

# ALASKA DEPARTMENT OF FISH AND GAME

## STAFF COMMENTS ON KODIAK MANAGEMENT AREA GROUNDFISH, HERRING, AND SALMON PROPOSALS



### ALASKA BOARD OF FISHERIES MEETING ANCHORAGE, ALASKA JANUARY 7-10, 2005

These staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries meeting, scheduled for January 7-10, 2005 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. Final staff positions will be formulated after review of written and oral public testimony presented to the Board of Fisheries.

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<b>Department Positions on Proposals 65 –132 &amp; 432/454</b>		
<b>Proposal #</b>	<b>Department Position</b>	<b>Issue</b>
<b>Groundfish</b>		
<b>Subsistence</b>		
65	S	Allow rockfish and lingcod to be retained as incidental harvest.
<b>Commercial</b>		
66	S	Modify groundfish area descriptions for Prince William Sound and Kodiak.
67	O	Create state-managed groundfish fisheries for all species in state waters.
68	N	Open state-waters Pacific cod jig season March 15.
69	N	Open state-waters Pacific cod jig season April 1.
70	N	Superexclusive registration by gear type for state-waters Pacific cod.
71	N	Superexclusive registration by gear type for state-waters Pacific cod.
72	N	Limit registration for state-waters Pacific cod jig fishery.
73	N	Limit registration for state-waters Pacific cod jig fishery.
74	S	Prohibit inappropriate gear onboard registered jig vessels during state-waters Pacific cod fishery.
75	S	Prohibit longline gear onboard registered jig vessels during state-waters Pacific cod fishery.
76	N	Establish a 58-foot jig vessel size limit.
77	O	Establish an overharvest provision for state-waters Pacific cod fishery
78	O	Establish an overharvest provision for state-waters Pacific cod fishery
79	S	Close state-waters Pacific cod fishery at 75% of GHF and establish trip limits.
80	S	Close state-waters Pacific cod fishery at 75% of GHF and establish trip limits.
81	N	Close state-waters Pacific cod fishery at 75% of GHF. Allow reopening on September 1 for remainder.
82	N	Close state-waters Pacific cod fishery at 75% of GHF. Allow reopening on September 1 for remainder.
83	O	Close state-waters Pacific cod fishery 100,000 to 500,000 pounds below GHF. Allow reopening, overharvest provision.
84	N	Reduce pot limit in state-waters Pacific cod fishery.
85	S	Adopt black rockfish logbook requirement.
86	S	Increase incidental harvest allowance of black rockfish prior to GHF attainment.
87	S	Change the time period for the black rockfish trip limit.
88	N	Set black rockfish trip limits based on distance from Kodiak city.
89	O	Repeal non-simultaneous black rockfish registration with other groundfish.
<b>Sport Fish-Shellfish</b>		
432/454	S	Eliminate the form required of sport fish users when harvesting shellfish

<b>Department Positions on Proposals</b>		
<b>Proposal #</b>	<b>Department Position</b>	<b>Issue</b>
<b>Herring</b>		
<b>Commercial</b>		
90	S	Make the herring statistical area boundaries congruent with the commercial salmon statistical area boundaries.
91	S	Identify boundary lines using global positioning system (GPS).
92	N	Reduce herring purse seine gear depth.
93	S	Reduce herring purse seine gear depth.
94	S	Clarify regulations for department emergency order authority.
95	S	Amend the harvest strategy to allow for product quality.
96	S	Require district registration during the herring sac roe season.
97	S	Amend the harvest strategy to allow for multiple gear groups within a single section.
98	N	Amend the harvest strategy to allow multiple gear groups within a single section.
99	S	Amend the opening date of the food/bait season.
<b>Salmon</b>		
<b>Subsistence</b>		
100	S	Define the customary and traditional findings.
101	S	Identify boundary lines using global positioning system (GPS).
102	S	Make the subsistence statistical area boundaries congruent with the commercial salmon statistical area boundaries.
103	O	Close Shahafka Cove to gillnet gear.
<b>Sport Fish</b>		
104	S	Amend existing Kodiak wild trout regulations to conform to statewide standards.
105	S	Allow sport fishing for king salmon in Lake Rose Tead drainage.
106	N	Separate sport fishing gear from commercial gear.
107	S	Create an Ayakulik River king salmon management plan.
<b>Commercial</b>		
<b>Coordinates, lines, closed waters and dates</b>		
108	S	Identify boundary lines using global positioning system (GPS).
109	S	Amend the description of districts and sections.
110	S	Amend the description of closed waters.
111	S	Amend several management plans opening dates and targeted species.
<b>Seine specifications and operations</b>		
112	S	Define when a purse seine has ceased fishing.

113	N	Amend the purse seine specifications.
<b>Department Positions on Proposals</b>		
<b>Proposal #</b>	<b>Department Position</b>	<b>Issue</b>
<b>Troll Fishery</b>		
114	O	Create a troll fishery.
<b>Gillnet specifications and operations</b>		
115	O	Expand gillnet joint ventures.
116	O	Amend the gillnet specifications.
<b>Cape Igvak and Westside Plans</b>		
117	O	Close Cape Igvak during and 48 hours prior to any scheduled opening in the Chignik Eastern District.
118	O	Change the season opening date in the Westside Kodiak Management Plan.
119	S	Under specific circumstances allow for the nonretention of large chinook salmon in Southwest Kodiak fisheries.
<b>Alitak Area</b>		
120	S	Amend the boundary between the Alitak and Moser Bay Sections.
121	N	Amend the opening times in the Alitak Bay District Salmon Management Plan.
122	N	Amend the opening times in the Alitak Bay District Salmon Management Plan.
123	N	Instead of ranges, establish set allocative goals.
124	N	Modify the Alitak Bay District Salmon Management Plan.
125	O	Make the Olga and Moser Bay Section exclusive use areas.
126	O	Allow a cooperative in several sections of Olga/Moser Bay.
127	O	Allow the Olga Moser Bay Seafood Producers Alliance to operate salmon traps.
<b>North Afognak, North Shelikof Strait and Spiridon Lake Plans</b>		
128	O	In Pauls Bay Section, remove language allowing the department to reduce the closed waters.
129	N	In Pauls Bay Section, change the curved closed water line.
130	N	Amend the opening time for the North Shelikof Strait Salmon Management Plan.
131	S	Change terminal harvest areas to special harvest areas.
<b>Gear</b>		
132	S	Allow net pens only through Commissioner's Permits.

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.



## **GROUND FISH:**

### **PROPOSAL 65: Page 47, 5 AAC 01.520. LAWFUL GEAR AND GEAR SPECIFICATIONS.**

WHAT WILL THE PROPOSAL DO? This proposal would allow participants using more than five hooks in a subsistence longline or handline fishery to retain incidentally caught lingcod and rockfish up to the daily bag limit.

WHAT ARE THE CURRENT REGULATIONS? State of Alaska subsistence regulations for the Kodiak Area 5 AAC 01.520 LAWFUL GEAR AND GEAR SPECIFICATIONS (e) and (f) specify that lingcod and rockfish may only be taken by a single hand held line or single longline, none of which may have more than five hooks attached to it.

Current federal subsistence regulations 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 01.545 SUBSISTENCE BAG AND POSSESSION LIMITS (b) specifies the daily lingcod subsistence limit is two fish and the possession limit is four fish; (c) specifies the daily bag limit of rockfish is 10 of any species and the possession limit is 20 fish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Federal Pacific halibut subsistence fishermen would be able to retain up to two lingcod and 10 rockfish per day with a possession limit of four lingcod and 20 rockfish while participating as a SHARC holder in the federal Pacific halibut subsistence fishery.

BACKGROUND: The North Pacific Fishery Management Council regulations to formally authorize a Pacific halibut subsistence fishery in Alaska became effective on May 15, 2003. These regulations allow any residents of rural communities with customary and traditional uses of halibut or members of federally recognized Alaska Native Tribes with customary and traditional uses of halibut to obtain a SHARC card and retain 20 or more Pacific halibut per day (depending on the area fished). SHARC permit holders can use up to 30 hooks to harvest Pacific halibut.

State of Alaska regulations constrain harvesters of subsistence lingcod and rockfish to no more than five hooks. This means that any SHARC cardholder using 6 to 30 hooks cannot legally retain incidentally caught lingcod or rockfish while engaged in federal Pacific halibut subsistence fishing. Subsistence halibut fishermen who also hook lingcod or rockfish customarily retain them for subsistence use.

DEPARTMENT COMMENTS: This is a staff proposal. The intent is to allow SHARC cardholders the ability to retain lingcod and rockfish incidentally caught while Pacific halibut federal subsistence fishing using six or more hooks. Subsistence fishermen that wish to target either lingcod or rockfish would still be limited to five hooks under the state regulations.

The NPFMC is currently reviewing options and performing an analysis on the hook limits permitted in the subsistence Pacific halibut fishery. Among the suite of options being analyzed are proposals to limit SHARC holders in the Kodiak Area road system zone to five hooks for subsistence fishing. If adopted, this would eliminate the need for this proposal for the road system zone, but the need would still exist for the remainder of the Kodiak Area. The NPFMC is scheduled to take final action on subsistence hook limits at their December 2004 meeting.

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

SUBSISTENCE REGULATION REVIEW:

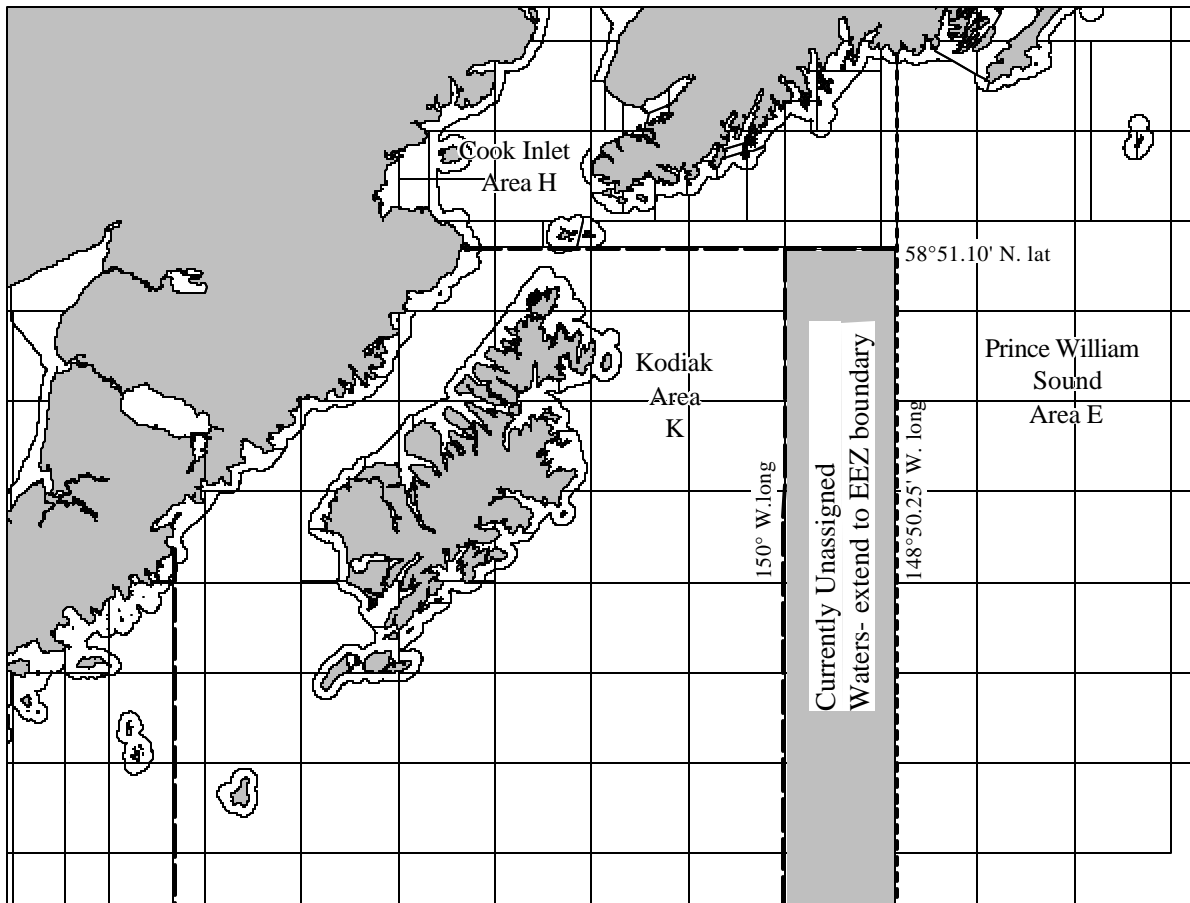
1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The Alaska Board of Fisheries has found that the halibut, rockfish, and lingcod stocks of the Kodiak Area support customary and traditional uses (5 AAC 01.536).
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? Proposal 100 proposes to establish in regulation an amount necessary for subsistence uses of finfish other than salmon.
5. Do the regulations provide a reasonable opportunity for subsistence use? This is a Board of Fisheries determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In the judgment of the department, no.

**PROPOSAL 66: Page 47, 5 AAC 28.200. DESCRIPTION OF PRINCE WILLIAM SOUND AREA; 5 AAC 28.400. DESCRIPTION OF THE KODIAK AREA.**

WHAT WILL THE PROPOSAL DO? This proposal would modify groundfish area descriptions for Prince William Sound and Kodiak management areas by including currently unassigned waters between the eastern boundary of the Kodiak Area and the western boundary of the Prince William Sound Area.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.200 DESCRIPTION OF THE PRINCE WILLIAM SOUND AREA consists of the waters of Alaska described in 5 AAC 39.975(13) between the longitude of Cape Fairfield (148° 50.25' W. long.) and Cape Suckling (144° W. long.). 5 AAC 28.400. DESCRIPTION OF THE KODIAK AREA consists of all waters of Alaska south of a line extending east from Cape Douglas (58° 51.10' N. lat.), west of 150° W. long., north of 55°30.00' N. lat., and east of a line extending south from the southern entrance of Imuya Bay near Kilokak Rocks (156° 20.22' W. long). Both areas extend seaward to the 200 nautical mile boundary of the Exclusive Economic Zone (EEZ).

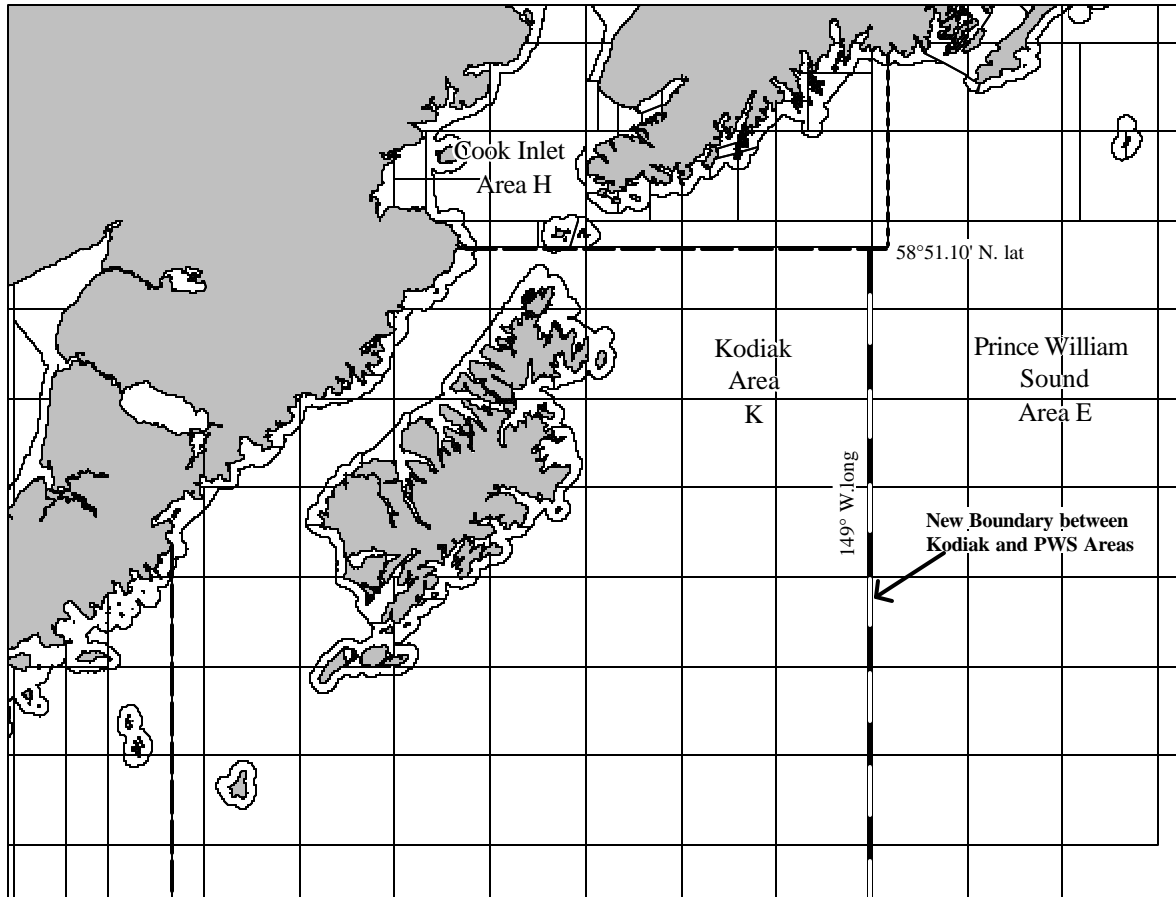
Current Kodiak, Cook Inlet, and Prince William Sound Area boundaries.



WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Waters unassigned to a state of Alaska groundfish registration area, between 148° 50.25' W. long and 150° W. long and south of

the latitude of Cape Douglas, will be appropriately aligned with groundfish registration areas. Waters west of 149° W. long will be assigned to the Kodiak Area and waters east of 149° W. long to the Prince William Sound Area.

Proposed Kodiak, Cook Inlet, and Prince William Sound Area boundary revisions.



**BACKGROUND:** The oversight leading to undescribed waters between the Kodiak and PWS management areas occurred in 1997 when management area descriptions were revised and the Central Gulf of Alaska Area was divided among three management areas. However, since 1997, harvest that occurred between 150° and 149° W. longitude has been attributed to the Kodiak Area in the statewide fish ticket database. This proposal is consistent with current catch reporting, will not impact state-managed fisheries, and is supported by Westward and Central Region groundfish management staff.

**DEPARTMENT COMMENTS:** The department submitted this proposal and supports its adoption.

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

**PROPOSAL 67: Page 48, 5 AAC 28.4XX. KODIAK AREA GROUND FISH MANAGEMENT PLAN.**

WHAT WILL THE PROPOSAL DO? This proposal would create state-managed fisheries for all groundfish species in state waters (from shore seaward to 3 nautical miles) and restrict the gear types that could participate to pot and jig gears.

WHAT ARE THE CURRENT REGULATIONS? Commercial groundfish fishing in state waters currently occur in one of three ways. For most groundfish fisheries, ADF&G issues an emergency order creating parallel fishing seasons, wherein National Marine Fisheries Service (NMFS) management of gear, bycatch, and fishing seasons in adjacent federal waters are duplicated in state waters. During parallel seasons, any gear type that is legal gear for federal waters may be used in state waters, with the exception of non-pelagic trawl gear; the majority of state waters in the Kodiak Area are closed year-round to non-pelagic trawl. A small area on the west side of Kodiak Island, outside the major capes, is open to non-pelagic trawl seasonally; the opening of that area is timed to coincide with the parallel shallow-water flatfish fishery openings.

The second provision for fishing in state waters is a state-waters season, wherein a fishery occurs within the waters of Alaska while the federal season in adjacent federal waters is closed. In the Kodiak Area, a state-waters season for Pacific cod begins seven days after the closure of the parallel season. The state-waters Pacific cod season has an annual guideline harvest level (GHL) that is a fixed percentage of the federal acceptable biological catch (ABC). During the state-waters Pacific cod season, only pot, mechanical jig, and hand troll gears may be used.

Third, fisheries for lingcod and black rockfish are state managed in both state and federal waters. In the Kodiak Area, both of these fisheries open on January 1. Mechanical jig and hand troll gear are the only legal gear types for directed black rockfish fisheries; permitted incidental harvest of black rockfish may be taken with any gear type. Any gear type described in state of Alaska regulations 5 AAC 39.105 TYPES OF LEGAL GEAR may be used to take lingcod.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? All groundfish species that occur in state waters would have a state-waters season open to pot and jig gears only. The parallel season as described above would cease to exist; the state of Alaska would establish seasons and harvest guidelines for all groundfish species in state waters.

BACKGROUND: There are several issues that require consideration before the creation of additional state-managed fisheries. Many of the groundfish species in the North Pacific exhibit distributions that span state and federal waters. The majority of species that occur in state waters have a federal Fishery Management Plan (FMP) mandated by the Magnuson-Stevens Act. Therefore, new state-waters fisheries would have to be coordinated between the state and federal management systems. Spatial stock distribution over the course of the year, stock assessment, harvest levels, state and federal protection measures for endangered species or habitat protections, allocations between gear types, and bycatch allowances between the two systems would need to be discussed and coordinated.

If the BOF established ‘open access’ participation for groundfish fisheries, mechanisms to prevent overharvest would need to be developed. Development of management plans would need to be frameworked for both established fisheries (e.g., walleye pollock) and fisheries that are data poor and have little history of commercial exploitation (e.g., dusky rockfish).

DEPARTMENT COMMENTS: The department opposes this proposal. The department currently lacks the staff, resources, and funding to develop fishery management plans and actively manage seasons for every species of groundfish that occurs within state waters. The NPFMC is currently working on a rationalization program of groundfish fisheries in the Gulf of Alaska. The State of Alaska is working with the NPFMC in the creation of the rationalization framework. The BOF has established a stakeholder rationalization task force.

COST ANALYSIS: Adoption of this proposal could result in an additional direct cost for a private person to participate if new fisheries are created and vessel operators need to obtain gear or permits to participate.

**PROPOSAL 68: Page 48, 5 AAC 28.467 KODIAK AREA PACIFIC COD MANAGEMENT PLAN(c).**

WHAT WILL THE PROPOSAL DO? This proposal would establish a regulatory opening date of March 15 for the Kodiak Area state-waters Pacific cod jig gear season.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.467 KODIAK AREA PACIFIC COD MANAGEMENT PLAN (c) stipulates that the state-waters season shall open seven days following the closure of the directed federal Pacific cod season in the Central Gulf of Alaska (CGOA) Area. The state-waters season opens concurrently to pot, jig, and hand troll gear types.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The Kodiak Area state-waters Pacific cod jig season would open on March 15; the pot season would continue to open seven days following the closure of the federal Pacific cod fishery in the CGOA.

BACKGROUND: The opening date of the Kodiak Area state-waters Pacific cod season has varied over the eight year history of the fishery. Since the creation of the state-waters fisheries, the Kodiak Area opening date has been structured to occur at a specified time following the closure of the federal Pacific cod season. The opening has always been a concurrent opening for both pot and jig gear types. In the initial season in 1997, and in 1998, the state-waters season opened 14 days after the closure of the federal Pacific cod season in the CGOA. In 1999, the opening date was moved to seven days after the closure of the federal Pacific cod season in the CGOA. The opening date has remained as seven days following the closure of the federal season since the 1999 fishery.

In 2001, the federal Pacific cod fishery was restructured following release of the Endangered Species Act Section 7 consultation; Biological Opinion and Incidental Take Statement (BiOp) on Steller sea lions (SSL). The fishery was split into an 'A' and a 'B' season; 60% of the annual Total Allowable Catch (TAC) was taken in the 'A' season that opened in January. The remaining 40% of the TAC was taken in a 'B' season that opened on September 1. In 2001, the Alaska Board of Fisheries (BOF) structured the opening of the state-waters season to occur seven days following the closure of the federal 'A' season. The state-waters season was to remain open until the total guideline harvest level (GHL) was attained, even if the federal 'B' season opened in adjacent federal waters. In recent years the Pacific cod TAC has declined, and this paired with increased effort in the federal 'A' season has resulted in an earlier opening of the state-waters season. The 2004 state-waters Pacific cod season opened on February 7 and is the earliest opening on record.

Kodiak Area state-waters Pacific cod fishery openings, 1997-2004.

	Pot Gear	Jig Gear
<b>1997</b>	<i>Fishery Dates:</i>	
	April 4 - May 4 September 1 - September 30 October 28 - December 31	April 4 - December 31 October 28- December 31
	<i>Management Actions:</i> September 1 - reopened to pot gear October 31 allocation rollover - gear limits, exclusive registration area lifted.	
<b>1998</b>	<i>Fishery Dates:</i>	
	March 17 - April 27 September 1 - December 31	March 17 - December 31
	<i>Management Actions:</i> September 1 - reopened to pot gear October 31 vessel size limit - gear limits, exclusive registration area lifted.	
<b>1999</b>	<i>Fishery Dates:</i>	
	March 21 - April 27 October 6 - December 31	March 21 - August 31 October 6 - December 31
	<i>Management Actions:</i> October 6 - reopen to pot gear. (following CGOA opening) October 31 - gear limits lifted, exclusive registration area lifted.	
<b>2000</b>	<i>Fishery Dates:</i>	
	March 11 - December 31	March 11 - December 31
	<i>Management Actions:</i> October 31 - limits on pots, jigs, and vessel size removed, exclusive registration area lifted.	
<b>2001</b>	<i>Fishery Dates:</i>	
	March 11 - December 31	March 11 - December 31
	<i>Management Actions:</i> September 1 - reopen to pot gear. October 31 - limits on pots, jigs, and vessel size removed, exclusive registration area lifted.	
<b>2002</b>	<i>Fishery Dates:</i>	
	March 16 - May 4 September 1 - December 31	March 16 - December 31
	<i>Management Actions:</i> September 1 - reopen to pot gear. October 31 - limits on pots, jigs, and vessel size removed, exclusive registration area lifted.	
<b>2003</b>	<i>Fishery Dates:</i>	
	February 16 - March 2	February 16 - May 9
	<i>Management Actions:</i> Fishery closed when GHIL allocations were attained.	
<b>2004</b>	<i>Fishery Dates:</i>	
	February 7 - February 22	February 7 - April 20
	<i>Management Actions:</i> Fishery closed when GHIL allocations were attained.	



In the first five years of the state-waters season in Kodiak, jig fishermen typically did not begin fishing en masse until the pot quota had been taken or they began fishing in late April or early May. As the state-waters season has become a more important fishery for small vessel operators, earlier and greater participation has occurred in the state-waters season. By the 2002 season, more jig fishermen were beginning their operations earlier in the season. In both the 2003 and 2004 seasons, jig fishermen began operating at the season opening. The overall jig quota in 2003 was attained in May. May had typically been the month of both the largest jig gear harvest and participation in previous seasons. The jig quota in 2004 was attained in late April.

DEPARTMENT COMMENTS: The department is neutral on this proposal. The department could manage the state-waters Pacific cod jig season opening on March 15.

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

**PROPOSAL 69: Page 48, 5 AAC 28.467 KODIAK AREA PACIFIC COD MANAGEMENT PLAN(c).**

WHAT WILL THE PROPOSAL DO? This proposal would establish a regulatory opening date of April 1 for the Kodiak Area state-waters Pacific cod jig gear season.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.467 KODIAK AREA PACIFIC COD MANAGEMENT PLAN (c) stipulates that the state-waters season shall open seven days following the closure of the directed federal Pacific cod season in the Central Gulf of Alaska (CGOA) Area. The state-waters season opens concurrently to pot, jig, and hand troll gear types.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The Kodiak Area state-waters Pacific cod jig season would open on April 1; the pot season would continue to open seven days following the closure of the federal Pacific cod fishery in the CGOA.

BACKGROUND: The opening date of the Kodiak Area state-waters Pacific cod season has varied over the eight year history of the fishery. Since the creation of the state-waters fisheries, the Kodiak Area opening date has been structured to occur at a specified time following the closure of the federal Pacific cod seasons. The opening has always been a concurrent opening for both pot and jig gear types. In the initial season in 1997, and in 1998, the state-waters season opened 14 days after the closure of the federal Pacific cod season in the CGOA. In 1999, the opening date was moved to seven days after the closure of the federal Pacific cod season in the CGOA. The opening date has remained as seven days following the closure of the federal season since the 1999 fishery.

In 2001, the federal Pacific cod fishery was restructured following release of the Endangered Species Act Section 7 consultation; Biological Opinion and Incidental Take Statement (BiOp) on Steller sea lions (SSL). The fishery was split into an 'A' and a 'B' season; 60% of the annual Total Allowable Catch (TAC) was taken in the 'A' season that opened in January. The remaining 40% of the TAC was taken in a 'B' season that opened on September 1. In 2001, the Alaska Board of Fisheries (BOF) structured the opening of the state-waters season to occur seven days following the closure of the federal 'A' season. The state waters-season was to remain open until the total guideline harvest level (GHL) was attained, even if the federal 'B' season opened in adjacent federal waters. In recent years the Pacific cod TAC has declined, and this paired with increased effort in the federal 'A' season has resulted in an earlier opening of the state-waters season. The 2004 state-waters Pacific cod season opened on February 7 and is the earliest opening on record.

Kodiak Area state-waters Pacific cod fishery openings, 1997-2004.

	Pot Gear	Jig Gear
<b>1997</b>	<i>Fishery Dates:</i>	
	April 4 - May 4 September 1 - September 30 October 28 - December 31	April 4 - December 31 October 28- December 31
	<i>Management Actions:</i> September 1 - reopened to pot gear October 31 allocation rollover - gear limits, exclusive registration area lifted.	
<b>1998</b>	<i>Fishery Dates:</i>	
	March 17 - April 27 September 1 - December 31	March 17 - December 31
	<i>Management Actions:</i> September 1 - reopened to pot gear October 31 vessel size limit - gear limits, exclusive registration area lifted.	
<b>1999</b>	<i>Fishery Dates:</i>	
	March 21 - April 27 October 6 - December 31	March 21 - August 31 October 6 - December 31
	<i>Management Actions:</i> October 6 - reopen to pot gear. (following CGOA opening) October 31 - gear limits lifted, exclusive registration area lifted.	
<b>2000</b>	<i>Fishery Dates:</i>	
	March 11 - December 31	March 11 - December 31
	<i>Management Actions:</i> October 31 - limits on pots, jigs, and vessel size removed, exclusive registration area lifted.	
<b>2001</b>	<i>Fishery Dates:</i>	
	March 11 - December 31	March 11 - December 31
	<i>Management Actions:</i> September 1 - reopen to pot gear. October 31 - limits on pots, jigs, and vessel size removed, exclusive registration area lifted.	
<b>2002</b>	<i>Fishery Dates:</i>	
	March 16 - May 4 September 1 - December 31	March 16 - December 31
	<i>Management Actions:</i> September 1 - reopen to pot gear. October 31 - limits on pots, jigs, and vessel size removed, exclusive registration area lifted.	
<b>2003</b>	<i>Fishery Dates:</i>	
	February 16 - March 2	February 16 - May 9
	<i>Management Actions:</i> Fishery closed when GHIL allocations were attained.	
<b>2004</b>	<i>Fishery Dates:</i>	
	February 7 - February 22	February 7 - April 20
	<i>Management Actions:</i> Fishery closed when GHIL allocations were attained.	

In the first five years of the state-waters season in Kodiak, jig fishermen typically did not begin fishing en masse until the pot quota had been taken or they began fishing in late April or early May. As the state-waters season has become a more important fishery for small vessel operators, earlier and greater participation has occurred in the state-waters season. By the 2002 season, more jig fishermen were beginning their operations earlier in the season. In both the 2003 and 2004 seasons, jig fishermen began operating at the season opening. The overall jig quota in 2003 was attained in May. May had typically been the month of both the largest jig gear harvest and participation in previous seasons. The jig quota in 2004 was attained in late April.

DEPARTMENT COMMENTS: The department is neutral on this proposal. The department could manage the state-waters Pacific cod jig season on April 1.

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

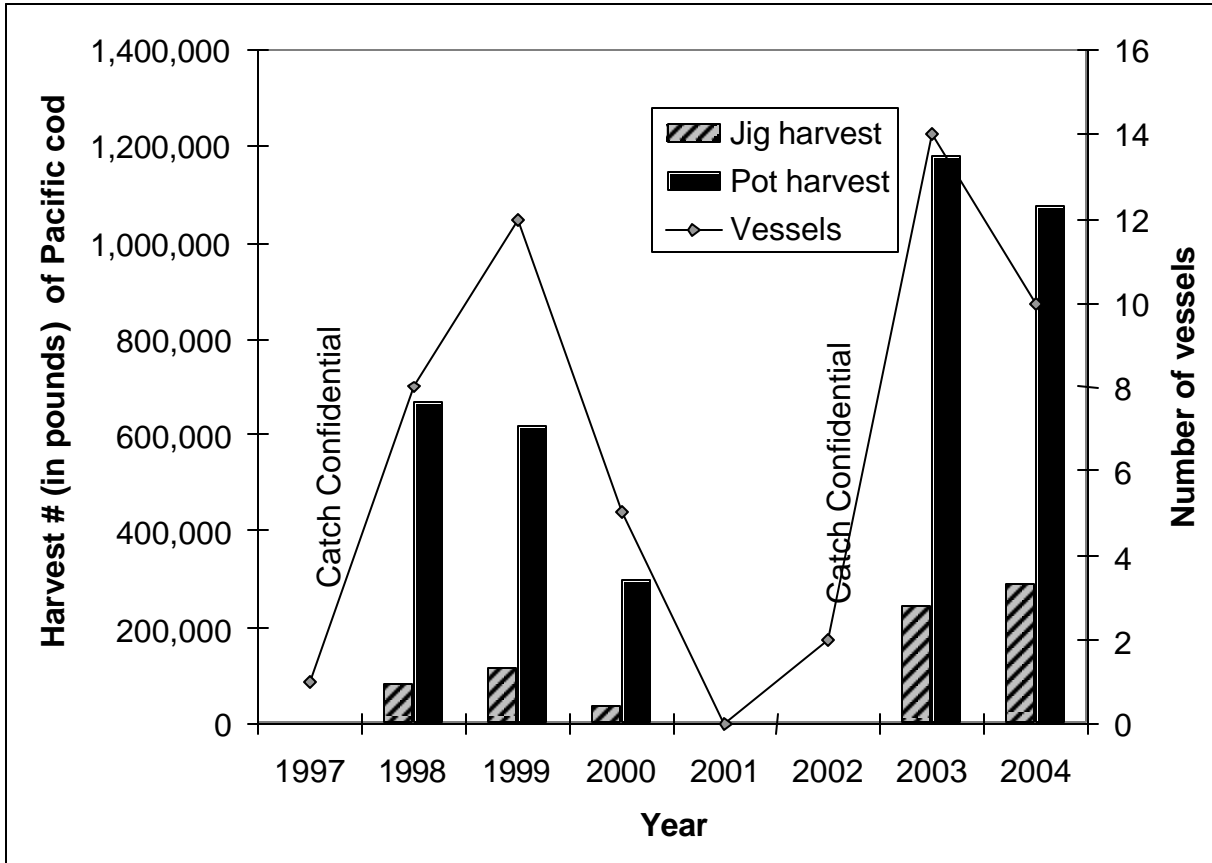
**PROPOSAL 70: Page 49, 5 AAC 28.406 KODIAK AREA REGISTRATION (a).**

WHAT WILL THE PROPOSAL DO? This proposal would make registration in the state-waters Pacific cod season superexclusive by gear type.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.406 KODIAK AREA REGISTRATION (a) designates the Kodiak Area as an exclusive registration area for the state-waters Pacific cod season. Of the five state-waters Pacific cod fisheries, all are exclusive except the Chignik Area, which is superexclusive. Exclusive registration prevents vessels that register for a state-waters Pacific cod season from registering for another state-waters Pacific cod registration area in the same calendar year and vice-versa. An exception could occur if a vessel registered for an exclusive area, then other state-waters areas were designated as nonexclusive registration late in the season as part of the suite of ‘mop-up’ provisions under their respective management plans. Under this circumstance, a vessel that began the year registered in the Kodiak Area could re-register for another registration area in the fall. There is no prohibition for using pot and jig gear over the course of a state-waters season in a registration area provided the vessel operator is not registered for both at the same time.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Vessels in the Kodiak Area state-waters Pacific cod season could only register for either pot or jig gear in the state-waters season. Once registered for one of the two gear types the vessel could not be registered for the other gear type in the same registration year or could not participate in any other state-waters Pacific cod fishery under any circumstance.

BACKGROUND: The number of vessels that have used both gear types within a registration year has varied from season to season. In earlier years of the state-waters seasons, the fishery typically lasted the majority of the year. In most instances, vessels that used both gear types were very successful with one gear type and not as successful with the other.



Harvest of Pacific cod by vessels using both pot and jig gears in the Kodiak Area state-waters season, 1997-2004.

In the past two seasons, the nature of the Kodiak Area state-waters Pacific cod season has changed. The jig fleet has demonstrated the ability to fully utilize their allocation; the pot fleet has done this in most seasons since the inception of the state waters fishery. The season for both gear types has decreased as effort within both the pot and jig fleets has increased. Many of the vessels that have used both gears have done so to maximize the amount of time in which they can access the Pacific cod resource given the shorter seasons and increased economic importance of the Pacific cod fishery.

The impact of vessels using both gear types in a season has been minor in the years 1997-2002. Beginning in 2003, vessels that participated with both gear types accounted for 24% of the total pot harvest and 8% of the jig harvest. In the 2004 fishery, vessels that used both gear types accounted for 17% of the total pot harvest and 7% of the total jig harvest.

Harvest (millions of pounds) of Pacific cod by gear type, by vessels registered to use both jig and pot gear during the season, and percent of the total harvest by these vessels, 1997-2004

	<u>Total amount harvested by gear type</u>		<u>Amount harvested by vessels using both gear types</u>		<u>Percent of total harvest by vessels that used both gear types</u>	
	Jig	Pot	Jig	Pot	Jig	Pot
1997/2002	3.4	13.0	0.1	0.1	3%	1%
1998	2.1	6.4	0.1	0.7	4%	10%
1999	2.3	8.4	0.1	0.6	5%	7%
2000	2.8	5.8	0.0	0.3	1%	5%
2001	1.3	3.7	No vessels used both gear types in this year.			
2003	3.2	5.0	0.2	1.2	8%	24%
2004	4.2	5.8	0.3	1.0	7%	17%

1997 and 2002 combined due to confidentiality restrictions.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of this proposal.

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

**PROPOSAL 71: Page 50, 5 AAC 28.406 KODIAK AREA REGISTRATION (a).**

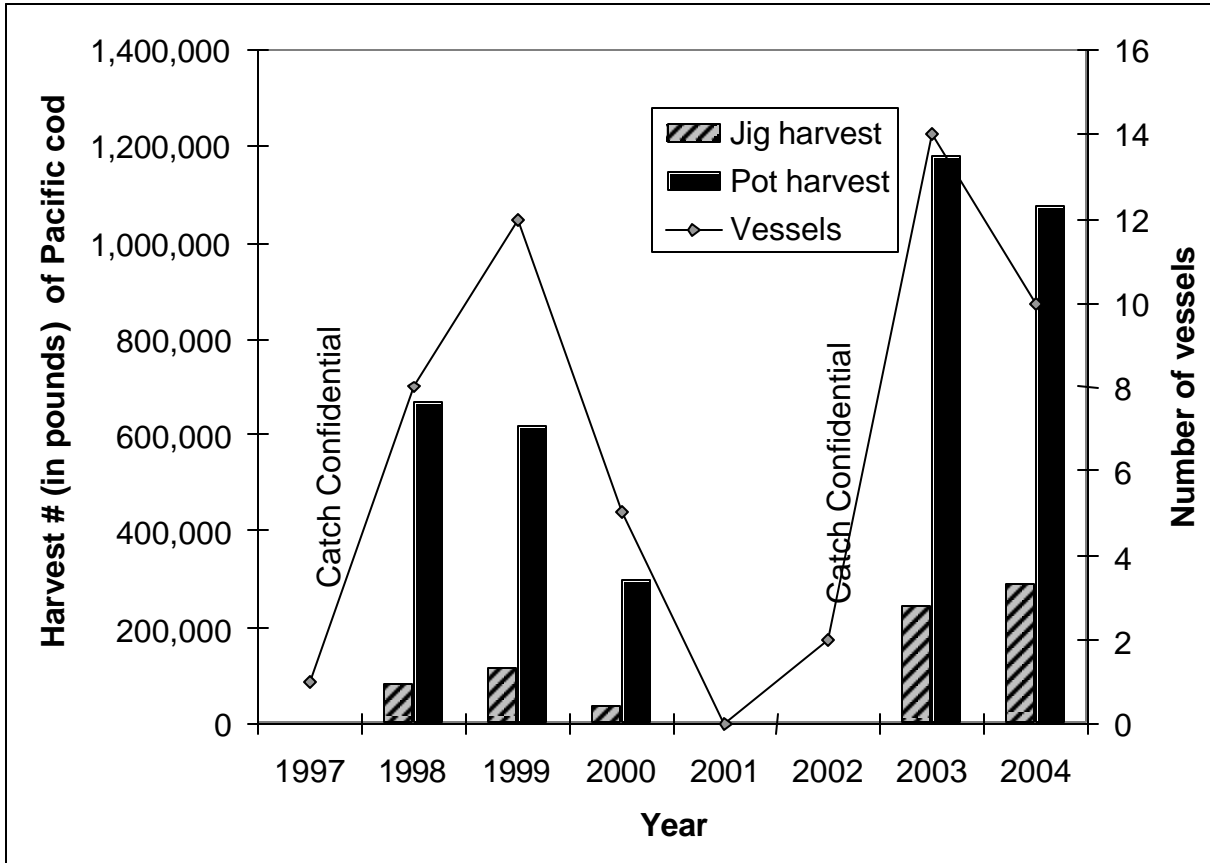
WHAT WILL THE PROPOSAL DO? This proposal would make registration in the state-waters Pacific cod season superexclusive by gear type.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.406 KODIAK AREA REGISTRATION (a) designates the Kodiak Area as an exclusive registration area for the state-waters Pacific cod season. Of the five state-waters Pacific cod fisheries, all are exclusive except the Chignik Area, which is superexclusive. Exclusive registration prevents vessels that register for the state-waters Pacific cod season from registering for another state-waters Pacific cod registration area in the same calendar year and vice-versa. An exception could occur if a vessel registered for an exclusive area, then other state-waters areas were designated as nonexclusive registration late in the season as part of the suite of ‘mop-up’ provisions under their respective management plans. Under this circumstance, a vessel that began the year registered in the Kodiak Area could re-register for another registration area in the fall. There is no prohibition for using pot and jig gear over the course of a state-waters season in a registration area provided the vessel operator is not registered for both at the same time.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Vessels in the Kodiak Area state-waters Pacific cod season could only register for either pot or jig gear in the state-waters season. Once registered for one of the two gear types, the vessel could not be registered for the other gear type in the same registration year or could not participate in any other state-waters Pacific cod fishery under any circumstance.

BACKGROUND: The number of vessels that have used both gear types within a registration year has varied from season to season. In earlier years of the state-waters seasons, the fishery typically lasted the majority of the year. In most instances, vessels that used both gear types were very successful with one gear type and not as successful with the other.





Harvest of Pacific cod by vessels using both pot and jig gears in the Kodiak Area state-waters season, 1997-2004.

In the past two seasons, the nature of the Kodiak Area state-waters Pacific cod season has changed. The jig fleet has demonstrated the ability to fully utilize their allocation; the pot fleet has done this in most seasons since the inception of the state waters fishery. The season for both gear types has decreased as effort within both the pot and jig fleets has increased. Many of the vessels that have used both gears have done so to maximize the amount of time in which they can access the Pacific cod resource given the shorter seasons and increased economic importance of the Pacific cod fishery.

The impact of vessels using both gear types in a season has been minor in the years 1997-2002. Beginning in 2003, vessels that participated with both gear types accounted for 24% of the total pot harvest and 8% of the total jig harvest. In the 2004 fisheries, vessels that used both gear types accounted for 17% of the total pot harvest and 7% of the total jig harvest.

Harvest (millions of pounds) of Pacific cod by gear type, by vessels registered to use both jig and pot gear during the season, and percent of the total harvest by these vessels, 1997-2004

	<u>Total amount harvested by gear type</u>		<u>Amount harvested by vessels using both gear types</u>		<u>Percent of total harvest by vessels that used both gear types</u>	
	Jig	Pot	Jig	Pot	Jig	Pot
1997/2002	3.4	13.0	0.1	0.1	3%	1%
1998	2.1	6.4	0.1	0.7	4%	10%
1999	2.3	8.4	0.1	0.6	5%	7%
2000	2.8	5.8	0.0	0.3	1%	5%
2001	1.3	3.7	No vessels used both gear types in this year.			
2003	3.2	5.0	0.2	1.2	8%	24%
2004	4.2	5.8	0.3	1.0	7%	17%

1997 and 2002 combined due to confidentiality restrictions.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of this proposal.

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

**PROPOSAL 72: Page 50, 5 AAC 28.406. KODIAK AREA REGISTRATION.**

WHAT WILL THE PROPOSAL DO? This proposal would prohibit vessels that had registered for any other Pacific cod fishery, inclusive of the parallel, federal, or a state-waters season, from registering for the Kodiak Area state-waters Pacific cod jig gear season.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.406 KODIAK AREA REGISTRATION (a) designates the Kodiak Area as an exclusive registration area for the state-waters Pacific cod season. Exclusive registration prevents vessels that register for a state-waters Pacific cod season from registering for another state-waters Pacific cod registration area in the same calendar year. An exception could occur if a vessel registered for an exclusive area, then other state-waters areas were designated as nonexclusive registration late in the season as part of the suite of ‘mop-up’ provisions under their respective management plans. Under this circumstance, a vessel that began the year registered in the Kodiak Area could re-register for another registration area in the fall. There is no prohibition for a vessel registering in a federal or parallel season then registering for the state-waters jig season in the Kodiak Area. All five state-waters Pacific cod fisheries are exclusive or superexclusive; if a vessel registered to participate in another area it would not be able to participate in the Kodiak Area jig fishery. Currently, a vessel that registers to fish with pot gear in the Kodiak Area state-waters season may change to the jig fishery by revising their registration with the department.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Vessels that register for the parallel or federal season for Pacific cod using any gear type would be prohibited from participating in the Kodiak Area state-waters jig season. In addition, vessels that register to use pots in the Kodiak Area state-waters season would not be permitted to re-register for the fishery using jig gear within the calendar year.

Number of vessels, by gear type, that made landings in other Pacific cod fisheries<sup>a</sup> and participated in the Kodiak Area state-waters jig fisheries, 2000-2004.

Year	Gear Type			
	Jig	Pots	Longline	Trawl
2000	13	3	17	0
2001	11	0	4	0
2002	6	1	3	0
2003	12	1	3	0
2004	28	4	14	0

<sup>a</sup>Includes participation in federal and parallel fisheries; does not include longline vessels that retained Pacific cod while fishing for Pacific halibut or sablefish.

BACKGROUND: The number of vessels that have participated in parallel or federally managed Pacific cod fisheries and were also used in the Kodiak Area state-waters Pacific cod fishery has varied.

In the most recent fisheries, the majority of vessels that participated in other cod fisheries and the state-waters fishery in the same year were jig fishers. In 2004, twenty-eight jig vessels made landings in federal or parallel Pacific cod fisheries then were also used in the state-waters Pacific cod fishery. Fourteen longline vessels were also used in the state-waters fishery and other Pacific cod fisheries; four pot vessels were used in both the state and other cod fisheries. There were no trawl vessels that used trawl gear in the parallel or federal fishery then jig gear in the state-waters fishery.

Harvest in the 2004 Kodiak Area state-waters jig season by vessels that made landings in other Pacific cod fisheries <sup>a</sup>

	Pounds	Total Jig Harvest	Percent of total jig harvest by 'other cod fishery' participants
Jig	1,480,958		35%
Longline	740,186		18%
Pot	176,486		4%
<b>Total</b>	<b>2,397,630</b>	<b>4,212,416</b>	<b>57%</b>

<sup>a</sup> Includes participation in federal and parallel fisheries; does not include longline vessels that retained Pacific cod while fishing for Pacific Halibut or sablefish.

The total jig gear harvest in the 2004 Kodiak Area state-waters season was 4.2 million pounds. The aforementioned 28 'cross-over' jig vessels took 1.5 million pounds or 35% of the total harvest. Crossover longline vessels harvested 0.7 million pounds or 18% of the total harvest. Pot vessels that were used in both other Pacific cod fisheries and in the state-waters fishery took 0.2 million pounds or 4% of the total harvest.

Within the 2003 Kodiak Area state-waters Pacific cod season, 14 vessels that participated with pot gear also made landings with jig gear. These vessels harvested 8% of the total jig harvest. In 2004, ten vessels used both gear types. These vessels harvested 7% of the total jig gear harvest for the year.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of this proposal. An opinion from the Alaska Department of Law indicated that it is unlikely that participation in a federal fishery could be used to disqualify a vessel or fisherman from participating in a state fishery. If the Board of Fisheries is inclined to adopt this proposal, additional clarifications may be needed to determine if vessels that had participated in federal fisheries could be excluded from participation in the state-waters fishery.

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

**PROPOSAL 73: Page 51, 5 AAC 28.406. KODIAK AREA REGISTRATION.**

WHAT WILL THE PROPOSAL DO? This proposal would prohibit vessels that register for the parallel longline Pacific cod fishery or the Kodiak Area state-waters pot gear fishery from registering for the Kodiak Area state-waters Pacific cod jig season.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.406 KODIAK AREA REGISTRATION (a) designates the Kodiak Area as an exclusive registration area for the state-waters Pacific cod season. Exclusive registration prevents vessels that register for a state-waters Pacific cod season from registering for another state-waters Pacific cod area in the same calendar year. An exception could occur if a vessel registered for an exclusive area, then other state-waters areas are designated as nonexclusive registration areas late in the season as part of the suite of ‘mop-up’ provisions under their respective management plans. Under this circumstance, a vessel that began the year registered in the Kodiak Area could re-register for another registration area in the fall. There is no prohibition that would prohibit a vessel from registering in a parallel season then registering for the state-waters jig season in the Kodiak Area. All five state-waters Pacific cod fisheries are exclusive or superexclusive; if a vessel registered to participate in another area it would not be able to participate in the Kodiak Area jig fishery. Currently, a vessel that registers to fish with pot gear in the Kodiak Area state-waters season may change to the jig fishery by revising their registration with the department.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Vessels that register for the parallel Pacific cod season using longline gear would be prohibited from participating in the Kodiak Area state-waters jig season. In addition, vessels that register to use pots in the Kodiak Area state-waters season would not be permitted to re-register for the fishery using jig gear within the calendar year.

BACKGROUND: In the 2003 Kodiak Area state-waters jig season, 14 vessels that participated with pot gear also made landings with jig gear. These vessels harvested 8% of the total jig harvest. In 2004, ten vessels used both gear types. These vessels harvested 7% of the total jig gear harvest for the year. Additional information regarding vessels that have used both gear types in the state-waters season can be found in the staff comments for Proposals 70 and 71.

In the past five years of the state-waters Pacific cod season, the number of vessels that participated with jig gear that had used longline gear in the parallel or federal cod season has varied from a high of 17 in 2000 to a low of 3 in 2002 and 2003. In the 2004 season, fourteen vessels used longline gear in the parallel and federal season then used jig gear in the state-waters season. These vessels harvested 0.7 million pounds or 18% of the total jig gear harvest. Additional information regarding vessels that have used longline gear in other cod fisheries and jig gear in the state-waters season can be found in the staff comments for Proposal 72.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of this proposal.

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

**PROPOSAL 74: Page 51, 5 AAC 28.406. KODIAK AREA PACIFIC COD MANAGEMENT PLAN.**

WHAT WILL THE PROPOSAL DO? This proposal would prohibit vessels participating in the Kodiak Area state-waters Pacific cod jig season from having gear other than mechanical jigging machines and ‘other appropriate gear’ onboard during fishing operations. The other appropriate gear is assumed to mean gear meeting the legal definition of hand troll gear, replacement hooks, lures, bait, line, and other replacement parts needed for repairs during mechanical jig or hand troll fishing operations.

WHAT ARE THE CURRENT REGULATIONS? There are no regulations that prohibit other gear types from being onboard a vessel during groundfish operations listed in the Kodiak Area or under the general provisions chapter of groundfish regulations. 5 AAC 28.467 (c) specifies that the commissioner shall open a state-waters season for Pacific cod for mechanical jigging machines, hand troll gear, and pots. Therefore, these are the legal gear types for the state-waters Pacific cod season.

5 AAC 39.105 LEGAL TYPES OF GEAR (a) states that all gear shall be operated in a manner conforming to its basic design; (d)(13) defines longline gear as a stationary buoyed or anchored line or a floating, free drifting line with lures or baited hooks attached; (d)(25) defines mechanical jig machines as a device that deploys a line with hooks and retrieves that line and hooks with electric, hydraulic, or mechanically powered assistance. The definition of mechanical jigging machines also states that the line with hooks may only be fished in the water column and that the machine must be attached to the vessel registered to fish and may not be anchored or operated off the vessel. 5 AAC 28.430 LAWFUL GEAR FOR KODIAK AREA (f)(1) and (2) specifies that mechanical jig machines used to take groundfish must have no more than five lines with no more than 30 hooks per line or be a single continuous line with not more than 150 hooks.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Vessels participating in the Kodiak Area state-waters Pacific cod jig season could only have gear onboard conforming to the definition of mechanical jig gear and other approved mechanical jig or hand troll devices. Specific gear (e.g., longline gear) and devices would be prohibited from being onboard a vessel registered for the state-waters jig season.

BACKGROUND: During the 2004 Kodiak Area state-waters Pacific cod season, several participants indicated they suspected a number of vessels were operating illegal longline gear to harvest Pacific cod. These accusations could not be confirmed by ADF&G or the Alaska Bureau of Wildlife Enforcement (ABWE).

Some vessel operators participating in the state-waters season have stated that they use their longline-hauling reel and in some instances their longline groundline to set and retrieve the anchor used to keep the vessel from drifting while fishing.

Most participating vessels use ‘off the shelf’ mechanical jigging machines; however, some vessels do use modified longline gear in a manner that is consistent with the mechanical jigging machine definition in 5 AAC 39.105(d)(25) and 5 AAC 28.430(f)(1) and (2) defining legal gear for the Kodiak Area. Some

participants voiced concern that some vessels were involved in illegal operations using longline gear in a manner consistent with the 5 AAC 39.105(d)(13) definition of longline gear. Fourteen vessels that participated in the 2004 Kodiak Area state-waters Pacific cod jig fishery also registered to fish with longline gear in the parallel or federal Pacific cod season in 2004. Three hundred and sixty vessels registered for the parallel or federal groundfish seasons, 148 vessels registered for the state-waters Pacific cod season.

The ability to surreptitiously use longline gear would present a distinct advantage to those vessels that chose to do so. In 1999, the Board of Fisheries (BOF) adopted regulatory language to more clearly define mechanical jig machines based on their intended performance. At that time, accusations that various configurations of illegal longline gear were in use in the fishery was the driving factor. Reports at that time were that vessel operators were using longlines but kept one end attached to the vessel while stringing the groundline out on the bottom with copious amounts of hooks. Hence, the BOF adopted the language defining the use of jig gear in the water column and prohibiting the distal end of the gear from being anchored on the bottom. Hand troll gear continues to be very loosely defined. Essentially, it is any gear operation that does not meet the mechanical aspect of the jig definition but does meet the measure of operating in the water column, is not anchored, is attached to the vessel on at least one end. This includes fishing poles, hand lines, etc.

Unless the language and intent is clear in any regulation adopted to prohibit longline gear, hauling reels, and other illegal gear accoutrements, enforcement would be challenging. Even if a vessel were required to submit to a voluntary inspection program at registration, additional gear and even means to haul gear, could be stowed out of plain sight and not easily detected during inspection. If vessels passed inspection, they may still be able to find a way to bend or break the intent of the regulations regarding jig gear.

DEPARTMENT COMMENTS: The department supports this proposal.

COST ANALYSIS: Adoption of this proposal may result in an additional direct cost for a private person to participate if vessels are prohibited from using modified longline gear in a manner that meets the mechanical jig definition or if vessels that use their longline reel as an anchor winch can no longer do so.

**PROPOSAL 75: Page 52, 5 AAC 28.406. KODIAK AREA PACIFIC COD MANAGEMENT PLAN.**

WHAT WILL THE PROPOSAL DO? This proposal would prohibit vessels participating in the Kodiak Area state-waters Pacific cod jig season from having longline reels and longline “tub gear” onboard.

WHAT ARE THE CURRENT REGULATIONS? There are no regulations that prohibit other gear types from being onboard a vessel during groundfish operations in the Kodiak Area or under the general provisions chapter of groundfish regulations. 5 AAC 28.467 (c) specifies that the commissioner shall open a state-waters season for Pacific cod for mechanical jigging machines, hand troll gear, and pots. Therefore, these are the legal gear types for the state-waters Pacific cod season.

5 AAC 39.105 LEGAL TYPES OF GEAR (a) states that all gear shall be operated in a manner conforming to its basic design; (d)(13) defines longline gear as a stationary buoyed or anchored line or a floating, free drifting line with lures or baited hooks attached; (d)(25) defines mechanical jig machines as a device that deploys a line with hooks and retrieves that line and hooks with electric, hydraulic, or mechanically powered assistance. The definition of mechanical jigging machines also states that the line with hooks may only be fished in the water column and that the machine must be attached to the vessel registered to fish and may not be anchored or operated off the vessel. 5 AAC 28.430 LAWFUL GEAR FOR KODIAK AREA (f)(1) and (2) specifies that mechanical jig machines used to take groundfish must have no more than five lines with no more than 30 hooks per line or be a single continuous line with not more than 150 hooks.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Vessels participating in the Kodiak Area state-waters Pacific cod jig season could only have gear onboard conforming to the definition of mechanical jig gear and other devices. Specific gear (e.g., longline gear) and devices would be prohibited from being onboard a vessel registered for the state-waters jig season.

BACKGROUND: During the 2004 Kodiak Area state-waters Pacific cod season, several participants indicated they suspected a number of vessels were operating illegal longline gear to harvest Pacific cod. These accusations could not be confirmed by ADF&G or the Alaska Bureau of Wildlife Enforcement (ABWE).

Some vessel operators participating in the state-waters season have stated that they use their longline-hauling reel and in some instances their longline groundline to set and retrieve the anchor used to keep the vessel from drifting while fishing.

Most participating vessels use ‘off the shelf’ mechanical jigging machines; however, some vessels do use modified longline gear in a manner that is consistent with the mechanical jigging machine definition in 5 AAC 39.105(d)(25) and 5 AAC 28.430(f)(1) and (2) defining legal gear for the Kodiak Area. Some participants voiced concern that some vessels were involved in illegal operations using longline gear in a manner consistent with the 5 AAC 39.105(d)(13) definition of longline gear. Fourteen vessels that participated in the 2004 Kodiak Area state-waters Pacific cod jig fishery also registered to fish with



longline gear in the parallel or federal Pacific cod season in 2004. Three hundred and sixty vessels registered for the parallel or federal groundfish seasons, 148 vessels registered for the state-waters Pacific cod season.

The ability to surreptitiously use longline gear would present a distinct advantage to those vessels that chose to do so. In 1999, the Board of Fisheries (BOF) adopted regulatory language to more clearly define mechanical jig machines based on their intended performance. At that time, accusations that various configurations of illegal longline gear were in use in the fishery was the driving factor. Reports at that time were that vessel operators were using longlines but kept one end attached to the vessel while stringing the groundline out on the bottom with copious amounts of hooks. Hence, the BOF adopted the language defining the use of jig gear in the water column and prohibiting the distal end of the gear from being anchored on the bottom. Hand troll gear continues to be very loosely defined. Essentially, it is any gear operation that does not meet the mechanical aspect of the jig definition but does meet the measure of operating in the water column, is not anchored, is attached to the vessel on at least one end. This includes fishing poles, hand lines, etc.

Unless the language and intent is clear in any regulation adopted to prohibit longline gear, hauling reels, and other illegal gear accoutrements, enforcement would be challenging. Even if a vessel were required to submit to a voluntary inspection program at registration, additional gear and even means to haul gear, could be stowed out of plain sight and not easily detected during inspection. If vessels passed inspection, they may still be able to find a way to bend or break the intent of the regulations regarding jig gear.

DEPARTMENT COMMENTS: The department is supportive of measures that reduce the potential to use illegal gear in the state-waters season.

COST ANALYSIS: Adoption of this proposal may result in an additional direct cost for a private person to participate if vessels are prohibited from using modified longline gear in a manner that meets the mechanical jig definition or if vessels that use their longline reel as an anchor winch can no longer do so.

**PROPOSAL 76: Page 52, 5 AAC 28.467. KODIAK AREA PACIFIC COD MANAGEMENT PLAN.**

WHAT WILL THE PROPOSAL DO? This proposal would establish a 58-foot vessel size limit for the Kodiak Area state-waters Pacific cod jig season.

WHAT ARE THE CURRENT REGULATIONS? There are no regulations that restrict the vessel size that may be used in the Kodiak Area jig season. 5 AAC 28.467(c)(4) restricts vessels using pot gear that are greater than 58 feet in overall length to 25 percent of the guideline harvest level (GHL) before August 31. Only vessels 58 feet or less in overall length may be used in the Chignik and South Alaska Peninsula Area state-waters Pacific cod pot and jig seasons.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Only vessels 58 feet or less in overall length could register for and participate in the state-waters Pacific cod mechanical jig and hand troll gear season.

BACKGROUND: In the eight year history of the Kodiak Area state-waters jig season, no more than five vessels larger than 58 feet in overall length have been used in any given year. This occurred in 1999. The five registered vessels harvested a total of 46,956 pounds; slightly more than 2% of the total jig harvest. However two of these five vessels did not make a landing. In 2003, four vessels greater than 58 feet in overall length participated in the jig fishery. They harvested a combined total of 45,815 pounds or 1.4% of the total 3.2 million pounds landed in the jig fishery. In 2004, three vessels greater than 58 feet in overall length participated in the jig fishery. They harvested a combined total of 209,750 pounds or 5% of the total 4.2 million pounds landed in the jig fishery.

Kodiak Area jig vessel registrations and vessel size, 1997-2004.

	Total Jig vessels	>58'	≤ 58'	% of jig registrations > 58'
1997	80	3	77	4%
1998	87	1	86	1%
1999	110	5	104	5%
2000	151	3	148	2%
2001	101	1	100	1%
2002	68	1	67	1%
2003	104	4	100	4%
2004	142	3	139	2%
Average	105	3	103	3%

DEPARTMENT COMMENTS: The department is neutral on this allocative proposal.

COST ANALYSIS: Adoption of this proposal will not result in an additional direct cost for a private person to participate. If vessels are excluded because a new size restriction is implemented, it is possible some vessel operators will lose revenue.

**PROPOSAL 77: Page 53, 5 AAC 28.467. KODIAK AREA PACIFIC COD MANAGEMENT PLAN.**

WHAT WILL THE PROPOSAL DO? This proposal would create an ‘overharvest provision’ in the Kodiak Area state-waters Pacific cod season. If a gear type (pot or jig) exceeds their allocation, the percent overage would be subtracted from the allocation to that same gear type in the following year and awarded to the other gear type.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.467 KODIAK AREA PACIFIC COD MANAGEMENT PLAN(c)(1) and (2) allocates 50% of the annual guideline harvest level (GHL) to mechanical jig and hand troll gears and 50% of the GHL to pot gear. The pot allocation is also apportioned to large and small vessels. Because both gear types share allocations under one total GHL, when an overage occurs, the overage results in reducing the other gear type’s allocation by that amount to preserve the total GHL for the year.

Additional provisions of the management plan allow the season to be reopened to both gear types on September 1 if GHL remains to be harvested before the regulatory closure of December 31. When this ‘allocation rollover’ occurs, the GHL allocations by gear type are removed.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Harvest that exceeds a gear type’s GHL before the September 1 allocation rollover would be subtracted from that gear type’s allocation in the following year. For example, if the pot season exceeds its 50% allocation by 10%, in the following year the pot allocation would be reduced to 40% and the jig allocation increased to 60%.

BACKGROUND: Recent Kodiak Area state-waters Pacific cod seasons have high pot effort following the season opening. The pot allocation is taken in a matter of weeks.

Kodiak Area state-waters Pacific cod fisheries information in millions of pounds, 1997-2004

Year	GHL	Allocations for each gear type	Pot Harvest	Jig Harvest	Total Harvest	% Harvested by Pot Gear	% Harvested by Jig Gear	Fall allocation rollover occurred
1997	8.5	4.25	5.5	2.0	7.5	74%	26%	Yes
1998	8.1	4.05	6.4	2.1	8.5	75%	25%	Yes
1999	11.7	5.85	8.4	2.3	10.7	79%	21%	Yes
2000	12.0	6.00	5.8	2.8	8.6	67%	33%	Yes
2001	10.6	5.30	3.7	1.3	4.9	74%	26%	Yes
2002	8.7	4.35	7.4	1.4	8.8	84%	16%	Yes
2003	8.0	4.00	5.0	3.2	8.1	61%	39%	No
2004	9.9	4.95	5.8	4.2	10.0	58%	42%	No

In 2003, the jig fleet harvested their 50% allocation before the fall allocation rollover of September 1. However, in that year, the pot quota was exceeded by 959,262 pounds or 24%. During the 2003 season, favorable weather paired with strong catch rates allowed the pot fleet to maximize harvest in the final 48-hours of the fishery following the announcement of the closure. As a result, the jig gear allocation of 4.0 million pounds was reduced to 3.1 million pounds to contain the overall Pacific cod harvest within the total GHL. The remaining quota was taken and the jig fishery closed on May 9 when

the total GHL was met. At the average exvessel price paid in 2003 of \$0.27 per pound for jig-caught fish, this amounts to \$259,000 of lost revenue to the jig fleet; divided equally amongst the registered fleet of 101 jig vessels, this averaged \$2,564 per vessel.

For the 2004 season, staff tracked pot gear harvest and projected harvest rates to determine a pot closure. These measures were not successful; pot catch rates were strong and more than projected was harvested after the closure announcement. The pot allocation was exceeded by 873,605 pounds or 18%. Again, this meant that the jig allocation was reduced from 4.95 million pounds to 4.1 million pounds or to 83% of the original allocation. At the average exvessel price in 2004 of \$0.36/pound, this amounted to \$314,498 of lost revenue; divided equally amongst the registered fleet of 140 jig vessels, this averaged \$2,246 per vessel.

At the core of this problem is the ability of the pot fleet to catch large amounts of Pacific cod in very short periods of time, variable daily harvest rates throughout the fishery, and the department's ability to predict pot catch in a 24 to 48-hour period. Past harvest data indicate the pot fleet can harvest from 500,000 to over 1,000,000 pounds in 36 hours. The department is continuing development of inseason harvest tracking to address the rapid pot fishery and is attempting to manage the pot fishery more conservatively.

DEPARTMENT COMMENTS: The department supports measures to allow gear types to achieve their respective allocations. The department opposes this specific proposal as there is the potential that pot fishers may still exceed their allocation. The department views the creation of a system that revises allocations on the following year's Pacific cod stock as undesirable.

If adopted, clear guidance would be needed from the Board of Fisheries regarding how the penalty would be implemented. Pacific cod stock size varies from year to year, therefore the overage in pounds when applied as a percentage would be unequal between years unless the GHL did not change. Exvessel value of Pacific cod often varies from year to year. It is possible that in years with strong fishing and high exvessel prices that vessel operators may be inclined to try and maximize their harvest while conditions are good, rather than hope for similar circumstances in the next year's fishery.

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

**PROPOSAL 78: Page 54, 5 AAC 28.467. KODIAK AREA PACIFIC COD MANAGEMENT PLAN.**

WHAT WILL THE PROPOSAL DO? This proposal would create an ‘overharvest provision’ in the Kodiak Area state-waters Pacific cod season. If a gear type (pot or jig) exceeds their allocation, the percent overage would be subtracted from the allocation to that same gear type in the following year and awarded to the other gear type.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.467 KODIAK AREA PACIFIC COD MANAGEMENT PLAN(c)(1) and (2) allocates 50% of the annual guideline harvest level (GHL) to mechanical jig and hand troll gears and 50% of the GHL to pot gear. The pot allocation is also apportioned to large and small vessels. Because both gear types share allocations under one total GHL, when an overage occurs, the overage results in reducing the other gear type’s allocation by that amount to preserve the total GHL for the year.

Additional provisions of the management plan allow the season to be reopened to both gear types on September 1 if GHL remains to be harvested before the regulatory closure of December 31. When this ‘allocation rollover’ occurs, the GHL allocations by gear type are removed.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Harvest that exceeds a gear type’s GHL before the September 1 allocation rollover would be subtracted from that gear type’s allocation in the following year. For example, if the pot season exceeds its 50% allocation by 10%, in the following year the pot allocation would be reduced to 40% and the jig allocation increased to 60%.

BACKGROUND: Recent Kodiak Area state-waters Pacific cod seasons have high pot effort following the season opening. The pot allocation is taken in a matter of weeks.

Kodiak Area state-waters Pacific cod fisheries information in millions of pounds, 1997-2004

Year	GHL	Allocations for each gear type	Pot Harvest	Jig Harvest	Total Harvest	% Harvested by Pot Gear	% Harvested by Jig Gear	Fall allocation rollover occurred
1997	8.5	4.25	5.5	2.0	7.5	74%	26%	Yes
1998	8.1	4.05	6.4	2.1	8.5	75%	25%	Yes
1999	11.7	5.85	8.4	2.3	10.7	79%	21%	Yes
2000	12.0	6.00	5.8	2.8	8.6	67%	33%	Yes
2001	10.6	5.30	3.7	1.3	4.9	74%	26%	Yes
2002	8.7	4.35	7.4	1.4	8.8	84%	16%	Yes
2003	8.0	4.00	5.0	3.2	8.1	61%	39%	No
2004	9.9	4.95	5.8	4.2	10.0	58%	42%	No

In 2003, the jig fleet harvested their 50% allocation before the fall allocation rollover of September 1. However, in that year, the pot quota was exceeded by 959,262 pounds or 24%. During the 2003 season, favorable weather paired with strong catch rates allowed the pot fleet to maximize harvest in the final 48-hours of the fishery following the announcement of the closure. As a result, the jig gear allocation of 4.0 million pounds was reduced to 3.1 million pounds to contain the overall Pacific cod harvest within the total GHL. The remaining quota was taken and the jig fishery closed on May 9 when

the total GHL was met. At the average exvessel price paid in 2003 of \$0.27 per pound for jig-caught fish, this amounts to \$259,000 of lost revenue to the jig fleet; divided equally amongst the registered fleet of 101 jig vessels, this averaged \$2,564 per vessel.

For the 2004 season, staff tracked pot gear harvest and projected harvest rates to determine a pot closure. These measures were not successful; pot catch rates were strong and more than projected was harvested after the closure announcement. The pot allocation was exceeded by 873,605 pounds or 18%. Again, this meant that the jig allocation was reduced from 4.95 million pounds to 4.1 million pounds or to 83% of the original allocation. At the average exvessel price in 2004 of \$0.36/pound, this amounted to \$314,498 of lost revenue; divided equally amongst the registered fleet of 140 jig vessels, this averaged \$2,246 per vessel.

At the core of this problem is the ability of the pot fleet to catch large amounts of Pacific cod in very short periods of time, variable daily harvest rates throughout the fishery, and the department's ability to predict pot catch in a 24 to 48-hour period. Past harvest data indicate the pot fleet can harvest from 500,000 to over 1,000,000 pounds in 36 hours. The department is continuing development of inseason harvest tracking to address the rapid pot fishery and is attempting to manage the pot fishery more conservatively.

DEPARTMENT COMMENTS: The department supports measures to allow gear types to achieve their respective allocations. The department opposes this specific proposal as there is the potential that pot fishers may still exceed their allocation. The department views the creation of a system that revises allocations on the following year's Pacific cod stock as undesirable.

If adopted, clear guidance would be needed from the Board of Fisheries regarding how the penalty would be implemented. Pacific cod stock size varies from year to year, therefore the overage in pounds when applied as a percentage would be unequal between years unless the GHL did not change. Exvessel value of Pacific cod often varies from year to year. It is possible that in years with strong fishing and high exvessel prices that vessel operators may be inclined to try and maximize their harvest while conditions are good, rather than hope for similar circumstances in the next year's fishery.

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

**PROPOSAL 79: Page 54, 5 AAC 28.467. KODIAK AREA PACIFIC COD MANAGEMENT PLAN.**

WHAT WILL THE PROPOSAL DO? This proposal would require that the Kodiak Area Pacific cod pot gear season be closed when 75% of the pot gear allocation has been attained. Trip limits would then be set for each pot vessel in the fishery to attain the remainder of the pot allocation.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.467 KODIAK AREA PACIFIC COD MANAGEMENT PLAN(c)(2) specifies that the season will close when 50% of the annual guideline harvest level (GHL) is taken by pot gear. If the remaining 50% of the GHL is not taken by mechanical jig machines and hand troll gear before September 1, the fishery can be reopened to all gear types. Vessels greater than 58 feet in overall length using pot gear are further restricted to 25% of the total GHL before September 1.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The pot season would close when the department estimated that 75% of the pot allocation was taken. Pot vessels would be required to deliver to complete the ‘reassessment of remaining quota’ described in the proposal. Trip limits would be assigned to the participating pot vessels to attain the remainder of the full pot allocation (50% of the total GHL).

BACKGROUND: Kodiak Area state-waters Pacific cod seasons have high effort following the season opening. In recent years the pot allocation is taken in a matter of weeks.

Kodiak Area state-waters Pacific cod fisheries information in millions of pounds, 1997-2004

Year	GHL	Allocations for each gear type	Pot Harvest	Jig Harvest	Total Harvest	% Harvested by Pot Gear	% Harvested by Jig Gear	Fall allocation rollover occurred
1997	8.5	4.25	5.5	2.0	7.5	74%	26%	Yes
1998	8.1	4.05	6.4	2.1	8.5	75%	25%	Yes
1999	11.7	5.85	8.4	2.3	10.7	79%	21%	Yes
2000	12.0	6.00	5.8	2.8	8.6	67%	33%	Yes
2001	10.6	5.30	3.7	1.3	4.9	74%	26%	Yes
2002	8.7	4.35	7.4	1.4	8.8	84%	16%	Yes
2003	8.0	4.00	5.0	3.2	8.1	61%	39%	No
2004	9.9	4.95	5.8	4.2	10.0	58%	42%	No

In 2003, the jig fishery became ‘fully utilized’ in that the jig fleet fully attained the remainder of the total GHL available after the pot closure before the September rollover. The 2004 jig allocation was harvested in 2.5 months. In the 2003 and 2004 seasons, pot gear exceeded their specified 50% of the GHL allocation. As both gear types share allocations within a total GHL, and because the pot allocation was attained before the jig allocation these overages had the effect of reducing the GHL available to the jig fleet.

DEPARTMENT COMMENTS: The department supports measures to improve management precision and ensure that gear groups have their full allocation available to harvest. Adoption of this proposal could allow for much more precise management, ensuring that the pot allocation is not grossly

exceeded while still allowing pot fishery participants full access to the resource during the spring. This would eliminate the need for pot fishery participants to gear up again in the fall to fully attain their allocation. In most years, such an 'equal share' trip limit would have exceeded the average delivery made during the pot season provided that the pot fishery would have been closed at 75% of the GHL, however, since 2002 the average delivery has exceeded such an equal share trip limit; certainly such limits would restrict higher than average deliveries.

Kodiak Area state-waters Pacific cod pot fishery information in millions of pounds, 1997-2004

Year	Allocation for Pot gear	75% of the Pot allocation	Remaining pounds for trip limits	No. of Pot vessels	Hypothetical 'equal share' trip limit	Average delivery during pot season	Largest delivery during pot season
1997	4.25	3.19	1.06	40	26,563	23,906	121,851
1998	4.05	3.04	1.01	52	19,471	20,142	111,070
1999	5.85	4.39	1.46	81	18,056	18,148	66,061
2000	6.00	4.50	1.50	69	21,739	11,951	57,708
2001	5.30	3.98	1.33	36	36,806	15,429	68,862
2002	4.35	3.26	1.09	33	32,955	35,242	121,236
2003	4.00	3.00	1.00	42	23,810	33,284	109,239
2004	4.95	3.71	1.24	38	32,566	36,171	102,139

Some additional direction from the Board of Fisheries is requested on the following issues if this proposal is adopted:

It needs to be determined whether, after the initial closure when 75% of the pot allocation has been attained, pots should remain baited. The department recommends that pots be unbaited at the time of the closure. This would maintain consistency with current regulations. If harvest is stronger than anticipated, it is possible that the harvest could exceed 75%. In addition, it would take 3 to 4 days to obtain reliable estimates of initial harvest and determine the remaining GHL available. During this time Pacific cod are not expected to survive for long periods while in pots.

The department would need actual landing data rather than using hailed weight estimates or at-sea reporting. This will allow for the most accurate accounting of the harvest and allow for precise trip limits to be determined. Thus, any "trip-limit" opening could be as much as 7 days after the initial closure.

The board would need to establish how trip limits would be utilized to harvest the remaining pot allocation. The department recommends that each vessel registered to fish with pot gear at the time of the closure announcement be granted an equal share of the remaining pot gear allocation. These trip limits will need regulatory language similar to that in place for black rockfish trip limits specifying that overages are forfeit to the state of Alaska. The department also recommends that a time frame be established by emergency order, specifying how long vessels have to harvest their trip limit to avoid a lengthy season. The expectation is that most vessels would return to the fishing grounds as soon as possible.

COST ANALYSIS: Adoption of this proposal may result in an additional direct cost for a private person to participate if pot fishing vessels are required to deliver then return to the grounds to fully attain the pot allocation.



**PROPOSAL 80: Page 55, 5 AAC 28.467. KODIAK AREA PACIFIC COD MANAGEMENT PLAN.**

WHAT WILL THE PROPOSAL DO? This proposal would require that the Kodiak Area Pacific cod pot gear season be closed when approximately 75% of the pot gear allocation has been attained. Trip limits would then be set for each pot vessel in the fishery to attain the remainder of the pot allocation.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.467 KODIAK AREA PACIFIC COD MANAGEMENT PLAN(c)(2) specifies that the season will close when 50% of the annual guideline harvest level (GHL) is taken by pot gear. If the remaining 50% of the GHL is not taken by mechanical jig machines and hand troll gear before September 1, the fishery can be reopened to all gear types. Vessels greater than 58 feet in overall length using pot gear are further restricted to 25% of the total GHL before September 1.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The pot season would close when the department estimated that 75% of the pot allocation was taken. Pot vessels would be required to deliver to complete the ‘reassessment of remaining quota’ described in the proposal. Trip limits would be assigned to the participating pot vessels to attain the remainder of the full pot allocation (50% of the total GHL).

BACKGROUND: Kodiak Area state-waters Pacific cod seasons have high effort following the season opening. In recent years the pot allocation is taken in a matter of weeks.

Kodiak Area state-waters Pacific cod fisheries information in millions of pounds, 1997-2004

Year	GHL	Allocations for each gear type	Pot Harvest	Jig Harvest	Total Harvest	% Harvested by Pot Gear	% Harvested by Jig Gear	Fall allocation rollover occurred
1997	8.5	4.25	5.5	2.0	7.5	74%	26%	Yes
1998	8.1	4.05	6.4	2.1	8.5	75%	25%	Yes
1999	11.7	5.85	8.4	2.3	10.7	79%	21%	Yes
2000	12.0	6.00	5.8	2.8	8.6	67%	33%	Yes
2001	10.6	5.30	3.7	1.3	4.9	74%	26%	Yes
2002	8.7	4.35	7.4	1.4	8.8	84%	16%	Yes
2003	8.0	4.00	5.0	3.2	8.1	61%	39%	No
2004	9.9	4.95	5.8	4.2	10.0	58%	42%	No

In 2003, the jig fishery became ‘fully utilized’ in that the jig fleet fully attained the remainder of the total GHL available after the pot closure before the September rollover. The 2004 jig allocation was harvested in 2.5 months. In the 2003 and 2004 seasons, pot gear exceeded their specified 50% of the GHL allocation. As both gear types share allocations within a total GHL, and because the pot allocation was attained before the jig allocation these overages had the effect of reducing the GHL available to the jig fleet.

DEPARTMENT COMMENTS: The department supports measures to improve management precision and ensure that gear groups have their full allocation available to harvest Adoption of this proposal could allow for much more precise management, ensuring that the pot allocation is not grossly

exceeded while still allowing pot fishery participants full access to the resource during the spring. This would eliminate the need for pot fishery participants to gear up again in the fall to fully attain their allocation. In most years, such an 'equal share' trip limit would have exceeded the average delivery made during the pot season provided that the pot fishery would have been closed at 75% of the GHL, however, since 2002 the average delivery has exceeded such an equal share trip limit; certainly such limits would restrict higher than average deliveries. .

Kodiak Area state-waters Pacific cod pot fishery information in millions of pounds, 1997-2004

Year	Allocation for Pot gear	75% of the Pot allocation	Remaining pounds for trip limits	No. of Pot vessels	Hypothetical 'equal share' trip limit	Average delivery during pot season	Largest delivery during pot season
1997	4.25	3.19	1.06	40	26,563	23,906	121,851
1998	4.05	3.04	1.01	52	19,471	20,142	111,070
1999	5.85	4.39	1.46	81	18,056	18,148	66,061
2000	6.00	4.50	1.50	69	21,739	11,951	57,708
2001	5.30	3.98	1.33	36	36,806	15,429	68,862
2002	4.35	3.26	1.09	33	32,955	35,242	121,236
2003	4.00	3.00	1.00	42	23,810	33,284	109,239
2004	4.95	3.71	1.24	38	32,566	36,171	102,139

Some additional direction from the Board of Fisheries is requested on the following issues if this proposal is adopted:

It needs to be determined, whether after the initial closure when 75% of the pot allocation has been attained, pots should remain baited. The department recommends that pots be unbaited at the time of the closure. This would maintain consistency with current regulations. If harvest is stronger than anticipated, it is possible that the harvest could exceed 75%. In addition, it would take 3 to 4 days to obtain reliable estimates of initial harvest and determine the remaining GHL available. During this time Pacific cod are not expected to survive for long periods while in pots.

The department would need actual landing data rather than using hauled weight estimates or at-sea reporting. This will allow for the most accurate accounting of the harvest and allow for precise trip limits to be determined. Thus, any "trip-limit" opening could be as much as 7 days after the initial closure.

The board would need to establish how trip limits would be utilized to harvest the remaining pot allocation. The department recommends that each vessel registered to fish with pot gear at the time of the closure announcement be granted an equal share of the remaining pot gear allocation. These trip limits will need regulatory language similar to that in place for black rockfish trip limits specifying that overages are forfeit to the state of Alaska. The department also recommends that a time frame be established by emergency order, specifying how long vessels have to harvest their trip limit to avoid a lengthy season. The expectation is that most vessels would return to the fishing grounds as soon as possible.

COST ANALYSIS: Adoption of this proposal may result in an additional direct cost for a private person to participate if pot fishing vessels are required to deliver then return to the grounds to fully attain the pot allocation.

**PROPOSAL 81: Page 55, 5 AAC 28.467. KODIAK AREA PACIFIC COD MANAGEMENT PLAN.**

WHAT WILL THE PROPOSAL DO? This proposal would require that the Kodiak Area Pacific cod pot gear season close when approximately 75% of the allocation has been attained. The pot fishery would reopen on September 1 to attain the remaining 25% of the pot gear allocation.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.467 KODIAK AREA PACIFIC COD MANAGEMENT PLAN (c)(2) specifies that the season will close when 50% of the annual guideline harvest level (GHL) is taken by pot gear. If the remaining 50% of the GHL is not taken by mechanical jig machines and hand troll gear before September 1, the fishery can be reopened to all gear types. Vessels greater than 58 feet in overall length using pot gear are further restricted to 25% of the total GHL before September 1.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The pot season would close when 75% of the pot allocation has been attained. The remaining 25% of the pot allocation would be made available to pot gear fishermen on September 1.

BACKGROUND: Kodiak Area state-waters seasons have high pot effort following the season opening. In recent years the pot allocation is taken in a matter of weeks.

Kodiak Area state-waters Pacific cod fisheries information in millions of pounds, 1997-2004

Year	GHL	Allocations for each gear type	Pot Harvest	Jig Harvest	Total Harvest	% Harvested by Pot Gear	% Harvested by Jig Gear	Fall allocation rollover occurred
1997	8.5	4.25	5.5	2.0	7.5	74%	26%	Yes
1998	8.1	4.05	6.4	2.1	8.5	75%	25%	Yes
1999	11.7	5.85	8.4	2.3	10.7	79%	21%	Yes
2000	12.0	6.00	5.8	2.8	8.6	67%	33%	Yes
2001	10.6	5.30	3.7	1.3	4.9	74%	26%	Yes
2002	8.7	4.35	7.4	1.4	8.8	84%	16%	Yes
2003	8.0	4.00	5.0	3.2	8.1	61%	39%	No
2004	9.9	4.95	5.8	4.2	10.0	58%	42%	No

In 2003, the jig fishery became ‘fully utilized’ in that the jig fleet fully attained the remainder of the total GHL available after the pot closure before the September rollover. The 2004 jig allocation was harvested in 2.5 months. In the 2003 and 2004 seasons, pot gear exceeded their specified 50% allocation of the GHL. As both gear types share allocations within the total GHL, and because the pot allocation was attained before the jig allocation, the pot overages had the effect of reducing the GHL available to the jig fleet.

DEPARTMENT COMMENTS: The department is neutral on this allocative proposal. Should this proposal be adopted, it can be expected that the initial fishery for 75% of the pot allocation will be prosecuted very quickly. For example, the 2004 pot season lasted 16 days and harvested 58% of the total GHL. Seventy five percent of the 4.95 million pound quota would have been taken in 12 days or less. The second season that would occur on September 1 would also likely occur quickly given the

relatively small amount that would be available in that season. The September 1 state waters reopening for pots will also preempt any parallel season that would open in state waters in the fall as the current federal 'B' season is also scheduled for September 1.

Kodiak Area state-waters Pacific cod pot fishery information in millions of pounds, 1997-2004

Year	Total GHL	Allocations for Pot gear	75% of the Pot allocation	Amount remaining for September 1 opening
1997	8.50	4.25	3.19	1.06
1998	8.10	4.05	3.04	1.01
1999	11.70	5.85	4.39	1.46
2000	12.00	6.00	4.50	1.50
2001	10.60	5.30	3.98	1.33
2002	8.70	4.35	3.26	1.09
2003	8.00	4.00	3.00	1.00
2004	9.90	4.95	3.71	1.24

COST ANALYSIS: Adoption of this proposal will result in an additional direct cost for a private person to participate when pot fishing vessels are required to gear up twice to attain the full pot allocation.

**PROPOSAL 82: Page 56, 5 AAC 28.467. KODIAK AREA PACIFIC COD MANAGEMENT PLAN.**

WHAT WILL THE PROPOSAL DO? This proposal would require that the Kodiak Area Pacific cod pot gear season be closed when approximately 75% to 80% of the allocation has been attained. The pot gear GHL remaining would be taken in the rollover fishery beginning on September 1.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.467 KODIAK AREA PACIFIC COD MANAGEMENT PLAN (c)(2) specifies that the season will close when 50% of the annual guideline harvest level (GHL) is taken by pot gear. If the remaining 50% of the GHL is not taken by mechanical jig machines and hand troll gear before September 1, the fishery can be reopened to all gear types. Vessels greater than 58 feet in overall length using pot gear are further restricted to 25% of the total GHL before September 1.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The pot season would close when 75% of the pot allocation has been attained. The remaining 25% of the pt allocation would be made available to pot gear fishers on September 1.

BACKGROUND: Kodiak Area state-waters seasons have high pot effort following the season opening. In recent years the pot allocation is taken in a matter of weeks.

Kodiak Area state-waters Pacific cod fisheries information in millions of pounds, 1997-2004

Year	GHL	Allocations for each gear type	Pot Harvest	Jig Harvest	Total Harvest	% Harvested by Pot Gear	% Harvested by Jig Gear	Fall allocation rollover occurred
1997	8.5	4.25	5.5	2.0	7.5	74%	26%	Yes
1998	8.1	4.05	6.4	2.1	8.5	75%	25%	Yes
1999	11.7	5.85	8.4	2.3	10.7	79%	21%	Yes
2000	12.0	6.00	5.8	2.8	8.6	67%	33%	Yes
2001	10.6	5.30	3.7	1.3	4.9	74%	26%	Yes
2002	8.7	4.35	7.4	1.4	8.8	84%	16%	Yes
2003	8.0	4.00	5.0	3.2	8.1	61%	39%	No
2004	9.9	4.95	5.8	4.2	10.0	58%	42%	No

In 2003, the jig fishery became ‘fully utilized’ in that the jig fleet fully attained the remainder of the total GHL available after the pot closure before the September rollover. The 2004 jig allocation was harvested in 2.5 months. In the 2003 and 2004 seasons, pot gear exceeded their specified 50% allocation of the GHL. As both gear types share allocations within the total GHL, and because the pot allocation was attained before the jig allocation, the pot overages had the effect of reducing the GHL available to the jig fleet.

DEPARTMENT COMMENTS: The department is neutral on this allocative proposal. Should this proposal be adopted, it can be expected that the initial fishery for 75% of the pot allocation will be prosecuted very quickly. For example, the 2004 pot season lasted 16 days and harvested 58% of the total GHL. Seventy five percent of the 4.95 million-pound quota would have been taken in 12 days or less. The second season that would occur on September 1 would also likely occur quickly given the

relatively small amount that would be available in that season. The September 1 state waters reopening for pots will also preempt any parallel season that would open in state waters in the fall as the current federal 'B' season is also scheduled for September 1.

Kodiak Area state-waters Pacific cod pot fishery information in millions of pounds, 1997-2004

Year	Total GHL	Allocations for Pot gear	75% of the Pot allocation	Amount remaining for September 1 opening
1997	8.50	4.25	3.19	1.06
1998	8.10	4.05	3.04	1.01
1999	11.70	5.85	4.39	1.46
2000	12.00	6.00	4.50	1.50
2001	10.60	5.30	3.98	1.33
2002	8.70	4.35	3.26	1.09
2003	8.00	4.00	3.00	1.00
2004	9.90	4.95	3.71	1.24

COST ANALYSIS: Adoption of this proposal will result in an additional direct cost for a private person to participate when pot fishing vessels are required to gear up twice to attain the full pot allocation.

**PROPOSAL 83: Page 57, 5 AAC 28.467. KODIAK AREA PACIFIC COD MANAGEMENT PLAN.**

WHAT WILL THE PROPOSAL DO? This proposal would require that the Kodiak Area Pacific cod pot gear season be closed when 100,000 to 500,000 pounds remain to be harvested on the pot allocation. Vessels would deliver to determine if additional fishing time is warranted or, if too little is available, a reopening can occur September 1. An overharvest provision would also be implemented; if pot gear exceeded their allocation, that amount would be deducted from the pot allocation in the following year and not reduce the current year’s jig allocation.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.467 KODIAK AREA PACIFIC COD MANAGEMENT PLAN (c)(2) specifies that the season will close when 50% of the annual guideline harvest level (GHL) is taken by pot gear. If the remaining 50% of the GHL is not taken by mechanical jig machines and hand troll gear before September 1, the fishery can be reopened to all gear types. Because both gear types share allocations under one total GHL, when an overage occurs, the overage results in reducing the other gear type’s allocation by that amount to preserve the total GHL for the year.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The pot season would close when 100,000 to 500,000 pounds remained on the pot allocation. All participating pot vessels would be required to deliver. If, after the deliveries were tallied, the department determined the fishery was manageable; the department would reopen the fishery to pot gear for a time certain (preannounced fishing period). If the level of participation and expected harvest rates are too high to allow for a reopening in the spring, the fishery may be reopened to pot gear on September 1. In the event that the pot season had exceeded the pot allocation, the overage would be taken from the following year’s pot allocation and not impact the current year’s jig allocation.

BACKGROUND: The Kodiak Area state-waters season has high pot effort following the season opening. In recent years the pot allocation is taken in a matter of weeks.

Kodiak Area state-waters Pacific cod fisheries information in millions of pounds, 1997-2004

Year	GHL	Allocations for each gear type	Pot Harvest	Jig Harvest	Total Harvest	% Harvested by Pot Gear	% Harvested by Jig Gear	Fall allocation rollover occurred
1997	8.5	4.25	5.5	2.0	7.5	74%	26%	Yes
1998	8.1	4.05	6.4	2.1	8.5	75%	25%	Yes
1999	11.7	5.85	8.4	2.3	10.7	79%	21%	Yes
2000	12.0	6.00	5.8	2.8	8.6	67%	33%	Yes
2001	10.6	5.30	3.7	1.3	4.9	74%	26%	Yes
2002	8.7	4.35	7.4	1.4	8.8	84%	16%	Yes
2003	8.0	4.00	5.0	3.2	8.1	61%	39%	No
2004	9.9	4.95	5.8	4.2	10.0	58%	42%	No

In 2003, the jig fishery became fully utilized. The 2004 jig allocation was harvested 2.5 months. In the 2003 and 2004 seasons, pot gear exceeded their specified 50% allocation of the GHL. As both gear

types share allocations within a total GHL, and because the pot allocation was attained before the jig allocation these pot overages had the effect of reducing the GHL available to the jig fleet.

DEPARTMENT COMMENTS: The department opposes this proposal. Managing the pot allocation so that 100,000 to 500,000 pounds remain to be harvested is too small a margin given the ability of the pot fleet to harvest over 800,000 pounds per day. In addition, the overharvest provision requested within this proposal would require the state-waters fishery to exceed the level set aside from the federal allowable biological catch (ABC) as set forth in regulation. Though this could be discussed with the joint BOF/NPFMC committee, it is an undesirable precedent of ‘taking next year’s fish’ in the current year.

COST ANALYSIS: Adoption of this proposal may result in an additional direct cost for a private person to participate if pot fishing vessels are required to gear up twice to attain the pot allocation.



**PROPOSAL 84: Page 57, 5 AAC 28.467. KODIAK AREA PACIFIC COD MANAGEMENT PLAN.**

WHAT WILL THE PROPOSAL DO? This proposal would reduce the pot limit in the Kodiak Area state-waters Pacific cod season from 60 pots to 30 pots per vessel.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.467 KODIAK AREA PACIFIC COD MANAGEMENT PLAN(e)(3)(A) specifies that no more than 60 pots may be operated from a vessel registered to participate in the state-waters season unless the pot limit has been rescinded after October 31 as part of the suite of options to stimulate late season harvest.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The pot-fleet harvest rate would decline.

BACKGROUND: The 60-pot limit in the Kodiak Area fishery has been in place since 1997. All five state-waters registration areas have a 60 pot limit. Pots are highly effective at capturing Pacific cod. Cod pots appear to be effective with short soak time. Most vessels pull their pots at least once a day; when fishing is good or the weather favorable vessels may turn their gear two or three times a day.

DEPARTMENT COMMENTS: The department is neutral on this proposal. Although the department expects a reduction in harvest rate by the pot fleet, reducing the pot limit by half will not result in the harvest rates slowing by half. In fisheries such as the Bristol Bay red king crab and Bering Sea *C. opilio*, when pot limits were reduced the majority of participating vessel operators still lifted the same gross number of pots per day. That is to say, though fewer pots were available, vessel operators lifted their gear more often to achieve the same number of pot lifts. Given the shorter soak times involved with lifting pots more frequently, the harvest rate could be slower; by how much is difficult to discern since tides, bait quality, aggregation of Pacific cod and even weather seem to affect the catchability of Pacific cod.

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

**PROPOSAL 85: Page 58, 5 AAC 28.5XX. Logbook requirements for the black rockfish fishery in the Kodiak Area.**

WHAT WOULD THE PROPOSAL DO? Require vessel operators in the Kodiak Area targeting black rockfish, or with incidental harvest of black rockfish exceeding 5% by weight of the target species, to fill out and submit logbooks to the department.

WHAT ARE THE CURRENT REGULATIONS? There are no logbook requirements for directed or incidental black rockfish fisheries in the Kodiak Area. Logbooks are required for rockfish fisheries in Southeast Alaska and in the South Alaska Peninsula Area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Vessel operators targeting black rockfish or retaining black rockfish greater than 5% of their target species weight would have to record fishing location, effort, and discard information in a logbook on the same day that fishing occurred. Vessel operators would have to ensure that logbook pages are accurate and attached to fish tickets documenting the corresponding landing.

BACKGROUND: Black rockfish are a long-lived species that are susceptible to overfishing and localized depletion. Black rockfish require conservative harvest rates at or below the level of natural mortality, which is 9% annually. Adult fish are often associated with high-relief physical structures and tend not to exhibit movement to adjacent habitat, making them vulnerable to depletion by repeated harvest in small-scale locations over time.

Currently, the department is unable to track harvest from areas with resolution smaller than a statistical area (in most cases, one degree of longitude by one half degree of latitude). This makes tracking harvest on discrete structures difficult and it is nearly impossible to monitor stocks for potential signs of long term impact or depletion.

DEPARTMENT COMMENTS: This is a staff proposal. Though potentially burdensome on individual participants, the information provided in logbooks will provide valuable information on harvest location, retention, and bycatch information. At a recent black rockfish research conference in February 2002, catch accounting was identified as the top priority for black rockfish fisheries in the state. The confidential logbook information, as well as black rockfish discard data, will be essential in achieving this goal, monitoring the long-term health of the fishery, and helping ensure the sustainability of the resource.

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

**PROPOSAL 86: Page 59, 5 AAC 28.472. BLACK ROCKFISH POSSESSION AND LANDING REQUIREMENTS FOR KODIAK AREA.**

WHAT WILL THE PROPOSAL DO? This proposal would allow vessel operators registered for any groundfish species, other than black rockfish, using hand troll or mechanical jigging machines to retain up to 2,500 pounds (round weight) of black rockfish per delivery.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.406 KODIAK AREA REGISTRATION (d) requires participants in a directed black rockfish fishery to register specifically for black rockfish. Once registered, the vessel cannot simultaneously hold a registration for any other groundfish fishery at the same time. 5 AAC 28.472 BLACK ROCKFISH POSSESSION AND LANDING REQUIREMENTS FOR KODIAK AREA specifies that vessel operators may not have onboard or sell more than 5,000 pounds (round weight) of black rockfish in a five day period. If a vessel is not registered for black rockfish, the bycatch allowance is 5% of the target species weight.

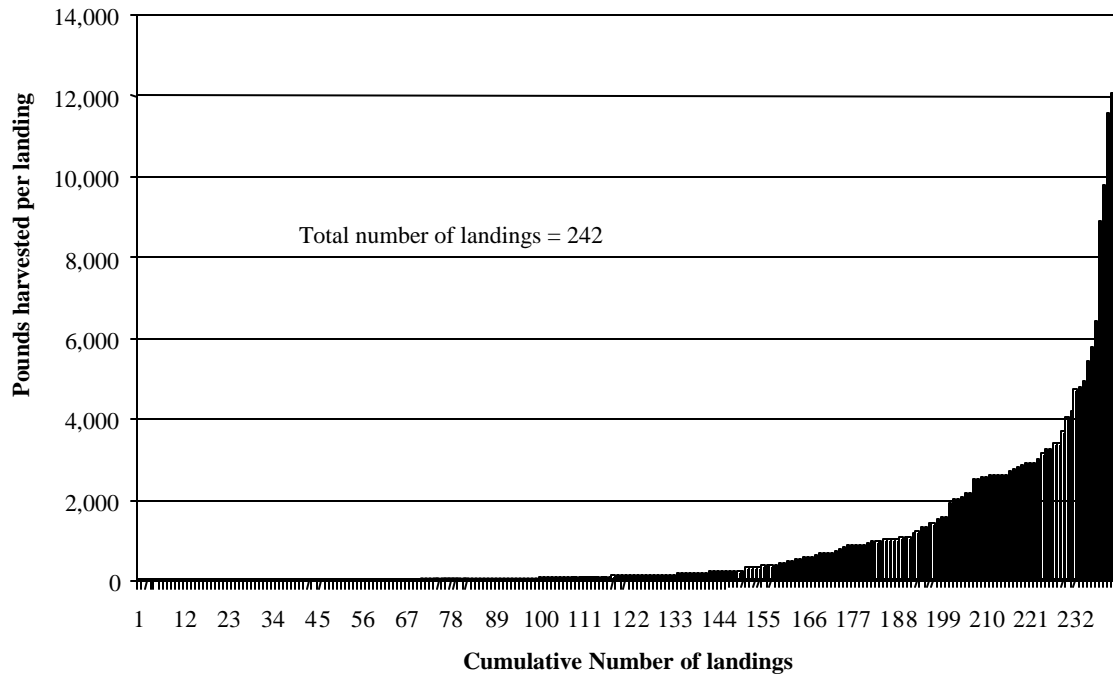
WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Vessels registered for groundfish fisheries using jig gear (e.g., in the parallel and state-waters Pacific cod fisheries) would be able to retain up to 2,500 pounds (round weight) of black rockfish per delivery, until the GHL was achieved.

BACKGROUND: In 2001, the Board of Fisheries adopted a 5,000 pound trip limit and single-species registration requirements for the directed black rockfish fishery in the Kodiak Area. This precludes vessel operators from participating in a Pacific cod and black rockfish fishery simultaneously. Prior to the registration requirement, it had been difficult to assess which vessel operators were involved in harvesting black rockfish because they could target both Pacific cod and rockfish under a general groundfish registration. The inability to track participation and the occurrence of several large landings resulted in several section guideline harvest levels (GHLs) being exceeded in the early 2000's.

The majority of participants in the black rockfish fishery prior to 2001 were not black rockfish specialists. Rather, many of the vessels that landed black rockfish were participating in the parallel or state-waters Pacific cod fisheries and landing small amounts of black rockfish while the seasons for both were open. Many vessel operators have stated that being able to retain small amounts of black rockfish while Pacific cod fishing is of tremendous benefit to them; when weather prohibits getting to cod grounds, black rockfish can be targeted. Also, at times when cod fishing is 'slow', black rockfish fishing may be 'hot' and having the ability to do both during the same trip often is desirable for jig fishers. In 2001, eighty-six percent of all the black rockfish landings were 2,500 pounds or less.

Prior to the adoption of the 5,000 pound trip limit, many vessel operators had become adept at harvesting in excess of 10,000 pounds of black rockfish in very short order. The trip limit and registration regulations have reduced the harvest capacity of the fleet. The new regulations have allowed the department to track participation and predict landing volume, and individual section GHLs have not been exceeded by more than several thousand pounds.

Following the implementation of the single-species registration and trip limits, only one of the seven Kodiak section GHGs were attained in 2003. In 2004, four of the seven have been attained. The majority of the black rockfish harvest occurs following the closure of the state-waters Pacific cod fishery. Prior to 2001, much of the harvest occurred during the state-waters Pacific cod fishery.



Kodiak Area black rockfish pounds per landing, 2001.

Habitat overlap between Pacific cod and black rockfish is minimal. For vessel operators to harvest up to 2,500 pounds in a trip, they will actually ‘target’ black rockfish and Pacific cod in the same trip.

If this proposal is adopted, black rockfish section GHGs would likely be attained earlier in the year. Given the high jig effort in the Pacific cod fishery and the relatively low black rockfish GHGs, the department would need to track the average black rockfish incidental harvest landing amount and make closure projections based on that information.

**DEPARTMENT COMMENTS:** This is a staff proposal. To ensure that data are collected from vessels directed fishing for black rockfish and harvesting black rockfish incidental to other groundfish species using jig gear, logbooks would be required (proposal 85) for vessels retaining black rockfish in excess of 5% of their other target species weights.

The original proposal lacked a registration requirement, however, the department intends to require vessels that participate in harvesting black rockfish above 5% of their target species, but not participating in the directed black rockfish fishery, to obtain a specific registration authorizing up to 2,500 pounds per delivery. The department would limit registration to one black rockfish section at a time as provided for in 5 AAC 28.020 (c). Vessel operators would be able to change sections by notifying ADF&G.

There will be an increase in the amount of black rockfish taken incidental to other groundfish fisheries. For sections where the GHM was not attained during the Pacific cod jig fishery, black rockfish could continue to be harvested in a directed fishery with registration and a 5,000 pound trip limit. It is likely that the majority of black rockfish harvest will occur as incidental harvest while participating in other groundfish fisheries.

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

**PROPOSAL 87: Page 60, 5 AAC 28.472. BLACK ROCKFISH POSSESSION AND LANDING REQUIREMENTS FOR KODIAK AREA.**

WHAT WILL THE PROPOSAL DO? This proposal would change the regulatory language in the Kodiak Area black rockfish trip-limit time period from five days to Monday through Sunday.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.472 BLACK ROCKFISH POSSESSION AND LANDING REQUIREMENTS FOR KODIAK AREA specifies that vessel operators may not have onboard or sell more than 5,000 pounds (round weight) of black rockfish in a five day period.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Vessel trip-limits would be tracked in a standard week from Monday to Sunday rather than a rolling five day period.

BACKGROUND: The trip limit regulatory language for the Kodiak Area black rockfish fishery was adopted in 2001. Since implementation of the language few vessels have delivered close to 5,000 pounds in one delivery. Most participants have delivered well below 5,000 pounds. In 2003, the average delivery was 935 pounds; in 2004, the average delivery was 955 pounds. This results in a rolling five-day period for trip limits. The following is an example:

A vessel delivers 2,500 pounds on July 1 after fishing for two days (June 29 and 30). Therefore, the vessel can possess or deliver 2,500 pounds on July 2 and 3. However, if the vessel were to leave port on July 2, and put 2,500 pounds onboard on July 3 the vessel could put another 2,500 pounds onboard as a new five-day period would begin on July 4<sup>th</sup>. The 5,000 pound limit would still apply to delivery or possession so no more than 2,500 pounds could be possessed or delivered from July 4 to July 8. This rolling scenario has been difficult for the department to accurately track and difficult for participants to understand.

DEPARTMENT COMMENTS: This is a staff proposal. The department is seeking to simplify the tracking involved with the trip limit period. Under this language, the trip limit would be 'reset' every Monday. Vessels could deliver or possess any combination of poundage up to 5,000 pounds during the week, Monday through Sunday.

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

**PROPOSAL 88: Page 61, 5 AAC 28.472. BLACK ROCKFISH POSSESSION AND LANDING REQUIREMENTS FOR KODIAK AREA.**

WHAT WILL THE PROPOSAL DO? This proposal seeks to have black rockfish trip limits set at different levels based on the distance from the city of Kodiak (i.e., areas immediately adjacent to Kodiak with a trip limit of 5,000 pounds, and areas several hours away with a greater trip limit).

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.472 BLACK ROCKFISH POSSESSION AND LANDING REQUIREMENTS FOR KODIAK AREA specifies that vessel operators may not have onboard or sell more than 5,000 pounds (round weight) of black rockfish in a five day period.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Vessel trip limits would be larger than 5,000 pounds per five day period for sections further from the city of Kodiak.

BACKGROUND: The trip limit regulation for the Kodiak Area black rockfish fishery was adopted in 2001. At that time, the individual section guideline harvest levels had been exceeded as a result of several participants making large landings every few days. The implementation of trip limits has helped the department constrain harvest within the established GHs, however, sections that are distant from the city of Kodiak have received little if any effort in 2003 or 2004.

Most vessel operators have stated that increased fuel prices and the 5,000 pound trip-limit has made travelling for black rockfish economically unfeasible.

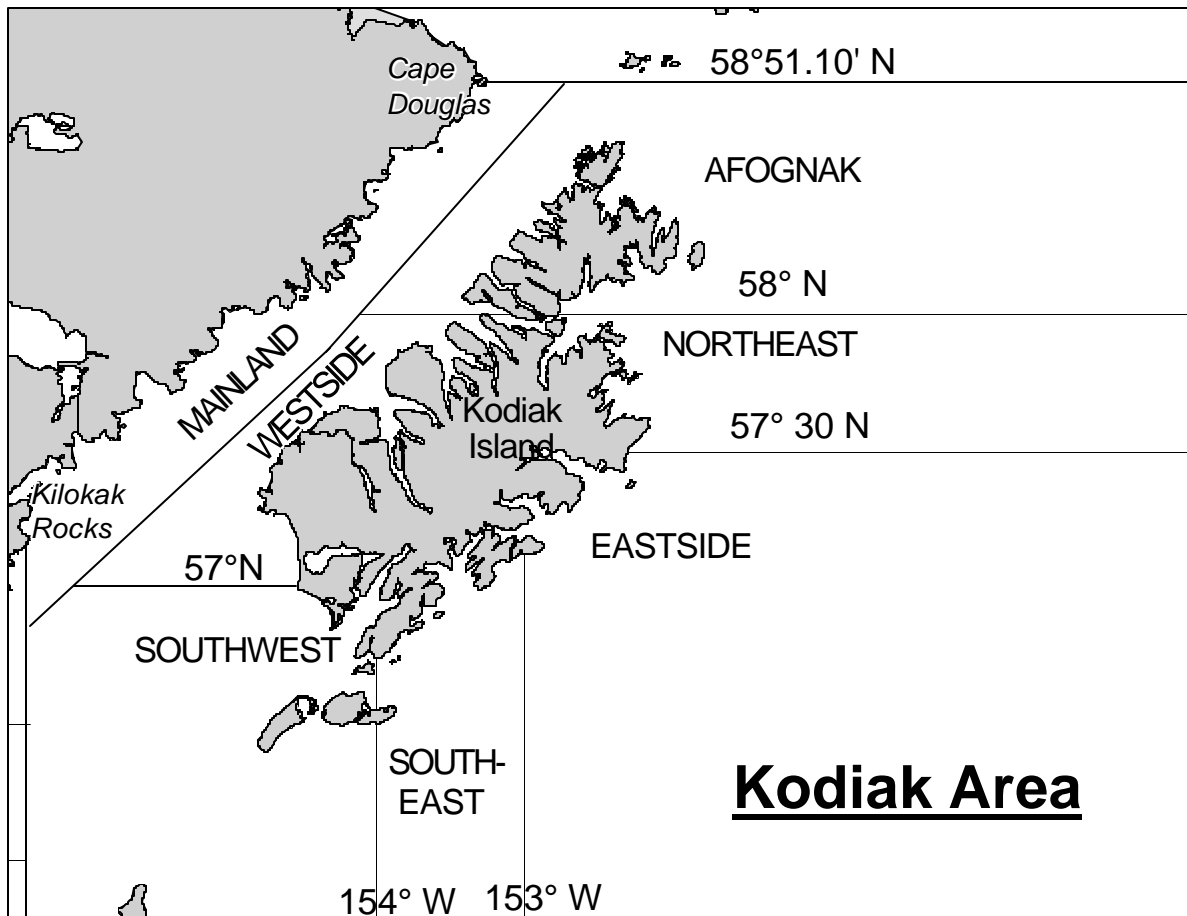
The concept of a differential trip limit based on distance from the city of Kodiak was discussed at the 2001 meeting where trip limits were adopted. At that time, the Board of Fisheries chose not to adopt such language, opting instead to see how implementation of a trip limit in the Kodiak Area fishery would work.

Black rockfish harvest from the Kodiak Area, 2003 and 2004.

Area/District	Guideline		percent of GHL	2004 <sup>a</sup> Harvest	percent of GHL
	Harvest Level	2003 Harvest			
<b>Kodiak Area</b>					
Afognak	35,000	24,450	70%	37,461	107%
Northeast	20,000	24,612	123%	22,495	112%
Eastside	30,000	21,369	71%	30,842	103%
Southeast	30,000	14,860	50%	32,018	107%
Southwest	20,000	44	0%	632	3%
Westside	30,000	23	0%	Confidential	NA
Mainland	20,000	29	0%	0	0%
<b>Total (Kodiak Area)</b>	<b>185,000</b>	<b>85,387</b>	<b>46%</b>	<b>123,448</b>	<b>71%</b>

<sup>a</sup>Harvest as of 10/31/04

Note: 5% bycatch is allowed following the directed fishery closure, the final harvest may exceed the GHLs as a result.



**Kodiak Area black rockfish districts, 2004.**



DEPARTMENT COMMENTS: The department is neutral on this proposal. Trip limits would need to remain small enough to ensure that district guideline harvest levels (GHLs) would not be exceeded if several vessels participated in the same section concurrently and delivered their maximum allowable trip limit.

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

**PROPOSAL 89: Page 61, 5 AAC 28.406 KODIAK AREA REGISTRATION(d); and LAWFUL GEAR FOR KODIAK AREA.**

WHAT WILL THE PROPOSAL DO? This proposal would rescind the regulation that a vessel register to participate in a black rockfish fishery and may not be registered for any other groundfish fishery at the same time. It would allow participants in the state-waters Pacific cod fishery to concurrently participate in the black rockfish fishery, presumably harvesting up to 5,000 pounds in every 5 day period.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.406 KODIAK AREA REGISTRATION (d) requires participants in a directed black rockfish fishery to register specifically for black rockfish. Once registered, the vessel cannot simultaneously hold a registration for any other groundfish fishery at the same time.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Vessels registered for the state-waters Pacific cod jig fishery would be able to simultaneously participate in the Kodiak Area black rockfish fishery.

BACKGROUND: In 2001, the Board of Fisheries adopted a single-species registration requirement for the black rockfish fishery in the Kodiak Area. This precludes vessel operators from simultaneously participating in the black rockfish fishery and any other groundfish fishery. Prior to adoption of this regulation, it had been difficult to assess which vessel operators might be involved in harvesting black rockfish because they could target both Pacific cod and rockfish under a general groundfish registration.

Following the implementation of the single-species registration and trip limits, only one of the seven Kodiak sections GHGs were attained in 2003. In 2004, four of the seven have been attained. The majority of the black rockfish harvest occurs following the closure of the state-waters Pacific cod fishery. Prior to 2001, much of the harvest occurred during the state-waters Pacific cod fishery.

There is not much habitat overlap between Pacific cod and black rockfish. For vessel operators to harvest up to the 5,000 pound trip limit, they will actually ‘target’ black rockfish and Pacific cod in the same trip.

DEPARTMENT COMMENTS: The department opposes this proposal. Under this proposal, vessels participating in the state-waters Pacific cod season would be able to harvest 5,000 pounds of black rockfish every five days. To prevent exceeding black rockfish GHGs, the department prefers to constrain participants fishing for both Pacific cod and black rockfish to a lower amount of black rockfish as outlined in Proposal #86; that proposal would allow up to 2,500 pounds of black rockfish per landing while participating in any other groundfish fishery.

It is likely that most vessels participating in the state-waters Pacific cod fishery would, at the time of registration, indicate that they wanted to retain black rockfish. However, only a small percentage of these vessel operators would likely harvest black rockfish in any sizeable quantity. The department’s

ability to track vessels participating in black rockfish would be compromised by allowing vessels to participate in both the black rockfish and other groundfish fisheries simultaneously.

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

## **SPORT FISH-SHELLFISH REPORTING**

**PROPOSAL 454: 5 AAC 64.022 (a)(12). Water; seasons: bag, possession, and size limits; and special provision for the Kodiak Area; 5AAC 64.035(b). Methods, means and general provisions-shellfish; and 5AAC 65.024(a)(1). Harvest record required; annual limits. Amend these regulations to provide for the following:**

Eliminate the current requirement that sport-fishing participants obtain, possess, and complete a harvest recording form in order to harvest shellfish in the Kodiak, Alaska Peninsula, and Aleutian Islands regulatory areas.

WHAT WOULD THE PROPOSAL DO? Eliminate the current requirement that sport-fishing participants obtain, possess, and complete a harvest recording form in order to harvest shellfish in the Kodiak, Alaska Peninsula, and Aleutian Islands regulatory areas.

WHAT ARE THE CURRENT REGULATIONS? Currently anglers are required to obtain a harvest recording form before sport fishing for shellfish in either the Kodiak Regulatory Area or the Alaska Peninsula/Aleutian Islands Regulatory Areas.

The king crab sport fishery is closed. The Dungeness fishery is open all year, only male crab may be taken, the daily bag and possession limit is 12 and there is a minimum size limit of 6 ½ inches. The Tanner fishery is open all year, except 14 days before and after a commercial red king or tanner crab commercial season, only male crab may be taken, the daily bag and possession limit is 6 and there is a minimum size limit of 5 ½ inches.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Anglers would be able to fish for shellfish without obtaining a harvest reporting form.

BACKGROUND: This proposal was originally submitted as proposal #432 and scheduled for the March Statewide King and Tanner Crab meeting. Proposal #432 was noticed in the proposal book as follows: \*Note: The department anticipates submitting an agenda change request (ACR) to expand this proposal to include all shellfish. ACR#24 was accepted at the Boards October 5-7 Work Session, so that all shellfish species could be addressed at one time and eliminate the need to reintroduce the proposal at future meetings to deal with the matter on a species by species and regulatory area by regulatory area basis. The proposal was renumbered as #454, all shellfish species are included and it was rescheduled for the Kodiak meeting in January.

This regulation was originally adopted by the board to document angler harvests of shellfish that, at the time, were not accounted for by other means. Since Alaska residents in this area typically harvest shellfish in the state subsistence fishery, the small harvest reported under this regulation on harvest records is nearly entirely attributable to non-resident anglers. During 2003, the department issued a total of 406 harvest reporting forms to anglers in the Kodiak Regulatory Area, of which 154 were returned. There was a reported harvest of 778 Tanner and 142 Dungeness crab. If extrapolated for unreturned records, the harvest estimate would be approximately 2,050 Tanner and 382 Dungeness crab. The

2003 Statewide Harvest Survey estimated the sport harvest for the entire Kodiak Regulatory Area at 2,850 Tanner and 540 Dungeness crab. Both methods confirm a relatively small sport angler harvest in comparison to the area's commercial and subsistence fisheries. The 2003 commercial crab harvest was 216,000 Tanner and 228,000 Dungeness crab; the 2003 subsistence crab harvest was 7,270 Tanner and 3,840 Dungeness crab.

DEPARTMENT COMMENTS: This department supports this staff proposal. The current sport effort and harvest of shellfish is relatively small and is currently estimated by the ADF&G Statewide Sport Fish Harvest Survey. The duplicative harvest reporting requirement of a harvest record is burdensome to the harvester. In many instances the department has been involved with sending multiple faxes to foreign countries in order to make harvest records available to anglers intending to visit remote lodges or destinations in the Kodiak management area. Harvest records are also costly for the department to produce, distribute and process. The department currently distributes harvest records in triplicate to 15 remote lodges and to license vendors in order to make records available to anglers without ready access to local fish and game offices. Harvest estimates for management or monitoring of the fishery are currently available from the statewide harvest survey.

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.

## **HERRING:**

### **PROPOSAL 90: Page 62, 5 AAC 27.500. Description of Kodiak Area.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would describe the Kodiak Area in commercial herring regulations in the same manner as in commercial salmon regulations.

Amended regulatory language is suggested:

5 AAC 27.500. Description of Kodiak Area. The Kodiak Area includes all waters of Alaska south of a line extending from Cape Douglas (58° 51.10' N. Lat.), west of 150° W. long., north of 55° 30.00' N. lat., and **north and east of a line extending 135° southeast for three miles from a point near Kilokak Rocks at 57° 10.34' N. lat., 156° 20.22' W. long. (the longitude of the southern entrance of Imuya Bay), then due south** [SOUTH FROM THE SOUTHERN ENTRANCE OF IMUYA BAY NEAR KILOKAK ROCKS (156° 20.22' W. LONG.)].

WHAT ARE THE CURRENT REGULATIONS? The current regulation, 5 AAC 27.500 describes the area slightly differently from the commercial salmon regulations.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the regulation would make the Kodiak Area similar between herring and salmon regulations.

BACKGROUND: When the BOF last defined the Kodiak Area in the commercial salmon regulations a slight disparity resulted in the herring area description.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it. The department believes it will avoid confusion and enhance enforcement of Kodiak boundary lines.

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

**PROPOSAL 91: Page 63, 5 AAC 27.XXX. Use Of Global Positioning System (GPS).**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would create a new regulation mandating the use of Global Positioning Systems (GPS) in the measurement of latitude and longitude pertaining to all boundary lines and coordinates in the Kodiak Area commercial herring fisheries.

WHAT ARE THE CURRENT REGULATIONS? The current regulations do not specify how latitude and longitude is measured as they pertain to regulations in this area. No reference to LORAN or GPS technology is specified in regulation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would require that the location of all boundaries used in the Kodiak Area herring fisheries be identified using GPS technology. Adoption of this regulation will eliminate confusion over the means to determine fishery boundaries. It is not expected that any change in fishing area would occur.

BACKGROUND: Open and closed water boundaries, sections lines, and other pertinent boundary lines are defined by latitude and longitude. GPS provides an accurate measurement of coordinates. The Alaska Department of Public Safety and the Alaska Department of Fish and Game use GPS technology to enforce boundary lines.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it. If adopted, this proposal will relieve confusion among the Kodiak commercial herring fleet, and make existing boundary lines more enforceable. The regulations will clearly state that GPS will be used to define all coordinates.

COST ANALYSIS: Adoption of this proposal may result in an additional direct cost for a private person to participate. Additional cost may be incurred by vessel operators that do not currently have a GPS.

**PROPOSAL 92: Page 63, 5 AAC 27.525. Seine Specifications and Operations for Kodiak Area.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would reduce the depth of herring sac roe purse seines to a maximum of 600 meshes. The purse seine mesh size would also be restricted, not to be larger than 1.5 inches.

WHAT ARE THE CURRENT REGULATIONS? The current regulations state that from April 1 through July 31, a purse seine may not exceed 18 fathoms stretched measure in depth or 100 fathoms in length (5 AAC 27.525 (a)).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted the regulation would reduce purse seine depths, thus reducing the efficiency of purse seines in the Kodiak Area. The reduced efficiency may slow down the herring sac roe fisheries.

BACKGROUND: From 1987 through 1995 herring sac roe purse seines in Kodiak were limited to 1,025 meshes in depth, with no mesh size restrictions. Standard herring web used in purse seines is 1.5 inches in stretch measure and these nets were approximately 125 feet in depth. In the early 1990s several permit holders took advantage of the regulations and started using larger mesh (including 3.5 inch salmon web) in their herring seines to increase the depth of their gear. These nets were approximately 160 to 180 feet deep, and were efficient at catching herring in the Kodiak Area. In 1996, to eliminate the advantage of the large web nets, purse seines were restricted to a maximum depth of 20 fathoms (120 feet), and the no mesh size restriction was maintained. In 2000, an allocative harvest strategy was developed by the Herring Task Force, which consisted of permit holders and department staff, and was approved by the Board. With an allocation plan in place, seine depths then could be addressed since any gear reductions would have no allocation effects between gear. The department requested that the Board reduce herring seines to 14.5 fathoms (87 feet) in depth, which equates to approximately 600 to 700 meshes of herring seine. However, disagreement between the department and permit holders resulted in a compromise and a depth of 18 fathoms was approved by Task Force, and later by the board. The 18 fathom depth regulation has been in effect for the last five herring sac roe seasons.

DEPARTMENT COMMENTS: The department supports a reduction in the depth of herring sac roe purse seine gear. The department has submitted a similar proposal, Proposal #93. However, the department proposal allows for chafing gear, which this proposal doesn't address.

COST ANALYSIS: Adoption of this proposal may result in an additional direct cost for a private person to participate. Costs may be incurred by permit holders to rework their seine nets, to remove a portion of the web to meet the new depth requirement and to reattach the chafing gear, purse line, or cork line.



**PROPOSAL 93: Page 64, 5 AAC 27.525(a). Seine Specifications and Operations for Kodiak Area.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would reduce the depth of purse seines in the sac roe herring fishery to a maximum of 625 meshes, of which 600 meshes may have a mesh size no larger than one and one-half inches. Amended regulatory language is suggested:

5 AAC 27.525. Seine Specifications and Operations for Kodiak Area. (a) From April 1 through July 31, a purse seine may not exceed **625 meshes in depth, of which 600 meshes may have a mesh size no larger than one and one-half inches** [18 FATHOMS STRETCH MEASURE IN DEPTH]or 100 fathoms in length. [THE DEPTH SHALL BE DETERMINED BY USING A STRETCH MEASURE OF THE WEB FROM THE CORK LINE TO THE BOTTOM OF THE NET, INCLUDING ANY LINES THAT HANG BELOW THE LEAD LINE]

WHAT ARE THE CURRENT REGULATIONS? The current regulations state that from April 1 through July 31, a purse seine may not exceed 18 fathoms stretch measure in depth or 100 fathoms in length.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted the regulation would reduce purse seine depths, thus reducing the efficiency of Kodiak Area commercial herring purse seines. The reduced efficiency may slow down the herring sac roe fisheries.

BACKGROUND: From 1987 through 1995 herring sac roe purse seines in Kodiak were limited to 1,025 meshes in depth, with no mesh size restrictions. Standard herring web used in purse seines is 1.5 inches in stretch measure and these nets were approximately 125 feet in depth. In the early 1990s several permit holders took advantage of the regulations and started using larger mesh (including 3.5 inch salmon web) in their herring seines to increase the depth of their gear. These nets were approximately 160 to 180 feet deep, and were efficient at catching herring in the Kodiak Area. In 1996, to eliminate the advantage of the large web nets, purse seines were restricted to a maximum depth of 20 fathoms (120 feet), and the no mesh size restriction was maintained. In 2000, an allocative harvest strategy was developed by the Herring Task Force, which consisted of permit holders and department staff, and was approved by the Board. With an allocation plan in place, seine depths then could be addressed since any gear reductions would have no allocation effects between gear. The department requested that the Board reduce herring seines to 14.5 fathoms (87 feet) in depth, which equates to approximately 600 to 700 meshes of herring seine. However, disagreement between the department and permit holders resulted in a compromise and a depth of 18 fathoms was approved by Task Force, and later by the Board. The 18 fathom depth regulation has been in effect for the last five herring sac roe seasons. Even with the 18-fathom restriction, several sections GHLS are consistently exceeded, even with short openings and intensive management.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it. This proposal will make purse seine gear less efficient, which will result in more manageable fisheries. Approval of this proposal would make the Kodiak herring seine gear restrictions similar to those for Togiak.

COST ANALYSIS: Adoption of this proposal may result in an additional direct cost for a private person to participate. Costs may be incurred by permit holders to remove a portion of the web to meet the new depth requirement and to reattach the chafing gear/purse line or cork line back to the remaining net. There could be an economic benefit for those individuals that fish the Togiak and Kodiak herring fisheries. The proposed purse seine change would make the Kodiak and Togiak seine specifications the same, alleviating the need and costs of having two different seines to fish the respective areas.

**PROPOSAL 94: Page 65, 5 AAC 27.510(a). Fishing Seasons and Periods for Kodiak Area.**

WHAT WOULD THE PROPOSAL DO? This proposal would specify that fishing periods for the herring sac roe fishery may be established by emergency order. Amended regulatory language is suggested:

5 AAC 27.510. Fishing Seasons and Periods for Kodiak Area. (a) **Unless otherwise provided for by emergency order,** [H]herring may be taken during the sac roe season from April 15 through June 30 as follows:

- (1) from April 15 through May 7, fishing periods for purse seines are from 12:00 noon until 9:00 p.m. on odd-numbered days, and from 9:00 a.m. until 12:00 noon on even numbered days if a harvestable surplus is available; from May 8 through June 30, fishing periods for purse seines are from 12:00 noon until 10:00 p.m. on odd-numbered days, and from 9:00 a.m. until 12:00 noon on even-numbered days if a harvestable surplus is available;
- (2) from April 15 through June 30, the fishing periods for gillnets are from 12:00 noon on odd-numbered days until 12:00 noon on even-numbered days;

WHAT ARE THE CURRENT REGULATIONS? Current regulations state that herring may be taken during the sac roe season from April 15 through June 30, during fishing periods outlined in 5 AAC 27.510, Fishing Seasons and Periods for Kodiak Area. There is no regulatory notice that the fishing periods may be changed by emergency order.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Commercial herring fishing regulations would be updated to reflect how the Kodiak fishery has been managed since 2002. This would allow the department to adjust fishing periods by emergency order, if needed. This proposal addresses the type of fishery management that is needed in the Kodiak Area early in the season when the purse seine effort levels are the highest.

Most sections would maintain the current regulatory fishing periods by gear type that has been in regulation since 2000. However, in sections where the fishing effort is high and a department management biologist, with emergency order authority, is on the fishing grounds, then time and area of fishing periods may be modified inseason.

BACKGROUND: The current gear restrictions, fishing period schedule, and allocative management plan were developed in 2000. Since 2002 additional constraints were added, by emergency order, to slow the seine fishery in some sections that have larger herring stocks and high effort levels. These sections have been managed by emergency order, with short fish periods, partial section openings, and, in some sections, opening dates delayed until fishery management personnel are available to monitor the fishery.

Additional regulation changes are also proposed by the department; these concern management for roe recovery and average size standards, and allowing both gear types to fish in the same section. If approved, such changes will require emergency order openings and closures for both gear types.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it. The proposal updates the fishing period regulation to reflect the type of fishery management that has occurred during the 2002 through 2004 herring sac roe seasons.

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

**PROPOSAL 95: Page 66, 5 AAC 27.535(e)(6). Harvest Strategies for Kodiak Area.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would direct the department to consider product quality when determining fishery openings. Product quality refers to the roe recovery and the size of herring in the commercial harvest. Amended regulatory language is suggested:

5 AAC 27.535. Harvest Strategies for Kodiak Area. (e) (6) the Kodiak herring sac roe fishery is intended to occur in an orderly fashion, with minimal waste of the resource and within conservation limits as determined by the department, **while striving for the highest level of product quality** [WITHOUT REGARD TO ROE RECOVERY STANDARDS].

WHAT ARE THE CURRENT REGULATIONS? Currently, 5 AAC 27.535, Harvest Strategies for Kodiak Area, subsection (e)(6), directs the department to disregard roe recovery quality. This conflicts with statewide regulation 5 AAC 27.059, Management Guidelines for Commercial Herring Sac Roe Fisheries, which states that if the department has adequate information and programs in place then sac roe fisheries may be managed by emergency order for the highest roe percentage and/or the maximum average size, or to minimize the harvest of recruit sized herring.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The department, at the request of the majority of purse seine permit holders, more actively managed the 2003 and 2004 purse seine fishery in several sections to harvest high quality herring roe (5 AAC 27.059(1)) and larger sized herring (5 AAC 27.059(2)). This proposal would place into regulation the management practices that were successfully utilized in the 2003 and 2004 seasons. The proposal, if adopted, may result in higher quality herring sac roe being harvested that will be more valuable to the permit holders and buyers. This proposal may enhance the value of the fishery.

BACKGROUND: In the Kodiak Area herring may return to spawn in very widely separated bays, and over a fairly long spawning season. The Kodiak sac roe season begins on a set date (April 15) and traditionally fishermen spread out among many open fishing sections, searching for marketable herring. Fishermen and/or area processors determine minimum size and roe recovery standards. Starting in 1994 effort levels in the seine fishery increased and the competition resulted in fishermen aggressively harvesting herring with lesser regard for roe quality. In some cases herring were harvested that were not marketable, or would be sold at a greatly reduced price to the fishermen. The high quality reputation of Kodiak herring was lost, and fewer buyers participated in the fishery.

In 2003 the department was requested by a majority of the purse seine permit holders and at least one processor to attempt to manage the Village Islands Section of the Uganik District for roe quality and large size herring. The Village Islands Section has the largest herring stock and harvest in the Kodiak Area. A testing program was implemented, herring were tested for roe recovery and size, and a fishery was successfully prosecuted on high quality herring. A similar program was implemented for the 2004 season with the inclusion of the Paramanof Bay and Inner Uyak Bay Sections.

There are opposing views on optimal management of the Kodiak herring sac roe purse seine fishery. Nearly half of the Kodiak purse seine permit holders also fish the Togiak herring fishery, which begins in

late April to early May. These permit holders are anxious to harvest what herring they can in Kodiak before proceeding to the Togiak fishery. Also, many prefer the option of spreading out throughout the Kodiak archipelago hoping to find good quality fish, rather than concentrating the fleet in a few areas of high herring abundance. Another portion of the Kodiak purse seine fleet would prefer the department to manage the purse seine fishery to optimize roe recovery for the greatest economic value. To optimize the roe recovery may require waiting for the herring to ripen before allowing a fishery to occur.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for a private person to participate. There may be a loss of harvest opportunities for those permit holders that fish the Togiak fishery if prolonged delays occur in the Kodiak fishery.

**PROPOSAL 96: Page 67, 5 AAC 27.510. Fishing Seasons and Periods for Kodiak Area.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would require herring sac roe permit holders who participate in the KMA herring fishery after May 8 to register with department. New regulatory language is suggested:

5 AAC 27.510. Fishing Seasons and Periods for Kodiak Area.

**(a)(4) A CFEC permit holder participating in the sac roe fishery after May 8 must be registered with the department.**

WHAT ARE THE CURRENT REGULATIONS? There are registration requirements for the Kodiak herring food/bait fishery (5 AAC 27.510 (b)), but no such requirement for the sac roe fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Sac roe herring permit holders would be required to register with the department if they fish after May 8. This would aid department fishery managers by providing up to date fleet size and location information on permit holders as the herring sac roe fishery slows down and participation declines in early May.

BACKGROUND: Late season fisheries are managed from the department office in Kodiak, based on verbal reports from fishermen and industry personnel. Late season fishermen have done a poor job maintaining communications with the department and their buyers. Timely catch and effort information is necessary to manage the late season herring fisheries, as many of these sections have small GHGs and are vulnerable to overharvest. The department intends to establish as conditions during the registration that fishermen report their location (district and section fished) and catch either daily or after each fishing period.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it. The department can more efficiently manage the herring sac roe fishery by implementing a registration permit for late season herring sac roe fishermen.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for a private person to participate. There may be an increase in cost if permit holders need to purchase a satellite phone and satellite phone time or a radio to inform the department of their fishing activities.

**PROPOSAL 97: Page 68, 5 AAC 27.535(e)(2). Harvest Strategies for Kodiak Area.**

WHAT WOULD THE PROPOSAL DO? This proposal would change the herring sac roe harvest strategy to allow both gear types (purse seine and gillnet) to fish in the same section, if necessary, to meet the allocation percentages by district. Amended regulatory language is suggested:

5 AAC 27.535, Harvest Strategies for Kodiak Area.

(e)(2) except as provided in (4) of this subsection, the department shall establish guideline harvest levels each year by section based on such information as historical data, current and past fishery performance, sampling of commercial catches, and aerial surveys as follows;

(A) except in districts where only one section is open for fishing, the department shall designate one legal gear type for each section with a guideline harvest level **unless the allocation by gear type within a district cannot be achieved by having separate gear areas;**

(B) in districts where only one section is open for fishing **or when the allocation by gear type cannot be achieved within a district by having separate gear areas,** the department will, in its discretion, assign a portion of the guideline harvest level to each gear type;

WHAT ARE THE CURRENT REGULATIONS? The current harvest strategy (5 AAC 27.535) only allows both gears to fish a district if only one section is open for fishing.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow the department to open a section to both gear types, when necessary to meet the allocation percentages within a district.

BACKGROUND: This proposal is intended to amend the herring sac roe fishery harvest strategy because the department is finding it increasingly difficult to meet the allocation percentages. The Kodiak herring sac roe fishery harvest strategy states that approximately 20 to 30 percent of the guideline harvest level (GHL) for each district will be allocated to the gillnet permit holders and 70 to 80 percent allocated to the purse seine permit holders. Within a district, sections are designated as seine only or gillnet only in such a way that the GHLs for those sections meet the allocative requirements of the harvest strategy. A further provision of the harvest strategy seeks to prevent gear conflicts by allowing only one gear type to fish each open section. The largest herring biomass in the Kodiak Area is found in the Village Islands Section of the Uganik District, which has been designated a seine area since the allocation plan has been in effect (2000). Fishery performance is an important component of determining future GHLs and fishery performance in general for the gillnet fishermen in the Uganik District has been poor, while in the Village Islands it has been excellent for the purse seine fishermen. Since 2000 the department has needed to lower the GHLs in most sections of the Uganik District each year, except the Village Islands Section. This has resulted in most sections of the Uganik District, except the Village Island Section, being assigned to gillnet gear to meet the allocation percentage range. Otherwise, the allocation to gillnet gear would have fallen below the desired 20 to 30 percent. In 2004 gillnet gear was allocated 21.6% of the GHL (220 tons) for the Uganik District and the actual harvest was 138 tons or 62.7% of the gillnet allocation. If the regulation is not changed the department believes the 2005 GHL will again leave the gillnet fishermen below their allocation of the total Uganik District GHL.



DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it. Currently there is no means to provide additional harvest opportunities for gillnet permit holders to meet the 20 to 30% allocation in certain areas, such as the Uganik District, while maintaining separate gear sections. If approved, the fisheries that would occur with both gear types in one section would be managed to minimize gear conflicts.

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

**PROPOSAL 98: Page 69, 5 AAC 27.535. Harvest Strategies for Kodiak Area.**

WHAT WOULD THE PROPOSAL DO? This proposal would change the herring sac roe harvest strategy to allow both gear types (purse seine and gillnet) to fish in the same section, if necessary to meet the allocation percentages by district. This proposal has the same intent as the department's proposal 97, however no specific changes in the language of the current regulations are offered.

WHAT ARE THE CURRENT REGULATIONS? The current harvest strategy (5 AAC 27.535) only allows both gears to fish a district if only one section is open for fishing.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow the department to open a section to both gear types, when necessary to meet the allocation percentages within a district.

BACKGROUND: This proposal is intended to amend the herring sac roe fishery harvest strategy because the department is finding it increasingly difficult to meet the allocation percentages. The Kodiak herring sac roe fishery harvest strategy states that approximately 20 to 30 percent of the guideline harvest level (GHL) for each district will be allocated to the gillnet permit holders and 70 to 80 percent allocated to the purse seine permit holders. Within a district, sections are designated as seine only or gillnet only in such a way that the GHLs for those sections meet the allocative requirements of the harvest strategy. A further provision of the harvest strategy seeks to prevent gear conflicts by allowing only one gear type to fish each open section. The largest herring biomass in the Kodiak Area is found in the Village Islands Section of the Uganik District, which has been designated a seine area since the allocation plan has been in effect (2000). Fishery performance is an important component of determining future GHLs and fishery performance in general for the gillnet fishermen in the Uganik District has been poor, while in the Village Islands it has been excellent for the purse seine fishermen. Since 2000 the department has needed to lower the GHLs in most sections of the Uganik District each year, except the Village Islands Section. This has resulted in most sections of the Uganik District, except the Village Island Section, being assigned to gillnet gear to meet the allocation percentage range. Otherwise, the allocation to gillnet gear would have fallen below the desired 20 to 30 percent. In 2004 gillnet gear was allocated 21.6% of the GHL (220 tons) for the Uganik District and the actual harvest was 138 tons or 62.75% of the gillnet allocation. If the regulation is not changed the department believes the 2005 GHL will again leave the gillnet fishermen below their allocation in the Uganik District.

DEPARTMENT COMMENTS: The department supports a change in regulations to allow the department to allocate herring sac roe as required. Proposal 97 is a staff proposal that is very similar to this proposal. The department prefers proposal 97 as it is more specific with regard to the regulatory language.

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

**PROPOSAL 99: Page 69, 5 AAC 27.510(b). Fishing Seasons and Periods for Kodiak Area.**

WHAT WOULD THE PROPOSAL DO? This proposal would change the opening date of the Kodiak herring food/bait herring fishery from October 1 to September 1. Amended regulatory language is suggested:

5 AAC 27.510. Fishing Seasons and Periods for Kodiak Area.

(b) Herring may be taken during the food and bait season from **September 1** [OCTOBER 1] through February 28 only during fishing periods established by emergency order. A CFEC permit holder must register with the department before participating in the food and bait fishery.

WHAT ARE THE CURRENT REGULATIONS? Currently the Kodiak herring food/bait herring fishery opens on October 1.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The Kodiak food/bait herring fishery would open on September 1, one month earlier than currently allowed.

BACKGROUND: The largest and most lucrative market for Kodiak food/bait herring is the Bristol Bay red king crab fishery, which begins October 15. The current October 1 season opening date does not allow bait herring permit holders sufficient time to harvest and sell their catch prior to the departure of crab fishing fleet to the Bering Sea. The demand for Kodiak herring as crab bait is strong, because it is fresh and typically has very high oil content. This fishery was opened early by emergency order in the last two years, on September 21, 2003 and September 24, 2004, to accommodate the bait market needs. The October 1 opening date was established in regulation in 2000. Prior to 2000 the season opening date was August 1.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it. The earlier opening will benefit the herring food/bait permit holders and local processors, by making available fresh bait when the market is strong, and benefits Bering Sea crab fishermen by providing high quality bait to use in their fishery.

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

**SALMON:**

**SUBSISTENCE:**

**PROPOSAL 100: Page 70, 5 AAC 01.536. Customary and Traditional Uses of Fish Stocks.**

WHAT WOULD THE PROPOSAL DO? This proposal recommends updating the 1993 Board subsistence salmon findings with more recent data and establishes these revised subsistence use amounts in regulation.

**(a)** The Alaska Board of Fisheries (**board**) finds that salmon and finfish other than salmon, except steelhead and rainbow trout, in the Kodiak Area, except that portion described in 5 AAC 18.200(g), are customarily and traditionally taken or used for subsistence.

**(b) The board finds that:**

**(1) 25,400 to 42,300 salmon are reasonably necessary for subsistence uses in the Kodiak Management Area;**

**(2) 600,000 to 1,000,000 usable pounds of finfish other than salmon are reasonably necessary for subsistence uses in the Kodiak Management Area.**

**(c) The recommended range for salmon is the mean reported subsistence harvest as determined by subsistence permit returns for the Kodiak Area for the period 1993 to 2002 (33,846 salmon) plus or minus 25 percent.**

**(d) The recommended range for finfish other than salmon is the estimated harvest for home use of finfish other than salmon in pounds usable weight per person based upon household surveys (about 60 pounds per person), multiplied by the 2000 population of the Kodiak Island Borough (14,000 people), plus or minus 25 percent.**

WHAT ARE THE CURRENT REGULATIONS? There are no subsistence salmon and finfish use amounts in regulation for the Kodiak Management Area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The customary and traditional findings would define the amount of salmon needed into regulation.

BACKGROUND: In January 1993, the board made an administrative finding that 16,000 to 32,500 salmon and 500,000 to 620,000 usable pounds of finfish other than salmon (except rainbow trout and steelhead) are necessary for subsistence uses in the Kodiak Island Area, except the Mainland District for which there is a negative customary and traditional use finding. However, these amounts were not adopted in regulation.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it.

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

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 Alaska Board of Fisheries has found that salmon stocks of the Kodiak Area support customary and traditional uses (5 AAC 01.536).

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

4. What amount is reasonably necessary for subsistence use? Proposal 100 proposes to establish in regulation an amount necessary for subsistence uses of salmon.

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

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In the judgment of the department, no.

**PROPOSAL 101: Page 70, 5 AAC 01.5XX. Use of Global Positioning System (GPS).**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would create a new regulation mandating the use of Global Positioning Systems (GPS) in the measurement of latitude and longitude pertaining to all boundary lines and coordinates in the Kodiak Management Area subsistence fisheries.

WHAT ARE THE CURRENT REGULATIONS? The current regulations do not specify how latitude and longitude is measured as they pertain to regulations in this area. No reference to LORAN or GPS technology is specified in regulation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would require that the location of all boundaries used in the Kodiak Management Area subsistence fisheries be identified using GPS technology. Adoption of this regulation will eliminate confusion over the means to determine fishery boundaries. It is not expected that any change in fishing area would occur.

BACKGROUND: Open and closed water boundaries, sections lines, and other pertinent boundary lines are defined by latitude and longitude. GPS provides an accurate measurement of coordinates. The Alaska Department of Public Safety and the Alaska Department of Fish and Game use GPS technology to enforce boundary lines.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it. If adopted, this proposal will avoid confusion among the Kodiak subsistence fleet, and make existing boundary lines more enforceable. The regulations will clearly state that GPS will be used to define all coordinates.

COST ANALYSIS: Adoption of this proposal may result in an additional direct cost for a private person to participate. Additional cost may be incurred by vessel operators that do not currently have a GPS.

**PROPOSAL 102: Page 71, 5 AAC 01.500. Description of Kodiak Area.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would describe the Kodiak Management Area in the subsistence regulations the same as in the commercial salmon regulations. Current subsistence fishing regulations do not describe the Kodiak Area the same as in the commercial salmon fishing regulations (5 AAC18.100).

The Kodiak Area **subsistence fisheries** includes all waters of Alaska south of a line extending from Cape Douglas (58° 51.10' N. Lat.), west of 150° W. long., north of 55° 30.00' N. lat., and **north and east of a line extending 135° southeast for three miles from a point near Kilokak Rocks at 57° 10.34' N. lat., 156° 20.22' W. long. (the longitude of the southern entrance of Imuya Bay), then due south.** [SOUTH FROM THE SOUTHERN ENTRANCE OF IMUYA BAY NEAR KILOKAK ROCKS (156° 20.22' W. LONG.)]

WHAT ARE THE CURRENT REGULATIONS? The current regulation describes the area slightly differently from the commercial salmon regulations.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the regulation would make the Kodiak Management Area similar between commercial salmon and herring and subsistence fishing regulations.

BACKGROUND: In 1999 when the board last defined the Kodiak Management Area in the commercial salmon regulations a slight disparity resulted in the subsistence fishing description.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it. The department believes it will avoid confusion and enhance enforcement of Kodiak boundary lines.

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

**PROPOSAL 103: Page 72, 5 AAC 01.510. Fishing Seasons.**

Proposal 103 as submitted, may have incorrectly identified the regulation the author wishes to amend. The proposed change might better be accomplished by an amendment to 5 AAC 01.525, Waters Closed to Subsistence Fishing.

WHAT WOULD THE PROPOSAL DO? This proposal would keep Shahafka Cove (not described in the proposal) closed to subsistence fishing with gillnets after September 30.

WHAT ARE THE CURRENT REGULATIONS? In 5 AAC 01.525, Waters Closed to Subsistence Fishing, subsection (1) specifies closed waters near the city of Kodiak, in the Near Island/Woody Island channel. Subsistence fishing is closed year round in the channel between Kodiak Island and Near Island, immediately adjacent to the city of Kodiak. From August 7 to September 30 this closed water area expands to include more area to the north, including Shahafka Cove, the area of concern for this proposal. After September 30, the closed waters are reduced, which opens Shahafka Cove to subsistence fishing beginning October 1.

5 AAC 01.525. Waters Closed to Subsistence Fishing. The following waters are closed to the subsistence taking of salmon:

(1) all waters of Near Island Channel that are bounded by a line from a point on Kodiak Island near Delarov Street at 57° 47.62' N. lat., 152° 22.78' W. long., to the northernmost point of Holiday Island at 57° 47.27' N. lat., 152° 22.60' W. long., to a point at the northernmost tip of Near Island at 57° 47.30' N. lat., 152° 23.16' W. long., to a point at the northernmost end of Uski Island south of the Dog Bay small boat harbor entrance at 57° 46.92' N. lat., 152° 24.56' W. long., and north to a point at the tip of the breakwater on Kodiak Island at 57° 47.08' N. lat., 152° 24.60' W. long; in addition, from August 7 through September 30, all waters of Mill Bay and those waters bounded by a line from a point at Spruce Cape at 57° 49.33' N. lat., 152° 19.48' W. long., to the northernmost point of Woody Island at 57° 47.91' N. lat., 152° 19.85' W. long., to a point at the northernmost point of Holiday Island at 57° 47.27' N. lat., 152° 22.60' W. long., and to a point on Kodiak Island near Delarov Street at 57° 47.62' N. lat., 152° 22.78' W. long.;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The proposal requests that the subsistence closure of Shahafka Cove continue after September 30. To accomplish this proposal a new closed waters area to subsistence salmon fishing would need to be identified (define Shahafka Cove). The proposal requests the closed waters be effective on Sept. 30 but did not specify an ending date. The proposal requests increased harvest opportunities for sport fishermen and less harvest opportunities for subsistence salmon fishermen.

BACKGROUND: In 2002, the board, with public panel recommendation consensus, restricted subsistence fishing in this area through September 30, noting that the majority of sport fishing effort occurs from August 7 through September 30. The Kodiak AC had modified the actual proposal to avoid the potential gear conflicts and to also allow a subsistence fishery. Further, snagging in marine waters is only allowed after September 15 as a means to maximize the sport fish harvest prior to the subsistence opening on October 1.



DEPARTMENT COMMENTS: The department opposes this proposal because it does not provide a method to harvest any remaining enhanced coho salmon that may stray if they are unable to enter Mission Lake.

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

## **SPORT FISH:**

### **PROPOSAL 104: Page 73, 5 AAC 64.022(a)(3). Water; Seasons: Bag, Possession, and Size Limits; and Special Provision for the Kodiak Area; and 5 AAC 75.022(c)(2) Statewide Management Standards for Wild Trout.**

WHAT WOULD THE PROPOSAL DO? This proposal is intended to serve as a placeholder, providing the board an opportunity to review existing wild trout regulations in the Kodiak Area for consistency with the recently adopted statewide management standards for wild trout.

WHAT ARE THE CURRENT REGULATIONS? The area wide limit for rainbow/steelhead trout in saltwater is two per day, two in possession, of which only one fish daily and in possession may be 20 inches or greater in length. There is no annual limit in salt-water and fishing is open all year.

In freshwaters, the general bag limit and possession limit is two fish per day, of which only one may be over 20 inches in length. There is no annual limit and flowing waters are open from June 15 to March 31. To protect spawning fish, most flowing waters are closed to rainbow/steelhead trout fishing from April 1 – June 14. Exceptions to the general season, bag and possession limits for rainbow/steelhead trout include the following:

#### *Kodiak Remote Zone:*

The Ayakulik River drainage and the Karluk River (from the lake outlet to one mile below the Portage) are open to catch and release steelhead fishing from April 1 – June 14. Only artificial lures may be used April 1 – May 31.

#### *Kodiak Road Zone:*

In the Buskin River Drainage, catch and release fishing, with artificial lures only, is allowed from November 1 to December 31. The Buskin drainage is closed to rainbow/steelhead trout fishing from January 1 through October 31.

In addition, the bag possession limit for stocked lakes is ten fish, of which only one may be over 20 inches in length, however stocked lakes do not fall within the wild trout plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? In March 2003, the board adopted Statewide Management Standards for Wild Trout (5 AAC 75.220). A key provision of this regulation recommends conservative harvest limits of two trout per day, only one 20 inches or greater in length, with an annual limit of two trout 20 inches or greater in length unless circumstances exist where alternative harvest limits may be appropriate.

Currently, Kodiak Area regulations are not uniformly aligned with the statewide management standards for wild trout. If adopted for the Kodiak Remote Zone, considering the limited effort that presently occurs within this area, the new statewide management standards would likely prove adequate to protect and conserve trout populations primarily through the imposition of an annual limit. However, if adopted for the Kodiak Road Zone, where wild trout populations are close to a large population center and subject to relatively high angling effort, the statewide management standards may be insufficient to properly address sustainability issues and therefore consideration of alternative harvest limits are appropriate.

BACKGROUND: Kodiak Area rainbow/steelhead trout regulations have evolved over the past 20 years. Spawning season closures for flowing waters were adopted in 1988 and the bag limit was lowered from ten to two fish per day, with only one over 20 inches in length. In 1996, the Buskin River was opened to catch and release fishing during November and December. In 2002, the Ayakulik River and a portion of the Karluk River were opened to catch and release fishing during the spawning closure dates, April 1 – June 15 and only artificial lures may be used from April 1 to May 31.

DEPARTMENT COMMENTS: The department supports adoption of the statewide bag and possession limits in the Remote Zone of the Kodiak Management Area and in salt waters. Adoption of the conservative statewide standards would make it unnecessary to maintain a spawning season closure in flowing waters of the remote zone or to require catch and release fishing from April 1 – June 15 in the Karluk and Ayakulik Rivers. However within the Kodiak Road Zone, the department recommends establishment of regulations that only provide for year round catch-and-release fishing for wild rainbow trout and steelhead populations. Only small rainbow/steelhead trout populations are found in these popular Road-Zone salmon streams, which are easily accessible by anglers. These populations are therefore extremely vulnerable to overexploitation. A year-round catch and release requirement would serve to protect and conserve these wild stocks while still providing angler opportunity at the area's more popular fishing bcations. If the road zone recommendations for catch and release fishing only are adopted, the board should also consider imposition of an artificial lure only restriction between November 1 and May 1. The department does not recommend changing the rainbow trout regulations contained in 5AAC 64.022(a)(3)(B) for Kodiak Area stocked lakes.

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 105: Page 74, 5 AAC 64.022 (b) (1)(D). Water; Seasons: Bag, Possession, and Size Limits; and Special Provision for the Kodiak Area.**

WHAT WOULD THE PROPOSAL DO? This proposal would open the Lake Rose Tead drainage to sport fishing for king salmon.

WHAT ARE THE CURRENT REGULATIONS? The Lake Rose Tead drainage is currently closed to sport fishing for king salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The angling public would be allowed to harvest any king salmon that might stray into the Lake Rose Tead drainage.

BACKGROUND: The department stocked Lake Rose Tead with king salmon fry from 1976 through 1985, in an attempt to establish a king salmon return. This return failed to develop, even though the bag limit in this drainage was reduced to one king per day in 1983 and closed in 1988. Currently there is no sustained king salmon return in this drainage to protect. The department is currently developing put and take king salmon returns in other drainages on the road system and wants to ensure that returning adults are harvested, especially fish that might stray to nearby systems.

DEPARTMENT COMMENTS: The department supports this staff proposal. There is currently no return of king salmon in the Rose Tead drainage and the department wants to ensure that any kings, that might stray into this system could be harvested. Opening the Rose Tead drainage would be consistent with actions that the Board took in 1996 when it selectively opened road system streams to allow for the opportunistic harvest any kings that could potentially stray from their release location.

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 106: Page 74, 5 AAC 64.030 Method, Means, and General Provisions – Finfish; 5 AAC 64.051 Waters Closed to Sport Fishing in the Kodiak Area.**

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit anglers from casting, drifting or trolling sport fishing gear across commercial fishing gear and shall require a distance of at least 100 fathoms be maintained from commercial fishing nets.

WHAT ARE THE CURRENT REGULATIONS? Alaska Statute 16.10.055 Interference With Commercial Fishing Gear. A person who willfully or with reckless disregard of the consequences, interferes with or damages the commercial fishing gear of another person is guilty of a misdemeanor. For the purposes of this section “interference” means the physical disturbance of gear which results in economic loss or loss of fishing time, and “reckless disregard of the consequences” means a lack of consideration for the consequences of one’s acts in a manner that is reasonably likely to damage the property of another.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would create closed waters for anglers within 100 fathoms of any commercial fishing nets. Anglers would be prohibited from casting/drifted/trolling sport fishing gear across commercial fishing gear.

BACKGROUND: This is a public proposal, which addresses the perceived problem of sport gear interfering with commercial gear.

DEPARTMENT COMMENTS: The department supports the orderly development of fisheries but is neutral on the allocative aspects of this proposal. The department presumes that the proposer’s intent is to avoid sport fishing interference with the actual operation of commercial gear, and, if the board is inclined to adopt the proposal, would suggest additional language to clarify that the restrictions only apply to situations where the commercial gear is being operated.

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 107: Page 75, 5 AAC 64.XXX Ayakulik River King Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? This is a placeholder proposal submitted by the Kodiak Fish and Game Advisory Committee (KAC), which has been meeting to consider development of a management plan for the Ayakulik River king salmon sport fishery. At its November 30, 2004 meeting, the Ayakulik River King Salmon Workgroup presented the KAC with a list of three recommendations to present to the Board of Fisheries.

- 1) Acknowledge the efforts of stakeholders, the Kodiak Advisory Committee, Kodiak National Wildlife Refuge (KNWR) and ADF&G to address social issues relating to the Ayakulik River king salmon fishery.
- 2) Support continuation of the seven voluntary camping closures on KNWR managed lands.
- 3) Direct ADF&G, by regulation, to not increase king salmon bag limits inseason.

The KAC voted unanimously to forward these recommendations to the Board.

WHAT ARE THE CURRENT REGULATIONS? The Ayakulik River lies in the Kodiak Island Remote Zone and the king salmon sport fishery regulations are as follows:

Season: Open January 1 – July 25, spawning ground closure July 26 – December 31.

Daily limits: 3 daily, 3 in possession (only 2 daily and in possession may be over 28” in length)-less than 20”, 10 daily, 10 in possession.

Annual limit: No more than 5 per year; 20” or longer. Harvest record required.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The original placeholder proposal stated that forthcoming recommendations from KAC might include making changes to such items as bag limits, methods and means, as well as use restrictions. Of the three workgroup recommendations being forwarded to the Board of Fisheries, only one requests that the Board of Fisheries (BOF) initiate regulatory changes. Recommendation 3 is requesting that the Board direct the department, through regulation, to not exercise its emergency order authority under 5 AAC 75.003 to increase bag and possession limits inseason. If the recommendation were adopted into either a separate regulation or as part of a management plan, the bag and possession limits for king salmon would remain unchanged during years when the upper limit of the escapement goal range was being exceeded.

BACKGROUND: The Ayakulik River king salmon sport fishery can provide anglers with a unique experience best characterized by its remote location, uncrowded conditions, and high catch rates during multi-day float trips, all of which tend to result in very positive reports of visitor satisfaction. In recent years, the ADF&G and the Kodiak National Wildlife Refuge (KNWR) received numerous complaints from visitors to the Ayakulik River during the king salmon fishery, especially after the 2002 season. These complaints included assertions that the most productive fishing sites were being monopolized by large groups of visitors who camped for extended periods of time at these prime fishing sites. There were additional concerns expressed about littering as well as a general perception of overcrowding during the fishery. In response, the two agencies initiated a public process to identify the type of experience Ayakulik visitors desired and to develop future management options to accommodate those preferences.

The public process included KNWR mailing 2,000 letters in November 2002 soliciting input from past visitors and other interested members of the public. Approximately 90 reply letters were subsequently received. Both agencies sponsored a public meeting in December 2002 to further discuss perceived problems during the king salmon fishery. Fifty-five members of the public attended the meeting. In response to the issue, the KAC appointed a work group to study the fishery and to bring recommendations back to the committee. The work group met three times in early 2003 to discuss fishery issues, collect

information, and to develop interim measures that might help address the user concerns prior to the next BOF meeting.

Interim measures decided upon by the workgroup and implemented for the 2003 and 2004 king salmon fishery included the following actions:

A) A multi-agency visitor brochure was created and issued that described the KAC work group's effort to consider how to make improvements to the fishery. The brochure clarified existing policies and regulations on issues such as littering; and recommended that visitors voluntarily limit their group size to 6 people, and limit their trip length to 7 days.

B) Seven of the most productive fishing holes on the lower river were designated as voluntary non-camping zones using clearly marked boundaries.

C) An electric fence was installed on a public easement adjacent to Ayakulik Lagoon to facilitate secure overnight gear and garbage storage. Its use would hopefully encourage litter removal by anglers and air taxis exiting the fishery.

D) A visitor census, consisting of on-site interviews and a written questionnaire, was designed to document levels of existing use and determine compliance with the voluntary camping closures. The questionnaire was designed to help evaluate the type of fishery participants wanted and how they perceived the current fishery. All anglers visiting the river during the two-year study period were asked to participate in the census upon completion of their trip.

The work group met in February 2004 and drafted a placeholder proposal so that the BOF could consider any forthcoming KAC recommendations based on results of the two-year visitor use study as well as additional public input. A set of recommendations from the work group was presented to the KAC in November of 2004, which voted unanimously in favor of forwarding the recommendations to the BOF.

The first two recommendations seek a BOF finding that endorse both the public process and actions taken to date to address concerns raised by the public over perceived problems during the king salmon sport fishery. A positive Board finding would serve to formally notice the public and KNWR that the present direction being taken to shape the recreational fishery meets with the Boards approval. Federally managed lands of the KNWR surround the Ayakulik River and are outside BOF authority to address issues related to access, camping location and duration. Conversely, the KNWR does not have management authority over recreational fisheries. Nevertheless, the independent applications of each agencies respective authority are key to determining the quality of visitor experiences to the Ayakulik River. The third recommendation is requesting that the Board restrict the department's authority to increase bag and possession limits for king salmon when the upper limit of the king salmon escapement goal is projected to be exceeded, which has occurred during each of the past 10 seasons. The KAC and work group cited the following reasons for this recommendation:

1. Catch statistics from the 2003 and 2004 visitor census indicate that there is not a demand for increased king salmon harvest opportunity. Presently, very few anglers take their daily or annual bag limit when visiting the Ayakulik River, even though the average angler caught 13 kings in 2003 and 27 kings in 2004.
2. Inseason increases in harvest opportunity may attract more anglers, which may in turn lower overall visitor satisfaction. As crowding was perceived as an issue, agency actions that promoted crowding were felt to be counterproductive.

3. Visitor census results indicated that an overwhelming majority of users wish to preserve the historic character of the fishery, which includes high catch rates but low rates of harvest.

DEPARTMENT COMMENTS: The department supports the Board issuing a finding that endorses the three recommendations presented by the KAC. A Board Finding that endorses the recommendations would provide sufficient direction to the Department and signal intent to other regulatory agencies as to how the Ayakulik king salmon fishery should be managed to address the concerns and preferences of stakeholders. Objectives of the current Sport Fish Division Strategic Plan include assessing and meeting the demand for a variety of recreation fishing experiences by determining the fishing opportunities sought by the anglers. To that end, the department has supported and facilitated the public process used by stakeholders to determine what type of fishery they would like to see developed on the Ayakulik River. The strategic plan also recognizes that dialogues with other agencies, users, tribal entities, and stakeholders are key to achieving this objective.

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.



**COMMERCIAL:**

**PROPOSAL 108: Page 76, 5 AAC 18.XXX. Use of Global Positioning System (GPS).**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would create a new regulation mandating the use of Global Positioning Systems (GPS) in the measurement of latitude and longitude pertaining to all boundary lines and coordinates in the Kodiak Management Area commercial salmon fisheries.

WHAT ARE THE CURRENT REGULATIONS? The current regulations do not specify how latitude and longitude is measured as they pertain to regulations in this area. No reference to LORAN or GPS technology is specified in regulation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would require that the location of all boundaries used in the Kodiak Management Area salmon fisheries be identified using GPS technology. Adoption of this regulation will eliminate confusion over the means to determine fishery boundaries. It is not expected that any change in fishing area would occur.

BACKGROUND: Open and closed water boundaries, sections lines, and other pertinent boundary lines are defined by latitude and longitude. GPS provides an accurate measurement of coordinates. The Alaska Department of Public Safety and the Alaska Department of Fish and Game use GPS technology to enforce boundary lines.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it. If adopted, this proposal will avoid confusion among the Kodiak commercial salmon fleet, and make existing boundary lines more enforceable. The regulations will clearly state that GPS will be used to define all coordinates.

COST ANALYSIS: Additional cost may be incurred by vessel operators that do not currently have a GPS.

**PROPOSAL 109: Page 77, 5 AAC 18.200. Description of Districts and Sections.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would slightly change the boundaries between adjacent sections in three locations:

- 1) In the Afognak District, the boundary between the Southeast Afognak and Duck Bay Sections,
- 2) In the Southwest Kodiak District, the boundary between the Inner Karluk and Sturgeon Sections;  
and
- 3) In the Southwest Kodiak District, the boundary between the Halibut Bay and Outer Ayakulik Sections.

There were directional errors in the suggested language of Proposal 109, as originally submitted by the department. Section boundary lines proposed for the Inner Karluk, Sturgeon, Halibut Bay, and Outer Ayakulik Sections run **west, not east**, from Kodiak Island out into Shelikof Strait to the 3-mile limit, not to the east as published. Substitute language is offered below where east is struck through and highlighted and west (the correct direction) is added.

5 AAC 18.200. Description of Districts and Sections:

(a) Afognak District:

(10) Duck Bay Section: all waters of Duck Bay bounded by the latitude of Pillar Cape, by a line from Pillar Cape to Peril Cape, and by **a line from** [THE LATITUDE OF] Cape Kostromitinof **at 152° 33.40' W. long.** [(58° 05.00' N. LAT.)];

(11) Southeast Afognak Section: all waters of Kazakof Bay (Danger Bay) and Afognak Bay bounded by **a line from** [the latitude OF] Cape Kostromitinof **at 152° 33.40' W. long.**, a line from Head Point on Afognak Island to Dolphin Point on Whale Island, and the latitude of Dolphin Point;

(c) Southwest Kodiak District:

(2) Inner Karluk Section: all waters west of Kodiak Island bounded by the latitude of Pafco Point, **a line running east west from** [THE LATITUDE OF] Cape Karluk **at 57° 34.40' N. lat.** [(57° 34.70' N. LAT.)], and by midstream Shelikof Strait;

(3) Sturgeon Section: all waters southwest of Kodiak Island bounded by **a line running east west from** [THE LATITUDE OF] Cape Karluk **at 57° 34.40' N. lat.**, the latitude of Sturgeon Head (57° 30.65' N. lat.), and by midstream Shelikof Strait;

(4) Halibut Bay Section: all waters southwest of Kodiak Island bounded by the latitude of Sturgeon Head, **a line running east west from** [THE LATITUDE OF] Cape Ikolik **at 57° 17.75' N. lat.** [(57° 17.40' N. lat.)], and by midstream Shelikof Strait;

(5) Outer Ayakulik Section: all waters southwest of Kodiak Island bounded on the north by **a line running east west from** [THE LATITUDE OF] Cape Ikolik **at 57° 17.75' N. lat.**, and on the south **by a line** at 57° 13.15' N. lat., and offshore at midstream Shelikof Strait;

WHAT ARE THE CURRENT REGULATIONS? The current regulations describe these district and section lines differently, as shown in the above closed water definition amendments.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would redefine three section lines in the Kodiak Area that would clarify and simplify regulations, reduce

enforcement problems, and/or allow greater opportunity for fishermen to target specific salmon runs when the section is open to fishing.

**BACKGROUND:** The Kodiak Area has been divided into commercial salmon fishing districts and sections since before statehood, to aid management of Kodiak’s salmon fisheries. The specific reasons for the original locations of boundaries between districts and sections are not known. However, generally, district and section boundary lines separate geographic areas (e.g. Mainland vs. the Kodiak Archipelago or Kodiak vs. Afognak), gear type areas (e.g. purse seine only vs. gillnet only), and/or primary or terminal harvest locations for specific salmon systems (e.g. Inner Karluk vs. Outer Karluk). When first instituted in state regulations, district and section boundary descriptions were somewhat vague, relying on major geographical features such as known points or capes to separate the areas (e.g., Cape Karluk, Sturgeon Head, or Pafco Point). Latitude and longitude coordinates were added in specific areas as problems with competition between users or enforcement problems occurred. A latitude and longitude description was first used in the Kodiak Area salmon fishery regulation 5 AAC 18.200, Fishing Districts, in 1973. With time, more place names used in regulation were described with latitude and longitude coordinates.

Districts and sections have been added and modified many times over the years. The last major restructuring of Kodiak commercial salmon fishery district and section boundary lines occurred in 1988, with only minor modifications since.

Since 1988, problems have been identified with district, section, and closed waters regulations that relate specifically to the method originally used to determine the boundary’s latitude and longitude coordinates. As mentioned, early delineations were based on prominent geographic features, such as capes and points. The use of major geographical points in regulations allows for ready identification of the boundary. However, some capes are large with no clearly defined point. In many cases, department staff using contemporary NOAA charts may have somewhat arbitrarily determined the exact coordinates used to define a cape or point in regulations. In other cases, latitude and longitude coordinates for prominent points were determined from NOAA or USGS reference documents (e.g., Coast Pilot or the Dictionary of Alaska Place Names). Actual geographic features, and the latitude and longitude of such features, may be quite different when “ground truthed” using up to date technology.

The use of major geographical points as boundary lines is not always practical for the commercial fisheries. Many times, prominent capes or points are also the most effective places to operate seine gear (hauling spots). If a cape or point separates two districts or sections, closure of one of the two adjacent sections may make it impossible to effectively use that cape haul. In addition, currents and tides are swift around the Kodiak Archipelago, more so at exposed capes. It may be impossible to legally fish a haul spot near a cape in an open section if the adjacent section is closed. Tides and currents may quickly push a seine vessel from the open section into the closed section, before the seine has legally ceased fishing (rings aboard).

There have been many complaints and comments about the location of certain district or section lines, more so as navigation equipment has evolved and improved. With the advent of GPS technology, area fishermen have discovered many mistakes in latitude and/or longitude coordinates in regulation.

Department staff has sought, and will continue to seek, regulation changes when errors in coordinates are revealed by ground truthing using GPS technologies. In addition, the department supports adjustments to district or section boundary coordinates at particular locations that will contribute to safe, effective, legal fishing operations.

These three section lines have been problematic and the department receives numerous complaints about them. This proposal seeks to modify three section lines: Cape Kostromitinof, Cape Karluk, and Cape Ikolik. The current section boundary lines do not allow these capes to be fished safely, effectively, and legally, when one of these sections is open and the adjacent section is closed.

In the Afognak District, a latitude line running east at Cape Kostromitinof defines the boundary between the Southeast Afognak and Duck Bay Sections. In practice, use of a latitude line severely limits the ability of fishermen to fish Cape Kostromitinof when the Duck Bay Section is open and the Southeast Afognak Section is closed. This line was instituted when the Kitoi Bay Hatchery produced few fish. For the past five years (2000 to 2004) the Kitoi Bay Hatchery harvests averaged approximately 262.9 thousand chum, 6.6 million pink, and 151.4 thousand coho salmon annually. The Duck Bay Section is managed based on returns of chum, pink, and coho salmon to the Kitoi Bay Hatchery. With the advent of cost-recovery fisheries for the hatchery, Duck Cape may be the only section opened to common property fishing for Kitoi Bay Hatchery returns. The Southeast Afognak Section is managed based on salmon returns to local systems in Afognak Bay and Danger Bay. In recent years, low runs have led to closure of all or part of the Southeast Afognak Section. In 2001, 2002, and 2003, when Kitoi Bay Hatchery returns were strong, that portion of the Southeast Afognak Section at Cape Kostromitinof has been open by emergency order, to provide for more effective harvest of hatchery bound salmon.

In the Southwest Kodiak District, the line between the Inner Karluk and Sturgeon Sections is a latitude line running west from the northernmost point of Cape Karluk. The initial coordinates used in regulations defining Cape Karluk were determined from NOAA nautical charts. In practice, the line makes fishing for northbound Karluk salmon at Cape Karluk almost impossible. The Inner Karluk Section is a terminal area for salmon returning to the Karluk River watershed. It is managed on the Karluk early and late-runs of sockeye salmon and pink salmon. One provision of the management plan restricts the department from opening fishing periods in this section unless escapement goals will be exceeded. The Sturgeon Section is managed based on local chum and pink salmon and the Karluk sockeye and pink runs. In recent years, the Karluk sockeye and pink runs have been strong, leading to escapements in excess of established goals. The Inner Karluk Section has been open frequently, with the intent of stopping or severely limiting additional escapement. However, due to the placement of the southern boundary line, Cape Karluk cannot be effectively fished. The Sturgeon chum salmon runs have been weak, and this section, including the majority of Cape Karluk, has remained closed to fishing. In 2004, a portion of the Sturgeon Section at Cape Karluk was opened by emergency order, to provide for more effective harvest of Karluk bound salmon.

Also in the Southwest Kodiak District, the line between the Halibut Bay and Outer Ayakulik Sections is a latitude line running west from Cape Ikolik. The initial coordinates used in regulations defining Cape Ikolik were determined from NOAA nautical charts. In its present location the boundary line transects an area in which there are numerous small islands and reefs. This location is also severely affected by

tides and currents. Fishing Cape Ikolik is difficult and dangerous, even in good weather. If either the Halibut Bay and Outer Ayakulik Sections are closed, only half of the Cape is open to fishing, it is much more difficult, if not impossible to set, close, and purse a seine before tides and current push the boat into the closed section. Placing the Cape Ikolik area completely in the Outer Ayakulik Section eliminates those problems. In reality, this will likely lead to Cape Ikolik being open less. The Outer Ayakulik Section is managed based on salmon returning to the Ayakulik River watershed. Ayakulik sockeye salmon runs have been weak, and limited fishing opportunities have occurred in this section over the last several years.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it.

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

## PROPOSAL 110: Page 78, 5 AAC 18.350. Closed Waters.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would redefine several closed water descriptions for streams and bays within the Kodiak Area.

Note that there were some typographical errors in the suggested language of Proposal 110. Closed waters descriptions often reference those waters north or south of a latitude line, or east or west of a longitude line. In a few cases, the language provided in the original proposal was wrong. This includes closed water definitions for Kiavak Bay (5, G), Redfox Bay (6, L), and Bluefox Bay (6, M). Substitute language is offered below where the incorrect direction or coordinate is struck through and highlighted and the correction is added.

### 5 AAC 18.350. Closed Waters.

- (1)(D) Deadman Bay: east of 153° 51.30' W. long. [NORTH OF A LINE FROM 57° 05.41' N. LAT., 153° 51.30' W. LONG., TO 57° 07.05' N. LAT., 153° 52.22' W. LONG.];
- (2)(C) [all waters] south of 57° 33.20' N. lat. and east of 154° 33.20' W. long. [A LINE FROM 57° 33.73' N. LAT., 154° 30.99' W. LONG., TO 57° 31.48' N. LAT., 154° 34.41' W. LONG., INCLUDING STURGEON LAGOON];
- (2)(E) that portion of the Inner Karluk Section south of 57° 34.50' N. lat. and east of 154° 28.20' W. long. [ENCLOSED BY A STRAIGHT LINE FROM THE NORTHEAST END OF KARLUK SPIT AT 57° 34.53' N. LAT., 154° 26.70' W. LONG., TO THE ROCKY BLUFF EAST OF TANGLEFOOT BAY AT 57° 34.35' N. LAT., 154° 28.30' W. LONG.];
- (3)(B) Zachar Bay: east of 153° 47.60' W. long. [WITHIN A LINE FROM 57° 33.55' N. LAT., 153° 47.85' W. LONG., NORTHERLY TO A POINT AT 57° 34.60' N. LAT., 153° 47.70' W. LONG.];
- (3)(D) Little River: south of 57° 50.70' N. lat. and east of 153° 51.89' W. long. [WITHIN 500 YARDS OF THE TERMINUS];
- (3)(E) Cannon's Lagoon (Campbell's): north of 57° 51.24' N. lat. and west of 153° 37.91' W. long. [IN THE LAGOON AND 500 YARDS FROM ITS MOUTH];
- (3)(H) Terror Bay: [ALL WATERS OF THE BAY] south of 57° 46.32' N. lat. [57° 46.49' N. LAT.];
- (3)(I)(i) Barabara Cove: east of 152° 54.20' W. long. [WITHIN ONE-HALF STATUTE MILE OF THE STREAM TERMINUS];
- (3)(I)(ii) [ALL WATERS] south of 57° 46.84' N. lat. [A LINE EXTENDING FROM PESTCHANI POINT (57° 46.82' N. LAT., 152° 51.28' W. LONG.) TO THE OPPOSITE SHORE AT 57° 47.00' N. LAT., 152° 54.10' W. LONG.];
- (3)(M) Ouzinkie Harbor: [ALL WATERS OF OUZINKIE HARBOR] north of 57° 55.15' N. lat. [A LINE FROM 57° 55.25' N. LAT., 152° 30.01' W. LONG., TO 57° 55.05' N. LAT., 152° 29.55' W. LONG.];
- (4)(B) Women's Bay: west of 152° 31.50' W. long. [ALL WATERS INSIDE A LINE FROM THE TIP OF NYMAN PENINSULA (57° 43.23' N. LAT., 152° 31.51' W. LONG.), TO THE NORTHEASTERN TIP OF MARY'S ISLAND (57° 42.40' N. LAT., 152° 32.00' W. LONG.), TO THE SOUTHEASTERN SHORE OF WOMEN'S BAY AT 57° 41.95' N. LAT., 152° 31.50' W. long.];
- (4)(C) Middle Bay: [ALL WATERS] south of 57° 39.70' N. lat. [A LINE FROM 57° 39.92' N. LAT., 152° 29.42' W. LONG., TO THE OPPOSITE SHORE AT 57° 39.48' N. LAT., 152° 28.12' W. LONG.];
- (4)(D) Kalsin Bay: [ALL WATERS] south of 57° 36.45' N. lat. [A LINE FROM A BLUFF ON THE EAST SHORE AT 57° 36.50' N. LAT., 152° 24.61' W. LONG., TO THE OPPOSITE SHORE AT THE SOUTHWEST CORNER OF THE BAY AT 57° 36.45' N. LAT., 152° 27.71' W. LONG.];
- (5)(A)(ii) Eagle Harbor: south of 57° 25.60' N. lat. and west of 152° 42.40' W. long. [WITHIN ONE-HALF STATUTE MILE OF THE TERMINUS OF EAGLE RIVER];
- (5)(A)(iv) Pasagshak Bay: north of 57° 27.00' N. lat. and east of 152° 28.00' W. long. [RIVER (STREAM NO. 259-411): WITHIN 1000 YARDS FROM THE TERMINUS];

- (5)(B)(ii) Dog Bay: north of **57° 19.85' N. lat.** [A LINE FROM COXCOMB POINT TO SHEARWATER POINT];
- (5)(C) Shearwater Bay: **east of 152° 53.60' W. long.** [NORTH OF A LINE FROM 57° 20.20' N. LAT., 152° 52.90' W. LONG., TO 57° 20.60' N. LAT., 152° 53.62' W. LONG.];
- (5)(G) Kiavak Bay: **north south of 57° 01.10' N. lat. and west of 153° 35.70' W. long.** [IN THE LAGOON AND 500 YARDS FROM ITS MOUTH];
- (5)(H) Kaguyak Bay: west of **153° 45.45' W. long.** [153° 45.17' W. LONG.];
- (5)(K) Three Saints Bay: west of 153° 32.00' W. long.;**
- (6)(D) Pauls Bay (Perenosa): **south and east of a line from 58° 23.85' N. lat., 152° 20.80' W. long., to 58° 23.53' N. lat., 152° 21.35' W. long., to 58° 23.30' N. lat., 152° 21.35' W. long.** [WITHIN ONE-HALF STATUTE MILE OF THE TERMINUS OF PAULS CREEK];
- (6)(F)(iv) Long Lagoon [BAY] (includes stream No. 251-301): south of [A LINE FROM] 58° 16.38' N. lat., 152° 53.81' W. LONG., TO 58° 16.40' N. LAT., 152° 53.40' W. LONG.];
- (6)(G) Malina Bay:
- (i) east of 152° 55.19' W. long.;**
  - (ii) In Malka Bay south of 58° 10.53' N. lat.;**
- (6)(H) Afognak Bay: north of a line from Otrubistoi Point **at 58° 02.00' N. lat., 152° 45.50' W. long.** to Settlement Point **at 58° 03.00' N. lat., 152° 43.70' W. long.;**
- (6)(I) Muskomee Bay: east of 153° 04.00' W. long.;**
- (6)(J) Selief Bay: south of 58° 02.15' W. long.;**
- (6)(K) Shuyak:**
- (i) Shangin Bay (Includes streams No. 251-702 to 251-704): south of 58° 33.75' N. lat.;**
  - (ii) Whitey's Hole (Includes stream No. 251-705): south of 58° 34.88' N. lat.;**
  - (iii) Carry Inlet (Includes stream No. 251-710): south of 58° 34.23' N. lat.;**
  - (iv) Big Bay (Includes streams No. 251-601 and 251-603): south of 58° 32.84' N. lat.;**
- (6)(L) Redfox Bay: south of 58° 27.33' W. long. N. lat.;**
- (6)(M) Bluefox Bay: south of 58° 25.70' W. long. N. lat.;**
- (7)(C) Kafia Bay: **west of 154° 10.50' W. long.** [WITHIN ONE STATUTE MILE OUTSIDE THE ENTRANCE OF THE OUTER LAGOON];
- (7)(D) Wide Bay:
- (i) west of 156° 30.00' W. long.** [A LINE FROM 156° 28.71' W. LONG., 57° 17.90' N. LAT., TO 156° 30.98' W. LONG., 57° 19.80' N. LAT.];
  - (iii) Big Creek (stream No. 262-851): north of 57° 27.90' N. lat. and west of 156° 11.94' W. long.;**
- (7)(E) Chiniak Lagoon [CREEK] (stream No. 262-154): south of **58° 31.50' N. lat. and west of 153° 54.50' W. long.** [ALL WATERS ENCLOSED BY A LINE FROM CAPE CHINIAK (58° 30.96' N. LAT., 153° 54.50' W. LONG.) TO A POINT ON VILLAGE BEACH 500 YARDS FROM THE ENTRANCE TO CHINIAK LAGOON];
- (7)(G) Hallo Bay: **west of 154° 02.00' W. long.** [(I) NINAGIAK RIVER: INSIDE OF A LINE RUNNING IN A SOUTHEASTERLY DIRECTION FROM A POINT 500 YARDS NORTH OF THE STREAM TERMINUS AND A LINE RUNNING IN AN EASTERLY DIRECTION FROM A POINT 500 YARDS SOUTH OF THE STREAM TERMINUS; (ii) UNNAMED STREAM (STREAM NO. 262-203): INSIDE OF A LINE RUNNING IN AN EASTERLY DIRECTION FROM A POINT 500 YARDS NORTH OF THE STREAM TERMINUS AND A LINE RUNNING IN A NORTHEASTERLY DIRECTION FROM A POINT 500 YARDS SOUTH OF THE STREAM TERMINUS];
- (7)(H) Village Creek (stream No. 262-153): **north of 58° 33.00' N. lat. and west of 153° 53.80' W. long.** [BETWEEN TWO PARALLEL LINES THAT START AT POINTS LOCATED AT HIGHER HIGH WATER, WITH ONE BEGINNING 500 YARDS NORTH AND SOUTH OF THE STREAM TERMINUS AND EXTEND EAST TO MIDSTREAM OF SHELKOF STRAIT; ALL WATERS WEST OF A LINE ALL WATERS WEST OF A LINE 58° 34.185 N. LAT., 153° 52.485' W. LONG. AND 58° 33.140 N. LAT., 153° 54.659' W. LONG.];

(7)(I) Kinak Bay (includes stream No. 262-451): **north of 58° 10.64' N. lat. and east of 154° 27.45' W. long.** [IN THE LAGOON AND 500 YARDS FROM ITS MOUTH];

(8) Within the designated freshwater salmon streams and rivers of the Kodiak Area; **also, [, AND] closed waters at streams not previously listed in 5 AAC 18.350 (a) (1) to (a)(7) shall be as designated on the ADF&G Kodiak Area Salmon Statistical Chart (Revision, February 2005), with streams marked with a circled number remaining open to commercial salmon fishing up to a straight line between the seaward extremities of the exposed tideland banks and streams marked with an uncircled number remaining closed to commercial salmon fishing in** all saltwater within 500 yards of all points of a straight line extending between the seaward extremities of the exposed tideland banks, or as marked by ADF&G regulatory markers; **this chart is hereby adopted by reference**; the provisions of 5 AAC 39.290 do not apply to the Kodiak Area;

(9) numbered freshwater salmon streams and rivers in this section are those identified on the ADF&G *Kodiak Area Salmon Statistical Chart* (Revision, **February 2005** [MARCH 2002]) available from the department; this chart is hereby adopted by reference;

(10) all waters seaward of the territorial sea of Alaska as shown on National Oceanic and Atmospheric Nautical Chart Number 16580 (**Twelfth Edition, November 2003** [TENTH EDITION, JULY 18, 1998]) and all waters seaward of the territorial sea of Alaska as shown on the ADF&G *Kodiak Area Salmon Statistical Chart* (Revision, **February 2005** [MARCH 2002]); these charts are hereby adopted by reference.

**WHAT ARE THE CURRENT REGULATIONS?** The current regulations define the closed waters differently than what is proposed.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** Several regulatory descriptions of closed waters would be changed slightly, in order to protect the salmon buildup areas at stream mouths and to clarify and/or simplify identification of closed water areas. In addition, the Kodiak commercial salmon fishery closed waters definitions would reference the most current ADF&G statistical chart and NOAA nautical charts.

**BACKGROUND:** The last major revision of KMA salmon regulatory descriptions of districts, sections, and closed waters occurred in 1988. At that time, the department placed in regulation legal descriptions of traditional closed water areas, many of which had previously been designated only by closed water markers. Latitude and longitude coordinates were determined from contemporary NOAA nautical charts or from LORAN navigation systems.

Actual geographic features, and the latitude and longitude of such features, may be quite different when “ground truthed” using up to date GPS technology. There have been many complaints and comments about the location of certain closed waters lines, more so as navigation equipment has evolved and improved. With the advent and expanded use of global positioning systems (GPS) and computerized mapping and navigation systems, many discrepancies have been found between the regulatory closed waters description, current location of closed water markers, and the old “traditional” closed water areas.

In addition, due to budget constraints, the department’s ability to maintain the hundreds of closed water markers located throughout the KMA has been compromised. It is necessary to define many closed water areas that were previously only designated by on-site closed water markers.



Finally, many of the closed water descriptions currently in regulation have proven difficult to ascertain, and are unenforceable. Closed water definitions should be simplified by using easily identifiable latitude or longitude lines, wherever possible.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it.

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

**PROPOSAL 111: Page 81, 5 AAC 18.310. Fishing Seasons: 5 AAC 18.361. Alitak Bay District Salmon Management Plan, 5 AAC 18.362. Westside Kodiak Management Plan, 5 AAC 18.365. Eastside Afognak Management Plan, 5 AAC 18.367. Eastside Kodiak Salmon Management Plan, 5 AAC 18.368. North Afognak/Shuyak Island Salmon Management Plan, and 5 AAC 18.369. Mainland District Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would change the commercial salmon fishing season opening date to allow earlier fisheries (from June 5 to June 1). It would also adjust commercial salmon fishery management plans for the Kodiak Area, to correct errors, standardize language, and adjust fishery management timing guidelines to reflect current salmon run timing.

5 AAC 18.310. Fishing Seasons. (a) Salmon may be taken only from **June 1** [JUNE 5] through October 31.

5 AAC 18.361. Alitak [BAY] District Salmon Management Plan.

(b) In the Cape Alitak, Humpy-Deadman, Alitak Bay, Moser Bay, and Olga Bay Sections, from **June 1** [JUNE 5] through June 13, the commissioner may open, by emergency order, a 33-hour commercial test fishing period beginning at 12:00 noon. From the conclusion of the commercial test fishing period through July 15, there shall be a minimum closure of 63 consecutive hours (2.6 days) in every 10-day period, unless the department determines that the sockeye salmon escapement goals will be achieved for the Frazer and early Upper Station sockeye salmon runs. In the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections, from July 16 through September 15, there shall be a minimum closure of 63 consecutive hours (2.6 days) in every 10-day period.

(c) Except during the commercial test fishing period under (b) of this section, from **June 1** [JUNE 5] through September 15, the commissioner shall open, by emergency order, fishing periods for the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections at different times of the same day, as follows...

(g) The Cape Alitak Section shall be managed, from **June 1** [JUNE 13] through July 15, based on the Frazer and early Upper Station systems sockeye salmon returns. From July 16 through August 9, in odd-numbered years the Cape Alitak Section shall be managed based on **either the sockeye salmon or pink salmon returns** to the Frazer system, and in even-numbered years it shall be managed based on the sockeye salmon returns **to either the Frazer system or** to Upper Station. From August 10 through August 25, in odd-numbered years, the Cape Alitak Section shall be managed based on the sockeye salmon return to Upper Station, and in even-numbered years it shall be managed based on either the pink salmon return to the Frazer system or on the sockeye salmon return to the Upper Station system. From August 26 through the end of the fishing season, the Cape Alitak Section shall be managed based on the coho and sockeye salmon returns to the entire Alitak [Bay] District.

5 AAC 18.361. Alitak [BAY] District Salmon Management Plan. (continued)

(h) The Alitak Bay, Moser Bay, and Olga Bay Sections shall be managed, from **June 1** [JUNE 13] through July 15, based on the Frazer and early Upper Station systems sockeye salmon returns. From July 16 through August 9, in odd-numbered years, the Alitak Bay, Moser Bay, and Olga Bay Sections shall be managed based on **either** the **sockeye salmon or** pink salmon returns to the Frazer system and in even-numbered years it shall be managed based on the sockeye salmon returns **to either the Frazer system or** to Upper Station. From August 10 through August 25, in odd-numbered years, the Alitak Bay, Moser Bay, and Olga Bay Sections shall be managed based on the sockeye salmon return to Upper Station, and in even-numbered years it shall be managed based on either the pink salmon return to the Frazer system or on the sockeye salmon return to the Upper Station system. From August 26 through the end of the fishing season, the Alitak Bay, Moser Bay, and Olga Bay Sections shall be managed based on the coho and late sockeye salmon returns to all Olga Bay systems.

(i) The Humpy-Deadman Section shall be managed, from **June 1** [JUNE 9] through July 15, at the same time, and with equal fishing time, with the Cape Alitak Section. After July 15, the Humpy-Deadman Section shall be managed based on the strength of salmon returns to systems located within the Humpy-Deadman Section.

(j) The Dog Salmon Flats Section shall be managed, from **June 1** [JUNE 9] through August 20, based on sockeye and pink salmon returns to the Frazer River System. From August 21 through the end of the fishing season, the Dog Salmon Flats Section shall be managed based on coho salmon returns to the Dog Salmon River and Horse Marine systems. The Dog Salmon Flats Section may be opened to fishing only when the department determines that escapement goals will be exceeded. These openings may not jeopardize achievement of minimum escapement goals for other salmon species. The department shall give at least 24-hours' advance notice before opening the Dog Salmon Flats Section.

(k) The Inner and Outer Akalura Sections shall be managed, from **June 1** [JUNE 9] through August 20, based on [EARLY AND LATE] returns of sockeye salmon to the Akalura System. From August 21 through August 26, the Inner and Outer Akalura Sections shall be managed based on coho and [LATE] sockeye salmon returns to the Akalura system. After August 26, the Inner and Outer Akalura Sections shall be managed based on coho salmon returns to the Akalura system. The Inner and Outer Akalura Sections may be opened to fishing only when the department determines that escapement goals will be exceeded. These openings may not jeopardize achievement of minimum escapement goals for other salmon species. The department shall give at least 24-hours' advance notice before opening either the Inner or Outer Akalura Sections.

(l) The Inner and Outer Upper Station Sections shall be managed, from **June 1** [JUNE 9] through **August 25** [AUGUST 20], based on early and late returns of sockeye salmon to the Upper Station system. [FROM AUGUST 21 THROUGH AUGUST 26, THE INNER AND OUTER STATION SECTIONS SHALL BE MANAGED BASED ON COHO AND LATE SOCKEYE SALMON RETURNS TO THE UPPER STATION SYSTEM.] After August 26, the Inner and Outer Upper Station Sections shall be managed based on coho and late sockeye salmon returns to the Upper Station system. The Inner and Outer Upper Station Sections may be opened to fishing only when the department determines that escapement goals will be exceeded. These openings may not jeopardize achievement of minimum escapement goals for other salmon species. The department shall give at least 24-hours' advance notice before opening either the Inner or Outer Upper Station Sections.

5 AAC 18.362. Westside Kodiak Management Plan.

(b) The Central and North Cape Sections must be managed

(1) from **June 1** [JUNE 9] through approximately June 15, as a mixed-stock fishery directed on early-run sockeye salmon returning to Karluk, Ayakulik, and Olga Bay systems; the department shall open **at least** two commercial test fishing periods, [EACH NOT EXCEEDING] 33 hours in length, during this time;

(6) after approximately September 5, based on **late-run sockeye salmon returning to the Karluk system and** coho salmon returning to the Northwest Kodiak District.

(c) The Anton Larsen Bay, Sharatin Bay, Kizhuyak Bay, Terror Bay, Inner Uganik Bay, Spiridon Bay, Zachar Bay, and Uyak Bay Sections must be managed

(1) from **June 1** [JUNE 9] through approximately June 15, based on local sockeye and early-run chum salmon returning to the major systems in each section; the department shall open **at least** two commercial test fishing periods, [EACH NOT EXCEEDING] 33 hours in length and occurring simultaneously with those in the Central and North Cape Sections, during this time;

(d) The Southwest Afognak Section must be managed

(1) from **June 1** [JUNE 9] through approximately June 15, as a mixed-stock fishery directed on early-run sockeye salmon returning to Karluk, Ayakulik, and Olga Bay systems; the department shall open one commercial test fishing period, [NOT EXCEEDING] 33 hours in length, during this time; the department may allow additional fishing time in the Malina Creek Terminal Harvest Area described in 5 AAC 18.378 in order to harvest sockeye salmon bound for Malina Creek;

(e) The Inner and Outer Karluk Sections must be managed

(1) from **June 1** [JUNE 9] through July 15, based on early-run sockeye salmon returning to the Karluk system; the department may open fishing periods in the Inner Karluk Section only if it appears that the desired early-run escapement goal will be exceeded; in the Outer Karluk Section, [THE DEPARTMENT MAY NOT OPEN MORE THAN ONE 33-HOUR FISHING PERIOD BEFORE JUNE 16 AND], from June 16 through approximately July 15, **the department** shall open fishing periods simultaneously with open periods in the Central Section;

(4) after approximately September 5, based on **late-run sockeye salmon and** coho salmon returning to the Karluk system.

(f) The Sturgeon and Halibut Bay Sections must be managed

(1) from **June 1** [JUNE 9] through approximately June 22, as mixed-stock fisheries directed on early-run sockeye salmon returning to the Karluk, Ayakulik, and Olga Bay systems; the department shall not open any commercial fishing periods during this time;

(g) The Inner and Outer Ayakulik Sections must be managed

(1) from **June 1** [JUNE 9] through approximately July 15, based on early-run sockeye salmon returning to the Ayakulik system;

5 AAC 18.365. Eastside Afognak Management Plan.

(b) The Southeast Afognak Section shall be managed on sockeye salmon returning to Afognak Lake during the period from **June 1** [JUNE 9] through July 5. From July 6 through August 24, fishing opportunities will be based on pink salmon returning to major systems in Afognak, Kazakof (Danger), and Marka Bays. After August 24, fishing time will be dependent on coho salmon returning to this section.

5 AAC 18.365. Eastside Afognak Management Plan (continued)

(c) The Duck Bay Section shall be managed based on early chum or sockeye salmon returns to Kitoi Bay hatchery during the period **June 1** [JUNE 9 -] **through** July 18. From July 19 through August 24, fishing time will be based on returning mixed wild and hatchery pink salmon. After August 24, this section shall be managed on local coho salmon runs.

(d) The Izhut Bay Section shall be managed based on the early chum or sockeye salmon returning to Kitoi Bay hatchery from **June 1** [JUNE 9 -] **through** July 26. Fishing time in the Izhut Bay Section will depend on returning wild and hatchery pink salmon from July 27 through August 24. After August 24, fishing time will be dependent on returns of local coho salmon and hatchery-bound sockeye or coho salmon runs. Throughout the season, fishing time may be restricted in order to meet cost recovery goals for hatchery-bound chum, sockeye, pink, or coho salmon.

(e) The Inner and Outer Kitoi Bay Sections shall be managed on early-run chum or sockeye salmon returning to the Kitoi Bay hatchery, from **June 1** [JUNE 9] through July 26. From June 18 through July 26, fishing opportunities will not occur in the Inner Kitoi Bay Section until chum or sockeye salmon brood stock requirements for the hatchery are assured. From July 27 through August 24, the Inner and Outer Kitoi Bay Sections shall be managed for pink salmon brood stock requirements. Fishing time may occur if the pink salmon brood stock requirements are not jeopardized. After August 24, fishing opportunities may be provided to harvest returning late sockeye and coho salmon that exceed brood stock needs. Throughout the season, fishing time may be restricted in order to meet cost recovery goals for hatchery-bound chum, sockeye, pink, or coho salmon.

5 AAC 18.367. Eastside Kodiak Salmon Management Plan.

(b) In the Northeast Kodiak District, the

(3) Buskin River Section shall remain closed until July 6; from July 6 through **July 15** [JULY 10], fishing opportunities shall be based on the abundance of local pink and Buskin Lake sockeye salmon; from **July 16** [JULY 11] through August 24, fishing opportunities shall be based on the abundance of local pink and chum salmon; from August 25 **through** [-] September 5, fishing opportunities shall be based on the abundance of local pink and coho salmon; after September 5, fishing opportunities shall be based on the abundance of local coho salmon;

(c) In the Eastside Kodiak District, **from June 1 through June 13 commercial fishing shall remain closed. For** [for] the

(1) Seven Rivers, Two Headed, and Sitkalidak Sections, [THERE MAY NOT BE MORE THAN TWO 33-HOUR FISHING PERIODS] from **June 1** [JUNE 14] through July 5 **fishing opportunities shall be based on** [TO HARVEST] local and mixed Kodiak sockeye salmon **and there may not be more than two 33-hour fishing periods**; from July 6 through August 24, fishing opportunities shall be based on the abundance of local and mixed Kodiak pink and chum salmon; from August 25 through September 5, fishing opportunities shall be based on the abundance of local pink, chum, and coho salmon; after September 5, fishing opportunities shall be based on the abundance of local coho salmon;

5 AAC 18.367. Eastside Kodiak Salmon Management Plan (continued)

(2) Outer Ugak Bay Section, [THERE MAY NOT BE MORE THAN TWO 33-HOUR FISHING PERIODS] from **June 1** [JUNE 14] through **June 21**, [JUNE 22] **fishing opportunities shall be based on** [TO HARVEST] local and mixed Kodiak sockeye salmon **and there may not be more than two 33-hour fishing periods**; from **June 22** [JUNE 23] through July 5, fishing opportunities shall be based on sockeye salmon bound to the Pasagshak River; from July 6 through August 24, fishing opportunities shall be based on the abundance of local and mixed Kodiak pink and chum salmon; from August 25 through September 5, fishing opportunities shall be based on the abundance of local pink, chum, and coho salmon; after September 5, fishing opportunities shall be based on the abundance of late chum and coho salmon;

(3) Inner Ugak Bay Section, [THERE MAY NOT BE MORE THAN TWO 33-HOUR FISHING PERIODS] from **June 1** [JUNE 14] through **June 21**, [JUNE 22] **fishing opportunities shall be based on** [TO HARVEST] local and mixed Kodiak sockeye salmon **and there may not be more than two 33-hour fishing periods**; from **June 22** [JUNE 23] through July 5, fishing opportunities shall be based on sockeye salmon bound to Saltery Lake; from July 6 through **July 31** [JULY 10], fishing opportunities shall be based on the abundance of local pink, chum, and Saltery Lake sockeye salmon; from **August 1** [JULY 11] through August 24, fishing opportunities shall be based on the abundance of local pink and chum salmon; from August 25 through September 5, fishing opportunities shall be based on the abundance of local pink and coho salmon; after September 5, fishing opportunities shall be based on the abundance of local coho.

5 AAC 18.368. North Afognak/Shuyak Island Salmon Management Plan.

(c) In the Perenosa Bay Section, from **June 1** [JUNE 9] through July 5, fishing opportunities shall be based on sockeye salmon returning to Pauls Bay and Portage Lake. Additional fishing time to harvest sockeye salmon bound to Waterfall Lake will occur in the Waterfall **Bay** [LAKE] Terminal Harvest Area only. From July 6 through July 20, fishing opportunities shall be based on the abundance of local and mixed Kodiak pink salmon and sockeye salmon bound to Portage Lake and Pauls Bay. From July 21 through August 20, fishing opportunities shall be based on the abundance of local and mixed Kodiak pink salmon. From August 21 through September 5, fishing opportunities shall be based on the abundance of local pink and coho salmon. After September 5, fishing opportunities shall be based on the abundance of local coho salmon.

(d) The Shuyak Island Section shall remain closed before July 6. From July 6 through **August 1** [AUGUST 20], fishing opportunities shall be based on the abundance of local and mixed Kodiak pink salmon. After **August 1** [AUGUST 20], fishing opportunities shall be based on the abundance of local coho salmon. From July 6 through July 25, the Shuyak Island Section shall also be managed in accordance with 5 AAC 18.363(b).

(e) In the Northwest Afognak Section, from **June 1** [JUNE 9] through July 5, fishing opportunities shall be based on sockeye salmon bound to Thorsheim and Long Lagoon and there may not be more than two 33-hour fishing periods. Additional fishing time to harvest sockeye salmon bound for Hidden Lake will occur in the Foul Bay Terminal Harvest Area only. From July 6 through August 24, fishing opportunities shall be based on the abundance of local and mixed pink salmon. After August 24, fishing opportunities shall be based on the abundance of local coho salmon. Additional fishing time to harvest coho salmon bound to Hidden Lake will occur in the Foul Bay Special Harvest Area. From July 6

through July 25, the Northwest Afognak Section shall also be managed in accordance with 5 AAC 18.363(b).

5 AAC 18.368. North Afognak/Shuyak Island Salmon Management Plan (continued)

(f) In the Pauls Bay Section, from **June 1** [JUNE 9] through July 5, fishing opportunities shall be based on sockeye salmon returning to Pauls Bay. From July 6 through August 1, fishing opportunities shall be based on the abundance of local and mixed Kodiak pink salmon and sockeye salmon bound to Pauls Bay. After August 1, fishing opportunities shall be based on the abundance of local coho salmon. The department shall manage the Pauls Creek coho salmon escapement based on interim escapement goals, as determined by the department. When interim escapement goals are exceeded, the commissioner may reduce, by emergency order, the closed waters described in 5 AAC 18.350(a)(6)(D) to those waters east of a line from 58° 23.70' N. lat., 152° 20.80' W. long. to 58° 23.29' N. lat., 152° 21.09' W. long.

5 AAC 18.369. Mainland District Salmon Management Plan.

(b) The Big River Section shall be managed, from **June 1** [JUNE 14] through **July 5** [June 22], based on the sockeye salmon return to Swikshak River **and there may not be** [. NO] more than two 33 hour fishing periods [MAY OCCUR FROM JUNE 14 THROUGH JUNE 22]. From July 6 through August 20, the Big River Section shall be managed based on the return of local and mixed Kodiak pink and chum salmon. Weekly fishing periods may not exceed 57 hours in duration from July 6 through July 25. From July 6 through July 25, the Big River Section shall also be managed in accordance with the North Shelikof Strait Sockeye Salmon Management Plan set out in 5 AAC 18.363. After August 20, the Big River Section shall be managed based on the return of coho salmon to streams located within the Big River Section.

(d) The Outer Kukak Section shall be managed, from **June 1** [JUNE 14] through **July 5** [June 22], based on the sockeye salmon return to Kafia Lakes **and there may not be** [. NO] more than two 33 hour fishing periods [MAY OCCUR BETWEEN JUNE 14 THROUGH JUNE 22]. From July 6 through August 15, the Outer Kukak Section shall be managed based on the return of local and mixed Kodiak sockeye, pink, and chum salmon. Weekly fishing periods may not exceed 57 hours in duration from July 6 through July 25. From July 6 through July 25, the Outer Kukak Section shall also be managed in accordance with the North Shelikof Strait Sockeye Salmon Management Plan set out in 5 AAC 18.363. After August 15, the Outer Kukak Section shall be managed based on the return of late-run chum and coho salmon to streams located within the Outer Kukak section.

(h) The Cape Igvak Section shall be managed, from **June 1** [JUNE 5] through July 25, in accordance with the Cape Igvak Salmon Management Plan set out in 5 AAC 18.360. From July 26 through August 25, the Cape Igvak Section shall be managed based on the return of local and mixed Kodiak pink and chum salmon. After August 25, the Cape Igvak Section shall be managed based on the return of late-run pink and coho salmon to streams located within the Cape Igvak and Wide Bay Sections.

WHAT ARE THE CURRENT REGULATIONS? Current management plans begin fisheries on later dates and in some cases on fewer species.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal seeks to change the opening date of the Kodiak commercial salmon fishing season and adjust some species

specific management timing guidelines in Kodiak Management Area (KMA) salmon management plans to reflect earlier salmon run timing and to tune up management of multiple species at specific times and areas. In some years, when sockeye runs are expected or known to be early and/or strong, the initial commercial salmon fisheries could begin earlier than June 9. Permit holders would need to be notified pre-season of the department's plans. Other changes regarding the targeted stock or management timing are not expected to change the amount of fishing time compared to recent years.

**BACKGROUND:** Prior to 1985, Kodiak commercial salmon fisheries were managed with weekly fishing periods, set pre-season at board meetings and were published in annual regulation updates. The season opening date was based on projected strengths and weaknesses in salmon runs and varied by district, with the earliest fisheries occurring between June 1 and June 14. Since 1985, all salmon fishing periods have been determined immediately pre-season or in-season, and are announced by emergency order. From 1985 to 1987, the regulatory Kodiak salmon commercial fishing season began on June 1. Since 1988, the Kodiak commercial salmon fishing season has been from June 5 through October 31 (5AAC 18.310). However, in practice, the earliest commercial fisheries opened later, usually on June 9.

Between 1978 and 1999, commercial fisheries salmon management plans (SMPs) for the Kodiak commercial salmon fishery were placed in regulations by the board. Currently, 10 SMPs describe biological and allocative constraints and guide the KMA staff when structuring commercial salmon fisheries, and cover all commercial salmon fishing districts and sections. These management plans were developed over time based on the fisheries management strategies utilized by the department from the mid 1960s to mid 1990s. They reflect traditional fishing opportunities and the subsequent harvest allocations that have resulted between and within gear types participating in specific fisheries.

The Kodiak SMPs list, for each section, the particular salmon stocks that are the target of management throughout the fishing season. These management plans, as well as season opening dates, were developed, in part, based on salmon run strength and timing information that was available at the time that the regulations were promulgated. Included in many of these plans was June 9 as the date for initial "commercial test" fisheries. June 9 was chosen as an initial fishery opening date based on contemporary assessment of KMA early sockeye and chinook salmon run timing.

Also included in several SMPs were provisions on the length of initial commercial test fisheries (33 hours). These limits on early-season fishing time were not intended as an allocative tool, dividing salmon fishery resources between specified user groups. These short commercial test fisheries were developed and implemented by area managers because of past performance of KMA sockeye runs. Kodiak sockeye runs were very depressed through the 1970s and were rebuilding during the 1980s. It was agreed that beginning commercial salmon fisheries on June 9 allowed for some moderate level of early sockeye and chinook escapements prior to initial fisheries. Short commercial test fisheries would provide a gauge of run strengths without unduly jeopardizing escapement objectives, should salmon runs again prove to be weak. For westside fisheries, managers desired allowance of at least 2 open periods in June, in order to provide some fishing time for the majority of KMA permit holders that are dependent on westside fisheries, even if runs should prove weak. There were concerns about harvesting mixed stocks of sockeye salmon early in the runs (e.g., Ayakulik, Olga, and Frazer sockeye all are known to mix and travel through the westside management areas), as well as the incidental harvest of



Chinook salmon, early chum salmon, and out-migrating steelhead, which is reflected in the explanatory language of the management plans. If early June westside commercial harvests are similar to the June 5 through June 8, 2003 and 2004 commercial harvests, the expected harvest during an early June fishing period might be 1,500 to 1,750 additional Chinook salmon (an additional 5-9% of the total KMA Chinook salmon harvest) and 140,000 to 166,000 additional sockeye salmon (an additional 3-4% of the total KMA sockeye salmon harvest).

Salmon run strength varies annually and timing for some stocks has changed, in some cases rather dramatically. In particular, Kodiak Area early-run sockeye salmon run timing has become much earlier than previously experienced. For example, from 1990 to 1994 the average dates of achievement of the Karluk early-run sockeye salmon lower and upper escapement goals was June 20 and July 13 (respectively), from 1995 to 1999 was June 16 and July 9, and from 2000 to 2004 was June 9 and June 13.

Commercial fishing effort has declined, and commercial fisheries are now less effective at slowing down escapement. In 2003 and 2004, with low effort and very early, very strong runs of Karluk sockeye salmon and early sockeye runs to Upper Station and Frazer, the initial westside and Alitak commercial fisheries were opened on June 5.

Several SMPs require slight modification, to reflect the potential for earlier openings should early-run sockeye stocks continue to return in large proportion during late May and early June. Additionally, some discrepancies have been found in SMPs regarding the dates management is targeting specific salmon stocks.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it.

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

**PROPOSAL 112: Page 86, 5 AAC 18.332. Seine Specifications and Operations.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would amend the legal definition of when a commercial salmon purse seine has ceased fishing in the Kodiak Area. The proposed change would add the definition that, in the Kodiak salmon fishery, a purse seine has stopped fishing when both ends of the seine, excluding tow lines or straps, are attached to the fishing vessel.

5 AAC 18.332. Seine Specifications and Operations.

**(l) A purse seine has stopped fishing when both ends of the seine, excluding tow lines or straps, are attached to the fishing vessel.**

WHAT ARE THE CURRENT REGULATIONS? The current regulation concerning when a commercial salmon purse seine has ceased fishing is found under General Provisions in the commercial salmon fishing regulations. This statewide salmon fishery regulation, 5 AAC 39.260 subsection (c), states that a purse seine has ceased fishing when all the purse rings are out of the water.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would eliminate the inconsistency in the definition of when a purse seine has stopped fishing between salmon and herring purse seine fisheries in the Kodiak Area. This change is not expected to significantly alter the catching power of a purse seine. It may allow a purse seine fisherman to make and complete a set nearer to a fishery closing time, potentially increasing the number of sets made in a season.

BACKGROUND: Beginning in the early 1960s, General Provision 102.10 for commercial salmon fisheries specified that a purse seine ceased fishing when all the rings were aboard the vessel. In addition, this provision stated that hand purse seines had ceased fishing when both ends of the seine were fast to the vessel. In 1984, commercial herring fishery regulations were amended to state that purse and hand purse seines have stopped fishing when both ends of the seine are attached to the fishing vessel (5 AAC 27.050, subsection (f)). No similar regulation change was made for salmon fisheries. General Provision 5 AAC 39.260, Seine Specifications and Operations, subsection (c), states that, *unless otherwise provided for in 5 AAC 03 – 5 AAC 38*, a purse seine is considered to have ceased fishing when all the rings are out of the water (emphasis added).

Also, currents and tides are strong in the Kodiak Area, and fishermen legally fishing along the capes in an open section can be pulled into adjacent closed sections, at times, before the fishermen have a chance to get the rings up. Additionally, enforcement may be more difficult, as it is difficult to see from a distance if the rings of a seine are out of the water. A purse seine with the ends together will not catch fish and has ceased fishing as effectively as a purse seine with the rings out of the water.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it.

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

**PROPOSAL 113: Page 86, 5 AAC 18.332(a). Seine Specifications and Operations.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would amend the legal definition of a commercial salmon purse seine in the Kodiak Area. The proposed changes would increase the maximum length of salmon purse seines to 250 fathoms in length and that the last 50 fathoms of aggregate length could be either lead web or seine web. The stated reasons for this change are:

- 1) ease of seine construction,
- 2) eliminate the need for two patch mesh sizes, and
- 3) increased seine efficiency.

Suggested language was provided:

5 AAC 18.332. Seine Specifications and Operations. (a) No purse seine or hand purse seine may be less than 100 fathoms or more than **250** [200] fathoms in length; **the last 50 fathoms of aggregate length allowed could be either lead web or seine web;**

WHAT ARE THE CURRENT REGULATIONS? For the Kodiak Area salmon fisheries, 5AAC 18.332, Seine Specifications and Operations, subsection (a), limits purse seines to a minimum length of 100 fathoms or a maximum of 200 fathoms. 5 AAC 18.332, subsection (b), states that one lead no more than 100 fathoms in length may be used with each purse seine or hand purse seine. The aggregate length of seine and lead may not exceed 250 fathoms.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would increase the maximum length of purse seines allowed in the Kodiak salmon fisheries by 50 fathoms. This would increase the fishing power of a purse seine by an unknown amount.

BACKGROUND: For the Kodiak salmon fishery, the current limits on maximum seine length (200 fathoms), maximum length of a seine lead (100 fathoms), and maximum aggregate length of a seine and lead (250 fathoms) have been in effect since before statehood.

DEPARTMENT COMMENTS: The department is neutral on any allocative aspects of this proposal which requests an additional 50 fathoms of seine web to the current seine length in the Kodiak salmon purse seine fishery. The effect of adding more seine web to the current seine length is unknown. In several areas of the KMA purse seine and gillnet fishermen are in direct competition for available salmon resources. There are no board approved salmon management plans for Kodiak commercial fisheries regarding allocation of salmon between gear types. However, the salmon management plans in effect were adopted in part to retain historical fishing patterns and hence, indirectly, the allocative balance that has arisen between seine and gillnet fishermen. The department realizes that if approved, seine gear will become more efficient. The department notes that the purse seine fleet has been greatly reduced in recent years (373 CFEC purse seine permits are available and 141 permits holders made at least one delivery in 2004).

COST ANALYSIS: Adoption of this proposal could result in an additional cost for a private person to participate, should a commercial purse seine permit holder choose to increase the length of their seine.

**PROPOSAL 114: Page 87, 5 AAC 29.XXX. Management of the Salmon Troll Fisheries in the Kodiak Area.**

WHAT WOULD THE PROPOSAL DO? This proposal would allow the use of power and/or hand trolls as legal commercial salmon gear in the Kodiak Area. The proposal suggests that any Kodiak salmon CFEC permit holder could switch to using troll gear, with a troll season extending only from August 1 to September 30, targeting coho salmon. While no specific regulatory language is provided, there is also a suggestion that some type of vessel size limits would be imposed.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 29.010, Description of Area for Salmon Trolling, states that a person may only operate troll gear in waters of the Southeast Alaska – Yakutat Area east of the longitude of Cape Suckling (144° W. long.). 5 AAC 18.330, Gear, states that commercial salmon fishing gear is restricted to purse seine, beach seine, and set gillnet gear in the Kodiak Area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Power and/or hand trolling gear would be a legal gear type to commercially harvest salmon in the Kodiak Area from August 1 to September 30. It appears that the authors of the proposal wish to limit this fishery to coho salmon only, although other salmon species will be harvested. It is unknown how many Kodiak Area salmon permit holders would take advantage of this opportunity, so the effect on salmon resources is uncertain. However, there are over 600 seine or gillnet permits in the Kodiak fishery. In recent years, nearly half of KMA salmon permits have not been active.

The Commercial Fisheries Entry Commission (CFEC) issues fishing permits for Alaska’s commercial salmon fisheries. Additional regulation changes may need to be proposed and adopted. Current CFEC troll permits are statewide permits, which could potentially be active in this fishery as well as Southeast Alaska troll fisheries. Again, though the exact effects cannot be determined, it is likely that fishing pressure on local and nonlocal coho and Chinook salmon stocks would increase.

On a larger scale, instituting a commercial troll fishery west of Cape Suckling would have far reaching effect. The United States and Canada formed the Pacific Salmon Commission (PSC) in 1985. While much of their concern is directed at chinook salmon stocks that migrate through northern Gulf of Alaska waters, there is also concern for other salmon species. Representatives of the United States and Canada signed a Pacific Salmon Treaty. Chapter 7, General Obligations, states that neither party shall initiate new intercepting fisheries nor conduct or redirect fisheries in a manner that intentionally increases interceptions. The North Pacific Fishery Management Council (NPFMC) and the National Marine Fisheries Service (NMFS) salmon fisheries management plan for the Gulf of Alaska recognizes that regulations for Alaska salmon fisheries are made by the Board of Fisheries, but also states that regulations should be consistent with State and Federal laws and with negotiated agreements of the PSC. Further, the federal salmon fisheries management plan defers management of commercial troll fisheries to the State and the PSC.

The Kodiak Management Area is directly in the path of Pacific salmon that seasonally migrate through the Gulf of Alaska. Nonlocal stocks of coho salmon are likely present, but their origin, migratory timing,

abundance, and residence time are not known with any degree of certainty. It is likely that the initiation of a troll fishery in the Kodiak Area would be considered as a possible new or redirected fishery that could lead to increased interceptions.

BACKGROUND: Trolling once was a legal method of commercially harvesting salmon in Kodiak fisheries, but since 1965 only purse seines, beach seines, and set gillnets have been legal gear. Kodiak salmon fisheries became limited entry in 1975, and only these gear types were institutionalized at that time. Kodiak Area salmon harvest strategies and management plans have been developed around gear types and gear levels put in place at that time.

There are approximately 175 streams in the Kodiak Area that are known to produce coho salmon. Escapement objectives have been set for several systems, but the ability of the department to monitor coho salmon escapements is limited. Many systems are small, and most are remote, and escapements are primarily estimated by aerial survey. Salmon counting weirs are present in the Kodiak Area, but the field season ends before peak escapement of coho salmon (coho may still be migrating into area streams in November, or later). Escapement objectives are considered interim goals, representing some unknown fraction of the total escapement.

The potential production of wild stock coho salmon in the Kodiak Area is minimally estimated at almost 400,000 fish annually. The Kitoi Bay Hatchery also produces coho salmon, with an average contribution to commercial fisheries of about 123,000 (1995 to 2004). The annual Kodiak Area commercial harvest of coho salmon averages approximately 367,000 fish (1995 to 2004). Local coho salmon are present in the Kodiak Area during the time period of interest in this proposal (August 1 to September 30). Currently, coho salmon are taken incidentally in directed pink salmon and late-run sockeye fisheries, and are targeted in late season fisheries (beginning August 1, but primarily occurring after September 5).

DEPARTMENT COMMENTS: The department opposes this proposal, until such time as the potential increase in gear and effort, the uncertainty of effects of such a fishery on local and nonlocal stocks are more fully explored and addressed, and the complexity of the effects of this proposal with regard to the Pacific Salmon Treaty.

COST ANALYSIS: Adoption of this proposal could result in an additional cost for a private person to participate, should a commercial salmon permit holder choose to switch to troll gear.

## **PROPOSAL 115: Page 88, 5 AAC 18.331. Gillnet Specifications and Operations.**

WHAT WOULD THE PROPOSAL DO? This proposal would allow three salmon set gillnet CFEC permit holders with consecutive leased site locations within a section to form a joint venture and combine their gear under the following conditions:

- 1) The joint venture permit must be signed by all three CFEC permit holders.
- 2) A three-party joint venture permit would allow two gillnets 175 fathoms in length with 50 to 75 fathoms used as hooks.
- 3) Two of the three parties of the joint venture would be legally responsible for the operation of all gear of the joint venture and must be within the management district at all times while the joint venture gear is being fished.
- 4) All other leased sites held by the three members of a joint venture may not be fished by anyone while the joint venture is in effect.
- 5) No three-party joint venture setnet may be operated within one mile of a spawning stream or within one-half mile of a regulatory boundary marker.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 18.331, Gillnet Specifications and Operations, subsection (a), limits the length of a set gillnet to no more than 150 fathoms. Subsection (c) states that no more than 25 fathoms of a set gillnet may be used as a hook. Subsection (e) allows two set gillnet CFEC permit holders to form a joint venture and combine their gear, though the gear can be split into no more than three nets and no net may be more than 150 fathoms. There are no current regulations allowing a joint venture permittee to leave the fishing site, or that close unoccupied fishing sites to use by other permit holders. Statewide regulation 5 AAC 39.107, Operation of gear, subsection (d), states that a person who holds a limited entry permit for stationary fishing gear must be physically present at the fishing site unless travelling to or from a point of sale or between locations of their fishing gear. Subsection (e) states that the CFEC permit holder, when travelling to or from a point of sale or between locations of their fishing gear, shall be within a reasonable distance of their gear, such that the permit holder retains competent supervision of the gear.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would expand current regulations allowing set gillnet permit holders to form joint ventures. It would allow three permit holders with adjoining site locations to form a joint venture, only two of whom would be required to attend the joint venture fishing gear. One permit holder would not have to be present or participate in the fishery, but could still benefit from the fishery. The joint venture would be able to operate two gillnets up to 175 fathoms each in length, with up to 75 fathoms of net as a hook. The effects of increased net length and hook size is uncertain, but it is likely that the fishing power of these gillnets would increase by an unknown amount. Access to any unoccupied leased fishing sites of a joint venture member would be limited.

BACKGROUND: Current regulations regarding joint ventures in the Kodiak salmon set gillnet fishery have been in effect since 1985. Approximately two dozen set gillnet permit holders form joint ventures each year.

DEPARTMENT COMMENTS: The department is opposed to this proposal. This would allow longer set gillnets and larger hooks, though it may be interpreted as restricting the total amount of gear that the three fishermen could individually operate (two 175 fathom nets vs. three 150 fathom nets). Currently, if a leased fishing site is not being fished by the leaseholder it is open to other permit holders who may wish to fish there. Fishing sites are leased under the authority granted to the Alaska Department of Natural Resources, and it is uncertain if ADF&G or the Board of Fisheries has the authority to completely close leased fishing sites to other fishermen. The proposal also requests that the joint venture setnets be disallowed within one mile of a spawning stream or within one-half mile of a regulatory boundary marker. This would create confusion by creating different closed water areas near spawning streams and regulatory markers for three-permit joint venture fishermen versus all other fishermen. There may be economic benefits for those permit holders who are able to form three-permit joint ventures through reduced labor and operational costs.

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

**PROPOSAL 116: Page 88, 5 AAC 18.331. Gillnet Specifications and Operations.**

WHAT WOULD THE PROPOSAL DO? The proposal would create a new gear type and would allow Kodiak salmon gillnet permit holders the option of operating traditional set gillnet gear or opting to fish a “setnet” constructed of seine webbing. The length of the proposed net would be limited to 150 fathoms, as are set gillnets, but the hook could be larger (50 fathoms vs. 25 fathoms for set gillnets).

It should be noted that the text of this proposal, as published, references the Cook Inlet Area. However, this proposal was put in by a Kodiak Area CFEC salmon gillnet permit holder and references Kodiak salmon fishing regulations (5 AAC 18.331).

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 39.105, Type of Legal Gear, defines a set gillnet as a net that is designed to catch fish by entanglement in the mesh and is intentionally staked, anchored, or fixed. The gear defined in this proposal is not currently a legal gear type in Alaska.

A net that is set and captures fish by leading them into a hook might be considered a fish trap. Alaska State Statute 16.10.070, Operation of Fish Traps, prohibits the use of fish traps in Alaska.

5AAC 39.250 and 5AAC 18.331, Gillnet Specifications and Operations, (statewide and for the Kodiak Area) define materials used to construct gillnets, and the legal limits to the size and operation of such gear.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? A new gear type would be allowed in Alaska salmon fisheries. It is uncertain what the effectiveness of such gear might be, and how many Kodiak gillnet permit holders might switch to this new gear. Therefore, the effects on salmon resources and fisheries are unknown. It can be speculated that this gear could be as, or more, effective than traditional gillnet gear. An advantage is the ability to release nontargeted or less desirable species (such as pink salmon).

BACKGROUND: Types of legal gear for Alaska commercial fisheries and for Kodiak salmon fisheries have been essentially the same since statehood.

DEPARTMENT COMMENTS: This proposal has potential allocative implications between set gillnet and purse seine permit holders, to which the department is neutral. However, the department is opposed to the wholesale creation of a new gear type due to uncertainty surrounding its effectiveness.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for a private person to participate in the Kodiak salmon fishery, unless a salmon gillnet CFEC permit holder chooses to switch to this new gear type.



**PROPOSAL 117: Page 89, 5 AAC 18.360. Cape Igvak Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would require that the Cape Igvak fishery be kept closed for at least 48 hours prior to a scheduled opening of the Eastern District in the Chignik Area, and that Cape Igvak and the Eastern District could not be open to fishing at the same time.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 18.360, Cape Igvak Salmon Management Plan, states that, from the beginning of the fishing season through July 25, management of the Cape Igvak Section is to be based on the strength of Chignik Area sockeye salmon runs. 90% of the sockeye salmon harvested in Cape Igvak are considered to be Chignik bound. Further, the plan allocates 15% of Chignik sockeye salmon commercial harvest to Kodiak Area fishermen. It also sets biological and allocative criteria that must be met in the Chignik Area before the Cape Igvak Section can open.

There is no mention of the Chignik Area Eastern District in the Cape Igvak Salmon Management Plan.

5 AAC 18.15.355, Chignik Salmon Management Plan, states that in June the commercial salmon fisheries in the Eastern District will be concurrent with the Chignik Bay and Central District fisheries. Further, from about June 26 through July 8, fishing may be disallowed or restricted in the Eastern District (and in Cape Igvak) based on the strength of both Chignik sockeye salmon runs. After July 8, the Eastern District is managed based on local pink, chum, and coho salmon runs and the Chignik late sockeye salmon run.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would decrease the likelihood of a salmon fishery in the Cape Igvak Section. The department anticipates there would be less fishing time in the Cape Igvak Section during June and July and the KMA purse seine exvessel value would decrease. Chignik fishermen in the Eastern District might benefit from a less interrupted flow of fish. In the event of a Cape Igvak closure, Chignik Area seiners could experience higher sockeye harvests and greater exvessel values, though the exact increase is impossible to calculate. It is unlikely that Kodiak salmon permit holders would be able to harvest their 15% allocation of Chignik sockeye salmon.

BACKGROUND: Beginning in 1964 a purse seine fishery developed along the capes of the southern Mainland District of the KMA, in what is now the Cape Igvak Section. Tagging studies and stock identification studies using average weight and age composition conducted in 1968 and 1969 concluded that up to 80 percent of the sockeye salmon harvested in the Cape Igvak Section were of Chignik origin. The issue of interception of Chignik bound sockeye salmon in the Cape Igvak Section came before the board several times over the next ten years, and management of this section was modified many times. From 1974 through 1977, this area was managed for 'day-for-day' equal fishing time with Chignik.

In 1978, a specific management plan for the Cape Igvak Section was adopted by the board. Based on the longstanding harvest of sockeye salmon in the Cape Igvak Section during June and July, 80% of which were considered Chignik-bound, the board chose to create an allocative harvest strategy, the Cape Igvak Salmon Management Plan. This plan has come back before the board for review at nearly

every meeting since 1978. The management plan was last amended in 2001 when the proportion of Chignik-bound salmon in the Cape Igvak Section was determined to be 90%.

In 2002, the Chignik Area Cooperative Purse Seine Salmon Fishery Management Plan, 5 AAC 15.359, was adopted by the board. Since that plan was adopted, most commercial fishing effort in the Chignik Area has remained in or near Chignik Lagoon. Despite numerous commercial fishery openings in the Eastern District, there has been no commercial fishing effort in the area bordering the Cape Igvak fishery.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of this issue. However, the department believes the proposal would severely limit or prohibit any Cape Igvak fishing opportunity, and make it unlikely that the Kodiak salmon fishermen could harvest 15% of the total Chignik sockeye salmon harvest. Approval of this proposal would then make a contradiction in the regulations because the allocation would most likely not be achieved.

COST ANALYSIS: The approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. There could be economic benefits for Chignik permit holders and there could be economic losses to Kodiak permit holders.

**PROPOSAL 118: Page 90, 5 AAC 18.362(b). Westside Kodiak Management Plan.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would change the commercial salmon fishing season opening date for westside fisheries to allow earlier fisheries (from June 5 to June 1). It would also adjust fishery management timing guidelines to reflect the author's estimation of current salmon run timing. This proposal amends the Westside Kodiak Management Plan as follows:

5 AAC 18.362. Westside Kodiak Management Plan.

(b) The Central and North Cape Sections must be managed

(1) From **June 1** [JUNE 9] through approximately June 15, as a mixed-stock fishery directed on early-run sockeye salmon returning to Karluk, Ayakulik, and Olga Bay systems; the department shall open **three** [TWO] commercial test fishing periods, each not exceeding **57** [33] hours in length, during this time.

(3) from approximately **July 15** [JULY 6] through August 15, based on pink salmon returning to the major pink salmon systems in the Northwest Kodiak District;

(4) from approximately August 15 to **August 31** [AUGUST 24], based on pink salmon returning to the Northwest Kodiak District and on late-run sockeye salmon returning to the Karluk system;

(5) from approximately **August 31** [AUGUST 25] through **September 12** [SEPTEMBER 5], based on late-run sockeye salmon returning to the Karluk system; and

(6) after approximately **September 12** [SEPTEMBER 5], based on coho salmon returning to the Northwest Kodiak District.

WHAT ARE THE CURRENT REGULATIONS? The current management plan for westside salmon fisheries is slightly different. The Westside Kodiak Management Plan currently specifies for the Central and North Cape Sections an opening date of June 9, and only two 33-hour commercial test fisheries before June 15. This proposal would also change the timing of management of westside pink, late-run sockeye, and coho salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal seeks to change the opening date of westside Kodiak commercial salmon fisheries and adjust some species specific run timing based management guidelines in the westside salmon management plan, to reflect earlier salmon run timing and to adjust management of multiple species at specific times and areas. The net effect would be earlier and longer time periods that Central and North Cape fisheries could target Karluk early and late-run sockeye salmon. The exact amount of fishing these regulation changes may bring is not certain, as all fishing periods are based on escapement levels and announced inseason by emergency order. In years of low Karluk salmon abundance, Central and North Cape fishermen would see less fishing time. In years of high Karluk salmon abundance, Central and North Cape fishermen would see more fishing time.

BACKGROUND: Prior to 1985, Kodiak commercial salmon fisheries were managed with weekly fishing periods, set preseason at board meetings and published in annual regulation updates. The season opening date was based on projected strengths and weaknesses in salmon runs and varied by district, with the earliest fisheries occurring between June 1 and June 14. Since 1985, salmon fishing periods have been determined immediately preseason or inseason, and announced by emergency order. From

1985 to 1987, the regulatory Kodiak salmon commercial fishing season began on June 1. Since 1988, the Kodiak commercial salmon fishing season has been from June 5 through October 31 (5 AAC 18.310). However, in practice, the earliest commercial fisheries opened later, usually on June 9.

Between 1978 and 1999, commercial fisheries salmon management plans (SMPs) for the Kodiak commercial salmon fishery were placed in regulations by the board. Currently, 10 SMPs describe biological and allocative constraints and guide the KMA staff when structuring commercial salmon fisheries, and cover all commercial salmon fishing districts and section. These management plans were developed over time based on the fisheries management strategies utilized by the ADF&G from the mid 1960s to mid 1990s. They reflect traditional fishing opportunities and the subsequent harvest allocations that have resulted between and within gear types participating in specific fisheries.

The Kodiak SMPs list, for each section, the particular salmon stock(s) that are the target of management throughout the fishing season. These management plans, as well as season opening dates, were developed, in part, based on salmon run strength and timing information that was available at the time that the regulations were promulgated. Included in many of these plans was June 9 as the date for initial “commercial test” fisheries. June 9 was chosen as an initial fishery opening date based on contemporary assessment of KMA early sockeye and chinook salmon run timing.

Also included in several SMPs were provisions on the length of initial commercial test fisheries (33 hours). These limits on early-season fishing time were not intended as an allocative tool, dividing salmon fishery resources between specified user groups. These short commercial test fisheries were developed and implemented by area managers because of past performance of KMA sockeye runs. Kodiak sockeye runs were very depressed through the 1970s and were rebuilding during the 1980s. It was agreed that beginning commercial salmon fisheries on June 9 allowed for some moderate level of early sockeye and chinook escapements prior to initial fisheries. Short commercial test fisheries would provide a gauge of run strengths without unduly jeopardizing escapement objectives, should salmon runs again prove to be weak. For westside fisheries, managers desired allowance of at least 2 open periods in June, in order to provide some fishing time for the majority of KMA permit holders that are dependent on westside fisheries, even if runs should prove weak. There were concerns about harvesting mixed stocks of sockeye salmon early in the runs (e.g., Ayakulik, Olga, and Frazer sockeye all are known to mix and travel through the westside management areas), as well as the incidental harvest of chinook, early chum, and out-migrating steelhead, which is reflected in the explanatory language of the management plans. If early June westside commercial harvests are similar to the June 5 through June 8, 2003 and 2004 commercial harvests, the expected harvest during an early June fishing period might be 1,500 to 1,750 additional Chinook salmon (an additional 5-9% of the total KMA Chinook salmon harvest) and 140,000 to 166,000 additional sockeye salmon (an additional 3-4% of the total KMA sockeye salmon harvest).

A pink salmon fishery harvest strategy has been employed in Kodiak fisheries for over 20 years, which sets weekly fishing periods preseason based on the pink salmon forecast, beginning July 6. This harvest strategy is reflected in the Westside Kodiak Management Plan.

Salmon run strength varies annually and timing for some stocks has changed, in some cases rather dramatically. In particular, Kodiak Area early-run sockeye salmon run timing has become much earlier than previously experienced. For example, from 1990 to 1994 the average dates of achievement of the Karluk early-run sockeye salmon lower and upper escapement goals was June 20 and July 13 (respectively), from 1995 to 1999 was June 16 and July 9, and from 2000 to 2004 was June 9 and June 13.

Commercial fishing effort has declined, and commercial fisheries are now less effective at slowing down escapement. In 2003 and 2004, with low effort and very early, very strong runs of Karluk sockeye salmon and early sockeye runs to Upper Station and Frazer, the initial westside and Alitak commercial fisheries were opened on June 5.

The department agrees that the Westside Kodiak Management Plan requires slight modification, to reflect the potential for earlier openings should early-run sockeye stocks continue to return in large proportion during late May and early June. Additionally, some discrepancies have been found in several SMPs regarding the dates that management targets specific salmon stocks. Kodiak Area management staff has submitted a similar proposal, Proposal #111, that recommends changes to several management plans, including the Westside Kodiak Management Plan.

DEPARTMENT COMMENTS: The department is opposed to this proposal, preferring instead to support the amendment to the Westside Kodiak Management Plan in Proposal #111.

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

**PROPOSAL 119: Page 92, 5 AAC 18.3XX. Retention of King Salmon in a Commercial Fishery.**

WHAT WOULD THE PROPOSAL DO? If Karluk or Ayakulik Rivers king salmon runs are not meeting escapement objectives this proposal would allow the department to require commercial salmon fishermen in the Inner Karluk, Outer Karluk, Inner Ayakulik, and Outer Ayakulik Sections of the Southwest Kodiak District to release all king salmon greater than 28 inches in length taken during commercial salmon fisheries, to be returned to the water unharmed.

This proposal seeks the adoption of a new regulation for Kodiak commercial salmon fisheries, as follows:

**5 AAC 18.3XX. Retention of King Salmon in a Commercial Fishery. (a) In the Inner Karluk, Outer Karluk, Inner Ayakulik, and Outer Ayakulik Sections only, if the department determines that the local king salmon run(s) are not likely to meet seasonal escapement objective(s), then the department may, by emergency order, require that king salmon greater than 28 inches in length taken in commercial salmon fisheries be returned to the water unharmed.**

WHAT ARE THE CURRENT REGULATIONS? For the Kodiak commercial salmon fisheries there are no regulations restricting the harvest of king salmon. Purse seine gear is the only legal gear in the Southwest Kodiak District. 5AAC 18.362, the Westside Kodiak Management Plan, stipulates which species of salmon directs management of westside Kodiak fishing sections throughout the commercial salmon fishing season. Subsection (a) states that the goal of the plan is to achieve escapement and harvest objectives of sockeye salmon returning to the Karluk, Ayakulik, and other Westside minor sockeye salmon systems, and of pink, chum, and coho salmon returning to systems in the Southwest Afognak, Central, North Cape, Anton Larsen Bay, Sharatin Bay, Kizhuyak Bay, Terror Bay, Inner Uganik Bay, Spiridon Bay, Zachar Bay, Uyak Bay, Outer Karluk, Inner Karluk, Sturgeon Bay, Halibut Bay, Outer Ayakulik, and Inner Ayakulik Sections. Subsection (e) states that from June 9 through July 15 the Inner and Outer Karluk Sections must be managed based on early-run sockeye salmon returning to the Karluk system. Similarly, subsection (g) states that the Inner and Outer Ayakulik Sections must be managed from June 9 through July 15 based on early-run sockeye salmon returning to the Ayakulik.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The department would have an additional management tool to curtail the harvest of king salmon when these sections are opened to target sockeye and pink salmon.

BACKGROUND: The Westside Kodiak Management Plan (5 AAC 18.362), was adopted by the board in 1990. The terminal and near terminal sections, such as the Inner and Outer Karluk and the Inner and Outer Ayakulik Sections, normally open only if the escapement of the targeted salmon species is expected to exceed the escapement goal. If, at the same time, local king salmon runs are weak and may not achieve escapement objectives, there is little recourse currently available to the department. If fishing is closed in some sections to protect king salmon, escapements of sockeye or pink salmon may exceed escapement objectives. Current department authority does not allow designation of prohibited

species in commercial fisheries. 5 AAC 18.394, Possession of Steelhead, was adopted prior to the 1980 season, after commercial fisheries were allowed inside Karluk Lagoon. That regulation addresses the specific case of steelhead taken in Karluk Lagoon by requiring their immediate release. For the Southeast Alaska Area, 5AAC 33.392, Size Limits and Landing of Chinook Salmon, specifies size limits for retention and/or sale of Chinook salmon taken in commercial fisheries.

Early-run sockeye salmon are the basis of management in the Inner and Outer Karluk and the Inner and Outer Ayakulik Sections through mid July. For the last several years, the early-runs of sockeye salmon to the Karluk system have been very strong and established escapement goals have been exceeded. Extensive commercial fisheries have occurred in the Inner and Outer Karluk Sections. Beginning in 2001, Karluk king salmon runs have been fairly weak. Though escapement objectives were eventually met, the department was concerned but lacked authority to specifically address the problem. Attempts were made to modify the closed water area at the mouth of Karluk Lagoon, to allow for continued escapement of kings and still allow the harvest of sockeye salmon, but with little noticeable affect. It should be noted that both in 2003 and 2004, some commercial purse seine fishermen targeting sockeye salmon in the Inner Karluk Section reported voluntarily releasing king salmon. Identifying small kings in each seine haul was difficult, but success was reported in separating and releasing larger king salmon.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it.

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

**PROPOSAL 120: Page 93, 5 AAC 18.200(d)(3). Description of Districts and Sections.**

WHAT WOULD THE PROPOSAL DO? This proposal would amend the boundary line between the Alitak Bay and Moser Bay Sections that was established in regulation during the 2002 Kodiak board meeting. Amended language is suggested, as follows:

5 AAC 18.200. Description of Districts and Sections.

(d)(3) Alitak Bay Section: all waters of Alitak Bay bounded on the south by a line from Tanner Head (56° 53.17' N. lat., 154° 13.90' W. long.), to Middle Reef, to the southernmost tip of Fox Island, and a line from the northernmost tip of Fox Island to 57° 01.11' lat., 154° 00.95' W. long., to the Moser Peninsula at 57° 01.10' N. lat., **154° 01.15' W. long., and bounded on the north by a line from Bun Point to [154° 07.60' W. LONG., TO THE SOUTHWEST END OF] Amik Island at 56° 58.04' N. lat., 154° 07.02' W. long. [56° 58.05' N. LAT., 154° 07.05' W. LONG.], to the southwest end of Amik Island at 56° 57.85' N. lat. [56° 54.85' N. LAT.], 154° 07.60' W. long., to the northeast end of Miller Island at 56° 57.80' N. lat., 154° 07.65' W. long., to the northwest end of Miller Island at 56° 57.80' N. lat., 154° 08.80' W. long., to Kodiak Island at 56° 57.90' N. lat., 154° 08.70' W. long.;**

WHAT ARE THE CURRENT REGULATIONS? Current regulatory language describes this section boundary slightly differently.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted the proposal would amend the Alitak Bay and Moser Bay Sections boundary line description. The boundary line would intersect Amik Island at the most prominent and easily identifiable point on the northeast end of the island. In addition, a mistake in one coordinate listed in this regulation would also be corrected. No effect on the management of fisheries, commercial harvests or escapements is expected if this proposal is adopted.

BACKGROUND: New section boundary lines were adopted during the 2002 Kodiak board meeting. The Alitak Bay and Moser Bay Sections within the Alitak Bay District were established. Latitude and longitude coordinates were determined using NOAA nautical charts. Subsequently, when attempting to ground truth the adopted latitude and longitude coordinates, discrepancies were noted. Also, Alitak Bay fishermen complained that at least one coordinate was wrong and could affect a traditional fishing site.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it. By adopting this proposal confusion will be eliminated concerning the legal boundary description between the Alitak Bay and Moser Bay Sections.

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



**PROPOSAL 121: Page 93, 5 AAC 18.361(b). Alitak Bay District Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO?: This proposal would amend the Alitak Bay District Management Plan by eliminating the differential fishing time by section, 2.6 day closures every 10 days, and all allocation aspects of the plan. The proposal would grant equal fishing time in the set net and seine fishery sections of the Alitak Bay District. The proposer has asked to:

- 1) Eliminate the pulse fishery by deletion of the language in 5 AAC 18.361(b) that comes after “in the Cape Alitak, Humpy-Deadman, Alitak Bay, Moser Bay and Olga Bay Sections, from June 5 through June 13, the commissioner may open, by emergency order, a 33-hour commercial test fishing period beginning at 12 noon...” If desired, language could be added to affirm that the department will manage the fishery in season based on salmon abundance.
- 2) Do away with rolling openings and give fishermen equal and concurrent fishing time.
- 3) In other words, adopt the fishing time framework from the Alitak Bay District Management Plan that was in place prior to January 1999.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 18.361. Alitak Bay District Salmon Management Plan.

(b) In the Cape Alitak, Humpy-Deadman, Alitak Bay, Moser Bay, and Olga Bay Sections, from June 5 through June 13, the commissioner may open, by emergency order, a 33-hour commercial test fishing period beginning at 12:00 noon. From the conclusion of the commercial test fishing period through July 15, there shall be a minimum closure of 63 consecutive hours (2.6 days) in every 10-day period, unless the department determines that the sockeye salmon escapement goals will be achieved for the Frazer and early Upper Station sockeye salmon runs. In the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections, from July 16 through September 15, there shall be a minimum closure of 63 consecutive hours (2.6 days) in every 10-day period.

(c) Except during the commercial test fishing period under (b) of this section, from June 5 through September 15, the commissioner shall open, by emergency order, fishing periods for the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections at different times of the same day, as follows:

- (1) in the Olga Bay Section, fishing periods shall open at 6:00 a.m.;
- (2) in the Moser Bay Section, fishing periods shall open at 12:00 noon the same day as the Olga Bay Section under this subsection;
- (3) in the Alitak Bay and Cape Alitak Sections, fishing periods shall open at 6:00 p.m. the same day as the Olga Bay and Moser Bay Sections under this subsection.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Fishing periods in all sections of the Alitak District would open and close simultaneously, and there would be no mandatory closed periods. These changes could simplify commercial fishery announcements. With relatively less fishing time, set gillnet fishermen in Olga Bay, and possibly Moser Bay, may realize fewer salmon available to be harvested. Management of the Alitak District fisheries has been, and will remain escapement based, so it is unlikely that adoption of the proposal would have negative effects on achievement of escapement objectives.

BACKGROUND: The Alitak Bay District has several salmon producing systems, including a few minor and a couple major sockeye salmon systems. Through much of the season, fishing time is based

on sockeye runs to the major systems. The Upper Station (Olga Lakes) system has a natural sockeye run, with a minor early-run (pre-July 15) component and a major producing late-run, that has been commercially harvested for almost 100 years. The Frazer Lake system has a successfully introduced sockeye run that has become self-sustaining with operation of a fishpass.

District and section boundaries, catch reporting statistical areas, legal gear, management strategies, allocation schemes, as well as permit ownership, use, and location of fishing sites, have changed a number of times since statehood. There have also been significant improvements in technology, gear and equipment, and gear efficiency. An entirely new sockeye run was developed in this district during the 1970s and 1980s (Frazer). Limited opportunities to target this new Frazer sockeye run were allowed for seine fisheries through 1983, when the board directed the department to provide equal opportunity (fishing time) for seine and gillnet gear during fisheries directed at this new run. As the Frazer run developed, effort by set gillnet fishermen increased, as did interest in this fishery by KMA purse seine fishermen. Frazer is now a major, early-run sockeye producing system. The management plan used by the department has also developed over time, solidifying in the mid 1980s, and was adopted into regulation as the Alitak Bay District Salmon Management Plan in 1988.

The increased sockeye production in the early 1980s lead to increased contention among area fishermen, and the Alitak Bay District fisheries were a subject at almost every KMA board meeting. There were no changes to the management plan from 1988 through 1998, though there were changes to regulations concerning set net attachment points in 1990 and 1995 in an attempt to stabilize gear participation and define historically used attachment points. Proposals were submitted to the January 1999 board meeting to modify the management plan to protect the “genetic diversity” of the district salmon systems and increase the sockeye harvest for Olga Bay fishermen to historical percentages, through an allocation plan. Instead, the board amended the management plan to restrict the use of very long or continuous fishing periods. The board mandated that there be a minimum of 2.6 days of fishery closure during every 10-day period. It was hoped that the 2.6-day closure windows would allow for pulses of escapement to reach the salmon systems in Olga Bay and perhaps increase the Olga Bay fishermen’s sockeye harvest percentage without placing a strict allocative plan in regulation. The board appointed an Alitak Task Force comprised of selected members of four groups: Olga Bay gillnet, Moser Bay gillnet, Alitak Bay gillnet, and Cape Alitak purse seine fishermen. The task force was charged with reviewing the Alitak Bay District Salmon Management Plan, with regard to further changes in 1) time and area, 2) methods and means, and 3) allocation between gear groups and between areas. The Alitak Task Force discussed these issues several times, but could not reach consensus.

At the January 2002 board meeting, proposals were made seeking further changes to the management plan. These proposals asked for either a strict allocation plan or a modification of the length of mandatory closed periods and maximum continuous fishing periods. The three gillnet groups met during the initial days of the board meeting and presented a plan in committee. That plan asked that allocation levels be established for the sockeye fishery, and sought further changes related to methods and means, super-exclusive registration, and joint venture or cooperative fisheries. The board committee initially identified six options: status quo, expanded pulse fisheries (increase the length of mandatory closures), allocation percentages by fishing area, reduced set gillnet gear length in Alitak Bay, additional fishing

time in Olga and Moser Bays, and establishment of a cooperative with changes of methods and means to allow use of any gear.

The board committee recommended to the full board a combination of allocation guidelines with additional fishing time for Olga and Moser Bays. The gillnet-only Olga-Moser Bay Section was divided into the Alitak Bay, Moser Bay, and Olga Bay Sections. Differential opening times for fishing periods were established for these three gillnet areas and the seine-only Cape Alitak Section. Allocation guidelines for the sockeye salmon harvest from these four areas through September 15 were specified in regulation for determining the effectiveness of the differential opening times for allocating harvest opportunities; these guidelines were expressly not an inseason management requirement. These allocation guidelines are presented as ranges for the season total harvest of early and late-run sockeye by each of the four groups: Olga Bay gillnet, Moser Bay gillnet, Alitak Bay gillnet, and Cape Alitak purse seine fishermen. Different fishery opening times for each section were placed in regulation to give additional fishing time to the Olga and Moser Bay gillnet fishermen.

This plan was in effect during the 2002 commercial salmon fishing season. However, due to extremely weak sockeye salmon runs to systems of the southwest end of Kodiak Island, including the Frazer and late Upper Station runs, there were virtually no fishing opportunities allowed for the Olga Bay, Moser Bay, Alitak Bay, and Cape Alitak Sections.

Several Agenda Change Requests (ACRs) concerning Alitak District fisheries were submitted to the board at the October 2002 meeting. Three requested that the board revisit the issue and repeal or revise the newly adopted allocation plan and two sought to create some type of cooperative fishery in the district. The board accepted a portion of one ACR concerning early morning opening times for the Alitak Bay Section and dangers to fishermen that would increase later in the fishing season when it is dark at that hour, and the disproportionate harm done to Alitak Bay Section fishermen by the standard reduction of fishing time that normally occurs after August 15 (fishery closure time switches from 9:00 PM to 6:00 PM).

At the March 2003 board meeting some modifications of the Alitak Bay District Salmon Management Plan were adopted, which reduced the amount of additional fishing time given to Olga Bay and Moser Bay fishermen, and locked Cape Alitak Section seine fisheries to the same opening times as those for Alitak Bay Section set gillnet fisheries.

DEPARTMENT COMMENTS: The department is neutral on the allocative consequences of any change to the management plan. However, the department opposes unusually complicated or burdensome regulations and supports regulations that stabilize management and promote orderly fisheries.

The department believes that a change in fishery opening or closing times, or in the relative length of fishing periods, would likely have no net effect on Alitak District sockeye escapements or the fulfillment of escapement objectives. Alitak District fisheries would still be opened by emergency order, when harvestable surpluses exist.

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

**PROPOSAL 122, Page 95: 5 AAC 18.361. Alitak Bay District Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would amend the Alitak Bay District Management Plan to eliminate allocative aspects of the plan, which include differential fishing time by section and sockeye salmon harvest percentage guidelines for each section. The proposal requires that there be equal and concurrent fishing periods in the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections.

This proposal would reword subsection (c) of the management plan as follows:

(c) Except during the commercial test fishing period under (b) of this section, and from June 5 through September 15, the commissioner shall open, by emergency order, **equal and concurrent** fishing periods for the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections [AT DIFFERENT TIMES OF THE SAME DAY, AS FOLLOWS...]

The proposal also asks for the deletion of subsections (d) and (e) of the management plan. It is believed that subsection (f) would also become unnecessary and could be deleted.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 18.361. Alitak Bay District Salmon Management Plan.

(c) Except during the commercial test fishing period under (b) of this section, from June 5 through September 15, the commissioner shall open, by emergency order, fishing periods for the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections at different times of the same day, as follows:

- (1) in the Olga Bay Section, fishing periods shall open at 6:00 a.m.;
- (2) in the Moser Bay Section, fishing periods shall open at 12:00 noon the same day as the Olga Bay Section under this subsection;
- (3) in the Alitak Bay and Cape Alitak Sections, fishing periods shall open at 6:00 p.m. the same day as the Olga Bay and Moser Bay Sections under this subsection.

(d) If the commissioner extends, by emergency order, fishing time in a section, opened under (c) of this section, the commissioner shall also extend, by emergency order, equal fishing time to all other sections specified in (c) of this section open for fishing. After the fishing periods in all sections have closed, reopening of fishing periods shall be as specified in (c) of this section.

(e) The allocation objectives specified in this subsection for the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections apply through September 15 each year and are a guideline for determining the effectiveness of this management plan for allocating harvest opportunities for early-run and late-run sockeye salmon in those sections of the Alitak Bay District. The allocation objectives are as follows:

- (1) in the Olga Bay Section, the harvest by set gillnet permit holders should range from 16 to 22 percent of the harvest of the early-run and late-run sockeye salmon;
- (2) in the Moser Bay Section, the harvest by set gillnet permit holders should range from 16 to 22 percent of the harvest of the early-run and late-run sockeye salmon;
- (3) in the Alitak Bay Section, the harvest by set gillnet permit holders should range from 18 to 24 percent of the harvest of the early-run and late-run sockeye salmon; and
- (4) in the Cape Alitak Section, the harvest by purse seine permit holders should range from 38 to 44 percent of the harvest of the early-run and late-run sockeye salmon.

(f) It is the intent of the board that the allocation objectives specified in (e) of this section be used only as a guideline against which the effectiveness of the differential openings for fishing periods in the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections, as specified in this section will be measured on an annual basis. The allocation objectives are not intended to be mandatory inseason management standards for the department.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The department would manage the fishery based on the same biological criteria for Alitak District salmon stocks that are the basis of current fisheries management. However, all reference to sockeye harvest allocations by gear type or fishing area would be removed from regulation. If the department determined that escapement objectives for target species would be met then commercial fishing time could be announced. Fishery opening times and the length of fishing periods would be the same for the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections.

BACKGROUND: The Alitak Bay District has many salmon producing systems, including several minor and major sockeye salmon systems. Through much of the season, fishing time is based on sockeye runs to the major systems. The Upper Station (Olga Lakes) system has a natural sockeye run, with a minor early-run (pre-July 15) component and a major producing late-run, that has been commercially harvested for almost 100 years. The Frazer Lake system has a successfully introduced sockeye run that has become self-sustaining.

District and section boundaries, catch reporting statistical areas, legal gear, management strategies, allocation schemes, as well as permit ownership, use, and location of fishing sites, have changed a number of times since statehood. There have also been significant improvements in technology, gear and equipment, and gear efficiency. An entirely new sockeye run was developed in this district during the 1970s and 1980s (Frazer). Limited opportunities to target this new Frazer sockeye run were allowed for seine fisheries through 1983, when the board directed the department to provide equal opportunity (fishing time) for seine and gillnet gear during fisheries directed at this new run. As the Frazer run developed, effort by set gillnet fishermen increased, as did interest in this fishery by KMA purse seine fishermen. Frazer is now a major, early-run sockeye producing system. The management plan used by the department has also developed over time, solidifying in the mid 1980s, and was adopted into regulation as the Alitak Bay District Salmon Management Plan in 1988.

The increased sockeye production in the early 1980s lead to increased contention among area fishermen, and the Alitak Bay District fisheries were a subject at almost every KMA board meeting. There were no changes to the management plan from 1988 through 1998, though there were changes to regulations concerning set net attachment points in 1990 and 1995 in an attempt to stabilize gear participation and define historically used attachment points. Proposals were submitted to the January 1999 board meeting to modify the management plan to protect the “genetic diversity” of the district salmon systems and increase the sockeye harvest for Olga Bay fishermen to historical percentages, through an allocation plan. Instead, the board amended the management plan to restrict the use of very long or continuous fishing periods. The board mandated that there be a minimum of 2.6 days of fishery closure during every 10-day period. It was hoped that the 2.6-day closure windows would allow for pulses of escapement to reach the major and minor systems in Olga Bay and perhaps increase the Olga

Bay fishermen's sockeye harvest percentage without placing a strict allocative plan in regulation. The board appointed an Alitak Task Force comprised of selected members of four groups: Olga Bay gillnet, Moser Bay gillnet, Alitak Bay gillnet, and Cape Alitak purse seine fishermen. The task force was charged with reviewing the Alitak Bay District Salmon Management Plan, with regard to further changes in 1) time and area, 2) methods and means, and 3) allocation between gear groups and between areas. The Alitak Task Force discussed these issues several times, but could not reach consensus.

At the January 2002 Board of Fisheries meeting, proposals were made seeking further changes to the management plan. These proposals asked for either a strict allocation plan or a modification of the length of mandatory closed periods and maximum continuous fishing periods. The three gillnet groups met during the initial days of the Board meeting and presented a plan in committee. That plan asked that allocation levels be established for the sockeye fishery, and sought further changes related to methods and means, super-exclusive registration, and joint venture or cooperative fisheries. The board committee initially identified six options: status quo, expanded pulse fisheries (increase the length of mandatory closures), allocation percentages by fishing area, reduced set gillnet gear length in Alitak Bay, additional fishing time in Olga and Moser Bays, and establishment of a cooperative with changes of methods and means to allow use of any gear.

The board committee recommended to the full Board a combination of allocation percentages with additional fishing time for Olga and Moser Bays. The gillnet-only Olga-Moser Bay Section was divided into the Alitak Bay, Moser Bay, and Olga Bay Sections. Differential opening times for fishing periods were established for these three gillnet areas and the seine-only Cape Alitak Section. Allocation guidelines for the sockeye salmon harvest from these four areas through September 15 were specified in regulation for determining the effectiveness of the differential opening times in allocating harvest opportunities; these guidelines were expressly not an inseason management requirement. These allocation guidelines are presented as ranges for the season total harvest of early and late-run sockeye by each of the four groups: Olga Bay gillnet, Moser Bay gillnet, Alitak Bay gillnet, and Cape Alitak purse seine fishermen. Different fishery opening times for each section were placed in regulation to give additional fishing time to the Olga and Moser Bay gillnet fishermen.

This plan was in effect during the 2002 commercial salmon fishing season. However, due to extremely weak sockeye salmon runs to systems of the southwest end of Kodiak Island, including the Frazer and late Upper Station runs, there were virtually no fishing opportunities allowed for the Olga Bay, Moser Bay, Alitak Bay, and Cape Alitak Sections.

Several Agenda Change Requests (ACRs) concerning Alitak District fisheries were submitted to the board at the October 2002 meeting. Three requested that the board revisit the issue and repeal or revise the newly adopted plan and two sought to create some type of cooperative fishery. The board accepted only a portion of one ACR concerning early morning opening times for the Alitak Bay Section and dangers to fishermen that would increase later in the fishing season when it is dark at that hour, and the disproportionate harm done to Alitak Bay Section fishermen by the standard reduction of fishing time that normally occurs after August 15 (fishery closure time switches from 9:00 PM to 6:00 PM).

At the March 2003 board meeting some modifications of the Alitak Bay District Salmon Management Plan were adopted, which reduced the amount of additional fishing time given to Olga Bay and Moser Bay fishermen, and locked Cape Alitak Section seine fisheries to the same opening times as those for Alitak Bay Section set gillnet fisheries.

DEPARTMENT COMMENTS: The department is neutral on the allocative consequences of any change to the management plan. However, the department opposes unusually complicated or burdensome regulations and supports regulations that stabilize management and promote orderly fisheries.

The department believes that a change in fishery opening or closing times, or in the relative lengths of fishing periods, would likely have no net effect on Alitak District sockeye escapements or the fulfillment of escapement objectives. Alitak District fisheries would still be opened by emergency order, when harvestable surpluses exist.

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



**PROPOSAL 123, Page 95: 5 AAC 18.361. Alitak Bay District Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would require the board to allocate a percentage of the Alitak District sockeye salmon catch to be harvested in the Olga Bay and Moser Bay Sections. The proposer suggests that this allocation “would be based on 48 permits home-sited and fishing in Olga and Moser Bay”. The department would be directed to manage the Alitak Bay District fishery to achieve this harvest allocation. This proposal is one of several that seek to change regulations to allow the formation of a cooperative fishery in the Moser and Olga Bay Sections of the Alitak District. Other proposal associated with this are Proposals 125 through 127.

WHAT ARE THE CURRENT REGULATIONS? When the Alitak Bay District Salmon Management Plan, was adopted in 1987, it did not specify allocations for gear groups or for fishermen in specific geographic areas. It states that salmon bound for Alitak systems be harvested, to the extent possible, in “traditional fisheries”. The plan was amended in 1999 to require a minimum closure of 2.6 days in every 10-day period. It was amended again in 2002 and 2003 to require different opening times by section, to provide more fishing time to Olga and Moser Bay fishermen. Sockeye harvest guidelines were established for the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections. Those regulation changes were instituted to increase the percentage of the district sockeye salmon harvest taken in the Olga and Moser Bay Sections, without directing the department to manage fisheries in order to achieve a specific allocation.

5AAC 18.361. Alitak Bay District Salmon Management Plan

(e) The allocation objectives specified in this subsection for the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections apply through September 15 each year and are a guideline for determining the effectiveness of this management plan for allocating harvest opportunities for early-run and late-run sockeye salmon in those sections of the Alitak Bay District. The allocation objectives are as follows:

- (1) in the Olga Bay Section, the harvest by set gillnet permit holders should range from 16 to 22 percent of the harvest of the early-run and late-run sockeye salmon;
- (2) in the Moser Bay Section, the harvest by set gillnet permit holders should range from 16 to 22 percent of the harvest of the early-run and late-run sockeye salmon;
- (3) in the Alitak Bay Section, the harvest by set gillnet permit holders should range from 18 to 24 percent of the harvest of the early-run and late-run sockeye salmon; and
- (4) in the Cape Alitak Section, the harvest by purse seine permit holders should range from 38 to 44 percent of the harvest of the early-run and late-run sockeye salmon.

(f) It is the intent of the board that the allocation objectives specified in (e) of this section be used only as a guideline against which the effectiveness of the differential openings for fishing periods in the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections, as specified in this section will be measured on an annual basis. The allocation objectives are not intended to be mandatory inseason management standards for the department.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the board would need to determine the historical sockeye salmon harvest by section, based on permit numbers for the set gillnet areas and historical catch percentages. Which years to include in this historical catch determination is not stated. The proposal may wish to retain the guideline percentage ranges

currently in regulation, but it is not clear. The sockeye guidelines would be placed into regulation and the department would manage the fishery to achieve both the allocative criteria and the escapement requirements of the multiple salmon runs in this district. Fishing patterns would be disrupted. It is likely that the department would have to use differential fishing periods by section in order to meet the allocation percentages. In some situations it might be necessary to allow only one area to fish. Staff time and effort normally used to determine stock status and escapement levels would be shifted to assessing harvest by section and adjusting fishing time to meet allocation percentages. Closing outside fisheries in order to allocate additional fish to the Moser and Olga Bay Sections would increase the possibility of allowing “too many” fish to move into upper bay areas, bypassing traditional fishing areas. Increased use of terminal area fisheries may be necessary to prevent overescapement.

**BACKGROUND:** The Alitak District has several minor sockeye systems, however most fishing time is based on sockeye runs to the major systems. The Upper Station (Olga Lakes) system has a natural sockeye run, with a minor early-run (pre-July 15) component and a major producing late-run, that has been commercially harvested for almost 100 years. The Frazer Lake system has a successfully introduced sockeye run that has become self-sustaining, and now is a major, early-run sockeye producing system. The department manages the Alitak District salmon fisheries through July 15 to maximize the yield from Frazer Lake, while sustaining the minor early run to Upper Station.

From 1971 through 1977, the Alitak District was closed in June and early July, to achieve escapements into the newly developed Frazer Lake sockeye salmon run and the early Upper Station sockeye run. The Frazer sockeye run developed well. In 1975, the department raised the Frazer Lake sockeye salmon escapement goal, from 120,000 to 400,000. Beginning in 1978 limited commercial fisheries were allowed in June with two 24-hour fishing periods planned, but limited to the gillnet only area (the Moser-Olga Bay Section). The department believed that seine fisheries could only be allowed when the 400,000 escapement goal was assured. Despite good returns, severely restricted fisheries were needed to achieve the higher escapement goals. In some years large buildups occurred in the upper portion of the set gillnet section, and large sockeye catches were made by Olga Bay set gillnet fishermen. In 1982 the statistical reporting area was split in the gillnet-only section, in order to differentiate between Olga Bay and Moser Bay catches.

As the Frazer run continued to develop, effort by set gillnet fishermen increased, as did interest in this fishery by KMA purse seine fishermen. In 1983 the Board adopted regulations that directed the department to open the Cape Alitak Section (seine only) concurrently with the Moser-Olga Bay Section (set gillnet only). The seine percentage of the Alitak District sockeye harvest increased from 14% in 1982 to 41% in 1983. The management of the fisheries became more intensive, and in 1984 a June 9 commercial test fishery was initiated. Based on the harvest results, this one-day fishing period could trigger additional fishing time, to begin as early as June 12. In 1985, the first mop-up fishery was conducted on Dog Salmon Flats.

Poor Frazer sockeye runs began to occur in 1986, and the department eventually determined that overescapement was the cause. In 1987, the department lowered the Frazer sockeye escapement goal to 200,000 to 275,000. In 1988, after further analysis the Frazer sockeye escapement goal was again

lowered to 140,000 to 200,000, and the Alitak Bay District Salmon Management Plan was placed into regulation.

The increased sockeye production in the early 1980s lead to increased contention among area fishermen. There was an increase in effort in the Alitak District, with set gillnet fishermen establishing fishing sites and expanding existing sites. The Alitak District fisheries were a subject at almost every Kodiak board meeting. There were no changes to the management plan from 1988 through 1998, though there were changes to regulations concerning set net attachment points in 1990 and 1995 in an attempt to stabilize gear participation and define historically used attachment points. Proposals were submitted to the January 1999 board meeting to modify the management plan to protect the “genetic diversity” of the district salmon systems and increase the sockeye harvest for Olga Bay fishermen to historical percentages, through an allocation plan. Instead, the board amended the management plan to restrict the use of very long or continuous fishing periods. The board mandated that there be a minimum of 2.6 days of fishery closure during every 10-day period. It was hoped that the 2.6-day closure windows would allow for pulses of escapement to reach the major and minor systems in Olga Bay and perhaps increase the Olga Bay fishermen’s sockeye harvest percentage without placing a strict allocative plan in regulation. The board appointed an Alitak Task Force comprised of selected members of four groups: Olga Bay gillnet, Moser Bay gillnet, Alitak Bay gillnet, and Cape Alitak purse seine fishermen. The task force was charged with reviewing the Alitak Bay District Salmon Management Plan, with regard to further changes in 1) time and area, 2) methods and means, and 3) allocation between gear groups and between areas. The Alitak Task Force discussed these issues several times, but could not reach consensus.

At the January 2002 board meeting, proposals were made seeking further changes to the management plan. These proposals asked for either a strict allocation plan or a modification of the length of mandatory closed periods and maximum continuous fishing periods. The three gillnet groups met during the initial days of the board meeting and presented a plan in committee. That plan asked that allocation levels be established for the sockeye fishery, and sought further changes related to methods and means, super-exclusive registration, and joint venture or cooperative fisheries. The board committee initially identified six options: status quo, expanded pulse fisheries (increase the length of mandatory closures), allocation percentages by fishing area, reduced set gillnet gear length in Alitak Bay, additional fishing time in Olga and Moser Bays, and establishment of a cooperative with changes of methods and means to allow use of any gear.

The board committee recommended to the full board a combination of allocation percentages with additional fishing time for Olga and Moser Bays. The gillnet-only Olga-Moser Bay Section was divided into the Alitak Bay, Moser Bay, and Olga Bay Sections. Differential opening times for fishing periods were established for these three gillnet areas and the seine-only Cape Alitak Section. Four allocation guidelines were specified in regulation for the sockeye salmon harvest from these four areas through September 15, for determining the effectiveness of the differential opening times in allocating harvest opportunities; the guidelines were expressly not an inseason management requirement. These allocation guidelines are presented as ranges for the final total harvest of early and late-run sockeye by each of the four groups: Olga Bay gillnet, Moser Bay gillnet, Alitak Bay gillnet, and Cape Alitak purse seine

fishermen. Different fishery opening times for each section were placed in regulation to give additional fishing time to the Olga and Moser Bay gillnet fishermen.

This plan was in effect during the 2002 commercial salmon fishing season. However, due to extremely weak sockeye salmon runs to systems of the southwest end of Kodiak Island, including the Frazer and late Upper Station runs, there were virtually no fishing opportunities allowed for the Olga Bay, Moser Bay, Alitak Bay, and Cape Alitak Sections.

Several Agenda Change Requests (ACRs) concerning Alitak District fisheries were submitted to the board at the October 2002 meeting. Three requested that the board revisit the issue and repeal or revise the newly adopted allocation plan and two sought to create some type of cooperative fishery schemes for the district. The board chose to accept only a portion of one ACR concerning early morning opening times for the Alitak Bay Section and dangers to fishermen that would increase later in the fishing season when it is dark at that hour, and the disproportionate harm done to Alitak Bay Section fishermen by the standard reduction of fishing time that normally occurs after August 15 (fishery closure time switches from 9:00 PM to 6:00 PM).

At the March 2003 board meeting some modifications of the Alitak Bay District Salmon Management Plan were adopted, which reduced the amount of additional fishing time given to Olga Bay and Moser Bay fishermen, and locked Cape Alitak Section seine fisheries to the same opening times as those for Alitak Bay Section set gillnet fisheries.

DEPARTMENT COMMENTS: The department is neutral on the allocative consequences of any change to the management plan. However, the department opposes unusually complicated or burdensome regulations and supports regulations that stabilize management and promote orderly fisheries. The department believes implementation of the proposed allocation plan would require a significant amount of staff time and/or extra personnel to administer.

The proposal did not provide any allocation percentages. Previous attempts to create an accurate catch history by section have been contentious. The set of years to use in determining catch histories is problematic. An entirely new sockeye run was created in this district during the 1970s and 1980s (Frazer). Prior to 1982 there were no statistical areas in place to separate catches from inner vs. outer Olga Bay gillnet fishers. Full participation by all gear groups in fisheries directed at this new, major run was severely restricted by the department's management strategies through at least 1983, when the board mandated equal opportunity (fishing time) for each gear type during fisheries directed at this new run. Statistical areas, section and district boundaries, legal fishing gear, management strategies, allocation schemes, as well as permit ownership, use, and location of fishing sites, have changed an unknown number of times since statehood. Developing an accurate historical harvest database on permit numbers and fishing site locations is possible only if all involved parties agree on which years to use, which permits to assign to inner vs. outer areas, and what to do about terminal mop-up fishery harvests. The Alitak Task Force discussed this issue several times, but could not reach a consensus.

The department believes that a change to an allocative fishery management plan would create some uncertainty for managers, but would likely have no net effect on Alitak District sockeye escapements or

the fulfillment of escapement objectives. Alitak District fisheries would still be opened by emergency order, when harvestable surpluses exist. Increased use of terminal area fisheries may be necessary to prevent overescapement.

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

**PROPOSAL 124, Page 96: 5 AAC 18.361. Alitak Bay District Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would retain the basic framework of the Alitak Bay District Salmon Management Plan, but make some changes to equalize opportunity between the fishing groups. The adoption of this proposal would:

- 1) Modify the fishery opening and closing schedule such that the fishing period length is the same for all sections. The fishery opening times and closing times would be different for each section. Additionally, the Cape Alitak Section purse seine fishery openings would be delayed an additional 12 hours, to begin 24 hours after the Olga Bay Section (e.g. Olga opens at 6 AM on Day 1, Moser opens at 12 NOON on Day 1, Alitak opens at 6 PM on Day 1, and Cape Alitak opens at 6 AM on Day 2; Olga closes at 6 AM on Day 3 (48 hours), Moser closes at 12 NOON on Day 3 (48 hours), Alitak closes at 6 PM on Day 3 (48 hours), and Cape Alitak closes at 6 AM on Day 4 (48 hours));
- 2) The mandatory closed period (2.6 days in every 10 day period) would apply to each section individually, beginning as each section closed, not when the last section closed;
- 3) Provide that mandatory closed periods would only be required if the department determines that escapement goals may not be met, throughout the entire season; and
- 4) Allow purse seine gear to participate in “mop-up” fisheries in the Alitak Bay District (terminal areas are now designated as set gillnets only).

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 18.330. Gear. (d) In the Alitak Bay District, salmon may be taken

- (1) in the Humpy-Deadman and Cape Alitak Sections by purse seines and beach seines only;
- (2) in the Alitak Bay, Moser Bay, Olga Bay, Dog Salmon Flats, Outer and Inner Upper Station, and Outer and Inner Akalura Sections by set gillnets only, except that after September 4, salmon may be taken also by purse seines and beach seines.

5 AAC 18.361. Alitak Bay District Salmon Management Plan.

(b) In the Cape Alitak, Humpy-Deadman, Alitak Bay, Moser Bay, and Olga Bay Sections, from June 5 through June 13, the commissioner may open, by emergency order, a 33-hour commercial test fishing period beginning at 12:00 noon. From the conclusion of the commercial test fishing period through July 15, there shall be a minimum closure of 63 consecutive hours (2.6 days) in every 10-day period, unless the department determines that the sockeye salmon escapement goals will be achieved for the Frazer and early Upper Station sockeye salmon runs. In the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections, from July 16 through September 15, there shall be a minimum closure of 63 consecutive hours (2.6 days) in every 10-day period.

(c) Except during the commercial test fishing period under (b) of this section, from June 5 through September 15, the commissioner shall open, by emergency order, fishing periods for the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay Sections at different times of the same day, as follows:

- (1) in the Olga Bay Section, fishing periods shall open at 6:00 a.m.;
- (2) in the Moser Bay Section, fishing periods shall open at 12:00 noon the same day as the Olga Bay Section under this subsection;
- (3) in the Alitak Bay and Cape Alitak Sections, fishing periods shall open at 6:00 p.m. the same day as the Olga Bay and Moser Bay Sections under this subsection.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Criteria would be needed to determine when and how to allow purse seine fishermen to participate in terminal area mop-up fisheries. Having different opening and closing times would provide equal fishing time for each section, but would make fishery announcements more complicated and potentially confusing. Initially, there would be more uncertainty in the determination of fishery openings because the effects of the delaying opening times but equalizing fishing period length is unknown. There would be more flexibility for the department to eliminate mandatory closures should overescapement become an overriding concern, throughout the season.

BACKGROUND: The board adopted the Alitak Bay District Salmon Management Plan in 1988. Sockeye salmon production in the Alitak District increased dramatically beginning in the early 1980s, leading to increased contention among area fishermen. There was an increase in effort in the Alitak District, with set gillnet fishermen establishing new fishing sites and expanding existing sites. The Alitak District fisheries were a subject at almost every board meeting. There were no changes to the management plan through 1998, though there were changes to regulations concerning set net attachment points in 1990 and 1995 in an attempt to stabilize gear participation and define historically used attachment points.

In January 1999, the board modified the management plan to protect the “genetic diversity” of the district salmon systems and increase the sockeye harvest for Olga Bay fishermen. Amendments to the management plan restricted the use of very long or continuous fishing periods. The board mandated a minimum of 2.6 days of fishery closure during every 10-day period. It was hoped that the 2.6-day closure windows would allow for pulses of escapement to reach the major and minor systems in Olga Bay and perhaps increase the Olga Bay fishermen’s sockeye harvest percentage without placing a strict allocative plan in regulation. The board also appointed an Alitak Task Force comprised of selected members of four groups: Olga Bay gillnet, Moser Bay gillnet, Alitak Bay gillnet, and Cape Alitak purse seine fishermen. The task force was charged with reviewing the Alitak Bay District Salmon Management Plan, with regard to further changes in 1) time and area, 2) methods and means, and 3) allocation between gear groups and between areas. The Alitak Task Force discussed these issues several times, but could not reach consensus.

At the January 2002 board meeting, proposals were made seeking further changes to the management plan. Gillnet groups representing Olga, Moser, and Alitak Bay fishermen met during the initial days of the board meeting and presented a plan to a subcommittee. That plan asked that allocation levels be established for the sockeye fishery, and sought further changes related to methods and means, super-exclusive registration, and joint venture or cooperative fisheries. The board subcommittee initially identified six options: status quo, expanded pulse fisheries (increase the length of mandatory closures), allocation percentages by fishing area, reduced set gillnet gear length in Alitak Bay, additional fishing time in Olga and Moser Bays, and establishment of a cooperative fishery with changes of methods and means to allow use of any gear. The committee recommended to the full board a limited allocation plan that provided additional fishing time for Olga and Moser Bays.

The gillnet-only Olga-Moser Bay Section was divided into the Alitak Bay, Moser Bay, and Olga Bay Sections. Differential opening times for fishing periods were established for these three gillnet areas and the seine-only Cape Alitak Section, to give additional fishing time to the Olga and Moser Bay gillnet fishermen. Four allocation objectives were specified in regulation for the sockeye salmon harvest from these four areas through September 15, to serve as a guideline for determining the effectiveness of the differential opening times in the management plan for allocating harvest opportunities, and not as an inseason management requirement. These guidelines are expressed as ranges for the final total harvest of early and late-run sockeye by each of the four groups: Olga Bay gillnet, Moser Bay gillnet, Alitak Bay gillnet, and Cape Alitak purse seine fishermen. It should be noted that the guideline ranges chosen by the board were not the product of agreement by the different gear groups. An accurate historical harvest data set was not available, and the board based its allocative guidelines on public testimony and some discussion by the gillnet groups at the beginning of the meeting. These guideline harvest percentages by area have been the source of much contention.

This plan was in effect during the 2002 commercial salmon fishing season. However, due to extremely weak sockeye salmon runs to systems of the southwest end of Kodiak Island, including the Frazer and late Upper Station runs, there were virtually no fishing opportunities allowed for the Olga Bay, Moser Bay, Alitak Bay, and Cape Alitak Sections.

Several Agenda Change Requests concerning Alitak District fisheries were submitted to the board in October 2002. The board chose to take another look at the recent changes to the management plan at a March 2003 meeting. However, the board limited their review, accepting only a portion of one ACR (concerning unforeseen consequences of the management plan changes instituted in 2002). Modifications of the Alitak Bay District Salmon Management Plan were adopted, which reduced the amount of additional fishing time given to Olga Bay and Moser Bay fishermen, and locked Cape Alitak Section seine fisheries to the same opening times as those for Alitak Bay Section set gillnet fisheries.

DEPARTMENT COMMENTS: The department is neutral on the allocative consequences of any change to the management plan. However, the department opposes unusually complicated or burdensome regulations and supports regulations that stabilize management and promote orderly fisheries. The department believes implementation of the proposed allocation plan would require a limited amount of additional staff time to administer.

The department believes that the proposed changes would likely have no net effect on Alitak District sockeye escapements or the fulfillment of escapement objectives. Alitak District fisheries would still be opened by emergency order, when harvestable surpluses exist. Increased use of terminal area fisheries may be necessary to prevent overescapement.

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



**PROPOSAL 125, Page 98: 5 AAC 18.361. Alitak Bay District Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? The proposal requests an exclusive fishery in the following sections of the Alitak Bay District: Moser Bay, Olga Bay, Dog Salmon Flats, Inner and Outer Upper Station, and Inner and Outer Akalura. An “exclusive fishery” has not been defined in the proposal, just the area to be affected. The effective dates for this exclusive fishery would be from May 15 through September 4. Permit holders would have to notify the department by March 15 of their intent to participate in the exclusive fishery.

The proposal also asks for an exemption to this exclusivity, which would allow any Kodiak Area set gillnet CFEC permit holder to participate in mop-up fisheries in the terminal and near terminal Dog Salmon Flats, Inner and Outer Upper Station, and Inner and Outer Akalura Sections of the Alitak Bay District. The mechanism by which unregistered fishermen could participate in mop-up fisheries within the registration area is not provided.

This proposal is one of several that seek to change regulations in order to allow the formation of a cooperative fishery in the Moser and Olga Bay Sections of the Alitak District. Other proposal associated with this are proposals 123, 126, and 127.

WHAT ARE THE CURRENT REGULATIONS? There are no exclusive or superexclusive salmon fisheries in the Kodiak Area. There are regulations allowing superexclusive registration for commercial herring fisheries within particular districts of the Kuskokwim and Bering Sea-Kotzebue Areas (5 AAC 27.899 and 5 AAC 27.899). These regulations limit the ability of a CFEC permit holder, crew member, or vessel that participates in the herring fisheries in a superexclusive use area to participate in fisheries within another superexclusive or non-exclusive use area. These regulations do not limit which permit holders may participate in fisheries within the designated superexclusive area. For Alaska groundfish fisheries, large registration areas are established that can be designated as superexclusive, exclusive, or nonexclusive registration areas (5 AAC 28.005). Subsequent regulations then allow similar restrictions as noted above for superexclusive herring fisheries.

Currently, set gillnets are a legal gear type in the following sections: the Alitak Bay, Moser Bay, Olga Bay, Dog Salmon Flats, Inner and Outer Upper Station, and Inner and Outer Akalura Section of the Alitak Bay District, and the Central Section of the Northwest Kodiak District (5 AAC 18.330 (b) and (d)). Any Kodiak salmon set gillnet CFEC permit holder can participate in any fishery opening in any of these sections. There are 188 set gillnet permits for the Kodiak Area. Average participation in the Alitak Bay District fisheries is approximately 75 set gillnet permits (1995-2004). The number of permits fished in any section varies each year. In 2003, the number of set gillnet permits fished in Olga Bay was 30, in Moser Bay was 29, and in Alitak Bay was 25. In 2004, the number of set gillnet permits fished in Olga Bay was 34, in Moser Bay was 39, and in Alitak Bay was 35.

Participation may be limited by availability of open fishing sites. 5 AAC 18.335, Minimum Distance Between Units of Gear, states that “No part of a set gillnet may be set or operated within 900 feet of any part of another set gillnet, or be attached to the beach within 900 feet of another net, except that in the Dog Salmon Flats, Outer Upper Station, Inner Upper Station, Outer Akalura, and Inner Akalura

Sections there is no minimum distance between units of set gillnet gear”. Shore Fisheries Leases, which grant the leasee first right to utilize the leased area, are held for many fishing sites.

The Dog Salmon Flats, Outer Upper Station, Inner Upper Station, Outer Akalura, and Inner Akalura Sections are all normally closed to fishing, and open to fishing only if it appears that escapements will exceed the established goals (mop-up fisheries).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Set gillnet permit holders would have to register with the department prior to March 15. During commercial fishery openings in the Alitak Bay District, only registered gillnet fishermen could participate in fisheries within the Moser Bay, Olga Bay, Dog Salmon Flats, Inner and Outer Upper Station, and Inner and Outer Akalura Sections of the Alitak District, unless there are mop-up fisheries. It appears that the authors want to allow registered fishermen to fish in the normally closed water sections during any fishing period.

BACKGROUND: This proposal is one of several that seek to change regulations in order to allow the formation of a cooperative fishery in the Moser and Olga Bay Sections of the Alitak District. It appears that the authors also wish increase efficiency and decrease costs by utilizing alternative gear to harvest fish (see Proposal 127). A problem stated by the authors is that consolidating gear through a cooperative would mean that previously fished gillnet sites would be unfished, and other Kodiak gillnet permit holders could bring additional gillnet gear into these sections during open fishing periods, reducing the number of fish available to the cooperative.

The Alitak District has been commercially fished for over 100 years. The Moser and Olga Bay areas have been open to set gillnet gear only since before statehood. Sockeye salmon production increased dramatically in the early 1980s, leading to an increase in effort in the Alitak District, with set gillnet fishermen establishing new fishing sites and expanding existing sites. In addition, there was increased contention among area fishermen. The Moser and Olga Bay Sections are limited in size and all available fishing sites have been in use for many years, though permit ownership may have changed at times.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of this proposal. However, it appears that the proposal would allow registered fishermen to fish in the normally closed water sections during any fishing period. The department is opposed to this particular aspect of this proposal. Closed waters areas in Dog Salmon Flats and in upper Olga Bay are needed as staging and buildup areas for salmon moving toward their natal streams.

The department believes that the proposed changes would likely have no net effect on Alitak District sockeye escapements or the fulfillment of escapement objectives. Alitak District fisheries would still be opened by emergency order, when harvestable surpluses exist.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional cost for an individual to participate in these fisheries.

**PROPOSAL 126: Page99: 5 AAC 18.361. Alitak Bay District Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal is one of several that request changes to regulations that would allow the formation of a cooperative fishery in the Moser and Olga Bay Sections of the Alitak District. Other proposal associated with this are Proposals 123, 125, and 127.

If adopted, a cooperative fisheries permit would be issued to the Olga/Moser Bay Seafood Producers Alliance (OMBSPA). OMBSPA would notify the board by March 15 of the names and permit numbers of those participating in the cooperative fishery. Cooperative fishing would occur in the Moser Bay, Olga Bay, Dog Salmon Flats, Inner and Outer Upper Station, and Inner and Outer Akalura Sections of the Alitak District.

WHAT ARE THE CURRENT REGULATIONS? There are no regulations concerning cooperative commercial salmon fishing in the Kodiak Area. A cooperative salmon fishery has been allowed in the Chignik Area since 2002 (5 AAC 15.359).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? No details of how a cooperative fishery would be managed or organized are presented in this proposal. A cooperative fishery management plan would need to be developed for the Moser Bay and Olga Bay Sections. It is believed that the proposers are hoping to use the Chignik Area cooperative purse seine salmon fishery management plan (5 AAC 15.359) as a template. The proposers request that several associated proposals also be adopted, such that Moser and Olga Bay fisheries would become an exclusive registration area, a percentage of the annual sockeye salmon harvest would be allocated to permit holders that registered to fish in the Moser and Olga Bay fisheries, and each cooperative participant would be allocated a share of that percentage. Cooperative members' shares would be pooled. Alternate methods and means would be used to harvest the cooperative's allocation of the sockeye harvest. The department would have to closely monitor the commercial harvests by each group to assure the achievement of allocations to the Moser and Olga Bay fishermen, both for those in the cooperative and for those that choose to be independent fishermen. If mop up fisheries were required, only set gillnet permit holders, including those in the cooperative and those not, could participate.

Staff time and effort normally used to determine stock status and escapement levels would be shifted to assessing harvest by section, adjusting fishing time to meet allocation percentages, and managing the cooperative fisheries plan. Closing outside fisheries in order to allocate additional fish to the Moser and Olga Bay Sections would increase the possibility of allowing "too many" fish to move into upper bay areas, bypassing traditional fishing areas. Increased use of terminal area fisheries may be necessary to prevent overescapement.

BACKGROUND: The Alitak District has been commercially fished for over 100 years. The Moser and Olga Bay areas have been set gillnet only since before statehood. Sockeye salmon production increased dramatically in the early 1980s, leading to an increase in effort in the Alitak District, with set gillnet fishermen establishing new fishing sites and expanding existing sites. In addition, there was increased contention among area fishermen.

The board adopted the Alitak Bay District Salmon Management Plan in 1988. The Alitak District fisheries were a subject at almost every board meeting. There were no changes to the management plan through 1998, though there were changes to regulations concerning set net attachment points in 1990 and 1995 in an attempt to stabilize gear participation and define historically used attachment points.

In January 1999, the board modified the management plan to protect the “genetic diversity” of the district salmon systems and increase the sockeye harvest for Olga Bay fishermen. Amendments to the management plan restricted the use of very long or continuous fishing periods. The board mandated that there be a minimum of 2.6 days of fishery closure during every 10-day period. It was hoped that the 2.6-day closure windows would allow for pulses of escapement to reach the salmon systems in Olga Bay and perhaps increase the Olga Bay fishermen’s sockeye harvest percentage without placing a strict allocative plan in regulation.

At the January 2002 board meeting, proposals were made seeking further changes to the management plan. Gillnet groups representing Olga, Moser, and Alitak Bay fishermen met during the initial days of the board meeting and presented a plan to a subcommittee. That plan asked that allocations be established for the sockeye fishery and a cooperative fisheries plan be developed, and sought further changes related to methods and means, and super-exclusive registration. The board subcommittee initially identified six options: status quo, expanded pulse fisheries (increase the length of mandatory closures), allocation percentages by fishing area, reduced set gillnet gear length in Alitak Bay, additional fishing time in Olga and Moser Bays, and establishment of a cooperative fishery with changes of methods and means to allow use of any gear. However, the subcommittee recommended to the full board a limited allocation plan that provided additional fishing time for Olga and Moser Bays. The gillnet-only Olga-Moser Bay Section was divided into the Alitak Bay, Moser Bay, and Olga Bay Sections. Differential opening times for fishing periods were established for these three gillnet areas and the seine-only Cape Alitak Section.

Several Agenda Change Requests (ACRs) concerning Alitak District fisheries were submitted to the board at the October 2002 meeting. Three requested that the board revisit the issue and repeal or revise the newly adopted allocation plan and two sought to create some type of cooperative fishery. However, the board limited their review, accepting only a portion of one ACR (concerning unforeseen consequences of the management plan changes instituted in 2002). The amount of additional fishing time given to Olga Bay and Moser Bay fishermen was reduced.

DEPARTMENT COMMENTS: The department is neutral to the allocative aspects of this proposal but opposes the proposal due to the lack of details and the apparent request for routine fishing in normally closed waters. While the department supports regulations that stabilize management, it opposes unusually complicated or burdensome regulations.

The department believes that a change to an allocative, cooperative fishery management plan would create some uncertainty for managers, but would likely have no net effect on Alitak District sockeye escapements or the fulfillment of escapement objectives. Alitak District fisheries would still be opened by emergency order, when harvestable surpluses exist. Increased use of terminal area fisheries may be necessary to prevent overescapement.

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

**PROPOSAL 127, Page 100: 5 AAC 18.330. Gear; and 5 AAC 18.361. Alitak Bay District Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal requests fish traps as legal commercial salmon fishing gear type in the Kodiak Area, on an experimental basis. This proposal is one of several that seek to change regulations allowing the formation of a cooperative fishery in the Moser and Olga Bay Sections of the Alitak District. Other proposals associated with this are 123, 125, and 126.

WHAT ARE THE CURRENT REGULATIONS? In the Kodiak Area, commercial salmon fishing gear is restricted to only purse seine, beach seine, and set gillnet (5 AAC 18.330. Gear).

Alaska State Statutes 16.10.070, Operation of Fish Traps, disallows the use of fish traps in the state on or over state land, tideland, submerged land, or water.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? A legislative repeal of the ban on fish traps would be necessary before this proposed change could be implemented.

This proposal, in association with several other proposals, (exclusive registration area, a percentage of the annual sockeye salmon harvest allocated to permit holders that registered to fish in the Moser and Olga Bay fisheries), are requesting changes in the Moser and Olga Bay area. The proposal requests the use of alternate methods and means, fish traps, to harvest the cooperative's allocation of the sockeye harvest, in order to increase efficiency and decrease costs for the cooperative. It would also allow for the harvest of high quality product, as fish would be taken alive from the trap then immediately bled, processed, and marketed.

BACKGROUND: The Alitak District has been commercially fished for over 100 years. Fish traps were used extensively in the Kodiak Area prior to statehood. Those traps were normally very large, processor owned operations. The Moser and Olga Bay areas have been set gillnet only since before statehood. Sockeye salmon production increased dramatically in the early 1980s, leading to an increase in effort in the Alitak District, with set gillnet fishermen establishing new fishing sites and expanding existing sites. In addition, there was increased contention among area fishermen.

The board adopted the Alitak Bay District Salmon Management Plan in 1988. The Alitak District fisheries were a subject at almost every board meeting. There were no changes to the management plan through 1998, though there were changes to regulations concerning set net attachment points in 1990 and 1995 in an attempt to stabilize gear participation and define historically used attachment points.

In January 1999, the board modified the management plan to protect the "genetic diversity" of the district salmon systems and increase the sockeye harvest for Olga Bay fishermen. Amendments to the management plan restricted the use of very long or continuous fishing periods. The board mandated that there be a minimum of 2.6 days of fishery closure during every 10-day period. It was hoped that the 2.6-day closure windows would allow for pulses of escapement to reach the salmon systems in Olga Bay and perhaps increase the Olga Bay fishermen's sockeye harvest percentage without placing a strict allocative plan in regulation.

At the January 2002 board meeting, proposals were made seeking further changes to the management plan. Gillnet groups representing Olga, Moser, and Alitak Bay fishermen met during the initial days of the board meeting and presented a plan to a board subcommittee. That plan asked that allocations be established for the sockeye fishery and a cooperative fisheries plan be developed, and sought further changes related to methods and means (to allow the unlimited use of seines and or traps) and super-exclusive registration. The board subcommittee initially identified six options: status quo, expanded pulse fisheries (increase the length of mandatory closures), allocation percentages by fishing area, reduced set gillnet gear length in Alitak Bay, additional fishing time in Olga and Moser Bays, and establishment of a cooperative fishery with changes of methods and means to allow use of any gear. The subcommittee recommended to the full board a limited allocation plan that provided additional fishing time for Olga and Moser Bays. The gillnet-only Olga-Moser Bay Section was divided into the Alitak Bay, Moser Bay, and Olga Bay Sections. Differential opening times for fishing periods were established for these three gillnet areas and the seine-only Cape Alitak Section.

Several Agenda Change Requests (ACRs) concerning Alitak District fisheries were submitted to the board at the October 2002 meeting. Three requested that the board revisit the issue and repeal or revise the newly adopted allocation plan and two sought to create some type of cooperative fishery. The board limited their review, accepting only a portion of one ACR (concerning unforeseen consequences of the management plan changes instituted in 2002). The amount of additional fishing time given to Olga Bay and Moser Bay fishermen was reduced.

DEPARTMENT COMMENTS: While the department is neutral on its allocative aspects, the department is opposed to adoption of this proposal. Alaska State statutes disallow the use of fish traps. The effectiveness of this gear type, and the problems that may be encountered are unknown. The department believes adoption of this proposal and use of this gear type would require a significant amount of staff time and/or extra personnel to administer.

The operation and efficiency of the fish traps is unknown. The department would have to closely monitor the commercial harvests by this gear. Staff time and effort normally used to determine stock status and escapement levels would have to be shifted to assessing operation of the fish traps. The department believes that use of fish traps would create uncertainty for managers attempting to achieve allocations, but would likely have no net effect on Alitak District sockeye escapements or the fulfillment of escapement objectives. Alitak District fisheries would still be opened by emergency order, when harvestable surpluses exist. Increased use of terminal area fisheries may be necessary to prevent overescapement.

COST ANALYSIS: The approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Depending on the fish trap design, costs may occur to a cooperative.

**PROPOSAL 128, Page 100: 5 AAC 18.368. North Afognak/Shuyak Island Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal would modify a portion of North Afognak/Shuyak Island Salmon Management Plan, concerning the reduction of closed waters in the Pauls Bay Section. This would be accomplished by removing the last sentence from the current regulatory language in 5 AAC 18.368, the North Afognak/Shuyak Island Salmon Management Plan, subsection (f).

WHAT ARE THE CURRENT REGULATIONS:

5 AAC 18.350. Closed Waters. (a) Salmon may not be taken in the following waters:

(6) Afognak District:

(D) Pauls Bay (Perenosa): within one-half statute mile of the terminus of Pauls Creek;

5 AAC 18.368. North Afognak/Shuyak Island Salmon Management Plan.

(f) In the Pauls Bay Section, from June 9 through July 5, fishing opportunities shall be based on sockeye salmon returning to Pauls Bay. From July 6 through August 1, fishing opportunities shall be based on the abundance of local and mixed Kodiak pink salmon and sockeye salmon bound to Pauls Bay. After August 1, fishing opportunities shall be based on the abundance of local coho salmon. The department shall manage the Pauls Creek coho salmon escapement based on interim escapement goals, as determined by the department. When interim escapement goals are exceeded, the commissioner may reduce, by emergency order, the closed waters described in 5 AAC 18.350(a)(6)(D) to those waters east of a line from 58° 23.70' N. lat., 152° 20.80' W. long. to 58° 23.29' N. lat., 152° 21.09' W. long.

The Perenosa/Pauls Bay area is open to sport fishing for salmon year round, with a bag limit of 5 salmon per day and 10 in possession.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The intent of the proposal is to fix the closed water area at Pauls Creek such that it always remain as currently listed in 5 AAC 18.350, Closed Waters, subsection (a)(6)(D), to include all those waters within one-half statute mile of the terminus of Pauls Creek. This would restrict the department's ability to reduce the size of the closed waters area in the Pauls Bay Section.

BACKGROUND: Conflicts between guided sport and commercial fisheries have occurred at Pauls Creek, on the north end of Afognak Island. During the commercial fishing season, the regulatory closed waters are set at 0.5 statute miles from the terminus of Pauls Creek. This large closed water sanctuary was instituted to protect and help rebuild the early sockeye salmon run to Pauls Creek.

The board adopted the North Afognak/Shuyak Island Salmon Management Plan in 1995, placing in regulation the harvest strategy used in this area since before 1987. At a January 1999 board meeting, the management plan was modified in response to a proposal seeking to make the sport fishery in Pauls Bay "safer". The proposal focused on department actions, decreasing closed waters at Pauls Creek, that occurred because the coho salmon runs had been very strong (the coho salmon escapement goals



had been exceeded in six of the previous seven years, 1992-1998). The closed waters at Pauls Creek were, at times, reduced to within 50 yards of the stream terminus to “mop-up” excess coho salmon. Announcement of these mop-up fisheries drew considerable commercial fishing effort to the area. The proposers stated that these mop-up fisheries created an unsafe situation with sport and commercial users attempting to operate at the mouth of the stream simultaneously. The proposer also felt these mop-up fisheries had the potential to eliminate sport fish opportunities.

Although the original proposal did not provide any specific modifications to the management plan, the proposers supported having more frequent commercial openings earlier in the season, if they were further from the stream mouth. The management plan was modified to reduce the number of mop-up fisheries. The closed waters definition of this area was modified such that closed waters were automatically reduced on August 1, to a line midway between the early season markers and the stream terminus, approximately 750 yards from the stream terminus. Further, the department was directed to manage the Pauls Creek coho salmon escapement based on interim escapement objectives. When interim escapement objectives were exceeded, closed waters could only be further reduced, by emergency order, to those waters within a line approximately 400 to 700 yards from the stream terminus (waters east of 152° 20.80' W long.).

The Pauls Creek coho salmon runs continued to be strong. Closed waters at Pauls Bay were automatically reduced on August 1, but local pink salmon returns were late or weak, leading to restricted commercial fishing opportunities in the area during August. These actions allowed early coho salmon returns to enter the system unimpeded. When the department opened the commercial fishery targeting coho salmon, the Pauls Bay annual coho escapement goal had already been exceeded. Coho salmon escapements exceeded desired levels in 1999, 2000, and 2001.

Proposed regulation changes for this fishery were discussed again at the January 2002 board meeting. These proposals sought to remove language specifying that management of Pauls Bay coho salmon be based on interim escapement objectives, and language that specified the maximum closed water reduction allowable at Pauls Bay. The proposals asked that closed waters at Pauls Creek remain at the early season location, approximately 0.5 miles from the terminus of Pauls Creek, throughout the season.

After much discussion a compromise was reached. Pauls Bay was designated as a separate management Section (it was formerly a portion of the Perenosa Bay Section). The North Afognak/Shuyak Island Salmon Management Plan was modified such that the new Pauls Bay Section could open to commercial fisheries on August 1, allowing early fisheries on incoming coho salmon, with closed waters remaining at 0.5 miles from the stream terminus. This allowed the commercial fleet to work the outer portion of the bay earlier so that large buildups, and subsequent overescapement or mop-up fisheries, might not occur. However, should interim escapement objectives be exceeded and a mop-up fishery be required, the closed waters could only be reduced to a line midway between the normal closed waters and the stream terminus, approximately 750 yards from the stream terminus (east of a line from 58° 23.70' N. lat., 152° 20.80' W. long. to 58° 23.29' N. lat., 152° 21.09' W. long.).

From 1983 to 2001, the department operated a weir on Pauls Creek from June to mid September, to count salmon escapement. However, due to diminishing budgets the Pauls Bay weir was only operated

until August 11 in 2002, and it was not operated at all in 2003 and 2004. In 2002, 2003, and 2004, the Pauls Bay Section was open to commercial fishing on August 1 to provide opportunity to harvest early coho salmon returning to the Pauls Bay system, prior to significant buildups. Escapement estimates were made by department aerial observations and/or foot or skiff surveys of the creek and lake(s). These escapement estimates indicated good coho salmon returns but did not provide accurate counts to indicate that interim or end-of-season escapement objectives were being exceeded, thus no reduced closed waters were allowed in 2002, 2003, or 2004.

DEPARTMENT COMMENTS: The department is opposed to this proposal, as it is intended to limit flexibility in managing the fishery; movement of closed water lines is a principal tool and common practice for the department. There have been no closed water reductions in the Pauls Bay Section since the last modification to the management plan, and no recent problems have been reported between commercial and sport fisheries in this area. The department supports regulations that provide for orderly fisheries, and is neutral on the allocative aspects of this proposal.

COST ANALYSIS: The approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. If approved, this might have negative economic effects for those commercial salmon purse seine fishermen that fish the Pauls Bay Section. There could be less harvest opportunity for coho salmon bound for the Pauls Bay system that are in excess of interim escapement objectives.

**PROPOSAL 129, Page 101: 5 AAC 18.350(6)(D). Closed waters.**

WHAT WOULD THE PROPOSAL DO? This proposal seeks a change in the closed waters area in Pauls Bay. The proposed Pauls Bay closed waters would be all waters within a line that runs from a point at 58° 23.745' N. latitude, 152° 20.775' W. longitude, to a point at 58° 23.53' N. latitude, 152° 21.35' W. longitude, to a point at 58° 23.30' N. latitude, 152° 21.35' W. longitude.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 18.350. Closed Waters. (a) Salmon may not be taken in the following waters:

(6) Afognak District:

(D) Pauls Bay (Perenosa): within one-half statute mile of the terminus of Pauls Creek;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The closed waters definition for Pauls Creek would be clearer, since it provides identifiable latitude and longitude coordinates instead of an uncertain boundary 0.5 miles from the stream terminus.

It would also reduce the closed water area in the Pauls Bay Section, moving the northeast end of the closed waters boundary line nearer to the stream terminus. The proposal states that this would allow commercial fishermen to avoid a snag at the northeast end of the current closed water area, and would allow them to legally fish a boundary line. The proposer indicates that when closing a set after fishing the current line, the seine and vessel end up inside the closed water area before the net has legally ceased fishing (rings out of the water).

BACKGROUND: The current closed waters definition for Pauls Bay has been in regulation since 1962. In the mid 1990s, there began to be conflicts between guided sport and commercial fishermen at Pauls Creek. In 1999, the closed waters definition was modified so that, on August 1, closed waters were automatically reduced to those waters east of a line from 58° 23.70' N. lat., 152° 20.80' W. long. to 58° 23.29' N. lat., 152° 21.09' W. long.). This was approximately midway between the 0.5-mile boundary and the stream terminus. It was felt that this change would increase commercial harvest opportunity early in the coho run and eliminate large salmon buildups, overescapement, and mop-up fisheries at that could create an unsafe situation for sport fishermen working near the mouth of the creek.

In 2002, the board again addressed the issue of conflicts between guided sport and commercial fishermen in Pauls Bay. The closed waters definition was changed back to the previous language (within 0.5 miles), but changes were made to the management plan specific to this area, which were intended to reduce the allocative and safety conflicts.

DEPARTMENT COMMENTS: The department remains neutral on this proposal due to the allocative implications of changing the size of the closed waters area. However, the department supports clearer regulations and regulations that provide for orderly fisheries.

This proposal is very similar to a portion of Proposal 110, submitted by the department. In Proposal 110, the department is seeking to replace unclear descriptions of closed waters areas with more precise language that includes specific latitude and longitude coordinates. The department determined the

latitude and longitude coordinates of three points that were as close to 0.5 miles from the stream terminus as possible; a point on Afognak Island northeast of Pauls Creek, a point on a small island offshore just north of Pauls Creek, and a point on Afognak Island southwest of Pauls Creek. This proposal uses the same coordinates for the points on the offshore island and southwest of the creek mouth, but identifies a point on Afognak Island northeast of the creek that is approximately 200 yards closer to the stream terminus.

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

**PROPOSAL 130, Page 101: 5 AAC 18.363. North Shelikof Strait Sockeye Salmon Management Plan.**

WHAT WOULD THE PROPOSAL DO? This proposal offers four alternatives for amendment of the North Shelikof Strait Sockeye Salmon Management Plan, as follows:

- 1) Revise the timeframe that this plan is in effect. The beginning date for this management plan would remain as July 6, but the plan would end on July 18 or July 20, 5 to 7 days sooner than the current end date of July 25.
- 2) Increase the harvest limits (caps), which trigger a reduction of the available fishing area within the sections along the North Shelikof that are affected by the management plan. The harvest caps would “increased by a factor equal to the increase in the 1999-2003 (five year) average westside Kodiak sockeye returns (catch and escapements) compared to the 1983-1987 average westside Kodiak sockeye returns”.
- 3) Increase and “fix” the harvest caps to double their current level.
- 4) Repeal the entire North Shelikof Strait Sockeye Salmon Management Plan.

WHAT ARE THE CURRENT REGULATIONS? The Westside Kodiak Management Plan (5 AAC 18.362), the North Afognak/Shuyak Island Salmon Management Plan (5 AAC 18.368), and the Mainland District Salmon Management Plan (5 AAC 18.369) govern the commercial salmon fisheries in sections of the Kodiak Area that border the northern portion of Shelikof Strait. These plans outline which salmon stocks are the target of management actions throughout the season. All of these plans acknowledge that from July 6 through July 25, the North Shelikof Strait Sockeye Salmon Management Plan, 5 AAC 18.363, is also in effect for the north Shelikof Strait area.

The North Shelikof Strait Sockeye Salmon Management Plan, subsection (a), states “The purpose of the North Shelikof Strait Sockeye Salmon Management Plan is to allow traditional fisheries in the area to be conducted on Kodiak Area salmon stocks, while minimizing the directed harvest of Cook Inlet sockeye salmon stocks. The board recognizes that some incidental harvest of other stocks has and will occur in this area while the seine fishery is managed for Kodiak Area salmon stocks. The board intends, however, to prevent a repetition of the non-traditional harvest pattern which occurred during 1988”.

This management plan restricts fishing opportunities by creating Shoreward Zones and Seaward Zones within the effected sections (basically divided by a line that runs from cape to cape). Should the sockeye salmon harvest exceed the established harvest cap in either of two areas, then further fisheries in the effected sections must move inside the defined Shoreward Zones and Seaward Zones are closed through July 25. This eliminates most cape fishing and all offshore fishing within the north Shelikof Strait.

Subsections (b) and (c) specify that this plan is in effect from July 6 through July 25. Subsection (b) in part states that for the Dakavak Bay, Outer Kukak Bay, Inner Kukak Bay, Hallo Bay and Big River Sections of the Mainland District and the Shuyak Island and Northwest Afognak Sections of the Afognak District the harvest cap is 15,000 sockeye salmon. Subsection (c) in part states the for the Southwest Afognak Section the harvest cap is 50,000 sockeye salmon.

The affected sections are designated as beach seine or purse seine only (5 AAC 18.330. Gear.)

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The North Shelikof Strait Sockeye Salmon Management Plan would be repealed or amended, which would greatly reduced the likelihood of restricting fisheries to the inside Shoreward Zones. Commercial seine fishermen would likely have more time in which they could fish offshore or along the capes of the north Shelikof Strait. The harvest of sockeye salmon in sections along the north Shelikof Strait from July 6 to July 25 would increase by an unknown amount.

BACKGROUND: In 1988 there was a significant harvest of large (greater than 6 pound) sockeye salmon in management units bordering the northern portion of Shelikof Strait. In 1990 the board reviewed this fishery. Analysis of average weights, salmon ages (determined from scale analysis), review of past tagging studies, and estimates of migratory timing, led to the determination that the majority of these sockeye salmon were bound for Cook Inlet. Though the Cook Inlet sockeye salmon run was at record levels, the board felt that this was an expanding, nontraditional harvest.

Two different areas of concern were delineated: the Southwest Afognak Unit, and the North Shelikof Unit (all other sections bordering the northern portion of Shelikof Strait). There was long history of commercial fishing and sockeye salmon harvests in the Southwest Afognak Section, because this section is along the migratory route of local Kodiak salmon stocks, including sockeye salmon moving to the Karluk River. There was also a history of a much smaller number of sockeye salmon being taken in the North Shelikof management unit, but past fisheries in those sections had predominantly taken pink and chum salmon. To protect Cook Inlet bound sockeye salmon that migrate through the Shelikof Strait, while still allowing commercial fishing on local pink and chum salmon stocks, limits were set on the number of sockeye salmon that could be harvested before fisheries were restricted. Fisheries would not be completely closed, but the fleet would be moved inside the bays, by closing the outer waters if the harvest caps, were exceeded. The board set the harvests caps at levels that were approximately 3 times the harvest seen prior to 1988. Separate sockeye salmon harvest caps were set for each of the two identified areas of concern. The North Shelikof Strait Sockeye Salmon Management Plan (5AAC 18.363.) was adopted into regulation in 1990.

In 1993, the management plan was amended by the board to allow traditional harvest opportunities of pink salmon, the Shoreward/Seaward Zone boundary of the Southwest Afognak Unit. The boundary line was moved 1/2 mile offshore of the baseline running cape to cape. This management plan was discussed again at board meetings in 1995 and 1998, but no further changes were made.

The commercial fisheries in these areas are managed based on local stocks. Throughout the Kodiak Management Area, July 6 is the beginning of directed pink salmon management. A general pink salmon harvest strategy has been developed and has been used in Kodiak fisheries since the late 1970s. This harvest strategy for pink salmon utilizes a fixed opening date (July 6), this begins the harvest of pink salmon when the run is beginning, long before the fish begin to buildup inside the inner bays of Kodiak. This results in a high quality harvest of ocean bright pink salmon. Since directed pink salmon fisheries begin before the strength of the run is fully known, the length of the initial fishing periods are based on the pink salmon forecast. Also, this harvest strategy attempts to open multiple areas to fishing whenever possible, to disperse the purse seine fleet. This harvest strategy is recognized in the management plans

that direct commercial fishery management in these areas throughout the season; the Westside Kodiak Management Plan (5 AAC 18.362), the North Afognak/Shuyak Island Salmon Management Plan (5 AAC 18.368), and the Mainland District Salmon Management Plan (5 AAC 18.369).

Since 1990 in the North Shelikof Unit, the 15,000 sockeye harvest cap was exceeded and triggered Seaward Zone closures in 1990, 1992 through 1999, and 2001 through 2004.

Since 1990 in the Southwest Afognak Unit, the 50,000 sockeye harvest cap was exceeded and triggered Seaward Zone closures 1992, 1993, and 2003.

DEPARTMENT COMMENTS: Due to the allocative nature of this proposal, the department is neutral.

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

**PROPOSAL 131, Page 102: 5 AAC 18.366. Spiridon Lake Sockeye Salmon Management Plan.; 5 AAC 18.375. Foul Bay Terminal Harvest Area.; 5 AAC 18.376 Waterfall Bay Terminal Harvest Area.; 5 AAC 18.377. Settler Cove Terminal Harvest Area.; 18.37X. Kitoi Bay Special Harvest Area; and 5 AAC 40.0XX. Kodiak Regional Aquaculture Association (KRAA) Special Harvest Areas.**

WHAT WOULD THE PROPOSAL DO? This proposal establishes in regulation those areas within the Kodiak Area in which cost recovery fisheries may occur. Regulations are amended or created to read as follows:

5 AAC 18.366. Spiridon **Bay** [LAKE] Sockeye Salmon Management Plan. (a) The department shall manage the commercial, sport, and subsistence fisheries in Spiridon Bay to provide for full use of the enhanced stock of sockeye salmon returning to Spiridon Lake...

(c) The Spiridon Bay **Special** [TERMINAL] Harvest Area consists of all waters of Telrod Cove north of a line extending from Stream Point at 57° 39.00' N. lat., 153° 38.50' W. long., to a point at 57° 38.80' N. lat., 153° 37.70' W. long.

(d) Only purse seines and beach seines may be operated in the Spiridon Bay **Special** [TERMINAL] Harvest Area.

5 AAC 18.375. Foul Bay **Special** [TERMINAL] Harvest Area. The Foul Bay **Special** [TERMINAL] Harvest Area consists of all waters of Foul Bay east of 152° 47.20' W. long.

5 AAC 18.376. Waterfall Bay **Special** [TERMINAL] Harvest Area. (a) The Waterfall Bay **Special** [TERMINAL] Harvest Area consists of all waters of the stream terminus of streams No. 251-821 and 251-822 to a straight line extending north westerly from 58° 24.15' N. lat., 152° 28.23' W. long. to 58° 25.60' N. lat., 152° 30.80' W. long.

5 AAC 18.377. Settler Cove **Special** [TERMINAL] Harvest Area. The Settler Cove **Special** [TERMINAL] Harvest Area consists of all waters of Settler Cove west of 152° 50.80' W. long.

**5 AAC 18.37X. Kitoi Bay Special Harvest Area. The Kitoi Bay Special Harvest Area consists of all waters of Kitoi Bay west of a line from 58° 10.58' N. lat., 152° 17.36' W. long., to 58° 09.50' N. lat., 152° 18.70' W. long., or as defined as the Inner and Outer Kitoi Bay Sections (5 AAC 18.200 (8) and (9)).**

**5 AAC 40.0XX. Kodiak Regional Aquaculture Association (KRAA) Special Harvest Areas.**  
**(a) The following Special Harvest Areas are established for the Kodiak Regional Aquaculture Association (KRAA):**

**(1) Kitoi Bay Special Harvest Area: all waters of Kitoi Bay west of a line from 58° 10.58' N. lat., 152° 17.36' W. long., to 58° 09.50' N. lat., 152° 18.70' W. long., or as defined as the Inner and Outer Kitoi Bay Sections (5 AAC 18.200 (8) and (9)).;**

**(2) The Spiridon Bay Special Harvest Area: all waters of Telrod Cove north of a line extending from Stream Point at 57° 39.00' N. lat., 153° 38.50' W. long., to a point at 57° 38.80' N. lat., 153° 37.70' W. long.;**



**(3) Foul Bay Special Harvest Area: all waters of Foul Bay east of 152° 47.20' W. long.;**

**(4) Waterfall Bay Special Harvest Area: all waters of the stream terminus of streams No. 251-821 and 251-822 to a straight line extending north westerly from 58° 24.15' N. lat., 152° 28.23' W. long. to 58° 25.60' N. lat., 152° 30.80' W. long.;**

**(5) Settler Cove Special Harvest Area: all waters of Settler Cove west of 152° 50.80' W. long.**

**(b) A hatchery permit holder harvesting salmon within the special harvest area under the terms of the hatchery permit is exempt from the provisions of 5 AAC 18.310 and 5 AAC 18.320. The commissioner shall open and close, by emergency order, fishing periods during which the hatchery permit holder may harvest salmon within the special harvest area.**

**(c) Notwithstanding 5 AAC 18.330, legal gear for the hatchery permit holder in the special harvest area are purse seine and beach seine.**

WHAT ARE THE CURRENT REGULATIONS? There are no regulations for the Kodiak Area defining Special Harvest Areas. Currently in the Kodiak Area commercial salmon regulations, several areas are designated as Terminal Harvest Areas (THAs), including the Spiridon Bay THA (5 AAC 18.366), Foul Bay THA (5 AAC 18.375), Waterfall Bay THA (5 AAC 18.376), Settler Cove THA (5 AAC 18.377), and Malina Creek THA (5 AAC 18.378).

Regulations for Private Nonprofit Hatcheries, 5 AAC 40.005. General, subsection (c), states that where hatchery returns enter a segregated location near the release site and can be harvested without significantly affecting wild stocks, a special harvest area may be designated by regulation adopted by the Board of Fisheries. Subsection (d) states that a private nonprofit hatchery and its agents may harvest salmon for the hatchery only in the applicable special harvest area. Additionally, Article 2 defines the boundaries of many Special Harvest Areas throughout the state, as well as legal gear and other restriction that apply in those areas. There are no Special Harvest Areas shown in Article 2 for the Kodiak Area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Regulations would be clarified and made consistent. Special Harvest Areas, where cost recovery fisheries could be prosecuted, would be designated in regulations.

BACKGROUND: The Kodiak Regional Aquaculture Association (KRAA), a private nonprofit association, operates the Pillar Creek Hatchery and the Kitoi Bay Hatchery, and several enhancement projects throughout the Kodiak Area. The Kodiak Area THAs were designated for enhancement projects, where juvenile sockeye salmon are stocked into lakes and escapement is prevented by stream barriers (with the exception of the Malina Creek THA). All returning adults are available for harvest in the THAs (except for Malina Creek). Additionally, the Kitoi Bay Hatchery produces sockeye, chum, pink, and coho salmon for commercial harvest in sections adjacent to the hatchery. The Inner Kitoi Bay Section, the terminal area nearest the Kitoi Bay Hatchery, has been designated as a Special Harvest Area (SHA) in the hatchery's Basic Management Plan and is also specified in the hatchery permit.

In 2003, the Kitoi Bay Hatchery conducted the first cost recovery fishery in many years. Cost recovery fisheries occurred at Kitoi Bay again in 2004. The Inner and Outer Kitoi Bay Sections were designated as the Special Harvest Area, by emergency orders. With revenue declines due to low value of salmon products, it is expected that KRAA will continue seek additional funds through cost recovery fisheries.

Kitoi and Pillar Creek hatchery management plans provide guidelines for the harvest of enhanced salmon when situations arise (e.g., economic, broodstock, environmental disasters, or price dispute considerations) that may cause the straying of enhanced salmon. Although the Commissioner may authorize Special Harvest Areas, the department requests that the board consider designating these areas as Special Harvest Areas so that if unplanned harvests are required they can occur without the delay of procuring special authorizations.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it.

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

**PROPOSAL 132, Page 104: 5 AAC 18.XXX. Holding live, commercially-caught salmon prior to processing.**

WHAT WOULD THE PROPOSAL DO? Create a new regulation for the Kodiak Area commercial salmon fishery to control the use of salmon net pens, to hold live fish prior to processing, under the requirements of a Commissioner's Permit.

**5 AAC 18.XXX. Holding live, commercially-caught salmon prior to processing. (a) Net pens or other devices used to hold live salmon prior to processing are allowed only under the authority of a Commissioner's Permit.**

WHAT ARE THE CURRENT REGULATIONS? There are no Kodiak Area regulations concerning the use of net pens to hold commercially-harvested salmon prior to processing. Salmon net pens are allowed in the Chignik Area cooperative salmon fishery under the terms of a Commissioner's Permit, authorized by 5 AAC 15.359, Chignik Area Cooperative Purse Seine Salmon Fishery Management Plan, subsection (c).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The department would have the authority to institute registration and reporting requirements, as well as other limitations or requirements regarding construction and operation of net pens used to hold live salmon prior to processing.

BACKGROUND: There has been an increase in interest in direct marketing by Kodiak Area commercial salmon fishery permit holders. In the search for new markets it was discovered that there was a demand for high quality, fresh or fresh frozen salmon. At least two purse seine permit holders have installed small processing operations aboard their seine vessels. In order to process the fish in the freshest state, the salmon were sometimes held alongside the vessel in the purse seine. Fish were bled and processed as they were removed from the seine.

In 2003, a Kodiak salmon purse seine permit holder brought his own small processing barge to Kodiak. To provide flexibility and allow the seine vessel to fish in one area while the processor was working elsewhere, this individual used a small net pen to hold the salmon alive alongside the processing barge. After a set was made, the seine was moved over to the net pen, and the legally caught salmon were rolled, alive, into the pen. The processor could then remove fish from the pen as needed. In 2004, two Kodiak salmon permit holder decided to work cooperatively. They wanted to direct market a high quality product, and needed to reduce their costs. In order to maximize freshness and minimize tender costs, these fishermen used a net pen. Again, the fishermen legally seined for salmon, pulled their seines to a floating pen, then rolled the live salmon into the net pen. The fish were held in the pen until the fishermen had collected enough in the pen to fill up a small tender. The tender then pulled alongside the pen, the fish were individually removed, bled, then chilled, and were run into a processing plant in Kodiak as quickly as possible.

These fishermen contacted the department prior to their operations. They wanted to be certain that they operated legally. There were no prohibitions to this practice found in regulations. Within the Alaska

Administrative Code, Title 5 Chapter 41, Transportation, Possession and Release of Live Fish; Aquatic Farming, there are provisions concerning live fish. However, 5 AAC 41.001, Applications of This Chapter, states in part that “the provisions of this chapter do not apply to the transportation, possession, or release of fish taken for commercial fishing, sport, or subsistence purposes”. It appears that net pens could meet the definition of a commercial fishing vessel. 5 AAC 39.130, Reports Required of Processors, Buyers, Fishermen, and Operators of Certain Commercial Fishing Vessels; Transportation Requirements, subsection (k)(1), contains definitions that seem to apply to net pens. It states in part that “commercial fishing vessel” means a floating craft powered, towed, rowed, or otherwise propelled, which is used for or equipped to be used for (A) commercial fishing; or (B) fish processing; fish transport; fish storage, including temporary storage”. In order to abide by this regulation, the fishermen licensed their net pen as a commercial fishing vessel.

The department was concerned about timely and accurate reporting of the salmon harvests. With the catch of two, or more, fishermen going into the same net pen, the ability to correctly report the harvest of each fisherman was in question. There were also questions concerning the legal ownership of the fish once they were placed in a net pen. The department asked that one fisherman register as a fish transporter, be responsible for the net pen, be responsible for counting salmon as they were put into the net, and complete a separate fish ticket for each fisherman putting fish into the net pen. The fishtickets could be amended when the fish were removed from the pen with more accurate counts by species and accounting for dead loss, or could be amended at the processing plant with more accurate fish weight information.

There have been no significant problems encountered with operation of net pens during the 2003 or 2004 seasons. Occasionally there were fish that died in the pen. Since the amount of time these fish had been dead was undeterminable, they were treated as deadloss and reported on the fishtickets as discarded. Normally only a few fish were lost in this manner. In 2004, there was one instance of greater deadloss. This event was influenced by a delay in the arrival of a tender. The fishermen continued to put salmon in the pen, possibly leading to overcrowding. The weather was unusually warm at the time, as well. The salmon deadloss was dealt with in a legal manner, with the deadloss being transported back to Kodiak’s fishmeal plant. The fishermen promptly constructed a new, larger net pen, and had no further significant deadloss problems.

There were advantages to use of the net pens. Fish were handled individually, reducing scale loss and bruising. The fish were bled, chilled, and tendered quickly to a processing plant, so in no case was there any delay longer than about 12 hours from the time the fish was bled to when it was processed and frozen. Fishermen reported getting a much higher price per pound, approximately twice what was being paid to other fishermen for fish taken and tendered in traditional ways.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support it. This is a new technique for Kodiak salmon fishermen and there is interest in expanding the use of net pens. At this time fishermen want the ability to experiment with this technique and do not favor specific regulations. Allowing use by Commissioner’s Permit allows the department the ability to work with the net pen operators to insure proper handling and reporting of their salmon harvests.

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

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