

**SUMMARY OF ACTIONS
ALASKA BOARD OF FISHERIES
Work Session
October 1-3, 2003**

DESIGNATED REPORTERS: Sherry Wright and Justin Crawford

ELECTIONS

The board elected officers as follows: Chair: Ed Dersham, Vice Chair: Art Nelson

STAFF REPORTS

The commissioner provided a report for the board recognizing the fiscal restraints resulting in the reduced budget. While the state's budget is being reduced, there is also recognition by the administration of the importance of fish and game resources in the state and the management thereof.

Boards Section's budget overview for fiscal year 2004 includes a 20 percent reduction overall. The Board of Fisheries cut of ten days from its current meeting schedule, and the Board of Game cut four days. Proposal books will be distributed only to current advisory committee members and board members, some department offices, and local libraries around the state. Staff and public will be directed to the web site for further copies. Board meetings (for both boards) will be held in Anchorage, Fairbanks or Juneau. The Western Regional office in Bethel was closed, and the regional coordinator position will not be filled. The Western Region advisory committees were divided up by the remaining coordinators. Updated advisory committee list is available in the work book and with the related coordinators.

BOARD COMMITTEE AND TASK FORCE REPORTS

Joint Board/Council Protocol Committee

The Joint Board of Fisheries/North Pacific Fishery Management Council Protocol Committee meeting was held on July 29, 2003 to discuss Gulf of Alaska groundfish rationalization and halibut subsistence. A request was made by NPFMC through ACR 24 to add Gulf rationalization to the board agenda. The board will appoint a stakeholder panel to work on a refinement of the options and a sense of what those options will be (see GOA Groundfish Rationalization below). The joint protocol committee requested the full board take up appeals for the determinations that the council made on halibut subsistence and forward recommendations to the council (see discussion under Halibut Subsistence below). In addition, the committee received information about enforcement issues, and an update on the appeal by Ninilchik.

Marine Protected Areas Committee

The board's MPA committee met in Kodiak on June 10 in order to comment on working definitions for essential fish habitat (EFH) and MPA processes. The committee's charge was to provide recommendations to the full board to consider and forward to the North Pacific Fishery Management Council. Definitions included terms such as marine protected area, marine reserve, marine managed area, etc. The board will forward its recommendations to the council in October 2003.

The board discussed the future of its MPA committee. Due to severe budget reductions, and in addition to comments received from the stakeholder panel members at the June 10 meeting,

the board put this committee's work on hold for the near future. The board recognized the work that the department has accomplished to date through the white paper issued in July 2002.

Crab Rationalization

In March 2003 the board formed a stakeholder group for crab rationalization. The stakeholder panel will not meet until Congress has acted. The timeline for approval is unknown, but still some time away for implementation. The stakeholder group is in place and will be able to move quickly when all the stars are aligned.

FUTURE MEETING SCHEDULE 2004/2005

The 2004/2005 meeting schedule includes Kodiak, Chignik, and Cook Inlet finfish, and statewide king and Tanner crab. The board adopted the following schedule for next cycle:

Work Session: October 5-7, 2004

Kodiak and Chignik Finfish: January 12-18, 2005

Lower Cook Inlet Finfish: February 4-7, 2005

Upper Cook Inlet Finfish: February 9-21, 2005

Statewide King and Tanner Crab and Supplemental Issues: March 14-20, 2005

All meetings will be held in Anchorage.

AGENDA CHANGE REQUESTS

ACR 1

ACTION: Carried

DESCRIPTION: Include Upper Copper and Susitna Rivers in stocked waters management plan

DISCUSSION: Since this management plan is regional in scope, the board will include this area so the region is not fragmented in the management plan. This ACR is scheduled for the January 2004 meeting.

ACR 2

ACTION: Carried

DESCRIPTION: Include Upper Copper and Susitna Rivers in Arctic grayling management plan

DISCUSSION: Since this management plan is regional in scope, the board will include this area so the region is not fragmented in the management plan. This ACR is scheduled for the January 2004 meeting.

ACR 3

ACTION: Carried

DESCRIPTION: Allow troll fishery access to hatchery king salmon in Southeast

DISCUSSION: The early closure of the 2003 winter fishery was an unforeseen effect of a fishery regulation. It was not the intent of the board to delay the opening of the spring fisheries by up to two weeks should the winter fishery GHL be harvested prior to April 30.

ACR 4

ACTION: Failed; workgroup formed

DESCRIPTION: Address allocation of wild and enhanced salmon stocks in PWS

DISCUSSION: The board addressed the Prince William Sound Management and Allocation Plan during the last meeting cycle. The issues in this ACR are allocative, but the board also discussed whether there is an unforeseen effect on the fishery due to the way the regulation is written. Board members determined that an approach involving a stakeholder group will be a more fiscally responsible use of board member time and budget, rather than accepting the ACR for this cycle. Board would like more information on this issue. Board members Bouse, A. Nelson, and Morris were identified to head the board's committee on this issue, and a

charge was written for the workgroup to use for guidance in exploring these issues. (A copy of the charge statement is available from Boards Section.)

ACR 5 **ACTION: Failed; workgroup formed**
DESCRIPTION: Allow spawn-on-kelp in open pounds fishery in Sitka
DISCUSSION: Does not meet the ACR criteria. The board further found no new evidence of changes since the January 2003 meeting held in Sitka. However, a workgroup was created to explore the various issues associated with creating this fishery, with various stakeholders represented on the workgroup. The board will receive a report from the workgroup when the issues have been explored and a recommendation is ready. Board member Jensen will be the contact for the workgroup. (A copy of the charge statement is available from Boards Support Section.)

ACR 6 **ACTION: No action**
DESCRIPTION: Remove the hour limitations in management plans Cook Inlet
DISCUSSION: No action based on action taken on ACR 16.

ACR 7 **ACTION: No action**
DESCRIPTION: Allow spawn-on-kelp in open pounds fishery in Sitka
DISCUSSION: No action based on action taken on ACR 5.

ACR 8 **ACTION: Failed**
DESCRIPTION: Address coho management plan regulations
DISCUSSION: The board received information that the coho returns in July this year seemed to be weaker. Department estimates for Moose River were on the high end of escapement. The board found that the ACR did not meet the criteria. In addition, Cook Inlet will be in cycle next year.

ACR 9 **ACTION: Failed**
DESCRIPTION: Allow additional areas for drift gillnet fleet in Cook Inlet
DISCUSSION: Although there are fewer drift gillnet permits, the board does not believe the criteria have been met.

ACR 10 **ACTION: Failed**
DESCRIPTION: Increase gillnet length and depth in Kenai/Kasilof Area
DISCUSSION: This is primarily an allocative issue. The ACR did not meet the criteria.

ACR 11 **ACTION: Failed**
DESCRIPTION: Modify regulations regarding commissioner's EO authority
DISCUSSION: The board discussed the recent ruling of the court case that addressed restrictions to commissioner emergency order authority. The board believes its current regulations do not violate the separation of powers between the department and board. Department described how it used the EO authority this past season. Department currently has EO authority and the board does not believe further action is necessary.

ACR 12 **ACTION: Failed**
DESCRIPTION: Increase guideline harvest range of scallops in Kamishak area
DISCUSSION: Current information indicates a precautionary approach to harvest is best. The board did not find that the ACR meets the criteria.

ACR 13

ACTION: Failed

DESCRIPTION: Manage Kasilof River by established escapement goals

DISCUSSION: Department EO authority is implemented on a case-by-case basis. This is primarily allocative and does not meet the criteria. It is better addressed in the regular cycle.

ACR 14

ACTION: No action

DESCRIPTION: Remove restrictions on eastside August setnet fishery

DISCUSSION: No action based on action taken on ACR 8.

ACR 15

ACTION: No action

DESCRIPTION: Modify regulations regarding commissioner's EO authority

DISCUSSION: No action based on action taken on ACR 11.

ACR 16

ACTION: Failed

DESCRIPTION: Remove the hour limitations in management plans Cook Inlet

DISCUSSION: Intention is to increase the harvest of sockeye salmon surplus to the spawning escapement, but may have allocative consequences depending on the respective size of the sockeye, king, and coho returns. If this were adopted, it could affect three management plans in place. The board found the ACR does not meet the criteria.

ACR 17

ACTION: No action

DESCRIPTION: Remove the hour limitations in management plans Cook Inlet

DISCUSSION: No action based on action taken on ACR 16.

ACR 18

ACTION: Failed

DESCRIPTION: Allow eastside setnet fishery access to pink salmon

DISCUSSION: This proposal is primarily allocative in nature. This fishery in the Cook Inlet is based on an even-year harvest. This issue could be addressed by EO authority.

ACR 19

ACTION: Failed

DESCRIPTION: Change marker location around Packers Creek

DISCUSSION: This does not meet the criteria. Current leases could be voided if this passed. It would be more appropriate to take this up in the regular Cook Inlet cycle.

ACR 20

ACTION: Failed

DESCRIPTION: Allow Northern District set gillnet fishery to fish flood tides

DISCUSSION: There is an existing harvest cap of 12,500 king salmon for this fishery. This can be addressed during the regular Cook Inlet cycle.

ACR 21

ACTION: Carried

DESCRIPTION: Address Tanner crab management plan for dual permit holders

DISCUSSION: This ACR addresses an unforeseen effect of an experimental core/non-core area management approach the department undertook during the 2002/03 commercial Tanner crab season in order to provide information in support of fulfilling the board's charge to develop a new management plan for the fishery. A few fishers believe they were displaced from traditional fishing grounds. Enforcement stated they would be able to find acceptable methods to work with these groups. This ACR is scheduled for the November 2003 meeting.

ACR 22

ACTION: Failed

DESCRIPTION: Readdress herring fishery in Behm Canal, Ketchikan

DISCUSSION: The issue was fully addressed at the meeting in Ketchikan and there is no new information presented for the board's consideration.

ACR 23**ACTION: Failed****DESCRIPTION:** Allow multiple hooks with bait in burbot fishery in Southcentral**DISCUSSION:** Does not meet the ACR criteria.**ACR 24****ACTION: Carried****DESCRIPTION:** Gulf of Alaska groundfish rationalization options in state waters**DISCUSSION:** Proposal requests the board to address coordination between pending federal fishery action and state fishery regulations during this meeting cycle. The commissioner has requested funds from NPFMC to supplement the stakeholder meetings process. A panel was formed and is tentatively scheduled to be on October 29 (see item below). This ACR is scheduled for the February 2004 meeting.PETITIONS**#1 Cape Romanzof Herring****ACTION: Emergency failed; Proposal generated**

Fishing effort and harvest has reduced dramatically in recent years. The department stated that a biologically viable harvest of herring is available. Board members recognized the significance of the issue but did not see that an emergency exists. Instead, the board generated a proposal (Proposals A) to be considered at the January 2004 board meeting. Proposal A will include all waters of the Cape Romanzof District for the taking of herring.

OTHER SCHEDULING REQUESTS**Halibut Subsistence Appeals Process**

The NPFMC took action in October 2000 to define halibut subsistence eligibility. The council's action allowed for the opportunity to include additional communities for which customary and traditional use findings are developed in the future. The council specifically stated that it intended that communities seeking eligibility pursue a finding from the Board of Fisheries (or the Federal Subsistence Board, as suitable) before petitioning the council

Board members clarified that its recommendations do not include the defining of halibut subsistence eligibility. Appeals have been received by some communities who did not make the council's list, and a small population of individuals who are homesteaders and not defined as a community but have been passed over by the eligibility process. Board members agreed to hear appeals during this year's cycle taking public testimony during their February board meeting. Additionally, the board will schedule appeals for specific meetings during future cycles and make recommendations on appeals and forward those recommendations to the NPFMC. The deadline for submitting appeals will be the ACR deadline each year.

Gulf of Alaska Groundfish Rationalization

The department provided a historical perspective on the groundfish rationalization program in Alaska, coordination efforts with NPFMC, and options for state management. Ideally, the agencies will work toward a mutual agreement and implement a plan that will benefit all interested parties. Board intent will be put into regulatory form, once details are worked out. The board appointed a stakeholder group to identify issues and come up with options for the full board to consider for state waters. The following stakeholder reps are appointed:

Timothy Blott	Julie Bonney	Glenn Carroll	Joe Childers
Sam Cotten	Duncan Fields	Melvin Larsen	Chuck McCallum
Gerry Merrigan	David Polushkin	Jeff Stephan	Joe Sullivan

Board members who will work directly with this steering committee include Ed Dersham, Mel Morris and Art Nelson. The committee is charged with developing recommendations to the board for state waters groundfish under a rationalized fishery. The NPFMC requested the board provide input under the options identified at its June 2003 meeting. Tentative first meeting date for steering committee is October 29 in Anchorage.

Fish ticket reporting of retained catch

In some regions of the state, it is reported that the retention of a legally-caught commercial fish for own use are being sold for profit. The original purpose of this activity was to supplement subsistence and personal use needs. The department requests that the board address a proposal that defines "own use" on a statewide basis. Board generated proposal B will be taken up at the Statewide finfish meeting in November.

Developing Fisheries Policy

The department requested that the board take no action in the November 2003 meeting on proposal 11, the new and developing fisheries policy. The developing fisheries policy has been a work in progress. Last spring, the board postponed action on this policy in order to allow more work on the policy by the department. In addition, the department requested extra time in order to consult with the new administration regarding the specific elements of the policy.

At this time, the department has made only partial progress on the objectives stated above. In addition, the reductions in state funding that are affecting both the board and the department caused the department to rethink the scope and the approach contained in the draft policy. No specific timeline has been identified for further work to be accomplished on the developing fisheries policy. The board expressed its intent to take no action in November when the proposal is officially scheduled.

APPLICATION OF SUSTAINABLE SALMON FISHERIES POLICY DURING THIS CYCLE:

Evaluation for Stock of Concern, Kvichak River Sockeye Salmon

The escapement objective for Kvichak River sockeye salmon has been met once during the past five year period. The 2004 sockeye salmon run to the Kvichak River is anticipated to be below the median pre-peak/peak run, yet large enough to meet the escapement goal of 6 million fish. The department stated that an updated action plan will be presented at the Bristol Bay board meeting. Board members discussed the significance the Kvichak River to the Bristol Bay sockeye fishery and the need to possibly reclassify the river as a stock of management concern. The board recognized that making a determination at the regulatory meeting after allowing the department gather further information and allow the public time to comment.

AYK Stocks of Concern

The department recommended that all currently classified salmon stocks of concern retain the current classification, with the exception that the Norton Sound subdistricts 5 and 6 chinook salmon stocks be classified as a yield concern. Additionally, the department recommends that by removing the Toklat River designation as a management concern the stock would still fall under the overall yield concern for fall chum salmon and be managed under the conservative Yukon River drainage fall chum salmon management plan. Board members expressed interest in obtaining information concerning the economic implications to participants in these fisheries after designating a salmon stock of concern.

Process for addressing Stocks of Concern this cycle

Board members stated that AYK and Bristol Bay stocks of concern will be reviewed this cycle, along with potential future stocks of concern. Action plans will be addressed during the regulatory meeting that involves the area of consideration. Public testimony on specific fisheries and fishery actions will be taken at the regional meeting at which the stock of concern will be discussed.

ORGANIZE PROPOSALS AND ESTABLISH COMMITTEES FOR 2003/2004 CYCLE

Board committee assignments were made for each meeting. The following additional items are scheduled:

November 12 – 17, 2003 Statewide Finfish in Anchorage

ACR 3: Southeast troll fishery; ACR 21: Southeast Tanner crab management plan; and board-generated proposal B: Fish ticket reporting of retained catch.

January 12 – 19, 2004 Arctic/Yukon/Kuskokwim Finfish in Fairbanks

ACR 1: Include Upper Copper and Upper Susitna rivers in stocked waters management plan; ACR 2: Include Upper Copper and Upper Susitna rivers in Arctic grayling management plan; and board-generated proposal A: Cape Romanzof herring fishery.

February 15 – 26, 2004 AK Peninsula/Aleutian Islands Finfish in Anchorage

ACR 24: Gulf of Alaska Groundfish Rationalization; and halibut subsistence appeals received to date.

OTHER REPORTS

AYK Sustainable Salmon Initiative

Department presented information on the Arctic-Yukon-Kuskokwim Sustainable Salmon Initiative. A partnership has been developed to address salmon research and restoration needs. The purpose of the group is to foster expanded fishery research to help understand the causes of the decline of AYK salmon stocks and to support sustainable salmon management in the region. The broad geographic scale including Bering Sea and Western Alaska drainages, coordination among smaller scale planning initiatives, and integration between marine and freshwater disciplines will be the major differences between this plan and previous efforts.

FWP Reorganization

Department of Public Safety provided an overview of the reorganization of the Division of Fish & Wildlife Protection into a bureau within the Alaska State Troopers, and provided several news articles related to the change. The board is concerned with the end effect of this reorganization, and will request a report from the commissioner of Public Safety at its November 2003 meeting.

MISCELLANEOUS BUSINESS

The board updated its Standing Committee list, and will post it on the website.