

On Time Public Comment List

Kenai River Sportfish Association (KRSA) PC1
Black River Working Group PC2
Ryan Kapp PC3

RECEIVED
AUG 1 1 2011
BOARDS



August 1, 2011

Vince Webster
Board Chair, Alaska Board of Fisheries
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK 99811-5526

FAX: 907-465-6094

RE: Agenda Change Request for UCI Central District Drift Gillnet Fishery Management Plan

Dear Board Chair Webster:

Kenai River Sportfishing Association (KRSA) and the Mat-Su Mayor's Blue Ribbon Sportsmen's Committee (MSBRSC) request that the Alaska Board of Fisheries accept an Agenda Change Request (ACR) asking that significant regulatory errors in the newly codified version the Central District Drift Gillnet Fishery Management Plan [5 AAC 21.353] be corrected. In accordance with 5 AAC 39.999 we assert that this should be accepted based on the fact that it addresses a fishery conservation purpose or reason, corrects an error in regulation and is not predominantly allocative in nature.

The Board adopted regulatory changes to the Drift Management Plan during the February/March 2011 meeting. KRSA and the Mat/Su group co-authored the proposal which prompted the Board to address this issue. The primary focus of those changes was to move Susitna sockeye salmon and northern bound coho salmon to the rivers and streams of Northern Cook Inlet. This was accomplished by reducing the mixed stock nature of the drift fishery in the Central District of Upper Cook Inlet on the Northern District stocks while providing more opportunity as a terminal fishery on Kenai and Kasilof sockeye in the Central District. The Board was motivated to take this action because Susitna sockeye salmon have been designated a stock of yield concern since 2008 and northern coho have been in such short supply that bag and possession limits have been reduced for over a decade. The Drift fleet when configured as an intercept fishery can be the primary harvester of these Northern District stocks.

When the codified regulations became available to the public in the spring of 2011 we reviewed the language and identified three substantial errors in the wording of the Drift Management Plan, errors that if implemented by department managers would result in much larger harvests of Susitna sockeye and northern coho. In June 2011 we asked the Commissioner of the Department of Fish and Game to use her authority (board finding 99-192-FB) to correct the errors prior to the prosecution of this year's Drift Gillnet Fishery. The Commissioner was silent to our request so we immediately asked the Alaska Board of Fisheries to address the regulatory errors through the Emergency Regulation Process.

The Board met in June, found that the situation created by substantial errors in regulation pertaining to the management of a stock of concern met the state's criteria for a finding of emergency and voted to correct the errors. Drift gillnet fishery participants appealed the Board's action to the courts and on July 12, 2011 the Superior Court issued a TRO preventing implementation of the corrected regulations based on a procedural justification. The Court found that the situation created by substantial errors in regulation pertaining to the management of a stock of concern did not meet the state's definition of "emergency". The court took no issue with the substance of the regulation. The state is considering appeal of this decision.

The significant regulatory errors transpired as the state was codifying regulatory action taken by the BOF during the February 22 – March 5, 2011 meeting. The regulatory errors are contrary to board action and are of such magnitude so as to threaten a fish resource designated as a stock of concern. The errors were identified based on our review of the following:

1. The newly codified regulations (found on pages 7, 8, and 9 of the document regarding adopted regulation changes in UCI sent to us via email by Kerri Tonkin on May 27, 2011);
2. BOF finding 2011-266-FB which was approved by a vote of 7-0 and signed by Board Chair Webster on March 26, 2011;
3. Pertinent RC's and Proposals including RC 164, RC 200, Proposal A (board generated) and Proposal 126; and,
4. Audio tapes of the BOF deliberation of the Drift Plan over the three day period February 28, March 1 and March 2, 2011.

Specifically, three significant errors exist in the newly codified regulations. Each of these increases the fishing power of the Drift Gillnet Fishery and has the potential to significantly increase harvest of sockeye and coho stocks that the Board sought to protect. The first two regulatory errors erode the Board's effort to address the Susitna River Sockeye Salmon Stock of Yield Concern finding established first in 2008 and affirmed again in October 2010. The third error affects both Susitna sockeye and northern Cook Inlet coho. The regulatory errors, highlighted in yellow, are as follows:

- 1) The first error incorrectly utilizes the expanded corridor in both regular fishing periods during July

9-15 rather than only during the first regular period and additional corridor-only fishing periods as the Board specified. The problem is that the expanded corridor also includes a portion of the previously-closed Area 2 which effectively counteracts a significant portion of the first regular period restriction. As codified, the plan provides practically no significant benefits to northern stocks. During the first regular period in July 9-15, closure of the non-corridor portion of Area 1 is at least partially offset by opening of the corridor portion of Area 2. During the second regular period, the fishing area is actually expanded from the previous regulation into a significant portion of Area 2.

5 AAC 21.353 (a)(2)(A)(ii) which as now codified reads:

“fishing during the second regular fishing period is restricted to the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1.”

This section should read:

“fishing during the second regular fishing period is restricted to the Kenai and Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1.”

2) The second error incorrectly utilizes the expanded corridor in an additional fishing period allowed during July 9-15 when the Kenai sockeye late run exceeds 2.3 million.

5 AAC 21.353 (a)(2)(A)(iii) which as now codified reads:

“at run strengths greater than 2,300,000 sockeye salmon to the Kenai River, the commissioner may, by emergency order, open one additional 12-hour fishing period in the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1.”

This section should read:

“at run strengths greater than 2,300,000 sockeye salmon to the Kenai River, the commissioner may, by emergency order, open one additional 12-hour fishing period in the Kenai and Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1.”

Board action pertaining errors one and two may be found in Alaska Board of Fisheries Finding 2011-266-FB, page 1, paragraph three, RC 200 which became the Board generated Proposal A, passed on March 1, and audio tape of the Board deliberation on the afternoon of February 28 (see attachments). The new regulatory code is inconsistent with language in RC 200, which was brought “to the table” as Board generated Proposal A, deliberated at length and with great specificity, and passed by the Board with a 6-1 vote at 3:32:50 on February 28. There was no subsequent discussion or amendment at any point in the board deliberation of sections (A)(ii) or (A)(iii) to change the Kenai and Kasilof Sections to the Expanded Kenai and Expanded Kasilof Sections. All subsequent discussion of expanded use was relative to July 16 through 31 period alone.

3) The third error incorrectly allows for the use both of the expanded corridor and Area 1 during the weekly restricted regular period between July 16 and July 31 when the Kenai sockeye run is between 2.3 and 4.6 million. The Board directed that this restricted period be fished in the expanded corridor or drift Area 1, not both. The expanded corridor was specifically developed by the Board to reduce the area fished in both drift Areas 1 and 2 – only a portion of Area 2 would be closed under the erroneous language.

5 AAC 21.353 (a)(2)(B)(ii) which as now codified reads:

“at run strengths of 2,300,000 – 4,600,000 sockeye salmon to the Kenai River, fishing during one regular 12-hour fishing period per week will be restricted to either the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict or Drift Gillnet Area 1, or both.”

This section should read:

“at run strengths of 2,300,000 – 4,600,000 sockeye salmon to the Kenai River, fishing during one regular 12-hour fishing period per week will be restricted to either or both the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict or Drift Gillnet Area 1.”

Related Board deliberations of Proposal 126 occurred on the afternoon of March 1, 2011. Later, on March 2, 2011 Board Chair Webster led the board through a detailed clarification of actions taken on Proposal 126 the day before. As part of that discussion, Board Vice-Chair Johnstone carefully reviewed the language of Proposal 126 line-by-line as relates to this error. We do not know how this error occurred but submit that its effects if implemented will be significantly different from what was intended by the co-authors of Proposal 126.

We further assert that this ACR is not predominantly allocative in nature. Although the Board’s changes in the Drift Fishery Management Plan did result in potential allocative changes, these effects were fully addressed at the 2011 Board Meeting. At that time the Board also took pains to offset potential allocation effects of reduced fishing time in area 1 or area 2 by adding back additional fishing time in the expanded corridor. The primary objective was not to change allocation to the drift net fishery but to change the stock composition of the harvest by moving effort to more terminal areas to concentrate on the abundant Kenai and Kasilof sockeye stocks. The Board also recognized existing authority for the Department to open additional drift corridor fisheries independent of concurrent set net openers in order to offset effects of area 1 restrictions on the drift fishery harvest share. However, our ACR does not ask for a reconsideration of the issues and for that reason does not offer new information. We ask only that errors in regulation be corrected and that the Board’s true intent be codified.

KRSA and MSBRSC continue assert that this situation meets the qualifications for emergency as set forth in statute. Errors of this magnitude must be considered unexpected or unforeseen. We respectfully request that you accept our appeal for an agenda change request and take action promptly to correct these significant regulatory errors.

Sincerely,



Eldon Mulder
KRSA Board Chair



Reuben Hanke
KRSA Fisheries Chair



Bruce Knowles
MSBRSC Chair

Attachments:

1. Newly Codified Regulations for UCI Salmon Fisheries
2. BOF Finding 2011-266-FB
3. RC 164, RC 200, Proposal A (board generated), and Proposal 126
4. Audio Tape Log and Audio Tape Files from February 28, March 1 and March 2
5. Summary of Central District Drift Gillnet Fishery Management Plan Changes, Map and Corrections
6. Summary of Board Actions, June 30, 2011

* Documents Submitted previously @ BOF June 30, 2011
Emergency Teleconference

Register _____, _____ 2011 FISH AND GAME

Title 5. Fish and Game.

Chapter 01. Subsistence Finfish Fishery.

Article 11. Cook Inlet Area.

5 AAC 01.560(b)(1)(C) is repealed:

(C) repealed ____/____/2011;

5 AAC 01.560(b)(1)(D) is repealed:

(D) repealed ____/____/2011;

(In effect before 1981; am 5/6/81, Register 78; am 5/17/81, Register 78; am 6/30/83, Register 86;
am 5/11/85, Register 94; am 6/10/89, Register 110; em am 5/22/91 - 5/30/91, Register 118; am
7/21/91, Register 119; am/readopt 5/14/93, Register 126; am 5/15/93, Register 126; am 5/6/94,
Register 130; am 6/7/95, Register 135; am 9/29/95, Register 135; am 2/24/96, Register 137; am
4/23/98, Register 146; am 4/22/99, Register 150; am 3/11/2001, Register 157; am 3/8/2002,
Register 161; am ____/____/2011, Register _____)

Authority: AS 16.05.060 AS 16.05.251 AS 16.05.258

5 AAC 01.566(a)(1)(A) is amended to read:

(A) the Port Graham, Koyuktolik, Port Chatham, **and** Windy Bay[, AND TYONEK] Subdistricts;

5AAC 01.566(a)(1)(C) is amended to read:

(C) **salmon, other than king salmon**, in the Yentna River drainage outside the Anchorage-Matsu-Kenai Nonsubsistence Area described in 5 AAC 99.015(a)(3);

5 AAC 01.566(a)(1) is amended by adding a new subparagraph to read:

(D) king salmon and salmon, other than king salmon, in the Tyonek Subdistrict;

5 AAC 01.566 is amended by adding new subsections to read:

(e) The board finds that 400 - 700 salmon, other than king salmon, are reasonably necessary for subsistence uses in the Yentna River drainage described in 5 AAC 01.593(2).

(f) The board finds that 700 - 2,700 king salmon and 150 - 500 salmon, other than king salmon, are reasonably necessary for subsistence uses in the Tyonek Subdistrict. (Eff. 5/14/93, Register 126; am 5/6/94, Register 130; am 6/7/95, Register 135; am 9/29/95, Register 135; am

Register _____, _____ 2011 FISH AND GAME

2/24/96, Register 137; am 5/31/96, Register 138; am 5/31/98, Register 146; am 4/22/99, Register 150; am 3/11/2001, Register 157; am 3/8/2002, Register 161; am ____/____/2011, Register _____)

Authority: AS 16.05.251 AS 16.05.258

5 AAC 01.593(5) is repealed:

(5) repealed ____/____/2011. (Eff. 5/31/98, Register 146; am ____/____ 2011, Register _____)

Authority: AS 16.05.251 AS 16.05.258

5 AAC 01.595(a)(3) is amended to read:

(3) in addition to the limits in (2) of this subsection, the holder of a Tyonek Subdistrict subsistence salmon fishing permit may take 70 king salmon [; NO MORE THAN 4,200 KING SALMON MAY BE TAKEN IN THE TYONEK SUBDISTRICT FROM MAY 15 THROUGH JUNE 30].

(In effect before 1981; am 4/15/81, Register 78; am 5/7/81, Register 78; am 5/23/88, Register 106; am 6/10/89, Register 110; am 7/21/91, Register 119; am/readopt 5/14/93, Register 126; am 2/24/96, Register 137; am 4/22/99, Register 150; am 3/8/2002, Register 161; am ____/____/2011, Register _____)

Authority: AS 16.05.251 AS 16.05.258

Chapter 21. Cook Inlet Area.

Article 2. Fishing Districts, Subdistricts, and Sections.

5 AAC 21.200(b)(2)(C) is repealed and readopted to read:

(C) Expanded Kenai Section: all waters enclosed by a line from a point located on the shore at 60° 40.35' N. lat., 151° 23.00' W. long., west to a point located at 60° 40.35' W. long., south to a point at the latitude of the Blanchard line located at 60° 27.10' N. lat., 151° 33.75' W. long., and east to a point on the beach at 60° 27.10' N. lat., 151° 16.94' W. long.;

5 AAC 21.200(b)(2) is amended by adding new subparagraphs to read:

(D) Kasilof Section: all waters enclosed by a line from a point on the beach at 60° 27.10' N. lat., to a point at 60° 27.10' N. lat., 151° 25.70' W. long., to a point at 60° 12.75' N. lat., 151° 32.05' W. long., to a point at 60° 04.02' N. lat., 151° 46.60' W. long., to an ADF&G regulatory marker located at 60° 04.02' N. lat., 151° 38.90' W. long.;

(E) Expanded Kasilof Section: all waters enclosed by a line from a point on the beach at 60° 27.10' N. lat., 151° 16.94' W. long., west to a point at the Blanchard Line located at 60° 27.10' N. lat., 151° 33.75' W. long., south to a point located at 60°

Register _____, _____ 2011 FISH AND GAME

04.02' N. lat., 151° 46.60' W. long., and east to an ADF&G regulatory marker located at
60° 04.02' N. lat., 151° 38.90' W. long.;

(In effect before 1985; am 5/11/85, Register 94; am 4/18/86, Register 98; am 3/29/87, Register
101; am 6/10/89, Register 110; em am 4/30/91 - 5/30/91, Register 118 [not printed]; am 7/21/91,
Register 119; am 4/7/93, Register 126; am 5/31/96, Register 138; am 6/13/99, Register 150; am
8/8/99, Register 151; am 3/11/2001, Register 157; am 6/30/2002, Register 162; am 8/8/2003,
Register 167; am 6/11/2005, Register 174; am 3/2/2011, Register 197; am ____/____/2011,
Register _____)

Authority: AS 16.05.251

Article 3. Salmon Fishery.

5 AAC 21.310(b)(2)(C)(iii) is amended to read:

(iii) Kenai, Kasilof, and East Forelands Sections: the season will
close August 15, unless closed earlier by emergency order after July 31, if the
department determines that less than one percent of the season's total sockeye
harvest has been taken per fishing period; from August 11 through August 15, the
fishery is open for regular **fishing** periods only; for purposes of this
subsubparagraph, "fishing period" means a time period open to commercial fishing

Register _____, _____ 2011 FISH AND GAME

as measured by a 24-hour calendar day from 12:01 a.m. until 11:59

p.m.

[WITHOUT CLOSURE].

(In effect before 1983; am 6/30/83, Register 86; am 6/30/84, Register 90; am 5/11/85, Register 94; am 6/10/89, Register 110; am 7/21/91, Register 119; am 4/7/93, Register 126; am 6/7/95, Register 135; am 5/31/96, Register 138; am 5/14/97, Register 142; am 5/18/2000, Register 154; am 6/30/2002, Register 162; am 8/8/2003, Register 167; am 2/13/2005, Register 173; am 6/11/2005, Register 174; am 6/4/2008, Register 186; am ____/____/2011, Register ____)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 21.331 is amended by adding a new subsection to read:

(i) A CFEC permit holder who holds two Cook Inlet set gillnet CFEC permits may operate an aggregate length of set gillnets not to exceed 210 fathoms in length. A single set gillnet may not exceed 35 fathoms in length. In order to identify the gillnet as a dual-permit set gillnet, the permit holder shall mark the buoys as specified in 5 AAC 21.334 with both of the permit holder's five-digit CFEC permit serial numbers followed by the letter "D" on the identification buoy required in 5 AAC 39.280. All identifiers must be displayed in a manner that is plainly visible, unobscured, and in a color that contrasts with the background. (In effect before 1987; am 3/29/87, Register 101; am 4/2/88, Register 105; em am 4/30/91 - 5/30/91, Register 118 [not printed]; am 7/21/91, Register 119; am 4/22/99, Register 150; am 5/18/2000, Register 154;

Register _____, _____ 2011 FISH AND GAME

am 6/11/2005, Register 174; am 6/4/2008, Register 186; am ____/____/2011, Register
_____)

Authority: AS 16.05.251

5 AAC 21.333(e)(2) is repealed:

(2) repealed ____/____/2011;

5 AAC 21.333(e)(3) is repealed:

(3) repealed ____/____/2011;

5 AAC 21.333(g) is repealed:

(g) Repealed ____/____/2011. (Eff. 6/4/2008, Register 186; am 6/30/2008, Register
187; am ____/____/2011, Register _____)

Authority: AS 16.05.251

The lead-in language of 5 AAC 21.353(a) is amended to read:

(a) **The purpose of this management plan is to ensure adequate escapement of salmon into the Northern District drainages and to provide management guidelines to the**

department. The department shall manage the commercial drift gillnet fishery to minimize the harvest of Northern District and Kenai River coho salmon in order to provide sport and guided sport fishermen a reasonable opportunity to harvest these salmon stocks over the entire run, as measured by the frequency of inriver restrictions. The department shall manage the Central District commercial drift gillnet fishery as follows:

...

5 AAC 21.353(a)(2)(A) is repealed and readopted to read:

(A) from July 9 through July 15,

(i) fishing during the first regular fishing period is restricted to the Expanded Kenai and Expanded Kasilof Sections; additional fishing time is allowed only in the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict;

(ii) fishing during the second regular fishing period is restricted to the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;

(iii) at run strengths greater than 2,300,000 sockeye salmon to the Kenai River, the commissioner may, by emergency order, open one additional 12-hour fishing period in the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;

5 AAC 21.353(a)(2)(B)(i) is amended to read:

(i) at run strengths of less than 2,300,000 [2,000,000] sockeye salmon to the Kenai River, fishing during one [TWO] regular 12-hour fishing period [PERIODS] will be restricted to the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict [AND DRIFT GILLNET AREA 1];

5 AAC 21.353(a)(2)(B)(ii) is amended to read:

(ii) at run strengths of 2,300,000 - 4,600,000 [2,000,000 to 4,000,000] sockeye salmon to the Kenai River, fishing during one [TWO] regular 12-hour fishing period per week [PERIODS] will be restricted to either the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict or [AND] Drift Gillnet Area 1, or both [AREAS 1 and 2];

(Eff. 6/11/2005, Register 174; am 6/4/2008, Register 186; am 9/12/2008, Register 187; am _____/_____/2011, Register _____)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 21 is amended by adding a new section to read:

5 AAC 21.354. Cook Inlet Pink Salmon Management Plan. (a) The purpose of this management plan is to allow for the harvest of surplus pink salmon in upper Cook Inlet for set gillnet and drift gillnet gear. Notwithstanding 5 AAC 21.310(b)(2)(C)(iii), from August 11 through August 15, the commissioner may, by emergency order, open a commercial pink salmon fishery in an even-numbered year for up to two regular 12-hour fishing periods if the commissioner determines that the sockeye salmon escapement goals in the Kenai and Kasilof Rivers are being achieved and coho salmon run strength is sufficient to withstand additional harvest.

(b) The first pink salmon commercial fishing period will occur only if, during the regular fishing periods from August 6 through August 10, the daily harvest of pink salmon exceeds 50,000 fish or the cumulative harvest is 100,000 or more pink salmon. The second pink salmon commercial fishing period will occur only if 50,000 or more pink salmon and no more than 2,500 coho salmon are harvested during the first pink salmon commercial fishing period.

(c) During a pink salmon commercial fishing period opened under this section, a

~~(1) set gillnet may not have a mesh size greater than four and three-quarters~~
inches, and the set gillnet may only be operated 600 feet or greater from the shore line; and

(2) drift gillnet may not have a mesh size greater than four and three-quarters inches, and fishing with drift gillnet gear will only be opened in the areas defined in 5 AAC 21.200(b)(2)(A) and (B). (Eff. ____/____/2011, Register _____)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 21.358(b) is amended to read:

(b) The department shall manage the Northern District commercial salmon fisheries based on the abundance of [YENTNA RIVER] sockeye salmon **counted through the weirs on Larson, Chelatna, and Judd Lakes** [, THE YENTNA RIVER ESCAPEMENT GOAL,] or other salmon abundance indices as the department deems appropriate. [ACHIEVEMENT OF THE LOWER END OF THE YENTNA RIVER ESCAPEMENT GOAL SHALL TAKE PRIORITY OVER NOT EXCEEDING THE UPPER END OF THE KENAI RIVER INRIVER RUN GOAL. WHEN THE SOCKEYE SALMON RETURNS TO THE KENAI RIVER ARE FOUR MILLION FISH OR GREATER, THERE IS AN OPTIMAL ESCAPEMENT GOAL OF 75,000 TO 180,000 SOCKEYE SALMON IN THE YENTNA RIVER.]

The lead-in language of 5 AAC 21.358(c) is amended to read:

(c) From July 20 through **July 30** [AUGUST 6], if the department's assessment of abundance indicates that restrictions are necessary to achieve the escapement goal, the commissioner may, by emergency order, close the commercial set gillnet fishery in the Northern District and immediately reopen a season during which the number of set gillnets that may be used is limited to the following options selected at the discretion of the commissioner:

...

Register _____, _____ 2011 FISH AND GAME

(Eff. 5/31/96, Register 138; am 5/14/97, Register 142; am 6/13/99, Register 150; am 5/18/2000, Register 154; am 6/22/2002, Register 162; am 6/11/2005, Register 174; am 6/4/2008, Register 186; am ____/____/2011, Register ____)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 21.360(b)(1) is amended to read:

(1) meet an optimum escapement goal (OEG) range of 700,000 - 1,400,000
[500,000 - 1,000,000] late-run sockeye salmon;

The lead-in language of 5 AAC 21.360(c)(1) is amended to read:

(1) at run strengths of less than 2,300,000 [2,000,000] sockeye salmon,

5 AAC 21.360(c)(1)(A) is amended to read:

(A) the department shall manage for an inriver goal range of 900,000 - 1,100,000 [650,000 - 850,000] sockeye salmon past the sonar counter at river mile 19;

The lead-in language of 5 AAC 21.360(c)(2) is amended to read:

(2) at run strengths of 2,300,000 - 4,600,000 [2, 000,000 TO 4,000,000] sockeye salmon,

5 AAC 21.360(c)(2)(A) is amended to read:

(A) the department shall manage for an inriver goal range of 1,000,000 - 1,200,000 [750,000 - 950,000] sockeye salmon past the sonar counter at river mile 19;

5 AAC 21.360(c)(2)(C) is amended to read:

(C) the Upper Subdistrict set gillnet fishery will be closed for one continuous 36-hour period per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday and for a 24-hour closure on Tuesday from 12:00 a.m. until 11:59 p.m. [AN ADDITIONAL 24-HOUR PERIOD DURING THE SAME MANAGEMENT WEEK];

The lead-in language of 5 AAC 21.360(c)(3) is amended to read:

(3) at run strengths greater than 4,600,000 [4,000,000] sockeye salmon,

5 AAC 21.360(c)(3)(A) is amended to read:

(A) the department shall manage for an inriver goal range of 1,100,000 - 1,350,000 [850,000 - 1,100,000] sockeye salmon past the sonar counter at river mile 19;

5 AAC 21.360(h)(2) is amended to read:

(2) the bag and possession limit for the sport fishery is three sockeye salmon, unless the department determines that the abundance of late-run sockeye salmon exceeds 2,300,000 fish [2,000,000 SALMON], at which time the commissioner may, by emergency order, increase the bag and possession limit as the commissioner determines to be appropriate; and

5 AAC 21.360(h)(3) is amended to read:

(3) if the projected inriver run of sockeye salmon above the Kenai River sonar counter located at river mile 19 is less than 900,000 [650,000] fish and the inriver sport fishery harvest is projected to result in an escapement below the lower end of the optimal escapement goal, the commissioner may, by emergency order, decrease the bag and possession limit, as the commissioner determines to be appropriate, for sockeye salmon in the sport fishery above the Kenai River sonar counter located at river mile 19.

(In effect before 1984; am 5/3/84, Register 90; am 5/11/85, Register 94; am 6/10/89, Register 110; am 6/15/95, Register 134; am 5/31/96, Register 138; am 5/8/98, Register 146; am 6/13/99, Register 150; am 6/22/2002, Register 162; em am 7/20/2004 - 11/16/2004, Register 171; am 6/11/2005, Register 174; am 7/9/2005, Register 175; am 6/4/2008, Register 186; am ____/____/2011, Register _____)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 21.365(b) is amended to read:

(b) Achieving the lower end of the Kenai River sockeye salmon escapement goal shall take priority over not exceeding the upper end of the Kasilof River optimal escapement goal range of **160,000 - 390,000** [150,000 TO 300,000] sockeye salmon.

5 AAC 21.365(c)(3) is amended to read:

(3) beginning July 8, the set gillnet fishery in the Kasilof Section will be managed as specified in 5 AAC 21.360(c); in addition to the provisions of 5 AAC 21.360(c), the commissioner may, by emergency order, limit fishing during the regular weekly periods and any extra fishing periods to those waters within one-half mile of shore, if the set gillnet fishery in the Kenai and East Forelands Sections are not open for the fishing period; **if the commissioner determines that further restrictions are necessary to aid in achieving the lower end of the Kenai River escapement goal, the commissioner may, in an emergency order under this paragraph further restrict fishing to within 600 feet of the high tide mark in the Kasilof Section;**

5 AAC 21.365(c)(4) is repealed and readopted to read:

(4) after July 8, if the Kasilof Section set gillnet fishery is restricted to fishing within the first one-half mile of shore, the commissioner may, by emergency order, open the KRSHA described in (f) of this section to both set and drift gillnet fishing using only one gillnet,

for fishing periods not to exceed 48 - hours in duration without one period of 24 consecutive hours of closure; the provisions in (f)(1) - (8) of this section apply during these openings;

5 AAC 21.365(c) is amended by adding a new paragraph to read:

(5) after July 15, if the department determines that the Kenai River late-run sockeye salmon run strength is projected to be less than 2,300,000 fish and the 390,000 optimal escapement goal for the Kasilof River sockeye salmon may be exceeded, the commissioner may, by emergency order, open fishing for an additional 24 hours per week in the Kasilof Section within one-half mile of shore and as specified in 5 AAC 21.360(c).

The lead-in language of 5 AAC 21.365(f) is amended to read:

(f) The commissioner may, by emergency order, open the Kasilof River Special Harvest Area (KRSHA) to the taking of salmon by gillnets when it is projected that the Kasilof River sockeye salmon escapement will exceed 365,000 [275,000] fish. ~~It is the intent of the Board of Fisheries (board) that the KRSHA should rarely, if ever, be opened under this subsection and only for conservation reasons. Before the commissioner opens the KRSHA, it is the board's intent that additional fishing time be allowed in the remainder of the Kasilof Section first, and secondly that the mandatory closures specified in regulation be reduced in duration, if necessary to meet the escapement goals contained within this and other management plans. The Kasilof River Special Harvest Area is defined as those waters within one and one-half miles of the navigational light located on the south bank of the Kasilof River, excluding waters of the Kasilof~~

Register _____, _____ 2011 FISH AND GAME

River upstream of ADF&G regulatory markers located near the terminus of the river and waters open to set gillnetting under 5 AAC 21.330(b)(3)(C)(ii) and (iii). The following apply within the special harvest area when it is open:

...

(Eff. 4/18/86, Register 98; am 6/22/2002, Register 162; am 7/3/2002, Register 163; am 9/28/2002, Register 163; em am 7/20/2004 - 11/16/2004, Register 171; am 2/13/2005, Register 173; am 6/11/2005, Register 174; am 10/1/2006, Register 179; am 6/4/2008, Register 186; am ____ / ____ /2011, Register ____)

Authority: AS 16.05.060 AS 16.05.251

The lead-in language of 5 AAC 21.366(a) is amended to read:

(a) **The purpose of this management plan is to ensure an adequate escapement of king salmon into the Northern District drainages and to provide management guidelines to the department. The department shall manage the Northern District king salmon stocks primarily for sport and guided sport uses in order to provide sport and guided sport fishermen with a reasonable opportunity to harvest these salmon over the entire run as measured by the frequency of inriver restrictions.** The department shall manage the Northern

District commercial harvest of king salmon as follows:

...

Register _____, _____ 2011 FISH AND GAME

5 AAC 21.366(a)(11) is amended to read:

(11) if the Chuitna River is closed to sport fishing, the commissioner shall close, by emergency order, the area from **a point at the wood chip dock located approximately at 61° 02.56' N. lat., 151° 14.36' W. long.,** [AN ADF&G REGULATORY MARKER LOCATED ONE MILE SOUTH OF THE CHUITNA RIVER] to the Susitna River to commercial king salmon fishing for the remainder of the directed king salmon fishery.

(Eff. 4/18/86, Register 98; am 5/14/97, Register 142; am 6/13/99, Register 150; am 6/22/2002, Register 162; am 6/11/2005, Register 174; am 6/4/2008, Register 186; em am 5/1/2009 - 8/28/2009, Register 190; am ____/____/2011, Register ____)

Authority: AS 16.05.060 AS 16.05.251

ALASKA BOARD OF FISHERIES
Findings regarding regulatory action taken to address salmon
stocks of concern in the Upper Cook Inlet Area

2011-266-FB
March 26, 2011

During its October 13–14, 2010 Alaska Board of Fisheries (board) work session, the board heard reports from the Alaska Department of Fish and Game (department) on escapement goals set by the department for Cook Inlet salmon fisheries. The board also heard department recommendations on Stock of Concern status and concurred with them.

Susitna River Sockeye Salmon: Yield Concern (established 2008)
Chuitna River King Salmon: Management Concern (established 2011)
Theodore River King Salmon: Management Concern (established 2011)
Lewis River King Salmon: Management Concern (established 2011)
Willow and Goose Creeks King Salmon: Yield Concern (established 2011)
Alexander Creek King Salmon: Management Concern (established 2011)

The department developed action plans for each of these stocks for public and board review for the February 22–March 5, 2011 Upper Cook Inlet Finfish meeting held in Anchorage, consistent with the board's *Policy for Management of Sustainable Salmon Fisheries* (5 AAC 39.222).

The department developed action plans, identifying management and research activities that could be implemented in response to the various stocks of concern that had been identified. Also included were a number of regulatory options for the board's consideration for conservation purposes. Following a review of these options, and after taking public comment, the board took four specific measures to address the management and yield concerns identified by the department. The purpose of this board finding is to identify those specific regulatory actions taken to address the stock of concern issues raised with the understanding that future board action(s) could be taken when the stock of concern levels abated. The following regulatory actions were taken during the February 22–March 5, 2011 meeting.

Susitna River Sockeye Salmon (Yield Concern)

The board specified in the *Central District Gillnet Fishery Management Plan* (5 AAC 21.353) that from July 9–15, fishing during the first regular period is restricted to the expanded Kenai and expanded Kasilof sections. Previously, fishing during this time frame was restricted to the regular Kenai and Kasilof sections and Drift Gillnet Area 1. The board specified that additional fishing time between the first restricted period and the second regular period during this time frame may be allowed in the expanded and/or the current Kenai and expanded Kasilof sections. The board also added a limitation that fishing during the second regular fishing period is restricted to the Kenai and Kasilof sections and Drift Gillnet Area 1. The board adopted these measures to allow the passage of more sockeye salmon to the northern portions of Cook Inlet.

Chuitna River King (Management Concern)
Theodore River King (Management Concern)
Lewis River King (Management Concern)

The board increased closed specific commercial fishing areas described in the *Northern District King Salmon Management Plan* (5 AAC 21.366) to fishing for king salmon if sport fishing for king salmon in the Chuitna River is closed. The increased areas closed from the Wood Chip Dock (61° 2.559' N, 151° 14.356' W) north to the Susitna River. The board also prescribed sport fishing closures for the taking of king salmon in the Chuitna, Lewis, Beluga, and Theodore River drainages, including closures to catch and release. The board adopted these measures to allow the passage of more king salmon to spawning locations.

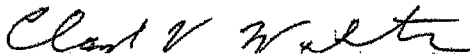
Willow and Goose Creeks King Salmon (Yield Concern)

The board removed from 5 AAC 61.114 (*Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for Unit 2 of the Susitna River Drainage Area*) the final weekend from streams in Unit 2 of the Susitna River drainage area for fishing. The board also specified that in waters open to sport fishing for king salmon in Unit 2, that from May 15 to July 13 sport fishing for any finfish species is closed from 11:00 p.m. to 6:00 a.m. Additionally, in the Goose Creek drainage, sport fishing was closed for king salmon, and upstream of the Parks Highway only one unbaited, single-hook artificial lure may be used. (Note: this was already in regulation and the board just acknowledged it. The regulatory language written regarding gear above the highway was necessary because Goose Creek had to get pulled out of a combined section and inserted as a stand-alone.) The board adopted these measures to allow the passage of more king salmon to spawning locations.

Alexander Creek King Salmon (Management Concern)

The board removed size and bag limits on northern pike taken from Alexander Lake as specified in 5 AAC 61.112 (*Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for Unit 1 of the Susitna River Drainage Area*) and allowed the use of spear and bow and arrow for northern pike on Alexander Lake as specified in 5 AAC 61.110 (*General provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Susitna River Drainage Area*). The board also removed restrictions on the disposal of pike caught in the Susitna River drainage (Chapter 61) and the West Cook Inlet Area (Chapter 62), except that it did specify that pike caught may not be released alive back into the water. The board adopted these measures in hope of reducing overall number of pike feeding on king salmon smolt.

ADOPTED this 26th day of March, 2011



Vince Webster, Chair
Alaska Board of Fisheries

Vote: 7 in favor, 0 opposed

Annotated Plan Language

5 AAC 21.353 Central District Drift Gillnet Fishery Management Plan

(a) THE PURPOSES OF THIS MANAGEMENT PLAN ARE TO ENSURE ADEQUATE ESCAPEMENTS OF SALMON INTO NORTHERN DISTRICT DRAINAGES AND TO PROVIDE MANAGEMENT GUIDELINES TO THE DEPARTMENT. THE DEPARTMENT IS FURTHER DIRECTED TO MANAGE THE COMMERCIAL DRIFT GILL NET FISHERY TO MINIMIZE THE HARVEST OF NORTHERN DISTRICT AND KENAI RIVER COHO SALMON IN ORDER TO PROVIDE SPORT AND GUIDED SPORT FISHERMEN A REASONABLE OPPORTUNITY TO HARVEST THESE SALMON STOCKS OVER THE ENTIRE RUN, AS MEASURED BY THE FREQUENCY OF IN RIVER RESTRICTIONS.

(b) The department shall manage the Central District commercial drift gillnet fishery as follows:

(1) weekly fishing periods are as described in 5 AAC 21.320(b);

(2) the fishing season will open the third Monday in June or June 19, whichever is later, and

(A) from July 9 through July 15,

(i) fishing during ONE OF the two regular fishing periods is restricted to the Kenai and Kasilof Sections ~~and Drift Gillnet Area 1;~~

(ii) ~~at run strengths greater than 2,000,000 sockeye salmon to the Kenai River,~~ the commissioner may, by emergency order, open ~~one~~ additional ~~12-hour~~ fishing periods in the Kenai and Kasilof Sections of the Upper Subdistrict and ~~Drift Gillnet Area 1~~ ADDITIONAL PERIODS MAY BE AUTHORIZED INDEPENDENT OF THE UPPER SUBDISTRICT SET GILLNET FISHERY;

(B) from July 16 through July 31,

(i) at run strengths of less than 2,000,000 sockeye salmon to the Kenai River, fishing during two regular 12-hour fishing periods will be restricted to the Kenai and Kasilof Sections of the Upper Subdistrict ~~and Drift Gillnet Area 1;~~

(ii) at run strengths of 2,000,000 to 4,000,000 sockeye salmon to the Kenai River, fishing during ~~two~~ ONE regular 12-hour fishing periods PER WEEK will be restricted to EITHER OR BOTH OF the Kenai and Kasilof Sections of the Upper Subdistrict ~~and~~ OR Drift Gillnet Areas ~~1 and 2;~~

(iii) AT RUN STRENGTHS OF LESS THAN 4,000,000 SOCKEYE SALMON TO THE KENAI RIVER, THE

KRSA proposals for revision are highlighted in strikeout language.

(Proposed language to clarify objective to protect Northern District and minimize coho.)

*Mon. & Thu. @ 12 hrs each
Timed for 1st influx of late-run sockeye (Kasilof)
2nd week of July is peak passage period for Susitna sockeye
Kenai & Kasilof = "corridor"
Area 1 is South of Kalgin Island
Additional fishing time is provided at average or larger Kenai runs to share harvest and control escapement.*

*(Proposed area reduction)
(Decoupling language for early July)*

*Kenai sockeye run strength can be effectively gauged around this time
Area restrictions to protect northern fish*

*(Proposed area reduction)
Additional fishing time is allowed at average Kenai runs
(Proposed time & area reduction)*

Area 2 = East of Kalgin Island

(Decoupling language for late July)

[Type text]

COMMISSIONER MAY, BY EMERGENCY ORDER, OPEN ADDITIONAL FISHING PERIODS IN THE KENAI AND KASILOF SECTIONS OF THE UPPER SUBDISTRICT AND ADDITIONAL PERIODS MAY BE AUTHORIZED INDEPENDENT OF THE UPPER SUBDISTRICT SET GILL NET FISHERY];

(iv) at run strengths greater than 4,000,000 sockeye salmon to the Kenai River, there will be no mandatory restrictions during regular fishing periods;

(C) **[THE UPPER SUBDISTRICT WILL CLOSE ON OR BEFORE AUGUST 7, EXCEPT THAT]** from ~~August 16~~ **[AUGUST 8]** until closed by emergency order, Drift Gillnet Areas 3 and 4 are open for fishing during regular fishing periods;

(D) from ~~August 11 through August 15~~ **[AUGUST 1 THROUGH AUGUST 7]**, there are no mandatory area restrictions to regular periods, except that if the Upper Subdistrict set gillnet fishery is closed under 5 AAC 21.310(b) (2)(C)(iii), regular fishing periods will be restricted to Drift Gillnet Areas 3 and 4.

(bc) For the purposes of this section,

(1) "Drift Gillnet Area 1" means those waters of the Central District south of Kalgin Island at 60° 20.43' N. lat.;

(2) "Drift Gillnet Area 2" means those waters of the Central District enclosed by a line from 60° 20.43' N. lat., 151° 54.83' W. long. to a point at 60° 41.08' N. lat., 151° 39.00' W. long. to a point at 60° 41.08' N. lat., 151° 24.00' W. long. to a point at 60° 27.10' N. lat., 151° 25.70' W. long. to a point at 60° 20.43' N. lat., 151° 28.55' W. long.;

(3) "Drift Gillnet Area 3" means those waters of the Central District within one mile of mean lower low water (zero tide) south of a point on the West Foreland at 60° 42.70' N. lat., 151° 42.30' W. long.;

(4) "Drift Gillnet Area 4" means those waters of the Central District enclosed by a line from 60° 04.70' N. lat., 152° 34.74' W. long. to the Kalgin Buoy at 60° 04.70' N. lat., 152° 09.90' W. long. to a point at 59° 46.15' N. lat., 152° 18.62' W. long. to a point on the western shore at 59° 46.15' N. lat., 153° 00.20' W. long., not including the waters of the Chinitna Bay Subdistrict.

(ed) The commissioner may depart from the provisions of the management plan under this section as provided in 5 AAC 21.363(e) **[EXCEPT THAT DEPARTURE FROM THE PROVISIONS OF THIS MANAGEMENT PLAN JUSTIFIED BY KENAI RIVER LATE-RUN SOCKEYE SALMON MAY ONLY OCCUR IF THE DEPARTMENT PROJECTS THAT, WITHIN 48 HOURS, THE IN-RIVER ABUNDANCE OF LATE-RUN SOCKEYE SALMON AS ENUMERATED PAST THE SONAR COUNTER LOCATED AT RIVER-MILE 19, WILL EXCEED THE INRIVER GOAL AND AT THAT TIME, THE COMMISSIONER MAY DEPART FROM**

Time & area restrictions for northern fish are removed at large Kenai sockeye runs (effectively prioritizes Kenai max. goal over Susitna min. goals)

Extended fishing in limited western inlet areas

(Proposed earlier ending date)

Corridor restrictions no longer needed because Susitna sockeye have passed (although coho are increasing abundant at this time)

Drift areas 1, 2, 3 & 4 defined

(KRSA proposal limits conditions under which plan provisions may be set aside in the event of large Kenai escapements.)

**PROVISION ONLY TO ALLOW ADDITIONAL FISHING BY THE
DRIFT GILLNET FISHERY TO OCCUR IN THE CORRIDOR
ADJACENT TO THE UPPER SUBDISTRICT.]**

[Type text]

* Record copy submitted previously @
BOF 2011 Uppercook inlet meeting

RC 164

Susitna Sockeye Salmon Action Plan Considerations

5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

5 AAC 21.353(a)(2)(A)(i)-(iii) are amended to read:

(a) The department shall manage the Central District commercial drift gillnet fishery as follows:

(1) weekly fishing periods are as described in 5 AAC 21.320(b);

(2) the fishing season will open the third Monday in June or June 19, whichever is later, and

(A) from July 9 through July 15,

(i) fishing during the **first** [TWO] regular fishing period[S] is restricted to the **Outer** Kenai and **Outer** Kasilof Sections [AND DRIFT GILLNET AREA 1];

ii) fishing during the second regular fishing period is restricted to the Outer Kenai and Outer Kasilof Sections and Drift Gillnet Area 1;

[(ii)]gill at run strengths greater than 2,000,000 sockeye salmon to the Kenai River, the commissioner may, by emergency order, open one additional 12-hour fishing period in the **Outer** Kenai and **Outer** Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;

(B)from July 16 through July 31,

(i) at run strengths of less than 2,000,000 sockeye salmon to the Kenai River, fishing during two regular 12-hour fishing periods will be restricted to the **Outer** Kenai and **Outer** Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;

(ii)at run strengths of 2,000,000 to 4,000,000 sockeye salmon to the Kenai River, fishing during two regular 12-hour fishing periods will be restricted to the **Outer** Kenai and **Outer** Kasilof Sections of the Upper Subdistrict and Drift Gillnet Areas 1 and 2;

[Type text]

5 AAC 21.200. Fishing districts, subdistricts, and sections.

5 AAC 21,200(b)(2) is amended by adding new subparagraphs to read:

(b) Central District: all waters between a line extending from Boulder Point at 600 46.39' N. lat., to Shell Platform C, to a point on the west shore at 600 46.39' N. lat., and the latitude of Anchor Point Light (590 46.15' N. lat.)

(2) Upper Subdistrict: all waters within a line from Boulder Point to Shell Platform C, then bearing 2230 to Northwest Point at 600 31.25' N. lat., 1510 55.75' W. long., then following the eastern shore of Kalgin Island to the South Kalgin Island Light at 600 20.80' N. lat., 1520 05.09' W. long., then to a point at 600 04.02' N. lat., 1510 46.60' W. long. to the Ninilchik small boat harbor, excluding the waters of the Kalgin Island Subdistrict;

(C) Outer Kenai Section: all waters enclosed by a line from a point located on the shore at 60° 40.35' N. lat., 151° 23.00' W. long., westerly to a point located at 60° 40.35' W long., southerly to a point at the latitude of the Blanchard Line located at 60° 27.10' N. lat 151° 33.75'W. long., easterly to a point on the beach at 60° 27.10' N. lat 151° 16.94' W. long.

[C]Kasilof Section: all waters enclosed by a line from a point on the beach at 600 27.10' N. lat., to a point at 600 27.10' N. lat., 1510 25.70' W. long., to a point at 600 12.75' N. lat., 1510 32.05' W. long., to a point at 600 04.02' N. lat., 1510 46.60' W. long., to an ADF&G regulatory marker located at 600 04.02' N. lat., 1510 38.90' W. long.;

(E) Outer Kasilof Section: all waters enclosed by a line from a point on the beach at 60° 27.10' N. lat., 151° 16.94' W. long., westerly to a point at the Blanchard Line located at 60° 27.10' N. lat., 151° 33.75'W. long., southerly to a point located at 60° 04.02' N. lat., 151° 46.60' W. long., easterly, to an ADF&G regulatory marker located at 60° 04.02' N. lat., 151° 38.90' W. long.;

* Record Copy submitted previously @
BOF 2011 Upper Cook Inlet Meeting

RC 200

Susitna Sockeye Salmon Action Plan Considerations

5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

5 AAC 21.353(a)(2)(A)(i)-(iii) are amended to read:

(a) The department shall manage the Central District commercial drift gillnet fishery as follows:

(1) weekly fishing periods are as described in 5 AAC 21.320(b);

(2) the fishing season will open the third Monday in June or June 19, whichever is later, and

(A) from July 9 through July 15,

(i) fishing during the first [TWO] regular fishing period[S] is restricted to the expanded Kenai and expanded Kasilof Sections [AND DRIFT GILLNET AREA 1] additional fishing time between the first restricted period and the second period during this time frame may be allowed in the expanded Kenai and expanded Kasilof sections;

(ii) fishing during the second regular fishing period is restricted to the Kenai and Kasilof Sections and Drift Gillnet Area 1;

[~~(ii)~~] (iii) at run strengths greater than 2,000,000 sockeye salmon to the Kenai River, the commissioner may, by emergency order, open one additional 12-hour fishing period in the Kenai and Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;

(B) from July 16 through July 31,

(i) at run strengths of less than 2,000,000 sockeye salmon to the Kenai River, fishing during two regular 12-hour fishing periods will be restricted to the Kenai and Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;

(ii) at run strengths of 2,000,000 to 4,000,000 sockeye salmon to the Kenai River, fishing during two regular 12-hour fishing periods will be restricted to the Kenai and Kasilof Sections of the Upper Subdistrict and Drift Gillnet Areas 1 and 2;

5 AAC 21.200. Fishing districts, subdistricts, and sections.

5 AAC 21.200(b)(2) is amended by adding new subparagraphs to read:

(b) Central District: all waters between a line extending from Boulder Point at 60° 46.39' N. lat., to Shell Platform C, to a point on the west shore at 60° 46.39' N. lat., and the latitude of Anchor Point Light (59° 46.15' N. lat.)

...

(2) Upper Subdistrict: all waters within a line from Boulder Point to Shell Platform C, then bearing 223° to Northwest Point at 60° 31.25' N. lat., 151° 55.75' W. long., then following the eastern shore of Kalgin Island to the South Kalgin Island Light at 60° 20.80' N. lat., 152° 05.09' W. long., then to a point at 60° 04.02' N. lat., 151° 46.60' W. long. to the Ninilchik small boat harbor, excluding the waters of the Kalgin Island Subdistrict;

....

(C) Expanded Kenai Section: all waters enclosed by a line from a point located on the shore at 60° 40.35' N. lat., 151° 23.00' W. long., westerly to a point located at 60° 40.35' W long., southerly to a point at the latitude of the Blanchard Line located at 60° 27.10' N. lat., 151° 33.75' W. long., easterly to a point on the beach at 60° 27.10' N. lat., 151° 16.94' W. long.

[C](D) Kasilof Section: all waters enclosed by a line from a point on the beach at 60° 27.10' N. lat., to a point at 60° 27.10' N. lat., 151° 25.70' W. long., to a point at 60° 12.75' N. lat., 151° 32.05' W. long., to a point at 60° 04.02' N. lat., 151° 46.60' W. long., to an ADF&G regulatory marker located at 60° 04.02' N. lat., 151° 38.90' W. long.;

(E) Expanded Kasilof Section: all waters enclosed by a line from a point on the beach at 60° 27.10' N. lat., 151° 16.94' W. long., westerly to a point at the Blanchard Line located at 60° 27.10' N. lat., 151° 33.75' W. long., southerly to a point located at 60° 04.02' N. lat., 151° 46.60' W. long., easterly to an ADF&G regulatory marker located at 60° 04.02' N. lat., 151° 38.90' W. long.;

* Documents submitted previously @
BDF Emergency Teleconference, June 30, 2011

RE: DRIFT NET FISHERY MANAGEMENT PLAN REVISIONS

February 28, 2011

- 1:16 pm – Consideration of action plans for Committee as a whole beginning with Board-generated proposal RC 164.
- 1:31 pm – Board expresses intent to restrict period during July 9-15
- 2:27 pm – Return to the record to take up RC 200 which is a revised version of RC 64 for July 9-15.
- 2:40 pm – RC 200 accepted as substitute language for RC 164.
- 2:42 pm – confirmed that RC 200 deals only with July 9-15 period
- 2:50 pm – discussion of (A)(ii) with reference to proposal 126.
- 2:55 pm – Webster: intent is to only restrict the first of two periods in July 9-15.
- 2:58 pm – affirmation that remaining drift net plan elements of proposal 126 to be considered in Committee B.
- 3:05 pm – Fox explanation: “RC 200 closes the area 1 during July 9 period and adds an expanded corridor during that timeframe. Also allows additional time in the expanded corridor up to the next regular period. 2nd regular period, there are no changes. Also no changes to the rest of the plan unless you make them later during other proposals.”
- 3:13 pm – Webster summary of justification for proposed change
- 3:32 pm – Question called on adoption of RC 200

March 1, 2011

- 10:24 am – Committee B deliberation begins, proposal #126 to record
- 10:30 am – Discussion of plan purpose revision
- 10:41 am – Show of hands by Board for incorporating proposed purpose for further consideration (4 votes)
- 10:41 am – Discussion of past action taken for July 9-15, supersedes this section of proposal
- 10:42 am – Discussion of July 16-31 components
- 11:38 am – Back on record
- 11:40 am – Discussion of RC 216 (review of commercial landings from drift harvests in the expanded corridor)
- 12:03 pm – Brown amendment for all proposed revisions in the July 16-31 time period will involve the expanded corridor adopted without objection.
- 12:04 pm – ii revision carried forward to be included in proposal consideration

12:06 pm – Proposal 126 (iii) dropped from proposal because Dept already has authority to open only in the corridor

12:07 pm – adjourn for lunch.

1:34 pm – Part C and D sections of proposal 126 omitted from further consideration.

1:37 pm – Marcotte: summary of action currently before the Board relative to amended proposal 126 including revision to the purpose as proposed, deleted proposed changes to (A) based on past action, revise(B)(i) to restrict one regular period to corridor, (B)(ii) revise as proposed in 126, (iii) delete proposed change. Also revise numbers for Didson numbers and use expanded corridor in (B).

1:55 pm – Vote on amended proposal 126 carried 6-1.

March 2, 2011

8:31 am – Webster: clarification of Board intent in passing amended proposal 126 re: use of expanded corridor for 2.3-4.6 million runs from July 16-31.

8:35 am – Johnstone: clarification of specific language for (B)(i) as applying to expanded corridor with closure of area 1.

8:36 am – Webster reference to Jul 9-15 intent to use expanded corridor but no specific action taken to revise explicit language RC 200 previously adopted (he did not identify whether he was referring to additional fishing time only or was also including the 2nd period).

RE: DRIFT NET FISHERY MANAGEMENT PLAN REVISIONS

February 28, 2011 – July 9 to 15 Discussion

1:16 pm – Consideration of action plans for Committee as a whole beginning with Board-generated proposal RC 164.

1:31 pm – Board expresses intent to restrict period during July 9-15

2:27 pm – Return to the record to take up RC 200 which is a revised version of RC 64 for July 9-15.

2:40 pm – RC 200 accepted as substitute language for RC 164.

2:42 pm – confirmed that RC 200 deals only with July 9-15 period

2:50 pm – discussion of (A)(ii) with reference to proposal 126.

2:55 pm – Webster: intent is to only restrict the first of two periods in July 9-15.

2:58 pm – affirmation that remaining drift net plan elements of proposal 126 to be considered in Committee B.

3:04: pm

Johnstone: If we vote on RC 200 are we just voting on the matters we've discussed and not the rest of RC 200 that we haven't discussed.

Webster: Yes, we can discuss it but there's not changes. Mr. Fox can you explain exactly what our board generated proposal does right now?

3:05:30 pm – Fox explanation:

Fox: This RC 200 closes the area 1 during the July 9 period and adds an expanded corridor during that timeframe. Also allows additional time in the expanded corridor between the next, up to the next regular period. The second regular period there is no changes. There are also no changes to the rest of the plan unless you make them later during other proposals. We would just keep adding anything you change or add into it. Also then in 21.200 we defined the new expanded corridor areas. You are free to add to them or detract from them any you want.

Webster: Thank you, does that answer your question concern Mr Johnstone.

Johnstone: Yes as long as we're not restricted from discussing and making decisions on the rest of the proposed changes.

Webster: Mr. Nelson.

Nelson: Mr. Chairman, a little bit of a clarification. Whenever you vote on a proposal, all you are voting on is as its expressed. It doesn't mean that the part you haven't amended you've somehow readopted or reaffirmed. It just means you've voted to make this change. You haven't done anything to the status of the rest of the regulation.

Webster: Thank you

3:07:06 pm

Smith: Appreciates Mr. Nelson's comment... (Understands just changing part))

Brown: I'm generally one to try to speed things along and stuff and I run to fast and but I'm especially the bottom half of this page. It takes serious. There are tiny but significant changes from 126. I have to be honest, when I first saw the 164, I just kinda skimmed through it and said that the same as 126. Only when I looked at it very closely I saw things like changing 1 to 2 and 12 hours and district. When you read it very carefully it is directly related to 126. We just got out today the committee report from 126, we haven't had time for public comment, we haven't had to get RC's in on it. Before I can be comfortably vote on these changes here, I want to know how the public responds to the committee report on B. I think its premature to discuss this without as much as much public input as we could have had. I know that the action plan has been out but I'm not sure everyone realized how different it was from the very similar text we had in proposal 126.

Webster: The rest of RC 200 that differs from proposals 126. The reason it differs is because what's left in this proposal is status quo. It's the same. We're not making changes. Tomorrow when we get into 126, we'll address changing any other part of that. I'm, as Mr. Nelson said, we're only making changes. Nothing keeps us from tomorrow making further changes.

3:10:00 pm

Johnstone: Mr. Chairman, given what Mr. Nelson said and given what the understanding is, I can go along with that and deal with just the issue of whether or not we're going to limit the fleet, take them out of 1, whether the second period will be as the status quo, and whether or not we're going to adopted the expanded corridor.

Webster: Thank you, other Board members. Mr. Kluberton

Kluberton: Thank you Mr. Chairman. I'd just like to point out that the way I interpret where we stand regard to the distinction between RC 200 and proposal 126, is that there's fundamentally a line in 126 when we begin talking about subsection beginning with B from July 16 through July 31. In that timeframe, we're beginning to segue into talking about coho intercept. Above that line going up the page, the ground we've covered so far in the action plan up until we get to what was ii and is now iii, is one paragraph, at run strengths greater than 2 million sockeye blah blah blah, that is fundamentally oriented to sockeye protection, northern district sockeye protection. So I'm comfortable, to me that is an arbitrary choice. The Board can stop and consider we've done what we want to do under the stock of concern section of the program here and then come back and revisit this. To me, I could argue it either way. I'm happy moving ahead. It seems it would be germane to this discussion to pick that next section up what was ii and is now iii. I certainly respect the opinion of the Board to move ahead and pick it up when we do 126. Based on what Board Member Brown mentioned about getting the additional benefit of the publics review of the committee minutes or committee report on committee B , I'll defer to that and just leave it here. I just want to point out that this is a little more germane to the section from July 16 to 31. Lets hold off on getting the additional value of public review and pick it up at another time.

3:12:20 pm - Webster explanation of July 9-15 action

Webster: Thank you, any comments on justification for this? Myself, I, we do have a stock of concern. It was determined 3 years ago by the Board that the Susitna sockeye salmon was a stock of concern, for yield. We heard a report on that from the Department - They still support at this time to continue to stay a stock of concern. I think we've heard a lot of different testimonies, you can read the numbers, the escapement goals, we've heard didson and weirs. In the past they didn't know what the escapement was. Basically, its one thing to have a method to determine escapement and know how accurate it is. You can have a consistent record - at least you know you are consistently wrong. With the old system, they don't even know if they are consistently wrong. That's why they can't tell us the escapement goal, what the return per spawner actually is. It was so out of whack that it wasn't giving them any useful information. We've got areas up there, some of them healthy, some of them not. I feel that we do need to get some, some salmon up north. We've got a commercial user group up there that's been restricted in this fishery. They bore the burden of conservation the most in the commercial fleet. I think this is a yield concern. I think we need to try to get some relief up to those guys. So there's many methods of trying to do that. You know, we can chop up area 1. There was a lot of discussion of how to redistrict, what the time periods could be. There is many ways to do that.

3:15:05 pm

This Board generated proposal has chosen to take one period between the 9th and 15th and restrict it to the drift fleet where that area, that period, is in a mixed stock fishery for that northern bound fish that are going through and to terminalize it during this period. It also allows the drift fleet to harvest the Kenai and Kasilof fish that may get by, that may have went by that they sacrificed. It gives them the opportunity to harvest those in the expanded area. Can they catch them all? Maybe, maybe not. But it will give them some opportunity to do that. I'm going to be supporting this because I think it does address the stock of concern up north and I think we need to do something. Whether its right or wrong, I'm hoping in 3 years the Department will have an opportunity to take genetic samples on the line of the expanded fishery and give us a better feel of what the makeup of that interception would be on the expanded district. 3 years from now, we may want to pull that line back further. I'm not saying this is going to be set forever. I'm saying I'm willing to do this with uncertainty hoping with today's technology we can get some more DNA sampling and in 3 years, this will come back before us and I can make a better informed decision based on the best available information at that time. I'm making, I'm basing my vote here, my support here, on the best available information that we have before us at this time as the sustainable fishery policy states and, you know, it addresses conservation concerns. It says when we're in doubt we should bear on the side of caution, of conservation. So that's why I'm supporting this. Other Board members?

3:17:20 pm

Johnstone: OK, thank you Mr. Chairman Looking at the SSFP, the question would be have the following factors be considered in formulating management plans... (justification)

3:22:00 pm

Brown: If we do pass this top half on RC 200, it would impose additional cost...

Jensen: I'm going to be voting in opposition of this proposal...

Smith: I'm going to be voting in favor of this proposal...

Johnstone: This is clearly allocative...

3:26:30 pm

Kluberton: I'd like to reference comments of other Board members that spoke in support of this proposal...

3:29:00 pm

Morris: Most of what I would care to add to this has been said in one form or another but I'd like to reference my colleague's comments and mention that part of the SSFP includes...

Brown: An issue that we are all dealing with is that mantra of achieving MSY...

Johnstone: (speaks to greater effort required in the expanded corridor)

3:32:48 pm – Question called on adoption of RC 200

(Roll call vote, motioned passed 6- 1, Jensen opposed)

Note: The Board clearly adopted the expanded corridor for only the first regular period and the additional fishing time during the July 9-15 timeframe as per RC 200. This action was as explained by Mr. Fox at 3:05:30 and affirmed by Mr. Johnstone at 3:10:00. RC was adopted by a vote of 6-1 at 3:42 pm. There was subsequent discussion and explanations of this action during the next two days but at no point did the Board take a formal action to modify the language adopted in RC 200 for the July 9-15 timeframe.

March 1, 2011 – July 16-31 Discussion

10:24 am – Committee B deliberation begins, proposal #126 to record

10:30 am – Discussion of plan purpose revision

10:41 am – Show of hands by Board for incorporating proposed purpose for further consideration (4 votes)

10:41:18 am - Discussion of past action taken for July 9-15, supersedes this section of proposal

Brown: The next section, beginning on page 106 of the orange book, where we start with bold face, underlined B and go all the way down to additional periods may be authorized independent of upper-sub-district set gill net fishery. We've dealt with that in an action plan. Much of our discussion yesterday was about closing one period between June 9...July 9 and July 15. The expanded corridor and that passed. So as I understand it, we can delete this entire section from this proposal and what we did with the action plan yesterday will become regulation. Is that correct, Mr. Chair?

Webster: Yes. So, what we need to see here is, is there any objection on removing this part because we've already dealt with it.

Brown: Again, it is just from the bold letter B in parenthesis down to the bold type sub-district set-net gill fishery. That's all been dealt with in the action plan.

Webster: So, I see no objections in deleting that? So that parts deleted. Mr. Brown.

Brown: Thank you! Now we've got to discuss, what another part of the proposal and it begins in the orange book cap B in parentheses from July 16-31. This is an abundance based rules, to try to, again, get the main purpose of this the proposal, to get cohos in the northern district. Now, I'm going to read it with the numbers that are currently in the orange book. Recognizing we just heard, passed a RC213, we accepted that changed all these numbers based upon the Didson counts. OK? One reason I asked the question that these new numbers, do they equate identically to the old numbers just by a scale factor so we don't have to go through all the adjustments. So that, rather than calculate the numbers now, I'm going to read the old numbers, accepting that this will take account of the new didson numbers. Does that make sense, Mr. Chair?

Webster: Yes, it does. Is that clear to staff?

Fox: Yes, Mr. Chair.

Webster: OK, Mr. Brown.

10:43:30 am – July 16-31 at run strengths less than 2 (2.3) million Kenai sockeye

11:24 am – Use of expanded corridor for July 16-31 at runs under 2 million

Brown: Thank you, Mr. Chair. I have to make a couple comments. First, I think that I would prefer to just put it in the expanded corridor, for no other reason than to say we'd have simple regulations. We've already put the expanded corridor in the July 9th and 15th area. If we put it in the July 16 to 31 I think it would be easier for people to understand it. But I also have to comment on Mr. Jensen's back-of-the-envelope calculations on lost income.

There are two things. One, we don't know how many fish will be lost to the drift fleet. They're not going to lose 100 percent, so these calculations are an overestimate. The other thing is, the reason we would be doing this would be to move fish in the northern district. Those are valuable fish too. And I won't—I could probably do back-of-the-envelope calculations on those too, but I won't. I'll just say that the tradeoff isn't nearly as dramatic as it's being made out to be. And also, we need to think of this as a dynamic optimization problem. We need to have a flow of fish to the northern district over several years, and if we get one or two good years, that might be fine. They might reestablish and might come back and they—the streams that are, I can't use the term stock of concern, but they—the streams that we're concerned about might get enough fish so that we're less concerned about them, it might open up opportunities for the thousands of people that live in that area. So we need to be careful before throwing out economic calculations that are only—that aren't containing all of the information. Mr. Chair.

11:40:00 am – Discussion of RC 216 (review of commercial landings from drift harvests in the expanded corridor)

11:50:06 am – Brown amendment to apply expanded corridor for July 16-31

Webster: I think let's move on off of this and as suggested let's get into what that expanded corridor is going to look like. Can that—is that in here already, or do we need to discuss that? Mr. Brown.

Brown: No, Mr. Chair, it's not in proposal 126. My recommendation, in fact I would move this, that we use for all of our discussion of 126, we use the same expanded corridor we used in our action plan last night. Mr. Chair.

Webster: Thank you. Any objection to that? Seeing none, so be it. So, Mr. Kluberton.

Here, the board decides to use the expanded corridor for all periods in July 16-31. This does not apply to July 9-15 because the Board previously decided that Feb 28 language for July 9-15 superseded language for the same period in proposal 126.

Kluberton: Thank you, Mr. Chairman. I just—it's not so much a question, I just want to make an observation that, I think I touched on it yesterday, we're right here in this part of the meeting at the very heart of the most complex issue we're faced with in upper Cook Inlet. And as we've got a mixed-stock fishery, this is the place we have to try to do something. If we do nothing, we learn nothing. Just looking at, again, it's a limited amount of numbers, it's the best available science we've got. We've got numbers from 2002 on coho, we've got number in 2010 on coho—not a lot of R-squared in those two figures, but it's enough to cause some concern. Given uncertainty, acting conservatively—again, if we do nothing, we learn nothing—I'm favoring the approach of a light hand, but do something and watch the metrics come out at the next Board cycle and see what we've learned. So I think probably the most readily available tool to us in that regard would be to use the expanded corridor, take your thought and expand on it, just using a single period of closure and see what that looks like in three years. That gives us something to measure from. If we do nothing, we learn nothing. Take an action. Maybe we take the slightest action we can and see if we can't learn from that. Thank you.

Webster: Thank you. I guess we could—Mr. Brown, how do you want to go from here?

11:52 am – Wrap up of discussion regarding July 9-15 for runs under 2 (2.3) million

Brown: Um, I—Just trying to read people's facial expressions. I'm not very good at it, given I need a new glasses prescription. I'm guessing that most people have come to a decision on how they would vote on that particular item, expanded corridor and one closure, and I think it'd be nice to get a show of hands and see if the Board is ready to move on to 2(ii).

Webster: Okay, as I've stated, I can't support as written, I could possibly support it if we gave them one opening, but as it's written I can't support it. So, other Board members? Mr. Jensen.

Jensen: Thank you Mr. Chair. I can't support it in any form. I think the restrictions and stuff we did in 2008 haven't had a chance to come to fruition, we haven't gone through a lifecycle of most of the salmon to see how that's turning out, and I can't support any closure of area 1. Mr. Chair.

Webster: Thank you. Anybody—show of hands. Support for as it's written?

Johnstone: Excuse me—further comment, you allowed a comment from Mr. Jensen—may I give a short comment?

Webster: Go ahead, Mr. Johnstone.

Johnstone: I want to note, based on Mr. Fox's statement that the likelihood of this occurring is, looks like about 15 percent. And if we do have run strengths of less than 2 million sockeye I think we need to consider some restrictions, because there's going to be some problems. I could support it either way, I would—with the expanded drift area—I could support it to take them out of area 1 and put them in the expanded corridor for both fishing periods or for one. And I'm not sure how you're going to take a vote. Are you going to take a vote on one and then—I mean two—and then take a vote on one.

Webster: Yes, Mr. Morris.

Morris: Mr. Chairman. I wasn't totally sure what your position was, but I understand that you might consider it if there was an expanded corridor in one opening there and the second opening would be in district 1, is that your thinking?

Webster: Right. I think this particular—if we make it one, this particular one should be a floater to be used as discretion. As Mr. Fox stated, they may already be restricted, and they may have had a 10-day closure not fishing at all, and then all of a sudden an abundance shows up—you know, why not let them use that opening. If we put it solid then they wouldn't even have an opportunity to use it. So that's my thinking.

Morris: Well, I agree with you.

Webster: Okay, I guess it's—Mr. Kluberton.

Kluberton: Thank you. Could we maybe get a show of hands on support for a single floating closure in the expanded area and see how that is shaping up?

Webster: We can do that. Who would support a single floating opener?

Brown: And an expanded—

Webster: And an expanded corridor. We got support for that, so that's what's before us. Let's move on. Mr. Brown.

Board supports restriction of a single period from July 16-31 to the expanded corridor at run strengths under 2 million

11:55:45 am – Discussion of runs of 2-4 million for July 16-31

Brown: Oh, that was fun. Uh, now remember, this is an abundance-based management, and we've taken some slight restrictions on runs of less than 2 million, now we're looking at on runs— (ii), on run strengths of 2-4-million sockeye in the Kenai River, fishing during one regular 12-hour period per week will be restricted to either or both of the Kenai and Kasilof sections of the upper district, or drift gillnet area 1. Okay, so this is a run of 2-4 million. Remember, we adjusted those numbers with Didson, but I'll just call it 2-4 million. One 12-hour period per week will be restricted to either or both of the—I'm going to say this is the expanded corridor—or drift gillnet 1. Any comments from my colleagues?

Webster: Board members? Mr. Jensen.

Jensen: Again, Mr. Chair, I'm not going to be supporting any more restrictions.

Webster: Thank you. Other Board members? Okay, Mr. Kluberton.

Kluberton: Thank you, Chairman. Again, in the spirit of exploring the guts of a mixed-stock fishery, now we're in the center of the bell curve. We have an expanded area, fundamentally what we're doing here is trying to allow, if I have this right, we're going to take one period and hold them into area 1 and the expanded corridor, which gives them a little bit further north, closer in. The only thing we're doing, we're pulling them out of area 2, which is further to the north, giving those fish that are making it through a little better head start getting to the northern district. In the spirit of sharing abundance, sharing restrictions, again, we have to do something in a mixed-stock fishery scenario to pay credence to those other fisheries in the upper Cook Inlet. So I'd be inclined to support this one.

Webster: Question for staff: can you explain how it's managed now and what this would do?

Fox: Yes, Mr. Chairman. Currently, in runs of 2-4 million, you fish drift gillnet area 1, and drift gillnet area 2, and the Kenai/Kasilof sections for—two periods are restricted to those areas, drift gillnet area 1, area 2, Kenai and Kasilof sections, or some subset of them. What this proposal does, is it says for one of those delete area 2, and for the next one it's unrestricted.

Webster: So, for one of those periods area 2 is deleted, the other period area 2 is—it's normal.

Fox: No, area 2 goes away. It's unrestricted period.

Webster: So where would they go—

Fox: District-wide. Everything. Fishing everywhere.

Webster: Every—when you say everywhere, you're talking about the black line all the way to the bottom?

Fox: The black line above the area 2, the one that's about—

Webster: One goes from shore to shore—

Fox: Correct. This one here.

Webster: Right.

Fox: All the way down to the Anchor Point line, all of that's open.

Webster: Okay. So one period—and they're allowed to do that now?

Fox: No, right now two periods are restricted to area 1, area 2, plus the corridor between July 16th and 31st. This proposal would say one of them is restricted to area 1 only plus the Kenai/Kasilof sections, so you lose area 2, area 2 goes away completely, and then the next period is district-wide.

Webster: So, the second period you get on the—what is that, the west side of Kerrigan Island—that's basically—

Johnstone [whispering]: Kalgin.

Fox: Yes, you get everything. West side of Kalgin Island and that area up above area 2 to the forelands there, to Boulder Point is also open. Mr. Johnstone.

Johnstone: Perhaps Mr. Fox could give us a—I don't mean to ask for additional workload, but I think these numbers are appropriate, and hopefully they're available. Maybe we get some numbers of what the harvest is in area 2 during these periods.

Fox: The entire reason we're struggling with this, Mr. Chairman, is the first of these restrictions started in 1997, and it was Kenai/Kasilof section before July 15th. Then in '99 we added, but by 2005 we—because of problems we experienced with processing capacity, especially with runs between 2 and 4, we took the Kenai/Kasilof restriction between July 9th and 15th. Either one of those two periods was restricted, but just to the corridor. In order to facilitate better processing capacity, we created area 1, which is about half the Inlet, and fished it for two periods. So one restriction we turned into two because of processing capacity. So, each and every year we've changed it, and we don't have any specific numbers that you're asking for now. They're going to be, like, one year or two years. We don't have an area 2 all by itself. We have some area 1s, we have lots of corridors. We have also lots of district-wide, but we don't have—when we fish more than one area we can't do a subset of what area 1 is and what area 2 is.

Webster: Thank you. Mr. Johnstone.

Johnstone: Well, I accept that and if we don't have the information, we don't have the information. But I think perhaps common logic would suggest that fish harvested in area 2 are—can go almost all the way up to the end of the district, that it's likely that there are a greater percentage of fish going north, and perhaps it's particularly cohos going into the Kenai River and there may be additional sockeye going up that far as well. If we take the fleet out of area 2 for the one period and put them in an expanded corridor, and then for the other period they get a district-wide fishery, it sounds to me like we're protecting fish going north and still giving ample opportunity to harvest the fish in the district. Mr. Chairman.

12:02:40 pm – Clarification of use of expanded corridor for July 16-31 time period

Webster: Thank you. I just heard you say expanded corridor; as this is written it's not putting them in the expanded corridor, it's putting them in the existing corridor, is that correct?

Fox: Correct.

Johnstone: Mr. Chairman, I thought we'd already decided that we would use the expanded corridor for all these—I thought that's what we did earlier.

Brown: That was my intent with my amendment.

Webster: Oh, okay, my mistake. So we talking now for all purposes, everything we're talking about in here, is expanded corridor. Okay. Department of Law.

Mitchell: Mr. Chairman, just a point of procedural clarification—the motion was on the floor, I didn't hear a vote for it, so I guess just to make a clear record, if that was adopted by unanimous consent—

Brown: It was.

Webster: It was adopted by unanimous consent.

Mitchell: Thank you.

Webster: Or, without objection—there was no objection. So, thank you for that clarification. Mr. Johnstone. Mr. Morris.

Morris: Thank you, Mr. Chairman. Having been on the 2005 Board, I believe that's when we adopted the area 2 if I'm not mistaken—is that right, Fox? Wasn't it 2005?

Fox: Yes, Mr. Chairman, I think you are correct.

Morris: And I think much of the discussion at that time was to provide opportunity for fish to get to the northern districts, and—so I don't see that as being inconsistent with this proposal. Mr. Chairman.

Webster: Thank you. So, Mr. Brown, are we ready to...

12:04 pm – ii revision carried forward to be included in proposal consideration (2-4 million, July 16-31)

Brown: I—as I stare at people's faces, I think we're ready to go with this. I think Mr. Kluberton's comments were especially profound and certainly convinced me. I'm going to favor (ii).

Webster: So, for (ii), can I see a show of hands for who supports (ii)? I see one, two, three, four. Mr. Brown.

Brown: (iii): At run strengths of less than 4 million sockeye salmon in the Kenai River, the commissioner may, by emergency order, open additional fishing periods in the Kenai and Kasilof sections of the upper subdistrict, and additional periods may be authorized independent of the upper subdistrict set gillnet fishery. Um, what this is doing is separating drift gillnet from set gillnet and, correct me if I'm wrong Mr. Chair, but I believe we've already done that in the action plan.

Webster: Department? Is that your—

Fox: We already have this authority. I'm not sure if you reauthorized it in the action plan or not, but we already have this authority.

Webster: So is—Does—Mr. Johnstone.

Johnstone: I believe, and I could be mistaken, that we authorized that under part B for the July 9th through July 15th area, and there'd be no reason not to for the July 16th to July 31st area, since the department has—already the same reasons would apply, Mr. Chairman.

Webster: So there's no—this would just be removed then. Is there any objection? Because they already have authority to do it and they...

Brown: That would be fine with me, if they do have the authority.

12:06 pm – Proposal 126 (iii) dropped from proposal because Dept already has authority to open only in the corridor

Webster: Is there any objection, just removing this? Seeing none, Mr. Brown.

Brown: Part (iv). This is one we're going to have to debate, I'm sure. At run strengths greater than 4 million sockeye salmon in the Kenai River there will be no mandatory restrictions during regular fishing periods. Uh, it's only in there because we changed the numbering. (iv) is in boldface type, but the actual content's not changed. So I'm guessing that we will accept this without any disagreement.

Kluberton: Well, it's moot 'cause we—we didn't do number (iii). We already have that ability, we just decided not to use the language added at number (iii), so that language stays number (iii).

Brown: Correct, that's correct. So there's no change.

Webster: So, there's no objection to just removing that.

Johnstone: Renumbered. It actually stays as (iii).

Webster: Right.

Brown: Um, my turn?

Webster: Yes, Mr. Brown.

Brown: Mr. Chair, I'm—I suspect we're going to have quite a discussion on part C, the next section here, and I know we'll have a lot of discussion on the EO authority on page 107, and I—my recommendation is we do that after lunch.

Webster: Yeah, let's take a lunch break and come back at 1:30.

12:07 pm – adjourn for lunch.

1:29 pm – back from lunch.

Webster: We're back on record. It's 1:30. This afternoon, we got six of seven Board members present. When we took a break, we was deliberating proposal 126. Mr. Brown, what's next?

Brown: Well, we're in the middle of 126, and we're down to (C) in parentheses at the bottom of page—

Webster: A correction: there's seven of seven Board members present. Mr. Brown.

Brown: Okay, let's see. We've gotten through the guts of 126, we're down to part C on the bottom of page 106, and then we had some verbiage on page 107. As more I've been thinking about it and talking to other Board members, I think it might behoove us to skip over those two sections, omit them from our discussion, and take a vote on what we did before lunch.

Webster: Can I get the department to explain what this part would do first, before we do that?

Johnstone: C?

Webster: C. C and D, yeah. C and D together.

Fox: Capital C would basically push drifters over into drift gillnet areas 3 and 4, which is on the lower west side. Mr. Shields will get that up here for you in just a second. Currently from the 16th of August, this area, the eastside set gillnet fishery, closes and drifters get moved over to drift gillnet area 3 and 4. So this would be about a week earlier. The drift gillnet fisher would be restricted to drift gillnet area 3, which is within 5 miles of shore basically, on the west side, and the lower southwest corner of the central district. We'll get you a page here in just a second. Was that clear? This is just for drift gillnetting, not—

Webster: Yes.

Fox: Page 71 has a map in the staff comment book.

Webster: Thank you. Can you explain just a little bit on C of the next page? On page 107 of the—within 48 hours, restricting the—can you explain what that would do?

Fox: It's currently under the upper Cook Inlet salmon management plan, and it's also I think in other smaller management plans. There's a stipulation that if we're going to exceed the escapement goal, the commissioner has EO authority to ig—not ignore, but supersede regulations such as windows, emergency order limitations, closed areas could be opened, those kinds of things to manage for the escapement goal. This would put a stipulation on it that you'd have to project within 48 hours you will exceed that escapement goal. Currently, we can project, depending on the time frame of the year—you know if we have 70 or 80 percent of the escapement goal already in by July 17th, we're pretty sure where we're going, but it would be maybe July 25th, 27th before we actually exceed that goal. So, the projection is pretty hard to deal with. By the time you project it, depending on when that occurs in the season, you could depart widely from the escapement goal.

Webster: So, are you saying that the 48 hour isn't practical?

Fox: Yes.

1:34 pm – Part C and D sections of proposal 126 omitted from further consideration.

Webster: Hearing that, you know—how we massage this proposal thus far, I'm not 100 percent in support of every item that's in there, but these other two points would definitely be a killing point for me. I would entertain a motion to just delete these two from this proposal and I could possibly support this proposal. Mr. Johnstone.

Johnstone: Mr. Chairman, I so move—I move that we vote on 5 AAC 21.353 on the informal votes we've taken down to capital C, and from capital C down we do not consider them and take no action on those, and just vote on it as down to C.

Webster: Do I hear a second?

Kluberton (?): Second.

Webster: With objection?

Brown: Without objection.

Webster: Any objection? Seeing none, so be it. Mr. Brown.

Brown: Well, I think we've spent most of the morning on this. I—as I look at this, this is a serious proposal, perhaps the most elaborate that I've voted on in my three years on the Board. It bothers me that a number of people are going to lose income, but what I hope is that we'll save a lot of fish. I hope that we take these actions, we'll get more fish in the northern district, be caught by the northern district set netters, it will help those people. I hope it'll be more fish up northern district to restore coho fishery up there. When there are difficult times, you have difficult measures, and I believe this does it. I think in our discussion we came with an important compromise. We omitted parts that weren't necessary to achieve the end, and took a lot of work, but I'm going to support this proposal, Mr. Chairman.

Smith: Mr. Chairman, if I might—

Webster: Mr. Smith.

Smith: Can we just get a little clarity exactly what it is we have in front of us right now? I just want to make sure, Mr. Chairman, that we all understand exactly what we're voting on.

Webster: Thank you. Mr. Marcotte.

1:37 pm – Marcotte summary of action currently before the Board relative to amended proposal 126

Marcotte: Thank you, Mr. Chairman. What you may want to do is refer to the original proposal wording in the proposal book, or in your Board book, but that—through a series of either informal amendments or that last one that was without objection—through that series of amendments, what the Board's done is, it's kept the first paragraph, small letter (a) with the new—it's the bold underlined wording there. So we'd keep that, so that would be indeed a change, the purpose statement at the beginning of that section. Under that next section, in paragraph small (b), it would delete that from the bolded b on down to the language that says subdistrict gillnet fishery. So it would delete that section. And then under capital B, that next paragraph, it would keep that section but change it to a single period instead of the wording that's in print there, that says two regular periods; it would keep it a single period as a floating period. And then under—yeah, okay, that's under paragraph little (i) and then (ii) paragraph, it would keep that. And then under the triple (iii) paragraph, it would remove that wording that's bold and underlined. And then the Board also expressed that the intent is to use the updated escapement numbers that you adopted under your proposal E, which was that RC1—excuse me, RC213, using the Didson numbers, even though the numbers here show the old numbers, but the intent is to use the new Didson numbers throughout. And then also the Board's intent was to use the

expanded corridor that came from proposal A, which was the RC200 that the Board adopted yesterday. So that's—oh, yeah I guess the [loud cough] two aspect on paragraph C would not make the change as proposed there, paragraph C and D. And then also, at the very end of the—under paragraph, lowercase (c) it would not make that change either.

Webster: Thank you. Other Board members? Mr. Kluberton.

1:39 pm

Kluberton: Thank you, Mr. Chairman. I wanted to follow up a little bit on some comments I made earlier about management of mixed-stock salmon fisheries, and reviewing the policy for management of mixed-stock salmon fisheries. And the first thing I'd like to point out is that to a pretty large extent what we've been working on in proposal 126 is a logical extension to the actions we took yesterday regarding the stocks of concern on northern district sockeye salmon. We, later on in this proposal 126, took a couple actions to try to work with some coho stocks that appear to be in decline, we have to work that out and see what happens. But, looking at the policy from management mixed-stock salmon fisheries, in applying this policy, conservation of wild salmon stocks consistent with sustained yield shall be accorded the highest priority, and I think given mixed-stock we are doing our due diligence to look at the full breadth of the fisheries involved. We're supposed to be consistent with the subsistence preference and I think we paid close attention to that with what we did with Tyonek and the areas over there yesterday on the stocks-of-concern decisions. We're also—it's pointed out in the policy for management of mixed-stock fisheries, the Board recognized that precise sharing of conservation among fisheries is dependant on the amount of stock-specific information available, and that we'll be working, and I think we have worked—it's not perfect, but with the information we have available we've tried to use what we had and round up what we didn't have through the course of our conversations today. Also says that the Board's preference in assigning conservation burdens is through the application of specific fishery management plans set out in the regulations. This is obviously the one regulation that's at the heart of trying to iron out the mixed-stock fishery in the upper Cook Inlet. So, again, I'll point out that most stocks are fully allocated, it's—these are the decisions that we've got to consider, it's—there's going to be give and there's going to be take. This is a painful one, but I think we've done everything we can possibly do to adhere to this policy. Thank you.

Webster: Thank you. As you stated, this is an allocated proposal. Mr. Johnstone.

Johnstone: I'll take a stab at allocation criteria, Mr. Chairman. The history of this commercial fishery we're dealing with has changed over time. It's gone back and forth. We've been in and out of corridors, we've been in and out of expanded corridors. The fisheries have taken place all over the district, and depending on the needs at the time, it's displaced fishermen from time to time. In recent history, they've been fishing a little different than what we're going to be putting in regulation now, but they have fished corridors before. There are alternative fishery resources when they're restricted in some areas here, they will have alternative areas to go fish, so there are alternative fishery resources—they may not be as productive in some areas, but in bearing the burden here to allow fish to go up north, they're sharing in the burden to some extent. The ones—the fishers up north who have been fishing for many years, they've been sharing the burden of not getting so many fish. They've been the ones who have been hit. This hopefully will balance it out somewhat. This

is an important fishery, for the economy of not only the area around Kenai/Soldotna/Homer, but it's an important fishery for the Mat Valley and the area around Anchorage as well. It's an important fishery economically for the State. There's a lot of money generated by the commercial fishery, and to the extent there will be an adverse impact, that's regrettable but hopefully the consequences of this will be an enhancement of fisheries elsewhere that will participate in providing an economic engine for the State. This fishery does provide recreational opportunities whether we restrict it this way or not, or don't restrict it, or—whatever we do here is not going to really reduce recreational opportunities for residents and non-residents. It's an important fishery to provide residents the opportunity to obtain fish for personal family consumption. I think we're not going to take away from that. I think we may enhance that for the fisheries up north. I don't think we're going to be—do it to the detriment of the fisheries in the districts we're affecting. Mr. Chairman.

Webster: Thank you. Mr. Brown.

1:44 pm

Brown: Thank you, Mr. Chair. Regrettably, if we pass this proposal it will impose costs on people engaged in fishery. When we take drifters out of area 1, and allow them to fish in the enhanced corridor it may—they may spend more money on diesel fuel and gas, there may be more time getting to and from, so it will be costly. I'm aware of that. I wish it weren't the case, but the fish come first. These measures, hopefully they'll be short-term costs with significantly larger long-term benefits. We'll get more fish up north and larger runs of fish for everyone in the future. Mr. Chair.

Webster: Thank you. Other Board members?

Regnart: Mr. Chair?

Webster: Mr. Regnart.

Regnart: Thank you. I just wanted to—there's one point of clarification, and I just wanted to make sure that we're on the same page as the Board. And that was under (B), in the plan, when we talked about the single floating restriction between the 16th and the 31st. As Mr. Fox discussed, if we're closed into that time period, in our minds that constitutes the restriction. Now if that's not what the Board's intent is, then we'd want to make sure that the language clearly defined that that floating holiday [laughter]—definitely not a holiday—that floating restriction would still be in place even if we were closed for, say, the first week of that time period.

Webster: It was my intent that—actually it's—it reverses. There's only one opening during that period, and that's floating. And if you come through a 6,8,10-day closure, you can have that one open, so that... Mr. Fox. How would you do it, the way you think it's written right now.

Fox: Perhaps you're thinking glass half empty/half full or whatever—

Webster: Yes.

Fox: —but if, right now you're saying one period between the 9th and 16th—or, excuse me, the 16th and 31st—is restricted out of area 1. The other one would be unrestricted is how we read it.

Webster: Right.

Fox: If one of those two were closed, say we fished the first one then a closure was necessary, or the opposite—if we had a closure of an area more than area 1 we would've figured the bill was paid and would not institute a second.

Webster: Right. That's how—that's my intent.

Fox: That's how we do it now.

Webster: Right. Is that clear to everyone? Mr. Johnstone.

Johnstone: I'm not sure if it is clear or not to me. The way I view that is that in run strengths of less than 2 million sockeye salmon under the proposal we're going to vote on here, the department may open up one fishing period during that time, July 16th through July 31st, in Kasilof sections and drift gillnet area 1, that would be the expanded corridor and drift gillnet area 1. For the other period, the fishery could be opened up only in the expanded corridor, no other place. Is that how you read it Mr. Fox?

Fox: Yes, the—what Mr. Regnart was trying to clarify is that if we closed a period completely, even if it was for Crescent River sockeye, drift fishery is closed that day, on July 16th, say, then we feel we have satisfied this.

Johnstone: Right. And then—

Fox: That's what we wanted to clarify, that we then wouldn't put a second restriction in. It would just be regular periods as they occur.

Johnstone: You would've satisfied this restriction and then you could open it up in the corridor and drift area 1, that would be the only places you could open it up though.

Fox: For one other period—

Johnstone: Right.

Fox: —but the others would be district-wide.

Johnstone: Right. I understand.

Webster: Mr. Smith.

Smith: Thank you. But if you're operating on your closures from the get-go, then what you're suggesting is that should the run fall back, you wanted to have a—I guess I'm having a hard time understanding this as well. If the run came back and it got a little better than you originally anticipated, and you wanted to—that you started under closures, bumps back up, then you want to have another opening.

Fox: We often close to pulse fish into the river.

Smith: Okay.

Fox: So, under these run strengths, say we didn't just restrict it to the Kenai/Kasilof section, we closed the entire Inlet—after that, we wouldn't be implementing any restrictions for your

plan; we may do them because we need additional fish, but we would've satisfied (b) of this plan with the total closure, not Kenai/Kasilof only.

1:49:00 pm

Smith: Right.

Fox: Seems like a small departure, but it will be a major point someday.

Webster: Everybody clear? Department, are you clear?

Fox: Completely.

Webster: Okay. Mr. Brown.

Brown: I was going to call the question.

Webster: Any other—any other comments? Mr. Jensen.

Jensen: Yeah, I'd like to make one more, Mr. Chair. What we're doing here, in my mind is way too punitive for the savings we want to get, and I've been following that—the whole thing we've been going through here—I've been voicing my opinion. Granted, we need to provide some more fish for sustainability up there it seems like—I haven't seen enough glaring evidence, but—I'm going to be voting against this, Mr. Chair.

Webster: Thank you. Other Board members? Mr. Morris.

Morris: Thank you, Mr. Chairman. Yeah, I tend to agree with Mr. Jensen, but I don't think we have the data to really tell us what happened in the past three years since we made it a stock of concern in the Yentna, Little Susitna. And the only thing—about the only thing we do know is that it's still a stock of concern and we need to get some fish up there. I'm not really happy with all of the actions that we're taking and I personally believe that some of them may turn out differently than we're hoping for, but I think it's a fairly small percentage of the fishery that's going to be totally affected. I know that the addition of the expanded corridor will probably make substantial difference because fishing in the corridor normally doesn't yield many results. I'm reluctantly going to support this. Mr. Chairman.

Webster: Thank you. The question's been heard. Captain Cain, errors or omissions?

Cain: No, Mr. Chairman.

Webster: Mr. Nelson?

Mitchell: Mr. Chairman—

Webster: Mr. Mitchell.

Mitchell: —I did hear the reference to these allocation policy, but I did not hear express reference to the sustainable salmon fisheries policy. If I overlooked that, I apologize, but I think it would be helpful if that hasn't been made, to go through those criteria.

Webster: Mr. Kluberton?

Kluberton: Yeah, I—My earlier comments were to the mixed-stock fishery policy, but I'm happy to speak to the sustainable salmon fisheries policy, and again I believe we're at the heart of this. We're working generally within the auspices of a stock of concern status, so we're definitely exercising a precautionary approach, probably the most stringent precautionary

approach a Board could ever impose. We've considered the uncertainty of the data, we wish we had more, we're working from the best information we could glean out of what we've heard. We've definitely considered fishing impacts to a large degree—abundance trends are being monitored and will ongoingly be monitored under the action plans. We've—let's see, management plan is definitely based on the principles and criteria, we're right at the heart of the management plan here—this is nothing ancillary, we're right in the guts of it. I think we're—yeah, we are, considering avoidance of potentially irreversible changes, we're doing all we can to avoid—to indentify undesirable outcomes, the most undesirable outcome being the loss of stocks. The conservation concern—again, it's a yield concern, which we think probably implies a conservation concern could come up next. There's been discussion through the meeting—there were parties interested in trying to elevate this to a management concern, so we're heading that off. I think we have acted within the auspices of the sustainable salmon fisheries policy.

Webster: Thank you. Mr. Johnstone.

1:54 pm

Johnstone: I'd like to reference my comment made earlier on part (b), the July 9th through July 15th portion of this, which applied to the stock of concern for the Yentna/Susitna. Part B, large B, dealing with July 16th through July 31st does pass salmon up as well, as well as coho, and I want to adopt my reference to the small part (b) to the sustainable salmon fisheries policy, the remarks I made, like to adopt by reference member Kluberton's as well. Mr. Chairman.

Webster: Yes, I also agree with you guys' assessments on sustainable salmon fisheries policy, and all my comments—actually, all my comments have always—I base all my opinions on sustainable salmon fisheries policy, even if it wasn't specifically mentioned those that apply, is because of sustainable salmon fisheries policy. Does that satisfy your...

Mitchell: It does. Thank you, Mr. Chairman.

Webster: Thank you. Errors and omissions, department?

Fox: No, Mr. Chair.

Webster: Roll call vote, please.

Marcotte: Proposal 126 as amended: Webster?

1:55 pm – Vote on amended proposal 126 carried 6-1 (Jensen opposed)

March 2, 2011 – Additional Clarifications

8:31 am – Webster: clarification of Board intent in passing amended proposal 126 re: use of expanded corridor for 2.3-4.6 million runs from July 16-31.

Webster: We're back on record, its 8:31 this morning, March 2, we then tried to recess. We just completed committee B. There may or may not have been a little misunderstanding on the, what the intent of the board was when we passed 126. I just want to, right off the bat, have the Department to explain to us between July 16 and 31, what your definition of extended, how that work with between runs of 2 million and 4 million and the use of the expanded corridor. That is the misunderstanding that the department had yesterday, or that I think the department had yesterday.

Fox: Mr. Chairman, the way this reads, one regular fishing period will be restricted to either or both the expanded Kenai and expanded Kasilof areas. And drift gill net area 1. Drift gill net area 2 is now gone. Additional fishing time, you haven't given us direction. In the previous section, you told us additional time was in the expanded corridors.

Webster: And it was my understanding and talking with other board members that the additional EO time would be in the expanded corridor. We, I think we made that clear. We thought we made that clear yesterday but obviously you didn't think we made that clear. But is that clear to you now?

Fox: Yes sir.

Webster: And also, you may under extraordinary circumstances, if the run comes in at 10 million, possibly EO, go back out to area 1. But you know it is our intent that your extra EO period is only for expanded corridor, not the area 1.

Fox: Except for as you said, for extraordinary circumstances.

Webster: Yes. Is that...Mr. Brown.

Brown: I think I understand now, but when Mr. Fox read that section there, he said one regular 12 hour fishing period, I think he left out per week. That is in there. One, run strings of sockeye salmon fishing during one regular 12 hour fish period PER week will be restricted.

Fox: That it was my understanding but reading the language, it is not per week it is per period. One period.

Mr. Brown: 12 hour fishing periods per week.

Webster: Between run strengths of 2 and 4 million?

Brown: Yes.

Webster: Mr. Johnstone

Johnstone: That was my understanding as well. And I'm not sure I understood what Mr. Fox said. Did you say that was your understanding but that's not how it reads?

Fox: I didn't actually have the language in front of me when you were voting. We actually typed up language during that break. And I was just going off the notes I made in my book. But in this language, there isn't per week, it is one period.

Johnstone: What was your understanding, is my question. When we were discussing this and voting on it. One per week or one period?

Fox: The proposal 126 has one period per week. At some point I'm not sure if there was a motion. Mr. Marcotte would have to help you on that. My notes are not that thorough.

Johnstone: Mr. Chairman, my recollection is that we voted on it using the words "one" and "per week", instead of "two" and then we left out the "AND" and we left out "S" and we left out "AND 2." That was my recollection, that the restriction to one per week would be in the expanded corridor.

Webster: Between run strengths of 2 to 4

Johnstone: yes

Webster: Is that every other board members recollection? If so, then, you understand exactly our intent then.

Fox: That is per week.

Webster: Yes.

Fox: So 2 periods?

Webster: Between 2 and 4 million. And the expanded corridor. Basically between the 9th and the 16th, the old corridor is the new corridor. That's, do understand that?

Note: Webster's characterization of the corridor use between the 9th and the 16th is confusing. This discussion has been entirely in the context of the added EO authority, not including the 2nd regular period. This statement, taken out of context, could explain the error of including the expanded corridor in the 2nd regular period for July 9-15.

8:36:00 am

Fox: Your desire is our command, sir.

Webster: And knowing that we're not saying you have to fish every period. But those EO authorities will be in the expanded corridor, not the existing corridor.

Fox: Yes sir.

Webster: Based on abundance. OK, is everybody happy with what...is everybody clear now?

Brown: Yes.

Webster: Is the department clear?

Fox: Yes sir.

Webster: OK. I think we've billed a record at least of what the true intent of the board was. Mr. Johnstone.

8:35:30 am – clarification of specific language for (B)(i) as applying to expanded corridor with closure of area 1.

Johnstone: Just to build that a little further. There was a provision that was offered by the author under subsection, small case "c" that would, if it was adopted in regulation, if it was legally adopted in regulation, would have done exactly what you said your intent was. That

is to, if you decided that there was, projections were going to exceed the upper end of the goal, and you needed to do additional fishing, that you would be restricted to doing it in the new expanded corridor. And that's why we decided not to vote on that because you expressed your intention that that's exactly what you would do. Mr. Chairman.

8:37:12 am

Webster: Thank you. And also, under, for reasons of conservation for the northern district, you could if you wanted to, EO back to the original corridor. That corridor is still left in regulation, the definition of it is.

Fox: Yes sir, it is still there.

Chairman: OK, with that, we'll move on to Committee C. Mr. Morris.

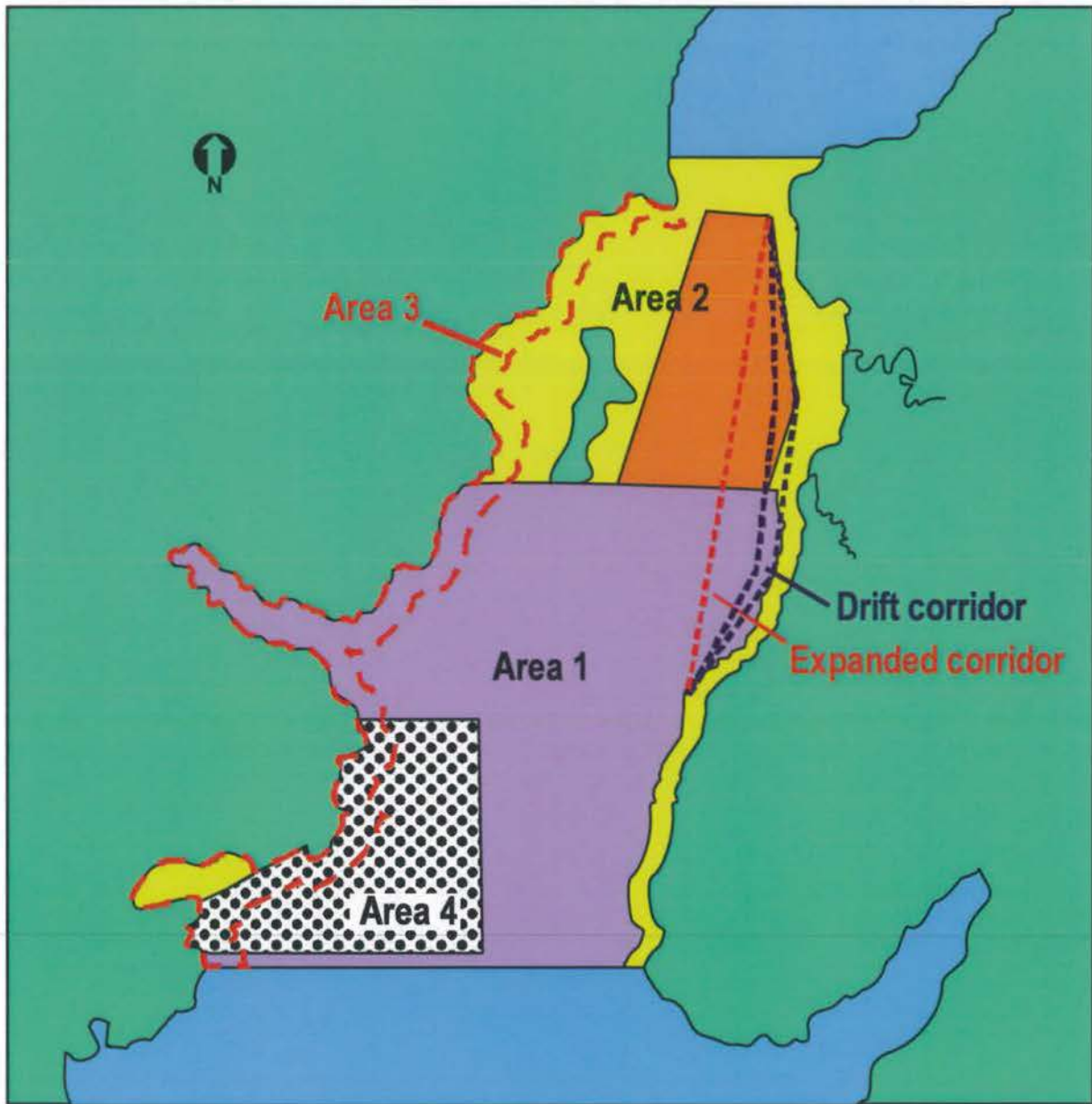
5 AAC 21.353 CENTRAL DISTRICT DRIFT GILLNET FISHERY MANAGEMENT PLAN (JUNE & JULY PORTIONS)

Ref.	Time frame	Kenai LR sockeye	Old Plan	What the Board adopted	What the Department drafted
(2)	Jun 19 ^a – Jul 8	--	2 reg. periods per week No area restrictions	(no change)	(no change)
(A)(i)	July 9-15	--	2 reg. periods restricted to Kenai & Kasilof sections and drift area 1	<u>1st reg. period</u> restricted to <u>expanded</u> Kenai & <u>expanded</u> Kasilof sections <u>Additional fishing time</u> allowed only in the <u>expanded</u> Kenai & <u>expanded</u> Kasilof sections	<u>1st reg. period</u> restricted to <u>expanded</u> Kenai & <u>expanded</u> Kasilof sections <u>Additional fishing time</u> allowed only in the <u>expanded</u> Kenai & <u>expanded</u> Kasilof sections
(A)(ii)				<u>2nd reg. period</u> restricted to Kenai & Kasilof sections and drift area 1	<u>2nd reg. period</u> restricted to <u>expanded</u> Kenai & <u>expanded</u> Kasilof sections and drift area 1
(A)(iii)		>2.3 mil ^b	1 additional 12-hr period in Kenai & Kasilof sections and drift area 1	1 additional 12-hr period in Kenai & Kasilof sections and drift area 1	1 additional 12-hr period in <u>expanded</u> Kenai & <u>expanded</u> Kasilof sections and drift area 1
(B)(i)	July 16-31	< 2.3 mil ^b	2 reg. 12-hour periods restricted to Kenai & Kasilof sections and drift area 1	1 reg. 12-hour period restricted to <u>expanded</u> Kenai & <u>expanded</u> Kasilof sections	1 reg. 12-hour period restricted to <u>expanded</u> Kenai & <u>expanded</u> Kasilof sections
(B)(ii)		2.3-4.6 mil ^b	2 reg. 12-hour periods restricted to Kenai & Kasilof sections and drift areas 1 & 2	1 reg. 12-hour period <u>per week</u> restricted to <u>either or both</u> of the <u>expanded</u> Kenai & Kasilof sections, <u>or</u> drift area 1	1 reg. 12-hour period <u>per week</u> restricted to <u>either the expanded</u> Kenai & Kasilof sections <u>or</u> drift area 1 <u>or both</u>
(B)(iii)		> 4.6 mil ^b	No mandatory area restrictions	No mandatory area restrictions	No mandatory area restrictions

^a3rd Monday in June or June 19, whichever is later.

^bRevised sonar goals

MAP OF DRIFT GILLNET FISHERY AREAS UNDER DISCUSSION (APPROXIMATE)



CORRECTIONS TO DEPARTMENT LANGUAGE TO MATCH BOARD ACTION

5 AAC 21.353. CENTRAL DISTRICT DRIFT GILLNET FISHERY MANAGEMENT PLAN. (a) The purpose of this management plan is to ensure adequate escapement of salmon into the Northern District drainages and to provide management guidelines to the department. The department shall manage the commercial drift gillnet fishery to minimize the harvest of Northern District and Kenai River coho salmon in order to provide sport and guided sport fishermen a reasonable opportunity to harvest these salmon stocks over the entire run, as measured by the frequency of inriver restrictions. The department shall manage the Central District commercial drift gillnet fishery as follows:

- (1) weekly fishing periods are as described in 5 AAC 21.320(b);
- (2) the fishing season will open the third Monday in June or June 19, whichever is later, and
 - (A) from July 9 through July 15,
 - (i) fishing during the first regular fishing period is restricted to the expanded Kenai and expanded Kasilof Sections; additional fishing time is allowed only in the expanded Kenai and expanded Kasilof Sections of the Upper Subdistrict;
 - (ii) fishing during the second regular fishing period is restricted to the [EXPANDED] Kenai and [EXPANDED] Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;
 - (iii) at run strengths greater than 2,300,000 sockeye salmon to the Kenai River, the commissioner may, by emergency order, open one additional 12-hour fishing period in the [EXPANDED] Kenai and [EXPANDED] Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;
 - (B) from July 16 through July 31,
 - (i) at run strengths of less than 2,300,000 sockeye salmon to the Kenai River, fishing during one regular 12-hour fishing period will be restricted to the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict;
 - (ii) at run strengths of 2,300,000 to 4,600,000 sockeye salmon to the Kenai River, fishing during one regular 12-hour fishing period per week will be restricted to either or both of the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict, or Drift Gillnet Areas 1 [OR BOTH]; Drift Gillnet Area 1 is not intended to be opened concurrent with the Expanded Kenai or Kasilof Sections under this provision;
 - (iii) at run strengths greater than 4,600,000 sockeye salmon to the Kenai River, there will be no mandatory restrictions during regular fishing periods;
 - (C) from August 16 until closed by emergency order, ...

Alaska Board of Fisheries
June 30, 2011
Teleconference meeting regarding
Upper Cook Inlet Central District Drift
Gillnet Fishery Management Plan

Summary Actions

The Board of Fisheries met by teleconference on Thursday, June 30, 2011 to consider a petition for an emergency regulation submitted by Kenai River Sport Fishing Association (KRSA) and the Mat-Su Mayor's Blue Ribbon Sportsmen's Committee (MSBRSC) requesting corrections to alleged errors in the language of the regulatory changes adopted by the Board at its February 22--March 5, 2011 meeting. Seven board members were present. Public listen-only teleconference sites were available at the Kenai, Anchorage, and Mat-Su legislative offices, and the Department of Fish and Game office in Juneau.

Board members discussed the information concerning the Central District Drift Gillnet Fishery Management Plan and the intent of the board action at the 2011 Upper Cook Inlet (UCI) Board of Fisheries meeting. The Board members concluded that the regulatory language submitted by the Department of Fish and Game at issue in the petition did not represent the board intent from the 2011 UCI meeting. The Board adopted a finding of emergency in accordance with the Joint Board Petition Policy, 5 AAC 96.625(f), that the issues identified in the petition constituted an unforeseen, unexpected event that threatens a fish resource because measures intended to protect salmon stocks returning to the Northern District of the Upper Cook Inlet Area were not included in the codified language.

The Board also adopted emergency regulations that will provide for the following:

1. Fishing during the second regular fishing period from July 9 through July 15 is restricted to the Kenai and Kasilof sections of the Upper Subdistrict and Drift Gillnet Area 1; not the expanded sections.
2. During the July 9 through July 15 period when the sockeye run strength is greater than 2,300,000 to the Kenai river, if an additional 12-hour fishing period is opened by emergency order, fishing will be restricted to the Kenai and Kasilof sections of the Upper Subdistrict and Drift Gillnet Area 1; not the expanded sections.
3. During the July 16 through July 31 fishing period, at run strengths of 2,300,000 to 4,600,000 sockeye salmon to the Kenai River, fishing during one regular 12-hour fishing period per week will be restricted to either or both of the expanded Kenai and Kasilof sections or Drift Gillnet Area 1.

The Board scheduled a review of the emergency regulations for the October 2011, Work Session for the purpose of determining whether the regulations will be made permanent or not; they specified that only written public comment will be accepted.

Comments to the State of Alaska Board of Fisheries

Thank you for this opportunity to provide written comments in support of the Agenda Change Request (ACR) #2 on the agenda of the Board of Fisheries' October 4-5, 2011, Work Session, submitted by the Black River Working Group. The ACR seeks protection for spawning Chinook salmon in the Salmon Fork of Black River by closing the Black River and its tributaries to sport fishing for Chinook salmon.

Salmon Fork hosts spawning populations of three species of salmon: chum, coho, and Chinook. Significant spawning activity of chum and coho have been well documented in Black River by both traditional ecological knowledge and western science (1,2). Biologists and regulatory agencies have only recently begun to record Chinook salmon in this river (3,4,5). Jason Post (2009) identified juvenile kings on Salmon Fork (6). Radio tag studies of returning adult kings demonstrate spawning activity along the entire length of the river, extending into Canada (7). In contrast, local residents have long observed and utilized these fish (8). Robert Stephenson, when he was the ADFG Area Biologist for the Yukon Flats, interviewed elders, and relates the accounts of two elders, the late Reverend David Salmon of Chalkyitsik, and Fred Thomas of Black River and Fort Yukon (9).

Reverend Chief **David Salmon** (1912 – October 11, 2007) described the history of salmon in Black River ...see other notes and in the course of this mentioned that pike are really abundant in Black River now...did not mention reasons. [10-23-07]-I recall that David said king salmon were abundant in the River until about 1928, but that may have been the year when the mouth of the Salmon River changed from going out to the north –old channel-to the current mouth. He used to throw rocks at the big king salmon as a boy, as they crossed the riffles. Heavy fishing at the mouth of Salmon Fork decimated the run according to David, because this was the main place for spawning. There used to be a “store” about ½ mile up from the mouth of the Salmon River on the north side in the trees. It is the first big stand of spruce as one goes upriver. – I think around the 1920's.

Salmon River Store: David describes a trading post that existed about ½ mile above current mouth of Salmon River on north bank, in stand of timber (spruce) that is still visible. It is the first big stand of spruce as one goes upriver. The big building was still visible in 1922 and was there from at least 1910. The building is now in the river, but David says you can still see the stumps where they cut trees.

Fred Thomas (born 1919)---Salmon Village people used to travel to Kevinjik and hook king salmon with hooks on long poles. There used to be lots of salmon in the run. Fish traps were set to catch chums and kings.

The Draanjik Gwich'in inhabited the watershed of the Salmon River for centuries, probably millennia. Then in the early part of the twentieth century, nonlocal trappers moved into the country, finding it rich in furbearers, game and fish. This was the heyday of dog-team based trapping, beginning in the 1920's and lasting through the end of World War II. With large teams of big dogs, fishing pressure ballooned. It's said that some individuals set out fish nets right across the

river, catching 100% of spawning Chinook salmon (10). It's likely that the Salmon River stock of Chinook salmon was decimated during this time.

Evenlyn Shore, who grew up on the Salmon River during this time, wrote a book about her trap-line experiences which has become a classic of Alaskan literature (11). The book contains a photograph of her hoisting a king salmon caught for dog food, which is obviously a six- or seven-year age class fish. Such fish are now days pretty much considered extinct.

Starting in the early 1980's commercial operations began offering float, hunting, and fishing trips on the Salmon Fork. In 1991 BLM determined that at least three guides and one outfitter were offering float trips (12). July was advertised as "the best time" to enjoy these trips, since "king salmon are in the river and you can fish for them" (13). In a 1994 interview with Fish and Wildlife Service personnel, guide Sandy Jamieson said that he flies his clients to the International Boundary. They then float down the Salmon Fork to its mouth, where he meets them with his plane. Approximately three float trips are made each year (14).

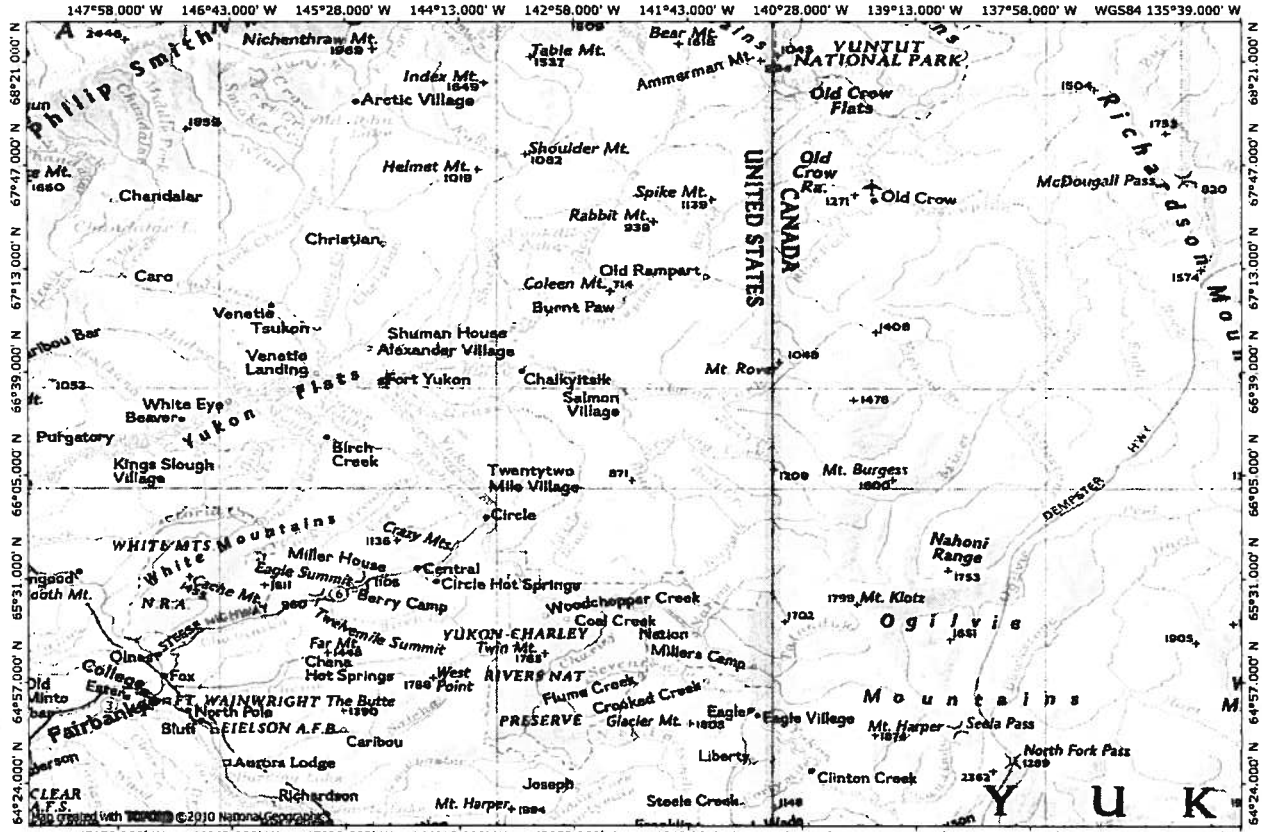
At a camp on Salmon Fork established in 1976 by Michael G. and Florence E. Hartman of Fairbanks, the float trip attracted a considerable number of people. "As people came and went, our location became known and people began to 'drop in'. After awhile we put a guest book in our unlocked bunkhouse and as of December 1984 43 signed entries were in it," wrote Hartman (15).

As the Board of Fisheries is well aware, Chinook salmon in the Yukon River drainage has been designated a Species of Concern. Multiple closures not only to commercial fishing but also to the subsistence fishery have been necessitated in recent years, and even then escapement goals and international treaty obligations have not been consistently met. Efforts to further conservation continue with proposed federal regulations on Customary Trade, one of the definitions of traditional subsistence recognized in Title VIII§803 of ANILCA. According to State and Federal laws and regulations, subsistence takes priority over sport fishing. It hardly makes sense, therefore, to allow sport fishing for this troubled stock on its spawning grounds. In the case of Salmon Fork Black River, a population struggling for recovery deserves immediate relief, while there remains a chance for recovery. Time is of the essence, since there is danger of further, irreparable harm every year.

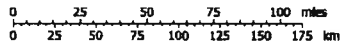
References

1. Belle Herbert, 1992. *Shandàa: In my Lifetime*. Alaska Native Language Center, 1992.
2. ADFG Nomination Form for Waters Important to Anadromous Species: Kevinjik. 1979
3. <http://www.afsc.noaa.gov/Publications/AFSC-TM/NOAA-TM-AFSC-148.pdf>
<http://www.afsc.noaa.gov/Publications/AFSC-TM/NOAA-TM-AFSC-163.pdf>
<http://www.afsc.noaa.gov/Publications/AFSC-TM/NOAA-TM-AFSC-165.pdf>
4. Kostohrys, Lubinski, Collin, 1994. Aquatic Resources of the Salmon Fork Black River, Alaska. BLM Open File Report 51. BLM, Anchorage.
5. Barton, L.H. 1984. *Distribution and abundance of chinook and chum salmon escapements in the Yukon River drainage, Alaska*. ADFG, Fairbanks.
6. Post, J. 2009. *FDO Pre Planning Fisheries and Habitat Assessment (Salmon Fork Black River and Tribs float trip/inventory)*. BLM, Fairbanks. BPS Project ID: 44516
7. Brown, R. 2010. Unpublished material presented to Black River Working Group. FWS, Fairbanks.
8. Caufield, R.A. 1983. *Subsistence land use in upper Yukon-Porcupine communities, Alaska*. Technical paper no. 16, ADFG, Div. of Subsistence, Fairbanks.
9. Robert Stephenson, Email dated Feb 18, 2010.
10. The late Henry Williams, Draanjik Gwich'in elder, (personal communication).
11. Shore, E.B. 1954. *Born on Snowshoes*. Boston: Houghton Mifflin Company.
12. *Navigability of Black River, Northeast Alaska*. 2003 File FF-093920. BLM, Alaska.
13. Sandy Jamieson. 2010 (personal communication).
14. Hansen 1996, 82-83; Mada Hansen, interview of Sandy Jamieson, October 31, 1994, Branch of Lands records, U.S. Fish and Wildlife Service, Anchorage.
15. Michael G. and Florence E. Hartman, to Michael T. Green, March 18, 1985, file FF-884710 (2920.09), NFO, BLM. Photocopies of the guest books containing the names of forty or more visitors to the Hartmans' place are in this file. See also Jerry W. McGee, Land Report, October 26, 1988, file FF-087986, NFO, BLM.

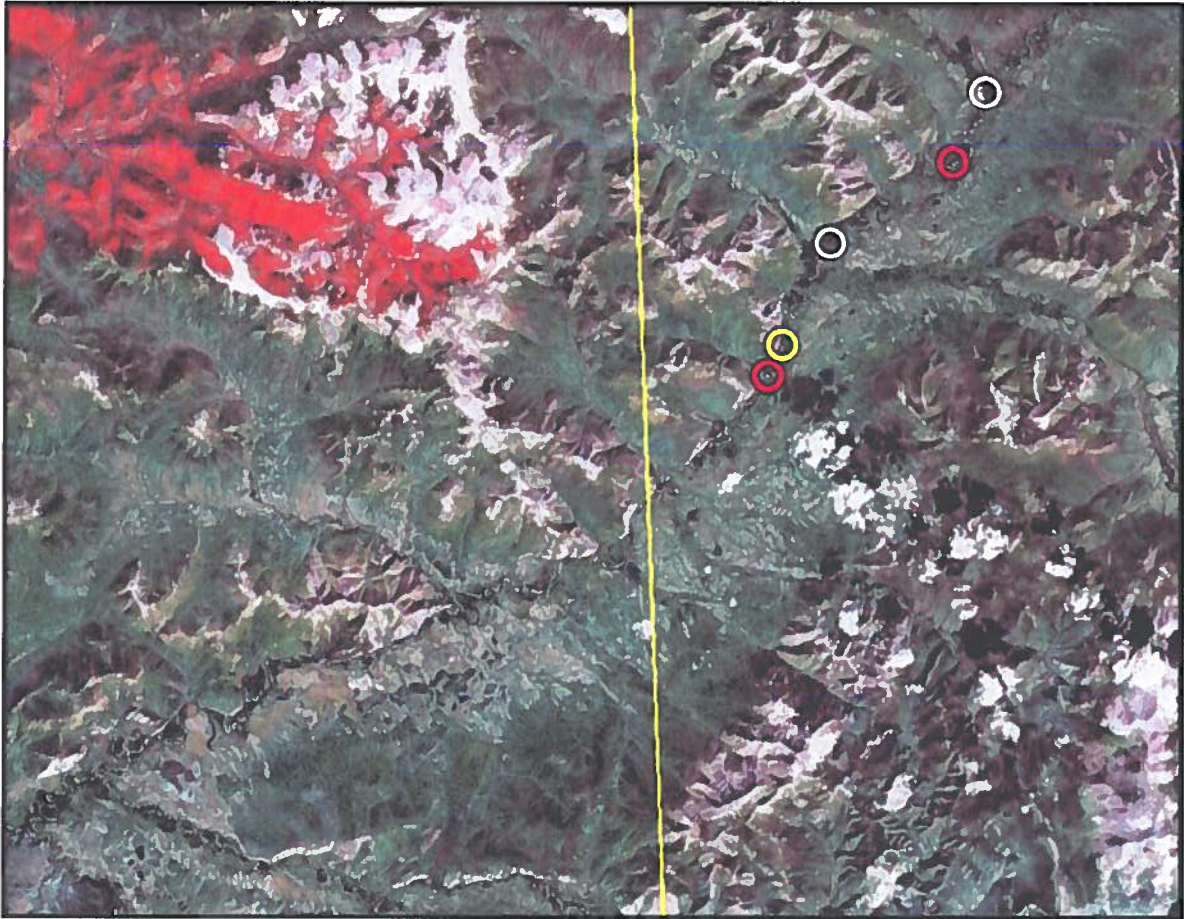
TOPO! map printed on 09/10/11 from "Untitled.tpo"



NATIONAL GEOGRAPHIC



TN / MN
23°
09/10/11



Positions of radio-tagged Chinook salmon during the NMFS-ADFG drainage-wide distribution study, 2002-2004. All of the radio-tagged Chinook salmon that passed the Chalkyitsik receiving station migrated up the Salmon Fork into Canada. The red circles were the positions of fish in 2002, the white circle in 2003, and the yellow circle in 2004.

Signed:

Joe Matesi

Name

Eastern Interior Alaska Subsistence Advisory Council

Organization

PO Box 342

Address

Fort Yukon, AK 99740

City, State, Zip

Cynthia D Shogren 

Name

Alaska Wilderness League

Organization

122 C Street NW #240

Address

Washington DC 20001

City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

Patricia Salmo
Name
Black River Working Group
Organization
P.O. Box 13
Address
Chalkyitsik, AK 99788
City, State, Zip

Darcie Warden
Name
Black River Working Group
Organization
PO Box 74731
Address
Fairbanks, Ak 99707
City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

Name

Organization

Address

City, State, Zip

**Alaska Board of Fisheries
Restructuring Proposal 285 – 5AAC39.117 Vessel Length**

Alaska Board of Fisheries – Restructuring Proposal Form

What regulatory area, fishery, and gear type does this restructuring proposal affect?

This restructuring proposal affects salmon seine fisheries in Southeast Alaska.

Thorough proposal explanation:

Will this proposal require initial harvester qualifications? If so, how are they determined?

This proposal would require fishermen with a vessel longer than 58 feet to purchase and extinguish an additional permit in order to fish in the Southeast Alaska salmon seine fishery. Existing participants in the fishery would be permitted to lengthen their vessels up to 65 feet without the additional permit requirement. The purchase of an additional permit would only be required for new vessels to the fishery over 58 feet and existing vessels lengthened to longer than 65 feet.

Are there new harvesting allocations?

This proposal does not create new harvesting allocations. This proposal is not allocative in nature.

What means, methods, and permitted fishing gear are proposed?

There are no new means, methods, or permitted fishing gear proposed. Time, area, and gear restrictions currently in use would still be necessary. The proposal is only about the ability to use a longer boat to participate in the fishery.

Is a change in vessel length proposed?

Yes, this proposal seeks to repeal the current 58 foot limit on salmon seine vessels in Southeast Alaska. This proposal could establish a new length limit if the Board chooses to do so. This proposal would allow for vessels new to the fishery which are longer than 58 feet to participate in the fishery if an additional CFEC SO1A permit is purchased and retired from the fishery. Additionally, fishermen with vessels 58 feet or less who have participated in the fishery would be allowed to lengthen their vessels up to 65 feet with out the purchase of an additional SO1A permit.

Are the transferability of permits or harvest privileges affected? If so, explain.

This proposal does not have anything to do with transferability of permits or harvest privileges. The permits issued for longer vessels would remain transferrable but would not be able to be separated back into two permits.

Is there a defined role for processors? If so, please describe.

Alaska processors may be affected if at sea processing is developed. Alaska at sea processors will demand regulation to protect their quality products from mishandling effects. Capitol investment in properly equipping seine vessels to at sea processing will demand regulation to keep salmon seiners producing top quality products. Shore side processors could feel threatened by this proposal. A seiner processing at sea could be seen as a fisherman going into the processing business. The processors natural thought would be that the fisherman should be selling his fish to the shore side for processing. In reality the seine boat processing fish will need the shore side and will likely need to make arrangements to work closely with the shore side processor. Many logistical problems associated with the processing of salmon will need the shore side. For example, some days the catch will exceed the processing capacity of the vessel. Pumping off to the shore side processor is needed for extra capacity the vessel could not process on its own. The relation between the shore side and the at sea seine processor will likely be a stronger tie then most think. There may be enough additional margin in the products to allow existing processors to sell the new “frozen at sea” product through their existing market channels.

Will this proposal be a permanent change to regulation? If not, for how long?

Yes, this proposal is expected to be a permanent change to existing regulations.

If adopted, will your proposal require a change in monitoring and oversight by ADF&G?

ADF&G now regulates salmon fisheries with the tools of area, gear and time. This proposal does not change any of these management tools. Some change in oversight by ADF&G may occur if the ability to process at sea is developed. Regulation is now in place for floating processing new regulation surely will be brought forth when needed.

Will vertical integration (e.g. harvesting and/or processing) or consolidation occur? Will limits be imposed?

Consolidation is not a foreseen outcome from this proposal. However, vertical integration could occur in a limited basis in that with longer vessels the harvester may have the ability to freeze and process on board a vessel with more space. This may or may not be seen as vertical integration as the vessel will likely need the support of existing processor to market and sell the catch. In this case the permit holder would still be required, per CFEC regulation, to be aboard the vessel while harvesting is taking place.

How do you propose to monitor and evaluate the restructured fishery?

This proposal should not change the fishery a manner to necessitate continued monitoring and evaluation. There should be no change in how the fishery takes place, the amount of fish that are harvested, or the manner by which those fish are harvested.

Is there a conservation motivation behind the proposal? If so, please explain.

There is no additional conservation motivation behind the proposal unless it is taken into account that longer vessels are more fuel efficient than shorter/wider vessels.

What practical challenges need to be overcome to implementing your proposal, and how do you propose overcoming them?

The only challenge to this proposal is unwarranted fear and resistance to change. This proposal represents change which can scare people who are unwilling to embrace it or who would simply choose not to do it. There are some arguments for keeping the rule in place but as time has passed most of the arguments are no longer applicable and other arguments are just plain unfounded. For a subject such as this education is paramount and when more people become more familiar with the subject this change will not be as big of deal as some would think. This proposal seeks to eliminate a rule created seventy years ago to make seiners inefficient compared to fish traps. Once more people are made aware of the facts this proposal will make more sense. Also, adding the requirement for an additional permit to utilize a longer vessel should make this proposal more palatable to some in the fleet who desire a reduction in the amount of latent permits in the fishery.

What are the objectives of the proposal?

The objective of this proposal is to allow longer vessels to participate in the salmon seine fisheries in Southeastern Alaska. Elimination of the 58 foot rule allows fishermen to have a safer, more efficient, and economical vessel and the requirement of purchasing an additional permit reduces latent capacity in the fishery.

How will this proposal meet the objectives in question #3?

Repealing the 58 foot rule allows larger boats to participate in the fishery and eliminates latent permits.

Please identify the potential allocative impacts of your proposal. Is there an allocation or management plan that will be affected by this proposal?

There are no potential allocation impacts foreseen from this proposal. This proposal will not affect current fishery management plans.

If the total value of the resource is expected to increase, who will benefit?

This proposal will potentially increase the value of the resource through giving the vessel owner a platform to better create value added products. Longer boats would possibly have the ability to freeze and package on board creating a more valuable product. Anyone involved in the fishery would benefit from the ability to produce higher valued products. Value added creates a higher fishery value which benefits fishermen, processors, and local communities. Permit values could also potentially increase benefiting every fisherman involved.

What will happen if your fishery is not restructured as your proposal recommends, and how is this proposal an improvement over current practices?

Please see the accompanying document outlining the history of the 58 foot rule. This regulation is outdated and unnecessary. The salmon seine fishery has so much more potential than to be limited in this manner. The business is already difficult. With the current market environment almost entirely predicated on quality why not allow a platform that will have the potential to increase quality. In the last decade, there have been committees, task forces, and legislative sessions dedicated to improving the salmon industry but yet little "restructuring" has been done. This elimination of the 58 foot rule would allow the ability for fishermen to enhance the profitability of their salmon seine businesses.

Considering the history of the commercial fishery, what are the potential short- and long-term positive and negative impacts on:

The fishery resource: The fishery resource will see no change short or long term as this proposal does not change the fishery management plan. The pressure on the fishery resource is dictated by regulating time, area, and gear.

Harvesters: There will be no short or long term impacts on harvesters. Those that choose to will get a longer boat and those that do not choose to will not. It will not change anything about how the fish are harvested. Every fisherman will still be using the same nets in the same areas for the same amount of time.

The sector, species, and regional interdependence relationships: There will be no impacts at all in this area.

Safety: Safety will be enhanced by the addition of longer boats. It is widely considered that larger boats are inherently safer than smaller ones although vessel safety is largely dependent on the captain and crew to achieve it. Longer boats would have more deck space creating a safer work environment for the fishermen.

The market: There will be a positive impact to the market for salmon in both the short and especially the long term. The ability of using a larger boat to utilize freezing at sea would increase the market value of the product and thus increase the average market value of the fishery.

Processors: The relationship between processors and fisherman will remain unchanged. There will always be salmon processors buying fish from seiners in Alaska no matter what size of boat they operate. Bigger vessels will not take away from the market share of the processors in the short term and in the long term there could be marketing agreements between the fishermen and processors to market the value added products through existing channels so everyone benefits.

Local communities: Local communities would benefit from increased value in the local fishery. Larger vessels that chose to process on board would likely need increased shoreside support for shipping logistics, inventory and supply storage, and possibly local workers to assist in packaging the product.

What is your understanding of the level of support for your proposal among harvesters, processors and local communities?

There should be support from fishermen and processors who are concerned about long term solutions to increasing product quality and value in Alaska's salmon seine fisheries. As with many things, there are many who support this idea, many more who are indifferent towards, and some who are vocal in opposition. The opposition to this change, just like any other change, are those who fear their current equipment or operation will become obsolete or lose value. This argument has yet to be proven. Additionally, some may be in opposition because they cannot currently afford to invest to upgrade their existing equipment to take advantage of producing better quality product so they would wish to hold others to their level.

What are the potential short and long-term impacts on conservation and resource habitat?

There are absolutely no short or long term impacts on conservation or resource habitat. The fishery controls that are currently employed are more than sufficient. The repeal of the 58 foot rule would not change any of this.

What are the potential legal, fishery management, and enforcement implications if this proposal is adopted? What other governmental actions may need to be taken into account?

ADF&G now regulates salmon fisheries with the tools of area, gear and time. This proposal does not change any of these management tools. Some change in oversight by ADF&G may occur if the ability to process at sea is developed. These changes would be reporting requirements from the "At Sea Processor". Regulation is now in place for floating processing and there is no doubt new regulation can be brought forth when needed. CFEC would need to oversee the purchase and extinguishment of the additional permit

required to operate a vessel longer than 58 feet in the fishery. CFEC would have to provide some form of documentation for the longer vessel so that enforcement officials would have proof that the vessel is approved to participate in the seine fishery.

Alaska Board of Fisheries Restructuring Proposal 285 – 5AAC39.117 Vessel Length

This document has been provided to the Board in the past and is being resubmitted to provide information to the new members not on the Board during the last cycle and as a refresher to those who were.

Proposal #285 seeks to repeal the 58 foot limit for salmon seiners in Alaska. This regulation has been in effect for a long time and a debate should be promoted to determine if it still necessary today.

What was the intention when this regulation was enacted and did the regulation accomplish the intended purpose? Is the rule serving the needs of the fishery and, if not, why is it still part of Alaska's regulation?

In order to answer these questions the history of the law was examined and yielded some very interesting things.

The History of Alaska's "58 foot law"

Alaska fisheries, before statehood, were controlled and regulated by the federal government through the Department of Interior, Fish and Wildlife Office. The regulations were promulgated from Washington DC, released in brief form, and issued in March or May for that year's fishery. Reviewing the years from 1923 through 1960, a year after Statehood, several references to limiting salmon fishing vessels to length were located.

The Department of Interior established a length limit of 50 feet for salmon seine boats in Alaska. This may have began in 1939 because older generation fishermen remember boats were cut down in length (10ft off the bow or stern and/or rudders slanted forward) in 1939.

The following paragraph was taken from the regulations of March 9, 1959, Department of The Interior, Office of the Secretary:

"The regulations retain the "status quo" in regard to several issues debated at length by the various segments of the industry. No change is provided in the 50-foot limit on salmon purse seine vessels long in effect in most areas of Alaska."

The regulation was a 50 ft length limit because a standard measurement was needed. Federal measurement of vessels was not overall length. The 50 feet was measured by the distance on the tonnage deck, from the forward part of the rudder post, intersecting with the deck tonnage line to the rabbit line of the planking at the stem.

Before statehood salmon fish traps were prevalent in most areas of Alaska (traps were not north of the Alaska Peninsula). These traps, although said to be owned individually at first, were controlled by Seattle, WA companies. Two companies, Alaska Packers Association (APA) and Pacific American Fisheries (PAF), were the largest trap owners. These companies were a major influence to the fishery regulations proposed each year in Washington DC and used regulation to protect their trap operations. Washington State had two very powerful Senators, Warren G. Magnusson and Henry M. Jackson, who looked out for their constituents.

Salmon seiners produced fish during this time but were not as efficient as traps. In reality the companies did not want seine boats to be successful and diminish the production of the fish traps they controlled. Keeping a length limit on the seine vessel kept the traps importance.

Alaska, upon statehood in 1959, adopted the 50 foot measurement from the Department of Interior, Fish and Wildlife Office. Alaska later added 58 foot overall measurement and then clarified that description excluding the anchor roller extension. These regulations were legislative as well as Board regulations. The State Legislators in 2003 said the Board of Fisheries can regulate the length of vessels in fisheries and abolished the State laws controlling the length limits. The Board of Fisheries in 2008, made length limits below the water line not part of the measurement of a Salmon seine vessel.

The original purpose of the regulation was to keep the power of salmon production in the hands of the Seattle Companies who had control of the traps in Alaska. Did the rule serve the intended purpose and does the rule today serve an intended purpose? The answer is yes it served its intended purpose but the purpose faded through time and ended when salmon traps were abolished at Statehood in 1959.

Is the 58 foot law relevant today?

Understanding the history of the Alaska 58 foot law is necessary when evaluating if the 58 foot law is helpful in the present day salmon seine fishery. Today it is known "outside" fish Companies no longer control traps and influence Interior Department Regulations. The real question: Is this restriction on the length of a salmon seine vessel needed 50 years after statehood? Are the tools of present day management sufficient to deal with salmon harvest by seine boats of a length over 58 feet if there were no restriction on the length of salmon seine boats?

The present day 58ft. regulation is the out-growth and leftovers of past regulation. It was never a good constriction or limitation of fishery capacity. If it were, the regulation would have applied to the width and depth of the vessel. Over time the salmon seine vessel has been held to 58 feet but they grew considerably in both width and depth. Today's vessels are being constructed with widths of 25-28ft and depths of 11-13ft. This is a far cry from the vessels of fifty years ago. Even if this was unforeseen at the time it is good there were no restrictions placed on width and depth because it still allowed for some growth in the fishery. It could have possibly unforeseen as well that the restriction on length in the salmon seine fishery also influenced regulation in other fisheries and caused other problems.

Some outgrowth regulation and other problems

Alaska's sablefish and halibut fisheries

An outgrowth of the 58 foot restriction is the Federal 35, 60, and 125foot rules. (Vessel categories) National Marine Fisheries Service wanted a way to determine when observers needed to be aboard in Federal fisheries and to forestall a full scale reorganization of the fleet which might result from NMFS actions of rationalizing the sablefish and halibut fisheries. The 58 foot limit influenced this and thus a 60 and 125 foot limit for regulation of observer coverage. Again, this is not a capacity issue because if it were there would be restrictions on width and depth of the vessel. It's an observer issue. But observer coverage is changing to electronic. With electronic observer coverage there is no need of a physical observer to be on board. With electronic coverage, coverage is 24-7 and if the hydraulics go on the cameras are on. The choice of having all observed when fishing is coming and the expense will be one time with monthly fees for the designated service provider. It's cheaper and it gives 24-7 full time coverage. Once electronic observer coverage is instated the 60ft regulation is no longer needed.

Fuel conservation and costs

Hull efficiency is an important thing today. Fuel prices are soaring and a boat 58ft x 26ft, even with a bulbous bow is not efficient. The following are facts of design from the Navy concerning hull efficiencies and length to width ratios.

2.1 Displacement Ships

2.1.1 Hydrostatic Displacement: Ships

2.1.1.1 Historical Origin

It is impossible and unnecessary to present here a history of the development of the displacement hull form. Let it suffice to point out that this hull concept dates to prehistoric times.

2.1.1.2 Dominant Physics

The lift/drag performance of displacement ships at high speeds is dominated by wave making drag. A displacement form moving through the water pushes the water aside as it moves. This disturbance of the water requires energy, specifically propulsive energy from the ship.

Two major parameters affect the wavemaking resistance of the ship: Speed and Slenderness.

Ship wavemaking drag increases rapidly with increasing speed. It is not possible to state a specific law for this increase - a law that holds true for all ships - but it is common to refer to a cubic increase in drag with speed. Specifically, it is commonly understood that ship propulsive power will increase as the cube of ship speed. Thus a doubling of ship speed will require an octupling ($8=2^3$) of installed power.

Transport Factor is a measure of merit developed by Dr. Colen G. Kennell of the David Taylor Model basin. Dr. Kennell's paper "Design Trends in High Speed Transport" was distributed to workshop attendees. Transport Factor is defined as:

$$TF = 1.6878 / 550 * 2240 * (\text{Full Load Displ. in Long Tons}) * (\text{Speed in knots}) / (\text{Total Installed SHP})$$

This cubic relationship is close to true for "normal" speeds. But at very high displacement speeds the curve becomes even more steep. It is common for naval architects to limit their investigation of displacement ships to a speed length ratio of about 1.30. (Speed length ratio is the ratio of ship speed in knots divided by the square root of the ship's length in feet. This is also known as the Taylor quotient T_q , after ADM David W. Taylor.) Above a speed-length ratio of 1.3 the increase in drag with increasing speed becomes greater-than-cubic.

Speeds greater than 1.3 are present in some displacement hull designs. The dominant question is "how important is wavemaking?" for the particular design. If one can make the wavemaking problem of lesser importance overall, then one may more readily consider speeds higher than $T_q=1.3$. The tool (or "one tool") for this is ship slenderness. A slender ship disturbs the water less, and thus has less wavemaking drag. It also has more surface area and thus more frictional drag, but this does not suffer the same steep

growth with speed as does the wavemaking drag. Slenderness is measured as the Length over Displacement ratio ($L/\Delta^{1/3}$).

Present regulation contributes to inefficient boats and increases the fuel needed to push the vessel through the water.

At Sea processing of Alaska Salmon on an Alaska seine boat

Processing aboard a salmon seiner is almost impossible today because of the physical area needed and the footprint of the equipment for a safe and efficient operation. Innovative ideas are hard to do because small does not lend itself to the space needs of at sea processing. The State of Alaska Department of Commerce Office of Fisheries Development website says fishermen processing fish is the fastest growing segment of the processing sector. The website goes on to say that processing is limited on salmon seiners because of the 58 foot restriction.

Conclusion

Alaska inherited from the Department of Interior a length limit on salmon seine vessels. This regulation is no longer needed. It does not assist in conservation of the resource; it promotes inefficiency in hull design, and stifles innovation in the market place. The length limit was instigated in the 1930's and 80 years later Alaska still has it. Why is this restriction still here? Sig Jeager saw this coming years ago when he said, "When you start to limit vessels by size, you distort what is usually a natural process and you create a resistance to further change when later on it becomes necessary."

The Alaska Board of Fisheries has the ability to repeal the 58 foot limit on salmon seine vessels and should do so now.

PAGE

PAGE 4