

ATTN: BOF COMMENTS
Boards Support section
Alaska Department of Fish and Game
P O Box 115526
Juneau, Ak 99811-5526
Fax (907) 465-6096



Chairman Johnstone and board members,

Alaska is well known for it's sub stainable wild seafood. I have been a salmon troller for six years in the southeast Alaska. As each year goes by I become more knowledgeable in trolling for wild salmon. In the past two years I have focus on fishing for hatchery chums. Approving BOF proposal #325 would help by putting more of the higher quality salmon on the market. This would increase the over all demand of Alaskan seafood and increase its value in numerous ways.

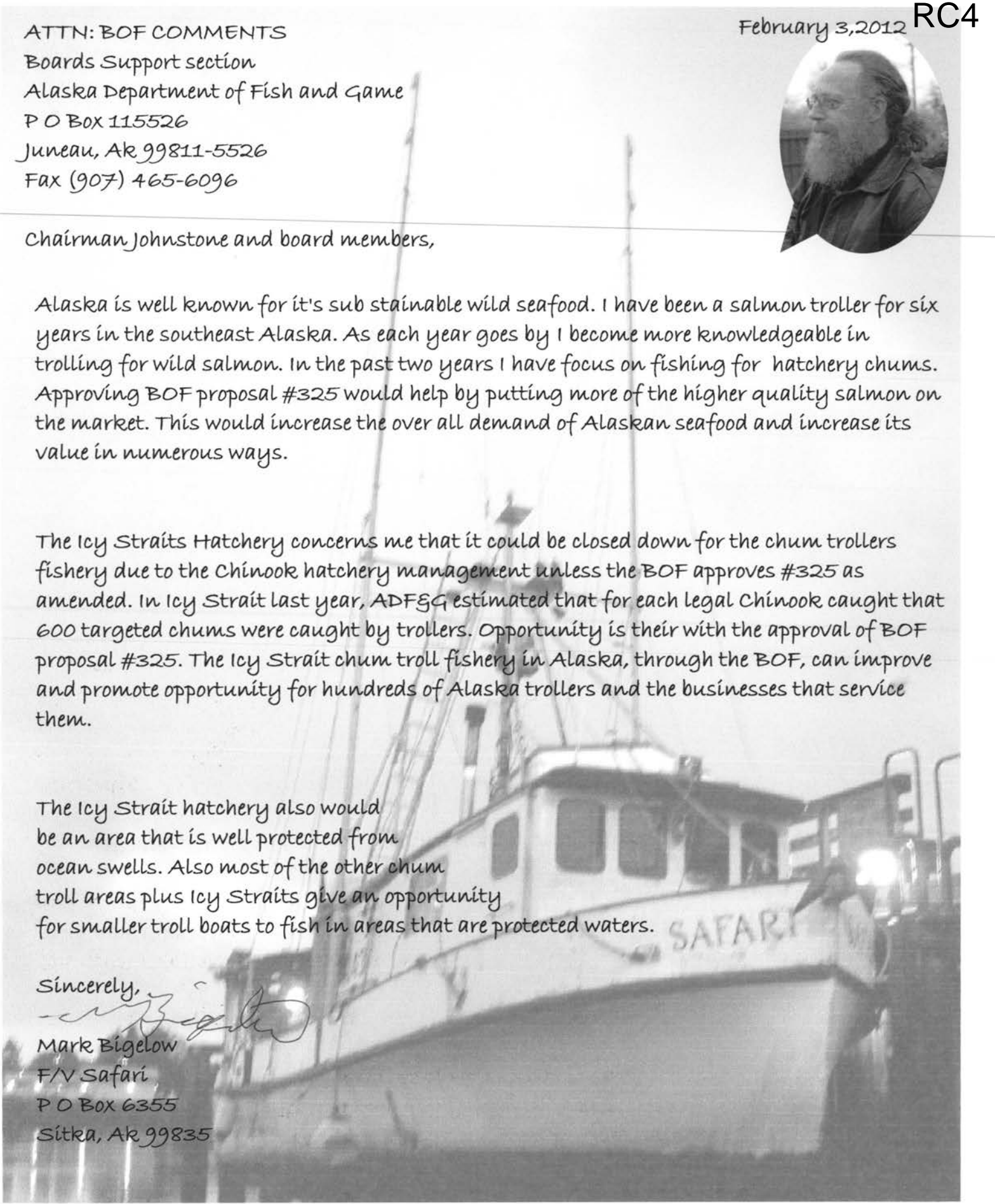
The Icy Straits Hatchery concerns me that it could be closed down for the chum trollers fishery due to the Chinook hatchery management unless the BOF approves #325 as amended. In Icy Strait last year, ADFEG estimated that for each legal Chinook caught that 600 targeted chums were caught by trollers. Opportunity is their with the approval of BOF proposal #325. The Icy Strait chum troll fishery in Alaska, through the BOF, can improve and promote opportunity for hundreds of Alaska trollers and the businesses that service them.

The Icy Strait hatchery also would be an area that is well protected from ocean swells. Also most of the other chum troll areas plus Icy Straits give an opportunity for smaller troll boats to fish in areas that are protected waters.

Sincerely,

A handwritten signature in black ink that reads "Mark Bigelow". The signature is written in a cursive style.

Mark Bigelow
F/V Safari
P O Box 6355
Sitka, Ak 99835



ATTN: BOF COMMENTS
Boards Support Section
Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811-5526

February 8, 2012

Chairman Johnstone and Board Members,

I am in support of BOF proposal #325. Hatchery chums are an increasingly important segment of my fishing business. In Icy Strait, the chums we catch in June are silver bright, and high quality. For this 33 year veteran of the troll fishery, the opportunity to fish some days in the relatively calm inside waters is a pleasure after decades of fishing outside waters.

The bycatch I experienced last summer targeting chums and pinks in Icy Straits was remarkably small compared to most other places. In other words, it appears to be a very clean fishery. I am very concerned that the hatchery chum troll fishery in Icy Straits could be shut down by Chinook hatchery management unless the BOF approves #325 as amended. That would be bitter irony, for the following reasons.

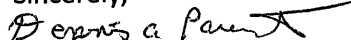
I have been a dedicated hatchery fisherman pretty much since they came on line in SE. It has been pretty frustrating targeting hatchery Chinook salmon, because once promising returns in various locations have generally faded or stagnated over time. Consequently, despite serious effort, trollers have been unable to achieve our allocated share of 27-32% of SE enhanced salmon harvest. Had king salmon panned out like we envisioned, I would not be writing this letter. However, just about every troller I know acknowledges that we are not going to achieve a fair shake if we have to primarily make it on hatchery kings. The reasons for this are complex, but real.

The hatchery runs of chums in Icy Strait and Juneau area are the best opportunity for trollers to improve our hatchery harvest percentages. It is my best chance as a troller to get closer to my share of the SE enhanced salmon allocation. We will NEVER get back what we have lost in terms of allocation in past decades, but at least we could have some hope for higher future returns.

Trollers as a group have taken the long view with regard to hatcheries. We have had outstanding representatives on the boards, cooperated closely with all user groups, and worked toward a vision of the future where treaty restraints would not kill our industry. We are not whiners, but we are realists. Now is the time, and Icy Straits/Juneau is the place, where our full allocation can be more completely realized-- but only with your help.

Please approve BOF proposal #325 to help us pursue, with the oversight of ADF&G, this promising fishing opportunity.

Sincerely,



Dennis Parent

F/V Teaser

11291 Bayview Edison Road
Mount Vernon, WA 98273

PROPOSAL 312: OPPOSE

As an Alaska troller for over 35 years, a former Advisory Committee Chairman, and former member of the Northern Panel of the Pacific Salmon Commission, I wish to submit the following individual comments concerning proposal 312.

The gillnetters' association proposal 312, to change AAC 29.110, is premised on a faulty notion. The notion, as stated, is that the Dept's management has failed to provide "adequate" (their word) numbers of fish for escapement and for other users. This is not the case. The Dept. has in fact done a remarkable job of providing for both conservation and for the Board's allocation goal of a 61% share of coho harvest to the troll fishery.

Referring to Table 23 (Escapement goal performance...), the Dept. has either met or exceeded its escapement goals 97% of the time. This is hardly a less than "adequate" performance as the gillnetters' association would have us believe in their proposal. 97% is an "A" grade in anybody's book.

Similarly, Table 3 (Harvest...of coho by gear type), shows the troll harvest share has been averaging, over the past 22 years, 64%. For the last couple years, 59% and 63%. The allocation goal set by the Board is 61%. Again, the Dept's management of the Board's coho allocation directive has been nearly spot on. Furthermore, the gillnet share of coho harvest has been more than "adequate", to say the least. Over those 22 years we see gillnetters have deviated much farther from the Board's allocation goals than trollers, a 14.3% average deviation above and beyond their allocated share compared to only 4.6% for trollers. To assert that the Dept's management has led to an "inadequate" share of fish to gillnetters is laughable in the face of this allocation overage.

There is little that is "ambiguous" (their word, again) about the Dept's implementation of AAC 29.110 as the gillnetters' association asserts in its proposal. The criteria for an August general closure (up to 10 days) are quite specific and are detailed in the Summer Troll Management Plan. The criteria for a July general closure (up to 7 days) are even more specific and are detailed in Attachment B of the Pacific Salmon Treaty (Management of Northern Boundary Coho) as well as the Summer Troll Management Plan. Furthermore, the Treaty requires a huge area closure of mostly outside waters, beginning in Dixon Entrance and stretching nearly 200 miles up the coast and out through the EEZ, for up to 3 weeks, if specific conservation criteria are not met. Nothing "ambiguous" about that closure, either. In recent years

the Dept. has also exercised its authority to make emergency area closures as it deems necessary for specific coho conservation concerns. All these conservation measures aimed specifically at the troll coho fishery hardly resemble a story of "inside waters fishermen" being "the only ones to bear the brunt of conservation measures" as the gillnetters' association claims in its proposal.

The State has taken pride, deservedly, in its successful management of a healthy, sustainable salmon fishery in Southeast. A hallmark of this successful management approach has been the authority given to management biologists to flexibly manage in-season to attain Board defined management objectives. As the ocean environment has become increasingly unpredictable and in a state of flux, the Dept., now more than ever, will need that flexibility to respond to unforeseen biological events. With the introduction of large-scale hatchery production, the distribution pattern of fleet effort is also in a state of flux for all fisheries. Flexibility for in-season managers will be increasingly required to respond to unforeseen changes in effort and abundance. Proposal 312 is an attempt to curtail that flexibility. If we go down that management road the Board can look forward to no end of regulatory proposals of a similar nature. A proposal to limit gillnet openings to two days per week maximum during coho management to address allocation concerns could very well be next. This is not the road to maintaining healthy, sustainable fisheries.

I urge rejection of Proposal 312.

Thomas Jacobson
PO Box 1821
Wrangell, AK 99929

Table 3. Harvest and percent of commercially harvested coho salmon by gear type in Southeast Alaska, 1989-2011.

Year	Commercial Troll		Purse Seine		Dred Gillnet		Set Gillnet		All-Gear Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1989	1,415,517	65%	333,116	15%	255,689	12%	176,816	8%	2,181,138	100%
1990	1,832,604	67%	379,534	14%	377,803	14%	148,891	5%	2,738,832	100%
1991	1,719,082	90%	411,854	18%	601,179	31%	196,731	6%	2,898,846	100%
1992	1,829,945	96%	505,135	15%	699,448	20%	298,149	8%	3,624,677	100%
1993	2,393,887	67%	477,086	13%	443,883	13%	237,446	7%	3,556,219	100%
1994	3,467,599	63%	979,189	18%	744,558	13%	343,965	6%	5,535,311	100%
1995	1,756,262	56%	627,472	20%	456,820	15%	295,870	9%	3,129,584	100%
1996	1,906,769	64%	447,095	15%	494,837	17%	227,802	8%	2,996,203	100%
1997	1,790,534	64%	189,036	10%	156,725	9%	322,776	18%	1,839,071	100%
1998	1,636,711	80%	475,232	12%	441,458	10%	197,689	7%	2,751,079	100%
1999	2,272,653	69%	422,926	13%	394,260	12%	187,186	6%	3,277,025	100%
2000	1,128,219	67%	210,528	12%	181,796	11%	170,348	10%	1,688,491	100%
2001	1,849,627	63%	596,195	19%	338,083	11%	293,344	7%	2,943,247	100%
2002	1,313,062	52%	479,489	18%	481,083	20%	298,888	6%	2,487,122	100%
2003	1,223,458	56%	600,988	19%	463,337	22%	74,343	3%	2,166,126	100%
2004	1,916,075	67%	465,151	10%	339,666	12%	198,930	7%	2,858,222	100%
2005	2,038,296	74%	348,072	13%	297,878	11%	82,887	3%	2,767,133	100%
2006	1,362,983	74%	114,213	6%	272,853	16%	86,085	5%	1,841,234	100%
2007	1,378,862	72%	252,375	13%	284,081	11%	76,899	4%	1,911,268	100%
2008	1,283,030	63%	715,648	11%	377,695	19%	153,712	8%	2,039,859	100%
2009	1,561,547	67%	398,614	13%	351,367	13%	133,808	6%	2,375,236	100%
2010	1,343,151	59%	302,873	9%	578,203	20%	161,584	7%	2,285,911	100%
2011	1,212,594	62%	351,994	17%	285,991	14%	126,215	6%	2,077,254	100%
1989-2011	1,766,272	64%	394,539	14%	398,683	15%	183,378	7%	2,664,894	100%
Board of Fisheries										
Allocations (Established)		61%		19%		13%		7%		
89-11 Deviation from		-4.6%		-24.8%		14.3%		0.4%		
2011 Deviation from		3.2%		-16.8%		5.9%		-13.2%		

Notes: Annette Island and terminal harvest are included.

12/7/2011

Table 23.-- Escapement goal performance for indicator coho salmon streams in Southeast Alaska. E = exceeded goal, U = under goal, I = within goal, NA = no escapement estimate available.

Year	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
<u>Southeast Alaska Area</u>																			
Auke Creek	E	E	I	E	E	E	E	E	E	E	E	I	I	E	I	E	I	I	E
Berners River	E	E	I	I	E	I	E	E	E	E	E	E	I	I	U	I	I	I	I
Ford Arm Lake	E	E	I	I	E	E	E	I	I	E	E	E	E	E	I	E	I	I	I
Hugh Smith Lake	I	E	E	I	I	I	E	I	E	E	E	I	E	I	E	E	E	E	E
Chilkat River	E	E	E	I	I	I	E	E	E	E	E	E	I	E	U	I	I	E	I
Montana Creek	E	E	I	I	I	I	I	I	I	E	I	U	U	I	U	I	I	I	I
Petersen Creek	I	E	E	E	I	I	E	I	I	I	I	E	I	E	I	E	I	E	I
Sitka Index	E	E	E	E	E	E	I	E	E	E	E	E	E	E	E	E	E	E	E
Ketchikan Index	I	E	E	E	I	I	I	E	E	E	E	E	E	I	I	E	I	I	I
<u>Yakutat Area</u>																			
Lost River	I	E	I	I	I	NA	NA	NA	NA	E	E	I	U	I	I	NA	E	E	U
Situk River	E	E	I	I	I	NA	NA	NA	NA	E	I	E	U	I	I	NA	I	E	I
Tsist/Tsivat River	I	E	I	I	I	NA	NA	I	NA	E	NA	NA	I	I	I	I	I	I	I
<u>All-Gear Commercial</u>																			
Harvest (in Millions)	3.6	5.5	3.1	3.0	1.8	2.8	3.3	1.7	2.9	2.5	2.2	2.9	2.8	1.8	1.9	2.0	2.4	2.3	2.1

February 12, 2012

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

BOF members:

As a Chatham Straight sablefish permit holder, I am opposed to Proposal 216.

In 1995, when I purchased my permit for \$300,000, the quota was 40,000 round pounds, with over 120 permit holders. Now there are close to 40 less permit holders fishing for almost 80% less pounds. My family and I have sacrificed a great deal in financial terms, in the hopes that the quota will eventually take an upswing.

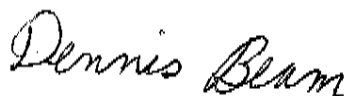
My concern with Proposal 216 is threefold. First, I have witnessed, for over three decades, the total disdain and destruction that the over-capitalized charter fleet has inflicted on other resources, such as, halibut, salmon, lingcod and shellfish. The lack of accountability, the greed, and the failure on its' part to even consider conserving our valuable resources is just disgusting.

Second, why is it that the charter fleet is obliged to fill their clientele's freezers full of fish. Four blackcod per day, or an eight fish annual limit is plenty of fish for one client. After all, these are supposed to be sport fishermen, not meat mongers. It's time to put the sport back into the sport charter fishermen, before Alaska's valuable fisheries resources are depleted.

Third, who is counting the shortrakers, thornyheads, rougheyes and other miscellaneous fish. These are temperamental and valuable fish species that need to be carefully managed. I have no doubt that the charter fishermen are specifically targeting these fish as well.

I am in support of Proposal 270, which is long overdue. I agree with the way it is written, and my hopes are that the possession limits set by the ADF&G will be conservative.

Sincerely,



Dennis Beam
35628 Whitnah Lane
Richland, OR 97870

Donald J Keller
5507 Kerr Dr
Helena, Montana 59602

ATTN: Board of Game Comments
Alaska Dept. of Fish & Game
Boards Support Section
P.O. Box 115526
Juneau, Alaska 99811-5526

2/12/2012

RE: DM766 Hunt

To Whom It May Concern

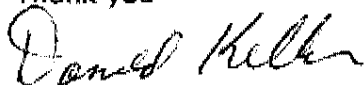
I wish to comment on proposal #207 and #208

I had a permit for this hunt In November 2011

#207 I feel DM766 hunt should be moved back to its original boundary within the Controlled Use Area. There was too much confusion and access was a problem. This should be with the same Season, bag limit, etc.

#208 I also feel there should be a 2nd Muzzleloader Hunt in the remainder of 20A with a longer season. The boundary would be similar to the November 2011 Hunt. Extending the season through December would allow more time for the rivers to freeze and time to actually hunt the area. Even with the cold November Alaska had it was after Thanksgiving before we could break trail across the Tanana near Birch Lake.

Thank you



Donald Keller

Alan Otness
PO Box 317
Petersburg, AK 99833
February 10, 2012

Shannon Stone
Alaska Board of Fish
Boards Support Section
AK Department of Fish and Game
PO Box 115526
Juneau, AK 99811-5526

Re: Support proposal 285-5AAC 39.117

Ms. Stone;

I support the repeal of a 58' limit for salmon seiners in Southeast Alaska; because at the same time, this proposal could reduce excess fishing capacity. I am also in favor of this proposal because it will allow fishermen that wish to be more innovative in the SE salmon seine fishery a method to proceed to do so.

I have owned and operated a limit seiner in SE for over 30 years and I do not feel repeal of the 58' limit would harm me in any way. Actually, for a long time I have wondered why this old law is still in effect. A new regulation might give me the opportunity to use a larger vessel to fish my permit if I so choose. Let's not perpetuate a regulation that makes SE salmon seiners less efficient, just because the regulation made sense eons ago. Please adopt the proposal referenced above.

Sincerely,

Alan D. Otness

Alan D. Otness

Submitted by the Alaska Department of Fish and Game.

February 24, 2010

Chapter 01. SE Subsistence Finfish

5 AAC 01.716. Customary and traditional subsistence uses of fish stocks and amount necessary for subsistence uses. (a) The Alaska Board of Fisheries finds that the following fish stocks are customarily and traditionally taken or used for subsistence:

- (1) herring, herring spawn, bottomfish, and halibut in waters of Section 15-A;
- (2) salmon and smelt in all waters of the Chilkat River and Chilkat Inlet north of the latitude of Glacier Point, and in the Chilkoot River, Lutak Inlet, and Chilkoot Inlet north of the latitude of Battery Point, excluding waters of Taiya Inlet north of the latitude of the tip of Taiya Point;
- (3) herring, herring spawn, bottomfish, and halibut in waters of District 14 east of the longitude of Point Dundas;
- (4) salmon, smelt, and Dolly Varden char in waters of Sections 14-B and 14-C, in District 13 in waters along the western shore of Yakobi Island east of a line from Cape Spencer Light to Surge Bay Light, and in District 12 in waters of Basket Bay inside a line from 57° 30.83' N. lat., 134° 53.20' W. long., to 57° 39.28' N. lat., 134° 53.88' W. long.;
- (5) herring, herring spawn, bottomfish, and halibut in waters of District 12 between the latitude of Parker Point and the latitude of Point Caution, and in Section 13-C east of the longitude of Point Elizabeth;
- (6) salmon and Dolly Varden char in waters of District 12 south of a line from Fishery Point to South Passage Point and north of the latitude of Point Caution and in waters of Section 13-C east of the longitude of Point Elizabeth;
- (7) herring and herring spawn in waters of Section 13-A, and Section 13-B north of the latitude of Aspid Cape;
- (8) sockeye salmon in waters of Section 13-A south of the latitude of Cape Edward, in waters of Section 13-B north of the latitude of Redfish Cape, and in waters of Section 13-C;

(9) herring, herring spawn, bottomfish, and halibut in waters of Section 9-B north of the latitude of Point Ellis, in waters of District 10 west of a line from Pinta Point to Point Pybus, and in waters of District 5 north of $56^{\circ} 40' \text{ N. lat.}$;

(10) salmon and Dolly Varden char in Sections 9-A and 9-B in waters north of the latitude of Swain Point, in waters of District 10 west of a line from Pinta Point to False Point Pybus, and in waters of District 5 north of a line from Point Barrie to Boulder Point;

(11) herring and herring spawn in waters of District 2 north of the latitude of the northernmost tip of Chasina Point and west of a line from the northernmost tip of Chasina Point to the easternmost tip of Grindall Island to the easternmost tip of the Kasaan Peninsula, and in waters of Section 3-B in San Alberta Bay north of the latitude of the southernmost tip of Cape Suspiro and east of $133^{\circ} 20' \text{ W. long.}$;

(12) salmon, Dolly Varden char, bottomfish, and halibut in waters of District 2 north of the latitude of the northernmost tip of Chasina Point and west of a line from the northernmost tip of Chasina Point to the easternmost tip of Grindall Island to the easternmost tip of the Kasaan Peninsula;

(13) herring and herring spawn in waters of Section 3-B in San Alberta Bay north of the latitude of the southernmost tip of Cape Suspiro and east of $133^{\circ} 20' \text{ W. long.}$, and in waters of Section 3-A in Tlevak Strait north of the latitude of High Point and south of the latitude of Eolus Point;

(14) bottomfish and halibut in waters of Section 3-B;

(15) salmon, Dolly Varden char, and steelhead trout in Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point and in waters of Warm Chuck Inlet north of a line from a point on Hecata Island at $55^{\circ} 44' \text{ N. lat.}$, $133^{\circ} 25' \text{ W. long.}$ to Bay Point, and in Section 3-C in waters of Karheen Passage north of $55^{\circ} 48' \text{ N. lat.}$ and east of $133^{\circ} 20' \text{ W. long.}$ and in waters of Sarkar Cove and Sarkar Lakes;

(16) herring and herring spawn in waters of Section 3-A in Tlevak Strait north of the latitude of High Point and south of the latitude of Eolus Point, and in waters of Section 3-B in San Alberta Bay north of the latitude of the southernmost tip of Cape Suspiro and east of $133^{\circ} 20' \text{ W. long.}$;

(17) bottomfish and halibut in waters of Section 3-A;

(18) salmon and Dolly Varden char in waters of Section 3-A and in waters of District 2 in Nichols Bay north of $54^{\circ} 42.12' \text{ N. lat.}$;

(19) salmon and Dolly Varden char in waters of the Naha River, and Boca de Quadra in waters of Sockeye Creek and Hugh Smith Lake, and within 500 yards of the terminus of Sockeye Creek;

(20) salmon, herring, herring spawn, bottomfish, halibut, and Dolly Varden in waters of District 5 north of a line from Point St. Albans to Cape Pole, in waters of Section 6-A west of a line from Macnamara Point to Mitchell Point, and in waters of Section 6-B west of the longitude of Macnamara Point;

(21) salmon, other than sockeye salmon as provided in (8) of this section, bottomfish, and halibut in the waters of District 13;

(22) eulachon in Sections 1-C and 1-D and in the waters of Districts 7 and 8;

(23) herring, herring spawn, bottomfish, halibut, salmon, Dolly Varden, and steelhead trout in the waters of Districts 7 and 8.

(b) The board finds that 136,000 - 227,000 pounds of herring spawn are reasonably necessary for subsistence uses in Section 13-A, and Section 13-B north of the latitude of Aspid Cape.

(c) The board finds that the following numbers of salmon are reasonably necessary for subsistence uses in the Southeastern Alaska Area:

(1) Districts 1 - 4: 9,068 - 17,503;

(2) Districts 5 - 8, District 10, and Section 9-B: 4,120 - 7,345;

(3) Section 9-A and District 13: 10,487 - 20,225;

(4) Districts 11, 12, 14, and 16: 4,178 - 10,133;

(5) District 15: 7,174 - 10,414. (Eff. 5/15/93, Register 126; am 5/6/94, Register 130; am 6/15/95, Register 134; am 6/7/95, Register 135; am 6/19/97, Register 142; am 5/31/98, Register 146; am 6/3/2000, Register 154; am 3/11/2001, Register 157; am 4/14/2002, Register 162; am 7/18/2003, Register 167; am 5/26/2006, Register 178; am 4/24/2009, Register 190)

Authority: AS 16.05.251 AS 16.05.258

5 AAC 01.717. Customary trade in herring roe on kelp. (a) The limited, noncommercial exchange for cash of subsistence-harvested herring roe on kelp, legally taken in Districts 1 - 16, under the terms of 5 AAC 01.730, is permitted as customary trade. Persons licensed under AS 43.75.011 to engage in a fisheries business may not exchange, solicit to exchange, or receive for commercial purposes subsistence-taken herring roe on kelp. Allowable possession limits for customary trade and other subsistence uses shall be those specified on permits issued according to 5 AAC 01.730(g). Permits must include the following information:

(1) the intended purposes of the harvest and the estimated amount of herring roe on kelp dedicated to each purpose;

(2) the name of the individual transporting the herring roe on kelp to the point of sale or transfer.

(b) The permit information provided in compliance with (a) of this section may be changed before herring roe on kelp is taken, by contacting an ADF&G representative where the permit was issued. (Eff. 5/15/93, Register 126)

Authority: AS 16.05.251 AS 16.05.258

5 AAC 01.760. Redoubt Bay and Lake Sockeye Salmon Fisheries Management Plan. (a)

The management plan in this section provides guidelines to the department for allocating Redoubt Lake sockeye salmon between the commercial, sport, and subsistence fisheries. The department shall manage the Redoubt Bay and Lake sockeye salmon fisheries to achieve an optimal escapement goal of 7,000 - 25,000 sockeye salmon. For the purpose of this section, Redoubt Bay consists of the waters of Redoubt Bay south of 56° 54.71' N. lat.

(b) In the Redoubt Bay and Lake subsistence salmon fishery,

(1) sockeye salmon may be taken

(A) from June 1 through August 31; and

(B) by gaff, spear, dip net, and a hook and line attached to a rod or pole;

(2) a subsistence salmon fishery permit holder may snag salmon in the waters of Redoubt Bay north (seaward) of a line approximately 100 yards from the base of the falls as marked by ADF&G regulatory markers;

(3) unless otherwise provided in (d) of this section, the possession limit is 10 sockeye salmon per person or household, and the annual limit is 50 sockeye salmon per person or household.

(c) In the Redoubt Bay and Redoubt Lake drainage sport fishery for sockeye salmon,

(1) unless otherwise provided in (d) of this section, the bag and possession limit for sockeye salmon is four fish;

(2) from June 1 through July 15, a sport angler may not snag salmon in the waters of Redoubt Bay;

(3) from July 16 through August 31, a nonresident sport angler may not snag salmon in the waters of Redoubt Bay.

(d) The department will manage the Redoubt Bay sockeye salmon fisheries by using inseason escapement counts from the Redoubt Lake weir and historical run timing to project the total escapement level. To project that level, the department may also consider other sources of available information, including aerial surveys, boat surveys, and inseason harvest data. Based on the projected total escapement level, the commissioner shall open and close, by emergency order, the Redoubt Bay and Lake sockeye salmon fisheries as follows:

(1) when the projected total escapement level of sockeye salmon is less than 7,000 fish, the commissioner shall close the commercial, sport, and subsistence fisheries in Redoubt Bay and Lake for sockeye salmon;

(2) when the projected total escapement level of sockeye salmon is greater than 7,000 but not more than 10,000 fish, the commissioner shall,

(A) close the commercial and sport fisheries in Redoubt Bay and Redoubt Lake drainage for sockeye salmon, and

(B) in the commissioner's discretion,

(i) reduce the possession limit for the subsistence sockeye salmon fishery to five sockeye salmon per person or household and reduce the annual limit to 25 salmon per person or household; or

(ii) close the subsistence sockeye salmon fisheries;

(3) when the projected total escapement level of sockeye salmon is greater than 20,000 but not more than 30,000 fish, the commissioner shall establish for the subsistence salmon fishery, a possession limit of 25 salmon per person or household, and an annual limit of 50 salmon per person or household;

(4) when the projected total escapement level of sockeye salmon is greater than 30,000 fish, the commissioner shall establish

(A) for the subsistence salmon fishery, a possession limit of 25 salmon per person or household, and an annual limit of 100 salmon per person or household;

(B) for the sport fishery, a bag and possession limit of six salmon;

(5) in addition to the provisions of (4) of this subsection, when the projected total escapement level of sockeye salmon is greater than 40,000 fish, the commissioner may

(A) open portions of Redoubt Bay to a commercial fishery on sockeye salmon returning to Redoubt Lake;

(B) issue community subsistence permits under the provisions of (e) of this section.

(e) The following provisions apply to the department issuance of community harvest permits for the Redoubt Bay community harvest area described as the waters of Redoubt Bay that are south of 56° 54.71' N. lat. and west of 135° 18.88' W. long.:

(1) a community harvest permit shall list all persons and households for whom the designated community harvester is fishing;

(2) the designated community harvester must have in the harvester's possession an individual subsistence harvest permit for each person or member of a household that is listed on the community harvest permit;

(3) under a community harvest permit, the total harvest may not exceed the combined harvest and bag limits of the persons listed on the community harvest permit or a daily bag and possession limit of 500 fish, whichever is less;

(4) a person qualified to obtain a subsistence salmon fishing permit in the Redoubt Bay fishery may designate only one community harvester at a time to harvest fish on behalf of that person;

(5) a designated community harvester must record on each individual subsistence permit, the number of fish harvested for the person that the individual permit was issued; the amount may not exceed the daily bag and possession limits of the person that the individual permit was issued; and

(6) for the purposes of this section, the legal gear for harvest under a community harvest permit are a beach seine, dip net, gaff, spear, and a hook and line attached to a rod or pole. (Eff. 7/18/2003, Register 167; am 7/26/2003, Register 167)

Authority: AS 16.05.060 AS 16.05.251 AS 16.05.258

Chapter 27. SE Herring Management Plans.

5 AAC 27.185. Management plan for herring spawn on kelp in pounds fisheries in Sections 3-B, 12-A, and 13-C, and District 7. (a) In Sections 3-B, 12-A, and 13-C, and District 7, of the Southeastern Alaska Area, the department shall set an annual guideline harvest range for herring spawn on kelp in pounds based on the forecasted return of mature spawning herring. The department shall manage the fishery to keep the harvest within the guideline harvest range each season by restricting CFEC permit holders operating a herring spawn-on-kelp pound to a specific number of kelp blades or fronds annually according to the provisions of this section.

(b) In Sections 3-B, 12-A, and 13-C, and District 7, a herring spawn-on-kelp CFEC permit holder may jointly operate an open pound with one or more other herring spawn-on-kelp CFEC permit holders and a closed pound with up to two other herring spawn-on-kelp CFEC permit holders. A permit holder operating an open pound may use fronds or individual kelp blades in the open pound, but may not use both during a fishing season.

(c) In Section 3-B, the kelp allocation per permit holder is as follows:

Guideline Harvest Range for Herring(tons)	Single-Permit Closed Pounds	Double-Permit Closed Pounds	Triple Permit Closed Pounds	Single Permit Open Pounds	Multiple Permit Open Pounds
200 - 599	200 blades	400 blades	550 blades	100 fronds or 1,000 blades	300 fronds or 3,000 blades
600 - 799	300 blades	450 blades	675 blades	150 fronds or 1,500 blades	450 fronds or 4,500 blades
800 - 999	400 blades	600 blades	900 blades	200 fronds or 2,000 blades	600 fronds or 6,000 blades
1,000 or more	600 blades	750 blades	1,125 blades	250 fronds or 2,500 blades	750 fronds or 7,500 blades

(d) In Section 13-C, the kelp allocation per permit holder is as follows:

Guideline Harvest Range for Herring(tons)	Single-Permit Closed Pounds	Double-Permit Closed Pounds	Triple Permit Closed Pounds	Single Permit Open Pounds	Multiple Permit Open Pounds
100 - 249	None	None	None	60 fronds or 600 blades	60 fronds or 600 blades
250 - 399	200 blades	400 blades	500 blades	110 fronds or 1,100 blades	110 fronds or 1,100 blades
400 - 599	300 blades	500 blades	750 blades	160 fronds or 1,600 blades	160 fronds or 1,600 blades
600 - 799	1,000 blades	2,500 blades	1,500 blades	230 fronds or 2,300 blades	230 fronds or 2,300 blades
800 or more	2,000 blades	3,000 blades	1,500 blades	300 fronds or 3,000 blades	300 fronds or 3,000 blades

(e) In District 7 and Section 12-A, the kelp allocation per permit holder is as follows:

Guideline Harvest Range for Herring(tons)	Single-Permit Closed Pounds	Double-Permit Closed Pounds	Triple Permit Closed Pounds	Single Permit Open Pounds	Multiple Permit Open Pounds
50 - 99	None	None	None	100 fronds or	300 fronds or

				1,000 blades	3,000 blades
100 - 299	200 blades	400 blades	500 blades	150 fronds or 1,500 blades	450 fronds or 4,500 blades
300 - 499	300 blades	500 blades	500 blades	200 fronds or 2,000 blades	600 fronds or 6,000 blades
500 - 699	400 blades	500 blades	500 blades	250 fronds or 2,500 blades	750 fronds or 7,500 blades
700 or more	1,000 blades	2,000 blades	1,000 blades	250 fronds or 2,500 blades	750 fronds or 7,500 blades

(f) Pounds for the taking of herring spawn on kelp and seines for the taking of herring for placement in pounds may be operated only in the following locations:

(1) in Section 3-B, in the waters of San Alberto Bay, Shinaku Inlet, and San Christoval Channel north of a line from Entrance Point to the southernmost tip of Clam Island to the southernmost tip of Fern Point and east of 133° 20' W. long.; in Section 3-B, the following waters are closed to herring spawn-on-kelp pounds and to seining for taking herring for pounds:

(A) Klawock Inlet and Big Salt Lake;

(B) the waters of San Christoval Channel in the main channel enclosed by a line from 55° 35.62' N. lat., 133° 20' W. long. to 55° 35.17' N. lat., 133° 20' W. long. to 55° 33.37' N. lat., 133° 17.52' W. long. to 55° 33.50' N. lat., 133° 17.28' W. long.;

(C) the waters of Fish Egg and Ballena Islands south of 55° 31' N. lat. and north of the southernmost tip of Cape Suspiro and east of the longitude of Ballena Island Shoal Light;

(2) in District 7, in the waters of Ernest Sound east of a line from Point Eaton to Lemesurier Point;

(3) in Section 12-A, in the waters of Chatham Strait and Tenakee Inlet south of the latitude of 57° 46' N. lat., and north of the latitude of Peninsular Point (57° 30.30' N. lat.) and west of 134° 50' W. long.;

(4) in Section 13-C, in the waters of Hoonah Sound north and west of a line from Point Marie to a point on the northern shore of Hoonah Sound at 57° 37.38' N. lat., 135° 27' W. long.

(g) Herring for placement in a closed herring spawn-on-kelp pound may be captured only with power seines or hand purse seines and may only be transferred to a closed pounds in

(1) Section 3-B after 12:00 noon, March 17 until closed by emergency order;

(2) District 7 after 12:00 noon, April 1 until closed by emergency order;

(3) Section 12-A after 12:00 noon, April 6 until closed by emergency order; and

(4) Section 13-C after 12:00 noon, April 6 until closed by emergency order.

(h) In Section 3-B, the harvest limit for the bait fisheries is 60 percent of the guideline harvest level for the Craig/Klawock herring stock, and the harvest limit for the spawn-on-kelp pound fishery is 40 percent of that guideline harvest level. Any portion of the harvest limit not taken by the bait fishery during a calendar year may be taken by the pound fishery during that year.

(i) In District 7, the harvest limit for the spawn-on-kelp pound fishery is the amount of any annual guideline harvest level for the Ernest Sound herring stock that is not harvested by the bait fisheries. If the remaining guideline harvest level is less than 50 tons, there will be no spawn-on-kelp pound fishery.

(j) Section 12-A, the harvest limit for the spawn-on-kelp pound fishery is the amount of any annual guideline harvest level for the Tenakee Inlet herring stock that is not harvested by the bait fisheries. If the unharvested portion of the guideline harvest level is less than 50 tons, there will be no spawn-on-kelp pound fishery.

(k) Before kelp or herring are added to a pound, a permit holder must plainly and legibly mark the permit holder's first and last name and five-digit CFEC permit number in a conspicuous place on the pound. The sign must be vertical, and the markings must be clearly visible and above the surface of the water at all times. The letters and numbers used to identify a pound must be at least six inches high with lines at least one-half inch wide and must contrast with the background. If a pound is being operated as a multiple-permit pound, the first and last names and five-digit CFEC permit numbers of all permit holders operating the pound must be placed on a single sign. The sign must be left on the pound structure or the webbing support system the entire time any part of the pound or pound system is in the water.

(l) A permit holder using a tow pound for transporting herring to a closed pound must permanently affix a horizontal sign stating "Tow Pound" to the top surface of the tow pound. The letters must be at least six inches high with lines at least one-half inch wide and must contrast with the background. A permit holder may introduce herring into a tow pound multiple times before transferring the herring to a spawn-on-kelp pound.

(m) A permit holder may place the permit holder's kelp in no more than one pound. Before kelp is introduced into the spawn-on-kelp pound, a permit holder must store the kelp in a manner that prevents herring from spawning on the kelp.

(n) On a line or structure used to suspend kelp, a permit holder shall affix a legible tag showing above the water surface that states the number of blades or fronds on that line or structure and that states the permit holder's first and last name. In a multiple-permit pound, each permit holder must keep that permit holder's kelp on lines or structures separate from lines or structures that support kelp belonging to other permit holders.

(o) A permit holder must be physically present at the permit holder's pound fishing site during operation of the pound. For the purpose of this subsection, "operation of the pound" means

(1) repealed 4/24/2009;

(2) when herring is being captured and transferred into a closed pound;

(3) when an open pound is being moved; and

(4) when kelp product is being collected from the pound.

(p) A permit holder must be physically present when the permit holder's herring spawn-on-kelp product produced in a pound is being sold.

(q) A permit holder may transfer additional herring into a closed pound, only until herring have been released or product has been harvested from the pound. After herring have been released or product has been harvested from a pound, a permit holder using that pound may not fish for herring or add kelp to the pound. A permit holder may not transfer herring into a pound after 11:59 p.m. on the fourth day after herring are placed into the pound, with the first day being the day that herring are first placed into the pound. If the commissioner determines it is necessary for the conservation of herring stocks, the commissioner may, by emergency order, restrict the placement of herring into pounds.

(r) Permit holders operating two separate closed pounds must notify the local representative of the department before connecting the permit holder's pounds. No more than two pounds may be connected into a combined structure. After the permit holders have connected two pounds, the permit holders may not transfer additional herring into the combined pound. After two pounds are connected under this section, the permit holders may drop the wall between the pounds so that herring may swim between the connected pounds.

(s) A permit holder may not retain herring in a closed pound for more than six days and must release the herring by 11:59 p.m. on the sixth day, with the first day being the day that herring are placed into the pound. When releasing herring, a permit holder must lower at least one full side of a pound's webbing at least six feet below the surface of the water to allow herring to escape.

(t) After a permit holder releases herring and harvests product from the pound, the permit holder must maintain the pound and webbing in place for at least four weeks. To optimize hatching success the permit holder must position egg-covered webbing in the original size and configuration of the pound structure with adequate water circulation on all sides. The webbing support system must be above the surface of the water and clearly marked as specified in (k) of this section.

(u) A permit holder must release all herring from a pound operated by that permit holder. A permit holder may not retain and use herring that has been introduced into a pound as bait for commercial use, sport use, personal use, or subsistence use.

(v) After notifying the department, a permit holder may release herring from a closed pound and fish the pound as an open pound. All webbing on the closed pound must be removed. The permit holder will not be entitled to additional kelp and may operate the pound only as an open pound for the remainder of the season.

(w) A permit holder shall completely remove all pounds and associated equipment from the waters in

- (1) Section 3-B by 12:00 noon May 31;
- (2) District 7 by 12:00 noon May 31;
- (3) Section 12-A by 12:00 noon June 10;
- (4) Section 13-C by 12:00 noon June 10.

(x) A CFEC permit holder operating a multiple-permit pound is subject to liability if the pound, at any time, contains more than the legal amount of kelp.

(y) Spawn-on-kelp blades or fronds belonging to a permit holder must be kept separate from spawn-on-kelp blades or fronds belonging to another permit holder until all spawn on kelp from a pound has been weighed and graded.

(z) A closed pound is considered to be fishing once herring have been introduced into the closed pound structure and is considered to have stopped fishing once all herring have been released and all of the spawn-on-kelp product has been removed from the closed pound structure.

(aa) An open pound is considered to be fishing once kelp has been attached to the open pound structure and is considered to have stopped fishing once all of the spawn-on-kelp product has been removed from the open pound structure.

(bb) Each permit holder is responsible for all operations of the pound and pound system.

(cc) For the purposes of this section,

- (1) "fronds" means the kelp stipe and naturally attached blades;
- (2) "multiple-permit pound" includes,

(A) for a closed pound, a double-permit and triple-permit closed pound;

and

(B) for an open pound, a multiple-permit open pound. (Eff. 6/25/89, Register 110; am 4/30/91, Register 118; am 4/23/94, Register 130; am 1/29/98, Register 145; am 9/10/2000, Register 155; am 3/11/2001, Register 157; am 4/24/2003, Register 166; am 4/2/2006, Register 177; am 4/24/2009, Register 190)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 27.190. Herring Management Plan for Southeastern Alaska Area. For the management of herring fisheries in the Southeastern Alaska Area, the department

(1) shall identify stocks of herring on a spawning area basis;

(2) shall establish minimum spawning biomass thresholds below which fishing will not be allowed;

(3) shall assess the abundance of mature herring for each stock before allowing fishing to occur;

(4) except as provided elsewhere, may allow a harvest of herring at an exploitation rate between 10 percent and 20 percent of the estimated spawning biomass when that biomass is above the minimum threshold level;

(5) may identify and consider sources of mortality in setting harvest guideline;

(6) by emergency order, may modify fishing periods to minimize incidental mortalities during commercial fisheries. (Eff. 4/23/94, Register 130; am 5/31/98, Register 146)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 27.195. Sitka Sound commercial sac roe herring fishery. (a) In managing the commercial sac roe herring fishery in section 13-B north of the latitude of Aspid Cape (Sitka Sound), the department shall

(1) manage the fishery consistent with the applicable provisions of 5 AAC 27.160(g) and 5 AAC 27.190;

(2) distribute the commercial harvest by fishing time and area if the department determines that it is necessary to ensure that subsistence users have a reasonable opportunity to harvest the amount of herring spawn necessary for subsistence uses specified in 5 AAC 01.716(b);

(b) In addition to the provisions of (a) of this section, the department shall consider the quality and quantity of herring spawn on branches, kelp, and seaweed, and herring sac roe when making management decisions regarding the subsistence herring spawn and commercial sac roe fisheries in Section 13-B north of the latitude of Aspid Cape. (Eff. 4/14/2002, Register 162)

Authority: AS 16.05.251

5 AAC 27.197. Sections 1-E and 1-F commercial sac roe herring fishery. (a) In managing the commercial sac roe herring fishery in Section 1 -E and the waters of Section 1-F north of the latitude of South Vallenar Point, the department shall

(1) manage the commercial herring fishery so that the opportunity to fish herring in years in which the threshold level is met will alternate between the set gillnet and purse seine fisheries; the set gillnet fishery must occur the first year that the threshold level is met;

(2) determine the equal share quota by dividing the annual harvest objective by the maximum number of CFEC permits eligible to be fished in the fishery; a CFEC permit holder may not retain more herring than the annual amount of the equal share quota specified by the department.

(b) The commissioner will open and close fishing periods and areas open for fishing by emergency order. In the emergency order, the commissioner may impose other conditions that are necessary for an orderly and manageable fishery.

(c) Repealed 4/2/2006.

(d) When the harvest of herring by the purse seine fishery or the set gillnet fishery exceeds the guideline harvest level for a year, the excess harvest will not be factored into determining the guideline harvest level for a future year.

(e) Repealed 4/2/2006.

(f) If a commercial herring sac roe fishery is not conducted during a year due to insufficient spawning herring in the registration area specified in this section, the gear type that was to fish that year will be the first gear type to fish when the threshold level is met in a subsequent year. (Eff. 4/24/2003, Register 166; am 4/2/2006, Register 177)

Authority: AS 16.05.060 AS 16.05.251

Chapter 28. SE Groundfish Management Plans.

5 AAC 28.165. Lingcod allocation guidelines for Eastern Gulf of Alaska Area. In the Eastern Gulf of Alaska Area, the department shall annually allocate the harvest in the lingcod commercial and sport fisheries as follows:

(1) Icy Bay Subdistrict:

(A) 66.66 percent to the directed commercial lingcod fishery, bycatch in the commercial longline fisheries, and bycatch in the commercial salmon troll fishery, combined;

(B) 33.33 percent to the sport fishery;

(2) East Yakutat Section:

(A) if the annual guideline harvest level is at or below 200,000 pounds, as follows:

(i) 43 percent to the directed commercial lingcod fishery;

(ii) two percent to the sport fishery;

(iii) 47 percent to bycatch in the commercial longline fishery;

(iv) eight percent to bycatch in the commercial salmon troll fishery;

(B) if the guideline harvest level is over 200,000 pounds, as follows:

(i) 4,000 round pounds to the sport fishery;

(ii) 94,000 round pounds to bycatch in the commercial longline fishery;

(iii) 16,000 round pounds to bycatch in the commercial salmon troll fishery;

(iv) the remainder of the guideline harvest level will be allocated to the directed commercial lingcod fishery;

(3) Northern Southeast Outside Section:

(A) 43 percent to the directed commercial lingcod fishery;

(B) 22 percent to the sport fishery;

(C) 27 percent to bycatch in the commercial longline fishery;

(D) eight percent to bycatch in the commercial salmon troll fishery;

(4) Central Southeast Outside Section:

- (A) 36 percent to the directed commercial lingcod fishery;
- (B) 30 percent to the sport fishery;
- (C) 23 percent to bycatch in the commercial longline fishery;
- (D) seven percent to bycatch in the commercial salmon troll fishery;
- (E) four percent to bycatch in the commercial groundfish fishery using hand troll gear and mechanical jigging machines;

(5) Southern Southeast Outer Coast Sector:

- (A) 30 percent to the directed commercial lingcod fishery;
- (B) 44 percent to the sport fishery;
- (C) 17 percent to bycatch in the commercial longline fishery;
- (D) seven percent to bycatch in the commercial groundfish fishery using hand troll gear and mechanical jigging machines;
- (E) two percent to bycatch in the commercial salmon troll fishery;

(6) Southern Southeast Internal Sector:

- (A) no directed commercial lingcod fishery;
- (B) 92 percent to the sport fishery;
- (C) four percent to bycatch in the commercial longline fishery;
- (D) four percent to bycatch in the commercial salmon troll fishery;

(7) Northern Southeast Inside Subdistrict:

- (A) no directed commercial lingcod fishery;
- (B) 50 percent to the sport fishery;
- (C) 30 percent to bycatch in the commercial longline fishery;

(D) 20 percent to bycatch in the commercial salmon troll fishery. (Eff. 4/15/94, Register 130; am 6/14/2000, Register 154; am 7/18/2003, Register 167; am 7/31/2003, Register 167; am 5/26/2006, Register 178; am 7/15/2006, Register 179)

Authority: AS 16.05.251

Chapter 29. Salmon Troll Fishery.

5 AAC 29.080. Management of the winter salmon troll fishery. (a) The department shall manage the winter salmon troll fishery so that the harvest of king salmon does not exceed a guideline harvest level of 45,000 fish, with a guideline harvest range of 43,000 to 47,000 fish.

(b) Except in areas closed by emergency order or in the waters specified in 5 AAC 29.150, king salmon may be taken in all waters of Alaska east of the winter boundary line described in 5 AAC 29.020(b), with the following exceptions:

(1) in District 1, the waters of Behm Canal in Section 1-D between a line from Nose Point to Snail Point and a line from Cactus Point to Point Eva are closed;

(2) in District 8, the waters of the Stikine River inside a line from Babbler Point to Hour Point, along the shore of Wrangell Island to Point Highfield to the southernmost tip of Liesnoi Island to the southernmost tip of Greys Island to the small island near the eastern entrance of Blind Slough, to the nearest point of Mitkof Island, to the prominent point of Mitkof Island nearest Coney Island, to the northernmost tip of Coney Island, to a point 500 yards north of Jap Creek on the mainland shore are closed;

(3) in District 11, king salmon may be taken only

(A) in Section 11-A west of a line from Outer Point to Point Louisa and south and east of a line from Salisbury Point to Point Tantallion, from the opening of the winter fishery, specified in 5 AAC 29.070(b), through April 14;

(B) in Sections 11-B, 11-C, and 11-D, except that king salmon may be taken in Section 11-B north of the latitude of Graves Point Light only from the opening of the winter fishery, specified in 5 AAC 29.070(b), through March 31;

(4) in District 15, king salmon may be taken only in Sections 15-A and 15-C.

(c) A CFEC permit holder that participates in the winter salmon troll fishery must offload all fish from the CFEC permit holder's vessel before participating in the spring salmon troll fishery. (Eff. 10/1/98, Register 147; am 3/11/2001, Register 157; am 7/26/2003, Register 167; am 5/26/2006, Register 178)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 29.090. Management of the spring salmon troll fisheries. (a) In this chapter, a spring salmon troll fishery means a fishery that is

(1) opened and closed by emergency order;

(2) restricted in area;

(3) designated by number so that each opening in a specific body of water is uniquely identified for catch reporting purposes.

(b) The department shall manage the spring salmon troll fisheries to target Alaska hatchery-produced king salmon.

(c) The department shall conduct the spring salmon troll fisheries each year before the opening of the general summer salmon troll season.

(d) In its management of the spring fisheries under this section, the department shall

(1) first consider changes in the previous years' spring fisheries; the department shall open the fisheries if they meet the following requirements:

(A) a directed fishery may occur only if an Alaska hatchery return is expected to exceed broodstock requirements;

(B) at least one spring fishery shall be conducted annually, targeting the king salmon returning to each Alaska hatchery that meets its broodstock requirements;

(C) in order to continue the fishery each year without modification of areas previously established, the contribution rate of hatchery stocks to the directed fishery harvest must exceed 20 percent;

(D) the department shall manage each spring salmon troll fishery as follows:

(i) no more than 1,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is less than 25 percent of the king salmon taken in that fishery;

(ii) no more than 2,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is at least 25 percent but less than 35 percent of the king salmon taken in that fishery;

(iii) no more than 3,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is at least 35 percent but less than 50 percent of the king salmon taken in that fishery;

(iv) no more than 5,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is at least 50 percent but less than 66 percent of the king salmon taken in that fishery;

(v) there is no limit on the number of non-Alaska hatchery-produced salmon that may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is 66 percent or more of the king salmon taken in that fishery;

(E) if the requirements of (A) - (D) of this paragraph are met, the department shall open the spring salmon troll fisheries until no later than one day before the opening of the summer salmon troll fishery;

(2) consider additional fishing periods based on the best scientific data and on input from salmon trollers;

(3) if the preseason king salmon abundance index determined by the Chinook Technical Committee of the Pacific Salmon Commission is at least 1.15 and the amount of the winter troll fishery guideline harvest level remaining on May 1 is 10,000 or more king salmon, apply the following provisions:

(A) if the guideline harvest level remaining is at least 10,000 king salmon but not more than 15,000 king salmon, 250 additional non-Alaska hatchery-produced salmon will be added to the maximum allowable number of non-Alaska hatchery-produced salmon to be taken as provided in (2)(D) of this subsection;

(B) if the guideline harvest level remaining is more than 15,000 king salmon, 500 additional non-Alaska hatchery-produced salmon will be added to the maximum allowable number of non-Alaska hatchery-produced salmon to be taken as provided in (2)(D) of this subsection.

(e) Repealed 6/14/2000.

(f) Repealed 5/31/2009.

(g) A CFEC permit holder that participates in a spring salmon troll fishery must offload all fish from the CFEC permit holder's vessel before participating in the summer salmon troll fishery.

(h) Notwithstanding (a) - (d) of this section, in Snow Passage the commissioner may, by emergency order, extend the length of weekly fishing periods during the spring fishery to maximize the harvest of hatchery coho salmon returning to the Neck Lake release site.

(i) The commissioner may open, by emergency order, a spring salmon troll fishery for one day per week during May and June in the Yakutat Bay area east of a line from Point Manby to Ocean Cape, with a maximum harvest of 1,000 king salmon.

(j) The commissioner may open, by emergency order, a fishing season during which two or more adjacent spring salmon troll fishery areas and those area's harvest caps, as specified in (d)(1)(D) of this section for non-Alaska hatchery salmon, are combined if each of the areas has Alaska hatchery compositions of 25 percent or greater for three or more consecutive seasons. (Eff. 10/1/98, Register 147; am 6/14/2000, Register 154; am 7/26/2003, Register 167; em am 4/13/2005 - 8/10/2005, Register 174; am 5/26/2006, Register 178; am 5/31/2009, Register 190)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 29.097. District 11 King Salmon Management Plan. In District 11, the commissioner may open and close, by emergency order, directed Taku River king salmon troll fishing periods, from the first Monday in May through the third Saturday in June, as follows:

(1) in the waters of Section 11-A that are east and south of a line from Piling Point at 58° 19.25' N. lat., 134° 48.17' W. long. to Middle Point at 58° 14.90' N. lat., 134° 37.73' W. long. then south and west of a line from Marmion Island Light to Circle Point,

(A) from 12:01 a.m. Monday through 11:59 p.m. Wednesday when the gillnet fishery is open for 24 hours; and

(B) from 12:01 a.m. Monday through 11:59 p.m. Friday when the gillnet fishery is open for more than 24 hours;

(2) in the waters of Section 11-B that are south of a line from Marmion Island Light to Circle Point,

(A) from 12:01 a.m. Monday through 11:59 p.m. Wednesday when the gillnet fishery is open for 24 hours;

(B) from 12:01 a.m. Monday through 11:59 p.m. Friday when the gillnet fishery is open for more than 24 hours. (Eff. 5/26/2006, Register 178)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 29.100. Management of the summer salmon troll fishery. (a) During the summer salmon troll fishery, salmon may be taken only during open fishing periods. Unless otherwise specified in this section or by emergency order, salmon may be taken throughout the Southeastern Alaska-Yakutat Area unless restricted

(1) by a provision of this section; or

(2) in the closed waters specified in 5 AAC 29.150.

(b) The department shall manage the fishery as specified in (c) of this section until the annual harvest allocation specified in 5 AAC 29.060 is reached.

(c) The department shall manage the summer king salmon troll fishery as follows:

(1) the department shall manage the summer king salmon troll fishery

(A) to take 70 percent of the remaining king salmon harvest calculated as the annual troll harvest ceiling minus the winter and spring troll harvests of treaty king salmon in an initial opening beginning July 1; and

(B) to take the remaining portion of the king salmon harvest calculated as the annual harvest ceiling minus the winter, spring, and initial July 1 opening harvest of treaty king salmon;

(i) following the reopening of the king salmon troll fishery after any closure of a coho salmon troll fishery; or

(ii) if a closure is not necessary to achieve coho salmon harvest guidelines after the reopening of the king salmon troll fishery, no later than August 20, but only following a two-day closure to allow a fair start;

(2) in order to provide for the harvest of the remaining portion of the king salmon harvest following a coho salmon closure, the department shall manage the king salmon harvest as follows:

(A) if approximately 70 percent or more of the remaining troll king salmon harvest was taken during the initial opening under (1)(A) of this subsection, the commissioner shall close, by emergency order, the waters of frequent high king salmon abundance described in 5 AAC 29.025 for the remainder of the summer salmon troll season in order to slow down the harvest rate; however, if after 10 days, the department determines that the annual troll king salmon harvest ceiling might not be reached by September 20 with those waters closed, the commissioner shall reopen, by emergency order, the waters of frequent high king salmon abundance;

(B) the department shall reopen the summer king salmon troll fishery in the waters of frequent high king salmon abundance described in 5 AAC 29.025 if the department determines that less than 30 percent of the king salmon harvest goal for the initial opening under (1)(A) of this subsection was taken in that opening;

(C) in addition to (A) and (B) of this paragraph, if the department determines that the annual troll king salmon harvest ceiling will not be harvested by September 20, the department may continue the summer king salmon troll fishery only in waters with no

coho salmon conservation concerns, until the annual troll king salmon harvest ceiling is achieved or until September 30, whichever occurs first;

(3) following the closure of the summer salmon troll fishery to the taking of king salmon, the salmon troll fishery will remain open to the taking of other salmon species; however, the department may close the waters of frequent high king salmon abundance described in 5 AAC 29.025 to the taking of other salmon species in order to further minimize the incidental hook and release of king salmon.

(d) In Sections 1-C, 1-E, and 1-F, salmon may be taken only as follows:

(1) Section 1-C: from August 15 through September 20;

(2) Section 1-E:

(A) in the waters of Section 1-E, bounded by a line from Escape Point to Nose Point within one mile of the shoreline, from July 1 through September 20;

(B) all other waters of Section 1-E, from July 13 through September 20;

(3) Section 1-F: east of a line from the northernmost tip of Kirk Point to Mary Island Light to the southernmost tip of Cone Island, from July 13 through September 20;

(4) Section 1-F: east of a line from the southernmost tip of Black Island to the westernmost tip of Slate Island to the westernmost tip of White Reef to the easternmost tip of Black Rock to the northernmost tip of Kirk Point, including the waters of Boca de Quadra not closed under 5 AAC 29.150(b)(2), from August 1 through September 20.

(e) In District 8: the weekly fishing periods for trolling are the same as for drift gillnetting.

(f) In District 11: salmon may be taken only in Sections 11-C and 11-D.

(g) In District 15: salmon may be taken only in Sections 15-A and 15-C.

(h) Repealed 7/26/2003.

(i) In the Yakataga and Yakutat Districts,

(1) repealed 5/31/2009;

(2) from August 7 through September 20, salmon may not be taken in waters bounded on the west by the three-nautical mile-limit of the territorial sea and on the north by a line extending seaward from 59° 29.70' N. lat., 139° 44.00' W. long. and intersecting the three-nautical-mile limit at 59° 27.77' N. lat., 139° 49.28' W. long. and on the south by a line extending

seaward from 59° 20.30' N. lat., 139° 16.50' W. long. and intersecting the three-nautical-mile limit at 59° 18.25' N. lat., 139° 21.94' W. long.

(j) Following closure of the summer salmon troll fishery to the taking of king salmon, a person may not have king salmon on board a salmon troll vessel from which the person is fishing for other salmon species.

(k) A CFEC permit holder that participates in the summer salmon troll fishery must offload all fish from the CFEC permit holder's vessel before participating in the winter salmon troll fishery. (Eff. 10/1/98, Register 147; am 7/26/2003, Register 167; am 5/26/2006, Register 178; am 5/31/2009, Register 190)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 29.110. Management of coho salmon troll fishery. (a) Coho salmon may be taken from June 15 through September 20. However, the commissioner, in years of high coho salmon abundance, may extend, by emergency order, the coho salmon fishery in any portions of Districts 1 - 16 for up to 10 days after September 20.

(b) The commissioner may close, by emergency order, the coho salmon troll fishery in the Southeastern Alaska-Yakutat Area for conservation of coho salmon stocks as follows:

(1) for up to seven days beginning on or after July 25 if the total projected commercial harvest of wild coho salmon is less than 1.1 million; or

(2) for up to 10 days, if the department makes an assessment and determines that

(A) the number of coho salmon reaching inside waters might be inadequate to provide for spawning requirements under normal or restricted inside fisheries for coho salmon and other species; the primary abundance indicators for the assessment consist of relative harvest levels by all fisheries and, in particular, catch per unit of effort in inside drift gillnet and sport fisheries as compared to average 1971 - 1980 levels and escapement projections for streams where escapement goals have been established; or

(B) the proportional share of coho salmon harvest by the salmon troll fishery is larger than that of inside gillnet and sport fishing fisheries compared to average 1971 - 1980 levels; primary inside fisheries indicators for the assessment are overall coho salmon harvests and catch per unit of effort in the District 1, 6, 11, and 15 drift gillnet fisheries and by anglers sport fishing from boats in the salt water sport fishery that return to any port connected to the Juneau road system.

(c) Following any closure made under (b) of this section, the commissioner shall reopen, by emergency order, waters for salmon troll fishing as specified in this chapter.

(d) If the department determines that the strength of the coho salmon run in the inshore and terminal salmon fishing waters is less than required to provide a spawning escapement that will maintain the runs on a sustained-yield basis, the department may make additional closures of the salmon troll fishing seasons, periods, and areas. (Eff. 10/1/98, Register 147; am 6/14/2000, Register 154; am 7/26/2003, Register 167)

Authority: AS 16.05.060 AS 16.05.251

Chapter 30. Yakutat Salmon Fishery.

5 AAC 30.365. Situk-Ahrnklin Inlet and Lost River King Salmon Fisheries Management Plan. (a) The purpose of the management plan in this section is to provide for the biological escapement goal requirements of spawning king salmon to the Situk-Ahrnklin River systems. This management plan provides guidelines to the department in an effort to preclude allocation conflicts between the various user groups of the king salmon resource. Action points and associated ranges within the plan are intended to be based on the current king salmon escapement goal ranges for the Situk River system.

(b) The biological escapement goal for the Situk River king salmon is 730 three ocean age and older fish, with a range of 450 - 1,050 fish.

(c) The department shall manage the commercial, sport, and subsistence fisheries as follows:

(1) if the projected inriver run of king salmon to the Situk River weir is less than 350 three ocean age and older fish, the commissioner shall close, by emergency order, the king salmon

(A) sport fishery in the Situk River;

(B) subsistence, personal use, and commercial set gillnet fisheries in the Situk-Ahrnklin Inlet and Lost River; and

(C) commercial troll fishery in the waters of Alaska bounded on the west by the seaward limit of the three-nautical-mile territorial sea and on the north by a line extending seaward from 59° 29.70' N. lat., 139° 44.00' W. long. and intersecting the three-nautical-mile limit at 59° 27.77' N. lat., 139° 49.28' W. long. and on the south by a line extending seaward from 59° 20.30' N. lat., 139° 16.50' W. long. and intersecting the three-nautical-mile limit at 59° 18.25' N. lat., 139° 21.94' W. long.;

(2) if the projected inriver run of king salmon to the Situk River weir is 350 - 450 three ocean age or older fish the commissioner

(A) shall, by emergency order, close the sport fishery for king salmon in the Situk River; and

(B) may, by emergency order, implement one or more of the following management measures for conservation purposes:

(i) establish a "non-sale" king salmon season in the Situk-Ahrnklin Inlet and Lost River set gillnet fisheries;

(ii) close the commercial salmon troll fishery in the waters of Alaska bounded on the west by the three-nautical-mile limit and on the north by a line extending seaward from 59° 29.70' N. lat., 139° 44.00' W. long. and intersecting the three-nautical-mile limit at 59° 27.77' N. lat., 139° 49.28' W. long. and on the south by a line extending seaward from 59° 20.30' N. lat., 139° 16.50' W. long. and intersecting the three-nautical-mile limit at 59° 18.25' N. lat., 139° 21.94' W. long.;

(iii) restrict the weekly fishing periods in the Situk-Ahrnklin Inlet and Lost River set gillnet fisheries;

(3) if the projected inriver run of king salmon to the Situk weir is 451 - 730 three ocean age or older fish, the commissioner shall, by emergency order, implement one or more of the following management measures for conservation purposes:

(A) establish a "non-sale" king salmon season in the Situk-Ahrnklin Inlet and Lost River set gillnet fisheries;

(B) close the commercial salmon troll fishery in the waters of Alaska bounded on the west by the three-nautical-mile limit and on the north by a line extending seaward from 59° 29.70' N. lat., 139° 44.00' W. long. and intersecting with the three-nautical-mile limit at 59° 27.77' N. lat., 139° 49.28' W. long. and on the south by a line extending seaward from 59° 20.30' N. lat., 139° 16.50' W. long. and intersecting the three-nautical-mile limit at 59° 18.25' N. lat., 139° 21.94' W. long.;

(C) restrict the weekly fishing periods in the Situk-Ahrnklin Inlet and Lost River set gillnet fisheries; and

(D) restrict the sport harvest of king salmon in the Situk River by implementing one or more of the following management measures:

(i) close portions of the Situk River to sport fishing for king salmon;

(ii) establish a catch and release sport fishery only for king salmon 28 inches or greater in length;

(4) if the projected inriver run of king salmon to the Situk River weir is greater than 730 three ocean age and older fish but less than 1,050 fish, the department shall,

(A) manage the commercial set gillnet fisheries in the Situk-Ahrnklin Inlet and Lost River based on the sockeye salmon run strength;

(B) manage the commercial salmon troll fishery as specified in 5 AAC 29.100 in the waters of Alaska bounded on the west by the three-nautical-mile limit and on the north by a line extending seaward from 59° 29.70' N. lat., 139° 44.00' W. long. and intersecting the three-nautical-mile limit at 59° 27.77' N. lat., 139° 49.28' W. long. and on the south by a line extending seaward from 59° 20.30' N. lat., 139° 16.50' W. long. and intersecting the three-nautical-mile limit at 59° 18.25' N. lat., 139° 21.94' W. long.;

(5) if the projected inriver run of king salmon to the Situk River weir is greater than 1,050 three ocean age and older fish, the department shall manage the commercial, sport, and subsistence fisheries as necessary to harvest large king salmon in excess of the biological escapement goal range; to achieve this goal the commissioner may, by emergency order, implement one or more of the following management measures:

(A) liberalize seasons, areas, and method and means in the Situk River under 5 AAC 75.003(2)(A);

(B) increase the bag and possession limits for king salmon 28 inches or greater in length, to three fish per day and six in possession, with no annual limit;

(C) allow for a king salmon troll fishery as specified in 5 AAC 29.090(i) ;

(D) manage the commercial set gillnet fisheries in the Situk-Ahrnklin Inlet and Lost River based on the sockeye salmon run strength;

(E) in the Situk-Ahrnklin Inlet and Lost River set gillnet fisheries, allow the use of one additional gillnet that is no more than 20 fathoms in length and no more than 45 meshes in depth, with a mesh size of no less than seven and one-half inches, for the directed taking of king salmon during periods when sockeye salmon may or may not be retained. (Eff. 4/30/91, Register 118; am 4/23/94, Register 130; am 6/14/2000, Register 154; am 7/26/2003, Register 167; am 5/26/2006, Register 178)

Authority: AS 16.05.060 AS 16.05.251

Chapter 33. SE Alaska Salmon Fishery.

5 AAC 33.363. Management guidelines for allocating Southeast Alaska pink, chum, and sockeye salmon between commercial net fisheries. (a) Present management of state-financed

hatchery and enhanced stocks represents the collective biological, social, and economic factors which have been applied over time and have resulted in current regulations.

(b) Similarly, present management of wild stocks represents the collective biological, social, and economic factors which have been applied over time and have resulted in current regulations.

(c) As a general matter, the harvest of fish stocks will be managed primarily for the benefit of the user groups within the district to which those stocks are bound. The board recognizes that biological, social, and economic factors and the current regulatory structure may result in the need to harvest such stocks outside the district for which they are bound.

(d) The board recognizes that stock fluctuations will result in differential harvests of stocks bound for other districts. The board will not consider such changes in harvests as a basis for regulatory changes not based purely on conservation concerns. If conservation concerns necessitate a change in management, these changes will be reversed when, if, and to the degree, that, there is no longer a conservation concern.

(e) In applying this policy to mixed stock cape and corridor fisheries, deviation from the current management should not be allowed except to access harvestable surpluses of significant stocks that will otherwise go unharvested. Harvest of these stocks must be conducted in a manner that minimizes the incidental take of other species and that does not jeopardize the conservation of any stock. The board recognizes that it may need to establish the allowable number or percentage of incidental catch in these highly mixed stock areas in order to ensure that the department is not forced into making allocation decisions.

(f) As a general proposition, private nonprofit hatchery stocks supported by fishermen assessments will be managed to

(1) maximize harvest in the common property fisheries consistent with wild stock conservation concerns and the facility's management plan; and

(2) give primary emphasis to the facility's plan for allocation within the common property fisheries within the special harvest area.

(g) Southeast Alaska salmon fisheries have been impacted by the U.S./Canada Pacific Salmon Treaty. The future extent of those impacts will continue to depend on fish availability and long term implementation of the treaty. Over time, the board will evaluate the impact of the treaty in light of the effects as they occur and may provide allocative relief consistent with this policy.

(h) Consistent with management guidelines for allocating pink, sockeye, and chum salmon between the commercial net fisheries, the following allocations between the purse seine and gillnet fleets have historically occurred for the period 1960 - 1988, based on the total catches of the Southeast Area net fisheries minus the Annette Island Reserve catches, and will be considered by the board in future allocation decisions:

- (1) pink salmon: 95 percent purse seine and five percent gillnet;
- (2) sockeye salmon: 51 percent purse seine and 49 percent gillnet;
- (3) chum salmon: 73 percent purse seine and 27 percent gillnet.

(i) It is the intent of the board that if conditions require that salmon management for the net fisheries in the Southeastern Alaska Area be significantly altered, the actions will not disrupt the allocation balance that has taken place over time and as described in the management guidelines in this section. and that the burden of conservation for the net fisheries not be significantly altered. (Eff. 6/25/89, Register 110; am 7/26/2003, Register 167)

Authority: AS 16.05.251

5 AAC 33.364. Southeastern Alaska Area Enhanced Salmon Allocation Management Plan.

(a) The purpose of the management plan contained in this section is to provide a fair and reasonable distribution of the harvest of salmon from enhancement projects among the seine, troll, and drift gillnet commercial fisheries, and to reduce conflicts among these users, in the Southeastern Alaska Area. The Board of Fisheries establishes the following value allocations:

- (1) seine - 44 percent - 49 percent;
- (2) hand and power troll - 27 percent - 32 percent;
- (3) drift gillnet - 24 percent - 29 percent.

(b) The department shall evaluate the annual harvest of salmon stocks from enhancement projects to determine whether the distribution of the value of enhanced salmon taken in the seine, troll, and drift gillnet fisheries in the Southeastern Alaska Area is consistent with the allocations established in (a) of this section. The evaluation of allocation percentages shall be based on five-year increments, beginning with 1985. The value of the enhanced salmon harvested each year shall be determined by the department based on data from the Commercial Fisheries Entry Commission.

(c) If the value of the harvest of enhanced salmon stocks by a gear group listed in (a) of this section is outside of its allocation percentage for three consecutive years, the board will, in its discretion, adjust fisheries within special harvest areas to bring the gear group within its allocation percentage.

(d) The department may not make inseason adjustments or changes in management in or out of the special harvest areas to achieve the allocation percentages established in (a) of this section. (Eff. 5/29/94, Register 130)

Authority: AS 16.05.251 AS 16.05.730 AS 16.10.440

5 AAC 33.370. District 1: Neets Bay Hatchery Salmon Management Plan. (a) The intent of the Board of Fisheries in adopting this management plan is to distribute the harvest of hatchery-produced fall chum and coho salmon in Neets Bay between the purse seine, troll, and drift gillnet fleets. In addition to that goal, the board and the public would like to have a fishery in Neets Bay that produces a quality product that will allow the Southern Southeast Regional Aquaculture Association (SSRAA) to meet its corporation escapement goal with the least number of fish and provide the highest possible price to the fishermen.

(b) The department, in consultation with SSRAA, shall manage Neets Bay east of the longitude of the easternmost tip of Bug Island to the closed waters area at the head of the bay to distribute the harvest of Neets Bay hatchery produced salmon between the purse seine, troll, and drift gillnet fleets by setting the fishing times for those fleets as follows:

(1) salmon may be taken by troll gear only during periods established by emergency order;

(2) salmon may be taken by purse seines and drift gillnets only during periods established by emergency order as follows:

(A) openings for seines and gillnets must be rotated between net gear groups with a closure of at least 24 hours between openings; the first opening must be for gillnets;

(B) a gillnet opening must be no less than 24 hours in duration and a seine opening must be no less than 12 hours in duration, except that after June 20 the time ratio for gillnet openings to seine openings is one to one;

(3) repealed 6/25/89;

(4) repealed 6/25/89;

(5) from the second Sunday in June through August 1, the area described in (b) of this section shall be expanded to Neets Bay east of the longitude of Chin Point to the closed waters area at the head of the bay.

(c) A drift gillnet operated in the harvest area may not exceed 200 fathoms in length.

(d) Personal use and sport fishing will be allowed in the harvest area whenever SSRAA is not harvesting salmon for its corporation escapement goal and so long as the personal use and sport fishery do not jeopardize the attainment of that goal.

(e) Gear for the personal use fishery is drift gillnets with a maximum length of 50 fathoms. The annual bag and possession limit is 25 salmon.

(f) Waters of Neets Bay east of a line between ADF&G regulatory markers located approximately one mile from the head of the bay are closed to commercial, sport, and personal

use salmon fishing from June 15 through November 15. (Eff. 5/31/85, Register 94; am 4/18/86, Register 98; am 6/25/89, Register 110; am 6/28/97, Register 142; am 7/26/2003, Register 167; am 5/26/2006, Register 178; am 5/31/2009, Register 190)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.372. District 1: Nakat Inlet Terminal Harvest Area Salmon Management Plan.

(a) This management plan provides for the terminal area common property harvest of hatchery-produced coho and chum salmon in the Nakat Inlet Terminal Harvest Area and distributes the harvest between the troll and drift gillnet fleets.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the waters of Nakat Inlet north of Surprise Point at 54° 49.10' N. lat. and west of 130° 42.75' W. long. from June 1 through November 10 to distribute the harvest of hatchery-produced coho and chum salmon. Fishing will be open continuously to troll gear and drift gillnet gear from June 1 through November 10, unless closed earlier by emergency order.

(c) All waters within 500 yards of the terminus of Nakat Lake Creek (101-11-39) are closed to the taking of salmon.

(d) A drift gillnet operated in the terminal harvest area may not exceed 200 fathoms in length.

(e) Salmon may be taken in the terminal harvest area under sport and personal use fishing regulations at any time. A personal use permit issued under 5 AAC 77.682 must include the following conditions:

(1) salmon may be taken for personal use only by drift gillnets;

(2) a drift gillnet operated for personal use may not exceed 50 fathoms in length;

and

(3) the annual bag and possession limit for personal use is 25 salmon.

(f) Repealed 5/31/2009.

(g) Repealed 5/31/2009. (Eff. 6/25/89, Register 110; am 6/28/97, Register 142; am 7/26/2003, Register 167; am 5/26/2006, Register 178; am 5/31/2009, Register 190)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.374. District 12: Hidden Falls Hatchery Terminal Harvest Area Salmon

Management Plan. (a) The Hidden Falls Terminal Harvest Area for chum, king, and coho salmon consists of the waters of District 12 within two nautical miles of the Baranof Island shoreline south of the latitude of South Point and north of 57° 06.83' N. lat., excluding the waters of Kelp Bay.

(b) Purse seine and troll openings will be managed by emergency order to harvest king and chum salmon returning to the Hidden Falls Hatchery in excess of broodstock and cost recovery needs.

(c) From April 15 through June 30, chum and king salmon may be taken by troll and purse seine gear as follows:

(1) purse seine openings will be limited to a maximum of two fishing days per week in the terminal harvest area in order to harvest surplus chum salmon;

(2) if weekly seine openings or mid-week openings scheduled under 5 AAC 33.366 do not occur, in order to achieve broodstock and cost recovery goals, the troll fishery for the harvest of chum salmon will be closed; if more than seven days remain before the July 1 general troll season opening, troll fisheries for king salmon may continue; however, chum salmon caught must be released immediately and may not be retained or sold;

(3) before June 30, the waters of Kasnyku Bay west of a line from North Point to the westernmost tip of Round Island and north of the latitude of the westernmost tip of Round Island may be closed to purse seine fishing in order to provide troll gear access to king salmon.

(d) Beginning July 1, king and chum salmon may be harvested by troll and purse seine gear as follows:

(1) during troll and purse seine fishery openings, areas within the terminal harvest area may be closed to protect chum and king salmon broodstock or to provide for cost recovery;

(2) to limit the troll gear harvest of chum salmon in the terminal harvest area, the number of chum salmon on board a troll vessel or recorded on a fish ticket may not exceed the number of king salmon on board the troll vessel or recorded on a fish ticket.

(e) The Hidden Falls Terminal Harvest Area troll gear coho salmon fishery will be managed by emergency order to harvest coho salmon surplus after broodstock and cost recovery needs are met. (Eff. 6/25/89, Register 110; am 4/23/94, Register 130; am 6/28/97, Register 142; am 3/11/2001, Register 157; am 7/26/2003, Register 167; am 5/26/2006, Register 178)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.375. District 13: Silver Bay (Medvejie Creek Hatchery) Salmon Management Plan. The commissioner shall open and close, by emergency order, salmon fishing seasons and periods in waters of Silver Bay east of a line from Entry Point Light at 57° 01.58' N. lat., 135° 14.58' W. long., to Silver Point at 57° 00.82' N. lat., 135° 18.10' W. long., to ensure chum salmon broodstock escapement to the Medvejie Creek Hatchery and to allow for the common property fisheries to harvest excess salmon, including king salmon by troll gear before July 31. (Eff. 5/31/85, Register 94; am 4/23/94, Register 130; am 6/28/97, Register 142; am 6/14/2000, Register 154; am 3/11/2001, Register 157; am 7/26/2003, Register 167)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.376. District 13: Deep Inlet Terminal Harvest Area Salmon Management Plan.

(a) The intent of this management plan is to distribute the harvest of hatchery-produced salmon in the area described in (b) of this section between the purse seine, drift gillnet, and troll fleets.

(b) The department, in consultation with the Northern Southeast Regional Aquaculture Association (NSRAA), shall open and close, by emergency order, fishing seasons and periods to manage the waters of Deep Inlet, Aleutkina Bay, and contiguous waters south of a line from a point west of Pirates Cove at 56° 59.35' N. lat., 135° 22.63' W. long., to the westernmost tip of Long Island, to the easternmost tip of Long Island, to the westernmost tip of Emgeten Island, to the westernmost tip of Error Island, to the westernmost tip of Berry Island, to the southernmost tip of Berry Island, to the westernmost tip of the southernmost island in the Kutchuma Island group, to the easternmost tip of the southernmost island in the Kutchuma Island group, to the westernmost tip of an unnamed island at 57° 00.30' N. lat., 135° 17.67' W. long., to a point on the southern side of the unnamed island at 57° 00.08' N. lat., 135° 16.78' W. long., and then to a point on the Baranof Island shore at 56° 59.93' N. lat., 135° 16.53' W. long., as follows:

(1) salmon may be taken by seines and drift gillnets only during periods established by emergency order as follows:

(A) openings for seines and gillnets must be rotated between net gear groups; the department, in consultation with NSRAA, shall close fishing between openings;

(B) the time ratio for gillnet openings to seine openings is two to one, except that beginning with the first emergency order of the 2009 season through the last emergency order of the 2011 season, the time ratio for gillnet openings to seine openings is one to one after the third Sunday in June;

(2) salmon may be taken by troll gear when the waters described in this subsection are closed to commercial net gear;

(3) the commissioner shall close the seasons in the waters described in this subsection to trolling during hatchery cost recovery periods;

(4) before July 1, in order to protect local sockeye salmon stocks, the commissioner may, by emergency order, close the fishing season and immediately reopen the fishing season during which the minimum mesh size of a gillnet in the drift gillnet fishery is six inches.

(c) A drift gillnet operated in the terminal harvest area may not exceed 200 fathoms in length.

(d) The waters described in (b) of this section, west of 135° 21.52' W. long., will be closed to purse seine and drift gillnet gear from May 1 through May 21. (Eff. 4/30/91, Register 118; am 4/23/94, Register 130; am 6/28/97, Register 142; am 6/14/2000, Register 154; am 3/11/2001, Register 157; am 5/26/2006, Register 178; am 5/31/2009, Register 190)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.377. District 2: Kendrick Bay Terminal Harvest Area Salmon Management Plan.

(a) The management plan in this section allows for a harvest of hatchery-produced chum salmon in the Kendrick Bay Terminal Harvest Area by the purse seine fleet.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage Kendrick Bay west of 131° 59' W. long. from June 15 through September 30 to provide for the harvest of hatchery-produced chum salmon by purse seine gear, unless closed earlier by emergency order.

(c) The department, by emergency order, shall close the area described in (b) of this section to personal use and sport fishing if those fisheries are jeopardizing the attainment of the hatchery's chum salmon escapement goal.

(d) The department shall include the following conditions in a personal use salmon fishing permit issued under 5 AAC 77.682 for the area described in (b) of this section:

(1) salmon may be taken for personal use only by drift gillnets:

(2) a drift gillnet operated for personal use may not exceed 50 fathoms in length;

and

(3) the annual bag and possession limit for personal use is 25 salmon. (Eff. 4/23/94, Register 130; am 6/28/97, Register 142; am 3/11/2001, Register 157; am 5/31/2009, Register 190)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 33.383. District 7: Anita Bay Terminal Harvest Area Salmon Management Plan. (a) The Anita Bay Terminal Harvest Area consists of the waters of Anita Bay south and west of a line from the tip of Anita Point to 56° 14.26' N. lat., 132° 23.92' W. long.

(b) The commissioner shall open and close, by emergency order, fishing seasons and periods to manage the common property fisheries to harvest excess salmon returning to the Anita Bay Terminal Harvest Area. The Terminal Harvest Area will be closed to the harvest of salmon as follows:

(1) from June 15 through June 25, the waters of the Anita Bay Terminal Harvest Area that are west of 132° 26.22' W. long. will be closed to the harvest of salmon;

(2) from June 26 through July 1, the waters of the Anita Bay Terminal Harvest Area that are west of 132° 26.98' W. long. will be closed to the harvest of salmon;

(3) from July 2 through July 10, the waters of the Anita Bay Terminal Harvest Area that are west of 132° 28.00' W. long. will be closed to the harvest of salmon.

(c) This management plan distributes the harvest of hatchery-produced king, coho, and chum salmon among the purse seine, troll, and gillnet fisheries when there are excess fish not being harvested by the hatchery operator.

(d) The department shall manage the Anita Bay Terminal Harvest Area from June 1 through November 10 to distribute the harvest of excess hatchery-produced king, coho, and chum salmon as follows:

(1) salmon may be taken by troll gear at any time;

(2) salmon may be taken by seines and drift gillnets only during periods established by emergency order;

(3) in establishing emergency order season openings for the seine and drift gillnet fisheries, the department shall rotate openings between these gear groups and shall provide for a time ratio for gillnet openings to seine openings of two to one; however, if approximately equal numbers of salmon are not being harvested by the two gear groups, the ratio and timing of openings may be altered, and beginning with the first emergency order of the 2009 season through the last emergency order of the 2011 season, the time ratio for gillnet openings to seine openings is one to one.

(e) A drift gillnet operated in the terminal harvest area may not exceed 200 fathoms in length.

(f) Salmon may be taken in the terminal harvest area under sport and personal use fishing regulations at any time. A personal use permit issued under 5 AAC 77.682 for the Anita Bay Terminal Harvest Area shall include the following conditions:

- (1) salmon may be taken for personal use only by drift gillnet;
- (2) a drift gillnet operated for personal use may not exceed 50 fathoms in length;
- (3) the annual bag and possession limit for personal use is 25 salmon. (Eff. 6/28/97, Register 142; am 7/26/2003, Register 167; am 5/26/2006, Register 178; am 5/31/2009, Register 190)

Authority: AS 16.05.060 AS 16.05.251

Chapter 40. SE Alaska Salmon Hatchery Management Plans.

5 AAC 40.032. District 11: Douglas Island Pink and Chum (DIPAC) Special Harvest Area.

(a) The following special harvest areas are established for Douglas Island Pink and Chum (DIPAC):

(1) Gastineau Channel Special Harvest Area: the waters east of 134° 29.25' W. long. (near Salmon Creek) and west of 134° 17.38' W. long. (approximately one mile north of Dupont Dock);

(2) Amalga Harbor Special Harvest Area: the waters enclosed by a line from the Shrine of St. Terese to the southernmost tip of Bird Island to the northernmost tip of Gull Island to a point on the eastern mainland shore at 58° 30.80' N. lat.;

(3) Boat Harbor Special Harvest Area: the waters within one mile of the western shoreline of Lynn Canal south of 58° 40' N. lat. to a point 2.4 miles north of Point Whidbey at 58° 37.05' N. lat., including the waters inside Boat Harbor;

(4) Speel Arm Special Harvest Area: the waters of Speel Arm north of 58° 03.42' N. lat.

(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 33.310. 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 33.330, legal gear types for the hatchery permit holder in a special harvest area are purse seine, hand purse seine, beach seine, fyke net, drift gillnet, set gillnet, and dip net, and troll gear. (In effect 1984; am 9/22/84, Register 91; am 4/23/94, Register 130; am 6/28/97, Register 142; am 10/1/98, Register 147; am 6/14/2000, Register 154; am 3/11/2001, Register 157)

Authority: AS 16.05.060 AS 16.05.251 AS 16.10.440

5 AAC 40.041. Herring Bay Special Harvest Area - Ketchikan. (a) There is established a Herring Bay Special Harvest Area for the Southern Southeast Regional Aquaculture Association Whitman Lake Hatchery, consisting of the waters of Herring Creek and Cove bound by the hatchery water outlet and a line from a point of land on George Inlet at the east side of Lot 39, USS 3397, bearing 18° 12' to a point of land on the southern edge of Lot 91, USS 2403.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. Fishing periods for the hatchery permit holder will be opened and closed by emergency order by gear type.

(c) Notwithstanding 5 AAC 33.330, legal gear for the hatchery permit holder in the special harvest area is beach seine, purse seine, and dip net. Gillnets may be used by the hatchery operator in the special harvest area for taking king and coho salmon broodstock.

(d) That portion of the special harvest area between the hatchery outlet and the terminus of Herring Creek may be closed to sport fishing. The remainder of the special harvest area may not be closed to sport fishing unless hatchery broodstock needs are jeopardized. (Eff. 6/28/81, Register 78; am 5/31/85, Register 94; am 2/16/2006, Register 177)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 40.042. Northern Southeast Regional Aquaculture Association Special Harvest Areas. (a) The following special harvest areas are established for the Northern Southeast Regional Aquaculture Association:

(1) repealed 4/23/94;

(2) repealed 5/31/2009;

(3) Patterson Bay, for coho salmon: all waters of Patterson Bay north of 56° 34' N. lat.; fishing periods for the hatchery permit holder will be opened and closed by emergency order;

(4) Bear Cove, for king and coho salmon: the waters of Bear Cove and Silver Bay east of a line from 57° 00.63' N. lat., 135° 09.80' W. long., to 57° 00.75' N. lat., 135° 10.58' W. long., to 57° 01.07' N. lat., 135° 09.93' W. long. will be open for the hatchery permit holder from 12:01 a.m. May 10 until 11:59 p.m. October 31;

(5) Hidden Falls,

(A) for chum and king salmon: the waters of District 12 within two nautical miles of the Baranof Island shoreline south of the latitude of South Point and north of 57° 06.83' N. lat., excluding the waters of Kelp Bay, will be open for harvest by the hatchery permit holder from 12:01 a.m. June 1 until 11:59 p.m. August 15;

(B) for coho salmon: Kasnyku Bay west of a line from 57° 13.33' N. lat., 134° 50.93' W. long. to the northernmost tip of an unnamed island of Kasnyku Bay located at 57° 12.93' N. lat., 134° 51.40' W. long. and then due south to the southern shore of Kasnyku Bay will be open for harvest by the hatchery permit holder from 12:01 a.m. August 1 until 11:59 p.m. October 31;

(6) Silver Bay, for chum salmon:

(A) will be open for harvest by the hatchery permit holder from 12:01 a.m. July 1 until 12:01 a.m. July 22 and from 12:01 a.m. the day before the coho salmon fishery is reopened in August, or August 20 if the coho salmon fishery is not closed earlier in August, until September 15; the Silver Bay Special Harvest Area for chum salmon is the waters of Eastern Channel and Silver Bay enclosed by a line from Entry Point Light, to the southernmost tip of Harris Island, to the southernmost tip of Galankin Island, to Simpson Rock Light, to the southernmost tip of Makhnati Island, to Sentinel Rock, to the westernmost tip of Cape Burunof, to a point west of Pirates Cove at 135° 59.35' N. lat., to the westernmost tip of Long Island, to the westernmost tip of Emgeten Island, to the westernmost tip of Error Island, to the northernmost tip of Luce Island, and to the westernmost tip of Silver Point, and in Silver Bay north of 57° N. lat.;

(B) from 12:01 a.m. July 22 to 12:01 a.m. the day before the end of the August coho salmon fishery closure specified in (A) of this paragraph, or August 20 if there is no earlier coho salmon fishery closure in August, the Silver Bay Special Harvest Area for chum salmon is the waters of Eastern Channel and Silver Bay south of a line from Entry Point Light to the southernmost tip of Harris Island, to the southernmost tip of Galankin Island, and east of a line from Galankin Island to the northernmost point of Silver Point, and the waters of Sitka Sound enclosed by a line from the southernmost tip of Galankin Island, to Simpson Rock Light, to the Makhnati Island buoy, to Black Rock, to the southernmost tip of Neva Island to the northernmost tip of Sasendi Island, from the southernmost tip of Volga Island, to the northernmost tip of Galankin Island, and in Silver Bay north of 57° N. lat.;

(7) Deep Inlet for king, chum, and coho salmon: the waters of Deep Inlet, Aleutkina Bay, and contiguous waters south of a line from a point on the westernmost end of Cape Burunoff at 56° 59.04' N. lat., 135° 23.23' W. long., to a point west of Cape Burunoff at 56° 59.11' N. lat., 135° 23.59' W. long., to a point one-half mile west of the westernmost tip of Long Island at 57° 00.17' N. lat., 135° 22.69' W. long., to the westernmost tip of Long Island, to the easternmost tip of Long Island, to the westernmost tip of Emgeten Island, to the westernmost tip of Error Island, to the westernmost tip of Berry Island, to the southernmost tip of Berry Island, to the westernmost tip of the southernmost island in the Kutchuma Island group, to the easternmost tip of the southernmost island in the Kutchuma Island group, to the westernmost tip of an unnamed island at 57° 00.30' N. lat., 135° 17.67' W. long., to a point on the southern side of the unnamed island at 57° 00.08' N. lat., 135° 16.78' W. long., and then to a point on the Baranof Island shore at 56° 59.93' N. lat., 135° 16.53' W. long. will be open for harvest by the hatchery permit holder from 12:01 a.m. June 15 until 11:59 p.m. September 15, except Sandy Cove is closed south of 56° 59.05' N. lat.;

(8) Mist Cove, for coho salmon: the waters of Mist Cove west of a line from 56° 31.70' N. lat., 134° 39.87' W. long. to 56° 31.27' N. lat., 134° 39.75' W. long. will be open for harvest by the hatchery permit holder from 12:01 a.m. August 1 until 11:59 p.m. October 31;

(9) Repealed 5/31/2009.

(b) A hatchery permit holder harvesting salmon within a special harvest area is exempt from the provisions of 5 AAC 33.310.

(c) Notwithstanding 5 AAC 33.330, legal gear for the hatchery permit holder in a special harvest area are as follows:

(1) repealed 6/28/97;

(2) repealed 5/31/2009;

(3) Mist Cove and Patterson Bay: purse seine, beach seine, drift gillnet, set gillnet, hook and line, and dip net;

(4) Bear Cove: purse seine, hand purse seine, beach seine, and dip net, drift gillnet with six inch or larger mesh, and troll gear;

(5) Hidden Falls: beach seine, purse seine, hand purse seine, drift gillnet, and troll gear;

(6) Silver Bay and Deep Inlet: purse seine, hand purse seine, beach seine, dip net, and troll gear;

(7) repealed 5/31/2009;

(8) repealed 5/31/2009;

(9) Shamrock Bay: beach seine, purse seine, hand purse seine, drift gillnet, and troll gear. (Eff. 4/14/82, Register 82; am 9/22/84, Register 91; am 4/23/94, Register 130; am 6/28/97, Register 142; am 6/14/2000, Register 154; am 3/11/2001, Register 157; am 2/16/2006, Register 177; am 5/26/2006, Register 178; am 5/31/2009, Register 190)

Authority: AS 16.05.060 AS 16.05.251 AS 16.10.440

5 AAC 40.043. Neets Bay Special Harvest Area - Behm Canal. (a) There is established a Neets Bay Special Harvest Area for the Southern Southeast Regional Aquaculture Association harvest of coho and chum returns to the Neets Bay release site, consisting of all waters of Neets Bay east of the longitude of the easternmost tip of Bug Island.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. Fishing periods for the hatchery permit holder will be opened and closed by emergency order by gear type.

(c) Notwithstanding 5 AAC 33.330, legal gear for the hatchery permit holder in the special harvest area is purse seine, beach seine, gillnet, and troll gear. The hatchery permit holder may use floating weirs in waters of the special harvest area east of 131° 33' W. long. (Eff. 6/28/81, Register 78; am 5/31/85, Register 94)

Authority: AS 16.05.060 AS 16.05.251

5 AAC 40.051. District 3: Klawock Inlet and River Special Harvest Area. (a) The Klawock Inlet and River Special Harvest Area consists of the waters of Klawock Inlet and Harbor south of the latitude of Cemetery Point and north of 55° 32' N. lat., and any of the hatchery raceways and holding ponds contiguous with the hatchery access ladder from Klawock River for broodstock and cost recovery of sockeye and coho salmon and steelhead.

(b) A hatchery permit holder harvesting salmon within the special harvest area is exempt from the provisions of 5 AAC 33.310. The commissioner shall open and close, by emergency order, fishing periods for cost recovery for the hatchery permit holder.

(c) Notwithstanding 5 AAC 33.330, legal gear types for the hatchery permit holder in the special harvest area are purse seine, beach seine, dip net, gillnet, and troll gear. (Eff. 6/28/97, Register 142)

Authority: AS 16.05.060 AS 16.05.251 AS 16.10.440

5 AAC 47.055. Southeast Alaska King Salmon Management Plan. (a) The commissioner shall establish, by emergency order, the king salmon sport fish bag and possession limits and all other necessary management measures based on the preseason king salmon abundance index determined by the Chinook Technical Committee of the Pacific Salmon Commission. The bag and possession limits and other management measures established by the commissioner will remain in effect until December 31. For the following year, until that year's preseason abundance index becomes available, the bag and possession limits and other management measures will be based on the prior year's preseason abundance index. If the new preseason king salmon abundance index is not available by May 1, the bag and possession limits and other management measures for the remainder of the year will be based on the prior year's preseason abundance index, unless superseded by emergency order.

(b) The objectives of the management plan under this section are to

(1) manage the sport fishery to attain an average harvest of 20 percent of the annual harvest ceiling specified by the Pacific Salmon Commission, after the subtraction of the commercial net allocation specified in 5 AAC 29.060 from the harvest ceiling;

(2) allow uninterrupted sport fishing in salt waters for king salmon, while not exceeding the sport fishery harvest ceiling;

(3) minimize regulatory restrictions on resident anglers; and

(4) provide stability to the sport fishery by eliminating inseason regulatory changes, except those necessary for conservation purposes.

(c) When the king salmon abundance index is greater than 2.0, the commissioner may, by emergency order, implement the following management measures:

(1) a sport fish angler may use two rods from October through March;

(2) a resident bag limit of three king salmon, 28 inches or greater in length;

(3) a nonresident bag limit of two king salmon in May and June and one king salmon for the remainder of the year; a nonresident annual limit of six king salmon, 28 inches or greater in length.

(d) When the king salmon abundance index is 1.76 to 2.0, the commissioner may, by emergency order, implement the following management measures:

(1) a sport fish angler may use two rods from October through March;

(2) a resident bag limit of three king salmon;

(3) a nonresident bag limit of two king salmon in May and one king salmon for the remainder of the year; a nonresident annual limit of five to six king salmon, 28 inches or greater in length, established by emergency order.

(e) When the king salmon abundance index is 1.51 to 1.75, the commissioner may, by emergency order, implement the following management measures:

(1) a sport fish angler may use two rods from October through March;

(2) a resident bag limit of three king salmon;

(3) a nonresident bag limit of two king salmon in May and one king salmon for the remainder of the year; a nonresident annual limit of four to five king salmon, 28 inches or greater in length, established by emergency order.

(f) When the king salmon abundance index is greater than 1.2 and less than or equal to 1.5, the commissioner shall, by emergency order, implement the following management measures:

- (1) a resident bag limit of two king salmon;
- (2) a nonresident bag limit of one king salmon;
- (3) a nonresident annual limit of three king salmon, 28 inches or greater in length;
- (4) from October 1 through March 31, a resident sport fish angler may use two rods when fishing for king salmon.

(g) When the king salmon abundance index is less than or equal to 1.2, the commissioner shall, by emergency order, implement the following management measures:

- (1) a bag limit of one king salmon;
- (2) from January 1 through June 30, a nonresident's harvest limit is three king salmon, 28 inches or greater in length;
- (3) from July 1 through July 15, a nonresident's harvest limit is two king salmon, 28 inches or greater in length, and any king salmon 28 inches or greater in length harvested by the nonresident from January 1 through June 30 will apply toward the two fish harvest limit;
- (4) from July 16 through December 31, a nonresident's harvest limit is one king salmon, 28 inches or greater in length, and any king salmon 28 inches or greater in length harvested by the nonresident from January 1 through July 15 will apply toward the one fish harvest limit;
- (5) from October 1 through March 31, a resident sport fish angler may use two rods when fishing for king salmon.

(h) In addition to the provisions of (g) of this section, when the king salmon abundance index is less than or equal to 1.1, the commissioner shall, by emergency order, implement the following management measures:

- (1) a resident bag and possession limit of one king salmon, 28 inches or greater in length;
- (2) from May 1 through June 30, a nonresident annual harvest limit is three king salmon, 28 inches or greater in length, and any king salmon 28 inches or greater in length harvested by a nonresident from January 1 through June 30 will apply towards the three fish annual limit;

(3) from July 1 through December 31, a nonresident annual harvest limit is one king salmon, 28 inches or greater in length, and any king salmon 28 inches or greater in length harvested by a nonresident from January 1 through June 30 will apply towards the one fish annual limit;

(4) from October 1 through March 31, a resident sport fish angler may use two rods when fishing for king salmon.

(i) In addition the provisions specified in (g) and (h) of this section, when the king salmon abundance index is less than 1.0, the commissioner may, by emergency order, specify fishing times during which the retention of king salmon less than 48 inches in length is prohibited by nonresident anglers. The commissioner may also independently, by emergency order, implement non-retention periods or other restrictions for resident anglers to obtain 20 percent of the harvest reduction from resident anglers and 80 percent from nonresident anglers. Fishing times of non-retention will be established on a regular basis between July 16 and July 31, as needed, and will be established on non-consecutive days when possible. If the entire period of July 16 through July 31 is established as a fishing time of non-retention and additional closures are necessary, additional fishing times of non-retention will be similarly established between July 1 and July 15.

(j) The commissioner may adopt regulations that establish reporting requirements necessary to obtain the information required to implement the management plan under this section.

(k) The commissioner may, by emergency order, establish that the nonresident harvest and annual limits for king salmon under this section do not apply in a hatchery terminal harvest area. (Eff. 4/15/94, Register 130; am 5/2/97, Register 142; am 5/25/2000, Register 154; am 6/1/2003, Register 166; em am 4/13/2005 - 8/10/2005, Register 174; em am 5/3/2005 - 8/30/2005, Register 174; am 5/26/2006, Register 178; am 5/1/2008, Register 186; am 5/31/2009, Register 190)

Authority: AS 16.05.060 AS 16.05.251 AS 16.05.270

5 AAC 47.065. Demersal shelf rockfish delegation of authority and provisions for management. Under 5 AAC 28.160, the Board of Fisheries has allocated 16 percent of the annual allowable catch of the demersal shelf rockfish in the Southeast Outside Subdistrict, described in 5 AAC 28.105(a) (4), to the sport fishery. If the commissioner determines that the demersal shelf rockfish sport fishing regulations must be modified to keep the sport fishery within its allocation, the commissioner may, by emergency order, require one or more of the following management measures:

(1) reduced bag and possession limits for nonresident anglers;

- (2) retention of all demersal shelf rockfish caught by a nonresident angler is required until the nonresident bag limit is reached;
- (3) charter operators and crewmembers may not retain demersal shelf rockfish while clients are on board the vessel;
- (4) annual limits for demersal shelf rockfish for nonresident anglers;
- (5) reduce the bag and possession limits for resident anglers;
- (6) retention of all demersal shelf rockfish caught by a resident angler is required until the resident angler's bag limit is reached;
- (7) annual limits for demersal shelf rockfish for resident anglers;
- (8) time and area closures. (Eff. 5/26/2006, Register 178)

Authority: AS 16.05.060 AS 16.05.251

Chapter 77. SE Finfish Personal Use Fishery.

5 AAC 77.672. Personal use herring fishery. In the personal use taking of herring and herring spawn

- (1) herring may be taken at any time;
- (2) herring and herring spawn may be taken by gear listed in 5 AAC 01.010;
- (3) there is no annual possession limit for herring or for herring spawn which is not on kelp;
- (4) herring spawn-on-kelp may only be taken under the authority of a personal use fishing permit; when issuing a personal use permit for the taking of spawn-on-kelp, the department may specify on the permit the times and locations for harvesting and the species of kelp which may be taken; the annual possession limit for herring spawn-on-kelp is 32 pounds for an individual or 158 pounds for a household of two or more persons; the department may, in its discretion, issue an additional permit for taking spawn-on-kelp above the annual possession limit if harvestable surpluses of herring spawn-on-kelp are available;
- (5) in the 72 hours before and 72 hours after an open commercial herring fishing period in the southeastern Alaska Area, a vessel that, or crew member or permit holder who participates in that commercial herring fishery opening may not take or possess herring under this chapter in any district in the southeastern Alaska Area;

(6) herring taken under personal use regulations may not be used as bait in a commercial fishery;

(7) herring may not be taken in Auke Bay, east of a line from the mouth of Waydelich Creek to a department marker located one-fourth mile south of the mouth of Auke Creek, from April 1 through May 31. (Eff. 6/25/89, Register 110; am 4/1/94, Register 129; am 4/23/94, Register 130)

Authority: AS 16.05.251

Ronn Buschmann
P. O. Box 1367
Petersburg, Alaska 99833
(907) 723-1642

Dear Members of the Board of Fish,

I am writing to request no action on Proposal #216, which proposes to change the bag limits for sport caught black cod.

I am a Chatham Black Cod longline permit holder and have watched the quota drop to one third what it was when I bought in to the fishery. The emerging "sport fishery" is chipping away at the remaining allowable catch and taking a larger proportion every year. It seems inherently unreasonable to establish a limited entry system and leave the door open for another gear group to take more fish every year.

I would also explain that I don't view the sports fishery, as many charter and lodge operators are conducting it, as a true sports fishery. These charter and lodge operators advertise that a person can "fill their freezer" during their stay. They use electronically controlled electric reels which are a variation on a commercial jigging machines. Push a button for down and push another button to bring the fish in. They are selling a commercial fishing experience rather than a sport fishing experience. I have been an avid fly fisherman for the last 45 years. I pinch the barbs and have practiced catch and release exclusively since 1972. That is sports fishing.

As in most other fisheries in Alaska, this has become a zero sum proposition. Increases for one user group result in decreases for another user group. Those of us who have invested in this fishery and are making it through this down cycle have difficulty understanding how another, competing user group should be granted increases.

It is fisheries like Chatham Black Cod that support many of us that live in rural Southeast Alaska. We are proud of the fact that we provide high quality fish for the dinner tables of the world. We support our local communities and schools. The Charter and Lodge owners seem to have a gold rush mentality; they are trying to grab as much of the resource as they can so that, when management is forced to curtail their expansion to protect the resource, they will be grandfathered in at a higher level. The easiest way to do this is by raising catch limits. The commercial fishermen want a sustainable fishery which will support their families and communities.

Sincerely,



Ronn Buschmann



RC 13

Subsistence harvest of herring spawn in Sitka Sound, 2011

Submitted by: Alaska Department of Fish and Game

February 22, 2012

Table 1.—Estimated harvest of herring spawn in Sitka Sound, 2002–2011.

Year	Estimated harvest, all substrates, pounds	Percentage of households attempting to harvest	Estimated number of households attempting to harvest	Percentage of households harvesting	Estimated number of households harvesting	Percentage of households giving away herring spawn
2002	151,717	n/a	n/a	71%	77	40%
2003	278,799	72%	117	71%	116	72%
2004	381,226	61%	120	60%	118	60%
2005	79,064	61%	111	52%	95	36%
2006	219,356	58%	93	55%	88	61%
2007	87,211	55%	92	48%	81	63%
2008	71,936	45%	59	41%	54	40%
2009	213,712	48%	91	48%	91	48%
2010	154,620	30%	40	30%	40	31%
2011	83,443	39%	57	35%	53	35%

Sources: Sitka Tribe of Alaska (STA) and ADF&G Division of Subsistence household surveys, 2002–2011.

Note: Data pertain only to those households identified as likely participants in the subsistence herring spawn fishery.

n/a = data were not collected during the study year.

Table 2.—Sample achievement for Sitka Sound subsistence herring spawn surveys, 2002–2011.

Year	Sample Size	Number of households surveyed	Interview success rate
2002	108	86	80%
2003	163	118	72%
2004	197	144	73%
2005	182	159	87%
2006	160	127	79%
2007	168	126	75%
2008	131	128	98%
2009	190	150	79%
2010	132	132	100%
2011	149	97	65%

Sources: Community Subsistence Harvest Information System 2011; Brock and Turek 2007

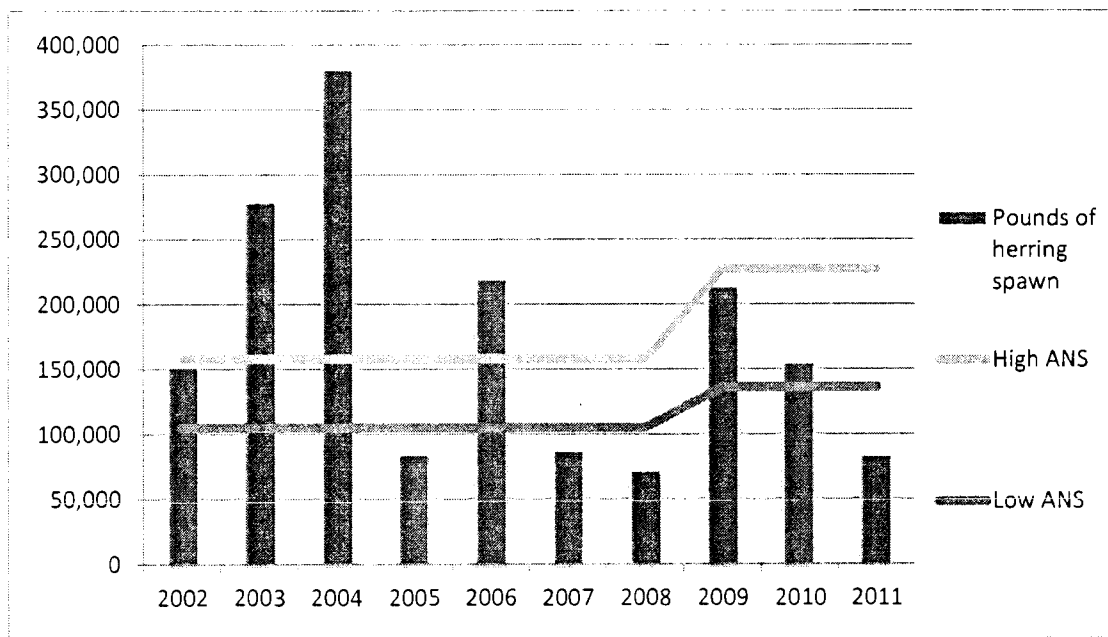


Figure 1.—Total pounds useable weight and amount necessary for subsistence (ANS) of herring spawn on all substrates in Sitka Sound, 2002–2011.

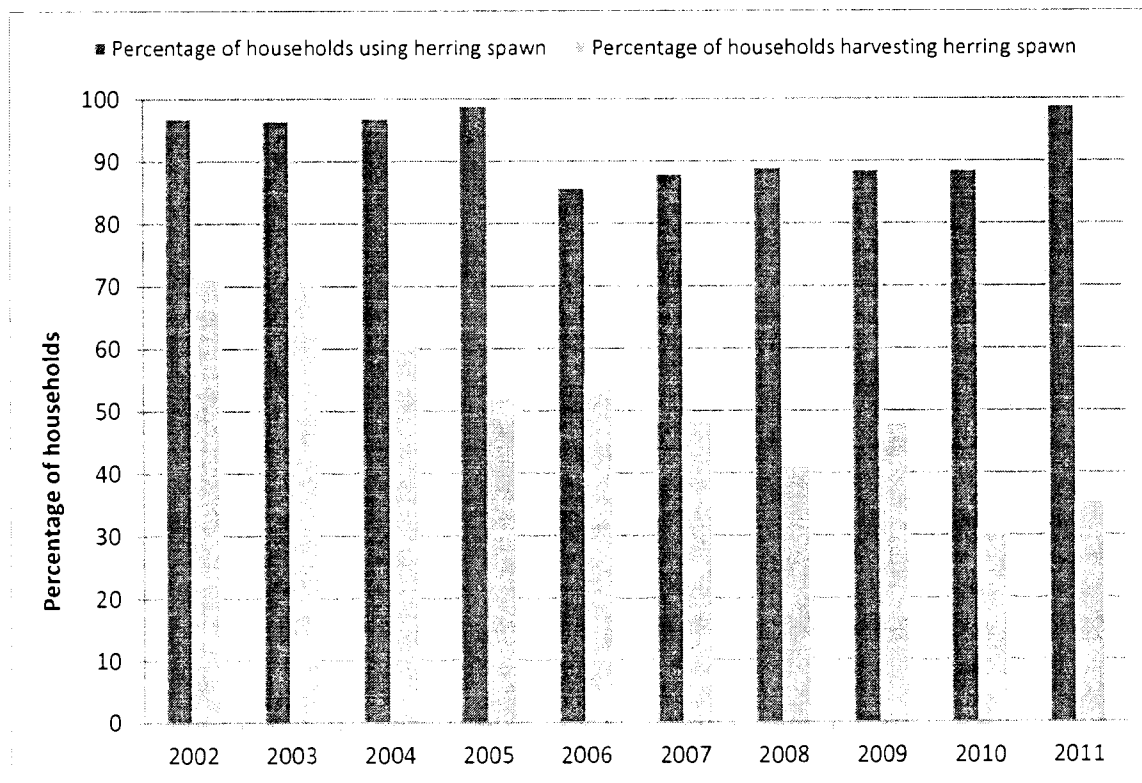


Figure 2.—Percentage of households harvesting and using herring spawn from Sitka Sound, 2002–2011.

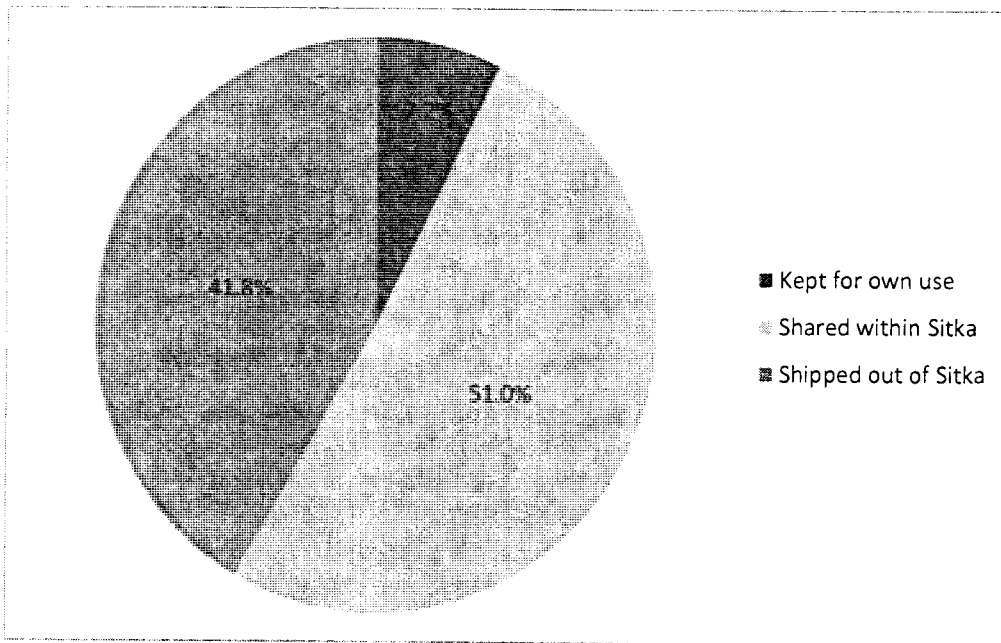


Figure 3.—Percentage of harvested herring spawn that was shared, 2011.

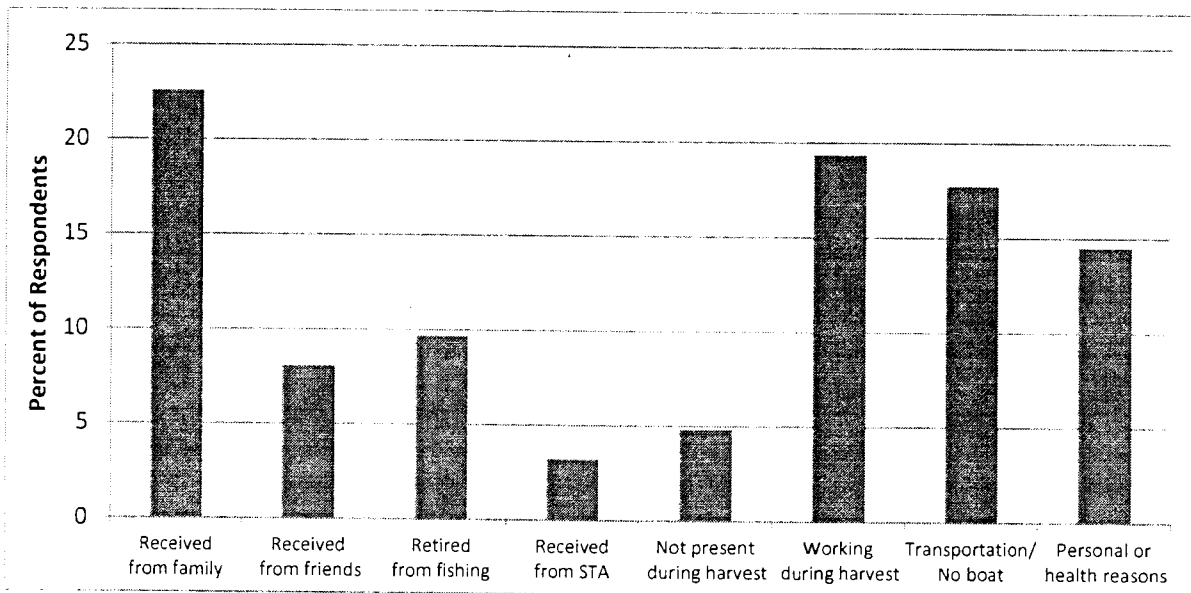


Figure 4.—Reported reasons households did not harvest herring spawn in 2011.

DIVISION OF SUBSISTENCE - ALASKA DEPARTMENT OF FISH AND GAME

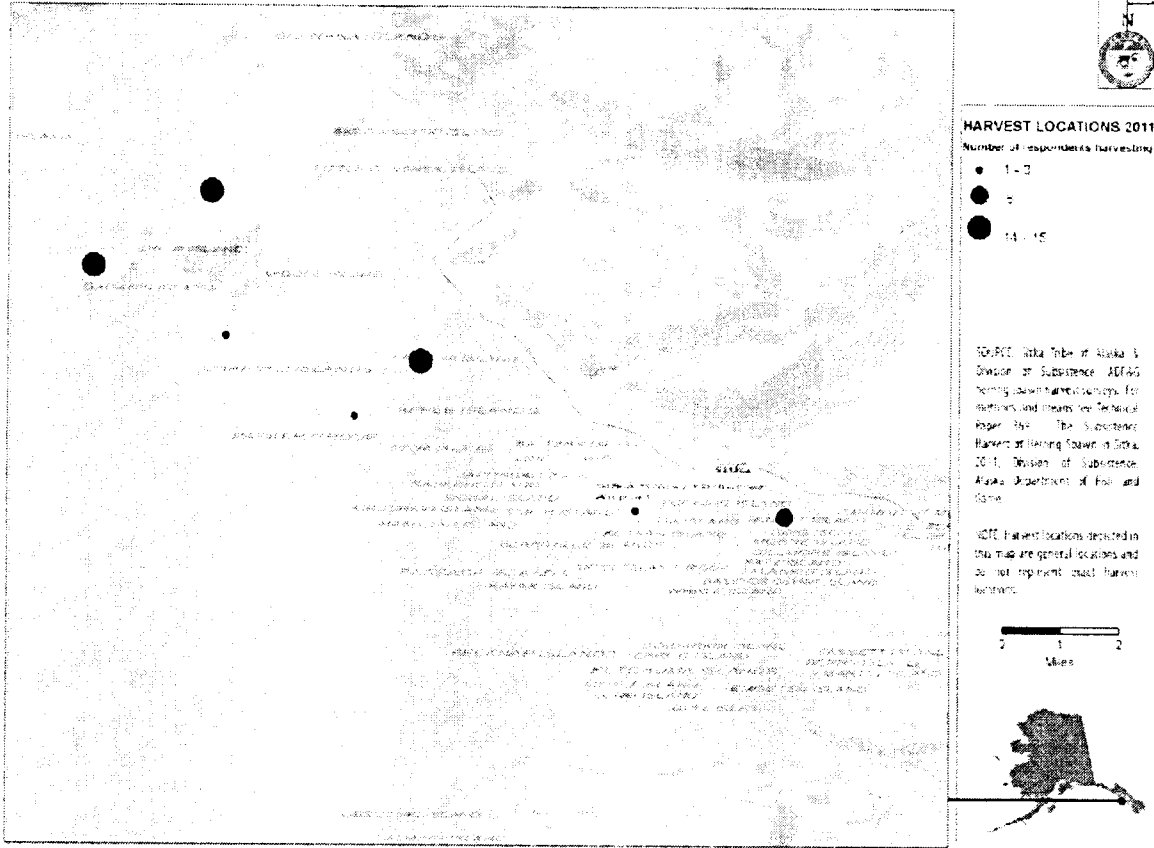
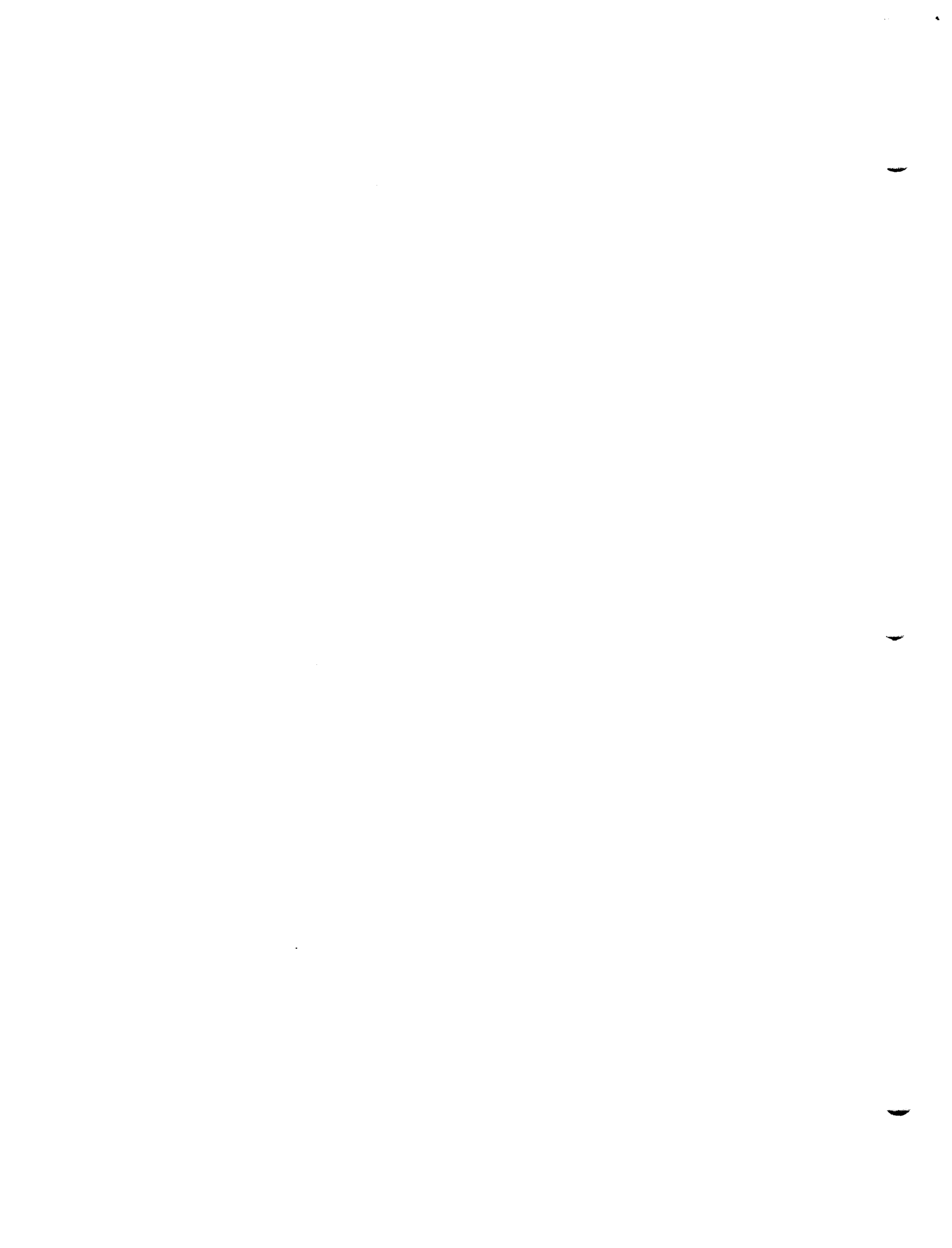
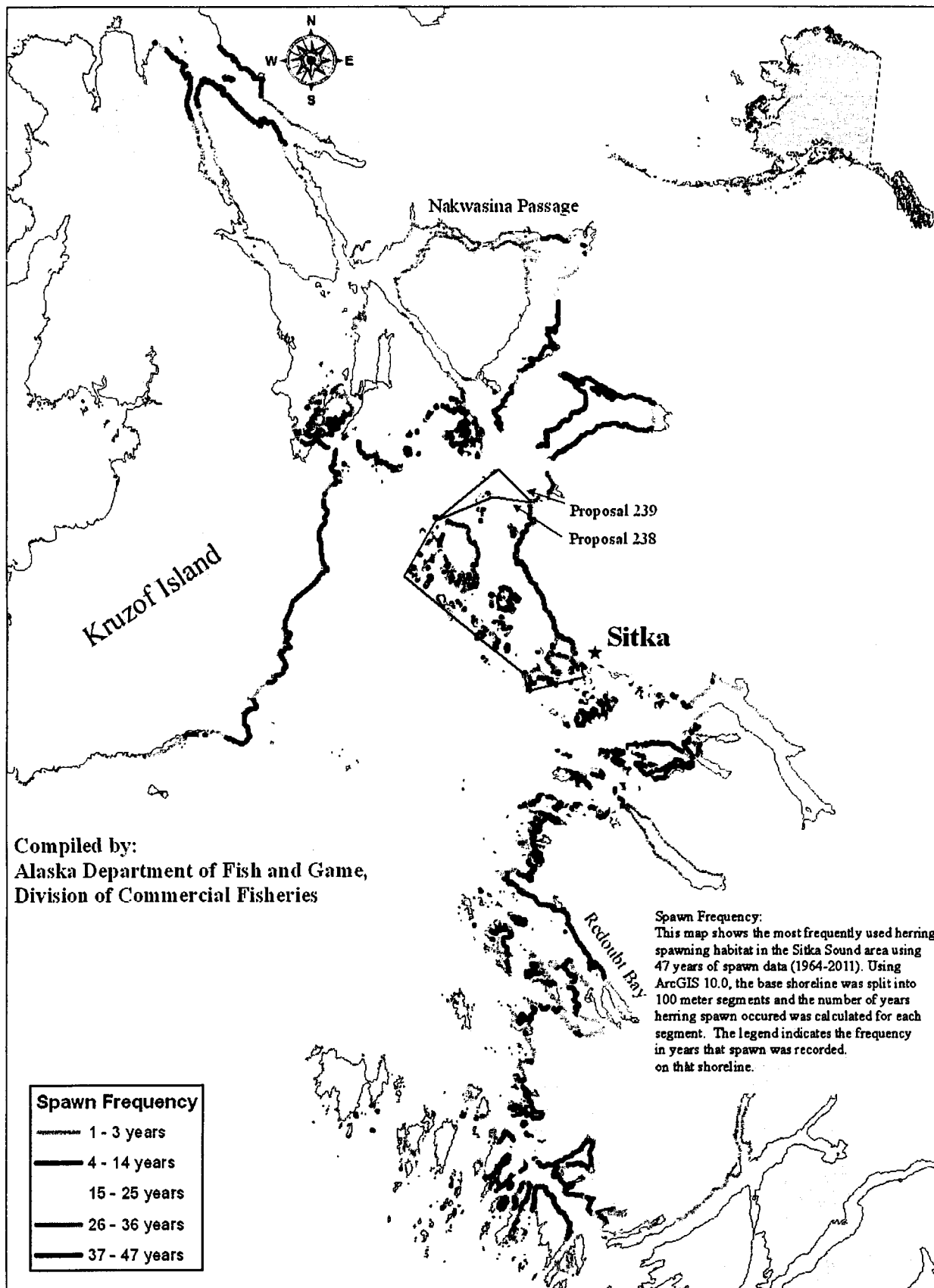


Figure 5.-Reported harvest locations, 2011.

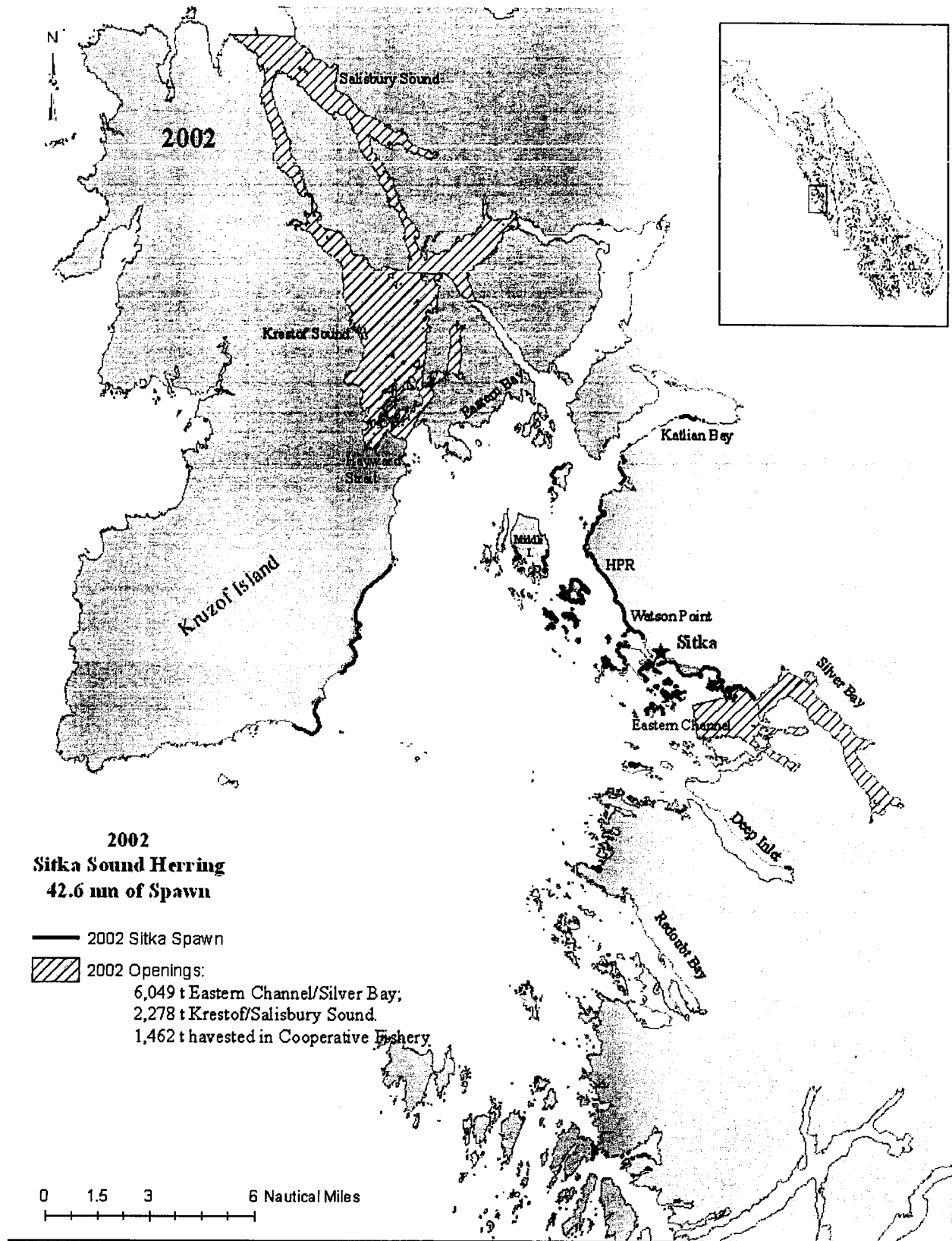


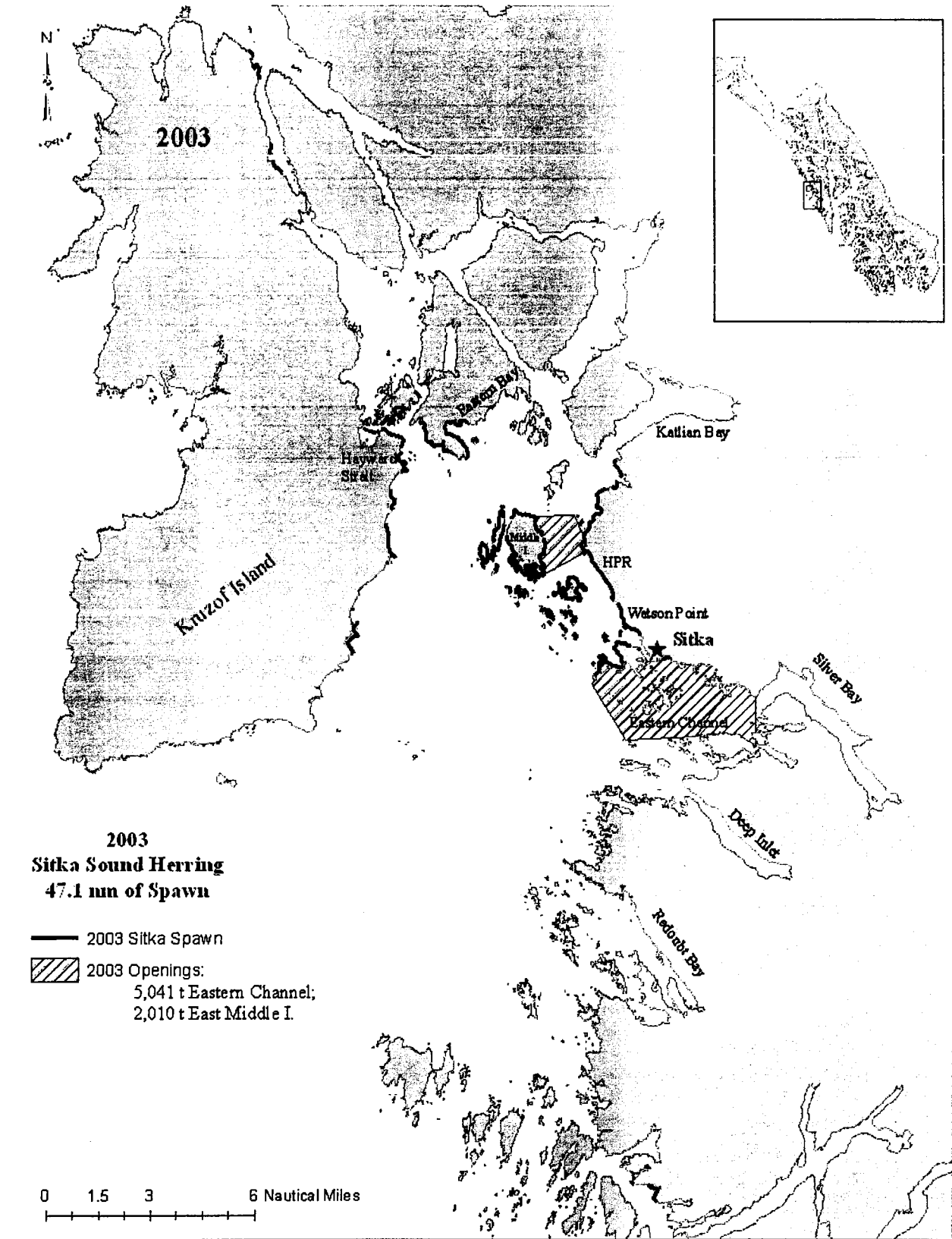


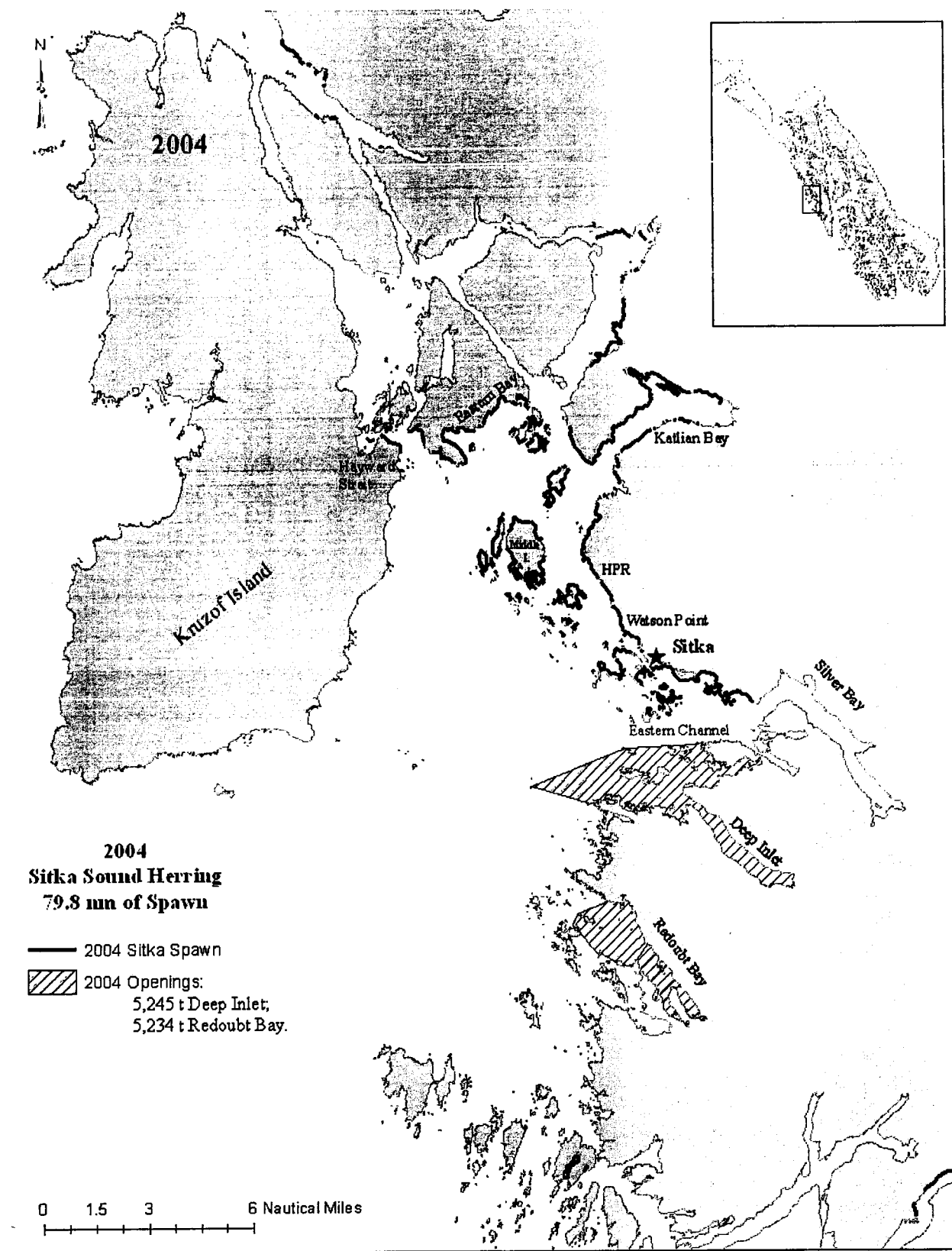
Compiled by:
Alaska Department of Fish and Game,
Division of Commercial Fisheries

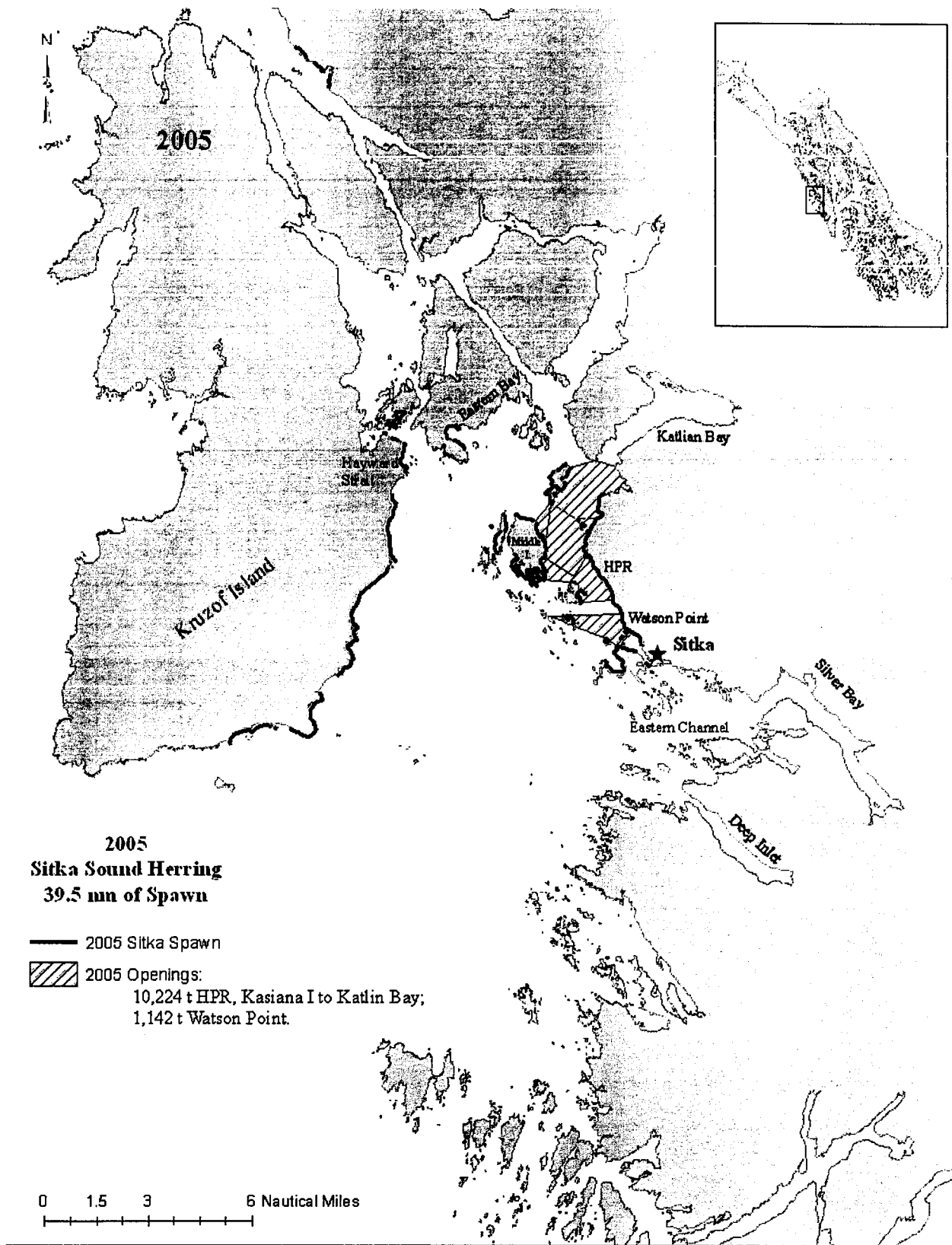
Spawn Frequency:
This map shows the most frequently used herring spawning habitat in the Sitka Sound area using 47 years of spawn data (1964-2011). Using ArcGIS 10.0, the base shoreline was split into 100 meter segments and the number of years herring spawn occurred was calculated for each segment. The legend indicates the frequency in years that spawn was recorded on that shoreline.

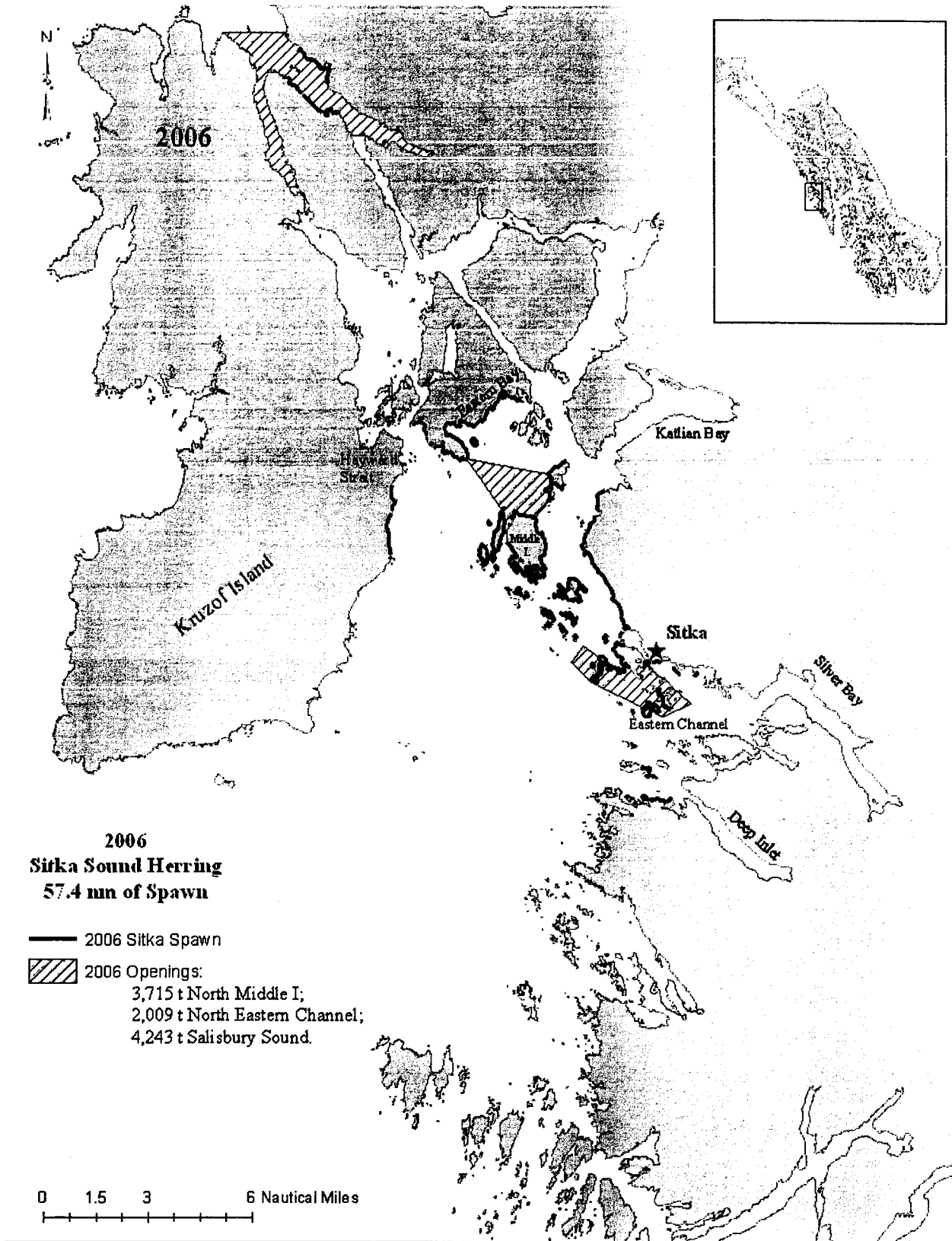
Spawn Frequency	
.....	1 - 3 years
————	4 - 14 years
————	15 - 25 years
————	26 - 36 years
————	37 - 47 years

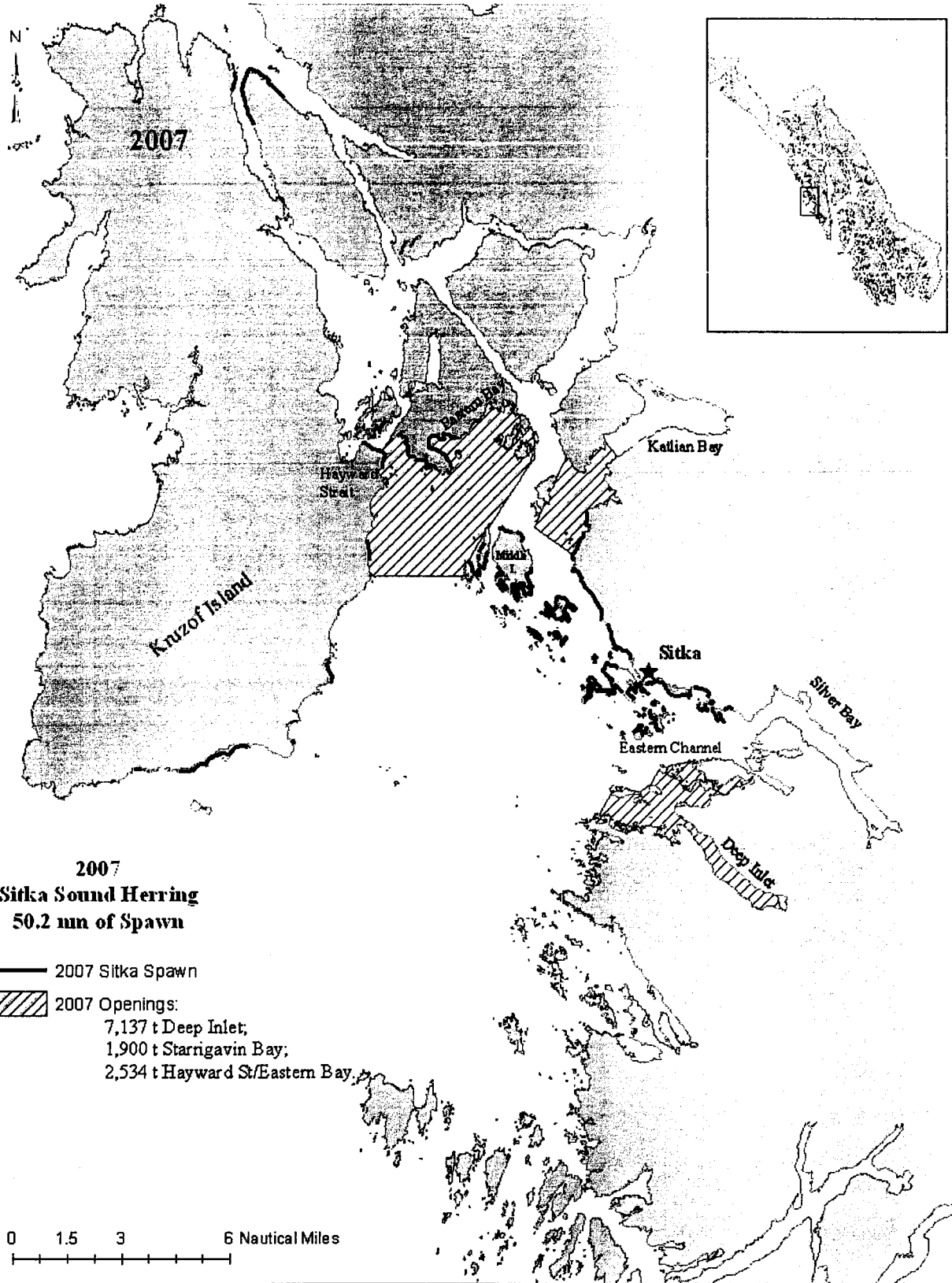






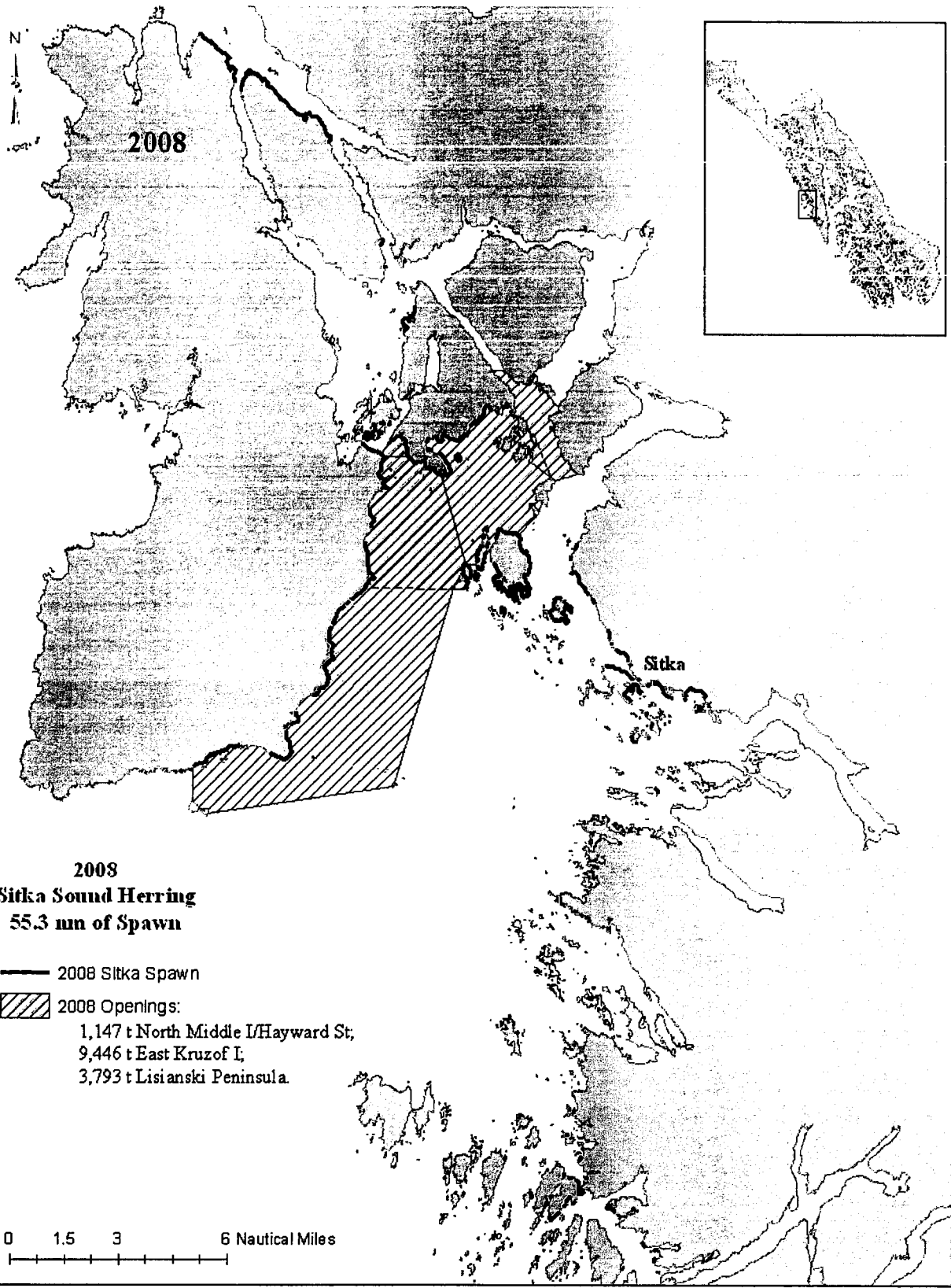


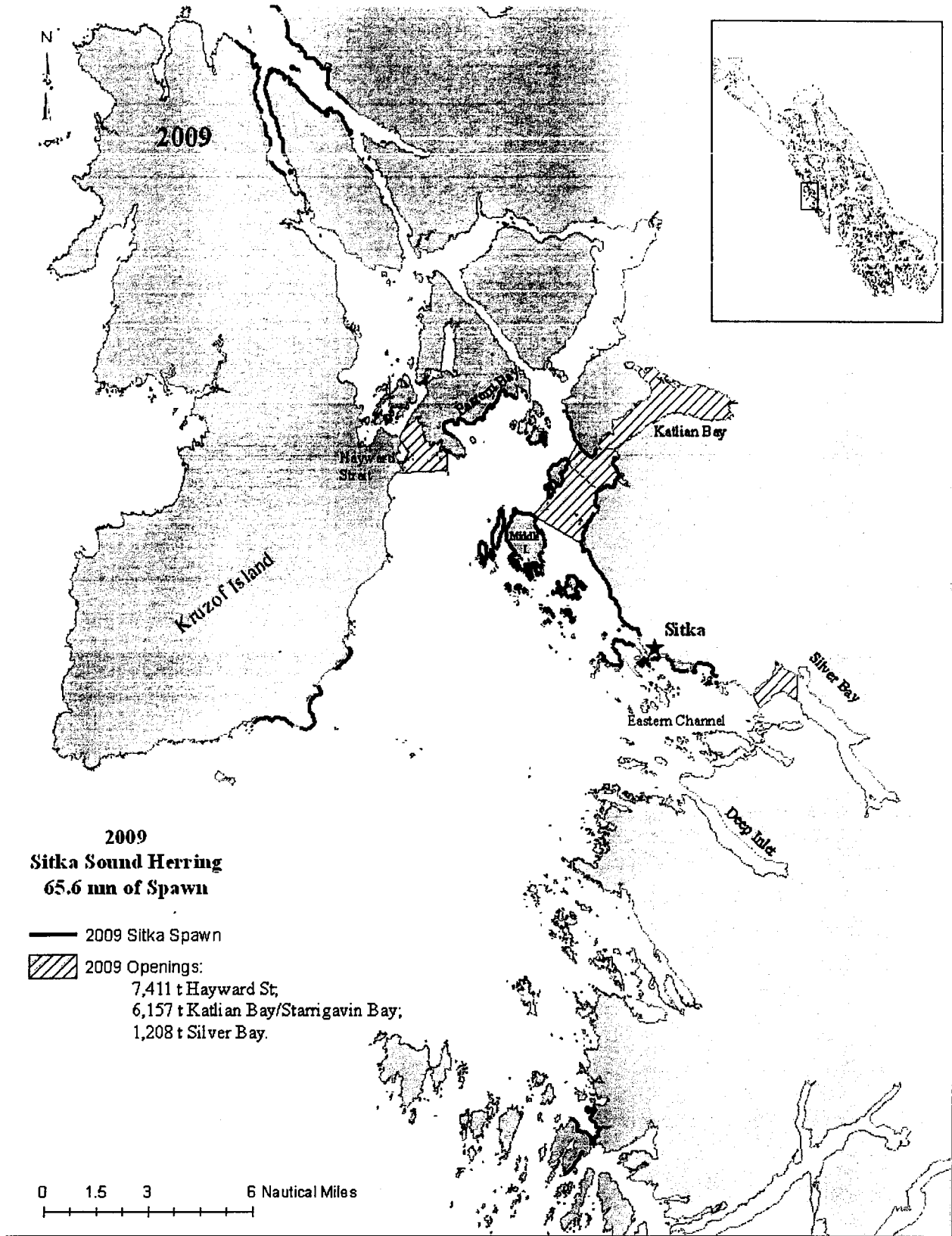


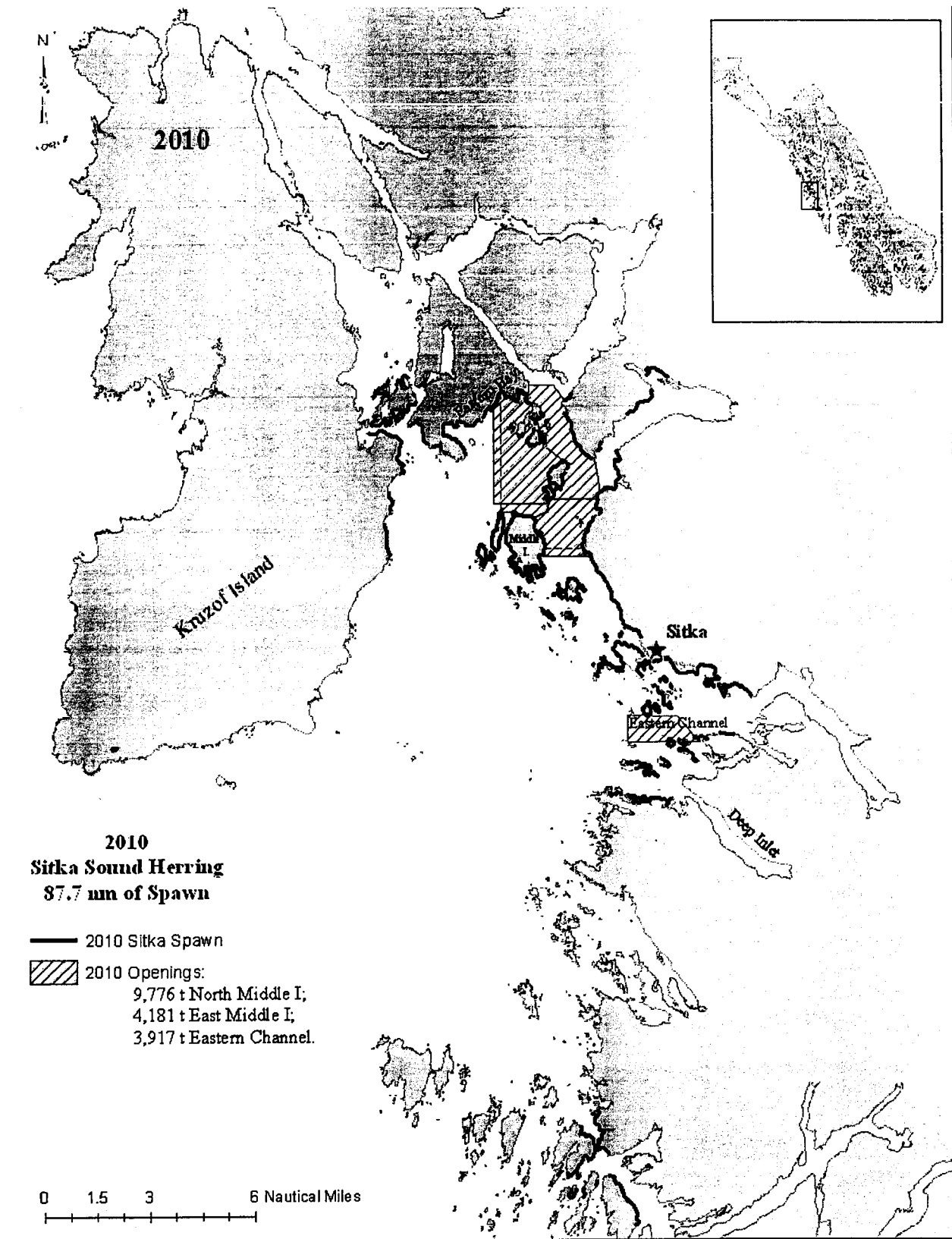


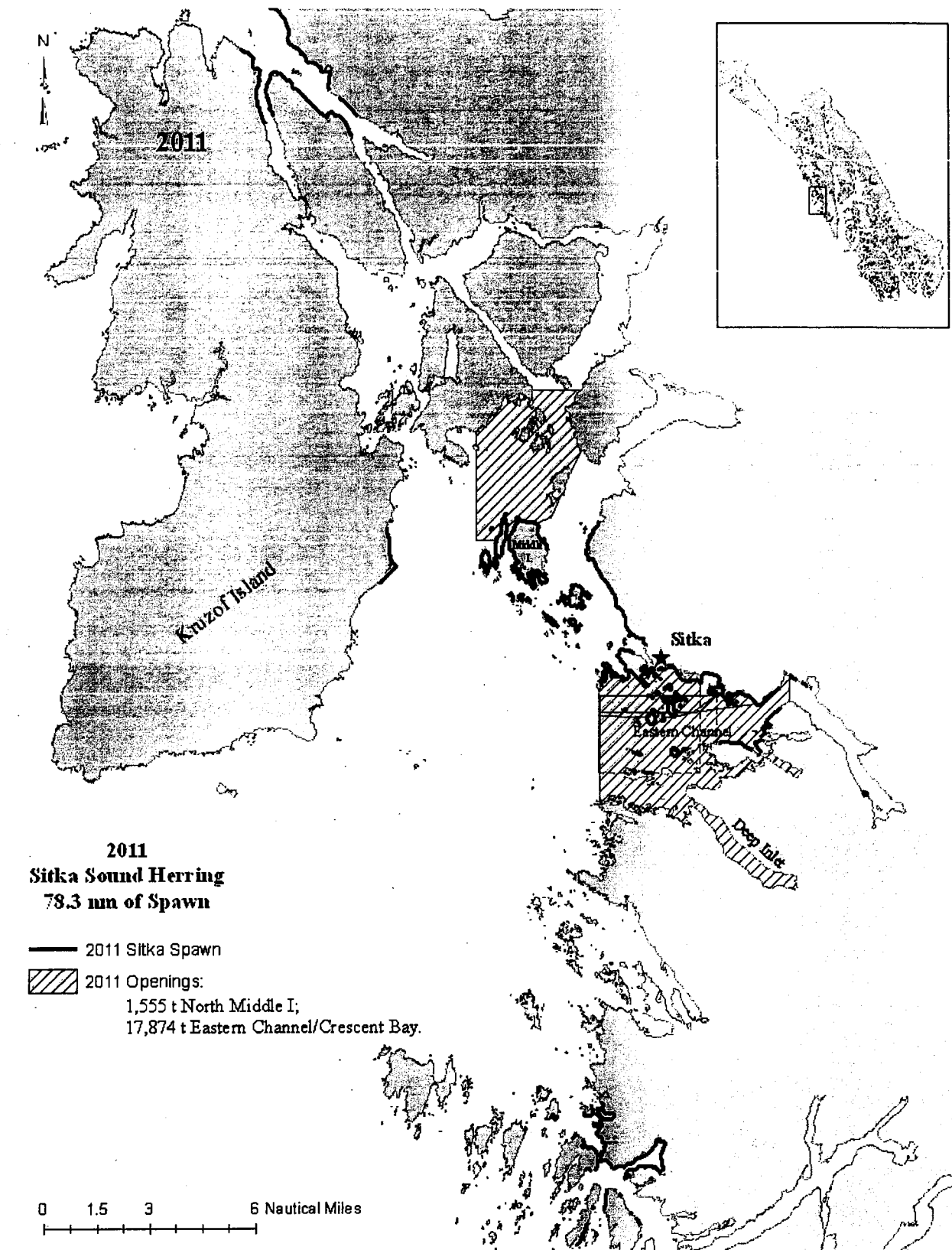
**2007
Sitka Sound Herring
50.2 mn of Spawn**

- 2007 Sitka Spawn
- ▨ 2007 Openings:
 - 7,137 t Deep Inlet;
 - 1,900 t Starrigavin Bay;
 - 2,534 t Hayward St/Eastern Bay.









Icy Strait Advisor Council Meeting Minutes

Meeting date February 8th, 2012

Participating in the meeting were 16 individuals in the City of Hoonah council chambers as well as Scott Crass, ADF&G representative participating by phone from his office in Juneau.

Meeting was called to order and run by Keith Skaflestad, a member of the previously organized advisory council.

After discussion with Scott about the state of the council it was determined that four at large and two seats from Gustavus had been filled by an election in November and that there remained 9 seats to be filled by Hoonah residents and two alternate seats for Hoonah as well.

Nominations were opened on an informal basis by show of hands of all interested in serving on the board. A slate of 12 candidates was then set and a paper ballot vote ensued. Nine members were elected, Chris Erickson, Shawn McConnell, Alan Fisher, Bob Barton, Bill Miller, Keith Skaflestad, Harold Dick, Don Bolton, and John Murray. Upon election of council members a nomination process was held to appoint two alternates. After nomination and election, Harlena Warford and Faith Grant were appointed as Hoonah's alternates.

A brief discussion of the upcoming important dates was held. The upcoming board of fish meeting in Ketchikan and the proposal booklet for these meetings was deemed of first priority and a meeting to discuss and evaluate the proposals as a council was set for February 16th. It was decided that at that time we would elect officers and begin the evaluation process for the proposals.

Meeting Minutes February 16th and February 20th, continuation of meeting.

Meeting was called to order by Keith Skaflestad.

Members present at the meeting included eight of nine recently elected Hoonah council members(Chris Erickson, Don Bolton, Bob Barton, Keith Skaflestad, Bill Miller, Alan Fisher, Harold Dick, and Shawn McConnell) one alternate appointed at the Feb. 8th meeting(Faith Grant) and four of six members representing the two Gustavus seats and four at large seats all currently held by Gustavus residents. Additionally, Mark Warner participated by teleconference as did Scott Crass from the ADF&G in Juneau.

There was some discussion about how election of officers would take place after which nominations were opened for the chair. Three persons were nominated for the chair, Shawn McConnell, Keith Skaflestad and Alan Fisher. A voice vote of eligible members resulted in Shawn McConnell being elected to the chair. Keith Skaflestad was elected vice-chair and Chris Erickson agreed to be elected secretary.

Upon election of officers, the meeting became focused on reviewing the proposals that would be acted upon at the upcoming board of fish meeting in Ketchikan. The contingent of members from Gustavus opted to not participate in the proposal by proposal review and disconnected from the conversation. Mark Warner had to go to work so he too disconnected.

Proposals were reviewed one at a time and the remaining nine council members decided by majority vote on each proposition to take a position in support of, opposition to or to adopt no position on each issue. A spreadsheet of the council positions and appropriate majority comment, where appropriate, is attached to these minutes.

The meeting was adjourned at 8:30pm to be continued on Monday, February 20th after more careful study of the proposals by council members could be undertaken.

Continuation of Meeting February 20th, 2012

Meeting was called to order by Chairman Shawn McConnell, council members present included Shawn McConnell, Chris Erickson, Bob Barton, Harold Dick, Don Bolton, Keith Skaflestad, and Bill Miller. Alternate council members Faith Grant and Harlena Warford were also present at the meeting.

A quorum was established, absent the Gustavus members who opted not to participate in the beginning of this meeting in the proposal review.

Vice-chair Keith Skaflestad contacted Scott Crass by phone at the beginning of the meeting to inquire about filling any vacant seats with Mark Warner, a very interested party who was left out during the recent elections. A three absence policy currently in place as grounds for removal of a council member was reiterated and the meeting continued.

A round table quick scan of remaining proposals was conducted and proposals on which the council would adopt no position were identified quickly and those that warranted further scrutiny and a position of support or opposition were tabled for later review.

Each remaining proposal was evaluated and discussion of the implications for the Icy Strait user groups was considered.

The meeting adjourned at 8:30pm with a tentative plan to hold another meeting in mid-March ahead of the deadline for submission of proposals for the upcoming board of game meetings in the fall.

General Comment:

Our council has limited to no representation from the Gillnet fishery and so has chosen to adopt no position on issues impacting gillnet permit holders. Additionally, areas far from and unused by our council membership were not commented on.

We do have a strong representation on our council of our seine, hand troll, power troll, sport fish, charter and personal/subsistence use interests. Most of our positions were taken with a strong majority in favor of the adopted position. Propositions for which support was not unanimous generally had dissent in the form of no opinion rather than a strong disagreement with the position adopted by the council.

Icy Strait Advisory Council (ISAC)

Southeast Alaska and Yakutat Finfish Proposals

Proposition Number	ISAC position	Comments
199- 144	No Position	
206	support	There are plenty of dogfish to be harvested
207	support	
208	support	
209	support	
210	support	Reduced mortality of rockfish species is important and should become part of the daily routine of sport and personal use fishermen targeting these species. Several council members questioned the effectiveness of this practice.
211	support	Same as above
212	oppose	Reallocation of catch percentages needs more study and investment of time than indicated in this proposal.
213	No Position	
214	support	Increased understanding of sablefish population is becoming increasingly important in the face of accelerating interest in this species.
215	support	
216	oppose	A four per person per day bag limit is generous. We don't understand the two days of fishing opportunity argument, the bag limit is 4 per day with no annual limit. Those on the council that represent charter interest agreed that the four fish per day limit is generous.
217	No Position	
218	support	Returning to port to offload a handful of bycatch lingcod before fishing in another area presents an unwarranted hardship given the state of the lingcod population.
219	No Position	
220	support	Support for maximum allowable harvest if resource is indeed being under harvested.
221	No Position	
222	oppose	We presume that lingcod are in some fashion migratory and feel that an increase in allowable harvest in this area might reduce the fish population in an adjacent area in the long run. This is similar to allowing greater catch rates in Area 3A for halibut but at the same time reducing 2C catch rates.
223	support	

224	oppose	Lingcod is a quality fish and is the subject of a at least one directed fishery. As such it shouldn't be considered a bait fish.
225	oppose	
226 - 245	No Position	
246	support	With many lone fishermen making effort to catch kings for subsistence, a two rod option affords the opportunity for increased success and reduced economic output.
247	No Position	
248	oppose	While many people might use this approach effectively, there will remain a number of boats that go out and a single angler may catch the limit for everyone on the boat. Retaining the current rules where each angler must catch the fish that will count toward his/her bag limit is our preference. To be fishing you must be manning and tending your rod.
249	support	Establishing a bag limit based on abundance for non-residents allows the state to manage its fisheries to afford resident user groups a priority access to a resource on which many depend for their daily food supply.
250	oppose	The fish that reach our local fresh water rivers and streams are the heartiest of the stock and should be allowed to continue to produce the quality fish that have made Alaska the leading producer of this quality product.
251	oppose	If the proposition were to indicate that this applied to resident anglers only we would support it. Otherwise, we believe this will soon become the standard practice for all of the "non-guided" sport fishing lodges and boats with two anglers would be deploying four rods.
252	support	Disabled anglers should have access to a power assist if genuinely disabled, those without disability should fish with a mechanical reel.
253	oppose	There are current regulations regarding what is and isn't allowed for boats doubly registered as HT and sport fishing guides. It falls then to the public, other fishermen and law enforcement personnel to see that those who are in violation are cited, prosecuted and stopped.
254	Support	One board member suggested adding wording to confirm that disabled meet the standard in state of Alaska statute.
255	oppose	Fishing here constitutes removal of prime brood stock at the terminal area and should continue to be banned.
256	No Position	
257	support	Continued restriction on bait will improve escapement and reduce mortality of fish caught and released.
258 - 268	No Position	

269	Support	If the proposal were to be reworded to direct the department to collect data from sport fishermen initially it would be a good first step. Currently under personal use and subsistence use a number of fish per permit/household is on the permit and allows for at least a greatest number taken scenario.
270	support	
271	support	
272	support	
273	support	
274	oppose	The amount of herring eggs taken by subsistence branch harvest is a small fraction of the biomass removed in this area and a permit or creel sampling situation constitutes an unnecessary extra layer of paperwork.
275	oppose	There are already many provisions and methods available for a person to obtain personal use salmon.
276 - 284	No Position	
285	oppose	On all seine limit issues our advisory council opposes changes to the current regulations. The exemption for bulbous bows is acceptable as it allows for improved efficiency without adding capacity.
286	Strongly Oppose	The 58' limit for seine vessels has worked well and with the majority of the fleet capitalized within this restriction, it seems unadvisable to change the regulation for the convenience of a few permit holders who wish to bring boats used in other fisheries into SE Alaska. Additionally it would offer those who can afford to upgrade or already own larger vessels yet another advantage over the majority of permit holders in the fishery.
287	oppose	Those who participate in many fisheries with the same boat are very used to the ritual of swapping out bait sheds, deck winches, power blocks, etc. as the seasons change, it doesn't seem prudent to enable the few who have opted for a vessel with stern ramps to change the regs for everyone so that they don't have to do a little reconfiguring between seasons.
288	oppose	This would again provide an unnecessary advantage to those with the largest vessels and also pose a safety issue as some with smaller boats might be tempted to haul a second net at the expense of stability and safety.
289	No Position	

290	No Position	
291	oppose	This area is one of heavy use by the people of Hoonah, Gustavus and Icy Strait at large, and has become of primary importance to the local economy for long line, troll, charter fishing and whale watching with the development of Icy Strait Point. We feel that this area should remain closed to the seine fishery as the fish that travel this shoreline will be intercepted at other locations currently open to the seine fleet.
292	No Position	
293	No Position	
294	support	Reporting of fish kept for personal use should be included in the data for salmon and steelhead and some mechanism for their accounting should be implemented.
295 - 306	No Position	
307	Support	Hand trollers that opt to use this configuration are limiting themselves to two leaders in the water, less gear than in any other hand troll configuration already permitted . We see no reason why the use of two downriggers and two sport rods in combination should not be allowed year-round in this fishery.
308	oppose	This proposal could potentially result in a 33% increase in power troll effort in waters that are already heavily pressured by all user groups. The one council member who is an active power troller was not present at this meeting and his input was not available.
309	oppose	This proposal seemed unclear in its intent. The proposal statement refers to four hand gurdies but the issue and support refer to removal of prohibition against having more than four sport rods aboard a hand troll vessel.
310	No Position	Our council was unable to clearly understand how this would impact all of the users affected and are neither in support or opposition to this proposal.
311	support	Allowing for the retention of Coho from the beginning of the season should not adversely impact the brood stock as long as the dept. of Fish and Game monitors escapement in areas affected.
312	oppose	Implementation of mandatory 10 day closure will require emergency orders to allow the fisheries to remain open in years of ample abundance. The emergency order process currently in place seems to be working well.

Shawn McConnell

P.O. Box 184

Hoonah, Alaska 99829

gwind@acsalaska.net

February 21, 2012

To: Alaska Board of Fisheries Council Members

Subject: Personal comment on Proposition 307 Southeast and Yakutat Finfish

I would like to take this opportunity to encourage the Board of Fisheries to adopt proposal 307 submitted by Michael W. Whitre.

I have participated in the hand troll fishery since 1978 and am a resident of Hoonah. I have no experience that would indicate that allowing a hand-troller to use two down riggers in combination with two sport rods throughout the year would in any way represent a significant advantage over the other gear configurations currently permitted.

What the proposed configuration does allow is for reduced wear and tear on the fisherman, and reduced damage to fish hooked but not landed as the ability to harvest a fish with a sport rod reduces the hook tear out common to fish pulling against heavy leads with short leaders.

I feel that if a hand-troller wishes to limit themselves to fishing only two leaders, it should be their option. This proposition is currently opposed by the Alaska Trollers Association. Having exchanged email with the president of ATA, Mr. Steve Merritt, I have determined that his opposition to the proposal was not on principle but rather on the fact that the proposal, as written, did not specify that only two downriggers and two rods would be allowed under this change to the gear specifications and operations.

If I might suggest the board consider modification of the proposal to include the specification that only two rods in combination with two downriggers be allowed perhaps this proposal could be adopted and the practice already common in the winter fishery would then be extended the entire year.

I am a member of the Icy Strait Advisory Council and the council has also come out in support of this proposal. Our discussions having focused on a regulation in line with the current winter gear configuration, we feel that the gear configuration in this proposal would benefit many of our local hand troll fishermen who operate from small boats unsuited to rigging with gurdies.

Thank you in advance for your valuable time and service, I look forward to following the proceedings of this year's meetings.

Sincerely,

Shawn McConnell

**Chum Trollers
Association**

ATTN: BOF COMMENTS
Boards Support Section
Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811-5526
Fax: 907-465-6094
February 22, 2012



Dear Chairman Johnstone and Board members,

Chum Trollers Association (CTA) writes this letter in response to ADF&G staff (staff) comments regarding our proposal #325 as amended by the JRPT. Since reading the staff comments a week ago members of our group have met with staff and discussed their opposition, the Board of Fish process, and how CTA and staff can continue to communicate and collaborate on the management of this hatchery chum troll fishery. CTA shares staff concerns for protection of wild chum. The only substantial difference we see between our vision of how this spring hatchery chum troll fishery should evolve and the staff position is:

Whether the BOF should provide guidance by adopting proposal #325 amended to develop a management plan for trollers accessing hatchery chum salmon in the spring troll fishery during the next three years as unanimously recommended by the SE Alaska enhanced salmon JRPT or whether staff should do practically the same without BOF direction.

Among our board of directors and member activists we have individuals experienced and involved in the BOF process. We feel the chum troll fishery in Icy Straits clearly calls for BOF guidance because there are allocation and resource optimization questions involved which fall into BOF jurisdiction.

We feel the need to clarify that our proposal is not intended to “redirect” the spring troll management from Chinook to chum in the defined areas. The correct characterization would be to “add” management of the troll harvest of hatchery chum salmon in those areas.

We understand from conversation with staff that a key reason for their opposition is an “unwritten” policy to keep targeted hatchery access fisheries as close to the hatcheries as possible. We understand the purpose of the policy would be to minimize interception of mixed wild stocks. We support minimization of mixed wild stock impacts in the spring hatchery troll fisheries while optimizing troll harvest toward our share of SE enhanced salmon. CTA believes BOF passage of proposal #325 will facilitate management of the fishery toward this goal.

Data already presented by staff and CTA (PC 17) clearly demonstrate that the troll fishery with its ability to selectively harvest particular salmon species, by selecting lures and techniques some will bite and others ignore, is fundamentally different from net fisheries. We submit that both the BOF and staff have recognized this by providing for directed spring hatchery Chinook troll fisheries at great distances from the hatcheries and note that the BOF has previously established a chum troll fishery:

(5 AAC 29.112) during the August coho closure targeting Medevjeje hatchery chum up to 12 miles from the release site in a mixed stock area during the peak of mixed stock migration.



The following is our vision of how adoption of proposal #325 as amended will facilitate conservation, data gathering, and protection of both the chum and Chinook troll fisheries in Icy Straits and North Chatham:

- That the troll fisheries in these areas in District 14 will continue to be managed as they have been. CTA anticipates ADF&G will use troll chum harvest data collected, as requested by the JRPT, to manage the Icy Straits hatchery chum troll fishery sub-areas by Emergency Order Authority to minimize wild stock impacts during the next three years while a comprehensive spring hatchery chum troll management plan for these areas is developed and approved.
- That passage of this proposal, as amended and unanimously supported by the JRPT, will give ADF&G direction from the BOF to develop that management plan.
- That the North Chatham exploratory area in District 12, which moves trollers closer to the hatchery release sites, may be open to pink and chum retention by emergency order during weekdays in June.
- That the troll industry will collaborate with ADF&G to obtain chum data by sub-area as they do for Chinook in spring hatchery troll areas.
- That ADF&G may close Icy Strait sub-areas to directed Chinook, or chum, trolling under Emergency Order Authority without closing the troll fishery entirely in a sub-area.

In conclusion Chum Trollers know this is not the place to re-hash our proposal so we have limited these comments to why it is the job of the BOF to act on our proposal, clarifying our intent, the precedents for managing hatchery targeted troll fisheries at distance from hatcheries, and our vision of how chum hatchery troll management could work during the next three years if #325 is adopted.

These clarifications do not require further amendment to proposal #325.

Staff has indicated they would appreciate these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "C. W. [unclear]", is written over the typed name of the Chum Trollers Association.

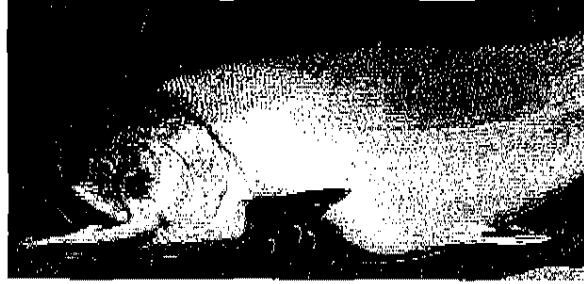
Chum Trollers Association
103 Gibson Place
Sitka, AK 99835
(907) 738-chum





**Chum Trollers
Association**

ATTN: BOF COMMENTS
Boards Support Section
Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811-5526
Fax: 907-465-6094
February 22, 2012



Dear Chairman Johnstone and Board members,

After reading through all the received public comments pertaining to Chum Trollers Association (CTA) proposals #325 and #326, we were pleased to see only one letter from one individual (gillnetter) in opposition and the numerous letters from trollers in support. We were also quite surprised to see the letter (PC 135) from United Southeast Alaska Gillnetters (USAG) in opposition since the USAG Board of Directors was in attendance at the December SE Alaska enhanced salmon Joint Regional Planning Team (JRPT) meeting in Sitka where this proposal was thoroughly discussed, and they did not raise any concerns or objection with #325 as amended by the JRPT. In fact both the gillnet representatives on the JRPT voted to support #325 as amended.

Furthermore, representatives of CTA attended the gillnet task force meeting with ADF&G and noted not one concern or comment in regards to the chum troll fishery in Icy Straits was raised by gillnetters. CTA brought 6 of our 7 board members to the meeting and we were prepared to work with anyone to develop consensus positions to offer the BOF.

We will continue to be available to work with gillnetters in Ketchikan. We won't have a quorum of our board at the meeting but they will be available via phone etc. to consider any ideas for collaboration. One of our members has been attending BOF meetings since 1973. The last thing CTA wants is to be part of any gear conflict before the BOF.

We appreciate that USAG brings 5AAC.39.220 to the attention of the BOF and CTA so we can address how it applies and doesn't apply to our proposal.

- The policy is clearly intended for fisheries targeting "wild stocks".

The BOF has not applied it to the Lynn Canal Gillnet fisheries targeting hatchery chums which have expanded a great deal more over quite a long period of time than the chum troll hatchery fishery in Icy Straits and intercept more wild chums and sockeye than the Icy Strait chum troll fishery has.

<http://www.sf.adfg.state.ak.us/FedAidpdfs/RIR.1J.2011.08.pdf>

- 5AAC.39.220 (d) *"Most wild Alaska salmon stocks are fully allocated to fisheries capable of harvesting available surpluses. Consequently, the board will restrict new or expanding mixed stock fisheries unless otherwise provided for by management plans or by application of the board's allocation criteria.".....*

There are two management plans under which the Icy Strait Spring troll hatchery fishery is presently operating:

5AAC 33.364. Southeastern Alaska Area Enhanced Salmon Allocation Management Plan; and,

5AAC 33.364. Management of the spring salmon troll fisheries.

- 5AAC.39.220 (C) states: *"The board's preference in assigning conservation burdens in mixed stock fisheries is through the application of specific fishery management plans set out in the regulations. A management plan incorporates conservation burden and allocation of harvest opportunity."*

Seems to CTA this is what proposal #325, as amended and unanimously supported by the JRPT, would accomplish. CTA feels 5AAC. 39.220 (C) is a good example of why the BOF should adopt #325.

USAG also cites "The findings of the Board of Fisheries for the SE Alaska enhanced allocation plan."

Proposal #325 does not suggest any modification in time or area to traditional "wild stock fisheries".

We also note that USAG used the same language to oppose both #325 and #326. #326 proposes a hatchery chum troll fishery between the District 15 gillnet "postage stamp area" designed to target hatchery chum and the Amalga Harbor release site. It is likely that nearly all of the chum harvested in the proposed area will be hatchery chum. If gillnetters are opposed to this fishery then it would be consistent for them to oppose their own hatchery fishery further from the hatchery site with much less selective gear.

We agree with USAG that the troll fishery, as selective as it is, will have some minimal impact on the harvest of wild chums by gillnetters. But, as we have pointed out in our comment (PC 17) the overall effect of trollers choosing to target hatchery chum instead of coho results in hundreds of thousands of more wild coho available for gillnetters, sportsmen, and escapement. The net effect is more wild salmon available for gillnetters.

Finally, we have been and continue to be willing to work with gillnetters, and anyone else, to consider their ideas for bringing trollers within our allocated share of SE enhanced salmon values.

Sincerely,



Chum Trollers Association
103 Gibson Place
Sitka, AK 99835
(907) 738-chum



RECEIVED

AUG 22 2011

BOARDS

P.O. Box 7482,
Ketchikan,
AK 99901,

16th August 2011

**Southeast & Yakutat Finfish Meeting,
Southeast & Yakutat Crab, Shrimp, Miscellaneous Shell Fish Meeting,**

Proposal 141, Proposal 142, Proposal 143, Proposal 144,

WE OPPOSE ALL OF THE ABOVE PROPOSALS.

My wife and I live in Naha Bay. We own/operate a small lodge with a maximum capacity of 6. Typically our bookings are groups of 2 to 4 fishermen. There is also another small lodge on Naha Bay with a capacity of just 8. Neither lodge can be described as a large scale operation.

We spend 6 months of the year here and look directly over the entire bay. We can testify that there is no significant sport fishing activity in the area for salmon or bottom fish. Also, this year was the first time in over 20 years that Naha Bay was opened to the commercial trolling fleet. Sometimes we go several days without seeing any other skiffs or boat fishing in the bay. When we do see the odd boat, they typically do not spend more than an hour or two in the bay. The simple fact is the price of fuel discourages most people from running this far, and there is great fishing all along Clover Pass. When I operate charters I typically do not fish in the bay as our guests like to be taken to other nearby spots such as Grant Island, Camino Point, Helm Point to name a few. Also, most of our self-guided guests fish outside the bay at Grant Island and Indian Point. In addition, we have never seen the other lodge fish in Naha Bay in the entire time they have been in business.

We can testify that the fish stocks in the bay are good and our neighbors and residents of Naha Bay regularly catch halibut and snapper along with all species of salmon.

The group which calls itself Naha Conservation (previously known as the Naha Bay Preservation Coalition) does not represent the residents of Naha Bay. Naha Conservation is the voice of Lisa Grogan, and her mother Dolores Cogswell. Apart from these two people we do not know of any other members of this "organization". In fact residents of Naha Bay have written to Sitnews (a local on-line newspaper) in the past to distance themselves from this organization and to express their concerns about their behavior towards "new comers" to the area.

Delores Cogswell lives in the bay for about 10 months of the year. Ms. Grogan spends a couple of months here each summer. Both people spend enough time here to know that there is no significant fishing pressure in Naha Bay and the surrounding area. Therefore both know that their claim that Naha Bay and the surrounding area has been over fished is false.

Lisa Grogan and her mother object to the new comers such as us who have moved to the area and established businesses here. They are following a course of action designed to damage these businesses and to drive people away. Tactics to date have

also included direct harassment and verbal racist insults directed at my wife and children. They have also targeted our guests with repetitive non-consensual contact. More recently this also included rude and hostile signs on the public dock and broad walks and interfering with people's photographic opportunities. I have included some pictures of their most recent activity this summer. These incidents have been reported to the State Troopers who have now warned them on several occasions about their anti-social behavior.

The objective of Lisa Grogan is to use fish issues to damage our home and business by stopping our guests from fishing in the bay whilst keeping the bay open for herself and her family – Hence her proposal for a “limited conservation zone” in which residents of Naha Bay such as herself can fish but not visitors from out of state. Her limited conservation zone also extends beyond Naha Bay along Clover Pass and to Bushy Point. This will also damage other lodges, and the marina and resort in the area.

Ms. Grogan also alludes to the fact that the islands along Clover Pass already part of a protected conservation zone and it is only a small step to expand a “limit conservation area”. This is a misleading statement. The Islands are owned and managed by the US Forest service on behalf of the American people in accordance with the Tongass Forest Management Plan. They do not have any other special designation or protections outside of the forest management plan.

Ms. Grogan makes statements regarding crab and shrimp populations in the area, yet we have never seen Ms. Grogan shrimping or crabbing. We do not believe that she even owns crab or shrimp pots. Therefore it is hard to believe that her statements are based on personal experiences. Some of our neighbors who have lived here for decades have advised us to the cyclical nature of the crab stocks with some good years and bad years, i.e: natural swings in populations not over fishing by non-residents. We regularly crab and shrimp along with other neighbors and regularly harvest sufficient crab for our own personal use. We do not take more than we need and often we put crab back. Shrimp stocks do appear to have declined, and in response Alaska Fish and Game have restricted fishing to personal use inside a line from the north end of Betton Island to Indian Point that covers a large area of Ms. Grogan's proposed “limited conservation area”.

The simple facts are as follows. The bottom fish stocks in Naha Bay and the surrounding areas are strong. There is no scientific evidence to support the opinion that bottom fish stocks have been depleted and closure is required for stocks to re-build. Sport shrimp and crab activity in the area is already controlled by AK Fish and Game regulations.

The proposal to stop non-residents from fishing in the area whilst allowing residents to continue to fish shows the true intent of Lisa Grogan's proposal which is little more than an attempt to damage small businesses in the area.

Please reject these proposals.

**Mark & Miriam Edwards,
Residents of Loring / Naha Bay, Alaska**

A handwritten signature in black ink that reads "Mark & Miriam Edwards". The signature is written in a cursive style and is positioned to the right of the typed name.



To: The Board of Fish.

From: Bill Connor

I strongly oppose proposal 216.

Proposal 216 will cause me to suffer unlike the proposal 216 states.

There seems to be a continuing eroding of quota from several fisheries by the charter sector. The charter sector is nothing more than a commercial enterprise; it is time to call the kettle black.

I have paid for the right to fish in the two sablefish fisheries in Southeast. I have seen my quota reduced substantially over the years. Most likely from the unregulated take of sablefish, that reduces my annual quota by these other commercial entity's that do not have to pay in excess of \$300,000.00 dollars to participate along with an annual license that is around \$1,200.00 a year (what is the annual cost of a charter license, plus they are asking for no quota limit?). So to have the proposer of 216 state that makes no one suffer is far from the truth. MY QUOTA IS SHRINKING, MY COSTS ARE ESCALATING, MY INCOME TO SUPPORT MY CREW OF 5 AND THEIR FAMILYS IS BEING REDUCED CONSTANTLY BY THE UNREGULATED CHARTER INDUSTRY.

My suggestion would be to allow the commercial charter business to purchase the permit, LIKE ME, and allow them to support their clients catch from there permits allocation. Then I feel no one will suffer, we would gain better accountability from the sablefish stock removal's (good information that the Alaska Department of Fish and Game needs to establish annual sablefish harvest) by the charter industry, and perhaps better stewardship of the sablefish resource by all INVESTED participants. Presently we do not have any accurate idea of the charter harvest. However we do have an accurate harvest by the permit holders.

Bill Connor

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Petersburg AK 99833

RC 20



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February 21, 2012

Board of Fish
Alaska Department of Fish and Game
Juneau, AK

Dear Board Members:

This is a notice that Mr. Larry Edfelt has been selected by our Board of Directors to represent the Territorial Sportsmen, Inc. at the February, 2012 Board meeting in Ketchikan, Alaska.

If there is any question or concern about this delegation, please give me a call at 907-789-7065.

Sincerely,

A handwritten signature in cursive script that reads "Jerry Burnett".

Jerry Burnett, President
Territorial Sportsmen, Inc.

My name is Larry Edfelt. I reside in Juneau. I'm here representing the Territorial Sportsmen on issues affecting resident fishermen of Juneau. We have submitted written comments on 18 proposals, PC 16 in your books.

The Territorial Sportsmen is a conservation organization comprised of about 1600 residents of Juneau and northern Southeast Alaska. In addition to several conservation and education projects, we also sponsor the Golden North Salmon Derby in August of each year, the largest and oldest fishing derby in the state.

Today I want to speak generally about four proposals which would increase commercial troll effort in northern inside waters. All affect the Juneau sport fishery, the largest marine sport fishery in the state. We are opposed to all four.

The proposals include #308 which would increase the number of trolling lines from 4 to 6 in a large area of inside waters, overturning a regulation in place for more than 50 years. Proposal #320 would greatly expand commercial trolling in sec. 11-A, the heart of the Juneau sport fishing area. Proposal #325 would expand troll interception in Icy Strait and Chatham Strait during the spring when king salmon are bound for the Juneau area. Proposal #326 would allow trolling in summer in a large part of the Juneau sport fishing sanctuary.

Back in the 1970's and earlier, commercial trollers operated in the Juneau area alongside the sport fleet. There were numerous incidents of gear conflicts and hard feelings, which were elevated to the Board to resolve. Concurrently, Taku king salmon stocks were declining. The Board resolved both issues by moving the commercial troll fleet completely out of the Juneau area, and restricting the gill net and sport catch of spawner king salmon. But the troll fleet was also removed from the Juneau area for the summer king and coho season as well to ameliorate the widespread gear conflicts. A sport fishing sanctuary was thereby created around Juneau, while trollers were free to harvest their kings and cohos nearly everywhere else.

That action by the Board resulted in 30 years of peace between the sport fleet and the troll fleet in the Juneau area. There is now a feeling of tolerance and mutual respect between the fleets as they each have their own allocation to catch and the fisheries do not overlap much near Juneau.

These four proposals will upset that long standing balance. The troll fleet wants more effort and more area and more time targeting fish bound for the terminal sport fish sanctuary around Juneau. Although they now want to access chums, king and coho salmon will also be caught. Even if kings and cohos are released, and if they survive the experience, they will not bite again and will still be a net takeaway from the Juneau sport opportunity.

If the trollers are not achieving their enhanced fishery allocation on kings and cohos, please do not try to fix that problem by creating other problems, problems of gear conflicts, interception, allocation, hard feelings, and opening old wounds that have healed over during the past 30 years

Please review our written comments for more detail on these and other issues.

Thank you. I would be happy to answer any questions.

Board of Fish Comments
Board's Support Section

Chairman Johnstone,

Thank you for your service on the Board of Fish and for taking time to read this letter. I have held a power troll permit since 1994. Trolling has been my soul source of getting by financially, since that time. I have a wife and two small children that are counting on me. I am writing this from our floathouse in Jamestown Bay, Sitka with our 43' Troller F/V Nor' Gale moored here, to our house.

Chum salmon are, and have been a very important aspect of my trolling business since 1995. This 2011 season chums were more important to our family.

than ever before. I targeted chums all summer. We cast off from our floathouse on June 12 and I returned with the *Mor' Gale* on October 3. I targeted chums each of the 76 days that I fished. These 76 days were only days that I had gear out, these 76 days do not count running days, the coho closure or the 5 days that I flew or ferried home, etc.. I am serious about chums!

Please notice these few words concerning chinook bycatch. In targeting chums I tie my leader lengths and tow the flashers and "bugs" colored to entice chums to bite. This also has to do with line voltage, vessel speed and hook size. I don't use bait for chums, do not "work the edge", do not zone in on feed where kings and coho are likely to be. I do know how to catch chinook salmon, but

I believe that I know how not to catch them too. If I were targeting chinook all of these above mentioned methods and strategies would change. While I am targeting chums, if I should catch a chinook I would try to figure out why. What color of "bug" did it bite? What kind of flasher? What about vessel speed? What is the line voltage? I have the capability and might adjust in some way.

I will tell you that I honestly do not keep track of undersized chinook, but I will tell you my bycatch of these was very insignificant maybe 10 or 20? I can tell you for sure my number of legal sized chinook as I just went through my log book to check. I caught ONE! Yes in 76 days of (gear out) trolling I caught one legal sized chinook in

West Behm Canal. None, of course in
Icy Strait in 22 days of fishing there.
As for my ratio of chum to chinook
bycatch, well, now I would have to
reveal my numbers. Maybe you know
the average per boat, per day there —
multiply by 22. Maybe I caught a
little better than the average, I don't
know.

My purpose for writing this letter
is to communicate to you that a chum
troller can and does have an insignif-
icant chinook bycatch.

What of the few chinook that I release
has a strong chance of survival because
of the smaller chum sized hooks, the
constant ranning of the gear and the
slower vessel speed.

Thanks for your consideration in the
proposals 325 & 326. Best Regards,

Paul Clifton

Justin Peeler
F/V Defiant
PO Box 1482
Petersburg, AK 99833
jpeeler79@yahoo.com
907.340.6106

RE: Herring bait fishery in Districts 3-B and 4 emergency petition or Board-generated proposal request.

To Members of Alaska Board of Fish:

I am writing this letter to address a problem with the winter food and bait fishery in Southeast Alaska. In the past few years, the demand for quality, affordable bait has increased in all of Alaska. Seeing this rise in demand, and being a young fisherman with the time and equipment, I decided to try and help fill this market. After talking to Randy Lantiegne of Icicle Seafoods in Petersburg, we decided to give it a try. Both Icicle and I saw this need as a great opportunity to put local people to work during a time of the year when there is not a lot going on.

The problem I encountered while fishing, was the difficulty catching bait herring this time of year with the allowed net size. Unlike other herring fisheries that are held while the herring are feeding or spawning, these herring are simply trying to survive the winter and stay away from marine predation. The fish lie in deep trenches close to the bottom, sometimes at depths of eighty fathoms or more, in massive schools miles long and as thick as fifty fathoms. At night the fish rise in the water column to feed which is when we have the highest chance of catching them. The fish rarely rise to a depth where the current net regulations will allow herring to be caught, and most nights are spent staring at fish schools that top out at thirty to forty fathoms deep. Even on the occasional night where the fish do rise to twenty fathoms, they are near impossible to catch with the current net depth regulations. We made set after set trying to catch fish at twenty fathoms with little success. Most often the fish would drop in the water column out of the net. When we did have success catching fish, it was when a small amount would split away from the massive school and move to shallow enough water where they could be trapped against the bottom.

In the six weeks spent bait fishing, we made three deliveries while burning \$12,000 of fuel and consuming \$1,400 in groceries. The crew made \$1,100 for over six weeks of work, and although over 25 people were employed to process the herring at Icicle Seafoods, work days were few and far between.

In order to have a better chance at catching the fish and fill the growing demand for bait herring, allowing a larger net to be used is critical for success and efficiency. Changing the net size regulation would allow proper utilization of the resource

while providing jobs and income during a slow time of year. I am asking the board to address this issue through a Board-generated proposal or by emergency petition by changing the regulation 5 ACC 27.132. SEINE SPECIFICATIONS AND OPERATIONS FOR SOUTHEAST ALASKA AREA to allow by emergency order a deeper net in area 3-B and district 4. Below is the proposed regulation as I would suggest it be written.

5 AAC 27.132. SEINE SPECIFICATIONS AND OPERATIONS FOR SOUTHEASTERN ALASKA AREA. (a) A herring purse seine may not be more than 200 fathoms in length.

(b) A herring purse seine may not be more than 1,700 meshes in depth, except that for sections 3-B, district 4 and section 12-A the commissioner may, by emergency order, open a purse seine herring fishery during which a herring purse seine may not be more than 2,200 [2,125] meshes in depth.

(c) Repealed 4/28/84.

Choosing 2,200 mesh net instead of the 2,125 mesh allowed by emergency order in section 12-A, was for ease and cost of adding meshes to the already allowed 1,700 mesh net. By having the regulation in effect by emergency order only, the department would remain in control, if stocks were at a low level the department could slow fishing by only allow a 1,700 mesh net. This added depth will give fishermen a better tool to effectively harvest the resource in an efficient, timely manner, while providing jobs and a quality herring product.

The quota in sections 3-B and district 4 for bait herring is 60% of the guideline harvest level, with the other 40% going to the herring roe on kelp fishery. If the bait herring quota is not caught, the remaining quota goes to the roe on kelp fishery. Some may see this as an allocation issue, but I don't believe it is. The proposed regulation change is simply to help make best use of the involved parties time and money, while catching the already allocated 60% of the quota.

I would like to thank the board for their time and consideration on this matter. I hope you can see a change on this regulation would help properly utilize the allocated herring resource while supplying the local bait market and creating economic opportunity through increased efficiency.

Sincerely,

Justin Peeler

F/V Defiant

Submitted by the Alaska Department of Fish and Game at the request of board member Johnstone

February 23, 2012

Proposed substitute language for proposal 337:

5 AAC 33.XXX. District 1: Herring Bay Terminal Harvest Area Salmon Management

Plan. (a) The management plan in this section allows for a harvest of Whitman Lake hatchery-produced king salmon by the troll, personal use, and sport fisheries.

(b) The Herring Bay Troll Terminal Harvest Area consists of those waters of subdistricts 101-40, 101-44, and 101-45: in those waters of Revillagigedo Channel north and west of a line from the easternmost tip of Carroll Point across to Spire Island light on the eastern shore of Annette Island, Carroll Inlet south of the latitude of the southernmost tip of California Head, George Inlet south of 55°20.80' N. lat., and south of a line from a point located on the southeastern shore of Gravina Island at 55°17.65' N. lat., 131°37.03' W. long., to a point on the southwest shore of Tongass Narrows at 55°18.63' N. lat., 131°35.20' W. long., and east of a line from the southernmost tip of Gravina Point located on the southeast shore of Gravina Island to then northernmost tip of Walden Point located on the northeast tip of Annette Island.

(c) The Herring Bay Troll Terminal Harvest Area is open for commercial salmon trolling from July 1 through August 30, unless closed earlier by emergency order.

(d) Personal use fishing will be open at all times that the Commercial Salmon Troll Terminal Harvest Area is open for commercial salmon troll gear. The Herring Bay Personal Use Terminal Harvest Area will consist of those waters of Herring Cove west of a line running from the southern entrance of Hole-In-The-Wall harbor to an unnamed creek one-eighth of a mile north of Whitman Creek (signed and red painted rocks) to the fresh/saltwater boundary signs (signed and green painted rocks) located at the mouth of Herring Cove Creek. The conditions in a personal use salmon fishing permit issued under 5 AAC 77.682 will include the following:

(1) salmon may be taken for personal use only by drift gillnets;

(2) a drift gillnet may be 10 fathoms or less in length; a gillnet may not be anchored or attached to a boat; a gillnet may be any mesh size; and

(3) the daily bag and possession limit for king salmon shall be 50 unless specified by emergency order; any incidental harvest of other species shall be listed on a Ketchikan personal use permit.

(e) Sport fishing will be open from June 1 through July 31, in the Herring Bay Sportfish Terminal Harvest Area. Open waters will consist of those waters of Nichols Pass north of the latitude of Driest Point, Revillagigedo Channel north of the latitude of Harbor Point, Tongass Narrows south of the latitude of the Lewis Reef light as follows:

(1) the bag and possession limit is six king salmon, no size limit;

(2) king salmon harvested in this area do not count toward the nonresident annual limit; and

(3) the sport fishery possession limit may be reduced by emergency order to assure adequate return of hatchery broodstock.

Draft Minutes
Joint Northern/Southern Southeast Regional Planning Team Meeting
Wednesday, April 6, 2011
Hickel Room
Centennial Hall Convention Center
101 Egan Drive
Juneau, Alaska 99801

Alaska Department of Fish and Game (ADF&G) RPT Representatives:

Brian Frenette, Sport Fish Division, Douglas
 Scott Kelley, CF Division, Fisheries Management, Douglas
 Sam Rabung, CF Division, PNP Hatcheries, Juneau
 Flip Pryor (chair), CF Division, Resource Development, Douglas

Southern Southeast Regional Aquaculture Association (SSRAA) RPT Representatives:

Rudy Franulovich, Gillnet, Ketchikan
 Dave Otte, Troll, Ketchikan
 John Peckham, Seine, Ketchikan

Northern Southeast Regional Aquaculture Association (NSRAA) RPT Representatives:

Cheyne Blough, Gillnet, Hoonah
 Mitch Eide, Seine, Petersburg
 Allen Andersen, Troll, Sitka (teleconference)

Non-regional Hatcheries with a Northern Southeast Region RPT Representative:

Eric Prestegard, Douglas Island Pink and Chum, Inc. (DIPAC) (ex officio)

Representing Department of Community and Economic Development (DCED):

Andy Macaulay, Division of Investments, Juneau (ex officio)
 Geoff Whistler, Division of Investments, Juneau

SSRAA Staff: Ketchikan

John Burke, General Manager
 Sue Doherty, Research Manager

NSRAA Staff: Sitka

Steve Reifentstahl, General Manager

ADF&G Staff:

Judy Lum, SF Division, Douglas
 Bruce White, CF Division, PNP Hatcheries, Juneau
 Jake Musslewhite, CF Division, PNP Hatcheries, Juneau
 Eric Volk, CF Division, Genetics, Anchorage

Other Participants:

Kathy Hansen, SEAFA, Juneau
 Ed Hansen, Fisherman, Juneau
 Chris Knight, USAG- DIPAC, Juneau
 Dale Young, Sustainable Salmon Institute, Juneau
 Bart Watson, Armstrong Keta Inc., Juneau
 Dan Castle, SEAS, Ketchikan
 Seth Wyman, SEAS, Bow, WA

John Carle, NSRAA BOD, Hydaburg
Bob Thorstensen, SEAS, Juneau
Al Edsel, POWHA, Klawock
John Scoblic, Trident, Ketchikan
Dave Ohmer, Trident, Petersburg
Jon Franklin, Trident, Ketchikan
Bruce Wallace, SEAS, Juneau
John Olivia, KNFC, Kake

1.0 **Call to order.** Flip Pryor called the meeting to order at 9:10 a.m.

2.0 **Introduction/ Public Comment.** Pryor noting the meeting was being recorded for the purpose of keeping the minutes. Comments from the public were accepted throughout the meeting.

3.0 **Amend or approve agenda.** No amendments were made to the agenda.

Vote: agenda was **Approved** by unanimous consent.

4.0 **Review recommendations from the December 8, 2010 meeting in Ketchikan.**

Southern Southeast Regional Planning Team

- 1) Recommends approval of a permit alteration request (PAR) from SSRAA to add McLean Arm as a remote release site.

Northern Southeast Regional Planning Team

- 1) Recommends approval of a PAR from Sheldon Jackson Hatchery to allow collection of up to nine million green chum salmon eggs at Medvejie Hatchery for transport and release at Deep Inlet.
- 2) Recommends approval of a hatchery permit application submitted by Sitka Sound Science Center for Sheldon Jackson Hatchery
- 3) Failed to support a hatchery permit application submitted by Sustainable Salmon Institute to build a hatchery in Warm Springs Bay.

5.0 **Approve minutes from December 8, 2010 meeting in Ketchikan.**

Vote: minutes were **Approved** by unanimous consent.

6.0 Action Items:

Northern Southeast Regional Planning Team

6.1 Northern Southeast Regional Aquaculture Association (NSRAA) PAR to increase chum salmon permitted capacity by 10 million eggs at Medvejie Hatchery.

Introduction: Steve Reifentstahl (General Manager, NSRAA) gave a Power Point presentation. Medvejie Hatchery currently releases ten million fry in Bear Cove. The addition of ten million eggs would increase the release by nine million fry. The returning adult chum salmon will contribute to common property fisheries in Deep Inlet, the directed troll fishery, and directed pink salmon seine fisheries in Sitka Sound. Returning adult chum salmon will provide broodstock for Medvejie Hatchery. There has been no surplus broodstock returning to Medvejie Hatchery in the last three years.

Discussion: The changes made by the Board of Fisheries concerning gill net and seine rotations in Deep Inlet have been in effect for the last two years. Seine catch increased from 51% to 65%. Gill net decreased from 32% to 21%. Troll catch decreased from 17% to 14%, but that was more likely caused by king salmon prices being up which led to effort in Deep Inlet being down.

Blough **MOVED** and Rabung **SECONDED** to recommend **APPROVAL** of the NSRAA PAR to increase chum salmon permitted capacity by 10 million eggs at Medvejie Hatchery. **VOTE:** the vote was unanimously **CARRIED**.

6.2 Kake Non-Profit Fisheries Corporation (KNFC) PAR to change the permitted capacity of Gunnuk Creek Hatchery from 65 million pink and chum salmon eggs with no more the 20 million being pink salmon eggs, to 65 million chum salmon eggs and 20 million pink salmon eggs.

Introduction: The current permitted capacity of Gunnuk Creek Hatchery is 65 million pink and chum salmon eggs with no more than 20 million being pink salmon eggs. Changing the permitted capacity to 65 million chum salmon and 20 million pink salmon allows the hatchery to continue to build to their intended goal of 65 million chum salmon without reducing the number of pink salmon that are currently being produced. The price of pink salmon is currently up, so it makes financial sense to continue to maintain current pink salmon production.

Discussion: There were discussions about thermal marking, otolith sampling, and actual contribution to commercial fisheries. RPT representatives agreed to support the PAR if the hatchery operator was willing to submit a Board of Fisheries (BOF) proposal that would establish a THA and create a management plan. The management plan would include otolith sampling and some dedicated fishing time that would guarantee contribution to common property fisheries.

Blough **MOVED** and Eide **SECONDED** to recommend **APPROVAL** of the KNFC PAR to change the permitted capacity of Gunnuk Creek Hatchery to 65 million chum salmon and 20 million pink salmon eggs. **VOTE:** the vote was unanimously **CARRIED**.

6.3 KNFC PAR to increase permitted capacity of coho salmon at Gunnuk Creek Hatchery from 250,000 to 500,000 green eggs.

Introduction: KNFC would like to increase the permitted capacity of Gunnuk Creek Hatchery to 500,000 coho salmon eggs. The current permitted capacity is 250,000 green coho salmon eggs. There is hatchery space available to increase production to 500,000. The fish will be tagged with coded-wire-tags. Cost recovery will occur at the rack.

Discussion: The coho salmon program at Gunnuk Creek Hatchery is still building. The average survival is 10%. No saltwater rearing is used at the hatchery. The increase addresses a local demand for more coho salmon production. Contribution was discussed using the "Alaska Salmon Fisheries Enhancement Program 2010 Annual Report". The report showed the following harvest of Gunnuk Creek Hatchery coho salmon: troll 90, seine 1,755, sport 59, and subsistence 55. The seine and troll harvest seem to be superimposed (*a post meeting inquiry determined the enhancement report accurately reflects numbers reported on the hatchery annual report, but a tag lab query indicates the numbers are transposed*).

Blough **MOVED** and Kelley **SECONDED** to recommend **APPROVAL** of the KNFC PAR to change the permitted capacity of coho salmon at Gunnuk Creek Hatchery from 250,000 to 500,000 green eggs. **VOTE:** the vote was unanimously **CARRIED**.

6.4 Presentation of 2009 final enhancement allocation and 2010 preliminary enhancement allocation numbers. The Joint Southeast Regional Planning Team will discuss possible Board of Fisheries proposals and make a recommendation to the commissioner regarding allocation of enhanced salmon.

Introduction: Bruce White (ADF&G, Juneau) gave a Power Point presentation entitled "Preliminary 2010 and Final 2009 Allocation Estimates of Enhanced Salmon in Southeast Alaska". Value is equal to number of fish harvested, multiplied by average weight, multiplied by price per pound. Value of roe sold from Special Harvest Areas (SHA) is included. Number of fish harvested by gear group comes from the hatchery operator annual reports. Average weights come from the Region 1 BOF Report and from SSRAA (applied to SSRAA produced chum salmon in net fisheries). Prices come from the Commercial Fisheries Entry Commission.

Target troll allocation is 27-32%. Final 2009 troll value is 14%, which brings the 2005-2009 five-year average to 18%. Preliminary 2010 value is 18%, which brings the preliminary 2006-2010 five-year average to 17%.

Target seine allocation is 44-49%. Final 2009 seine value is 44%, which brings the 2005-2009 five-year average to 41%. Preliminary 2010 value is 42%, which brings the preliminary 2006-2010 five-year average to 42%.

Target gillnet allocation is 24-29%. Final 2009 gillnet value is 42%, which brings the 2005-2009 five-year average to 41%. Preliminary 2010 value is 40%, which brings the preliminary 2006-2010 five-year average to 41%.

Discussion: There was a conversation on the effects of allocation: DIPAC returns are up, Hidden Falls Hatchery returns are down from historical highs, and changes in values (e.g. carcass value). It was also noted that annual total value of enhanced fish is significantly higher in the last five years than it has historically been.

SSRAA: Has submitted three Board of Fisheries proposals. The first would establish a terminal harvest area (THA) in McLean Arm. The second would take out the normative language in the Neets Bay Management Plan. This would allow the SSRAA Board to work with ADF&G to annually establish a management plan that would allow Neets Bay to be managed in a way to address the current allocation situation. The third proposal would extend the date of the open area in front of Neets Bay and extend the open date to the 30th of September. This would help trollers because trollers can access coho salmon outside the THA but the fish don't seem to bite in the THA. The same thing is done in the spring for king salmon, and in July for chum salmon, this proposal would do the same thing in the fall to access coho salmon.

NSRAA: The "industry consensus" letter asked that a coho salmon troll fishery be open at Hidden Falls during the normal coho salmon closure. This did not work particularly well this year. Some years the fish bite well, but last year they did not. NSRAA will submit a BOF proposal that may increase troll fishery access to king salmon near Deep Inlet.

DIPAC: DIPAC Board will be voting on transferring nine million chum salmon fry from Amalga Harbor to Boat Harbor. That would bring Boat Harbor up to a permitted capacity of 24 million. The other change in production has to do with the expansion of the Macaulay Hatchery site. This could increase production of king and coho salmon by an estimated 750,000 to one million smolt. The transition of coho salmon broodstock has been completed. This summer will be the first return of Fish Creek (Taku River) stock coho salmon.

Last Board of Fisheries cycle the JRPT submitted a BOF proposal to change the rotation at Deep Inlet to address the allocation of enhanced salmon. The JRPT also supported the "letter of consensus" which included supporting a one to one rotation in Anita Bay. Two proposals were written for submission to the BOF for this cycle; which extend the deadline of the one to one rotation at both locations. There was some contention over whether the proposals were needed. The most contention with the two proposals was over the appropriate amount of time the changes should take effect.

Peckham **MOVED** and Eide **SECONDED** to recommend **APPROVAL** of the Anita Bay BOF proposal as written, with an amendment to sunset in six years (2012-2017). **VOTE:** the vote was **CARRIED** by a vote of 4-2 (department members abstain from voting on direct allocation issues). The vote was split by gear group, with the gill net representatives being opposed. The votes in opposition were based on a desire for a three year sunset.

Peckham **MOVED** and Eide **SECONDED** to recommend **APPROVAL** of the Deep Inlet BOF proposal as written, with an amendment to sunset in six years (2012-2017). **VOTE:** the vote was **CARRIED** by a vote of 4-2 (department members abstain from voting on direct allocation issues). The vote was split by gear group, with the gill net representatives being opposed. The votes in opposition were based on a desire for a three year sunset.

Otte **MOVED** and Eide **SECONDED** to recommend **SUPPORT IN CONCEPT** a letter to the commissioner regarding allocation. (Final wording will be finalized via e-mail) **VOTE:** the vote was unanimously **CARRIED**.

The JRPT finalized letter to the commissioner regarding allocation is as follows:

“The Joint Southeast Regional Planning Team (JRPT) received an annual update entitled “Preliminary 2010 and Final 2009 Allocation Estimates of Enhanced Salmon in Southeast Alaska” at its spring meeting. The Southeast Alaska Enhanced Salmon Allocation Management Plan (5 AAC 33.364) establishes target allocation ranges and trigger points for when action may be taken. The troll fleet remains well below its target range. The gillnet fleet remains well above its target range. The seine fleet remains below its target range. As of 2009 all three groups have been out of their target allocation ranges long enough for actions to be considered.

Over the years the JRPT has attempted to address the current imbalance issue through recommendations of hatchery production, Board of Fisheries proposal submissions, and Board of Fisheries proposal review and comment.

In recent years the JRPT has recommended the approval of hatchery production that will target the fleets below their target range. Some of that production is in effect, but an adult return from that production has not yet been realized.

The JRPT acknowledges that by 2012 all returning pink and chum salmon will be thermally marked. A coded-wire-tag program continues to be used with coho and king salmon. Recovery of these tags in returning adults will provide more accurate information related to the allocation of enhanced fish.

JRPT recommends SSRAA continue its program of trying to provide the troll fleet an opportunity to harvest 200,000 Neets Bay chum salmon. The JRPT supports SSRAA’s efforts to further develop the chum salmon troll fishery and provide seine opportunities in Neets Bay as abundance and finances allow.

The JRPT notices the efforts of the troll fleet to find additional areas to target hatchery produced chum salmon. NSRAA is submitting a Board of Fisheries proposal that will improve opportunities for the troll fleet to access hatchery Chinook salmon during the June troll fishery in Sitka Sound.

The JRPT recommends DIPAC continue to look for opportunities to produce fish that could be harvested by trollers.

The JRPT will submit two proposals to the Board of Fisheries. These proposals would maintain the one-to-one ratios between gillnet time and seine time at Deep Inlet and Anita Bay that were in place in 2009 and 2010 and will be in place in 2011. If adopted the one-to-one ratios would be extended through 2017.

At its December meeting the JRPT will review and comment on Board of Fisheries proposals that have impacts on the distribution of enhanced salmon.”

7.0 Information and Discussion Items.

7.1 Prince of Wales Hatchery Association (POWHA) PAR to transport Andrew Creek king salmon from Medvejie Hatchery to Port Saint Nicholas Hatchery that was recommended out of cycle.

Introduction: A mortality event occurred at Port Saint Nicholas Hatchery (PSNH) where they lost the majority of their Chickamin River stock king salmon. Due to a change in production strategy, a surplus of Andrew Creek stock king salmon fry existed at Medvejie Hatchery at the same time. PSNH is not a broodstock collection facility. An emergency PAR was submitted out of cycle to use Andrew Creek stock king salmon fry as a onetime patch to mitigate the loss of the Chickamin River stock king salmon. RPT members were contacted by e-mail and phone. Seeing no opposition, the department moved forward with the PAR.

Discussion: The RPT meets only meets twice a year. Occasionally things can pop up that need to be addressed out of cycle (given emergency status). There was no opposition to how the department handled this PAR. 200,000 fry were moved Saturday (April 2) and another 200,000 fry will be moved next Saturday (April 9).

7.2 Proposed POWHA cost recovery at Coffman Cove.

Introduction: Al Edsel (Scientific Advisor to the POWHA Board of Directors) represented POWHA. POWHA would like the authorization to perform cost recovery harvest of king salmon in Coffman Cove. POWHA is required to operate a weir at the mouth of Coffman Creek to keep returning king salmon from migrating up the creek. Cost recovery would allow POWHA to generate a small, but meaningful, amount of revenue and reduce the number of king salmon attempting to enter Coffman Creek. The area requested for cost recovery harvest is a point to point line in Coffman Cove Bay west of the end of the boat ramp. The time frame for harvest is anticipated to be from May 1st-August 10th. There are no anticipated conflicts with wild stocks. The harvest method requested is gillnetting.

Discussion: The first release in Coffman Cove was 120,000 brood year 2006 zero check king salmon. Five tags have been recovered, which equals about 250 adult salmon to common property fisheries. The PAR that transferred the king salmon project from Klawock Hatchery to Port Saint Nicholas Hatchery stated cost recovery would be allowed to help eradicate returns. The no cost recovery clause was put into the basic management plan because the gillnet fleet was opposed to cost recovery in Coffman Cove. The gillnet fleet will require time to comment on plans of cost recovery in Coffman Cove.

The SRPT committed to re-evaluating the cost recovery program at Coffman Cove at the fall RPT meeting.

7.3 SSRAA coho salmon program update.

Introduction: During the last BOF cycle, SSRAA proposed to increase coho salmon production by 1.2 million coho salmon smolts to address the allocation situation. That plan initially included rearing fish in Connell Lake before transferring and releasing the fish in Neets Bay. The Forest Service did not permit the use of net pens in Connell Lake. Some increased production may come from increased releases in Bakewell Lake. Neck Lake is being considered as another possible location for increased coho salmon rearing. A PAR for Neck Lake production may be submitted next year.

Discussion: Bakewell Lake production is cooperative project with the Forest Service. The Forest Service views this project as a restoration project and would like to see a sunset date for releases. SSRAA would like to see releases continue. Currently SSRAA has a permit from ADF&G to release one million fish in Bakewell Lake. SSRAA has a permit from the Forest Service to have a foot print to rear up to 500,000 fish in the lake. SSRAA may increase the release in Bakewell Lake this year by rearing up to 500,000 fish in the net pens and releasing some number of fry into the lake. The “Industry Consensus” letter to the BOF last cycle included an increase of SSRAA coho salmon and chum salmon releases. Part of the coho salmon increase may come this year with an increased release into Bakewell Lake. The chum salmon production will start with eggs being taken this summer.

7.4 SSI Baranof Warm Springs Basic Management Plan

Introduction: The NRPT failed to support a Sustainable Salmon Institute application for a king and coho salmon hatchery at Baranof Warm Springs at the fall RPT meeting. The application was for a full project, with three phases, with maximum production of 60 million green eggs. The application process is continuing to move forward. A basic management plan has been drafted, and a public meeting will be held in Sitka on May 3rd. Regulation restricts the basic management plan to the first five years of development, which correlates with phase one in the application. The basic management plan has a maximum permitted capacity of three million green eggs. If the hatchery is permitted, the basic management plan becomes the permit.

Discussion: Most of the concern expressed at the fall meeting centered on full production of 60 million green eggs and the time frame to get to full production. The basic management plan reflects a much more conservative size and time frame. There were some discussions on operating a hatchery without a pink or chum salmon cost recovery component. Pink or chum salmon would add financial stability and help gather support from the constituency. There is sufficient water and space to produce lots of pink and/or chum salmon, but the local land owners did not want a large net fishery in the bay when a hatchery was originally proposed. Not proposing pink and chum salmon production was a way for the applicant to address those concerns, another way would be a remote release site. Adding pink and chum salmon could be done by PAR after a hatchery permit is issued. The RPT representatives have not had sufficient time to get feedback from their members about the basic management plan, which is significantly different from the application that was reviewed in the fall.

Blough **MOVED** and Frenette **SECONDED** that the RPT will commit to reviewing, with the option to recommend approval, the basic management plan for Baranof Warm Springs Hatchery one more time before it is sent to the commissioner for approval. **VOTE:** by a vote of 3-2, with one abstaining the vote was **CARRIED**. One vote in opposition was based on asking the RPT to take action on short notice. One vote in opposition was based on opposition to the project. The vote to abstain was based on acknowledging the process is moving forward and not believing there is a reason to address the issue out of cycle (emergency status).

8.0 Additional Business. There was no additional business.

9.0 **Next meeting** is tentatively set for December 8, 2011 in Sitka (to be scheduled in conjunction with the Seine and Gillnet Task Force Meetings).

10.0 **Adjourn** at 4:30 pm

Darrell Kapp
338 Bayside Rd.
Bellingham, WA, 98225

February 23, 2012

Alaska Board of Fish
PO Box 115526
Juneau, Alaska, 99811-5526

Re; Proposal 380, Definitions

Dear Chairman Johnstone and Board Members,

The issue in Alaska is: what is "overall length". Proposal 380, suggests a definition for an anchor roller by saying **what it is not**. I suggest following the Code of Federal Regulations. Title 46: Shipping Part 69 – MEASUREMENT OF VESSELS

Weathertight means secure against penetration of water into the vessel in any sea condition.

By using this definition to construct the legal language of length, the Board would be saying **what it is**.

AS 16.05.835

© In this section, "overall length" means the straight line length between the *weathertight* extremities of the vessel.

Thank you for your consideration

Darrell Kapp



RC 26

Subject: Jensen Conflicts

From: Nelson, Lance B (LAW) (lance.nelson@alaska.gov)

To: omasou64@yahoo.com; monica.wellard@alaska.gov; johnstone@commspeed.net; mike.mitchelli@alaska.gov;

Cc: sue.aspelund@alaska.gov; jeff.regnart@alaska.gov; kelly.hepler@alaska.gov;

Date: Monday, January 23, 2012 4:45 PM

John Jensen, Mike, and I discussed John's potential conflicts and this is the list of 46 proposals that we agreed would create conflict:

Proposal 212

Proposal 225

Proposals 284, 285, 286, 287

Proposals 289, 290, 291

Proposals 295, 296, 297, 298, 299

Proposals 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320,321

Proposals 323, 324, 325, 326, 327, 328

Proposals 332, 333, 334, 335, 336, 337, 338

Proposals 340, 341, 342, 343, 344

Some of these may have already been subject to withdrawal requests by the proposers.

Let us know if you have any questions.

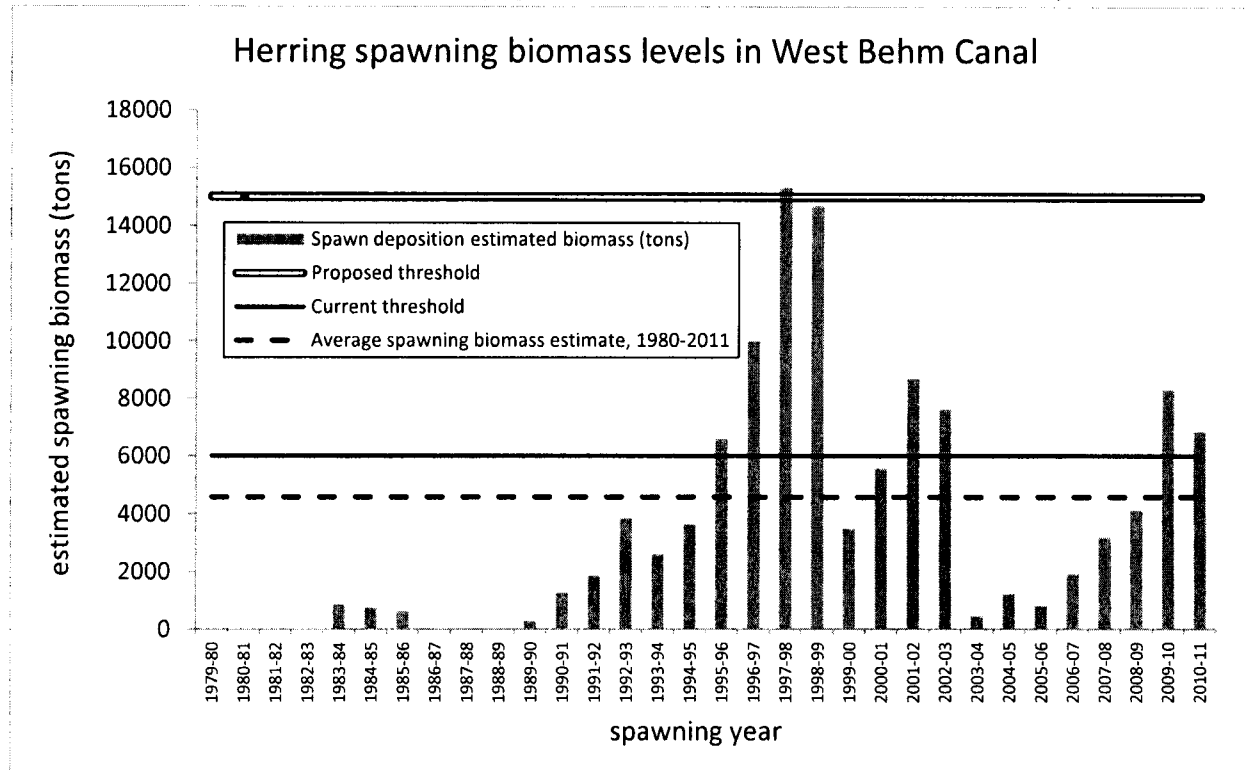
Lance Nelson

Sr. Ass't AG

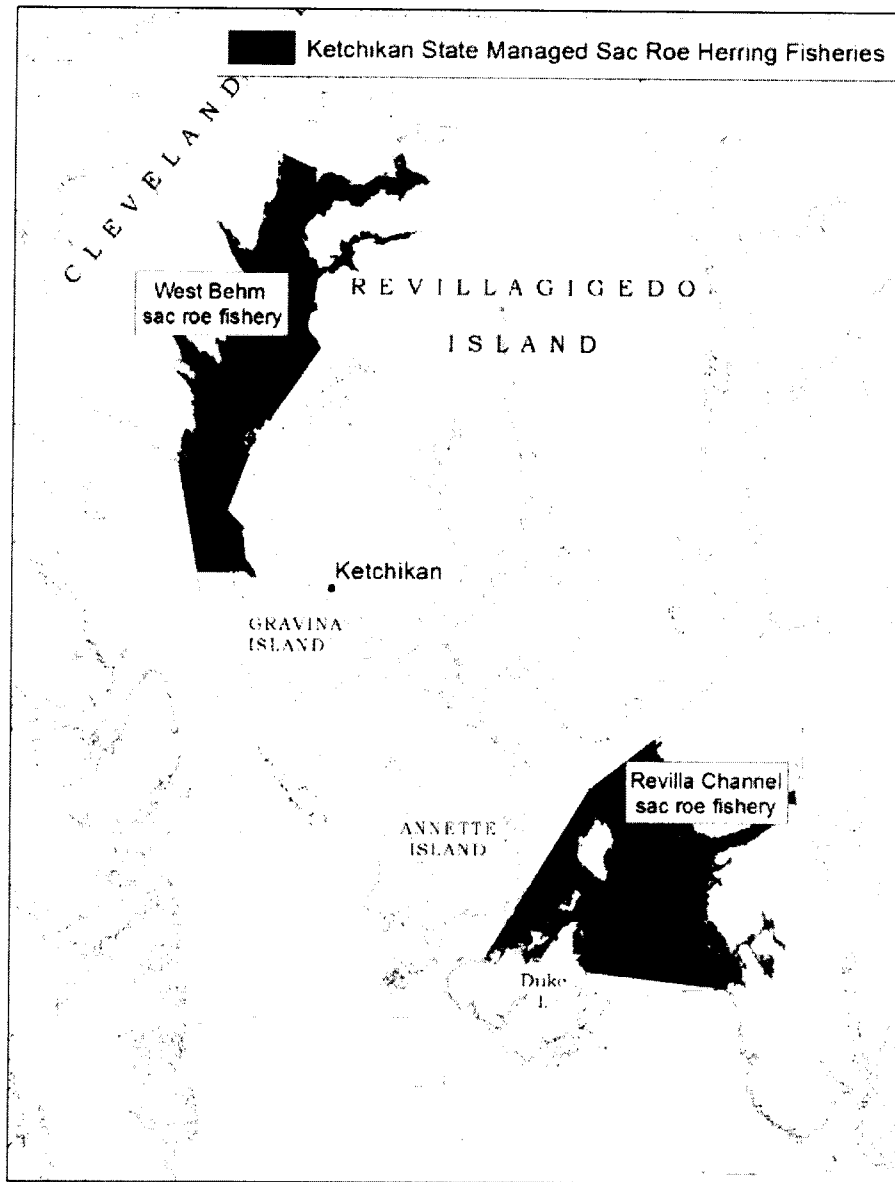
Alaska Department of Fish and Game
 February 24, 2012

Corrections to RC 2

This figure replaces Figure 242.1 on page 112 of RC 2 (ADF&G Staff Comments).



This figure replaces Figure 243.1 on page 228 of RC 2 (ADF&G Staff Comments).



ALFA RCN
2/24/12 RC28

138°W 137°W 136°W 135°W

58°30'N
58°N
57°30'N
57°N
56°30'N
56°N

58°30'N
58°N
57°30'N
57°N
56°30'N
56°N

Cape Fairweather

Likuya Bay

3879
MI Crilla

Demersal Shelf Rockfish "Hotspots"

■ High Bycatch Occurances in 2 of 3 years

LORAIN

JUNE

1135

CHICHAGOF ISLAND

ADMIRALTY ISLAND

914

1432
BARANOF
AERO RBn
Sika
1280

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ONANOF ISLAND

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2689



2/24/12

