

ALASKA DEPARTMENT OF FISH AND GAME

**STAFF COMMENTS
ON SUBSISTENCE, PERSONAL USE, SPORT, GUIDED SPORT,
AND COMMERCIAL FINFISH REGULATORY PROPOSALS**

**FOR THE
LOWER COOK INLET AREA**

**ALASKA BOARD OF FISHERIES MEETING
ANCHORAGE, ALASKA**

NOVEMBER 11 – 13, 2004



The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries meeting, November 11-13, 2004 in Anchorage, Alaska and are prepared to assist the public and Board. The stated staff comments should be considered preliminary and subject to change, if or when new information becomes available. Final Department positions will be formulated after review of written and oral testimony presented to the Board.

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TABLE OF CONTENTS

PROP NO.	SUBJECT	PAGE
	Summery of Department Positions on 2005 UCI proposals.	1
	GROUND FISH	3
	Cook Inlet	3
1	Increase the GH L for Cook Inlet Pacific cod fishery to 6 percent of the federal Central Gulf TAC.	3
2	Include a vessel size limitation of 58 feet in Cook Inlet.	4
3	Allow unbaited pots to remain in the water indefinitely after the pot closure.	5
4	Calculate the jig percentage of Pacific cod GH L based on historical average harvest.	7
5	Allow a directed hook-and-line commercial shark fishery and allow sale of sharks taken as bycatch.	8
11	Open a new directed longline fishery for spiny dogfish in Cook Inlet.	8
6	Delete Resurrection Bay from closed waters designation for commercial lingcod fishery.	11
7	Limit the directed rockfish jig fishery to black rockfish and implement a logbook requirement.	13
8	Require full retention of all rockfish bycatch in directed groundfish and halibut fisheries.	14
9	Adopt a management plan for sablefish in Cook Inlet that includes a July 1 registration deadline, logbook requirement and a GH L divided equally among registered participants.	15
10	Allow the commissioner to require lingcod be delivered with head on in commercial deliveries, and other requirements.	16
	Resurrection Bay	17
12	Clarify the definition of the minimum size limit of lingcod to provide a measurable reference point for determining head-off length.	17
	SALMON: COMMERCIAL	19
	Cook Inlet	19
13	Allow setnet gear equal time to purse seine gear in Halibut Cove Subdistrict.	19
14	Change the opening date for the Southern District to June 1.	21
	Resurrection Bay	23
15	Make all of Resurrection Bay a cost recovery special harvest area for CIAA.	23
	SALMON: SPORT	27
	Cook Inlet	27
16	Close all waters of Cook Inlet north of the Kenai River to sport fishing.	27
17	Apply slot limit to waters of Cook Inlet south of the Kenai River.	28
18	Prohibit anchoring north of Anchor Point during commercial drift openings.	31
19	Prohibit anchoring north of 59°45.00 during commercial drift openings.	31

TABLE OF CONTENTS (Continued)

20	Prohibit anchoring south of the Kalgin buoy when drift boats are present.	31
21	Prohibit anchoring near drift net vessels in Cook Inlet marine waters.	31
22	Create “Youth Fishing Days” on the Homer Spit Fishery Enhancement Lagoon.	32
23	Prohibit catch-and-release fishing when there is a conservation concern.	34
Freshwater		36
24	Limit guides on the Anchor River and Deep Creek to no more than two clients at a time.	36
25	Add another weekend to the king salmon season prior to the Memorial Day opening on the Anchor River.	37
26	Allow fishing for hatchery king salmon seven days per week on the Ninilchik River.	40
27	Prohibit fishing for jack salmon in waters closed to large salmon.	42
Resurrection Bay		43
28	Open Resurrection River drainages to salmon fishing.	43
29	Create “Youth Only Fishing Days” on First Lake.	45
Resident Species		46
30	Amend existing wild trout regulations to conform to the statewide standards.	46
31	Modify the opening date for the area upstream of the confluence of the North and South Forks of the Anchor River.	48
OTHER		51
32	Set apart fish reserve areas, refuges, and sanctuaries in Southcentral Alaska.	51
BRISTOL BAY		53
33	Repeal the December 31, 2004 sunset date which allows a vessel with two permit holders onboard to fish an additional 50 fathoms of drift gillnet gear.	53
GUIDE LICENSE AND REPORTING REQUIREMENTS		55
452	Sport fish guide licensing and reporting requirements.	55

Summery of Department Positions on 2005 UCI proposals.

Proposal #	Dept. Position	Issue
1	N	Increase the GHL for Cook Inlet Pacific cod fishery to 6 percent of the federal Central Gulf TAC.
2	N	Include a vessel size limitation of 58 feet in Cook Inlet.
3	O	Allow unbaited pots to remain in the water indefinitely after the pot closure.
4	N	Calculate the jig percentage of Pacific cod GHL based on historical average harvest.
5	O	Allow a directed hook-and-line commercial shark fishery and allow sale of sharks taken as bycatch.
6	O	Delete Resurrection Bay from closed waters designation for commercial lingcod fishery.
7	S	Limit the directed rockfish jig fishery to black rockfish and implement a logbook requirement.
8	S	Require full retention of all rockfish bycatch in directed groundfish and halibut fisheries.
9	S/N	Adopt a management plan for sablefish in Cook Inlet that includes a July 1 registration deadline, logbook requirement and a GHL divided equally among registered participants.
10	S	Allow the commissioner to require lingcod be delivered with head on in commercial deliveries, and other requirements.
11	O	Open a new directed longline fishery for spiny dogfish in Cook Inlet.
12	S	Clarify the definition of the minimum size limit of lingcod to provide a measurable reference point for determining head-off length.
13	N	Allow setnet gear equal time to purse seine gear in Halibut Cove Subdistrict.
14	N	Change the opening date for the Southern District to June 1.
15	N	Make all of Resurrection Bay a cost recovery special harvest area for CIAA.
16	O/N	Close all waters of Cook Inlet north of the Kenai River to sport fishing.
17	O/N	Apply slot limit to waters of Cook Inlet south of the Kenai River.
18	NA	Prohibit anchoring north of Anchor Point during commercial drift openings.
19	NA	Prohibit anchoring north of 59°45.00 during commercial drift openings.
20	NA	Prohibit anchoring south of the Kalgin buoy when drift boats are present.
21	NA	Prohibit anchoring near drift net vessels in Cook Inlet marine waters.
22	S/N	Create "Youth Fishing Days" on the Homer Spit Fishery Enhancement Lagoon.
23	O	Prohibit catch-and-release fishing when there is a conservation concern.
24	N	Limit guides on the Anchor River and Deep Creek to no more than two clients at a time.
25	S/N	Add another weekend to the king salmon season prior to the Memorial Day opening on the Anchor River.
26	S	Allow fishing for hatchery king salmon seven days per week on the Ninilchik River.
27	S	Prohibit fishing for jack salmon in waters closed to large salmon.
28	O	Open Resurrection River drainages to salmon fishing.
29	S/N	Create "Youth Only Fishing Days" on First Lake.
30	N/A	Amend existing wild trout regulations to conform to the statewide standards.
31	O	Modify the opening date for the area upstream of the confluence of the North and South Forks of the Anchor River.
32	N	Set apart fish reserve areas, refuges, and sanctuaries in Southcentral Alaska.
33	N	Repeal the December 31, 2004 sunset date which allows a vessel with two permit holders onboard to fish an additional 50 fathoms of drift gillnet gear.
452	S	Sport fishing guide license and reporting requirements.

N = Neutral S = Support O = Oppose NA = No Action

S/N = Support but Neutral on Allocative Aspects

O/N = Oppose but Neutral on Allocative Aspects

GROUND FISH

COOK INLET (11 Proposals)

PROPOSAL 1, PAGE 1. 5AAC 28.367. COOK INLET PACIFIC COD MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? The proposal would increase the state waters Pacific cod fishery allocation from the current maximum of 3.75% to 5 or 6% of the federal Central Gulf of Alaska (CGOA) acceptable biological catch (ABC).

WHAT ARE THE CURRENT REGULATIONS? Current regulations (5 AAC 28.367 (e) (1) and (2)) specify a three-tiered approach in which the allocation from the CGOA may increase from 2.25 to 3.00 to 3.75 percent over at least three years provided that the lower allocation was entirely harvested in a previous year. The management plan also specifies Pacific cod are allocated equally between pot and jig gear. If the jig gear allocation is not achieved prior to September 1, regulations provide for making the balance of the allocation available to all legal gear.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would effectively double the percent allocation of CGOA Pacific cod ABC to the Cook Inlet state waters Pacific cod fishery and result in a longer pot season.

BACKGROUND: The Cook Inlet Area state waters Pacific cod fishery began in 1997. Guideline harvest levels (GHL) for the fishery have ranged from 1.4 million pounds in 2003 to 2.6 million pounds in 1999, and fishing effort has ranged from 55 vessels in 1997 to 14 vessels in 2001. Although the fishery achieved less than 60% of the GHL in any year prior to 2002, the pot gear allocation of 50% of the GHL was achieved in 4 of the past 7 years. There has been a poor correlation between fishing effort and harvest, suggesting that area fish abundance has varied among years. For example, 15 vessels landed 1.6 million pounds in 2002 while 42 vessels landed only 730,000 pounds in 1998. Jig gear has produced the smallest catch component yielding maximum harvests of 562,000 pounds in 1997 and 430,000 pounds in 2003.

Most of the harvest has occurred in or just outside of Kachemak Bay, although recent effort expanded into the North Gulf District.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. At current effort levels, a larger GHL is unlikely to be attained.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 2, PAGE 1. 5AAC 28.367. COOK INLET PACIFIC COD MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? The proposal would place a 58-foot size limit on vessels fishing with pot gear in the state waters Pacific cod season in the Cook Inlet Area.

WHAT ARE THE CURRENT REGULATIONS? There are currently no restrictions on vessel size in the state waters Pacific cod fishery in Cook Inlet. The state waters season opens 24 hours following closure of the parallel season and the GHL in the state waters season is allocated equally between pot and jig gear.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Vessels exceeding 58-feet in overall length would be prohibited from using pot gear to target Pacific cod in the Cook Inlet Area.

BACKGROUND: Among areas with state waters Pacific cod seasons, there is a 58-foot maximum size for vessels fishing pot gear in Chignik and South Alaska Peninsula Areas, a 25% allocation of the total GHL to vessels larger than 58 feet fishing pot gear in Kodiak, and no vessel size limits in the Cook Inlet and Prince William Sound Areas. Catch and effort by vessels larger than 58 feet overall in the Cook Inlet state waters Pacific cod fishery has averaged 6 vessels and 324,382 pounds, or 31% of the average harvest, since the fishery began in 1997. Participation by large vessels has ranged from 1 to 16 while small vessel participation has ranged from 6 to 9 vessels. The Cook Inlet Pacific cod fishery first harvested the full allocation in 2003. If the entire allocation is harvested in 2004, the state waters fishery GHL will increase the final increment, from 3.0% of the federal Central Gulf ABC to 3.75%.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: The department believes that approval of this proposal may result in an additional direct cost for some private persons to participate in this fishery. A person that currently participates in the fishery with a vessel larger than 58' in length would have to make arrangements for another vessel within the size limit to continue participation.

PROPOSAL 3, PAGE 2. 5AAC 28.332. GROUND FISH POT STORAGE REQUIREMENTS FOR COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? The proposal would allow unbaited pot gear to remain on the grounds following closure of a groundfish pot fishery.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow pot storage for a period of 24 hours following closure of a parallel season provided pots are open and bait and bait containers are removed.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Pot gear, with the bait removed, could be left on the grounds for an indefinite period following closure of a fishery.

BACKGROUND: The first groundfish pot storage provision was adopted for Cook Inlet in 1997 and coincided with creation of the parallel and state waters Pacific cod seasons. The parallel season, which opened January 1 and closed when NMFS closed the federal Central Gulf of Alaska (CGOA) area, was followed 7 days later by opening of the state waters Pacific cod season. The 7-day period was intended to provide a distinct break between seasons to ensure accurate fishery catch accounting. There was no pot limit in the parallel fishery, but the state waters fishery had a 60-pot limit and the GHF was allocated evenly (50%) between pot gear and jig gear. Two instances that might require pot storage are the closure of the parallel season, when a vessel might be fishing more than 60 pots, and the closure of pot gear due to attainment of the state waters season gear allocation. The board intent in maintaining a fixed pot storage period was to avoid in-the-water accumulation of unfished pot gear for an indeterminate amount of time. The initial pot storage regulation provided that a vessel registered for the state waters Pacific cod season could store pot gear, in excess of the 60-pot limit established for the state waters season, in waters 25 fathoms or less, following closure of the parallel Pacific cod season. In 1998, the board reduced the closure period between the parallel and state waters seasons from 7 days to 24 hours and at that time, the pot storage regulation was amended to provide storage for only 24 hours following closure of a fishery.

Neither regulation has met with acceptance from the pot gear fleet. Short notice of the parallel fishery closure during winter months (January or February) and the decreased time period between the parallel and state waters seasons provided limited time to transport gear off the grounds and a 25-fathom storage area still required vessels to pick up and move gear. Similarly, a desire to fish up to the closure of the state waters pot season has resulted in vessels leaving gear on the grounds after the closure. The proposal would allow pot gear to remain on the grounds for an indeterminate period following the closure of any pot fishery. Some groundfish management areas provide for pot storage on the grounds for up to 7 days following a closure.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Pot gear remaining on the grounds creates enforcement problems, increases the incidence of lost and derelict gear. The department would support an amended version of the proposal that

provided pot gear storage on the grounds for up to 5 days following the closure of the state waters Pacific cod fishery.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 4, PAGE 2. 5AAC 28.367. COOK INLET PACIFIC COD MANAGEMENT PLAN

WHAT WOULD THE PROPOSAL DO? Increase the percentage of allocation to pot gear in the state waters Pacific cod fishery.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify an equal allocation between pot and jig gear in the state waters Pacific cod fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Increasing the pot gear allocation would have the effect of increasing the duration and potential harvest of the state waters Pacific cod season for pot gear. This change may also reduce the duration of the jig season in this fishery.

BACKGROUND: The Cook Inlet Area state waters Pacific cod fishery began in 1997. The guideline harvest level (GHL) for the fishery has ranged from 1.4 million pounds in 2003 to 2.6 million pounds in 1999 and fishing effort has ranged from 55 vessels in 1997 to 14 vessels in 2001. The Cook Inlet state waters Pacific cod GHL has been achieved only once since 1997. Increasing the pot allocation may enhance achievement of future allocations because pot gear has been the more effective gear for Pacific cod in the Cook Inlet fishery. Although the fishery achieved less than 60% of the GHL in any year prior to 2002, the pot gear allocation of 50% of the GHL was achieved in 4 of the past 7 years. The pot allocation has been achieved earlier in each of the past 3 years with pot gear closing August 5 in 2002, February 27 in 2003 and February 23 in 2004. The jig allocation has not been achieved since the fishery began, has never exceeded 67%, and averaged 12% of the harvest since 1998. Harvest by jig gear has remained the smallest catch component with highs of 562,000 pounds in 1997 and 430,000 pounds in 2003. In the past, the board considered gear conflict proposals that would have restricted the pot season or the pot fishing area. Neither of these proposals was adopted.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 5, PAGE 3. 5AAC 28.3XX. COOK INLET SHARK FISHERY MANAGEMENT PLAN

PROPOSAL 11, PAGE 7. 5 AAC 28.3XX. COOK INLET SPINY DOGIFSH MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? These proposals seek to establish directed commercial fisheries for sharks, increase recreational shark bag limits, and create a spiny dogfish management plan.

WHAT ARE THE CURRENT REGULATIONS? Statewide commercial regulations prohibit directed fishing for sharks (5 AAC 28.084), allow sharks to be retained as bycatch up to allowable limits of 20% (5 AAC 28.070), and require full utilization of sharks retained or sold (5 AAC 28.084). Additionally, 5 AAC 28.330(b) allows retention of groundfish, including sharks, taken incidentally by drift or set-gillnet gear during salmon or herring fisheries in the Cook Inlet Management Area. Such retention is still subject to bycatch limits. Sport bag limits of 1 shark per day and 2 sharks annually (any species) are specified in 5 AAC 58.022(8) and in the statewide Sport Shark Fishery Management Plan (5 AAC 75.012). The statewide plan requires the department to manage sport shark fisheries for sustained yield and recognizes the lack of stock status information, the potential for rapid growth in the shark fishery, and the potential for overexploitation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The proposal is very general and available data too limited to indicate what will happen with certainty. Proposal adoption may enhance development of a commercial shark fishery. However, few sharks are currently retained in commercial fisheries despite state regulations that allow bycatch retention in state waters and an open directed fishing season in federal waters. An increase in the sport bag limit for salmon shark could stimulate an increase in effort in the sport fishery, potentially leading to increased harvest or release mortality. Although demand for spiny dogfish is extremely low in the recreational fishery, an increase in the bag limit may provide increased opportunity for a small number of anglers who are interested in keeping additional fish. Because the role of sharks in the ecosystem is not well understood, the positive or negative biological effects of liberalizing shark harvest regulations on other species are unknown.

BACKGROUND: Historically, commercial efforts to target sharks in Cook Inlet were sporadic and primarily limited to salmon shark. Although few sharks have been retained, spiny dogfish are sometimes caught in high numbers in certain areas, especially along the outer Kenai Peninsula. Halibut fishermen in Cook Inlet have voiced similar complaints at times. In an effort to improve catch and discard data, ADF&G proposed in 1997 to allow commercial shark fishing only under conditions of a department permit. However, this proposal was amended and adopted as a statewide closure to directed shark fishing. Also in 1997, the department submitted a proposal to establish sport fishery regulations for salmon shark. The board amended the proposal to apply the bag and season limits to all species of sharks commonly found in Alaska, because they are all long-lived, take many years to reach sexual maturity, are vulnerable to exploitation, and because there was a lack of data on age, growth, abundance, and harvest of all species. Subsequently,

the board generated a proposal with the North Pacific Fisheries Management Council (NPFMC) to prohibit directed shark fishing in federal waters. To date, the NPFMC has deferred management changes for sharks in the EEZ due to the lack of assessment data and an ongoing restructuring of the Other Species category under which sharks are currently managed within the federal Fishery Management Plan.

In 2001, the board also considered a proposal to open a directed commercial shark fishery. At that time, both the board and the public panel supported development of a fishery for spiny dogfish only. Although the proposal was amended to provide for a dogfish fishery management plan that was submitted by the public (RC-19), the proposal failed due to uncertainty over an acceptable level of sustained yield given the lack of data on dogfish population structure, distribution, and stock biomass in state waters.

Data on shark removals remain limited. Fish ticket data only identify delivered catch, and reporting of at-sea discards is not required under current regulation. However, some discard data are available, primarily from agency survey efforts. Sport harvest estimates are available for Cook Inlet only since 1998, and pool all shark species. A mandatory logbook has provided estimates of salmon shark harvest by the charter fleet since 1998. Dockside sampling of commercial and recreational fisheries provides a limited amount of biological data. Although the department and other researchers have collected some data on shark movement, age and growth, and reproductive biology, much of the data needed to develop a management plan, such as stock structure, biomass and abundance levels, existing fishing mortality, and ecological linkages, are still lacking. Historically, commercial shark fisheries have not proven to be sustainable.

Department bottom trawl survey data indicate spiny dogfish occur consistently in Kamishak Bay along western Cook Inlet, with few occurrences in Kachemak Bay. This is consistent with spiny dogfish bycatch in the recreational halibut fishery, which is typically highest along the outer coast near Seward and in Cook Inlet north of Kachemak Bay. Salmon sharks and spiny dogfish are highly migratory. Spiny dogfish form large, mobile aggregations that do not necessarily reflect changes in the overall population. Dogfish tagged off British Columbia have been recovered off Japan with a time-at-large exceeding 20 years. Female salmon sharks tagged in Prince William Sound have migrated south in the winter to birthing areas off the west coast of the U.S. and Mexico.

Sharks have several life history traits that make them particularly vulnerable to overharvest. Trawl survey samples from 2003 exhibited a maximum age of 44 years with female dogfish substantially older than males. Limited maturity data from female spiny dogfish in Cook Inlet suggest that they do not become sexually mature until about age 25. This is consistent with data from British Columbia, where 50% of spiny dogfish are still immature at age 35. Pacific sleeper and salmon sharks are encountered infrequently by department surveys and are rarely caught in the sport fishery in Cook Inlet. Maximum age of salmon sharks in the Southcentral Alaska sport fishery is about 20 years. Sharks take many years to reach reproductive age and then give birth to small numbers of pups. Spiny dogfish have a 23-month gestation period, longer than any other vertebrate. Because all sharks have low rates of reproduction, their populations cannot fluctuate

greatly from year to year. By the same token, they will take many years to rebound from overharvest.

DEPARTMENT COMMENTS: The department **OPPOSES** these proposals. The department cannot support development of a large-scale directed fishery for any species of shark without sufficient stock assessment data; this data would have to come from directed research rather than a directed fishery.

The department is opposed to an increase in the bag limit for salmon shark. Current bag limits provide adequate opportunity to harvest these large, and relatively less abundant, sharks. All indications are that the spiny dogfish population could support a modest increase in the sport bag limit. The department does not favor elimination of the bag limit because it would allow the use of spiny dogfish as bait and jeopardize the department's ability to estimate sport fishery removals.

In the event the board opts to undertake a directed commercial shark fishery, the department suggests that harvest be confined to the more prevalent spiny dogfish with management provided under regulation 5 AAC 28.379 Permit For Miscellaneous Groundfish. This approach provides adequate fishery management controls while elements of a fishery management plan are developed.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 6, PAGE 3. 5 AAC 58.022(b)(3)(A)(iii). WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR COOK INLET – RESURRECTION BAY SALTWATER AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would open all waters of Resurrection Bay waters north of a line from Aialik Cape to Cape Resurrection to the sport harvest of lingcod 35 inches or longer.

WHAT ARE THE CURRENT REGULATIONS? Currently all waters of Resurrection Bay, north of a line between Aialik Cape and Cape Resurrection are closed to sport and commercial fishing for lingcod.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? There is potential for a substantial harvest of lingcod in Resurrection Bay on a stock of unknown size that is currently closed for recovery. Resurrection Bay has been closed to the harvest of lingcod since 1993 when a survey confirmed angler reports of relatively low catch rate of lingcod inside the bay.

BACKGROUND: Prior to 1993 the lingcod sport limits in the North Gulf Coast Management Area (NGCMA) were 2 fish per day, 2 in possession, with no size limit. In 1992, based upon evidence of declining recruitment, the department closed the sport and commercial fisheries by E.O. until 1 July to protect spawning and nest-guarding lingcod. In the fall of 1992, the BOF adopted regulations that established a sport fishing season for lingcod in North Gulf Coast waters from July 1 through December 31, set a minimum size limit of 35 inches total length, decreased the bag/possession limit to one fish, and closed Resurrection Bay to the harvest of lingcod. These sport fishing regulations are still in effect, and the size limit, season, and Resurrection Bay closure apply to the commercial fishery as well.

In 1998 a jig survey was conducted inside and outside of Resurrection Bay. Fishing 101 sites for 78 hours inside Resurrection Bay produced only 12 legal sized lingcod resulting in a catch per unit effort (CPUE) of 0.15 fish per hour. In comparison, 109 hours of fishing sites in the Chiswell Islands and adjacent NGC waters produced 170 legal sized lingcod for a CPUE of 1.56 fish per hour.

Creel surveys conducted during most of the fishing season provided estimates of lingcod harvest in the North Gulf Coast area from 1987 to 1989. Statewide Harvest Survey (SWHS) estimates first became available in 1990. Harvest grew steadily from 2,142 fish in 1987 to 9,054 fish in 1992. Since regulation changes went into effect in 1993, the annual lingcod harvest has averaged 3,347 fish and ranged from 3,079 to 5,270 fish.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The jig survey conducted in 1998 indicated that the density of lingcod (measured in number of fish per unit area) in Resurrection Bay was substantially lower than in waters outside the bay. ADF&G has no new data to indicate that lingcod abundance in Resurrection Bay has increased to a level that could sustain a directed sport fishery. Angler reports from

the sport fishery suggest that there are more lingcod in the bay than there were in 1998. However, the aggressive nature of this species and their strong association with certain habitats make them easy to over-exploit. Anglers that direct their effort on concentrations of fish can experience a high catch rate even when overall abundance of the population is low. Resurrection Bay is accessed through the port of Seward, which has supported an annual average of 87,000 angler-days of effort over the last 10 years. Given the potential fishing effort and the lack of information on stock status, the department is concerned that allowing lingcod harvest at this time would quickly deplete localized stocks and further jeopardize rebuilding of the lingcod population in Resurrection Bay.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 7, PAGE 4. 5AAC 28.310. FISHING SEASONS FOR COOK INLET AREA; 5 AAC 28.365. COOK INLET ROCKFISH MANAGEMENT PLAN

WHAT WOULD THE PROPOSAL DO? The proposal would restrict the Cook Inlet directed commercial rockfish fishery to the harvest of black rockfish, allow retention of other species on a bycatch-only basis, and establish a logbook requirement for the directed rockfish fishery.

WHAT ARE THE CURRENT REGULATIONS? Current regulations establish a July 1 season opening date, a jig gear restriction for directed fishing, trip limits, and bycatch allowances for the Cook Inlet rockfish fishery. The guideline harvest level (GHL) for commercial fisheries in the Cook Inlet Area is 150,000 pounds (round weight) for all rockfish species combined.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would allow directed fishing only for black rockfish and restrict those vessels that harvest predominately demersal shelf rockfish. Additionally, all directed fishery participants would be required to complete logbooks supplied by the department. Logbook data, especially specific catch location data, will allow the department to monitor rockfish removals on an appropriate scale and enhance the ability to detect localized trends.

BACKGROUND: The guideline harvest level (GHL) of 150,000 pounds was adopted in 1992 as the mean historical harvest level. This historical harvest was comprised primarily of pelagic shelf rockfish, especially black rockfish. To maintain the character of this fishery in targeting pelagic rockfish species, and to limit impacts to recreational harvest opportunities, the board adopted a jig-only gear restriction for commercial harvesters in 1998. Individual landings dominated by yelloweye rockfish raise questions regarding use of legal gear. In addition, a change in the commercial fishery species composition has raised questions about stock sustainability because demersal shelf rockfish, such as yelloweye, require a much longer rebuilding period than pelagic shelf rockfish in the event of overharvest. Rockfish are recognized for exhibiting strong site fidelity. Management authority for black rockfish extends from shore through the adjacent federal waters. Recent department surveys have started exploring an appropriate fishery-independent approach to develop an index of black rockfish abundance.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal. The North Pacific Fishery Management Council may consider transferring management authority for dark rockfish, another pelagic species, in adjacent federal waters, to the state. Because dark rockfish comprise a minor component of the historical GHL, the board may consider amending this proposal to include the pelagic shelf rockfish assemblage instead of only black rockfish.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 8, PAGE 4. 5AAC 28.310 (d). FISHING SEASONS FOR COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? The proposal would require that all rockfish be retained and those rockfish in excess of allowable bycatch limits be reported and any proceeds from their sale be surrendered to the state.

WHAT ARE THE CURRENT REGULATIONS? Current regulations provide for a directed, jig-only, rockfish season with 5-day trip limits and establish bycatch allowances for other directed groundfish fisheries.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The proposal would allow fishermen in state waters to land rockfish in excess of allowable bycatch limits without fear of prosecution for a bycatch overage, while minimizing the potential benefit from those overages. The state would benefit through more complete documentation of rockfish fishing mortality, with a minimal financial benefit through the sale of rockfish bycatch overages.

BACKGROUND: Elements of this proposal are identical to regulations adopted for Prince William Sound rockfish. Uncertainty about allowable bycatch limits negatively affects bycatch reporting. Requiring full retention of all rockfish captured encourages more complete reporting of rockfish bycatch.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal. Rockfish retention and improved catch reporting will enhance documentation of rockfish removals and through sampling, allow characterization of the rockfish resource.

COST ANALYSIS: The department believes that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 9, PAGE 5. 5AAC 28.306. COOK INLET AREA REGISTRATION; 5 AAC 28.3XX. COOK INLET AREA SABLEFISH MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? The proposal would establish a management plan for Cook Inlet sablefish. Plan elements include a registration deadline, logbook requirement, and dividing the guideline harvest level equally among validly registered vessels.

WHAT ARE THE CURRENT REGULATIONS? Current regulations establish a season opening date of July 15. In recent years the department has used its emergency order authority prior to the season opening date to set fishing periods ranging from 24 to 72 hours.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal could impact current fishery participants by limiting potential catches for some participants and increasing catches of other participants. In addition, current participants that miss the registration deadline would be excluded from the fishery for a registration year. Adoption of a management plan that slows the pace of the fishery may also reduce lost gear and enhance safety in the fishery by providing a more extended opportunity to fish. Finally, a management plan that allows the department to manage more reliably for the GHL will improve long-term sustainability of the harvest.

BACKGROUND: The Cook Inlet Area provides one of only two open access sablefish fisheries remaining off the coast of Alaska. The guideline harvest level (GHL) is calculated as the average harvest during the years 1992 to 1996, adjusted annually beginning in 1997 by the percentage change in the total allowable catch (TAC) for sablefish in federal Central Gulf of Alaska waters. With the exception of 2004, the Cook Inlet sablefish fishery has exceeded the GHL annually since 1999 despite reductions in fishing time. The department does not conduct a regular fishery-independent stock assessment, but does intensively sample commercial harvests.

DEPARTMENT COMMENTS: The department **SUPPORTS** adoption of a management plan for Cook Inlet sablefish and submitted this proposal to facilitate discussion regarding the need to provide for a manageable fishery. The department is **NEUTRAL** on the allocative aspects needed to make this plan effective. The concept of dividing the GHL equally among all registered vessels is one alternative to control harvest in the fishery. Longline gear limits, another alternative, have never been embraced by enforcement entities due to the inherent difficulty in enforcing hook numbers. The department believes that 2-day trip limits of 2,000 to 3,000 pounds, a third alternative, would similarly slow the fishery pace to enable management for the GHL. Logbook data will provide more specific catch location information in addition to effort data.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 10, PAGE 6. 5AAC 28.370. POSSESSION REQUIREMENTS FOR COOK INLET AREA

WHAT WOULD THE PROPOSAL DO? This proposal would provide the commissioner with emergency order authority to establish a fishing season for lingcod with a requirement that all lingcod be delivered with the head on and with the vent and external area one inch forward of the vent unmutilated to provide evidence of gender.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify a minimum legal size of 35 inches overall or 28 inches from the front of the dorsal fin to the tip of the tail. Season dates are July 1 to December 31.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? As deemed necessary to allow biological sampling, the commissioner may require lingcod landed in the Cook Inlet Area be delivered with the head on and with the vent and external area one inch forward of the vent unmutilated to provide evidence of gender. Permit holders would have to deliver lingcod in the required condition while the emergency order was in effect.

BACKGROUND: The lingcod guideline harvest level (GHL) for the Cook Inlet Area is 52,000 pounds. When lingcod are delivered without heads, the department is precluded from gathering otoliths for the purposes of age determination. Sex of lingcod can be visually determined by the presence or absence of a urogenital papilla. Size and age of sexual maturity is basic to sound stock management. Male and female lingcod grow at different rates and reach sexual maturity at different ages.

ADF&G is currently examining the variability and precision of otoliths and finrays as age determination structures. Although finrays are an alternative ageing structure, fin ray removal can compromise the market value of the fish. Otoliths may be taken without reducing value of the final product. Optimally, 300 to 500 age structures are needed annually in each management area to provide a statistically valid sample from which to analyze age distributions.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal. Proposal adoption will facilitate staff efforts to achieve an adequate sample of age and sex data. Leaving the head on allows collection of length data and otoliths for age determination. Leaving the vent area intact allows determination of the sex of the fish. Complete and accurate sample data are essential to management of this resource.

COST ANALYSIS: The department believes that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery. Carrying less saleable product may compromise vessel operators with limited hold capacities.

RESURRECTION BAY (1 Proposal)

PROPOSAL 12, PAGE 7. 5 AAC 58.022. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR COOK INLET – RESURRECTION BAY SALTWATER AREA.

WHAT WOULD THE PROPOSAL DO? This proposal makes a minor wording change to clearly define the minimum size limit for lingcod as 28 inches from the front of the dorsal fin to the tip of the tail when the head has been removed.

WHAT ARE THE CURRENT REGULATIONS? Current regulations set a minimum size limit of 35 inches or 28 inches with the head removed, but do not define the head of a lingcod or the point from which the measurement must be made when the head is removed.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The regulation will provide a definitive basis for length measurements when the head of a lingcod has been removed. This definition will then be identical to size limit regulations for the commercial fishery.

BACKGROUND: Because regulations do not define the head of a lingcod, some anglers retain fish less than 35 inches in total length and remove the head at whatever point necessary to retain a legal 28-inch fish.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional cost to the public to participate in a state fishery.

SALMON: COMMERCIAL

COOK INLET (2 Proposals)

PROPOSAL 13, PAGE 8. 5 AAC 21.320. WEEKLY FISHING PERIODS.

[Editor's note: This proposal is erroneously referenced in the Proposal Booklet as dealing with 5 AAC 21.310 FISHING SEASONS.]

WHAT WOULD THE PROPOSAL DO? This proposal would amend the regulatory weekly fishing periods for the commercial salmon set gillnet fishery in waters of Halibut Cove Subdistrict of the Southern District in Lower Cook Inlet. Under provisions of this proposal, the weekly period for set gillnetting would be identical to the five-days-per-week fishing period for commercial salmon seining in that subdistrict, and would become effective simultaneously as that for the seine fishery.

WHAT ARE THE CURRENT REGULATIONS? Commercial salmon set gillnet fishing in Halibut Cove Subdistrict is allowed during two 48-hour periods per week, from Monday 6:00 a.m. until Wednesday 6:00 a.m. and from Thursday 6:00 a.m. until Saturday 6:00 a.m. The set gillnet fishing season in the Southern District opens on the first Monday in June. The seine fishery in Halibut Cove Subdistrict generally opens by emergency order between June 16 and June 26, usually on a Monday, and normally on a five-days-per-week fishing schedule.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, set gillnetting in Halibut Cove Subdistrict would begin the season on the normal two 48-hour periods per week starting the first Monday in June (or on June 1 if **PROPOSAL 14** is adopted). On the date that commercial salmon seining is opened in the Halibut Cove Subdistrict (by emergency order), the weekly fishing period for set gillnetting in Halibut Cove Subdistrict will immediately change to five days per week, from Monday 6:00 a.m. until Saturday 6:00 a.m., or identical to the weekly fishing period for the seine fishery. During the past decade, the opening date for the seine fishery in Halibut Cove Subdistrict has ranged from June 16 to June 26. This proposal would increase the harvest of stocked king salmon destined for the Halibut Cove Lagoon terminal harvest area by commercial set gillnets in the Halibut Cove Subdistrict as well as stocked sockeye salmon destined for Leisure/Hazel lakes.

BACKGROUND: The primary target species for set gillnetters in Halibut Cove Subdistrict is sockeye salmon. The closest returns are to the nearby enhancement sites at Leisure Lake/China Poot Bay and Hazel Lake/Neptune Bay, while additional non-local fish are also presumably caught as they migrate through the subdistrict. Halibut Cove Subdistrict set gillnetters also harvest king salmon, the majority of which are destined for a stocking site in adjacent waters of Halibut Cove Lagoon. This stocking project is intended to benefit recreational fishermen. Over the past decade, annual commercial set gillnet catches in Halibut Cove Subdistrict have averaged about 8100 sockeyes, while

king catches have averaged 566 fish. An average of four set gillnet permit holders have annually made deliveries from Halibut Cove Subdistrict during the last 10 seasons.

Sockeye salmon returning to the Leisure and Hazel Lake stocking sites are prevented by natural barriers from reaching suitable spawning habitat, therefore a 100% harvest of the returns is desired. Since the inception of these programs, seiners in Halibut Cove Subdistrict have been allowed to fish on a five-days-per-week fishing schedule to maximize the opportunity to harvest sockeyes returning to the stocking sites. Although set gillnetters in Halibut Cove Subdistrict also target these sockeye stocks, this gear group normally remains on the traditional schedule of two 48-hour fishing periods per week through the month of June to reduce the potential harvest of king salmon destined for the nearby Halibut Cove Lagoon enhancement project. Since these fish are intended for the recreational fishery in that area, liberalization of commercial set gillnet fishing time to five days per week is normally delayed until after the 4th of July in order to provide maximum opportunity for sport fishermen to harvest remaining king salmon during that major holiday.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. Despite the justification for this proposal, which cites gear conflicts between set gillnetters and seiners, the department has no historical information in the form of documented concerns expressed by either gear group in recent seasons suggesting that a problem exists in Halibut Cove Subdistrict. Increasing the weekly fishing time for set gillnetters in Halibut Cove Subdistrict simultaneously as the seine opening in those waters will likely increase the set net catch of both sockeye and king salmon.

COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

PROPOSAL 14, PAGE 8. 5 AAC 21.310. FISHING SEASONS.

WHAT WOULD THE PROPOSAL DO? This proposal would change the opening date for commercial set gillnet fishing in the Southern District of Lower Cook Inlet to a fixed calendar date of June 1.

WHAT ARE THE CURRENT REGULATIONS? Presently, regulatory language specifies that commercial set gillnetting in the Southern District of Lower Cook Inlet opens on the first Monday in June.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the commercial set gillnet fishery in the Southern District will open on a fixed calendar date (June 1) instead of on an irregular calendar date dependent on the first Monday in June. As a result, the change means that the fishery will open zero to six days earlier than it presently opens. This proposal would result in a small increase in commercial set gillnet harvest of king salmon stocked for recreational fisheries at terminal harvest areas in Halibut Cove Lagoon and Seldovia, as well as small increase in commercial sockeye salmon harvests in the Southern District.

BACKGROUND: The areas where set gillnetting can occur in LCI are all located along the south shore of Kachemak Bay in the Southern District. The available fishing area is extremely limited, and an average of only 22 set gillnet permits have annually participated in that fishery over the past decade. The present Southern District set gillnet opening date of the first Monday in June for the Southern District has appeared in regulation since 1976.

The primary target species for set gillnetters in the Southern District is sockeye salmon. Only one local sockeye salmon stock appears in area waters in early June, that of English Bay Lakes. This particular stock has both a naturally reproducing component and an enhanced component, with the latter generally producing the majority of adult returns. Recent overall returns to this system have been somewhat inconsistent, but escapement has nonetheless been achieved annually over the past decade.

Since 1994, the average annual set gillnet catch of sockeye salmon *prior to* June 7 has been 1,360, with a peak annual catch during that time period of 3,800 sockeyes. The average seasonal catch for set gillnets during the past decade has ranged from 14,000 to 82,000 sockeye salmon, with an average of about 40,000. Halibut Cove Subdistrict set gillnet catch over the past decade has averaged 566 king salmon while the Seldovia Bay Subdistrict set gillnet catch has averaged 314. The average harvest prior to June 7 in these two subdistricts during the past decade has been 95 and 63, respectively.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. Because the Southern District season opener actually falls on a calendar date of June 1 in years when that date is the first Monday in June, and the department has no objections in those years, the department believes the proposed change will have very little overall impact on either local stocks targeted in this fishery or non-local stocks that

may migrate through area waters. Because the proposed fixed calendar opening date is zero to six days earlier than the present opening date, the early catch information may provide indicators of run strength that could allow the department to react more quickly and effectively to potential changes in fishing schedules. If this proposal is adopted, the department will still retain the flexibility to alter the opening date and/or weekly fishing periods by emergency order to protect stocks, or if new information suggests such action is prudent.

In 2004, a Southern District set gillnet marketing cooperative requested that the department consider opening the season on June 1, prior to the regulatory opening date of the first Monday in June (June 7 in 2004), in order to help them satisfy their market commitments. After careful consideration of the implications, and for the reasons previously stated, the department granted this request and opened the Southern District set gillnet fishery by emergency order on June 1 for the 2004 season only. The marketing cooperative was advised that future fixed calendar date openings would be dependent on a review of this issue by the Alaska Board of Fisheries.

COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

RESURRECTION BAY (1 Proposal)

PROPOSAL 15, PAGE 9. 5 AAC 21.375. BEAR LAKE MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? The original proposal would add language to the existing Bear Lake regulatory management plan to: 1) establish a Resurrection Bay Saltwater Special Harvest Area, which would include virtually all marine waters of Resurrection Bay, for the purpose of CIAA hatchery cost recovery; and 2) establish the opening and closing dates and the weekly fishing period for the above SHA.

WHAT ARE THE CURRENT REGULATIONS? **5 AAC 21.375. BEAR LAKE MANAGEMENT PLAN.** states that the prime objective of sockeye enhancement activities at Bear Lake is to provide opportunity for a commercially viable sockeye salmon fishery prosecuted with minimal conflict with the recreational fishery. Additionally, the management plan states that sockeye enhancement activities at Bear Lake must not negatively impact the ongoing coho salmon enhancement at Bear Lake, and also that the early run timing of indigenous Bear Lake sockeyes must be maintained. Finally, the management plan directs the Department to establish and manage for a Bear Lake sockeye escapement goal.

Management of the fishery includes establishment of a season opening date and weekly fishing periods by emergency order, both of which are primarily based upon anticipated seine effort and the preseason forecast of adults returning to Bear Lake.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, only authorized agents of Cook Inlet Aquaculture Association (CIAA) would be allowed to fish inside waters of the Resurrection Bay Saltwater Special Harvest Area (RBSSHA), targeting sockeye salmon destined for CIAA's Bear Lake enhancement project. Under the proposal, the RBSSHA would be open from May 15 through July 15 on a schedule of five days per week, from Monday 6:00 a.m. until Friday 10:00 p.m., or during periods established by emergency order.

Under the revised (RC) language of this proposal, a harvest allocation of 50% each for CIAA and the commercial seine fishery would require that the department use its E.O. authority (time and area) to manipulate Resurrection Bay commercial effort in order to achieve the desired harvest objectives.

BACKGROUND: Bear Lake (445 acres), located near Seward, has been the site of an ongoing coho salmon enhancement project. ADF&G initiated the project in 1962; CIAA assumed operation of the project in 1989 and expanded it to include the stocking of sockeye salmon in 1990. The purpose of the expanded project was to maintain a commercial sockeye salmon fishery without negatively impacting the coho salmon sport fishery. Adult sockeyes resulting from enhancement activities began returning to Bear Lake in 1992. Returns peaked during 1995 and 1996 at an overall total of about 53K sockeyes. Commercial seine catches in Resurrection Bay during the aforementioned time

period have ranged from a low of 1K sockeyes (1994) to a high of 36K (1996), while the peak harvest of fish for cost recovery by CIAA was 21K (1995).

CIAA believes that by combining the Bear Lake and the now-defunct Grouse Lake salmon enhancement projects into one “early run” project at Bear Lake, it can meet the original goals of both projects. To develop an adult sockeye return to Resurrection Bay deliberately sized to maintain the current Bear Lake salmon enhancement project and support other CIAA enhancement programs, CIAA has increased sockeye salmon stocking into Bear Lake through fall presmolt and spring smolt releases. At full production, CIAA estimates that the current Bear Lake spring fry releases (2.4 million), combined with the presmolt (800K) and smolt (560K) releases, will eventually result in the subsequent annual return of up to 200K adults.

Under the amended plan (original wording), all marine waters of Resurrection Bay would become a hatchery Special Harvest Area, thus requiring that any seiner wishing to target Bear Lake sockeye salmon must agree to become an authorized agent of CIAA prior to fishing. CIAA and participating seiners would be required to establish a contract for compensation, theoretically arriving at an agreement that would satisfy both the hatchery cost recovery parameters and the desires of seiners. The Department would continue to manage any fishing activity within the SHA for a Bear Lake sockeye escapement near the upper end of the desired in-river return range of 5.6k to 13.2K fish.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. There are few biological concerns for natural stocks of fish other than the potential incidental harvest of indigenous stocks of Resurrection Bay chums and pinks during July. As fishing in the SHA proceeds into July, incidental catch of indigenous stocks of chum and pink salmon will be an increasing concern, and fishing in marine waters of the SHA could be restricted or curtailed to address this concern. If this proposal is adopted, the Department believes it can manage the proposed SHA for the Bear Lake escapement goal, assuming the projected total number of returning adults is realized.

The potential for success of CIAA’s expanded Bear Lake sockeye enhancement program is questionable. CIAA proposes to augment the current fry stocking (2.4 million) program with concomitant pre-smolt releases (800K) in Bear Lake plus smolt releases (560K) in Bear Creek. Theoretically, these additional releases would not jeopardize the fry already rearing in the lake because the smolts would emigrate shortly after stocking, while the overwintering pre-smolts would only compete during the slowest portion of the growing season before emigrating. The concept that pre-smolts stocked in a lake late in the growing season do not compete with resident fry has not been substantiated. Additionally, sockeye pre-smolts stocked in the fall of 1995 into a different Alaskan lake (Coghill Lake in Prince William Sound) held over for two winters, thereby competing for the same food resources as the age-0 (1996 rearing year) fry. Although Coghill Lake is a very harsh rearing environment (cold, very turbid and with little plankton) compared to Bear Lake, there is nonetheless a possibility that a combined pre-smolt and fry stocking program could lead to intense intra-specific competition in Bear Lake and a reduction in the rearing capacity for sockeye juveniles. Top-down control of zooplankton by intense

predation of rearing sockeye juveniles is easily established. Although Bear Lake is fertilized in conjunction with stocking, the reversal of top-down control (or the re-establishment of bottom-up control) and recovery of the zooplankton community is substantially more difficult to achieve. Hence, the consequence of a large stocking effort could be a long-term (i.e., more than one year) depression of the forage base and lower sockeye production. The department questions the potential for success of a large pre-smolt stocking program in conjunction with fry stocking. Given that lower freshwater survival at higher juvenile sockeye densities has already been observed in Bear Lake, coupled with some uncertainty surrounding the impact of pre-smolt (and smolt) releases on both sockeye and coho production, the aggressive stocking program for Bear Lake as currently undertaken by CIAA appears, at least from a biological point of view, to be somewhat risky.

COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

SALMON: SPORT

COOK INLET (8 Proposals)

PROPOSAL 16, PAGE 13. 5 AAC 58.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR COOK INLET – RESURRECTION BAY SALTWATER AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would close all salt waters of the Cook Inlet north of the Kenai River to all sport fishing the entire year.

WHAT ARE THE CURRENT REGULATIONS? The salt waters of Cook Inlet are currently open to sport fishing the entire year.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Sport fishing opportunity in the salt waters of Cook Inlet north of the Kenai River would be lost, with no measurable increase to the salmon spawning population.

BACKGROUND: From 1998-2002 the total salmon harvest (commercial and sport) for Cook Inlet waters north of the Kenai River has averaged 239,900 salmon annually. The salmon harvest from recreational anglers fishing in the saltwater of Cook Inlet north of the Kenai River for that same five-year period averaged 1,200 salmon annually. The recreational salmon harvest addressed in this proposal accounts for less than 1% of the salmon harvested in northern Cook Inlet waters.

DEPARTMENT COMMENTS: The department **OPPOSES** implementation of this proposal as a conservation measure and is **NEUTRAL** regarding the allocative aspects of the proposal. The small harvest of these mixed stocks do not impact the department's ability to manage for sustained yield. In years of low abundance, sport and commercial fishing actions can be coordinated and enacted inseason to help insure that escapement goals are met.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 17, PAGE 14. 5 AAC 58.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR COOK INLET – RESURRECTION BAY SALTWATER AREA.

WHAT WOULD THE PROPOSAL DO? The proposal would require anglers fishing in eastern Cook Inlet salt waters to release king salmon 44 inches to 55 inches in length during the period May 1 to June 24. King salmon in this size range could not be removed from the water and immediate release of these fish would be required.

WHAT ARE THE CURRENT REGULATIONS? North of Bluff Point in Cook Inlet marine waters the sport limits for king salmon of any size are 1 per day and 1 in possession. The sport limits south of Bluff Point are 2 per day and 2 in possession. In the Cook Inlet area, only five king salmon 20 inches or greater in length may be taken each year except waters south of Bluff Point, which are exempted October 1 through March 31.

The Upper Cook Inlet Marine Early-Run King Salmon Management Plan (5 AAC 58.055) designates a Special Harvest Area south of the latitude of the mouth of the Ninilchik River to the latitude of Bluff Point and within one mile of shore during April 1 through June 30. Within the waters of the Special Harvest area, the following locations are closed to fishing: 1) south of the latitude of the Ninilchik River to a marker located two miles south of Deep Creek; 2) from the latitude of a marker located one mile north of Stariski Creek to the latitude of a marker located one mile south of Stariski Creek and 3) from the latitude marker located two miles north of the Anchor River to the latitude of a marker located two miles south of the Anchor River. A person may not, after taking a king salmon 20 inches or more in length, fish for any species of fish on that same day within the waters of the Special Harvest Area. A person who is engaged in sport fish guiding in the Special Harvest Area may not sport fish while a client is present or is within the guide's control or responsibility except to provide assistance to a disabled client. Additionally, the salt waters within a 1-mile radius of the saltwater terminus of the Ninilchik River are closed to fishing for king salmon from January 1 through June 30. A guideline harvest level of 8,000 king salmon 20 inches or more in length may be taken before July 1 from the marine waters of Cook Inlet north of the latitude of Bluff Point.

Regulations for the Kenai River require that king salmon 44 inches to 55 inches in length may not be retained in the Kenai River from its mouth upstream to the outlet of Skilak Lake from January 1 through June 30, and from the Soldotna Bridge upstream to the outlet of Skilak Lake from July 1 through July 14.

WHAT WOULD BE THE EFFECT IF THIS PROPOSAL IS ADOPTED? Sport fishing opportunity would be lost in the eastern Cook Inlet marine waters without a measurable increase in the 5-ocean component of the Kenai River in-river escapement.

BACKGROUND: The BOF passed the Upper Cook Inlet Marine Early-Run King Salmon Management Plan in 1996. The plan was intended to stabilize the growing king salmon fishery on fully utilized mixed stocks in the nearshore marine waters from

Ninilchik to Bluff Point. It also sought to prevent overexploitation of stocks thought to be intercepted in the fishery which were experiencing below average returns including Deep Creek and the Anchor River as well as the Kenai River and some northern Cook Inlet tributaries.

The average sport harvest of king salmon in the marine waters north of Bluff Point since 1996 is approximately 4,600 fish, well below the 8,000 fish harvest guideline. Information on the contribution of selected king salmon stocks to the early-run marine fishery north of Bluff Point is available from a coded wire tagging (CWT) and recovery program conducted from 1993 through 2002. Wild and hatchery stocks of king salmon were coded wire tagged (CWT) in selected Cook Inlet tributaries to estimate their contribution to the marine fishery. Wild juvenile king salmon were tagged in the Kenai River from 1993 through 1999 and in Deep Creek from 1994 through 1997. Tagging programs occurred as well in three Northern Cook Inlet tributaries. Tagging of hatchery stocks returning to the Ninilchik River and some other locations around Cook Inlet is ongoing.

Stock origin can be identified from CWT's for an average of 16 percent of the early-run (prior to June 25) marine king salmon harvest north of Bluff Point. Only a small proportion of the harvest south of Bluff Point was examined for CWT's therefore the harvest cannot be apportioned precisely.

All the major age classes of king salmon returning to Deep Creek from 1998 through 2002 contained a varying fraction of fish in the return with coded wire tags. The estimated harvest of Deep Creek origin king salmon in the marine fishery north of Bluff Point ranged from 102 to 246 fish, or 2.1 to 4.3 percent of the tagged early-run harvest during those years. Ninilchik River hatchery fish alone have accounted for an average of about 2.0 percent of the harvest north of Bluff Point; contribution of other Cook Inlet hatchery stocks averaged an additional 2.0 percent. Three tags have been recovered from other Cook Inlet wild stocks in the fishery north of Bluff Point since 1996: Kenai River and Willow Creek in 1999 and the Killey River in 2002. Contribution estimates of Kenai River fish to the harvest were not possible because insufficient numbers of smolt were marked inriver. Consequently, the small number of fish sampled did not provide reliable estimates of marine harvest. If the contribution of Kenai River fish to the marine harvest was 5 percent, then 6 to 10 tags from the Kenai River should have been recovered annually from the total marine harvest. The study recovered one Kenai River tag over the course of the seven-year study. All data collected while sampling the marine fishery from 1996 through 2002 suggests that exploitation of early-run Kenai River king salmon in eastern Cook Inlet marine waters is low. Early-run king salmon returns to the Kenai River have been at acceptable levels recently.

Tagged stocks originating outside of Cook Inlet have been recovered and include Southeast Alaska, British Columbia, Washington and Oregon. Combined, these tagged non-local stocks have accounted for an average of about 10 percent of the marine king salmon harvest during the early run north of Bluff Point. An average of 75 percent of the

CWT recoveries from south of Bluff Point during 1996 through 2002 were from non-Cook Inlet king stocks.

Tagged non-local king salmon sampled from the Cook Inlet marine fishery were generally sexually immature, feeding fish, while all fish with tags from Cook Inlet tributaries were generally sexually mature. Therefore sexual maturity can be used as a proxy for the origin of the harvest within or outside of Cook Inlet. The fraction of sexually immature fish sampled in the harvest north of Bluff Point has varied, ranging from 21 percent to 52 percent and averaging about 36 percent.

There is no evidence that a few selected stocks dominate the marine king salmon harvest. Rather, tag recovery data from north of Bluff Point indicates that the origin of spawners in the harvest are of a broad Cook Inlet distribution comprised of numerous individual stocks none of which make up a large component.

There has been a decline in the numbers and percentage of the oldest and largest king salmon in the Kenai River since the late 1980's particularly 5-ocean fish. The percentage of 5-ocean fish decreased from a high of over 10 percent in 1988 to less than 1 percent in 1999. The proportion has increased to approximately 4 percent in 2002; still below level observed in the late 1980's and early 1990's.

DEPARTMENT COMMENTS: The department **OPPOSES** implementation of this proposal as a conservation measure and is **NEUTRAL** regarding the allocative aspects of the proposal. The marine fishery in Cook Inlet is comprised of many mixed stocks, none of which dominate the harvest. Fewer than 1 percent of the king salmon aged from 1996 through 2002 spent 5 years in saltwater before returning to spawn. It is unlikely that enough 5-ocean king salmon of Kenai River origin are harvested in the marine fishery to impact the inriver age composition. The proposer does not define the bounds of eastern Cook Inlet therefore it would be necessary for the Board of Fisheries and department staff to do so.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 18, 19, 20 AND 21, PAGES 14 – 16. 5 AAC 58.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR COOK INLET – RESURRECTION BAY SALTWATER AREA; 5 AAC 58.030. METHODS, MEANS, AND GENERAL PROVISIONS - FINFISH; AND 5 AAC 61.030. METHODS, MEANS, AND GENERAL PROVISIONS - FINFISH.

WHAT WOULD THE PROPOSALS DO? Proposal 18 would prohibit anchoring more than two miles offshore north of the latitude of Anchor Point during drift gillnet openings. Proposal 19 would prohibit halibut charter vessels from anchoring north of 59°45.00, south of Anchor Point, during drift fishery openings. Proposal 20 would prohibit anchoring in a corridor south of the Kalgin bouy from June 25 to August 9. Proposal 21 would prohibit anchoring of sport fishing boats within 660 feet of a drift gillnet vessel that has nets deployed.

WHAT ARE THE CURRENT REGULATIONS? There are presently no regulations that prohibit anchoring in times or areas open to salmon drift fishing or otherwise in Cook Inlet.

WHAT WOULD BE THE EFFECT IF THESE PROPOSALS ARE ADOPTED? These proposals would reduce angling opportunity for halibut and other species where anchoring occurs near or during commercial drift gillnet openings.

BACKGROUND: The commercial salmon drift gillnet fleet overlaps sport anglers anchoring to fish for halibut and salmon in Cook Inlet in the waters east of Kalgin Island north from the latitude of Anchor Point to the latitude of Ninilchik. This area encompasses the Central Commercial District of Cook Inlet including portions of the Kasilof Section of the Upper Subdistrict and the Lower Subdistrict. Drift gillnets may be fished from June 25th until August 9 during regularly scheduled periods from 7:00 a.m. to 7:00 p.m. Mondays and Fridays. Regularly scheduled periods may be modified by emergency order.

DEPARTMENT COMMENTS: The department recommends **NO ACTION** be taken on this proposal. The department and the Board of Fisheries do not have the authority to regulate the anchoring of vessels. Regulation of the sport halibut fishery is not within the jurisdiction of the department or Board of Fisheries. Similar proposals were submitted to the board in February 1999 and again in November 2001. Each time the board took no action on these proposals.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 22, PAGE 16. 5 AAC 58.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR COOK INLET – RESURRECTION BAY SALTWATER AREA;

WHAT WOULD THE PROPOSAL DO? The proposal would establish “Youth Fishery Days” at the Homer Spit Fishery Enhancement Lagoon, popularly known as the “Fishing Hole”, during the general peak return periods of the stocked salmon as follows:

- Early run king salmon – second Friday in June
- Early run silver salmon – second Friday in July
- Late run silver salmon – third Friday in August

An area encompassing 30 to 50 percent of the Fishing Hole would be reserved exclusively for youths to fish. Fishing periods would be either 5 a.m. to 9 p.m. or the entire 24-hour calendar day. Department markers would designate the exclusive fishing area.

WHAT ARE THE CURRENT REGULATIONS? The Homer Spit Fishing Hole is currently open to anglers of all ages the entire year. The sport limits for king salmon of any size are 2 per day and 2 in possession. The sport limits for silver salmon are 6 per day and 6 in possession. A seasonal limit of 5 king salmon applies between April 1 and September 30. King salmon harvested in the Fishing Hole must be logged on the back of the angler’s sport fishing license during April 1 through September 30. The Fishing Hole may be open to snagging during periods established by E.O. to maximize the harvest of these hatchery fish.

WHAT WOULD BE THE EFFECT IF THESE PROPOSALS ARE ADOPTED? Youths under 16 years of age would have three days during the peak returns of stocked king and silver salmon where they could fish unimpeded by competition from adults along a stretch of shoreline at the Homer Spit Fishing Hole. Adults would be excluded from this area during these three days and could experience reduced fishing success as a result.

BACKGROUND: In April of 2004, the Alaska Legislature passed HB 98 giving the BOF authority to establish restricted seasons and areas necessary for persons under 16 years of age to participate in sport fishing.

The Homer Spit Fishing Hole is a terminal harvest fishery. This is an established fishery with early-run king salmon first stocked in the lagoon in 1983, and coho salmon first released in 1988. The recent 5-year average harvest is 3,374 king salmon and 11,000 silver salmon. The most recent harvest estimate (2003) is approximately 4,100 king salmon and 18,500 silver salmon.

The most successful anglers station themselves opposite the inlet on the inside of the Fishing Hole, along the entrance channel and along the beach outside the Fishing Hole within 100 feet of the outlet during the peak of the run. The most successful fishing and therefore the most popular time to fish occurs within 1 ½ to 2 ½ hours before high tide when the seawater floods into the Fishing Hole. Anglers who station themselves around

the perimeter of the lagoon can be successful but usually at a slower rate than anglers positioned to fish the flow of the entrance channel at flooding tide.

DEPARTMENT COMMENTS: The department **SUPPORTS** providing opportunity for youths to fish at the Fishing Hole and is **NEUTRAL** on the allocative aspects of this proposal. This proposal will provide an opportunity for increasing the angling success of youths fishing at the Fishing Hole and thereby encouraging them to sport fish. We recommend youth fishing days occur during the projected peak of the runs: the last week of May or first week of June for early-run king salmon, the last week in July or first week in August and the third or fourth week in August.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 23, PAGE 17. 5 AAC 21.357. KENAI RIVER COHO SALMON CONSERVATION MANAGEMENT PLAN; 5 AAC 56.022. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE); 5 AAC 56.023. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE; 5 AAC 56.070. KENAI RIVER AND KASILOF RIVER EARLY-RUN KING SALMON CONSERVATION MANAGEMENT PLAN; 5 AAC 58.022. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR COOK INLET – RESURRECTION BAY SALTWATER AREA; 5 AAC 61.022. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA; 5 AAC 61.030. METHODS, MEANS, AND GENERAL PROVISIONS – FINFISH.

WHAT WOULD THE PROPOSALS DO? This proposal would not allow a catch and release fishery to occur when a conservation concern exists.

WHAT ARE THE CURRENT REGULATIONS? No regulation currently addresses the issue of a catch and release fishery occurring on a system where a conservation concern exists.

WHAT WOULD BE THE EFFECT IF THESE PROPOSALS ARE ADOPTED? If this proposal were adopted, anglers would lose fishing opportunity on fisheries currently open to catch and release.

BACKGROUND: In 2000, the BOF adopted a Policy for the Management of Sustainable Salmon Fisheries (SSFP), 5 AAC 39.222. A ‘conservation concern’, as described in this policy, means a concern arising from a chronic inability, despite the use of specific management measures, to maintain escapements for a salmon stock above a Sustained Escapement Threshold (SET); a conservation concern is more severe than a management concern. In this plan, the BOF in consultation with the department will decide if a conservation concern exists for a salmon stock and if so the BOF will amend or develop new fisheries management plans to address these concerns. This policy lays out the steps the department will take to address a conservation concern; steps will be taken to minimize harvest and overall impacts to salmon populations that are considered to be a conservation concern. These steps may include everything from wide ranging, severe restrictions on all user groups, to minor in-river restrictions that may or may not only impact one user group. These restrictions could and would likely include not allowing catch and release fishing until such times as the stock of concern rebuilds to a sustainable level.

For fish species other than salmon, catch and release may be allowed where stocks are insufficient to support a harvest.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Catch and release is a viable technique to provide fishing opportunity while protecting stocks that can not sustain directed harvest. The department agrees that reductions in harvest potential, including a prohibition of catch and release fishing, should enter into any discussion of a “stock of conservation concern” as defined by the Sustainable Salmon Fisheries Policy. The board previously considered this proposal in 2002 and voted unanimously against it.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

FRESHWATER (4 Proposals)

PROPOSAL 24, PAGE 18. 5 AAC 56.022. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE).

WHAT WOULD THE PROPOSAL DO? This proposal would prevent sport fishing guides from providing sport fishing guide services for more than two clients at a time on the Anchor River and Deep Creek.

WHAT ARE THE CURRENT REGULATIONS? There are currently no restrictions on the number of clients that can fish with one guide operating on the Anchor River or Deep Creek.

WHAT WOULD BE THE EFFECT IF THESE PROPOSALS ARE ADOPTED? Guided fishing opportunity on the Anchor River and Deep Creek would be reduced unless the number of guided operations increased on the two rivers. Anglers wishing to be guided on the Anchor River and Deep Creek would have more difficulty scheduling a guided fishing trip, particularly groups larger than two.

BACKGROUND: In the early 1970s, the Anchor River, Deep Creek, and Ninilchik River were the major king salmon fisheries in Southcentral Alaska. Other king salmon fisheries have developed on the Peninsula and in northern Cook Inlet but the lower Peninsula king salmon fisheries are still popular fisheries. An average of 20,000 angler-days of sport fishing effort has been spent fishing the Anchor River annually since 1999. Deep Creek has supported an average of approximately 10,000 angler days since 1999.

The Anchor River and Deep Creek are accessed and fished on foot. The two streams are too shallow, narrow and obstacle-ridden to allow motorboat passage. They are floatable with a small raft or canoe. The Anchor River is road accessible at several points along the lower 9 miles but only the in the lower 2 miles are significant portions of the river bank state-owned and provide public access. Deep Creek can be accessed only at the mouth and the Sterling Highway crossing. Elsewhere, the uplands are privately owned and anglers must stay below the mean-high water line or ask for permission from landowners to approach the stream.

Approximately three guide businesses and three or four guides take clients on the Anchor River and Deep Creek at any one time. Similar to non-guided anglers, guides and their clients access the rivers on foot.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 25, PAGE 18. 5 AAC 56.022. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE).

WHAT WOULD THE PROPOSAL DO? Proposal 25 would increase allowable fishing time on the Anchor River by adding a weekend and the Monday following the weekend (fishing period) before Memorial Day during the king salmon season. The added weekend would increase the fishing time from four to five 3-day fishing periods.

WHAT ARE THE CURRENT REGULATIONS? The Anchor River drainage is closed to all fishing January 1 to Memorial Day weekend. The drainage is open on Memorial Day weekend and the following 3 weekends and the Monday following each of those weekends to sport fishing from the mouth upstream to the confluence of the North and South forks, a distance of approximately two miles. The daily bag and possession limits are 1 king salmon 20 inches or greater in length per day, 1 in possession. Ten king salmon less than 20 inches may be harvested per day, ten in possession. The combined seasonal bag limit from the Anchor River and Deep Creek is two king salmon. Upon harvesting a king salmon, anglers may not fish in the Anchor River for the remainder of the day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would increase the king salmon season on the Anchor River by opening the season the weekend before Memorial Day. Additional harvest is expected to be low due to poor river conditions. Steelhead outmigration is occurring on the Anchor River during this time and mortality of steelhead may increase due to hook and release injuries.

BACKGROUND: The Lower Cook Inlet roadside streams traditionally provided the first opportunity to harvest king salmon from freshwater. In the early 1970s, the major king salmon sport fisheries in Southcentral Alaska were on the Anchor River, Deep Creek and Ninilchik River. Angler effort on the Anchor River peaked during the 1970's and then declined. The reduced effort was attributed to the development of the Kenai River and Northern Cook Inlet freshwater king salmon fisheries as well as the Cook Inlet marine sport fishery. From 1978 through 1988, Anchor River was open to fishing from salt water upstream approximately 2 miles, during Memorial Day weekend and the next consecutive 3 weekends (four weekends in total).

The Board liberalized fishing on the Anchor River in 1989 by adding a fifth consecutive 3-day weekend because of a decline in fishing effort in the 1980's. The king salmon sport harvest on the Anchor River increased substantially following the extension of the fishing season; these large harvests continued through 1993. Concurrent with the increased harvest was a decline in aerial survey counts of king salmon on the Anchor River. In 1993, a Biological Escapement Goal (BEG) of 1,790 king salmon for the Anchor River was adopted. This goal was based on an average of annual expanded counts from aerial and foot surveys that were conducted in 1966 to 1969 and 1972 to 1991.

During the 1996/1997 Board of Fisheries (BOF) the Upper Cook Inlet Marine Early Run King Salmon Management Plan was created (5 AAC 58.055). Separate from the Management Plan, the following freshwater regulations were put into effect: 1) the combined annual bag limit was reduced from five to two king salmon for Anchor River and Deep Creek, 2) anglers could not fish for the remainder of the day in either stream after harvesting a king salmon from the Anchor River or Deep Creek, and 3) fishing above the North and South Forks of the Anchor River were closed to all sport fishing until August 1 to protect spawning king salmon. The Anchor River, however, remained open to fishing for five weekend only fishing periods.

In 1998, the Anchor River BEG was modified based on historical aerial survey counts and their relationship to sport fishing harvests, resulting in a BEG range of 1,050 to 2,200 king salmon. In 2001, escapement goals were reevaluated for Cook Inlet salmon stocks as directed by the Sustainable Salmon Fisheries and Escapement Goal Policy (SSFP; AAC 39.222). Since the total return of Anchor River king salmon was unknown, the Escapement Goal Review Team evaluated this stock using a standard set of criteria from salmon stocks where total returns were known. Based on this analysis, the 25th to 75th percentiles of annual helicopter escapement surveys for the Anchor River was used to set a sustainable escapement goal (SEG) between 750-1,500 king salmon for the Anchor River.

During the BOF meeting in November of 2001, in response to the guidelines established in the Sustainable Salmon Fisheries Policy, the BOF designated Anchor River king salmon as a stock of “management concern”. The BOF reduced the regulatory fishery openings for king salmon from five to four 3-day weekends. The “management concern” designation was the result of escapement indexes below the SEG range in 8 of the 13 years surveyed from 1989-2001. Furthermore despite the BOF actions in 1995-1996 to correct these downward trends, escapement indexes fell below the SEG range in 1996, 1997, 1999, and 2001 and near the lower SEG range in 1998 and 2000

In 2003, the department initiated a DIDSON (Dual Frequency Identification Sonar) project to assess king salmon escapement and production. The sonar was installed upstream of the fishery and just downstream of the confluence of the north and south fork of the Anchor River. Based on counts from the sonar (between 30 May to 9 July), at least 8,678 king salmon were estimated to have migrated upstream in the Anchor River during the 2003 count period.

In 2004, king salmon escapement on the Anchor River was estimated using sonar from 15 May to 9 June. On June 9 when river levels lowered, a complete resistance board-floating weir was installed to continue escapement monitoring. The floating weir was removed September 13. Based on sonar and weir counts, the escapement of king salmon in the Anchor River was approximately 11,885. An E.O. (2-KS-7-07-04) was issued on June 21, 2004 after approximately 7,000 king salmon were estimated at the Anchor River sonar/weir site. The E.O. allowed three more days (12:00 a.m., Saturday, June 26, 2004 through 11:50 p.m. June 28, 2004) of fishing for king salmon on the Anchor River.

DEPARTMENT COMMENTS: The department **SUPPORTS** increasing harvest opportunity on Anchor River king salmon stocks, but is **NEUTRAL** on the allocative aspects between the freshwater and marine fisheries.

The 2005 outlook for Anchor River king salmon is expected to be similar to the 2003 return based on a five-year average (2000-2004) escapement index of 685. The effect of the 2002 Anchor River flood on king salmon production has not been determined thus far. The annual harvest estimate for 2002 and 2003 was approximately 1,000 king salmon each year. The inriver harvest of king salmon in 2004 was likely near this level and estimated at approximately 10 percent exploitation. During the most recent 5 years (1997–2001) when the Anchor River was open for five periods, the average annual instream harvest of king salmon was 1,275 and did not exceed 2,000 king salmon.

Projecting a liberal annual harvest of 2,000 king salmon in 2003 and 2004, the resulting exploitation rate would have been approximately 14% and 19%, respectively. This level is well below sustainable exploitation rates for king salmon; and therefore, liberalization of the fishery is justified. However, the department remains cautious until more sonar/weir escapement data is collected and the impact of the 2002 flood is assessed.

The department recommends that during the 2004 Lower Cook Inlet meeting, the Board discuss Anchor River king salmon stock of concern status. Furthermore, the department recommends that the Anchor River king salmon stock no longer be designated as a stock of concern as defined in the SSFP because escapements observed in 2003 and 2004 are much higher than previously indicated by aerial survey index counts. In the future, the department will continue to attempt to relate sonar/weir escapement counts to aerial survey escapement indexes.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 26, PAGE 19. 5 AAC 56.022. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE).

WHAT WOULD THE PROPOSALS DO? This proposal would open the Ninilchik River to fishing for hatchery-produced king salmon continuously beginning Memorial Day weekend and modifies the description of the regulatory marker locations on Deep Creek and the Ninilchik River. Anglers could not fillet, mutilate or otherwise disfigure king salmon in a manner that prevents verification that the fish is of hatchery origin until the angler is outside the Ninilchik drainage boundaries.

WHAT ARE THE CURRENT REGULATIONS? The waters of the Ninilchik River upstream from its mouth to an ADF&G regulatory marker located 2 miles upstream are open to fishing for king salmon 20 inches or more in length Memorial Day weekend and the following two weekends and the Monday following each of those weekends. The daily bag and possession limit is one king salmon 20 inches or longer and 10 king salmon under 20 inches in length. The annual limit of king salmon that can be harvested from the Ninilchik River is five. Anglers must log the water where king salmon 20 inches or longer are harvested on the back of their fishing license or their harvest record card. Deep Creek is open upstream from its mouth to an ADF&G regulatory marker located 2 miles upstream to fishing for salmon.

WHAT WOULD BE THE EFFECT IF THIS PROPOSAL IS ADOPTED? The opportunity to harvest hatchery king salmon would be available continuously after Memorial Day weekend. Additional limited wild king salmon mortality would likely occur from release and illegal taking but at a level that would not jeopardize the sustainability of the wild escapement. The banks of the Ninilchik River in the lower 2 miles downstream of the department regulatory markers would sustain more use during June. Anglers would be prohibited from filleting their king salmon until they removed the fish from the fishing site.

BACKGROUND: King salmon have been stocked in the Ninilchik River since 1988 to provide additional harvest opportunity for sport anglers while preventing overharvest of wild king salmon that return to the river. Concern about unsustainable harvests of wild king salmon in the Ninilchik River, negative hatchery-wild smolt interactions, straying of hatchery fish and unintended use of untagged hatchery-produced fish during king salmon egg takes resulted in a reduction in stocking levels from approximately 180,000 king salmon smolt to 50,000 in 1995. Concomitantly, the percentage of coded wire tagged hatchery smolt was increased from approximately 20% to 100%.

The average annual harvest of king salmon from the Ninilchik River since the fishery was fully impacted by the reduction of stocking levels in 1999 is nearly 1,800 fish. Harvest sampling was conducted downstream of the Sterling Highway Bridge in 2000 through 2002. In 2000 and 2001, the harvests were found to be half wild and half hatchery fish through much of the fishery with hatchery fish tending to dominate harvests during the final regulatory weekend. Harvest samples from throughout the fishery opening were heavily

skewed towards wild fish in 2002; the harvest of wild fish for all three weekends averaged 78 percent wild fish and ranged from 75 to 85 percent wild for the individual weekend openings.

A fourth 3-day weekend of king salmon fishing was allowed by E.O. on the Ninilchik River during 2001 for both wild and hatchery fish because it was anticipated that the escapement goal range would be exceeded. Beginning in 2002, in order to harvest surplus hatchery fish, the river was opened to the harvest of only hatchery king salmon for a fourth 3-day weekend. Few anglers fished during the opening. In 2003, fishing for hatchery king salmon was extended beginning the weekend after the final regulatory opening until the end of June and only downstream of the Sterling Highway Bridge. Bait could be used but only single hooks were allowed. Again, few anglers participated. In 2004, the river was open to king salmon fishing for hatchery king salmon continuously beginning Memorial Day weekend, including the river upstream of the Sterling Highway Bridge to the department markers. Bait was allowed but only one single hook could be used. Fishing pressure was reported to be light in 2004 during periods open for hatchery fish only.

An average of 600 hatchery produced king salmon have made it to the weir on the Ninilchik River annually since the entire king salmon escapement was enumerated beginning in 1999. Annually, less than 10 % of the hatchery fish returning to the weir were used as brood stock for other terminal harvest enhancement projects in Kachemak Bay and the remainder spawned in the Ninilchik River. In 2004, the proportion of wild to hatchery fish escaping the fishery remained at approximately 25 percent despite liberalization of fishing regulations for hatchery king salmon.

Regulations describing the location of boundary markers typically state approximate locations. On the Ninilchik River and Deep Creek the regulation identifies the ADF&G regulatory markers at two miles upstream from the mouth. In 2002, major flooding significantly altered the Deep Creek channel. Measurements of the river course found that the historic location of the department regulatory marker was close to but not exactly 2 miles upstream from the river mouth. The bulk of spawning continues to occur beginning just upstream of the marker as it did before flooding occurred.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal. This proposal provides additional opportunity to harvest hatchery king salmon in the Ninilchik River without negatively impacting our ability to meet the escapement goal for wild king salmon. The department suggests amending this proposal to include that only one single hook may be used from Memorial Day weekend through July 15. The department considers modifying the description of the marker location in Deep Creek and the Ninilchik River as a housekeeping action.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 27, PAGE 20. 5 AAC 56.022. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE).

WHAT WOULD THE PROPOSALS DO? This proposal would close waters to fishing for king salmon less than 20 inches in length and other salmon less than 16 inches in length where existing regulations already prohibit fishing for salmon which are greater than those lengths.

WHAT ARE THE CURRENT REGULATIONS? King salmon less than 20 inches in length and other salmon less than 16 inches in length may be taken in all open freshwaters of the Kenai Peninsula year round. The daily bag and possession limits are 10 fish. The following waters are closed to fishing for king salmon 20 inches or longer and other salmon 16 inches or longer but remain open to fishing for small salmon: 1) the Anchor River upstream of the junction of the North and South forks; 2) Bishop Creek (including Daniels Creek); 3) Deep Creek above of the department marker located approximately 2 miles upstream from the mouth 4) Ninilchik River above the department marker located approximately 2 miles upstream of the mouth; 5) English Bay River upstream of the outlet of Lower English Bay Lake; 6) Resurrection Bay drainages; and 7) Stariski Creek drainage upstream from the Sterling Highway.

WHAT WOULD BE THE EFFECT IF THESE PROPOSALS ARE ADOPTED? Waters closed to fishing for salmon would be closed to fishing for all salmon regardless of size. Anglers would not be able to catch and release large salmon in waters closed to salmon fishing under the guise of fishing for small “jack” salmon. Closed water restrictions would be more enforceable.

BACKGROUND: Areas closed to fishing for king salmon 20 inches or greater in length and other salmon 16 inches or greater in length are intended to protect spawning fish while allowing the harvest of smaller 1-ocean jack salmon. While creating harvest opportunity, the regulation renders salmon closures unenforceable because anglers have targeted large king salmon claiming they are fishing for jacks. Enforcement personnel can do little to protect the resource in these cases.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal. Waters are typically closed to salmon fishing because there is no harvestable surplus of large salmon in the system or to protect spawning salmon. Allowing anglers to harvest jacks in waters closed to other salmon creates an illegal, but unenforceable catch and release fishery.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

RESURRECTION BAY (2 Proposals)

PROPOSAL 28, PAGE 22. 5 AAC 56.022 (b)(8)(B). WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE).

WHAT WOULD THE PROPOSAL DO? This proposal would open the Resurrection River drainage, downstream of the Seward Highway and Nash Road, to the harvest of salmon. The only legal method would be one single-hook, artificial lure and the bag and possession limits would be the same as Resurrection Bay; 6 salmon per day, 6 in possession. Of these 6 salmon, all 6 could be coho; and from May 1 – August 31, 2 could be king salmon, during the remainder of the year only 1 of these 6 could be a king salmon.

WHAT ARE THE CURRENT REGULATIONS? Fishing for king salmon 20” or longer, and other salmon 16” or longer is closed year-round in Resurrection Bay fresh waters, which include flowing waters and all lakes and ponds north of a line between Cape Resurrection and Aialik Cape, and south of mile 12, Seward Highway. These waters are open to fishing for king salmon less than 20”, other salmon less than 16”, trout, char, and other freshwater resident species. In all flowing waters, only unbaited artificial lures are allowed September 1 – December 31.

The bag and possession limits for salmon other than king salmon in Resurrection Bay are 6 per day, 6 in possession, of which all may be silver salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal may make it more difficult for Cook Inlet Aquaculture Association (CIAA) to obtain sockeye brood stock and cost recovery fish. It would probably have little effect on brood stock collection for coho salmon as there is typically an excess of returning coho salmon. This proposal would open a fresh water salmon fishery for the first time since statehood. Fishing opportunity would increase and without clearly defined public access, trespass across private property to participate in this fishery would likely increase.

BACKGROUND: Sport fishing for salmon has been closed in the fresh water drainages of Resurrection Bay since statehood. There is a limited amount of public access available to fish in the fresh water drainage of Resurrection Bay. Clearwater tributaries to the Resurrection River are small and are mostly part of the Salmon Creek drainage including Bear Creek, Grouse Creek and Jap Creek. A freshwater salmon fishery created in the area described in this proposal would target runs of hatchery-released sockeye salmon and coho salmon returning to Bear Creek. CIAA stocks these salmon into Bear Lake as fed fry, and into Bear Creek as smolt. The coho are stocked for sport anglers, and the sockeye are intended for a small commercial fishery at the head of Resurrection Bay, and for cost recovery by CIAA.

CIAA has a coho salmon egg-take goal of 1.6 million eggs, which requires about 400 mature females and 260 mature males. The department also collects coho salmon eggs at this site to stock smolt at the Seward Lagoon and at Lowell Creek. The department egg take goal is 310,000 eggs, requiring about 120 mature females and 50 mature males. Coho salmon brood stock goals have been met each year and a large surplus usually exists in Bear Creek.

Sockeye salmon returning to the Bear Creek weir are let into Bear Lake where the fish mature and then are collected for brood stock. CIAA has a sockeye egg-take goal of 6 million, a fry release goal of 2.4 million, pre-smolt goal of 800,000, and a smolt release goal of 560,000 each year. The current SEG goal is 700 – 8,300 adult sockeye, the estimated number of for brood stock is about 4,900, so the total desired number into Bear Lake is 5,600 – 13,200. Sockeye salmon brood stock needs have not been met for four of the last five years and cost recovery goals established two years ago have not been met in either year. While no formal escapement goals have been established for coho returns in Resurrection Bay, CIAA allows a minimum of 300 coho salmon into Bear Lake.

Public access to the area of the proposed fishery is limited. While some access to the river lies within state land, much of the area is surrounded by private property or requires crossing private property to get to public land.

DEPARTMENT COMMENTS: The Department **OPPOSES** this proposal. Sockeye salmon brood goals required by CIAA have not been met in recent years indicating there is no harvestable surplus of sockeye salmon. There is a harvestable surplus of coho salmon that may be made available to recreational anglers by creating additional opportunity in freshwater. However, public access to the proposed area should be addressed before a recreational fishery is established.

COST ANALYSIS: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 29, PAGE 22. 5 AAC 56.022 (b)(8). WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE).

WHAT WOULD THE PROPOSAL DO? This proposal would create a 4-day youth-only fishery in a small pond in Seward. This fishery would coincide with the Seward Advisory Committee sponsored Kid's Fishing Day at First Lake where volunteers teach kids the importance of fish habitat, the proper care of handling fish, and angling ethics.

WHAT ARE THE CURRENT REGULATIONS? First Lake is currently open year round to the harvest of stocked rainbow trout. The bag and possession limits are 5 per day, 5 in possession. Only one of these fish may be longer than 20 inches.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Anglers under the age of 16 would have 4 days when they could fish unimpeded by competition from adults.

BACKGROUND: In April of 2004, the Alaska Legislature passed HB 98 giving the BOF authority to establish restricted seasons and areas necessary for persons under 16 years of age to participate in sport fishing.

First Lake is small man-made lake created in the early 1950's by a hard rock mining operation in Seward. ADF&G started stocking this lake with catchable sized rainbow trout in 2000. First Lake is currently stocked with 600 catchable-sized rainbow trout twice each summer. While kids are the target user group, adults also participate in the fishery and have been known to harvest many of these fish. The local marine beach fishery, targeting stocked king and coho salmon, is mostly a snag fishery that gets very crowded at times. The First Lake Kids Fishing Derby started in 2003. Seward residents wanted an easy place for children to catch fish. Last year 65 children participated in the kids fishing day at First Lake.

DEPARTMENT COMMENTS: The department **SUPPORTS** providing opportunity for youths to fish at First Lake and is **NEUTRAL** on the allocative aspects of this proposal. Setting this lake aside each spring just after stocking will allow kids the opportunity to catch these fish unimpeded by competition from adults. It will also allow local organizers a better chance to provide for the education they want to give these youngsters about the proper care, respect and handling of their renewable resources.

COST ANALYSIS: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

RESIDENT SPECIES (2 Proposals)

PROPOSAL 30, PAGE 23. 5 AAC 56.022. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE); 5 AAC 58.022. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR COOK INLET – RESURRECTION BAY SALTWATER AREA.

WHAT WOULD THE PROPOSAL DO? This proposal is intended to serve as a placeholder, providing the Board an opportunity to review and decide if they want to retain existing wild trout regulations in the Lower Cook Inlet Management Area (LCIMA) or modify regulations to conform to the newly adopted Statewide Management Standards for Wild Trout (5 AAC 75.220).

WHAT ARE THE CURRENT REGULATIONS? Regulations for rainbow/steelhead trout in the LCIMA that differ from the statewide trout standards pertain to the Anchor and Ninilchik rivers and Deep and Stariski creeks. In those drainages, rainbow/steelhead may not be retained, possessed or removed from the water and must be immediately released. There is no open season for rainbow/steelhead trout in LCIMA salt waters.

WHAT WOULD BE THE EFFECT IF THIS PROPOSAL WAS ADOPTED? This proposal provides an opportunity for the Board to review existing regulations for consistency with the newly adopted statewide management standards for wild trout. If current regulations are maintained, there will be no retention of steelhead or rainbow trout in these four freshwater drainages. Adopting the new statewide standard harvest limit of two trout per day, only one 20 inches or greater in length, with an annual limit of two trout 20 inches or greater in length would provide a harvest opportunity in waters where currently, none exists. Liberalization could result in the overharvest of these trout populations.

BACKGROUND: In March 2003, the Board adopted Statewide Management Standards for Wild Trout (5 AAC 75.220). Conservative harvest limits of two trout per day, only one 20 inches or greater in length, with an annual limit of two trout 20 inches or greater in length were recommended in the plan as a statewide provision unless circumstances exist where harvest limits can be increased or should be decreased.

The conservative regulatory framework for LCIMA steelhead systems, Anchor and Ninilchik rivers and Deep and Stariski creeks, evolved over a period of nearly two decades during which angler participation and harvest in the steelhead fishery were generally increasing and numbers of returning steelhead enumerated each fall at a weir in place at the Anchor River were declining. In 1977, the bag and possession limits for steelhead trout were 2 per day, 2 in possession. The season was closed from May 1 to June 30. By 1984, the bag and possession limits had been reduced to 1 per day and 1 in possession, a seasonal limit of two fish was imposed, a harvest record required, and the

season was open only from July 1 through December 31. From 1984 through 1988, bait was prohibited after September 15. On October 7, 1988 the Anchor River steelhead trout fishery was closed by E.O. for resource conservation as the number of steelhead counted through the weir was judged to be insufficient to support an inriver fishery. The current regulations became effective beginning in the 1989 season.

Rainbow/steelhead abundance has not been determined for any of the four LCIMA steelhead systems. A weir operated to enumerate Dolly Varden abundance, in the Anchor River, was in place through a majority of the steelhead immigration in 1988, 1989 and 1992. The average count was 1,000 steelhead and ranged from slightly over 750 to nearly 1,300. Rainbow trout abundance cannot be estimated with a weir due the random travel paths of fish within drainages. An average of 350 outmigrating steelhead have been enumerated annually in the Ninilchik River since 1999. The number of resident rainbow trout in the Ninilchik River is unknown.

The average annual harvest during the period 1977-1983, when daily bag limits were 2 per day, was approximately 1,500 in the Anchor River, 300 in both Deep Creek and in the Ninilchik River and nearly 200 in Stariski Creek. On average, over 5,400 rainbow/steelhead trout have been caught and released annually since these drainages were closed to harvest in 1989. The Anchor River supports the largest fishery with nearly 3,800 steelhead caught and released annually. Deep Creek supports the second largest fishery with a little over 1,000 released annually. Approximately 500 rainbow/steelhead are reported to be caught and released from the Ninilchik River annually, and approximately 100 from Stariski Creek. Annual of rainbow/steelhead catches are variable but stable from these four streams.

There are no known lakes in the LCIMA that support native wild rainbow trout and consequently no fisheries exists for wild rainbow trout in freshwater lakes. Leisure Lake, located on the south side of Kachemak Bay, was stocked with eyed rainbow trout eggs in 1957 that established themselves as a self-sustaining population. The lake was surveyed in 1978 and 1979 and no rainbow trout larger than 16 inches were captured. Recent angler reports indicate that a population of small-sized trout exists in the lake and a small fishery is prosecuted in the lake. Encelewski Lake supports the only other rainbow trout within the management area and those trout are stocked by the department.

DEPARTMENT COMMENTS: The department recommends **NO ACTION** on this proposal. Historical estimates of migrating steelhead were at levels in the Anchor River that did not sustain harvest. No recent population surveys have been conducted. In the absence of new abundance information, the department recommends maintaining the catch and release regulations on these four streams due to their accessibility and large angler participation.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 31, PAGE 24. 5 AAC 56.022. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE).

WHAT WOULD THE PROPOSAL DO? This proposal would open the Anchor River upstream of the confluence of the North and South forks to fishing on July 15. Only one single barbless hook of an unspecified size could be used. (The proposed hook size of 3 inches printed in “The Alaska Board of Fisheries 2004/2005 Proposed Changes in the Kodiak/Chignik Areas (All Finfish), Cook inlet Area (All Finfish), King and Tanner Crab (All Regions), and Supplemental Issues” is a typographical error.)

WHAT ARE THE CURRENT REGULATIONS? The Anchor River upstream of the confluence of the North and South forks is open to fishing August 1 through December 31, except for king salmon 20 inches or greater in length and other salmon, 16 inches or greater in length. Only one unbaited, single-hook artificial lure may be used in flowing waters from September 1 through December 31.

WHAT WOULD BE THE EFFECT IF THIS PROPOSAL WAS ADOPTED? Anglers would have the opportunity to fish the Anchor River drainage upstream of the confluence of the North and South forks for small salmon and other species earlier. Dolly Varden harvests would likely increase by some unknown amount. Some king, pink and red salmon staging to spawn or migrate upstream to spawning areas would be hooked in the pursuit of small salmon and other species. Regulations prohibiting fishing for large salmon would be difficult to enforce if anglers targeting large salmon claimed they were fishing for other species.

BACKGROUND: In 1996, a closed period, from July 1 through July 31, for king salmon fishing in the Anchor River, Deep Creek, Stariski Creek and the Ninilchik River was established to protect spawning king salmon from catch-and-release mortality. The reduction of the open period for the Anchor River upstream of the forks did not coincide with a change in the harvest levels of Dolly Varden.

King salmon escapement index counts, conducted by helicopter, are timed to occur when salmon are distributed on their spawning grounds during the last week of July. Surveys conducted during the third week in July in 1997 and 2003 found many salmon still holding in deep pools rather than distributed over spawning areas and fewer carcasses. An average of 50% of the king salmon spawning observed during aerial surveys occurred in reaches adjacent to or easily accessed from the Sterling Highway.

Peak passage of Dolly Varden through a weir operated approximately 1 mile upstream from the Anchor River mouth during 1987 through 1995 occurred during the last two weeks in July. Peak passage of Dolly Varden at the salmon weir installed in the Anchor River two miles upstream of the river mouth in 2004 occurred during the third week in July. During 1987 through 1995, 50% of the run had migrated upstream of the weir by July 25 and 80% was upstream of the weir by July 31.

The average Dolly Varden harvest from the Anchor River during the past 5 years is approximately 1,300 compared to average harvests in the early 1980's of nearly 15,000, annually. The most recent harvest estimate is 1,100 in 2003. An average of 16,000 Dolly Varden have been caught and released annually in the Anchor River since catch was first estimated in 1990. Annual catch estimates vary between 10,000 and 20,000 with no clear increasing or decreasing trend.

In 1990, the Board reduced the bag and possession limits for Dolly Varden from 5 per day and 5 in possession, to 2 per day and 2 in possession on LCIMA roadside tributaries including the Anchor River for conservation and regulatory consistency. At the 1999 meeting the Board adopted criteria for establishing special management areas for Dolly Varden (5 AAC 56.014). The criteria provide guidance for evaluating proposals directed at diversifying Dolly Varden sport fishing opportunities on the Kenai Peninsula.

Proposal 27, submitted by the department, seeks to eliminate fishing for small salmon (king salmon under 20 inches in length and other salmon less than 16 inches in length) in waters closed to fishing for large salmon (king salmon 20 inches or longer and other salmon 16 inches or longer) to protect spawning salmon and remove the opportunity for anglers to hook and release large salmon under the guise of fishing for small salmon.

Hooking mortality has been related more to the use of bait than the size and number of points of the hook used. Bait use increases hooking of fish in vital areas and therefore mortality. Barbless hooks can ease release of fish hooked but their use does not clearly relate to fish survival. Hooking location is more critical to the survival of hooked fish.

DEPARTMENT COMMENTS: The Department **OPPOSES** this proposal because it directs angling pressure onto spawning king salmon during the peak spawning period.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

OTHER (1 Proposal)

PROPOSAL 32A, PAGE 25. Sec 16.05.251 (a)(1). REGULATIONS OF THE BOARD OF FISHERIES.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to protect, in perpetuity, the North Fork of the Kashwitna River's unique, pristine characteristics and public access from future development or land disposals by expanding the Willow Creek Critical Habitat Management Area (an additional six to eight square miles) to encompass this river system. The adoption of this proposal would petition the BOF to recommend to the legislature that sections along the North Fork of the Kashwitna River be added to the Willow Mountain Critical Habitat Area.

WHAT ARE THE CURRENT REGULATIONS?

In the North Fork of the Kashwitna River, rainbow trout may not be retained and only unbaited, single-hook, artificial lures may be used year round.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Adoption of this proposal would provide the mechanism for the BOF to recommend to the legislature that the North Fork of the Kashwitna River drainage be set aside to protect its unique, pristine, and undeveloped character, exceptional rainbow trout resources, and ensure that public ownership be retained in perpetuity.

BACKGROUND: The Willow Creek Critical Habit Area (WCCHA) was established by the legislature in 1989 to protect the area's exceptional fish and wildlife habitats and populations and provide opportunities for hunting, trapping and other recreational activities. Under Title 16 Sec 16.05.251(a)(1) the Alaska BOF has the authority to set apart fish reserve areas, refuges and sanctuaries in the waters of the state over which it has jurisdiction, subject to legislative approval. In 2003, the BOF adopted policies 5ACC 75.222, management standards 5AAC 75.220, and management criteria to provide direction to the department to better manage the state's wild rainbow trout resources. The North Fork of the Kashwitna River is an undeveloped river that is encompassed almost entirely within public ownership. This system has long been recognized for its exceptional rainbow trout resources by its inclusion into one of the state's first regional management plans (Special Management Areas for Rainbow Trout 5AAC 61.025).

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The North Fork of the Kashwitna River is managed as a special area for rainbow trout under 5 AAC 75.210 – 5 AAC 75.220. Under these, and associated step-down, regulations the rainbow trout resources of the North Fork of the Kashwitna River are managed for their optimal sustained yield. This proposal, if adopted, would not affect the harvest or methods and means regulations, rather would change the status of selected lands under state ownership.

COST ANALYSIS: The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

BRISTOL BAY (1 Proposal)

PROPOSAL 33, PAGE 25. 5 AAC 06.333. REQUIREMENTS AND SPECIFICATIONS FOR USE OF 200 FATHOMS OF DRIFT GILLNET IN BRISTOL BAY.

WHAT WOULD THE PROPOSAL DO? This proposal would repeal the sunset clause and make the regulation allowing use of 200 fathoms of drift gillnet for vessels with two legal permit holders onboard permanent.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 06.333, the regulation allowing use of 200 fathoms of drift gillnet for vessels with two legal permit holders onboard was passed by the Alaska Board of Fisheries in December of 2003 and was in effect for the 2004 season. The regulation was adopted with a sunset clause of December 31, 2004.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Vessels with two permit holders legal to fish in the same district onboard could fish an additional 50 fathoms (200 fathoms total) over and above the legal compliment of gear for vessels with a single permit holder onboard.

BACKGROUND: The Board adopted the regulation on a trial basis for the 2004 season with the intent of observing the usage level and enforcement issues associated with it. In order to maximize the ability of drift permit holders to take advantage of the regulation, the department decided that any registration process that was too restrictive was not in keeping with Board intent; therefore, no registration deadline or specific dual permit holder registration was required. Participants simply had to drop a blue card for the district they intended to fish in, and add a "D" on the vessel in conjunction with the ADF&G number to designate "dual permit" operation when fishing 200 fathoms of drift gillnet gear. Both permit holders had to be onboard and legal to fish when operating 200 fathoms of gear. The department estimates that between 75 and 100 vessels took advantage of this regulation during the 2004 season; no enforcement problems were brought to the department's attention by ABWE staff.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

**GUIDE LICENSE AND REPORTING REQUIREMENTS (1 Proposal)
PROPOSAL 452, (Formally ACR 23), PAGE 27. 5 AAC 75.075. SPORT FISHING SERVICES AND SPORT FISHING GUIDE SERVICES; LICENSE REQUIREMENTS; REGULATION OF ACTIVITIES; 5 AAC 750076. SPORT FISHING SERVICES AND SPORT FISHING GUIDE REPORTING REQUIREMENTS; AND 5 AAC 75.XXX. SPORT FISHING GUIDE VESSEL REGISTRATION REQUIREMENTS.**

WHAT WOULD THE PROPOSAL DO? This proposal would implement the provisions of the HB 452, passed by the legislature in May 2004 by establishing licensing requirements for sport fishing guide business owners and sport fishing guides on a statewide basis. This proposal would also establish reporting requirements for all guided fishing trips, in both salt and fresh water, and mandate that all vessels used in these guided fishing trips be registered with the department.

WHAT ARE THE CURRENT REGULATIONS? Currently there are no regulations in Title 5 of the Alaska Administrative Code that reflect all of the provisions contained in HB 452, which was signed into law by the Governor in June 2004. There currently are regulations that provide registration and salt water reporting requirements for sport fishing business owners and guides, and charter vessel licensing requirements.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Title 5 of the Alaska Administrative Code would be changed to reflect the provisions of HB 452 that becomes effective on January 1, 2005. Existing regulations relating to guiding issues would be made consistent with the new regulations being adopted.

BACKGROUND: On May 11, 2004, the Alaska Legislature adopted a bill (HB 452) that established licensing requirements for sport fishing guide business owners and sport fishing guides on a statewide basis. The bill also established reporting requirements for all guided fishing trips, in both salt and fresh water, and mandated that all vessels used in these guided fishing trips be registered with the department. All of the provisions of this bill become effective on January 1, 2005.

One of the main objectives of HB 452 is to establish reporting requirements for guided fisheries in both salt and fresh waters. Currently, the department has very little specific data on fresh water guiding harvest and effort anywhere in the state. The department has collected data on guiding activities in salt water since 1998. Adoption of the reporting requirements, contained within HB 452 and the department's proposed regulatory language, will provide the board with more detailed information on the catch, effort, and harvest of guided sport fish anglers in fresh water and will continue the data collection programs in salt water fisheries.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal.

COST ANALYSIS: Approval of this proposal will result in an additional cost of \$100 per year for each sport fishing business owner, or an additional \$50 per year for each sport fishing guide that is employed by a business.

Other costs for liability insurance, Coast Guard license, etc., may also result with adoption of this proposal, depending on the specific circumstances of each individual sport fishing business owner or guide.