutian Islands was implemented in 1977, substantially ending the foreign directed food and bait herring fishery,

and limiting foreign vessels to an incidental harvest of herring in groundfish trawl fisheries. Since a court order was issued in February, 1980, herring have been a prohibited species, i.e. the taking of herring must be avoided and any herring caught by the foreign fishery must be thrown back and not retained. This order also terminated plans of United States fishermen for pioneering joint venture operations with Soviet processing vessels for 1980.

2.3 Estimation of Yield

The fishery management plan must assess and specify the Maximum Sustainable Yield (MSY) of the fisheries generated by it over a continuing period of time. MSY is based on an assessment of resource biomass. Biomass of the Bering Sea herring stocks wintering off the Pribilof Islands was estimated using data from Soviet hydroacoustic crawl surveys (1965, 1978) and from ecosystem modelling (1978). MSY was calculated from the average annual foreign fishery catch from 1962 to 1976, which was equal to 48,186 metric tons (mt) from an estimated biomass of 240,930 mt, at an exploitation rate of 20%. This estimate may be conservative and may be revised as additional research and catch information become available. The biomass level that will produce MSY over the long term will fluctuate according to growth, recruitment and mortality factors (see Section 9.6.1).

The annual estimate of the acceptable biological catch (ABC) will be calculated by the formula

$$\text{ABC} = \frac{\text{annual biomass}}{\text{MSY biomass}} \times .2 \text{ (exploitation rate at MSY)} \times \text{annual biomass} \\ + 2,000 \text{ mt (Aleutian/Alaska Peninsula stocks)}$$

The best available estimate of spawning biomass or total biomass will be used. It is expected that the primary basis for these annual estimates will be counts of herring schools made during aerial surveys conducted by ADF&G throughout the spawning season. The greatest amount of available information is from the Bristol Bay/Good News stock grouping, the Kuskokwim/ Yukon River Delta and the Norton Sound stock grouping. These tentative stock groupings are based on similarities of distribution, behavior, utilization and abundance. Estimates are not available for the Aleutian/Alaska Peninsula stock grouping or the Port Clarence/Kotzebue Sound stock grouping, neither of which has been extensively exploited commercially in the past.

The plan maintenance team (PMT), which will recommend the ABC estimate to the Council each year, may use any other available information to augment the aerial survey counts. It is expected that in some years there may be no reasonable aerial survey data due to weather, ice or other factors. In the absence of spawning survey data the PMT will use the procedure outlined in Section 9.6.2.3.

The Allowable Incidental Catch (AIC) of herring in the groundfish trawl fisheries will not exceed 3,000 mt. AIC applies to both foreign and domestic groundfish trawl fisheries for the fishing year beginning April 1. The guidelines for adjustment of AIC are specified in Section 9.6.2.4.

The Optimum Yield (OY) is a departure from ABC for socioeconomic reasons. OY will be calculated in two stages (preliminary OY and final OY) based on the formula.

$$OY = ABC - \text{previous year's AIC} - \text{subsistence stocks ABC}$$

Stocks utilized exclusively for subsistence will be free from inshore commercial harvest, and the portion of ABC attributed to those stocks will be subtracted from ABC.

The priorities of allocation, the availability of data, and the sequential occurrence of the fisheries require a system of in-season management for timely allocation based on current stock assessment information. In September of each year the PMT will use the most current data to determine ABC, AIC, and OY. This OY will be the final OY for the current year and be the basis for additional allocation to offshore fisheries during the remainder of the herring fishing year. This is also the preliminary OY for the succeeding year and will be the basis for preliminary allocations to the domestic food and bait fishery and to the inshore fisheries. Final allocations of remaining OY will depend on condition of stocks and performance of the fisheries (see Section 14.2).

2.4 Allocation of OY to the Fisheries

2.4.1 Fishing year. April 1 to March 31

A fishing year commencing April 1 coincides with the migration of herring into coastal waters for spawning and is a natural division between the fisheries occurring on the winter grounds and those on the spawning grounds.

2.4.2 Allocation of preliminary OY

In September, a preliminary estimate of OY will be developed by a herring plan maintenance team (PMT or team) appointed by the Council, for the fishing year beginning the following April. The team will consist of representatives from the NMFS and ADF&G, and other individuals that the Council may wish to appoint.

The PMT will analyze all biological and fisheries data relevant to determination of ABC. Following the determination of ABC, the team will make an estimation of Allowable Incidental Catch (AIC) (for the following fishing year, April 1 to March 31) which is deducted from ABC, (see Section 9.6.2.4).

The team will also evaluate all socio-economic data available to it for determination of a preliminary OY (Section 12.0) for the following fishing year. The preliminary OY will be presented to the Council and the Alaska Board of Fisheries for review. The preliminary OY recommended by the Council will be submitted to the NMFS for its consideration in setting the preliminary OY by regulation.

After the establishment of a preliminary OY, allocations will be made to the individual fisheries in the following order:

(a) Domestic Offshore Food and Bait Fishery

An allocation will be made to the domestic food and bait fishery for the period April 1 to September 30. This allocation is primarily to provide for current domestic food and bait fisheries. For the immediate future, this allocation will be no greater than 2,000 mt.

(b) Domestic Inshore Roe Fishery

The remaining portion of the preliminary OY will be allocated to the inshore domestic roe fishery.

2.4.3 Determination and allocation of final OY

By September 30 of the current fishing year, the herring PMT will evaluate biomass estimates, biological parameters, ecological factors and socio-economic data to formulate a final OY for the current fishing year, which will also be the preliminary OY for the following fishing year. This will be submitted to the Council for review, and the Council will forward a final OY recommendation to NMFS, which will consider it in setting the final OY by regulation.

(a) Domestic Offshore Food and Bait Fisheries

If a harvestable surplus is available to the food and bait fishery following the roe fishery, fishing will be allowed throughout the FCZ until the end of the fishing year, March 31, or until the allocation is harvested.

The amount to be allocated to the domestic food and bait fishery will be determined by an intent to operate filed before the start of the winter season by processors and fishermen.

If there is no surplus, then the food and bait fishery will be allowed to harvest only its initial 2,000 mt allocation.

If, after the roe fishery, there is no surplus OY, or there is only a very small surplus OY that cannot be controlled by the regulation of a large fishing fleet, ie. the fishing effort is such that the OY can be taken within a reporting period, then domestic and foreign fisheries having the potential to take herring will be closed in offshore areas of herring concentrations (see Section 14.3.2.).

(b) Foreign Fisheries

If domestic fisheries utilize all of the OY and the domestic portion of AIC, then only the foreign Allowable Incidental Catch of herring in the groundfish fishery may be taken for the remainder of the fishing year.

Any OY remaining following final domestic food and bait allocation will be allocated to foreign herring food and bait fisheries.

If domestic fisheries are not active in December and there are no indications that domestic herring fisheries will be actively engaged in during the remainder of the fishing year, all or a portion of the remaining domestic food or bait allocation will be released to the foreign fisheries. The Regional Director of the National Marine Fisheries Service, Alaska Region (Regional Director), in consultation with the Council shall make the release from DAB to TALFF by January 30.

2.5 Management Measures for Domestic Fisheries

2.5.1 Inshore commercial fishery

- i. Provisions for allocation. See Section 14.2.2(2).
- ii. Regulations for the orderly conduct of the inshore commercial fishery shall be promulgated by the State of Alaska Board of Fisheries and are not provided for in this plan.
- iii. The FCZ will be closed to directed herring fishing from the beginning of the fishing year, April 1 to July 1, south of 60°N latitude; and to August 1, north of 60°N latitude. However, the Regional Director, in consultation with ADF&G and the Council, may open the FCZ by emergency regulation if ice conditions or other factors preclude full development of the roe fishery within state waters.

Rationale

The roe fishery is currently managed exclusively by the State of Alaska because the entire fishery occurs within State waters. It is expected that the roe fishery will continue inside of three miles in the future since roe quality and recovery rates are greatest in close proximity to the spawning grounds. It is desirable to continue restricting the roe fishery to State waters because product quality will be highest, management and regulation of the fishery will be simplified, aerial biomass surveys will be more easily performed, and fishing on discrete stocks is facilitated. Management of the roe fishery by the State is based on the following considerations:

- (a) the effect of overall fishing effort;
- (b) the catch per unit effort and rate of harvest;
- (c) the relative abundance of herring in comparison with pre-season expectations;
- (d) the performance of the roe fishery;
- (e) the proportion of immature or spawned out herring and the age structure of the populations;
- (f) general information on the condition of herring;
- (g) information pertaining to the optimum yield for herring;

- (h) timeliness and accuracy of catch reporting by buyers to the extent that such timeliness or accuracy may reasonably be expected to affect proper management; and
- (i) any other factors necessary for the conservation and management of the herring resource.

These considerations allow adjustment of harvest levels during the fishery and are also the basis for development of preliminary and final OY's by the Council and NMFS.

The third management measure will prevent a targeted fishery on herring from occurring on stocks immediately prior to spawning in order to allow the inshore fishery the maximum opportunity to harvest the spawning stocks.

2.5.2 Offshore food and bait fishery

- i. Provisions for allocation, see sections 14.2.2.(1) and 14.2.3.(1).
- ii. The FCZ will be closed to directed herring fishing from the beginning of the fishing year, April 1 to July 1, south of 60°N latitude; and to August 1, north of 60°N latitude. However, the Regional Director, in consultation with ADF&G and the Council, may open the FCZ by emergency regulation if ice conditions or other factors preclude full development of the roe fishery within state waters.

Rationale

See the rationale discussed above.

- iii. All or part of the Herring Savings Area as described in Appendix 18.2 will be closed to herring and groundfish trawl fisheries by the Regional Director, in consultation with the Council if:
 - a. There is neither remaining DAH, remaining initial 2000 mt domestic allocation, nor remaining AIC; or
 - b. The amount of remaining DAH, remaining initial domestic allocation, and remaining AIC can be harvested within one reporting period.

Rationale

If it is determined that there is no remaining DAH, initial domestic offshore allocation, or AIC, the Herring Savings Area Closure would be implemented to protect the feeding stocks against further harvesting by the winter fisheries. If there is a small amount of remaining DAH, initial domestic offshore allocation, or AIC outstanding that can be taken in one reporting period, an in-season closure could be implemented by the Regional Director in order to avoid exceeding the OY between reporting periods (see In-season Adjustment of Time and Area, Section 14.5).

2.5.3 Other regulations

Regulations in the Bering Sea/Aleutian Islands Groundfish FMP for time and area closures shall also apply to all herring fisheries.

Rationale

Any herring trawl fishery in the FCZ is conducted in conjunction with both domestic and foreign groundfisheries. The restrictions on groundfishing operations have been developed to protect incidentally caught species and prevent gear conflicts. As herring fishing gear is similar to gear used for groundfish (e.g. pollock), the herring fishery has potentially the same impact. Thus, the Bering Sea Groundfish FMP implementing regulations specifying time and area closures shall also apply to the herring fisheries to minimize adverse impacts and to maintain consistency of regulations.

2.5.4 Statistical reporting requirements

Landings must be reported on a fish ticket as required by the State of Alaska commercial fishing regulations or on an equivalent form. Fishery data compiled for the domestic offshore herring fishery should have the following precision: catch by species, by $\frac{1}{2}$ degree latitude x 1 degree longitude areas, by gear type and vessel class, and by month; effort (e.g., hours towed, number of landings, number of trips) by gear type and vessel class, and by month.

2.5.5 Permit requirements

All U.S. vessels operating in the FCZ portion of the Bering/Chukchi Sea must have on board a permit issued by the Secretary of Commerce or a State of Alaska vessel license