

Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526



**THE ALASKA BOARD OF FISHERIES 2010/2011
PROPOSED CHANGES IN THE COOK INLET, KODIAK
AND CHIGNIK FINFISH; AND
KING AND TANNER CRAB (STATEWIDE, EXCEPT
SOUTHEAST/YAKUTAT) REGULATIONS**

ALASKA BOARD OF FISHERIES

January 11-14, 2011

KODIAK FINFISH

PROPOSAL INDEX

Following is a list of proposals that will be considered at the above meeting sorted by general topic. A board committee roadmap will be developed and distributed prior to the meeting.

Kodiak Groundfish

- 52 Close state waters of Sitkalidak Strait to pelagic trawling.
- 53 Close state waters of Marmot Bay to pelagic trawling.
- 54 Amend rockfish fishery management plan.
- 55 Define gear for harvesting lingcod.
- 56 Repeal one type of mechanical jigging machine gear.
- 57 Modify fishing season regulation that allows groundfish to be taken at any time in the Kodiak Area.

Kodiak Herring

- 58 Modify legal gear used in herring bait permit fishery.

Kodiak Subsistence Salmon

- 59 Add dipnets for Settler's Creek at Port Lions.
- 60 Change finfish reporting requirements.
- 61 Revise recording procedures for subsistence caught fish.
- 62 Amend regulations regarding recording of subsistence caught fish in the Kodiak Area.

Kodiak Commercial Salmon

- 63 Prohibit fishing multiple areas in same year.
- 64 Allow for pink salmon harvest from August 15-24 on Kodiak's west side.
- 65 Allow for set gillnet fishing after August 15 if escapement goals are met in the northwest Kodiak Districts.
- 66 Allow for pink salmon harvest from August 15-24 on Kodiak's west side.
- 67 Amend Kodiak Area Westside Management Plan to include escapement goals in the major sockeye systems of Olga Bay.
- 68 Amend (e)(1) in the Inner Karluk Section Salmon Management Plan.
- 69 Create new regulation to provide for power and or hand troll fishing in the Kodiak Management Area.
- 70 Define "attending a fish site" in regulation.
- 71 Amend regulation so sunset clause becomes permanent regulation.
- 72 Develop a special harvest area within the Northeast Kodiak District.
- 73 Develop a special harvest area within the Northwest Kodiak District.
- 74 Amend closure times.
- 75 Close fishing for chinook salmon in the Mainland District until escapement goals are met.
- 76 Amend subsection (f) in the Pauls Bay Section Salmon Management Plan.
- 77 Amend closed water regulations and add a new paragraph.

78 Amend (a)(3) in the Alitak District Salmon Management Plan.

Kodiak Sport Fisheries

79 Close Kalsin Pond outlet stream to sport fishing.

80 Close Kalsin Pond outlet stream to sport fishing within 200 feet of Chiniak Highway.

81 Open the American and Olds rivers to fishing for king salmon.

82 Reduce the rockfish bag limit from 10 per day, 20 in possession to 5 per day, 10 in possession.

KODIAK FINFISH PROPOSALS

PROPOSAL 52 - 5 AAC 28.4XX. New Regulation. Close state waters of Sitkaladik Strait to pelagic trawling follows:

State of Alaska waters of in Sitkalidak Straits south of a line from Left Cape to Cape Barnabas and north of a line from Cape Kasiak to Black Point are closed to pelagic trawling.

ISSUE: Pelagic trawl bycatch of halibut as well as codfish, lingcod and black rockfish in Kitkalidak Straits limits subsistence use and availability for Old Harbor subsistence users. After trawl activity in the area, it takes about two weeks for halibut to return. Pelagic trawl bycatch of chinook salmon in State of Alaska waters in Sitkalidak Straights further reduces local chinook stocks that are already at the low range of their known population dynamics. Sitkalidak Straits are known to have local crab populations and it is suspected that pelagic trawl activity adversely impacts local crab stocks.

WHAT WILL HAPPEN IF NOTHING IS DONE? Subsistence opportunities will be lost for halibut and other groundfish. Local chinook populations will be slower to rebound and local crab will continue to be impacted.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Halibut caught as subsistence fish or caught in the commercial long line fishery are quality “improved” over halibut caught in the pelagic trawl fishery and discarded.

WHO IS LIKELY TO BENEFIT? Local subsistence users as well as recreational fishermen will benefit greatly. In addition, sport charter operators and their clients may benefit.

WHO IS LIKELY TO SUFFER? The Pelagic Trawl fleet will be displaced from Sitkalidak Straights. This area is not significant to the pelagic trawl fleet in terms of pounds of fish taken. The fleet will easily be able to catch their annual allocations in other area 630 waters. It is unlikely that the pelagic trawl fleet would incur any additional costs.

OTHER SOLUTIONS CONSIDERED? Closing all of the State Waters around Kodiak Island was considered. There may be merit to this approach but Old Harbor just wanted to protect the area adjacent to the community. Working with the trawl fleet has been tried. Local residents have repeatedly requested that individual trawl vessels not set in Sitkalidak Straits adjacent to the village. Mostly these requests are ignored and the community immediately experiences reduced halibut and groundfish availability.

PROPOSED BY: Old Harbor Fisherman’s Association (HQ-10F-116)

PROPOSAL 53 - 5 AAC 28.XXX. New Regulation. Close state waters of Marmot Bay pelagic trawling as follows:

The State of Alaska waters of Marmot Bay, west of a line south from Pillar Cape on Afognak Island to the northern tip of Long Island and east of a line that runs north from Inner Point on Kodiak Island (at the entrance of Whale Pass) to Yuzhini Point of Whale Island and east of a line that fro Chiachi Point on Whale Island to Nochlega Point on Afognak Island are closed to pelagic trawl fishing.

ISSUE: Pelagic trawl bycatch of chinook salmon in State of Alaska waters in Marmot Bay. Local chinook stocks appear to be very low and some portion of these distressed stocks are believed to be caught in the near shore Marmot Bay pelagic trawl fishery.

WHAT WILL HAPPEN IF NOTHING IS DONE? Each year several thousand chinook salmon will be killed and discarded in Marmot Bay by the pelagic trawl fishery.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? In a sense, preserving local chinook brood stock so that the runs can be rebuilt is a form of quality imporvement. Currently pelagic trawl chinook salmon bycatch is discarded or, if landed ashore, destroyed. If these fish were to spawn this would improve the “quality” of the run for future generations.

WHO IS LIKELY TO BENEFIT? A wide varity of chinook salmon users as well as the State of Alaska generally will benefit from the rebuilding of Kodiak's chinook salmon runs. These users include, but are not limited to, subsistence users, individual anglers, sport charter operators and their clients, commercial users and those that champion the importance of sustainable and robust chinook salmon runs.

WHO IS LIKELY TO SUFFER? The Pelagic Trawl fleet will be displaced from a portion of Marmot Bay. The fleet will still be able to catch their annual pollock allocations (or other pelagically targeted species) since much of Kodiak Island State Waters remain open to pelagic trawling and significant pelagic trawling also occurs in Federal waters. The pelagic trawl fleet may incur additional costs in fuel and time.

OTHER SOLUTIONS CONSIDERED? Closing the remainder of Marmot Bay (outside State Waters) was considered but is outside the jurisdiction of the Alaska Board of Fisheries. Closing all of the State Waters around Kodiak Island was considered but it was rejected as too broad, at this time, to address the chinook bycatch issue. Closing State Waters in Shelikof Straits was also considerd as a second "hot spot" area for chinook bycatch in Kodiak State Waters. However, the proposer wanted to first protect Marmot Bay, the area that is right in our backyard. Nevertheless, as part of the overall discussion on state waters chinook bycatch, the Alaska Board of Fisheries may want to also consider closing the west side Shelikof Area.

PROPOSED BY: Ouzinkie Native Corporation (HQ-10F-118)

PROPOSAL 54 - 5 AAC 28.4XX. Kodiak Area Rockfish Management Plan; 5 AAC 28.472. Black Rockfish Possession and Landing Requirements for Kodiak Area; 5 AAC 28.485. and Logbook Requirements for Black Rockfish Fishery in the Kodiak Area; and 5 AAC 28.406. Kodiak Area Registration. Amend rockfish fishery management plan as follows:

5 AAC 28.4XX. Kodiak Area Rockfish Management Plan. (a) This management plan governs the harvest of black and dark rockfish in the Kodiak Area.

(b) Unless otherwise specified in this section, a person operating a vessel in a directed black rockfish fishery may not have on board the vessel or sell more than 5,000 pounds (round weight) of black rockfish within a five-day period. All black rockfish taken in excess of 5,000 pounds must be weighed, sold, and reported on an ADF&G fish ticket. All proceeds from the sale of black rockfish in excess of 5,000 pounds (round weight) shall be surrendered to the state. If a district guideline harvest level for black rockfish is not taken before August 15, the commissioner may close, by emergency order, the fishing season and immediately reopen a fishing season in a district during which a vessel participating in a directed black rockfish fishery may not have on board the vessel or sell more than 7,000 pounds (round weight) of black rockfish within a five-day period. All black rockfish taken in excess of 7,000 pounds must be weighed, sold, and reported on an ADF&G fish ticket. All proceeds from the sale of black rockfish in excess of 7,000 pounds (round weight) shall be surrendered to the state;

(c) Except as provided for in (c)(1), bycatch levels of black and dark rockfish shall be established by emergency order; a person operating a vessel that takes black and dark rockfish in excess of the established bycatch level for each species must weigh and report the bycatch overage on an ADF&G fish ticket; any proceeds from the sale of excess rockfish shall be surrendered to the state:

(1) vessel operators participating in a groundfish fishery utilizing gear other than jig gear may not harvest black or dark rockfish in excess of 5 percent, round weight. All black or dark rockfish in excess of 5 percent must be weighed and reported as bycatch overage on an ADF&G fish ticket; any proceeds from the sale of excess rockfish shall be surrendered to the state;

(2) if a black rockfish district guideline harvest level is reached, the commissioner may, by emergency order, close the fishing season and immediately reopen a fishing season during which the bycatch level of black or dark rockfish may be reduced to prevent overharvest.

(d) A person operating a catcher/processor vessel in a directed black rockfish fishery may not have on board or sell more than twice the specified legal trip limit of black rockfish within a ten-day period. All black rockfish taken in excess of twice the specified legal trip limit must be weighed, sold, and reported on an ADF&G fish ticket. All proceeds from the sale of black rockfish in excess of the legal limit shall be surrendered to the state.

(e) In the directed black rockfish fishery, an owner or operator of a catcher/processor vessel must report, as specified in the registration form, to the local representative of the department by radio, email, or telephone the whole pounds of black and dark rockfish retained during the previous 5 day fishing period; any other information that the commissioner determines is necessary for the management and conservation of the fishery.

5 AAC 28.472. Black Rockfish Possession and Landing Requirements for Kodiak Area. Repealed. [(a) IN THE KODIAK AREA, A PERSON OPERATING A VESSEL IN A

DIRECTED BLACK ROCKFISH FISHERY MAY NOT HAVE ON BOARD THE VESSEL OR SELL MORE THAN 5,000 POUNDS (ROUND WEIGHT) OF BLACK ROCKFISH WITHIN A FIVE-DAY PERIOD. ALL BLACK ROCKFISH TAKEN IN EXCESS OF 5,000 POUNDS MUST BE WEIGHED, SOLD, AND REPORTED ON AN ADF&G FISH TICKET. ALL PROCEEDS FROM THE SALE OF BLACK ROCKFISH IN EXCESS OF 5,000 POUNDS (ROUND WEIGHT) SHALL BE SURRENDERED TO THE STATE.]

(b) [IN THE KODIAK AREA IN A COMMERCIAL GROUND FISH FISHERY OTHER THAN A DIRECTED BLACK ROCKFISH FISHERY, A VESSEL OPERATOR USING MECHANICAL JIGGING MACHINES OR HAND TROLL GEAR MAY NOT HAVE ON BOARD THE VESSEL OR LAND MORE THAN 1,000 POUNDS (ROUND WEIGHT) OF BLACK ROCKFISH FROM THE AFOGNAK, NORTHEAST, OR SOUTHEAST DISTRICTS, INCLUDING SPLIT FISH TICKET DELIVERIES, OR MORE THAN 2,500 POUNDS (ROUND WEIGHT) FROM THE SOUTHWEST, WESTSIDE, AND MAINLAND DISTRICTS, INCLUDING SPLIT FISH TICKET DELIVERIES.]

(c) [ALL BLACK ROCKFISH TAKEN IN EXCESS OF A WEIGHT LIMIT ESTABLISHED IN (b) OF THIS SECTION MUST BE SOLD, WEIGHED, AND REPORTED ON AN ADF&G FISH TICKET. ALL PROCEEDS FROM THE SALE OF BLACK ROCKFISH IN EXCESS OF A WEIGHT LIMIT ESTABLISHED IN (b) OF THIS SECTION SHALL BE SURRENDERED TO THE STATE. A PERSON OPERATING A VESSEL IN THE]

[1. AFOGNAK, NORTHEAST, EASTSIDE, AND SOUTHEAST DISTRICTS MAY NOT SELL MORE THAN 2,000 POUNDS (ROUND WEIGHT) OF BLACK ROCKFISH WITHIN A FIVE-DAY PERIOD;]

[2. SOUTHWEST, WESTSIDE, AND MAINLAND DISTRICTS MAY NOT SELL MORE THAN 5,000 POUNDS (ROUND WEIGHT) OF BLACK ROCKFISH WITHIN A FIVE-DAY PERIOD.]

5 AAC 28.485. Logbook Requirements for Black Rockfish Fishery in the Kodiak Area.

Amend (a) as follows:

(a) In the Kodiak Area, an operator of a vessel fishing for black rockfish in a directed fishery [OR A VESSEL WITH BYCATCH EXCEEDING FIVE PERCENT OF THE TARGET SPECIES WEIGHT] shall maintain an accurate logbook of all fishing operations for each type of gear used.

5 AAC 28.406. Kodiak Area Registration. Amend (a) and (d), and repeal (e) as follows:

(a) The Kodiak Area is an exclusive registration area for Pacific cod during a state waters season described in 5 AAC 28.476 **and a nonexclusive registration area for black rockfish.**

(d) In the Kodiak Area, before a person uses a vessel to operate gear in a directed fishery for black rockfish, the vessel's owner or owner's agent shall register the vessel for a specific black rockfish **district** [SECTION] with the department. A vessel validly registered for black rockfish fishing under this subsection may not be registered for **a state-waters or parallel Pacific cod** [ANY OTHER GROUND FISH] fishery at the same time.

(e) Repealed. [IN THE KODIAK AREA, BEFORE A PERSON USES A VESSEL TO OPERATE MECHANICAL JIGGING MACHINES OR HAND TROLL GEAR IN A COMMERCIAL FISHERY, OTHER THAN A DIRECTED BLACK ROCKFISH FISHERY, AND RETAINS BLACK ROCKFISH AS BYCATCH THAT IS GREATER THAN FIVE PERCENT OF THE GROSS ROUND WEIGHT OF ALL GROUND FISH SPECIES TAKEN IN DIRECTED FISHERIES THAT ARE ON BOARD THE VESSEL, THE VESSEL OWNER OR OWNER'S AGENT SHALL REGISTER THE VESSEL FOR A SPECIFIC BLACK ROCKFISH SECTION WITH THE DEPARTMENT.]

ISSUE: Current black rockfish regulations create confusion as they allow for multiple harvest types (directed, incidental, and bycatch), trip limits, and bycatch levels within the fishery. The proposed management plan will simplify regulations by creating a single directed black rockfish fishery with clearly specified trip limits and allow non-directed black and dark rockfish harvest with variable bycatch limits rather than trip limits. The proposed management plan will also simplify registration and reporting requirements, allowing for better catch accounting and responsive management.

Additionally, existing regulations often result in unharvested black rockfish resources in some districts by implementing conservative trip limits in remote locations. The proposed management plan may promote harvest in these areas by increasing trip limits when effort is low. Likewise, Kodiak groundfish regulations do not address catcher/processor vessels or management of dark rockfish, which were transferred from federal to state management authority in 2009.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued confusion among vessel operators fishing for black rockfish and underutilization of black rockfish GHLS.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Unknown.

WHO IS LIKELY TO BENEFIT? Fishermen, management agencies, and law enforcement will benefit from clear and consistent regulations and management plans.

WHO IS LIKELY TO SUFFER? Under existing regulations, vessel operators can register to participate in the Kodiak Area state-waters Pacific cod fishery and simultaneously register to incidentally harvest a limited amount of black rockfish. The proposed management plan would remove this type of incidental harvest opportunity from regulation and replace it with variable black rockfish bycatch limits during other directed groundfish fisheries. Thus, some vessels may lose certain types of harvest opportunities provided for in the existing management plan.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game. (HQ-10F-145)

PROPOSAL 55 - 5 AAC 28.430. Lawful Gear for Kodiak Area. Define gear for harvesting lingcod as follows:

(h) Lingcod may be taken in a directed fishery for lingcod only by mechanical jigging machine or hand troll gear.

ISSUE: Legal gear is undefined for directed lingcod fishing.

WHAT WILL HAPPEN IF NOTHING IS DONE? Potential overharvest of lingcod, as well as confusion regarding legal gear types for the directed commercial lingcod fishery.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Fishery managers and the public will benefit from clear regulations.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-10F-146)

PROPOSAL 56 - 5 AAC 28.430. Lawful Gear for Kodiak Area. Repeal one type of mechanical jigging machine gear as follows:

(f)(2) **repealed** [A SINGLE CONTINUOUS LINE WITH NOT MORE THAN 150 HOOKS].

ISSUE: This definition of mechanical jigging machine creates confusion for fishery stakeholders and is inconsistent with actual fishing practices.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued uncertainty regarding legal gear configurations during commercial jig groundfish fisheries.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Fishery managers and the public will benefit from clear and consistent regulations.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-10F-147)

PROPOSAL 57 - 5 AAC 28.410. Fishing Seasons For Kodiak Area. Modify fishing season regulation that allows groundfish to be taken at any time in the Kodiak Area as follows:

(a) Unless otherwise specified in this chapter, groundfish may be taken **only during seasons established by emergency order or under a permit issued by the commissioner** [AT ANY TIME].

ISSUE: Current Kodiak Area regulation states that groundfish may be taken at anytime. In practice, groundfish may only be taken from state waters when parallel or state-waters seasons are open. This internal inconsistency has caused confusion among fishermen participating in groundfish fisheries inside state waters.

WHAT WILL HAPPEN IF NOTHING IS DONE? Regulations will continue to create confusion for fishery participants, managers and law enforcement agencies.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The public and agencies will benefit from clear and consistent regulatory language.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-10F-148)

PROPOSAL 58 - 5 AAC 27.545. Harvest of bait by commercial permit holders in Kodiak Area. Modify legal gear used in herring bait permit fishery as follows:

Allow mechanical jig and hand troll gear to be used under the herring bait permit. Annual limit set at 1,000 pounds.

ISSUE: The Kodiak region herring bait permit only allows herring to be taken with seine or gillnet gear. Mechanical jig and hand troll gear should be allowed. Annual limit should increase from 500 to 1,000 pounds.

WHAT WILL HAPPEN IF NOTHING IS DONE? Vessels set up for fisheries such as crab, jig and longline often cannot seine or gillnet concurrently. Fresh bait will remain under-utilized.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Fresh herring is a superior bait and could improve catches in other fisheries. Hook and line fishing will not overfish.

WHO IS LIKELY TO BENEFIT? Small scale fishing operations will benefit most from the increased availability of fresh bait herring.

WHO IS LIKELY TO SUFFER? Increased herring harvest will probably be insignificant to commercial fishery.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Ian MacIntosh (SC-10F-033)

PROPOSAL 59 - 5 AAC 10.520. Lawful gear. Add dipnets for Settler’s Creek at Port Lions as follows:

Add dipnets for Settler’s Creek at Port Lions (b) salmon may be taken only by gillnet and seine. Insert: except at the lower mouth of Settler’s Cove Creek at Port Lions where dipnets may be used from June 1 to July 30.

ISSUE: Settler’s Cove Creek red (sockeye) salmon are a “put and take” run, established by the Kodiak Regional Aquaculture Association. This is an artificial run that was established for subsistence use when the Afognak Lake sockeye salmon failed. This is a terminal harvest, as the fish cannot go up the creek. It is used primarily by the residents of the villages of Port Lions and to a lesser extent Ouzinki. When the run was established the fish were initially caught by gillnets. Locals have found it more cost effective to use dipnets. They were unaware that this gear type needed to be defined by regulation.

WHAT WILL HAPPEN IF NOTHING IS DONE? There is a potential of folks being cited for an unintentional violation for fishing regulations.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Some locals feel that dipnet fish have less bruising.

WHO IS LIKELY TO BENEFIT? Subsistence fishermen will be able to catch fish in the “Hole” easier and at less cost than gillnetting.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Ivar Malutin and Pat Holmes (HQ-10F-191)

PROPOSAL 60 - 5 AAC 01.5xx. New section. Change finfish reporting requirements as follows:

(a) An owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services, as defined in 5 AAC 75.995, may not furnish to a client or guest of that enterprise, finfish that have been taken under this chapter, unless:

1) Finfish have been taken with gear developed, operated, and retrieved by the client or guest and the gear has been marked with the client's or guest's name and address, as specified in 5 AAC 01.010 and

2) Finfish is to be consumed by the client or guest or is consumed in the presence of the client or guest.

(b) A sport fish guide or charter vessel operator may not deploy, operate or retrieve his or her own gear in a subsistence finfish fishery when that vessel or sport fish guide is being chartered.

ISSUE: The Alaska Board of Fish passes a similar regulation for the shellfish subsistence fishery in 2002 to close a loophole that allowed the abuse of subsistence crab harvest. Similar problems exist for finfish subsistence harvest: 1) There have been recent reports that, on Kodiak Island that some folks have taken advantage of (Federal Subsistence Regulations that allow rod and reel is a legal gear type) to catch king (chinook) salmon. These fish have been given to their paying clients who would not be allowed to retain these fish during sport fishery closures. This has resulted the subsistence fishery being closed at Karluk to prevent overharvest of fish needed for spawning and rehabilitation of diminished runs. 2) Similar reports of gillnet harvest or subsistence fish to feed their clients. This is not fair to those who follow state and federal regulations.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will be a potential for overharvest of stocks that are in serious decline, for example, chinook salmon. The continued inability to distinguish legitimate subsistence users will reduce everyone's subsistence harvest opportunity by causing fisheries to be closed.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Depressed local salmon stocks will have a greater potential to regain their former numbers. Subsistence fishermen would have opportunity legitimately harvest fish when the sport fisheries and commercial and were restricted.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Ivar Malutin and Pat Holmes (HQ-10F-192)

PROPOSAL 61 - 5 AAC 01.530. Subsistence fishing permits. Revise recording procedures for subsistence caught fish as follows:

(c) A subsistence fishermen shall keep a record of the number, or if for herring, the number of pounds, of subsistence fish taken by that subsistence fisherman each year. The number or pounds of subsistence fish taken shall be recorded on the reverse side of the permit. The record must be completed [IMMEDIATELY UPON LANDING SUBSISTENCE-CAUGHT FISH] **before leaving the fishing site** and must be returned to the local representative of the department by February 1 of the year following the permit was issued.

ISSUE: It is difficult if not impossible to record each fish as they are immediately caught. 1) There is not enough room on the permit report form. 2) When pulling fish from the net you can't stop to immediately record fish. Traditionally, folks either record their catch on the form after they pull their net or prior to landing their boat. Timing of when the catch is recorded is less consequential than accurate reporting the total harvest. Talking with the Kodiak Area salmon management staff we've been told: 1) If one needs more fish or shares them with other subsistence users they can get an additional permit. 2) If a person inadvertently exceeds the assigned catch limit they are to record the number taken and come in for another permit.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will be continued problems of folks being cited for an unintentional violation for fishing regulations.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes it will allow people more time to bleed, clean and ice their catch.

WHO IS LIKELY TO BENEFIT? Subsistence fishermen will be able to improve the quality of their catch and still be able to accurately report their harvest without being unnecessarily cited under a misdirected regulation.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Pat Holmes and Ivar Malutin (HQ-10F-236)

PROPOSAL 62 - 5 AAC 01.530. Subsistence fishing permits. Amend regulations regarding recording of subsistence caught fish in the Kodiak Area as follows:

5 AAC 01.530. Subsistence fishing permits.

(c) A subsistence fisherman shall keep a record of the number, or if for herring, the number of pounds, of subsistence fish taken by that subsistence fisherman each year. The number or pounds of subsistence fish taken shall be recorded on the reverse side of the permit. The record must be complete **before leaving the fishing site** [IMMEDIATELY UPON LANDING

SUBSISTENCE-CAUGHT FISH] and must be returned to the local representative of the department by February 1 of the year following the year the permit was issued.

ISSUE: It is difficult if not impossible to record each fish as they are immediately caught. 1) There is not enough room on the permit report form. 2) When pulling fish from the net you can't stop to immediately record fish. Traditionally, folks either record their catch on the form after they pull their net or prior to landing their boat. Timing of when the catch is recorded is less consequential than accurate reporting the total harvest. Talking with the Kodiak Area salmon management staff we've been told 1) If one needs more fish or shares them with other subsistence users they can get an additional permit. 3) If a person inadvertently exceeds the assigned catch limit they are to record the number taken and come in for another permit.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will be continued problems of folks being cited for an unintentional violation of fishing regulations.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes it will allow people more time to bleed, clean and ice their catch.

WHO IS LIKELY TO BENEFIT? Subsistence fishermen will be able to improve the quality of their catch and still be able to accurately report their harvest without being unnecessarily cited under a misdirected regulation.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Pat Holmes and Ivar Malutin (HQ-10F-193)

PROPOSAL 63 - 5 AAC 13.3XX. New Section. Prohibit fishing multiple areas in same year as follows:

A person who registers to fish a salmon permit in one area cannot crew in another salmon area in the same year.

ISSUE: People who have multiple salmon permits that captain a vessel in one area and crew on a vessel on another area.

WHAT WILL HAPPEN IF NOTHING IS DONE? People with more than one salmon permit will continue to fish salmon in more than one area in one given year.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? It closes a loop hole in the regulation book.

WHO IS LIKELY TO BENEFIT? Everyone.

WHO IS LIKELY TO SUFFER? Permit owners that fish one area as a captain and fish another area as a captain under the pretence as a crew person in the same year.

OTHER SOLUTIONS CONSIDERED? N/A.

PROPOSED BY: Don Bumpus (HQ-10F-014)

PROPOSAL 64 - 5 AAC 18.362(b)(4). Westside Kodiak Salmon Management Plan. Allow for pink salmon harvest from August 15-24 on Kodiak's west side as follows:

18.362 (b) (4) from approximately August 16 through August 24, based on pink salmon returning to the Northwest Kodiak District and on late-run sockeye salmon returning to the Karluk system. **During this period, if pink salmon escapement goals have been met, and if late-run-salmon escapements are less than optimal, a pink salmon fishery will be allowed to continue in the Northwest District until August 25 unless an accumulative catch of 15,000 late-run sockeyes is reported.**

ISSUE: Allow pink salmon to be harvested from August 15 through August 24 with less rigid regard to late-run sockeye escapements to the Karluk River if pink salmon escapement goals are realized in the North Cape Sections, specifically the Anton Larsen Bay, Sheratin Bay, Kizhuyak Bay, Terror Bay, Inner Uganik Bay, Spiridon Bay, Zachar Bay and Uyak Bay Sections.

WHAT WILL HAPPEN IF NOTHING IS DONE? Pink salmon fishermen and pink salmon processors will continue to suffer economic losses because of critical lost fishing and processing time due to premature late red sockeye management closures.

The problem my proposal addresses is the current language in the West Side Kodiak Management Plan that can be and has been used to impose unnecessarily restrictive management decisions during the pink salmon commercial fishing season in the past. Lost pink salmon harvesting and processing opportunities can occur under the current management plan in any given season on the west side of Kodiak Island from August 15th through August 24th (as evidenced during the 2009 salmon season) because of an anticipated weak late-run sockeye salmon return to the Karluk River.

There has always been a critical window of pink salmon harvesting and processing opportunity which occurs in the Northwest Kodiak District between August 15 and August 24th. It is a fact that the majority of pink salmon available for commercial harvest during this time frame are of good market quality. After August 24, pink salmon quality deteriorates progressively and rapidly.

Economic losses will continue to be suffered by pink salmon harvesters and processors during this crucial time frame because of premature concerns that the actual weir count for late-run sockeyes at the Karluk River weir is less than optimal. As a consequence of these concerns the whole west side is shut down, despite the fact that it may be too early to know the strength of the

late red run and, in some cases, good numbers of late-run sockeyes are already present in the lagoon and their numbers could be more accurately estimated than they have been in the past.

If this proposal were adopted, both commercial fishermen and processors, could plan with certainty that the opportunity to harvest and to process good quality pinks would continue, without interruption, until at least August 24, instead of possibly having a shut down on August 15. To guard against a potential over harvest of late-run sockeyes from August 15 through August 24, emergency order closures, based on carefully monitored daily Karluk late-run sockeye catch records, during this specific time frame, could be still imposed at any time on very short notice.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Absolutely, because the proposals primary purpose and intent is to harvest pink salmon well outside of terminal locations before they start to deteriorate in quality at the terminal locations of their migrations.

WHO IS LIKELY TO BENEFIT? All commercial fishing user groups and processors. If this proposal were adopted, both commercial fishermen and processors, could plan with certainty that the opportunity to harvest and to process good quality pinks would continue, without interruption, until at least August 24, instead of possibly having a shut down on August 15. To guard against a potential over harvest of late-run sockeyes from August 15 through August 24, emergency order closures, based on carefully monitored daily Karluk late-run sockeye catch records, during this specific time frame, could be still imposed at any time on very short notice.

WHO IS LIKELY TO SUFFER? No commercial fishing user groups or any of the other user groups e.g. sport fishing or subsistence.

OTHER SOLUTIONS CONSIDERED? Harvest excess pinks at, or inside the markers at terminal locations at later dates. The quality of pinks harvested later will be inferior at terminal locations to the quality of pinks harvested earlier at locations further removed from the markers.

PROPOSED BY: Peter Danelski (HQ-10F-018)

PROPOSAL 65 - 5 AAC 18.362(b)(7). Westside Kodiak Salmon Management Plan. Allow for set gillnet fishing after August 15 if escapement goals are met in the northwest Kodiak Districts as follows:

18.362 (b) (7)From August 15 and later, if coho salmon escapement goals are met in the Northwest Kodiak District, set gillnet fishing will be allowed, provided that the mesh size of the set gillnet used during pink and/or late-run sockeye salmon closures measures no less than six inches; and, provided that all pinks and/or late-run sockeyes harvested incidentally are reported daily. An accumulative catch of 15,000 pinks and/or late-run sockeyes would be allowed during closures after August 15; which, if reached, would trigger an automatic closure of the salmon fishery until further notice.

ISSUE: The prohibition of harvesting healthy stocks of high market quality coho salmon during pink and/or late-run sockeye closures that can occur after August 15th under the current provisions of Kodiak's West Side Salmon Management Plan.

WHAT WILL HAPPEN IF NOTHING IS DONE? Salmon setnet gear operators will continue to be denied a potential income producing opportunity to harvest coho salmon during closures that occur in the Northwest Kodiak District whenever pink salmon escapement goals have not been met for pink salmon returning to the Kodiak Northwest District and/or because late-run sockeye salmon escapement goals have not been met for late-run sockeyes returning to the Karluk system. Processors will lose potential market opportunities in the rapidly expanding fresh and frozen coho salmon markets. Cannery workers will lose an opportunity to increase their incomes. The potential for over escapement to coho spawning systems will continue to occur.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, because coho salmon harvested after August 15 through mid September are superior to earlier harvested coho's and are known to be of the best quality for the fresh and frozen markets where there is growing demand for fresh wild Alaska salmon.

WHO IS LIKELY TO BENEFIT? Commercial salmon fishermen, processors, cannery workers, consumers of high quality wild, fresh and/or frozen coho salmon, and the Department of Fish and Game's statistical catch information data banks for coho salmon returning to the Northwest District's coho spawning systems.

WHO IS LIKELY TO SUFFER? No other known user groups at this time.

OTHER SOLUTIONS CONSIDERED? There are no other practical solutions available.

PROPOSED BY: Peter Danelski (HQ-10F-019)

PROPOSAL 66 - 5 AAC 18.362(b)(4). Westside Kodiak Salmon Management Plan. Allow for pink salmon harvest from August 15-24 on Kodiak's west side as follows:

5 AAC 18.362(b)(4) From approximately August 16 through August 24, based on pink salmon returning to the Northwest Kodiak District or [AND] on late-run sockeye salmon returning to the Karluk system.

ISSUE: Allow pink salmon to be harvested from August 15 through August 24 with less rigid regard to late-run sockeye escapements to the Karluk River if pink salmon escapement goals are realized in the North Cape Sections, specifically the Anton Larsen Bay, Sheratin Bay, Kizhuyak Bay, Terror Bay, Inner Uganik Bay, Spiridon Bay, Zachar Bay and Uyak Bay Sections.

WHAT WILL HAPPEN IF NOTHING IS DONE? Pink salmon fishermen and pink salmon processors will continue to suffer economic losses because of critical lost fishing and processing time due to premature late red sockeye management closures.

The problem my proposal addresses is the current language in the West Side Kodiak Management Plan that can be and has been used to impose unnecessarily restrictive management decisions during the pink salmon commercial fishing season in the past. Lost pink salmon harvesting and processing opportunities can occur under the current management plan in any given season on the west side of Kodiak Island from August 15th through August 24th (as evidenced during the 2009 salmon season) because of an anticipated weak late-run sockeye salmon return to the Karluk River.

There has always been a critical window of pink salmon harvesting and processing opportunity which occurs in the Northwest Kodiak District between August 15 and August 24th. It is a fact that the majority of pink salmon available for commercial harvest during this time frame are of good market quality. After August 24, pink salmon quality deteriorates progressively and rapidly.

Economic losses will continue to be suffered by pink salmon harvesters and processors during this crucial time frame because of premature concerns that the actual weir count for late-run sockeyes at the Karluk River weir is less than optimal. As a consequence of these concerns the whole west side is shut down, despite the fact that it may be too early to know the strength of the late red run and, in some cases, good numbers of late-run sockeyes are already present in the lagoon and their numbers could be more accurately estimated than they have been in the past.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Absolutely, because the proposals primary purpose and intent is to harvest pink salmon well outside of terminal locations before they start to deteriorate in quality at the terminal locations of their migrations.

WHO IS LIKELY TO BENEFIT? All commercial fishing user groups and processors. If this proposal were adopted, both commercial fishermen and processors, could plan with certainty that the opportunity to harvest and to process good quality pinks would continue, without interruption, until at least August 24, instead of possibly having a shut down on August 15. To guard against a potential overharvest of late-run sockeyes from August 15 through August 24, emergency order closures, based on carefully monitored daily Karluk late-run sockeye catch records, during this specific time frame, could be still imposed at any time on very short notice.

WHO IS LIKELY TO SUFFER? No commercial fishing user groups or any of the other user groups e.g. sport fishing or subsistence.

OTHER SOLUTIONS CONSIDERED? Harvest excess pinks at, or inside the markers at terminal locations at later dates. The quality of pinks harvested later will be inferior at terminal locations to the quality of pinks harvested earlier at locations further removed from the markers.

PROPOSED BY: Peter Danelski (HQ-10F-057)

PROPOSAL 67 - 5 AAC 18.362. Westside Kodiak Salmon Management Plan. Amend Kodiak Area Westside Management Plan to include escapement goals in the major sockeye systems of Olga Bay as follows:

5 AAC 18.362. Westside Kodiak Salmon Management Plan.

(a) The goal of the Westside Management Plan is to achieve escapement and harvest objectives of sockeye salmon returning to the Karluk, Ayakulik, and other Westside minor sockeye systems, **and minimum escapement goals in the major sockeye systems of Olga Bay.**

ISSUE: The Kodiak Area, Westside Management Plan directs ADF&G to manage for the harvest of Olga Bay sockeye (along with other mixed stocks) but there is not goal in the plan to manage for Olga Bay escapements. According to “Tyler, R.W., Malloy, D. Prokopowich, and K. Manthy. 1981. Migration of Sockeye Salmon in the Kodiak Archipelago, 1981. Alaska Department of Fish and Game, Commercial Fish Division, Informational Leaflet No. 245. Kodiak” “Olga Bay stocks migrated principally down the west coast of Kodiak Island. Their study indicated 25% of the mixed stock fishery was comprised of Olga Bay Sockeye stocks. Since the sockeye destined for Olga Bay (Alitak District) migrate principally down the Westside of Kodiak Island and they are caught in the Westside fishery, the goal of the Westside Management Plan should be amended to include consideration of achieving minimum escapement goals in the major sockeye streams of Olga Bay. To illustrate this problem, in 2002 the commercial sockeye salmon fishery (in Alitak District) was closed to all seining and gill netting the entire salmon season. However the minimal escapement goals were barely met for Early Upper Station Sockeye (35,000), Late Upper Station Sockeye (140,000), and Fraser Lake Sockeye (105,000). In addition ADF&G weir personnel reported numerous net marked sockeye salmon passing through the Upper Station and Fraser/Dog Salmon weirs (pers. comm.).

WHAT WILL HAPPEN IF NOTHING IS DONE? Harvesting fish on the Westside of Kodiak Island bound for Olga Bay when minimum escapement goals there are not being met will not sustain the run and provide less sockeye fish for everyone.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Every fisherman who fishes for sockeye salmon on the Westside of Kodiak and Alitak District.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Changes in the Alitak Management Plan can't be made when the minimum escapement goals are not being met. Amending the Westside Management Plan is the only alternative to preserving these sockeye stocks. Consideration of how one management plan affects another management plan needs to be addressed.

PROPOSED BY: Alitak District Fishermen

(HQ-10F-102)

PROPOSAL 68 - 5 AAC 18.362. Westside Kodiak Salmon Management Plan. Amend (e)(1) in the Inner Karluk Section salmon management as follows:

(e)(1) from June 1 through July 15, based on early-run sockeye salmon returning to the Karluk system; the commissioner may open, by emergency order, fishing periods in the Inner Karluk Section only if the department determines that the desired early-run escapement goal will be **achieved**; [EXCEEDED] in the Outer Karluk section, from June 16 through approximately July 15, the commissioner shall open fishing periods to occur at the same time as open fishing periods in the Central Section;

ISSUE: Currently, the department cannot open commercial salmon fishing periods in the Inner Karluk Section from June 1 through July 15 until it is apparent that the Karluk early-run sockeye salmon upper escapement goal of 250,000 will be exceeded. Despite continuous commercial fishing in the Central and North Cape sections of the Northwest District, the Karluk early-run sockeye salmon upper escapement goal has frequently been exceeded. Repeated over escapements have contributed to recent weak returns of Karluk early-run sockeye salmon.

WHAT WILL HAPPEN IF NOTHING IS DONE? The Inner Karluk Section will not open to commercial salmon fishing until the Karluk early-run sockeye salmon escapement goal is exceeded. Further over escapement of sockeye salmon will occur and will result in future weak returns.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Subsistence, commercial, and sport fishermen.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-10F-156)

Note: This proposal was previously considered by the board during the 2004/2005 meeting cycle and was tabled. It was previously listed as #114. The proposal was resubmitted for consideration during the January 2011 meeting.

PROPOSAL 69 - 5 AAC 29.XXX. New Section. Create a new regulation to provide for power and or hand troll fishing in the Kodiak Management Area as follows:

Power and/or hand troll fishing would be legal gear in the Kodiak Management Area.

The season would focus on coho fishing and run from August 1 through September 30. Season timing is to allow maximum coho while minimizing chinook harvest. It would be scheduled after chinook headed for the major systems in the Gulf have passed the Kodiak area.

Initially, any Kodiak salmon permit holder would be eligible to participate in the fishery. CFEC could restrict or further limit the pool of eligible participants.

Minimum size limits would be imposed.

We are aware that a new, or reestablished, troll fishery for the Kodiak Management Area is not possible in a single regulatory cycle. The board will need to work in conjunction with the NPFMC and, perhaps, other governmental bodies. However, given the need to restructure and add value to existing salmon fisheries, the board should consider using the Kodiak troll fishery proposal to initiate a process that could eventually establish a troll fishery in the Kodiak Management Area as well as other areas of the state.

ISSUE: Overall decline of value in Kodiak salmon fishery and desire to restructure fishery. Inability of Kodiak salmon fishermen to capture economic value from coho/chinook salmon.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued difficulty for Kodiak salmon fishermen to earn enough from fishing salmon to continue in the business. The Kodiak purse seine fishery has one of the lowest use percentages in the state.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Kodiak area fishermen.

WHO IS LIKELY TO SUFFER? Since the fishery will be low volume and focused on local stocks, it is hard to see what Kodiak fishermen would suffer. Each year, a portion of Kodiak coho go unharvested because of market limitations.

OTHER SOLUTIONS CONSIDERED? Regulation changes that could provide higher quality coho were considered—short openings, trip limits, delivery requirements, etc. However, current processing approaches and capabilities may not allow for fishermen to realize higher exvessel value. Troll-caught coho, however, especially if bled and iced at sea, would allow fishermen to either direct market their product or work through local processors to market a specific “type” of product, known in the market place as superior.

PROPOSED BY: Old Harbor Fisherman’s Association (HQ-10F-032)

PROPOSAL 70 - 5 AAC 39.107(d). Operation of gear. Define "attending a fish site" in regulation as follows:

It would not be an easy fix. I would like the actual solution to come from a work group created by the Board here comprised of ADF&G, Troopers, and fishermen. I would not want it to be any more restrictive than it already is now but at the same time not open the fishery to abuse. I think if you stated something about the permit holder having to remain in the district during an

opening that would keep it simpler to understand and enforce while not allowing the permit holder to abuse it.

ISSUE: I feel that the regulation is impossibly restrictive. It states that during a fishing period a permit holder must be at the fish site, “except when the permit holder is at or traveling to or from the location of (1) a sale of fish caught in the gear; or (2) other stationary gear of the permit holder.” Here on Kodiak we regularly have over 60 days of fishing in a season and sometimes almost double that. During the open period our nets are in the water 24 hours a day. During that time if a setnet permit holder would take a walk down the beach, up the hill to watch a sunset, visit a neighbor for a cup of coffee, or any number of other heinous criminal activities that might take them out of camp they are in violation of this regulation.

WHAT WILL HAPPEN IF NOTHING IS DONE? Hopefully nothing but all it takes is one overzealous trooper to make all kinds of normal people into criminals and I for one don’t like feeling that I am breaking the law every time I go for a walk. I feel that if you have regulations that nearly 100% of a user group is in violation of then it causes people to lose respect for regulations in general.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? I think that both the fishermen and troopers would benefit if we got something more clear-cut.

WHO IS LIKELY TO SUFFER? If you stated that permit holders had to remain in the district I don’t see how anyone would suffer.

OTHER SOLUTIONS CONSIDERED? A.) Permit holders must be on net at least 3 times a day. It would be hard to enforce and some permit holders have not been on setnet gear for many years. B.) Permit holders must remain in their section. Many permit holders fish simultaneously in different sections. C.) Have no constraints at all on permit holders. Unfortunately some people will always try to take advantage no matter what and want to run their sites from Washington.

PROPOSED BY: Rick Ellingson (HQ-10F-038)

PROPOSAL 71 - 5 AAC 18.331. Gillnet specifications and operations. Amend regulation so sunset clause becomes permanent regulation as follows:

(j) A ACFEC permit holder who holds two Kodiak set gillnet CFEC permits may operate no more than four set gillnets, with no more than 300 fathoms of set gillnet gear in the aggregate. No single set gillnet may be more than 150 fathoms in length. Both of the permit holder’s five digit CFEC permit serial numbers must be located on the identification buoy and the site markers required by 5 AAC 39.280. At least one cork every 10 fathoms along the cork line must be plainly and legibly marked with both CFEC permit numbers of the CFEC permit holder. All

identifiers must be displayed in a manner that are plainly visible and unobscured and have permanent symbols in a color that contrasts with the background. [THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY AFTER DECEMBER 31, 2010].

ISSUE: I would like the Board to retain subsection (j) as regulation by deleting the last sentence of (j): “the provisions of this subsection do not apply after December 31, 2010”. I am submitting this proposal in April 2010 while the regulation is still in force. I realize that Board deliberations on this proposal will not occur until after the provisions of this subsection have expired December 31, 2010. I am asking the Board to put back into regulation permanently the provisions of this subsection as stated. This regulation has complied with the 11 question restructuring criteria and after two years in regulation is accomplishing what it was intended to accomplish. Dual permits comprise a large number of the 188 total setnet permits, the value of a setnet permit has increased, and there have been no complaints, no citations, over this regulation. Reinstating this proposal will prevent the same pre-regulation problems from reoccurring.

WHAT WILL HAPPEN IF NOTHING IS DONE? Unlike other fisheries, a setnet site is often a family operation, with several permits held by family members and fished as a whole. Removing the sunset clause will allow the family operation to stay within the family as the young adult enters a different line of work, or when a parent reaches an elderly age and cannot fish anymore. Then you have only 2 choices: break up the operation and sell the permits outright, or transfer the permits into someone else’s name with the idea that they will fish with you- a serious gamble as these permits are now legally out of your control and can be sold, lost in a divorce, seized by the IRS, etc. There will be no benefit to anyone who owns two permits nullifying HB251. Lost harvest, less income, and less crew needed when a permit is not fished by lack of a transferee.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes- increased profitability derived from fishing multiple set gillnets allows more disposable income to invest in capital improvements that increase product quality. Additionally, a more consistent annual production afforded by multiple nets will provide a solid foundation from which an operation can vertically integrate.

WHO IS LIKELY TO BENEFIT? All current Kodiak set gillnet permit holders will realize an increase in the fair market value of their permits. Existing multi-permit operations will avoid present and future risks associated with relinquishing ownership rights to family members and crew members. Single permit holders will be afforded a safe regulatory mechanism to both expand their operations and increase its profitability.

WHO IS LIKELY TO SUFFER? No one. This regulation does not provide for additional permits or gear to be fished. New entrants into the fishery will probably pay a higher fair market value for a permit. However, access will probably not be precluded. After two years of dual permits in Kodiak, permits and sites have been bought and sold and are currently available for purchase.

OTHER SOLUTIONS CONSIDERED? Fishing cooperatives, a permit holder appoints a proxy, limiting the amended regulations to family members. Rejected because they do not address the issue and/or may not conform to CFEC regulations.

PROPOSED BY: Richard G. Blanc (HQ-10F-070)

PROPOSAL 72 - 5 AAC 40.085. Kodiak Regional Aquaculture Association Special Harvest Areas. Develop a special harvest area within the Northeast Kodiak District as follows:

5 AAC 40.085

(a)(6) Pillar Creek Special Harvest Area: all waters of Monashka Bay south of 57° 49.60’N Lat.

ISSUE: Designate a new “special harvest area” (SHA) within the Kodiak Management Area. This proposal asks the Board of Fisheries to designate a new SHA in the nearshore waters adjacent to the Pillar Creek Hatchery within the Northeast Kodiak District in Monashka Bay.

WHAT WILL HAPPEN IF NOTHING IS DONE? The Board of Fisheries may designate a SHA in segregated waters near a salmon hatchery release site, to allow the private non-profit hatchery permit holder to harvest salmon hatchery returns (5AAC 40.005(c)). The Kodiak Regional Aquaculture Association (KRAA) has a permitted hatchery at Pillar Creek at the head of Monashka Bay. The KRAA Board of Directors has discussed the option of increasing the release of hatchery produced coho salmon at Pillar Creek to enhance common property commercial fisheries and increase sport, subsistence, and cost recovery fishing opportunities. If no SHA is designated, KRAA cannot proceed with additional coho production.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Kodiak Area salmon fishermen (commercial, subsistence, and sport).

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? ADF&G may designate special harvest areas by emergency order, but this process allows more opportunity for public comment.

PROPOSED BY: Kodiak Regional Aquaculture Association (HQ-10F-196)

PROPOSAL 73 - 5 AAC 40.085. Kodiak Regional Aquaculture Association Special Harvest Areas. Develop a special harvest area within the Northeast Kodiak District as follows:

5 AAC 40.085

(a)(7) Dry Spruce Bay Special Harvest Area: all waters of Dry Spruce Bay south of 57° 55.62’N Lat.

ISSUE: Designate a new “special harvest area” (SHA) within the Kodiak Management Area. This proposal asks the Board of Fisheries to designate a new SHA in Dry Spruce Bay within the Northwest Kodiak District.

WHAT WILL HAPPEN IF NOTHING IS DONE? The Board of Fisheries may designate a SHA in segregated waters near a salmon hatchery release site to allow the private non-profit hatchery permit holder to harvest salmon hatchery returns (5 AAC 40.005(c)). The Kodiak Regional Aquaculture Association (KRAA) Board of Directors has discussed Dry Spruce Bay as a potential release site for hatchery produced salmon. One step in the process is to designate the release site as a SHA, to allow for cost recovery or mop-up fisheries, should those be needed. If no SHA is designated, KRAA cannot proceed with salmon enhancement projects in this location.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Kodiak Area salmon fishermen (commercial, sport and subsistence)

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? ADF&G may designate special harvest areas by emergency order, but this process allows more opportunity for public comment.

PROPOSED BY: Kodiak Regional Aquaculture Association (HQ-10F-197)

PROPOSAL 74 - 5 AAC 18.361. Alitak District Salmon Management Plan. Amend closure times as follows:

5 AAC 18.361

(b) In the Cape Alitak, Humpy-Deadman, Alitak Bay, Moser Bay, and Olga Bay Sections, from June 1 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 September 15, there shall be a minimum closure of 69 consecutive hours in every 24 hour [10 DAY] period.

ISSUE: Prior to BOF action in 2008 there was a 63 consecutive hour (2.6 days) minimum closure in every 10-day period. When this regulation was issued by EO (emergency order) there were 7.4 days of fishing in every 10-day period. After changes were made during the 2008 Board meeting in Kodiak, current regulation provides for a minimum closure of 69 consecutive hours in every 10-day period with staggered openings and closings. As an unforeseen consequence of this action, there can only be 6.1 days of fishing in every 10 day period. I would like the Board to change every 10-day period to: every 240 hours (which equals 10 days). This

change will allow the ADF&G to manage a minimum closure of 69 consecutive hours and a 7.1 day fishery every 240 hours when deemed necessary.

WHAT WILL HAPPEN IF NOTHING IS DONE? Restricting ADF&G to 6.1 instead of 7.1 days of fishing every 10-day period to manage the resource will contribute to over escapement of the systems as evidenced in 2008.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All of the fishermen (set gillnetters and seiners) fishing in the Alitak District.

WHO IS LIKELY TO SUFFER? No one. All fishermen would have more equal opportunity to catch the fish.

OTHER SOLUTIONS CONSIDERED? Change the regulation to be a minimum closure of 69 consecutive hours in every 11-day period. As a result of the staggered openings and closings, the seiners close at 9:00 am on the 11th day. I thought that 240 hours (equals 10-days) is more in keeping with the original intent of the BOF.

PROPOSED BY: Richard G. Blanc (HQ-10F-071)

PROPOSAL 75 - 5 AAC 18.367. Eastside Kodiak Salmon Management Plan. Close fishing for chinook salmon in the Mainland District until escapement goals are met as follows:

The Kodiak salmon seine fleet is prohibited from retaining chinook salmon prior to July 6th in the Kodiak Management Area, exclusive of the Mainland District, until the Karluk and the Ayakulik River systems have met their minimum chinook escapement goals of three consecutive years. This prohibition should be reviewed at the next Kodiak Management Area, Alaska Board of Fisheries meeting.

ISSUE: The Kodiak salmon purse seine fishery catches chinook salmon incidental to the targeted fishery for sockeye and chum salmon during the month of June. Given the low returns to the Karluk and Ayakulik rivers and failure to meet minimum escapement goals, the problem at hand is to rebuild these runs. The Kodiak salmon purse seine fleet may need to, for a limited period, limit retention of chinook salmon and work with the Department of Fish and Game to limit retention in other Kodiak fisheries (trawl & sport charter) in which chinook salmon are taken to rebuild Kodiak chinook salmon runs.

WHAT WILL HAPPEN IF NOTHING IS DONE? Rebuilding of the Karluk and Ayakulik chinook salmon runs will take longer.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Increasing chinook salmon runs to the Karluk and Ayakulik

rivers improves the “quality” of those runs and the sustainability of the Kodiak multi-species salmon fishery.

WHO IS LIKELY TO BENEFIT? All Kodiak chinook Salmon users – subsistence, personal use, sport, sport charter and commercial.

WHO IS LIKELY TO SUFFER? Kodiak salmon seine fishermen who forgo income from their catch of chinook salmon. Kodiak processors who no longer are able to process chinook salmon.

OTHER SOLUTIONS CONSIDERED? Limiting the Kodiak salmon setnet fishery from the retention of chinook salmon was considered. This was rejected because comparatively few chinook salmon are caught in the setnet fishery. Those caught in the fishery are generally dead and discarding would be wasteful. Longer term prohibitions on the retention of chinook salmon were also considered. However, this regulation is intended to be a short term conservation measure and not a management policy. Once the local chinook runs are rebuilt, the Kodiak salmon seine fishery should be able to resume harvest of chinook salmon.

PROPOSED BY: Ouzinkie Native Corporation (HQ-10F-117)

PROPOSAL 76 - 5 AAC 18.368. North Afognak/Shuyak Island Salmon Management Plan. Amend subsection (f) in the Pauls Bay Section Salmon Management Plan as follows:

(f) In the Pauls Bay Section, from June 1 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 ITERIM 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).]

ISSUE: The department has not operated the Pauls Bay weir since 2004 because of funding constraints and can no longer accurately measure coho salmon escapement inseason. Due to loss of the weir, the escapement goal was eliminated during the 2007 Kodiak Management Area escapement goal review. Deletion of the language in the regulation reflects elimination of this goal.

WHAT WILL HAPPEN IF NOTHING IS DONE? Reference to interim escapement goals that no longer exist may continue to cause public confusion.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Fisheries management and the public will benefit from clear regulations.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-10F-155)

PROPOSAL 77 - 5 AAC 18.350. Closed Waters. Amend closed water regulations and add a new paragraph as follows:

(a)(5)(J) Natalia Bay Lagoon: in the lagoon inside of **a line from 57° 05.49' N. lat., 153° 19.30' W. long., to 57° 05.42' N. lat., 153° 19.19' W. long.** [153°19.20 W. LONG.]

(a)(6)(K)(ii) Whitey's Hole (includes stream No. 251-**702** [705]): **south of 58° 34.74' N. lat.;** [EAST OF 152° 27.28 W. LONG.]

(a)(6)(O) Marka Bay: All waters near the terminus of stream number 252-343: west of 152° 39.42' W. long.

(a)(8) within the freshwater salmon streams and rivers of the Kodiak Area, including streams not listed in this subsection designated on the ADF&G Kodiak Area Salmon Statistical Chart (Revision, **February 2011** [FEBRUARY 2005,] adopted by reference, 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 without a circled number remaining closed to commercial salmon fishing in all salt water 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; provisions of 5 AAC 39.290 do not apply to the Kodiak Area;

(a)(10) all waters seaward of the territorial sea of Alaska as shown on National Oceanic and Atmospheric Nautical Chart Number 16580 (13th Edition, January 2005), adopted by reference, and all waters seaward of the territorial sea of Alaska as shown on the ADF&G Kodiak Area Salmon Statistical Chart (Revision, **February 2011**). [FEBRUARY 2005]

ISSUE: These proposed changes would correct errors or exclusions in regulation. Closed waters descriptions often reference those waters north or south of a latitude line, or east or west of a longitude line. These proposed closed waters have been on the Kodiak Management Area Statistical Chart (Revision, February 2005) and are designated by regulatory markers. This proposal will more accurately reflect the location of the markers as measured by Global Positioning System.

WHAT WILL HAPPEN IF NOTHING IS DONE? If this proposed change is not adopted there will continue to be a difference between the regulatory description and the actual location of closed waters.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Commercial salmon permit holders and enforcement.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-10F-157)

PROPOSAL 78 - 5 AAC 18.361 Alitak District Salmon Management Plan. Amend (a)(3) in the Alitak District Salmon Management Plan as follows:

(a)(3) the early Upper Station sockeye salmon run be managed for sustained yield by an optimal escapement goal of 25,000 fish [, UNTIL THE DEPARTMENT COMPLETES A SUSTAINED YIELD ANALYSIS].

ISSUE: The board adopted this goal in 1999. Current regulatory language is no longer applicable. The department completed a sustained yield analysis and determined that the optimal escapement goal of 25,000 early-run sockeye salmon into Upper Station lakes would be sustainable.

In addition, regulation 5 AAC 39.222(f)(25) specifies that OEGs have to be sustainable and that they have to be in regulation. Insertion of "optimal" clarifies the goal as sustainable and puts the OEG clearly in regulation. This insertion reduces confusion between the OEG and the SEG which is higher.

WHAT WILL HAPPEN IF NOTHING IS DONE? The regulatory language will not change and continue to be misleading.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Everyone.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-10F-158)

PROPOSAL 79 - 5 AAC 64.022. Waters; seasons; bag, possession, and size limits; and special provisions for the Kodiak Area. Close Kalsin Pond outlet stream to sport fishing as follows:

(b)(1)(H) the Kalsin Pond outlet stream is closed to sport fishing within approximately 150 feet of Chiniak Highway, or a distance as indicated by the department closer marker not to exceed 150 feet.

ISSUE: A problem has developed with snagging of coho salmon returning to Kalsin Pond drainage on the Kodiak road system, resulting from the recent installation of a high flow velocity culvert to channel the Kalsin Pond outlet stream underneath the Chiniak Highway. Placement of the culvert has caused large numbers of migrating coho salmon to hold downstream between tide cycles in a small pool within 150 feet of the Highway. This aggregation of coho salmon waiting to swim through the culvert has created an advantaged opportunity for illegal harvest by snagging. Numerous public complaints have been filed with the local ADF&G office in response to the snagging activity. Enforcement efforts by Alaska Fish and Wildlife Protection officers have been largely unsuccessful due to an expanse of open terrain surrounding the outlet stream and a consequent inability to conduct covert surveillance operations. Closure of the outlet stream to sport fishing within 150 feet of Chiniak Highway will conserve the coho salmon run, simplify enforcement, and promote development of an orderly fishery. In addition angler will still have access to these fish before they enter this closed zone and after they migrate through the culvert into Kalsin Pond.

WHAT WILL HAPPEN IF NOTHING IS DONE? Without effective enforcement of regulations, the current practice of snagging will continue. Increase illegal take could also result in the over harvest of the coho return.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, anglers will have reasonable expectation of an orderly sport fishery.

WHO IS LIKELY TO BENEFIT? The resource, members of the public who disapprove of snagging, and Alaska Fish and Wildlife Protection officers who will be able to more effectively enforce sport fishing regulations on the Kodiak road system. In addition this will improve Fish and Game's ability to manage this resource.

WHO IS LIKELY TO SUFFER? Members of the public who have previously engaged in the illegal practice of snagging coho salmon in the Kalsin Pond outlet stream.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Dan Busch

(HQ-10F-039)

PROPOSAL 80 - 5 AAC 64.022. Waters; seasons; bag, possession, and size limits; and special provisions for the Kodiak Area. Close the Kalsin Pond outlet stream to sport fishing within 200 feet of Chiniak Highway as follows:

(b)(1)(H) The Kalsin Pond outlet stream is closed to sport fishing within approximately 200 feet of Chiniak Highway, as indicated by department closure markers.

ISSUE: Illegal snagging and fish harassment at outlet of Kalsin Pond. Migrating salmon concentrate in the pool below the outlet culvert.

WHAT WILL HAPPEN IF NOTHING IS DONE? Problem has been steadily increasing in recent years and will probably continue or escalate.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Kalsin Pond is a popular fishery. Many of the fish exhibit scars from snagging and fish behavior seems to be negatively altered by passing through a gauntlet of snaggers.

WHO IS LIKELY TO BENEFIT? Ethical sport fishers and sport fishing businesses. The current scene at Kalsin Pond Outlet detracts from the image that Kodiak is a premier sport fishing location.

WHO IS LIKELY TO SUFFER? No one. There are plenty of sport fishing opportunities in the immediate area.

OTHER SOLUTIONS CONSIDERED? Alaska Department of Fish and Game placed large rocks in the pool, but the problem has gotten worse.

PROPOSED BY: Bob Happ, Ernie Suazo, Roy Ecklund, Fred Patterson, and Mike Patterson
(HQ-10F-190)

PROPOSAL 81 - 5 AAC 64.022. Waters; seasons; bag, possession, and size limits; and special provisions for the Kodiak Area. Open the American and Olds rivers to fishing for king salmon as follows:

(b)(1)(A) all drainages on the Kodiak Road Zone flowing into Chiniak Bay, excluding the Buskin River drainage and Kalsin Pond, upstream from the Chiniak Highway

- (i)** are closed to sport fishing for salmon from August 1 – September 15;
- (ii) the American and Olds rivers are open to fishing for king salmon from January 1 – September 15;**

ISSUE: Enhanced returns of king salmon to the American and Olds rivers are currently unavailable to anglers upstream of the Chiniak Highway from August 1 – September 15. These

returns have been established by the department with the intent of allowing anglers an opportunity to potentially harvest 100% of the inriver population. Surveys in 2009 revealed that a portion of inriver king salmon returns to American and Olds rivers remained unharvested after the August 1 salmon fishing closure, which prompted the department to open these waters by emergency order to salmon fishing for king salmon only through September 15.

WHAT WILL HAPPEN IF NOTHING IS DONE? The department will continue to annually open the American and Olds rivers to salmon fishing for king salmon only upstream of Chiniak Highway by emergency order to allow anglers an opportunity to harvest surplus king salmon from the enhanced returns.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, since anglers won't have to wait for an emergency order to open the fishery to harvest king salmon.

WHO IS LIKELY TO BENEFIT? Anglers who would like to have increased opportunity to catch king salmon in Kodiak freshwaters.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Continue to annually open the American and Olds rivers to salmon fishing for king salmon only upstream of Chiniak Highway by emergency order.

PROPOSED BY: Alaska Department of Fish and Game (HQ-10F-185)

PROPOSAL 82 - 5 AAC 64.022. Waters; seasons; bag, possession, and size limits; and special provisions for the Kodiak Area. Reduce the rockfish bag limit from 10 per day, 20 in possession to 5 per day, 10 in possession as follows:

- (a)(7) rockfish: may be taken from January 1 - December 31; bag limit of 5 [10] fish and possession limit of 10 [20] fish; no size limit;

ISSUE: Recent saltwater logbook statistics for chartered sport fishing vessels and information from the Statewide Harvest Survey show a trend of increasing harvests of pelagic (black and dusky) rockfish in Kodiak waters. Currently there are no stock assessment methods for estimating local abundance of these long-lived species. The department and board have taken a conservative approach to management of rockfish sport fisheries. Reducing the bag and possession limits to 5 per day, 10 in possession, will help slow the current harvest trend and align Kodiak sport fishing bag limits for rockfish with those in other areas in the Southcentral region.

WHAT WILL HAPPEN IF NOTHING IS DONE? The current bag and possession limits will continue to be more liberal than adjoining areas with similar rockfish harvest levels.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Anglers fishing various waters with similar bag and possession limits for rockfish.

WHO IS LIKELY TO SUFFER? Anglers who would like to continue harvesting ten rockfish per day in Kodiak waters.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-10F-186)
