ALASKA DEPARTMENT OF FISH AND GAME

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

FOR THE PRINCE WILLIAM SOUND-COPPER RIVER-UPPER COPPER /UPPER SUSITNA MANAGEMENT AREAS

ALASKA BOARD OF FISHERIES MEETING
CORDOVA, ALASKA

DECEMBER 1-7 , 2008

The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries (Board) meeting, December 1-7, 2008 in Cordova, Alaska. The comments are forwarded to assist the public and Board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the Board.

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Summary of Department Positions on Board of Fish 2008 Prince William Sound/Copper River Proposals

Committee A

Prop. #	Department Position	Issue
1	**N**	Reclassify Chitina Subdistrict as a subsistence fishery
2	**N**	C&T determination for freshwater fish in Upper Copper/Susitna
3	**S**	Open Crosswind Lake to subsistence fishing
4	**N**	Restrict subsistence king salmon fishery in Copper River District
5	**S**	Marking requirements for subsistence drift gillnet gear
6	**S**	Modify marking of subsistence-taken fish in Copper River District
7	**S**	Clarify legal subsistence gear for Prince William Sound
8	**N**	Open subsistence season May 1 in Copper River District
9	**N**	Open subsistence season May 10 in Copper River District
10	**S**	Amend subsistence fishing seasons in PWS and Copper River districts
11	**S**	Eliminate restrictions on subsistence permit issuance in PWS
12	**S**	Reformat regulations on fish wheel specifications
13	**O**	Increase distance between fish wheels from 75 to 300 feet
14	**N**	Prohibit dipnetting within 30 feet of a fish wheel
15	**S**	Reformat regulations for subsistence annual possession limits
16	**N**	Modify annual limits in the Glennallen Subdistrict subsistence fishery
17	**N**	Modify annual limits in the Glennallen Subdistrict subsistence fishery
18	**O**	Amend Copper River Management Plan to include harvest monitoring
19	**O**	Require daily harvest reporting in Glennallen Subdistrict fishery
20	**O**	Require harvest reports within 48 hours in Glennallen Subdistrict
21	**S**	Allow retention of rockfish and lingcod taken in subsistence fisheries
22	**N**	Increase annual limit of personal use sockeye salmon

N = Neutral S = Support O = Oppose NA = No Action
N/S = Neutral on Allocative Aspects, but Support N/O = Neutral on Allocative Aspects but Oppose

Summary of Department Positions on Board of Fish 2007 AYK Finfish Proposals (Continued)

Committee A (Cont.)

Prop. #	Department Position	Issue
23	**N**	Change time period for setting supplemental periods
24	**N/O**	Restrict supplemental permits if commercial fishery closes
25	**N**	Increase PU king salmon limit and modify recording requirement
26	**N**	Require reporting by transporters in personal use fishery
27	**N/O**	Extend Chitina Subdistrict personal use fishery boundary

Committee B

28	**S**	Clarify fishing season and periods for herring bait fishery in PWS
29	**N/S**	Expand Prince William Sound sablefish season area to four months
30	**N/O**	Modify Prince William Sound sablefish season dates
31	**S**	Remove commissioner's permit requirement (sablefish) from regulation
32	**N/O**	Retention of lingcod in Prince William Sound groundfish fisheries
33	**S**	Retention of lingcod in drift gillnet salmon fishery
34	**N**	Manage by emergency order in the Pacific cod fishery
35	**N/O**	Modify opening of Pacific cod fishery
36	**N**	Allow retention of Pacific cod in halibut fishery
37	**N**	Allow retention of Pacific cod in halibut and blackcod fisheries
38	**S**	Expand outside district to harvest of Pacific cod
39	**S**	Allow fishing for Pacific cod in state waters near Cordova
40	**S**	Remove commissioner's permit requirement (Pollock) from regulation
41	**O**	Establish Area E commercial skate fishery
42	**O**	Allow retention of spiny dogfish in longline fishery
43	**N**	Delete portions of groundfish guiding principles
44	**S**	Establish a commercial shrimp pot fishery management plan
45	**O**	Open commercial pot shrimp fishery
46	**O**	Open commercial spot shrimp fishery in Prince William Sound
47	**S**	Remove permit requirement (shrimp trawl) from regulation
48	**O**	Set spot shrimp guideline harvest level at or near mid 1980s level
49	**N**	Exclusive registration for sport or commercial spot shrimp fishery

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Summary of Department Positions on Board of Fish 2007 AYK Finfish Proposals (Continued)

Committee B (Cont.)

Prop. #	Department Position	Issue
50	**S**	Modify Central and Northwest section boundary in shrimp fishery
51	**N**	Allow sport and commercial seasons for shrimp to run concurrently
52	**N**	Limit sport spot shrimp area during commercial openers
53	**O**	Open non-commercial spot shrimp fisheries open through Dec 31
54	**O**	Reduce sport spot shrimp fishery to May 15- Sept 1
55	**N**	Reduce sport shrimp season for commercial fishery
56	**O**	Require registration and permitting for sport shrimp fishery
57	**O**	Open subsistence fishing for all crab species year-round

Committee C

58	**S**	Correct error in description of Coghill District
59	**S**	Clarify western boundary of Granite Bay Subdistrict
60	**O**	Modify boundaries in Eastern and Southeastern districts
61	**O**	Open east side of Hinchenbrook and Montague Island to drift gillnet
62	**N**	Require removal of set gillnet anchor buoys at inactive sites
63	**N**	Remove set gillnet buoys and running lines when not in use
64	**N**	Increase distance between set gillnets in portion of Eshamy District
65	**N**	Modify gear separation for Main Bay and Crafton Island subdistricts
66	**N**	Modify drift gillnet use near set gillnets in Main Bay Subdistrict
67	**S**	Clarify alternating periods and gear use in Main Bay Subdistrict
68	**N**	Alternate drift and set gillnet gear use in Eshamy District
69	**N**	Open seine areas to provide June harvest opportunity
70	**N**	Modify allocation to purse seine and drift gillnet fleets
71	**N**	Allow purse seines in Coghill District and Port Wells prior to July 21
72	**N**	Allow purse seines in Coghill District and Port Wells prior to July 21
73	**N**	Open Coghill District to purse seine harvest of sockeye
74	**N**	Remove start date for seine gear in Coghill District
75	**N**	Actively manage set gillnet harvest to achieve 4% allocation
76	**N**	Alternate drift gillnet and purse seine in Prince William Sound
77	**N/O**	Set ending date for pink salmon management in the Coghill District

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Summary of Department Positions on Board of Fish 2007 AYK Finfish Proposals (Continued)

Committee C (Cont.)

Prop. #	Department Position	Issue
78	**N**	Change allocation percentage that triggers set gillnet restrictions
79	**N**	Change allocation percentage that triggers set gillnet restrictions
80	**N**	Restrict set gillnetting to 36 hours per week
81	**N**	Reduce hatchery chum salmon production
82	**N**	Allow use of two set gillnet permits in Eshamy District
83	**N**	Increase allowable purse seine length to 225 fathoms
84	**N**	Modify gear specifications for purse seine leads
85	**N**	Delete 200 mesh minimum depth for purse seines
86	**N**	Allow salmon seine vessel greater than 58 feet in length

Committee D

87	**S**	Change boundary between Cook Inlet-Resurrection Bay and PWS
88	**S**	Add regulation for Johnstone Bay freshwater sport fishery
89	**S**	Clarify definition of “spear” in saltwater
90	**O**	Allow gaffing lingcod in the mouth
91	**O**	Reduce bag and possession limit for salmon shark
92	**S**	Lower sport fish rockfish bag limits
93	**S**	Lower rockfish bag limit in the subsistence halibut fishery
94	**N**	Limit number of lines fished on charter vessels
95	**N**	Redefine sport fishing gear for finfish in PWS
96	**N/S**	Allow use of sport caught pink and chum salmon for bait in PWS
97	**N/S**	Allow use of sport caught pink and chum salmon for bait in PWS
98	**S**	Modify Whittier terminal harvest area to reduce wild salmon harvests
99	**S**	Reduce area open to coho salmon fishing in Passage Canal
100	**O**	Close a portion of Ibec Creek to sport fishing
101	**O**	Close a portion of 18-Mile Creek to sport fishing for coho salmon
102	**O**	Close waters along Copper River Hwy to fishing for coho salmon
103	**O**	Close all salmon spawning areas to sport fishing
104	**S**	Close king salmon fishing on Lakina R., Slana R., and Sinona Creek

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Summary of Department Positions on Board of Fish 2007 AYK Finfish Proposals (Continued)

Committee D (Cont.)

Prop. #	Department Position	Issue
105	**S**	Expand existing areas closed to king salmon fishing in Copper River
106	**S**	Close Ahtell Creek to king salmon fishing
107	**N**	Extend king salmon season on the Copper River to August 10
108	**N**	Extend king salmon season on the Klutina River to August 10
109	**N**	Extend king salmon season on the Tonsina River to August 10
110	**O**	Allow retention of unintentionally hooked sockeye salmon
111	**O**	Prohibit removal from water any salmon not retained
112	**O**	Include any salmon landed or released against daily bag limit
113	**N**	Close Klutina and Gulkana rivers to power boat use 2 days/week
114	**O**	Restrict hatchery and stocking programs
115	**S**	Update stocked waters list for the Upper Copper/Upper Susitna area
116	**S**	Remove rainbow trout/steelhead regulations for Tolsona Lake
117	**S**	Repeal the Lake Burbot Management Plan

Committee E

118	**N**	Restrict commercial activity by participants of subsistence fisheries
119	**N**	Prohibit homepack of king salmon in Copper River District
120	**S**	Repeal reporting of king salmon taken but not sold
121	**N/O**	Prohibit use of dipnets and gaffs in commercial fishery
122	**S**	Specify buoy marking requirement for commercial drift gillnet gear
123	**S**	Update and clarify coordinates defining Inside Closure
124	**O**	Open east side of Kayak Island to drift gillnetting
125	**O**	Expand fishing area in Bering River District
126	**N**	Modify inriver escapement goals for Copper River
127	**S**	Repeal reference to inriver goal
128	**N/O**	Delay commercial fishing until 5,000 fish pass Miles Lake sonar
129	**O**	Increase sustainable escapement goal for Copper River king salmon
130	**N/O**	Allow one fishing period in statistical weeks 20 and 21
131	**N/O**	Restrict fishing within inside closure area of Copper River
132	**N/O**	Eliminate restrictions within inside closure area of Copper River

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Committee F

369	**S**	Clarify Bristol Bay non-pelagic trawl regulations
370	**S**	Close certain Bering Sea areas to non-pelagic trawling
371	**N**	Restrict vessel size in State waters Pacific Cod fisheries
372	**N**	Reduce daily harvest limits in State waters Pacific Cod fisheries
373	**N**	Restrict vessel size in BSAI parallel Pacific Cod fishery
374	**S**	Management Plan for Parallel Groundfish Fisheries
375	**S**	Reporting requirements for commercial Groundfish Fisheries

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COMMITTEE A: PRINCE WILLIAM SOUND AND COPPER RIVER SUBSISTENCE AND PERSONAL USE SALMON (27 PROPOSALS)

Subsistence:

PROPOSAL 1 - 5 AAC 01.616. Customary and traditional uses of fish stocks.

PROPOSED BY: Fairbanks Advisory Committee.

WHAT WOULD THE PROPOSAL DO? The proposal would establish a positive customary and traditional (c&t) use determination for the salmon stocks of the Chitina Subdistrict and change the classification of the Chitina Subdistrict dip net fishery from a personal use fishery to a subsistence fishery.

WHAT ARE THE CURRENT REGULATIONS? There is a negative c&t finding for the salmon stocks of the Chitina Subdistrict and therefore the dip net fishery in the Chitina Subdistrict operates under personal use regulations.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? There would be a positive c&t use determination for the Chitina Subdistrict salmon stocks and the Chitina Subdistrict salmon fishery would be reclassified as a subsistence fishery.

BACKGROUND: Under the state subsistence statute (AS 16.05.258(a)), the Board of Fisheries must identify those fish stocks, or portions of those stocks, that support customary and traditional (c&t) subsistence uses. The Board applies the Joint Board's c&t procedures ("the eight criteria") to make these determinations (5 AAC 99.010). Prior to 1984, the Chitina dipnet fishery operated under subsistence regulations. At its February 1984 meeting, the Board found that salmon stocks in the Glennallen Subdistrict supported c&t uses while those of the Chitina Subdistrict did not. The fishwheel and dip net fishery in the Glennallen Subdistrict continued to operate under subsistence regulations while the Chitina dip net fishery became a personal use fishery. After the passage of the current state subsistence law in 1992, the Board affirmed its 1984 determination. At its December 1999 meeting in Valdez, however, the Board examined the available data under the eight criteria for the Chitina Subdistrict and reversed its earlier finding, making a positive c&t finding and reclassifying the fishery as a subsistence fishery.

In 2000, the Division of Subsistence of ADF&G, the Copper River Native Association, the CheeshNa' Tribal Council (Chistochina), and the Chitina Tribal Council conducted a study of characteristics of the subsistence fisheries of the Glennallen and Chitina subdistricts in order to update existing information. (The study was funded by the Office of Subsistence Management of the US Fish and

Wildlife Service.) For the January/February 2003 Board of Fisheries meeting, the Division of Subsistence summarized this new information in a staff report in the form of a customary and traditional use worksheet. At that meeting, the Board reviewed the staff report and other available information provided during public testimony, and then adopted Proposal 42, reversing its December 1999 decision by making a negative customary and traditional use determination for the Chitina Subdistrict salmon stocks. Since 2003, therefore, the Chitina dipnet fishery has been managed by ADF&G as a personal use fishery.

The Federal Subsistence Board beginning in 2002 has authorized a subsistence salmon fishery in the Chitina Subdistrict for qualified rural Alaska residents (primarily residents of Copper River basin and Upper Tanana communities). Legal gear includes fishwheels, dip nets, and rod and reel. Permits are issued by the National Park Service.

At its December 2005 meeting in Valdez, the Alaska Board of Fisheries considered Proposal 3, which would have reversed the 2003 negative c&t finding for the salmon stocks of the Chitina Subdistrict. At that meeting, the Board determined that it had received no significant new information relevant to the eight criteria as they apply to the Chitina Subdistrict salmon stocks and fishery, and, therefore, left in place the negative c&t finding from the 2003 meeting.

The department has no new information to provide for a c&t analysis of these stocks. The 2003 staff report remains an accurate description of the state-managed Chitina Subdistrict fishery and we will provide copies of that staff report at the board meeting.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal. We recommend that the board review the information in the 2003 staff report, as well as any information provided during public testimony, to determine if there is any new information that warrants re-examination of the board's negative customary and traditional use determination from the February 2003 meeting. Information about the Chitina Subdistrict fishery, as well as comparative information for the Glennallen Subdistrict, is organized according to the eight criteria in the 2003 staff report/worksheet.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? No, as determined by the Board in February 2003.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use? There is presently no amount necessary for subsistence (ANS) finding for this fishery because of the negative c&t finding. If Proposal 1 is adopted, the Board will need to review recent harvest and participation data to make an ANS finding.

5. Do the regulations provide a reasonable opportunity for subsistence use? The Board will need to make this determination if this proposal is adopted.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? The Board will need to make this determination if this proposal is adopted.

PROPOSAL 2 - 5 AAC 01.616. Customary and traditional uses of fish stocks.

PROPOSED BY: Ahtna Tene Nene' Customary and Traditional Committee.

WHAT WOULD THE PROPOSAL DO? The proposal would establish a positive customary and traditional use (c&t) determination for rainbow trout, steelhead, Arctic char/Dolly Varden, Arctic grayling, burbot, lake trout, whitefish, northern pike, and other non-salmon finfish in the Upper Copper River/Upper Susitna river area.

WHAT ARE THE CURRENT REGULATIONS? There are no c&t findings (neither positive nor negative) for any non-salmon finfish stocks in these waters. In the Prince William Sound Management Area as defined in 5 AAC 01.605, freshwater fish species may be taken only under the authority of a subsistence fishing permit (5 AAC 01.630(b)). Rainbow trout and steelhead trout taken incidentally by fish wheel or subsistence finfish net gear, except dip net gear, are lawfully taken and may be retained for subsistence purposes. Rainbow trout and steelhead taken by dip net gear must be released immediately and returned to the water unharmed (5 AAC 01.610 (e)). Subsistence fishing regulations for portions of the Upper Copper River/Upper Susitna Area, a management area pertaining to sport fishing regulations (5 AAC 52.005), namely waters and drainages of the Upper Susitna River upstream from the confluence of the Oshetna River, appear in the Cook Inlet Area section of the subsistence fishing regulations. In these waters, gillnets may not be used except for the taking of whitefish in the Tyone River drainage (5 AAC 01.570(i)), for which a permit is required (5 AAC 01.580). Trout, grayling, char, and burbot may not be taken in freshwater (5 AAC 01.575(c)). Rainbow trout and steelhead trout taken in other subsistence finfish net fisheries and through the ice, are lawfully taken and may be retained for subsistence purposes (5 AAC 01.560 (a)).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? There would be a positive customary and traditional use determination for the rainbow trout, steelhead, Arctic char/Dolly Varden, Arctic grayling, burbot, lake trout, whitefish, northern pike, and other non-salmon finfish in the Upper Copper River/Upper Susitna river area. For stocks with customary and traditional uses, under AS 16.05.258 (b) the board must determine the amount of the harvestable surplus that is reasonably necessary for subsistence uses and adopt regulations that provide a reasonable opportunity for subsistence uses.

BACKGROUND: Under the state subsistence statute (AS 16.05.258(a)), the Board of Fisheries must identify those fish stocks, or portions of those stocks, that support customary and traditional (c&t) subsistence uses. The Board applies the Joint Board's c&t procedures ("the eight criteria") to make these determinations (5 AAC 99.010). Although regulations governing subsistence harvests of non-salmon finfish stocks in these waters exist, the Board has never discussed the customary and traditional use status of these stocks. The department has prepared a background report, in the form of a customary and traditional use worksheet that summarizes available harvest and use information for these stocks. This report, plus information the board receives from the public during the December 2008 meeting, can be used to develop a customary and traditional use finding.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal. We recommend that the board review the information in the department's customary and traditional use worksheet, as well as any information provided during public testimony at the December 2008 meeting, as the basis for a customary and traditional use finding for these stocks.

If the board finds that stocks in the Upper Susitna River drainage above the confluence of the Susitna and Oshetna rivers support c&t uses, as part of a pattern of use that also characterizes uses of non-salmon finfish in the Upper Copper River drainage, it should consider adopting a regulatory definition of the Upper Susitna area, perhaps modeled after the description in the sport fishing regulations, to include within the Prince William Sound Area subsistence fishing regulations. Existing subsistence regulations for these waters, now in the Cook Inlet section, could be moved into the Prince William Sound Area based on the new regulatory description.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? The Board has not yet made this determination.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use? If the board makes a positive customary and traditional use finding for some or all of the non-salmon fish stocks in the Upper Copper River/Upper Susitna river area, it should review available harvest data and determine if adequate data are available to support adopting an ANS range.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a board determination.

PROPOSAL 3 - 5 AAC 01.625(b). Waters closed to subsistence fishing.

PROPOSED BY: Ahtna Tene Nene' Customary and Traditional Committee.

WHAT WOULD THE PROPOSAL DO? The proposal would open Crosswind Lake to subsistence fishing for resident fish species.

WHAT ARE THE CURRENT REGULATIONS? Currently Crosswind Lake is closed to all subsistence fishing (5 AAC 01.625).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Crosswind Lake would be open to subsistence fishing.

BACKGROUND: There is no c&t determination for the subsistence use of resident fish species in the Copper River Basin. Proposal 2, which is currently before the board, addresses this issue. In 1969, the State of Alaska closed Crosswind Lake to all subsistence and commercial fishing, but left it open to sport fishing. Permits for the subsistence harvest of resident fish species in the upper Copper and Susitna River drainages are issued by ADF&G at the Glennallen office. Permit data for the years 1964, 1965, 1967 and 1968 show that 8 permits were issued for the harvest of whitefish in Crosswind Lake.

Fish species available in Crosswind Lake include Arctic grayling (*Thymallus arcticus*), lake trout (*Salvelinus namaycush),* rainbow trout (*Onorhynchus mykiss*), burbot (*Lota lota*), humpback whitefish (*Coregonus oidschian*), round whitefish (*Prosopium cylindraceum*), and longnose sucker (*Catostomus catostomus*). Locally Crosswind Lake is also known as Charley Lake and in the Ahtna language it is called either "steep bank lake" (*Kaghlk'edi Bene'*) or "outlet lake" (*K'estsiik'e Bene'*). The Ahtna, who were the earliest inhabitants of the

Copper Basin, harvested grayling, whitefish, and burbot using weirs and fish traps in the outlets and during the winter they fished for lake trout and burbot by jigging through the ice (Simeone and Kari 2004). Crosswind Lake was a significant fishing location because the lake produced exceptionally large whitefish that were available throughout much of the year.

Historically, the Ahtna had fish camps located at all of the major outlets of streams flowing into Crosswind Lake. A seasonal fish camp called *K'estsiik'eden* or 'outlet place' was located at the north outlet. Several camps were also located at outlets of streams flowing into the south end of the lake. Some of these streams are known only by an Ahtna place name. For example, there was a fish camp on a stream called *Kutaghił'aa Na'* in the Ahtna language that flows into the southeast side of Crosswind Lake from a small lake called *Kutaghił'aa Bene*. The Ahtna also used another system of streams that flows into the south end of the lake from Salmon Berry Lake (*I'dzak'ehi Bene*), which is connected to Game Trail Lake (*Nkaał Bene'*) by Salmon Berry Creek (*I'dzak'ehi Na'*). Game Trail Lake is connected to Crosswind Lake by 'flows through creek' (*Kanilen Na'*). Fish in this system include humpback or lake whitefish, round whitefish, sucker, burbot, and grayling (Simeone and Kari 2004).

DEPARTMENT COMMENTS: The Department **SUPPORTS** this proposal. There are currently no biological concerns for the freshwater fish populations in Crosswind Lake. Subsistence harvest would be monitored through subsistence permits which are required for subsistence fishing of freshwater fish in the Prince William Sound area. We recommend that the board review the information in the customary and traditional use worksheet for proposal 2, as well as any information provided during public testimony.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? The Board has made no c&t determination for the subsistence use of resident fish species in the Copper River Basin. Proposal 2 that is currently before the board addresses this issue.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use? There is no ANS finding for any stock of resident fish species in the Copper Basin.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 4 - 5 AAC 01.616. Customary and traditional uses of fish stocks.

PROPOSED BY: Mike Kramer.

WHAT WOULD THE PROPOSAL DO? The proposal would repeal the positive customary and traditional (c&t) use determination for the Chinook (king) salmon stocks of the Copper River District, and prohibit subsistence fishing for Chinook salmon in this district.

WHAT ARE THE CURRENT REGULATIONS? There is positive c&t finding for all salmon stocks of the Copper River District, including Chinook salmon (5 AAC 01.616(a)(4)). A subsistence permit is required, with a limit of 15 salmon for a household of one person, 30 salmon for a household of 2 persons, and 10 salmon for each additional household member. No more than 5 Chinook salmon may be taken per permit (5 AAC 01.645(b)(1-4).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? There would be a negative customary and traditional use determination for the Chinook salmon stocks of the Copper River District, and subsistence fishing for Chinook salmon in the district would be prohibited.

BACKGROUND: Under the state subsistence statute (AS 16.05.258(a)), the Board of Fisheries must identify those fish stocks, or portions of those stocks, that support customary and traditional (c&t) subsistence uses. The Board applies the Joint Board's c&t procedures ("the eight criteria") to make these determinations (5 AAC 99.010). The Board adopted a positive c&t finding for all the salmon stocks of the Copper River District, including Chinook salmon, in December 1996. At its December 2005 meeting, the Board adopted regulations establishing the "amount reasonably necessary for subsistence uses" (ANS) of these stocks, as required under AS 16.05.258(b)).

The recent (2003 through 2007) 5-year average subsistence harvest of salmon in the Copper River District was 3,827 fish by 404 permit holders. Most of the harvest was sockeye (2,981 annual average; 78%) and Chinook (816 annual average; 21%). The previous 5-year average was 3,587 salmon by 356 permit holders, including 2,685 sockeye (75%) and 576 Chinook (16%). Most permits are issued to residents of Cordova: 89% in 2005, 82% in 2006, and 82% in 2007. Cordova residents account for most of the subsistence harvest: 82% of total

salmon and 84% of Chinook in 2005; 74% of salmon and 85% of Chinook in 2006; and 75% of salmon and 83% of Chinook in 2007.

The proposal states that the positive c&t finding should be reversed due to "demographic changes in the users." In 1990 (6 years before the Board's c&t finding), the population of Cordova was 2,504. By 2000, Cordova's population had dropped by 2%, to 2,454. The Alaska Department of Labor and Workforce Development estimated Cordova's population in 2007 at 2,192, a drop of 11% since 2000. Cordova's Alaska Native population was 368 in 2000, 15% of the total population. This was an increase of 23% from 1980, when Alaska Natives made up 13% of Cordova's population (299 of 2,241). More recent data on the ethnicity of Cordova's population is not available.

The department has no new information regarding the eight criteria to provide for a new c&t analysis of the Chinook salmon stocks of the Copper River District. The 1996 customary and traditional use worksheet remains an accurate description of the subsistence salmon fishery in the Copper River District and we will provide copies of that staff report at the board meeting. Another report provided to the Board by the department in December 2005 as background for the ANS finding included updated subsistence harvest information, and will also be made available at the December 2008 meeting.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal. We recommend that the board review the information in the 1996 customary and traditional use worksheet and the 2005 ANS background report, as well as any information provided during public testimony, to determine if there is any new information that warrants re-examination of the Board's positive customary and traditional use determination from the December 1996 meeting.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes, as determined by the Board in December 1996.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use? In a year when there is a harvestable surplus that allows for a commercial fishery: 3,000 – 5,000 salmon. In a year when there is no commercial fishery: 19,000 – 32,000 salmon (5 AAC 01.616(b)(2)). [This ANS finding was made in December 2005.]

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 5 - 5 AAC 01.620(3). Lawful gear and gear specifications.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal would amend regulation 5 AAC 01.620 to include minimum specifications for marking buoys on subsistence gillnet fishing gear.

WHAT ARE THE CURRENT REGULATIONS? The current regulation (5 AAC 01.010(h)) states: each subsistence fisherman shall plainly and legibly inscribe their first initial, last name and address on his fish wheel, or on a keg or buoy attached to gillnets and other unattended fishing gear.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? The proposal would require a buoy on subsistence gillnet fishing gear with the first initial, last name and address of the subsistence permit holder or the ADF&G number of the vessel operating the gear, written on the gear in letters that are at least one inch tall, contrast with the background and are plainly visible when the gear is in the water.

BACKGROUND: Alaska State Troopers report encountering gear marked with ballpoint pens in letters too small to discern without retrieving the gear from the water.

While statewide regulations stipulate general requirements for clarity of marking, an example of more specific marking requirements can be found in the Alaska Peninsula Area regulations.

5 AAC 01.427. Identification of subsistence fishing gear. A buoy attached to one end of gillnet subsistence fishing gear must have printed on it the first initial, last name, and address of the subsistence permit holder, or the ADF&G number of the vessel used to operate the gear, in numbers and letters that are
(1) at least one inch high;
(2) in a color that contrasts with the background; and
(3) plainly visible when the gear is in the water.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it. Amending the regulation would clarify subsistence fishing gear identification requirements.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No. 5 AAC 01.610 (a) prohibits subsistence fishing in the Valdez Nonsubsistence Area, as defined in 5AAC 99.015(a)(5).

2. Is the stock customarily and traditionally taken or used for subsistence? Yes, for salmon stocks in the following waters:

The Southwestern District described in 5 AAC 24.200(i) and the waters along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip of the island (5 AAC 01.616(a)(2)).

The waters north of a line from Porcupine Point to Granite Point and south of a line from Point Lowe to Tongue Point (5 AAC 01.616(a)(3)).

The Copper River District described in 5 AAC 24.200(a) (5 AAC 01.616(a)(4)).

The Board has not made customary and traditional use findings for salmon stocks in the remaining marine districts within the Prince William Sound Area, including the Eshamy District, Northwestern District, Coghill District, Northern District, Unakwik District, Southeastern District, and Bering River District, and portions of the Montague and Eastern districts.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use?

For the Southwestern District and the waters along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip of the island: 2,100 – 3,500 salmon (5 AAC 01.616 (b)(3))
For the waters north of a line from Porcupine Point and to Granite Point and south of a line from Point Lowe to Tongue Point: 1,800 – 3,000 salmon (5 AAC 01.616 (b)(4)).
For the Copper River District: in a year when there is a harvestable surplus that allows for a commercial fishery: 3,000 – 5,000 salmon. In a year when there is no commercial fishery: 19,000 – 32,000 salmon (5 AAC 01.616(b)(2)).

No amount reasonably necessary for subsistence use findings have been made for the remaining marine districts.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 6 - 5 AAC 01.640. Marking of subsistence taken fish.

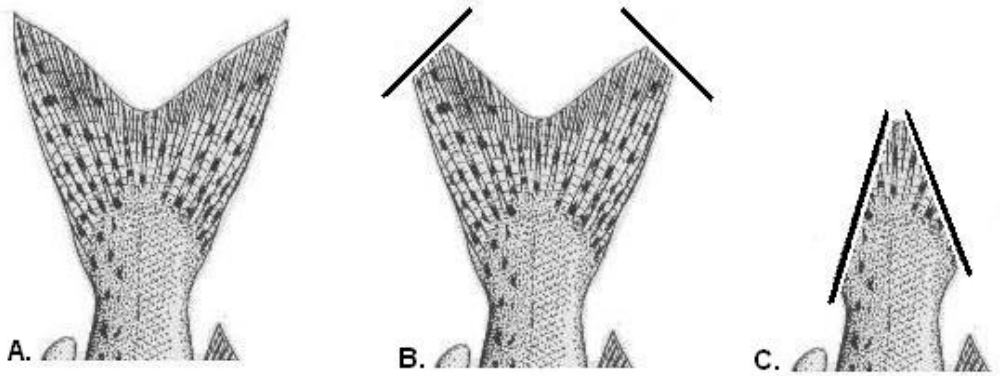
PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal would require that the top and bottom lobe of subsistence taken fish in PWS including the Copper and Bering River districts be removed before concealing the fish from plain view or transporting the fish from the fishing site.

WHAT ARE THE CURRENT REGULATIONS?
Current regulations (5AAC 01.640) require that, "the tips (lobes) of the tail fin (caudal)" be removed before the fish is concealed or removed from the harvest site for salmon harvested in the upper Copper River District or in the Copper River District. Currently, there are no regulations requiring the marking of subsistence caught salmon in Area E outside of the Copper and Bering River districts.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, PWS subsistence users would be required to remove the upper and lower lobes of the caudal fin from subsistence caught fish.

BACKGROUND: Subsistence users in the Copper River District interpret the existing regulation in various ways. Some remove a substantial portion of the upper and lower lobes of the caudal fin making these fish readily identifiable as subsistence caught. Other users remove only the "tip" of the upper and lower lobe, these fish are difficult to discern from unclipped salmon. Some areas in Alaska, (Bristol Bay and Cook Inlet) stipulate that, "lobes of the caudal fin (tail)" must be removed. Other areas (Yakutat, Alaska Peninsula, and Southeast) specify that the entire dorsal fin must be removed before a salmon is concealed from plain view. In addition there are no requirements in the PWS portion of subsistence regulations, or in the general subsistence regulations regarding the marking of subsistence taken salmon. The requirements in 5 AAC 01.640(a) are specific to the Upper Copper River District and Copper River District.



Proposal 6, Figure 1- Chinook salmon tail with A.) Unclipped lobes B.) with "tips" removed, C.) with upper and lower lobes removed.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it. Adoption of this proposal would result in clearer identification of subsistence caught fish.

As noted in the "Subsistence Regulation Review" that follows, the board has not made customary and traditional use findings or findings regarding the amount of the harvestable surplus reasonably necessary to provide subsistence opportunities for the salmon stocks within portions of the Prince William Sound Area. The board is required to make such findings under AS 16.05.258 (a, b). The department recommends that the board consider making these findings, and has prepared background information pertaining to the Joint Board procedures for making customary and traditional use determinations (5 AAC 99.010). The department is **NEUTRAL** on the outcome of any customary and traditional use finding. The department will also have subsistence harvest data available to inform board consideration of an "amount reasonably necessary for subsistence" finding.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No. 5 AAC 01.610 (a) prohibits subsistence fishing in the Valdez Nonsubsistence Area, as defined in 5AAC 99.015(a)(5).

2. Is the stock customarily and traditionally taken or used for subsistence? Yes, for salmon stocks in the following waters:

The Southwestern District described in 5 AAC 24.200(i) and the waters along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip of the island (5 AAC 01.616(a)(2)).

The waters north of a line from Porcupine Point to Granite Point and south of a line from Point Lowe to Tongue Point (5 AAC 01.616(a)(3)).
The Copper River District described in 5 AAC 24.200(a) (5 AAC 01.616(a)(4)).

The Board has not made customary and traditional use findings for salmon stocks in the remaining marine districts within the Prince William Sound Area, including the Eshamy District, Northwestern District, Coghill District, Northern District, Unakwik District, Southeastern District, and Bering River District, and portions of the Montague and Eastern districts.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use?

For the Southwestern District and the waters along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip of the island: 2,100 – 3,500 salmon (5 AAC 01.616 (b)(3))
For the waters north of a line from Porcupine Point and to Granite Point and south of a line from Point Lowe to Tongue Point: 1,800 – 3,000 salmon (5 AAC 01.616 (b)(4)).
For the Copper River District: in a year when there is a harvestable surplus that allows for a commercial fishery: 3,000 – 5,000 salmon. In a year when there is no commercial fishery: 19,000 – 32,000 salmon (5 AAC 01.616(b)(2)).

No amount reasonably necessary for subsistence use findings have been made for the remaining marine districts.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 7 - 5 AAC 01.645(b). Subsistence bag, possession and size limits.
5 AAC 01.620(b)(3). Lawful gear and gear specifications.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal would add language to the lawful gear and gear specifications section of PWS subsistence regulations that describes legal subsistence gillnets and legal subsistence seines. This proposal would also remove vague and unnecessary language in the subsistence bag, possession and size limits section that describes aspects of subsistence

fisheries as being "…in conformance with commercial salmon fishing regulations…"

WHAT ARE THE CURRENT REGULATIONS? Current PWS regulations do not describe subsistence gillnets specifically. They are described in the general subsistence regulations in 5 AAC 01.010(c). Subsistence seines are not described in the PWS section or in the general section. Legal seines are described in the Chenega and Tatitlek sections of the Prince William Sound Subsistence Salmon Fisheries Management Plans (5 AAC 01.648.). There are no descriptions of legal seine gear in other areas of PWS where it is a legal gear type.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, gear specifications could be more readily found by PWS users in the proper section of the PWS subsistence regulations. The arbitrary and confusing statement requiring that unspecified and undefined aspects of the subsistence fishery be "…in conformance with commercial salmon fishing regulations…" would be removed.

BACKGROUND: Currently legal subsistence gear in PWS is identified only as "gillnets and seines" in 5 AAC 01.620(b). While there is a specification for legal gillnets in the general section, there is no specification for subsistence seines in the PWS general section. Subsistence seines are described for two subsistence areas in PWS, but are not described for other areas of PWS. Subsistence seines are a legal gear type in PWS in districts where it is a legal commercial gear type (5 AAC 24.330) during open commercial periods for seine gear. The statement concerning aspects of subsistence fisheries being "…in conformance with commercial salmon fishing regulations…" is confusing and unnecessary. The original intent of this statement may have been to specify areas where various types of subsistence gear could be used, such as subsistence drift gillnets only in those districts where subsistence drift gillnets are a legal gear type. This broad and vague statement may however also allow activities appropriate in commercial fisheries to occur in subsistence fisheries.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No. 5 AAC 01.610 (a) prohibits subsistence fishing in the Valdez Nonsubsistence Area, as defined in 5AAC 99.015(a)(5).

2. Is the stock customarily and traditionally taken or used for subsistence? Yes, for salmon stocks in the following waters:

The Southwestern District described in 5 AAC 24.200(i) and the waters along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip of the island (5 AAC 01.616(a)(2)).
The waters north of a line from Porcupine Point to Granite Point and south of a line from Point Lowe to Tongue Point (5 AAC 01.616(a)(3)).
The Copper River District described in 5 AAC 24.200(a) (5 AAC 01.616(a)(4)).

The Board has not made customary and traditional use findings for salmon stocks in the remaining marine districts within the Prince William Sound Area, including the Eshamy District, Northwestern District, Coghill District, Northern District, Unakwik District, Southeastern District, and Bering River District, and portions of the Montague and Eastern districts.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use?

For the Southwestern District and the waters along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip of the island: 2,100 – 3,500 salmon (5 AAC 01.616 (b)(3))
For the waters north of a line from Porcupine Point and to Granite Point and south of a line from Point Lowe to Tongue Point: 1,800 – 3,000 salmon (5 AAC 01.616 (b)(4)).
For the Copper River District: in a year when there is a harvestable surplus that allows for a commercial fishery: 3,000 – 5,000 salmon. In a year when there is no commercial fishery: 19,000 – 32,000 salmon (5 AAC 01.616(b)(2)).

No amount reasonably necessary for subsistence use findings have been made for the remaining marine districts.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 8 - 5 AAC 01.647(j). Copper River subsistence salmon fisheries management plans.

PROPOSED BY: Mike Babic.

WHAT WOULD THE PROPOSAL DO? The proposal would amend 5 AAC 01.647 (j)(2) to allow subsistence gillnetting of salmon in the Copper River to begin on May 1 instead of with the usual commercial opening of the Copper River and after May 15.

WHAT ARE THE CURRENT REGULATIONS? The current regulation allows salmon subsistence fishing in the Copper River District only from May 15 until two days before a commercial opening; during the commercial salmon season, only during open commercial salmon periods, and from two days following the closure of the commercial salmon season until September 30.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? The proposal would allow subsistence harvesting of salmon in the Copper River District beginning on May 1 presumably until two days before a commercial opening.

BACKGROUND: Recent practice has been to open the commercial salmon season on or about May 15. Because of the proximity to the May 15 subsistence opening date, mid-May commercial opening dates do not allow subsistence harvesters the opportunity to harvest salmon outside of the commercial fishing season. For commercial harvesters who are also subsistence harvesters, salmon for home use must be taken from their commercial harvest (5AAC 39.010(a)) or they must forgo commercial harvesting in order to participate in the subsistence fishery as per 5 AAC 01.020(b). Since 1998, there have been four proposals submitted to the Alaska Board of Fisheries requesting increased subsistence access to salmon in the Copper River District.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The department has concerns regarding increased effort and harvest prior to the start of monitoring at the Miles Lake sonar site. Copper River sockeye and king salmon are fully allocated fisheries and allowing two weeks of subsistence fishing prior to the commercial season may result in additional harvests of both species. Based on radio tagging data, these early fish are destined for the most distant upriver systems. Additionally, the department links subsistence and commercial fishing periods together to eliminate potential violations by commercial operators that are involved in the subsistence harvest. At this time, the department feels there is ample opportunity for subsistence users to fill their needs. Commercial fishermen have the means and opportunity to fill their needs with home-packs from their commercial harvests if they choose to do so.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes, as determined by the Board in December 1996.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use? In a year when there is a harvestable surplus that allows for a commercial fishery: 3,000 – 5,000 salmon. In a year when there is no commercial fishery: 19,000 – 32,000 salmon (5 AAC 01.616(b)(2)). [This ANS finding was made in December 2005.]

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 9 - 5 AAC 01.647(j). Copper River Subsistence Salmon Fisheries Management Plans.

PROPOSED BY: Tom Carpenter.

WHAT WOULD THE PROPOSAL DO? The proposal would amend 5 AAC 01.647 (j)(2) to allow subsistence gillnetting of salmon in the Copper River to begin on May 10 instead of with the usual commercial opening of the Copper River and after May 15. This proposal is similar in scope and intent to Proposal 8.

WHAT ARE THE CURRENT REGULATIONS? The current regulation allows salmon subsistence fishing in the Copper River District only from May 15 until two days before a commercial opening; during the commercial salmon season, only during open commercial salmon periods, and from two days following the closure of the commercial salmon season until September 30.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? This proposal would allow subsistence harvesting of salmon in the Copper River District beginning on May 10.

BACKGROUND: Recent practice has been to open the commercial salmon season on or about May 15. Because of the proximity to the May 15 subsistence opening date, mid-May commercial opening dates do not allow subsistence harvesters the opportunity to harvest salmon outside of the commercial fishing season. For commercial harvesters who are also subsistence harvesters, salmon

for home use must be taken from their commercial harvest (5AAC 39.010(a)) or they must forgo commercial harvesting in order to participate in the subsistence fishery as per 5 AAC 01.020(b). Since 1998, there have been four proposals submitted to the Alaska Board of Fisheries requesting increased subsistence access to salmon in the Copper River District.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The department has concerns regarding increased effort and harvest prior to the start of monitoring at the Miles Lake sonar site. Copper River sockeye and king salmon are fully allocated fisheries and allowing two weeks of subsistence fishing prior to the commercial season may result in additional harvests of both species. Based on radio tagging data these early fish are destined for the most distant upriver systems. Additionally, the department links subsistence and commercial fishing periods together to eliminate potential violations by commercial operators that are involved in the subsistence harvest. At this time, the department feels there is ample opportunity for subsistence users to fill their needs. Commercial fishermen have the means and opportunity to fill their needs with home-packs from their commercial harvests if they choose to do so.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes, as determined by the Board in December 1996.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use? In a year when there is a harvestable surplus that allows for a commercial fishery: 3,000 – 5,000 salmon. In a year when there is no commercial fishery: 19,000 – 32,000 salmon (5 AAC 01.616(b)(2)). [This ANS finding was made in December 2005.]

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 10 - 5 AAC 01.647. Copper River Subsistence Salmon Fisheries Management Plans. 5 AAC 01.648. Prince William Sound Subsistence Salmon Fisheries Management Plans.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal would consolidate regulations that specify when subsistence fishing seasons occur in Area E.

WHAT ARE THE CURRENT REGULATIONS? Fishing seasons for the Copper River District, the Tatitlek subsistence area, and the Chenega subsistence area are described in three places in regulation. All three of these seasons are similar in duration.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, the subsistence fishing season for the entire Prince William Sound area would be listed in 5 AAC 01.610. Fishing seasons.

BACKGROUND: Currently several areas of Prince William Sound have subsistence fishing seasons that are only tangentially referenced via a statement in 5 AAC 01.645(b) that reads "…in conformance with commercial salmon fishing regulations…". In addition there are three areas in PWS that do have defined salmon subsistence seasons. The seasons for these three areas are nearly concurrent. Having a single stated subsistence season for the Prince William Sound Area listed in 5 AAC 01.610 Fishing Seasons would significantly clarify this matter for users. The only differences between the three stated subsistence seasons is that the Copper River and Tatitlek subsistence seasons end on September 30 and the Chenega area season closes on October 31. This regulation would change the Tatitlek and Copper River subsistence seasons end date to October 31.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No. 5 AAC 01.610 (a) prohibits subsistence fishing in the Valdez Nonsubsistence Area, as defined in 5AAC 99.015(a)(5).

2. Is the stock customarily and traditionally taken or used for subsistence? Yes, for salmon stocks in the following waters:

The Southwestern District described in 5 AAC 24.200(i) and the waters along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip of the island (5 AAC 01.616(a)(2)).
The waters north of a line from Porcupine Point to Granite Point and south of a line from Point Lowe to Tongue Point (5 AAC 01.616(a)(3)).
The Copper River District described in 5 AAC 24.200(a) (5 AAC 01.616(a)(4)).

The Board has not made customary and traditional use findings for salmon stocks in the remaining marine districts within the Prince William Sound Area, including the Eshamy District, Northwestern District, Coghill District, Northern District, Unakwik District, Southeastern District, and Bering River District, and portions of the Montague and Eastern districts.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use?

For the Southwestern District and the waters along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip of the island: 2,100 – 3,500 salmon (5 AAC 01.616 (b)(3))
For the waters north of a line from Porcupine Point and to Granite Point and south of a line from Point Lowe to Tongue Point: 1,800 – 3,000 salmon (5 AAC 01.616 (b)(4)).
For the Copper River District: in a year when there is a harvestable surplus that allows for a commercial fishery: 3,000 – 5,000 salmon. In a year when there is no commercial fishery: 19,000 – 32,000 salmon (5 AAC 01.616(b)(2)).

No amount reasonably necessary for subsistence use findings have been made for the remaining marine districts.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 11 – 5 AAC 01.648. PRINCE WILLIAM SOUND SUBSISTENCE SALMON FISHERIES MANAGEMENT PLANS.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal would eliminate the regulatory requirement that permits for the subsistence salmon fishery described in 5 AAC 01.648(a) only be issued at Chenega Bay village, and the requirement that permits for the subsistence salmon fishery described in 5 AAC 01.648 (b) only be issued at Tatitlek.

WHAT ARE THE CURRENT REGULATIONS? For subsistence salmon fishing in those waters of the Southwestern District as described in 5 AAC 24.200 and along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip, permits may only be issued at Chenega Bay village (5 AAC 01.648(a)(7); for subsistence salmon fishing in those waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point, permits may only be issued at Tatitlek (5 AAC 01.648(b)(7)).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Subsistence permits could be issued for these fisheries in Chenega Bay, Tatitlek, and other locations as determined by the department.

BACKGROUND: This is a housekeeping proposal. The current regulation was adopted prior to 1989 when only residents of Chenega Bay and Tatitlek were eligible to participate in these fisheries. Since 1989, any Alaska resident may participate in these fisheries after obtaining a subsistence permit. In practice, since 1990, the department has issued permits for these fisheries in Cordova in addition to Tatitlek and Chenega Bay.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes (5 AAC 01.616 (2 & 3)).

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use? For the Southwestern District: 2,100 – 3,500 salmon (5 AAC 01.616 (b)(3)); for the waters north of a line from Porcupine Point and to Granite Point and south of a line from Point Lowe to Tongue Point: 1,800 – 3,000 salmon (5 AAC 01.616 (b)(4)).

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a board determination.

PROPOSAL 12 - 5 AAC 01.630. Subsistence fishing permits and 5 AAC 01.620 Lawful gear and gear specifications.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Move regulatory language currently found in 5 AAC 01.630(e)(6) (Subsistence fishing permits) to 5 AAC 01.620 (Lawful gear and gear specifications).

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.630(e)(6) a fish wheel may be operated only by one permit holder at one time; that permit holder must

(A) have the fish wheel marked as specified in 5 AAC 01.620(c)(1) and (3) during fishing operations; and

(B) check the fish wheel at least once every 10 hours and remove all fish caught by the fish wheel;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Simplify current regulations by consolidating regulatory language regarding subsistence fish wheel gear within a single section 5 AAC 01.620.

BACKGROUND: This is a housekeeping proposal. The Board adopted the original regulatory language in 5 AAC 01.630(e)(6) during the 1996 meeting. At the 2005 Prince William Sound/Copper River meeting this language was modified to require that a fish wheel be checked at least once every 10 hours. As a result, 5 AAC 01.630(e)(6) is germane to the operation of fish wheels rather than subsistence fishing permits. Moving the language from 5 AAC 01.630(e)(6) to 5 AAC 01.620 would consolidate these subsistence regulations.

DEPARTMENT COMMENTS: The Department submitted this proposal and continues to **SUPPORT** it. The regulatory language in 5 AAC 01.630(e)(6) pertaining to fishing gear operation and is more appropriate in 5 AAC 01.620.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the Glennallen Subdistrict subsistence fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes (5 AAC 01.616(a)(1)).

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use? In the portion of the Glennallen Subdistrict from the southern boundary of the subdistrict at the downstream edge of the Chitina-McCarthy Road Bridge to the mouth of the Tonsina River: 25,500 – 39,000 salmon; in the portion from the mouth of the Tonsina River upstream to the mouth of the Gakona River: 23,500 – 31,000 salmon; in the portion from the mouth of the Gakona River upstream to the mouth of the Slana River, and the waters of the Copper River as described in 5 AAC 01.647(i)(3): 12,000 – 12,500 salmon (5 AAC 01.616(b)(1)). The total for the Glennallen Subdistrict which includes these three portions is 61,000 – 82,500 salmon.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 13 - 5 AAC 01.620. Lawful gear and gear specifications.

PROPOSED BY: Mike Babic.

WHAT WOULD THE PROPOSAL DO? Increase the required distance between individual fish wheels located within the Glennallen District from 75 feet to 300 feet.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.620(c)(5) a person may not set or operate a fish wheel within 75 feet of another fish wheel.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would reduce the number of fish wheels operating in the Glennallen Subdistrict.

BACKGROUND: The Glennallen Subdistrict is open by regulation from June 1 – September 30. Over the last 5 years (2003-2007) the annual harvest of salmon from the Glennallen Subdistrict has averaged 78,510 salmon. The current

Amount Necessary for Subsistence (ANS) for the Glennallen Subdistrict is 61,000 – 82,500 salmon.

No Copper River salmon stocks have been designated as a stock of concern. There are no conservation issues raised by the current 75 foot minimum separation. If the Copper River salmon returns were weak, other fisheries (commercial, sport, and personal use) would be restricted to ensure sufficient fish for subsistence.

From 2003-2007, 125 fish wheels have been operated annually in the Glennallen Subdistrict. During this same period, an average of 1,017 Glennallen Subdistrict subsistence salmon permits have been issued annually of which 638 subsistence permit holders selected fish wheels as the gear type to be used (state Glennallen Subdistrict permit holders must select either fish wheel or dip net as fishing gear at the time they get their permit). The maximum number of permits fishing a single wheel during this period was 45, with an average of 6 permits per fish wheel.

Available locations for fish wheels within the Glennallen Subdistrict are limited by private property and public access. Most of the fish wheels are concentrated along the east bank of the Copper River just upstream of the Chitina-McCarthy Bridge, near the Chitina Airport and proximate to the communities of Copper Center, Copperville, Gulkana, Gakona, Chistochina, and Slana. Legal public access for fish wheel locations is further limited to the east bank of the Copper River just upstream of the Chitina-McCarthy Bridge, near the Chitina Airport, and a short section of river near the community of Slana. All other locations are only accessible through private property.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. Adoption of this proposal is not necessary to address a conservation or management concern. Increasing the minimum distance between fish wheels is unduly restrictive and will reduce opportunity for Alaskans to participate in the subsistence fishery.

COST ANALYSIS: Adoption of this proposal may result in additional direct costs for private individuals to participate in the Glennallen Subdistrict subsistence fishery by requiring them to relocate their fish wheel to a different location due to reduced fishing area at their current fishing site.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes (5 AAC 01.616(a)(1)).

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use? In the portion of the Glennallen Subdistrict from the southern boundary of the subdistrict at the downstream edge of the Chitina-McCarthy Road Bridge to the mouth of the Tonsina River: 25,500 – 39,000 salmon; in the portion from the mouth of the Tonsina River upstream to the mouth of the Gakona River: 23,500 – 31,000 salmon; in the portion from the mouth of the Gakona River upstream to the mouth of the Slana River, and the waters of the Copper River as described in 5 AAC 01.647(i)(3): 12,000 – 12,500 salmon (5 AAC 01.616(b)(1)). The total for the Glennallen Subdistrict which includes these three portions is 61,000 – 82,500 salmon.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 14 - 5 AAC 77.591. Copper River Personal Use Dip Net Salmon Fishery Management Plan.

PROPOSED BY: David A. Kacal.

WHAT WOULD THE PROPOSAL DO? Prohibit dip netting within 30 feet of an operating fish wheel.

WHAT ARE THE CURRENT REGULATIONS? AS 16.05.790(a) Except as provided in (e) of this section, a person may not intentionally obstruct or hinder another person's lawful hunting, fishing, trapping, or viewing of fish or game by

(1) placing one's self in a location in which human presence may alter the

(A) behavior of the fish or game that another person is attempting to take or view; or

(B) feasibility of taking or viewing fish or game by another person.

AS 16.05.790(e) This section does not apply to (1) lawful competitive practices among persons engaged in lawful hunting, fishing or trapping.

5 AAC 01.620(b) Salmon may be taken only by the following types of gear: (1) in the Glennallen Subdistrict by fish wheels or dip nets.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would reduce the area now available for subsistence fishers using dip nets in the Glennallen Subdistrict.

BACKGROUND: In the Glennallen Subdistrict fish wheels and dip nets are the legal gear type. Fish wheels must have a minimum of 75 feet from each other. There is no minimum separation distance between dip net users and between dip net and fish wheel users in regulation.

Over the last 5 years (2003-2007) permits for dip netting have comprised 37% of all permits issued in the Glennallen Subdistrict. The annual number of permits in the Glennallen Subdistrict averaged 379 permits for dip netting and 638 permits for using a fish wheel from 2003-2007.

Available locations for dip netting along shore within the Glennallen Subdistrict are limited by private property and legal public access routes. Most shore based dip netting is conducted in the same areas where fish wheels are located along the east bank of the Copper River just upstream of the Chitina-McCarthy Bridge and near the Chitina Airport.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal due to its allocative nature between Glennallen Subdistrict fishery users.

COST ANALYSIS: Adoption of this proposal may result in additional direct costs for private individuals to participate in the Glennallen Subdistrict subsistence fishery by requiring dip netters to find different locations to dip net, as this proposal may reduce the overall area where an individual could dip net in the Glennallen Subdistrict.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes (5 AAC 01.616(a)(1)).

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use? In the portion of the Glennallen Subdistrict from the southern boundary of the subdistrict at the downstream edge of the Chitina-McCarthy Road Bridge to the mouth of the Tonsina River: 25,500 – 39,000 salmon; in the portion from the mouth of the Tonsina River upstream to the mouth of the Gakona River: 23,500 – 31,000 salmon; in the portion from the mouth of the Gakona River upstream to the mouth of the Slana River, and the waters of the Copper River as described in 5 AAC 01.647(i)(3): 12,000 – 12,500

salmon (5 AAC 01.616(b)(1)). The total for the Glennallen Subdistrict which includes these three portions is 61,000 – 82,500 salmon.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 15 - 5 AAC 01.630. Subsistence fishing permits and 5 AAC 01.645. Subsistence bag, possession, and size limits.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Replace the regulatory language in 5 AAC 01.645(a) with the regulatory language in 5 AAC 01.630(e)(9).

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.630(e)(9) the total annual possession limit for a Glennallen Subdistrict subsistence salmon fishing permit is as follows:

(A) for a household with one person, 30 salmon, of which no more than five may be a king salmon if taken by dip net;

(B) for a household with two persons, 60 salmon, of which no more than five may be a king salmon if taken by dip net;

(C) 10 salmon for each additional person in a household over those specified in (B) of this paragraph, except that household's limit under (B) of this paragraph for king salmon taken by dip net does not increase;

(D) upon request, permits for additional salmon will be issued with the following limits:

(i) no more than a total of 200 salmon for a permit issued to a household with one person, of which no more than five may be a king salmon if taken by dip net;

(ii) no more than a total of 500 salmon for a permit issued to a household with two or more persons, of which no more than five may be a king salmon if taken by dip net.

5 AAC 01.645(a) Possession limits for salmon in the Glennallen Subdistrict of the Upper Copper River District are described in 5 AAC 01.630(e).

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would consolidate regulations pertaining to the possession limits for salmon in the Glennallen Subdistrict under one section.

BACKGROUND: This is a house keeping proposal.

DEPARTMENT COMMENTS: The Department submitted this proposal and continues to **SUPPORT** it. The regulatory language in 5 AAC 01.630(e)(9) pertains to possession limits and is more appropriate within 5 AAC 01.645.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the Glennallen Subdistrict subsistence fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes (5 AAC 01.616(a)(1)).

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use? In the portion of the Glennallen Subdistrict from the southern boundary of the subdistrict at the downstream edge of the Chitina-McCarthy Road Bridge to the mouth of the Tonsina River: 25,500 – 39,000 salmon; in the portion from the mouth of the Tonsina River upstream to the mouth of the Gakona River: 23,500 – 31,000 salmon; in the portion from the mouth of the Gakona River upstream to the mouth of the Slana River, and the waters of the Copper River as described in 5 AAC 01.647(i)(3): 12,000 – 12,500 salmon (5 AAC 01.616(b)(1)). The total for the Glennallen Subdistrict which includes these three portions is 61,000 – 82,500 salmon.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 16 - 5 AAC 01.645. Subsistence bag, possession, and size limits.

PROPOSED BY: Ernie Allen.

WHAT WOULD THE PROPOSAL DO? Reduce the annual bag and possession limits for the Glennallen Subdistrict subsistence fishery.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.630(e)(9) the total annual possession limit for a Glennallen Subdistrict subsistence salmon fishing permit is as follows:

(A) for a household with one person, 30 salmon, of which no more than five may be a king salmon if taken by dip net;

(B) for a household with two persons, 60 salmon, of which no more than five may be a king salmon if taken by dip net;

(C) 10 salmon for each additional person in a household over those specified in (B) of this paragraph, except that household's limit under (B) of this paragraph for king salmon taken by dip net does not increase;

(D) upon request, permits for additional salmon will be issued with the following limits:

(i) no more than a total of 200 salmon for a permit issued to a household with one person, of which no more than five may be a king salmon if taken by dip net;

(ii) no more than a total of 500 salmon for a permit issued to a household with two or more persons, of which no more than five may be a king salmon if taken by dip net.

5 AAC 01.645(a) Possession limits for salmon in the Glennallen Subdistrict of the Upper Copper River District are described in 5 AAC 01.630(e).

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would reduce the annual limit of salmon for a household with one person from 30 salmon to 15 salmon of which no more than 5 may be a king salmon, reduce the annual limit of salmon for a household with two persons from 60 salmon to 30 salmon with no limit on the number of king salmon, and reduce the additional limit of salmon for a household of one from 200 salmon to 50 salmon and for a household with 2 persons from 500 salmon to 100 salmon.

BACKGROUND: The current household annual limits for the upper Copper River subsistence fishery have been in effect since the mid-1960's, with some variation over time based on income level and household size. The Glennallen and Chitina subdistricts were created in 1977. Since 1984, the current Glennallen Subdistrict household annual limits have remained unchanged.

The Glennallen Subdistrict has been dual managed by the Department and federal government since 1999. Since 2002, participants in the fishery are required to have a state issued permit (all Alaska residents) or a federal permit (only federally-qualified rural Alaska residents) with no difference in bag and possession limits. Participation in the Glennallen Subdistrict subsistence fishery has not changed due to the two permit sources. Over the past 10 years an average of 1,233 permits have been issued annually with a range from 1,010 to 1,466 (combined state and federal) permits issued.

No Copper River salmon stocks have been designated as a stock of concern. The annual harvest (state estimated plus federal reported) of sockeye salmon from the Glennallen Subdistrict has averaged 71,583 and has ranged from 58,800 to 83,657 salmon from 1998-2007. The king salmon harvest has averaged 3,448 fish and has ranged from 1,842 to 4,856 salmon from 1998-2007. The Amount Necessary for Subsistence (ANS) for the Glennallen Subdistrict is 61,000-82,500 salmon.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** due to the allocative aspects of this proposal.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the Glennallen Subdistrict.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes (5 AAC 01.616(a)(1)).

3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? In the portion of the Glennallen Subdistrict from the southern boundary of the subdistrict at the downstream edge of the Chitina-McCarthy Road Bridge to the mouth of the Tonsina River: 25,500 – 39,000 salmon; in the portion from the mouth of the Tonsina River upstream to the mouth of the Gakona River: 23,500 – 31,000 salmon; in the portion from the mouth of the Gakona River upstream to the mouth of the Slana River, and the waters of the Copper River as described in 5 AAC 01.647(i)(3): 12,000 – 12,500 salmon (5 AAC 01.616(b)(1)). The total for the Glennallen Subdistrict which includes these three portions is 61,000 – 82,500 salmon.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 17 - 5 AAC 01.630. Subsistence fishing permits.

PROPOSED BY: Mike Babic.

WHAT WOULD THE PROPOSAL DO? Repeal 5 AAC 01.630(e)(9)(D) which would reduce the household limits for salmon in the Glennallen Subdistrict.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.630(e)(9) the total annual possession limit for a Glennallen Subdistrict subsistence salmon fishing permit is as follows:

(A) for a household with one person, 30 salmon, of which no more than five may be a king salmon if taken by dip net;

(B) for a household with two persons, 60 salmon, of which no more than five may be a king salmon if taken by dip net;

(C) 10 salmon for each additional person in a household over those specified in (B) of this paragraph, except that household's limit under (B) of this paragraph for king salmon taken by dip net does not increase;

(D) upon request, permits for additional salmon will be issued with the following limits:

(i) no more than a total of 200 salmon for a permit issued to a household with one person, of which no more than five may be a king salmon if taken by dip net;

(ii) no more than a total of 500 salmon for a permit issued to a household with two or more persons, of which no more than five may be a king salmon if taken by dip net.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would reduce the total annual limit for a household of one person from 200 salmon to 30 salmon, a household with two or more persons from 500 salmon to 60 salmon plus 10 additional salmon per additional household members over two persons.

BACKGROUND: The current household annual limits for the upper Copper River subsistence fishery have been in effect since the mid-1960's, with some variation over time based on income level and household size. The Glennallen

and Chitina subdistricts were created in 1977. Since 1984, the current Glennallen Subdistrict household annual limits have remained unchanged.

The Glennallen Subdistrict has been dual managed by the Department and federal government since 1999. Since 2002, participants in the fishery are required to have a state issued permit (all Alaska residents) or a federal permit (only federally-qualified rural Alaska residents) with no difference in bag and possession limits. Participation in the Glennallen Subdistrict subsistence fishery has not changed due to the two permit sources. Over the past 10 years an average of 1,233 permits have been issued annually with a range from 1,010 to 1,466 (combined state and federal) permits issued.

No Copper River salmon stocks have been designated as a stock of concern. The annual harvest (state estimated plus federal reported) of sockeye salmon from the Glennallen Subdistrict has averaged 71,583 and has ranged from 58,800 to 83,657 salmon from 1998-2007. The king salmon harvest has averaged 3,448 fish and has ranged from 1,842 to 4,856 salmon from 1998-2007. The Amount Necessary for Subsistence (ANS) for the Glennallen Subdistrict is 61,000-82,500 salmon.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** due to the allocative aspects of this proposal.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes (5 AAC 01.616(a)(1)).

3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? In the portion of the Glennallen Subdistrict from the southern boundary of the subdistrict at the downstream edge of the Chitina-McCarthy Road Bridge to the mouth of the Tonsina River: 25,500 – 39,000 salmon; in the portion from the mouth of the Tonsina River upstream to the mouth of the Gakona River: 23,500 – 31,000 salmon; in the portion from the mouth of the Gakona River upstream to the mouth of the Slana River, and the waters of the Copper River as described in 5 AAC 01.647(i)(3): 12,000 – 12,500 salmon (5 AAC 01.616(b)(1)). The total for the Glennallen Subdistrict which includes these three portions is 61,000 – 82,500 salmon.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 18 - 5 AAC 24.360. Copper River District Salmon Management Plan.

PROPOSED BY: Mike Babic.

WHAT WOULD THE PROPOSAL DO? Modify the Copper River Management Plan by requiring monitoring programs for the Glennallen Subdistrict subsistence fishery, Chitina Subdistrict personal use fishery, and the upper Copper River sport fisheries.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 24.360 (a) The department shall manage the Copper River District commercial salmon fishery to achieve a sustainable escapement goal of 300,000 – 500,000 sockeye salmon into the Copper River.

(b) The department shall manage the Copper River District commercial salmon fishery to achieve an inriver goal of salmon, as measured at the sonar counter near Miles Lake, based on the total of the following categories:

Spawning escapement	300,000 sockeye 17,500 other salmon
Glennallen Subdistrict subsistence fishery salmon	61,000 - 82,500
Chitina Subdistrict personal use fishery salmon	100,000 - 150,000
Sport fishery	15,000
Hatchery brood (sockeye salmon)	estimated annually
Hatchery surplus (sockeye salmon)	estimated annually
TOTAL	estimated annually

(c) The department shall establish the subsistence component of the inriver goal within the range of 160,000 – 225,000 salmon to ensure subsistence harvest needs will be met.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would create duplicity in the regulations by requiring monitoring programs for the upper Copper River subsistence, personal use, and sport fisheries as part of the Copper River District Management Plan. The management direction for these fisheries is already included in existing plans.

BACKGROUND: Management of the Copper River salmon fisheries is guided by the Copper River Subsistence Salmon Fisheries Management Plan (5 AAC 01.647), the Copper River District Salmon Management Plan (5 AAC 24.360), the Copper River King Salmon Management Plan (5 AAC 24.361), and the Copper River Personal Use Dip Net Salmon Fishery Management Plan (5 AAC 77.591). These plans, in concert with Emergency Order Authority provided in statute (AS 16.05.060) and regulation (5 AAC 75.003) impose restrictions on fishing area and time, modify bag limits and methods and means, and closure of these fisheries which allows the department to manage the various fisheries to meet spawning escapements.

The department has never had daily harvest reporting from upriver sport fisheries or the Glennallen Subdistrict subsistence fishery. In-season monitoring of the Chitina Subdistrict personal use fishery was discontinued after 1999. The department currently uses an average of the past 3 – 5 years of actual harvest from the Chitina Subdistrict and the Glennallen Subdistrict to determine a harvest component of the inriver goal for a particular year. The harvest component for the upper Copper River sport fisheries is 15,000 salmon by regulation. These components do not include salmon surplus to the inriver goal.

From 2003-2007 sockeye salmon harvest levels in the Chitina Subdistrict personal use, Glennallen Subdistrict subsistence, and upper Copper River sport fisheries have remained within the Amounts Necessary for Subsistence (ANS) for the Glennallen Subdistrict and the harvest allocations for the Chitina Subdistrict and upper Copper River sport fisheries. The Copper River sockeye salmon spawning escapement goal has been met or exceeded every year since 1981.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. The proposal is redundant (5 AAC 24.360 & 5 AAC 24.361) and conflicting (5 AAC 77.591) with existing plans. If implemented, this program would be prohibitively expensive and could create concerns for the accuracy of the daily harvest reporting and potentially result in increased under-reporting. Weekly aerial surveys (15 weeks) and development and implementation of a daily reporting system for the various fisheries would significantly increase department costs for managing these upriver fisheries.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the upper Copper River fisheries.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes (5 AAC 01.616(a)(1)).

3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? In the portion of the Glennallen Subdistrict from the southern boundary of the subdistrict at the downstream edge of the Chitina-McCarthy Road Bridge to the mouth of the Tonsina River: 25,500 – 39,000 salmon; in the portion from the mouth of the Tonsina River upstream to the mouth of the Gakona River: 23,500 – 31,000 salmon; in the portion from the mouth of the Gakona River upstream to the mouth of the Slana River, and the waters of the Copper River as described in 5 AAC 01.647(i)(3): 12,000 – 12,500 salmon (5 AAC 01.616(b)(1)). The total for the Glennallen Subdistrict which includes these three portions is 61,000 – 82,500 salmon.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 19 - 5 AAC 01.630. Subsistence fishing permits.

PROPOSED BY: Bill Webber Jr.

WHAT WOULD THE PROPOSAL DO? Revise the regulations to require daily harvest reporting for subsistence salmon fishing in the Glennallen Subdistrict.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.630(e)(3) permits must be returned to the department no later than October 31, or a permit for the following year may be denied as provided in 5 AAC 01.045(c).

5 AAC 01.630(e)(8) a subsistence permit holder shall record all harvested fish on the permit, in ink, before concealing the fish from plain view or transporting the fish from the fishing site; for purposes of this paragraph "fishing site" means the location where the fish is removed from the water and becomes part of the permit holder's bag limit.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would require subsistence fishers to report their harvest to the department daily rather than recording it on their permit after completing fishing and returning their permit at the end of the season.

BACKGROUND: Over the past 10 years (1998-2007) an average of 1,233 Glennallen Subdistrict subsistence salmon permits have been issued annually ranging from 1,010 to 1,466 permits (combined state and federal).

During the December 2005 meeting the Amounts Necessary for Subsistence (ANS) was increased by the Board to 61,000 to 82,500 salmon from the previous ANS of 60,000 to 75,000 salmon to adjust for harvests above the upper ANS range in 2001 and 2005. In 2006 and 2007 sockeye salmon harvest levels in the Glennallen Subdistrict subsistence fishery remained within the ANS. Annual harvest (state estimated plus federal reported) from the Glennallen Subdistrict averaged 75,819 salmon annually ranging from 64,539 to 86,584 salmon from 1998-2007.

Subsistence fishers are currently required to record their catches on their permit daily and prior to concealing the fish from plain view or transporting the fish from the fishing site. These permits must be presented to department staff and AWT Troopers upon request. Failure to log one's harvest is a bailable offense subject to $100 fine. Post-season permit return rates from 2003 – 2007 have averaged 90%, ranging from 88 – 91%.

The Glennallen Subdistrict consists of over 130 miles of the Copper River mainstem between the Chitina-McCarthy Bridge and Slana. Participants reside in communities spread throughout the state and travel to the fishery via four main roadways.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal due to the undue burden on participants and the Department. Subsistence harvest levels are reviewed on the 3-year BOF cycle and adjustments to the ANS are made at that time. No inseason actions are taken based on daily harvest.

COST ANALYSIS: Adoption of this proposal may result in additional direct costs for private individuals to participate in the Glennallen Subdistrict subsistence fishery, depending on the reporting system the department would need to implement the program.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes (5 AAC 01.616(a)(1)).

3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? In the portion of the Glennallen Subdistrict from the southern boundary of the subdistrict at the downstream edge of the Chitina-McCarthy Road Bridge to the mouth of the Tonsina River: 25,500 – 39,000 salmon; in the portion from the mouth of the Tonsina River upstream to the mouth of the Gakona River: 23,500 – 31,000 salmon; in the portion

from the mouth of the Gakona River upstream to the mouth of the Slana River, and the waters of the Copper River as described in 5 AAC 01.647(i)(3): 12,000 – 12,500 salmon (5 AAC 01.616(b)(1)). The total for the Glennallen Subdistrict which includes these three portions is 61,000 – 82,500 salmon.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 20 - 5 AAC 01.630. Subsistence fishing permits.

PROPOSED BY: Tyee Lohse.

WHAT WOULD THE PROPOSAL DO? Revise the regulations to require 48-hour harvest reporting for subsistence salmon fishing in the Glennallen Subdistrict.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.630(e)(3) permits must be returned to the department no later than October 31, or a permit for the following year may be denied as provided in 5 AAC 01.045(c).

5 AAC 01.630(e)(8) a subsistence permit holder shall record all harvested fish on the permit, in ink, before concealing the fish from plain view or transporting the fish from the fishing site; for purposes of this paragraph "fishing site" means the location where the fish is removed from the water and becomes part of the permit holder's bag limit.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would require subsistence fishers to report their harvest to the department within 48 hours rather than recording it on their permit after completing fishing and returning their permit at the end of the season.

BACKGROUND: Over the past 10 years (1998-2007) an average of 1,233 Glennallen Subdistrict subsistence salmon permits have been issued annually ranging from 1,010 to 1,466 permits (combined state and federal).

During the December 2005 meeting the Amounts Necessary for Subsistence (ANS) was increased by the Board to 61,000 to 82,500 salmon from the previous ANS of 60,000 to 75,000 salmon to adjust for harvests above the upper ANS range in 2001 and 2005. In 2006 and 2007 sockeye salmon harvest levels in the Glennallen Subdistrict subsistence fishery remained within the ANS. Annual harvest (state estimated plus federal reported) from the Glennallen Subdistrict

averaged 75,819 salmon annually ranging from 64,539 to 86,584 salmon from 1998-2007.

Subsistence fishers are currently required to record their catches on their permit daily and prior to concealing the fish from plain view or transporting the fish from the fishing site. These permits must be presented to department staff and AWT Troopers upon request. Failure to log one's harvest is a bailable offense subject to $100 fine. Post-season permit return rates from 2003 – 2007 have averaged 90%, ranging from 88 – 91%.

The Glennallen Subdistrict consists of over 130 miles of the Copper River mainstem between the Chitina-McCarthy Bridge and Slana. Participants reside in communities spread throughout the state and travel to the fishery via four main roadways.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal due to the undue burden on participants and the Department. Subsistence harvest levels are reviewed on the three-year BOF cycle and adjustments to the ANS are made at that time. No inseason actions are taken based on daily harvest.

COST ANALYSIS: Adoption of this proposal may result in additional direct costs for private individuals to participate in the Glennallen Subdistrict subsistence fishery, depending on the reporting system the department would need to implement the program.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes (5 AAC 01.616(a)(1)).

3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? In the portion of the Glennallen Subdistrict from the southern boundary of the subdistrict at the downstream edge of the Chitina-McCarthy Road Bridge to the mouth of the Tonsina River: 25,500 – 39,000 salmon; in the portion from the mouth of the Tonsina River upstream to the mouth of the Gakona River: 23,500 – 31,000 salmon; in the portion from the mouth of the Gakona River upstream to the mouth of the Slana River, and the waters of the Copper River as described in 5 AAC 01.647(i)(3): 12,000 – 12,500 salmon (5 AAC 01.616(b)(1)). The total for the Glennallen Subdistrict which includes these three portions is 61,000 – 82,500 salmon.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

PROPOSAL 21 - 5 AAC 01.620. Lawful gear and gear specifications.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the retention of rockfish and lingcod when harvested with gear that is legal in other subsistence fisheries.

WHAT ARE THE CURRENT REGULATIONS? State of Alaska subsistence regulations for the Prince William Sound Area 5 AAC 01.620 LAWFUL GEAR AND GEAR SPECIFICATIONS (h) specify that groundfish, including lingcod and rockfish may only be taken by a single hand troll, single hand-held line, or single longline, none of which may have more than five hooks attached to it. 5 AAC 01.620 (i) specifies that groundfish taken incidentally in a subsistence salmon net fishery are lawfully taken and may be retained for subsistence purposes.

Current federal subsistence regulations (68 FR 18145, April 15, 2003) allow holders of a Subsistence Halibut Registration Certificate (SHARC) to use set line or hand line gear of not more than 30 hooks including longline, hand line, rod and reel, spear, jig, and hand-troll gear.

5 AAC 01.645 SUBSISTENCE BAG, POSESSION, AND SIZE LIMITS (d) specifies the daily bag limit for lingcod is 2 fish and the possession limit is 4 fish. A person may not take or possess lingcod under sport fishing regulations and under this section on the same day. Lingcod must measure at least 35 inches from the tip of the snout to the tip of the tail, or 28 inches from the front of the dorsal fin to the tip of the tail. Undersized lingcod shall be returned to the water immediately without further injury; (e) specifies that from May 1 through September 15, the daily bag limit of rockfish is 5 fish and the possession limit is 10 fish, of which only 2 per day and 2 in possession may be non-pelagic rockfish, and from September 16 through April 30, the daily bag limit of rockfish is 10 fish and the possession limit is 10 fish, of which only 2 per day and 2 in possession may be non-pelagic rockfish. A person may not take or possess rockfish under sport fishing regulations and under this section on the same day. [Note: Proposal 93 would lower the bag and possession limits for the period May 1 – September 15 to 4 fish and 8 fish, respectively, and lower the bag and possession limits for the period September 16 – April 30 to 8 fish.]

5 AAC 01.610. FISHING SEASONS AND DAILY FISHING PERIODS (f) specifies that lingcod may be taken for subsistence purposes only from July 1 through December 31.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Federal Pacific halibut subsistence fishermen would be able to retain up to 2 lingcod and 5 rockfish per day (10 if fishing from September 16 through April 30) (only two of which could be a non-pelagic rockfish) with a possession limit of 4 lingcod and 10 rockfish (only two of which could be a non-pelagic rockfish) while participating as a SHARC holder in the federal Pacific halibut subsistence fishery. If the board adopts Proposal 93, the bag and possession limits for rockfish would be reduced, as noted above.

BACKGROUND: In that portion of the Prince William Sound Management Area outside the Valdez Non-rural Area, subsistence halibut fishers, fishing under federal subsistence regulations adopted by the National Marine Fisheries Service and in effect since 2003, incidentally catch rockfish and lingcod on subsistence gear utilizing more hooks than currently allowed under subsistence regulations for rockfish and lingcod.

The Board of Fisheries has found that rockfish and lingcod in the Prince William Sound Area outside the Valdez Non-subsistence Area are customarily and traditionally taken or used for subsistence, and has established amounts reasonably necessary for subsistence uses of these fish stocks (5 AAC 01.616(c)(d)).

According to the results of surveys of subsistence halibut fishers conducted by the Division of Subsistence, ADF&G, an annual average of 84 subsistence halibut fishers (range 62 to 108) harvested an annual average 794 rockfish (range 719 to 911) in Prince William Sound from 2003 through 2006. About 29% of all subsistence halibut fishers harvested at least one rockfish. Also, an average of 44 subsistence halibut fishers (range 35 to 57) harvested an average of 111 lingcod (range 93 to 143) in this area from 2003 through 2006. About 15% of all subsistence halibut fishers harvested at least one lingcod (Division of Subsistence Technical Papers 288, 304, 320, and 333 by Fall et al.). Additional subsistence harvests of rockfish and lingcod occur independent of the subsistence halibut fishery, but these harvests are not monitored annually.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal. The board in January 2005 adopted a similar department proposal for the Kodiak Area (5 AAC 01.520 (e)(f)), and in November 2007 adopted a similar department proposal for the Cook Inlet Area (5 AAC 01.570), to address the same issue in those areas. The proposal addresses a potential resource conservation issue. Discard of rockfish and lingcod would result in waste of a resource used for subsistence purposes. Additional subsistence harvest effort on rockfish and

lingcod could result if subsistence fishers are required to discard their incidental harvests in the subsistence halibut fishery.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The Board has found that groundfish in those portions of the Prince William Sound Area outside the boundaries of the nonsubsistence area described in 5 AAC 99.015(a)(5) are customarily and traditionally used for subsistence (5 AAC 01.616(c)).

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use? The Board has established a range of 1,000 to 1,500 lingcod (5 AAC 01.616 (d)(1)) and 7,500 – 12,500 rockfish (5 AAC01.616(d)(2)) in the Prince William Sound Area.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a board determination.

Personal Use:

PROPOSAL 22 - 5 AAC 77.591. Copper River Personal Use Dip Net Salmon Fishery Management Plan.

PROPOSED BY: Fairbanks Advisory Committee and Chitina Dipnetters Association.

WHAT WOULD THE PROPOSAL DO? Delete the language in 5 AAC 77.591 (e) that directs the department to issue supplemental permits for 10 additional sockeye salmon when a surplus of 50,000 or more salmon passes the sonar and change the possession limits for a household of two or more persons to 30 salmon plus 10 additional sockeye salmon for each household member over two persons.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 77.591(e) The annual limit for a personal use salmon fishing permit is 15 salmon for a household of one

person and 30 salmon for a household of two or more persons, of which no more than one may be a king salmon. However, when the department determines that a weekly harvestable surplus of 50,000 or more salmon will be present in the Chitina Subdistrict, the commissioner shall establish, by emergency order, weekly periods during which the department shall issue a supplemental permit for 10 additional sockeye salmon to a permit applicant who has already harvested the annual limit. King salmon may not be taken under the authority of a supplemental permit. A supplemental permit will be valid from Monday to the following Sunday of the week in which the surplus salmon are expected to be present in the Chitina Subdistrict. The department may issue an additional supplemental permit to a permittee who has met the limits of previously issued supplemental permit.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would eliminate supplemental harvest permit when a surplus of 50,000 salmon or more are present and increase the annual limit for households with more than two persons, based on the number of household members.

BACKGROUND: Over the past 5 years (2003-2007) a range of 6,440 to 8,566 state permits have been issued for the Chitina Subdistrict personal use fishery. During this 5 year period, 48% of the permits were issued to households with more than two persons.

From 2003-2007 there have been a total of eight supplemental periods 1 in 2004, 2 in 2005, 1 in 2006, and 4 in 2007. The average supplemental harvest per period over these five years has been 1,936 salmon. The average number of permits that logged supplemental harvests over the last 5 years was 207 permits per supplemental period.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** due to the allocative aspects of this proposal. If adopted this proposal will likely increase the overall harvest within the Chitina Subdistrict and will reduce the harvest opportunity through supplemental harvest for households with 2 or less persons while increasing the annual limit for households with more than two persons.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the Chitina Subdistrict personal use fishery.

PROPOSAL 23 - 5 AAC 77.591. Copper River Personal Use Dip Net Salmon Fishery Management Plan.

PROPOSED BY: Fairbanks Advisory Committee and Chitina Dipnetters Association.

WHAT WOULD THE PROPOSAL DO? Change the period used to determine a 50,000 salmon surplus from Monday through Sunday to any 7 consecutive days a 50,000 salmon surplus occurs to trigger a supplemental period in the Chitina Subdistrict personal use fishery.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 77.591(e) The annual limit for a personal use salmon fishing permit is 15 salmon for a household of one person and 30 salmon for a household of two or more persons, of which no more than one may be a king salmon. However, when the department determines that a weekly harvestable surplus of 50,000 or more salmon will be present in the Chitina Subdistrict, the commissioner shall establish, by emergency order, weekly periods during which the department shall issue a supplemental permit for 10 additional sockeye salmon to a permit applicant who has met the annual limit. King salmon may not be taken under the authority of a supplemental permit. A supplemental permit will be valid from Monday to the following Sunday of the week in which the surplus salmon are expected to be present in the Chitina Subdistrict. The department may issue an additional supplemental permit to a permittee who has met the limits of previously issued supplemental permit.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would require the Department to open a supplemental period after any consecutive seven day period with a cumulative surplus of 50,000 salmon past the Miles Lake sonar.

BACKGROUND: A pre-season schedule of weekly (Monday – Sunday) openings are established for the Chitina Subdistrict based on the anticipated number of salmon passing the Miles Lake sonar. These openings are adjusted inseason by emergency order with the duration of the openings determined by the actual number of salmon passing the Miles Lake sonar from Monday – Sunday. Based on previous migration studies, a 2 - 3 week lag time is used from the date of sonar passage to when those salmon will be present in the Chitina Subdistrict for corresponding fishing openings. This process provides a minimum of 5 – 6 days public notice of adjustments in the pre-season schedule by an emergency order issued every Tuesday or Wednesday to announce the duration of the fishing opening for the following week.

Supplemental periods coincide with the Monday – Sunday fishing period allowing a single emergency order for weekly schedule adjustments and opening of the supplemental period. Using a 7 consecutive day period for determining supplemental periods may create supplemental periods that open in the middle of a regulatory week and close in the middle of the following week.

From 2003-2007 there have been eight supplemental periods 1 in 2004, 2 in 2005, 1 in 2006, and 4 in 2007. The average supplemental harvest per period over these five years has been 1,936 salmon. The proposed method for calculating the

supplemental period would have resulted in 4 additional periods between 2003 and 2007 (2 periods in 2006 and one period each in 2005 and 2004).

DEPARTMENT COMMENTS: The Department is **NEUTRAL** due to the allocative aspects of this proposal. If adopted this proposal may increase the overall harvest within the Chitina Subdistrict. Random occurrence of supplemental periods will create confusion for fishery participants and complicate public notification of when these periods occur.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the Chitina Subdistrict personal use fishery.

PROPOSAL 24 - 5 AAC 77.591. Copper River Personal Use Dip Net Salmon Fishery Management Plan.

PROPOSED BY: Mike Babic.

WHAT WOULD THE PROPOSAL DO? Eliminate supplemental permits for the remainder of the season in the Chitina Subdistrict personal use fishery if the Copper River District commercial fishery is closed for 8 or more days.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 77.591(e) The annual limit for a personal use salmon fishing permit is 15 salmon for a household of one person and 30 salmon for a household of two or more persons, of which no more than one may be a king salmon. However, when the department determines that a weekly harvestable surplus of 50,000 or more salmon will be present in the Chitina Subdistrict, the commissioner shall establish, by emergency order, weekly periods during which the department shall issue a supplemental permit for 10 additional sockeye salmon to a permit applicant who has met the annual limit. King salmon may not be taken under the authority of a supplemental permit. A supplemental permit will be valid from Monday to the following Sunday of the week in which the surplus salmon are expected to be present in the Chitina Subdistrict. The department may issue an additional supplemental permit to a permittee who has met the limits of previously issued supplemental permit.

5 AAC 77.591(f) The maximum harvest level for the Chitina Subdistrict personal use salmon fishery is 100,000 – 150,000 salmon, not including any salmon in excess of the inriver goal or salmon taken after August 31. If the Copper River District commercial salmon fishery is closed for 13 consecutive days, the maximum harvest level in the Chitina Subdistrict is reduced to 50,000 salmon.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would reduce the number of consecutive days from 13 to 8 that the

Copper River District commercial fishery would need to be closed to trigger a reduction in the allocation for the Chitina Subdistrict personal use fishery. In addition, issuing supplemental permits following this restriction would be prohibited for the remainder of the season.

BACKGROUND: Weekly fishing time in the Chitina Subdistrict personal use fishery is based upon the number of fish counted past the Miles Lake sonar and catch per unit effort statistics for the fishery. A pre-season schedule is established based on the Chitina Subdistrict personal use fishery allocation within the inriver goal for salmon passing the Miles Lake sonar. If actual salmon passage by the sonar is weaker than projected, the fishing time for the personal use fishery is reduced. If actual salmon passage is at or above the projected, the fishing time for the personal use fishery remains as set in the pre-season fishing schedule or is increased. If there is a surplus of 50,000 or more salmon, a supplemental period will occur. The Copper River Personal Use Dip Net Salmon Fishery Management Plan was designed with this process to ensure spawning escapement is met.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on the allocative aspects of this proposal and **OPPOSED** to the biological implications of it. Prohibiting supplemental openings when a surplus of late run salmon are available is in conflict with the department's management practice of allowing opportunity to harvest salmon surplus to escapement needs.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the Chitina Subdistrict personal use fishery.

PROPOSAL 25 - 5 AAC 77.591. Copper River Personal Use Dip Net Salmon Fishery Management Plan and 5 AAC 52.024. Harvest record required; annual limit.

PROPOSED BY: Fairbanks Advisory Committee.

WHAT WOULD THE PROPOSAL DO? Increase the Chitina Subdistrict personal use fishery household limit for king salmon to four (4) and alter the recording requirements for sport caught king salmon.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 77.591(e) The annual limit for a personal use salmon fishing permit is 15 salmon for a household of one person and 30 salmon for a household of two or more persons, of which no more than one may be a king salmon. However, when the department determines that a weekly harvestable surplus of 50,000 or more salmon will be present in the Chitina Subdistrict, the commissioner shall establish, by emergency order, weekly periods during which the department shall issue a supplemental permit for 10

additional sockeye salmon to a permit applicant who has met the annual limit. King salmon may not be taken under the authority of a supplemental permit. A supplemental permit will be valid from Monday to the following Sunday of the week in which the surplus salmon are expected to be present in the Chitina Subdistrict. The department may issue an additional supplemental permit to a permittee who has met the limits of a previously issued supplemental permit.

5 AAC 52.024(b) Immediately upon landing a king salmon 20 inches or greater in length from the waters of the Upper Copper River and Upper Susitna River Area, the angler shall enter the date and location of the catch, in ink, on the harvest record.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would increase the household limit for king salmon in the Chitina Subdistrict personal use fishery from one (1) to four (4). It would require that three (3) of the four (4) king salmon household limit be counted against any member of the household's individual annual limit of four (4) sport caught king salmon and be recorded on that individual's sport fish license or harvest record.

BACKGROUND: The annual household limit of king salmon in the Chitina Subdistrict personal use fishery was reduced from 4 to 1 in 2000. In the five years prior to the reduction of the household limit harvest of king salmon averaged 5,275 salmon. Over the last five years (2003-2007) king salmon harvests have averaged 2,360 salmon per year.

The annual bag limit of sport caught king salmon in the Upper Copper Upper Susitna Management Area was reduced from 5 to 4 in 2000. In the five years prior to the annual bag limit reduction (1995-1999), sport harvest of king salmon averaged 7,832 salmon. Over the last five years (2003-2007) king salmon sport harvests have averaged 4,359 salmon.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** due to the allocative aspects of this proposal. Based on the personal use harvest levels when the king salmon bag limit was four fish and that the other household members on a personal use permit could still take their entire king salmon annual limit on their individual sport license, there may be an increase in the overall harvest of king salmon for the personal use and sport fisheries combined.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the Chitina Subdistrict personal use fishery or the upper Copper River king salmon sport fishery.

PROPOSAL 26 - 5 AAC 77.591. Copper River Personal Use Dip Net Salmon Fishery Management Plan.

PROPOSED BY: Shawn Gilman.

WHAT WOULD THE PROPOSAL DO? Require record of number of fish harvested by species and passengers transported by charter/transporters in the personal use fishery.

WHAT ARE THE CURRENT REGULATIONS? There are not specific regulations regarding charters or transporters in the Chitina Subdistrict personal use fishery.

5 AAC 77.591(d) A personal use salmon fishing permit holder shall record all harvested salmon on the permit, in ink, before concealing the salmon from plain view or transporting the salmon from the fishing site. Permits must be returned to the department and the conditions specified in 5 AAC 77.015(c) must be met. For the purposes of this subsection, "fishing site" means the location where the salmon is removed from the water and becomes part of the permit holder's bag limit.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would require businesses providing transportation services to personal use participants in the Chitina Subdistrict to provide information on the number of clients and number of fish by species harvested by the clients.

BACKGROUND: Each household which is issued a Chitina Subdistrict personal use dip net salmon fishing permit is required to record their harvest prior to concealing the fish from view or transporting the salmon from the fishing site and designate whether they fished from shore or a boat. The reported harvest from the returned household permits is then used to estimate participation and harvest by species post season. There are currently only 3 – 4 known commercial transport operations working in the Chitina Subdistrict.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. The proposal duplicates information already collected from household permits and information on how personal use fishers access the fishing areas is not necessary for the management of this fishery.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the Chitina Subdistrict personal use fishery.

PROPOSAL 27 - 5 AAC 77.591. Copper River Personal Use Dip Net Salmon Fishery Management Plan.

PROPOSED BY: Anchorage Advisory Committee; Matanuska Valley Advisory Committee; Fairbanks Advisory Committee; and South Central Alaska Dip-Netters Association.

WHAT WOULD THE PROPOSAL DO? Extend the boundary of the Chitina Subdistrict to include the Chitina River downstream of the confluence of the Kuskulana River.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 77.591(h) For the purposes of this section, the Chitina Subdistrict consists of all waters of the mainstem Copper River from the downstream edge of the Chitina-McCarthy Road Bridge downstream to an east-west line crossing the Copper River as designated by ADF&G regulatory markers located approximately 200 yards upstream of Haley Creek.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would allow personal use dip netting in the Chitina River up to its confluence with the Kuskulana River.

BACKGROUND: Radio-telemetry data indicate that the Chitina River drainage represented only 5 – 8% of radio-tagged sockeye salmon from 2005 - 2007 and may represent as few as 3 – 5 individual stocks. The Chitina River drainage represents the second lowest proportion of radio-tagged fish ascending the major tributaries of the Copper River, exceeding only the Tonsina River.

Access to the Chitina River is limited to boat traffic. The uplands on either side of the Chitina River upstream to the Kuskulana River are private lands.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on the allocative aspects of this proposal and **OPPOSED** to the biological aspects of the proposal. Chitina River stocks are currently harvested in the Chitina Subdistrict along with upper Copper River stocks. Extending the fishery into the Chitina River would likely put additional pressure on the Chitina River stocks.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the Chitina Subdistrict personal use fishery.

COMMITTEE B- PRINCE WILLIAM SOUND GROUNDFISH, HERRING, AND SHELLFISH (30 PROPOSALS)

Groundfish and Herring:

PROPOSAL 28 - 5 AAC 27.310(b). Fishing seasons and periods for Prince William Sound Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal will amend regulation 5 AAC 27.310 (b) to allow the herring food and bait fishery to be managed by emergency order.

WHAT ARE THE CURRENT REGULATIONS? The current regulation states that herring may be taken for food or bait from October 1 to January 31.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? This proposal would allow the herring food and bait fishery to be managed by emergency order.

BACKGROUND: Currently, the spring sac roe, the spring spawn on kelp not in pounds and the spawn on kelp in closed or open pounds fisheries are only open during periods established by emergency order (5 AAC 27.310 (a, c and d)). However, the food and bait fishery is open from October 1 through January 31 and has been closed by emergency order since 1999 due to spawning biomass below the regulatory threshold of 22,000 tons spawning biomass. Modification of the regulation to open the season by emergency order will bring this regulation in line with other herring management practices in PWS. Additionally, this adjustment would make this regulation more consistent throughout the state with Southeast, Kodiak, Yakutat, Chignik, and the Alaska Peninsula-Aleutian Islands all managing herring fisheries by emergency order.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 29 - 5 AAC 28.210. Fishing seasons for Prince William Sound Area.

PROPOSED BY: Jim Herbert.

WHAT WOULD THE PROPOSAL DO? This proposal would provide for a sablefish season in the Prince William Sound Area from May 1 through August 31.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify that the season is open from March 15 through May 15 and from August 1 through August 21.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would eliminate the early portion of the sablefish season and provide for a continuous 123-day season from May through August. Some individuals register for the fishery and then fail to participate; a longer season may increase overall participation by limited entry permit holders resulting in achievement of a greater proportion of the fishery GHL.

BACKGROUND: In 2003, the BOF restructured the PWS sablefish fishery from a derby style fishery with a season as short as 26 hours to a shared quota fishery with a split (spring and summer) season of 83 days duration. The spring season opening dates were set to coincide with the opening date of the federal IFQ halibut season and to bracket the traditional PWS sablefish season in early May.

Benefits of the restructured fishery were reduced hook loss due to gear conflicts and greater opportunity to retain and care for halibut by those permit holders with IFQ. However, a negative component of the extended season was an increased occurrence of Orca whale depredation on hooked sablefish, possibly due to the less intense activity on the fishing grounds, during the March through early May portions of the season. Beginning in early spring of the 2005 season the department received complaints from fishery participants with speculative estimates of sablefish lost to whales as high as 50-80 percent of the trip's catch.

In time, fishery participants realized the best means to avoid Orca depredations was to forfeit fishing opportunity during the spring season until the first week of May when it appears that many of the Orca whales depart PWS in pursuit of other food sources. Recognizing the forfeited fishing opportunity, since 2006 the department has extended the summer season 17 days to include the last week of July and later part of August. The number of Orca interactions reported in sablefish logs decreased from 35 in 2005 to 10 in 2007 and 15 in 2008. Eighty-eight percent of these occurred in March and April.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal and is **NEUTRAL** to any allocative effects resulting from a later season opening date. The department has been able to achieve sampling goals during the recent, "extended" seasons, but is uncertain what effect a longer season during a slightly different period might have on this success. The department has limited resources to collect biological samples from harvests in a longer season, especially for those ports such as Whittier, Valdez, and Seward where there is no department staff. If changes occur that negatively impact the current sampling success, the department will revisit the season duration with the board. Although some fishermen may have difficulty adjusting to a later fishing season opening date, the longer season would likely result in increased effort with a greater proportion of the GHL being achieved.

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

PROPOSAL 30 - 5 AAC 28.210. Fishing seasons for the Prince William Sound Area.

PROPOSED BY: Richard Casciano, Cordova District Fishermen United.

WHAT WOULD THE PROPOSAL DO? This proposal would provide for a sablefish season in the Prince William Sound Area from April 15 through August 31. The later starting date is meant to reduce Orca whale depredations on sablefish.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify that the season is open from March 15 through May 15 and from August 1 through August 21.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would eliminate the March 15–April 14 portion of the sablefish season and provide for a 139-day continuous season from April 15 through August. Some individuals register for the fishery and then fail to participate; a longer season may increase overall participation by limited entry permit holders resulting in achievement of a greater proportion of the fishery GHL.

BACKGROUND: In 2003, the BOF restructured the PWS sablefish fishery from a derby style fishery with a season as short as 26 hours to a shared quota fishery with a split (spring and summer) season of 83 days duration. The spring season opening dates were set to coincide with the opening date of the federal IFQ halibut season and to bracket the traditional PWS sablefish season in early May.

Benefits of the restructured fishery were reduced hook loss due to gear conflicts and greater opportunity to retain and care for halibut by those permit holders with IFQ. However, a negative component of the extended season was an increased occurrence of Orca whale depredation on hooked sablefish, possibly due to the less intense activity on the fishing grounds, during the March through early May portions of the season. Beginning in early spring of the 2005 season the department received complaints from fishery participants with speculative estimates of sablefish lost to whales as high as 50-80 percent of the trip's catch.

In time, fishery participants realized the best means to avoid Orca depredations was to forfeit fishing opportunity during the spring season until the first week of May when it appears that many of the Orca whales depart PWS in pursuit of other food sources. Recognizing the forfeited fishing opportunity, since 2006 the department has extended the summer season 17 days to include the last week of July and later part of August. The number of Orca interactions reported in sablefish logs decreased from 35 in 2005 to 10 in 2007 and 15 in 2008. Eighty eight percent of these occurred in March and April.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal, but is **NEUTRAL** to any allocative effects resulting from a later season opening date. A season starting date of April 15 would likely reduce some occurrences of Orca depredation, but a starting date in May would further reduce that potential. Although some fishermen may have difficulty adjusting to a later fishing season opening date, the longer season would likely result in increased effort with a greater proportion of the GHL being achieved.

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

PROPOSAL 31 - 5 AAC 28.220. Permits for Prince William Sound Area (a) and **5 AAC 28.272. Sablefish harvest, possession and landing requirements for Prince William Sound Area (e),(f).**

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would remove the commissioner's permit requirement from regulation 5 AAC 28.220(a) and add provisions of the commissioner's permit to regulation 5 AAC 28.272.

WHAT ARE THE CURRENT REGULATIONS? Current regulation 5 AAC 28.220 specifies in part that sablefish in the PWS Area may only be taken under the conditions of a commissioner's permit and that the permit may specify log

book, harvest reporting requirements and other requirements necessary for management of the fishery.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, fishery participants would still have to comply with regulatory requirements for prior notice of landing and log books. However, fishermen and others will benefit from the availability of a complete regulatory reference.

BACKGROUND: The commissioner's permit requirement was intended to provide the department the ability to refine management of the restructured sablefish fishery. Two permit stipulations, prior notice of landing and the logbook requirement have been integral to successful management of the fishery. The prior notice of landing requirement has provided the department greater opportunity to sample and characterize the commercial harvest in regard to length, weight, age and sex, and maturity. The log book requirement has provided the department the opportunity to track the fishery over time for trends and changes in fishing location, gear, CPUE and bycatch.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. These provisions of the commissioner's permit have been tested and fishery participants will benefit by having a complete regulatory reference rather than relying on the text of the permit.

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

PROPOSAL 32 - 5 AAC 28.210(c) Fishing Seasons for Prince William Sound Area.

PROPOSED BY: Robert A. Smith.

WHAT WOULD THE PROPOSAL DO? This proposal would amend the lingcod directed fishery season dates to July 1 - December 1 and allow individuals engaged in any PWS groundfish fishery and in possession of any State of Alaska groundfish permit to retain up to 10% dressed weight of lingcod as bycatch in other directed fisheries. If adopted, the regulation would be effective for three years beginning 1/1/2009.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 28.210 specifies that lingcod may be retained from July 1 through December 31. Regulation 5 AAC 28.070 sets an allowable bycatch retention allowance of 20%, by weight, to other directed groundfish and halibut fisheries.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would reduce the current bycatch allowance from 20% round weight to 10% dressed weight lingcod bycatch allowance for all directed groundfish fisheries in the PWS Area on a year around basis with a consequent increase and reallocation of harvest. It is unlikely that a 30-day reduction of the directed season in December would affect total harvest.

BACKGROUND: The department does not assess lingcod. Lingcod season dates are designed to avoid harvest during spawning and subsequent nest guarding by males, which begins in approximately mid-December and typically lasts through mid-May to early June. Guideline harvest levels (GHL) for lingcod in the PWS Area were established in 1998 at 75% of the previous 10 year average harvest level. This resulted in a GHL of 22,500 lb for the Outside District including federal waters of the EEZ and a GHL of 5,500 lb for the Inside District of PWS. In 2008, these GHL's were adjusted to 100% of the average harvest level, which resulted in 25,300 lb for the Outside District including federal waters of the EEZ and 7,300 lb for the Inside District of PWS. Since 2003, the lingcod season in the Outside District and federal waters of the EEZ has closed as early as July 25 and as late as August 19. Likewise, the lingcod season in the Inside District has closed as early as August 6 and as late as October 13. Currently most lingcod harvest occurs as bycatch to the IFQ halibut fishery. Halibut is not defined as a "groundfish" in regulation and therefore halibut fishers would not be affected by the reduced bycatch allowance.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal; retention of lingcod during nest guarding has the potential to reduce or eliminate recruitment from that year's mating pairs. The department is **NEUTRAL** to any allocative aspects of the proposal resulting from a different season or expanded retention allowances of lingcod taken as bycatch in other directed fisheries. Lingcod do not have a swim bladder, do not suffer barotrauma, and therefore may be released. Because all bycatch allowance is currently calculated using round weights, the department recommends that lingcod bycatch calculation remain consistent with the statewide regulation.

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

PROPOSAL 33 - 5AAC 55.xxx. New section but the department believes it should be cited as **5 AAC 28.210 (c). Fishing Seasons for Prince William Sound Area.**

PROPOSED BY: Cordova District Fishermen United, Groundfish Division.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to clarify the regulation governing retention of lingcod taken during a commercial gillnet season.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 28.230 Lawful Gear for Prince William Sound Area (b) specifies that groundfish taken incidentally by drift gillnet gear operated for salmon consistent with applicable state laws and regulations are legally taken and possessed. Regulation 5 AAC 28.210 Fishing Seasons for Prince William Sound Area (c) specifies that lingcod may be taken only from July 1 through December 31. Regulation 5 AAC 28.270 Possession Requirements for Prince William Sound Area (a) specifies in part that lingcod retained must measure at least 35 inches from the tip of the snout to the tip of the tail, and section (c) specifies in part that all lingcod be delivered with the head on and external area one inch forward of the vent remain intact as evidence of gender.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would clarify in a single regulatory reference the conditions under which lingcod may be retained by salmon drift gillnet fishermen.

BACKGROUND: The department does not assess lingcod. Season dates are designed to avoid any lingcod harvest during spring and early summer nest guarding by males. Guideline harvest levels (GHL) for lingcod in the PWS Area were established in 1998 at 75% of the previous 10 year average harvest level. This resulted in a GHL of 22,500 lb for the Outside District including federal waters of the Exclusive economic zone (EEZ) and a GHL of 5,500 lb for the Inside District of PWS. In 2008, these GHL's were adjusted to 100% of the average harvest level which resulted in GHL's of 25,300 lb for the Outside District including federal waters of the EEZ and a GHL of 7,300 lb for the Inside District of PWS. Over the past five years the lingcod season in the Outside District and EEZ has closed as early as July 25 and as late as August 19. Likewise, the lingcod season in the Inside District has closed as early as early as August 6 and as late as October 13. Currently most lingcod harvest occurs as bycatch to the IFQ halibut fishery.

Regulatory language regarding gear, season, and possession requirements for lingcod are scattered throughout several regulations, which has resulted in some confusion for salmon drift gillnet fishermen.

DEPARTMENT COMMENTS: The department **SUPPORTS** the proposal. Clarity in regulations benefits both users and regulatory agencies. The department recommends the board consider amending 5 AAC 28.230 to clarify the conditions for retention of groundfish bycatch by salmon drift gillnet fishermen.

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

PROPOSAL 34 - 5 AAC 28.267. Prince William Sound Pacific Cod Management Plan. Amend the regulation to allow for openings and closures by emergency order in the Pacific cod parallel fishery to coincide with the initial federal season in the Eastern Gulf of Alaska.

PROPOSED BY: Robert A. Smith.

WHAT WOULD THE PROPOSAL DO? This proposal would link the PWS parallel Pacific cod season with the Eastern Gulf of Alaska (EGOA) season rather than the Central Gulf of Alaska (CGOA) season.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AC 28.267 (b) specifies in part that the commissioner will open and close a parallel season in the Prince William Sound Area to coincide with the initial federal season in the Central Gulf of Alaska Area. Subsection (c) of the plan mandates a "state waters season" to open 7 days following closure of the directed federal season in the CGOA and subsection (e) establishes a state waters season Pacific cod guideline harvest level (GHL) calculated as 10% of the EGOA acceptable biological catch (ABC) and restricts gear in the state waters season to no more than 60 pots or 5 jigging lines. Subsection (d) of the plan allows the commissioner to open and close seasons at other times provided certain conditions are met. Regulation 5 AAC 28.087 defines "parallel groundfish fisheries" as corresponding with the times, area, and unless otherwise specified, the gear of the federal season in adjacent federal waters. Regulation 5 AAC 28.230 specifies legal groundfish gear for PWS and restricts the use of non-pelagic trawl gear.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would open the PWS parallel Pacific cod season on January 1 and it would likely remain open for the entire calendar year. This would effectively "strand" the state waters season Pacific cod allocation because the state waters season is closed when the parallel season is open. Effort and harvest in a year around parallel season would increase beyond current levels but the extent is unpredictable. Retention of Pacific cod as bycatch in other directed groundfish and halibut fisheries would also likely increase. Finally, increased longline effort by fishers that do not possess either halibut IFQ or a PWS sablefish limited entry permit could be expected to result in the discard mortality of these more valuable fish species.

BACKGROUND: The commercial Pacific cod fishery in state waters was historically regulated via emergency order to coincide with inseason adjustments

for the federal season in the adjacent CGOA. This fishery was adopted into regulation in 1996 and termed a "parallel season". This season opens and closes annually via emergency order and may be prosecuted with longline, pot, and jig gear with no limits on the amount of gear. All parallel season harvest as well as any Pacific cod bycatch to other directed halibut or groundfish fisheries is accounted against the federal total allowable catch (TAC). Seven days after the parallel Pacific cod season closes, a "state waters" Pacific cod season opens to pot and jig gear with a harvest allocation that is currently calculated as 10% of the federal EGOA ABC but that could increase to 25% of the ABC. During this season, Pacific cod may also be retained at the 20% bycatch level to other directed fisheries.

Pacific cod in the federal CGOA is managed for an annual total allowable catch (TAC) that is apportioned 60% to an "A" season beginning January 1 and 40% to a "B" season beginning September 1. The A season typically closes in late February or early March and remains closed until the September B season reopening. The CGOA TAC has not been attained since 2005 resulting in a B season that remained open from September through December. In contrast, directed fishing for Pacific cod in the EGOA typically remains open year around because the TAC is seldom achieved.

Early parallel seasons spanned January 1 to approximately mid-March and more recently have shortened to nearly two months in duration. Peak harvests in the PWS parallel Pacific cod fishery occurred during 1990-1995 and averaged 1.7 million lb annually. From 1996-2000, harvests declined to less than 1.0 million pounds in all years except 1999, when the harvest totaled 1.3 million pounds. The Pacific cod harvest during parallel seasons since 2001 ranged from 735,963 lb in 2001 to 11,204 lb in 2005. In 2007 and 2008 when the B season opened, the department reopened the parallel Pacific cod season under subsection (d) of the plan. The 2007 fall season remained open through December 31. In 2008, the parallel season dates were January 1-February 20 and September 1-October 3. The 2007 harvest with an extended season totaled 80,417 pounds and the 2008 harvest, with a shorter season, yielded approximately 42,363 pounds.

The decline in parallel season catch and effort can be attributed to a variety of biological and economic factors such as shorter seasons that closed prior to the formation of local area aggregations of spawning Pacific cod, loss of yelloweye rockfish harvest opportunity due to restructuring of the PWS rockfish fishery to a bycatch-only fishery, high ex-vessel prices for halibut and sablefish, and increased fixed costs for fishermen.

The PWS state waters season Pacific cod allocation has never been achieved; harvest and effort have remained relatively low and have declined since the season began in 1997 from a high of 418,994 pounds in 1998 to no harvest in 2002. Although state waters season harvests during 2003-2006 are confidential due to low participation, they approached 45% of the GHL during one year but

collectively have averaged less than 25% of the combined GHL's. The harvest in 2007 was 345,684 pounds or 38% of the 911,000 pounds GHL from 20 landings by 3 vessels. The preliminary 2008 harvest in the state waters Pacific cod fishery was 3,492 pounds from 3 landings by 3 vessels.

The PWS state waters Pacific cod fishery has likely failed to develop because the proven habitat within the PWS area is located a considerable distance from processors and markets, therefore running time and fuel costs reduce the profitability of the fishery. Additionally, more lucrative fishing opportunity for Pacific cod exists in westward management areas.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. There is clearly a desire to restructure PWS Pacific cod fisheries. The gear restriction and limits on the state waters season were intended to reduce both bycatch and inequities across vessel size groups. Jig gear has been untested in the state waters season. However, a benefit to a longer parallel season would be increased participation by small longline vessels. An important issue, when considering a year round parallel season, is the increased longline bycatch and attendant discard mortality of other more valuable species by fishers that are not eligible to retain those species. Additionally, when the BOF established the state waters Pacific cod fishery it selected pot and jig gears because they are more selective than longline or trawl gears. This effectively minimized the bycatch of rockfish, sablefish and halibut. The department recommends that any solution address the issues of bycatch by longline gear and stranding of the state waters Pacific cod allocation.

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

PROPOSAL 35 - 5 AAC 28.267. Prince William Sound Pacific Cod Management Plan.

PROPOSED BY: Robert A. Smith.

WHAT WOULD THE PROPOSAL DO? This proposal would link the PWS parallel Pacific cod season in those waters of the PWS management area east of 147°00 W. long., to the Eastern Gulf of Alaska (EGOA) Pacific cod season.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AC 28.267 (b) specifies in part that the commissioner will open and close a parallel season in the Prince William Sound Area to coincide with the initial federal season in the Central Gulf of Alaska Area. Subsection (c) of the plan mandates a "state waters season" to open 7 days following closure of the directed federal season in the

CGOA and subsection (e) establishes a state waters season Pacific cod guideline harvest level (GHL) calculated as 10% of the EGOA acceptable biological catch (ABC) and restricts gear in the state waters season to no more than 60 pots or 5 jigging lines. Subsection (d) of the plan allows the commissioner to open and close seasons at other times provided certain conditions are met. Regulation 5 AAC 28.087 defines "parallel groundfish fisheries" as corresponding with the times, area, and unless otherwise specified, the gear of the federal season in adjacent federal waters. Regulation 5 AAC 28.230 specifies legal groundfish gear for PWS and restricts the use of non-pelagic trawl gear.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would open the parallel Pacific cod fishery in the eastern half (east of 147°00 W. long.) of the PWS Area on January 1 and it would likely remain open for the entire calendar year. A year around parallel season in eastern PWS would result in increased effort and harvest beyond current levels, but the extent is unpredictable. Retention of Pacific cod as bycatch in other directed and halibut fisheries would also likely increase. Increased longline effort by fishers that do not possess either halibut IFQ or a PWS sablefish limited entry permit could be expected to result in the discard mortality of these more valuable fish species. In western PWS (west of 147° W. long.) the parallel season would be identical to recent years, closing in late February and followed by a state waters season. There would likely be little change in the current harvest pattern.

BACKGROUND: The commercial Pacific cod fishery in state waters was historically regulated via emergency order to coincide with inseason adjustments for the federal season in the adjacent CGOA. This fishery was adopted into regulation in 1996 and termed a "parallel season". This season opens and closes annually via emergency order and may be prosecuted with longline, pot, and jig gear with no limits on the amount of gear. All parallel season harvest as well as any Pacific cod bycatch to other directed halibut or groundfish fisheries is accounted against the federal total allowable catch (TAC). Seven days after the parallel Pacific cod season closes, a "state waters" Pacific cod season opens to pot and jig gear with a harvest allocation that is currently calculated as 10% of the federal EGOA ABC but that could increase to 25% of the ABC. During this season, Pacific cod may also be retained at the 20% bycatch level to other directed fisheries.

Pacific cod in the federal CGOA is managed for an annual total allowable catch (TAC) that is apportioned 60% to an "A" season beginning January 1 and 40% to a "B" season beginning September 1. The A season typically closes in late February or early March and remains closed until the September B season reopening. The CGOA TAC has not been attained since 2005 resulting in a B season that remained open from September through December. In contrast, directed fishing for Pacific cod in the EGOA typically remains open year around because the TAC is seldom achieved.

Early parallel seasons spanned January 1 to approximately mid-March and more recently have shortened to nearly two months in duration. Peak harvests in the PWS parallel Pacific cod fishery occurred during 1990-1995 and averaged 1.7 million lb annually. From 1996-2000, harvests declined to less than 1.0 million pounds in all years except 1999, when the harvest totaled 1.3 million pounds. The Pacific cod harvest during parallel seasons since 2001 ranged from 735,963 pounds in 2001 to 11,204 pounds in 2005. In 2007 and 2008 when the B season opened, the department reopened the parallel Pacific cod season under subsection (d) of the plan. The 2007 fall season remained open through December 31. In 2008 the parallel season dates were January 1-February 20 and September 1-October 3. The 2007 harvest with an extended season totaled 80,417 pounds and the 2008 harvest, with a shorter season, yielded approximately 42,363 pounds.

The decline in parallel season catch and effort can be attributed to a variety of biological and economic factors such as shorter seasons that closed prior to the formation of local area aggregations of spawning Pacific cod, loss of yelloweye rockfish harvest opportunity due to restructuring of the PWS rockfish fishery to a bycatch-only fishery, high ex-vessel prices for halibut and sablefish, and increased fixed costs for fishermen.

The PWS state waters season Pacific cod allocation has never been achieved; harvest and effort have remained relatively low and have declined since the season began in 1997 from a high of 418,994 pounds in 1998 to no harvest in 2002. Although state waters season harvests during 2003-2006 are confidential due to low participation, they approached 45% of the GHL during one year but collectively have averaged less than 25% of the combined GHL's. The harvest in 2007 was 345,684 pounds or 38% of the 911,000 pounds GHL from 20 landings by 3 vessels. The preliminary 2008 harvest in the state waters Pacific cod fishery was 3,492 pounds from 3 landings by 3 vessels.

The PWS state waters Pacific cod fishery has likely failed to develop because the proven habitat within the PWS area is located a considerable distance from processors and markets, therefore running time and fuel costs reduce the profitability of the fishery. Additionally, more lucrative fishing opportunity for Pacific cod exists in westward management areas.

<u>DEPARTMENT COMMENTS:</u> The department **OPPOSES** this proposal; dividing PWS into two different Pacific cod management structures, with different accounting depending upon area would create both regulatory confusion and catch accounting problems. The department is **NEUTRAL** to the allocative effects of increased fishing opportunity for Pacific cod. There is clearly a desire to restructure PWS Pacific cod fisheries. The gear restriction and limits on the state waters season were intended to reduce both bycatch and inequities across vessel size groups. Jig gear has been untested in the state waters season. However, a benefit to a longer parallel season would be increased participation by small longline vessels. An important issue, when considering a year round parallel season is the increased

longline bycatch and attendant discard mortality of other more valuable species by fishers that are not eligible to retain those species. Additionally, when the BOF established the state waters Pacific cod fishery it selected pot and jig gears because they are more selective than longline or trawl gears. This effectively minimized the bycatch of rockfish, sablefish and halibut. The department also recommends that any solution address the issues of bycatch by longline gear and stranding of the state waters Pacific cod allocation.

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

PROPOSAL 36 - 5 AAC 28.267. Prince William Sound Pacific Cod Management Plan.

PROPOSED BY: Robert A. Smith.

WHAT WOULD THE PROPOSAL DO? This proposal would allow vessels engaged in longlining for halibut in the Prince William Sound Area to retain Pacific cod if they are in possession of a Commercial Fisheries Entry Commission (CFEC) miscellaneous finfish permit, regardless of whether the parallel season is open.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AC 28.267 (b) specifies in part that the commissioner will open and close a parallel season in the Prince William Sound Area to coincide with the initial federal season in the Central Gulf of Alaska Area. Subsection (c) of the plan mandates a "state waters season" to open 7 days following closure of the directed federal season in the CGOA and subsection (e) establishes a state waters season Pacific cod guideline harvest level (GHL) calculated as 10% of the EGOA acceptable biological catch (ABC) and restricts gear in the state waters season to no more than 60 pots or 5 jigging lines. Subsection (d) of the plan allows the commissioner to open and close seasons at other times provided certain conditions are met. Regulation 5 AAC 28.087 defines "parallel groundfish fisheries" as corresponding with the times, area, and unless otherwise specified, the gear of the federal season in adjacent federal waters. Regulation 5 AAC 28.230 specifies legal groundfish gear for PWS and restricts the use of non-pelagic trawl gear.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would permit a halibut IFQ holder fishing longline gear to target Pacific cod at any time during the March to mid-November IFQ halibut season. . This would result in increased effort and harvest of an unknown amount. There would be no effect to parallel season management because validly

registered fishers holding a CFEC Miscellaneous finfish permit may already target Pacific cod in that season.

BACKGROUND: The commercial Pacific cod fishery in state waters was historically regulated via emergency order to coincide with inseason adjustments for the federal season in the adjacent CGOA. This fishery was adopted into regulation in 1996 and termed a "parallel season". This season opens and closes annually via emergency order and may be prosecuted with longline, pot, and jig gear with no limits on the amount of gear. All parallel season harvest as well as any Pacific cod bycatch to other directed halibut or groundfish fisheries is accounted against the federal total allowable catch (TAC). Seven days after the parallel Pacific cod season closes, a "state waters" Pacific cod season opens to pot and jig gear with a harvest allocation that is currently calculated as 10% of the federal EGOA ABC but that could increase to 25% of the ABC. During this season, Pacific cod may also be retained at the 20% bycatch level to other directed fisheries.

Pacific cod in the federal CGOA is managed for an annual total allowable catch (TAC) that is apportioned 60% to an "A" season beginning January 1 and 40% to a "B" season beginning September 1. The A season typically closes in late February or early March and remains closed until the September B season reopening. The CGOA TAC has not been attained since 2005 resulting in a B season that remained open from September through December. In contrast, directed fishing for Pacific cod in the EGOA typically remains open year around because the TAC is seldom achieved.

Early parallel seasons spanned January 1 to approximately mid-March and more recently have shortened to nearly two months in duration. Peak harvests in the PWS parallel Pacific cod fishery occurred during 1990-1995 and averaged 1.7 million pounds annually. From 1996-2000, harvests declined to less than 1.0 million pounds in all years except 1999, when the harvest totaled 1.3 million pounds. The Pacific cod harvest during parallel seasons since 2001 ranged from 735,963 pounds in 2001 to 11,204 pounds in 2005. In 2007 and 2008 when the B season opened, the department reopened the parallel Pacific cod season under subsection (d) of the plan. The 2007 fall season remained open through December 31. In 2008, the parallel season dates were January 1-February 20 and September 1-October 3. The 2007 harvest with an extended season totaled 80,417 pounds and the 2008 harvest, with a shorter season, yielded approximately 42,363 pounds.

The decline in parallel season catch and effort can be attributed to a variety of biological and economic factors such as shorter seasons that closed prior to the formation of local area aggregations of spawning Pacific cod, loss of yelloweye rockfish harvest opportunity due to restructuring of the PWS rockfish fishery to a bycatch-only fishery, high ex-vessel prices for halibut and sablefish, and increased fixed costs for fishermen.

The PWS state waters season Pacific cod allocation has never been achieved; harvest and effort have remained relatively low and have declined since the season began in 1997 from a high of 418,994 pounds in 1998 to no harvest in 2002. Although state waters season harvests during 2003-2006 are confidential due to low participation, they approached 45% of the GHL during one year but collectively have averaged less than 25% of the combined GHL's. The harvest in 2007 was 345,684 pounds or 38% of the 911,000 pounds GHL from 20 landings by 3 vessels. The preliminary 2008 harvest in the state waters Pacific cod fishery was 3,492 pounds from 3 landings by 3 vessels.

The PWS state waters Pacific cod fishery has likely failed to develop because the proven habitat within the PWS area is located a considerable distance from processors and markets, therefore running time and fuel costs reduce the profitability of the fishery. Additionally, more lucrative fishing opportunity for Pacific cod exists in westward management areas.

DEPARTMENT COMMENTS: The department is **NEUTRAL** to this allocative proposal. If the board adopts this proposal, the department recommends consideration of restricting vessels retaining Pacific cod to a single gear type.

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

PROPOSAL 37 - 5 AAC 28.xxx. New regulation.

PROPOSED BY: Cordova District Fishermen United, Groundfish Division.

WHAT WOULD THE PROPOSAL DO? This proposal would increase the current total bycatch allowance for those eligible to participate in the IFQ halibut and PWS limited entry sablefish fisheries, from 20% overall to a 20% allowance for Pacific cod plus an additional 20% for other groundfish species.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 28.070 (b) specifies a permit holder may have on board a bycatch level of another groundfish species not to exceed 20 percent by weight of the directed groundfish species and halibut aboard the vessel. Subsection (e) specifies that all Pacific cod be retained when a directed Pacific cod season is open and up to the maximum allowable bycatch level when a directed season is closed.

Regulation 5 AAC 28.265 Prince William Sound Rockfish Management Plan requires a CFEC permit holder to retain all rockfish, sets a 10% bycatch allowance for all fisheries except sablefish (20%), and requires that all rockfish in excess of

these allowances be weighed and reported on a fish ticket as an overage with any proceeds accruing to the State of Alaska.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would 1) increase the harvest of Pacific cod by halibut IFQ and PWS sablefish limited entry permit holders in instances where their catch exceeds current allowable bycatch levels, and 2) effectively increase the amount of rockfish that could be sold as bycatch.

BACKGROUND: The commercial Pacific cod fishery in state waters was historically regulated via emergency order to coincide with inseason adjustments for the federal season in the adjacent CGOA. This fishery was adopted into regulation in 1996 and termed a "parallel season". This season opens and closes annually via emergency order and may be prosecuted with longline, pot, and jig gear with no limits on the amount of gear. All parallel season harvest as well as any Pacific cod bycatch to other directed halibut or groundfish fisheries is accounted against the federal total allowable catch (TAC). Seven days after the parallel Pacific cod season closes, a "state waters" Pacific cod season opens to pot and jig gear with a harvest allocation that is currently calculated as 10% of the federal EGOA ABC but that could increase to 25% of the ABC. During this season, Pacific cod may also be retained at the 20% bycatch level to other directed fisheries.

Pacific cod in the federal CGOA is managed for an annual total allowable catch (TAC) that is apportioned 60% to an "A" season beginning January 1 and 40% to a "B" season beginning September 1. The A season typically closes in late February or early March and remains closed until the September B season reopening. The CGOA TAC has not been attained since 2005 resulting in a B season that remained open from September through December. In contrast, directed fishing for Pacific cod in the EGOA typically remains open year around because the TAC is seldom achieved.

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The decline in parallel season catch and effort can be attributed to a variety of biological and economic factors such as shorter seasons that closed prior to the formation of local area aggregations of spawning Pacific cod, loss of yelloweye rockfish harvest opportunity due to restructuring of the PWS rockfish fishery to a bycatch-only fishery, high ex-vessel prices for halibut and sablefish, and increased fixed costs for fishermen.

The PWS state waters season Pacific cod allocation has never been achieved; harvest and effort have remained relatively low and have declined since the season began in 1997 from a high of 418,994 pounds in 1998 to no harvest in 2002. Although state waters season harvests during 2003-2006 are confidential due to low participation, they approached 45% of the GHL during one year but collectively have averaged less than 25% of the combined GHL's. The harvest in 2007 was 345,684 pounds or 38% of the 911,000 pound GHL from 20 landings by 3 vessels. The preliminary 2008 harvest in the state waters Pacific cod fishery was 3,492 pounds from 3 landings by 3 vessels.

The PWS state waters Pacific cod fishery has likely failed to develop because the proven habitat within the PWS area is located a considerable distance from processors and markets, therefore running time and fuel costs reduce the profitability of the fishery. Additionally, more lucrative fishing opportunity for Pacific cod exists in westward management areas.

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

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

PROPOSAL 38 - 5 AAC 28.267. Prince William Sound Pacific Cod Management Plan.

PROPOSED BY: Curt Herschleb.

WHAT WOULD THE PROPOSAL DO? This proposal would open the Eastern Section of the PWS Outside District to the state waters Pacific cod season.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 28.267 (e) (1) specifies that during a state waters season Pacific cod may be taken only in the Inside District and the Western Section of the Outside District.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would provide increased opportunity to harvest Pacific cod during the state waters season and with an increase in overall harvest.

BACKGROUND: In 1996, the BOF adopted regulations to provide for the state waters Pacific cod season and restricted the fishery to the PWS Inside District with limits on pot and jig gears. Subsequently, the area open to fishing was expanded to include the Western Section of the PWS Outside District. The Eastern Section of the PWS Outside District was excluded from harvest because it abuts the federal EGOA where Pacific cod typically remains open year around. Because historical Pacific cod harvest from this area was low and the adjacent federal waters Pacific cod season remains open to other gear types, the department recommended that the Eastern Section remain closed.

The state waters Pacific cod fishery has never achieved its full allocation and interest in fishing the Eastern Section has been low.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. Opening the Eastern Section PWS will increase harvest opportunity for Pacific cod during the state waters season. However, the department is concerned about the potential bycatch of Dungeness crab in groundfish pot gear in the central and eastern regions of this Section. All Dungeness crab fisheries are currently closed due to conservation concerns. Additionally, conflicts could occur between groundfish pot fishermen and salmon drift gillnet gear during the period mid-May through mid-September. The department recommends consideration of a near shore closure area to reduce the potential for these issues.

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

PROPOSAL 39 - 5 AAC 28.250 (b). Allow fishing for Pacific cod in waters of Orca Bay with pot gear east of a line from Johnstone Point to Knowles Head except for those waters closed to subsistence crab fishing.

PROPOSED BY: Cordova District Fishermen United, Groundfish Division.

WHAT WOULD THE PROPOSAL DO? This proposal would open selected waters of Orca Bay to fishing for Pacific cod with pot gear.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5AAC 28.250 Closed Waters in Prince William Sound (a) specifies in part that groundfish may not be taken with pot gear in the area addressed by this proposal.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would increase the opportunity to harvest Pacific cod in waters of Orca Bay during both the parallel and state waters Pacific cod seasons while protecting those areas identified as key production areas for Tanner crab.

BACKGROUND: The groundfish pot closure area in Orca Bay was established to protect the high Tanner crab abundance in the area. Sublegal Tanner crab that were tagged in Orca Bay moved toward Hinchinbrook Entrance as they matured and then became available to the fishery. Therefore, Orca Bay was viewed as an important area for crab growth and development. However, as Tanner crab declined throughout PWS in the 1980s and 1990s, Orca Bay Tanner crab abundance declined to record low levels. The department's biennial Tanner crab survey has identified those bays along the northern margin of Orca Bay, specifically Ports Gravina and Fidalgo, as important Tanner crab habitat. In March 2008, the BOF opened a subsistence Tanner crab fishery in PWS. Elements of the fishery include conservative daily bag and possession limits, pot limits, logbook requirements and closed waters in Ports Gravina and Fidalgo along the northern edge of Orca Bay.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. The described waters of Orca Bay could provide an opportunity to fish Pacific cod with pot gear while the closed waters in Ports Gravina and Fidalgo protect identified densities of Tanner crab. The department plans to gather information on crab bycatch through observation aboard vessels fishing pot gear in this area. This has been an effective method to assure that crab bycatch remains at acceptable levels.

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

PROPOSAL 40 - 5 AAC 28.220(b). Permits for Prince William Sound Area and **5 AAC 28.263(e),(f),(g),(h). Prince William Sound Pollock Pelagic Trawl Management Plan.**

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would remove the commissioner's permit requirement from regulation 5 AAC 28.220(b) and add provisions of the commissioner's permit to regulation 5 AAC 28.263 Prince William Sound Pollock Pelagic Trawl Management Plan.

WHAT ARE THE CURRENT REGULATIONS? Regulation AAC 28.263 Prince William Sound Pollock Pelagic Trawl Management Plan (b) specifies in part that pollock may be taken only under the authority of a commissioner's permit that

may specify requirements for log books, observers, harvest and reporting procedures and other requirements necessary for the management of the fishery.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, fishery participants would still have to comply with regulatory requirements necessary for fishery management. However, fishermen and others benefit from the availability of a complete regulatory reference.

BACKGROUND: The directed trawl fishery for pollock in PWS began in 1995. Harvest in the fishery ranged from 6.5 million pounds by 23 vessels from 66 landings in 1995 to 1.4 million pounds by 5 vessels from 9 landings in 2008 and averaged 3.4 million pounds by 9 vessels from 25 landings. The PWS pelagic trawl pollock Management plan divides PWS into three management sections and no more than 60% of the harvest may be taken from any one section. Furthermore the fishery is managed for a 5% aggregate fishery bycatch cap apportioned among five species groups with no more than 60% of the annual bycatch cap for a species group coming from a single management section.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. The commissioner's permit requirement has allowed the department the flexibility to develop management practices without the burden of untested regulation. The elements of the commissioner's permit have proven to be effective and should be incorporated into regulation.

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

PROPOSAL 41 - 5 AAC 28.210. Fishing seasons for Prince William Sound Area.

PROPOSED BY: Bob Henrichs.

WHAT WOULD THE PROPOSAL DO? This proposal would establish a commercial skate fishery in waters of the Inside District and Eastern Section of the Outside District of the Prince William Sound Area throughout the calendar year.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 28.083 Permits Required for skates and rays (a) specifies in part that except taken as allowable bycatch in other directed fisheries, skates may only be taken under the conditions of a commissioner's permit. Regulation 5 AAC 28.070 Groundfish possession and landing requirements (a) specifies in part that the allowable

bycatch level is 20% by weight of the directed groundfish and halibut species on board the vessel.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would provide for an extended skate fishing opportunity which the department is unprepared to manage and that would likely not be sustainable.

BACKGROUND: From 1988 to 2007, skate landings in the Prince William Sound Area ranged from 0 in 1990 and 1994 to 44,000 pounds in 1998 and have averaged 11,735 pounds per year. Preliminary total skate harvest through September 2008 was 9,449 pounds by 8 vessels from 20 landings and mostly occurred as bycatch to the IFQ halibut fishery. The skate harvest by trawl gear was 1,150 pounds by 9 vessels and 9 landings. The preliminary skate harvest by trawl gear through September 2008 remains confidential due to the limited number of participants but is less than 150 pounds.

A one-time capital budget allocation of $50K was provided to the department by the legislature for the data collection and analysis necessary for a developing skate fishery to be conducted in state waters in the Cordova area. The department is currently working with processors and fishermen to establish a pilot skate fishery to occur in spring 2009 to correspond with the opening of the halibut fishery and end no later than the opening of the salmon fishery in May. The current area of interest includes the Eastern Section, that portion of the Western Section between 147° 00 W longitude and Cape Cleare and waters of Orca Bay within the Inside District of Prince William Sound. The existing commissioner's permit requirement for targeting skates provides the department the ability to address unforeseen changes as the fishery develops.

DEPARTMENT COMMENTS: The department **OPPOSES** a year around skate fishery. Skates are relatively long lived species, are slow to reach sexual maturity and do not produce many offspring at one time. The life history strategy of these species does not provide for a sustainable fishery of this length. Additionally, the department lacks detailed information on true skate abundance and would not be able to effectively manage for a fishery of this length. There is also a high potential for bycatch in a directed skate fishery.

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

PROPOSAL 42 - 5 AAC 28.084. Fishing seasons, landing requirements, and utilization for sharks; and **28.2XX. New section.**

PROPOSED BY: Robert A. Smith.

WHAT WOULD THE PROPOSAL DO? This proposal would provide for a directed fishery for spiny dogfish with the provision of obtaining CFEC miscellaneous saltwater finfish permit card for longline gear. Increased harvests would be dependent on market conditions and participation.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 28.084. Fishing seasons, landing requirements, and utilization for sharks. (a) specifies there is no open season for sharks except that sharks may be retained as bycatch as provided in 5 AAC 28.070 (b). Section (c) of this regulation specifies utilization requirements for harvested sharks. Regulation 5 AAC 28.070 (b) Groundfish possession and landing requirements (a) specifies in part that the allowable bycatch level is 20% by weight of the directed halibut and groundfish species on board the vessel.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would open a directed fishery for spiny dogfish. However, markets for spiny dogfish have been difficult to find. An increase in harvest would most likely be market dependent.

BACKGROUND: Spiny dogfish are a long-lived species that are late maturing with low reproductive potential. In areas throughout their range where commercial fisheries have been established, spiny dogfish stocks are often depleted or collapsed. One exception is the British Columbia spiny dogfish fishery which is currently under full assessment for certification by the Marine Stewardship Council. In 1998, the Board of Fisheries (BOF) adopted statewide regulations closing directed commercial shark fishing citing concerns for the potential for rapid development of a shark fishery, the lack of biological information on sharks in Alaska, and the undocumented mortality of sharks in other commercial fisheries. The board committee also, "recommended full reporting of sharks incidentally caught in other fisheries". At the same meeting, the BOF adopted an annual two-shark recreational limit (5 AAC 75.012) and recognized the above concerns in the text of the regulation. In 2000, the BOF increased the allowable bycatch retention of spiny dogfish to 35% (5 AAC 28.174) by longline and troll vessels operating in the state's Eastern Gulf of Alaska Registration Area and allowed full retention of spiny dogfish bycatch in the Yakutat and Icy Bay salmon set gillnet fisheries. Despite liberalization of the bycatch limits, no viable shark fisheries or markets have emerged. In 2004, the BOF allowed directed fishing for spiny dogfish under a commissioner's permit in the Cook Inlet Area. A single permit request resulted in a very short fishery with no subsequent activity. Longline is the practical gear type for targeting spiny dogfish and bycatch in the varied habitats of the PWS Area would

likely include halibut, sablefish, rockfish, and lingcod. In March 2006, the BOF rejected an identical proposal after an industry representative in the committee indicated the average size of dogfish sampled from the PWS Area were not of sufficient size to be marketable. The market favors large dogfish that are typically females, which causes concerns for the potential of reducing recruitment to the population.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal as written. The biological concerns for which the BOF closed directed shark fishing still valid and bycatch to directed fishing with longline gear is likely to be high. Finally, it is possible that the estimated value of bycatch discard mortality (halibut, rockfish, lingcod) in this fishery could exceed the value of the spiny dogfish harvest. However, the department could support an incremental increase in bycatch allowance in other directed groundfish fisheries to the 35 percent level. The department would also encourage development of options to account for spiny dogfish discard mortality in directed longline and salmon net fisheries. Once this information exists, the department will be able to better assess the potential for developing a sustainable directed fishery.

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

PROPOSAL 43 - 5 AAC 28.089. Guiding principles for groundfish fishery regulations. Delete Sections 1, 2, and 5.of groundfish guiding principles.

PROPOSED BY: James O. Smith.

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate sections 1, 2, and 5, of groundfish guiding principles for groundfish regulations.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 28.089. Guiding principles for groundfish fishery regulations. (a) specifies in part, "the BOF, to the extent practical, will consider the guiding principles when taking action associated with the adoption, amendment, or repeal of regulations regarding groundfish fisheries.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If adopted, this proposal would eliminate regulatory framework for the BOF to evaluate the merit of submitted groundfish proposals.

BACKGROUND: The groundfish guiding principles were developed by the board to guide consideration of groundfish proposals and fisheries.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on **t**his proposal. While the department supports the conservation elements of this regulation, much of it addresses allocative issues. The proposal refers to a statewide regulation and would be better taken up during the statewide finfish Board meeting.

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

Shellfish:

PROPOSAL 44 - 5 AAC 31.260 Prince William Sound Pot Shrimp Fishery Management Plan.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would describe the conditions under which a commercial shrimp pot fishery in Prince William Sound may occur.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 31.210 Shrimp pot season in Registration Area E specifies there is no open season for shrimp fishing with pot gear in the Prince William Sound Area.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would specify the regulations under which a commercial shrimp pot fishery in Prince William Sound may occur. Effects would be dependent on the structure of a commercial shrimp pot fishery.

BACKGROUND: Commercial shrimp landings from Prince William Sound date to 1960 when approximately 5,000 pounds were harvested. Historically, 97% of the harvest has been spot shrimp and the fishery has been managed for this species although other species such as coonstripe shrimp are also harvested. From 1960 through 1977, catch varied from no harvest in 1961 and 1966, to approximately 25,000 pounds in 1974. The shrimp pot fishery expanded rapidly during 1978 to 1982 as local markets were established and the major harvest areas located. During 1982 to 1984, the open season was reduced to April 1 through November 30 with a guideline harvest range of 75,000 to 145,000 pounds. This season was intended to reduce harvests during the egg bearing and hatch periods. Despite the shortened season, catch increased to approximately 214,000 pounds in 1982 and effort increased to 79 vessels in 1984. In 1985, the board established a split season of March 15 through June 30 and August 15 through December 5, with a guideline harvest range (GHR) of 75,000–100,000 pounds each season, and an experimental harvest area with no closed season. Due to poor catch reporting,

coupled with harvest from the experimental fishing area, total harvest substantially exceeded the GHR over the next few years. Harvest peaked at approximately 290,600 pounds in 1986 and effort increased to 86 vessels in 1987. Harvest declines beginning in 1988 indicated stock conservation problems. In 1991, a limited commercial fishery with a conservative guideline harvest range of 10,000 to 40,000 pounds was closed after 46 days of fishing had yielded only 17,580 pounds taken by 15 vessels in 45 landings. Fishery performance data from the 1991 fishery indicated that the stock was at a very low level. Although the commercial spot shrimp season was closed by emergency order beginning in 1992, noncommercial fisheries remained open. In 2000, the Board of Fisheries adopted a regulation closing the commercial shrimp pot fishery due to low stock abundance. The board also made a customary and traditional use determination that 9,000–15,000 pounds of useable shrimp are reasonably necessary for subsistence in the Prince William Sound area, and restructured the subsistence, personal use, and sport fisheries. The new regulations established a fishing season of April 15 to September 15, limits of 5 pots per person and 5 pots per vessel, and a harvest permit requirement. The seasonal closure was implemented to protect female shrimp during the egg-bearing period.

Since 1998, results from the department's standardized index survey for spot shrimp have demonstrated a slow, but steady increase in abundance from 0.29 pounds/pot to 2.40 pounds/pot for all shrimp in 2007. Similarly, survey results for commercially marketable shrimp with a carapace length of 32mm or greater have also increased from 0.14 pounds/pot to 1.0 pounds/pot in 2007.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. The department looks to the board process to refine a fishery management plan that addresses the above issues and provides the structure necessary for the redevelopment of the resource while maintaining the sustainability of all the shrimp fisheries. The department recommends a rationale for shrimp pot fishery management that includes; year-class maintenance, avoidance of fishing biologically sensitive times such as the egg bearing period, reduction of mortality of small shrimp, and brood stock maintenance. The following regulatory structure provides a basis for consideration of a commercial fishery.

5 AAC 31.206. Area E registration. (c) the registration deadline for fishing shrimp with pots Registration Area E is March 15.

5 AAC 31.210. Shrimp pot fishing seasons for Registration Area E. Shrimp may be taken with pot gear in Registration Area E from April 15 through May 31.

5 AAC 31.215. Shrimp pot guideline harvest range for Registration Area E. (Data are being analyzed at the time of this writing. Harvestable surplus information will be presented to the Board of Fisheries via a written and/or oral report).

5 AAC 31.224. Lawful gear for Registration Area E. (a) Shrimp may be taken with pots in Registration Area E only as specified in this section.
(b) Shrimp may only be taken from within shellfish statistical areas 476101, 476036, 476034 and 476035 in years ending with an odd number, and within shellfish statistical areas 476003, 476004, 476005, and 476007 in years ending with an even number.
(c) a shrimp pot may not have

(1) more than one bottom;

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

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

(4) a bottom perimeter exceeding a 124 inches.

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

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

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

(e) A shrimp pot must be covered entirely with net webbing or rigid mesh. At least two adjacent sides or 50 percent of the vertical or near-vertical sides must be covered with net webbing or rigid mesh that allows the passage of seven-eights inch diameter by 12 inch long wooden dowel, which upon insertion into the web, must drop completely through by its own weight, without force.
(f) Shrimp pots may be operated only as follows:

(2) the number of shrimp pots that may be operated from a registered shrimp fishing vessel is XXX pots; for the purposes of this section,

(3) all pots on board a vessel or operated from a vessel must be of the same type and of the same size as defined in (2)(A) of this subsection;

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

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

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

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

<u>COST ANALYSIS:</u> Adoption of this proposal is expected to result in additional direct costs for private individuals to participate in this fishery because of the necessities to purchase gear.

PROPOSAL 45 - 5 AAC 31.210. Shrimp pot fishing seasons for Registration Area E; and 5 AAC 31.260. Prince William Sound Pot Shrimp Fishery Management Plan.

PROPOSED BY: Whittier Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to provide some structural elements to prosecute a commercial shrimp pot fishery including exclusive area registration that would also prohibit participation in the Prince William Sound noncommercial shrimp fisheries, separate sport and commercial seasons, commercial seasons in both spring (April 1-May 12) and fall (September 4-December 15), a fishery GHL based upon past harvests, and sport fishing exclusive zones near ports. It does not suggest which ports will be considered.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 31.210 Shrimp Pot Season in Registration Area E specifies there is no open season for shrimp fishing with pot gear in the Prince William Sound Area. Regulation 5 AAC 31.053 Operation of Other Pot Gear restricts participation in a commercial fishery by a person or vessel that has operated sport, personal use, or subsistence shrimp pots during the 14 days before the commercial shrimp season and also restricts the operation of shrimp pot gear in a commercial, sport, subsistence, or personal use shrimp fishery by a vessel or person that has participated in a commercial fishery in that area unless the commercial gear is out of the water or in storage (5 AAC 31.052) and cancels the vessel's area registration.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would open a commercial shrimp pot fishery in Prince William Sound. Effects would be dependent on the structure of the commercial shrimp pot fishery. There are no currently restrictions on fishing area in the Prince William Sound noncommercial shrimp fisheries.

BACKGROUND: Commercial shrimp landings from Prince William Sound date to 1960 when approximately 5,000 pounds were harvested. Historically, 97% of the harvest has been spot shrimp and the fishery has been managed for this species although other species such as coonstripe shrimp are also harvested. From 1960 through 1977, catch varied from no harvest in 1961 and 1966, to approximately 25,000 pounds in 1974. The shrimp pot fishery expanded rapidly during 1978 to 1982 as local markets were established and the major harvest areas located. During 1982 to 1984, the open season was reduced to April 1 through November 30 with a guideline harvest range of 75,000 to 145,000 pounds. This season was intended to reduce harvests during the egg bearing and hatch periods. Despite the shortened season, catch increased to approximately 214,000 pounds in 1982 and effort increased to 79 vessels in 1984. In 1985, the board established a split season of March 15 through June 30 and August 15 through December 5, with a guideline harvest range (GHR) of 75,000–100,000 pounds each season, and

an experimental harvest area with no closed season. Due to poor catch reporting, coupled with harvest from the experimental fishing area, total harvest substantially exceeded the GHR over the next few years. Harvest peaked at approximately 290,600 pounds in 1986 and effort increased to 86 vessels in 1987. Harvest declines beginning in 1988 indicated stock conservation problems. In 1991, a limited commercial fishery with a conservative guideline harvest range of 10,000 to 40,000 pounds was closed after 46 days of fishing had yielded only 17,580 pounds taken by 15 vessels in 45 landings. Fishery performance data from the 1991 fishery indicated that the stock was at a very low level. Although the commercial spot shrimp season was closed by emergency order beginning in 1992, noncommercial fisheries remained open. In 2000, the Board of Fisheries adopted a regulation closing the commercial shrimp pot fishery due to low stock abundance. The board also made a customary and traditional use determination that 9,000–15,000 pounds of useable shrimp are reasonably necessary for subsistence in the Prince William Sound area, and restructured the subsistence, personal use, and sport fisheries. The new regulations established a fishing season of April 15 to September 15, limits of 5 pots per person and 5 pots per vessel, and a harvest permit requirement. The seasonal closure was implemented to protect female shrimp during the egg-bearing period.

Since 1998, results from the department's standardized index survey for spot shrimp have demonstrated a slow, but steady increase in abundance from 0.29 pounds/pot to 2.40 pounds/pot for all shrimp in 2007. Similarly, survey results for commercially marketable shrimp with a carapace length of 32mm or greater have also increased from 0.14 pounds/pot to 1.0 pounds/pot in 2007.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The duration of the proposed fall season extends into the egg bearing period and the historical GHLs are not reflective of current stock status. However, the department does support aspects of this proposal such as measures that might control effort and avoid user conflicts.

COST ANALYSIS: Adoption of this proposal is expected to result in additional direct costs for private individuals to participate in this fishery because of the necessities to purchase gear.

PROPOSAL 46 - 5 AAC 31.210. Shrimp pot fishing seasons for Registration Area E.

PROPOSED BY: Gordon Scott.

WHAT WOULD THE PROPOSAL DO? This proposal would open a commercial shrimp pot fishery in Prince William Sound. However it does not

suggest how this fishery should be structured with regard to seasons, areas and gear.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 31.210 Shrimp pot season in Registration Area E specifies there is no open season for shrimp fishing with pot gear in the Prince William Sound Area.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? This proposal would open a commercial shrimp pot fishery. The effects would be dependent on the structure of the commercial shrimp pot fishery.

BACKGROUND: Commercial shrimp landings from Prince William Sound date to 1960 when approximately 5,000 pounds were harvested. Historically, 97% of the harvest has been spot shrimp and the fishery has been managed for this species although other species such as coonstripe shrimp are also harvested. From 1960 through 1977, catch varied from no harvest in 1961 and 1966, to approximately 25,000 pounds in 1974. The shrimp pot fishery expanded rapidly during 1978 to 1982 as local markets were established and the major harvest areas located. During 1982 to 1984, the open season was reduced to April 1 through November 30 with a guideline harvest range of 75,000 to 145,000 pounds. This season was intended to reduce harvests during the egg bearing and hatch periods. Despite the shortened season, catch increased to approximately 214,000 pounds in 1982 and effort increased to 79 vessels in 1984. In 1985, the board established a split season of March 15 through June 30 and August 15 through December 5, with a guideline harvest range (GHR) of 75,000–100,000 pounds each season, and an experimental harvest area with no closed season. Due to poor catch reporting, coupled with harvest from the experimental fishing area, total harvest substantially exceeded the GHR over the next few years. Harvest peaked at approximately 290,600 pounds in 1986 and effort increased to 86 vessels in 1987. Harvest declines beginning in 1988 indicated stock conservation problems. In 1991, a limited commercial fishery with a conservative guideline harvest range of 10,000 to 40,000 pounds was closed after 46 days of fishing had yielded only 17,580 pounds taken by 15 vessels in 45 landings. Fishery performance data from the 1991 fishery indicated that the stock was at a very low level. Although the commercial spot shrimp season was closed by emergency order beginning in 1992, noncommercial fisheries remained open. In 2000, the Board of Fisheries adopted a regulation closing the commercial shrimp pot fishery due to low stock abundance. The board also made a customary and traditional use determination that 9,000–15,000 pounds of useable shrimp are reasonably necessary for subsistence in the Prince William Sound area, and restructured the subsistence, personal use, and sport fisheries. The new regulations established a fishing season of April 15 to September 15, limits of 5 pots per person and 5 pots per vessel, and a harvest permit requirement. The seasonal closure was implemented to protect female shrimp during the egg-bearing period.

Since 1998, results from the department's standardized index survey for spot shrimp have demonstrated a slow, but steady increase in abundance from 0.29 pounds/pot to 2.40 pounds/pot for all shrimp in 2007. Similarly, survey results for commercially marketable shrimp with a carapace length of 32mm or greater have also increased from 0.14 pounds/pot to 1.0 pounds/pot in 2007.

DEPARTMENT COMMENTS: The department is **OPPOSES** this proposal. While the department supports adopting a management plan that contains specific criteria for a sustainable fishery, this proposal does not include the elements that are necessary to ensure sustainability of the fishery.

COST ANALYSIS: Adoption of this proposal is expected to result in additional direct costs for private individuals to participate in this fishery because of the necessities to purchase gear.

PROPOSAL 47 - 5 AAC 31.230 Permits for shrimp trawling in Area E and **5 AAC 31.23X Prince William Sound shrimp trawl harvest and reporting requirements.**

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate regulation 5 AAC 31.230 and incorporate provisions of the commissioner's permit into a new regulation.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 31.230 Permits for shrimp trawling in Area E specifies in part, an operator of vessel used to take shrimp with a trawl must first obtain a permit by the commissioner that requires observers, log books and other reports.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would remove the requirement for a commissioner's permit and incorporate the elements of the commissioner's permit into regulation. Participants in the fishery will benefit from the availability of a complete regulatory reference.

BACKGROUND: Commissioner's permits are intended to provide the tools, necessary for the management of a developing fishery that may be refined in time without the burden of regulatory constraint. The weekly landing reports of harvest and discard by species is necessary to avoid exceeding guideline harvest levels. The log book requirement provides the department the opportunity to track the fishery over time for trends and changes with regards to fishing location, gear, CPUE and bycatch. These requirements will remain in place with this proposal.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. Provisions of the commissioner's permit have been tested and proven successful. Fishery participants will benefit from complete regulatory reference.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 48 - 5 AAC 31.215. Shrimp pot guideline harvest ranges for Registration Area E.

PROPOSED BY: Gordon Scott.

WHAT WOULD THE PROPOSAL DO? This proposal would establish a guideline harvest level for the Prince William Sound shrimp pot fishery at levels set in the mid 1980's should the Board of Fisheries fail to adopt a management plan.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 31.210 Shrimp pot season in Registration Area E. Specifies there is no open season for shrimp fishing with pot gear in the Prince William Sound Area.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would establish a GHL for the Prince William Sound shrimp pot fishery without any other structure for prosecuting the fishery as provided in a management plan. The proposed harvest level would not be sustainable.

BACKGROUND: Commercial shrimp landings from Prince William Sound date to 1960 when approximately 5,000 pounds were harvested. Historically, 97% of the harvest has been spot shrimp and the fishery has been managed for this species although other species such as coonstripe shrimp are also harvested. From 1960 through 1977, catch varied from no harvest in 1961 and 1966, to approximately 25,000 pounds in 1974. The shrimp pot fishery expanded rapidly during 1978 to 1982 as local markets were established and the major harvest areas located. During 1982 to 1984, the open season was reduced to April 1 through November 30 with a guideline harvest range of 75,000 to 145,000 pounds. This season was intended to reduce harvests during the egg bearing and hatch periods. Despite the shortened season, catch increased to approximately 214,000 pounds in 1982 and effort increased to 79 vessels in 1984. In 1985, the board established a split season of March 15 through June 30 and August 15 through December 5, with a guideline harvest range (GHR) of 75,000–100,000 pounds each season, and an experimental harvest area with no closed season. Due to poor catch reporting, coupled with harvest from the experimental fishing area, total harvest

substantially exceeded the GHR over the next few years. Harvest peaked at approximately 290,600 pounds in 1986 and effort increased to 86 vessels in 1987. Harvest declines beginning in 1988 indicated stock conservation problems. In 1991, a limited commercial fishery with a conservative guideline harvest range of 10,000 to 40,000 pounds was closed after 46 days of fishing had yielded only 17,580 pounds taken by 15 vessels in 45 landings. Fishery performance data from the 1991 fishery indicated that the stock was at a very low level. Although the commercial spot shrimp season was closed by emergency order beginning in 1992, noncommercial fisheries remained open. In 2000, the Board of Fisheries adopted a regulation closing the commercial shrimp pot fishery due to low stock abundance. The board also made a customary and traditional use determination that 9,000–15,000 pounds of useable shrimp are reasonably necessary for subsistence in the Prince William Sound area, and restructured the subsistence, personal use, and sport fisheries. The new regulations established a fishing season of April 15 to September 15, limits of 5 pots per person and 5 pots per vessel, and a harvest permit requirement. The seasonal closure was implemented to protect female shrimp during the egg-bearing period.

Since 1998, results from the department's standardized index survey for spot shrimp have demonstrated a slow, but steady increase in abundance from 0.29 pounds/pot to 2.40 pounds/pot for all shrimp in 2007. Similarly, survey results for commercially marketable shrimp with a carapace length of 32mm or greater have also increased from 0.14 pounds/pot to 1.0 pounds/pot in 2007.

DEPARTMENT COMMENTS: The department is **OPPOSES** this proposal. Guideline harvest levels should be based upon the best available information including stock structure and biological information. Past management practices failed to provide for a sustainable fishery.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 49 - 5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area; and 5 AAC 31.206. Area E registration.

PROPOSED BY: Gordon Scott.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit persons or vessels from participating in the both commercial and sport fish pot shrimp fisheries.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 31.020 Shrimp area registration and 5 AAC 39.120 Registration of commercial fishing

vessels, both require a commercial vessel to be validly registered to participate in a commercial fishery. Regulation 5 AAC 31.053 Operation of Other Pot Gear restricts participation in a commercial fishery by a person or vessel that has operated sport, personal use, or subsistence shrimp pots during the 14 days before the commercial shrimp season and also restricts the operation of shrimp pot gear in a commercial, sport, subsistence, or personal use shrimp fishery by a vessel or person that has participated in a commercial fishery in that area unless the commercial gear is out of the water or in storage (5 AAC 31.052) and cancels the vessel's area registration.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would limit effort in the Prince William Sound commercial and noncommercial shrimp fisheries by restricting an individual's participation to either a commercial or a noncommercial fishery.

BACKGROUND: The Board of Fisheries may adopt regulations aimed at controlling effort and allocating resources such as exclusive or superexclusive area registration, gear limits, and fishery harvest allocations. Numerous commercial fisheries have an exclusive or super exclusive registration requirement. These designations limit effort by restricting participation by vessels that have fished in another exclusive or any superexclusive registration area.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. The department recognizes that temporal or spatial separation between fisheries may help to avoid gear conflicts and provide for an orderly fishery. The department is uncertain if the proposed restriction is needed for the conservation and development of the fishery. Before adopting this proposal the board might explore whether less restrictive temporal restrictions on participation could accomplish the desired objectives.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 50 - 5 AAC 31.205. Description of Registration Area E districts and sections.

PROPOSED BY: Whittier Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would amend 5 AAC 31.205. Description of Registration Area E districts and sections (1) and (3) to define the boundary between the Central Section and Northwest Section at 147° 30.00 W long.

WHAT ARE THE CURRENT REGULATIONS? Regulation 5 AAC 31.205. Description of Registration Area E districts and sections (1) and (3) define the boundary between the Central Section and Northwest Section at 147° 20.00 W long.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would provide for longer shrimp trawl tows to better follow bottom contours without being constrained by the boundary line when the season in one of the sections is closed.

BACKGROUND: The Board of Fisheries modified the shrimp trawl fishery management districts in 1997 to create the Inside and Outside Districts of Prince William Sound. This action inadvertently eliminated management subdistricts in the Inside District designed for the shrimp trawl fishery. The department continued to manage the sidestripe shrimp fishery using the old subdistrict references until 2003 when the Board adopted regulations to reestablish these boundaries.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. Moving the boundary between the Central and Northwest Sections ten degrees West longitude will not negatively affect shrimp trawl management or jeopardize the resource.

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

PROPOSAL 51 - 5 AAC 31.210. Shrimp pot fishing seasons for Registration Area E; 5 AAC 31.211. Shrimp trawl fishing seasons for Registration Area E; and 5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area.

PROPOSED BY: Gordon Scott.

WHAT WOULD THE PROPOSAL DO? If adopted, this proposal would allow sport and commercial seasons for shrimp to run concurrently if a commercial shrimp pot fishery was established.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 55.022(b)(5), 5 AAC 77.553, and 5 AAC 02.210 Sport, personal use, and subsistence anglers may take shrimp in Prince William Sound from April 15 – September 15; with no bag, possession or size limit. 5 AAC 31.210. Shrimp pot fishing seasons for Registration Area E There is no open season for shrimp fishing with pot gear in Prince William Sound.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, effects would be dependent on the other regulations governing a commercial shrimp pot fishery in PWS.

BACKGROUND: In 2000, the BOF restructured the non-commercial shrimp fisheries in PWS with new season dates of April 15-September 15 to minimize the capture and handling of egg bearing shrimp, a 5-pot per person and per vessel gear limit and a harvest permit requirement. Harvest permits were required from 2001 through 2005; estimates of harvest are now provided from the Statewide Harvest Survey (SWHS). The noncommercial fishery has grown since 2001 with an estimated harvest in 2007 of 35,813 pounds of shrimp by sport anglers.

A commercial pot shrimp fishery took place in PWS for many years; reaching a peak harvest of more the 275,000 pounds of shrimp during the late 1980's. Harvest declines beginning in 1988 indicated stock conservation problems. In 1991, a limited commercial fishery was closed after 46 days of fishing had yielded only 17,580 pounds. Fishery performance data from the 1991 fishery indicated that the stock was at a very low level. Although the commercial spot shrimp season was closed by emergency order beginning in 1992, noncommercial fisheries remained open. In 2000, the Board of Fisheries adopted a regulation to close the commercial shrimp pot fishery due to low stock abundance. Pot surveys for shrimp are conducted regularly by the ADF&G. The number of shrimp caught per pot has risen steadily from about 9 shrimp per pot in 1998 to more than 70 shrimp per pot in 2007. There is currently a small commercial trawl fishery shrimp in PWS which targets sidestripe shrimp and takes place in the deeper trenches of western PWS and does not compete with the sport, personal use, or subsistence fishery by area or gear type.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal, but recommends including language and encouraging committee discussion regarding closed waters in any Pot Shrimp Management Plan that would act as the framework for a potential commercial fishery. The department does support the consideration of biological seasons for shrimp that avoid fishing during the egg bearing and hatch periods, and consideration of potential conflicts between commercial and noncommercial fisheries.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 52, 5 AAC 31.235. Closed waters in Registration Area E; and 5 AAC 55.022. General provisions for seasons, bag, and size limits, and methods and means for the Prince William Sound Area.

PROPOSED BY: Gordon Scott.

WHAT WOULD THE PROPOSAL DO? The sport shrimp fishery would be limited to designated areas when the commercial fishery is open. Commercial fishers would not be allowed to fish in these areas. The specific closed waters are not described, nor does the proposal address the subsistence and personal use shrimp fisheries.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 55.022(b)(5), 5 AAC 77.553, and 5 AAC 02.210 Sport, personal use, and subsistence anglers may take shrimp in Prince William Sound from April 15 – September 15; with no bag, possession or size limit. Anglers participating in the fishery are restricted to five pots per person with a maximum of five per vessel.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Anglers who have fished shrimp in certain areas would lose that opportunity and have to set their gear elsewhere. The number of sport shrimp pots would be concentrated in smaller areas, and it would lessen the potential for conflicts between commercial and noncommercial gear if a commercial fishery is created.

BACKGROUND: In 2000 due to low stock abundance, the Board of Fisheries adopted a regulation to restructure the noncommercial fisheries (sport, personal use and subsistence) and close the commercial shrimp pot fishery. At this time the board also made a customary and traditional use determination that 9,000–15,000 lb of useable shrimp are reasonably necessary for subsistence in the Prince William Sound area. A season for noncommercial fisheries was established from April 15 through September 15 to minimize the capture of egg bearing shrimp. Anglers were limited to five pots per person with a maximum of five pots per vessel. Permits were required from 2001 through 2005. Harvest estimates are now provided from the Statewide Harvest Survey (SWHS). The noncommercial fishery has grown since 2001 with an estimated harvest reported in the SWHS of 36,418 pounds of shrimp by sport anglers in 2007.

A commercial pot shrimp fishery took place in PWS for many years; reaching a peak harvest of more the 275,000 pounds of shrimp during the late 1980's. Harvest declines beginning in 1988 indicated stock conservation problems. In 1991, fishery performance data indicated that the stock was at a very low level. The commercial spot shrimp season was closed by emergency order beginning in 1992 and in 2000, the Board of Fisheries closed the commercial shrimp pot fishery due to low abundance. Pot surveys for shrimp are conducted regularly by the ADF&G. Eight sites are surveyed in western PWS with four pot strings of 11 pots at each site. Since 1998, results from the department's standardized index survey for spot shrimp have demonstrated a slow, but steady increase in abundance from 0.29 lb/pot to 2.40 lb/pot for all shrimp in 2007. That represents an increase from about 9 shrimp per pot in 1998 to more than 70 shrimp per pot in 2007. There is currently a small commercial trawl fishery in PWS which targets sidestripe shrimp and takes place in the deeper trenches of western PWS. This

fishery does not compete with the sport, personal use, or subsistence fishery by area or gear type.

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

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

PROPOSAL 53, 5 AAC 02.210. Subsistence shrimp fishery; 55.022(b)(5)(A) Sport shrimp fishery; and 77.553. Personal use shrimp fishery.

PROPOSED BY: Leroy L. Cabana.

WHAT WOULD THE PROPOSAL DO? Move the closing date of the pot fishery from September 15 to December 31, thus increasing the length of the pot fishing season from 5 to 8.5 months.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 55.022(b)(5), 5 AAC 77.553, and 5 AAC 02.210 Sport, personal use, and subsistence anglers may take shrimp in Prince William Sound from April 15 – September 15; with no bag, possession or size limit. Anglers participating in the fishery are restricted to five pots per person and five per vessel.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There would be an increase in the harvest of shrimp by sport, personal use, and subsistence anglers by some unknown amount, and anglers would be harvesting more egg-bearing females. Angler effort typically drops off considerably by mid September as fall salmon runs start to dwindle and storms increase. Extending the season for this pot fishery would allow fall hunters an opportunity to harvest shrimp.

BACKGROUND: In 2000 due to low stock abundance, the Board of Fisheries adopted a regulation to restructure the noncommercial fisheries (sport, personal use and subsistence) and close the commercial shrimp pot fishery. At this time the board also made a customary and traditional use determination that 9,000–15,000 lb of useable shrimp are reasonably necessary for subsistence in the Prince William Sound area. A season for noncommercial fisheries was established from April 15 through September 15 to minimize the capture of egg bearing shrimp. Anglers were limited to five pots per person with a maximum of five pots per vessel. Permits were required from 2001 through 2005. Harvest estimates are now provided from the Statewide Harvest Survey (SWHS). The noncommercial

fishery has grown since 2001 with an estimated harvest reported in the SWHS of 36,418 pounds of shrimp by sport anglers in 2007.

A commercial pot shrimp fishery took place in PWS for many years; reaching a peak harvest of more the 275,000 pounds of shrimp during the late 1980's. Harvest declines beginning in 1988 indicated stock conservation problems. In 1991, fishery performance data indicated that the stock was at a very low level. The commercial spot shrimp season was closed by emergency order beginning in 1992 and in 2000, the Board of Fisheries closed the commercial shrimp pot fishery due to low abundance. Pot surveys for shrimp are conducted regularly by the ADF&G. Eight sites are surveyed in western PWS with four pot strings of 11 pots at each site. Since 1998, results from the department's standardized index survey for spot shrimp have demonstrated a slow, but steady increase in abundance from 0.29 lb/pot to 2.40 lb/pot for all shrimp in 2007. That represents an increase from about 9 shrimp per pot in 1998 to more than 70 shrimp per pot in 2007. There is currently a small commercial trawl fishery in PWS which targets sidestripe shrimp and takes place in the deeper trenches of western PWS. This fishery does not compete with the sport, personal use, or subsistence fishery by area or gear type.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal on the biological grounds that it would extend this fishery into the egg bearing season for shrimp.

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

PROPOSAL 54, 5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area.

PROPOSED BY: Whittier Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? The sport shrimp pot fishery will be shortened by 1.5 months. It would move the opening date from April 15 to May 15, and the closing date from September 15 to September 1.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 55.022(b)(5), 5 AAC 77.553, and 5 AAC 02.210 Sport, personal use, and subsistence anglers may take shrimp in Prince William Sound from April 15 – September 15; with no bag, possession or size limit. Anglers participating in the fishery are restricted to 5 pots per person and five per vessel.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There would be a decrease the harvest of shrimp by sport anglers by some unknown amount and reduced shrimp fishing opportunity. It is unclear if the intent of the proposal is to also reduce the season for the personal use, and subsistence fisheries.

BACKGROUND: In 2000 due to low stock abundance, the Board of Fisheries adopted a regulation to restructure the noncommercial fisheries (sport, personal use and subsistence) and close the commercial shrimp pot fishery. At this time the board also made a customary and traditional use determination that 9,000–15,000 lb of useable shrimp are reasonably necessary for subsistence in the Prince William Sound area. A season for noncommercial fisheries was established from April 15 through September 15 to minimize the capture of egg bearing shrimp. Anglers were limited to five pots per person with a maximum of five pots per vessel. Permits were required from 2001 through 2005. Harvest estimates are now provided from the Statewide Harvest Survey (SWHS). The noncommercial fishery has grown since 2001 with an estimated harvest reported in the SWHS of 36,418 pounds of shrimp by sport anglers in 2007.

A commercial pot shrimp fishery took place in PWS for many years; reaching a peak harvest of more the 275,000 pounds of shrimp during the late 1980's. Harvest declines beginning in 1988 indicated stock conservation problems. In 1991, fishery performance data indicated that the stock was at a very low level. The commercial spot shrimp season was closed by emergency order beginning in 1992 and in 2000, the Board of Fisheries closed the commercial shrimp pot fishery due to low abundance. Pot surveys for shrimp are conducted regularly by the ADF&G. Eight sites are surveyed in western PWS with four pot strings of 11 pots at each site. Since 1998, results from the department's standardized index survey for spot shrimp have demonstrated a slow, but steady increase in abundance from 0.29 lb/pot to 2.40 lb/pot for all shrimp in 2007. That represents an increase from about 9 shrimp per pot in 1998 to more than 70 shrimp per pot in 2007. There is currently a small commercial trawl fishery in PWS which targets sidestripe shrimp and takes place in the deeper trenches of western PWS. This fishery does not compete with the sport, personal use, or subsistence fishery by area or gear type.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal without biological justification.

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

PROPOSAL 55, 5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area.

PROPOSED BY: Gordon Scott.

WHAT WOULD THE PROPOSAL DO? The sport shrimp pot fishery would be shortened by an unknown length of time to provide for a commercial shrimp pot fishery.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 55.022(b)(5), 5 AAC 77.553, and 5 AAC 02.210 Sport, personal use, and subsistence anglers may take shrimp in Prince William Sound from April 15 – September 15; with no bag, possession or size limit. Anglers participating in the fishery are restricted to 5 pots per person and five per vessel.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There would be a decrease of the shrimp harvest by sport anglers by some unknown amount and reduced shrimp fishing opportunity. It is unclear if the intent of the proposal is to also reduce the season for the personal use, and subsistence fishers.

BACKGROUND: In 2000 due to low stock abundance, the Board of Fisheries adopted a regulation to restructure the noncommercial fisheries (sport, personal use and subsistence) and close the commercial shrimp pot fishery. At this time the board also made a customary and traditional use determination that 9,000–15,000 lb of useable shrimp are reasonably necessary for subsistence in the Prince William Sound area. A season for noncommercial fisheries was established from April 15 through September 15 to minimize the capture of egg bearing shrimp. Anglers were limited to five pots per person with a maximum of five pots per vessel. Permits were required from 2001 through 2005. Harvest estimates are now provided from the Statewide Harvest Survey (SWHS). The noncommercial fishery has grown since 2001 with an estimated harvest reported in the SWHS of 36,418 pounds of shrimp by sport anglers in 2007.

A commercial pot shrimp fishery took place in PWS for many years; reaching a peak harvest of more the 275,000 pounds of shrimp during the late 1980's. Harvest declines beginning in 1988 indicated stock conservation problems. In 1991, fishery performance data indicated that the stock was at a very low level. The commercial spot shrimp season was closed by emergency order beginning in 1992 and in 2000, the Board of Fisheries closed the commercial shrimp pot fishery due to low abundance. Pot surveys for shrimp are conducted regularly by the ADF&G. Eight sites are surveyed in western PWS with four pot strings of 11 pots at each site. Since 1998, results from the department's standardized index survey for spot shrimp have demonstrated a slow, but steady increase in

abundance from 0.29 lb/pot to 2.40 lb/pot for all shrimp in 2007. That represents an increase from about 9 shrimp per pot in 1998 to more than 70 shrimp per pot in 2007. There is currently a small commercial trawl fishery in PWS which targets sidestripe shrimp and takes place in the deeper trenches of western PWS. This fishery does not compete with the sport, personal use, or subsistence fishery by area or gear type.

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

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

PROPOSAL 56, 5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area.

PROPOSED BY: Whittier Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? It would reinstate the permit and recording requirements for the sport shrimp fishery.

WHAT ARE THE CURRENT REGULATIONS? There are currently no permit or recording requirements for an individual to participate in the PWS noncommercial pot fisheries.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? An unnecessary burden will be placed on the noncommercial anglers fishing for shrimp in PWS, and the department will be required to finance a permitting program that is redundant to harvest estimates from the Statewide Harvest Survey.

BACKGROUND: In 2000 due to low stock abundance, the Board of Fisheries adopted a regulation to restructure the noncommercial fisheries (sport, personal use and subsistence) and close the commercial shrimp pot fishery. At this time the board also made a customary and traditional use determination that 9,000–15,000 lb of useable shrimp are reasonably necessary for subsistence in the Prince William Sound area. A season for noncommercial fisheries was established from April 15 through September 15 to minimize the capture of egg bearing shrimp. Anglers were limited to five pots per person with a maximum of five pots per vessel. Permits were required from 2001 through 2005. Harvest estimates are now provided from the Statewide Harvest Survey (SWHS). The noncommercial fishery has grown since 2001 with an estimated harvest reported in the SWHS of 36,418 pounds of shrimp by sport anglers in 2007.

A commercial pot shrimp fishery took place in PWS for many years; reaching a peak harvest of more the 275,000 pounds of shrimp during the late 1980's. Harvest declines beginning in 1988 indicated stock conservation problems. In 1991, fishery performance data indicated that the stock was at a very low level. The commercial spot shrimp season was closed by emergency order beginning in 1992 and in 2000, the Board of Fisheries closed the commercial shrimp pot fishery due to low abundance. Pot surveys for shrimp are conducted regularly by the ADF&G. Eight sites are surveyed in western PWS with four pot strings of 11 pots at each site. Since 1998, results from the department's standardized index survey for spot shrimp have demonstrated a slow, but steady increase in abundance from 0.29 lb/pot to 2.40 lb/pot for all shrimp in 2007. That represents an increase from about 9 shrimp per pot in 1998 to more than 70 shrimp per pot in 2007. There is currently a small commercial trawl fishery in PWS which targets sidestripe shrimp and takes place in the deeper trenches of western PWS. This fishery does not compete with the sport, personal use, or subsistence fishery by area or gear type.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal due to the unnecessary reporting requirements for the participants and additional financial burden on the department. Sport fish harvest information is currently collected through the Statewide Harvest Survey, the same tool used to monitor nearly all of Alaska's recreational fisheries.

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

PROPOSAL 57 - 5 AAC 02.215. Subsistence Dungeness crab fishery.

PROPOSED BY: Bob Henrichs.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to open the subsistence season for all crab species in the Prince William Sound Area throughout the year.

WHAT ARE THE CURRENT REGULATIONS? The Prince William Sound Dungeness Crab Fishery Management Plan 5 AAC 32.290, specifies the commercial, sport, personal use, and subsistence Dungeness crab fisheries are closed until the stock recovers enough to provide a harvestable surplus and the board approves a conservation based management plan. A subsistence season is provided for Tanner crab (5 AAC 02.220) and golden king crab (5 AAC 02.225) in the Prince William Sound Area. Additionally, the board's "Policy on King and Tanner Crab Resource Management Goal and Benefits" adopted by reference in 5

AAC 35.080 and 5 AAC 34.080 guides development of management plans for commercial harvest of these species which would also affect development of noncommercial harvest opportunities.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? It is unclear as to what the effects would be because the proposal does not address daily bag limits or possession limits or gear limits. However, the adoption of this proposal would circumvent the board's efforts to establish a conservation-based management plan for Dungeness crab. Increased harvests of crab, beyond the current allowable levels, may not be sustainable.

BACKGROUND: Commercial harvests of Dungeness crab within the Prince William Sound Management Area historically occurred in Orca Inlet and along the Copper River Delta and Controller Bay areas within the Eastern Section of the Outside District. Past management strategies failed to provide for sustainable fisheries and the Dungeness crab population has remained depressed despite long-term fishery closures. The board adopted a regulatory closure of all Prince William Sound Dungeness crab fisheries in March 2000 until stocks recover and a conservation-based management plan is approved.

Department surveys have documented Dungeness crab declines in the Eastern Section and a continued low stock abundance. Legal male crab per pot in the August survey declined from 3.5 in 1993 to 0.1 in 1997. From 1998 through 2001, survey catches averaged 0.7 legal male crab per pot, increasing to 2.3 legal males per pot in 2005 but declining slightly to 2.2 legal male per pot in 2006. No survey occurred in 2007 and the 2008 survey results may have been compromised by severe weather.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Proposal adoption would circumvent the board's efforts to establish a conservation-based management plan for Dungeness crab. Although the proposal seeks action on all crab species, it is important to know that the board has already adopted regulations for subsistence king and Tanner crab fisheries and that the notice for the December 2008 meeting extends only to Dungeness crab.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No. 5 AAC 01.610 (a) prohibits subsistence fishing in the Valdez Nonsubsistence Area, as defined in 5AAC 99.015(a)(5).

2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The Board has found that the Dungeness crab stocks of the Prince William Sound Management Area are customarily and traditionally used for subsistence (5 AAC 02.208(a)).

3. Can a portion of the stock be harvested consistent with sustained yield? No.

4. What amount is reasonably necessary for subsistence use? The Board has postponed making this finding until a harvestable surplus of the Dungeness crab stock can support a subsistence harvest.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a Board determination.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

COMMITTEE C- PRINCE WILLIAM SOUND COMMERCIAL SALMON (29 PROPOSALS)

Fishing Districts:

PROPOSAL 58 - 5 AAC 24.200(f). Fishing districts, subdistricts, and sections.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal would correct an error in regulation that describes the Coghill District inaccurately.

WHAT ARE THE CURRENT REGULATIONS? The current boundary description of the Coghill District includes area described as north and west of a line from Point Pigot to a point west of Point Culross.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, an error in the Coghill District boundary description would be corrected. The corrected description would be as follows: waters north and east of a line from Point Pigot to a point west of Point Culross.

BACKGROUND: This is a housekeeping proposal.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 59 - 5 AAC 24.200(f)(2). Fishing districts, subdistricts, and sections.

PROPOSED BY: Alaska Department of Fish and Game.

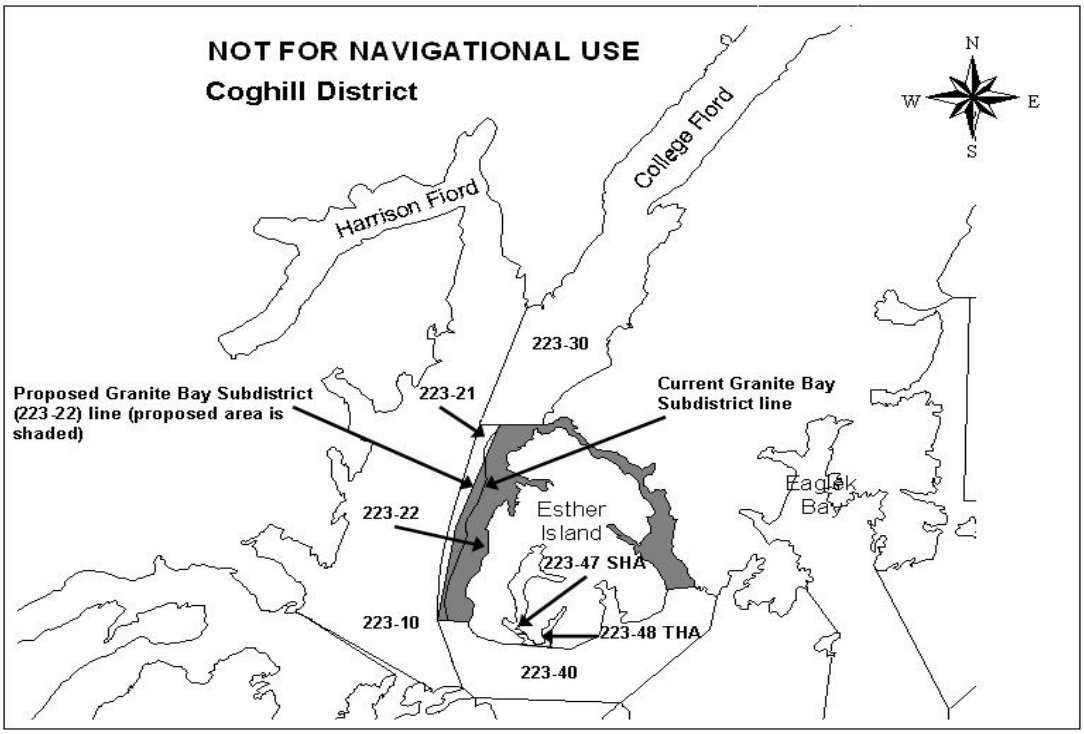
WHAT WOULD THE PROPOSAL DO? The proposal would change the western boundary of the Granite Bay Subdistrict from being 1 nautical mile from shore to being east of a line defined by three points that are approximately one mile off shore.

WHAT ARE THE CURRENT REGULATIONS? The current western boundary description of the Granite Bay Subidstrict includes area described as waters on the east side of Port Wells, within one mile of shore, between a line at 60° 48.06' N.

lat., 148° 08.54' W. long. and the north end of Esther Passage at 60° 55.81' N. lat., 148° 03.80' W. long.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, rather than having a convoluted western boundary, the Granite Bay Subdistrict would have a western boundary defined by three latitude-longitude points.

BACKGROUND: This is a house keeping proposal. District and subdistrict boundaries that are comprised of a line or line segments are easier for stakeholders to identify and remain within. The boundary of the Granite Bay Subdistrict is highly convoluted, difficult to identify and problematic for Alaska State Troopers to monitor and enforce.



Proposal 59, Figure 1. Proposed Granite Bay Subdistrict modifications.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 60 – 5 AAC 24.350. Closed waters.

PROPOSED BY: Stephen Riedel.

WHAT WOULD THE PROPOSAL DO? The proposal would move the Southeastern and Eastern districts Simpson Bay, Nelson Bay, and Orca Bay regulatory closed waters line to the latitude of Salmo Point.

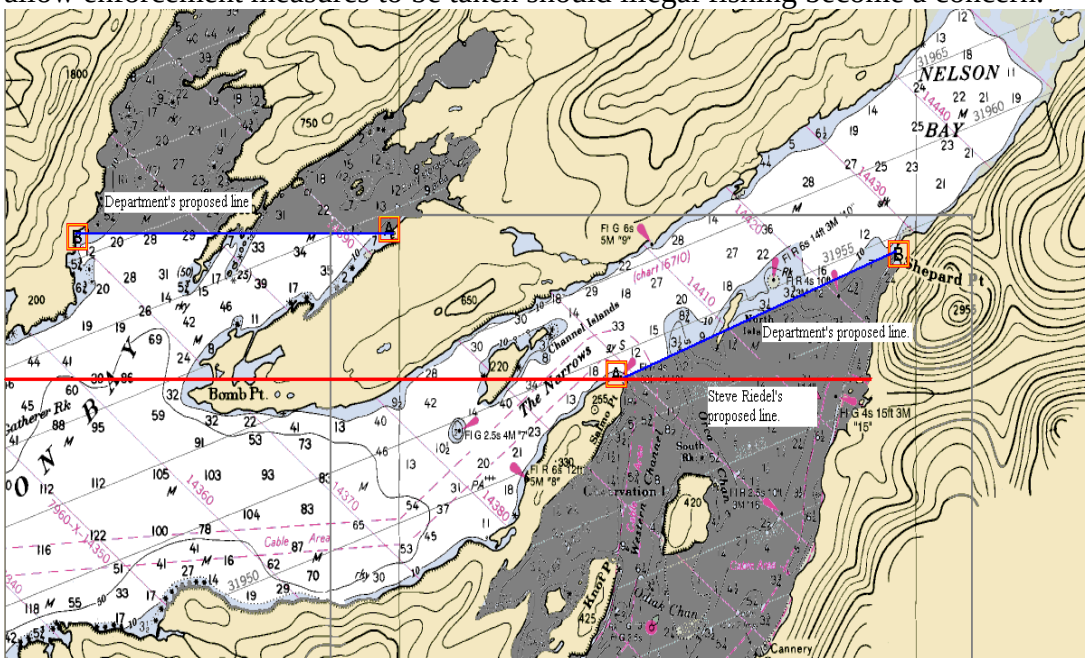
WHAT ARE THE CURRENT REGULATIONS? The current Southeastern and Eastern district Simpson Bay, Nelson Bay, and Orca Bay regulatory closed waters area is described as being east of 145º 57.12' W. long., and all of Orca Inlet southeast of Hawkins Island.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, waters of Simpson Bay, Nelson Bay excluding waters southeast of Hawkins Island, and Orca Bay south of the latitude of Salmo Point, that are normally closed to protect anadromous streams, would open when the Eastern or Southeastern districts are opened.

BACKGROUND: This regulatory closed water area was created in 1969 by BOF action and has opened by emergency order during two of the last four years when pink salmon were observed to be in surplus of escapement needs. The regulatory closed water boundary line was created because Simpson Bay, Nelson Bay, and Orca Bay were deemed to be highly susceptible to fishing effort. The implementation of these closed waters was reported to be the result of concerns about "creek robbing," and, combined with close proximity to Cordova and weak escapement, the reservation of a large area was deemed necessary to afford adequate protection for affected streams. The following excerpt from the 1970 Area Management Report illustrates these concerns:

The Department is aware that a certain amount of illegal fishing is pursued each year, but this probably has been fairly constant in the past. In 1970, probably due to a poor seine season, increased amounts of gear in the fishery and non-existent enforcement, illegal fishing was apparently at a new high. Fishermen complained continuously about the Department's lack of regulation enforcement. During this season one temporary Protection Assistant was on duty for approximately two weeks. This man was stationed at Bering River which left the entire Copper River flats open to illegal fishing. The Senior Protection Officer informed Management Biologists that he did not have funds available for regulation enforcement of this fishery, and after termination of his one assistant, all protection effort by his Division ceased. When escapement surveys of early indicator streams could be flown it was apparent that escapements were below normal levels, and the season was closed.

Modification of these regulatory closed waters, given recent market conditions and the resultant fleet concentration shift to high volume enhanced stock fisheries, should result in minimal fishing effort and afford the department continued management flexibility in ensuring adequate escapement of affected wild stocks. Additionally, current enforcement capabilities and proximity to Cordova should allow enforcement measures to be taken should illegal fishing become a concern.



Proposal 60, Figure 1. Illustration of proposed regulatory closed water lines in Simpson Bay and Nelson Bay/Orca Inlet.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal as written. The proposed line would intersect the eastern shore of Orca Inlet within 500 yards of Humpback Creek, which may lead to confusion on the mandatory anadromous stream closure. The department would support this proposal if the following adjustments were made to 5 AAC 24.350. Closed waters:
(3) (A) Simpson Bay north of 60º 38.00' N. lat., Orca Inlet and Nelson Bay south and east of a line from Salmo Point to Shepard Point, and all of Orca Inlet southeast of Hawkins Island.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

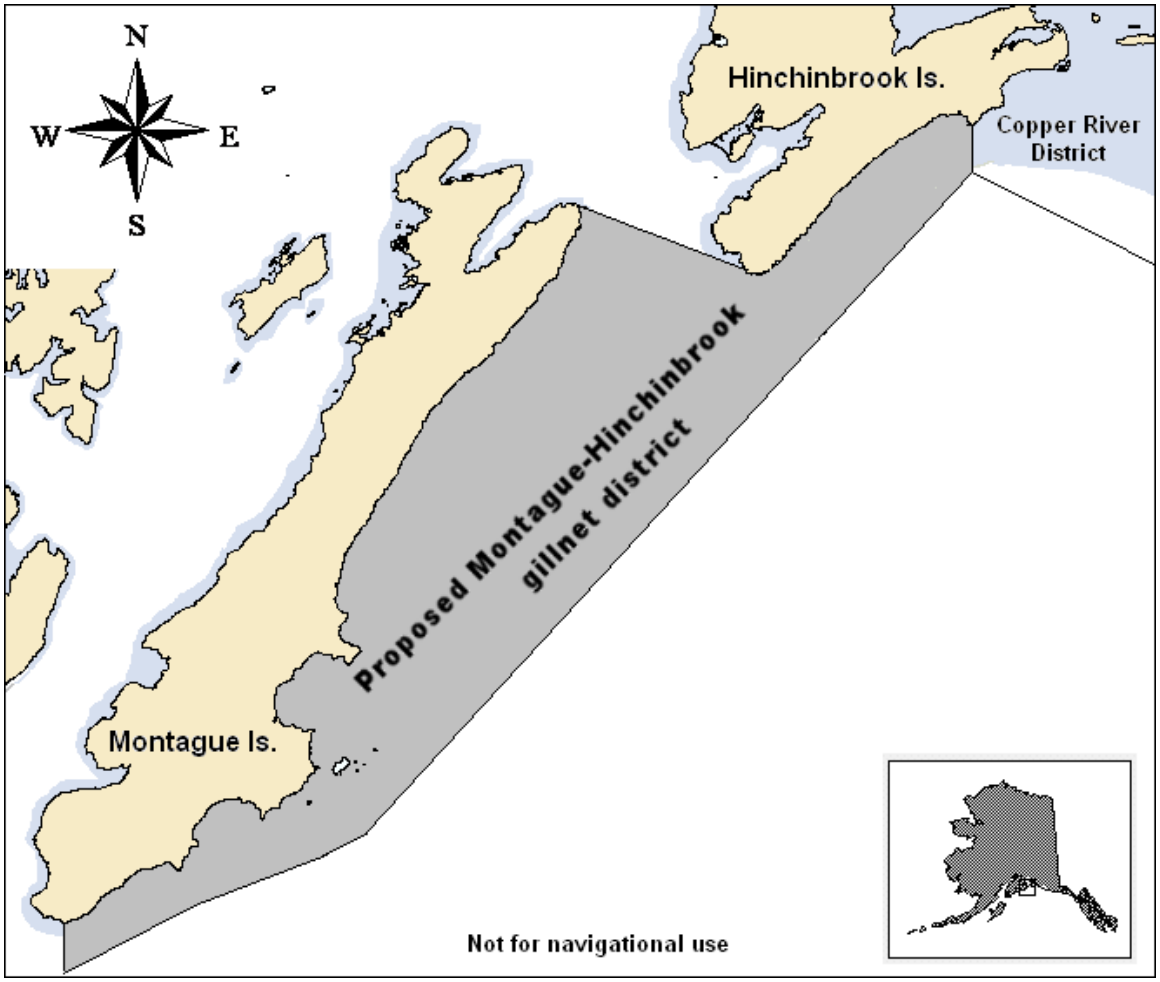
PROPOSAL 61 - 5 AAC 24.330(a). Gear.
5 AAC 24.331. Gillnet specifications and operations.

PROPOSED BY: Warren Chappel.

WHAT WOULD THE PROPOSAL DO? This proposal will amend regulation 5 AAC 24.330 (a) to allow drift gillnet gear to be used in portions of Montague and Southeastern districts.

WHAT ARE THE CURRENT REGULATIONS? The current regulation, 5 AAC 24.330 (a) does not permit drift gillnets in Montague or Southeastern districts.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, use of drift gillnet gear would be permitted on the east side of Montague Island in Montague District and the southeastern shores of Hinchinbrook Island in the Southeastern District. See Figure 1.



Proposal 61, Figure 1. Montague-Hinchinbrook gillnet district would extend from the Copper River District south to three miles seaward of Cape Clear.

BACKGROUND: Historically, areas seaward of Montague Island and Hinchinbrook Island west of Hook Point have not been fished by the gillnet fleet. Salmon in these waters have generally been returning to several different areas including, the Copper River, Prince William Sound, and systems outside Prince William Sound.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. Managing this area would be problematic due to the interception of salmon from many different stocks. Additionally, unlike other gillnet districts in Area E that have local sockeye salmon spawning populations, the proposed "Montague-Hinchinbrook" gillnet area has no sockeye salmon spawning population and would only be harvesting salmon bound for other districts or regions.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

Main Bay Salmon Hatchery Harvest Management Plan:

PROPOSAL 62 - 5 AAC 24.331(b). Gillnet specifications and operations.

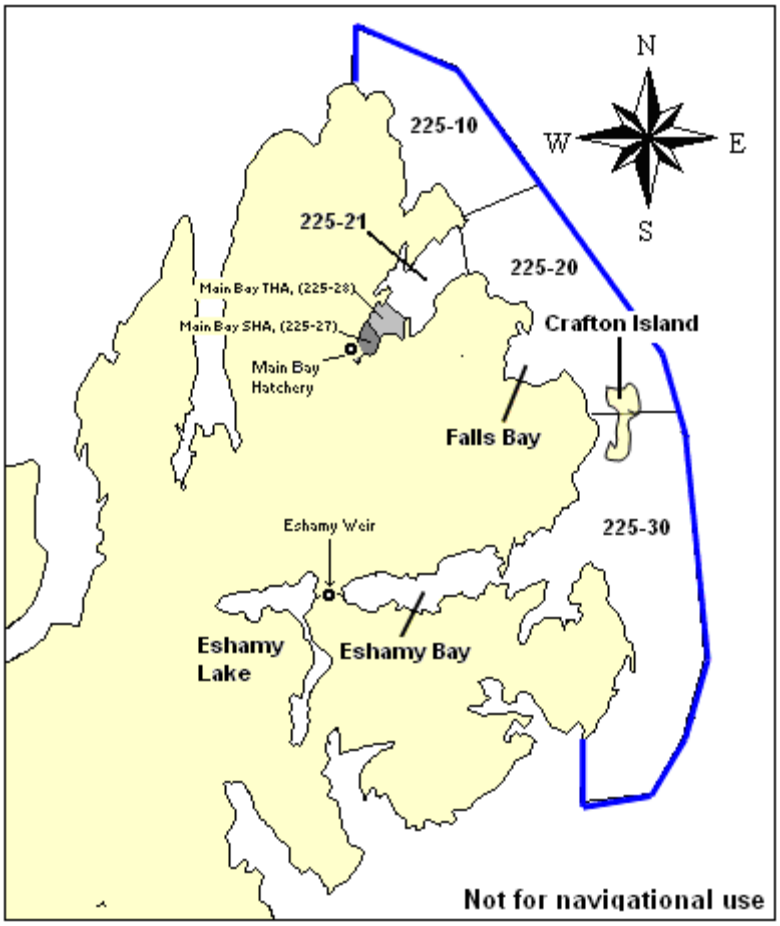
PROPOSED BY: Steve Aberle.

WHAT WOULD THE PROPOSAL DO? The proposal would require set gillnet permit holders in the Eshamy District to remove buoys from inactive sites during open fishing periods.

WHAT ARE THE CURRENT REGULATIONS? Current regulations under 5 AAC 24.331(b) do not specifically state that associated fishing equipment be removed from the water at the close of a fishing period. However, 5 AAC 24.367 Main Bay Salmon Hatchery Harvest Management Plan (d)(2) states that the operator of a set gillnet shall remove all nets, anchors, and associated equipment from the waters of the Main Bay Alternating Gear Zone at the end of the fishing day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, set gillnet permit holders would be required to remove buoys from sites that are not operated during a fishing period. This would increase the area available to drift gillnet permit holders.

BACKGROUND: A similar proposal was submitted in 2002 to the Alaska Board of Fisheries.



Proposal 62, Figure 1- Eshamy District and Main Bay Subdistrict detail.

The seaward end of set gillnets must be marked with a red keg, buoy or cluster of floats (5 AAC 39.280(b)). Set gillnet permit holders may hold an unlimited number of sites in the Eshamy District with each site registered with the Alaska Department of Natural Resources. Each of these sites may be outfitted with buoys and running lines that are in place throughout the season with the exception of the Alternating Gear Zone (AGZ) of the Main Bay Subdistrict (5 AAC 24.367(d)(2)), where buoys or floats used to mark the seaward end of set gillnets are required to be removed from the fishing grounds during open commercial periods when that site is not being operated.

DEPARTMENT COMMENTS: This is a gear conflict issue and the department is **NEUTRAL** on this proposal.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 63 - 5 AAC 24.331(b). Gillnet specifications and operations.

PROPOSED BY: Scott Seaton.

WHAT WOULD THE PROPOSAL DO? The proposal would require set gillnet permit holders in the Eshamy District to remove buoys and running lines from inactive sites during open fishing periods.

WHAT ARE THE CURRENT REGULATIONS? Current regulations under 5 AAC 24.331(b) do not specifically state that associated fishing equipment be removed from the water at the close of a fishing period. However 5 AAC 24.367 Main Bay Salmon Hatchery Harvest Management Plan (d)(2) states that the operator of a set gillnet shall remove all nets, anchors, and associated equipment from the waters of the Main Bay Alternating Gear Zone at the end of the fishing day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, set gillnet permit holders would be required to remove buoys from sites that are not operated during a fishing period. This would increase the area available to drift gillnet permit holders.

BACKGROUND: This proposal is nearly identical in scope and intent to Proposal 62. Please refer to Proposal 62 for background information.

DEPARTMENT COMMENTS: This is a gear conflict issue and the department is **NEUTRAL** on this proposal.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

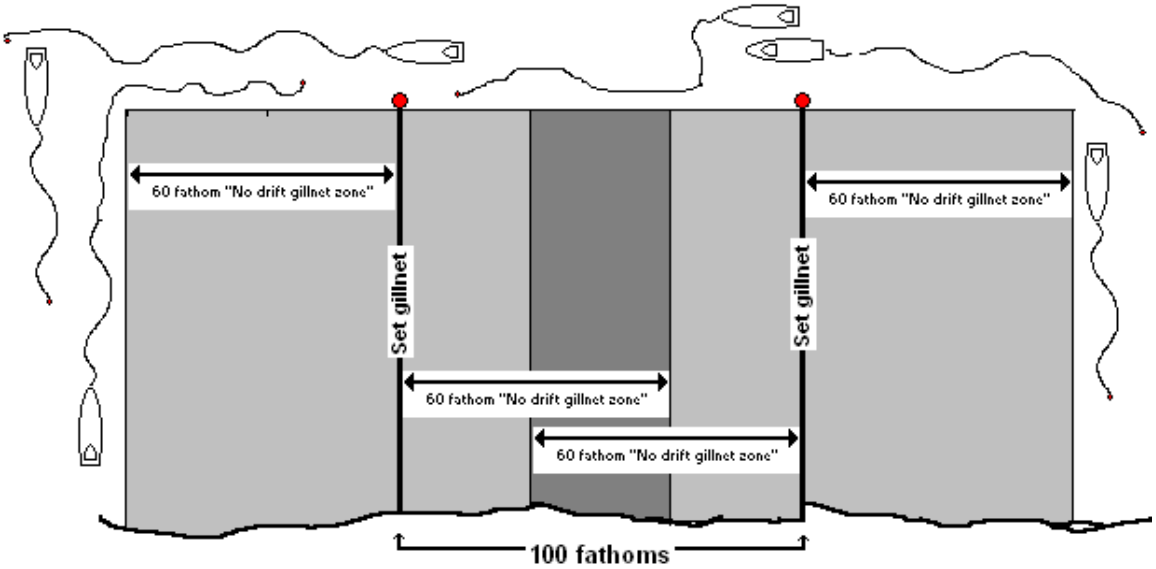
PROPOSAL 64 - 5 AAC 24.335. Minimum distance between units of gear

PROPOSED BY: Pete Jenkins.

WHAT WOULD THE PROPOSAL DO? The proposal would increase the minimum distance between set gillnet operations in the Eshamy District outside of the Main Bay Hatchery Subdistrict from 100 fathoms to 200 fathoms.

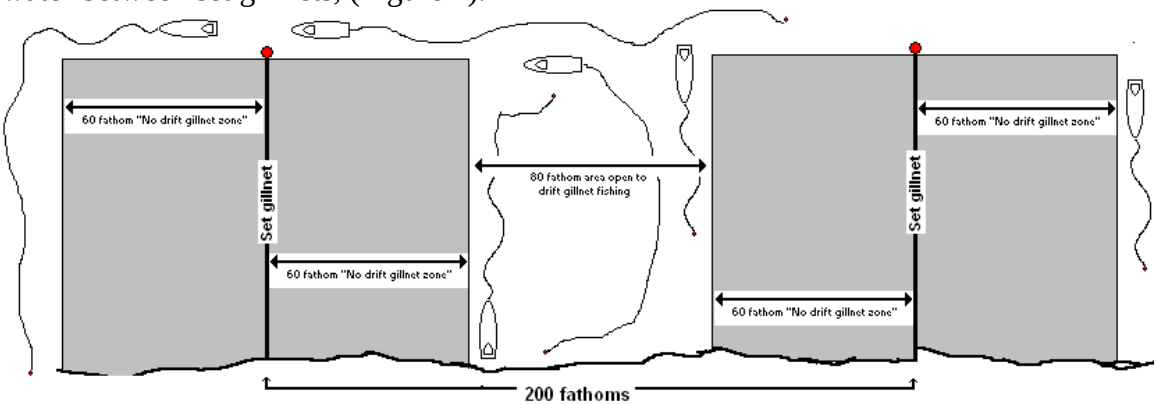
WHAT ARE THE CURRENT REGULATIONS? Current regulations (5 AAC 24.335) specify a minimum distance of 100 fathoms between set gillnets in the Eshamy District outside of the Main Bay Subdistrict.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Currently drift gillnet vessels outside of the Main Bay Subdistrict are not allowed to deploy gear w/in 60 fathoms of a set gillnet, excluding the zone outside of the offshore end of a set gillnet (Figure 1).



Proposal 64, Figure 1. With a minimum set gillnet spacing of 100 fathoms, drift gillnet vessels are prevented from setting gear between set gillnets.

If minimum set gillnet spacing were to increase from 100 fathoms to 200 fathoms, drift gillnet vessels would be allowed to legally fish in the 80 fathom band of water between set gillnets, (Figure 2).



Proposal 64, Figure 2. If set gillnet minimum spacing were increased to 200 fathoms, drift gillnet vessels would be able to fish in a 80 fathom corridor between deployed set gillnets.

<u>BACKGROUND:</u> At the 1996 BOF meeting, the Board adopted a related proposal that affected minimum distance requirements in waters outside of the Main Bay Subdistrict. At that time, set gillnets needed to be separated by at least 100 fathoms and drift gillnet gear needed to be 50 fathoms away from a set gillnet. This created a theoretical line equidistant between two adjacent set nets where a drift gillnet could conceivably be deployed. While it would be virtually impossible to remain perfectly centered between two set gillnets, drift gillnetters were attempting to exploit this ambiguity in regulation. The Board increased the minimum distance between drift and set gillnet gear to 60 fathoms in the Crafton Island Subdistrict, thereby eliminating this ambiguity in regulation.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

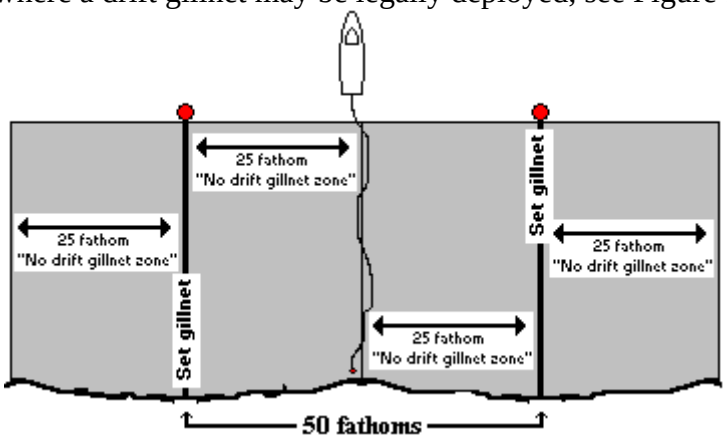
PROPOSAL 65 - 5 AAC 24.335. Minimum distance between units of gear. and **24.367(b) Main Bay Salmon Hatchery Harvest Management Plan.**

PROPOSED BY: Prince William Sound Setnet Association.

WHAT WOULD THE PROPOSAL DO? The proposal would increase the distance that drift gillnet permit holders are required to maintain from a set gillnet in the Main Bay Hatchery Subdistrict excluding the Terminal Harvest Area from 25 fathoms to 60 fathoms.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 24.367(b) states that in the Main Bay Subdistrict(1) no portion of a drift gillnet may be operated within 25 fathoms of a set gillnet, except in the zone outside of the offshore end of the set gillnet. In addition, in the Main Bay Subdistrict, no set gillnet may be deployed within 50 fathoms of another set gillnet (5 AAC 24.367(c)(4)).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would prevent drift gillnet boats from endeavoring to fish legally between two deployed set gillnets that are spaced the legal distance apart. In the Main Bay Subdistrict the minimum distance between set gillnets is 50 fathoms, and the minimum distance that a drift gillnet vessel can fish lateral to a set gillnet is 25 fathoms. This creates a theoretical line between two precisely situated set gillnet sites where a drift gillnet may be legally deployed, see Figure 1 below.



Proposal 65, Figure 1. Set gillnets in Main Bay Subdistrict showing 50 fathom minimum spacing between set gillnets and 25 fathom minimum distance for drift

gillnet vessels laterally from a set gillnet. This creates a theoretical line between set gillnets where a drift gillnet boat may set gear.

If adopted, this regulation would create a zone of overlap, similar to the 20 fathom zone of overlap between set gillnets outside of the Main Bay Subdistrict (see Proposal 64, Figure 1) that prohibits drift gillnetters from fishing between two set gillnets.

BACKGROUND: At the 1996 BOF meeting, the Board considered and adopted a similar proposal that affected minimum distance requirements in waters of the Crafton Island Subdistrict. At that time, set gillnets needed to be separated by at least 100 fathoms and drift gillnet gear needed to be 50 fathoms away from a set net. This created a theoretical line equidistant between two adjacent set nets where a drift gillnet could conceivably be deployed. While it would be virtually impossible to remain perfectly centered between two set gillnets, drift gillnetters were attempting to exploit this ambiguity in regulation. The Board increased the minimum distance between drift and set gillnet gear to 60 fathoms in the Crafton Island Subdistrict thereby eliminating this loophole in regulation.

For conservation purposes, the Main Bay Subdistrict is frequently opened by itself and is used as a terminal fishery to target enhanced stocks and minimize the harvest of wild stocks. Gear and spacing requirements are different inside Main Bay than in the Crafton Island Subdistrict to accommodate additional gear in this terminal fishery adjacent to the hatchery. Minimum distance requirements between two set gillnet sites is reduced to 50 fathoms, set gillnets may only be 50 fathoms in length, and drift gillnet gear must be 25 fathoms from set gillnet gear. The same regulatory ambiguity as previously existed in the Crafton Island Subdistrict in 1996, wherein a drift gillnet could theoretically (and legally) be deployed precisely equidistant between two set gillnets, currently exists for the Main Bay Subdistrict.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. To eliminate the ambiguity in regulation when there are two adjacent set gillnets spaced 50 fathoms apart, a 30-fathom minimum distance between drift gillnet gear and set gillnet gear would suffice and be consistent with previous board action. In situations when there are not two adjacent set gillnets, the proposed 60 fathom minimum distance between drift and set gillnet gear would take away some access to beach sets for drift gillnet gear.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

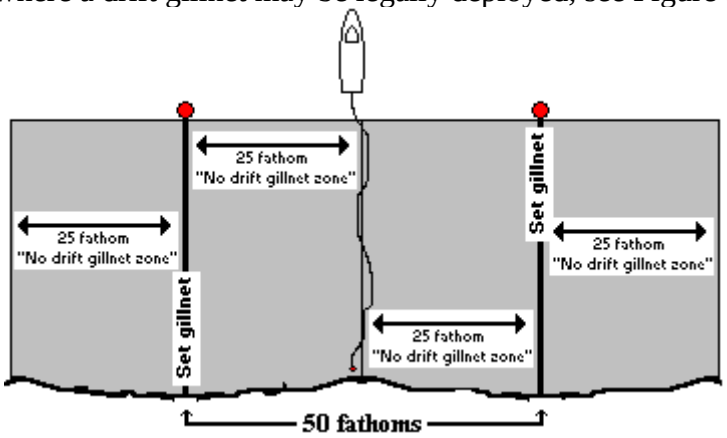
PROPOSAL 66 - 5 AAC 24.367(b). Main Bay Salmon Hatchery Harvest Management Plan.

PROPOSED BY: Paul Owecke.

WHAT WOULD THE PROPOSAL DO? The proposal would increase the distance that drift gillnet permit holders are required to maintain from a set gillnet in the Main Bay Hatchery Subdistrict excluding the Terminal Harvest Area from 25 fathoms to 60 fathoms. This proposal is nearly identical in scope and intent to Proposal 65.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 24.367(b) states that in the Main Bay Subdistrict (1) no portion of a drift gillnet may be operated within 25 fathoms of a set gillnet, except in the zone outside of the offshore end of the set gillnet. In addition, in the Main Bay Subdistrict, no set gillnet may be deployed within 50 fathoms of another set gillnet (5 AAC 24.367(c)(4)).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would prevent drift gillnet boats from endeavoring to fish legally between two deployed set gillnets that are spaced the legal distance apart. In the Main Bay Subdistrict, the minimum distance between set gillnets is 50 fathoms and the minimum distance that a drift gillnet vessel can fish lateral to a set gillnet is 25 fathoms. This creates a theoretical line between two precisely situated set gillnet sites where a drift gillnet may be legally deployed, see Figure 1 below.



Proposal 66, Figure 1. Set gillnets in Main Bay Subdistrict showing 50 fathom minimum spacing between set gillnets and 25 fathom minimum distance for drift gillnet vessels laterally from a set gillnet. This creates a theoretical line between set gillnets where a drift gillnet boat may set gear.

If adopted, this regulation would create a zone of overlap, similar to the 20 fathom zone of overlap between set gillnets outside of the Main Bay Subdistrict (see Proposal 64, Figure 1) that prohibits drift gillnetters from fishing between two set gillnets.

BACKGROUND: At the 1996 BOF meeting, the Board considered and adopted a similar proposal that affected minimum distance requirements in waters of the Crafton Island Subdistrict. At that time, set gillnets needed to be separated by at least 100 fathoms and drift gillnet gear needed to be 50 fathoms away from a set net. This created a theoretical line equidistant between two adjacent set nets where a drift gillnet could conceivably be deployed. While it would be virtually impossible to remain perfectly centered between two set gillnets, drift gillnetters were attempting to exploit this ambiguity in regulation. The Board increased the minimum distance between drift and set gillnet gear to 60 fathoms in the Crafton Island Subdistrict thereby eliminating this loophole in regulation.

For conservation purposes, the Main Bay Subdistrict is frequently opened by itself and is used as a terminal fishery to target enhanced stocks and minimize the harvest of wild stocks. Gear and spacing requirements are different inside Main Bay than in the Crafton Island Subdistrict to accommodate additional gear in this terminal fishery adjacent to the hatchery. Minimum distance requirements between two set gillnet sites is reduced to 50 fathoms, set gillnets may only be 50 fathoms in length, and drift gillnet gear must be 25 fathoms from set gillnet gear. The same regulatory ambiguity as previously existed in the Crafton Island Subdistrict in 1996, wherein a drift gillnet could theoretically (and legally) be deployed precisely equidistant between two set gillnets, currently exists for the Main Bay Subdistrict.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. To eliminate the ambiguity in regulation when there are two adjacent set gillnets spaced 50 fathoms apart, a 30-fathom minimum distance between drift gillnet gear and set gillnet gear would suffice and be consistent with previous board action. In situations when there are not two adjacent set gillnets, the proposed 60 fathom minimum distance between drift and set gillnet gear would take away some access to beach sets for drift gillnet gear.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

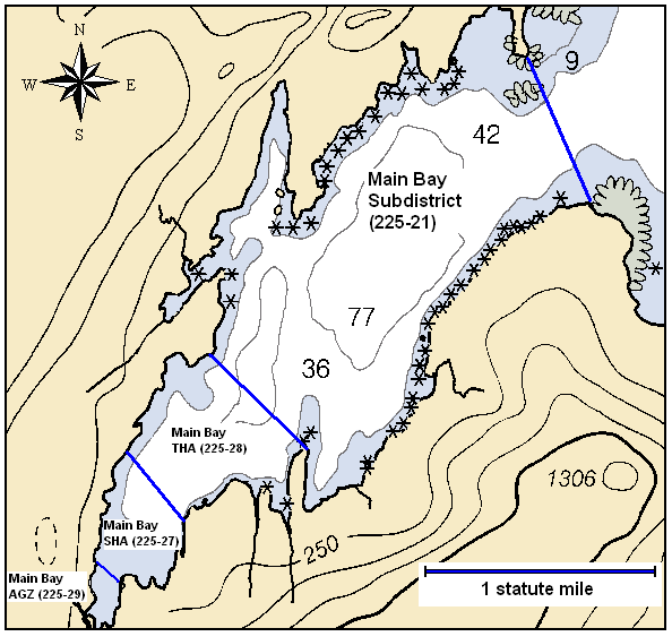
PROPOSAL 67 - 5 AAC 24.367(d)(1). Main Bay Salmon Hatchery Harvest Management Plan.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal would change regulatory language to match management practice in the Alternating Gear Zone (AGZ) of the Main Bay Hatchery Subdistrict in the Eshamy District. Fishery managers have alternated drift gillnet and set gillnet opportunity in the Alternating Gear Zone (AGZ) by period rather than by day.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify that set gillnet and drift gillnet gear may be operated only on alternating days during fishing periods.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, there would be no effect on management practices.



Proposal 67, Figure 1- Main Bay Subdistrict detail.

BACKGROUND: A single fishing period in the AGZ may span more than one day. Set and drift gillnet gear types are alternated between periods, but are not required to alternate at midnight, in the middle of a period, as stated in regulation. In general, the gear type that starts in a given period benefits by harvesting the fish that have built up during the preceding closed period. Switching gear types within an ongoing period would provide little benefit to the gear type starting in mid-period, but would create a burden for users (especially set gillnetters) who must vacate the area at midnight. This stipulation also creates confusion among permit holders as well as added enforcement duties for enforcement personnel.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 68 - 5 AAC 24.370. Prince William Sound Management and Salmon Enhancement Allocation Plan.

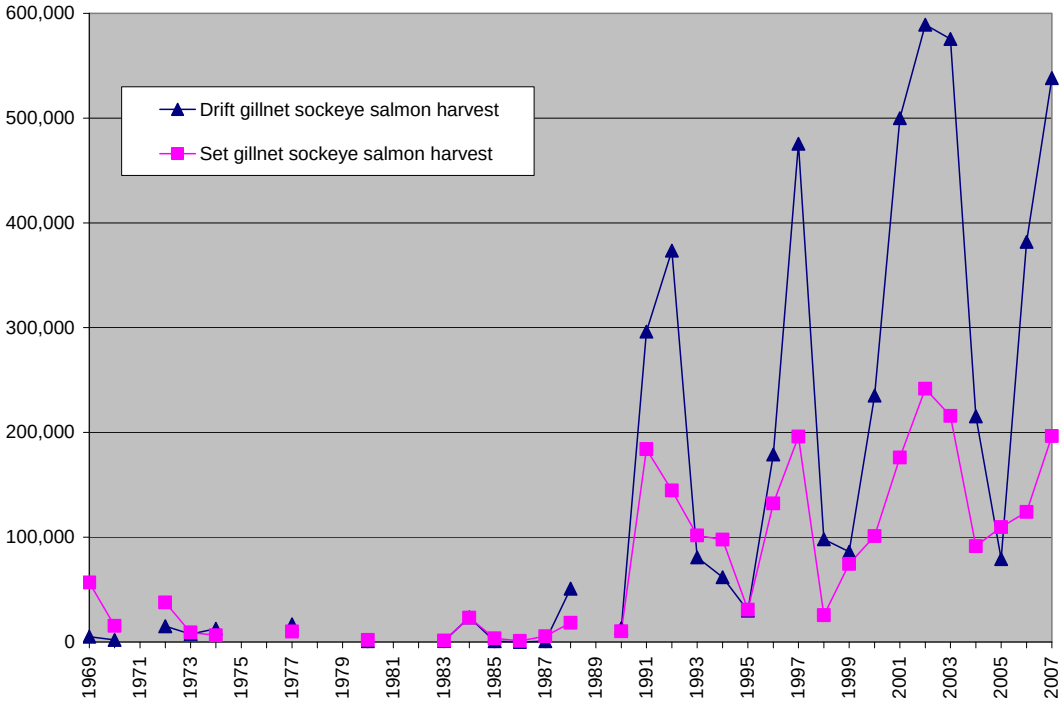
PROPOSED BY: Colleen James.

WHAT WOULD THE PROPOSAL DO? The proposal would alternate drift gillnet and set gillnet commercial fishing periods within the Eshamy District.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow both types of gear to be fished at the same time in the Eshamy District excluding the Alternating Gear Zone.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, the set gillnet fleet and the drift gillnet fleet would alternate fishing periods in the Eshamy District. The Eshamy District is approximately 15 miles in length (see the map in Figure 1, Proposal 62). There are 32 set gillnet permit holders and approximately 530 drift gillnet permit holders who may fish the Eshamy District. It is likely that there would be loss of fish quality and missed economic opportunity if 32 set gillnet operators fished the entire district exclusive of the drift gillnet fleet.

BACKGROUND: Drift and set gillnet gear groups have operated with concurrent periods since prior to 1950. Prior to the first return of MBH sockeye in 1991, the annual harvests for drift and set gillnet averaged 10,491 and 14,605 salmon, respectively, from 1969- 1990 during years where a fishery occurred. Since that time, average harvests of sockeye salmon have increased dramatically to 267,141 and 125,184 for drift and set gillnet, respectively, (see Table 1).



Proposal 68, Figure 1- Drift and set gillnet sockeye salmon harvests in the Eshamy District, 1969-2007

Additionally, prior to the introduction of hatchery produced salmon, this district was closed frequently due to low numbers at the Eshamy River weir. From 1969-1990, the district was closed for 7 seasons.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PWS Management and Salmon Enhancement Allocation Plan:

PROPOSAL 69 - 5 AAC 27.370(e). General restrictions for Prince William Sound Area. The regulation referenced by the author of this proposal should be 5 AAC 24.370(e). Prince William Sound Management and Salmon Enhancement Allocation Plan.

PROPOSED BY: Gregory R. Gabriel, Jr.

WHAT WOULD THE PROPOSAL DO? As the proposal is written, purse seine fishery opening dates for Coghill and Southwestern districts and Perry Island Subdistrict would be eliminated in favor of the presence of sufficient wild stocks or enhanced stocks. This proposal would also require the department to schedule salmon purse seine fishing periods on at least a weekly basis, subject to time and area restrictions, when there are sufficient wild stocks or enhanced stocks to provide harvest opportunity.

WHAT ARE THE CURRENT REGULATIONS? Currently, the Southwestern District is closed to salmon fishing before July 18, the Perry Island Subdistrict is closed to salmon fishing before July 21, and the Coghill District is closed to purse seine fishing before July 21. Subject to these dates, purse seine periods may be opened by emergency order based on the strength of wild and enhanced salmon stocks. The Eastern, Northern (except Perry Island Subdistrict), Southeastern, Northwestern, and Montague districts have no date restrictions and are managed by emergency order based on the strength of wild and enhanced salmon stocks. There is no requirement to allow purse seine fishing periods on a weekly basis in the Prince William Sound Area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, the purse seine gear group may gain access to enhanced and wild stocks traditionally fished by the drift gillnet gear group. Regulatory early season closures in the Southwestern District, Perry Island Subdistrict, and Coghill District would no longer be in effect and seine areas would open when wild and enhanced stocks are sufficient to provide harvest opportunity. Weekly purse seine openings would be required in some or all purse seine districts. Additionally, this proposal may establish a fishery with the potential to target wild and enhanced salmon stocks in migratory corridors.

BACKGROUND: Proposals pertaining to the PWS allocation plan have been before the BOF since it became effective in 1991. A history and analysis of the allocation plan through the 1996 BOF meeting is available in BOF Finding 97-02-FB. Many if not all of the issues identified in the finding have been at the heart of the discussions since then, including this board cycle.

Start and stop dates for purse seine and drift gillnet gear in Southwestern and Coghill districts and Perry Island Subdistrict were included in the allocation plan in order to partition opportunity for the gear groups and to allow migration corridors for wild and hatchery salmon stocks.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department is concerned that the targeting of wild and enhanced salmon stocks in migratory corridors of the Southwestern and Coghill districts and Perry Island Subdistrict will complicate the management of these stocks in the districts and hatchery terminal areas of origin.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 70 - 5 AAC 24.370. Prince William Sound Management and Salmon Enhancement Allocation Plan.

PROPOSED BY: Thomas Nelson.

WHAT WOULD THE PROPOSAL DO? The proposal would have Prince William Sound Aquaculture Corporation (PWSAC) make proportional adjustments in cost recovery to correct exvessel value allocation percentages instead of allowing the drift gillnet fleet exclusive access to the Port Chalmers remote chum salmon run. This proposal would shift more of the PWSAC cost recovery burden to the harvest of enhanced pink salmon and away from species harvested by the drift gillnet fleet.

WHAT ARE THE CURRENT REGULATIONS? The current regulation specifies that if the drift gillnet gear group exvessel value falls below the 45 percent trigger outlined in 5 AAC 24.370, they will have exclusive access to the Port Chalmers Subdistrict between June 1 and July 30 in the year following the allocation calculation. This regulation also specifies that if the purse seine gear group exvessel value falls below the 45 percent trigger outlined in 5 AAC 24.370, they will have exclusive access to the Esther Subdistrict between June 1 and July 20 in the year following the allocation calculation. Additionally, if the drift gillnet or purse seine gear group exvessel value is 47% or less of the previous five-year average, the department will consult with PWSAC regarding proportional adjustments in cost recovery to correct the allocation shortfall.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, in the year after the preceding five-year average exvessel value of common property enhanced harvest for the drift gillnet fleet is at or below 45 percent, the purse seine fleet would retain access to the Port Chalmers Subdistrict. This proposal would eliminate fishing by the drift gillnet fleet in the Port Chalmers Subdistrict as an allocation remedy. There would be an increase in the number of chum and sockeye salmon available to the drift gillnet fleet in the Coghill and Eshamy districts as cost recovery is shifted toward pink salmon.

BACKGROUND: For the 2009 fishing season, the drift gillnet fleet will have exclusive access to the Port Chalmers Subdistrict according to 5 AAC 24.370(h)(1). Refer to the 2009 Prince William Sound Salmon Allocation Plan (5 AAC 24.370) News Release for additional background information.
At the 1996 BOF meeting, the "piggy bank" concept was introduced as a remedy to either the drift gillnet or purse seine fleet should they experience a significant allocation shortfall. Currently, the piggy bank for the seine fleet, described in 5 AAC 24.370(h)(2), is exclusive access to the enhanced Wally Noerenberg Hatchery chum salmon return in the Esther Subdistrict. The piggy bank for the drift gillnet fleet, described in 5 AAC 24.370(h)(2), is exclusive access to the enhanced chum salmon return in the Port Chalmers Subdistrict of the Montague District. The trigger point for these remedies was originally 25 percent or less of the total exvessel value of Area E for either fleet. At the 2003 BOF meeting, the trigger point was changed to 40 percent or less for either fleet, and the board endorsed a management plan for the purse seine fleet to share the Esther Subdistrict prior to July 21. At the 2004 BOF ACR meeting, a buffer zone was established to reduce drift gillnet harvest of enhanced chum salmon outside of the Esther Subdistrict. However, the buffer zone was not effective in reducing the drift gillnet enhanced chum salmon harvest. The buffer zone was redefined and renamed at the 2005 Board of Fisheries meeting as the Granite Bay Subdistrict (described in 5 AAC 24.200(f)(2)).

Additional modifications to the PWS Salmon Management and Allocation Plan were made at the 2005 Alaska Board of Fisheries meeting. The allocation calculation was adapted to generate a comparison of the preceding five-year average exvessel value of common property enhanced harvest. The trigger point was modified to a two tier allocation adjustment scheme. The first tier is a 47 percent trigger established to allow the regional aquaculture association to make proportional adjustments to cost recovery in applicable years. A 45 percent trigger was established to provide access to the "piggy banks" as the second tier allocation remedy in applicable years.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 71 - 5 AAC 24.370. Prince William Sound Management and Salmon Enhancement Allocation Plan.

PROPOSED BY: Thomas Nelson.

WHAT WOULD THE PROPOSAL DO? The proposal would allow purse seining to occur between June 1 and July 21 in the Coghill District north of the latitude of the Granite Bay Subdistrict at 60° 55.81 and within one nautical mile of the west shore of Port Wells north of Point Pigot.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify that the Coghill District is only open to drift gillnet gear prior to July 21, after which purse seines may also be operated throughout the district while the harvestable surplus is predominately pink salmon. By emergency order, seine gear may be used prior to July 21 if the harvestable surplus of enhanced chum salmon or wild stock salmon is not being adequately harvested by the gillnet fleet. If the seine gear group's harvest value of enhanced salmon is 45 percent or less of the previous five-year average ex-vessel value comparison of common property enhanced salmon harvest, then in the year following the calculation, the seine gear group will have exclusive access to the Esther Subdistrict from June 1 through July 20.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would reallocate some portion of the Coghill District wild and enhanced salmon harvest currently harvested by the drift gillnet fleet between June 1 until July 21, to the purse seine fleet.

BACKGROUND: Hatchery chum salmon fry releases in Prince William Sound were stable at approximately 100 million between 1994 and 2003, but increased to about 133 million in 2004. Favorable environmental conditions in recent years have provided for increased chum salmon survival both in hatchery and wild stocks in PWS. The introduction of the PWS Management and Salmon Enhancement Allocation Plan changed areas accessible to the different gear types based on the potential value of the harvest. Pink salmon became the primary species caught by the purse seine fleet, while all other species became the target of the gillnet fleet. After pink salmon prices fell dramatically in the early 1990s, a portion of the Wally Noerenberg Hatchery chum salmon production was moved to Port Chalmers on Montague Island in an effort to balance the value of the harvest among the gear groups. The value of pink salmon has increased in recent years, increasing the allocation percentage for the purse seine gear group. The value of gillnet harvested species, primarily sockeye salmon, has also fluctuated,

but has remained relatively consistent. Between June 1 and July 20 the salmon harvest in the northern portion of Coghill District is primarily made up of Coghill River sockeye salmon and Wally Noerenberg Hatchery chum salmon. The following is a historical synopsis of gear usage in the Coghill District:

1960 – The legal gear types in PWS were purse seine and troll gear. The only defined district within PWS was Eshamy District with all other area defined as General District.

1961 – Fishing districts were defined (same as present). Drift gillnet gear was allowed in the Coghill District with purse seining being closed prior to an announced purse seine season. Drift gillnets limited to a maximum length of 150 fathoms.

1962 – Purse seines not allowed in the Coghill District prior to July 9, or an announced purse seine season.

1963 – Purse seines not allowed in the Coghill District prior to July 1, or an announced purse seine season.

1964 – Drift gillnets and purse seines were allowed in the Coghill and Unakwik districts with drift gillnets only allowed in the Unakwik District prior to a purse seine season (July 13 in 1964).

1965-1980 – Purse seines were allowed in all PWS districts, except Eshamy District, upon announcement.

> 1979 – Before July 1 in the Coghill District and at all times in the Eshamy and Unakwik districts, gillnets with mesh size less than 8 inches and no more than 60 meshes in depth, and gillnets with mesh size 8 inches or larger and no more than 40 meshes in depth were allowed.

1981-1984 – Purse seines were prohibited in the Coghill District before the first Monday in July or until another district was opened for the use of purse seines.

> 1981 – Before the first Monday in July in the Coghill, Eshamy, and Unakwik districts, gillnets with mesh size less than 8 inches and no more than 60 meshes in depth, and gillnets with mesh size 8 inches or larger and no more than 40 meshes in depth were allowed.

1985-1990 – Purse seines were prohibited in the Coghill District before July 6.

> 1988 – Purse seine maximum depth specifications changed from 500 to 325 meshes in depth.

1991-present – The Prince William Sound Management and Salmon Enhancement Allocation Plan restricts purse seining in the Coghill District and Perry Island Subdistrict prior to July 21., In 1997, under the same plan, fleet exvessel value allocation percentages were adopted by the BOF.

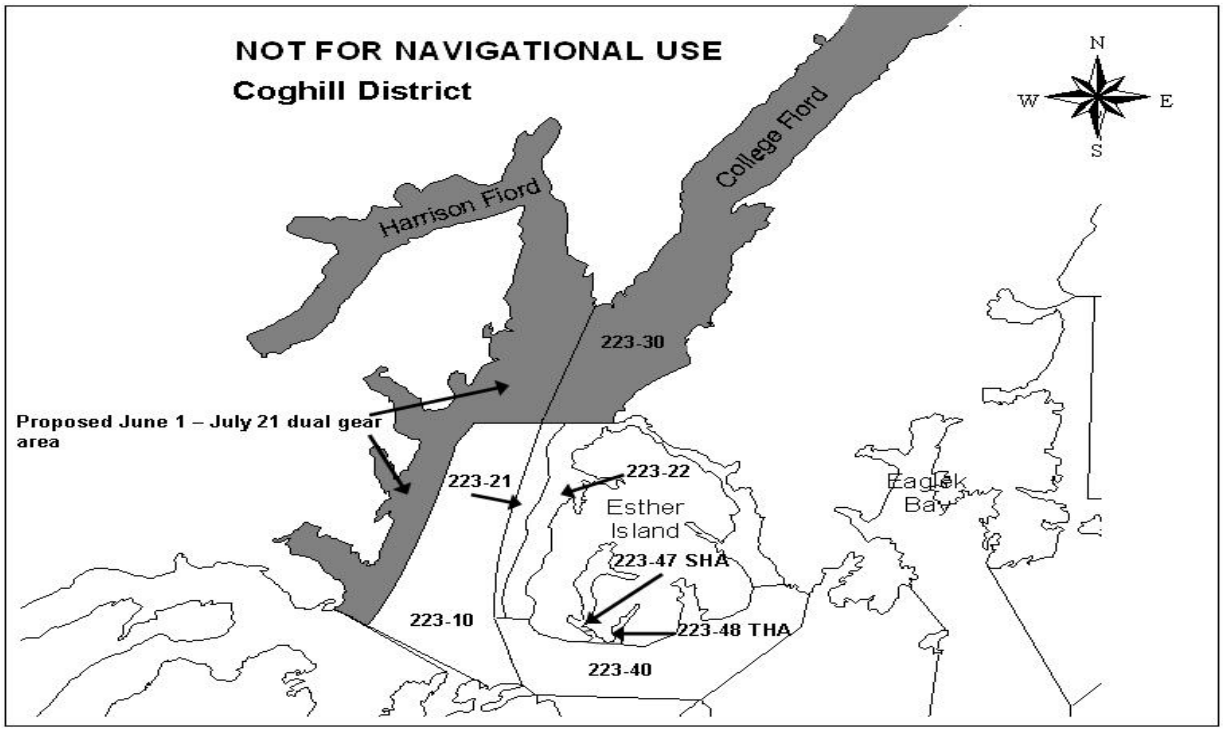
See Proposal 70 for additional background information.

Proposal 71, Table 1. **Coghill District harvest by year, gear, and species.**

Year	**Sockeye**	**Coho**	**Pink**	**Chum**
Drift Gillnet				
1996	177,530	20,926	59,447	612,969
1997	227,231	5,618	154,969	689,977
1998	59,463	2,925	383,604	347,317
1999	106,028	1,114	32,408	689,210
2000	176,452	82,869	88,228	1,643,801
2001	87,539	3,185	308,707	1,142,449
2002	59,758	784	6,457	1,660,443
2003	161,872	9,900	44,419	726,431
2004	216,156	10,200	20,081	534,959
2005	87,962	53,308	181,898	899,126
2006	96,435	97,002	24,659	266,233
2007	173,430	60,982	65,407	1,009,377
10-Year Average (1998-2007)	122,510	32,227	115,587	891,935
Purse Seine				
1996	2,640	5,319	1,484,422	463
1997	5,694	1,269	1,875,617	33,139
1998	1,702	1,531	2,845,157	21,600
1999	3,229	338	3,509,722	621,349
2000	2,984	31,991	3,271,314	1,338
2001	2,398	356	648,335	3,802
2002	2,068	2,431	1,271,180	794,794
2003	125,641	724	11,439,915	750,834
2004	195	133	23,609	386,042
2005	12,365	1,579	2,917,107	249,299
2006	5,944	16,995	1,348,377	297,567
2007	12,472	24,602	2,334,590	465,448
10-Year Average (1998-2007)	16,900	8,068	2,960,931	359,207

Proposal 71, Table 2. Coghill District chum salmon harvest by gear, and year.

Year	Gillnet	Purse Seine	Difference
1996	612,969	463	612,506
1997	689,977	33,139	656,838
1998	347,317	21,600	325,717
1999	689,210	621,349	67,861
2000	1,643,801	1,338	1,642,463
2001	1,142,449	3,802	1,138,647
2002	1,660,443	794,794	865,649
2003	726,431	750,834	-24,403
2004	534,959	386,042	148,917
2005	899,126	249,299	649,827
2006	266,233	297,567	-31,334
2007	1,009,377	465,448	543,929
Average (1996-2007)	851,858	302,140	549,718



Proposal 71, Figure 1. Proposed June 1 – July 21 Coghill District purse seine and drift gillnet area.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 72 - 5 AAC 24.370. Prince William Sound Management and Salmon Enhancement Allocation Plan.

PROPOSED BY: Mike Durtschi.

WHAT WOULD THE PROPOSAL DO? The proposal would allow purse seining to occur in the Coghill District, excluding the Esther Subdistrict, between June 1 and July 20.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify that the Coghill District is open only to drift gillnet gear prior to July 21, after which purse seines may also be operated throughout the district while the harvestable surplus is predominately pink salmon. By emergency order, seine gear may be used prior to July 21 if the harvestable surplus of enhanced chum salmon or wild stock salmon is not being adequately harvested by the drift gillnet fleet. If the seine gear group's harvest value of enhanced salmon is 45 percent or less of the previous five-year average ex-vessel value comparison of common property enhanced salmon harvest, then in the year following the calculation, the seine gear group will have exclusive access to the Esther Subdistrict from June 1 through July 20.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would reallocate some portion of the Coghill District wild and enhanced salmon harvest currently taken by the drift gillnet fleet outside of the Esther Subdistrict, between June 1 and July 20, to the purse seine fleet.

BACKGROUND: Refer to Proposals 70 and 71 for background information.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 73 - 5 AAC 24.370 (e)(5) Prince William Sound Management and Salmon Enhancement Allocation Plan.

PROPOSED BY: David Clemens.

WHAT WOULD THE PROPOSAL DO? This proposal would allow drift gillnet and purse seine gear to be used during periods established by emergency order in the Coghill District.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify that the Coghill District is open only to drift gillnet gear prior to July 21, after which purse seines may also be operated throughout the district while the harvestable surplus is predominantly pink salmon. By emergency order, seine gear may be used prior to July 21 if the harvestable surplus of enhanced chum salmon or wild stock salmon is not being adequately harvested by the drift gillnet fleet. If the seine gear group's harvest value of enhanced salmon is 45 percent or less of the previous five-year average exvessel value of the commercial common property enhanced salmon harvest, then in the year following the calculation, the seine gear group will have exclusive access to the Esther Subdistrict from June 1 through July 20.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, the purse seine fleet would be allowed to fish concurrently with the drift gillnet fleet in the Coghill District during any open fishing period, eliminating the district closure to the purse seine fleet prior to July 21. In addition to current allowances for pink salmon harvest, the proposal would allow the purse seine fleet to fish in the Coghill District during the enhanced chum and coho salmon runs to Wally Noerenberg Hatchery. The drift gillnet fleet currently has exclusive access to the district during the majority of these runs. The Wally Noerenberg Hatchery chum salmon run timing is from early June to the end of July, as is the run timing of wild stock sockeye salmon returning to Coghill Lake. Allowing purse seine gear into the Coghill District prior to July 21 may increase overall harvest efficiency on these species. Management actions would need to accommodate the increased efficiency while still achieving wild stock escapements and PWSAC broodstock and cost recovery goals.

BACKGROUND: With the exception of the Eshamy District, purse seines were a legal gear type in all PWS districts from 1965 to 1980. From 1981 to 1984, purse seines were restricted from use in the Coghill District before the first Monday in July or until another district was opened to purse seines. From 1985 to 1990, purse seines were not allowed in the Coghill District before July 6. In 1991, the regulatory starting date for purse seine gear was changed to July 21 as part of the PWS Management and Salmon Enhancement Allocation Plan. This plan allocated Wally Noerenberg Hatchery chum and coho salmon production to the drift gillnet fleet. Regulations restricting gillnet mesh size and depth in the Coghill District (5AAC 24.331 (b)(6),(8)) are currently in place to protect Coghill River sockeye salmon and other salmon stocks. Refer to background comments from Proposals 70 and 71 for additional information.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 74 - 5 AAC 24.370(e)(5)(B) Prince William Sound Management and Salmon Enhancement Allocation Plan.

PROPOSED BY: Gregory R. Gabriel, Jr.

WHAT WOULD THE PROPOSAL DO? This proposal would allow drift gillnet and purse seine gear to be used during periods established by emergency order in the Coghill District.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify that the Coghill District is open to only drift gillnet gear prior to July 21, after which purse seines may also be operated throughout the district while the harvestable surplus is predominantly pink salmon. By emergency order, seine gear may be used prior to July 21 if the harvestable surplus of enhanced chum salmon or wild stock salmon is not being adequately harvested by the drift gillnet fleet. If the seine gear group's harvest value of enhanced salmon is 45 percent or less of the previous five-year average ex-vessel value comparison of common property enhanced salmon harvest, then in the year following the calculation, the seine gear group will have exclusive access to the Esther Subdistrict from June 1 through July 20.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, the purse seine fleet would be allowed to fish concurrently with the drift gillnet fleet in the Coghill District during any open fishing period, eliminating the district closure to the purse seine fleet prior to July 21. In addition to current allowances for pink salmon harvest, the proposal would allow the purse seine fleet to fish in the Coghill District during the enhanced chum and coho salmon runs to Wally Noerenberg Hatchery. The drift gillnet fleet currently has exclusive access to the district during the majority of these runs. The Wally Noerenberg Hatchery chum salmon run timing is between early June and the end of July, as is the run timing of wild stock sockeye salmon returning to Coghill Lake. Allowing seine gear into the Coghill District prior to July 21 may increase overall harvest efficiency on these species. Management strategies would need to accommodate the increased efficiency while still achieving wild stock escapement and PWSAC broodstock and cost recovery goals.

BACKGROUND: With the exception of the Eshamy District, purse seines were a legal gear type in all PWS districts from 1965 to 1980. From 1981 to 1984, purse seines were restricted from use in the Coghill District before the first Monday in July or until another district was opened to purse seines. From 1985 to 1990, purse seines were not allowed in the Coghill District before July 6. In 1991, the regulatory starting date for purse seine gear was changed to July 21 as part of the PWS Management and Salmon Enhancement Allocation Plan. This plan allocated Wally Noerenberg Hatchery chum and coho salmon production to the

drift gillnet fleet. Regulations restricting gillnet mesh size and depth in the Coghill District (5AAC 24.331 (b)(6),(8)) are currently in place to protect Coghill River sockeye salmon and other salmon stocks. Refer to background comments from Proposals 70 and 71 for additional information.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 75 - 5 AAC 24.370. Prince William Sound Management and Salmon Enhancement Allocation Plan.

PROPOSED BY: Scott Seaton.

WHAT WOULD THE PROPOSAL DO? The proposal would reduce set gillnet fishing opportunity in order to reduce their overall harvest of enhanced PWS salmon stocks to 4% as specified in the allocation plan approved at the 2005 Alaska Board of Fisheries meeting.

WHAT ARE THE CURRENT REGULATIONS? According to 5AAC 24.370(f), when the set gillnet gear group catches 5 percent or more of the previous 5-year average ex-vessel value of the total common property fishery for enhanced salmon, set gillnet fishing periods after July 10 of the following year shall total no more than 36 hours per week.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, the set gillnet gear group would be actively managed to achieve an allocation of 4%.

BACKGROUND: In 1991, the Alaska Board of Fisheries adopted 5 AAC 24.370 allocating 1% of the exvessel value of wild and enhanced fish to the set gillnet gear group. Exvessel harvest values of wild and enhanced Area E salmon from 1992-1999 for all three gear groups are shown in Table 1.

Proposal 75, Table 1. Exvessel percentage of total common property wild and enhanced salmon harvest based on exvessel values. Set gillnet percentages represent actual percent of total combined harvest. Purse seine and drift gillnet percentages are the percentage of the combined drift gillnet and purse seine harvests only. Harvest values are from postseason processor polling.

	1992	1993	1994	1995	1996	1997	1998	1999
Purse seine	12.0%	8.2%	39.5%	24.8%	15.8%	27.0%	34.9%	31.9%
Drift gillnet	88.0%	91.8%	60.5%	75.2%	84.2%	73.0%	65.1%	68.1%
Set Gillnet	5.1%	3.2%	2.3%	0.7%	2.1%	3.2%	0.7%	1.0%

At the 2005 Alaska Board of Fisheries meeting wild salmon were removed from PWS allocation calculations and the set gillnet allocation percentage was increased to 4 percent of total PWSAC hatchery harvest. Exvessel harvest values of enhanced Area E salmon from 2000-2007 are shown in Table 2.

Proposal 75, Table 2. Exvessel percentage of total common property wild and enhanced salmon harvest based on exvessel values. Set gillnet percentages represent actual percent of total combined harvest. Purse seine and drift gillnet percentages are the percentage of the combined drift gillnet and purse seine harvests only. Harvest values are from COAR report.

	2000	2001	2002	2003	2004	2005	2006	2007
Purse seine	50.5%	68.3%	65.0%	44.3%	71.0%	34.5%	54.5%	33.8%
Drift gillnet	53.6%	29.4%	32.2%	52.1%	27.0%	63.4%	42.9%	62.9%
Set Gillnet	2.8%	7.3%	7.9%	6.4%	6.8%	3.3%	5.7%	4.9%

Currently, 5 AAC 25.370(f) states that,

> If the set gillnet gear group catches five percent or more of the previous five-year average ex-vessel value of the total common property fishery for enhanced salmon as calculated by the department under (c) of this section, the year following this calculation beginning on July 10, the commissioner shall, by emergency order, open set gillnet fishing periods totaling no more than 36 hours per week.

The five-year averages for the three gear types since the 2005 Alaska Board of Fisheries meeting are shown in Table 3.

Proposal 75, Table 3. Five year ex-vessel percentages of total common property enhanced salmon harvest based on ex-vessel values for fishing seasons 2006-2009.

	2006 (Ave. for yrs 2000-2004)	2007 (Ave. for yrs 2001-2005)	2008 (Ave. for yrs 2002-2006)	2009 (Ave. for yrs 2003-2007)
Purse seine	44.3%	45.4%	47.6%	57.1%
Drift gillnet	55.7%	54.6%	52.4%	42.9%
Set Gillnet	6.9%	6.3%	6.0%	5.3%

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. The department does not have the ability to accurately assess gear group allocation percentages of PWSAC enhanced salmon in season.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 76 - 5 AAC 24.370. Prince William Sound Management and Salmon Enhancement Allocation Plan.

PROPOSED BY: Alan Kapp.

WHAT WOULD THE PROPOSAL DO? This proposal would establish alternating periods of equal time for drift gillnet and purse seine gear in the Coghill District after July 21 and in the Unakwik District.

WHAT ARE THE CURRENT REGULATIONS? Currently in the Unakwik District, periods are opened by emergency order to both drift gillnet and purse seine. The Coghill District is open to drift gillnet gear during periods established by emergency order. After July 21, purse seine gear may be operated throughout the district during periods established by emergency order while the harvestable surplus is predominantly pink salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted in the Coghill District when the harvestable surplus is predominately pink salmon, the purse seine and drift gillnet fleets would fish alternating periods of equal duration. Due to the low participation and small run size in the Unakwik District, this management strategy would probably not have a marked affect on the dynamics of the Unakwik District fishery.

BACKGROUND: The drift gillnet and purse seine fleets have shared the Unakwik and Coghill districts since 1964. Under past provisions of the Prince William Sound Management and Salmon Enhancement Allocation Plan, the department was required to develop a similar strategy of alternating periods of

equal duration that only differed from this proposal in the allowance for unequal area. According to the intent of the Board of Fisheries, the department developed the following management strategy for the 2003 fishing season (Figures not included):

The drift gillnet fleet will fish the first period in the Esther Subdistrict occurring on the first or second Monday of June (June 2 or 9 depending on early run strength), 24 hours in duration and concurrent with a Copper River fishing period. The purse seine fleet will follow with a 24-hour period on the Thursday after the first gillnet period and concurrent with open fishing in Port Chalmers Subdistrict. Thereafter, the two gear groups will alternate periods on a similar weekly schedule until run strength allows more fishing time. Area for the drift gillnet fleet will be the Esther Subdistrict (Figure 1) and will be expanded or contracted subject to wild stock escapement, level of effort, and PWSAC cost recovery. Area for the purse seine fleet will be waters of the Esther Subdistrict east of 148° 60' W. longitude, west of 147° 56' W. longitude, and within one nautical mile of Esther Island (Figure 2). If either cost recovery or wild stock escapement concerns arise, the purse seine fleet will be restricted to the WNH THA and waters of Esther Bay (Figure 3) and depending on drift gillnet effort, the gillnet fleet may remain in the Esther Subdistrict or they may be restricted in area. If concerns persist, both fleets may be required to pause from this schedule.

This is primarily a gear conflict issue. The period of time in question is dominated by the WNH enhanced pink salmon return which has been fished almost exclusively by the purse seine fleet. In 2008, pink salmon prices were high enough that pink salmon were targeted by some drift gillnet permit holders. Continued high prices for pink salmon may lead to an increase in the level of gear conflict after July 21.

Refer to Proposal 70 and 71 for additional background comments.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 77 - 5 AAC 24.370. Prince William Sound Management and Salmon Enhancement Allocation Plan.

PROPOSED BY: James L. Mykland.

WHAT WOULD THE PROPOSAL DO? The proposal would establish an ending date for pink salmon management in the Coghill District, closing the district to the purse seine fleet on August 31.

WHAT ARE THE CURRENT REGULATIONS? Current regulations specify that purse seine gear is allowed in the Coghill District after July 21 when the harvestable surplus is predominantly pink salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would close the Coghill District to purse seine gear on September 1. By closing this district to purse seine gear after August 31, a portion of the Coghill District salmon harvest currently taken by the purse seine fleet may be reallocated to the drift gillnet fleet or go unharvested.

BACKGROUND: Refer to background comments for Proposal 70 and 71 and Table 1 and 2 below.

Proposal 77, Table 1. Annual season closure dates for purse seine gear in the Coghill District, 1999-2008.

Year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	10-year Average
Closure date	09/28	10/22	09/14	09/22	09/25	09/19	09/12	09/08	08/30	09/04	09/18

Proposal 77, Table 2. Purse seine harvest after September 1, in the Coghill District, 2002-2007.

Year	Coho Salmon	Pink Salmon
2002	1,050	93,248
2003	0	350,856
2004	125	0
2005	1,188	25,343
2006	10,827	66,384
2007	Season Closed	Season Closed
Total	13,190	535,831
5-year average (2002-2006)	2,638	107,166

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department is **OPPOSED** to the implementation of

a regulatory ending date for purse seine access to the Coghill District. The timely harvest and cleanup of enhanced pink salmon is important in order to minimize the risk of straying of enhanced salmon stocks. The regulatory ending date in this proposal would hamper the department's ability to manage for the harvest of enhanced pink salmon after August 31, should the harvestable surplus remain predominantly pink salmon after that date.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 78 - 5 AAC 24.370(f). Prince William Sound Management and Salmon Enhancement Allocation Plan.

PROPOSED BY: Paul Owecke.

WHAT WOULD THE PROPOSAL DO? The proposal would increase the set gillnet trigger in the Prince William Sound Management and Salmon Enhancement Allocation Plan from five percent to seven percent.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 24.370(f) stipulates that when the set gillnet fleet harvests five percent or more of the previous 5-year average ex-vessel value of the total common property fishery for enhanced salmon in Prince William Sound, the set gillnet fleet is reduced to a maximum of 36 hours per week beginning on July 10.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, it would raise the percentage at which the set gillnet fleet would be penalized for over harvesting hatchery produced salmon as described in the Prince William Sound Management and Salmon Enhancement Allocation Plan. This proposal does not however suggest increasing the current 4 percent allocation level stipulated in 5 AAC 370(b).

BACKGROUND: Since hatchery released sockeye salmon began returning to the Main Bay Hatchery in 1991, annual harvests of these salmon have increased dramatically in this district (Proposal 68, Table 1). The set gillnet exvessel value harvest percentage of enhanced salmon from 2000 through 2007 has ranged from 2.8% to 7.9% (Proposal 75, Table 2). This has resulted in the five year exvessel values of enhanced salmon remaining above the 5% trigger specified in 5 AAC 24.370 since 2005 when the current plan was adopted (Proposal 75, Table 3).

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 79 - 5 AAC 24.370(f). Prince William Sound Management and Salmon Enhancement Allocation Plan.

PROPOSED BY: Prince William Sound Setnet Association.

WHAT WOULD THE PROPOSAL DO? The proposal would increase the set gillnet trigger in the Prince William Sound Management and Salmon Enhancement Allocation Plan from five percent to seven percent. This proposal is identical in scope and intent to Proposal 78.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 24.370(f) stipulates that when the set gillnet fleet harvests five percent or more of the previous 5-year average ex-vessel value of the total common property fishery for enhanced salmon in Prince William Sound, the set gillnet fleet is reduced to a maximum of 36 hours per week beginning on July 10.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, it would raise the percentage at which the set gillnet fleet would be penalized for over harvesting hatchery produced salmon as described in the Prince William Sound Management and Salmon Enhancement Allocation Plan. This proposal does not however suggest increasing the current 4 percent allocation level stipulated in 5 AAC 370(b).

BACKGROUND: Since hatchery released sockeye salmon began returning to the Main Bay Hatchery in 1991, annual harvests of these salmon have increased dramatically in this district (Proposal 68, Table 1). The set gillnet exvessel value harvest percentage of enhanced salmon from 2000 through 2007 has ranged from 2.8% to 7.9% (Proposal 75, Table 2). This has resulted in the five year exvessel values of enhanced salmon remaining above the 5% trigger specified in 5 AAC 24.370 since 2005 when the current plan was adopted (Proposal 75, Table 3).

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 80 - 5 AAC 24.370(f). Prince William Sound Management and Salmon Enhancement Allocation Plan.

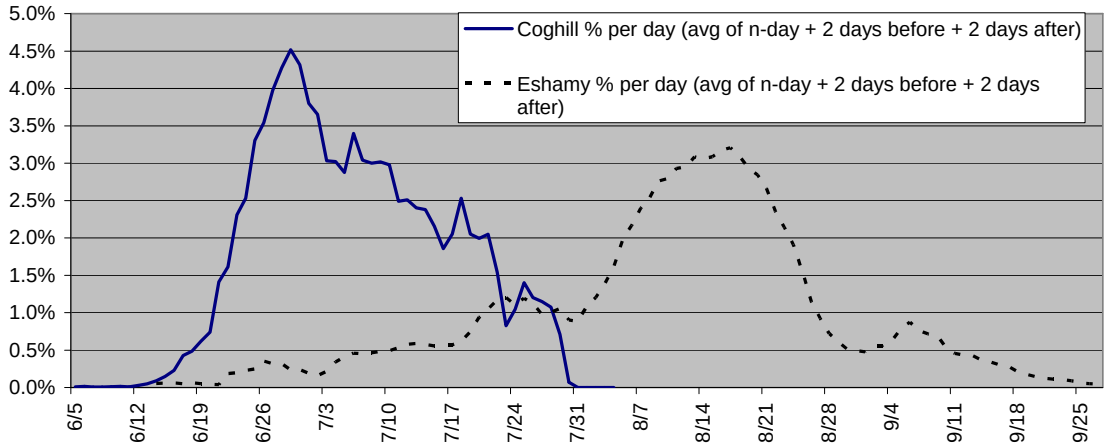
PROPOSED BY: Scott Seaton

WHAT WOULD THE PROPOSAL DO? The proposal would change the date the set gillnet fleet is restricted to no more than 36 hours per week, from July 10 to June 10.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 24.370(f) If the set gillnet gear group catches 5 percent or more of the previous 5-year average ex-vessel value of the total common property fishery for enhanced harvest salmon as calculated under (c) of this section, the year following this calculation beginning on July 10, the commissioner shall by emergency order, open set gillnet fishing periods totaling no more than 36 hours per week.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, the set gillnet fleet would be further restricted in their ability to harvest enhanced Main Bay Hatchery produced sockeye salmon and wild stock Eshamy Lake sockeye salmon as a penalty for exceeding 5% of the previous 5-year average enhanced salmon harvest.

BACKGROUND: Commercial fishers in the Eshamy District primarily target wild stock sockeye salmon returning to Eshamy Lake and hatchery released sockeye salmon returning to the Main Bay Hatchery (see Proposal 62, figure 1 for a map of the Eshamy District). Since 2002 Main Bay Hatchery (MBH) has produced only Coghill Lake stock sockeye salmon.



Proposal 80, Figure 1. Run timing comparison of Main Bay Hatchery Sockeye return and Eshamy Lake wild stock return.

Currently, the July 10 date that restricts set gillnets to 36 hours per week or less represents on average, lost harvest opportunity during approximately 38 percent of the enhanced MBH sockeye salmon run. In addition, it restricts harvest on approximately 95 percent of the Eshamy Lake wild stock sockeye return.

Shifting the start date of set gillnet harvest restrictions to June 10 would impact set gillnet opportunity over the entirety of both hatchery and wild sockeye salmon runs to the district.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 81 - 5 AAC 24.370. Prince William Sound Management and Salmon Enhancement Allocation Plan.

PROPOSED BY: Fairbanks Advisory Committee.

WHAT WOULD THE PROPOSAL DO? The intent of this proposal is unclear as the author refers to two different levels of reduced production (76% reduction in the proposed regulatory language and a 24% reduction in supporting documentation). Furthermore, production levels in the year 2000 could be defined as fry released, adult returns, or permitted capacity. For this review, the department calculates a 76% reduction of the five-year (1997-2001) average adult return of 3.3 million fish for a return of approximately 800,000 fish. Similarly, if the intent is a 24% reduction this would produce an adult return of approximately 2.5 million fish. The goal of this proposal is to minimize competition with wild salmon stocks at sea.

WHAT ARE THE CURRENT REGULATIONS? Current regulations have no provision specifying what the production levels are for given hatcheries. Production levels are currently determined by the Regional Planning Team and are described in annual management plans. There are a number of interrelated statutory authorities relating to hatchery production levels. Primary authority over issuance of hatchery permits and regulation of hatchery operations is vested in the commissioner and department. The Board's authority over hatchery production has previously been outlined by the Department of Law in an informal Attorney General Opinion (Nov. 6, 1997; 661-98-0127). The informal attorney general opinion notes that the Board "may exercise indirect authority over hatchery production by regulating the harvest of hatchery released fish in the common use fishery," by regulating "hatchery brood stock and cost recovery harvests," and by regulatory action "amending those portions of hatchery permits

relating to the source and number of salmon eggs, hatchery harvests, and designation of special harvest areas." The opinion also noted that "Board action that effectively revokes, or prevents the issuance of a hatchery permit is probably not authorized." Primary statutory authorities are described below:

> AS 16.05.251. Regulations of the Board of Fisheries. (a) The Board of Fisheries may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for
> . . .
> (9) prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs;
> . . .
> (12) regulating commercial, sport, guided sport, subsistence, and personal use fishing as needed for the conservation, development, and utilization of fisheries;
>
> (e) The Board of Fisheries may allocate fishery resources among personal use, sport, guided sport, and commercial fisheries. . .
> . . .
> (f) Except as expressly provided in AS 16.40.120 (e) and 16.40.130, the Board of Fisheries may not adopt regulations or take action regarding the issuance, denial, or conditioning of a permit under AS 16.40.100 or 16.40.120, the construction or operation of a farm or hatchery required to have a permit under AS 16.40.100, or a harvest with a permit issued under AS 16.40.120.
>
> (h) The Board of Fisheries shall adopt by regulation a policy for the management of mixed stock fisheries. The policy shall provide for the management of mixed stock fisheries in a manner that is consistent with sustained yield of wild fish stocks.
>
> AS 16.05.730. Management of wild and enhanced stocks of fish.
> (a) Fish stocks in the state shall be managed consistent with sustained yield of wild fish stocks and may be managed consistent with sustained yield of enhanced fish stocks.
> (b) In allocating enhanced fish stocks, the board shall consider the need of fish enhancement projects to obtain brood stock. The board may direct the department to manage fisheries in the state to achieve an adequate return of fish from enhanced stocks to enhancement projects for brood stock; however, management to achieve an adequate return of fish to enhancement projects for brood stock shall be consistent with sustained yield of wild fish stocks.
> (c) The board may consider the need of enhancement projects authorized under AS 16.10.400 and contractors who operate state-owned enhancement projects under AS 16.10.480 to harvest and

sell fish produced by the enhancement project that are not needed for brood stock to obtain funds for the purposes allowed under AS 16.10.450 or 16.10.480(d). The board may exercise its authority under this title as it considers necessary to direct the department to provide a reasonable harvest of fish, in addition to the fish needed for brood stock, to an enhancement project to obtain funds for the enhancement project if the harvest is consistent with sustained yield of wild fish stocks. The board may adopt a fishery management plan to provide fish to an enhancement project to obtain funds for the purposes allowed under AS 16.10.450 or 16.10.480(d).
(d) In this section, "enhancement project" means a project, facility, or hatchery for the enhancement of fishery resources of the state for which the department has issued a permit.

AS 16.10.440. Regulations Relating to Released Fish. (a) fish released into the natural waters of the state by a hatchery operated under AS 16.10.400-16.10.470 are available to the people for common use and are subject to regulation under applicable law in the same way as fish occurring in their natural state until they return to the specific location designated by the department for harvest by the hatchery operator.

(b) The Board of Fisheries may, after the issuance of a permit by the commissioner, amend by regulation adopted in accordance with AS 44.62 (Administrative Procedure Act), the terms of the permit relating to the source and number of salmon eggs, the harvest of fish by hatchery operators and the specific locations designated by the department for harvest. The Board of Fisheries may not adopt any regulations or take any action regarding the issuance or denial of any permits required in AS 16.10.400-16.10.470.

AS 16.10.445. Egg Sources. (a) The department shall approve the source and number of salmon eggs taken under AS 16.10.400-16.10.470.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?
The affects of a chum salmon reduction would not be apparent in the commercial fishery until 2013 because of the lag time from egg-take to adult return. A 76% reduction from 3.3 million fish to 800,000 fish would have a large affect on the Prince William Sound Allocation Plan. This scale of reduction would financially impact permit holders that target enhanced chum returns and associated local economies. A 24% reduction of chum salmon production (with a return of 2.5 million fish) would have smaller affects on the PWS Allocation Plan and on permit holders and communities.

Because the proposed reduction in returns would not affect the commercial fishery until 2013 it is not possible to determine which gear group will have access to Port Chalmers or the Esther Subdistrict as an allocation remedy at that time. Assuming that neither purse seine or drift gillnet gear groups are experiencing an allocation shortfall at that time, and assuming an even distribution of the proposed reduction among all enhanced chum salmon fisheries, both gear groups would bear the loss equally. If either gear group is entitled to a "piggy bank" area as a result of an allocation shortfall, then that gear group would bear a disproportionate share of the loss. The proposed reduction may result in the elimination of one or even both of the remote release chum salmon fisheries. Additionally, a reduction of this scale may require a restructuring of the Prince William Sound Allocation Plan in the future.

Fisheries management considerations would include wild and hatchery stock issues related to effort. Currently, hatchery chum salmon attract a significant proportion of purse seine and drift gillnet fishing effort. This serves to reduce effort on other hatchery and wild stocks and to spread the fleets out. A reduction of hatchery chum salmon returns could increase effort on other stocks possibly resulting in more conservative management of other hatchery and wild stocks. The more conservative management would compensate for that shift of effort. An additional concern would be a potential increase in the proportion of the total return required for cost recovery.

BACKGROUND: Hatchery production was originally started in PWS to mitigate the natural high and low return rates of wild salmon stocks. Production levels were selected to allow for an economically viable fishery during years of poor natural runs. Hatchery production levels are specified in the operating permit written for each hatchery. The current production levels are based on criteria in the Prince William Sound / Copper River Phase 3 Comprehensive Salmon Plan. The purpose of the Phase 3 Plan is to achieve optimum production of wild and enhanced salmon stocks on a sustained yield basis. The plan establishes three fishery goals: 1) increase fishing opportunities for salmon resource users, 2) achieve equitable allocation of the harvestable surplus of wild and enhanced salmon while minimizing impacts to historic wild stock fisheries, and 3) achieve an economically self-sustaining fishery. Additionally, the Phase 3 Plan recommends that five biological and economic criteria be employed to achieve an optimum production level including: 1) wild stock escapement goals must be achieved over the long term, 2) the proportion of hatchery salmon straying into wild-stock streams must remain below 2% of the wild-stock escapement over the long term, 3) the growth rates of juvenile salmon during the early marine period must be density independent over the long term, 4) the abundance of juvenile salmon predators must be independent of juvenile salmon abundance over the long term, and 5) the long-term average cost of hatchery operation, management, and evaluation must remain below 50% of the value of hatchery production. See Table 1 and Figures 1 and 2 for enhanced pink and chum salmon release numbers and pink salmon adult weight and length data.

Proposal 81, Table 1. Total number of chum salmon fry released and expected and actual returns in PWS by brood year, 1997-2006.

Brood Year	Chum salmon fry released	Expected chum salmon adult return	Fry-to-adult survival assumption	Actual chum salmon adult return	Actual fry-to-adult survival
1997	99,944,727	1,909,000	1.91%	1,647,128	1.65%
1998	99,294,184	1,832,800	1.85%	7,442,869	7.50%
1999	100,351,928	1,907,951	1.90%	3,041,681	3.03%
2000	76,116,325	1,520,000	2.00%	1,510,716	1.98%
2001	101,255,366	2,030,000	2.00%	3,160,659	3.12%
2002	98,649,705	3,400,000	3.45%		
2003	131,172,881	3,279,000	2.50%		
2004	126,985,991	3,322,000	2.62%		
2005	146,015,891	4,500,000	3.08%		
2006	129,100,000	3,875,000	3.00%		
5-year average (1997-2001)	95,392,506	1,839,950	1.93%	3,360,611	3.46%
5-year average (2002-2006)	126,384,894	3,675,200	2.93%	NA	NA

There is little data to support the suggestion that the current production level of hatchery chum salmon is negatively correlated to returning levels of wild salmon, but there is evidence that the current release levels may be straying at levels that exceed the 2% threshold specified in the Prince William Sound / Copper River Phase 3 Comprehensive Salmon Plan.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery, but it would reduce the number of fish available for harvest and as such reduce the harvest value of hatchery chum salmon in Prince William Sound.

Fishing Gear and Vessels:

PROPOSAL 82 - 5 AAC 24.331(b)(1). Gillnet specifications and operations.

PROPOSED BY: Michael E. Brown.

WHAT WOULD THE PROPOSAL DO? This proposal would allow two permit holders to team up and work each others gear in the set gillnet fishery in the Eshamy District.

WHAT ARE THE CURRENT REGULATIONS? Currently, permit holders in the Area E set gillnet fishery are not allowed to work on each others gear, or sell fish on their permit that were caught with another permit holder's gear.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, two permit holders would be allowed to "work together" harvesting fish from either set of gear and selling them on either permit. This would allow one permit holder to work and tend the other's gear when that permit holder leaves the grounds to return to camp to make dinner, deliver catch to a tender, or take a break from fishing and travel outside of Area E (or even Alaska). This would allow a permit holder who is also a parent to purchase a permit for their child and work this gear as if it were their own, essentially doubling the parent's legal quantity of gear.

BACKGROUND: Historically, permit holders have been directly and immediately responsible for their own gear. Permit holders are allowed by law a specific quantity of gear for their own deployment. Permit holders are not allowed to tend another permit holders gear in their absence.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 83 - 5 AAC 24.332. Seine specifications and operations.

PROPOSED BY: Rob Nelson.

WHAT WOULD THE PROPOSAL DO? This proposal would increase the allowable purse seine length from 150 to 225 fathoms in Prince William Sound. No combination of purse seine and lead would be allowed to exceed 225 fathoms.

WHAT ARE THE CURRENT REGULATIONS? Currently, no purse seine may be less than 200 meshes or more than 325 meshes in depth, or less than 125 fathoms or more than 150 fathoms in length, hung measure, or with a mesh size greater than four inches, except that the first 25 meshes immediately above the leadline may be a "chafing strip" with a mesh size no larger than seven and one-half inches. Leads deeper than the seine, exceeding 75 fathoms in length, or with mesh size less than seven inches may not be used, except that no more than three hung fathoms may have a minimum mesh size of three inches stretch measure. Under the General Provisions section, 5 AAC 39.260. Seine specifications and operations, lead specifications include a minimum mesh size of seven inches, with allowances for a cork line border strip not to exceed five meshes of less than seven-inch meshes stretch measure and a leadline chaffing strip not to exceed 25 meshes less than seven-inch stretch measure.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, some of the escapement and entanglement issues associated with current lead specifications may be averted should the four inch mesh maximum be utilized in a greater portion of the seine/lead combined length than is currently allowed in regulation. Seiners may be more effective at catching salmon and potentially would require less effort (fewer sets) to land the same number of fish. In times of greater salmon abundance the fleet may be better able to keep up with run entry, thus preserving fish quality and subsequent marketability.

BACKGROUND: The use of a lead is an effective means to bring fish out of shallow water so that purse seine gear can be operated without the danger of snagging rocks and damaging the net. Using leads is a common practice where salmon purse seine gear is a legal gear type. During previous years, a surplus of pink salmon has occurred in PWS hatchery terminal and special harvest areas in late July, late August, and early September when cost recovery operations are complete and common property fisheries are winding down. The surplus pink salmon may not be of desirable flesh quality and are sought primarily to meet the demand for salmon roe. The ability to convert some or all of a 225 fathom net (150 fathom seine and 75 fathom lead) to four inch mesh net may result in fewer pink salmon escaping through or being entangled in web.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 84 - 5 AAC 24.332. Seine specifications and operations.
5 AAC 39.260. Seine specifications and operations.

PROPOSED BY: Leroy L. Cabana.

WHAT WOULD THE PROPOSAL DO? The proposal would allow leads to be built without a minimum or maximum mesh size standard or minimum depth standard in Prince William Sound. Additionally, leads could not exceed 75 fathoms in length, 325 meshes in depth, or be deeper than the purse seine.

WHAT ARE THE CURRENT REGULATIONS? The current regulations specify that no purse seine may be less than 200 meshes or more than 325 meshes in depth, or less than 125 fathoms or more than 150 fathoms in length, hung measure, or with a mesh size greater than four inches, except that the first 25 meshes immediately above the leadline may be a “chafing strip” with a mesh size no larger than seven and one-half inches. Leads deeper than the seine, exceeding 75 fathoms in length, or with mesh size less than seven inches may not be used, except that no more than three hung fathoms may have a minimum mesh size of

three inches stretch measure. Under the General Provisions section, 5 AAC 39.260. Seine specifications and operations(f), lead specifications include a minimum mesh size of seven inches, with allowances for a cork line border strip not to exceed five meshes of less than seven-inch meshes stretch measure and a leadline chaffing strip not to exceed 25 meshes less than seven-inch stretch measure.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, some of the escapement and entanglement issues associated with current lead specifications may be averted should mesh less than seven and one-half inches be utilized in a greater portion of the seine/lead combined length than is currently allowed in regulation. Not having a minimum depth standard for the lead, combined with the lack of a minimum or maximum mesh standard, may allow for increased operational efficiency and gear effectiveness in shallow water. Fishermen utilizing a detachable lead may have a competitive advantage over fishermen that utilize sown on leads, in that the increased options for adapting lead design to specific situations may allow leads to be rapidly exchanged to better match fishery conditions. Given the myriad of potential gear adaptations allowed through this proposal, seine gear would likely evolve to be more effective in both specialized and all around applications, likely resulting in less effort (fewer sets) to land the same number of fish. In times of greater salmon abundance the fleet may more adequately keep up with run entry, thus preserving fish quality and subsequent marketability.

BACKGROUND: The use of a lead is an effective means to bring fish out of shallow water so that purse seine gear can be operated without the danger of snagging rocks and damaging the net. Using leads is a common practice where salmon purse seine gear is a legal gear. During previous years, a surplus of pink salmon has occurred in PWS hatchery terminal and special harvest areas in late July, late August, and early September when cost recovery operations are complete and common property fisheries are winding down. The surplus pink salmon may not be of desirable quality and are sought primarily to meet the demand for salmon roe. The ability to convert some or all of a 225 fathom net (150 fathom seine and 75 fathom lead) to four inch mesh net will result in fewer pink salmon escaping sets and being entangled in web.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 85 - 5 AAC 24.332. Seine specifications and operations.

PROPOSED BY: Stephen Riedel.

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate the 200 mesh minimum depth requirement for purse seine gear in Prince William Sound, allowing any portion of a purse seine, up to the total length allowance, to be less than 200 meshes in depth.

WHAT ARE THE CURRENT REGULATIONS? Current regulations state that no purse seine may be less than 200 meshes in depth or more than 325 meshes in depth.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, the safety and the efficiency of purse seine fishing may be improved. The ability to reduce the mesh depth in the bunt end of a purse seine, may allow fishermen to improve methods of hauling gear and handling fish. As the proposal suggests, the use of wedges (a tapered section of seine at the end of the bunt used to lift a measured volume of fish onboard a vessel) in a seine, may improve safety by reducing equipment strain and enhance fish quality by optimizing the volume of fish lifted. Current regulatory seine minimum depth standards require that 200 meshes of web be adapted into the bunt design, creating a situation where excess web may have to be incorporated, rather than allowing adjustments in seine depth to better match seine design and utility. Additionally, seiners may be more effective at catching salmon in situations, such as near shore shallow and rocky conditions, which favor shallow gear. Conversely, shallow gear may be less effective in situations where salmon traveling deep or in high current may not hold or may altogether avoid shallower seines.

BACKGROUND: As the purse seine fishery evolves in PWS, seine form has adapted to better match function. Shallow purse seines (200-mesh minimum) are often used for late season coho and enhanced stock fisheries where fish are in shallow water. Deeper seines are used when fish are traveling offshore in deeper water, as deep seines are more effective barriers. The current PWS purse seine fishery has changed from a relatively low volume wild stock fishery to a high volume, predominantly enhanced stock fishery. Current fish handling techniques, such as the use of wedges, arose due to the need for improved efficiency and quality in the PWS seine fishery. Traditionally the web at the bunt end of a purse seine is bunched up using a breast line as a means of holding fish as they are hauled onboard; these fish can then be directly lifted, strapped, brailed, or pumped out of the water. Straps, sewn perpendicular to the length of the seine, used to assist in hoisting fish onboard a vessel, were implemented to improve the capability of lifting larger volumes of fish. Wedges allow for a measured portion of fish in the bunt end to be hoisted aboard by using straps in tandem with a custom taper to match volume lifted with the fish handling needs.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 86 - 5 AAC 39.117. Vessel Length.

PROPOSED BY: Darrell Kapp.

WHAT WOULD THE PROPOSAL DO? The proposal would remove the 58-foot length limit for salmon seine vessels in Southeast Alaska and Prince William Sound.

WHAT ARE THE CURRENT REGULATIONS? The current regulation specifies that only the bulbous bow may cause a vessel to exceed the overall established length limit for commercial seine vessels. AS 16.05.835. (A) Maximum length of salmon seine and certain hair crab vessels, specifies that the maximum length of a salmon harvest vessel is 58 ft.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, permit holders who could take advantage of the new length allowances, may have greater harvesting and tendering potential than permit holders using shorter vessels. Adoption of the proposal could change the character of the seine fishery in Prince William Sound by allowing for increased operational efficiency that may result in a competitive advantage. Longer boats with greater capacity may result in processors using fewer boats in their fleets to catch and tender the same amount of fish. Allowing longer and potentially more efficient boats under the current market and fishery conditions may decrease the number of permit holders that can obtain a market for their fish.

Another possibility is that tender and processor capacity along with other harvest limiting factors, such as time, area, and gear restrictions, may already limit efficiency regardless of current vessel length limits. Allowing longer boats under the current market and fishery conditions may not change the dynamic of the fishery. Furthermore, given the advantages and disadvantages of different vessel lengths, as in the PWS drift gillnet fishery, the absence of vessel length restrictions may eventually result in a self regulating vessel length. Through time, vessel form may be adapted to more closely match function, thus optimizing the efficiency of the fleet.

BACKGROUND: In 2008, Prince William Sound had 267 registered purse seine permits with over 50% participation in the PWS seine fishery. Recent market conditions have limited the availability of markets to seine permit holders, but in

2008 market conditions provided opportunity for approximately 30 additional active permits.

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

COST ANALYSIS**:** Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

COMMITTEE D- PRINCE WILLIAM SOUND AND COPPER RIVER SPORT FISHERIES (31 PROPOSALS)

Prince William Sound:

PROPOSAL 87, 5 AAC 55.005. Description of the Prince William Sound area; 5AAC 56.005. Description of the Kenai Peninsula Area; and 5 AAC 58.005. Description of the Cook Inlet-Resurrection Bay Saltwater Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Amend these regulations to change the Sport Fish regulatory boundaries separating the Cook Inlet-Resurrection Bay, Kenai Peninsula, and Prince William Sound Regulatory Areas from Cape Puget to Cape Fairfield.

WHAT ARE THE CURRENT REGULATIONS? Cape Fairfield is the boundary between these regulatory areas for commercial, personal use, and subsistence fisheries, but Cape Puget is the boundary for the marine and freshwater sport fisheries.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would standardize the regulatory area boundaries for commercial, personal use, subsistence, and sport fisheries.

BACKGROUND: These boundaries had been in place prior to 1988. The Division of Commercial Fisheries is responsible for the commercial and personal use saltwater fisheries while the Sport Fish Division is responsible for the management of sport fisheries.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it. The intent of this proposal is to standardize the boundaries for commercial, sport, personal use, and subsistence fisheries in the North Gulf Coast. Proposals 88 and 92, both submitted by the department, will address concerns of differential bag limits between Prince William Sound and the North Gulf Coast.

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

PROPOSAL 88, 5 AAC 55.023 (1) Special provisions for seasons, bag, possession and size limits, and methods, and means, for Prince William Sound Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? If the sport fish regulatory boundary is moved from Cape Puget to Cape Fairfield as requested in proposal #87, this proposal would retain the more conservative North Gulf Coast limits of 3 per day, 3 in possession, only 2 of which may be coho salmon in effect for the fresh waters of Johnstone Bay.

WHAT ARE THE CURRENT REGULATIONS? If the sport fish regulatory boundary is moved from Cape Puget to Cape Fairfield, Johnstone Lake drainages would fall under the more liberal freshwater bag limits for "other salmon" in Prince William Sound allowing 6 per day, 12 in possession, of which only 3 fish may be coho salmon.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? In the absence of escapement goals and run assessment programs, salmon abundance in the Johnstone Bay drainage would continue to be managed using conservative bag limits.

BACKGROUND: Johnstone Lake drainages contain runs of sockeye salmon, coho salmon, chum salmon, pink salmon and sea-run Dolly Varden Char, all of unknown abundance. Little Johnstone Lake is a popular remote fly-in salmon fishery for anglers from the communities of the Kenai Peninsula and Anchorage. It also has private recreational property on and near it shores.

DEPARTMENT COMMENTS: The department submitted this housekeeping proposal and continues to **SUPPORT** it if proposal 87 is adopted. No action would be necessary if proposal 87 is not passed.

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

PROPOSAL 89, 5 AAC 75.028. Use of underwater spear.

PROPOSED BY: Howard Teas.

WHAT WOULD THE PROPOSAL DO? It would allow the use of an underwater spear gun to harvest fish, subject to applicable seasons and bag limits,

by persons who are completely submerged; and clarify the definitions of "spear" and "speargun". Current regulation only addresses the use of a spear to harvest fish while submerged.

WHAT ARE THE CURRENT REGULATIONS? The current regulation falls under Statewide Provisions, 5 AAC 75.028. Use of underwater spear. In saltwater, spears may be used to take fish, subject to applicable seasons and bag limits, by persons who are completely submerged.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This would clarify the use of a spear gun to harvest fish while completely submerged.

BACKGROUND: The harvest of fish while scuba diving or free diving represents an insignificant portion of the PWS harvest. The current regulation is confusing and generates questions from the diving public.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal for the Prince William Sound management area, and recommends it be considered at the Statewide BOF meeting next year. The current statewide regulation (5 AAC 75.028) does not clearly distinguish between "spear" and "speargun." The department will offer recommended language at the PWS board meeting.

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

PROPOSAL 90, 5 AAC 55.022(7). General provisions for seasons, bag, possession, and size limits, and methods, and means, for Prince William Sound Area.

PROPOSED BY: Christopher Williams.

WHAT WOULD THE PROPOSAL DO? It would allow anglers to release any lingcod including under-sized fish and nest guarding lingcod caught during the closed spawning season, after it has been gaffed in the mouth.

WHAT ARE THE CURRENT REGULATIONS? The current regulation on releasing gaffed fish falls under Statewide Provisions, 5 AAC 75.020(c) A person who gaffs a fish must retain that fish as part of that person's bag limit. A person may not gaff a fish for which the fishing season is closed, that is not of legal size, or that is to be released.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The minimum legal size for lingcod in Prince William Sound is 35 inches in total

length, or 28 inches in length with the head removed. This proposal would allow under sized lingcod to be gaffed in the mouth and released, thus incurring some unknown amount of mortality. Nest guarding lingcod caught incidentally during the closed season could also now be gaffed in the mouth and released. This practice would potentially increase the mortality by some unknown amount.

BACKGROUND: Lingcod are a large and aggressive easy to catch nearshore groundfish. They are managed conservatively with season closures to protect nest guarding males, minimum size restrictions, and a conservative bag limit of two per day. The statewide gaffing regulation was adopted by the board as an enforceable tool to prevent anglers from wounding and releasing fish. The department currently collects length and age information from creel surveys in Valdez, Whittier and Seward, but has no fishery independent assessment of lingcod abundance or population characteristics. Estimates of catch and harvest are generated from the SWHS. The catch and harvest of lingcod in Prince William Sound have both showing an increasing trend. From 1991 to 2000 the average annual catch was 6,059 while harvest averaged 2,190 fish. The current 5 year (2002 – 2006) annual average catch and harvest is 11,125 and 4,854 respectively. In 2007, anglers in PWS reportedly caught 20,467 and harvested 9,262 lingcod.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The current statewide gaffing regulation is believed to be an effective tool for reducing the mortality of sport caught fish that are released. The proposed language threatens the enforceability of the regulation because it requires an enforcement officer be able to prove a released lingcod was gaffed in the head, not the mouth.

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

PROPOSAL 91, 5 AAC 55.022 (9). General provisions for seasons, bag, possession, and size limits, and methods, and means, for Prince William Sound Area.

PROPOSED BY: Greg Hamm.

WHAT WOULD THE PROPOSAL DO? This proposal would create a vessel possession limit of two salmon sharks per day.

WHAT ARE THE CURRENT REGULATIONS? Anglers can harvest one shark per day with an annual limit of two.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? A vessel limit of two salmon sharks per day would potentially reduce the harvest in PWS by 50 sharks annually. It would likely increase the number of salmon sharks released and hence associated mortality.

BACKGROUND: The annual harvest of sharks in Prince William Sound by sport anglers is relatively small. According to guide logbooks in 2005, 2006, and 2007, guided anglers harvested 160, 210 and 172 salmon sharks, respectively. Fifteen to nineteen charter vessels harvested one to seven salmon sharks per trip. If a vessel limit of two fish had been in effect, the harvest of salmon sharks by guided anglers would have been reduced by 49 sharks in 2005, 49 in 2006 and 46 salmon sharks in 2007. Although the proposal would address salmon shark harvest, it may not affect catch rates, and would likely result in more released fish.

Tagging studies on salmon sharks suggest these fish show a strong fidelity to particular bays in Prince William Sound where they aggregate each summer. There is anecdotal evidence to suggest that the relative abundance of salmon sharks has declined in these waters in recent years, but ADF&G does not have adequate data to assess the status of the stock, understand potential changes in distribution or migratory timing, or quantify the significance of other potential sources of mortality such as commercial fishing bycatch. In order to maintain sustainability in a stock with so many unknowns, the department has managed conservatively and worked with the board to establish the bag limit of one shark per day with an annual limit of two.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. ADF&G does not have enough information on the abundance of salmon sharks to determine if a reduction in the annual harvest of 50 fish would have any impact on the sustainability of this resource. Salmon sharks are relatively long-lived and stocks are likely to rebound slowly when overharvested. While the conservative bag limit of one per day may be insignificant to the stock as a whole, salmon sharks are highly migratory and vulnerable to many sources of mortality including unreported loss as commercial bycatch in local and foreign fisheries. Given the concern for local abundance in PWS waters and the uncertainly surrounding the status of the stocks, if the Board decides to take more conservative measures, the department supports the possibility of closing the sport fishery for salmon sharks in PWS.

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

PROPOSAL 92, 5 AAC 55.022(8)(A)(B) General provisions for seasons, bag, possession, and size limits, and methods, and means, for Prince William Sound Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal will reduce the rockfish bag limit from 5 to 4 during the summer (May through mid September) and the bag limit during the winter (September 16 – April 30) from 10 to 8 rockfish.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 55.022. (8)
(A) rockfish may be taken from May 1 – September 15; bag limit of 5 fish; possession limit of 10 fish, of which only two per day and in possession may be non-pelagic rockfish; the first two non-pelagic rockfish caught must be retained and become part of the bag limit of the person originally hooking the fish, no size limit.
(B) rockfish may be taken from September 16 – April 30; bag limit of 10 fish; of which only two per day and in possession may be non-pelagic rockfish; the first two non-pelagic rockfish caught must be retained and become part of the bag limit of the person originally hooking the fish, no size limit

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal will help to reduce the harvest of rockfish in Prince William Sound and provide for regulatory consistency between the North Gulf Coast and Prince William Sound.

BACKGROUND: The rockfish harvest has increased markedly in recent years in Prince William Sound. The average rockfish harvest in Prince William Sound reported in the SWHS from 1991 to 2000 was 13,827. In 2007, anglers harvested an estimated 38,606 rockfish. The most recent 5 year (2002 – 2006) annual average catch is 45,756 rockfish with a harvest of 27,452.

The department submitted a proposal to standardize the regulatory boundaries for subsistence, personal use, sport and commercial fish between Cook Inlet-Resurrection Bay and Prince William Sound. Moving the current sport boundary from Cape Puget west 15 miles to Cape Fairfield would change rockfish limits in these waters to the more liberal bag limits for rockfish existing in Prince William Sound. At the lower Cook Inlet meeting in 2007, the Board passed a regulation to reduce the rockfish bag limit in the waters of the North Gulf Coast from 5 rockfish per day to 4 per day. This proposal would align rockfish regulations in these adjacent waters.

DEPARTMENT COMMENTS: The department submitted this proposal designed to reduce the rockfish harvest in Prince William Sound and align the bag limits with the two adjacent management areas and continues to **SUPPORT** it.

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

PROPOSAL 93 – 5 AAC 01.645. SUBSISTENCE BAG, POSSESSION, AND SIZE LIMITS.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? The proposal would reduce the bag and possession limits in the subsistence rockfish fishery as follows: for the period May 1 – September 15, reduce the bag limit from 5 fish to 4 fish and the possession limit from 10 fish to 8 fish; for the period September 16 – April 30, reduce and bag and possession limit from 10 fish to 8 fish.

WHAT ARE THE CURRENT REGULATIONS? Current subsistence regulations mirror the sport bag and possession limits. 5 AAC 01.645(e) specifies that from May 1 through September 15, the daily bag limit of rockfish is 5 fish and the possession limit is 10 fish, of which only 2 per day and 2 in possession may be non-pelagic rockfish, and from September 16 through April 30, the daily bag limit of rockfish is 10 fish and the possession limit is 10 fish, of which only 2 per day and 2 in possession may be non-pelagic rockfish. A person may not take or possess rockfish under sport fishing regulations and under subsistence regulations on the same day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Subsistence bag and possession limits for rockfish would be reduced, as noted above.

BACKGROUND: The department submitted Proposal 92 to reduce the sport rockfish bag limits to 4 per day, 8 in possession from May 1 – September 15, and 8 per day, 8 in possession from September 16 – April 30. Because all Alaska residents are eligible to participate in subsistence fisheries, in the past the board has adopted bag limits for the subsistence rockfish fishery that are the same as the sport fishery. The reason was to prevent Alaska residents from exceeding the sport rockfish bag limits by setting a longline to catch more fish under subsistence regulations.

According to the results of surveys of subsistence halibut fishers conducted by the Division of Subsistence, ADF&G, an annual average of 84 subsistence halibut fishers (range 62 to 108) harvested an annual average 794 rockfish (range 719 to 911) in Prince William Sound from 2003 through 2006. About 29% of all subsistence halibut fishers harvested at least one rockfish. (Division of

Subsistence Technical Papers 288, 304, 320, and 333 by Fall et al.). Additional subsistence harvests of rockfish occur independent of the subsistence halibut fishery, but these harvests are not monitored annually.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal, contingent upon board passage of Proposal 92.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The Board has found that groundfish in those portions of the Prince William Sound Area outside the boundaries of the nonsubsistence area described in 5 AAC 99.015(a)(5) are customarily and traditionally used for subsistence (5 AAC 01.616(c)).

3. Can a portion of the stock be harvested consistent with sustained yield? Yes

4. What amount is reasonably necessary for subsistence use? The Board has established a range of 7,500 – 12,500 rockfish (5 AAC01.616(d)(2)) as the amount reasonably necessary for subsistence uses of rockfish in the Prince William Sound Area.

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a board determination.

PROPOSAL 94, 5 AAC 55.xxx New Section.

PROPOSED BY: Cordova District Fishermen United, Groundfish Division.

WHAT WOULD THE PROPOSAL DO? This proposal would set a maximum limit of 6 lines or equal to the number of paying clients onboard the vessel, whichever is less, that could be fished from a charter vessel operating in Prince William Sound, unless that boat has a federal limited entry halibut permit.

WHAT ARE THE CURRENT REGULATIONS? There is no limit on the number of lines that can be fished from charter vessels in Prince William Sound. The IPHC plans to issue federal limited entry permits to charter vessels participating in the halibut fishery, but that program is not currently in effect.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? As there is currently no federal limited entry permit program for charter vessels, this proposal would limit all charter vessels fishing in PWS to a maximum of six lines or equal to the number of paying clients onboard the vessel, whichever is less. If the federal permit is implemented and considers a vessel's fishing history, this proposal would create different line limitations for vessels with and without federal limited entry permits, and for vessels targeting halibut vs. other species. The full effect of this proposal can't be determined until the IPHC implements its program and regulations for halibut charters.

BACKGROUND: Saltwater logbook data shows that an average of 183 vessels fished in PWS for a total of 5,127 trips from 2005- 2007, and 58 of these vessels (32%) fished more then six lines for an average of 1,230 trips per year. These are generally larger vessels that typically travel to more distant fishing locations in Gulf of Alaska waters outside of Prince William Sound protected waters.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this highly allocative proposal. It is difficult to speculate what federal halibut regulations will eventually be passed, and this proposal is based on potential federal action that may occur in 2010.

COST ANALYSIS: The department believes that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery. Reducing the number of anglers aboard a charter vessel is likely to raise the price the rest of the anglers have to pay.

PROPOSAL 95, - 5 AAC 75.020. Sport fishing gear.

PROPOSED BY: Cordova District Fishermen United, Groundfish Division.

WHAT WOULD THE PROPOSAL DO? This proposal would establish specific definitions for a fishing rod and a downrigger. In addition it would prohibit the use of hand lines, poles, and downriggers used in conjunction with troll gurdys in the PWS sport finfish fishery. It would also require that all fish be retrieved using a rod with a hand powered reel.

WHAT ARE THE CURRENT REGULATIONS? AS 16.05.940 (30) "sport fishing" means the taking of or attempting to take for personal use and not for sale or barter, any freshwater, marine, or anadromous fish by hook and line held in the

hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries.

5 AAC 75.020. (a). unless otherwise provided in 5 AAC 47 – 5 AAC 75. sport fishing may only be conducted by the use of a single line having attached to it not more than one plug, spoon, spinner, or series of spinners, or two flies, or two hooks. The line must be closely attended.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The extent to which finfish are taken in the PWS Management Area sport fishery using gear other than a fishing rod with a hand powered reel is unknown but thought to be minimal.

BACKGROUND: The Departments of Law and Public Safety were asked in 2007 to determine if the use of electric reels, downriggers, and troll gurdys to retrieve fish in the sport fishery were legal. Upon review by the Department of Law it was determined that current regulations are very broad and do not prohibit the use of electric or power assisted reels, or any reel type for that matter, to retrieve fish in sport fisheries. Therefore, DOL found that the use of power reels could not be prohibited.

DEPARTMENT COMMENTS: This proposal is allocative in nature and the department is **NEUTRAL**.

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

PROPOSAL 96, 5 AAC 55.022. General Provisions for seasons and bag, possession, annual, and size limits for the freshwaters of the Prince William Sound Area.

PROPOSED BY: Prince William Sound Charter Boat Association and Whittier Advisory Committee.

WHAT WOULD THE PROPOSAL DO?: Allow the use of sport caught pink and chum salmon as bait.

WHAT ARE THE CURRENT REGULATIONS?: 5 AAC.75.026 (a) states "Unless provided in this section, sport-caught fish taken under 5AAC 47–5AAC 75, may not used as bait." 5 AAC 75.026(b) further states that "Whitefish, herring, and other species of fish for which no seasonal or harvest limits are specified under sport-caught fish taken under 5 AAC 47 –5AAC 75, as well as the head, tail fins, and viscera of any legally taken sport-caught fish taken under 5

AAC 47 –5 AAC 75, may be used for bait or other purposes." Because bag limits are provided for salmon, sport caught pink and chum salmon may not be used for bait. In addition, 5 AAC 93.310 (a) disallows the waste of salmon unless specifically allowed in 5 AAC 93.310 – 5 AAC 93.390.

5AAC 93.350(a) allows salmon taken in a hatchery cost recovery fishery, or in a commercial, sport, personal use, or subsistence fishery to be used as bait.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?: Adoption of this proposal to allow sport-caught pink and chum salmon to be used as bait would not change sport fishing bag or possession limits for these species already established by the Board. If sport caught pink and chum salmon can be used as bait the sport harvest may increase by some unknown degree. However, there are no known conservation concerns for these species in Prince William Sound. Hatchery production accounts for a significant portion of the pink and chum salmon returns to Prince William Sound. In 2008, Prince William Sound Aquaculture Corporation (PWSAC) reported returns of nearly 4.4 million chum salmon and over 25.6 million pink salmon from hatchery production.

BACKGROUND: During the January, 2006 Southeast Alaska Board of Fisheries meeting, the Board received two proposals requesting that the Board allow sport-caught pink and chum salmon to be used as bait for sport fishing and personal use shellfish pots. The Board was inclined to approve these proposals but received advice from Department of Law staff that the Commissioner has not authorized such uses as he has for commercial, personal use, and subsistence-caught salmon in 5 AAC 93.350(a). After the January board meeting Chairman Nelson submitted a letter to the Commissioner requesting that he amend 5 AAC 93.350(a) to allow the Board to consider allowing the use of sport-caught salmon as allowable bait in sport, personal use, and subsistence fisheries. The Commissioner agreed to this request and amended the regulation. The department submitted an Agenda Change Request (ACR) to allow the use of sport-caught pink and chum salmon as legal bait in sport, personal use, and subsistence fisheries in the Southeast Alaska regulatory area, and it was approved by the board.

DEPARTMENT COMMENTS: The department is **NEUTRAL** to any allocative aspects of this proposal and **SUPPORTS** the concept of the proposal because there are no stock conservations concerns for pink and chum salmon in Prince William Sound. Approval of this proposal would align regulations adopted by the board for the use of sport caught pink and chum salmon as bait in Southeast Alaska in 2006.

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

PROPOSAL 97, 5 AAC 55.022. General Provisions for seasons and bag, possession, annual, and size limits for the freshwaters of the Prince William Sound Area.

PROPOSED BY: James Norris.

WHAT WOULD THE PROPOSAL DO?: Allow the use of sport caught pink and chum salmon as bait.

WHAT ARE THE CURRENT REGULATIONS?: 5 AAC.75.026 (a) states "Unless provided in this section, sport-caught fish taken under 5AAC 47–5AAC 75, may not used as bait." 5 AAC 75.026(b) further states that "Whitefish, herring, and other species of fish for which no seasonal or harvest limits are specified under sport-caught fish taken under 5 AAC 47 –5AAC 75, as well as the head, tail fins, and viscera of any legally taken sport-caught fish taken under 5 AAC 47 –5 AAC 75, may be used for bait or other purposes." Because bag limits are provided for salmon, sport caught pink and chum salmon may not be used for bait. In addition, 5 AAC 93.310 (a) disallows the waste of salmon unless specifically allowed in 5 AAC 93.310 – 5 AAC 93.390.

5AAC 93.350(a) allows salmon taken in a hatchery cost recovery fishery, or in a commercial, sport, personal use, or subsistence fishery to be used as bait.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?: Adoption of this proposal to allow sport-caught pink and chum salmon to be used as bait would not change sport fishing bag or possession limits for these species already established by the Board. If sport caught pink and chum salmon can be used as bait the sport harvest may increase by some unknown degree. However, there are no known conservation concerns for these species in Prince William Sound. Hatchery production accounts for a significant portion of the pink and chum salmon returns to Prince William Sound. In 2008, Prince William Sound Aquaculture Corporation (PWSAC) reported returns of nearly 4.4 million chum salmon and over 25.6 million pink salmon from hatchery production.

BACKGROUND: During the January, 2006 Southeast Alaska Board of Fisheries meeting, the Board received two proposals requesting that the Board allow sport-caught pink and chum salmon to be used as bait for sport fishing and personal use shellfish pots. The Board was inclined to approve these proposals but received advice from Department of Law staff that the Commissioner has not authorized such uses as he has for commercial, personal use, and subsistence-caught salmon in 5 AAC 93.350(a). After the January board meeting Chairman Nelson submitted a letter to the Commissioner requesting that he amend 5 AAC 93.350(a) to allow the Board to consider allowing the use of sport-caught salmon as allowable bait in sport, personal use, and subsistence fisheries. The Commissioner agreed to this request and amended the regulation. The department submitted an Agenda

Change Request (ACR) to allow the use of sport-caught pink and chum salmon as legal bait in sport, personal use, and subsistence fisheries in the Southeast Alaska regulatory area, and it was approved by the board.

DEPARTMENT COMMENTS: The department is **NEUTRAL** to any allocative aspects of this proposal and **SUPPORTS** the concept of the proposal because there are no stock conservations concerns for pink and chum salmon in Prince William Sound. Approval of this proposal would align regulations adopted by the board for the use of sport caught pink and chum salmon as bait in Southeast Alaska in 2006.

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

PROPOSAL 98, 5 AAC 55.023(1)(B)(iii)**. Special Provisions for seasons and bag, possession, and size limits, and methods and means for the Prince William Sound Area.**

PROPOSED BY: Prince William Sound Charter Boat Association and Whittier Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would decrease the size of the terminal harvest area around Whittier by about half.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 55.023 (1)(B)(iii) the following special provisions apply to salmon, other than king salmon: within the following terminal harvest areas, the bag limit is six fish; and the possession limit is 12 fish: Whittier vicinity: the salt waters west of a line from Blackstone Point to Pigot Point. All of these salmon may be coho.

5 AAC 55.022 (2) salmon, other than king salmon: may be taken from January 1 – December 31; bag limit of six fish; possession limit of 12 fish, of which only three fish per day and in possession may be coho salmon; no size limit.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Anglers would no longer be able to harvest 6 salmon per day (other than king salmon) and have 12 salmon in possession (other than king salmon) in the eastern half of Portage Canal and in Blackstone Bay. The reduction in size of this terminal harvest area would likely result in fewer coho salmon harvested from the eastern half of Passage Canal and Blackstone Bay.

BACKGROUND: The BOF established the Whittier terminal harvest area in 1999 to focus effort and harvest on hatchery fish returning to their stocking

location outside of Whittier. Coho salmon have been stocked in Whittier since 1981 by Prince William Sound Aquaculture and the area is currently stocked with about 100,000 smolt each spring. Net pens are set in saltwater just outside of the Whittier boat harbor at the mouth of Salmon Run Creek, and the smolts are imprinted on this site. Adult returns (total harvest and escapement) on 100,000 coho salmon smolt are typically about 8,000 fish. From 2001 to 2006 the average catch of coho salmon was 24,643 with a harvest of 17,792 fish. During 2007 anglers caught an estimated 46,229 coho salmon and harvested 31,410. Fishing effort out of Whittier has grown since the opening of the Whittier Tunnel and a road under construction to connect the town of Whittier and Shotgun Cove is also likely to bring more angling effort on small local stocks

The current Terminal Harvest Area line of Blackstone Bay to Point Pigot was created to target effort and harvest on hatchery coho salmon. The large harvest of coho salmon landed in Whittier relative to the expected adult return from the hatchery releases indicates that anglers out of Whittier harvest a significant number of wild coho salmon. Although PWS coho runs have been strong in recent years, ADF&G doesn't have escapement data for specific wild runs that may be harvested under the more liberal bag limits inside the Terminal Harvest Area. Bag limits for coho salmon outside of the Terminal Harvest Areas are conservative at three per day since wild coho stocks are typically small and dispersed throughout PWS.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal and would like to determine a common boundary the authors of proposals 98 and 99 support. Effort, catch, and harvest have increased dramatically in Whittier and western PWS since the tunnel has increased access to the Port of Whittier. Fishing pressure on small wild coho stocks near the Whittier Terminal Area will benefit from a boundary change. This boundary change will focus more effort at the head of Passage Canal, where these hatchery coho salmon are released.

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

PROPOSAL 99, 5 AAC 55.023. Special Provisions for seasons and bag, possession, and size limits, an methods and means for the Prince William Sound Area

PROPOSED BY: David Goldstien.

WHAT WOULD THE PROPOSAL DO? This proposal would decrease the size of the terminal harvest area around Whittier by about half.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 55.023 (1)(B)(iii) the following special provisions apply to salmon, other than king salmon: within the following terminal harvest areas, the bag limit is six fish; and the possession limit is 12 fish: Whittier vicinity: the salt waters west of a line from Blackstone Point to Pigot Point. All of these salmon may be coho.

5 AAC 55.022 (2) salmon, other than king salmon: may be taken from January 1 – December 31; bag limit of six fish; possession limit of 12 fish, of which only three fish per day and in possession may be coho salmon; no size limit.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Anglers would no longer be able to harvest 6 salmon per day (other than king salmon) and have 12 salmon in possession (other than king salmon) in the eastern half of Portage Canal and in Blackstone Bay. The reduction in size of this terminal harvest area would likely result in fewer coho salmon harvested from the eastern half of Passage Canal and Blackstone Bay.

BACKGROUND: The BOF established the Whittier terminal harvest area in 1999 to focus effort and harvest on hatchery fish returning to their stocking location outside of Whittier. Coho salmon have been stocked in Whittier since 1981 by Prince William Sound Aquaculture and the area is currently stocked with about 100,000 smolt each spring. Net pens are set in saltwater just outside of the Whittier boat harbor at the mouth of Salmon Run Creek, and the smolts are imprinted on this site. Adult returns (total harvest and escapement) on 100,000 coho salmon smolt are typically about 8,000 fish. From 2001 to 2006 the average catch of coho salmon was 24,643 with a harvest of 17,792 fish. During 2007 anglers caught an estimated 46,229 coho salmon and harvested 31,410. Fishing effort out of Whittier has grown since the opening of the Whittier Tunnel and a road under construction to connect the town of Whittier and Shotgun Cove is also likely to bring more angling effort on small local stocks

The current Terminal Harvest Area line of Blackstone Bay to Point Pigot was created to target effort and harvest on hatchery coho salmon. The large harvest of coho salmon landed in Whittier relative to the expected adult return from the hatchery releases indicates that anglers out of Whittier harvest a significant number of wild coho salmon. Although PWS coho runs have been strong in recent years, ADF&G doesn't have escapement data for specific wild runs that may be harvested under the more liberal bag limits inside the Terminal Harvest Area. Bag limits for coho salmon outside of the Terminal Harvest Areas are conservative at three per day since wild coho stocks are typically small and dispersed throughout PWS

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal and would like to determine a common boundary the authors of proposals 98 and 99 support. Effort, catch, and harvest have increased dramatically in Whittier and western PWS since the tunnel has increased access to the Port of Whittier.

Fishing pressure on small wild coho stocks near the Whittier Terminal Area will benefit from a boundary change. This boundary change will focus more effort at the head of Passage Canal, where these hatchery coho salmon are released.

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

PROPOSAL 100, PAGE 73, 5 AAC 55.023. Special provisions for seasons; bag, possession, and size limits; and methods and means for the Prince William Sound Area.

PROPOSED BY: Copper River/Prince William Sound Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would close Ibeck Creek to all sport fishing from the Copper River Highway upstream for two miles.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 55.023(1)(A) It is legal to use multiple hooks year-round in all freshwaters crossed by the Copper River Highway. The bag and possession limit for salmon (other than king salmon) is three fish. A coho salmon removed from the water shall be retained and becomes part of the bag limit of the person originally hooking it; a person may not remove a coho salmon from the water before releasing it. 5 AAC 55.022(1) Only unbaited, artificial lures are allowed April 15- June 14 to reduce the catch of spawning trout.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this proposal would eliminate most salmon fishing on Ibeck Creek and likely lower the catch and harvest in a recreational fishery that has a harvestable surplus.

BACKGROUND: The freshwaters crossed by the Copper River Highway were first designated as separate from other Prince William Sound (PWS) freshwaters by regulation in 1965. The current bag limit of 3 salmon per day (other than king salmon), 3 in possession has been in effect since 1989, and are some of the most conservative limits for salmon in the Prince William Sound Management Area.

This proposal does not address biological issues. Escapement goals for the Copper River Delta, as measured by Department surveys, have been met or exceeded for sockeye and coho salmon for each of the last ten years. Coho salmon escapement surveys are flown weekly when weather permits. This proposal would mainly affect the recreational coho salmon fishery, as few anglers target sockeye salmon on Ibeck Creek. In 2007, the last year of complete data, aerial survey estimates were 52,735 coho salmon in drainages crossed by the Copper River Highway. The

sustainable escapement goal range for the Copper River Delta is 32,000 to 67,000 coho salmon.

Angler effort on Ibeck Creek is concentrated close to the Copper River Highway, the majority taking place within a mile of the road. Anglers are rarely seen more than 1.5 miles upstream of the highway. The Statewide Harvest Survey started to collect Ibeck Creek specific data in 2001. The recent 6 average (2001-2006) of catch and harvest of coho salmon from Ibeck Creek is 3,269 and 1,249 fish respectively. In 2007 anglers caught 2,260 coho and harvested 927 from this creek. Aerial surveys are flown weekly during coho salmon season. Ibeck Creek is part of the Copper River Delta escapement goal and the average annual coho salmon escapement in this stream is 18,490 fish. While spawning coho salmon may be present throughout Ibeck Creek, the vast majority of coho seen in surveys is well upstream of this proposed closure.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal to reduce angler success and opportunity without biological justification. Sockeye and coho salmon escapement numbers have met or exceeded escapement goals for each of the last ten years. In years with poor returns, the department is able to restrict commercial and recreational fisheries with in-season emergency orders ensure escapement goals for Copper River Delta systems are met.

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

PROPOSAL 101, Page 73, 5 AAC 55.023. Special provisions for seasons; bag, possession, and size limits; and methods and means for the Prince William Sound Area.

PROPOSED BY: Copper River/Prince William Sound Advisory Committee.

WHAT WOULD THE PROPOSAL DO? Closes 18 Mile Creek 500 yards above the confluence with Alaganik Slough for coho salmon

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 55.023(1)(A) Currently it is legal to use multiple hooks year-round in all freshwaters crossed by the Copper River Highway. The bag and possession limit for salmon (other than king salmon) is three fish. A coho salmon removed from the water shall be retained and become part of the bag limit of the person originally hooking it; a person may not remove a coho salmon from the water before releasing it. 5 AAC 55.022(1) Only unbaited, artificial lures are allowed April 15- June 14 to reduce the catch of spawning trout.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would eliminate coho salmon fishing on this section of 18 Mile Creek and likely lower the catch and harvest in a recreational fishery on a stock that has a harvestable surplus.

BACKGROUND: The freshwaters crossed by the Copper River Highway were first designated as separate from other Prince William Sound (PWS) freshwaters by regulation in 1965. The current limit of 3 salmon per day (other than king salmon), 3 in possession has been in effect since 1989, and are some of the most conservative limits for salmon in the Prince William Sound Management Area.

This proposal does not address biological issues. Escapement goals for the Copper River Delta, as measured by Department surveys, have been met or exceeded for sockeye and coho salmon for each of the last ten years. Coho salmon escapement surveys are flown weekly. This proposal would mainly affect the recreational coho salmon fishery. In 2007, the last year of complete data, aerial survey estimates were 52,735 coho salmon in drainages crossed by the Copper River Highway. The sustainable escapement goal range for the Copper River Delta is 32,000 to 67,000 coho salmon.

Eighteen Mile Creek is a small system, but still part of the weekly aerial survey counts for coho salmon escapement on the Copper River Delta. The escapement estimates on this system average just over 1,000 coho but varies from 3,300 coho in 1997 to 205 coho in 2003. The most resent complete survey escapement estimates is 550 coho in 2007. Eighteen Mile Creek is too small a fishery to be reported in the Statewide Harvest Survey, so the department has no estimates of the catch or harvest of coho salmon from this particular system.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal to reduce angler success rates without biological justification. Coho salmon escapements have met or exceeded the escapement goals for each of the last ten years. In years with poor returns, the department is able to restrict commercial and recreational fisheries in-season in order to ensure escapement goals for Copper River Delta systems are met. The Eighteen Mile Creek system can be closed to fishing with in-season emergency orders if the escapement index indicates this to be necessary.

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

PROPOSAL 102, PAGE 74, 5 AAC 55.023(1)(A). Special provisions for seasons; bag, possession, and size limits; and methods and means for the Prince William Sound Area.

PROPOSED BY: Stan Makarka.

WHAT WOULD THE PROPOSAL DO? Closes sport fishing for coho salmon in all the fresh water drainages north of the Copper River Highway from mile marker 7 to mile marker 27.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 55.023(1)(A)Currently it is legal to use multiple hooks year-round in all freshwaters crossed by the Copper River Highway. The bag and possession limit for salmon (other than king salmon) is three fish. A coho salmon removed from the water shall be retained and become part of the bag limit of the person originally hooking it; a person may not remove a coho salmon from the water before releasing it. 5 AAC 55.022(1) Only unbaited, artificial lures are allowed April 15- June 14 to reduce the catch of spawning trout.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted, this proposal would eliminate the majority of coho salmon sport fishing along the Copper River Highway and lower the catch and harvest in a recreational fishery that operates on stocks with a harvestable surplus.

BACKGROUND: The freshwaters crossed by the Copper River Highway were first designated as separate from other Prince William Sound (PWS) freshwaters by regulation in 1965. The current limit of 3 salmon per day (other than king salmon), 3 in possession has been in effect since 1989, and are some of the most conservative limits for salmon in the Prince William Sound Management Area.

This proposal does not address biological issues. Escapement goals for the Copper River Delta, as measured by Department surveys, have been met or exceeded for sockeye and coho salmon for each of the last ten years. Coho salmon escapement surveys are flown weekly. This proposal would mainly affect the recreational coho salmon fishery. In 2007, the last year of complete data, aerial survey estimates were 52,735 coho salmon in drainages crossed by the Copper River Highway. The sustainable escapement goal range for the Copper River Delta is 32,000 to 67,000 coho salmon.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal to reduce angler success rates without biological justification. Sockeye and coho salmon escapements have met or exceeded escapement goals for each of the last ten years. In years with poor returns, the department is able to restrict commercial and recreational fisheries with in-season emergency orders in order to ensure escapement goals for Copper River Delta systems are met.

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

PROPOSAL 103, PAGE 74, 5 AAC 55.023. Special provisions for season, bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area.

PROPOSED BY: Mike Babic.

WHAT WOULD THE PROPOSAL DO? Closes all known spawning beds to sport fishing.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 55.023(1)(A)Currently it is legal to use multiple hooks year-round in all freshwaters crossed by the Copper River Highway. The bag and possession limit for salmon (other than king salmon) is three fish. A coho salmon removed from the water shall be retained and become part of the bag limit of the person originally hooking it; a person may not remove a coho salmon from the water before releasing it. 5 AAC 55.022(1) Only unbaited, artificial lures are allowed April 15- June 14 to reduce catch of spawning trout.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The department would be required to identify every spawning area for all species in the Copper River drainage. Angler opportunity would be lost in systems with a harvestable surplus.

BACKGROUND: The freshwaters crossed by the Copper River Highway were first designated as separate from other Prince William Sound (PWS) freshwaters by regulation in 1965. The current limit of 3 salmon per day (other than king salmon), 3 in possession has been in effect since 1989, and are some of the most conservative limits for salmon in the Prince William Sound Management Area.

This proposal does not address biological issues. Escapement goals for the Copper River Delta, as measured by Department surveys, have been met or exceeded for sockeye and coho salmon for each of the last ten years. Coho salmon escapement surveys are flown weekly. This proposal would mainly affect the recreational coho salmon fishery. In 2007, the last year of complete data, aerial survey estimates were 52,735 coho salmon in drainages crossed by the Copper River Highway. The sustainable escapement goal range for the Copper River Delta is 32,000 to 67,000 coho salmon.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal to reduce angler success rates without biological justification. In years with poor returns, the department is able to restrict commercial and recreational fisheries with in-season emergency orders in order to ensure escapement goals for Copper River Delta systems are met.

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

Copper River Salmon:

PROPOSAL 104 - 5 AAC 52.023. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would close the Lakina River (in the Chitina River drainage), Sinona Creek, and Slana River (Upper Copper River drainage) to sport fishing for king salmon.

WHAT ARE THE CURRENT REGULATIONS? There are no specific regulations regarding king salmon in the Lakina and Slana rivers, or Sinona Creek, these systems fall under the general area-wide king salmon sport fishing regulations.

5 AAC 52.022. General provisions for season, bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area. (a)(3) king salmon: may be taken only from January 1 – July 19, as follows:

(A) 20 inches or greater in length; bag and possession limit of one fish; annual limit of four fish; a harvest record is required as specified in 5 AAC 52.024; a king salmon 20 inches or greater in length that is removed from the water must be retained and becomes part of the bag limit of the person originally hooking it;

(B) less than 20 inches in length; bag and possession limit of 10 fish;

(C) a person may not remove from the water a king salmon that the person intends to release.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If adopted all waters within the Lakina River drainage, Sinona Creek drainage, and the Slana River drainage would be closed to sport fishing for king salmon.

BACKGROUND: Based on radio-telemetry, aerial survey, and Statewide Harvest Survey harvest and catch data king salmon stocks in the Lakina, Sinona and the Slana River drainages are relatively small with the size of the run being variable from year to year. These systems do not currently support consistent king salmon fisheries. The Statewide Harvest Survey reported king salmon catch in only seven of the last 18 years (1990-2007) and only in the Slana River. However, as access opportunities increase, sport fisheries targeting these smaller tributaries could develop and adversely affect these smaller stocks before any inseason management could be implemented. Closing these systems prior to development of larger fisheries will prevent potential conservation concerns from arising.

DEPARTMENT COMMENTS: The Department submitted this proposal and continues to **SUPPORT** it. Providing protection to the smaller king salmon stocks in these streams is in compliance with the intent of the Copper River King Salmon Management Plan.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the upper Copper River king salmon sport fishery.

PROPOSAL 105 - 5 AAC 52.023. Special provisions for the season, bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would amend 5 AAC 52.023 (1), (7), (8), (11), and (12)(D) to extend the current closures of these waters to fishing for king salmon within a one-quarter mile radius of the confluence with waters open to king salmon fishing.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 52.023(1) in Ahtell Creek, sport fishing for king salmon is closed. 5 AAC 52.023(7) in all clearwater tributaries of the Gakona River, sport fishing for king salmon is closed. 5 AAC 52.023(8) in the Gilahina River, sport fishing for king salmon is closed. 5 AAC 52.023(11) in Indian Creek, sport fishing for king salmon is closed. 5 AAC 52.023(12)(D) in Manker Creek, sport fishing for king salmon is closed.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If adopted all waters within a one-quarter mile radius of the confluence of Ahtell Creek with the Slana River, Indian Creek with the Copper River, the confluences of all clearwater tributaries of the Gakona River with the Gakona River mainstem, the confluence of the Gilahina River with the Chitina River, and the confluence of Manker Creek with the Klutina River would be closed to sport fishing for king salmon.

BACKGROUND: To protect the small stocks of king salmon that spawn in these streams, Ahtell, and Indian Creeks have been closed to king salmon harvest since 1991. Manker Creek, the clearwater tributaries of the Gakona River, and the Gilahina River have been closed since 1997. Sport anglers have begun targeting king salmon bound for these streams by fishing for them within the clear water plumes of these streams which are in waters open to king salmon fishing. King salmon hold in these clear water plumes and are vulnerable to anglers. Extending the area of waters closed to king salmon fishing at the mouth of these streams, including the clear water plume, will assure the protection of these smaller discrete king salmon stocks as was intended by the original stream closures.

DEPARTMENT COMMENTS: The Department submitted this proposal and continues to **SUPPORT** it. Providing protection to the smaller king salmon stocks in these streams is in compliance with the intent of the Copper River King Salmon Management Plan. If adopted, these regulations would be similar to area regulations for clear water plumes of the Gulkana River and tributaries of the Tonsina River.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the upper Copper River king salmon sport fishery.

PROPOSAL 106 - 5 AAC 52,023. Special provisions for seasons bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area.

PROPOSED BY: Shawn Gilman.

WHAT WOULD THE PROPOSAL DO? This proposal would amend 5 AAC 52.023 (1) to extend the current closure of Ahtell Creek to fishing for king salmon to 200 yards downstream of its confluence with waters open to king salmon fishing.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 52.023(1) in Ahtell Creek, sport fishing for king salmon is closed, king salmon may not be taken or possessed.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted all waters of Ahtell Creek to 200 yards downstream of the confluence of Ahtell Creek and the Slana River would be closed to the sport fishing for king salmon.

BACKGROUND: Ahtell Creek has been closed to king salmon fishing since 1991 to protect the small stocks of king salmon that spawn in these systems. However, sport anglers have begun targeting king salmon bound for Ahtell Creek by fishing for them within the clear water plume of the stream, which is in waters of the mainstem Slana River open to king salmon fishing. King salmon hold in the clear water plume and are extremely vulnerable to anglers. Extending the area of waters closed to king salmon fishing at the mouth of Ahtell Creek, including the clear water plume, will ensure the protection of the smaller discrete king salmon stock that spawns in the creek as was intended by the original stream closures.

DEPARTMENT COMMENTS: The Department **SUPPORTS** the concept of this proposal, but prefers the language of proposal 105. Proposal 106 requests a similar, but less restrictive, extension of the closure of Ahtell Creek to king salmon fishing to the proposed extended closure in proposal 105. The Department believes a wider radius of protected waters around the confluence of Ahtell Creek is needed to assure protection of king salmon bound for spawning sites in Ahtell Creek and prefers that closures protecting the confluences of closed streams be consistent from stream to stream.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the upper Copper River king salmon sport fishery.

PROPOSAL 107 - 5 AAC 52.023. Special provisions for seasons, bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area.

PROPOSED BY: Anchorage Advisory Committee, Matanuska Valley Advisory Committee, and Fairbanks Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would extend the season for king salmon on the Copper River mainstem, downstream of the Klutina River confluence, from July 19 to August 10.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 52.022. General provisions for season, bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area. (a)(3) king salmon: may be taken only from January 1 – July 19,…

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted the waters of the mainstem Copper River, downstream of the confluence of the Klutina River, would be open to king salmon fishing through August 10, a season extension of 22 days. King salmon harvest and catch would likely increase in the mainstem Copper River with adoption of this proposal.

BACKGROUND: Sport angling for king salmon in the mainstem Copper River is hindered by its heavy silt load. Therefore, sport angling for king salmon in the Copper River is generally restricted to the relatively clear water plumes of tributaries (Gulkana, Klutina, Tonsina rivers) entering the Copper River. Harvest and catch of king salmon from 1998-2007 in the entire mainstem Copper River has averaged 30 and 187 fish, respectively. The majority of this harvest is believed to have occurred at the clear water plumes of these tributaries.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal due to its allocative aspects.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the Copper River king salmon sport fishery.

PROPOSAL 108 - 5 AAC 52.023. Special provisions for seasons, bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area.

PROPOSED BY: Anchorage Advisory Committee, Matanuska Valley Advisory Committee, and Fairbanks Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would extend the season for king salmon on the Klutina River, downstream of river mile 13 from July 31 to August 10.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 52.023 (12)(E) in all flowing waters downstream of the ADF&G regulatory markers located at Mile 19.2 on the Klutina Lake Road, king salmon may be taken only from January 1 – July 31, with a bag and possession limit one fish 20 inches or greater in length, and a bag and possession of 10 fish less than 20 inches in length.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted the flowing waters of the Klutina River would be open for king salmon from January 1 – July 19 above Mile 19.2, from January 1 – July 31 between Mile 13 and Mile 19.2, and from January 1 – August 10 downstream of Mile 13. This would be a ten-day extension of the season downstream of river mile 13 to the mouth of the Klutina River. King salmon harvest and catch on the Klutina River would likely increase with the adoption of this proposal.

BACKGROUND: In 1996, the Board of Fisheries adopted a proposal that reduced the open season for king salmon from August 10 to July 31. The purpose of the action was to reduce harvest of king salmon in the Copper River tributaries and to prohibit sport fishing for king salmon in spawning condition.

King salmon harvest for the three years (1994-1996) preceding the season reduction averaged 2,605, for the three years (1997-1999) after the reduction harvest averaged 3,147. The increase in king salmon harvest following the regulatory restriction can be attributed to strong king salmon returns in the late 1990's, as all Copper River fisheries (commercial, subsistence, personal use and sport) experienced record or near record harvests. Since 2000, the harvest has average 1,453 king salmon. Based upon king salmon radio-telemetry data from 1999-2004, 75% of the Klutina annual run entered the river, on average, by July 31st, 82% by August 5th, and 89% by August 10th.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal due to its allocative aspects.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individual to participate in the Klutina River king salmon sport fishery.

PROPOSAL 109 - 5 AAC 52.023. Special provisions for seasons, bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area.

PROPOSED BY: Anchorage Advisory Committee, Matanuska Valley Advisory Committee, and Fairbanks Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would extend the season for king salmon on the lower Tonsina River from July 19 to August 10.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 52.022. General provisions for season, bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area. (a)(3) king salmon: may be taken only from January 1 – July 19,…

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If adopted the flowing waters of the Tonsina River downstream of the Alyeska Pipeline crossing (approximately 30 river miles) would be open for king salmon from January 1 – August 10. This would be a 22-day extension of the season in the lower Tonsina River. King salmon harvest and catch would likely increase on the Tonsina River with the adoption of this proposal.

BACKGROUND: King salmon harvest from the Tonsina River has been relatively low considering the size of the annual run. Access is very limited and undeveloped compared to the Klutina and Gulkana Rivers and is probably the greatest limiting factor to the harvest of king salmon from the Tonsina River. Raft anglers generally access the river between the Richardson and Edgerton highways, while boat anglers access the mouth of the Tonsina River by boating up the Copper River from Chitina.

In 1996, the Board of Fisheries adopted a proposal to eliminate bait in the Tonsina River drainage based on declining king salmon aerial survey indices and increasing harvests. In 2003, the Board of Fisheries reversed the 1996 action and adopted a proposal that allowed the use of bait and treble hooks when fishing for king salmon on the Tonsina River after a radio-telemetry study of Copper River king salmon distribution indicated that the annual run of king salmon to the Tonsina River was greater than previously thought. From 1999 – 2004, Tonsina River king salmon comprised an average of 17% of the overall Copper River annual return. On average, 90% of king salmon have entered the Tonsina River by July 31, 97% by August 5, and 99% by August 10. Fishing effort on the Tonsina River peaked in 1995 at 3,912 angler-days with a harvest of 539 king salmon and a catch of 1,102 king salmon. From 1996-2002, effort averaged 1,223 angler-days, harvest averaged 106 king salmon and catch averaged 371 king salmon. Recently (2003-2007) angler effort has been 774 angler-days; harvest has averaged 91 fish with a catch of 338 per year.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal due to its allocative aspects.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individual to participate in the Tonsina River king salmon sport fishery.

PROPOSAL 110 - 5 AAC 52.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area.

PROPOSED BY: Mike Lanegan, Ken Hughes, and Alan LeMaster.

WHAT WOULD THE PROPOSAL DO? This proposal would allow anglers to retain sockeye salmon that are unintentionally hooked elsewhere than in the mouth. It would still be unlawful to intentionally snag or attempt to snag any fish in fresh water.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 75.022(c) It is unlawful to intentionally snag or attempt to snag any fish in fresh water. Fish unintentionally hooked elsewhere than in the mouth must be released immediately. "Snag" means hook a fish elsewhere than in the mouth.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted it would increase the harvest of sockeye salmon by increasing angler efficiency. The increased harvest efficiency could alter present allocations among commercial, sport, and personal use fishers and could also attract additional participants.

BACKGROUND: Snagging has been prohibited in the fresh waters of Alaska since 1975.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. This proposal is similar to a number of proposals that have been submitted to the Board during previous meetings. The proposal indicates that the intent is not to permit snagging, but to allow retention of sockeye salmon that are hooked elsewhere than in the mouth. In effect this would be a liberalization of the current anti-snagging regulation and would make enforcement difficult because the enforcement officer would be required to prove the angler intended to snag.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the upper Copper River sockeye salmon sport fishery.

PROPOSAL 111 - 5 AAC 52.023. Special provisions for seasons, bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area.

PROPOSED BY: Klutina River Association.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit removal from the water any salmon which is intended for release.

WHAT ARE THE CURRENT REGULATIONS? There are no regulations pertaining to other salmon prohibiting the removal of a fish from the water that is intended for release, only king salmon.

5 AAC 52.022 (a)(3)(C) a person may not remove from the water a king salmon that the person intends to release:

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted it may decrease angler efficiency by requiring additional effort to release a salmon while still immersed in the water.

BACKGROUND: The requirement to retain king salmon removed from the water has been in regulation since 1987. King salmon harvest in the UCUSMA from 1977-1986 averaged 2,071 fish and from 1987-2007 king salmon harvest has averaged 5,188 fish. Sockeye salmon harvest and catch in the UCUSMA from 1998-2007 has averaged 10,961 and 18,492 fish, respectively. King and sockeye salmon are the dominant salmon species harvested in the UCUSMA, coho salmon harvests have not exceeded 500 fish since 1977.

There are numerous fisheries in southcentral and interior Alaska that prohibit the removal of a king salmon from the water if released. There are also several rainbow trout/steelhead fisheries in southcentral Alaska that prohibit the removal of these fish from the water. Only in the Little Susitna River and in PWS along the Copper River Highway streams does this requirement occur for coho salmon. There are currently no regulations for sockeye salmon that prohibit the removal of the fish from water if it is released.

Hooking mortality studies have been conducted by the Department on king and coho salmon. King salmon hooking mortality averaged 8% and ranged from 4 to 11% in a Kenai River study (Bendock and Alexandersdottir, 1992) and coho salmon hooking mortality was 15% in a Unalakleet River study (Stuby 2002). No studies have been conducted by the Department on sockeye salmon hooking mortality.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal due to its overly restrictive nature. In the sockeye fisheries on the Klutina and Gulkana Rivers, there is no evidence of increased mortality or reduction in spawning success related to current handling and release practices by sport anglers.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the upper Copper River salmon sport fishery.

PROPOSAL 112 - 5 AAC 52.023. Special provisions for seasons, bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area.

PROPOSED BY: Native Village of Eyak.

WHAT WOULD THE PROPOSAL DO? This proposal would require any landed or deliberately released salmon from all tributaries of the Copper River to be counted against the angler's daily bag limit.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 52.022 (3) king salmon: may be taken only from January 1 – July 19, as follows; (A) 20 inches or greater in length; bag and possession limit of one fish; annual limit of four fish; a harvest record is required as specified in 5 AAC 52.024; a king salmon 20 inches or greater in length that is removed from the water must be retained and becomes part of the bag limit of the person originally hooking it…

5 AAC 52.022 (4) salmon, other than king salmon: may be taken from January 1 – December 31, as follows; (A) greater than 16 inches in length; bag and possession limit of 3 fish; (B) 16 inches or less in length; bag and possession limit of 10 fish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted it would eliminate catch-and-release fishing on all tributaries of the upper Copper River.

BACKGROUND: Angler effort on flowing waters of the Copper River tributaries peaked in 1995 at 58,981 angler-days and has declined by 37% to 37,141 angler-days in 2007. Angler effort on area salmon stocks is highly dependent upon the reported fishing success and river conditions. King salmon harvest and catch has averaged 5,231 and 15,941 fish from 1998-2007. The sockeye salmon harvest and catch have averaged 10,961 and 18,492 fish from 1998-2007. Coho salmon harvest and catch has averaged 165 and 473 fish during the same period.

On the Copper River's two main sport salmon fisheries the average (2003-2007) retention of king salmon was only 32% from the Gulkana River and 42% from the Klutina River. For sockeye salmon average retention was 45% and 64% for the Gulkana and Klutina Rivers, respectively.

Hooking mortality studies have been conducted by the Department on king and coho salmon. King salmon hooking mortality averaged 8% and ranged from 4 to 11% in a Kenai River study (Bendock and Alexandersdottir, 1992) and coho salmon hooking mortality was 15% in a Unalakleet River study (Stuby 2002). No

studies have been conducted by the Department on sockeye salmon hooking mortality.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal due to its overly restrictive nature. Current levels of harvest and catch and associated hooking mortality are within sustainable levels.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the upper Copper River salmon sport fishery.

PROPOSAL 113 - 5 AAC 52.023. Special provisions for seasons, bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area.

PROPOSED BY: Native Village of Eyak.

WHAT WOULD THE PROPOSAL DO? This proposal would close the Klutina and Gulkana Rivers to power boats 2 days per week.

WHAT ARE THE CURRENT REGULATIONS? There are no current restrictions for operating motorized boats for the purpose of fishing or transporting anglers on either the Gulkana or Klutina rivers.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? If this proposal were adopted it would restrict fishing opportunity for anglers using motorized vessels.

BACKGROUND: Based upon a creel survey conducted on the Klutina River in 2006, anglers using power boats accounted for 52% of the angler effort directed at king salmon that year and 70% of the harvest of king salmon. The latest creel survey conducted on the Gulkana River in 1996 showed 46% of the fishing effort was by anglers fishing from power boats. These anglers accounted for 38% of the king salmon harvest.

Habitat degradation due to boat wakes has not been identified on the Gulkana or Klutina rivers. Bank erosion on these rivers results primarily from ice movement during spring break-up.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal due to its allocative aspects. Closing these rivers to power boats two days per week will reduce sport fishing opportunity for one class of sport angler.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the Gulkana and Klutina rivers sport fishery.

Resident Species:

PROPOSAL 114 - 5 AAC XX.XXX. New Section.

PROPOSED BY: Bill Larry and Ralph Seekins.

WHAT WOULD THE PROPOSAL DO? This proposal if adopted would apply restrictions to the state hatchery production process while authorizing currently prohibited stocking activity. These restrictions may reduce the number of lakes that the department currently stocks, adversely affect wild fish stocks, and hinder the departments stocking program through a poorly defined public approval process.

WHAT ARE THE CURRENT REGULATIONS? There are currently regulations regarding the departments stocking program in 5 AAC 41.005 which permit the transport and release of hatchery produced fish, inspection and control of fish diseases.

In AS 16.05.050 (a) The commissioner has, but not by way of limitation, the following powers and duties: (5) to take, capture, propagate, transport, buy, sell, or exchange fish or game or eggs for propagating, scientific, public safety, or stocking purposes;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If adopted this proposal would limit the department's ability to stock sterile fish without prior approval by the local Fish and Game advisory committee and a public review. It would prohibit the production of all-female triploid (sterile) rainbow trout which would significantly reduce the number of lakes the department stocks. It would also allow the stocking of hatchery fish that may compete with wild fish species. It would also permit actions such as the stocking of northern pike in southcentral Alaska.

BACKGROUND: The department annually publishes a statewide stocking plan that lists the fish species and water bodies into which hatchery fish will be stocked. This plan is distributed to various agencies, local advisory committee chairs, and the general public for review prior to final publishing in January. Included in the statewide stocking plan is the Division of Sport Fish Lake Stocking Policy. The Lake Stocking Policy was first adopted in February 1998 and revised in April 2008.

The Lake Stocking Policy provides the Division with specific recommendations for stocking locations, stocking products, and appropriate measures to insure the stocking of sterilized fish where needed to protect wild stocks. Under the current stocking policy, the stocking of diploid (reproductively viable fish) is permitted in landlocked lakes only. Stocked lakes that are not landlocked (intermittent outlet, weired, or flood prone) are stocked with all-female triploid rainbow trout or triploid fish (sterile, non-reproductively viable fish) of other species (Arctic grayling, Arctic char and landlocked salmon) to reduce the potential of the stocked species establishing a naturally reproducing population if the fish escape from the lake. The rationale for the all-female triploid rainbow trout and triploid grayling, char, and salmon is to reduce potential impact to wild fish populations to near zero, while still providing additional or unique sport fishing opportunities and relieving pressure on wild fish stocks. In general, the department does not stock fish in lakes with open outlets or streams due to concerns of genetic mixing, disease, and competition or predation on resident fish.

All-female triploid rainbow trout are created through a two-step process. Approximately 2,000 – 3,000 juvenile rainbow trout are fed testosterone treated feed (5-15 milligrams on 15 lbs of feed) during their first 2-3 months of rearing. This treatment causes the female rainbow trout to develop testes. At approximately 2-3 years of age, these treated female fish are sacrificed and the sperm removed which is then used to fertilize eggs from untreated female fish (the carcasses of the testosterone treated fish are disposed of). The result is all-female offspring, which at the egg stage are subjected to hydro-static pressure which causes sterility in the hatched fish (i.e. - all-female triploids). These offspring are not treated with any hormones. The resulting sterility rate in rainbow trout triploids is 98-99%, while for Arctic char, Arctic grayling and coho salmon sterility is nearly 100%. To assure that there is no spawning potential of released triploid rainbow trout, the all-female triploids are used (no potential for a viable male and viable female to spawn).

In 2006, 10 states were stocking triploid hatchery fish including Alaska. Eight of these are located in the western United States.

<u>DEPARTMENT COMMENTS:</u> The department is **OPPOSED** to this proposal as it would significantly hinder current sport fish hatchery operations, potentially reduce fishing opportunity by reducing the number of lakes that are currently stocked, and put wild stocks at risk by authorizing stocking of fish that may compete with wild populations contrary to the current lake stocking policy.

<u>COST ANALYSIS:</u> Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the state's stocked waters fishery.

PROPOSAL 115 - 5 AAC 52.023. Special provisions for seasons, bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would change the area stocked lakes regulation under 5 AAC 52.023(28) to accurately reflect the regulatory language contained in 5 AAC 52.065. Upper Copper River and Upper Susitna River Area Stocked Waters Management Plan. This proposal would also update the list of stocked waters by removing one water body that is no longer stocked and adding one water body that has been added to the stocking program.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 52.023(28) in stocked lakes, the bag and possession limit for rainbow/steelhead trout, Arctic char/Dolly Varden, landlocked salmon, and Arctic grayling is 10 fish in combination, of which no more than one fish maybe 18 inches or greater in length;…

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The adoption of this proposal would apply the stocked waters regulations to the one water body that has been added to the stocking program and remove from regulation the one water body that has been removed from the stocking program.

BACKGROUND: The Board of Fish adopted an Area Stocked Waters Management Plan in 2004, which implemented consistent regulations for three different categories of stocked waters. This is a housekeeping proposal that updates the waters covered by the Regional Stocked Waters Management regulations. During each Board cycle, the department reviews the stocked waters list for each management area, and adds newly stocked waters and removes any waters that are no longer stocked.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it. It will eliminate confusion and apply the correct regulations to newly stocked waters and waters no longer stocked.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the UCUSMA stocked waters fishery.

PROPOSAL 116 - 5 AAC 52.023 (24)(B). Special provisions for seasons, bag, possession, and size limits, and methods and means for the Upper Copper River and Upper Susitna River Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would reduce the bag and possession limit for rainbow trout in Tolsona Lake to the area background regulation of 2 fish, of which only one may be 20 inches or greater in length.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 52.023(24)(B) the bag and possession limits for rainbow trout is 10 fish, of which only one maybe 20 inches or greater in length;…

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The adoption of this proposal would remove the special provisions for rainbow trout in Tolsona Lake.

BACKGROUND: Historically, Tolsona Lake was among the stocked waters in the UCUSMA and was last stocked with rainbow trout in 1999. It was dropped from the stocking program due to access issues. Based on the life expectancy of 7 years for the hatchery rainbow trout stocked and that the most recent stocking consisted of sterile trout, it is unlikely any rainbow trout remain in Tolsona Lake.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it. Public access has been provided at Tolsona Lake and rainbow trout were stocked in the lake in July 2008. The Department will submit amended language for proposal 115 to add Tolsona Lake to the listing of stocked waters and the bag and possession limit will revert to the stocked waters limit of 10 fish only one greater than 18 inches.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individual to participate in the Tolsona Lake sport fishery.

PROPOSAL 117 - 5 AAC 52.045. Lake Burbot Management Plan.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would repeal the Lake Burbot Management Plan.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 52.045. Lake Burbot Management Plan. The department shall manage lake fisheries on burbot populations in the Upper Copper River and Upper Susitna River Area to ensure maximum sustainable harvests. In order to achieve maximum sustainable harvest of lake burbot populations, the department shall, by emergency order, establish periods during which

(1) time and area are reduced;

(2) the use of set lines is prohibited;

(3) or both.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The adoption of this proposal would remove redundant regulation language.

BACKGROUND: This is a housekeeping proposal. The stipulations and guidelines in the Lake Burbot Management Plan are covered under the following area and statewide regulations, and statute:

5 AAC 52.022(14) the use of set lines is prohibited.

5 AAC 75.003 The commissioner may, emergency order, change bag and possession limits and annual limits and alter methods and means in sport fisheries;…

AS 16.05.060(b) The commissioner or an authorized designee may, under criterion adopted by the Board of Fisheries, summarily increase or decrease sport fish bag limits or modify methods of harvest for sport fish by means of emergency orders.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in the UCUSMA burbot sport fishery.

COMMITTEE E- COPPER RIVER COMMERCIAL SALMON
(15 PROPOSALS)

Retention of Fish Taken in a Commercial Fishery/Subsistence Participation

PROPOSAL 118 - 5 AAC 01.610. Fishing seasons.

PROPOSED BY: Steve Johnson.

WHAT WOULD THE PROPOSAL DO? The proposal would restrict commercial salmon permit holders who choose to participate in salmon subsistence fisheries from participating in commercial fisheries for one month.

WHAT ARE THE CURRENT REGULATIONS? Currently there are no regulations in the Prince William Sound Area that would restrict or prohibit a commercial permit holder from participating in a commercial fishery following their participation in a subsistence fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, commercial permit holders who participate in a subsistence fishery would be prohibited from participating in a commercial fishery for one month.

BACKGROUND: In Prince William Sound according to 5 AAC 01.647(j) and 5 AAC 01.648, salmon may be taken for subsistence purposes from May 15 through September 30 (Copper River and Chenega) or October 31 (Tatitlek). Fishing periods are from May 15 until two days before the commercial opening of that district. Following the opening of the district to commercial fishing, subsistence periods are concurrent with commercial salmon fishing periods. In addition, when salmon escapement is not sufficient to support a commercial period, subsistence-only salmon fishing periods have been announced.

There are regulations in other areas that restrict commercial users who participate in subsistence fisheries from then participating in commercial fisheries for a period of time. Some examples are:

> Kodiak Area, 5 AAC 01.510. Fishing seasons
> (a) Salmon may be taken for subsistence purposes from 6:00 a.m. until 9:00 p.m. from January 1 through December 31, with the following exceptions:
> (1) from June 1 through September 15, salmon seine vessels may not be used to take subsistence salmon for 24 hours before, during, and for 24 hours after any open commercial salmon fishing period;

Cook Inlet Area, 5 AAC 01.570. Lawful gear and gear specifications
(c) No person may operate or assist in the operation of subsistence salmon net gear on the same day that person operates or assists in the operation of commercial salmon gear.

Aleutian Islands Area, 5 AAC 01.360(a)(1) In the Unalaska District seine vessels may not be used to take subsistence fish for 24 hours before, during, and for 12-hours after any commercial salmon fishing period.

Chignik Area, 5 AAC 01.485. Restrictions on commercial fishermen
In the Chignik Area, a commercial salmon fishing license holder may not subsistence fish for salmon during the 12 hours before a commercial salmon fishing period and the 12 hours following the closure of a commercial salmon fishing period. However, a commercial salmon fishing license holder may subsistence fish for salmon during a commercial salmon fishing period.

General shellfish provisions, 5 AAC 34.053. Operation of other pot gear
Unless otherwise specified in 5 AAC 31 - 5 AAC 38,
(1) a person or vessel that operates commercial, subsistence, personal use, or sport pots, during the 14 days immediately before the opening of a commercial king crab season in a king crab registration area…

Southeast Area, 5 AAC 34.128. Operation of other gear in Registration Area A
(a) A person or vessel that operates commercial, subsistence, personal use, or sport pots or ring nets, other than commercial shrimp pots or Dungeness crab pots, during the 30 days immediately before the scheduled opening date of the commercial king crab season in Registration Area A may not participate in that king crab fishery.

Yakutat Area, 5 AAC 34.188. Operation of other gear in Registration Area D
(a) A person or vessel that operates commercial, subsistence, personal use, or sport pots or ring nets, other than commercial shrimp pots or Dungeness crab pots, during the 14 days immediately before the scheduled opening date of the commercial king crab season in Registration Area D may not participate in that king crab fishery.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 119- 5 AAC 39.010(a) Retention of fish taken in a commercial fishery.

PROPOSED BY: Mike Kramer.

WHAT WOULD THE PROPOSAL DO? The proposal would prohibit commercial fishers from retaining king salmon from commercial deliveries from the Copper River District for their own use.

WHAT ARE THE CURRENT REGULATIONS? 39.010(a) A person engaged in commercial fishing may retain finfish from lawfully taken commercial catch for that person's own use, including for use as bait in a commercial fishery. Finfish retained under this section may not be sold or bartered.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, commercial drift gillnet permit holders would not be allowed to retain king salmon from their commercial deliveries for their own use.

BACKGROUND: Since 1992 commercial fishers in the Copper River and Bering River districts have been required to report on fish tickets the number of king salmon taken but not sold. These numbers are shown in Table 1.

When the board established the "amount reasonably necessary for subsistence" (ANS) for the salmon stocks of the Copper River District, it recognized the contribution that the retention of salmon from commercial harvests made to the supply of salmon for home use in Cordova, and established a two-level ANS finding: a lower ANS range when a salmon commercial fishery is open and a higher range when there is no commercial fishery (5 AAC 01.616(b)(2)).

Proposal 119, Table 1. Total estimated king salmon run to the Copper River by end user or destination with previous 10-year average, 1997-2007. Commercial homepack harvest is highlighted.

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	10-year Average	2007
Commercial harvest[a]	51,273	68,827	62,337	31,259	39,524	38,734	47,721	38,191	34,624	30,278	**44,277**	39,095
Commercial, homepack[a]	1,243	1,411	1,115	740	935	773	1,073	539	760	779	**937**	1,016
Commercial, donated[a]	0	0	0	6	0	4	3	5	11	3	**3**	0
Educational drift gillnet permit[a]	0	0	0	0	0	25	0	0	92	11	**13**	70
Subsistence (Cordova, drift gillnet)[b]	200	295	353	689	826	549	710	1,106	219	779	**573**	1,145
Subsistence (Batzulnetas, dipnet, fish wheel or spear)[b]	0	0	0	0	0	0	0	0	0	0	**0**	0
Subsistence (Glennallen Subdistrict, dipnet, fish wheel or spear)[b]	2,439	1,751	3,058	4,782	3,373	3,424	2,585	3,166	2,080	2,432	**2,909**	3,106
Federal Subsistence (Glennallen subdistrict, dipnet, fish wheel or spear)						564	554	634	265	430	**489**	569
Personal Use harvests (Chitina Subdistrict, dipnet)[b]	5,359	6,583	5,758	3,037	2,803	1,745	1,870	2,108	1,773	2,152	**3,319**	2,388
Federal Subsistence (Chitna subdistrict, dipnet)						33	18	9	10	13	**17**	26
Sport harvest[c]	8,346	8,245	6,742	5,531	4,904	5,098	5,717	3,435	4,092	3,425	**5,554**	4,353
Upriver spawning escapement[d]	14,338	11,386	16,157	24,490	26,534	21,574	22,802	23,911	21,604	59,337	**24,213**	35,957
Total estimated Chinook salmon run size	**83,198**	**98,498**	**95,520**	**70,534**	**78,899**	**72,523**	**83,053**	**73,104**	**65,530**	**99,639**	**82,050**	**87,725**

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 120 - 5 AAC 24.356. Reporting requirements.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? The proposal would remove the section of regulatory code that requires the reporting of king salmon taken from the Copper River and Bering River districts but not sold.

WHAT ARE THE CURRENT REGULATIONS? The current regulation, 5 AAC 24.356, states that a commercial fisherman shall report on an ADF&G fish ticket, at the time of landing the fisherman's commercial catch, the number of king salmon taken in the Copper River and Bering River Districts but not sold. Additionally, under general provisions, 5 AAC 39.130(c)(10) requires that fish of any species retained by a commercial fisherman for personal use be reported on an ADF&G fish ticket.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, unneeded and redundant language would be removed from regulation with no effects on management.

BACKGROUND: This is a housekeeping proposal.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

Fishing Gear

PROPOSAL 121 - 5 AAC 24.331. Gillnet specifications and operations.

PROPOSED BY: Chitina Dipnetters Association.

WHAT WOULD THE PROPOSAL DO? The proposal would prohibit the use of dipnets, landing nets, and gaffs in the landing of king salmon caught in gillnets.

WHAT ARE THE CURRENT REGULATIONS? Currently, there are no regulations that prohibit the use of dipnets, landing nets, or gaffs in landing a specific species of salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, commercial fishers would not be allowed to use dipnets, landing nets, or gaffs to land king salmon entangled in drift gillnets.

BACKGROUND: King salmon that are entangled in commercial drift gillnets often require the use of a gaff or dipnet to bring them onboard the vessel. This is due to the head of larger king salmon not passing through the 6" mesh of gillnets that are in use prior to July 15. Large king salmon generally are caught as the result of their mouths and teeth getting into the mesh at which point they roll, become entangled and often die. King salmon caught in this manner must be landed with a dip net, landing net, or gaff to prevent some percentage of them from "dropping out" and sinking.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department is **OPPOSED** to the increased potential for dead loss and waste of salmon.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 122 - 5 AAC 24.334(a) Identification of gear.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would amend regulation 5 AAC 24.334 (a) to clarify commercial drift gillnet gear marking requirements. Additionally, the proposal will add language to regulation 5AAC 24.334 (a) stating a buoy is not necessary on the end of a drift gillnet if that end is attached to the vessel.

WHAT ARE THE CURRENT REGULATIONS? The current regulation, 5 AAC 24.334(a) states: each drift gillnet in operation must have a keg or buoy at each end plainly and legibly marked with the permanent vessel license plate (ADF&G) number of the vessel operating the gear.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, it would require buoys to be clearly marked with letters at least four inches high with lines one-half inch in width. Additionally, it would require each deployed gillnet attached to a fishing vessel to have one buoy on the end not attached to the fishing vessel; nets released momentarily (as the vessel travels to the opposite end of the net, etc.) would have a buoy at each end.

BACKGROUND: Currently, some buoys are marked in small letters that are illegible except upon close examination; they require scrutiny and often retrieval of the gear in order to identify the permit holder.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it. Clearer marking of gear would make gear identification easier for enforcement personnel.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

Closed Waters

PROPOSAL 123 - 5 AAC 24.350(1)(B). Closed waters.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? The proposal would adjust the latitude and longitude coordinate points that define the king salmon inside closure area referred to in part (b) of the Copper River King Salmon Management Plan (5 AAC 24.361) to match the geographic place names referred to.

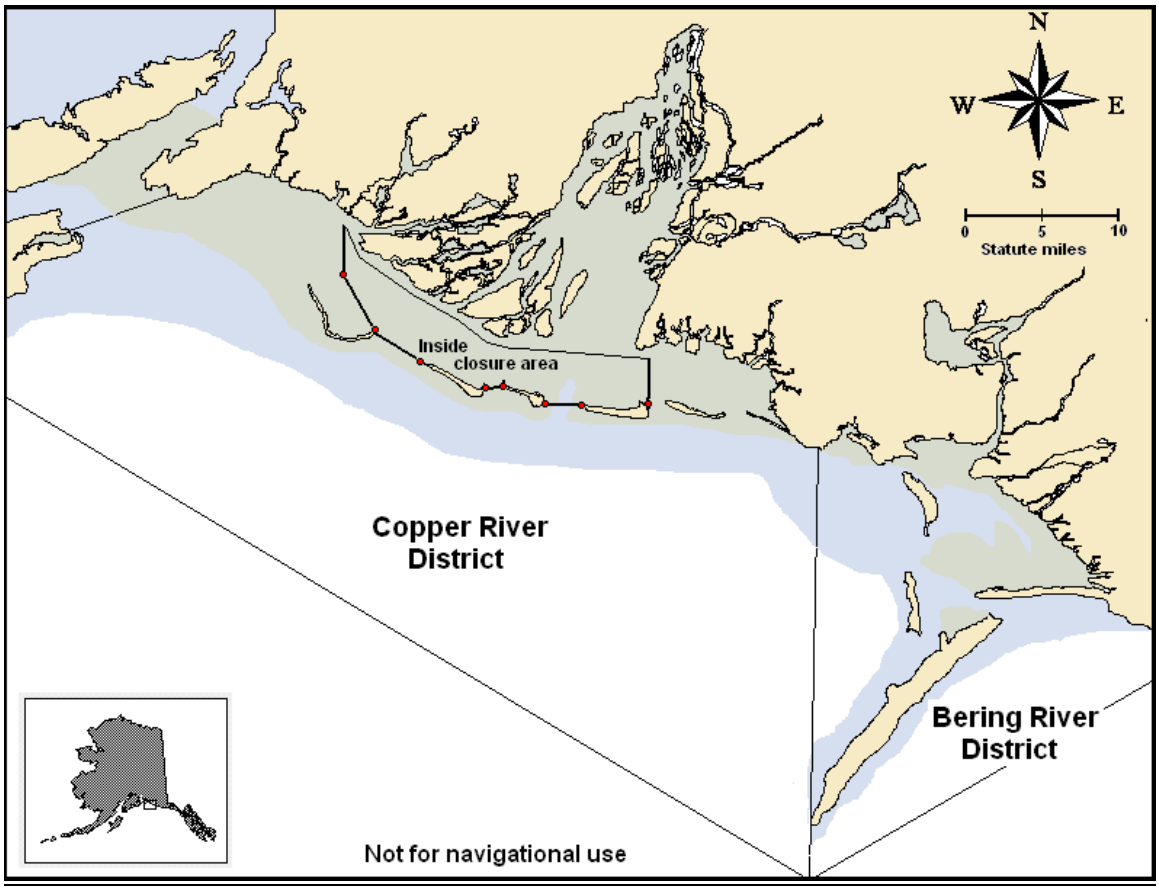
WHAT ARE THE CURRENT REGULATIONS? Currently 25.350(1)(B) lists geographic points and latitude and longitude coordinates that are no longer accurate.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Geographic points referred to in 5 AAC 24.350(1)(B) would match the given GPS coordinates cited in regulation.

BACKGROUND**:** This is a house keeping proposal. All of the geographic points referred to in 5 AAC 24.350(1)(B) are sand bars. Some of these sand bars have remained in position. Others have shifted and require an adjustment of their stated GPS coordinates in regulation in order for these coordinates to be accurate. Distances moved and direction are listed below in Table 1. Points are shown on the map in Figure 1.

Proposal 123, Table 1. Proposed adjustments to inside closure markers.

Geographic place name	Lat Long in regulation		Proposed Lat Long		Distance point moved (direction)
Steamboat Anchorage	60° 22.39' N.	145° 33.09' W.	60° 22.30' N.	145° 33.5' W.	0.26 miles SW (225 degrees mag)
Copper Sands	60° 18.80' N.	145° 30.30' W.	no change	no change	no change
Grass Island Bar, west end	60° 17.65' N.	145° 27.15' W.	60° 18.35' N.	145° 28.66' W.	1.18 miles NW (292 degrees mag)
Grass Island Bar, east end	60° 15.00' N.	145° 16.30' W.	60° 15.07' N.	145° 17.95' W.	0.95 miles W (254 degrees mag)
Kokenhenik Bar, west end	60° 14.43' N.	145° 13.94' W.	60° 14.96' N.	145° 16.08' W.	1.37 miles NW (276 degrees mag)
Kokenhenik Bar, east end	60° 13.58' N.	145° 08.25' W.	no change	no change	no change
Softuk Bar, west end	60° 13.60' N.	145° 05.18' W.	60° 13.65' N.	145° 05.72' W.	0.31 mile W (260 degrees mag)
Coffee Creek	60° 14.09' N.	144° 57.69' W.	60° 14.13' N.	144° 58.31' W.	0.36 miles W (256 degrees mag)



Proposal 123, Figure 1- Copper River and Bering River districts showing inside closure area and markers.

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it. Slight modification of the GPS positions listed in regulation would make these positions clearer and their description in regulation unambiguous. This modification of the boundaries of the "Inside Closure" area does not appreciably change its size.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 124 - 5 AAC 24.350(2)(B). Closed waters

PROPOSED BY: Warren Chappel.

WHAT WOULD THE PROPOSAL DO? This proposal would amend the closed waters regulation (5 AAC (2)(B)) to exclude the southeastern side of Kayak Island.

WHAT ARE THE CURRENT REGULATIONS? The current regulation, 5 AAC (2)(B), states: …the following waters are closed to commercial salmon fishing:…eastern beach of Kayak Island to Pinnacle Rock, then extending south along the longitude of the southernmost tip of Pinnacle Point (see Figure 1).

Proposal 124, Figure 1. Bering River District showing SE shore of Kayak Island, Pinnacle Rock to Cape Suckling.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, the drift gillnet fleet would be allowed to fish on the east and south side of Kayak Island.

BACKGROUND: In the 1970's, harvests of sockeye salmon in the Bering River District were modest but saw a dramatic increase in the early 1980's when fishing effort shifted to the east side of Kayak Island. Growing concern about the origin of the harvested salmon prompted the department to conduct a tagging study in

1985 to assess the possibility of interception of salmon bound for other areas. The results from this study suggested the eastern side of Kayak Island is an interception site for salmon destined for Prince William Sound, Copper and Bering rivers, Cook Inlet, and Yakutat area rivers. Based on these results, the eastern side of Kayak Island was permanently closed to commercial salmon fishing in 1986.

The tagging study was conducted in 1985 with returning adult salmon caught with a purse seine around Kayak Island. A total of 1,559 salmon (sockeye (919), coho (134), chum (80) and pink (426)) were tagged over a 3-week period. Tag recoveries were from commercial, subsistence and sport fisheries as well as from weir and egg take programs; a total of 211 tags were recovered (sockeye (181), coho (7), chum (1) and pink (22)). Tagged sockeye salmon were recovered in all of the major sockeye salmon fisheries from Cook Inlet to Yakutat with the majority recovered in Coghill District of Prince William Sound.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. The eastern side of Kayak Island in the Bering River District is an interception area for salmon bound for other districts and regions. Additionally, unlike other gillnet subdistricts in Area E that have local salmon populations, the east side of Kayak Island does not have any local spawning populations.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 125 - 5 AAC 24.350(2)(B). Closed waters.

PROPOSED BY: Mike Babic.

WHAT WOULD THE PROPOSAL DO? The proposal is unclear as it refers to waters east of the longitude of Cape Suckling which is outside of Area E. The intent of the proposal appears to be to amend regulation 5 AAC (2)(B) to open waters 1 mile seaward of the southeastern side of Kayak Island.

WHAT ARE THE CURRENT REGULATIONS? The current regulation, 5 AAC (2)(B), states: …the following waters are closed to commercial salmon fishing:…eastern beach of Kayak Island to Pinnacle Rock, then extending south along the longitude of the southernmost tip of Pinnacle Point (see Proposal 124, Figure 1).

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL WERE ADOPTED? The gillnet fleet would be allowed to fish within 1 mile of shore on the southeastern side of Kayak Island in the Bering River District.

BACKGROUND: In the 1970's, harvests of sockeye in the Bering River District were modest but saw a dramatic increase in the early 1980's when fishing effort shifted to the east side of Kayak Island. Growing concern about the origin of the harvested salmon prompted the department to conduct a tagging study in 1985 to assess the possibility of interception of salmon bound for other areas. The results from this study suggested that the eastern side of Kayak Island is an interception site for salmon destined for Prince William Sound, Copper and Bering rivers, Cook Inlet and Yakutat area rivers. Based on these results, the eastern side of Kayak Island was permanently closed to commercial salmon fishing in 1986.

The tagging study was conducted in 1985 with returning adult salmon caught with a purse seine around Kayak Island. A total of 1559 salmon (sockeye (919), coho (134), chum (80) and pink (426)) were tagged over a 3 week period. Tag recoveries were from commercial, subsistence and sport fisheries as well as from weir and egg take programs; a total of 211 tags were recovered (sockeye (181), coho (7), chum (1) and pink (22)). Tagged sockeye salmon were found in all of the major sockeye salmon fisheries from Cook Inlet to Yakutat with the majority found in Coghill District of Prince William Sound.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. The eastern side of Kayak Island in the Bering River District is an interception area for salmon bound for other districts and regions. Unlike other gillnet subdistricts in Area E that have local salmon populations, the east side of Kayak Island does not have any local spawning populations. Additionally, at this time there is no evidence to suggest interception of salmon would decrease closer to shore.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

Copper River Management Plans

PROPOSAL 126- 5 AAC 24.360(a), (b), (c). Copper River District Salmon Management Plan.

PROPOSED BY: Mike Kramer.

WHAT WOULD THE PROPOSAL DO? The proposal does not provide specific regulatory language, but recommends creating both species specific and stock specific in-river escapement goals at the Miles Lake sonar.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 24.360. Copper River District Salmon Management Plan

(a) The department shall manage the Copper River District commercial salmon fishery to achieve a sustainable escapement goal of 300,000 - 500,000 sockeye salmon into the Copper River.
(b) The department shall manage the Copper River District commercial salmon fishery to achieve an inriver goal of salmon, as measured at the sonar counter near Miles Lake, based on the total of the following categories:

Spawning escapement	300,000 sockeye 17,500 other salmon
Glennallen Subdistrict subsistence fishery	61,000 - 82,500 salmon
Chitina Subdistrict personal use fishery salmon	100,000 - 150,000
Sport fishery	15,000 salmon
Hatchery brood (sockeye salmon)	estimated annually
Hatchery surplus (sockeye salmon)	estimated annually
TOTAL	announced annually

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Currently, the department does not have the ability to identify or assess species or discrete stocks traveling upriver. If the proposal were adopted, the department could not meet the stated goal.

BACKGROUND**:** Current allocations in the Copper River Salmon Management Plan were established at the 1996 BOF meeting. The subsistence allocation component of the inriver goal was reviewed at the 2005 Alaska Board of Fisheries meeting and revised from 60-75 thousand to 61-82.5 thousand. The provisions provide the department leeway to accommodate for annual changes in hatchery surpluses and broodstock needs, and to annually assign a component of the inriver goal to the Subsistence and Personal Use fishery harvests. The Copper River has many discreet spawning stocks of sockeye and king salmon with different run timings throughout the summer season. The current commercial fisheries management strategy is to have two equally spaced openings per week in order to spread out effort and satisfy the daily anticipated escapement past the Miles Lake sonar. The current management strategy accommodates the inriver goal, as measured at Miles Lake sonar, which is designed to satisfy both allocation and wild stock escapement needs over the entire season.

The department is currently building genetic baselines for both king salmon and sockeye salmon within the Copper River. Mixed stock analyses based on the genetic markers screened in the king salmon baseline allow for the separation of five stocks of king salmon in samples taken from inriver fishery harvests. Extension of mixed stock analysis to marine fishery harvests of king salmon in the Copper River District is being developed. For sockeye salmon, it is likely that a complete baseline will provide a tool to separate stocks within the Copper River based on experience using the same genetic markers to examine stock composition of sockeye salmon fishery mixtures in Bristol Bay, Cook Inlet, and

Southeast Alaska. Baselines for both species are expected to be adequately complete for use in mixed stock analyses by 2010.

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

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 127- 5 AAC 24.360(c). Copper River District Salmon Management Plan.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal would delete 24.360(c) of the Copper River District Salmon Management Plan.

WHAT ARE THE CURRENT REGULATIONS? 24.360(c) The department shall establish the subsistence component of the inriver goal within the range of 160,000- 225,000 salmon to ensure subsistence harvest needs will be met.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted there would be no effect on management or the assignment of fish to the Glennallen subdistrict subsistence fishery.

BACKGROUND: This is a housekeeping proposal. This regulation was drafted at a time when the Chitina Subdistrict Personal Use fishery was a subsistence fishery. It was a summation of both the Glennallen Subdistrict subsistence fishery and the then Chitina Subdistrict Subsistence fishery. In 2003, the Chitina Subdistrict subsistence fishery was reclassified as a personal use fishery. At that time, section (c) of 5 AAC 24.360 should have been omitted as the inriver goal categories including the Glennallen subsistence fishery were explicitly codified in 5 AAC 24.360(b).

DEPARTMENT COMMENTS: The department submitted this proposal and continues to **SUPPORT** it.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 128 - 5 AAC 24.360. Copper River District Salmon Management Plan.

PROPOSED BY: Fairbanks Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would disallow commercial fishing until 5,000 salmon are counted by the Miles Lake sonar.

WHAT ARE THE CURRENT REGULATIONS? There is no regulation linking the season opening with a specific sonar target. Current regulation directs fishery managers to achieve an inriver goal of salmon as measured by the sonar counter at Miles Lake that is based on the total of specified categories.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, the potential would exist for a large number of fish (25,000- 50,000+ per day) to pass the sonar in the 2-4 days immediately following the attainment of the 5,000 salmon goal until a fishery effect would be manifested.

BACKGROUND: Typically, early season passage at the Miles Lake sonar shows a rapid increase in passage rate. Early in the season, salmon counted at the Miles Lake sonar typically have left the commercial fishing area 2-4 days earlier. Therefore, allowing 5,000 salmon to pass the sonar prior to commercial fishing may result in a large number of fish entering the river, similar to passage rates observed in 2006 and 2007 after fishery closures. A run reconstruction analysis was evaluated for a similar proposal in 2000 (ACR 10) using 1978-2000 data. The analysis indicated that an average of ~40,000 salmon (range from ~3,000 to ~150,000) would be between the commercial fishing district and Miles Lake when 5,000 fish had passed the sonar.

During years when the Miles Lake sonar is not operational prior to the start of commercial fishing, inseason management is based on a comparison of actual commercial harvest versus anticipated commercial harvest. Once the sonar is fully operational, inseason management is based on a comparison of Miles Lake sonar daily anticipated and actual counts. When actual counts lag behind the daily inriver goal the commercial fishery is curtailed as appropriate to current effort at that time and the degree the actual count is below the inriver goal.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department is **OPPOSED** to the limitation on management flexibility that may result in lost harvest opportunity.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 129 - 5 AAC 24.361(a). Copper River King Salmon Management Plan.

PROPOSED BY: Mike Kramer.

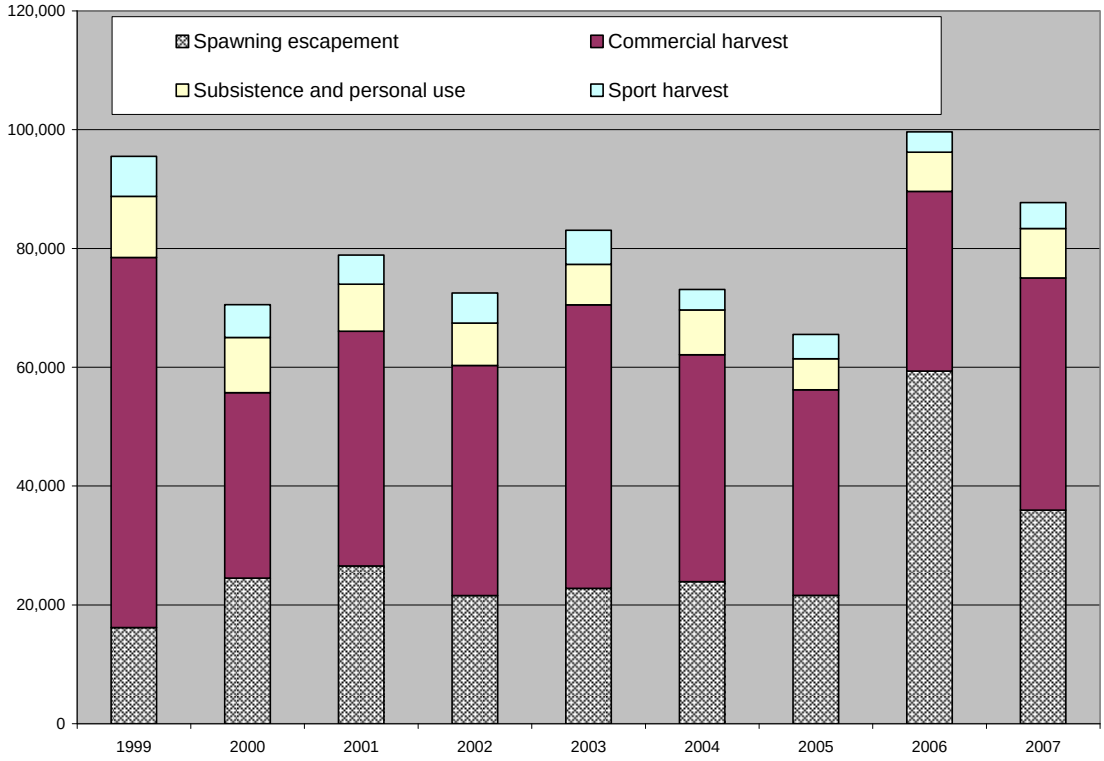
WHAT WOULD THE PROPOSAL DO? The proposal would change the current king salmon sustainable escapement goal of "24,000 or more for king salmon" to 28,000- 55,000.

WHAT ARE THE CURRENT REGULATIONS? Current regulations (5AAC 24.361(a)) specify that "The department shall manage the Copper River commercial and sport fisheries to achieve a sustainable escapement goal of 24,000 or more for king salmon."

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would modify the SEG for king salmon in the Copper River by creating an escapement goal range of 28,000 to 55,000 king salmon. The Board could adopt this escapement goal as a Optimal Escapement Goal (OEG). This would result in a more conservative management regime for the Copper River District commercial gillnet fishery.

BACKGROUND: At the Alaska Board of Fisheries meeting in 1996, the board adopted 5 AAC 24.361 Copper River King Salmon Management Plan directing the department to reduce harvest potential of king salmon by five percent for the commercial, sport, and personal use user groups. The board specified the use of inside closures as a possible tool for commercial fishery managers to use to accomplish this. Three years later at the 1999 meeting, the board added a spawning escapement range of 28,000- 55,000 king salmon to the Copper River King Salmon Management Plan. At the 2002 board meeting, the spawning escapement range of 28,000- 55,000 was changed to a Sustainable Escapement Goal (SEG) of 24,000 or more king salmon. In the 2005 escapement goal report, the evaluation team noted that the average escapement between 1980 and 2004 from a catch-age model was ~26,000 king salmon and produced an average annual yield of about 48,000 fish. In 2002 and 2005, the escapement goal review team recommended the fisheries be managed to achieve the historical average escapement of ~26,000 king salmon. The historical escapements have covered a fairly narrow range. The review team recommended setting the lower escapement goal threshold at 24,000, slightly below the long-term average escapement, and removing the upper bound. This would keep the escapement near the historical average, and because there is not an upper bound, it would not limit the possibility of future large runs providing information on larger escapements. Without information indicating that yield will be increased by larger escapements, actively managing for larger escapements would be disruptive to subsistence, commercial, personal use, and sport fisheries. Harvest levels by these user groups have

remained steady over the last 10 years as shown in Table 1 in Proposal 119 and in Figure 1 below,



Proposal 129, Figure 1. King salmon escapement and harvest 1999-2007.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. The current SEG goal has been calculated to meet the spawning needs required to produce close to maximum sustained yields for king salmon in the Copper River watershed.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 130- 5 AAC 24.361(b). Copper River King Salmon Management Plan.

PROPOSED BY: Mike Babic.

WHAT WOULD THE PROPOSAL DO? The proposal would increase the number of fishing periods in the inside closure area from one period in statistical week 20 and one period in statistical week 21, to three periods in both of these statistical weeks combined.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow only one fishing period per week in statistical weeks 20 and 21 in the inside closure area described in 5 AAC 24.350(1)(B).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, the department would have the option of up to three openings in the inside closure area during statistical weeks 20 and 21 combined. This could result in a net increase of one fishing period within the inside closure area over this two week period.

BACKGROUND: Since 1999, Copper River commercial fishery managers have used inside closures as a tool to minimize king salmon harvests in the early season. Inside closures are effective at reducing the numbers of king salmon harvested because king salmon tend to travel deeper than sockeye salmon. In the shallow waters in the inside closure area where nets may be resting on the bottom, king salmon are unable to swim beneath the nets and instead become tangled and bagged in the 6" mesh. In addition, king salmon are not immediately gilled in 6 inch mesh gillnet as are the smaller sockeye salmon. When commercial permit holders are fishing in the deeper waters outside of the barrier islands more king salmon may escape harvest by either swimming beneath the 30 foot deep nets, or by bumping the nets and then working their way under them. Harvests from fishing periods with an inside closure result in a reduced harvest of king salmon. Also the number of sockeye salmon harvested during a commercial period with an inside closure is generally higher than would have been harvested during a normal period.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department is **OPPOSED** to the alteration of the current management practice of allowing one fishing period per week in the inside closure area during statistical weeks 20 and 21. The current regulation has allowed adequate inriver passage of king salmon for spawning requirements and subsistence, sport fishing, and personal use harvests.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 131 - 5 AAC 24.361(b). Copper River King Salmon Management Plan.

PROPOSED BY: Fairbanks Advisory Committee

WHAT WOULD THE PROPOSAL DO? The proposal would restrict commercial fishing in the inside closure area (described in 5 AAC 24.350(1)(B)) to a single fishing period during statistical weeks 20, 21, 22, and 23.

WHAT ARE THE CURRENT REGULATIONS? Currently, commercial fishing in the inside closure area is restricted to a single fishing period only during statistical weeks 20 and 21.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, fewer king salmon would be harvested by the commercial fleet during statistical weeks 22 and 23, while more sockeye salmon would be harvested as commercial fishers that would otherwise be targeting king salmon focused their efforts on sockeye salmon in outside waters.

BACKGROUND: King salmon harvests, with the exception of the current year, have remained fairly consistent for all user groups since 1999. During this time, king salmon spawning escapement has remained essentially steady as well, ranging from 16,000 to 34,000 with two years (2006 and 2007) falling outside of this range with spawning escapements of 58,000 and 34,000 respectively (see Proposal 119, table 1). The larger king salmon escapements in 2006 and 2007 were at least in part the result of late and compressed runs coinciding with commercial fishing closures. In addition, both the 2006 and 2007 king salmon total runs were substantially larger than those of the previous 6 years (Proposal 119, Table 1).

Inside closures are effective at reducing the numbers of king salmon harvested because king salmon tend to travel deeper than sockeye salmon. In the shallow waters in the inside closure area where nets may be resting on the bottom, king salmon that bump the nets are unable to swim beneath the leadline and instead become tangled and bagged in the 6" mesh. In addition, king salmon are not immediately gilled in 6 inch mesh gillnet as are the smaller sockeye salmon. When commercial permit holders are fishing in the deeper waters outside of the barrier islands, significantly more king salmon escape harvest by either swimming beneath nets or by bumping the nets and then working their way under them.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department is **OPPOSED** to the alteration of the current management practice of allowing one fishing period per week in the inside closure area during statistical weeks 20 and 21. The current regulation has allowed adequate inriver passage of king salmon for spawning requirements, and subsistence, sport fishing, and personal use harvests.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

PROPOSAL 132- 5 AAC 24.361(b). Copper River King Salmon Management Plan.

PROPOSED BY: Copper River/ Prince William Sound Advisory Committee.

WHAT WOULD THE PROPOSAL DO? The proposal would delete 5 AAC 24.361(b) that allows only one fishing period in the inside closure area (described in 5 AAC 24.350(1)(B)) in statistical weeks 20 and 21.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow only one fishing period per week in the inside closure area of the Copper River District during statistical weeks 20 and 21.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, the department would have the option of allowing commercial harvest in the inside waters during statistical weeks 20 and 21. This was the situation prior to 2006 when the current regulation, 5AAC 24.361(b), took effect.

BACKGROUND: Since 1999 Copper River District commercial fishery managers have used inside closures as a tool to minimize king salmon harvests in the early season (Table 1).

Proposal 132, Table 1. Number of hours Copper River District open and in parenthesis the number of hours that the inside waters defined in 5 AAC 24.350(1)(B) were open during that fishing period.

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Week 20	0(0)	0(0)	0(0)	**12(0)**	0(0)	0(0)	0(0)	0(0)	0(0)	12(12)	**12(0)**	0(0)
Week 20	**24(0)**	**24(0)**	**12(0)**	12(12)	**12(0)**	**6(0)**	12(12)	12(12)	24(24)	**12(0)**	12(12)	12(12)
Week 21	24(24)	24(24)	12(12)	12(12)	12(12)	**12(0)**	**12(6)**	12(12)	24(24)	12(12)	**12(0)**	12(12)
Week 21	12(12)	12(12)	12(12)	0(0)	12(12)	12(12)	24(24)	12(12)	24(24)	0(0)	0(0)	**12(0)**

At the 2005 BOF meeting, language was added to the Copper River King Salmon Management Plan restricting the commercial fleet to no more than 1 fishing period in inside waters during statistical weeks 20 and 21. Since that time upriver escapement of king salmon has been stable with spawning escapement above the minimum SEG.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department is **OPPOSED** to the alteration of the current management practice of allowing one fishing period per week in the inside closure area during statistical weeks 20 and 21. The current regulation has allowed adequate inriver passage of king salmon for spawning requirements, and subsistence, sport fishing, and personal use harvests.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional direct costs for private individuals to participate in this fishery.

COMMITTEE F- OTHER GROUNDFISH
(7 PROPOSALS)

PROPOSAL 369 - (ACR 3) 5 AAC 39.164 (b)(7) Non-pelagic Trawl Gear Restrictions; and 5 AAC 39.165 (3) Trawl Gear Unlawful.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal asks the Board to clarify which of two conflicting regulations is applicable to state waters of Bristol Bay near Togiak. One regulation allows non-pelagic trawling (5 AAC 39.164 (b)(7) and one does not (5 AAC 39.165 (3).

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 39.164 (b)(7) Non-pelagic Trawl Gear Restrictions permits the use of non-pelagic gear in state waters along the Nushagak Peninsula in Bristol Bay, while 5 AAC 39.165 (3) Trawl Gear Unlawful closes state waters of Bristol Bay to all trawling.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Should the Board decide not to allow non-pelagic trawl gear in state waters of Bristol Bay, then current regulation allowing for a seasonal opening would be repealed. Conversely, should the Board decide to allow non-pelagic trawl gear in specified state waters of Bristol Bay on a seasonal basis, the regulation closing all of Bristol Bay would be amended to allow for the seasonal opening as provided for in 5 AAC 39.164 (b)(7).

Proposed regulatory language as follows:

Should the Board decide to not allow non-pelagic trawl gear to operate in state waters of Bristol Bay the regulation would be as follows:

5 AAC 39.164. Non-pelagic Trawl Gear Restrictions.

(b) Non-pelagic trawl gear may not be operated in waters of Alaska as follows:

> (7). the waters of Alaska of the Bering Sea east of 162 W. Long. [EXCEPT THAT THE WATERS BOUNDED BY 159 W. LONG. TO 160 W. LONG AND 58 N. LAT. TO 58 43' N. LAT. ARE OPEN TO FISHING WITH NON-PELAGIC TRAWL GEAR FROM APRIL 1 THROUGH JUNE 15].

Conversely, should the board decide to allow non-pelagic trawl gear in state waters of Bristol Bay the regulation would be as follows:

5 AAC 39.165. Trawl Gear Unlawful.

(3) The state waters of Bristol Bay, described in 5 AAC 06.100, except as provided for in 5 AAC 39.164 (b)(7).

BACKGROUND:

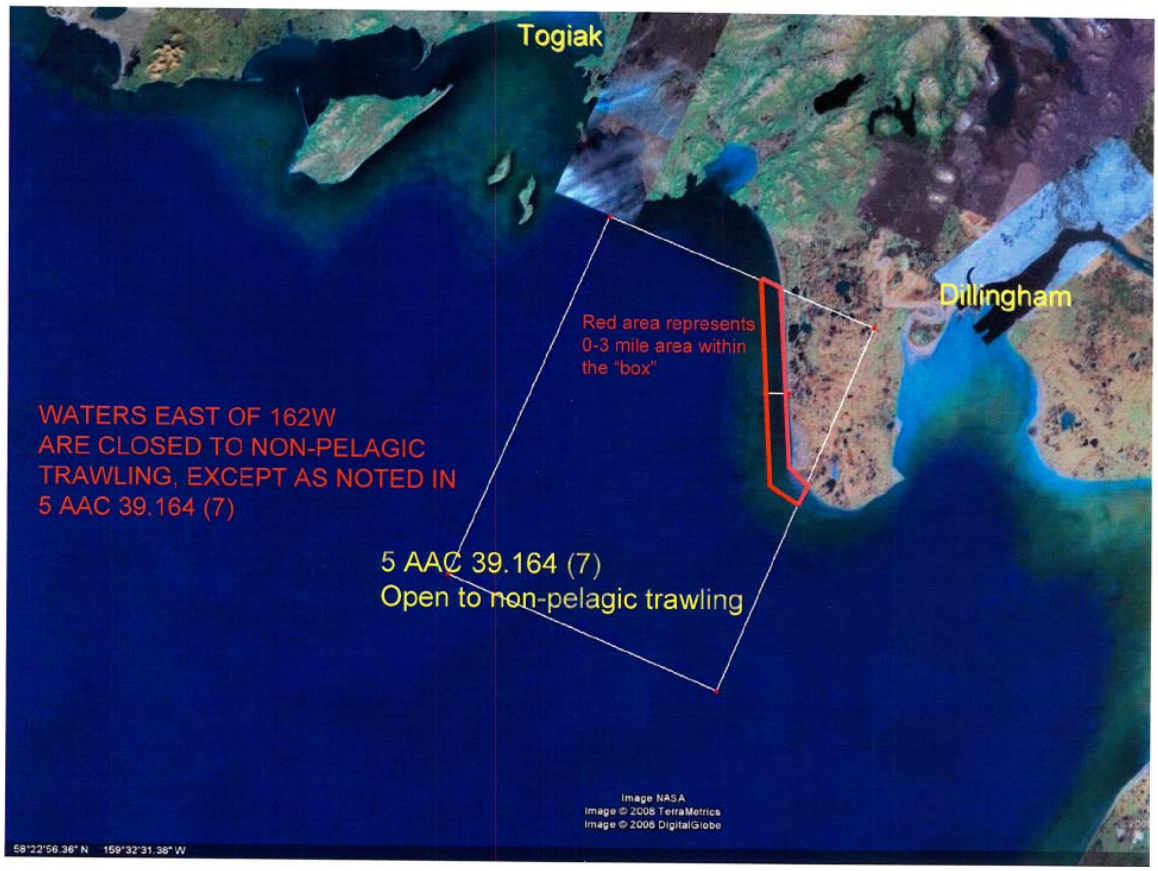


Figure 1. Map of the Bristol Bay area showing waters open to non-pelagic trawling. Red shaded area indicates where state waters are open April 1 through June 15.

Current state regulations regarding the use of non-pelagic trawl gear in the Bristol Bay area are in conflict. In some years, much of the yellowfin sole harvest within federal waters occurs in the Bristol Bay area. The Board originally opened state waters to compliment the yellowfin sole opening in adjacent federal waters. However, no non-pelagic trawl landings have occurred within state waters (as indicated by the red area in Figure 1) in this area since 1991. That year a single operator fished. Therefore landings data is confidential.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal to clarify regulations.

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

PROPOSAL 370 – (ACR 7) 5 AAC 39.167. Commercial Fishing Gear Prohibited In Waters Of Alaska Surrounding Essential Fish Habitat Areas.

PROPOSED BY: Alaska Department of Fish and Game at the request of the National Marine Fisheries Service.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to close two areas in state waters of the Bering Sea to non-pelagic trawl gear to compliment recent essential fish habitat closures in adjacent federal waters by the federal government.

WHAT ARE THE CURRENT REGULATIONS? The proposed closure areas are currently open to non-pelagic trawl gear. .

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The North Pacific Fishery Management Council and the National Marine Fisheries Service (NMFS) have taken action closing several locations considered to be essential fish habitat in the northern Bering Sea to federally permitted non-pelagic trawl vessels. NMFS has closed these federal waters to protect Essential Fish Habitat under Amendment 89 of the Bering Sea/Aleutian Islands Groundfish FMP. 'Essential Fish Habitat' means those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity. Waters include aquatic areas and their associated physical, chemical and biological properties. Substrate includes sediment underlying the waters. 'Necessary' means the habitat required to support a sustainable fishery and the managed species' contribution to a healthy ecosystem. Spawning, breeding, feeding, or growth to maturity covers all habitat types utilized by a species throughout its life cycle. Amendment 89 prohibits non-pelagic trawling in certain federal waters of the Bering Sea subarea to protect bottom habitat from the potential adverse effects of non-pelagic trawling. That action promotes the goals and objectives of the Magnuson-Stevens Fishery Management and Conservation Act, the FMP, and other applicable federal laws. If the Board were to close state waters to state permitted vessels, complimentary protection would be in place for state waters.

5 AAC 39.167 is amended as follows:

(a) In the waters of Alaska surrounding essential fish habitat areas, as defined in 50 C.F.R. 679.22, as revised as of **August 25, 2008** [JULY 28, 2006], during state managed fisheries, the following commercial fishing gear is prohibited as follows:

(6) the St. Lawrence Island Habitat Conservation Area is closed to non-pelagic trawl gear;

(7) the Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area is closed to non-pelagic trawl gear.

BACKGROUND: The following maps indicate current closures to federally permitted vessels under Amendment 89 of the Bering Sea/Aleutian Islands groundfish fishery management plan:

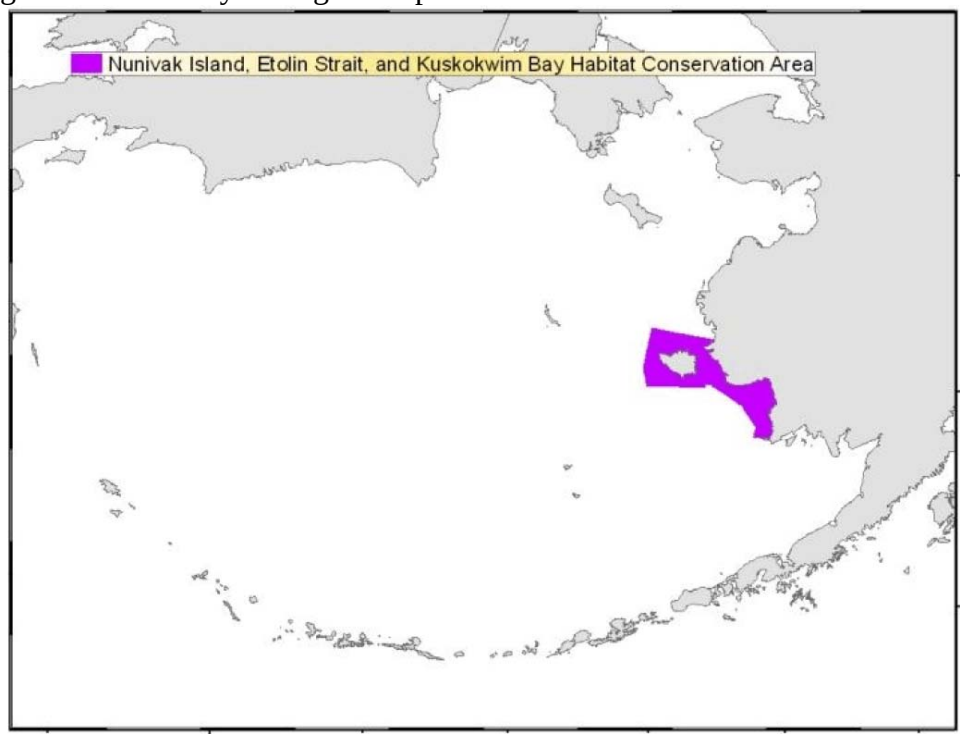


Figure 1 Map of the Nunivak Island, Etolin Strait, and Kuskokwim Bay federal Habitat Conservation Area.

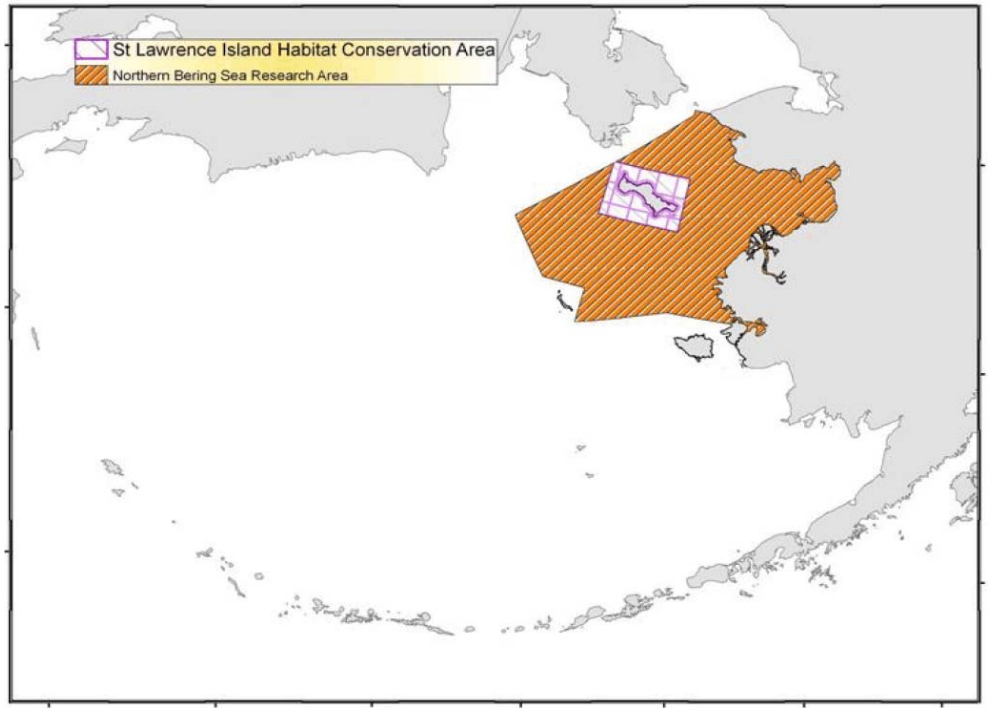


Figure 2. Map of the St. Lawrence Island federal Habitat Conservation Area.

There have been no landings using non-pelagic trawl gear from state waters in these areas for the past 20 years.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal for state waters because it protects bottom habitat identified as essential fish habitat by the National Marine Fisheries Service.

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

PROPOSAL 371 – (ACR 8) 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.

PROPOSED BY: Clem Tillion, Aleut Enterprise LLC.

WHAT WOULD THE PROPOSAL DO? This proposal requests to standardize the maximum vessel size limit to 60 feet overall length (OAL) for vessels of all gear types participating in the Aleutian Islands District state-waters Pacific cod fishery.

WHAT ARE THE CURRENT REGULATIONS? Current vessel size limits are 125 feet or less OAL for pot vessels, 100 feet or less OAL for trawl vessels and

58 feet or less OAL for longline and jig vessels. The current vessel size limits were adopted prior to the 2007 season. There are no harvest allocations by gear type.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted all harvest of Pacific cod in the Aleutian Islands District state-waters fishery would occur on vessels 60 feet OAL or less. The current make-up of the fleet is principally large vessels. In the 2008 A season 22 vessels were over 60 feet and 8 vessels were 60 feet or under. Because the fishery is open-access it is unknown how many vessels would participate if the vessel size limit is reduced.

Proposed regulatory language as follows:
5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.
(d) During a state waters season,
(3) a vessel used to harvest Pacific cod with
(A) non-pelagic trawl gear many not be more than **60** [100] feet in overall length;
(B) mechanical jigging machines and longline gear may not be more than **60** [58] feet in overall length;
(C) pot gear may not be more than **60** [125] feet in overall length;

BACKGROUND: The guideline harvest level (GHL) for the Aleutian Islands state-waters Pacific cod fishery west of 170° W long. is based on 3 percent of the federal Pacific cod Allowable Biological Catch (ABC) for the Bering Sea – Aleutian Islands area. The state-waters GHL is apportioned so that a maximum of 70% of the GHL is available prior to June 10 during the A season, and the remaining 30% of the state GHL and any unharvested GHL from the A season is available during the B season beginning June 10. Vessel size limits of 125 feet or less overall length (OAL) for pot vessels, 100 feet or less OAL for trawl vessels and 58 feet or less OAL for longline and jig vessels are in effect. Vessels are allowed to utilize jig and longline gear concurrently. There are daily and trip limits of 150,000 pounds.

Since the fishery began in 2006, the A season length has ranged from seven to nine days. During the 2008 A season, 30 vessels harvested 7,478,914 pounds. Twenty-two trawl vessels harvested 82% of the A season total and vessels using pot and longline gear accounted for the remaining 18%. Of the 22 trawl vessels, 17 (>60 feet OAL) accounted for 84% of the trawl harvest. Overall, for all gear types combined, 84% of the 2008 A season harvest was taken by vessels over 60 feet OAL and 16% was taken by vessels 60 feet OAL or less. If this proposal is adopted the portion of the fleet that has taken most of the harvest during 2008 would be eliminated.

Three of the 2008 A season vessels were catcher processors. No catcher processors operated during the 2007 A season. Four floating processors and two

shore-based processors also participated in the 2008 A season. Average fishing vessel size was 86 feet OAL (Table 2).

During the 2008 state-waters B season the fishery opened to commercial fishing on June 10 and closed on July 9, a 29 day fishery (Table 1). In 2007 the B season was a 146 day fishery. In 2008, 18 vessels participated including five catcher processors. One floating processor and one shore-based processor also participated in the B season. Average fishing vessel size was 66 feet OAL (Table 3) and 4,235,449 pounds were harvested. Pot vessels accounted for 89% of the harvest. Vessels using longline and jig gear harvested the remaining 11%. Fishing effort broken out by vessels under and over 60 feet OAL is confidential for the B season.

During the 2008 A season, vessels less than 60 feet OAL utilizing trawl gear reported daily catches of up to 110,000 pounds. However, during the 2007 A season fishery, trawl vessels less than 60 feet OAL reported daily catches of up to 165,000 pounds which exceeded the daily limit of 150,000 pounds. Three trawl vessels less than 60 feet OAL exceeded the daily catch limit in the 2007 A season fishery.

Table 1. Aleutian Islands state-waters Pacific cod fishery guideline harvest level and harvest apportionment.

Year	Season	Initial GHL[b]	Season Dates		Season Length[a]	Harvest[b]	Number of	
			Opened	Closed			Vessels	Deliveries
2006	A season	8,981,540	15-March	24-March	9	8,502,781	26	68
	B season	3,849,232 [c]	10-June	1-Sep	83		Confidential	
	TOTAL	12,830,772			92		Confidential	
2007	A season	8,148,202	16-March	23-March	7	8,229,931	29	97
	B season	3,492,086 [e]	10-June	1-Sep	83	2,143,310	10	92
			1-Oct	3-Dec	63	1,265,760	5	14
	TOTAL	11,640,288			153	11,639,001	41 [d]	203
2008	A season	8,148,202	10-March	18-March	8	7,478,914	30	116
	B season	3,492,086 [f]	10-Jun	9-Jul	29	4,235,449	18	77
	TOTAL	11,640,288			37	11,714,363	45 [d]	193

[a] In days.
[b] In whole pounds.
[c] ADF&G made 3.5 million pounds of the GHL available to National Marine Fisheries effective on September.
[d] Some vessels participated in both seasons.
[e] 81,729 pounds were deducted from the B season due to an overage during the A season.
[f] 669,288 pounds remained from the A season and was rolled into the B season.

Table 2. Aleutian Islands state-waters Pacific cod fishery fleet composition, A season.

Year	Vessel type	Number participating	Average overall length
2006	Trawl catcher under 60'	3	58'
	Trawl catcher over 60'	16	104'
	Pot catcher over 60'	1	92'
	Trawl catcher-processor	1	296'
	Longline catcher-processor	5	152'
	Total	26	115'
2007	Trawl catcher under 60'	7	58'
	Trawl catcher over 60'	15	91'
	Pot catcher over 60'	7	113'
	Total	29	89'
2008	Trawl catcher under 60'	5	58'
	Trawl catcher over 60'	17	98'
	Trawl catcher-processor	1	98'
	Pot catcher under 60'	1	58'
	Pot catcher over 60'	3	108'
	Pot catcher-processor	2	105'
	Longline catcher under 60'	2	58'
	Total	30 [a]	86'

[a] One vessel participated as both a trawl catcher-processor and a trawl catcher-vessel.

Table 3. Aleutian Islands state-waters Pacific cod fishery fleet composition, B season.

Year	Vessel type	Number participating	Average overall length
2006	Pot catcher over 60' OAL	2	98'
	Longline catcher under 60' OAL	3	54'
	TOTAL	5	71'
2007	Pot catcher under 60' OAL	1	58'
	Pot catcher over 60' OAL	1	108'
	Pot catcher-processor	3	112'
	Longline catcher	7	52'
	Jig	1	47'
	TOTAL	12[a]	72'
2008	Pot catcher under 60' OAL	2	59'
	Pot catcher over 60' OAL	2	95'
	Pot catcher-processor	4	107'
	Longline catcher	6	48'
	Longline catcher-processor	1	58'
	Jig	5	38'
	TOTAL	18[b]	66'

[a] One vessel used both jig and longline gear.
[b] Two vessels used both jig and longline gear.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of reducing the maximum vessel size limit in this fishery. Since the fishery began in 2006, the A season length has ranged from seven to nine days. If GHLs decline and vessel participation increases the fishery will become increasingly difficult to manage inseason and the department would be forced to take more aggressive and restrictive inseason management measures.

COST ANALYSIS: The department believes that approval of this proposal could result in a direct cost for a private person to participate in this fishery. The direct cost would be for those participants currently participating in the fishery with a vessel over 60’ that would need to procure a smaller vessel to participate.

PROPOSAL 372 - (ACR 10) 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.

PROPOSED BY: Clem Tillion, Aleut Enterprise LLC.

WHAT WOULD THE PROPOSAL DO? This proposal requests to reduce the daily harvest and trip limit from 150,000 pounds to 75,000 pounds during the Aleutian Islands District state-waters Pacific cod fishery.

WHAT ARE THE CURRENT REGULATIONS? The current daily/trip limit is 150,000 pounds.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted vessels would not be able to harvest more than 75,000 pounds of Pacific cod during a day or during a fishing trip of more than one day. If more than 75,000 pounds was harvested on a fishing trip then the vessel would forfeit the fish to the state as an overage and would be subject to enforcement action.

Proposed regulatory language as follows:
5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.
(d) During a state waters season,
(7) a **registered** vessel **operator** may harvest up to **75,000** [150,000] pounds of Pacific cod per day and may not have more than **75,000** [150,000] pounds of unprocessed Pacific cod on board the vessel at any time; a **registered** vessel **operator** may not have on board the vessel more processed fish than the round weight equivalent of the fish reported on ADF&G fish tickets during the seasons specified in (1)(A) and (B) of this section; a validly registered vessel must report daily to the department the pounds of Pacific cod taken and on board the vessel;

BACKGROUND: The guideline harvest level (GHL) for the Aleutian Islands state-waters Pacific cod fishery west of 170° W long. is based on three percent of the federal Pacific cod Allowable Biological Catch (ABC) for the Bering Sea – Aleutian Islands area. The state-waters GHL is apportioned so that a maximum of 70% of the GHL is available prior to June 10 during the A season, and the remaining 30% of the state GHL and any unharvested GHL from the A season is available during the B season beginning June 10. Vessel size limits of 125 feet or less overall length (OAL) for pot vessels, 100 feet or less OAL for trawl vessels and 58 feet or less OAL for longline and jig vessels are in effect. Vessels operators are allowed to utilize jig and longline gear concurrently.

There are daily and trip limits of 150,000 pounds. Catcher-processors provide verbal daily harvesting reports to the department. Fish tickets are not typically received from catcher-processors until after the fishing season is complete.

The existing daily/trip limit, and fleet participation levels have allowed the department to manage the A season GHL to within approximately 96% of the GHL during the 2006-2008 seasons.

Since the beginning of the fishery in 2006, only vessels utilizing trawl gear have exceeded 75,000 pounds in a single trip and trawl vessel fishing activity has been limited to the A season exclusively.

During the 2008 A season, 32 trips were in excess of 75,000 pounds. If the trip limit had been 75,000 pounds, fish ticket data shows that 1.37 million pounds would have been harvested over the trip limit in the 2008 A season. The average daily harvest during the A season was 826,000 pounds. Given the average daily harvest rate, it would have taken the fleet 1.7 additional days to harvest 1.37 million pounds. Pot vessels have reported daily catches of up to 75,000 pounds during both seasons but have never exceeded that amount.

During the B season, under current fleet make-up, season length would not be affected because vessels during the B season have not exceedeed the 75,000 pound proposed trip limit. Since the fishery began in 2006, the A season length has ranged from seven to nine days. During the 2008 fishery the state-waters A season opened to commercial fishing on March 10 and closed on March 18, an eight day fishery (Table 1). The harvest of 7,478,914 pounds of Pacific cod was taken by 30 vessels, although 32 vessels registered. Three of the vessels were catcher processors. No catcher processors operated during the 2007 A season. Four floating processors and two shore-based processors also participated in the 2008 A season. Trawl vessels accounted for 82% of the harvest. Average fishing vessel size was 86 feet OAL (Table 2).

The 2008 state-waters B season opened to commercial fishing on June 10 and closed on July 9, a 29 day season (Table 1). In 2007, the B season was 146 days. In 2008, 18 vessels participated including five catcher processors. One floating processor and one shore-based processor also participated in the B season. Average fishing vessel size was 66 feet OAL (Table 3) and 4,235,449 pounds were harvested. During the 2008 A season, five overages exceeding the 150,000 pound daily limit were reported (Table 4). In 2007, 17 overages were reported during the A season. No overages have ever been reported during the B season. All overages occurred on vessels utilizing trawl gear and no trawl vessels have participated in the B season.

Table 1. Aleutian Islands state-waters Pacific cod fishery guideline harvest level and harvest apportionment.

Year	Season	Initial GHL[b]	Season Dates		Season Length[a]	Harvest[b]	Number of	
			Opened	Closed			Vessels	Deliveries
2006	A season	8,981,540	15-March	24-March	9	8,502,781	26	68
	B season	3,849,232 [c]	10-June	1-Sep	83		Confidential	
	TOTAL	12,830,772			92		Confidential	
2007	A season	8,148,202	16-March	23-March	7	8,229,931	29	97
	B season	3,492,086 [e]	10-June	1-Sep	83	2,143,310	10	92
			1-Oct	3-Dec	63	1,265,760	5	14
	TOTAL	11,640,288			153	11,639,001	41 [d]	203
2008	A season	8,148,202	10-March	18-March	8	7,478,914	30	116
	B season	3,492,086 [f]	10-Jun	9-Jul	29	4,235,449	18	77
	TOTAL	11,640,288			37	11,714,363	45 [d]	193

[a] In days.
[b] In whole pounds.
[c] ADF&G made 3.5 million pounds of the GHL available to National Marine Fisheries effective on September.
[d] Some vessels participated in both seasons.
[e] 81,729 pounds were deducted from the B season due to an overage during the A season.
[f] 669,288 pounds remained from the A season and was rolled into the B season.

Table 2. Aleutian Islands state-waters Pacific cod fishery fleet composition, A season.

Year	Vessel type	Number participating	Average overall length
2006	Trawl catcher under 60'	3	58'
	Trawl catcher over 60'	16	104'
	Pot catcher over 60'	1	92'
	Trawl catcher-processor	1	296'
	Longline catcher-processor	5	152'
	Total	26	115'
2007	Trawl catcher under 60'	7	58'
	Trawl catcher over 60'	15	91'
	Pot catcher over 60'	7	113'
	Total	29	89'
2008	Trawl catcher under 60'	5	58'
	Trawl catcher over 60'	17	98'
	Trawl catcher-processor	1	98'
	Pot catcher under 60'	1	58'
	Pot catcher over 60'	3	108'
	Pot catcher-processor	2	105'
	Longline catcher under 60'	2	58'
	Total	30 [a]	86'

[a] One vessel participated as both a trawl catcher-processor and a trawl catcher-vessel.

Table 3. Aleutian Islands state-waters Pacific cod fishery fleet composition, B season.

Year	Vessel type	Number participating	Average overall length
2006	Pot catcher over 60' OAL	2	98'
	Longline catcher under 60' OAL	3	54'
	TOTAL	5	71'
2007	Pot catcher under 60' OAL	1	58'
	Pot catcher over 60' OAL	1	108'
	Pot catcher-processor	3	112'
	Longline catcher	7	52'
	Jig	1	47'
	TOTAL	12[a]	72'
2008	Pot catcher under 60' OAL	2	59'
	Pot catcher over 60' OAL	2	95'
	Pot catcher-processor	4	107'
	Longline catcher	6	48'
	Longline catcher-processor	1	58'
	Jig	5	38'
	TOTAL	18[b]	66'

[a] One vessel used both jig and longline gear.
[b] Two vessels used both jig and longline gear.

Table 4. 2008 Aleutian Islands state-waters Pacific cod deliveries by pound range and vessel type.

Whole Pounds	Season	Number of Deliveries					
		Trawl under 60' OAL	Trawl 60' and over OAL	Pot under 60' OAL	Pot 60' and over OAL	Longline under 60' OAL	Jig under 60' OAL
0 - 50,000	A	8	32	2	19[a]	6	0
	B	0	0	13	74[b]	17[d]	18
50,001 - 75,000	A	3	17	1	7[c]	0	0
	B	0	0	0	15[e]	0	0
75,001 - 100,000	A	3	9	0	0	0	0
	B	0	0	0	0	0	0
100,001 - 150,000	A	3	12	0	0	0	0
	B	0	0	0	0	0	0
150,001 and up	A	0	5	0	0	0	0
	B	0	0	0	0	0	0
Total:		17	75	16	115	23	18

[a] Includes 13 daily radio reports from catcher processors.
[b] Includes 57 daily radio reports from catcher processors.
[c] Includes 3 daily radio reports from catcher processors.
[d] Includes 14 daily radio reports from catcher processors.
[e] Daily radio reports from catcher processors only.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The A season fishery has been short and manageable, however, if effort or average harvest rate were to increase the A season fishery could be less than 7 days. During the A season, only vessels utilizing trawl gear have reported harvests over 75,000 pounds for a trip. Based on the 2008 season a 75,000 pound trip limit would extend the A season, however, it would most likely only extend the season by two or three days.

Since the fishery began in 2006 no vessel has reported a harvest over 75,000 pounds for a trip during the B season. Based on existing delivery information, lowering the trip limit to 75,000 pounds will not affect the B season.

COST ANALYSIS: If this proposal were adopted it could result in a direct cost for a private person to participate in this fishery. The direct cost would be incurred for those participants that would need to reduce efficiency to stay below the new trip limit and incur higher fuel costs.

PROPOSAL 373 – (ACR 12) 5 AAC 28.087. Management Plan for Parallel Groundfish Fisheries.

PROPOSED BY: Freezer Longline Coalition – Kenny Down, Executive Director.

WHAT WOULD THE PROPOSAL DO? This proposal requests to limit the size of hook and line vessels participating in the Bering Sea-Aleutian Islands (BSAI) parallel Pacific Cod fishery to 55 feet overall length (OAL) and under.

WHAT ARE THE CURRENT REGULATIONS? Current regulations limit the size of vessels that may be used to take Pacific cod in the parallel fishery to 60 feet overall length in Sitkin Sound (year-round) and in the central Aleutian Islands (May 1 through September 15) (5 AAC 28.690). Unless other state regulation takes precedent, the state adopts the adjacent federal-waters season, gear types, bycatch limits and closed waters for the parallel fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted all harvest by vessels utilizing hook and line gear for Pacific cod in the BSAI parallel fishery would occur on vessels 55 feet OAL or less.
Proposed regulatory language as follows:
5 AAC 28.690. Vessel Length Restrictions for the Bering Sea – Aleutian Islands Area.
(d) A person may not utilize longline gear on a vessel that is longer than 55 feet overall length to take Pacific cod during the Pacific cod parallel fishery.

BACKGROUND: State waters of the Bering Sea-Aleutian Islands Area are opened annually for parallel Pacific cod fishing. Unless other state regulation takes precedent, the state adopts the adjacent federal-waters season, gear types, bycatch limits and closed waters for the parallel fishery.
The federal Pacific cod fishery in the Bering Sea and Aleutian Islands is allocated by sector (Amendment 85). Several federal sectors are distinguished by gear type, vessel size and processing type. As a result of the Alaska Supreme Court's decision in *State v.* Grunert, 139 P.3d 1226 (2006), ADF&G may not distinguish between catcher vessels (CV) and catcher processors (CP) using the same gear type in state waters. Therefore, a vessel operator using a particular gear type may participate in the parallel Pacific cod fishery if that federal gear sector is open in adjacent federal waters regardless if the sector open is for catcher-vessels only or catcher-processor vessels.

Federal Pacific cod fishery sectors and 2008 gear shares (metric tons):

CDQ	18,267 mt.
Hook and line CP	73,844 mt.
Hook and line or pot CV < 60 ft.	3,033 mt.
Hook and line CV >= 60 ft.	303 mt.
Pot CV >= 60 ft.	12,737 mt.
Pot CP	2,274 mt.
Trawl CV	33,692 mt.
AFA trawl CP	3,506 mt.
Amendment 80	20,429 mt.
Jig	2,134 mt.

A vessel operator in a parallel fishery does not need a federal LLP to participate. Participation in federal waters, for the hook and line catcher-processor sector is capped, whereas effort for hook and line is not capped in state waters because vessels do not need a federal LLP to participate.
Hook and line harvest in recent BSAI parallel Pacific cod fisheries are summarized as follows:

	No. vessels		CV harvest	CP harvest
	CV	CP		
2006	12	4	279 mt.	275 mt
2007	15	4	267 mt.	359 mt.
2008	14	5	473 mt.	178 mt

State fish ticket data as of October 2008, indicates that five catcher processors and 14 catcher vessels have participated utilizing hook and line gear in the Bering Sea – Aleutian Islands parallel Pacific cod fishery in 2008. None of the catcher processors were less than 55 feet OAL. Eight of the 14 catcher vessels were less than 55 feet OAL (Table 1). If this proposal is adopted over half of the fleet that has taken hook and line harvest during the parallel fishery would be eliminated. For 2006 and 2007, hook and line CPs participating in the BSAI parallel Pacific cod fishery have had federal LLPs with Pacific cod endorsements. However, in 2008, three hook and line CPs without LLPs with Pacific cod endorsements fished in the BSAI parallel Pacific cod fishery during the B season (i.e., the second season for Pacific cod which opened on September 1). Catch data from these vessels cannot be reported separately due to confidentiality requirements. One of the hook and line CPs fishing in the BSAI parallel fisheries without an LLP in 2008 is under 60 feet OAL. All other hook and line CPs have been greater than 60 feet OAL. Most hook and line CVs in the BSAI parallel Pacific cod fishery are less than 60 feet OAL.

Table 1. Hook and line vessels participating in the 2008 BSAI parallel Pacific cod fishery by vessel size.

Overall Length in Feet	Catcher Vessels	Catcher Processors
<=55	8	0
55-59	5	1
60-125	1	1
>125	0	3
Totals:	14	5

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of reducing the maximum vessel size limit for hook and line vessels.

COST ANALYSIS: The department believes that approval of this proposal could result in a direct cost for a private person to participate in this fishery. The direct cost would be for those participants currently participating in the fishery with a hook and line vessel over 55' that would need to procure a smaller vessel to participate.

PROPOSAL 374 - (Proposal A) 5 AAC 28.087. Management Plan for Parallel Groundfish Fisheries.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to amend the parallel groundfish fishery management plan to allow the commissioner to require additional reporting requirements during the parallel fishery.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow the commissioner to open and close state waters by emergency order to fisheries that mirror the federal waters fishing seasons, fishing gear, area closures, vessel size limits and monitoring and enforcement requirements. Current regulations (5 AAC 39.130 Reports required of fishermen, processors, buyers, exporters, and operators of certain commercial fishing vessels; transporting requirements) also stipulate that catch data must be reported electronically or by paper fish ticket at the completion of delivery. There are also Board regulations requiring completion of logbooks (5 AAC 28.052) and observer coverage (5 AAC 28.053) for certain vessels fishing under federal catch limits.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The Board would require vessels in the parallel fishery to report to the National

Marine Fishery Service information on a schedule that the agency determines necessary to manage to their Total Allowable Catch.

Proposed language would read as follows:

Option A:
5 AAC 28.087. Management Plan for Parallel Groundfish Fisheries. Notwithstanding the provisions of 5 AAC 28.001 – 5 AAC 28.732, in managing the parallel groundfish fisheries, the commissioner may open and close, by emergency order, fishing seasons during which area closures, gear restrictions, vessel size limits, **reporting,** [AND] monitoring and enforcement requirements may be imposed to match federal fishery management measures for protecting Steller sea lions.

Option B:
5 AAC 28.0xx. Reporting Requirements for Parallel Groundfish Fisheries
The operator of a vessel that is registered in the parallel groundfish fishery shall report fishery harvest information on a schedule that the NMFS determines necessary to manage to their Total Allowable Catch

This option would include all groundfish species, not just the three (Pacific cod, walleye pollock and Atka mackerel) listed in current parallel groundfish regulation.

BACKGROUND: Catcher/Processors (CPs) operating in parallel fisheries are fishing against a federal Total Allowable Catch. The federal Pacific cod fishery is fully allocated by sector (Amendment 85). CPs are not required to report landings until product is offloaded (landed). This can be several weeks after fishing occurs. Timely catch reporting is imperative to management and enforcement of a fishery resource within established catch limits.

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

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

PROPOSAL 375 – (formerly Proposal B) 5 AAC 28.075. Utilization of pollock and Pacific cod taken in a commercial fishery.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to amend this regulation to require that all groundfish taken in a commercial fishery be reported on a fish ticket.

WHAT ARE THE CURRENT REGULATIONS? The current regulations (5 AAC 28.075 Utilization of pollock and Pacific cod taken in a commercial fishery) require accountability of all pollock and Pacific cod retained by a fisherman.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, all groundfish retained by a vessel would have to be documented on fish tickets. Managers must be aware of all fish removals. Complete harvest data will provide better management precision.

The regulatory language would be as follows:
The header to 5 AAC 28.075 is amended to read and 5 AAC 28.075(a) is amended to read:
5 AAC 28.075. Delivery and utilization of groundfish [POLLOCK AND PACIFIC
COD] taken in a commercial fishery. (a) A processor or processors agent that **takes**
[ACCEPTS] delivery of or purchases groundfish from a vessel shall **take**
[ACCEPT] delivery of all **groundfish** [POLLOCK AND PACIFIC COD]
retained by the vessel under 5 AAC 28.070(e).

BACKGROUND: This issue was brought to the department's attention by NOAA Office of Law Enforcement. Their concern dealt with overages of bycaught species. At this time, groundfish not offloaded by a fishing vessel are not required to be accounted for on a fish ticket, thereby avoiding overage penalties. In order to better manage groundfish, and to enforce regulations dealing with bycatch levels onboard, all groundfish harvested during a commercial fishery must be accounted for. A concern develops however, with proposed language because vessels currently may deliver to multiple processors. A vessel may elect to off-load all or a portion of their harvest to one or more processors, or may retain a portion of their harvest for dockside sales. Some groundfish, such as skates, have specific markets that not all processors supply. The processor involved in the first off-load does not want to 'carry' on their books the vessel's total retained poundage, as it is a potential tax obligation, even though it was not purchased. To create a second landing report without a subtraction of the poundage from the first purchaser would create double counting of the same fish. However, by design, fish tickets are able to record partial (split) deliveries, or indicate that the delivery is the last landing for a trip.

ALASKA DEPARTMENT OF FISH & GAME
ELECTRONIC GROUNDFISH TICKET

DO NOT WRITE IN THIS SPACE

E08 059220

Statistical Area WorkSheet			
Stat. Area	%	Stat. Area	%
535702	30	515730	30
515700	40		

Vessel
ADF&G NO. [redacted]
Permit

Crew Size 5
Observers onboard 0

Mgmt Pgm OA
ID

Port of Landing or off-shore operation type
KOD Kodiak

Type of Gear used
07 Non-pelagic/bottom trawl

Owner: F7270 East Point Building
Custom Processor:

Date Fishing Began (Gear in Water) 08/01/2008
Date Landed 08/03/2008

PARTIAL DELIVERY:
✓ Partial Delivery
☐ Last Landing for Trip
☐ Multiple IFQ Permits

SPECIES	STAT AREA	DEL. COND	SCALE WEIGHT	NUM	DISP.	SIZE & GRADE	SOLD WEIGHT	PRICE	AMOUNT
700 Skate	515700	01 Whole	[redacted]		60 Sold		[redacted]		
700 Skate	515730	01 Whole			60 Sold				
700 Skate	525702	01 Whole			60 Sold				
					Total:				

I HEREBY ATTEST THAT THESE FISH WERE CAUGHT IN COMPLIANCE WITH ADF&G REGULATIONS.

Permit Holder's Signature

Fish Received by Date

ADF&G USE	
Interview	
Observer	
Logbook	

Landing Report ID: [redacted] CFEC Serial Number: [redacted]
Skate Round Weight:

Therefore, another possible solution would place the reporting requirement on the fisherman who retained the fish, as well as the processor who takes delivery, thereby documenting utilization and providing accountability.

Suggested wording could be:

5 AAC 28.0XX A vessel that takes and retains groundfish onboard a vessel in a directed or non-directed fishery shall offload and account for all retained catch on an ADF&G fish ticket. If the retained groundfish are offloaded to more than one processor, the vessel and processor must indicate a partial delivery in the check box on all fish tickets.

The eLandings System auto-assigns trip number based upon the following logic: Year, Vessel ADF&G, overlapping month/day. The system easily allows agency staff to review the landing report records for both deliveries, and even print out a fish ticket. This eLandings System feature can facilitate the disposition of product placed back on-board a vessel.

<u>DEPARTMENT COMMENTS</u>: The department **SUPPORTS** this proposal.

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