

ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS ON CHIGNIK SALMON COOPERATIVE PROPOSALS



ALASKA BOARD OF FISHERIES MEETING ANCHORAGE, ALASKA NOVEMBER 18-19, 2003

These staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries meeting, scheduled for November 18-19, 2003 in Anchorage, Alaska. The comments are designed to assist the public and board. The stated staff positions should be considered preliminary and subject to change, as new information becomes available.

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Department Positions on Proposals 247-252		
Proposal #	Department Position	Issue
247	N	Repeal separate allocations to cooperative and competitive fleets.
248	N	Repeal separate allocations to cooperative and competitive fleets.
249	N	Repeal the Commissioner's Permit allowing cooperative fleet leads in the Chignik Bay District.
250	N	Change the allocations.
251	N	Change co-op fleet purse seine gear.
252	N O	Repeal separate allocations to cooperative and competitive fleets. Limiting commissioner's authority in regard to fishing periods and areas.

- N: The department is neutral on this aspect of the proposal.
- O: The department is opposed on this aspect of the proposal.
- S: The department is supportive on this aspect of the proposal.

PROPOSALS 247 and 248: 5 AAC 15.359. CHIGNIK AREA COOPERATIVE PURSE SEINE FISHERY MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? These proposals would remove the allocation criteria established in the Chignik Cooperative Fishery Management Plan.

WHAT ARE THE CURRENT REGULATIONS? The current regulation, 5 AAC 15.359(d) allocates a percentage of any Chignik Area sockeye salmon harvestable surplus to a cooperative fleet based on the number of permit holders participating in the cooperative. If participation in the cooperative is less than 85 percent of the CFEC purse seine permit holders, the cooperative fishery is allocated nine-tenths of one percent of any harvestable surplus of sockeye salmon for each participant in the cooperative. If participation in the cooperative is greater than or equal to 85 percent of the CFEC permit holders, the cooperative fishery is allocated one prorated share of the harvestable surplus of sockeye salmon for each participant in the cooperative.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would repeal the allocation criteria of the cooperative and competitive fleets. Without an allocation, the cooperative fleet would have to compete directly with the competitive fleet while harvesting salmon in the Chignik Management Area.

BACKGROUND: During the January 2002 Board of Fisheries (board) meeting the Chignik Area Cooperative Purse Seine Salmon Management Plan was adopted. This plan authorized the formation of a cooperative and allocated a percentage of the sockeye harvest to the cooperative based on the graduated allocation described above. The proponents of the cooperative proposal argued that an allocation was necessary to allow the cooperative fleet to harvest salmon at a slower pace with fewer vessels thereby reducing costs and increasing product quality.

Opponents of the cooperative argued that an allocation for the cooperative was not necessary to improve quality, that jobs in the local communities would be lost, and that an allocation to the cooperative hurt fishermen who typically were the top producers in the Chignik fleet. Some argued they could only support a cooperative, if it was based on individual harvest shares that represented the harvest history of each individual.

The board, based on advice from the Department of Law, determined that it was not within their authority to establish an allocation based on historic catch records. Instead, the board addressed the issue of equitability with the language of 5 AAC 15.359(d)(1). By allocating nine-tenths of one percent to each member of the cooperative, the competitive fleet would be able to compete for more than one percent per permit holder of the total sockeye salmon harvest. However, the board was concerned that this allocation formula might provide an incentive to individual permit holders to refrain from registering with the cooperative fishery if annual membership in the cooperative approached 100 percent. More specifically, if a small number of permit holders chose not to participate in the cooperative, each of these permit holders would have a relatively larger percentage of the allocation in which to compete. In order to address this concern, the board approved 5 AAC 15.359(d)(2) which states that if participation in the cooperative is equal to or greater than 85 percent, the allocation for each permit holder in the cooperative fishery would be one prorated share.

When the cooperative was approved in 2002, the department was uncertain about its ability to meet the allocations established for the two fleets and the escapement goal for each lake. Two years of experience demonstrate that the department has been successful in meeting the allocation goals and, especially during the 2003 season, in keeping the escapement within the range established for Black and Chignik Lakes. The department managed to more precisely meet daily escapement goals and spread the escapement more evenly over the course of the return. This changed the historic pattern of pulsing escapement and harvest. Both 2002 and 2003 were years of average to below average sockeye returns to Chignik.

DEPARTMENT COMMENTS: The department is NEUTRAL regarding the allocative aspects of the proposal between cooperative and competitive fleets. The department can manage the Chignik commercial salmon fishery with or without the existing allocation plan.

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

PROPOSAL 249: 5 AAC 15.359. CHIGNIK AREA COOPERATIVE PURSE SEINE SALMON FISHERY MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? The proposal would remove the leads specifications for the cooperative fleet established in Commissioner's Permit ADF&G #2003-10.

WHAT ARE THE CURRENT REGULATIONS? The current regulation, 5 AAC 15.332(e), indicates that leads are not allowed in the Chignik Bay District. The Board of Fisheries in the December 5-6, 2002 meeting allowed the use of two fixed leads in the Pillar Rock to Mensis Point reach of the Chignik River by the cooperative fleet through a Commissioner's permit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal language would prevent the use of leads in the Chignik Bay District.

BACKGROUND: Prior to statehood fish traps and fixed leads were used in the Chignik Area, especially in Chignik Lagoon. In about 1948 purse seines began to replace set net and beach seine gear in the lagoon and in about 1960 fish traps became illegal and purse seine gear became the only legal salmon gear in the Chignik Management Area.

The advent of the cooperative salmon fishery created renewed interest and discussion regarding leads as a legal gear type in the Chignik Bay District. The Board of Fisheries in the December 2002 meeting allowed the use of two fixed leads in the Pillar Rock to Mensis Point reach of the Chignik River by the cooperative fleet through a commissioner's permit. During the meeting, potential effects of the leads on subsistence harvest opportunities were not evident and thus not identified as an issue. Prior to the 2003 salmon season, the department questioned subsistence fishers and the subsistence representatives of the Chignik AC and the Chignik Area Salmon Management (CHASM) task force and determined that subsistence use of this reach of the Chignik River occurred either prior to mid June or not at all.

In 2003, after the cooperative fleet deployed the leads, several subsistence fishers indicated that they were displaced from the Pillar Rock reach of the Chignik River because of the leads and that the constant flow of salmon into Chignik Lake, rather than the past management practices of large pulses of escapement, made subsistence fishing less productive.

The 2003 commissioner's permit allowed a fixed lead on each side of the Chignik River near Pillar Rock. The permit was valid from June 1 through September 30. The lead specifications included: lead length of up to 125 fathoms, mesh of seine gear no greater than 4 inch mesh size, each lead had to have a corkline and a leadline and it had to be anchored to hold essentially a straight line, a distance of 100 feet of open water was required between the leads in mid channel, lights were required, ADF&G could request the removal of the leads at any time, the leads had to be removed at the end of each cooperative fishing period, a purse seine could be attached to the seaward end of the lead, the aggregate length of the lead and purse seine could not exceed 250 fathoms, department observers were allowed access to the leads to collect any data required by the ADF&G, the department required notice prior to commencement and conclusion of lead operations and required a logbook for each lead, and the department was able to modify or revoke the permit at any time.

DEPARTMENT COMMENTS: The department is NEUTRAL on this proposal. The department can manage the salmon fishery in Chignik Lagoon whether leads are allowed or not. The department did determine that the leads are a good tool for controlling the escapement and the commercial harvest and also reduced the cooperative fleet vessel numbers. The department has been, and will continue to monitor the effect of the leads on other fish species and will take action to modify or remove the leads if any causes for concern are identified.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for a private person to participate.

PROPOSAL 250: 5 AAC 15.359. CHIGNIK AREA COOPERATIVE PURSE SEINE SALMON FISHERY MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to add language to 5 AAC 15.359 to modify the allocation to the cooperative and competitive CFEC permit holders.

WHAT ARE THE CURRENT REGULATIONS? The current regulation, 5 AAC 15.359(d) allocates a percentage of any Chignik Area sockeye salmon harvestable surplus to the cooperative fleet based on the number of permit holders participating in the cooperative. When participation in the cooperative is less than 85 percent of the CFEC purse seine permit holders, the cooperative fishery is allocated nine-tenths of one percent of any harvestable surplus of sockeye salmon for each participant in the cooperative. When participation in the cooperative is greater than or equal to 85 percent of the CFEC permit holders, the cooperative fishery is allocated one prorated share of the harvestable surplus of sockeye salmon for each participant in the cooperative.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would allocate any harvestable surplus to the cooperative fleet in a three-step process:

(1) if participation in the cooperative is less than 79% of the registered Chignik Area CFEC purse seine permit holders, the cooperative fishery will be allocated 0.9 of one percent of any harvestable surplus of sockeye salmon for each participant in the cooperative,

(2) if participation in the cooperative is less than 84% of the registered Chignik Area CFEC purse seine permit holders, the cooperative fishery will be allocated 0.95 of one percent of any harvestable surplus of sockeye salmon for each participant in the cooperative, and

(3) if participation in the cooperative is 85% or more of the registered Chignik Area CFEC purse seine permit holders, the cooperative fishery will be one prorated share (1.0%) of any harvestable surplus of sockeye salmon for each participant in the cooperative.

Since general registration is not required in this fishery, only a valid CFEC permit card and registration for those joining the cooperative, a registration for all Chignik CFEC permit holders would need to be developed. Also there are 101 permits in the CMA thus option 3 would provide 100% of the harvestable surplus of sockeye salmon to the cooperative if it reached 100 members (i.e., if each participant above 85 members receives a 1.0% share then 100 permits holders would receive 100% of the harvest, the current language has each member receiving a prorated share of the 101 permits holders harvest $100/101$ equals 0.9901% or with 100 cooperative members 99.01% of the total harvest), thus potentially leaving one permit holder disenfranchised.

BACKGROUND: In January 2002, the Board of Fisheries adopted the Chignik Area cooperative purse seine fishery management plan (5 AAC 15.359). The proponents of the cooperative proposal argued that an allocation was necessary to fulfill the intent of the cooperative fishery, allowing the cooperative fleet to harvest salmon at a slower rate to reduce costs and to increase product quality.

There are 101 CFEC salmon purse seine permits in the Chignik Management Area. Some Chignik permit holders expressed concern that a one percent allocation for each permit holder was not equitable, specifically for those permit holders that consistently harvested more than one percent of the annual harvest. These permit holders suggested an allocation should be based on historical catch averages of each permit holder. Although the board determined that it was not within their authority to establish an allocation based on historic catches, the board addressed the issue of equitability with the language in 5 AAC 15.359 (d). In 5 AAC 15.359 (d)(1) the board allocated 0.9 of one percent, to each member of the cooperative for an annual membership of less than 85 percent of the Chignik CFEC permit holders. The board was concerned that the allocation formula might provide an incentive for permit holders to refrain from joining the cooperative when annual membership approached 100 percent. More specifically, if a small number of permit holders chose not to participate in the cooperative, each of these permit holders would have a relatively larger percentage of the allocation. In order to address this concern the board approved 5 AAC 15.359 (d)(2), which states that if participation in the cooperative is equal to or greater than 85 percent, the allocation for each permit holder in the cooperative fishery will be one prorated share of the harvestable surplus for each participant in the cooperative.

When the cooperative was approved in 2002, the department was uncertain about its ability to meet the allocations established for the two fleets and the escapement goal for each lake. Two years of experience demonstrate that the department has been successful in meeting the allocation goals and, especially during the 2003 season, in keeping the escapement within the range established for Black and Chignik Lakes. The department managed to more precisely meet daily escapement goals and spread the escapement more evenly over the course of the return. This changed the historic pattern of pulsing escapement and harvest. Both 2002 and 2003 were years of average to below average sockeye returns to Chignik.

DEPARTMENT COMMENTS: The department is NEUTRAL regarding the allocative aspects of this proposal. The department is uncertain how the proposed third portion of the allocation plan is designed, one prorated share or 1.0% of any harvestable surplus of any sockeye salmon.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for a private person to participate.

PROPOSAL 251: 5 AAC 15.332(g). SEINE SPECIFICATIONS AND OPERATIONS.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to add language to 5 AAC 15.332 to provide the cooperative fishery with new specifications for legal purse seine gear in the Chignik Bay.

WHAT ARE THE CURRENT REGULATIONS? The current regulation, 5 AAC 15.332(c), states that in the Chignik Bay District, purse seines and had purse seines may not be less than 100 fathoms or more than 125 fathoms in length.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would completely redesign the regulations for seine specifications for the cooperative fishery only. The proposal would allow the cooperative fishery to experiment with any number of seine lengths that will likely decrease the effort needed to harvest salmon.

BACKGROUND: The existing regulations provide identical gear specifications for the cooperative and competitive fleets.

DEPARTMENT COMMENTS: The department recognizes that one of the purposes of the board in creating the cooperative was to reduce costs and increase efficiency. Provisions in this proposal may further advance those purposes and the department could support some loosening of restrictions on the use of existing gear within a cooperative fleet.

Management of fish other than sockeye salmon may become complicated. Chinook salmon have only a season-ending escapement goal while pink and chum salmon escapement goals have not been established. The lack of specific chinook, pink, and chum salmon escapement goals and changes caused by modified purse seines could impact other species. If, however, redesigned purse seines are determined to be an acceptable gear for the cooperative fleet, the department recommends that within Chignik Lagoon purse seines may not be less than 50 fathoms or more than 125 fathoms and in the balance of the Chignik Bay District, purse seines may not be less than 50 fathoms or more than 225 fathoms.

The department also believes that the seine and lead specifications and operation may need clarification. We recommend that maximum and minimum seine and lead length; seine and lead mesh size; lead chaffing mesh size and its location above the leadline; the number of leads that may be used with a single seine; lead attachment to the seine, the shore or a vessel; the aggregated length of a lead and seine in the Chignik Bay District, proper identification; use of a shared lead between CFEC permit holders; and other specifications be addressed.

COST ANALYSIS: Adoption of this proposal, specific to the cooperative fleet, is expected to result in an additional direct cost because new gear may be needed.

PROPOSAL 252: 5 AAC 15.359. CHIGNIK AREA COOPERATIVE PURSE SEINE SALMON FISHERY MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to remove 5 AAC 15.359(d) and (e) from the regulations. Subsection (d) establishes an allocation for the cooperative fishery and subsection (e) grants the commissioner emergency order authority to open and close separate fishing periods and areas for the cooperative and open fishery. The proposal would also add specific language to 5 AAC 15.359(b)(4)(B) that seeks to ensure that Chignik area limited entry permit holders would have access to any harvestable surplus of sockeye salmon without an allocation to one group or individual.

WHAT ARE THE CURRENT REGULATIONS? The current regulation, 5 AAC 15.359(d), allocates a percentage of any Chignik sockeye salmon harvestable surplus to the cooperative fishery based on the number of permit holders participating in the cooperative. The current regulation, 5 AAC 15.359(e), also grants the commissioner emergency order authority to open and close separate fishing periods and areas for the cooperative and competitive fleets. This regulation also indicates that the established allocation is secondary to escapement and harvest objectives, and that fishing opportunities may be increased or reduced in order to maintain escapements. The current regulation, 5 AAC 15.359(b)(4)(B), requires that the contractual terms of the annual cooperative fishery agreement be consistent with state laws that apply to salmon fishery resources of the state.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would remove the cooperative fishery allocation and create harvesting competition between the cooperative and competitive fleets. Without an allocation, the cooperative fleet would have to compete directly with the competitive fleet while harvesting salmon in the Chignik Management Area. Also, the proposal would repeal the commissioner's authority to open and close separate fishing periods or areas for the cooperative and competitive fleets. Therefore, the two fleets would be forced to fish during the same commercial fishery openings.

BACKGROUND: During the January 2002 Board of Fisheries (board) meeting, the board adopted the Chignik Area Cooperative Purse Seine Salmon Management Plan. The proponents of the cooperative proposal argued that an allocation was necessary to fulfill the intent of the cooperative fishery, allowing the cooperative fleet to harvest salmon at a slower rate to reduce costs and to increase product quality. The specific criteria of the allocation formula are found in 5 AAC 15.359(d) and are described in detail in proposal 250.

Because the board tasked the department with managing the commercial sockeye salmon fishery based on the cooperative and competitive fishery allocations, the board gave the commissioner authority to open and close separate fishing areas or periods for each fishery as described in 5 AAC 15.359(e).

When the cooperative was approved in 2002, the department was uncertain about its ability to meet the allocations established for the two fleets and the escapement goal for each lake. Two years of experience demonstrate that the department has been successful in meeting the allocation goals and, especially during the 2003 season, in keeping the escapement within the

range established for Black and Chignik Lakes. The department managed to more precisely meet daily escapement goals and spread the escapement more evenly over the course of the return. This changed the historic pattern of pulsing escapement and harvest. Both 2002 and 2003 were years of average to below average sockeye returns to Chignik.

When the Chignik cooperative fishery was discussed at the meeting, many 'sideboard' issues were discussed and taken into consideration by the board when drafting the substitute language for the cooperative fishery.

DEPARTMENT COMMENTS: The department is NEUTRAL regarding the allocative aspects of the proposal between cooperative and competitive fleets. The department can manage the Chignik commercial salmon fishery with or without the existing allocation plan. The department is opposed to limiting the commissioner's authority in regards to fishing periods and areas.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for a private person to participate.