

Proposed Emergency Regulation:

5 AAC 15.XXX. Chignik Area cooperative salmon fishery management plan.

(a) The purpose of the management plan under this section is to establish the criteria and management measures for a salmon purse seine cooperative fishery in the Chignik Area.

(b) Chignik Area CFEC salmon purse seine permit holders may receive a permit issued by the commissioner, or the commissioner's designee, to form an annual cooperative fishery only under the following conditions:

(1) at least 51 holders of current and valid CFEC salmon purse seine permits must, together, apply to the commissioner for a permit to fish as a cooperative fishery each year;

(2) an application for an annual cooperative fishery permit must be submitted to the commissioner by March 1; the application must contain the name and CFEC permit number of each applicant; a copy of a cooperative fishery agreement containing the contractual terms upon which the cooperative will be operated must be submitted with the application, including articles of incorporation, corporate by-laws, partnership agreements, or other similar documents that contain the contractual terms of the cooperative;

(3) a holder of a current and valid CFEC salmon purse seine permit who did

not apply by the deadline specified in (2) of this subsection, may elect to participate in the cooperative fishery by registering with the department by March 15; a CFEC salmon purse seine permit holder who does not register by the date specified in this paragraph may not participate in the cooperative fishery;

(4) in 2005 only,

(A) applications and registrations timely made under 5 AAC 15.359(b) for participation in the cooperative fishery for 2005 will qualify for participation under this section;

(B) any permit holder who applied to participate in the cooperative fishery under 5 AAC 15.359, may withdraw from participation in the cooperative fishery by giving notice of withdrawal to the department by 5:00 p.m.

May 16, 2005;

(5) the contractual terms of the annual cooperative fishery agreement must

(A) provide for participation in the cooperative fishery by registering permit holders who registered after the original deadline, as provided in (3) of this subsection, on the same terms as applicants who did apply by the original deadline;

(B) be consistent with state laws that apply to the salmon fishery resources of the state;

(C) require active participation by each permit holder to benefit economically from the fishery through delivery requirements calculated to approximate the expected average number of deliveries per permit holder for the

fishing season; for the purposes of this subparagraph, “active participation” does not require that a CFEC permit holder must participate in the fishery from season opening to season closing and does not require that every boat registered for the Chignik fishery be used in the cooperative fishery;

(6) if an annual cooperative fishery permit is approved and issued by the commissioner, or the commissioner's designee, for that year, all permit holders that applied by the original deadline or registered after the original deadline to participate in the cooperative fishery may only participate in that cooperative fishery, **unless a notice of withdrawal has been given to the department under (4)(B) of this subsection;**

(7) a CFEC permit holder who participates in the annual cooperative fishery

(A) in the Chignik Area may not participate in any other commercial salmon net registration area as either a permit holder or crew member from June 1 through August 31 of that year; and

(B) who holds salmon net gear permits for more than one commercial salmon net registration area listed in 5 AAC 39.120(d), must designate the Chignik Area as the single area for salmon net fishing for that year as specified in 5 AAC 39.115 and 20 AAC 05.1940;

(8) at least one CFEC purse seine permit holder who is a participant in the cooperative must be on board a purse seine vessel engaged in the taking and delivery of salmon for the cooperative.

(c) If an annual cooperative fishery permit application meets the qualifications and requirements of this section, the commissioner, or the commissioner's designee, will issue a permit, which may contain registration requirements, reporting requirements, gear specifications, other than those specified in 5 AAC 15.332, and other requirements or conditions that the commissioner determines necessary for conservation and management purposes.

(d) For each year that an annual cooperative fishery permit is issued under this section, the Chignik Area cooperative fishery shall be allocated a percentage of the annual Chignik Area commercial sockeye salmon harvestable surplus based on the number of permit holders participating in the cooperative as follows:

(1) if participation in the cooperative is less than 80 percent of the registered Chignik Area CFEC purse seine permit holders, the allocation to the annual cooperative fishery will be nine-tenths of one percent of the harvestable surplus for each participant in the cooperative;

(2) if participation in the cooperative is at least 80 percent, but less than 85 percent of the registered Chignik Area CFEC purse seine permit holders, the allocation to the annual cooperative fishery will be ninety five hundredths of one percent of the harvestable surplus for each participant in the cooperative;

(3) if participation in the cooperative is 85 percent or more of the registered Chignik Area CFEC purse seine permit holders, the allocation to the annual cooperative fishery will be one prorated share of the harvestable surplus for each participant in the

cooperative.

(e) The commissioner may, by emergency order, open and close separate or concurrent fishing periods and areas for the cooperative fishery and the open fishery as necessary to achieve the allocation established in (c) of this section. The allocation established under (c) of this section is secondary to escapement and harvest objectives, and the commissioner may, by emergency order, reduce or expand fishing opportunity to ensure escapement and harvest objectives.

(f) The participants in the cooperative fishery may operate a fixed lead only under the conditions of a commissioner's permit. Notwithstanding 5 AAC 39.260, a vessel attached to a fixed lead or to a seine attached to a fixed lead may be allowed to go dry or be anchored without the vessel engine running in the waters of the Chignik Bay District from Mensis Point to Pillar Rock, as long as the lead and seine are not configured to form a fish trap prohibited under AS 16.10.070 and 16.10.100.

(g) Notwithstanding 5 AAC 39.240, and only under the conditions of a commissioner's permit, a vessel may have on board a purse seine or hand purse seine and up to two fixed leads.

(h) The participants in the cooperative fishery may use net pens to hold live salmon until processing, only under the conditions specified in a commissioner's permit.

(i) Notwithstanding 5 AAC 39.130(c), in the cooperative fishery multiple deliveries from an individual catcher vessel to a single tender on the same day may be recorded on an individual fish ticket with the estimated pounds and number of fish by

species. The CFEC permit holder must report to the department, by 12:00 noon the day following the delivery date, the total pounds and number of fish by species from the catcher vessel's harvest. **All fish from each delivery must be reported on one fish ticket; no split deliveries may be made.**

(j) In this section,

- (1) "cooperative fishery" means a commercial purse seine salmon fishery in which, by agreement of the participants, the number of fishing vessels may be reduced with the intent of decreasing overhead expenses associated with commercial fishing and controlling the rate of harvest to achieve a higher quality product;
- (2) "open fishery" means a commercial purse seine fishery conducted by CFEC permit holders who do not participate in the cooperative fishery.