

ALASKA BOARD OF FISHERIES

January 7-10, 2005

KODIAK FINFISH

PROPOSAL 65 - 5 AAC 01.520. Lawful gear and gear specifications. Allow retention of lingcod and rockfish when subsistence fishing as follows:

(g) Lingcod and rockfish harvested in other subsistence fisheries are lawfully taken and may be retained for subsistence purposes up to the daily bag limit.

PROBLEM: Rockfish and lingcod are caught on subsistence gear that may not be defined for those species. This proposal would allow subsistence caught rockfish and lingcod to be retained up to the daily bag limit in the Kodiak Area when taken from gear not specifically defined for the directed harvest of those species.

Subsistence regulations for the Kodiak Area specify that rockfish and lingcod may only be taken by hand lines or longlines with no more than five hooks. Current federal halibut subsistence regulations allow for the use of 30 hooks per person in a longline configuration. State subsistence regulations for halibut allow only two hooks on a single handline. The lack of parity between state and federal subsistence language has led to confusion among the public and enforcement difficulties when rockfish or lingcod are caught while participating in other subsistence fisheries where hook limits are different from directed subsistence rockfish and lingcod fisheries. This proposal would allow subsistence users to retain incidentally caught rockfish and lingcod.

WHAT WILL HAPPEN IF NOTHING IS DONE? Subsistence users would not be able to legally retain rockfish and lingcod caught while fishing with inappropriate gear.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The public will benefit by parity in the federal and state subsistence language.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-245)

PROPOSAL 66 - 5 AAC 28.200. Description of Prince William Sound Area; 5 AAC 28.400.

Description of the Kodiak Area. Align management area boundaries with current management practices and catch accounting as follows:

5 AAC 28.200. Description of Prince William Sound Area. The Prince William Sound Area consists of waters of Alaska described in 5 AAC 39.975(13) **and bounded on the west by the longitude of Cape Fairfield (148° 50.25' W. long.) south to the latitude of Cape Douglas 58° 51.10' N. lat., and then west to 149° W. long., and on the east by 144° W. long (east of Cape Suckling).**

5 AAC 28.400. Description of the Kodiak Area. The Kodiak Area **groundfish fishery** consists of all waters of Alaska south of a line extending east from Cape Douglas (58°51.10' N. lat), west of **149° W. long.**, [150°] north of 55°30.00' N. lat., and east of a line extending south from the southern entrance of Imuya Bay near Kilokak Rocks (156°20.22' W. long.).

PROBLEM: Current groundfish management area descriptions leave undescribed waters between the eastern boundary of the Kodiak Area (150° W. long.) and the western boundary of Prince William Sound (longitude of Cape Fairfield 148°24' W. long.). Staff from Kodiak and Prince William Sound propose to establish a common boundary between the Kodiak and Prince William Sound Areas at 149° W. long. This change will align management area boundaries with current management practices and catch accounting.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will continue to be a portion of the North Pacific that is not associated with an established state groundfish management area.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The public will benefit from clearly defined, continuous groundfish management area descriptions.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-263)

PROPOSAL 67 - 5 AAC 28.4XX. Kodiak Area Groundfish Management Plan. Create a new regulation to provide the following:

The department shall manage all groundfish species in state waters for pot and jig.

PROBLEM: Problem is lack of access to various species in the three-mile zone.

WHAT WILL HAPPEN IF NOTHING IS DONE? Niche markets cannot be filled, prices will remain flat (rockfish .05 cents per pound).

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Careful handling of individual fish.

WHO IS LIKELY TO BENEFIT? Shoreside communities.

WHO IS LIKELY TO SUFFER? All species in question are currently harvested by the drag fleet. The draw on their quotas would be insignificant.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: John L. Finley (HQ-04-F-176)

PROPOSAL 68 - 5 AAC 28.467(c). Kodiak Area Pacific Cod Management Plan. Amend this regulation to provide the following:

The state water cod jig fishery should begin March 15.

PROBLEM: With the increasing number of participants in the Kodiak state water cod jig fishery, fishermen are being forced to start fishing earlier while cod are still breeding instead of waiting until spring when cod are spawning and we are able to capitalize on ancillary products (roe, etc.)

WHAT WILL HAPPEN IF NOTHING IS DONE? Accidents will happen when small boats feel the need to fish in January. Cod stocks will also be affected.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, better product available in the spring.

WHO IS LIKELY TO BENEFIT? Small boat fishermen.

WHO IS LIKELY TO SUFFER? Nobody, all will benefit.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Tim Gossett (HQ-04-F-303)

PROPOSAL 69 - 5 AAC 28.467. Kodiak Area Pacific Cod Management Plan. Amend this regulation as follows:

State water Pacific cod jig fishery will open April 1, regardless of the date of federal fishery closure.

PROBLEM: The opening date of the Kodiak state waters Pacific cod. The 2004 opening date for this fishery was February 7 (seven days after the closure of the federal cod season). When this fishery was started, the federal season was closing between March 7 and March 15 resulting in a state opening date of mid- to late-March. This fishery was started for smaller vessels to be able to participate in the groundfish fishery. Due to weather conditions in February/March, it seems foolishly unsafe to commence a small boat fishery in mid-February.

WHAT WILL HAPPEN IF NOTHING IS DONE? Waste of resource as boats with fish aboard will get held at anchor due to weather until product is too old to be salable. Eventually, due to weather (rough and/or freezing) there will be vessel(s) and/or live(s) lost.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Other than stated above, no.

WHO IS LIKELY TO BENEFIT? The jig fleet and the processors.

WHO IS LIKELY TO SUFFER? Not applicable.

OTHER SOLUTIONS CONSIDERED? Not applicable.

PROPOSED BY: Ed Flannery (HQ-04-F-025)

PROPOSAL 70 - 5 AAC 28.406(a). Kodiak Area Registration. Amend this regulation as follows:

Superexclusive by “gear type.”

PROBLEM: The Kodiak jig fishery has been left “open access” for the purpose of allowing entrants to participate in a cod fishery. Allowing those vessels with existing cod rights to participate in the jig fishery contradicts the intent of the moratorium.

WHAT WILL HAPPEN IF NOTHING IS DONE? Overcrowding and a shortened season, less profit, and force a small boat fleet to fish in unsafe weather conditions.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, better product over a longer season.

WHO IS LIKELY TO BENEFIT? Existing jig fishermen/new entrants and those who do not have cod rights in another fishery.

WHO IS LIKELY TO SUFFER? Those who already have cod rights.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Dan McFarland (HQ-04-F-078)

PROPOSAL 71 - 5 AAC 28.406. Kodiak Area registration. Amend this regulation to provide the following:

Vessels that register and fish in the state waters Pacific. cod fishery with pots are not eligible to fish in the state waters Pacific cod with jig gear and vice versa.

PROBLEM: Overcapitalization of Kodiak state waters Pacific cod jig fleet.

WHAT WILL HAPPEN IF NOTHING IS DONE? Shorter and shorter seasons, more intense management, the need to limit entry.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The small vessel jig boat fleet.

WHO IS LIKELY TO SUFFER? The larger vessels that already participate in the state pot cod season and, in most cases, the federal pot cod season also.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Ed Flannery (HQ-04-F-024)

PROPOSAL 72 - 5 AAC 28.406. Kodiak Area registration. Amend this regulation as follows:

Change the jig fishery to a superexclusive registration. Only boats who have not fished in any other cod fishery may participate.

PROBLEM: The Kodiak jig fishery is already becoming overcrowded and the season is shortened, forcing small local boats to fish in ever-worsening conditions.

WHAT WILL HAPPEN IF NOTHING IS DONE? Boats in the state pot fishery and the parallel longline fishery will continue to crowd the existing fleet, continually lessening an already meager profit margin. Also, cod stocks close to town will be hit harder, while some in other areas will not be touched.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, the increased pace of the fishery may saturate the fresh filet market.

WHO IS LIKELY TO BENEFIT? Existing jig fishermen.

WHO IS LIKELY TO SUFFER? Those boats that fish in other cod fisheries.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Dana Reid (HQ-04-F-162)

PROPOSAL 73 - 5 AAC 28.406. Kodiak Area registration. Amend this regulation as follows:

In order to participate in the Kodiak jig cod fishery a person cannot have fished in the Kodiak state water pot cod fishery or the parallel cod longline fishery.

PROBLEM: There are too many participants in the Kodiak state water cod jig fishery. To take the pressure off we need to make cod fishing in Kodiak state waters superexclusive by gear type.

WHAT WILL HAPPEN IF NOTHING IS DONE? An accident will happen. A boat will sink as small boat fishermen try to get a jump on each other by fishing tougher weather in January/February.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Small boat fishermen/entry level fishermen.

WHO IS LIKELY TO SUFFER? Pot cod fishermen/longline fishermen.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Tim Gossett (HQ-04-F-305)

PROPOSAL 74 - 5 AAC 28.467. Kodiak Area Pacific Cod Management Plan. Amend this regulation as follows:

Vessels participating in the Kodiak state waters Pacific cod jig fishery may only carry jig machines and appropriate gear onboard.

PROBLEM: Many boats participating in the Kodiak state waters Pacific cod jig fishery carry mechanical jigging machines and long-line gear onboard.

WHAT WILL HAPPEN IF NOTHING IS DONE? I believe some boats are using longline gear during the jig season now, and more will, resulting in unfair advantage, the need for increased

presence of enforcement on the grounds, and much increased (and wasted) halibut bycatch. Also, as “the cheaters” would only set and haul gear in the dark. The all day “soak time” would increase mortality due to sand fleas and suffocation resulting in waste of resource.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Other than stated above, no.

WHO IS LIKELY TO BENEFIT? The honest jig vessels.

WHO IS LIKELY TO SUFFER? The cheaters.

OTHER SOLUTIONS CONSIDERED? Extensive, on grounds enforcement. Rejected due to lack of funding for such.

PROPOSED BY: Ed Flannery (HQ-04-F-026)

PROPOSAL 75 - 5 AAC 28.430. Lawful gear for Kodiak Area. Amend this regulation to restrict the following:

No longline reels or tub gear should be allowed on a jig vessel, period.

PROBLEM: In the Kodiak state waters cod jig fishery many boats have longline gear aboard while they are participating in the jig fishery. There have been many reports of suspicious behavior of these jig boat using longline gear in the jig fishery (i.e., fishing at night with halibut reels).

WHAT WILL HAPPEN IF NOTHING IS DONE? Honest fishermen will suffer. Dishonest fishermen will benefit by using longline gear at night or secretly during the day. Please reduce the temptation to cheat.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Honest fishermen.

WHO IS LIKELY TO SUFFER? Those who use four jig machines and call their halibut longline reel a fifth machine. Those who use a longline reel to anchor.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Tim Gossett (HQ-04-F-304)

PROPOSAL 76 - 5 AAC 28.467. Kodiak Area Pacific Cod Management Plan. Amend this regulation as follows:

There already appears to be ample precedent in restricting the length of vessels in certain fisheries, e.g., 5 AAC 28.390. Vessel length restrictions for the Bering Sea-Aleutian Islands Area. I propose that a new regulation be implemented that would read approximately, “In the Kodiak groundfish area a person may not use a vessel longer than 58 feet in overall length to take Pacific cod by means of jig machines.” This would put the fishery back in the hands of those for whom it was intended, namely those coastal Alaska fishermen directly affected by the salmon downturn.

PROBLEM: Historically, the precept of the cod jig fishery was to provide a continuous fishery for small Alaskan communities impacted by the downturn in the salmon market. The fishery was aimed at giving small-time operators a new income, and for the first few years the jig fishery lasted almost the entire calendar year and did just that. Over time, however, more and more bigger boats have become involved. A lot of them typically fish their “pot” quotas and then switch over to jigging. Many other large boats which normally make their living on halibut IFQs and tendering are also now entered in the jig fishery. The larger boats can obviously fish in rougher weather, have larger hold capacities, and if the trend continues they will make the jig fishery nonviable for small boat incomes. The initial precept has broken down, and now the quota which used to last all year is consumed by May each year.

WHAT WILL HAPPEN IF NOTHING IS DONE? Coastal Alaska fishermen who geared up and expected a decent living from the jig fishery, as initially inferred by the board, will not make enough to keep going.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Essentially no. But it has no negative affect either.

WHO IS LIKELY TO BENEFIT? Coastal Alaska fishermen and small communities that have been severely affected by IFQs and the severely declining salmon market.

WHO IS LIKELY TO SUFFER? Larger vessels that essentially have other, or guaranteed markets (IFQs) to sustain them.

OTHER SOLUTIONS CONSIDERED? 1) Restrict the Kodiak jig fishery to boats homeported in Kodiak; 2) Restrict Kodiak area registered pot vessels from converting to the jig fishery.

PROPOSED BY: Thomas A. Trosvig (HQ-04-F-332)

PROPOSAL 77 - 5 AAC 28.467. Kodiak Area Pacific Cod Management Plan. Amend this regulation to provide the following:

In the Kodiak Area state cod fishery the amount of overharvest of a gear group allocation by pot or jig vessels will be reallocated to the other gear group in the next year’s seasonal allocation as a comparable percentage of the next year’s quota.

PROBLEM: Department staff are unable to control harvest levels by pot vessels in the Kodiak Area state waters Pacific cod fishery. Due to stock abundance and pot gear efficiency the cod pot fleet has grossly exceeded their allocated quota for two years in a row.

Quota overharvest by pot gear currently is subtracted from the regulatory allocation designated for jig fishing vessels. It has the direct and immediate effect of decreasing the jig allocation and takes harvest opportunity away from the jig fleet and hundreds of thousands of dollars out of jig fishermen’s pockets.

Since the pot fishery is generally prosecuted earlier in the year than the jig fishery there is no reason to believe that the current inequitable situation will not continue into the future.

Department staff currently have no regulatory framework to mitigate this problem either through better harvest controls or reallocation of denied opportunity. Something needs to be done now to change this situation.

WHAT WILL HAPPEN IF NOTHING IS DONE? Kodiak jig fishermen will likely continue to suffer decreased harvest opportunity and increased financial hardship.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? There should be no benefits or sufferings in the long term as all should equal over time.

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED? I have rejected no solutions and feel it is imperative to solve this serious problem now.

PROPOSED BY: Peter Allan (HQ-04-F-059)

PROPOSAL 78 - 5 AAC 28.467. Kodiak Area Pacific Cod Management Plan. Amend this regulation to provide the following:

The pot overage would be subtracted from the pot quota the following year and added to the jig quota.

PROBLEM: Cod pot boats are catching the jig boat cod quota.

WHAT WILL HAPPEN IF NOTHING IS DONE? Jig boats will continue losing money every year.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Jig boats would be able to catch their own fish.

WHO IS LIKELY TO SUFFER? Pots would have to survive on their own.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Allan Grauel (HQ-04-F-079)

PROPOSAL 79 - 5 AAC 28.467. Kodiak Area Pacific Cod Management Plan. Amend this regulation as follows:

Let the pot cod fisherman take 75 percent of their quota and then reassess how much quota is left. At this point trip limits would be set for each boat making the pot cod fishery easier to manage in relation to not exceeding the quota.

PROBLEM: The pot cod fishermen have gone significantly over their quota each of the past two years thereby cutting into the jig fishery (the total quota is currently shared equally--if one goes over the other suffers).

WHAT WILL HAPPEN IF NOTHING IS DONE? A significant amount of jig cod fishermen could be put out of business (or severely hampered in their effort to make a living).

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All fishermen (both gear types). Equality will be assured.

WHO IS LIKELY TO SUFFER? Small boat fishermen.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Tim Gossett (HQ-04-F-306)

PROPOSAL 80 - 5 AAC 28.467. Kodiak Area Pacific Cod Management Plan. Amend this regulation as follows:

When the pot fleet reaches approximately 75 percent of their guideline harvest level, the fishery will be temporarily closed. All catches will be delivered and tallied. The department may then institute trip limits to vessels who have participated in that year's fishery.

PROBLEM: The inability of the department to contain the Kodiak cod pot fleet to its allotted quota.

WHAT WILL HAPPEN IF NOTHING IS DONE? Two years in a row the pot fleet has taken almost a million pounds over their quota. This will continue at the expense of jig fishermen who lose those pounds.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The jig fishermen, who may get their entire quota.

WHO IS LIKELY TO SUFFER? A few Bering Sea cod potters who have made it back for one trip in the past two years.

OTHER SOLUTIONS CONSIDERED? Cut off at 75 percent. This would force cod boats to regear in September, with a greater cost per vessel.

PROPOSED BY: Dana Reid (HQ-04-F-163)

PROPOSAL 81 - 5 AAC 28.467. Kodiak Area Pacific Cod Management Plan. Amend this regulation to provide the following:

Pot Pacific cod fisheries will close after 75 percent of their pot vessel quota is reached and reopen in the fall of the same year.

PROBLEM: The overharvest of Pacific cod by pot vessels.

WHAT WILL HAPPEN IF NOTHING IS DONE? The jig fisheries will continue to be cut short of their quotas.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Jig fishers and department management.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Dan McFarland (HQ-04-F-077)

PROPOSAL 82 - 5 AAC 28.467. Kodiak Area Pacific Cod Management Plan. Amend this regulation to provide the following:

Early season Kodiak pot cod will be managed to attain a 75 to 80 percent harvest range. On September 1 the season will reopen to pot vessels to finish the remainder of their allocation and whatever is left on the jig quota as per normal late season management. (This is similar to federal Pollack and cod management.)

PROBLEM: Department staff are unable to control harvest levels by pot vessels in the Kodiak Area state waters Pacific cod fishery. Due to stock abundance and pot gear efficiency the cod pot fleet has grossly exceeded their allocated quota for two years in a row.

Quota overharvest by pot gear currently is subtracted from the regulatory allocation designated for jig fishing vessels. It has the direct and immediate effect of decreasing the jig allocation and takes harvest opportunity away from the jig fleet and hundreds of thousands of dollars out of jig fishermen's pockets.

Since the pot fishery is generally prosecuted earlier in the year than the jig fishery there is no reason to believe that the current inequitable situation will not continue into the future.

Department staff currently have no regulatory framework to mitigate this problem either through better harvest controls or reallocation of denied opportunity. Something needs to be done now to change this situation.

WHAT WILL HAPPEN IF NOTHING IS DONE? Kodiak jig fishermen will likely continue to suffer decreased harvest opportunity and increased financial hardship.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? This proposal is not intended to address quality issues although the slower jig fishery may enhance fresh market opportunities for the processing sector.

WHO IS LIKELY TO BENEFIT? Jig vessels will be able to harvest their allocations in full as designated by the board.

WHO IS LIKELY TO SUFFER? Pot cod harvesters will not get the opportunity to rob quota from jig vessels, thereby possibly decreasing their income.

OTHER SOLUTIONS CONSIDERED? I have not rejected any solutions. I am submitting two other proposals regarding this subject. Solution of this is imperative.

PROPOSED BY: Peter Allan

(HQ-04-F-060)

PROPOSAL 83 - 5 AAC 28.467(c). Kodiak Area Pacific Cod Management Plan. Amend this regulation as follows:

The pot cod fishery will be shut down when 100,000 to 500,000 pounds are left on their quota and all the tickets from processors will be tallied. And the time left to fish will be calculated, or left to the fall. Any overage will be taken off the next years cod fishermen's quota and not the jiggers' for the current year.

PROBLEM: The pot cod fishermen for two years have gone over the quota by almost a million pounds, and the jig fishermen have had it taken off their share of the quota.

WHAT WILL HAPPEN IF NOTHING IS DONE? The jig fishermen will be really upset.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Hard to say; perhaps if the quality of jig fish is better than pot cod.

WHO IS LIKELY TO BENEFIT? Jig fishermen; will get their fair share.

WHO IS LIKELY TO SUFFER? Pot fishermen; will be stopped from encroaching on the jig quota.

OTHER SOLUTIONS CONSIDERED? I have heard some other solutions about moving the fishing to the fall. The important thing is for the pot cod fishery to become responsible for their overages, not the jig fishery.

PROPOSED BY: Charles E. Falconer

(HQ-04-F-083)

PROPOSAL 84 - 5 AAC 28.467(e). Kodiak Area Pacific Cod Management Plan. Amend this regulation as follows:

Cut pot limits in half to slow pot fishery and enhance possibility that department staff can control the allocative harvest level. New regulation: Vessels operating in the Kodiak area state pot cod fishery will have a 30 pot limit.

PROBLEM: Department staff are unable to control harvest levels by pot vessels in the Kodiak Area state waters Pacific cod fishery. Due to stock abundance and pot gear efficiency the cod pot fleet has grossly exceeded their allocated quota for two years in a row.

Quota overharvest by pot gear currently is subtracted from the regulatory allocation designated for jig fishing vessels. It has the direct and immediate effect of decreasing the jig allocation and takes harvest opportunity away from the jig fleet and hundreds of thousands of dollars out of jig fishermen's pockets.

Since the pot fishery is generally prosecuted earlier in the year than the jig fishery there is no reason to believe that the current inequitable situation will not continue into the future.

Department staff currently have no regulatory framework to mitigate this problem either through better harvest controls or reallocation of denied opportunity. Something needs to be done now to change this situation.

WHAT WILL HAPPEN IF NOTHING IS DONE? Kodiak jig fishermen will likely continue to suffer decreased harvest opportunity and increased financial hardship.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? Department staff would be better able to manage fishery. Jig vessels would be able to catch their allocation.

WHO IS LIKELY TO SUFFER? Pot vessels would take a longer time to catch their quota with associated added costs.

OTHER SOLUTIONS CONSIDERED? I have rejected no solutions and am submitting other proposals (possible solutions) for this serious problem.

PROPOSED BY: Peter Allan (HQ-04-F-061)

PROPOSAL 85 - 5 AAC 28.XXX. Logbook requirements for the black rockfish fishery in the Kodiak Area. Create a new regulation that would require logbooks as follows:

- (a) An operator of a vessel fishing for black rockfish in a directed fishery or as incidental harvest exceeding 5 percent of the target species weight in the Kodiak Area shall maintain an accurate logbook of all fishing operations for each gear type used.
- (b) A logbook described in (a) of this section
 - (1) for mechanical jig or hand troll gear must include date, the specific location of harvest by latitude and longitude, the number of hooks per line used, the average depth fished, the hours fished for each line, and the number of bycatch fish taken, by species; for the target species the following is required:
 - (2) the number retained;
 - (3) the number discarded;
 - (4) must be updated within 24 hours after midnight local time on the day of operation; and
 - (5) must be retained, with its original pages, for a period of two years by the vessel owner or operator of the vessel.
- (c) A logbook described in (a) of this section must be kept onboard the vessel while operating gear, during transits to and from a port of landing, and for five days after delivering groundfish.
- (d) A logbook described in (a) of this section must be made available to a local representative of the department or personnel from the Bureau of Wildlife Enforcement upon request.
- (e) A copy of the page of the logbook described in (a) of this section pertaining to a landing must be attached to the fish ticket documenting the landing.
- (f) A person may not make a false entry into the logbook described in (a) of this section.

PROBLEM: Black rockfish are long-lived species that are susceptible to overfishing. Many literature citations, as well as a position statement from the American Fisheries Society, call for very conservative management of rockfishes; most suggesting a target exploitation at or below the level of natural mortality. For black rockfish this is an approximate harvest rate of 9 percent of the population in any given year.

Black rockfish also exhibit a strong degree of site fidelity. Adult fish are often associated with high-relief structures such as reefs and large cobble boulder fields and do not tend to move a great deal, making them susceptible to localized depletion by repeated harvest efforts on the same structures.

In recent years, the black rockfish fishery in the Kodiak Area has become fully utilized. The department cannot track harvest from areas with smaller resolution than statistical areas that are one degree of longitude by one-half degree of latitude. This level of resolution does not allow the department to track effort on specific reefs and habitats to ensure depletion is not occurring.

The department does collect fishing location information during confidential interviews from commercial landings. These interviews do not always provide the detail needed for discreet area resolution and do not occur for all landings of black rockfish. Logbooks have been approved by the board in black rockfish fisheries in Southeast Alaska Area and in the South Alaska Peninsula Area.

WHAT WILL HAPPEN IF NOTHING IS DONE? The department will be unable to accurately track harvest by specific location over time. Without the necessary level of spatial resolution, the population may be depleted in certain small-scale habitats.

A recent workshop on black rockfish fisheries within the State of Alaska focused on the need for accurate harvest data, including detailed harvest location. Vessel operator logbook data comprise the only effective means to obtain this data.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Users of the black rockfish resource should benefit from responsible, long-term management.

WHO IS LIKELY TO SUFFER? Commercial vessel operators will be required to accurately fill out logbooks for their fishing activities and ensure logbook pages are submitted with fish tickets at the time of landing.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-266)

PROPOSAL 86 - 5 AAC 28.472. Black Rockfish possession and landing requirements for Kodiak Area. Amend this regulation as follows:

(b) A vessel operator holding a valid groundfish registration using mechanical jigs or hand troll gear for fisheries other than the directed black rockfish fishery may not have on board the vessel or sell more than 2,500 pounds (round weight) of black rockfish in a single landing, including split fish ticket deliveries. All black rockfish taken in excess of 2,500 pounds (round weight) must be weighed, sold, and reported on a department fish ticket. All proceeds from the sale of black rockfish in excess of 2,500 pounds (round weight) shall be surrendered to the state. Vessels retaining more than 5 percent bycatch of black rockfish shall be subject to 5 AAC 28.XXX Black Rockfish Logbook Requirements for Kodiak Area.

PROBLEM: Current regulations restrict vessels participating in the directed black rockfish fishery to 5,000 pounds within a five-day period. Black rockfish bycatch is limited to 5 percent of the directed species weight. Vessels may not hold a valid black rockfish registration and any other groundfish registration at the same time. This has caused vessel operators to choose between fishing black rockfish or participating in other fisheries such as the state-waters Pacific cod fishery. Historically, many vessel operators participating in the state-waters Pacific cod or parallel groundfish fisheries would also target black rockfish during open seasons; the registration regulation adopted in 2002 has prohibited this practice. Since adoption of the black rockfish registration requirement, only 46 percent of the guideline harvest level (GHL) has been taken.

The department proposes to allow vessel operators to retain up to 2,500 pounds of black rockfish per fishing trip while participating in other jig fisheries for groundfish such as parallel or state-waters Pacific cod fisheries. Vessel operators would also be required to maintain a logbook. These harvests would be counted towards established guideline harvest levels (GHLs). Once GHLs are attained, vessel operators would be restricted to 5 percent bycatch for black rockfish while participating in other fisheries.

WHAT WILL HAPPEN IF NOTHING IS DONE? Vessel operators will continue to be constrained to 5 percent bycatch while registered for other groundfish fisheries.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Many groundfish fishers that would like to retain or target small amounts of black rockfish above the currently allowed 5 percent bycatch allowance while participating in other directed groundfish fisheries.

WHO IS LIKELY TO SUFFER? No one. The delivery limit is small enough to permit inseason management of the black rockfish fishery in the Kodiak Area.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-264)

PROPOSAL 87 - 5 AAC 28.472. Black Rockfish possession and landing requirements for Kodiak Area. Specify the amount of black rockfish that may be onboard or sold as follows:

In the Kodiak Area, a person operating a vessel may not have onboard the vessel or sell more than 5,000 pounds (round weight) **from Monday through Sunday in any given week.** [WITHIN A FIVE-DAY PERIOD] All black rockfish taken in excess of 5,000 pounds (round weight) must be weighed, sold, and reported on a department fish ticket. All proceeds from the sale of black rockfish in excess of 5,000 pounds (round weight) shall be surrendered to the state

PROBLEM: Current regulation specifies that no more than 5,000 pounds of black rockfish can be onboard or sold within a five-day period. Vessel operators often deliver less than 5,000 pounds in a given landing. This results in a rolling five-day period that is difficult for the department to track and for fishery participants to understand how much they can deliver or have onboard within the next fishing trip. This is particularly problematic when the subsequent fishing trip lasts longer than five days from the most recent landing. The department proposes to amend the existing regulation

to specify that no more than 5,000 pounds may be onboard or sold from a period of Monday through Sunday.

WHAT WILL HAPPEN IF NOTHING IS DONE? The department and fishery participants will continue to have difficulty in understanding how the five-day period applies when less than 5,000 pounds are landed.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Fishery participants will benefit from a clearly defined period in which the 5,000-pound trip limit applies.

WHO IS LIKELY TO SUFFER? Vessel operators that prefer to have a continually changing, 'rolling' five-day fishing period.

OTHER SOLUTIONS CONSIDERED? An individual landing limit, regardless of the amount of time spent fishing was discussed. This was rejected because of the difficulty of setting a level that accommodated all potential fishing practices and still provided the department the ability to constrain harvest to a level that would insure guideline harvest levels could be managed for inseason.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-265)

PROPOSAL 88 - 5 AAC 28.472. Black rockfish possession and landing requirements for Kodiak Area. Amend this regulation as follows:

Higher trip limits and/or weekly catch limits especially in areas more distant from Kodiak town-based markets.

PROBLEM: Less restrictive management of black rockfish in Kodiak fishery.

WHAT WILL HAPPEN IF NOTHING IS DONE? The commercial and biologically viable rockfish fishery will continue to be impeded and underutilized.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? Rockfish jig fishermen.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Not applicable.

PROPOSED BY: Peter Allan (HQ-04-F-063)

PROPOSAL 89 - 5 AAC 28.406(d). Kodiak Area registration; and 5 AAC 28.430(e). Lawful gear for Kodiak Area. Amend these regulations to allow the following:

Black rockfish may be harvested in conjunction to the state cod jig fishery until area rockfish quotas are attained. Species specific registration is no longer required.

PROBLEM: Inability to target underutilized rockfish resource during state waters cod jig fishery.

WHAT WILL HAPPEN IF NOTHING IS DONE? Commercially and biologically viable rockfish resources will continue to go unharvested.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Jig fishermen who would like harvest flexibility.

WHO IS LIKELY TO SUFFER? Jig fishermen that primarily target black rockfish.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Peter Allan (HQ-04-F-062)

PROPOSAL 90 - 5 AAC 27.500. Description of Kodiak Area. Amend this regulation to standardize description as follows:

The **herring fisheries in the Kodiak Area** includes all waters of Alaska south of a line extending from Cape Douglas (58° 51.10' N. Lat.), west of 150° W. long., north of 55° 30.00' N. lat., and **north and east of a line extending 135° southeast for three miles from a point near Kilokak Rocks at 57° 10.34' N. lat., 156° 20.22' W. long. (the longitude of the southern entrance of Imuya Bay), then due south** [SOUTH FROM THE SOUTHERN ENTRANCE OF IMUYA BAY NEAR KILOKAK ROCKS (156° 20.22' W. LONG.)].

PROBLEM: Standardize the Kodiak Area herring fisheries description in regulation. In the Kodiak Management Area, current commercial herring fishing regulations do not describe the Kodiak Area the same as in the commercial salmon fishing regulations (5 AAC 18.100), which were changed slightly in 1999. To avoid confusion within the Kodiak Area and between the Chignik and Kodiak Areas, the area should be defined the same in all salmon and herring regulations.

WHAT WILL HAPPEN IF NOTHING IS DONE? Possible confusion over the boundary lines for the Chignik and Kodiak Management Areas in regulation.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All commercial fishermen, the department, and enforcement staff through standardizing the area description in regulation.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? The status quo was rejected because the description should be the same for salmon and herring fisheries in the Kodiak Management Area.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-261)

PROPOSAL 91 - 5 AAC 27.XXX. Use of Global Positioning System (GPS). Clarify how boundary and area lines are identified as follows:

In the Kodiak Area, boundaries, lines, and coordinates are identified with the global positioning system (GPS). If the global positioning system is not operating, the boundaries, lines, and coordinates are as identified by department regulatory markers.

PROBLEM: Define the standard method for measurement of latitude and longitude coordinates used in description of area, districts, sections, and closed waters in the Kodiak Area. Current commercial fishing regulations do not describe that all coordinates are identified with global positioning system. Confusion may occur within the fishing fleet since outdated LORAN technology was used to obtain many coordinates that are still in regulation. GPS technology is more accurate than LORAN in obtaining precise longitude and latitude coordinates, and is the preferred technology. Adoption of this proposal will aid enforcement of existing longitude and latitude lines, and help avoid confusion among the commercial herring fishing fleet

WHAT WILL HAPPEN IF NOTHING IS DONE? Possible confusion between various methods of determining latitude and longitude coordinates. This problem will continue unless the standard for measurement is defined in regulation.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All commercial fishermen, the department, and enforcement staff through clearer regulations.

WHO IS LIKELY TO SUFFER? Potential slight increase or decrease in fishing area if differences occur between coordinates obtained using LORAN versus GPS technology. Additional costs for those fishermen that do not have GPS equipment on vessels.

OTHER SOLUTIONS CONSIDERED? None. GPS is presently the best technology available for determining longitude and latitude coordinates.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-262)

PROPOSAL 92 - 5 AAC 27.525. Seine specifications and operations for Kodiak Area. Amend this regulation as follows:

Reduce herring purse seine depth in the Kodiak Management Area to approximately “three strips” or 600 meshes in depth. The meshes should not be larger than 1 ½ inches. This should approximate 60 feet in depth.

PROBLEM: Herring seine depth for the Kodiak sac roe herring fishery.

WHAT WILL HAPPEN IF NOTHING IS DONE? Fishery that is harder to control and higher probability of harvest of smaller and less mature herring. Also, the current 18-fathom stretch (80 to 85 feet) measurement is hard to enforce, especially on the grounds.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Fishermen seeking a slower fishery and more openings and fishing opportunities. The department needs to manage the fishery conservatively and shallower seines will allow more flexibility to the department. Fishermen who currently fish shallower gear. All fishermen because of easier enforcement.

WHO IS LIKELY TO SUFFER? Fishermen with larger seines.

OTHER SOLUTIONS CONSIDERED? Shorter seines were considered. However, shallower seines better address the biological and enforcement concerns.

Specific prohibition on the sale of herring with less than a certain size or less than 10 percent roe count by weight was considered. These provisions would ensure higher value and quality of herring in the Kodiak area but could also harm fishermen that unintentionally make a bad judgment call. Shorter seines should help to limit the amount of undersize and unripe herring taken. Also, many fishermen want the market place to determine herring size and roe count.

PROPOSED BY: Old Harbor Fisherman's Association (HQ-04-F-195)

PROPOSAL 93 - 5 AAC 27.525(a). Seine specifications and operations for Kodiak Area.
Reduce the depth of purse seines allowed in the herring sac roe fishery as follows:

(a) From April 1 through July 31, a purse seine may not exceed **625 meshes in depth, of which 600 meshes may have a mesh size no larger than one and one-half inches** [18 FATHOMS STRETCH MEASURE IN DEPTH] or 100 fathoms in length. [THE DEPTH SHALL BE DETERMINED BY USING A STRETCH MEASURE OF THE WEB FROM THE CORK LINE TO THE BOTTOM OF THE NET, INCLUDING ANY LINES THAT HANG BELOW THE LEAD LINE].

PROBLEM: Reduce the depth of purse seines allowed in the Kodiak herring sac roe fishery. The department would like to reduce the harvest power of the purse seine fleet by reducing the depth of the seines. Seine fisheries occur on larger herring stocks in the Village Islands, Paramanof Bay, Kiliuda Bay, and Outer Ugak Sections, which have GHLS of 200 to 800 tons. These fisheries experience high effort levels (10 to 30 vessels) and are actively managed by on-the-grounds department management biologists. In fisheries with high effort levels, reducing the depth of the seines would result in slower harvest rates and will reduce the possibility of exceeding GHLS.

WHAT WILL HAPPEN IF NOTHING IS DONE? More conservative management of the sac roe fisheries (shorter openings and/or reduced area) will be necessary to keep seine harvests within established GHLS.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. Shallower nets will force purse seine fishermen to wait until herring are closer to spawning and are moving into shallow waters. This should result in higher roe percentages for seine harvests.

WHO IS LIKELY TO BENEFIT? The Kodiak herring sac roe industry will benefit by landing higher quality product. In addition, the proposed seine specifications are the same as those for the Togiak herring fishery. Those permit holders that fish the Kodiak and Togiak areas will no longer need two different nets to fish these two fisheries.

WHO IS LIKELY TO SUFFER? All herring purse seine fishermen will have to modify their existing Kodiak seines to meet the new, shallower depth restriction.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-259)

PROPOSAL 94 - 5 AAC 27.510(a). Fishing seasons and periods for Kodiak Area. Specify that fishing periods may be set by emergency order as follows:

(a) **Unless otherwise provided for by emergency order,** [H] **h**erring may be taken during the sac roe season from April 15 through June 30 as follows:

- (1) from April 15 through May 7, fishing periods for purse seines are from 12:00 noon until 9:00 p.m. on odd-numbered days, and from 9:00 a.m. until 12:00 noon on even numbered days if a harvestable surplus is available; from May 8 through June 30, fishing periods for purse seines are from 12:00 noon until 10:00 p.m. on odd-numbered days, and from 9:00 a.m. until 12:00 noon on even-numbered days if a harvestable surplus is available;
- (2) from April 15 through June 30, the fishing periods for gillnets are from 12:00 noon on odd-numbered days until 12:00 noon on even-numbered days;

PROBLEM: Change regulations on Kodiak herring sac roe fishing periods to specify that fishing periods may be set by emergency order, reflecting how the fishery has been managed in some sections since 2002. The current regulations were developed before the adoption of an allocation plan (2000). During the 2002 through 2004 herring sac roe seasons, the department managed seine fisheries in some sections with short fishing periods and/or reduced area, or delayed openings in some sections (after the regulatory April 15 season opening date) due to low roe recovery, the presence of recruit class herring, or the department’s inability to monitor fisheries in all sections simultaneously. Additional regulation changes proposed by the department concern management for roe recovery and average size standards and allowing both gear types to fish in the same section. If approved, such changes will require emergency order openings and closures for both gear types. The department would likely maintain the “standard” daily fishing schedules for most sections, by emergency order. However, flexibility is required, in order to allow management for the highest quality product, variable biomass and spawn timing, and allocative goals.

WHAT WILL HAPPEN IF NOTHING IS DONE? Regulations will appear in conflict, and may not reflect how the department is actually conducting the fishery.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. Flexibility in setting fishing periods will allow the department to target some herring fisheries in the Kodiak Area to harvest a higher valued product

WHO IS LIKELY TO BENEFIT? Kodiak commercial herring sac roe fishermen and processors.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-258)

PROPOSAL 95 - 5 AAC 27.535(e)(6). Harvest strategies for Kodiak Area. Allow consideration of product quality in determination of a fishery opening as follows:

(e)(6) the Kodiak herring sac roe fishery is intended to occur in an orderly fashion, with minimal waste of the resource and within conservation limits as determined by the department, **while striving for the highest level of product quality** [WITHOUT REGARD TO ROE RECOVERY STANDARDS];

PROBLEM: Amend the Kodiak herring sac roe harvest strategy to allow consideration of product quality in determination of fishery openings. Currently, Harvest Strategies for the Kodiak Area (5 AAC 27.535) states that the Kodiak sac roe fishery is intended to occur without regard to roe recovery standards. However, the more general Management Guidelines for Commercial Sac Roe Herring Fisheries (5 AAC 27.059) specifies ways in which sac roe fisheries may be managed to enhance the value of the landed product (higher roe content and average size). This proposed change would reconcile these regulations.

In Kodiak, traditionally, harvest of a high quality product has been the responsibility of fishermen and industry. Kodiak herring may return to spawn in very widely separated bays, and over a fairly long spawning season. The Kodiak sac roe season begins on a set date (April 15) and fishermen spread out among many open fishing sections, searching for marketable herring. Fishermen and/or area processors determine minimum size and roe content standards. The department, due to personnel and budget constraints, is unable to intensively manage all open fishing sections.

There are opposing views on optimal management of the Kodiak herring sac roe purse seine fishery. Nearly half of the Kodiak purse seine permit holders also fish the Kodiak herring fishery in Bristol Bay, which begins in late April to early May. These permit holders are anxious to harvest what herring they can in Kodiak before proceeding to the much larger Kodiak fishery. Also, many prefer the option of spreading out throughout the Kodiak archipelago hoping to find good quality fish, rather than concentrating the fleet in a few areas of high herring abundance. Another portion of the Kodiak purse seine fleet would prefer the department manage the purse seine fishery to optimize roe recovery for the greatest economic value. To optimize the roe recovery may require waiting for the herring to ripen before allowing a fishery to occur.

The department, at the request of the majority of purse seine permit holders, more actively managed the 2003 and 2004 purse seine fishery in several sections to control the harvest rate, and for larger average size and higher roe percentages (as in 5 AAC 27.059.). In both the Uganik and Paramanof Bay fisheries, herring generally are present early in the season. Much of the purse seine fleet concentrates in these areas. These herring stocks are relatively large and increasing, and within each section a mix of sizes and maturity (stage of ripeness) may be found. The department biologists in these sections have been able to manage the fisheries on better quality herring through on-the-grounds biomass assessment and voluntary roe recovery testing. Commercial fishing periods in these sections were modified in length and area, to control the harvest and concentrate the fleet on high quality fish.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will continue to be a conflict between the opposing permit holders. The quality and economic value of herring harvested may be less than optimum.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. A roe testing program may be conducted in the sections with larger

guideline harvest levels to determine roe quality prior to a fishery occurring. Only portions of a section may be opened, to concentrate the fishery on the best quality fish. Reduced time and area may also be used to control the rate of harvest

WHO IS LIKELY TO BENEFIT? Purse seine permit holders, through the opportunity to harvest higher value herring.

WHO IS LIKELY TO SUFFER? There may be a loss of harvest opportunities for those permit holders that fish the Togiak fishery if prolonged delays in the Kodiak fishery occur.

OTHER SOLUTIONS CONSIDERED? Status quo. Conflict between existing regulations will remain, leaving confusion and opposing views on optimal management

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-256)

PROPOSAL 96 - 5 AAC 27.510. Fishing seasons and periods for Kodiak Area. Require district registration as follows:

(a)(4) A CFEC permit holder participating in the sac roe fishery after May 8 must be registered with the department.

PROBLEM: Require district registration of herring sac roe fisheries participants after May 8. Currently, there are registration requirements for the Kodiak herring food/bait fishery (5 AAC 27.510 (b)), but no such requirement for sac roe fisheries. While a registration requirement is not needed during the first weeks of the sac roe fishery, registration of participants would be helpful to managers later in the sac roe season. At the onset of the sac roe fishery, on April 15, the department has management personnel stationed in sections where early harvests are likely to occur. After May 1, the fishery slows down and participation declines. Due to budget constraints, after May 1 the size of the department's management staff also declines. Late season fisheries are managed from the department office in Kodiak, based on verbal reports from fishermen and industry personnel. There are, however, no requirements that fishermen report catches daily. Requiring district registration would give managers a firm grasp on fleet size and location.

WHAT WILL HAPPEN IF NOTHING IS DONE? Managers may be unaware of harvests in outlying sections, leading to potential overharvest.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Management and enforcement staff.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Daily reporting requirements. However, this could occupy too much of the manager's time and would be complicated by a lack of means to consistently contact the department each day from remote fishing grounds.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-260)

PROPOSAL 97 - 5 AAC 27.535(e)(2). Harvest strategies for Kodiak Area. Allow both gear types to fish in the same section, if necessary to meet the allocation percentages as follows:

(e)(2) except as provided in (4) of this subsection, the department shall establish guideline harvest levels each year by section based on such information as historical data, current and past fishery performance, sampling of commercial catches, and aerial surveys as follows;

(A) except in districts where only one section is open for fishing, the department shall designate one legal gear type for each section with a guideline harvest level **unless the allocation by gear type within a district can not be achieved by having separate gear areas;**

(B) in districts where only one section is open for fishing **or when the allocation by gear type can not be achieved within a district by having separate gear areas,** the department will, in its discretion, assign a portion of the guideline harvest level to each gear type;

PROBLEM: Change the Kodiak herring sac roe fishery harvest strategy to allow both gear types to fish in the same section, if necessary to meet the allocation percentages. The management of fisheries that may occur in one section, which would include minimizing gear conflicts, would be outlined in the annual fishery harvest strategy.

The department is finding it increasingly difficult to meet the allocation percentages within the Uganik District. The Kodiak herring sac roe fishery harvest strategy states that approximately 20 to 30 percent of the guideline harvest level (GHL) for each district will be allocated to the gillnet permit holders and 70 to 80 percent allocated to the purse seine permit holders. A further provision of the allocative harvest strategy seeks to prevent gear conflicts by allowing only one gear type to fish each open section. The largest herring biomass in the Kodiak Area is found in the Village Islands Section of the Uganik District, which has been designated a seine area since the allocation plan has been in effect (2000). In 2003 there were four sections open to gillnetting and three sections open to purse seining in the Uganik District. Except for the Village Islands Section, fishery performance was poor in all other sections. In 2003 for the four gillnet designated sections, the GHL was 300 tons, but the harvest was only 48 tons. Since fishery performance is an important component of determining future GHLs, the department needed to lower the GHLs in most sections of the Uganik District in 2004. This resulted in more sections being assigned to gillnet gear to meet the allocation percentage or the allocation to gillnet gear would have fallen below the desired 20 to 30 percent.

WHAT WILL HAPPEN IF NOTHING IS DONE? In some cases, the department may be unable to meet the allocation percentages by gear type required by regulation (e.g., gillnet gear in the Uganik District).

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Gillnet permit holders will have an increased opportunity to harvest herring from the Uganik District to achieve their allocation.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-257)

PROPOSAL 98 - 5 AAC 27.535. Harvest strategies for Kodiak Area. Amend this regulation as follows:

The department, in areas identified with a large herring biomass, could manage one section for both gear types separated by time and area even if it meant swapping odd and even days.

PROBLEM: In some areas (Village Islands, Uganik) the spawning biomass has locked into one section, making the allocation between gear groups hard to meet with real fish. The department needs the ability and flexibility to manage the two gear types in a section by time and area.

WHAT WILL HAPPEN IF NOTHING IS DONE? Allocation opportunities will not be met.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? It could if roe testing was done in an area.

WHO IS LIKELY TO BENEFIT? I think this would make the fishery more efficient for the gillnetter without affecting the seine fleet.

WHO IS LIKELY TO SUFFER? Not applicable.

OTHER SOLUTIONS CONSIDERED? Not applicable.

PROPOSED BY: Chris Berns (HQ-04-F-333)

PROPOSAL 99 - 5 AAC 27.510(b). Fishing seasons and periods for Kodiak Area. Allow the season opening date for the Kodiak food/bait fishery to open earlier as follows:

(b) Herring may be taken during the food and bait season from **September 1** [OCTOBER 1] through February 28 only during fishing periods established by emergency order. A CFEC permit holder must register with the department before participating in the food and bait fishery.

PROBLEM: Amend the season opening date for the Kodiak commercial herring food/bait fishery, to allow an earlier opening (September 1). Currently, the season opens on October 1. The largest and most lucrative market for Kodiak bait herring is the Bering Sea red king crab fishery, which begins October 15. The current October 1 season opening date does not allow bait herring permit holders sufficient time to harvest and sell their catch prior to the departure of crab fishing vessels to the Bering Sea. The demand for Kodiak herring as crab bait is strong, because it is fresh and typically has very high oil content. For the 2003 season, both processors and permit holders requested that the department open the fishery early to facilitate bait herring market needs. The department opened the fishery by emergency order on September 21, 2003, and the needs of the herring and crab fishermen were met.

WHAT WILL HAPPEN IF NOTHING IS DONE? The department will be requested to open the season early by emergency order to meet the market needs of the bait herring permit holders and fishing industry. If not opened earlier, herring food/bait permit holders would have a smaller and possibly less lucrative market.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Kodiak herring food/bait permit holders, which would receive the top price for their catch. Kodiak processors would benefit from increased bait herring sales. Bering Sea crab fishers will have quality bait.

WHO IS LIKELY TO SUFFER? Other processors that sell bait products to the Bering Sea crab fishers.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-255)

PROPOSAL 100 - 5 AAC 01.536. Customary and traditional uses of fish stocks. Update the existing finding for amounts necessary for subsistence as follows:

(a) The Alaska Board of Fisheries (**board**) finds that salmon and finfish other than salmon, except steelhead and rainbow trout, in the Kodiak Area, except that portion described in 5 AAC 18.200(g), are customarily and traditionally taken or used for subsistence.

(b) The board finds that:

(1) 25,400 to 42,300 salmon are reasonably necessary for subsistence uses in the Kodiak Management Area;

(2) 600,000 to 1,000,000 usable pounds of finfish other than salmon are reasonably necessary for subsistence uses in the Kodiak Management Area.

(c) The recommended range for salmon is the mean reported subsistence harvest as determined by subsistence permit returns for the Kodiak Area for the period 1993 to 2002 (33,846 salmon) plus or minus 25 percent.

(d) The recommended range for finfish other than salmon is the estimated harvest for home use of finfish other than salmon in pounds usable weight per person based upon household surveys (about 60 pounds per person), multiplied by the 2000 population of the Kodiak Island Borough (14,000 people), plus or minus 25 percent.

PROBLEM: Under AS 16.05.258, the board is required to determine the amount of each fish stock with customary and traditional uses that is reasonably necessary for subsistence uses. In January 1993, the board made an administrative finding that 16,000 to 32,500 salmon and 500,000 to 620,000 usable pounds of finfish other than salmon (except rainbow trout and steelhead) are necessary for subsistence uses in the Kodiak Island Area, except the Mainland District for which there is a negative customary and traditional use finding. However, these amounts were not adopted in regulation. This proposal recommends updating the 1993 finding with more recent data and establishing these revised subsistence use amounts in regulation.

WHAT WILL HAPPEN IF NOTHING IS DONE? The amount necessary for subsistence use for the Kodiak Area salmon and other finfish use will not appear in the subsistence regulations and will be based on outdated information.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All users of the fisheries resources benefit from a clear, data-based finding for the amount necessary for subsistence uses in the Kodiak Area.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-242)

PROPOSAL 101 - 5 AAC 01.5XX. Use of Global Positioning System (GPS). Define the standard method for measurement of latitude and longitude coordinates used in descriptions in the Kodiak Area as follows:

In the Kodiak Area, boundaries, lines, and coordinates are identified with the global positioning system (GPS). If the global positioning system is not operating, the boundaries, lines, and coordinates are as identified by department regulatory markers.

PROBLEM: Define the standard method for measurement of latitude and longitude coordinates used in description of area, districts, sections, and closed waters in the Kodiak Area. Current subsistence fishing regulations do not describe that all coordinates are identified with global positioning system. Confusion may occur within the fishing fleet since outdated LORAN technology was used to obtain many coordinates that are still in regulation. GPS technology is more accurate than LORAN in obtaining precise longitude and latitude coordinates, and is the preferred technology. Adoption of this proposal will aid enforcement of existing longitude and latitude lines, and help avoid confusion among subsistence fishermen.

WHAT WILL HAPPEN IF NOTHING IS DONE? Possible confusion between various methods of determining latitude and longitude coordinates. This problem will continue unless the standard for measurement is defined in regulation.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All subsistence fishermen, the department, and enforcement staff through clearer regulations.

WHO IS LIKELY TO SUFFER? Potential slight increase or decrease in fishing area if differences occur between coordinates obtained using LORAN versus GPS technology. Additional costs for those fishermen that do not have GPS equipment.

OTHER SOLUTIONS CONSIDERED? None. GPS is presently the best technology available for determining longitude and latitude coordinates.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-243)

PROPOSAL 102 - 5 AAC 01.500. Description of Kodiak Area. Standardize the Kodiak Area description as follows:

The Kodiak Area **subsistence fisheries** includes all waters of Alaska south of a line extending from Cape Douglas (58° 51.10' N. Lat.), west of 150° W. long., north of 55° 30.00' N. lat., and **north and east of a line extending 135° southeast for three miles from a point near Kilokak Rocks at 57° 10.34' N. lat., 156° 20.22' W. long. (the longitude of the southern entrance of**

Imuya Bay), then due south. [SOUTH FROM THE SOUTHERN ENTRANCE OF IMUYA BAY NEAR KILOKAK ROCKS (156° 20.22' W. LONG.)]

PROBLEM: Standardize the Kodiak Area description for subsistence fishing in regulation. In the Kodiak Management Area, current subsistence fishing regulations do not describe the Kodiak Area the same as in the commercial salmon fishing regulations (5 AAC18.100), which were changed slightly in 1999. To avoid confusion within the Kodiak Area and between the Chignik and Kodiak Areas, the area should be defined the same in all salmon and herring regulations.

WHAT WILL HAPPEN IF NOTHING IS DONE? Possible confusion over the boundary lines for the Chignik and Kodiak management areas in regulation.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All subsistence fishermen, the department, and enforcement staff through standardizing the area description in regulation.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? The status quo was rejected because the description should be the same for herring and salmon fisheries in the Kodiak Management Area.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-244)

PROPOSAL 103 - 5 AAC 01.510. Fishing seasons. Amend this regulation in the Kodiak Area as follows:

The new regulation would add wording that keeps Shafaka Cove closed to gillnet gear after September 30.

PROBLEM: I would like the board to address the use of gillnets inside Shafaka Cove. On October 1 gillnets are allowed inside Shafaka Cove. In two days, all of the remaining fish returning to Potato Lake and Mission Lake are caught by gillnets, leaving no more fish for us to enjoy catching with our fishing poles for the rest of the year.

WHAT WILL HAPPEN IF NOTHING IS DONE? If the problem is not solved, it will continue to ruin the fun for young Kodiak sport fishermen that cannot go out of town on the road, or off island to fish other systems. These fish were planted here for us to enjoy all through the fall.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? The young recreational fishermen this stocking program was meant for.

WHO IS LIKELY TO SUFFER? No one. The amount of fish available for gillnetting is very low.

OTHER SOLUTIONS CONSIDERED? No other solution.

PROPOSAL 104 - 5 AAC 64.022. Waters; seasons: bag, possession, and size limits; and special provision for the Kodiak Area. Amend existing wild trout regulations in the Kodiak Area to conform to the statewide management standards for wild trout as follows:

This proposal is intended to serve as a placeholder, providing the board an opportunity to review and, if practical, modify existing wild trout regulations in the Kodiak Area to conform to the newly adopted Statewide Management Standards for Wild Trout as described in 5 AAC 75.220.

PROBLEM: In March 2003 the board adopted a Statewide Wild Trout Fishery Management Plan. A conservative daily harvest limit of two trout per day, only one 20 inches or greater in length, with an annual limit of two fish 20 inches or greater in length were recommended in the plan as a statewide provision unless the board had adopted provisions of a regional trout management plan as regulations or, circumstances exist where harvest limits can be increased or should be decreased. Current bag, possession, and size limits for wild rainbow/steelhead trout in the Kodiak Area are not wholly consistent with the conservative harvest limits outlined in the statewide management standards described in 5 AAC 75.220. The current rainbow/steelhead trout regulations for the Kodiak area are as follows:

The areawide limit in salt water is two per day, two in possession, of which only one fish daily and in possession may be 20 inches or greater in length. There is no annual limit in salt-waters and fishing is open all year.

In freshwaters, the general bag limit and possession limit is two fish per day, of which only one may be over 20 inches in length. There is no annual limit and flowing waters are open from June 15 to March 31. To protect spawning fish, most flowing waters are closed to rainbow/steelhead trout fishing from April 1- June 14. Exceptions to the general season, bag and possession limits for rainbow/steelhead trout include the following:

- 1) The Ayakulik River drainage and the Karluk River (from the lake outlet to one mile below the Portage) are open to catch and release steelhead fishing from April 1- June 14. Only artificial lures may be used April 1 to May 31.
- 2) In the Buskin River drainage, catch and release fishing, with artificial lures only, is allowed from November 1 to December 31. The Buskin drainage is closed to rainbow/steelhead trout fishing from January 1 through October 31.

In addition, the bag possession limit for stocked lakes is ten fish, of which only one may be over 20 inches in length, however stocked lakes do not fall within the wild trout plan.

WHAT WILL HAPPEN IF NOTHING IS DONE? Sport fishing regulations for rainbow/steelhead, which are not specified under a management plan for the Kodiak Area, will remain inconsistent with statewide management standards for wild trout.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Sport anglers.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None. This proposal provides the opportunity for the board to review sport fishing regulations for wild rainbow/steelhead trout in the Kodiak Area that are not consistent with harvest limits recently recommended in the Statewide Wild Trout Fishery Management Plan.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-325)

PROPOSAL 105 - 5 AAC 64.022(b)(1). Waters; seasons; bag, possession, and size limits; and special provisions for the Kodiak Area. Amend this regulations as follows:

[THE LAKE ROSE TEAD DRAINAGE IS CLOSED TO SPORT FISHING FOR KING SALMON FROM JANUARY 1 – DECEMBER 31;]

Repeal 5AAC 64.022(b)(1)(D), which would then allow sport fishing for king salmon to occur in the Lake Rose Tead drainage under the general seasons, bag and possession limits for king salmon in Kodiak Island fresh waters.

PROBLEM: Under current regulations, the Lake Rose Tead drainage is closed all year to sport fishing for king salmon. This regulation is an artifact associated with a failed king salmon stocking program that occurred in the Lake Rose Tead drainage from 1976-1985. There is no return of king salmon to protect in the Lake Rose Tead drainage.

The department is conducting king salmon enhancement elsewhere on the Kodiak road system and, in 1996, the board selectively opened king salmon fishing in the freshwater drainages of the road zone in order to allow for the opportunistic harvest of straying king salmon. Opening the Lake Rose Tead drainage for potential king salmon harvest would be consistent with this previous board action. The current closure is also confusing to the public because it closes an area where a natural return of king salmon does not occur.

WHAT WILL HAPPEN IF NOTHING IS DONE? The Lake Rose Tead drainage will remain closed to sport fishing for king salmon and anglers will not be able to opportunistically harvest king salmon if they stray into this drainage.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The angling public because they will be able to harvest any stray fish if they do occur.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-326)

PROPOSAL 106 - 5 AAC 64.030. Methods, means, and general provisions—finfish. Amend this regulation in the Kodiak Area as follows:

Sport fishermen shall not cast, drift or troll sport fishing gear across commercial fishing gear, shall not set an anchor on or across commercial fishing gear and shall maintain a distance of at least 100 fathoms (600 feet) from commercial fishing nets.

PROBLEM: Conflict between sport fishermen and commercial fishermen and the entanglement of sport fish gear, hooks, weights, anchors and anchor lines in commercial fishing gear is substantially increasing in Uyak Bay and, perhaps, other areas of the Island. Sport fish lodges in Larsen Bay and surrounding area have increased five-fold over the past few years with a few operators showing reckless disregard for commercial fishing gear.

WHAT WILL HAPPEN IF NOTHING IS DONE? Commercial fishermen will be injured with sport fish hooks in hands, face or otherwise injured by weights and related sport fish gear. Also, commercial fishermen will continue to lose fishing time and revenue due to anchors being pulled or broken and sport fishermen otherwise disturbing the fishing of commercial fishing gear.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Commercial fishermen.

WHO IS LIKELY TO SUFFER? Some sport fishermen may be slightly displaced, but no more than 600 feet.

OTHER SOLUTIONS CONSIDERED? Sport hooks in commercial fishing gear are inherently dangerous. Also, when anchors to a setnet are displaced, it can require that the net be taken up and the remaining anchors reset before the net will fish again—this can take a day or more.

The two gear types need to be separated but the solution needs to be balanced between the fishing needs of both groups. Distances requirements of more than 600 feet were considered. However, the 600-foot distance seems a good balance between the needs of the two gear groups. Most set gillnet anchor lines are about 600 feet long. Also, this distance would allow sport fishing between set gillnets--most of which are 1800 feet or more apart in the Kodiak area.

PROPOSED BY: Uyak Bay Setnetters Association (HQ-04-F-345)

PROPOSAL 107 - 5 AAC 64.XXX. Ayakulik River King Salmon Management Plan. Create a new regulation as follows:

The solution the Kodiak Advisory Committee (KAC) prefers is to work cooperatively with the agency responsible for fisheries management (ADF&G) and the land manager (Kodiak National Wildlife Refuge) to identify any problems in the fishery. If problems are identified, the KAC will determine the solutions the users they think are appropriate and make the necessary regulatory proposals to the appropriate agency. Regulatory proposals may be specific to one aspect of the fishery or presented as an overall management plan.

PROBLEM: The KAC has appointed a work group to study the Ayakulik River king salmon sport fishery. The work group is working cooperatively with the department and the Kodiak National Wildlife Refuge to determine and document visitor use levels, demographics, preferences and to address issues such as litter, overcrowding, and large groups staying for extended periods of time. A census of visitors was conducted in 2003 and will be repeated in 2004. Since the KAC has not completed examining the fishery, we have not decided what regulation recommendations to make, if any. However, we are submitting this placeholder proposal prior to the April 9, 2004 deadline, so that the board will be able to review the fishery at its January 2005 meeting. The KAC may have regulatory recommendations to make at the January 2005 board meeting, after reviewing the

information that will be collected in the upcoming 2004 fishery. Recommendations may include such items as bag limits, methods and means as well as use restrictions.

WHAT WILL HAPPEN IF NOTHING IS DONE? If a placeholder proposal were not submitted, the KAC would not be able to recommend regulatory changes at the January 2005 meeting and would have to wait until the following Kodiak board cycle (2008). Recommendations made by the KAC will help provide the users with the type of fishery they desire. If appropriate regulation proposals are not made, the Ayakulik River king salmon sport fishery may be developed in a manner that does not provide the type of fishery the users want.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT?

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED? Not applicable.

PROPOSED BY: Kodiak Advisory Committee/Ayakulik Work Group (HQ-04-F-034)

PROPOSAL 108 - 5 AAC 18.XXX. Use of Global Positioning System (GPS). Clarify the standard method for measurement of coordinates used in descriptions in the Kodiak Area as follows:

In the Kodiak Area, boundaries, lines, and coordinates are identified with the global positioning system (GPS). If the global positioning system is not operating, the boundaries, lines, and coordinates are as identified by department regulatory markers.

PROBLEM: Define the standard method for measurement of latitude and longitude coordinates used in description of area, districts, sections, and closed waters in the Kodiak Area. Current commercial fishing regulations do not describe that all coordinates are identified with global positioning system. Confusion may occur within the fishing fleet since outdated LORAN technology was used to obtain many coordinates that are still in regulation. GPS technology is more accurate than LORAN in obtaining precise longitude and latitude coordinates, and is the preferred technology. Adoption of this proposal will aid enforcement of existing longitude and latitude lines, and help avoid confusion among the commercial salmon fishing fleet.

WHAT WILL HAPPEN IF NOTHING IS DONE? Possible confusion between various methods of determining latitude and longitude coordinates. This problem will continue unless the standard for measurement is defined in regulation.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All commercial fishermen, the department, and enforcement staff through clearer regulations.

WHO IS LIKELY TO SUFFER? Potential slight increase or decrease in fishing area if differences occur between coordinates obtained using LORAN versus GPS technology. Additional costs for those fishermen that do not have GPS equipment on vessels.

OTHER SOLUTIONS CONSIDERED? None. GPS is presently the best technology available for determining longitude and latitude coordinates.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-246)

PROPOSAL 109 - 5 AAC 18.200. Description of districts and sections. Redefine several section lines within the Kodiak Area as follows:

(a) Afognak District:

(10) Duck Bay Section: all waters of Duck Bay bounded by the latitude of Pillar Cape, by a line from Pillar Cape to Peril Cape, and by **a line from** [THE LATITUDE OF] Cape Kostromitinof **at 152° 33.40' W. long.** [(58° 05.00' N. LAT.)];

(11) Southeast Afognak Section: all waters of Kazakof Bay (Danger Bay) and Afognak Bay bounded by **a line from** [the latitude OF] Cape Kostromitinof **at 152° 33.40' W. long.**, a line from Head Point on Afognak Island to Dolphin Point on Whale Island, and the latitude of Dolphin Point;

(c) Southwest Kodiak District:

(2) Inner Karluk Section: all waters west of Kodiak Island bounded by the latitude of Pafco Point, **a line running east from** [THE LATITUDE OF] Cape Karluk **at 57° 34.40' N. lat.** [(57° 34.70' N. LAT.)], and by midstream Shelikof Strait;

(3) Sturgeon Section: all waters southwest of Kodiak Island bounded by **a line running east from** [THE LATITUDE OF] Cape Karluk **at 57° 34.40' N. lat.**, the latitude of Sturgeon Head (57° 30.65' N. lat.), and by midstream Shelikof Strait;

(4) Halibut Bay Section: all waters southwest of Kodiak Island bounded by the latitude of Sturgeon Head, **a line running east from** [THE LATITUDE OF] Cape Ikolik **at 57° 17.75' N. lat.** [(57° 17.40' N. lat.)], and by midstream Shelikof Strait;

(5) Outer Ayakulik Section: all waters southwest of Kodiak Island bounded on the north by **a line running east from** [THE LATITUDE OF] Cape Ikolik **at 57° 17.75' N. lat.**, and on the south **by a line** at 57° 13.15' N. lat., and offshore at midstream Shelikof Strait;

PROBLEM: Redefine several section lines within the Kodiak Area, in order to clarify and simplify regulations, reduce enforcement problems, and/or allow greater opportunity for fishermen to harvest salmon when the section in question is open to fishing. Three section line modifications are submitted under one proposal. Changes are sought in boundary line descriptions between the Duck Bay and Southeast Afognak sections, the Inner Karluk and Sturgeon sections, and the Halibut Bay and Outer Ayakulik sections.

WHAT WILL HAPPEN IF NOTHING IS DONE? Seine vessels will be unable to effectively fish along these boundary lines, which are located at capes. Enforcement problems are more likely to occur at these section boundaries, due to poor placement of the lines and strong tide and currents

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Commercial seine fishermen, fishery managers, and enforcement personnel.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-247)

PROPOSAL 110 - 5 AAC 18.350. Closed waters. Simplify and/or clarify closed water descriptions for several streams or bays within the Kodiak Area as follows:

(1)(D) Deadman Bay: **east of 153° 51.30' W. long.** [NORTH OF A LINE FROM 57° 05.41' N. LAT., 153° 51.30' W. LONG., TO 57° 07.05' N. LAT., 153° 52.22' W. LONG.];

(2)(C) [ALL WATERS] **south of 57° 33.20' N. lat. and east of 154° 33.20' W. long.** [A LINE FROM 57° 33.73' N. LAT., 154° 30.99' W. LONG., TO 57° 31.48' N. LAT., 154° 34.41' W. LONG., INCLUDING STURGEON LAGOON];

(2)(E) that portion of the Inner Karluk Section **south of 57° 34.50' N. lat. and east of 154° 28.20' W. long.** [ENCLOSED BY A STRAIGHT LINE FROM THE NORTHEAST END OF KARLUK SPIT AT 57° 34.53' N. LAT., 154° 26.70' W. LONG., TO THE ROCKY BLUFF EAST OF TANGLEFOOT BAY AT 57° 34.35' N. LAT., 154° 28.30' W. LONG.];

(3)(B) Zachar Bay: **east of 153° 47.60' W. long.** [WITHIN A LINE FROM 57° 33.55' N. LAT., 153° 47.85' W. LONG., NORTHERLY TO A POINT AT 57° 34.60' N. LAT., 153° 47.70' W. LONG.];

(3)(D) Little River: **south of 57° 50.70' N. lat. and east of 153° 51.89' W. long.** [WITHIN 500 YARDS OF THE TERMINUS];

(3)(E) Cannon's Lagoon (Campbell's): **north of 57° 51.24' N. lat. and west of 153° 37.91' W. long.** [IN THE LAGOON AND 500 YARDS FROM ITS MOUTH];

(3)(H) Terror Bay: [ALL WATERS OF THE BAY] south of **57° 46.32' N. lat.** [57° 46.49' N. LAT.];

(3)(I)(i) Barabara Cove: **east of 152° 54.20' W. long.** [WITHIN ONE-HALF STATUTE MILE OF THE STREAM TERMINUS];

(3)(I)(ii) [ALL WATERS] south of **57° 46.84' N. lat.** [A LINE EXTENDING FROM PESTCHANI POINT (57° 46.82' N. LAT., 152° 51.28' W. LONG.) TO THE OPPOSITE SHORE AT 57° 47.00' N. LAT., 152° 54.10' W. LONG.];

(3)(M) Ouzinkie Harbor: [ALL WATERS OF OUZINKIE HARBOR] north of **57° 55.15' N. lat.** [A LINE FROM 57° 55.25' N. LAT., 152° 30.01' W. LONG., TO 57° 55.05' N. LAT., 152° 29.55' W. LONG.];

(4)(B) Women's Bay: **west of 152° 31.50' W. long.** [ALL WATERS INSIDE A LINE FROM THE TIP OF NYMAN PENINSULA (57° 43.23' N. LAT., 152° 31.51' W. LONG.), TO THE NORTHEASTERN TIP OF MARY'S ISLAND (57° 42.40' N. LAT., 152° 32.00' W. LONG.), TO THE SOUTHEASTERN SHORE OF WOMEN'S BAY AT 57° 41.95' N. LAT., 152° 31.50' W. LONG.];

- (4)(C) Middle Bay: [ALL WATERS] south of 57° 39.70' N. lat. [A LINE FROM 57° 39.92' N. LAT., 152° 29.42' W. LONG., TO THE OPPOSITE SHORE AT 57° 39.48' N. LAT., 152° 28.12' W. LONG.];
- (4)(D) Kalsin Bay: [ALL WATERS] south of 57° 36.45' N. lat. [A LINE FROM A BLUFF ON THE EAST SHORE AT 57° 36.50' N. LAT., 152° 24.61' W. LONG., TO THE OPPOSITE SHORE AT THE SOUTHWEST CORNER OF THE BAY AT 57° 36.45' N. LAT., 152° 27.71' W. LONG.];
- (5)(A)(ii) Eagle Harbor: south of 57° 25.60' N. lat. and west of 152° 42.40' W. long. [WITHIN ONE-HALF STATUTE MILE OF THE TERMINUS OF EAGLE RIVER];
- (5)(A)(iv) Pasagshak Bay: north of 57° 27.00' N. lat. and east of 152° 28.00' W. long. [RIVER (STREAM NO. 259-411); WITHIN 1000 YARDS FROM THE TERMINUS];
- (5)(B)(ii) Dog Bay: north of 57° 19.85' N. lat. [A LINE FROM COXCOMB POINT TO SHEARWATER POINT];
- (5)(C) Shearwater Bay: east of 152° 53.60' W. long. [NORTH OF A LINE FROM 57° 20.20' N. LAT., 152° 52.90' W. LONG., TO 57° 20.60' N. LAT., 152° 53.62' W. LONG.];
- (5)(G) Kiavak Bay: north of 57° 01.10' N. lat. and west of 153° 35.70' W. long. [IN THE LAGOON AND 500 YARDS FROM ITS MOUTH];
- (5)(H) Kaguyak Bay: west of 153° 45.45' W. long. [153° 45.17' W. LONG.];
- (5)(K) Three Saints Bay: west of 153° 32.00' W. long.;**
- (6)(D) Pauls Bay (Perenosa): south and east of a line from 58° 23.85' N. lat., 152° 20.80' W. long., to 58° 23.53' N. lat., 152° 21.35' W. long., to 58° 23.30' N. lat., 152° 21.35' W. long. [WITHIN ONE-HALF STATUTE MILE OF THE TERMINUS OF PAULS CREEK];
- (6)(F)(iv) Long Lagoon [BAY] (includes stream No. 251-301): south of [A LINE FROM] 58° 16.38' N. lat., 152° 53.81' W. LONG., TO 58° 16.40' N. LAT., 152° 53.40' W. LONG.];
- (6)(G) Malina Bay:
(6)(G)(i) east of 152° 55.19' W. long.;
(6)(G)(ii) In Malka Bay south of 58° 10.53' N. lat.;
- (6)(H) Afognak Bay: north of a line from Otrubistoi Point at 58° 02.00' N. lat., 152° 45.50' W. long. to Settlement Point at 58° 03.00' N. lat., 152° 43.70' W. long.;
- (6)(I) Muskomee Bay: east of 153° 04.00' W. long.;**
- (6)(J) Selief Bay: south of 58° 02.15' W. long.;**
- (6)(K) Shuyak:**
(i) Shangin Bay (Includes streams No. 251-702 to 251-704): south of 58° 33.75' N. lat.;
(ii) Whitey's Hole (Includes stream No. 251-705): south of 58° 34.88' N. lat.;
(iii) Carry Inlet (Includes stream No. 251-710): south of 58° 34.23' N. lat.;
(iv) Big Bay (Includes streams No. 251-601 and 251-603): south of 58° 32.84' N. lat.;

(6)(L) Redfox Bay: south of 58° 27.33' W. long.;

(6)(M) Bluefox Bay: south of 58° 25.70' W. long.;

(7)(C) Kafia Bay: **west of 154° 10.50' W. long.** [WITHIN ONE STATUTE MILE OUTSIDE THE ENTRANCE OF THE OUTER LAGOON];

(7)(D) Wide Bay:

(i) west of 156° 30.00' W. long. [A LINE FROM 156° 28.71' W. LONG., 57° 17.90' N. LAT., TO 156° 30.98' W. LONG., 57° 19.80' N. LAT.];

(ii) Big Creek (stream No. 262-851): north of 57° 27.90' N. lat. and west of 156° 11.94' W. long.;

(7)(E) Chiniak Lagoon [CREEK] (stream No. 262-154): south of **58° 31.50' N. lat. and west of 153° 54.50' W. long.** [ALL WATERS ENCLOSED BY A LINE FROM CAPE CHINIAK (58° 30.96' N. LAT., 153° 54.50' W. LONG.) TO A POINT ON VILLAGE BEACH 500 YARDS FROM THE ENTRANCE TO CHINIAK LAGOON];

(7)(G) Hallo Bay: **west of 154° 02.00' W. long.** [(I) NINAGIAK RIVER: INSIDE OF A LINE RUNNING IN A SOUTHEASTERLY DIRECTION FROM A POINT 500 YARDS NORTH OF THE STREAM TERMINUS AND A LINE RUNNING IN AN EASTERLY DIRECTION FROM A POINT 500 YARDS SOUTH OF THE STREAM TERMINUS; (II) UNNAMED STREAM (STREAM NO. 262-203): INSIDE OF A LINE RUNNING IN AN EASTERLY DIRECTION FROM A POINT 500 YARDS NORTH OF THE STREAM TERMINUS AND A LINE RUNNING IN A NORTHEASTERLY DIRECTION FROM A POINT 500 YARDS SOUTH OF THE STREAM TERMINUS];

(7)(H) Village Creek (stream No. 262-153): **north of 58° 33.00' N. lat. and west of 153° 53.80' W. long.** [BETWEEN TWO PARALLEL LINES THAT START AT POINTS LOCATED AT HIGHER HIGH WATER, WITH ONE BEGINNING 500 YARDS NORTH AND SOUTH OF THE STREAM TERMINUS AND EXTEND EAST TO MIDSTREAM OF SHELKOF STRAIT; ALL WATERS WEST OF A LINE ALL WATERS WEST OF A LINE 58° 34.185 N. LAT., 153° 52.485' W. LONG. AND 58° 33.140 N. LAT., 153° 54.659' W. LONG.];

(7)(I) Kinak Bay (includes stream No. 262-451): **north of 58° 10.64' N. lat. and east of 154° 27.45' W. long.** [IN THE LAGOON AND 500 YARDS FROM ITS MOUTH];

(8) Within the designated freshwater salmon streams and rivers of the Kodiak Area; **also, [AND] closed waters at streams not previously listed in 5 AAC 18.350 (a)(1) to (a)(7) shall be as designated on the ADF&G Kodiak Area Salmon Statistical Chart (Revision, February 2005), with streams marked with a circled number remaining open to commercial salmon fishing up to a straight line between the seaward extremities of the exposed tideland banks and streams marked with an uncircled number remaining closed to commercial salmon fishing in** all saltwater within 500 yards of all points of a straight line extending between the seaward extremities of the exposed tideland banks, or as marked by ADF&G regulatory markers; this chart is hereby adopted by reference; the provisions of 5 AAC 39.290 do not apply to the Kodiak Area;

(9) numbered freshwater salmon streams and rivers in this section are those identified on the ADF&G Kodiak Area Salmon Statistical Chart (Revision, **February 2005** [MARCH 2002]) available from the department; this chart is hereby adopted by reference;

(10) all waters seaward of the territorial sea of Alaska as shown on National Oceanic and Atmospheric *Nautical Chart Number 16580 (Twelfth Edition, November 2003* [TENTH EDITION, JULY 18, 1998]) and all waters seaward of the territorial sea of Alaska as shown on the ADF&G *Kodiak Area Salmon Statistical Chart* (Revision, **February 2005** [MARCH 2002]); these charts are hereby adopted by reference.

PROBLEM: Simplify and/or clarify closed water descriptions for several streams or bays within the Kodiak Management Area (KMA). The last major revision of KMA salmon regulatory descriptions of districts, sections, and closed waters occurred in the mid 1980s. At that time, the department attempted to place in regulation legal descriptions of traditional closed water areas, many of which had previously been designated only by closed water markers. Latitude and longitude coordinates were often determined from nautical charts or from LORAN navigation systems. With the advent and expanded use of global positioning systems and computerized mapping and navigation systems, many discrepancies have been found between the regulatory description, current location of closed water markers, and traditional closed waters. In addition, due to budget constraints, the department's ability to maintain the hundreds of closed water markers located throughout the KMA has been compromised. Many regulatory descriptions could be changed slightly, in order to protect the salmon buildup areas at stream mouths and to clarify and/or simplify identification of closed water areas. These are lumped under one proposal.

Coordinates of additional closed water adjustments may be submitted if additional error or omissions are discovered prior to the board meeting for Kodiak salmon fisheries. Regulations on closed waters must also be revised to adopt the most up to date versions of the department statistical chart and NOAA nautical chart.

WHAT WILL HAPPEN IF NOTHING IS DONE? Many closed water areas will continue to be difficult to identify and enforce.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Commercial salmon fishermen, enforcement.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Status quo. However, some closed water areas will continue to be difficult to enforce and fishermen will still have difficulties identifying the exact location of closed water lines.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-250)

PROPOSAL 111 - 5 AAC 18.310. Fishing seasons; 5 AAC 18.361. Alitak Bay District salmon management plan; 5 AAC 18.362. Westside Kodiak Management Plan; 5 AAC 18.365. Eastside Afognak Management Plan; 5 AAC 18.367. Eastside Kodiak Salmon Management Plan; 5 AAC 18.368. North Afognak/Shuyak Island Salmon Management Plan; and 5 AAC 18.369. Mainland District Salmon Management Plan. Amend these regulations as follows:

5 AAC 18.310. Fishing seasons. (a) Salmon may be taken only from **June 1** [JUNE 5] through October 31.

5 AAC 18.361. Alitak [BAY] District Salmon Management Plan.

(b) In the Cape Alitak, Humpy-Deadman, Alitak Bay, Moser Bay, and Olga Bay Sections, from **June 1** [JUNE 5] through June 13, the commissioner may open, by emergency order, a 33-hour commercial test fishing period beginning at 12:00 noon....

(c) Except during the commercial test fishing period under (b) of this section, from **June 1** [JUNE 5] through September 15, the commissioner shall open, by emergency order, fishing periods for the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections at different times of the same day, as follows...

(g) The Cape Alitak Section shall be managed, from **June 1** [JUNE 13] through July 15, based on the Frazer and early Upper Station systems sockeye salmon returns. From July 16 through August 9, in odd-numbered years the Cape Alitak Section shall be managed based on **either the sockeye salmon or** pink salmon returns to the Frazer system, and in even-numbered years it shall be managed based on the sockeye salmon returns **to either the Frazer system or** to Upper Station. From August 10 through August 25, in odd-numbered years, the Cape Alitak Section shall be managed based on the sockeye salmon return to Upper Station, and in even-numbered years it shall be managed based on either the pink salmon return to the Frazer system or on the sockeye salmon return to the Upper Station system. From August 26 through the end of the fishing season, the Cape Alitak Section shall be managed based on the coho and sockeye salmon returns to the entire Alitak [BAY] District.

5 AAC 18.361. Alitak [BAY] District Salmon Management Plan.

(h) The Alitak Bay, Moser Bay, and Olga Bay Sections shall be managed, from **June 1** [JUNE 13] through July 15, based on the Frazer and early Upper Station systems sockeye salmon returns. From July 16 through August 9, in odd-numbered years, the Alitak Bay, Moser Bay, and Olga Bay Sections shall be managed based on **either the sockeye salmon or** pink salmon returns to the Frazer system and in even-numbered years it shall be managed based on the sockeye salmon returns **to either the Frazer system or** to Upper Station...

(i) The Humpy-Deadman Section shall be managed, from **June 1** [JUNE 9] through July 15, at the same time, and with equal fishing time, with the Cape Alitak Section...

(j) The Dog Salmon Flats Section shall be managed, from **June 1** [JUNE 9] through August 20, based on sockeye and pink salmon returns to the Frazer River System...

(k) The Inner and Outer Akalura Sections shall be managed, from **June 1** [JUNE 9] through August 20, based on [EARLY AND LATE] returns of sockeye salmon to the Akalura System. From August 21 through August 26, the Inner and Outer Akalura Sections shall be managed based on coho and [LATE] sockeye salmon returns to the Akalura system...

(l) The Inner and Outer Upper Station Sections shall be managed, from **June 1** [JUNE 9] through **August 25** [AUGUST 20], based on early and late returns of sockeye salmon to the Upper Station system. [FROM AUGUST 21 THROUGH AUGUST 26, THE INNER AND OUTER STATION SECTIONS SHALL BE MANAGED BASED ON COHO AND LATE SOCKEYE SALMON RETURNS TO THE UPPER STATION SYSTEM]

5 AAC 18.362. Westside Kodiak Management Plan.

(b) The Central and North Cape Sections must be managed

(1) from **June 1** [JUNE 9] through approximately June 15, as a mixed-stock fishery directed on early-run sockeye salmon returning to Karluk, Ayakulik, and Olga Bay systems; the department shall open **at least** two commercial test fishing periods, [EACH NOT EXCEEDING] 33 hours in length, during this time;

(6) after approximately September 5, based on **late-run sockeye salmon returning to the Karluk system, and** coho salmon returning to the Northwest Kodiak District.

(c) The Anton Larsen Bay, Sheratin Bay, Kizhuyak Bay, Terror Bay, Inner Uganik Bay, Spiridon Bay, Zachar Bay, and Uyak Bay Sections must be managed

(1) from **June 1** [JUNE 9] through approximately June 15, based on local sockeye and early-run chum salmon returning to the major systems in each section; the department shall open **at least** two commercial test fishing periods, [EACH NOT EXCEEDING] 33 hours in length and occurring simultaneously with those in the Central and North Cape Sections, during this time;

(d) The Southwest Afognak Section must be managed

(1) from **June 1** [JUNE 9] through approximately June 15, as a mixed-stock fishery directed on early-run sockeye salmon returning to Karluk, Ayakulik, and Olga Bay systems; the department shall open one commercial test fishing period, [NOT EXCEEDING] 33 hours in length, during this time; the department may allow additional fishing time in the Malina Creek Terminal Harvest Area described in 5 AAC 18.378 in order to harvest sockeye salmon bound for Malina Creek;

5 AAC 18. 362. Westside Kodiak Management Plan.

(e) The Inner and Outer Karluk Sections must be managed

(1) from **June 1** [JUNE 9] through July 15, based on early-run sockeye salmon returning to the Karluk system; the department may open fishing periods in the Inner Karluk Section only if it appears that the desired early-run escapement goal will be exceeded; in the Outer Karluk Section, [THE DEPARTMENT MAY NOT OPEN MORE THAN ONE 33-HOUR FISHING PERIOD BEFORE JUNE 16 AND], from June 16 through approximately July 15, **the department** shall open fishing periods simultaneously with open periods in the Central Section;

(4) after approximately September 5, based on **late-run sockeye salmon and** coho salmon returning to the Karluk system.

(f) The Sturgeon and Halibut Bay Sections must be managed

(1) from **June 1** [JUNE 9] through approximately June 22, as mixed-stock fisheries directed on early-run sockeye salmon returning to the Karluk, Ayakulik, and Olga Bay systems; the department shall not open any commercial fishing periods during this time;

(g) The Inner and Outer Ayakulik Sections must be managed

(1) from **June 1** [JUNE 9] through approximately July 15, based on early-run sockeye salmon returning to the Ayakulik system;

5 AAC 18.365. Eastside Arognak Management Plan.

(b) The Southeast Afognak Section shall be managed on sockeye salmon returning to Afognak Lake during the period from **June 1** [JUNE 9] through July 5. From July 6 through August 24, fishing opportunities will be based on pink salmon returning to major systems in Afognak, Kazakof (Danger), and Marka Bays. After August 24, fishing time will be dependent on coho salmon returning to this section.

(c) The Duck Bay Section shall be managed based on early chum or sockeye salmon returns to Kitoi Bay hatchery during the period **June 1** [JUNE 9 -] **through** July 18. From July 19 through August 24, fishing time will be based on returning mixed wild and hatchery pink salmon. After August 24, this section shall be managed on local coho salmon runs.

(d) The Izhut Bay Section shall be managed based on the early chum or sockeye salmon returning to Kitoi Bay hatchery from **June 1** [JUNE 9 -] **through** July 26. Fishing time in the Izhut Bay Section will depend on returning wild and hatchery pink salmon from July 27 through August 24...

(e) The Inner and Outer Kitoi Bay Sections shall be managed on early-run chum or sockeye salmon returning to the Kitoi Bay hatchery, from **June 1** [JUNE 9] through July 26...

5 AAC 18.367. Eastside Kodiak Salmon Management Plan.

(b) In the Northeast Kodiak District, the

(3) Buskin River Section shall remain closed until July 6; from July 6 through **July 15** [JULY 10], fishing opportunities shall be based on the abundance of local pink and Buskin Lake sockeye salmon; from **July 16** [JULY 11] through August 24, fishing opportunities shall be based on the abundance of local pink and chum salmon; from August 25 **through** [-] September 5, fishing opportunities shall be based on the abundance of local pink and coho salmon; after September 5, fishing opportunities shall be based on the abundance of local coho salmon;

(c) In the Eastside Kodiak District, for the

(1) Seven Rivers, Two Headed, and Sitkalidak Sections, [THERE MAY NOT BE MORE THAN TWO 33-HOUR FISHING PERIODS] from **June 1** [JUNE 14] through July 5, **fishing opportunities shall be based on** [TO HARVEST] local and mixed Kodiak sockeye salmon **and there may not be more than two 33-hour fishing periods**; from July 6 through August 24, fishing opportunities shall be based on the abundance of local and mixed Kodiak pink and chum salmon; from August 25 through September 5, fishing opportunities shall be based on the abundance of local pink, chum, and coho salmon; after September 5, fishing opportunities shall be based on the abundance of local coho salmon;

(2) Outer Ugak Bay Section, [THERE MAY NOT BE MORE THAN TWO 33-HOUR FISHING PERIODS] from **June 1** [JUNE 14] through **June 21**, [JUNE 22] **fishing opportunities shall be based on** [TO HARVEST] local and mixed Kodiak sockeye salmon **and there may not be more than two 33-hour fishing periods**; from **June 22** [JUNE 23] through July 5, fishing opportunities shall be based on sockeye salmon bound to the Pasagshak River; from July 6 through August 24, fishing opportunities shall be based on the abundance of local and mixed Kodiak pink and chum salmon; from August 25 through September 5, fishing opportunities shall be based on the abundance of local pink, chum, and coho salmon; after September 5, fishing opportunities shall be based on the abundance of late chum and coho salmon;

5 AAC 18.367. Eastside Kodiak Salmon Management Plan.

(c) In the Eastside Kodiak District, **from June 1 through June 13 commercial fishing shall remain closed.** For [FOR] the...

(3) Inner Ugak Bay Section, [THERE MAY NOT BE MORE THAN TWO 33-HOUR FISHING PERIODS] from **June 1** [JUNE 14] through **June 21**, [JUNE 22] **fishing opportunities shall be based on** [TO HARVEST] local and mixed Kodiak sockeye salmon **and there may not be more than two 33-hour fishing periods**; from **June 22** [JUNE 23] through July 5, fishing opportunities shall be based on sockeye salmon bound to Saltery Lake; from July 6 through **July 31** [JULY 10], fishing opportunities shall be based on the abundance of local pink, chum, and Saltery Lake sockeye salmon; from **August 1** [JULY 11] through August 24, fishing opportunities shall be based on the abundance of local pink and chum salmon; from August 25 through September 5, fishing opportunities shall be based on the abundance of local pink and coho salmon; after September 5, fishing opportunities shall be based on the abundance of local coho.

5 AAC 18.368. North Afognak/Shuyak Island Salmon Management Plan.

(c) In the Perenosa Bay Section, from **June 1** [JUNE 9] through July 5, fishing opportunities shall be based on sockeye salmon returning to Pauls Bay and Portage Lake. Additional fishing time to harvest sockeye salmon bound to Waterfall Lake will occur in the Waterfall **Bay** [LAKE] Terminal Harvest Area only

(d) The Shuyak Island Section shall remain closed before July 6. From July 6 through **August 1** [AUGUST 20], fishing opportunities shall be based on the abundance of local and mixed Kodiak pink salmon. After **August 1** [AUGUST 20], fishing opportunities shall be based on the

abundance of local coho salmon. From July 6 through July 25, the Shuyak Island Section shall also be managed in accordance with 5 AAC 18.363(b).

(e) In the Northwest Afognak Section, from **June 1** [JUNE 9] through July 5, fishing opportunities shall be based on sockeye salmon bound to Thorsheim and Long Lagoon and there may not be more than two 33-hour fishing periods. Additional fishing time to harvest sockeye salmon bound for Hidden Lake will occur in the Foul Bay Terminal Harvest Area only...

(f) In the Pauls Bay Section, from **June 1** [JUNE 9] through July 5, fishing opportunities shall be based on sockeye salmon returning to Pauls Bay. From July 6 through August 1, fishing opportunities shall be based on the abundance of local and mixed Kodiak pink salmon and sockeye salmon bound to Pauls Bay...

5 AAC 18.369. Mainland District Salmon Management Plan.

(b) The Big River Section shall be managed, from **June 1** [JUNE 14] through **July 5** [June 22], based on the sockeye salmon return to Swikshak River **and there may not be** [. NO] more than two 33 hour fishing periods [MAY OCCUR FROM JUNE 14 THROUGH JUNE 22]...

(d) The Outer Kukak Section shall be managed, from **June 1** [JUNE 14] through **July 5** [June 22], based on the sockeye salmon return to Kafliia Lakes **and there may not be** [. NO] more than two 33 hour fishing periods [MAY OCCUR BETWEEN JUNE 14 THROUGH JUNE 22]...

5 AAC 18.369. Mainland District Salmon Management Plan.

(h) The Cape Igvak Section shall be managed, from **June 1** [JUNE 5] through July 25, in accordance with the Cape Igvak Salmon Management Plan set out in 5 AAC 18.360...

PROBLEM: Amend the commercial salmon fishing season dates and run timing based management guidelines for Kodiak Management Area (KMA) commercial salmon fishery openings. Timing of early season commercial salmon fishing periods and species oriented guidelines for management timing of many KMA salmon fisheries were put into regulations in the 1980s and 1990s. These regulations were based, in part, on the most current salmon run strength and timing information. Salmon run strength and timing for some stocks have changed. In particular, early sockeye salmon run timing has recently been much earlier than previously experienced. For example, in 2003, early-run escapement of sockeye salmon into the Karluk system exceeded the early-season (prior to July 15) escapement goal before the fishing season opening date listed in regulation (June 5). This proposal seeks to change the commercial salmon fishing season dates and adjust some species specific management timing guidelines in commercial salmon fishery management plans for the KMA.

WHAT WILL HAPPEN IF NOTHING IS DONE? Conflicts may occur concerning the management of commercial salmon fisheries during years in which run timing or strength is different than when the management plans were crafted. Lack of authority to act could lead to overescapement, which could harm future production. Harvest of salmon in excess of escapement needs may be foregone, with a loss of revenue due to curtailed fishing opportunities.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Kodiak commercial salmon fishermen.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Status Quo, but that may preclude harvest opportunities.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-04-F-252)

PROPOSAL 112 - 5 AAC 18.332. Seine specifications and operations. Amend the legal definition of when a purse seine has ceased fishing in the Kodiak Area as follows:

(1) A purse seine has stopped fishing when both ends of the seine, excluding tow lines or straps, are attached to the fishing vessel.

PROBLEM: Change the legal definition of when a purse seine has ceased fishing. Currently, for Kodiak herring fisheries, regulation 5 AAC 27.050(f) states that purse and hand seines have stopped fishing when both ends of the seine are attached to the fishing vessel. However, there is no similar regulation for Kodiak salmon fisheries. Instead, general provision 5 AAC 39.260(c) states that, unless otherwise provided for in 5 AAC 03 – 5 AAC 38, a purse seine is considered to have ceased fishing when all the rings are out of the water.

WHAT WILL HAPPEN IF NOTHING IS DONE? Inconsistency in the definition of when a purse seine has stopped fishing leads to confusion. Enforcement is made more difficult, as it is more difficult to see, from a distance, if the rings of the seine are out of the water. Also, current and tides are strong in the Kodiak Area, and fishermen legally fishing along the capes in an open section can be pulled into adjacent closed sections, often before the fishermen have a chance to get the rings up.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Salmon purse seine fishermen and enforcement officers.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Status quo. Enforcement problems will continue to occur.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-04-F-249)

PROPOSAL 113 - 5 AAC 18.332(a). Seine specifications and operations. Amend this regulation in the Kodiak Area as follows:

No purse seine or hand purse seine may be less than 100 fathoms or more than **250** [200] fathoms in length; **the last 50 fathoms of aggregate length allowed could be either lead web or seine web;**

PROBLEM: The requirement to use large mesh lead web for the last 50 fathoms of length complicates seine construction and repair. It also makes seines slightly less efficient when the lead end is fished on the offshore end of the net. Recently, less than half of Kodiak seine permit holders can afford to fish.

WHAT WILL HAPPEN IF NOTHING IS DONE? We will continue to have to carry two mesh sizes of patch web and experience lower efficiency with higher expense.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Occasionally large salmon “gill” in the lead near the dorsal fin and are damaged in the seine block.

WHO IS LIKELY TO BENEFIT? Any seiner who fishes a sewn-on lead.

WHO IS LIKELY TO SUFFER? Any efficiency increase may reduce harvest of competing fishermen.

OTHER SOLUTIONS CONSIDERED? Seine allocation. Complicates management and does not lead to any direct reduction of costs or efficiency.

PROPOSED BY: Oliver N. Holm (HQ-04-F-308)

PROPOSAL 114 - 5 AAC 29.XXX. Management of the salmon troll fisheries in the Kodiak Area. Create a new regulation to provide the following:

Power and/or hand troll fishing would be legal gear in the Kodiak Management Area.

The season would focus on coho fishing and run from August 1 through September 30. Season timing is to allow maximum coho while minimizing chinook harvest. It would be scheduled after chinook headed for the major systems in the Gulf have passed the Kodiak area.

Initially, any Kodiak salmon permit holder would be eligible to participate in the fishery. CFEC could restrict or further limit the pool of eligible participants.

Minimum size limits would be imposed.

We are aware that a new, or reestablished, troll fishery for the Kodiak Management Area is not possible in a single regulatory cycle. The board will need to work in conjunction with the NPFMC and, perhaps, other governmental bodies. However, given the need to restructure and add value to existing salmon fisheries, the board should consider using the Kodiak troll fishery proposal to initiate a process that could eventually establish a troll fishery in the Kodiak Management Area as well as other areas of the state.

PROBLEM: Overall decline of value in Kodiak salmon fishery and desire to restructure fishery. Inability of Kodiak salmon fishermen to capture economic value from coho/chinook salmon.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued difficulty for Kodiak salmon fishermen to earn enough from fishing salmon to continue in the business. The Kodiak purse seine fishery has one of the lowest use percentages in the state.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Kodiak area fishermen.

WHO IS LIKELY TO SUFFER? Since the fishery will be low volume and focused on local stocks, it is hard to see what Kodiak fishermen would suffer. Each year, a portion of Kodiak coho go unharvested because of market limitations.

OTHER SOLUTIONS CONSIDERED? Regulation changes that could provide higher quality coho were considered—short openings, trip limits, delivery requirements, etc. However, current processing approaches and capabilities may not allow for fishermen to realize higher exvessel value. Troll-caught coho, however, especially if bled and iced at sea, would allow fishermen to either direct market their product or work through local processors to market a specific “type” of product, known in the market place as superior.

PROPOSED BY: Old Harbor Fisherman’s Association (HQ-04-F-193)

PROPOSAL 115 - 5 AAC 18.331. Gillnet specifications and operations. Amend this regulation in the Kodiak Area to provide the following:

New Section: three salmon set gillnet CFEC permit holders with consecutive leased site locations within a management section may form a joint venture and combine their gear under the following conditions: (e)(1)(2)(4)(5). The J/V permit must be signed by all three CFEC permit holders. A three-party J/V permit will allow two gillnets 175 fathoms in length with 50 to 75 fathoms used as hooks. Two of the three parties of the joint venture are legally responsible for the operation of all gear of the joint venture and must be within the management district at all times while the joint venture gear is being fished. Any other leased site locations held by the three members of a joint venture may not be fished by anyone while the joint venture is in effect. No three-party joint venture setnet may be operated within one mile of a spawning stream or within one-half mile of a regulatory boundary marker.

PROBLEM: The economics of fishing under present day low exvessel prices. Lower harvesting costs by increasing efficiency without increasing aggregate percent of catch.

WHAT WILL HAPPEN IF NOTHING IS DONE? Family setnet operations with multiple permits will not be able to stay in business because of low exvessel prices for salmon and increasing harvest costs. Single permit operators will have no opportunity to improve efficiency of operation.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. Harvesting will be more efficient and less time consuming, allowing for more live fish to be harvested and bled increasing the quality and value.

WHO IS LIKELY TO BENEFIT? Families with multiple CFEC permits or any permit holders wishing to improve efficiency and quality by reducing travel time between nets, reducing the amount of gear and effort required to catch the same amount of fish. This proposal will foster cooperative efforts between neighbors and maintain traditional methods and means.

WHO IS LIKELY TO SUFFER? No one. Any three permit holders with side-by-side locations could form a joint venture. The maximum aggregate length of gear for the three permits would be reduced by 100 fathoms and the maximum number of site locations that could be fished would be reduced from six to two. Joint venture nets could not extend any further seaward than currently allowed.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Richard A. Metzger (HQ-04-F-052)

PROPOSAL 116 - 5 AAC 18.331. Gillnet specifications and operations. Amend this regulation in the Cook Inlet Area as follows:

The existing regulation will stand. This proposal should be seen as an optional method of harvesting setnet salmon and would read in the following manner:

Salmon may alternatively be harvested with setnets constructed of seine webbing. The aggregate length of such nets shall be no more than 150 fathoms. The hook shall not exceed 50 fathoms and may be of any configuration. Gillnet webbing may not be used in any portion of such nets.

PROBLEM: Set gillnet gear is not conducive to supplying a product of consistent quality to salmon markets. I would like the board to consider a modification of the regulations that would enable fishermen to maintain harvested salmon in a live condition for delivery to a processor.

WHAT WILL HAPPEN IF NOTHING IS DONE? The nature of gillnet gear, whereby fish are constricted and tangled by narrow, strong and potentially damaging webbing, makes it difficult for fishermen to maintain quality recommendations set forth by state guidelines. Salmon, already tangled or gilled, must frequently be wrenched from gillnets by force. Once clear of the net, fish may then be placed (or thrown) into net bags or totes, or simply dropped to the bottom of a skiff, where additional handling ensues when they are pitched into a brailer at the tender. Given the sometimes heavy volume encountered, it is inevitable that standards lapse and quality deteriorates as more fish are caught. If the setnet fishery continues to be conducted using traditional harvesting methods, innovation enabling quality to be improved will be limited.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Fish harvested in this manner will not be net-marked and could potentially be held and delivered to a tender while still alive. Handling time and frequency would be limited, further increasing quality.

WHO IS LIKELY TO BENEFIT? Setnetters will benefit because they will have the ability to improve both the quality and value of their fish. Processors will see a higher volume of top-graded product, which is increasingly demanded and valued in the marketplace.

WHO IS LIKELY TO SUFFER? Seine fishermen may be opposed to this change because of the historical stigma of fish traps, but these nets would be no longer than existing setnets, and it is questionable if they would be more effective than traditional gear.

OTHER SOLUTIONS CONSIDERED? Fish quality is the primary motivation behind this proposal, and I think this solution is simple, effective and involves very little disruption in a traditional fishery that must innovate to survive and flourish.

PROPOSED BY: Daniel Earle (SC-04-F-137)

PROPOSAL 117 - 5 AAC 18.360. Cape Igvak Salmon Management Plan. Amend this regulation as follows:

The Cape Igvak Management Plan would include language such as: A Cape Igvak fishery must close no less than 48 hours prior to a scheduled Chignik Eastern District opening. The opening of a Cape Igvak fishery will begin no sooner than the closure of a Chignik Eastern District opening. In addition, a Cape Igvak fishery and a Chignik Eastern District opening cannot be held simultaneously.

PROBLEM: Currently, the Kodiak Cape Igvak fishery (which is an intercept fishery of Chignik-bound sockeye) is not coordinated with the openings that the department schedules in the Chignik management area. This creates a financial hardship on the Chignik fleet that is forced to fish in “sifted” waters.

The timing of the Chignik fleet’s fishery is based on the number of sockeye that passes through the Chignik weir. Because of this, the Chignik Eastern District openings cannot be time to the Kodiak scheduled openings.

Therefore the Kodiak Cape Igvak openings must be timed to the Chignik area openings.

WHAT WILL HAPPEN IF NOTHING IS DONE? It will continue to be not economically viable for Chignik fishermen to harvest sockeye in the Chignik Eastern District if a Cape Igvak fishery has just occurred, or is being currently conducted.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, because fishermen will not be fishing in “sifted water” the harvest will be more efficient which means the fish will be able to be delivered to and processed sooner at the plants.

WHO IS LIKELY TO BENEFIT? The Chignik fishermen will benefit by not having to fish in their own area immediately after, or during the time, Kodiak fishermen have sifted through the Chignik-bound sockeye. Increased catch per unit effort and decreased cost would result for the Chignik fishermen.

WHO IS LIKELY TO SUFFER? No one, because the Cape Igvak fishery is a percentage-based quota of the Chignik sockeye harvest. Kodiak fishermen would be simply fishing on different days than the Chignik fishermen. The percentage would not be affected.

OTHER SOLUTIONS CONSIDERED? Set predetermined dates to open Cape Igvak. This will not work because the Cape Igvak fishery is based on a percentage of the Chignik harvest. No other solutions could be identified.

PROPOSED BY: Jim Long (HQ-04-F-100)

PROPOSAL 118 - 5 AAC 18.362(b). Westside Kodiak Management Plan. Amend this regulation as follows:

Move the season opening date for the Westside of Kodiak as follows:

(b) The Central and North Cape Sections must be managed

(1) From **June 1** [JUNE 9] through approximately June 15, as a mixed-stock fishery directed on early-run sockeye salmon returning to Karluk, Ayakulik, and Olga Bay systems; the department shall open **three** [TWO] commercial test fishing periods, each not exceeding **57** [33] hours in length, during this time.

The earlier start time for management is mandated by the earlier run timing of the Karluk system. The three openings are justified by the increase from a seven-day management period to a 15-day management period. And the three, 57-hour openings would provide approximately the same ratio of fishing time in the 15-day period as the current two, 33-hour openings provide in the seven-day period (66/168 or 40 percent vs. 164/360 or 45 percent).

Move the remainder of the Westside Kodiak Management Plan ahead one week as follows:

(b) The Central and North Cape Section must be managed...

(3) from approximately **July 15** [JULY 6] through August 15, based on pink salmon returning to the major pink salmon systems in the Northwest Kodiak District;

(4) from approximately August 15 to **August 31** [AUGUST 24], based on pink salmon returning to the Northwest Kodiak District and on late-run sockeye salmon returning to the Karluk system;

(5) from approximately **August 31** [AUGUST 25] through **September 12** [SEPTEMBER 5], based on late-run sockeye salmon returning to the Karluk system; and

(6) after approximately **September 12** [SEPTEMBER 5], based on coho salmon returning to the Northwest Kodiak District.

Run timing for Karluk's early-run sockeye has changed substantially over the last couple of cycles five to ten years. Each of the past several years, even with continuous fishing, substantial early-run sockeye remain available after the July 6 date. Often the inner and outer Karluk sections remain open until the July 15 date--allowing a subset of Westside fishermen access to these early-run fish. Moving the management for sockeye up to July 13 will not compromise pink salmon management. The peak of the pink season on the Westside is not until the second week of August.

Extending the August management date to allow for both pink salmon and sockeye management provides the department with more flexibility and tracks what is happening on the fishing grounds. Frequently, large amounts of pinks remain available after the August 25 date and a fishery managed strictly for sockeye may force a closure and inhibit pink salmon harvest--or move these fish into the terminal areas and reduce quality. Finally, extending the sockeye management date to September 12 more closely tracks the peak of the fall Karluk sockeye run.

PROBLEM: Run magnitude and timing changes for the Karluk system and related Westside Kodiak management systems.

WHAT WILL HAPPEN IF NOTHING IS DONE? Overescapement will continue to occur in the Karluk system.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Limiting overescapement helps all Kodiak area fishermen. Also, extending the management plan dates by one week for the various transitions and species management priorities could provide additional harvest opportunities to many Kodiak area salmon fishermen.

WHO IS LIKELY TO SUFFER? Availability of some species for specific user groups may be limited by the proposal. However, parallel regulations--for example, releasing chinook salmon in the inner and outer Karluk sections--could mitigate most of these impacts. Generally, changing fishing dates will benefit most fishermen in the Kodiak area.

OTHER SOLUTIONS CONSIDERED? The status quo simply is not addressing the run timing changes in the Karluk and westside sockeye runs. With the best of efforts, the early run to Karluk has overescapements several times in the last couple of cycles and the late run has also overescaped.

Additional changes in dates were considered. For example, a June 5 opening date. This however did not seem early enough given the 2003 experience with the fishery. Also, extending management for sockeye until July 20 was considered. However, this date seemed a little late to focus on pink salmon management if there were exceptionally poor returns.

PROPOSED BY: Duncan Fields

(HQ-04-F-191)

PROPOSAL 119 - 5 AAC 18.3XX. Retention of king salmon in a commercial fishery.

Create a new regulation as follows:

In the Inner Karluk, Outer Karluk, Inner Ayakulik, and Outer Ayakulik sections only, if department managers determine that the local king salmon run(s) are not likely to meet seasonal escapement objective(s), then the department may, by emergency order, require that king salmon greater than 28 inches in length taken in commercial salmon fisheries be returned to the water unharmed.

PROBLEM: The retention of king salmon taken incidentally in directed sockeye or pink salmon fisheries in the Inner and Outer Karluk and Inner and Outer Ayakulik sections, during years of low abundance of local king salmon. Currently, the Westside Kodiak Management Plan (5 AAC 18.362.) stipulates which species of salmon directs management of westside Kodiak fishing sections throughout the commercial salmon fishing season. However, the terminal and near terminal sections normally open only if the escapement of the targeted salmon species is expected to exceed the escapement goal. If, at the same time, local king salmon runs are weak and may not achieve escapement objectives, there is little recourse currently available to the department. If fishing is closed in the terminal or near terminal sections to protect king salmon, escapements of sockeye or pink salmon will exceed escapement objectives. Current emergency order (EO) authority does not allow designation of “prohibited” species in commercial fisheries. 5 AAC 18.394. Possession of Steelhead addresses this issue for the specific case of steelhead taken in terminal Karluk salmon fisheries. The department seeks a similar provision for king salmon, allowing managers the option of restricting the harvest of local adult king salmon in terminal areas near the Karluk and Ayakulik rivers.

WHAT WILL HAPPEN IF NOTHING IS DONE? For the Karluk and Ayakulik river systems, during years of high sockeye or pink salmon abundance but low king salmon abundance, the department will be without the regulatory authority to manage effectively for multiple species.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? King salmon stocks and those that utilize them.

WHO IS LIKELY TO SUFFER? Commercial seine fishermen in the terminal fisheries at the Karluk and Ayakulik.

OTHER SOLUTIONS CONSIDERED? The Westside Kodiak Management Plan could be modified to include concern for local king salmon stock. However, the department would still lack the EO authority to specifically prohibit king salmon harvests, without curtailing all commercial fishing in the area in question.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-04-F-251)

PROPOSAL 120 - 5 AAC 18.200(d)(3). Description of districts and sections. Adjust the boundary line between the Alitak Bay and Moser Bay sections as follows:

(d)(3) Alitak Bay Section: all waters of Alitak Bay bounded on the south by a line from Tanner Head (56° 53.17' N. lat., 154° 13.90' W. long.), to Middle Reef, to the southernmost tip of Fox Island, and a line from the northernmost tip of Fox Island to 57° 01.11' lat., 154° 00.95' W. long., to the Moser Peninsula at 57° 01.10' N. lat., **154° 01.15' W. long., and bounded on the north by a line from Bun Point to** [154° 07.60' W. LONG., TO THE SOUTHWEST END OF] Amik Island at **56° 58.04' N. lat., 154° 07.02' W. long.** [56° 58.05' N. LAT., 154° 07.05' W. LONG.], to the southwest end of Amik Island at **56° 57.85' N. lat.** [56° 54.85' N. LAT.], 154° 07.60' W. long., to the northeast end of Miller Island at 56° 57.80' N. lat., 154° 07.65' W. long., to the northwest end of Miller Island at 56° 57.80' N. lat, 154° 08.80' W. long., to Kodiak Island at 56° 57.90' N. lat., 154° 08.70' W. long.;

PROBLEM: Adjust the boundary line between the Alitak Bay and Moser Bay sections. During the 2002 board meeting on Kodiak salmon, new section boundary lines were adopted, creating the Alitak Bay and Moser Bay sections within the Alitak Bay District. Subsequently, when attempting to groundtruth the adopted latitude and longitude coordinates, discrepancies were noted. Also, Alitak Bay fishermen complained that at least one coordinate was wrong and could affect existing fishing operations.

WHAT WILL HAPPEN IF NOTHING IS DONE? Confusion will exist about where the legal boundary between the Alitak Bay and Moser Bay sections is located.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Alitak District commercial fishermen.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-248)

PROPOSAL 121 - 5 AAC 18.361(b). Alitak Bay District Salmon Management Plan. Amend this regulation as follows:

- 1) Eliminate the pulse fishery by deletion of the language in 5 AAC 18.361(b) that comes after “in the Cape Alitak, Humpy-Deadman, Alitak Bay, Moser Bay and Olga Bay Sections, from June 5 through June 13, the commissioner may open, by emergency order, a 33-hour commercial test fishing period beginning at 12 noon...” If desired, language could be added to affirm that the department will manage the fishery in season based on abundance.
- 2) Do away with rolling openings and give fishermen equal and concurrent fishing time.
- 3) In other words, adopt the fishing time framework from the Alitak Bay District Management Plan that was in place prior to January 1999.

PROBLEM: The Alitak Bay District Salmon Management Plan is structured to provide salmon availability for Kodiak seine fishermen in the Cape Alitak and Humpy-Deadman sections as well as Kodiak setnet fishermen in three sections Alitak Bay, Moser Bay and Olga Bay. Nevertheless, the current plan has cumulative aspects that inhibit the department from achieving the escapement and harvest objectives identified in the plans. (The Frazier system for maximum sustained yield (5 AAC 18.361(a)(2)) and the Upper Station system for sustained yield (5 AAC 18.361(a)(3)). For example, the so-called pulse fishery, there shall be a minimum closure of 63 consecutive hours (2.6 days) in every 10-day period (5 AAC 18.361(b)), is not based on inseason management by the department and may not be responsive to the time of the bulk of salmon returning to a particular system in the Olga/Moser Bay area. To mandate a 2.6-day closure at the very time that the fishery needs to be catching fish to avoid overescapement conflicts with the principles of inseason, abundance-based management already established for the remainder of the Kodiak Management Area. (See, for example, the Westside Kodiak Management Plan, the Eastside Kodiak Management Plan, and the Mainland District Management Plan). The pulse fishery, during 2003 resulted in approximately 62, 731 excess spawners in the Frazer system, a system that has proven very sensitive to too many fish. Also, the traditional harvesting areas were closed in the Cape Alitak, Alitak Bay, Moser Bay and Olga Bay Sections and Inner and Outer Upper Station Sections were opened to prevent an overescapement into Upper Station. Closing the traditional areas is contrary to the Alitak Bay District Salmon Management Plan 5 AAC 18.361(1): salmon bound to these systems be harvested to the extent possible by the traditional fisheries located in the Cape Alitak, Humpy-Deadman, Alitak Bay, Moser Bay, and Olga Bay Sections.

It should be noted that the rolling openings creating a 12-hour differential in fishing time between setnet sections and the seine fishery, 5 AAC 18.361(c), prolong potential negative impacts from the mandated pulse fishery by an additional 12-hour period. This is a cumulative impact that may not have been fully appreciated by the board when creating the rolling openings schedule.

The second problem is unequal fishing time for similarly situation fishermen. The current plan, with the 12-hour differential in fishing time between Olga Bay setnetters and Alitak setnetters, creates inequities that are inconsistent with the way fishermen are treated in the remainder of the Kodiak area (see, for example, that seiners and all setnetters throughout the northwest Kodiak District, despite more than 50 miles distance between them, have equal fishing time). The differential fishing time is not justified by the biology of the fishery (escapement goals).

WHAT WILL HAPPEN IF NOTHING IS DONE? Overescapement will continue to be a probable result of the pulse fishery. The department will continue to be constrained by the mandatory 2.6 day closure without regard to their established inseason abundance based management goals. In addition, similarly situation fishermen will continue to be treated unequally and inequitably.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. Harvesting will occur in the traditional sections, not in the terminal sections where quality is compromised.

WHO IS LIKELY TO BENEFIT? All fishermen in the Alitak Bay District will benefit from abundance-based inseason management and the probable limitation of overescapement in meeting the harvest objectives of the plan. In addition, those similarly situation fishermen currently fishing less time will benefit from equal fishing time.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Other solutions did not track as closely with the existing management approaches in the remainder of the Kodiak District inseason, abundance-based, openings and closings and equal fishing time for similarly situation fishermen.

PROPOSED BY: Alitak Bay Seiners and Alitak Bay Setnetters (HQ-04-F-110)

PROPOSAL 122 - 5 AAC 18.361. Alitak Bay District Salmon Management Plan. Amend this regulation as follows:

Eliminate the allocation objectives in 5 AAC 18.361 by rewording paragraph (c) as follows: Except during the commercial test fishing period under (b) of this section, and from June 5 through September 15, the commissioner shall open, by emergency order, **equal and concurrent** fishing periods for the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections [AT DIFFERENT TIMES OF THE SAME DAY, AS FOLLOWS...(1)...(2)...(3).]

Also delete paragraphs (d) and (e).

In other words, readopt the framework for the fishing openings stipulated by the highly successful Alitak Bay District salmon management plan in place prior to January 2002.

PROBLEM: Allocation objectives in paragraph (e) Alitak Bay District Salmon Management Plan. The 2002 board established an allocation plan unknowingly based on flawed catch data and other inaccurate statements presented by OM fishers (Olga and Moser Bay Section fishers of the Alitak Bay District). The flawed catch data lacked the department's review and approval, but was nonetheless submitted to the board by OM fishers to persuade a vote granting them an underserved range of allocation percentages. There were numerous inaccuracies that were used to reach these allocative guidelines that should be brought to the board's attention.

WHAT WILL HAPPEN IF NOTHING IS DONE? Seiners and set gillnetters in the Alitak Bay District, similarly situated to OM fishers and harvesting same stock fish runs, suffer irrevocable financial harm due to the underserved inequitable allocative guidelines established by the 2002 board, who unknowingly used flawed data and inaccurate statements for their decision.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All seiners and set gillnetters fishing in the Cape Alitak and Alitak Bay sections.

WHO IS LIKELY TO SUFFER? No one. It is to be noted Moser and Olga Bay Section set gillnetters will no longer be guaranteed an underserved advantage over their similarly situation fellow fishermen. All fishers in Alitak Bay District will fish in common, equally and concurrently.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alitak Bay Seiners and Alitak Bay Setnetters (HQ-04-F-111)

PROPOSAL 123 - 5 AAC 18.361. Alitak Bay District Salmon Management Plan. Amend this regulation as follows:

In the Olga/Moser sections (257-40 and 257-43) of the Alitak Bay District, the board shall set a firm allocation of the total sockeye harvest in the district. This allocation would be based on 48 permits home-sited and fishing in Olga and Moser Bay. The department will be directed to manage toward this allocation.

PROBLEM: The current regulations do not direct the department to make inseason adjustments to achieve current allocation guidelines.

WHAT WILL HAPPEN IF NOTHING IS DONE? The gillnet fishery in Olga/Moser Bay will not be economically feasible, and this historical fishery will cease to exist.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, this proposal is part of a plan to shift to a cooperative fishery that will produce live fish delivered to the processor that can be bled and processed at unsurpassed levels of quality.

WHO IS LIKELY TO BENEFIT? The fishers of Olga/Moser Bay, the processors, the consumer and ultimately the salmon industry as a whole will benefit.

WHO IS LIKELY TO SUFFER? It is unknown at this time.

OTHER SOLUTIONS CONSIDERED? The department shall be directed to utilize inseason adjustments of differential openings and closures in the Alitak District. The purpose of these adjustments is to target a harvest of 40 to 50 percent of the Alitak sockeye in Olga and Moser Bays.

PROPOSED BY: Olga Moser Bay Seafood Producers Alliance (HQ-04-F-207)

PROPOSAL 124 - 5 AAC 18.361. Alitak Bay District Salmon Management Plan. Amend this regulation as follows:

a) Maintain the rolling openings, with modifications, but also establish equal fishing time by adding rolling closures. In other words, all fishermen in the Alitak District would fish the same amount of time. The revised openings would have the setnetters in Olga Bay fish first at 6:00 a.m. on day one, the Moser Bay setnetters would open six hours later, the Alitak setnetters 12 hours later. In order to give the Alitak setnetters some “open” fishing, the Alitak seiners would open to fishing 24 hours after Olga Bay started—or at 6:00 a.m. on day two. The Olga Bay setnetters would close first—let’s say at 9:00 a.m. on day one; the Moser Bay setnetters would close six hours later, the Alitak setnetters at 9:00 p.m. on day one and the Alitak seiners would close 24 hours after the Olga Bay setnetters closed—9:00 a.m. on day two. This would give the Alitak setnetters better fishing opportunities, allow seiners a full fishing day on Alitak beach and provide “equal” fishing time for all participants in the fishery.

b) Modify the “pulse” fishery to keep the original intent (approximately 2 to 2.5 day closure) and to correspond to the rolling openings and closings--not make it cumulative. For example, assuming that the Olga Bay setnetters closed at 9:00 a.m. on day one and the Alitak seiners closed at 9:00 a.m. on day two, the pulse closure would be modified to open the Olga Bay setnetters at 9:00 a.m. on day four--72 hours after they last fished and 48 hours after the seiners last fished.

c) Prior to July 15 if the department determines that the sockeye salmon escapement goals will be achieved for the Frazer and early Upper Station sockeye salmon runs the pulse fishery is not

required. However, after July 15 the pulse fishery seems to be mandated without regard to meeting escapement goals. This should be modified so that, throughout the season, a pulse is required only if the department determines that escapement goals may not be met.

d) Finally, if the board determines that “equal time” rolling closures are not needed and/or the pulse fishery regulations should not be modified, the Alitak seiners would like to have an opportunity to participate in any “mop-up” fisheries. The Alitak seiners are limited in fishing time to ensure that adequate escapement is available for the Olga/Moser Bay systems. However, if the seiners are closed--with the pulse fishery and the rolling openings--so that fish in excess of escapement needs end up past the commercial fishing areas, the seiners, in fairness, should have an opportunity to participate in the harvest of the excess salmon.

PROBLEM: The Alitak Bay District Salmon Management Plan is structured to provide salmon availability for Kodiak seine fishermen in the Cape Alitak and Humpy-Deadman sections as well as Kodiak setnet fishermen in three sections –Alitak Bay, Moser Bay and Olga Bay. Nevertheless, the current plan has cumulative aspects that inhibit the department from achieving the escapement and harvest objectives identified in the plan. (The Frazer system for maximum sustained yield (5 AAC 18.361(a)(2)) and the Upper Station system for sustained yield (5 AAC 18.361(a)(3))). For example, the so-called pulse fishery, “there shall be a minimum closure of 63 consecutive hours (2.6 days) in every ten-day period” (5 AAC 18.361(b)), is not based on “inseason” management by the department and may not be responsive to the timing of the bulk of salmon returning to a particular system in the Olga/Moser Bay area. To mandate a 2.6 day closure at the very time that the fishery needs to be catching fish to avoid excess escapement conflicts with the principals of inseason, abundance-based management already established for the remainder of the Kodiak management area. (See, for example, the Westside Kodiak Management Plan in 5 AAC 18.362, the Eastside Kodiak Salmon Management Plan in 5 AAC 18.367, and the Mainland District Salmon Management Plan in 5 AAC 18.369). Moreover, the staggered openings established for the area prior to the 2002 season and modified in the fall of 2002 further expanded the pulse fishery to a 75 hour closure (3.2 days) for the Alitak setnetters and purse seiners. The cumulative effect of both of these regulations, during 2003, resulted in overescapement in the Frazer system, and mop-up harvests in nontraditional fishing areas.

The second problem is unequal fishing time for similarly situated fishermen. The current plan, with the 12-hour differential in fishing time between Olga Bay setnetters and Alitak setnetters, creates inequities that are inconsistent with the way fishermen are treated in the remainder of the Kodiak area (see, for example, that seiners and all setnetters throughout the Northwest Kodiak District, despite more than 50 miles distance between them, have equal fishing time.) The differential fishing time is, practically speaking, more often a 24-hour difference because tides and/or weather make fishing from 6:00 p.m. onward unproductive--often a “day breeze” kicks up on Alitak beach in late afternoon moving the seiners off the beach until the next day.

WHAT WILL HAPPEN IF NOTHING IS DONE? Overescapement will continue to be a probable result of the pulse fishery. The department will continue to be constrained by the mandatory 2.6 day closure and the rolling 12-hour opening without regard to established inseason abundance-based management goals. In addition, similarly situated fishermen will continue to be treated unequally and inequitably.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? All fishermen in the Alitak Bay District will benefit from abundance-based inseason management and the probable limitation of overescapement in meeting the harvest objectives of the plan. In addition, those similarly situated fishermen currently fishing less time will benefit from equal fishing time and the Alitak Bay setnetters will benefit from having 12 hours of fishing without the seiners in front. Seiners will benefit from having a full day to fish rather than being limited by tides and weather in a three to four hour evening window.

WHO IS LIKELY TO SUFFER? Similarly situated fishermen who currently have additional fishing time may be harmed by equalizing fishing time. On the other hand, the rolling closures and modified pulse could neutralize the impacts of equal fishing time, and, in some circumstances, advantage these fishermen.

OTHER SOLUTIONS CONSIDERED? Other solutions did not track as closely with the existing management approaches in the remainder of the Kodiak District—inseason, abundance based, openings and closings and equal fishing time for similarly situated fishermen.

Direct allocations to gear groups was considered. It was also contemplated that, once an allocation was provided, a given gear group could combine that allocation and harvest it more efficiently. This was rejected because the allocation could not be limited to existing Alitak District permit holders and because the use of a “trap” or similar device would allow absentee ownership and coupon clipping in the fishery.

Elimination of the Cape Alitak seine fishery and the establishment of a competitive fishery (seiners and setnetters combined), with equal time fishery in the remaining sections of the Alitak Bay District was considered. Although this may be an equitable resolution to the issues in Olga/Moser Bay, it would cause some disruption to traditional fishing patterns.

PROPOSED BY: Old Harbor Fisherman’s Association (HQ-04-F-192)

PROPOSAL 125 - 5 AAC 18.361. Alitak Bay District Salmon Management Plan. Amend this regulation as follows:

The board shall allow for an exclusive fishery in the Olga/Moser Bays of the Alitak Bay District, sections 257-40, 257-43, 257-42, 257-30, 257-31, from May 15 through and including September 4 of each year. All participants in the exclusive fishery would notify the department on or before March 15 of each year.

Notwithstanding the foregoing: Any SO4K (salmon set gillnet/Kodiak Area) permit holder would be eligible for all mop-up fisheries in the terminal section of Dog Salmon Flats, Inner and Outer Upper Station, and Inner and Outer Akalura.

PROBLEM: If the board establishes a firm allocation for Olga/Moser Bay that allocation would be based on the 48 current permit holders that are currently fishing and living in the area. All sites are currently occupied; however, if the local fishers combine gear in a cooperative effort they would have to pull their traditional gear leaving beach space open.

WHAT WILL HAPPEN IF NOTHING IS DONE? People could come in and fish in a traditional manner where gear has been removed. There would be much more effort on a limited (allocated) fish. The intent is to stop a potential expansion of gear fishing on this stock.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? This proposal by itself will have no effect on quality.

WHO IS LIKELY TO BENEFIT? The fishers of Olga Moser Bay.

WHO IS LIKELY TO SUFFER? Impact on others will be slight as all sites in Olga/Moser Bays are currently occupied.

OTHER SOLUTIONS CONSIDERED? Asking CFEC to make Olga/Moser a separate area.

PROPOSED BY: Olga Moser Bay Seafood Producers Alliance (HQ-04-F-208)

PROPOSAL 126 - 5 AAC 18.361. Alitak Bay District Salmon Management Plan. Amend this regulation as follows:

In the Kodiak Area the board shall issue a permit to Olga/Moser Bay Seafood Producers Alliance (OMBSPA) to allow for the cooperative fishing in Olga Bay section #257-40, Inner Upper Station section #257-30 Outer Upper Station section #257-30, Outer Akalura section #257-31, Inner Akalura section #257-31, Dog Salmon Flats section #257-42 and the Moser Bay section #257-43. OMBSPA would notify the board by March 15, each year of the names and permit numbers of those participating in the cooperative fishery.

PROBLEM: As stated in the Chignik proposal of January 2002, “The substantial downturn in the salmon market over the past decade has reduced fishing income drastically while operating expenses have continued to increase every year. Fuel, grocery and insurance expenses have increased at or above inflation rater over the past ten years while salmon prices have declined to less than 50 percent of what they were a decade ago.” Over the past three years these problems have only increased. The current harvest technique in Olga/Moser Bay is not compatible with highest quality. The flexibility to improve quality is what is needed to compete with farmed salmon in the foreign or domestic markets. As prices for wild salmon continue to decline, the problem has intensified. We must modify our methods and means of harvest to improve the quality of the fish.

WHAT WILL HAPPEN IF NOTHING IS DONE?

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, the intent of OMBSPA is to deliver to the processor a live fish that can be bled and processed into a premium product targeted at the high-end, health conscious market. If this plan works as envisioned it could be a model for other salmon fisheries in Alaska reaping value from a better product. We must move from a quantity-based industry to a quality-based industry.

WHO IS LIKELY TO BENEFIT? The members of the cooperative will be able to lower their operating cost, increase their efficiency, and produce a higher quality wild Alaska product. If the model works every fisher in Alaska could ultimately benefit. The consumer will have a higher quality product with more health benefits than is currently available.

WHO IS LIKELY TO SUFFER? In the short term, fishers fishing with traditional methods may feel disadvantaged having to compete with a higher quality product. But if it works they can build on what OMBSPA has developed and put their fish in the same markets.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Olga Moser Bay Seafood Producers Alliance

(HQ-04-F-209)

PROPOSAL 127 - 5 AAC 18.330. Gear; and 5 AAC 18.361. Alitak Bay District Salmon Management Plan. Amend these regulations to provide the following:

The board shall allow Olga Moser Bay Seafood Producers Alliance to harvest fish on an experimental basis using traps. The intent of this proposal is to allow the cooperative to harvest and hold live fish, in the most efficient method consistent with high quality, until they are delivered to the processor. It is estimated that six traps would replace 75 percent of the 48 permits currently used. The exact number of members in the cooperative will vary, but 36 is a conservative numbers. Olga/Moser is unique in Area K, in so far as the only legal gear is set gillnet (no gear conflict) and is a terminal harvest area as opposed to an interception fishery.

PROBLEM: The gillnet is efficient at catching fish because it is designed to kill the fish quickly by suffocation. This method does not allow for the live bleeding of fish, which produces the highest quality. We are forced to compete with the farmed fish producers that have the ability to take fish live from the water and bleed them. Knowing that traps are currently illegal, we feel that the time has come to open a dialog with the board with the hope of convincing the legislature of the State of Alaska to change the law.

WHAT WILL HAPPEN IF NOTHING IS DONE? Doing nothing is not an option. The value of wild Alaskan salmon has been eroded by the increase production of farmed fish. Now is the time to target the high-end, health conscious market. We propose this concept as a test a producing the highest quality wild product.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, improved quality is the whole purpose of these proposals.

WHO IS LIKELY TO BENEFIT? Initially members of the cooperative, but if the concept works potentially every fisher in Alaska. Anything that will improve the quality of Alaskan salmon will be a benefit statewide.

WHO IS LIKELY TO SUFFER? Not known. Fishers that are not allowed to fish in this manner may see this as unfair but our hope is that this method will ultimately work for others.

OTHER SOLUTIONS CONSIDERED? The cooperative may use any method legal in Area K to harvest salmon.

PROPOSED BY: Olga Moser Bay Seafood Producers Alliance

(HQ-04-F-206)

PROPOSAL 128 - 5 AAC 18.368. North Afognak/Shuyak Island Salmon Management Plan. Amend this regulation as follows:

In the Pauls Bay Section, from June 9 through July 5, fishing opportunities shall be based on sockeye salmon returning to Pauls Bay. From July 6 through August 1, fishing opportunities shall be based on the abundance of local and mixed Kodiak pink salmon and sockeye salmon bound to Pauls Bay. After August 1, fishing opportunities shall be based on the abundance of local coho salmon. The department shall manage the Pauls Creek coho salmon escapement based on interim escapement goals, as determined by the department. [WHEN INTERIM ESCAPEMENT GOALS ARE EXCEEDED, THE COMMISSIONER MAY REDUCE, BY

EMERGENCY ORDER, THE CLOSED WATERS DESCRIBED IN 5 AAC 18.350(A)(6)(D) TO THOSE WATERS EAST OF A LINE FROM 58° 23.70' N. LAT., 152° 20.80' W. LONG, TO 58° 23.29' N. LAT., 152° 21.09' W. LONG.]

PROBLEM: We would like the board to remove the language allowing for the reduced markers in the Pauls Bay Section after August 1.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will continue to be the chance of conflict between user groups.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Without the possibility of reduced markers, fishermen would be more likely to fish throughout August thus allowing more genetic diversity.

WHO IS LIKELY TO BENEFIT? All user groups.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Eagle Adventures (HQ-04-F-068)

PROPOSAL 129 - 5 AAC 18.350(6)(D). Closed waters. Amend this regulation as follows:

Pauls Bay closed waters boundary shall run from 58°23.745"N. latitude, 152°20.775"W. longitude to 58°23.53"N. latitude, 152°21.35"W. longitude thence to 58°23.30"N. latitude, 152°21.35"W. longitude.

PROBLEM: Confusing curved closed waters "line" and snags at northeast end of current closed waters line.

WHAT WILL HAPPEN IF NOTHING IS DONE? Seines will continue to be damaged and persons willing to "fudge" the line will continue to be rewarded.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Seiners who try to fish legally.

WHO IS LIKELY TO SUFFER? Anyone who has used the snag in legal water to monopolize efficient fishing this marker by closing inside the existing line.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Oliver N. Holm (HQ-04-F-331)

PROPOSAL 130 - 5 AAC 18.363. North Shelikof Straight Sockeye Salmon Management Plan. Amend this regulation as follows:

The timeframe for the North Shelikof Management Plan needs revision. Run timing of the major portion of Cook Inlet sockeye would justify the reduction of the window by five to seven days. The window should be adjusted to run from July 6 to July 18 or 20.

Increase the caps in the North Shelikof Management Plan by a factor equal to the increase in the 1999-2003 (five year) average westside Kodiak sockeye returns (catch and escapements) compared to the 1983-1987 average westside Kodiak sockeye returns--the alleged basis for the 1989 caps.

In the alternative, the board could recognize that the circumstances associated with the North Shelikof Management Plan (1988 fishing) related to exceptionally high Cook Inlet sockeye returns. The availability of Cook Inlet sockeye in the Kodiak area has been substantially reduced or eliminated as Cook Inlet sockeye runs returned to average or historical levels. Consequently, the board could eliminate the North Shelikof Management Plan. Or, in the alternative, impose a fixed cap: 30,000 fish for the Dakavak Bay, Outer Kukak Bay, Inner Kukak Bay, Hallo Bay and Big River Sections of the Mainland District and the Shuyak Island and northwest Afognak sections of the Afognak District, and 100,000 fish for the southwest Afognak section of the Afognak District. These caps would allow for elasticity in harvesting local stocks but provide a ceiling for those unusual seasons when Cook Inlet has exceptionally high sockeye returns.

PROBLEM: The management plan does not account for increased local sockeye abundance.

WHAT WILL HAPPEN IF NOTHING IS DONE? Traditional fishing patterns will be constrained, local sockeye may be reallocated between gear groups and the quality of some local sockeye may be reduced.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Traditional Kodiak fishermen that will fish the north Shelikof management area. Increased quality and closer proximity to markets may increase value of sockeye caught in the north Shelikof area.

WHO IS LIKELY TO SUFFER? Since the increased quota will allow the harvest of mostly local stocks, those likely to suffer will be fishermen in other parts of Kodiak Island.

OTHER SOLUTIONS CONSIDERED? Status quo would continue to limit the historical participants in the north Shelikof area, as the local stocks have improved.

PROPOSED BY: Old Harbor Fisherman's Association (HQ-04-F-194)

PROPOSAL 131 - 5 AAC 18.366. Spiridon Lake Sockeye Salmon Management Plan.; 5 AAC 18.375. Foul Bay Terminal Harvest Area.; 5 AAC 18.376 Waterfall Bay Terminal Harvest Area.; 5 AAC 18.377. Settler Cove Terminal Harvest Area.; 18.37X. Kitoi Bay Special Harvest Area; and 5 AAC 40.0XX. Kodiak Regional Aquaculture Association (KRAA) Special Harvest Areas. Give proper designation of areas in which cost recovery fisheries may potentially occur in the Kodiak Area as follows:

5 AAC 18.366. Spiridon **Bay** [LAKE] Sockeye Salmon Management Plan. (a) The department shall manage the commercial, sport, and subsistence fisheries in Spiridon Bay to provide for full use of the enhanced stock of sockeye salmon returning to Spiridon Lake...

(c) The Spiridon Bay **Special** [TERMINAL] Harvest Area consists of all waters of Telrod Cove north of a line extending from Stream Point at 57° 39.00' N. lat., 153° 38.50' W. long., to a point at 57° 38.80' N. lat., 153° 37.70' W. long.

(d) Only purse seines and beach seines may be operated in the Spiridon Bay **Special** [TERMINAL] Harvest Area.

5 AAC 18.375. Foul Bay **Special** [TERMINAL] Harvest Area. The Foul Bay **Special** [TERMINAL] Harvest Area consists of all waters of Foul Bay east of 152° 47.20' W. long.

5 AAC 18.376. Waterfall Bay **Special** [TERMINAL] Harvest Area. (a) The Waterfall Bay **Special** [TERMINAL] Harvest Area consists of all waters of the stream terminus of streams No. 251-821 and 251-822 to a straight line extending north westerly from 58° 24.15' N. lat., 152° 28.23' W. long. to 58° 25.60' N. lat., 152° 30.80' W. long.

5 AAC 18.377. Settler Cove **Special** [TERMINAL] Harvest Area. The Settler Cove **Special** [TERMINAL] Harvest Area consists of all waters of Settler Cove west of 152° 50.80' W. long.

5 AAC 18.37X. Kitoi Bay Special Harvest Area. The Kitoi Bay Special Harvest Area consists of all waters of Kitoi Bay west of a line from 58° 10.58' N. lat., 152° 17.36' W. long., to 58° 09.50' N. lat., 152° 18.70' W. long., or as defined as the Inner and Outer Kitoi Bay Sections (5 AAC 18.200 (8) and (9)).

5 AAC 40.0XX. Kodiak Regional Aquaculture Association (KRAA) Special Harvest Areas. (a) The following Special Harvest Areas are established for the Kodiak Regional Aquaculture Association (KRAA):

(1) Kitoi Bay Special Harvest Area: all waters of Kitoi Bay west of a line from 58° 10.58' N. lat., 152° 17.36' W. long., to 58° 09.50' N. lat., 152° 18.70' W. long., or as defined as the Inner and Outer Kitoi Bay Sections (5 AAC 18.200 (8) and (9).;

(2) The Spiridon Bay Special Harvest Area: all waters of Telrod Cove north of a line extending from Stream Point at 57° 39.00' N. lat., 153° 38.50' W. long., to a point at 57° 38.80' N. lat., 153° 37.70' W. long.;

(3) Foul Bay Special Harvest Area: all waters of Foul Bay east of 152° 47.20' W. long.;

(4) Waterfall Bay Special Harvest Area: all waters of the stream terminus of streams No. 251-821 and 251-822 to a straight line extending north westerly from 58° 24.15' N. lat., 152° 28.23' W. long. to 58° 25.60' N. lat., 152° 30.80' W. long.;

(5) Settler Cove Special Harvest Area: all waters of Settler Cove west of 152° 50.80' W. long.

(b) A hatchery permit holder harvesting salmon within the special harvest area under the terms of the hatchery permit is exempt from the provisions of 5 AAC 18.310 and 5 AAC 18.320. The commissioner shall open and close, by emergency order, fishing periods during which the hatchery permit holder may harvest salmon within the special harvest area.

(c) Notwithstanding 5 AAC 18.330, legal gear for the hatchery permit holder in the special harvest area are purse seine and beach seine.

PROBLEM: Proper designation of areas in which cost recovery fisheries may potentially occur. Currently, in the Kodiak Area commercial salmon regulations several areas are designated as Terminal Harvest Areas (THAs), including the Spiridon Bay THA (5 AAC 18.366), Foul Bay THA (5 AAC 18.375), Waterfall Bay THA (5 AAC 18.376), Settler Cove THA (5 AAC 18.377), and Malina Creek THA (5 AAC 18.378). With the exception of the Malina Creek THA, these terminal harvest areas were designated for enhancement projects, where juvenile sockeye salmon are stocked into lakes and escapement is prevented by stream barriers. All returning adults are

available for harvest in the terminal harvest areas (except for Malina Creek). Additionally, the Kitoi Bay Hatchery produces sockeye, chum, pink, and coho salmon for commercial harvest in sections adjacent to the hatchery. The Inner Kitoi Bay Section, the terminal area nearest the Kitoi Bay Hatchery, has been designated as a Special Harvest Area (SHA) in the hatchery's Basic Management Plan and is also specified in the hatchery permit. The Kodiak Regional Aquaculture Association (KRAA), a private nonprofit association, operates these projects.

Poor market conditions and low exvessel value for salmon has required that the KRAA conduct cost recovery fisheries at the Kitoi Bay Hatchery, to supplement their operating budget. In 2003, a cost recovery fishery was conducted at the Kitoi Bay Hatchery and, in order to facilitate that cost recovery fishery, the Kitoi Bay Hatchery SHA was expanded by emergency order to include the adjacent Outer Kitoi Bay Section. At recent Kodiak Regional Planning Team meetings, the possibility of expanding cost recovery fisheries to enhancement project THAs was discussed. However, these THAs should be properly designated as SHAs in regulations. Again, the exception is the Malina Creek THA, which should not be changed to an SHA, because this system supports a rehabilitated wild sockeye salmon run, and returning salmon can escape into the system to spawn.

WHAT WILL HAPPEN IF NOTHING IS DONE? Unclear regulations will lead to confusion among fishermen, department fishery managers, and enforcement personnel, regarding possible test fish or cost recovery fisheries for salmon in THAs.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Kodiak Area commercial salmon fishermen, KRAA, ADF&G, and enforcement personnel, through clearer regulations.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-253)

PROPOSAL 132 - 5 AAC 18.XXX. Holding live, commercially-caught salmon prior to processing. Create a new regulation for the Kodiak Area commercial to govern the use of net pens, or similar devices, to hold live fish prior to processing as follows:

Net pens or other devices used to hold live salmon prior to processing are allowed only under the authority of a Commissioner's Permit.

PROBLEM: Create regulations for the Kodiak Area (Area K) commercial salmon fishery to govern the use of net pens, or similar devices, to hold live fish prior to processing. Currently, there are no regulations that define and allow commercially-captured salmon to be held alive in net pens, or other devices. This practice is allowed in the Chignik Area (Area L) and requirements for uses are defined under an annually issued commissioner's permit. Interest in using net pens to hold live fish prior to processing has been expressed by Kodiak Area commercial salmon fishing permit holders. This proposal seeks to allow the use of net pens under the requirements of a commissioner's permit.

WHAT WILL HAPPEN IF NOTHING IS DONE? The legality of the use of net pens will be in question. Harvest reporting may be compromised and confusion will exist about allowable practices.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Use of fish pens or other devices for holding live salmon until they are to be processed could lead to an increase in product quality. Fish would be fresher when processed, and additional steps, such as bleeding and icing may be facilitated.

WHO IS LIKELY TO BENEFIT? All commercial fishermen, processors, the department, and enforcement personnel, through clearer regulations.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-04-F-254)

PROPOSAL 454 - 5 AAC 64.022(a)(12). Waters; seasons; bag, possession, and size limits; and special provisions for the Kodiak Area; 5 AAC 64.035(b). Methods, means and general provisions – shellfish; and 5 AAC 65.024(a)(1). Harvest record required; annual limits.
Amend these regulations to provide the following:

Eliminate the current requirement that sport-fishing participants obtain, possess, and complete a harvest record card in order to harvest shellfish in the Kodiak, Alaska Peninsula, and Aleutian Islands management areas

PROBLEM: The statewide shellfish meeting in March of 2005 is scheduled to consider king and Tanner crab proposals. The Department of Fish and Game is proposing to eliminate the current requirement that sport-fishing participants obtain, possess, and complete a harvest record card in order to harvest shellfish in the Kodiak, Alaska Peninsula, and Aleutian Islands management areas. Consideration of this proposal will address all shellfish species at one time, will eliminate the need for the proposal to be reintroduced during future meeting to deal with the matter on a species by species basis.

WHAT WILL HAPPEN IF NOTHING IS DONE? Regulations currently require that sport harvesters complete a harvest recording form when harvesting shellfish in the Kodiak/Alaska Peninsula/Aleutian Islands management areas. The current sport effort and harvest of shellfish are very small and inconsequential; the reporting requirement is burdensome to harvesters and costly for the department to produce, distribute and process.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Harvest information collected via harvest record forms is unnecessary for management or monitoring of the fishery as similar information can be obtained from the statewide harvest survey.

WHO IS LIKELY TO BENEFIT? Sport fishermen.

WHO IS LIKELY TO SUFFER? Eliminating the need to fill out a harvest recording form has no allocative implications.

OTHER SOLUTIONS CONSIDERED? If this matter were only heard in cycle, it would require multiple board cycles to address reporting requirements for individual shellfish species.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-04-F-348)
