

*Note, Proposal 44 was amended during the December 1-7, 2008 meeting in Cordova and scheduled for final regulatory consideration during the March 16-20, 2009 meeting in Anchorage. It is shown below as currently amended.*

#### **Proposal 44**

### **DRAFT PWS COMMERCIAL POT SHRIMP MANAGEMENT PLAN**

**5 AAC 31.260. PRINCE WILLIAM SOUND POT SHRIMP FISHERY MANAGEMENT PLAN.** (a) The Prince William Sound pot shrimp fishery expanded dramatically during 1979 – 1987, declined during 1988-1991 and ultimately remained closed from 1992-2008. Two species of shrimp are harvested in this fishery; spot shrimp *Pandalus platyceros* and coonstripe shrimp *Pandalus hypsinotus*. Spot shrimp historically comprised greater than 95 percent of the harvest. Therefore, it is necessary to base management of this fishery on spot shrimp.

(b) The Alaska Board of Fisheries recognizes the need for conservative management of shrimp fisheries in the established fishing area of western Prince William Sound. Management of the fisheries in this area are described in 5 AAC 31.200 – 260

**5 AAC 31.206. AREA E REGISTRATION** (is amended to read)

a) Registration Area E is a nonexclusive registration area for vessels fishing for shrimp with trawl gear.

c) Registration Area E is a superexclusive registration area for vessels fishing for shrimp with pot gear.

d) A vessel participating in the Area E shrimp pot fishery must obtain an area registration by close of business April 1.

**5 AAC 31.210. Shrimp pot fishing seasons for Registration Area E.**

a) Shrimp may be taken in those waters of the Inside District west of a line from Middle Point at 60° 20.00' N. lat., 147° 00.00' W. long. north to a point at 60° 40.00' N. lat., 147° 00.00' W. long., then northeast to the Coast Guard marker light on Goose Island to Knowles Head from April 15 to September 15 unless closed by emergency order. Fishing within this area will be rotated on an annual basis between the following areas:

(1) waters north of 60° 40.00' N. lat. and east of 148° 00.00' W. long.

(2) waters south of those described in (1) above and north of 60° 25.00' N. lat.

(3) waters south of 60° 25.00' N. lat.

b) In all other waters of Registration Area E, shrimp may be harvested only under the terms of a commissioner's permit. The permit may restrict gear, fishing areas, and fishing periods and allowable harvest and other conditions the commissioner determines necessary for the conservation and management of the resource.

**5 AAC 31.215. Shrimp pot guideline harvest ranges for Registration Area E.**

a) The guideline harvest for shrimp harvested from the area described in 5 AAC 31.210 (a), by pot gear will be calculated as 40% of the total allowable harvest for the area.

**5 AAC 31.224. Lawful shrimp-pot gear for Registration Area E.**

a) Shrimp may be taken with pots in Registration Area E only as specified in this section.

(b) A shrimp pot may not have

(1) more than one bottom

(2) a vertical height of more than 24 inches;

(3) more than four tunnel eye openings, which individually do not exceed 15 inches in perimeter

(4) a bottom perimeter exceeding 124 inches

(c) The sides of a shrimp pot may only be

(1) at a right angle to the plane of the bottom of the pot; or

(2) slanted inward toward the center of the pot in a straight line from the bottom of the pot to the top of the pot.

(d) A shrimp pot must be entirely covered with net webbing or rigid mesh. At least two adjacent sides or 50 percent of the vertical or near-vertical sides must be covered with net webbing or rigid mesh that allows the passage of a seven-eighths inch diameter by 12 inch long wooden dowel, which upon insertion into the web, must drop completely through by its own weight, without force.

(e) Shrimp pots may be operated only as follows

(1) the maximum number of shrimp pots that may be operated from a vessel is 50.

(2) the department will announce annually, prior to the start of the commercial fishery, the number of pots per vessel that may be operated in the commercial fishery for that season. In determining the annual pot limit the department will consider the total number of registered vessels, estimated catch per unit of effort, and the magnitude of the GHL.

(3) a vessel operator may have only shrimp pot gear owned by that person on board the vessel at any time.

(4) shrimp pot gear may be deployed or retrieved only from 8:00 a.m. until 4:00 p.m. each day ; the commissioner may close, by emergency order, the fishing season in a district or a portion of a district and immediately reopen the season during which the time period allowed to deploy and retrieve shrimp pot gear may be increased or decreased to achieve the guideline harvest level.

(5) all shrimp pots left in saltwater unattended longer than a two-week period must have all bait containers removed and all doors secured fully open.

(f) A registered shrimp vessel may not have, at any time in the aggregate, more than the legal limit of pot gear on board the vessel, in the waters in fishing condition, and in the water in non-fishing condition.

**5 AAC 31.226. Shrimp pot marking requirements for Registration Area E.** (a) if required by the department, in addition to the requirements of 5 AAC 31.051, each shrimp pot must have one identification tag issued by the department attached to the pot. If required by the department under this section, identification tags will be issued before the fishing season, uniquely numbered for that registration year, and issued at the time of vessel registration for that vessel only. The vessel owner, or the owner's agent, shall apply for identification tags at a department office designated to issue tags. Replacement of tags lost during the season is permitted if the vessel operator submits a sworn statement or affidavit describing how the tags were lost and listing the numbers of the lost tags.

(b) All shrimp pots on board a registered shrimp vessel must be marked as specified in (a) of this section.

(c) Shrimp pots deployed on a longline, consisting of more than five pots, must have at least one buoy attached to each end of the longline. The buoys must be properly marked as specified in 5 AAC 31.051 and the pots must be marked as required in (a) of this section.

**5 AAC 31.235. Closed waters in Registration Area E.**

(see maps at back – board would have to decide intent for individual closures and ADF&G would provide location information)

**5 AAC 31.240. Registration Area E shrimp vessel inspection and inspection points is amended to read:**

(b) Unless required under (c) of this section, a vessel fishing for shrimp in Registration Area E is not required to undergo an inspection, as specified in 5 AAC 31.030

(c) The commissioner, by announcement, may require that vessels fishing for shrimp in Registration Area E be inspected as specified in 5 AAC 31.030.

(d) If the commissioner requires a vessel inspection under (c) of this section, the inspection points for Registration Area E are described in (a) of this section.

**5 AAC 31.243 Reporting requirements for Registration Area E.**

(a) An operator of a vessel participating in the Prince William Sound shrimp pot fishery shall obtain and complete a logbook provided by the department. The vessel operator must have the logbook on board the vessel at all times and must submit to the department, each logbook page that corresponds with each ADF&G fish ticket.

(b) The owner or operator of a catcher-seller vessel registered to take shrimp in Registration Area E shall complete a fish ticket indicating the weight of the shrimp on board by species before any shrimp are removed from the vessel.

(c) Prior to landing shrimp, the owner or operator of a catcher-seller vessel registered to take shrimp in Registration Area E shall contact the Cordova office at a telephone number specified by the department at the time of registration and provide:

- (A) the permit holder's name;
- (B) the name and ADF&G number of the registered vessel;
- (C) the following information for each ADF&G fish ticket that pertains to that trip;
  - (i) the preprinted fish ticket number;
  - (ii) the date of landing;
  - (iii) the statistical areas fished;
  - (iv) the number of pot lifts for each statistical area;
  - (v) the round weight of all shrimp taken by species and statistical area.

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FINAL ACTION: Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

PROPOSAL 49 - 5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area; and 5 AAC 31.206. Area E registration. Require exclusive registration for sport or commercial participation in spot shrimp fishery as follows:

Require exclusive registration (or some other method) for the PWS spot shrimp commercial fishery such that vessels and/or persons who are registered are not permitted to participate in the sport fishery, and vice-versa.

**ISSUE:** There is concern that opening PWS spot shrimp to commercial fishing will draw too many participants.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The sport shrimp fishermen could also fish commercially and create large amounts of commercial effort, making the fishery very hard to manage.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Not directly. But there would be fewer gear conflicts, which could contribute to less gear loss, and thereby less resource wasted.

**WHO IS LIKELY TO BENEFIT?** Management of the fishery will benefit as there will be less of a rush into the commercial fishery.

**WHO IS LIKELY TO SUFFER?** Commercial operators will not be allowed to sport harvest shrimp.

**OTHER SOLUTIONS CONSIDERED?** Limiting the amount of pots for commercial fishing. This would reduce the economic incentive for commercial fishers, essentially making the commercial fishery just a glorified "sport" fishery.

**PROPOSED BY:** Gordon Scott (SC-08F-018)

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FINAL ACTION: Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

**PROPOSAL 356 - 5 AAC 32.033. Tenders for Dungeness crab.** Allow vessels registered to fish Dungeness crab to also tender in the Kodiak District of Area J as follows:

5 AAC 32.033. Tenders for Dungeness crab.

...

(g) In the Kodiak District of Area J vessels that are registered to fish Dungeness crab can also tender other registered fisher's crab. The rules that apply to crab tenders statewide will be rescinded for this district and these rules shall apply.

(1) The catcher boat shall provide all catch information (number of crab, area harvested, number of pots pulled, dates fished, both the ADF&G permit and vessel number) either to the tender boat operator or in a sealed envelope to be given to the processor at time of delivery.

(2) It will be the responsibility of the tender boat operator to make sure all crab are of legal size.

**ISSUE:** The high cost of fuel has made a real economic hardship of transporting crab to the town of Kodiak for processing. Additionally for smaller boats (such as myself, a skiff fisherman) fishing the south end of Kodiak, distance from town can create a real safety hazard. The transporting of salmon, herring, and cod by other fishermen is currently allowed and I would like to extend this to the Dungeness crab fishery here in Kodiak.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The fuel companies will continue to make more profit than the fishermen form the crab fishery and some small boat fishermen will be kept from entering the fishery.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** I do not believe it will do so.

**WHO IS LIKELY TO BENEFIT?** All Dungeness fishermen in the district will benefit from the ability to reduce fuel costs. Additionally it will enable some smaller operators to get into the fishery that are excluded by boat size.

**WHO IS LIKELY TO SUFFER?** Right now I am the only skiff fisherman fishing the south end of Kodiak. If adopted more small boat fishermen might enter the fishery, so in that way I might suffer.

**OTHER SOLUTIONS CONSIDERED?** Another solution would be to change the wording in the transporter regulations to read: AS 16.05.671(i). In this section, "fish" means fish legally harvested and retained in salmon, herring, Pacific cod, or Dungeness crab fisheries. This solution seemed overly complicated and would be statewide which is not my intent.

**PROPOSED BY:** Rick Ellingson (HQ-08F-014)

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**FINAL ACTION:** Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

**PROPOSAL 357 - 5 AAC 39.145. Escape mechanism for shellfish and bottom fish pots.**  
Amend the regulation to increase allowable thread size for shellfish pot escape mechanism as follows:

5 AAC 39.145. Escape mechanism for shellfish and bottom fish pots.

Pot gear must include an escape mechanism in accordance with the following provisions:

(1) a sidewall, which may include the tunnel, of all shellfish and bottom fish pots must contain an opening equal to or exceeding 18 inches in length, except that in shrimp pots the opening must be a minimum of six inches in length. The opening must be laced, sewn, or secured together by a single length of untreated, 100 percent cotton twine, no larger than 30 thread. The cotton twine may be knotted at each end only. The opening must be within six inches of the bottom of the pot and must be parallel with it. The cotton twine may not be tied or looped around the web bars. Dungeness crab pots may have the opt lid tie-down straps secured to the pot at one end by a single loop of untreated, 100 percent cotton twine no larger than [60] 90 thread, as a substitute for the above requirement; the pot lid must be secured so that, when the twine degrades, the lid will no longer be securely closed;

**ISSUE:** Currently #60 biodegradable twine is required on all Dungeness pots. The #60 twine rots out before the season is over, requiring the twine to be replaced. Hundreds of hours in labor is needed to change this twine mid-season while trying to fish.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The Dungeness crab fishermen will have to continue to replace the #60 twine during the middle of the season resulting in lost fishing time and crab. Be replacing the twine in a pot mid-season, a lost pot will effectively fish for longer than would if the twine was only replaced at the beginning of the season.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** N/A.

**WHO IS LIKELY TO BENEFIT?** Hundreds of man hours would be saved if we did not have to change the twine in season.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Dick Gregg (HQ-08F-281)

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**FINAL ACTION:** Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

**PROPOSAL 358 - 5 AAC 38.425. Closed waters for scallops in Registration Area J.** Amend this regulation to allow fishing for scallops in areas open to bottom trawling as follows:

5 AAC 38.430 (1) would be amended to add **in waters of Scallop Registration Area K, the guideline harvest range is zero to 400,000 pounds of shucked meat; except that for the open area described in 5 AAC 38.425 (2),** a person may take weathervane scallops only if the department issues the person a permit under 5 AAC 33.076 (e) for exploratory fishing for new scallop beds.

5 AAC 38.425(2) would be amended **except for the area contained enclosed within a line from 156° 19 W, 57° 00 N, then to 155° 00 W, then to 155° 00 N, then to 156° 19 W, 55° 57 N and back to 156° 19 W, 57° 00 N which will be open from the period July 1 through February 15.”**

**ISSUE:** To allow fishing for scallops in an area that is open to bottom trawling.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** An area with confirmed commercial quantities of scallops will remain off limits to the scallop fishery even though the area is open to bottom trawling.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Scallop quality varies from region to region in Alaska. Scallop quality in the Kodiak region has always been superior. Increased quantities of scallops from this region enhances the value of the overall Alaska scallop fishery

**WHO IS LIKELY TO BENEFIT?** Scallop vessels and crews benefit from harvests from areas where CPUE's are high and scallops are larger and thus more valuable.

**WHO IS LIKELY TO SUFFER?** None that we know of. The area is already heavily fished by trawlers year around.

**OTHER SOLUTIONS CONSIDERED?** None

**PROPOSED BY:** Alaska Scallop Association (HQ-08F-163)  
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**FINAL ACTION:** Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

**PROPOSAL 359 - 5 AAC 38.076. Alaska Scallop Fishery Management Plan.** Clarify reporting requirements for statewide scallop fisheries as follows:

5 AAC 38.076 is amended to read.

(l) CFEC permit holders must check-in prior to fishing, and check-out prior to departing the management area. Check-in and check-out contacts will be specified by the department at the time of registration.

(m) catch reports must be submitted to the area office as specified by the department at the time of registration.

(n) vessel operators and crew are required to provide an observer with all king crab that are caught.

(o) log sheets issued by the department, must be completed after each tow and returned to the department either by mail or fax as specified by the department at the time of registration.

(p) fish tickets are required to be completed on a weekly basis by the vessel operator and submitted to a local representative of the department within 7 days after off-loading product. The reporting week begins at 00:01 hours on Monday through 00:00 hours on Sunday. Each ticket is required to document the number of tows and the pounds of scallop meats harvested by statistical area.

**ISSUE:** This proposal would clarify reporting requirements for the scallop fisheries that have thus far, been stipulated on area registration forms.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** All fishery participants will benefit from access to the complete suite of fishery regulations.

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

**WHO IS LIKELY TO BENEFIT?** Industry and management will benefit from published regulations.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-08F-345)

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**FINAL ACTION:** Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_



**PROPOSAL 360 - 5 AAC 38.325. Permits for scallops; and 5 AAC 38.3XX. Cook Inlet Kamishak District scallop management plan.** Repeal Commissioner's permit for Kamishak District scallop fishery and put into effect management elements previously stipulated in permit as follows.

**5 AAC 38.325 Permits for scallops.** Repealed

5 AAC 38.3XX is created with the following language:

- (a) logbook pages, issued by the department, must be completed immediately after each tow and the completed pages returned to the department either by mail or fax as specified by the department at the time of registration.
- (b) catch reports must be submitted to the department as specified by the department at the time of registration.
- (c) 100 randomly-selected scallop top valves must be collected from each trip or during each 5-day fishing period and delivered to ADF&G following each trip.
- (d) participants must check-in prior to fishing, and check-out prior to departing the management area. Check-in and check-out contacts are as specified by the department at the time of registration.
- (e) Unless otherwise specified in 5 AAC 38.076, a participant agrees to accommodate a department observer upon request.

**ISSUE:** This proposal would repeal the commissioner's permit requirement for the Cook Inlet area Kamishak District scallop fishery and place into regulation the management elements that have been stipulated in the permit.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** All fishery participants will benefit from access to the complete suite of fishery regulations.

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

**WHO IS LIKELY TO BENEFIT?** Industry and management will benefit from published regulations.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game

(HQ-08F-346)

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FINAL ACTION: Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

**PROPOSAL 361 - 5 AAC 02.011(11)(d). Subsistence fishing by proxy.** Amend the regulation to allow use of proxy in Alaska Peninsula subsistence shellfish fishery as follows:

(d) As provided in AS 16.05.405 a proxy..., except that the proxy **who is not fishing the northern section fo the Alaska Peninsula - Aleutian Islands Area, east of Scotch Cap Light (166° 44' W. long).**

**ISSUE:** The unavailability of a traditional resource for subsistence due to the expense of travel and harvest.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued inaccessibility to the resource.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Yes, availability is an improvement.

**WHO IS LIKELY TO BENEFIT?** All residents of the area.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Melanie Ludvick Rotter (HQ-08F-191)  
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**FINAL ACTION:** Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

**PROPOSAL 362 - 5 AAC 02.520. Methods, means, and general restrictions.** Allow use of crab pots in Alaska Peninsula subsistence shellfish fishery as follows:

(1) except in the Kotzebue Sound Section, and the Northern section of the Alaska Peninsula - Aleutian Islands Area, east of the Scotch Cap Light (166°44' W. long) and when fishing through the ice in...

**ISSUE:** The unavailability of a traditional resource for subsistence due to expense of travel and harvest.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued inaccessibility to the resource.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Yes, availability is an improvement.

**WHO IS LIKELY TO BENEFIT?** All residents of the area.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Melanie Ludvick Rotter (HQ-08F-190)  
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**FINAL ACTION:** Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_  
ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

**PROPOSAL 363 - 5 AAC 77.518. Personal use clam fishery.** Amend the regulation to reduce razor clam daily limit to 30 as follows:

Reduce limit to 30 clams per day.

**ISSUE:** Razor clam limit.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Fewer clams, smaller clams.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** After 4 years these will be larger clams.

**WHO IS LIKELY TO BENEFIT?** All users prefer larger clams.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** 4 ½ size limit; enforcement.

**PROPOSED BY:** John McCombs

(HQ-08F-257)

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FINAL ACTION: Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

**PROPOSAL 364 - 5 AAC 58.022. Waters; seasons; bag, possession , and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.. Reduce daily bag limit for razor clams in Clam Gulch to 15 as follows:**

Daily limit for razor clams is the first 15 dug.

**ISSUE:** Lower the razor clam limit on the Clam Gulch beaches to 15 per day. There are few if any clams bigger than 2 inches. This beach has been over dug for years and needs some help.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** There will only be small clams for a few years and then few if any clams on the beach. These clams don't reproduce until 4.5 inches in shell length and if they are all 2 inches there won't be any soon.

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

**WHO IS LIKELY TO BENEFIT?** No body will be hurt and everyone will gain from a healthy clam bed.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** I tried talking to Fish and Game but was told that there were a lot of clams, but it isn't the case.

**PROPOSED BY:** Gary Simmons (HQ-08F-002)  
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**FINAL ACTION:** Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

**PROPOSAL 365 - 5 AAC 58.022. Waters; seasons; bag, possession , and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area. Reduce bag limit of clams to 25 as follows:**

Reduce clam bag limit to 25.

**ISSUE:** Many small dead clams left and enforcement is absent.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Smaller and fewer or no clams.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Yes, more and larger clams.

**WHO IS LIKELY TO BENEFIT?** All eventually.

**WHO IS LIKELY TO SUFFER?**

**OTHER SOLUTIONS CONSIDERED?** Many small dead clams left and enforcement is absent.

**PROPOSED BY:** John McCombs (HQ-08F-004)

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**FINAL ACTION:** Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

**PROPOSAL 366 - 5 AAC 38.3xx; 58.022; 77.5xx. New sections.** Amend the regulation to close areas of Kachemak Bay to sport, commercial, and personal use harvest of shellfish from April 15 until September 15 as follows:

The areas in Kachemak Bay, as described below, are closed to sport, commercial, and personal use harvest of shellfish from April 15 until September 15.

**Area descriptions:**

2,100 feet along Shipwreck Cove from 151°18'1" W, 59°34' 24" N to 151°17'34" W, 59°34' 9" N

Three acres by Otter Rock within 151°17'45" W, 59°34' 48" N; 151°17'36" W, 59°34' 51" N; and 151°17'34" W, 59°34' 45" N

**ISSUE:** Personal use and sport harvest of shellfish has recently expanded to Otter Rock, Peterson Bay, Kachemak Bay, and to Shipwreck Cove, and area formerly inaccessible due to private shoreline ownership and tidal conditions in northeast China Poot Bay. Local residents have avoided harvest in these areas in recognition of their value as long-term education sites. They have been used by the non-profit Center for Alaskan Coastal Studies for the last 25 years for daily school field trips and natural history tours (from mid-April to mid-September) focused on the diversity, abundance, and ecology of the rocky intertidal habitat within a small portion of the Kachemak Bay Critical Habitat Area.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Increasing harvest pressure is likely to result in depletions and reduced diversity of marine invertebrates, damage or elimination of octopus denning habitat, and elimination of small populations of octopus and gumboot chitons. The quality of the field-based science education program, one of the few such educational opportunities in Alaska, will be reduced.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** This proposal would sustain the quality of the resource in an accessible, unexploited rocky intertidal area for education purposes. The Center for Alaskan Coastal Studies provides guided educational programs that emphasize stewardship of the habitat and careful handling of marine invertebrates to sustain the diversity and productivity of the area.

**WHO IS LIKELY TO BENEFIT?** 600-700 Alaskan k-12 students who participate in school field trips and 500-600 summer visitors who participate in guided educational programs on an annual basis.

**WHO IS LIKELY TO SUFFER?** The regulation would remove approximately .5 mile of beach and 3 acres around a rocky outcrop from the available Lower Cook Inlet harvest area for personal use, sport, and commercial harvest of shellfish. The China Poot area is located on the eastern edge of the large area of flats which have been the area used for harvest prior to the change in beach elevation which changed the access situation. Both areas are outside the Port Graham Sub-district where a clam subsistence fishery has been established.

**OTHER SOLUTIONS CONSIDERED?** Educational signs that request people refrain from harvest are difficult to maintain in a dynamic intertidal environment and are difficult to see when approaching by boat or on foot. These signs are unlikely to be an effective deterrent, particularly for



the people who have traveled long distanced by boat to the site. A closure will be publicized in the regulations and will also be effective in discouraging commercial water taxi transport to the area for harvesting purposes.

**PROPOSED BY:** Center for Alaskan Coastal Studies, Inc.

(HQ-08F-255)

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FINAL ACTION: Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

**PROPOSAL 367 - 5 AAC 77.019. Prohibitions on shellfish pot gear.** Revise allowable written permission for use of another person's shrimp or crab gear as follows:

Include written and dated permission valid for one year for operating another persons shrimp / crab gear.

**ISSUE:** I would like to see written and dated permission as opposed to "prior permission" in regards to operating another person's shrimp or crab gear.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued pot raiding.

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

**WHO IS LIKELY TO BENEFIT?** The law abiding owners of the pots.

**WHO IS LIKELY TO SUFFER?** Criminals.

**OTHER SOLUTIONS CONSIDERED?** Weekly / monthly permission, but too complicated.

**PROPOSED BY:** Lawrence Hirai (SC-08F-037)

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**FINAL ACTION:** Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

*Note, Proposal 375 was amended during the December 1-7, 2008 meeting in Cordova and scheduled for final regulatory consideration during the March 16-20, 2009 meeting in Anchorage. It is shown below as currently amended.*

**PROPOSAL 375 - 5 AAC 28.075.** Utilization of pollock and Pacific cod taken in a commercial fishery. This proposal seeks to amend this regulation to require that all groundfish taken in a commercial fishery to be reported on a fish ticket. The regulatory language would be as follows:

**5 AAC 28.075. Utilization of and reporting of groundfish taken in a commercial fishery**

(a) A processor or processor's agent that accepts delivery of or purchases groundfish from a vessel shall take delivery of all pollock and Pacific cod retained by the vessel under 5 AAC 28.070(e).

(b) A processor that accepts delivery of or purchases pollock and Pacific cod retained under 5 AAC 28.070(e) shall utilize a portion of each fish in order to achieve at least 15 percent utilization of the flesh by weight based on the total weight of the pollock or Pacific cod accepted or purchased.

(c) A person delivering groundfish to a processor shall notify the processor if any groundfish will remain on board the vessel after the delivery. A processor shall report a landing as a partial delivery if any groundfish will remain on board a vessel.

(d) Except where a delivery is reported as a partial delivery, a person delivering groundfish to a processor shall land all groundfish aboard the vessel.

(e) A processor or processor's agent that accepts delivery of or purchases groundfish from a vessel shall sort and weigh by species all groundfish landed by a vessel. Groundfish may be returned to vessel only after the total landing is reported as specified in 5 AAC 39.130 and any groundfish to be returned to the vessel are recorded by weight and species using the eLandings reporting system or by filing an ADF&G fish ticket.

(f) Groundfish present on board a vessel at any landing may not be considered discarded at sea for fish ticket or eLanding reporting purposes.

(g) After making a partial delivery from a vessel a person may not offload any groundfish remaining onboard the vessel until after making a final delivery and landing all groundfish aboard the vessel.

(g) In this section,

(1) "flesh" has the meaning given in AS 16.10.165 (e), and does not include roe;

(2) "utilization" means use of the flesh of pollock or Pacific cod by processing it for human consumption, for reduction to meal, for production of food for domestic animals or fish, for bait, or for scientific, display, or educational purposes.

**ISSUE:** At this time, groundfish not offloaded by a fishing vessel are not required to be accounted for on a fish ticket. This is a concern recently expressed to the department by enforcement personnel when dealing with overages of bycaught species. In order to better manage this resource, and to uniformly enforce regulations dealing with bycatch levels onboard, all groundfish harvested during a commercial fishery must be accounted for.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Groundfish taken during a commercial fishery that are not delivered (offloaded) may not be recorded on a fish ticket, complicating management and enforcement of these fishery resources.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Accurate reporting of all fish taken during a commercial fishery will better able the department to management the resource.

**WHO IS LIKELY TO BENEFIT?** All resource users.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Board of Fisheries

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FINAL ACTION: Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

*This proposal was previously listed as ACRI. It is scheduled for consideration during the March 16-20, 2009 meeting in Anchorage.*

**PROPOSAL 377 – 5 AAC 06.360 Naknek River Sockeye Salmon Special Harvest Area Management Plan.** Increase allowable length of set gillnets from 25 fathoms to 35 fathoms for the Naknek River Special Harvest Area in Bristol Bay as follows:

Increase allowable gear from 25 fathoms to 35 fathoms for setnet fishermen when fishing the Naknek River Special Harvest Area.

**ISSUE:** Recent over escapements may effect future returns to the Naknek River.

1. Addresses future health of Naknek River spawning grounds.
2. Allocation is 3 to 1 ratio with no direct competition among user groups.
3. Over escapement of this magnitude benefits neither river health of the economic health of fishermen.

Recent over escapements may have already stated adverse effects on future salmon runs and the sustainability of this resource.

We setnetters are asking for the same consideration and treatment given to the drift gillnet fleet.

**PROPOSED BY:** Donald Mack

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FINAL ACTION: Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

**PROPOSAL 378 – 5 AAC 01.010 Methods, Means and General Provisions, 5 AAC 77.010 Methods, Means and General Restrictions.** Clarify prohibition on blocking a channel in areas with a braided stream or multiple channels statewide as follows:

Suggested language: “A gillnet or stationary fishing device may not obstruct more than two thirds the width of a stream or of any channel or side channel within a stream.”

**ISSUE:** Current subsistence and personal use fishery regulations prohibiting blocking of more than half or two-thirds of stream (scattered throughout subsistence and personal use regulations) have proven largely unenforceable in areas with braided streams or multiple channels. New statewide prohibitions on blocking a channel or braid are needed to achieve the intent of preventing fish passage from being blocked. The only alternative to a statewide regulation would be making area by area EO closures or making changes to regulations on an area by area basis. Area regulations could still be more restrictive, i.e. exiting area provisions prohibiting obstruction of more than one half the width of a stream would remain effective.

Suggested language: “A gillnet or stationary fishing device may not obstruct more than two thirds the width of a stream or of any channel or side channel within a stream.”

In one case where we have determined that enforcement is problematic, an individual blocked the only channel which provides real fish passage. A net across the channel could be expected to stop more than 95% of fish in that area. Similar situations may exist in other streams.

It is clear that the Board’s intent was to prevent fishing gear from obstructing fish passage and to ensure escapement. Using the term “stream” instead of “stream or channel” appears to be an error that prevents the Boards existing regulations from being effective in some areas.

This is a conservation issue involving an existing Board regulation which, within the context of a recent criminal case, has been determined likely to be unenforceable in areas where there are braided streams with more than one channel. ADF&G, enforcement officers, and most of the public have previously assumed that the Board’s prohibition on stream obstruction would apply to side channels as well as full streams. While the issue involving the stream where the enforcement issue arose can be addressed by an emergency order closing half of the applicable channel to subsistence fishing, it is likely that now that the enforcement issue is known other individuals will try to take advantage of the lack of enforceability in other areas across the State. Correcting the issue by EO on an area by area basis would be impracticable because of the number of streams and channels involved and would be inconvenient to the public because the it would usually involve closing one bank to subsistence fishing.

The only other possible out of cycle solution would be a Board delegation to the Commissioner to identify all the area regulations restricting stream obstruction and adopt a housekeeping proposal to each area’s regulations to extend the area restriction to channels and side channels.

**PROPOSED BY:** Alaska Department of Fish and Game

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FINAL ACTION: Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_

*Note, this proposal was submitted as a petition from the Cook Inlet Aquaculture Association. The Board of Fisheries accepted it during the January 21-27, 2009 meeting in Petersburg and scheduled it for regulatory consideration during the March 16-20, 2009 meeting in Anchorage.*

### **Proposal 380**

Repeal 5 AAC 21.375. Bear Lake Management Plan and replace with a Trail Lakes Hatchery Sockeye Salmon Management Plan that incorporates elements of the Bear Lake Management Plan.

#### **5AAC xxx.xxxx Trail Lakes Hatchery Sockeye Salmon Management Plan**

(a) The purpose of the Trail Lakes Hatchery Sockeye Salmon Management Plan is to provide a reasonable distribution of the harvest of salmon from enhancement projects among seine and set gillnet commercial fisheries and the hatchery operator. The department, in consultation with the hatchery operator, shall primarily manage the Lower Cook Inlet Southern District Special Harvest Areas (China Poot Section 241-09, Neptune Bay Section 241-10, and Tutka Bay Subdistrict 241-16), the Kamishak Bay District Special Harvest Area (Kirschner Lake Section 249-75), and Eastern District Special Harvest Area (Resurrection Bay North Subdistrict 231-30) salmon fisheries to achieve the Cook Inlet Aquaculture Association cost recovery harvest goal and the broodstock escapement goals for Trail Lake Hatchery.

(b) Except as otherwise provided by emergency order, a corporation holding a permit under AS 16.10.400 for the Trail Lake Hatchery, and an agent, contractor, or employee of that corporation who is authorized under 5 AAC xxx . , may harvest salmon within the China Poot, Hazel Lake, Tutka Bay, and Kirschner Lake Special Harvest Areas opened by Emergency Order on or after the third Monday in June, using purse seines, hand purse seines, and beach seines; and, within the Bear Lake Special Harvest Area opened by Emergency Order on or after the third Monday in May, using purse seines, hand purse seines, beach seines and weirs. The China Poot, Hazel Lake, Tutka Bay, Kirschner Lake and Bear Lake Special Harvest Areas will remain closed to commercial fishing until the cost recovery goal and the broodstock escapement goals for Trail Lakes Hatchery are achieved.

(c) Any restrictions, in board policies dated before the effective date of this section, on the maximum number of indigenous Bear Lake sockeye salmon spawners are rescinded. The department shall establish a biological escapement goal for Bear Lake sockeye salmon stocks and shall manage all contributing fisheries to meet this goal.

(d) Enhancement activities related to either indigenous Bear Lake sockeye salmon stocks or transplanted sockeye salmon stocks must consider the impact on continuing enhancement of Bear Lake coho salmon. It is the intent of the Board of Fisheries that

(1) any enhancement of sockeye salmon must not cause a net loss of coho salmon smolt production from Bear Lake;

(2) any enhancement of sockeye salmon in Bear Lake must maintain the early run timing of the indigenous stocks;



(3) the prime objective of any Bear Lake sockeye salmon enhancement must be to provide the opportunity for a commercial sockeye salmon fishery prosecuted with minimal conflict with the recreational fishery.

~~(e) In Resurrection Bay, the department shall manage the commercial harvest of the enhanced Bear Lake sockeye salmon harvestable surplus to achieve an allocation of 50 percent to the commercial seine fleet and 50 percent to the Trail Lakes Hatchery for cost recovery in Resurrection Bay. For the purposes of this subsection, Resurrection Bay consists of those waters in the Eastern District enclosed by a line from Adalik Cape at 59° 42.33' N. lat., 149° 31.50' W. long. to a point approximately one mile south of Adalik Cape at 59° 41.33' N. lat., 149° 31.50' W. long., then northeast to a point approximately one mile south of Cape Resurrection at 59° 51.03' N. lat., 149° 17' W. long., then north to a point on Cape Resurrection at 59° 52.03' N. lat., 149° 17' W. long.~~

(e) The China Poot and Hazel Lake Special Harvest Area consists of all marine waters of the China Poot Bay Subdistrict in the Southern District shoreward and within the lines connecting 59°34.68' N Lat., 151°19.23' W Long. and 59°35.08' N Lat., 151°19.77' W Long. and 59°33.09' N Lat., 151°25.22' W Long. and 59°32.84' N Lat., 151°24.90' W Long.

(f) The Tutka Bay Special Harvest Area consists of all marine waters of the Tutka Bay Subdistrict in the Southern District southeast of a line connecting 59°30.23' N Lat., 151°28.23' W Long. And 59°28.63' N Lat., 151°30.37' W Long. including Tutka Bay Lagoon.

(g) The Kirschner Lake Special Harvest Area consists of all marine waters of the Bruin Bay Subdistrict in the Kamishak Bay District northwest of a line connecting 59°25.17' N Lat., 153°50.50' W Long. and 59°23.17' N Lat., 153°56.90' W Long.

(h) The Bear Lake Special Harvests Area consists of those marine waters of Resurrection Bay in the Eastern District north of the latitude of Caines Head, as well as all freshwaters of Bear Creek, Salmon Creek, and Resurrection River downstream from, and including, the Bear Creek weir.

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FINAL ACTION: Carries      Fails      Tabled      No Action      See Prop. # \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ TAPE# \_\_\_\_\_