ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS
ON DUNGENESS CRAB, SHRIMP, AND MISCELLANEOUS SHELLFISH (except SE and Yakutat) AND SUPPLEMENTAL ISSUES

ALASKA BOARD OF FISHERIES MEETING
ANCHORAGE, ALASKA

March 17-27, 2003

The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries (Board) meeting, March 17-27, 2003 in Anchorage, Alaska. The comments are forwarded to assist the public and Board. The comments herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formatted after review of written and oral public testimony presented to the Board.

This book is organized by the Board Subcommittee. A listing of staff comment page numbers by proposal number appears after the Table of Contents on page v.

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COMMITTEE A
STATEWIDE SHELLFISH, PLANTS, GEAR AND HABITAT

PROPOSAL 393, Page 275, 5 AAC 38.2XX. MISCELLANEOUS SHELLFISH FISHERY.

WHAT WOULD THE PROPOSAL DO? This proposal would close directed commercial miscellaneous shellfish fisheries, which include such species as sea cucumbers and urchins, octopus, squid, mussels, and clams, in the Prince William Sound Area and, with the exception of weathervane scallops, until the board adopts a conservation-based management plan. The proposal calls for a plan that will address stock status, minimum acceptable biomass level, maximum allowable exploitation rates, a regular schedule and mechanism for stock assessment, and fisheries and resource interactions for each stock prior to allowing the harvest of these stocks.

WHAT ARE THE CURRENT REGULATIONS? Regulations specify: there is no closed season for clams and mussels (5 AAC 38.210); butter and littleneck clams may be taken with shovels, forks, or floating hydraulic clam diggers; razor clams may be taken with shovels, forks, or by hydraulic or mechanical clam diggers in the western Copper River Delta and Orca Inlet under the terms of a commissioner's permit (5 AAC 38.211); the guideline harvest level for commercial and subsistence taking of razor clams from Kanak Island is 100,000 to 150,000 lb (5AAC 38.215); razor clams taken from Kanak Island may only be used for human consumption (5 AAC 28.215); the minimum legal size is 4½ inches for razor clams, 2½ inches for butter clams, and 1½ inches for littleneck clams (5 AAC 38.075); and all vessels and gears used to harvest miscellaneous shellfish must be registered (5 AAC 38.020).

Statewide regulations specify that octopi, squid, Korean hair crab, sea cucumbers, sea snails, coral and other marine invertebrates may only be taken under the authority of a permit issued by the commissioner. The permit may stipulate the location and duration of harvest, gear or other harvest procedures, and reporting procedures. Furthermore, the commissioner may require an application for a permit, and the commissioner may refuse or terminate a permit if terms of the permit have been violated, or the harvest jeopardizes the sustained viability of the resource (5 AAC 38.062).). In addition, regulation 5 AAC 39.210. Management Plan for High Impact Emerging Fisheries specifies that commercial fisheries, which expand rapidly in the absence of well-established management strategies, may be regulated as high impact emerging commercial fisheries.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? With the exception of the weathervane scallop fishery, miscellaneous shellfish fisheries in the Prince William Sound Area would remain closed until a conservation based management plan was been adopted that addresses the specified considerations for a particular species.

BACKGROUND: From 1916 through the 1950's, annual razor clam harvests from Orca Inlet and the western Copper River Delta frequently exceeded 1.0 million lb. Commercial harvests declined during the 1950's through the 1980's due to market shifts, coupled with habitat loss resulting from the 1964 earthquake. The average harvest from 1979 to 1988 was 48,000 lb. Commercial harvests have not occurred since 1988 except for a small harvest in 1994 that is confidential due to the limited number of participants.

All noncommercial harvests of razor clams in the Copper River and Controller Bay areas have occurred under the authority of a permit since 1985. Harvest reports confirmed a reduction in razor clam abundance, declining from 6,225 lb by 83 diggers in 1987 to 27 lb by 4 diggers in 2000, and averaged 49 lb by 6 diggers over the past 5 years.

Harvests of squid in PWS have primarily occurred as bycatch to the pelagic trawl pollock fishery. Squid harvests have ranged from 468 lb in 1996 to 180,250 lb in 2002, with an average harvest of 33,400 lb since 1995. Primarily occurring as bycatch to the Pacific cod pot fishery, octopus harvests have ranged from 15 lb in 1991 to 5,798 lb in 1994 and have averaged 2,994 lb among years.

While several permits have been issued to harvest sea cucumbers or urchins, there are no reported landings from the PWS Management Area. Information from various surveys indicates that sea cucumbers are low in abundance and sparsely distributed. Similarly, anecdotal reports indicate sea urchins of a harvestable size are low in abundance and sparsely distributed.

DEPARTMENT COMMENTS: The Department **OPPOSES** this public proposal. The department has no funding to develop the kind of programs called for in this proposal and therefore this proposal effectively closes these fisheries even from low level historical or exploratory fishing. Current regulations provide adequate oversight and control of low intensity fisheries targeting miscellaneous shellfish resources in Prince William Sound. A commissioner's permit is required before conducting a fishery. Stipulations may be placed on these permits regarding location and duration of harvest, harvest reporting, fishing gear, and other harvest procedures. These measures provide adequate resource protection. The Management Plan for High Impact Emerging Fisheries also provides guidance for the development of management tools for commercial fisheries in which harvests have recently expanded beyond historical levels. Finally, the board and department are jointly working on a developing fisheries policy intended to guide how new fisheries are developed. A major feature of this initiative is aimed at providing mechanisms to fund the kind of management planning and research called for by this proposal.

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

PROPOSAL 394, PAGE 276. 5 AAC 37.XXX. KELP MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? This proposal would restrict kelp harvests until a kelp management plan is approved by the Board of Fisheries. The interim restrictions would either 1) limit kelp harvests to recent or historic levels, or 2) prohibit all kelp harvests.

WHAT ARE THE CURRENT REGULATIONS? Kelp harvest requires a permit (5 AAC 37.100) with seasons set by emergency order (5AAC 37.200). *Macrocystis* kelp harvests requirements include: harvesting in a manner that won't dislodge the plant from the bottom, cutting the plant no more than 1 foot underwater, retention of only the upper portion of the plant, no use of dive gear, and no harvests where herring are spawning. Transport is by permit only for herring spawn-on-kelp in pounds, for aquatic farming, and for scientific research or educational purposes (5 AAC 37.900).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Due to conflicting language in the proposal, the effects are not clear. One effect would be to limit kelp harvests to recent or historical levels until a management plan is approved by the Board. Alternatively, no kelp harvests would be allowed until a management plan is approved. In the first case, there would be little effect on existing commercial users. In the second case, the existing uses, which are primarily for herring spawn-on-kelp fisheries and for kelp byproducts, would cease pending development and approval of a management plan.

BACKGROUND: The department has issued kelp harvesting permits primarily for two purposes. The first is for herring spawn on kelp (SOK) fisheries, and this includes harvest of *Macrocystis* kelp blades from subtidal areas in Southeast Alaska and rockweed (*Fucus*) plants from the intertidal zone in the Togiak area. The *Macrocystis* blades are suspended in enclosures (pounds) for herring to spawn on. Rockweed is harvested after herring have spawned on it *in situ*. Harvests of *Macrocystis* have occurred since the late 1960s in Southeast Alaska, mostly in southern Southeast. Records since 1990 indicate an average annual harvest of 20 tons (range 2.6 to 44.4 tons). In the early 1990s this kelp was largely transported to Prince William Sound, but has mostly been used in Southeast Alaska at the Craig and Hoonah Sound SOK fisheries since 1995. Small quantities have been shipped as far as Nome. Assessment work in 1999 indicated a very large biomass of *Macrocystis* of about 200,000 tons in a survey of roughly 60% of the kelp beds on the west side of Prince of Wales Island (the most important but not the only area with *Macrocystis* in Southeast Alaska). Hence, the average annual harvest of *Macrocystis* for SOK is a tenth of a percent of a very conservative biomass estimate. For this reason, the harvests are considered negligible in relation to the available biomass, which has a high annual rate of renewal.

Rockweed harvests in the Togiak area have been regulated according to a Board approved management plan (5 AAC 27.834.) since 1980, which restricts rockweed harvests to a level estimated to be less than 10% of the available biomass.

The second purpose of kelp harvests is to obtain kelp byproducts, including liquid plant fertilizer, and as food and vitamin supplements. In Southeast Alaska, roughly 90 tons of bull kelp (*Nereocystis lutkeana*), 8 tons of *Alaria* and 7 tons of *Macrocystis* have been harvested for

byproducts (mostly fertilizer) under the terms of 6 permits. Two recent permits (since 2000) comprise the vast majority of intended harvests (51 tons of bull kelp and 3.5 tons of *Alaria* total) from Southeast Alaska, and require a department approved biomass assessment program. Small harvests of bull kelp (274 lbs) were permitted in the vicinity of Seldovia in 1999. Harvests of roughly 2 tons of bull kelp were made under 2 permits in the vicinity of Kodiak from 1995 to 1998.

Transport of kelp between regions poses a risk of introduction of non-native species. Invasive species cause millions of dollars of direct economic and ecological harm throughout the United States. The Alaska Aquatic Nuisance Species Management Plan stresses the need for the State to take a proactive stance on invasive species. They key goal is to identify and close pathways through which invasive species may be introduced, or spread within the state. While research on the effects of *Macrocystis* kelp transport within Alaska has not been done, an investigation in Oregon showed that *Macrocystis* kelp imported into that state from California for herring egg collection carried over forty species of algae and invertebrates from California. Southern Southeast Alaska would likely be the initial entry for invasive species such as the green crab, New Zealand Mud Snail or other such species from the intensely invaded coasts of the Western United States. Given the paucity of invasive species monitoring efforts in Alaska, continued kelp transport from the Southeast to other parts of the state could facilitate an invasion of these or other species that would be difficult to manage, near impossible to eradicate and could cause significant economic impact on existing renewable resource extraction activities.

DEPARTMENT COMMENTS: The department supports the restriction of kelp harvests to recent and historical levels, pending development of a management plan. The department opposes a prohibition on all kelp harvests because current permit stipulations are adequate to assure that ongoing harvests remain small relative to existing biomass. The need for management planning for high impact emerging fisheries is addressed in regulation 5 AAC 39.210. More comprehensive treatment of management planning and related issues, including those of new kelp harvests, are addressed in the draft developing fisheries policy.

COST ANALYSIS: Adoption of this proposal would not result in an additional direct cost for a private person to participate in kelp harvests at existing levels.

PROPOSAL 421, page 296, 5 AAC 39.145(3). ESCAPE MECHANISM FOR SHELLFISH AND BOTTOMFISH POTS.

WHAT WOULD THE PROPOSAL DO? This proposal would require Dungeness crab, shrimp, and miscellaneous shellfish pots to contain escape mechanisms or openings while on board vessels during open fishing seasons.

WHAT ARE THE CURRENT REGULATIONS? Pot gear must include an escape mechanism in accordance with provisions often specific to different types of gear:

(1) all shellfish and bottomfish pots must contain an opening equal to or exceeding 18 inches in length, except that in shrimp pots the opening must be a minimum of 6 inches in length. The opening must be laced, sewn, or secured together by a single length of untreated, 100 percent cotton twine, no larger than 30 thread. The cotton twine may be knotted at each end only. The opening must be within six inches of the bottom of the pot and must be parallel with it. The cotton twine may not be tied or looped around the web bars. Dungeness crab pots may have the pot lid tie-down straps secured to the pot at one end by a single loop of untreated, 100 percent cotton twine no larger than 60 thread, as a substitute for the above requirement; the pot lid must be secured so that, when the twine degrades, the lid will no longer be securely closed.

(2) all king crab, Tanner crab, shrimp, miscellaneous shellfish and bottomfish pots must contain an opening at least 18 inches in length, except that shrimp pots must contain an opening at least six inches in length. The opening must be laced, sewn, or secured together by a single length of treated or untreated twine, no larger than 36 thread. A galvanic timed release (GTR) device, designed to release in no more than 30 days in salt water, must be integral to the length of twine so that, when the device releases, the twine will no longer secure or obstruct the opening of the pot. The twine may be knotted only at each end and at the attachment points on the galvanic timed release device. The opening must be within six inches of the bottom of the pot and must be parallel with it. The twine may not be tied or looped around the web bars.

(3) in an area open to commercial, personal use, sport, or subsistence fishing with pot gear, including a pot storage area, a registered commercial fishing vessel or a vessel used for, personal use, sport, or subsistence fishing may not have on board the vessel or in the water, in fishing or stored condition, any bottomfish, king crab, or Tanner crab pot gear that does not have an opening or rigging as specified in (1) or (2) of this section (5 AAC 39.145).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Regulations for Dungeness crab, shrimp, and miscellaneous shellfish pots would be consistent with requirements adopted by the Board for bottomfish pots, king crab pots and Tanner crab pot gear as in section (3) of 5 AAC 39.145.

BACKGROUND: Regulations regarding escape mechanisms were in effect before 1984 and were amended in 1991, 1993, 1994, 2001 and 2002.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. The requirements for escape mechanisms to be included in bottomfish and shellfish pots should be consistent for various fisheries. The regulations can be enforced when a vessel is in port.

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

PROPOSAL 422 page 297, 5 AAC 39.210. MANAGEMENT PLAN FOR HIGH IMPACT EMERGING FISHERIES.

WHAT WOULD THE PROPOSAL DO? This proposal would prevent commercial fisheries from developing on invertebrate and plant species used as habitat by marine fish and shellfish that are jointly managed by the Board of Fisheries and the North Pacific Fishery Management Council (NPFMC), both in state waters and in the Exclusive Economic Zone (EEZ) outside of state waters. The species in consideration at this time include corals, sponges, mussels, rockweed and kelp.

WHAT ARE THE CURRENT REGULATIONS? Statewide regulations for Miscellaneous Shellfish specify that octopi, squid, Korean hair crab, sea cucumbers, sea snails, coral and other marine invertebrates (including sponges and mussels) may only be taken under the authority of a permit issued by the commissioner; the permit may stipulate the location and duration of harvest, gear or other harvest procedures, and reporting procedures. Furthermore, the commissioner may require an application for a permit, and the commissioner may refuse or terminate a permit if terms of the permit have been violated, or the harvest jeopardizes the sustained viability of the resource (5 AAC 38.062). Likewise, commercial harvest of kelp (including rockweed), requires a permit issued by the commissioner (5 AAC 37.100)

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? A loophole would be closed that allows non-federally licensed vessels to engage in a commercial fishery in the EEZ for corals, sponges, mussels, rockweed, and kelp. Kelp (including rockweed) and mussels (with possible rare exceptions) occur only in state waters due to their shallow water habitat requirement, and would not in fact be affected by adoption of this proposal.

BACKGROUND: Directed commercial fisheries for corals, sponges, and mussels do not occur in state waters. A few permits for coral harvests have been granted in the past for very small quantities. Kelp harvests are permitted in Southeast Alaska, Prince William Sound, and in the Togiak area for naturally occurring spawn-on-kelp and for spawn-on-kelp suspended in pounds. The harvest of kelp with natural spawning primarily includes rockweed (*Fucus*), Ribbon (*Alaria*), and Sieve (*Agarum*) kelps whereas pound fisheries primarily use *Macrocystis* kelp harvested and transported from Southeast Alaska. The commercial spawn-on-kelp fishery in Prince William Sound has been closed for the past three years due to lack of suitable spawn, possible contamination due to the Exxon Valdez oil spill, or low herring abundance.

DEPARTMENT COMMENTS: The department supports a prohibition on directed harvest of corals and sponges as a means to close the loophole in the federal regulations. The department does not support prohibitions on kelp harvests, as these are adequately regulated in state waters (see comments on proposal 394) and the species are not expected occur in the EEZ. There is no need to prohibit mussel harvests as these are not expected to occur in the EEZ and harvests are subject to permit requirements in state waters.

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

COMMITTEE B
STATEWIDE TROUT MANAGEMENT PLAN

PROPOSAL 423 page 298, 5 AAC 75.XXX. POLICY FOR THE MANAGEMENT OF SUSTAINABLE WILD TROUT FISHERIES.

WHAT WOULD THIS PROPOSAL DO? Enact a policy to form a regulatory foundation to assure for the sustainability of Alaska's wild trout resources.

WHAT ARE THE CURRENT REGULATIONS. Criteria for establishing special management areas for trout statewide currently exists in regulation (5 AAC 75.013). However, a policy that provides principles and criteria to ensure conservation, sustainability, and optimal sustained yield and benefits is lacking.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Wild trout populations have been depleted or have disappeared from much of their range around the world. As a result Alaska's trout now represent the world's greatest spectrum of genetic diversity. The State has long recognized the value of these fish. Since the 1970's, the board has adopted successively more conservative management by adopting (A) the blue ribbon and trophy trout areas in Southwest Alaska, (B) the Cook Inlet & Copper River Basin Rainbow/Steelhead Trout Management Policy, (C) the Southwest Alaska Rainbow Trout Management Plan, (D) the Kenai Peninsula Steelhead Management Plan; (E) conservative management regulations for steelhead trout in Southeast Alaska; (F) conservative regulations for cutthroat trout in Southeast Alaska; and (G) numerous proposals by the public to establish catch-and-release fisheries for wild rainbow trout. Similarly, the Alaska Department of Natural Resources has protected trout and salmon habitat and the fishing through habitat classifications in the Bristol Bay Area Plan, the Susitna Area Plan, and other such plans, and has sought to minimize conflict between users through a Nushagak/Mulchatna Recreation Area Management Plan. Also, the Alaska Legislature has enacted legislation to facilitate conservation easements and tax incentives that protect trout and salmon habitat, and to designate and conserve recreational rivers. Further, the Department of Fish and Game, Department of Natural Resources, Exxon Valdez Trustee Council, local governments and non-governmental entities (e.g., private land trusts, the Nature Conservancy, sport fishing and river conservation organizations) have sought to protect trout and salmon habitat by tax incentives, conservation easements, acquisitions, zoning, restoration, and the like. If small populations of steelhead in Southeast Alaska become endangered, then federal law could severely impact commercial salmon fisheries. Acknowledging the potential for irreversible loss of genetic integrity due to human activity, the Task Force believes that submitted wild trout fishery management plan and sustainable fishery policy would help ensure the protection this precious biological resource in perpetuity.

BACKGROUND: In October 2001 Governor Knowles proposed a Wild Rainbow Trout Initiative. The cornerstones of this initiative were aimed at assuring the sustainability of Alaska's wild rainbow trout resources. In response to the Governor's initiative, the Alaska Board of Fisheries established a Wild Rainbow Trout Task Force and charged this Task Force with developing a statewide wild rainbow trout management plan (to guide the utilization of Alaska's wild rainbow trout stocks) and a statewide wild trout sustainable fishery management

policy (to assure for the sustainability of these stocks). This Task Force developed both a statewide wild trout fishery management plan and a statewide wild trout sustainable fishery policy. The Task Force believes these two plans will help assure for the sustainable use of Alaska's wild trout resources while managing them for their optimal sustained yield and benefits. Only the policy will be addressed at this time.

DEPARTMENT COMMENTS: The Department SUPPORTS the Task Force's proposal to establish a *Policy for the Management of Sustainable Wild Trout Fisheries*. Alaska's wild trout resources are world-renowned and support important recreational fisheries. Sustaining these fisheries is important both socially and economically. We feel that the Task Force's proposal will help assure that these stocks are managed for their long-term protection and use. We strongly support the concepts embedded in the policy that:

- bases management on **optimal (**rather than maximum) sustained yield aimed at providing a full range of desired benefits;
- recognizes the need to protect all wild trout habitats;
- recognizes the need to assure adequate food sources;
- recognizes the need to assess stocks and build sustainable management plans for them; and,
- recognizes the need to develop action plans to restore depleted stocks.

We also support the concept of modeling the policy after the *Sustainable Salmon Fisheries Policy*, recognizing key life history differences in trout. This policy has been used effectively by the Board to sustain and rebuild salmon stocks. Finally, we support Task Force's recommendation to expand this policy to include cutthroat trout and steelhead trout.

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

PROPOSAL 424, page 306 and PROPOSAL 426, page 326. 5 AAC 75.XXX. POLICY FOR THE MANAGEMENT OF SUSTAINABLE WILD TROUT FISHERIES.

WHAT WOULD THIS PROPOSAL DO? Enact a policy to form a regulatory foundation to assure for the sustainability of Alaska's wild trout resources.

WHAT ARE THE CURRENT REGULATIONS. Criteria for establishing special management areas for trout statewide currently exists in regulation (5 AAC 75.013). However, a policy that provides principles and criteria to ensure conservation, sustainability, and optimal sustained yield and benefits is lacking.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? These are one a several alternative frameworks that have been proposed to create a sustainable wild trout fisheries policy. This proposal groups the management plan and policy into one section. With respect to the policy, the goal is to regulate a more proactive approach to conserve and maintain habitat, public access, and uncrowded, high quality fisheries.

BACKGROUND: In October 2001 Governor Knowles proposed a Wild Rainbow Trout Initiative. The cornerstones of this initiative were aimed at assuring the sustainability of Alaska's wild rainbow trout resources. In response to the Governor's initiative, the Alaska Board of Fisheries established a Wild Rainbow Trout Task Force and charged this Task Force with developing a statewide wild rainbow trout management plan (to guide the utilization of Alaska's wild rainbow trout stocks) and a statewide wild trout sustainable fishery management policy (to assure for the sustainability of these stocks). This Task Force developed both a statewide wild trout fishery management plan and a statewide wild trout sustainable fishery policy. The Task Force believes these two plans will help assure for the sustainable use of Alaska's wild trout resources while managing them for their optimal sustained yield and benefits. Only the policy will be addressed at this time.

DEPARTMENT COMMENTS: The department SUPPORTS the concept of a statewide policy for management of rainbow trout as described in our comments to proposal 423, but we OPPOSE proposals 424 and 426 for the following reasons:

- We believe some of the incorporated language in the proposed alternative pertaining to habitat and land ownership is outside of the authority of the Board.
- We feel that merging the policy and plan into one document is confusing unnecessarily complicated.
- We do not believe in setting the standard for size composition to "historic" rather than "desired." Because of a lack of baseline data, a historic standard has been difficult to establish. Additionally, it may be desirable to set a size limit other than that which was historically measured, especially in the case where the size may be depressed due to limitations in food supply or to selective harvest.
- We do not agree with the mandate that all stocks previously managed under special management be designated as stocks of concern. Some of the previously designated stocks where designated as such to provide diverse fishing opportunities and not for

conservation reasons. We believe it would be wrong to designate these as stocks of concern.

- We believe the rebuttable presumptions in the recommended section on Policies on Allocative Matters is too confining and limits Board discretion in allocation issues. Similarly, we believe many of the must's and shall's limit Board discretion.
- Finally, we believe the recommended section on river corridor/watershed conservation has some merit, but its merit should be discussed separately given its relationship to species other than trout.

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

PROPOSAL 425, page 318, 5 AAC 75.XXX. POLICY FOR THE MANAGEMENT OF SUSTAINABLE WILD TROUT FISHERIES.

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WHAT ARE THE CURRENT REGULATIONS. Criteria for establishing special management areas for trout statewide currently exists in regulation (5 AAC 75.013). However, a policy that provides principles and criteria to ensure conservation, sustainability, and optimal sustained yield and benefits is lacking.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This is one a several alternative frameworks that have been proposed to create a sustainable wild trout fisheries policy. This proposal groups the management plan and policy into one section. With respect to the policy, the goal is to regulate a more proactive approach to conserve and maintain habitat, public access, keeping public land public, and maintaining quality fisheries.

BACKGROUND: In October 2001 Governor Knowles proposed a Wild Rainbow Trout Initiative. The cornerstones of this initiative were aimed at assuring the sustainability of Alaska's wild rainbow trout resources. In response to the Governor's initiative, the Alaska Board of Fisheries established a Wild Rainbow Trout Task Force and charged this Task Force with developing a statewide wild rainbow trout management plan (to guide the utilization of Alaska's wild rainbow trout stocks) and a statewide wild trout sustainable fishery management policy (to assure for the sustainability of these stocks). This Task Force developed both a statewide wild trout fishery management plan and a statewide wild trout sustainable fishery policy. The Task Force believes these two plans will help assure for the sustainable use of Alaska's wild trout resources while managing them for their optimal sustained yield and benefits. Only the policy will be addressed at this time.

DEPARTMENT COMMENTS: The department SUPPORTS the concept of a statewide policy for management of rainbow trout as described in our comments to proposal 423, but we OPPOSE proposal 425 for the following reasons:

- This is a reorganization of the Task Force's policy. We believe the reorganization is confusing and unnecessarily eliminates the useful framework of the successful sustainable salmon policy.
- We believe some of the incorporated language in the proposed alternative pertaining to essential habitat, riparian zones, river corridor and public access, and water quality and quantity may be outside of the authority of the Board and Department.
- The policy as recommended includes criteria for management. We feel that having a separate document covering management is less confusing and more amenable to future modifications as management of rainbow trout progresses.
- We do not believe in setting the standard for size composition to "historic" rather than "desired." Because of a lack of baseline data, a historic standard has been difficult to establish. Additionally, it may be desirable to set a size limit other than that which was

historically measured, especially in the case where the size may be depressed due to limitations in food supply or to selective harvest.

- We do not agree with the mandate that all stocks previously managed under special management be designated as stocks of concern. Some of the previously designated stocks where designated as such to provide diverse fishing opportunities and not for conservation reasons. We believe it would be wrong to designate these as stocks of concern.

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

PROPOSALS 426-429, 5 AAC 75 XXX. STATEWIDE RAINBOW TROUT FISHERY MANAGEMENT PLANS.

DEPARTMENT COMMENTS: Staff is in the process of completing comments to these proposals. Comments will be mailed independently to BOF members, posted on the web, and otherwise made available to the public.

PROPOSAL 430, page 341, 5 AAC 75.XXX. POLICY FOR THE MANAGEMENT OF SUSTAINABLE WILD TROUT FISHERIES.

WHAT WOULD THIS PROPOSAL DO? Expand the proposed policy aimed at forming a regulatory foundation to assure for the sustainability of Alaska's wild trout resources to include Dolly Varden char, Arctic grayling, lake trout, Arctic char, sheefish, and northern pike.

WHAT ARE THE CURRENT REGULATIONS. Criteria for establishing special management areas for trout statewide currently exists in regulation (5 AAC 75.013). However, a policy that provides principles and criteria to ensure conservation, sustainability, and optimal sustained yield and benefits is lacking. No policy covering the above mentioned species exists in regulation at this time.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would expand the proposed policy aimed at forming a regulatory foundation to assure for the sustainability of Alaska's wild trout resources to include Dolly Varden char, Arctic grayling, lake trout, Arctic char, sheefish, and northern pike.

BACKGROUND: In October 2001 Governor Knowles proposed a Wild Rainbow Trout Initiative. The cornerstones of this initiative were aimed at assuring the sustainability of Alaska's wild rainbow trout resources. In response to the Governor's initiative, the Alaska Board of Fisheries established a Wild Rainbow Trout Task Force and charged this Task Force with developing a statewide wild rainbow trout management plan (to guide the utilization of Alaska's wild rainbow trout stocks) and a statewide wild trout sustainable fishery management policy (to assure for the sustainability of these stocks). This Task Force developed both a statewide wild trout fishery management plan and a statewide wild trout sustainable fishery policy. The Task Force believes these two plans will help assure for the sustainable use of Alaska's wild trout resources while managing them for their optimal sustained yield and benefits. Only the policy will be addressed at this time.

DEPARTMENT COMMENTS: The department OPPOSES this proposal. The Task Force and Department recommends expanding the policy to include wild cutthroat and steelhead trout. We discussed including other species, but at present decided against this for a variety of reasons. We feel some of the proposed species has significantly different life history and fishery conditions that including them into the existing policy would be difficult.

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

PROPOSAL 431, page 342, 5 AAC 75.XXX. POLICY FOR THE MANAGEMENT OF SUSTAINABLE WILD TROUT FISHERIES.

WHAT WOULD THIS PROPOSAL DO? Add a criteria to any adopted policy aimed at forming a regulatory foundation to assure for the sustainability of Alaska's wild trout resources. The criteria specifies another level for a stock of concern.

WHAT ARE THE CURRENT REGULATIONS. Criteria for establishing special management areas for trout statewide currently exists in regulation (5 AAC 75.013). However, a policy that provides principles and criteria to ensure conservation, sustainability, and optimal sustained yield and benefits is lacking.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would include into any adopted policy aimed at forming a regulatory foundation to assure for the sustainability of Alaska's wild trout resources a criteria for a third level of a stock of concern. In the Task Force's proposed policy, two levels of concern have been identified: a sustainability concern and a optimal sustained yield concern. If adopted, this proposal would specify a third level of concern: fragile or depressed stock concern.

BACKGROUND: In October 2001 Governor Knowles proposed a Wild Rainbow Trout Initiative. The cornerstones of this initiative were aimed at assuring the sustainability of Alaska's wild rainbow trout resources. In response to the Governor's initiative, the Alaska Board of Fisheries established a Wild Rainbow Trout Task Force and charged this Task Force with developing a statewide wild rainbow trout management plan (to guide the utilization of Alaska's wild rainbow trout stocks) and a statewide wild trout sustainable fishery management policy (to assure for the sustainability of these stocks). This Task Force developed both a statewide wild trout fishery management plan and a statewide wild trout sustainable fishery policy. The Task Force believes these two plans will help assure for the sustainable use of Alaska's wild trout resources while managing them for their optimal sustained yield and benefits. Only the policy will be addressed at this time.

DEPARTMENT COMMENTS: The department OPPOSES this proposal as we believe two levels of concern are sufficient to address the issue raised in this proposal.

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

PROPOSAL 432. PAGE 342, 5 AAC 75.XXX. POLICY FOR THE MANAGEMENT OF SUSTAINABLE WILD TROUT FISHERIES.

WHAT WOULD THIS PROPOSAL DO? Add a section to the proposed Task Force's policy aimed at forming a regulatory foundation to assure for the sustainability of Alaska's wild trout resources. The section relates to river corridor or watershed conservation measures on significant streams.

WHAT ARE THE CURRENT REGULATIONS. Criteria for establishing special management areas for trout statewide currently exists in regulation (5 AAC 75.013). However, a policy that provides principles and criteria to ensure conservation, sustainability, and optimal sustained yield and benefits is lacking.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would include into any adopted policy aimed at forming a regulatory foundation to assure for he sustainability of Alaska's wild trout resources a section establishing a process for the Board to use for recommending to river corridor or watershed conservation measures on significant streams.

BACKGROUND: In October 2001 Governor Knowles proposed a Wild Rainbow Trout Initiative. The cornerstones of this initiative were aimed at assuring the sustainability of Alaska's wild rainbow trout resources. In response to the Governor's initiative, the Alaska Board of Fisheries established a Wild Rainbow Trout Task Force and charged this Task Force with developing a statewide wild rainbow trout management plan (to guide the utilization of Alaska's wild rainbow trout stocks) and a statewide wild trout sustainable fishery management policy (to assure for the sustainability of these stocks). This Task Force developed both a statewide wild trout fishery management plan and a statewide wild trout sustainable fishery policy. The Task Force believes these two plans will help assure for the sustainable use of Alaska's wild trout resources while managing them for their optimal sustained yield and benefits. Only the policy will be addressed at this time.

DEPARTMENT COMMENTS: The department OPPOSES this proposal. We believe some of the language proposed is beyond the authority of the Board. If the Board determines this approach has merit, we recommend that it be addressed as a separate issue and management policy given its broad implication.

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

PROPOSAL 433. 5 AAC 75.XXX. STATEWIDE RAINBOW TROUT FISHERY MANAGEMENT PLANS.

DEPARTMENT COMMENTS: Staff is in the process of completing comments to these proposals. Comments will be mailed independently to BOF members, posted on the web, and otherwise made available to the public.

COMMITTEE C
WESTWARD

PROPOSAL 395: 5 AAC 38.4XX. CLOSED WATERS, page 277

WHAT WOULD THE PROPOSAL DO? This proposal seeks to protect blue king crabs by closing all territorial waters surrounding Saint Matthew, Hall and Pinnacle Islands to commercial fishing for miscellaneous shellfish.

WHAT ARE THE CURRENT REGULATIONS? Current regulations prohibit fishing for king and Tanner crabs in all territorial waters surrounding Saint Matthew, Hall and Pinnacle Islands. Those waters are open to commercial fishing for miscellaneous shellfish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Miscellaneous shellfish fishing would be closed within three miles of Saint Matthew, Pinnacle and Hall Islands, however very little fishing opportunity would be lost. Female and juvenile blue king crabs living in the nearshore waters around Saint Matthew, Hall and Pinnacle Islands would not be subjected to handling and associated mortality during miscellaneous shellfish fisheries.

BACKGROUND: As part of the rebuilding plan for the Saint Matthew Island blue king crab stock, the Board closed all territorial waters surrounding Saint Matthew, Hall and Pinnacle Islands to commercial fishing for blue king crabs because those waters are critical for egg-bearing female blue king crabs. Historically no fishing for miscellaneous shellfish has taken place in this area.

DEPARTMENT COMMENTS: This is a staff proposal.

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

PROPOSAL 396, PAGE 278. - 5 AAC 28.530. LAWFUL GEAR FOR CHIGNIK AREA; 5 AAC 28.629. LAWFUL GEAR FOR BERING SEA ALEUTIAN ISLANDS AREA; and 5 AAC 38.035. CLOSURE OF MISCELLANEOUS SHELLFISH REGISTRATION AREAS AND REOPENING PROCEDURES.

WHAT WOULD THE PROPOSAL DO? This proposal calls for 1) prohibition on bottom trawling in state waters of the Aleutian Islands where corals and sponges are known or likely to occur; 2) a research effort on how best to maintain fisheries in the Aleutian Islands while minimizing gear impacts on coral and sponge habitats, including a consideration of economic impacts of habitat destruction on local communities; and 3) requiring vessel monitoring systems (VMS) and onboard observers on all vessels in state waters of the Aleutian Islands, with exceptions for certain small vessels.

WHAT ARE THE CURRENT REGULATIONS? Bottom trawling is prohibited in most state waters, except for much of the Aleutian Islands and areas north of Bristol Bay (5 AAC 39.164, 5 AAC 39.165). Other exceptions include shrimp trawl fishing seasons in certain sections of the Westward Region (5 AAC 31.510) and scallop dredging with some closed waters (5 AAC 38.425). Waters within 10 nautical miles of Steller sea lion rookeries are closed to all trawling. Gear types and vessel sizes are restricted in the Adak Island area when fishing for Pacific cod and rockfish (5 AAC 28,629 d & e and 5 AAC 690 a & b), and trawling for walleye pollock is closed in the Aleutian Islands by the North Pacific Management Council.

Vessel monitoring systems are required for trawl vessels participating in a parallel groundfish fishery, that is, Pacific cod, walleye pollock, and Atka mackerel fisheries in state waters opened by emergency order to correspond with federal fisheries in adjacent federal waters (5 AAC 28.087). Exceptions include trawling for Pacific Ocean perch (POP), but vessels fishing for POP are typically federally licensed for Pacific cod and Atka mackerel, and could fish for POP without their required VMS turned on only when both Pacific cod and Atka mackerel fisheries are closed.

Onboard observers are required per 5 AAC 28.053 for all vessels registered with the NMFS and fishing an FMP species in the state-water parallel fishery, following the same coverage requirements in federal waters: catcher and catcher/processor vessels of 125 feet or more in length require 100% coverage, catcher and catcher/processor vessels between 60 and 125 feet must have observers 30% of the time. Smaller vessels are not required to carry observers.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The primary effect would be closure of bottom trawl fisheries for Pacific cod and Atka mackerel in the Aleutians, as these are the principal bottom trawl fisheries in state waters where corals and sponges are apparently most abundant.

BACKGROUND: Alaska's corals are deep sea corals. Unlike their tropical shallow water cousins, deep sea corals do not have symbiotic algae that photosynthesize. Instead, Alaska's corals (and sponges) feed by filtering small organisms from the water. Corals and sponges are common and widespread in the Aleutian archipelago, as seen both in NMFS trawl survey records and in NMFS bycatch records. Their abundance in the archipelago is apparently due to

widespread availability of hard substrates to attach to and strong currents that bring food to them. Recent research by NMFS scientists documented the presence of highly diverse "coral gardens" in the Central Aleutians, a heretofore unknown phenomenon in the north Pacific.

Bottom trawl fisheries account for about 96% of the bycatch of corals and sponges in the Aleutian Islands. Only 3% of the bycatch is by longline, and less than 1% is due to pots and pelagic trawls. The actual coral and sponge mortality due to the different gear types is unknown, but almost certainly larger than the reported bycatch because not all of the corals and sponges contacted on the bottom will be brought to the surface. It is possible that trawls retain a greater proportion of the corals and sponges encountered as compared to longlines and pots, suggesting that longline and pot gear may have a greater impact than is indicated by the bycatch rates.

Pacific cod is the primary catch (63%; data from 1996-2002) of trawl fisheries with coral and sponge bycatch in state waters of the Aleutian Islands. Atka mackerel accounts for 26%, and the remaining 11%, including bycatch, is split among northern rockfish, Pacific Ocean perch, pollock, and various other species.

Most of the coral and sponge bycatch is actually sponges (82%; NMFS observer data, 1996-2002). The coral component (18%) includes a small percentage of bryozoans, also known as "moss animals." The vast majority (97%) of the coral and sponge bycatch in the Aleutian Islands comes from federal waters.

The annual bycatch in state waters of the Aleutian Islands is approximately 3.7 metric tons, of which about 1 metric ton is corals. The standing stock of corals and sponges in state waters of the Aleutian Islands is conservatively estimated as 34 thousand metric tons (a rough calculation based on NMFS trawl survey catches in the Aleutian Islands of roughly 2 tons per square kilometer, and a state waters area of roughly 17,000 square kilometers). This is a conservative estimate because the trawl survey avoids rocky areas, which would snag the net, yet which are likely to have more corals and sponges. Based on these values, the annual bycatch represents one one-hundredth of a percent. Assuming that bycatch underestimates total mortality due to fishing by a factor of as much as 10, the maximum effect of gear is very roughly estimated to be about a tenth of a percent of the available biomass of corals and sponges per year.

The consequences of coral and sponge bycatch on ecosystem function and on sustained fisheries are not well known. A variety of species are known to associate with corals, including rockfish and golden king crabs, and it is likely that corals and sponges serve important ecosystem functions as both shelter and food for a wide variety of organisms. Hence, losses of coral and sponge habitats may have long-term consequences for the ecosystem and for fisheries. Corals may be particularly long-lived, with estimates ranging well over 100 years, implying that recovery times of some coral and sponge habitats may be measured in centuries.

The North Pacific Fishery Management Council has defined corals as a habitat area of particular concern and is evaluating the benefits of implementing protections in their NEPA process to mitigate effects of fishing on essential fish habitat. For the Aleutian Islands, these measures include trawl closures in high coral and sponge bycatch areas, bycatch limits for corals and sponges, prohibition of expansion of fishing grounds to new areas, and allowance for pelagic

trawls in off-bottom mode only. This process is at least one-half year from completion, and will have ramifications for adjacent state waters.

The existing closures in the Aleutians include 10% of state waters closed as no-transit zones around Steller sea lion rookeries. An additional 42% of state waters are closed to trawling for Pacific cod, Atka mackerel, and pollock (as protection for Steller sea lions). Hence, slightly more than 50% of state waters are closed to the primary bottom trawl fisheries (exceptions include Pacific Ocean perch). An additional 28% is closed to trawling for Atka mackerel.

DEPARTMENT COMMENTS: The department opposes this proposal for immediate action to close state waters of the Aleutian Islands to bottom trawling. This opposition is based on the very low exploitation rate of corals and sponges in state waters, the existing protections for over half of state waters in the Aleutian Islands, and the need to more fully examine this complex issue in light of concurrent actions by the North Pacific Fishery Management Council and the potential for unintended increases in bycatch caused by moving fishing effort away from traditional fishing areas.

In light of the potentially temporary nature of the Steller sea lion protective closures, the department encourages the Board to seek protections for coral and sponge habitat that are lasting and fully reflective of the complex conservation issues surrounding this problem. Recently, the department recommended[ii] that the Board adopt a policy on marine protected areas that would include provisions for an enhanced stakeholder process for issues such as this, and that identifies the protection of sensitive marine habitats from disturbance by fishing gear as one of several conservation goals. That policy is in draft form pending appointment of a citizen advisory committee to be charged with finalizing a draft policy for board review.

The department supports the call for a cooperative research effort. The department has jointly authored a proposal with NMFS and the University of Alaska to the North Pacific Research Board to investigate the abundance and distribution of corals in the central Aleutian Islands, their importance to fish and invertebrates there, and the extent of disturbance, including disturbance by fishing gear. The department also joined with NMFS in a proposal to the National Undersea Research Program of NOAA to use a remotely operated vehicle for research on very deep corals in the Aleutians. The department encourages consideration of the socioeconomic consequences of continued habitat destruction on local communities; however, the department has not undertaken this work.

VMS is now required for nearly all trawl vessels in the Aleutians. One hundred percent observer coverage is only required on the larger trawl vessels. Changes to these regulations would require federal coordination.

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

PROPOSAL 397: 5 AAC 38.409. GEAR FOR CLAMS IN REGISTRATION AREA J, page 281

WHAT WOULD THE PROPOSAL DO? This public proposal would allow the use of a handheld water jet device to harvest hard-shell clams in all of Miscellaneous Shellfish Registration Area J.

WHAT ARE THE CURRENT REGULATIONS? Hard-shell clams may be taken by shovels or forks (5 AAC 38.409 GEAR FOR CLAMS FOR REGISTRATION AREA J). Subsection (b) of this regulation allows hard-shell clams to be taken by hydraulic or mechanical clam diggers, which would include a handheld water jet device, in the portion of Area J west of Kilokak Rocks and only by commissioner's permit. General specifications and restrictions in the miscellaneous shellfish chapter under 5 AAC 38.050 GEAR FOR CLAMS (b) requires monitoring to assess impacts from mechanical harvesting devices to clam populations or other resources.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? An additional gear type to shovels and forks would be permitted for the taking of hard-shell clams in all of Area J. This would allow a specific mechanical device into waters east of Kilokak Rocks where they are currently prohibited. A fishery on hard-shell clams could be developed.

BACKGROUND: Handheld water jets have been used since the 1980s in Southeast Alaska to harvest geoducks *Panopea abrupta* and are the only practical means to harvest large, hard-shell clams (such as geoducks and horse clams *Tresus capax*) that bury up to 1 meter in depth. Small hard-shell clams (e.g. Pacific littleneck clam *Protothaca staminea)* in the intertidal area are capable of being harvested by shovels and rakes. Divers using handheld water jets target individual animals by directing a high-pressure stream of water adjacent to the clam's siphon. This removes a portion of the substrate adjacent to the clam and is less detrimental than digging the clam out with a shovel or rake. Handheld water jets were formally adopted as the legal gear for use in the Southeast Alaska geoduck fishery in 2000 when a fishery management plan was adopted (5 AAC 38.142 SOUTHEASTERN GEODUCK FISHERY MANAGEMENT PLAN). Prior to that time, the type of gear used in the geoduck fishery was undescribed in regulation, but only handheld water jets had been used. The management plan for Southeast also contains language that allows for immediate fishery closures if habitat is being degraded by the commercial fishery using handheld water jets. The southeast dive assessment program is utilized to monitor habitat condition while abundance surveys are conducted.

Pacific geoduck clams are not found within the Miscellaneous Shellfish Registration Area J. Horse clams do exist, although their distribution and abundance are not well known to the department. Horse clams are typically associated with eelgrass beds and in estuary habitats and, like geoduck clams, are harvested by divers using handheld water jets. Concerns about impacts to eelgrass habitat have led to the development of minimum fishery depth restrictions (divers must harvest from waters deeper than 10 feet) in commercial geoduck and horse clam fisheries in British Columbia.

In Area J, hydraulic or mechanical diggers were banned in 1986 in the waters east of Kilokak Rocks to protect habitat. The area to the west of Kilokak Rocks has been left open to harvesting

clams with mechanical devices for species such as razor clams *Siliqua alta* or surf clams *Mactromeris polynyma* which are typically found in sandy substrate. Hydraulic clam dredges were used in the Bering Sea in 1993 in an attempt to harvest surf clams; the gear proved successful, however insufficient quantities of surf clams were found to support a commercial fishery.

DEPARTMENT COMMENTS: The department supports the use of hand held water jets to target large hard-shell clams, such as horse clams, that are not practically harvested by other methods. Gear for harvesting other hard-shell intertidal clams should remain by shovel or fork. A horse clam dive fishery would be new in the Kodiak Area and should be considered relative to the BOF policy for developing fisheries. The Westward Region does not currently have a dive assessment program to assess and monitor horse clam fisheries or habitat. Development of video assessment technology to assess population distribution, abundance, and to monitor habitat impacts would be needed in conjunction with a fishery management plan. A chartered dive reconnaissance of horse clam distribution and populations in the Kodiak area is planned for summer, 2003.

COST ANALYSIS: Adoption of this proposal would result in an additional direct cost for a private person to participate.

PROPOSAL 408: 5 AAC 31.506. AREA J REGISTRATION, page 288

WHAT WOULD THE PROPOSAL DO? This proposal would require district registration for vessels participating in pot and trawl shrimp fisheries in shrimp registration Area J. The proposal also gives the department authority to institute check-in and check-out procedures for fishing specified sections within a district.

WHAT ARE THE CURRENT REGULATIONS? Shrimp Registration Area J is a single registration area that encompasses all Gulf of Alaska, Aleutian Island, and Bering Sea waters within the Westward Region. The area comprises multiple districts and sections: the Kodiak District containing 15 sections, the Chignik District containing nine sections, the South Peninsula District containing eight sections, the North Peninsula District, and the Aleutian District containing four sections. Vessels are currently required to only register at the Area J level. All of Area J is currently a nonexclusive registration area. Tank inspections are required as part of the registration process. Landing requirements specify locations where shrimp may be delivered unless check-out and check-in provisions are adhered to.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Vessel operators would be required to register for a single district within Area J. Vessel registration and inspection will be done at the district level rather than at the Area J level. To fish a different district, a vessel operator would need to obtain a new registration and tank inspection in person at a local ADF&G office.

If necessary for fishery management purposes, section check-in and check-out procedures would require a vessel operator to inform the department about which section they were fishing in. Check-in and check-out would be allowed by single sideband (SSB) radio, fax, e-mail, telephone, or in person. A vessel changing to a new section within a district would not need to obtaining a new registration and tank inspection.

BACKGROUND: Little shrimp fishing has occurred in Area J over the past 20 years. Should stocks increase, interest and participation in the shrimp fisheries may rise. District registration is a common tool used by the department to gauge effort levels on various stocks. Harvest guidelines are often managed by section. Fishing effort could be expected to increase when stocks begin to recover. Information on fleet participation and location will be essential for effective management, particularly at lower harvest levels.

DEPARTMENT COMMENTS: This is a staff proposal.

COST ANALYSIS: Adoption of this proposal could result in an additional direct cost for a private person to participate.

PROPOSAL 409: 5 AAC 31.506. AREA J REGISTRATION AND 5 AAC 31.005. REGISTRATION AREAS ESTABLISHED; REGISTRATION OF VESSELS, page 289

WHAT WOULD THE PROPOSAL DO? This public proposal would make the Kodiak District a superexclusive registration district for pot shrimp.

WHAT ARE THE CURRENT REGULATIONS? Area J, which includes the Kodiak District, is a single non-exclusive registration area for trawl or pot shrimp fishing.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Movement of pot shrimp fishery participants between the Kodiak District and other management areas of the state would be eliminated on an annual basis and vice versa.

BACKGROUND: Shrimp fishing with pots has never been a large fishery in Kodiak. The highest commercial harvest in Kodiak was 19,000 pounds of spot shrimp tails in 1983. There is public interest in developing a pot shrimp fishery; if shrimp stocks increase in abundance more effort may occur.

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

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

PROPOSAL 410: 5 AAC 31.590. WESTWARD AREA SHRIMP FISHERIES MANAGEMENT PLAN, page 289

WHAT WOULD THE PROPOSAL DO? This public proposal would open the West Afognak, North Afognak, and Mainland Sections of the Kodiak District to shrimp fishing with pots based on pot shrimp fishing regulations currently in effect in the remainder of the district.

WHAT ARE THE CURRENT REGULATIONS? These three sections are closed to shrimp fishing with pot and trawl gear under 5 AAC 31.590 WESTWARD AREA SHRIMP FISHERIES MANAGEMENT PLAN. However, the current pot shrimp regulations for the Kodiak District as a whole are: no closed season (5 AAC 31.510 FISHING SEASONS FOR REGISTRATION AREA J), no pot limit, no established thresholds for opening or guideline harvest levels, nonexclusive area registration (5 AAC 31.506 AREA J REGISTRATION), and no specific area management plan. Pots may be longlined for shrimp (5 AAC 31.050 LAWFUL GEAR FOR SHRIMP; OPERATING REQUIRMENTS (b)).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? There is potential for a small pot shrimp fishery to develop.

BACKGROUND: These sections have been closed to all shrimp fishing since 1997 when a 14-point plan was adopted by the BOF to address trawl shrimp management. Although pot shrimp fishing has never been a large industry in Kodiak, the three sections contained in the proposal have historically been the primary pot shrimp production areas. Historically, the department has requested voluntary logbooks and collected some unsorted catch for species and size composition data from pot shrimp fishery participants, but has implemented no additional management measures to the pot shrimp fishery.

DEPARTMENT COMMENTS: The department supports a small-scale pot shrimp fishery and offers the following management plan for board review:

KODIAK DISTRICT POT SHRIMP MANAGEMENT PLAN

1. Fishing season for pot shrimp: May 1 – Feb. 28 This season has been established to protect the egg hatch and female molt period for pandalid shrimp.

2. Guideline harvest range for pot shrimp in whole weight:
   North Afognak, West Afognak, and Mainland sections: 0 to 40,000 pounds

This guideline harvest range would constrain harvest within the North Afognak, West Afognak, and Mainland sections within the highest historic harvest level. ADF&G would use inseason management to monitor harvest.

3. A logbook obtained from the department must be completed, including the record of bycatch of fish and shellfish, other than shrimp, and attached to the corresponding fish ticket.

Logbook data would provide information on retained and discarded shrimp, document incidental catch of non-target shrimp and fish species, and provide detailed harvest location.

4. All shrimp pots left in saltwater unattended longer than a two-week period must have all bait containers removed and all doors secured fully open.

This would help prevent derelict gear, ghost fishing, and require fishery participants to work gear in an attentive manner. This regulation is currently in use in the southeastern Alaska shrimp fisheries.

5. Shrimp catcher-processor reporting requirements:

(a) The vessel owner or operator of a catcher-processor vessel registered to take pot shrimp in Registration Area J shall report to a local representative of the department within 72 hours following the closure of a district, section or any portion of a district or section the following information:

(1) the pounds in whole weight by species of shrimp on board the vessel taken during the fishing period in any district or section;
(2) other information requested by the department for the purpose of conserving or developing shrimp resources.

(b) The commissioner may require the owner or operator of a catcher-processor vessel fishing in Registration Area J to report to a local representative of the department during the open shrimp fishing period to provide the information required in (a) of this section.

(c) The owner or operator of a catcher-processor vessel shall complete a separate ADF&G shrimp fish ticket for each district that the catcher-processor vessel landed shrimp and submit the tickets to the department within seven days after the first delivery of shrimp in the district.

(d) For the purpose of this section, "catcher-processor" means a vessel from which shrimp are caught and processed on board that vessel and from which no shrimp caught on other vessels was purchased or processed.

Reporting requirements for catcher processors would provide the department inseason information needed to monitor fisheries and manage specific sections. Catcher only vessels typically provide this information at dockside deliveries. However, as catcher processors may make few or infrequent deliveries, these reporting requirements are warranted.

<u>COST ANALYSIS:</u> Adoption of this proposal would result in an additional direct cost for a private person to participate.

PROPOSAL 411: 5 AAC 31.5XX. VESSEL SPECIFICATIONS, page 291.

WHAT WOULD THE PROPOSAL DO? This public proposal would set a 58-foot overall length limit for pot and trawl shrimp vessels in the Chignik District.

WHAT ARE THE CURRENT REGULATIONS? There is no size limit for vessels fishing shrimp in the Chignik District.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Redevelopment of a Chignik shrimp fishery would only allow vessels less than or equal to 58 feet in overall length.

BACKGROUND: The Chignik District supported a major shrimp fishery in the 1970s. Slightly more than 51 million pounds were landed in the 1973/74 season. Vessels utilized at that time were generally trawlers larger than 58 feet and were home ported in locations other than Chignik. No fishing activity has occurred since the 1981/82 season.

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

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

PROPOSAL 412: 5 AAC 31.506. AREA J REGISTRATION, page 291.

WHAT WOULD THE PROPOSAL DO? This public proposal would establish the Chignik District as a superexclusive registration district for pot and trawl shrimp.

WHAT ARE THE CURRENT REGULATIONS? Shrimp Registration Area J, which includes the Chignik District, is a nonexclusive registration area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Movement of trawl and pot shrimp vessels between the Chignik District and other management areas of the state would be eliminated on an annual basis and vice versa.

BACKGROUND: The Chignik District supported a major trawl shrimp fishery in the 1970s. Slightly more than 51 million pounds were landed in the 1973/74 season. Vessels utilized at that time were generally trawlers larger than 58 feet and were home ported in locations other than Chignik. No fishing activity has occurred since the 1981/82 season.

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

COST ANALYSIS: There would be no additional cost for a person to participate in the fishery with adoption of this proposal.

PROPOSAL 413: 5 AAC 31.590. WESTWARD AREA SHRIMP FISHERIES MANAGEMENT PLAN, page 292

WHAT WOULD THE PROPOSAL DO? This public proposal would open the Chiginagak Bay, Nakalilok Bay, and Aniakchak Bay Sections of the Chignik District to shrimp fishing with pots.

WHAT ARE THE CURRENT REGULATIONS? These three sections are currently closed to trawl and pot shrimp fishing as a suite of closures under 5 AAC 31.590 WESTWARD AREA SHRIMP FISHERIES MANAGEMENT PLAN. There is no closed season to pot shrimp fishing in the remainder of the Chignik District.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? These sections would reopen to pot shrimp fishing. This would allow for a small pot shrimp fishery to develop.

BACKGROUND: These sections have been closed to shrimp fishing since 1997. During the 1970s a trawl fishery harvested about 1.2 million pounds per year from the three sections combined. There has not been a shrimp fishery with pot gear in those sections in the past.

DEPARTMENT COMMENTS: The department supports this proposal and offers the following management plan for BOF consideration:

CHIGNIK DISTRICT POT SHRIMP MANAGEMENT PLAN

1. Fishing season for pot shrimp May 1 – Feb. 28. This season has been established to protect the egg hatch and female molt period for pandalid shrimp.

2. Guideline harvest range for pot shrimp in whole pounds:
   Chiginagak, Nakolilok, Aniakchak sections: 0 to 40,000 pounds

This guideline harvest range would allow for a small-scale exploratory fishery. There is no historic record of vessels using pot gear to harvest shrimp in the Chignik District. ADF&G would use inseason management to monitor harvest.

3. A logbook obtained from the department must be completed, including the record of bycatch of fish and shellfish, other than shrimp, and attached to the corresponding fish ticket.

Logbook data would provide information on retained and discarded shrimp, document incidental catch of non-target shrimp and fish species, and provide detailed harvest location.

4. All shrimp pots left in saltwater unattended longer than a two-week period must have all bait containers removed and all doors secured fully open. This regulation is currently in place in southeast Alaska pot shrimp fisheries. This would help prevent derelict gear, ghost fishing, and require fishery participants to work gear in an attentive manner.

5. Shrimp catcher-processor reporting requirements:

(a) The vessel owner or operator of a catcher-processor vessel registered to take pot shrimp in Registration Area J shall report to a local representative of the department within 72 hours following the closure of a district, section or any portion of a district or section the following information:

(1) the pounds in whole weight by species of shrimp on board the vessel taken during the fishing period in any district or section;
(2) other information requested by the department for the purpose of conserving or developing shrimp resources.

(b) The commissioner may require the owner or operator of a catcher-processor vessel fishing in Registration Area J to report to a local representative of the department during the open shrimp fishing period to provide the information required in (a) of this section.

(c) The owner or operator of a catcher-processor vessel shall complete a separate ADF&G shrimp fish ticket for each district that the catcher-processor vessel landed shrimp and submit the tickets to the department within seven days after the first delivery of shrimp in the district.

(d) For the purpose of this section, "catcher-processor" means a vessel from which shrimp are caught and processed on board that vessel and from which no shrimp caught on other vessels was purchased or processed.

Reporting requirements for catcher processors would provide the department inseason information needed to monitor fisheries and manage specific sections. Catcher only vessels typically provide this information at dockside deliveries. However, as catcher processors may make few or infrequent deliveries, these reporting requirements are warranted.

COST ANALYSIS: Adoption of this proposal would result in an additional direct cost for a private person to participate.

PROPOSAL 414: 5 AAC 31.5XX. LAWFUL GEAR FOR REGISTRATION AREA J, page 292

WHAT WOULD THE PROPOSAL DO? This public proposal would set a maximum gear size (40-foot maximum beam length, 60-foot head rope length) for shrimp fishing with a beam trawl in the Chignik District.

WHAT ARE THE CURRENT REGULATIONS? There are no limits on trawl size.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Beam trawl gear utilized for shrimp would be restricted to a maximum beam and head rope length in the Chignik District.

It is unclear from the proposal language if the intent is to make beam trawl the only legal type of trawl gear in the Chignik District. If adopted as the only legal trawl type for shrimp, and a trawl shrimp fishery redeveloped, only vessels using small beam trawl would participate. If otter trawls remain unrestricted in size and are a legal type, then only beam trawls would be required to conform to these size requirements.

BACKGROUND: Historically, the Chignik District shrimp fishery was prosecuted by single and double rigged otter trawl nets operated from 50' to 100' vessels. These vessels were typically home ported in areas other than Chignik. Most vessels used otter trawls with headropes ranging from 70 to 120 feet. The department is unaware of any historic use of beam trawls in the Chignik District.

DEPARTMENT COMMENTS: The department is neutral on this allocative proposal. However, regulations should clearly state what gear is allowable and, if appropriate, specify clear limits on size appropriate to specific gear.

COST ANALYSIS: Adoption of this proposal would result in an additional direct cost for a private person to participate.

PROPOSAL 415: 5 AAC 39.164 (b). NONPELAGIC TRAWL GEAR RESTRICTIONS, page 293

WHAT WOULD THE PROPOSAL DO? This public proposal would allow beam trawling for shrimp in the Chignik District.

WHAT ARE THE CURRENT REGULATIONS? The vast majority of state waters in the Chignik District are closed to non-pelagic trawl gear, including shrimp otter and beam trawls (5 AAC 39.164 NON-PELAGIC GEAR RESTRICTIONS).

The trawl shrimp fishing season in the Chignik District is from May 15 through February 14 for all waters except those in the following inshore sections: Mitrofania Island, Ivanof Bay, Kuiukta Bay, Kujulik Bay, and Chignik Bay sections. The individual, inshore sections are opened and closed by emergency order when the department-established minimum acceptable biomass indices (MABI) are met or exceeded. However, the majority of these sections are closed under the non-pelagic trawl restrictions. The remaining offshore waters, those not assigned to a specific section and that do not have an established MABI, are open annually during the season listed above.

The shrimp fishing season in the Chiginagak Bay, Nakalikok Bay, and Aniakchak Bay sections is closed until the BOF has approved a management plan described in 5 AAC 31.590 WESTWARD AREA SHRIMP FISHERIES MANAGEMENT PLAN in addition to the non-pelagic trawl closures.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Waters of the Chignik District that are currently closed to non-pelagic trawl gear, and not part of the Westward Area Shrimp Fisheries Management Plan, would reopen to shrimp trawl fishing when stocks recover to levels that exceed established MABIs.

BACKGROUND: Many non-pelagic trawl gear closures in the Chignik District have been in place since 1986. Additional regulations closed the remainder of Chignik District state waters to non-pelagic trawl gear in 1999. A very small area (less than 4 square nautical miles) of state waters in the Chignik District, adjacent to Kupreanof Point is open to non-pelagic trawling. These restrictions basically exclude otter and beam trawls from state waters in the Chignik District. The trawl gear closures were first implemented as a result of developing groundfish harvests and concern for crab stocks. The nonpelagic trawl closures were not implemented as a result of the trawl shrimp fishery.

A survey for shrimp abundance was conducted in the Chignik District in 2002. Current population estimates indicate stocks remain below established thresholds for opening commercial fisheries. The remaining waters of the district, which open annually from May 15 through February 14, have had no participation in the past 18 years.

DEPARTMENT COMMENTS: The department does not support this proposal at this time. Shrimp abundance in the Chignik Area is currently well less than established thresholds for opening.

Non-pelagic trawl closures were implemented by the Board to protect crab stocks and also to protect bottom habitat. The existing non-pelagic closures do not allow for shrimp harvesting by trawl gear in most of the formerly important trawl shrimp harvest areas. The department supports reopening trawl shrimp fisheries at such time as biomass levels recover, but is concerned that they should be designed to the extent possible to avoid impacts to crab stocks. The Board could consider modifying non-pelagic trawl closures to minimize impact and create small-scale fisheries opened within portions of the currently closed areas. Staff recommends that any reopening of closed areas consider modifying the shrimp-fishing season to accommodate the sensitive mating and molting season for crab. The existing shrimp season extends from May 15 – February 28. The season opening date for trawl shrimp should be delayed until at least September 1 to provide protection to mating and molting crabs.

COST ANALYSIS: Adoption of this proposal would result in an additional direct cost for a private person to participate.

PROPOSAL 416: 5 AAC 31.510. FISHING SEASON FOR REGISTRATION AREA J AND, 5 AAC 39.164. NON-PELAGIC TRAWL GEAR RESTRICTIONS, page 293.

WHAT WILL THE PROPOSAL DO? This public proposal would allow beam trawling for shrimp in the South Peninsula District.

WHAT ARE THE CURRENT REGULATIONS? The vast majority of state waters in the South Peninsula District are closed to non-pelagic trawl gear, including shrimp otter and beam trawls (39.164 NON-PELAGIC GEAR RESTRICTIONS).

The trawl shrimp fishing season in the South Peninsula District is from May 15 through February 14 for all waters except those in the following sections: Stepovak Bay, Unga Straits, Beaver Bay, Pavlof Bay, Belkofski Bay, and Morzhovi Bay sections. The individual, inshore sections previously mentioned are opened and closed by emergency order when the department-established minimum acceptable biomass indices (MABIs) are met or exceeded. The portion of each section contained in 5 AAC 39.164 would not open. The remaining offshore waters, those not assigned to a specific section or with an established MABI, are open annually during the season listed above.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Waters of the South Peninsula District that are currently closed to non-pelagic trawl gear would reopen to shrimp trawl fishing when stocks recover to levels that exceed established MABIs.

BACKGROUND: State waters in the South Peninsula District are largely closed to non-pelagic trawl gear types that include beam trawl. Non-pelagic trawl gear restrictions have been in place since 1986. A small area of state waters adjacent to Kupreanof Point and Sanak Island are open to non-pelagic trawling (approximately 350 square nautical miles).

A survey for shrimp abundance was conducted in the majority of the South Peninsula District in 2002. Current population estimates have shown stocks remain well below established thresholds (MABIs) for opening commercial fisheries. The remaining waters of the district, which open annually from May 15 through February 14, has had no participation in the past 18 years.

DEPARTMENT COMMENTS: The department does not support this proposal at this time. Shrimp abundance in the South Peninsula Area is currently well less than established thresholds for opening.

Non-pelagic trawl closures were implemented by the Board to protect crab stocks and also to protect bottom habitat. The existing non-pelagic closures do not allow for shrimp harvesting by trawl gear in most of the formerly important trawl shrimp harvest areas. The department supports reopening trawl shrimp fisheries at such time as biomass levels recover, but is concerned that they should be designed to the extent possible to avoid impacts to crab stocks. The Board could consider modifying non-pelagic trawl closures to minimize impact and create small-scale fisheries opened within portions of the currently closed areas. Staff recommends that any reopening of closed areas consider modifying the shrimp-fishing season to accommodate the sensitive mating and molting season for crab. The existing shrimp season extends from May 15 –

February 28. The season opening date for trawl shrimp should be delayed until at least September 1 to provide protection to mating and molting crabs.

COST ANALYSIS: Adoption of this proposal would result in an additional direct cost for a private person to participate.

PROPOSAL 402: 5 AAC 32.410 FISHING SEASON FOR REGISTRATION AREA J, page 284

WHAT WOULD THE PROPOSAL DO? This proposal would establish a fishing season from noon, May 1 through noon, January 1 for Dungeness crab in the Chignik District.

WHAT ARE THE CURRENT REGULATIONS? The Chignik District does not have a fishing season listed in regulation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The open fishing season for Dungeness crab would be clearly specified in regulation.

BACKGROUND: The Chignik District for Dungeness crab was established by the BOF in 2000. The regulatory fishing season was not addressed at that time and has remained undescribed. Waters of the Chignik District were contained within the former Alaska Peninsula District. The department has utilized the fishing season specified for the Alaska Peninsula District when allowing activity in the recently created Chignik District. The proposed season is consistent with the other Dungeness fishing seasons in the Westward Region.

DEPARTMENT COMMENTS: This is a staff proposal.

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

PROPOSAL 403: 5 AAC 32.405. DESCRIPTION OF REGISTRATION AREA J DISTRICTS, page 285

WHAT WOULD THE PROPOSAL DO? This proposal would define the boundary in Bechevin Bay (Isanotski Strait) between the Alaska Peninsula and North Peninsula districts for Dungeness crab management. Specifically, the line utilized for groundfish fisheries, at latitude 54°51.5' N, will also serve as the boundary line for Dungeness crab across Bechevin Bay.

WHAT ARE THE CURRENT REGULATIONS? The North Peninsula District is described as Bering Sea waters north of Cape Sarichef. The Alaska Peninsula District description references waters between Kupreanof Point and Scotch Cap Light south of the Alaska Peninsula. There is no language that addresses the waters in Isanotski Strait where the North Pacific Ocean and Bering Sea waters meet.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The industry would have a clear definition of district boundaries in regulation.

BACKGROUND: The current district definitions require an interpretation of where Bering Sea waters meet Pacific Ocean waters in Isanotski Strait, adjacent to the community of False Pass. Interim use permit cards and vessel registrations are separate for these two districts. Furthermore, the Alaska Peninsula District is designated superexclusive for Dungeness crab registration. There are no records of Dungeness crab harvest in Isanotski Strait from 1990-2002. The proposed boundary is very close to the latitude of Nichols Point that has been used as practical interpretation of the dividing line by the department. Shellfish statistical reporting areas for fish tickets also separate at the proposed boundary.

DEPARTMENT COMMENTS: This is a staff proposal.

COST ANALYSIS: There are no additional costs for a person to participate in the fishery with adoption of this proposal.

COMMITTEE D
COOK INLET AND PRINCE WILLIMAM SOUND COMMERCIAL, SPORT, PERSONAL USE AND SUBSISNTECE

PROPOSAL 398, PAGE 281. 5 AAC 02.3XX. SUBSISTENCE CLAM FISHERY.

WHAT WOULD THE PROPOSAL DO? The proposal would establish a March 15 – September 30 subsistence clam season, and a subsistence clamming area from 1 mile north to 1 mile south of Harriet Point on the west side of Cook Inlet at the southern edge of Redoubt Bay.

WHAT ARE THE CURRENT REGULATIONS? The proposal specifies an area that falls within the Anchorage-Matsu-Kenai Nonsubsistence Area described in 5 AAC 99.015 JOINT BOARD NONSUBSISTENCE AREA. The nonsubsistence area was established by the Joint Board of Fisheries and Game in 1992. The Board of Fisheries may not authorize subsistence fisheries in a nonsubsistence use area. Joint Board action would be required to amend the nonsubsistence area description. Current subsistence regulations provide for a clam harvest only in the Port Graham Subdistrict, which is outside of the nonsubsistence area. However, sport (5 AAC 58.022 (a)(14)(B)) and personal use (5 AAC 77.518) regulations provide for the harvest of clams in the proposed area on a year-round basis with no minimum legal size or bag limit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would establish regulations for a subsistence clam fishery within the nonsubsistence area. Unlike sport or personal use fisheries, there is no license requirement to participate in a subsistence fishery. Because the clam harvest is currently unrestricted, adoption of the proposal is unlikely to affect existing harvest patterns.

BACKGROUND: Prior to the creation of the nonsubsistence area, the Board of Fisheries had made a positive customary and traditional use determination for razor clams along western Cook Inlet for the community of Tyonek. This finding was negated when the nonsubsistence area was established. Subsistence use of razor clams by Tyonek residents was estimated at 2,800 to 3,300 clams prior to 1980 and was estimated at 4,100 clams in 1983. The department's statewide harvest survey (SHS) also provides data on the recreational harvest of clams from the west side of Cook Inlet. However, these data lack sufficient geographic resolution to identify whether clams were harvested from the proposed subsistence area. Nevertheless, data from the 2001 SHS provide an estimate of 4,800 razor clams from two areas, north of Chinitna Point and "other" beach areas on the west side of Cook Inlet. It is possible that some of this reported harvest may have come from the proposed subsistence area.

The department does not currently conduct a razor clam stock assessment program on the west side of Cook Inlet, has no historical data on the magnitude of the razor clam resource in the proposed subsistence area, but has anecdotal information that the area has been a source of razor clams for the village residents. A commercial fishery has occurred in the Polly Creek area located south of the proposed subsistence area.

DEPARTMENT COMMENTS: The department recommends **NO ACTION** on this public proposal. Establishing the proposed subsistence fishery would require action by the Joint Boards

of Fisheries and Game to redefine the nonsubsistence area. The poor geographic resolution of existing harvest data and the lack of any current stock assessment data provide little guidance in determining potential effects of the proposed subsistence fishery. However, substantial harvest opportunity is currently provided under personal use regulations.

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

PROPOSAL 399, Page 282, 5 AAC 71.518 (2)(A) PERSONAL USE CLAM FISHERY.

WHAT WOULD THE PROPOSAL DO? This proposal would increase the daily bag limit for the personal use taking of razor clams from the mouth of the Kenai River south to the tip of the Homer Spit from 45 to the first 60 clams dug per day and increase the personal use possession limit from 90 to 120 razor clams.

WHAT ARE THE CURRENT REGULATIONS? Shellfish may be taken for personal use only by a holder of a valid resident Alaska sport fishing license or by an Alaskan resident exempt from licensing under AS 16,05.400. Personal use regulations from the mouth of the Kenai River south to the tip of the Homer Spit currently allow the first 45 clams dug per day to be kept and two daily bag limits or 90 clams to be in possession of the digger. A sport fishing license is required to dig clams for personal use. The bag and possession limits are currently the same for the sport fishery and not in addition to the bag and possession limits for the personal use fishery. Sport diggers must have an Alaskan sport fishing license; the sport fishery is not restricted to Alaskan residents. Clams may be dug by hand, with rakes or shovels only.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would liberalize the razor clam bag limit to 60 and possession limit to 120 for Alaskan residents who claimed to be digging razor clams for personal use. The sport bag and possession limits would remain 45 and 90 for the same beach areas and would apply to Alaskan residents digging for sport and non-Alaskan residents. Disparate bag and possession limits for fishers using the same tools in the same area will initially cause confusion for diggers. Enforcement will be more difficult for this fishery because of differing sport and personal use bag and possession limits. Some increase in the razor clam harvest is likely if this proposal is passed.

BACKGROUND: Participation in the razor clam fishery on the east side of Cook Inlet was 12,000 digger-days when it was first estimated in 1969. Effort for razor clams has increased an average 10,000 digger-days in each decade until the mid 1990's when it dropped by 10,000 digger-days. The average number of digger-days annually from 1997 through 2001 is 32,000. Approximately 67 percent of the participants are Alaskan residents. Harvests more than doubled in the 1970's from approximately 370,000 in 1969 to 976,000 in 1979. Razor clam harvests remained around 1.0 million clams during the 1980's and early 1990's. The recent five year average harvest is approximately 750,000 razor clams.

The primary destination to dig shifted from Clam Gulch to Ninilchik during the 1980's and appears to be shifting back towards Clam Gulch since 1995. In late 1970's, 66 percent of digger effort focused on Clam Gulch and 8 percent at Ninilchik. In 1986, digging at Ninilchik exceeded effort at Clam Gulch for the first time. Effort at Ninilchik peaked at 60 percent in 1995 with only 24 percent of all razor clam diggers counted at Clam Gulch. The trend appears to have reversed itself since 1995; today nearly 40 percent of the effort is focused at Ninilchik and 37 percent at Clam Gulch.

The estimated abundance of clams of a size accessible to diggers (approximately 3 inches in length or larger) on a heavily dug section of the Ninilchik beach increased from nearly 500,000 clams in 1989 to 2.9 million clams in 1992 as the strong 1988 year class matured to harvestable

size. The abundance of harvestable sized clams was approximately 800,000 when last estimated in 2001. The exploitation rates of harvestable sized clams for this beach area have varied from 17 percent in 1991 to 69 percent in 1989. The exploitation rate on clams 3 inches and larger in 2001 was approximately 56 percent. The estimated abundance of harvestable sized clams at a heavily dug location near Clam Gulch was greater than 6 million clams in 1988 and 1989 and over 16 million clams in 1999. The exploitation rate of clams on this section of Clam Gulch beach is likely less than 3 percent.

From 1959 until 1962 the razor clam bag limit was 30. In 1960, a sport fishing license was required and a seasonal closure from July 10 through August 31 was implemented. The bag limit was increased to 60 in 1962. The seasonal closure was repealed in 1968. In 1968, the bag limit was amended to the "first 60 clams dug". A possession limit was adopted in 1994, the first significant regulatory change in more than 20 years. During their meeting in the spring of 2000, the Board was prevailed upon by residents of the central and southern Kenai Peninsula to lower the daily bag limit from 60 to 45 and the possession limit to 90 from 180 despite the healthy stock size. The proponents claimed that 60 clams were more than diggers could process and that quantities of clams were being found in area dumpsters. The wastage was not corroborated by Fish and Wildlife Protection officers or ADF&G biologists.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal but SUPPORTS liberalization of the razor clam bag and possession limits. The overall exploitation rate of razor clams in most areas of the 50 miles of east side beaches of Cook Inlet is low. High exploitation rates have been documented on approximately 3.6 miles of beach near Ninilchik. Clams dug to estimate age composition generally have a broad range of ages present on the beaches with new age classes recruiting into the population all along the Eastside beaches. The department is monitoring razor clam abundance at Ninilchik and will respond if conservation concerns are identified at this beach. Meanwhile, diggers are shifting their efforts away from Ninilchik to the more northerly beaches lured by abundant clams found there. The department currently has no concerns about the general population of razor clams on the Eastside beaches of Cook Inlet aside from a limited area at Ninilchik. The razor clam population supported harvests under a 60 clam per day and 180 clam possession limit for both the personal use and sport fisheries from 1962 until 2000. We believe the population of razor clams can sustain the anticipated harvest if regulations are liberalized. The confusion generated by passage of different bag and possession limits for sport and personal use would make enforcement of the proposed regulation difficult.

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

PROPOSAL 400, Page 283, 5 AAC 58.026 SHELLFISH HARVEST RECORDING FORM REQUIRED, 5 AAC 77.508 PERSONAL USE PERMIT FOR SHELLFISH AND 5 AAC 77.518 PERSONAL USE CLAM FISHERY.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to clarify that a shellfish harvest recording form is required and must be in the possession of the harvester while taking shellfish with pots in the Cook Inlet and Resurrection Bay regulatory areas and hardshell clams in Kachemak Bay for sport or personal use. The proposal also defines what is meant by the requirement that the shellfish harvest permit be filled out "immediately" upon taking shellfish.

WHAT ARE THE CURRENT REGULATIONS Shellfish taken with pots in the Cook Inlet and Resurrection and hardshell clams taken in Kachemak Bay for sport or personal use must be logged on a free harvest recording form provided by the department and many license vendors. Harvesters must have an Alaska sport fishing license to obtain the permit

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The adoption of this proposal will clarify the permitting requirement for the public and improve ease on enforcement of the intent of the current regulation.

BACKGROUND: A permit was required to harvest shellfish with pots in the Cook Inlet and Resurrection Bay management areas beginning in 1996 and of hardshell clam diggers in Kachemak Bay beginning in 1997. The permit provides reported harvest, effort, and harvest location more precisely that the statewide mail survey administered to sport fishing license holders since 1977. Sport/personal use hardshell clam harvests estimated by the mail survey in Kachemak Bay and Lower Cook Inlet has ranged from 5,135 gallons in 1982 to 27,163 gallons in 1996 (43,648 to 230,886 pounds; one gallon is approximately equal to 8.5 pounds) and have averaged 14,160 gallons (120,350 pounds). Harvests reported on shellfish permits is less than harvests from the mail survey because all diggers don't get permits or don't have their permits in possession when they are harvesting and subsequently don't report their harvests accurately. Enforcement has helped to improve compliance and reported harvests from the two surveys are in better agreement. Littleneck and butter clams are the most commonly harvested hardshell clams.

All shellfish pot fisheries for species important to sport and personal use fisheries including shrimp, King, Tanner and Dungeness crab are presently closed to conserve these populations because they are at low levels.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal.

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

PROPOSAL 401, PAGE 284. 5 AAC 38.318. SOUTHERN DISTRICT HARDSHELL CLAM AND MUSSEL MANAGEMENT PLAN

WHAT WOULD THE PROPOSAL DO? The proposal seeks to establish a regulatory requirement for commercial clam harvesters to submit harvest maps, supplied by the department, to ADF&G within 24 hours after completing a harvesting trip.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 38.310 (a) specifies that hardshell clams and razor clams may only be taken under the terms of a commissioner's permit. 5 AAC 39.130 specifies catch reporting via ADF&G fish ticket within 7 days of landing or as otherwise specified by the department.

WHAT WOULD BE THE EFFECT IF THE PROPOSALS WERE ADOPTED? Regulatory language would clarify that permitted clam harvesters would be required to obtain, complete, and submit completed harvest maps to the department at the end of each harvesting trip.

BACKGROUND: Since 1997, catch and effort in the Southern District commercial hardshell clam fishery has ranged from 14,310 to 31,549 pounds. The management plan specifies two sets of subdistricts with alternate-year harvest in each area. The department annually conducts a hardshell clam stock assessment survey and uses the data to set harvest levels on a bay or beach basis. Since 1994, the department has provided harvest maps for fishermen to identify areas harvested by date and hours of digging effort, and harvesters are requested to submit the maps with fish tickets within 24 hours of completing a trip. The maps aid the department in managing for the specified harvest levels and as an inseason gauge of catch per unit effort. Generally, compliance with the voluntary harvest map has been good. However, lapses have occurred that resulted in harvests exceeding the desired level in some areas. Furthermore, the department views the harvest map as an important management tool that should be listed in regulation, so that all potential participants are aware of the requirement.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal. While compliance with the reporting requirement has generally been good, the department seeks to make the submission of completed harvest maps a requirement in regulation to provide notice to all commercial hardshell clam harvesters.

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

PROPOSAL 404, page 285, 5 AAC 02.215. SUBSISTENCE DUNGENESS CRAB FISHERY.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to reopen the subsistence fishing season for Dungeness crab in the Outside District of the Prince William Sound management area, with the following provisions: (1) a daily bag and possession limit of 20 crab; (2) the Inside District shall remain closed; (3) only male Dungeness crab 6½ inches or greater in width may be taken or possessed; (4) male Dungeness crab less than the minimum legal size and female Dungeness crab must be immediately returned to the sea unharmed; and (5) spears and gaffs may not be used in the taking of Dungeness crab.

WHAT ARE THE CURRENT REGULATIONS? The Prince William Sound Dungeness Crab Fisheries Management Plan (5 AAC 32.290), specifies the commercial, sport, personal use, and subsistence Dungeness crab fisheries are closed until stocks recover enough to provide a harvestable surplus and the board approves a conservation based management plan. Statewide regulations describe gear requirements and limits for those subsistence crab fisheries that are open (5 AAC 02.010).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would establish a subsistence Dungeness crab season in the PWS Outside District with possession, size, and some gear restrictions.

BACKGROUND: Commercial harvests of Dungeness crab within the PWS Management Area historically occurred in Orca Inlet and along the Copper River Delta and Controller Bay areas within the Eastern Section of the Outside District. Past management strategies failed to provide for sustainable fisheries and the Dungeness crab population has remained depressed despite long-term fishery closures. The board adopted a regulatory closure of all PWS Dungeness crab fisheries in March 2000 until stocks recover and a conservation-based management plan is approved.

Commercial Dungeness crab harvests from Orca Inlet in the 1960s exceeded 1.0 million lb annually. From 1968 to 1980, annual harvests declined to an average of 360,000 lb. The most recent Orca Inlet commercial fishery occurred in 1980 with a harvest of 123,200 lb. Subsistence and personal use fisheries for Dungeness crab in the Orca Inlet area were closed by emergency order from 1994 until the board adopted a regulatory closure in 2000. The department has assessed the shell condition and abundance of Dungeness crab in Orca Inlet and the Copper River Delta since 1976. The Orca Inlet survey was conducted annually from 1977 to 1994, but changed to a biennial survey in 1995 due to low crab catches. The 1998 and 2000 Orca Inlet surveys each yielded a total of two Dungeness crab from 30 pot lifts, and the 2002 survey caught no Dungeness crab in 30 pot lifts.

Commercial Dungeness crab harvests from the Eastern Section date to 1969. From 1969 through 1990, harvests averaged 620,000 lb with total catch exceeding 1.0 million lb in four years. The harvest declined to 70,259 lb in 1991. The fishery has remained closed since 1992 when the spring harvest totaled only 2,258 lb. The pot survey in the Eastern Section has changed somewhat with respect to survey dates and locations fished. The survey was historically

conducted in July. If 10 percent or more of the crab were in a soft-shell condition, the fishery was delayed and another survey conducted in August. Although the July survey was discontinued in 1998 due to low abundance and budget constraints, the August survey is still conducted annually.

Department surveys have documented Dungeness crab declines in the Eastern Section and a continued low stock abundance. Over the past 10 years, legal male crab per pot in the August survey declined from 3.5 in 1993 to 0.1 in 1997. From 1998 through 2001, survey catches averaged 0.7 legal male crab per pot, increasing to 1.7 legal males per pot in 2002. These catch rates remain well below survey catches during the 1980's when the fishery was active.

DEPARTMENT COMMENTS: The department **OPPOSES** this public proposal. Proposal adoption would circumvent the board's efforts to establish a conservation-based management plan for Dungeness crab. Annual survey data indicate the abundance of Dungeness crab in the Copper River Delta and Controller Bay areas remains well below historical levels. Available legal male crab are insufficient to support directed fishing. PWS is the northern limit of the geographic distribution for Dungeness crab, a factor with implications for growth, recruitment, and survival. Changes in such aspects as climatic conditions or predation may significantly affect Dungeness survival. Although anecdotal information indicates a continued, but unquantified, bycatch of Dungeness crab by the gillnet fishery, reopening the subsistence fishery would introduce additional mortality that would further impede stock rebuilding.

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

SUBSISTENCE REGULATION REVIEW:

The board has not made a customary and traditional use determination for the Dungeness crab stocks of the PWS Management Area. The department recommends that the board postpones a C&T determination until stocks recover to historical abundance levels.

1. Is this stock in a nonsubsistence area? The portion of the Prince William Sound Area within the Valdez city limits is within the Valdez non-subsistence area (see map in staff reports). The remainder of PWS is outside the non-subsistence area.

2. Is the stock customarily and traditionally taken or used for subsistence? The Board needs to make this determination. A C&T worksheet was prepared for the March 1999 Board of Fisheries meeting and can be provided if the Board chooses to make a c&t finding. However, the policy of past boards has been to postpone making a c&t finding until a harvestable surplus is available.

3. Can a portion of the stock be harvested consistent with sustained yield? No

4. What amount is reasonably necessary for subsistence use? If the Board decides that these stocks support C&T uses, it will need to make this determination when a harvestable surplus is identified.

5. Do the regulations provide a reasonable opportunity for subsistence use? The board will need to make this finding once a harvestable surplus is identified.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? The board will need to make this determination once a harvestable surplus is identified.

PROPOSAL 405, PAGE 287, 5 AAC 32.225. LAWFUL GEAR FOR REGISTRATION AREA E.

WHAT WOULD THE PROPOSAL DO? This proposal would reopen the commercial Dungeness crab fishery with a gear limit of 100 pots per vessel in the Outside District of the Prince William Sound Management Area.

WHAT ARE THE CURRENT REGULATIONS? The Prince William Sound Dungeness Crab Fishery Management Plan 5 AAC 32.290, specifies the commercial, sport, personal use, and subsistence Dungeness crab fisheries are closed until the stock recovers enough to provide a harvestable surplus and the board approves a conversation based management plan.

Other regulations specific to PWS include super exclusive registration (5 AAC 32.206), a 250-pot limit for the Outside District, a 100-pot limit for the Inside District (5 AAC 32.225), and buoy design and color registration requirements (5 AAC 32.230).

Statewide regulations specify a male-only harvest with a minimum carapace width of 6½ inches. Gear requirements include a biodegradable escape mechanism and two $4^3/_8$-inch escape rings.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would establish a commercial Dungeness crab season with a gear limit of one hundred pots per vessel for the PWS Management Area; proposal language suggests this limit may apply only to the Copper River District.

BACKGROUND: Commercial harvests of Dungeness crab within the PWS Management Area historically occurred in Orca Inlet and along the Copper River Delta and Controller Bay areas within the Eastern Section of the Outside District. Past management strategies failed to provide for sustainable fisheries and the Dungeness crab population has remained depressed despite long-term fishery closures. The board adopted a regulatory closure of all PWS Dungeness crab fisheries in March 2000 until stocks recover and a conservation based management plan is approved.

Commercial Dungeness crab harvests from Orca Inlet in the 1960s exceeded 1.0 million lb annually. From 1968 to 1980, annual harvests declined to an average of 360,000 lb. The most recent Orca Inlet commercial fishery occurred in 1980 with a harvest of 123,200 lb. Subsistence and personal use fisheries for Dungeness crab in the Orca Inlet area were closed by emergency order from 1994 until the board adopted a regulatory closure in 2000. The department has assessed the shell condition and abundance of Dungeness crab in Orca Inlet and the Copper River Delta since 1976. The Orca Inlet survey was conducted annually from 1977 to 1994, but changed to a biennial survey in 1995 due to low crab catches. The 1998 and 2000 Orca Inlet surveys each yielded a total of two Dungeness crab from 30 pot lifts, and the 2002 survey caught no Dungeness crab in 30 pot lifts.

Commercial Dungeness crab harvests from the Eastern Section date to 1969. From 1969 through 1990, harvests averaged 620,000 lb with total catch exceeding 1.0 million lb in four years. The harvest declined to 70,259 lb in 1991. The fishery has remained closed since 1992 when the

spring harvest totaled only 2,258 lb. The pot survey in the Eastern Section has changed somewhat with respect to survey dates and locations fished. The survey was historically conducted in July. If 10 percent or more of the crab were in a soft-shell condition, the fishery was delayed and another survey conducted in August. Although the July survey was discontinued in 1998 due to low abundance and budget constraints, the August survey is still conducted annually.

Department surveys have documented Dungeness crab declines in the Eastern Section and a continued low stock abundance. Over the past 10 years, legal male crab per pot in the August survey declined from 3.5 in 1993 to 0.1 in 1997. From 1998 through 2001, survey catches averaged 0.7 legal male crab per pot, increasing to 1.7 legal males per pot in 2002. These catch rates remain well below survey catches during the 1980's when the fishery was active.

DEPARTMENT COMMENTS: The department **OPPOSES** this public proposal. Proposal adoption would circumvent the board's efforts to establish a conservation-based management plan for Dungeness crab. Annual survey data indicate the abundance of Dungeness crab in the Copper River Delta and Controller Bay areas remains well below historical levels. Available legal male crab are insufficient to support directed fishing. PWS is the northern limit of the geographic distribution for Dungeness crab, a factor with implications for growth, recruitment, and survival. Changes in such aspects as climatic conditions or predation may significantly affect Dungeness survival. Although anecdotal information indicates a continued, but unquantified, bycatch of Dungeness crab by the gillnet fishery, reopening the commercial crab fishery would introduce additional mortality that would further impede stock rebuilding

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

PROPOSAL 417, PAGE 294, 5 AAC 55.035. METHODS, MEANS AND GENERAL PROVISIONS - SHELLFISH. (g)

WHAT WOULD THE PROPOSAL DO?

This proposal would eliminate the vessel restriction of five pots; the requirement of inscribing the vessel name and number on the keg or buoy; and extend the shrimp sport season from February 15 to December 31 for the sport shrimp fishery

WHAT ARE THE CURRENT REGULATIONS?

Season, pot limits and marking requirements are consistent for subsistence, personal use and sport fish shrimp fisheries in the Prince William Sound Management Area (PWSMA). Regulations and stipulations to the shellfish permit specify that shrimp may be taken only from April 15-September 15. No more than five pots per person, and no more than five pots per vessel may be used to take shrimp. Buoys and kegs attached to unattended fishing gear must be marked with that person's first initial, last name, address, shrimp permit number, and the name or Coast Guard number of the vessel used to operate the gear.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

Pot limits for vessels in the sport shrimp fishery would be eliminated increasing the harvest potential, and making the sport pot limits more liberal than the current personal use and subsistence limits. The absence of vessel identification information on the buoys or kegs would greatly restrict the ability of Department of Public Safety, Division of Fish and Wildlife Protection (FWP) to enforce pot violations.

BACKGROUND:

Prior to the Board meeting in 2000, sport and personal use shrimp fishery regulations specified limits of 5 pots per person and 10 pots per vessel. Subsistence fishing regulations specified limits of 10 pots per person and no more than 20 pots per vessel. There was no closed season, bag or possession limit for the sport, personal use, or subsistence taking of shrimp. In 2000, the Board restructured the non-commercial shrimp fishery by imposing a season from April 15-September 15; reducing the number of pots to five per person with a maximum of five per vessel; and required a permit for sport, personal use, and subsistence anglers harvest shrimp in the PWSMA.

In 2001, a total of 562 permits were issued with 265 (47%) permits returned. Permits were issued to 538 (96%) Alaskan residents and 18 (3%) non-residents. Residency was not recorded on 6 (1%) permits. Of the 265 permits returned, 90 (34%) reported not fishing for shrimp in 2001. Those that did fish for shrimp reported setting a total of 3,881 pots with a total fishing time of 170,693 pot/hours (7,112 days). Users fished pots in 26 commercial groundfish/shellfish statistical areas with 46% of the pots being set in Port Valdez and Valdez Arm (statistical area 466100), 31% set outside of Whittier (statistical areas 486033 and 486034), and 23% of the pots set in the remaining 23 statistical areas. Returned permits reported harvesting a total of 1,138 gallons of shrimp in PWSMA waters in 2001. Estimating 120 shrimp/gal with an average weight of 45 shrimp/lb. gives an estimate of 3,000 pounds of shrimp reported in non-commercial harvest. The 2002 study plan included the use of reminder letters to increase the number of returned permits and allow for estimates of total harvest. Because of the time required to collect

data from reminder letters, the 2002 data will not be available to be summarized until early March and will be presented at the March BOF meeting.

The shrimp pot fishery in PWSMA primarily targets spot shrimp *Pandalus platyceros*. A commercial pot fishery targeting spot shrimp in PWSMA began in 1960 peaking with a reported harvest of 290,600 lbs of shrimp in 1986. The commercial fishery was closed in 1991. In 1989 ADF&G began surveys to assess spot shrimp stocks. The survey documents mean catch weight and abundance per pot by shrimp species, and collects data on sex, size, and egg condition of spot shrimp. These data provide a relative abundance index of spot shrimp. Since 1993, pot survey catches have ranged from 0.59 lb. per pot in 1995 to 0.29 lb. per pot in 1998, and have averaged 0.43 lb. per pot. The percentage of egg-bearing females sampled has varied throughout the course of the survey from 19% in 1993 to a low of 3.9% in 1995. Tagging studies conducted in the mid-1980s showed that PWS spot shrimp are long-lived and slow-growing, characteristics that emphasize the need to keep fishing mortality low

DEPARTMENT COMMENTS:
The department **OPPOSES** this proposal. Recent increases in spot shrimp survey results are encouraging, but provide insufficient data to indicate that spot shrimp stocks in PWSMA have sufficiently recovered to liberalize current harvest levels by increasing the number of pots fished. The department plans to continue monitoring the stocks with annual pot surveys. The absence of identifying information on the buoys or kegs would greatly restrict the ability of FWP to enforce pot violations. The increased season, while not likely to significantly increase overall harvest, would potentially increase the harvest of egg-bearing females.

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

PROPOSAL 418, PAGE 294, 5 AAC 77.553. PERSONAL USE SHRIMP FISHERY.

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate the vessel pot limit in the personal use shrimp fishery in the Prince William Sound Management Area.

WHAT ARE THE CURRENT REGULATIONS? Subsistence, personal use, and recreational shrimp fishery regulations in the Prince William Sound Management Area are practically identical. Personal use regulations (5 AAC 77.553) specify open season dates of April 15-September 15, a 5-pot limit per person and per vessel, and gear requirements that include: 7/8-inch pot mesh to allow escape of smaller shrimp; a biodegradable escape mechanism (5 AAC 39.145); and buoy marking requirements that include the name and address of the operator and name or USCG number of the vessel operating the gear (5 AAC 77.010).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Vessel pot limits in the personal use shrimp fishery would be eliminated, allowing unrestricted growth and harvest of the fishery. Personal use regulations would also be in conflict with current subsistence and sport fishery regulations.

BACKGROUND: The shrimp pot fishery in PWS targets spot shrimp *Pandalus platyceros*. Tagging studies in the 1980s indicated spot shrimp may live up to 7 years with little migration during their lifespan. Spot shrimp are protandrous hermaphrodites that start life as males, and then change to females as they grow. Landings for the commercial spot shrimp fishery date to the 1960s. Commercial fishery harvests peaked in the mid-1980s, followed by dramatic declines in the late 1980s, with a commercial closure since 1992 due to low harvest rates indicative of depressed stock levels. The department has conducted an annual, standardized index survey for spot shrimp since 1989. Spot shrimp catch rates in the survey declined from 1.3 lb/pot in 1989 to 0.29 lb/pot in 1998 before increasing to 1.2 lb/pot in 2002. Average catch rates of egg-bearing females also increased in recent years.

Personal use shrimp fishery regulations previously specified a limit of 5 pots per person and 10 pots per vessel with no closed season or bag limit. In 2000 the board recognized the depressed status of PWS spot shrimp stocks and restructured the non-commercial shrimp fisheries by reducing the vessel pot limit and establishing a season.

DEPARTMENT COMMENTS: The department **OPPOSES** this public proposal. Despite the recent improvement in index survey results, spot shrimp in PWS remain below historical levels that supported active, fully developed fisheries. While recognizing the public's desire to take advantage of slightly increased resource levels, the department still considers the PWS spot shrimp resource to be in a rebuilding process. The department has concerns regarding the amount of reported illegal gear occurring in this fishery. Department of Public Safety, Division of Fish and Wildlife Protection staff should be consulted about their contacts and citations in this fishery. Proposal adoption would increase the quantity of pots being fished, impart increased stress upon a rebuilding but depressed resource, and exacerbate the existing problems related to the use of illegal pots.

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

PROPOSAL 419, PAGE 295, 5 AAC 31.225. LAWFUL SHRIMP TRAWL GEAR FOR REGISTRATION AREA E and 5 AAC 28.230. LAWFUL GEAR FOR PRINCE WILLIAM SOUND AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would provide for a shrimp trawl vessel to utilize a fish excluder device with a bar spacing of 3.5 to 4.0 inches during the PWS sablefish fishery, and to retain the shrimp caught during this period.

WHAT ARE THE CURRENT REGULATIONS? Gear regulations for shrimp trawl gear specify, cod end mesh requirement of $1^{7}/_{8}$-inch stretched mesh hung horizontal and perpendicular to the mouth of the trawl, and that the trawl be equipped with a finfish excluder device, consisting of parallel bars spaced not more than 2½ inches apart (5 AAC 31.225). Groundfish taken as bycatch during the shrimp trawl season may not exceed 10% of the gross weight of the shrimp landed (5 AAC 28.230 (g)). Non-pelagic trawl gear may not be used to take groundfish, except sablefish, in the PWS Area (5 AAC 28.230(g)).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? During a sablefish fishery, a trawl vessel would be allowed to fish with a fish excluder that has a bar spacing of 3.5 inches to 4.0 inches, and be allowed to retain both sablefish and shrimp species.

BACKGROUND: The Commercial Fisheries Entry Commission designated a single trawl gear permit in the PWS sablefish fishery. In 2000, the board adopted regulations requiring that shrimp trawls be equipped with a fish excluder device, consisting of a rigid grate with parallel bars spaced not more than 2½ inches apart. Specification for a 2½-inch bar spacing was designed to facilitate the capture of shrimp while minimizing the capture of groundfish. This bar spacing likely reduces sablefish catchability when targeting shrimp during the sablefish fishery.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this public proposal. A sablefish permit holder could legally trawl for sablefish with bottom trawl gear not equipped with a fish excluder. This practice would most likely result in a substantially greater catch and mortality of nontarget species. The department supports the conservative element of using a fish excluder but remains neutral on the allocative aspects of allowing an individual to retain shrimp with gear that doesn't meet the legal requirements for shrimp trawl.

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

PROPOSAL 420, page 295, 5 AAC 31.205. DESCRIPTION OF AREA E DISTRICTS AND SECTIONS.

WHAT WOULD THE PROPOSAL DO? This proposal would establish subdistricts and sections pertinent to the current management of the PWS sidestripe shrimp trawl fishery as follows:

(a) Inside District: all waters in the Prince William Sound Area enclosed by lines from Point Whitshed to Point Bentinck, from Cape Hinchinbrook to Zaikof Point, and from Cape Cleare to Cape Puget.

(1) The Northwest Shrimp Trawl Subdistrict consists of all waters north of 60° 27' N. lat. and west of 147° 20' W. long.

(2) The Port Wells Section consists of all waters of the Northwest Shrimp Trawl Subdistrict north of a line from a point on the mainland adjacent to the north entrance to Culross Pass at 60° 45.77' N. lat., 148° 13.58' W. long., to a point located at 60° 45.53' N. lat., 148° 11.70' W. long., on the north side of Culross Island, and west of a line from Culross Light located on Culross Island at 60° 44.80' N. lat., 148° 06.80' W. long., to Esther light located on Esther Island at 60° 47.10' N. lat., 148° 06.00' W. long., and west of a line from the northern tip of Esther Island located at 60° 55.61' N. lat., 148° 04.25' W. long., to a point on the mainland located at 60° 55.83' N. lat., 148° 03.92' W. long.

WHAT ARE THE CURRENT REGULATIONS? Current regulations describe the Inside District and the Outside District, with Eastern and Western Sections (5 AAC 31.205).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Regulations would reestablish the Northwest Shrimp Trawl Subdistrict, create the Port Wells Section, and establish a regulatory link between fishery management and references used in news releases and emergency orders.

BACKGROUND: The board modified the shrimp trawl fishery management districts in 1997 to create the Inside and Outside Districts of PWS. This action inadvertently eliminated management subdistricts in the Inside District designed for the shrimp trawl fishery. However, the department has continued to manage the sidestripe shrimp fishery using the old subdistrict references. These should be in regulation.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal. The proposed management units are anticipated to be in effect well into the future and the fishing public will be better served by having a clear regulatory reference.

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

COMMITTEE E
SCALLOPS

PROPOSALS 221-224, 454. PAGES 144-156 and SUPPLEMENT. 5 AAC 38.167. FISHING SEASONS FOR SCALLOPS IN REGISTRATION AREA D. 5 AAC 38.168. GUIDELINE HARVEST RANGE FOR THE TAKING OF SCALLOPS IN REGISTRATION AREA D; 5 AAC 38.180. CLOSED WATERS FOR SCALLOPS IN REGISTRATION AREA D.

WHAT WOULD THIS PROPOSAL DO? These five proposals are closely similar. Singly and in combination they propose to:

1. Close scallop dredging in Scallop Registration Area D until a research program and management plan are implemented for Tanner and Dungeness crab in the area.

2. Allow commercial scallop harvests in area D only once the Tanner and Dungeness crab commercial fisheries have achieved sustained harvest levels of 1.0 and 1.5 million pounds, respectively.

3. Establish a marine protected area closure to scallop dredging from Cape Fairweather to Sitkagi Bluffs (Figure 221-1) as a research site to determine the impacts of dredging on the marine environment and on crab stocks.

4. Establish a Tanner crab bycatch cap for the commercial scallop fishery in Scallop Registration Area D of 1% of the total crab population estimate when the fishery is open or 0.5% of the total crab population estimate when the fishery was closed during the previous season.

(Specific recommendations in each of the 5 proposals are as follows: number 221 proposes items 1 and 3 above, number 222 proposes item 4, number 223 proposes all 4 items; number 224 proposes item 4, and number 454 proposes all 4 items).

WHAT ARE THE CURRENT REGULATIONS? The Alaska Scallop Fishery Management Plan (5 AAC 38.076) establishes scallop registration areas, requires vessel registration, describes gear requirements, establishes onboard observer requirements, specifies hand shucking only, and establishes maximum crew size. District 16 of Registration Area A is combined with the Yakutat area as Scallop Registration Area D (5 AAC 38.076 b(2)). Yakutat Bay is closed to scallop fishing (5 AAC 38.180). There is no Tanner crab bycatch cap currently in regulation for Scallop Registration Area D.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? The scallop fishery in the Yakutat area, including District 16 of Southeast Alaska (Scallop Registration Area D) would be closed until a research program and management plan for Tanner and Dungeness crab were developed. The section from Cape Fairweather to Sitkagi Bluffs would be designated as a marine protected area for purposes of research. The fishery in the remainder of Scallop Registration Area D would not open until sustained harvest levels of 1.0 million pounds of

Tanner crabs and 1.5 million pounds of Dungeness crabs were achieved. The Scallop Registration Area D scallop fishery would be limited by bycatch caps for Tanner crabs.

BACKGROUND:

Yakutat Tanner Crab Fishery

The Yakutat Tanner crab fishery peaked in the 1980/1981 season and declined rapidly to low levels in the past two decades (Figure 221-2). The fishery was closed beginning with the 1999/00 season and designated as collapsed and recovering at the 2000 meeting of the Alaska Board of Fisheries in Juneau:

> "Tanner crab harvests in the Yakutat area attained high levels in the 1970s and crashed in the early 1980s. These crabs were caught mostly in the gullies and trenches offshore of the major bays. The character of the fishery changed with declining harvests. Most of the harvests in the heyday of the fishery were by large, modern, Bering Sea style vessels that also participated in much larger Westward Area Tanner crab fisheries. Pot dumping, a fishing technique where a pot was brought aboard and emptied directly into the hold with no sorting, occurred even after the minimum legal size was established . . .. The cause of the collapse is not known with certainty; however, the very large and mostly unrestricted catches are suspected to be the primary factor. Other factors such as variable growth, variable recruitment, predation, and handling mortalities were probably important as well. The department lacked basic research information and stock assessment data on these factors. The fact that the stock is on the northern edge of the range may have been a contributing factor. " (ADF&G 1999)

Since the harvest trends of the District 16 Tanner crab fishery more closely mirror those of Yakutat than the rest of Southeast Alaska, District 16 is being managed as part of the Yakutat Tanner crab stock and has been closed beginning with the 2001/02 season although there has been no harvest from this district since the 1999/00 season. It is the intent of the department to reopen this fishery after both: 1) recovery has been demonstrated; and 2) a management and assessment program with long-term funding is in place.

Yakutat Dungeness Crab Fishery

The Yakutat Dungeness crab fishery (Figure 221-3), along with Dungeness crab fisheries in Prince William Sound and Cook Inlet, was designated as collapsed and recovering at the 2000 meeting of the Alaska Board of Fisheries in Juneau:

> "Dungeness crab harvests in the Yakutat area have oscillated sharply in the past three decades, reaching annual peaks of 2 to 5 million pounds each decade before a subsequent crash (Figure below). The harvests are primarily from the near shore zone of the outer coast. A small fishery occurs in the major bays, primarily Yakutat Bay . . . . .The collapse appears to be cyclic, on a decadal basis. It is therefore possible that stock abundance is controlled in large part by

> environmental conditions. However, given the lack of research information on this population, any attribution of causes is conjectural, and the large harvests must be considered a potentially important cause, possibly exacerbating any natural fluctuations. Also, the recent collapse has persisted far longer than the two previous declines." (ADF&G 1999)

There are competing hypotheses as to the cause of the collapse of these two fisheries and of other Tanner and Dungeness crab fisheries in the Gulf of Alaska. In addition to probable excessive fishing pressure, the Gulf of Alaska temperature regime shift may be implicated in declines of some shellfish stocks (Anderson and Piatt 1999).

Since the harvest trends of the District 16 Dungeness crab fishery more closely mirror those of Yakutat than the rest of Southeast Alaska, District 16 is being managed as part of the Yakutat Dungeness crab stock and has been closed beginning with the 2000/01 season. It is the stated intent of the department to reopen this fishery after both: 1) recovery has been demonstrated; 2) a management and assessment program with long-term funding is in place.

Bycatch

Bycatch monitoring by observers began in the Yakutat scallop fishery in 1993, which was well after the peak of the Tanner crab fishery and about midway in the decline of the Dungeness crab fishery. For this reason, there is no information on bycatch levels during the peak harvest periods. Since 1993, crab bycatch data (Table 221-1) indicates that on average approximately 7,000 Tanner crab and 900 Dungeness crab are captured annually in Yakutat and District 16 together.

Tanner crab taken as bycatch during scallop dredging in the Yakutat area are juveniles less than 70 mm carapace width (CW), with a predominant mode centered on 24 mm CW (Figure 221-4). Dungeness crabs taken as bycatch are mostly mature animals, with modes of 165 mm CW for males and 136 mm CW for females (Figure 221-5). Legal sizes are 140 mm and 165 mm for Tanner and Dungeness crabs, respectively. On average, 40% of captured Tanner crabs are dead. It is unknown what proportion of the uncaptured crabs is injured or killed by the dredge on the bottom or what proportion of captured live crab subsequently dies.

Yakutat is the only scallop dredge fishing area in the state without crab bycatch limits. Bycatch limits for red king or Tanner (but not Dungeness) crab in other areas of the state are variously defined as a percentage of the preseason population estimate, or in areas where preseason surveys are not in effect, as a percentage of the historical harvest level. In general, crab bycatch limits are defined at 1% of the population estimate when the respective crab fishery is open and 0.5% when the crab fishery is closed for conservation reasons or as 1% of the average historic harvest when a population estimate is not available (Kruse 1994).

<u>DEPARTMENT COMMENTS:</u>

Closure/Crab Threshold Harvest Levels

The department is **opposed** to closure of the Yakutat scallop fishery. While Tanner and Dungeness crabs are captured incidentally in the Yakutat scallop fishery, there is weak evidence for the hypothesis that the scallop fishery is preventing their recovery to historic levels. Further, the proposed thresholds may not be sustainable harvest levels for Yakutat Dungeness and Tanner crab populations.

Establish a Marine Protected Area

The department **opposes** the creation of the marine protected area specified in this proposal. The proposed closure would encompass approximately one-half of the scallop beds in the area, and would be based on a weak hypothesis of effects on crab fisheries. The department **supports** the creation of smaller research closed areas to investigate this issue, particularly given the preponderance of Tanner crab juveniles as bycatch, suggesting that some of the areas fished for scallops are important rearing areas. There are spatial trends in Tanner crab bycatch distribution (Figure 221-6), suggesting that Tanner crab bycatch may be higher in the submarine trenches offshore of the Dangerous, Italio and Alsek Rivers. At present, the department has no funds to conduct a research program on scallop dredge effects in research closed areas in Area D, but would seek funds if closed areas were created. However, the department's first research priority in the Yakutat area is to initiate an assessment program on Yakutat Dungeness and Tanner crab stocks.

To provide for broad public and scientific input, the department recommends that consideration of large-scale marine protected areas in the Yakutat area be pursued by the proponents as part of the MPA process now under consideration by the Board.

Bycatch Caps

The department **supports** the concept of bycatch limits for the Yakutat scallop fishery; however, selection of appropriate bycatch limits is challenging. There are no estimates of population size for either Dungeness or Tanner crabs in Scallop Registration Area D to use in determination of bycatch caps. Alternatives include basing bycatch limits on historic crab harvest (Kruse 1994), or on historic crab bycatch levels in the scallop fishery. Several alternatives for setting bycatch levels are presented in Table 221-2. Input from the industry on their ability to avoid excessive bycatch levels of Tanner crabs while maintaining the scallop harvest would be important.

The average historic harvest in the Yakutat Tanner crab fishery is approximately 500,000 pounds or 200,000 crabs. Thus, if bycatch limits were set using 1% of the historic harvest, the cap would be 2,000 Tanner crabs per year. This level would have been exceeded in each of the past 8 years (Table 221-1), leading to an early closure of the scallop fishery in Scallop Registration Area D. Alternatively, if bycatch limits were set equal to the average bycatch levels from 1993-2001, the cap would be about 7,000 crabs, which would have been exceeded in 3 of those years.

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

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Table 221-1. Tanner and Dungeness crab bycatch for Scallop Area D estimated by observers sampling onboard scallop vessels 1993 – 2001 seasons .

Management Area	Bycatch Estimates			Tanner Crab
	Tanner	King	Dungeness	Mortality %
District 16				
1993	n.a.	n.a.	n.a.	n.a.
1994	10	0	15	
1995	469	0	93	28
1996	708	0	141	
1997	129	0	0	65
1998/99	273	0	0	8
1999/00	48	0	0	20
2000/01	627	0	22	58
2001/02	833	0	32	50
Yakutat				
1993	1,700	40	351	54
1994	2,370	0	179	
1995	3,751	0	2,379	26
1996	9,463	0	2,358	
1997	5,884	0	277	32
1998/99	8,891	0	177	47
1999/00	4,993	0	584	42
2000/01	17,395	0	313	56
2001/02	6,770	0	1,150	57

Table 221-2. Potential bycatch limit scenarios for Tanner and Dungeness crab in Scallop Registration Area D.

	District 16		**Yakutat**	
	Number of Tanner	Number of Dungeness	Number of Tanner	Number of Dungeness
1% of historical crab harvest	100	900	2,000	7,000
Approx. avg. of 1993-2001 bycatch	400	40	7,000	1,000

Figure 221-1. Map of Scallop Registration Area D, showing the location of Cape Fairweather and Sitkagi Bluffs which would define an area closed to commercial scallop dredging.

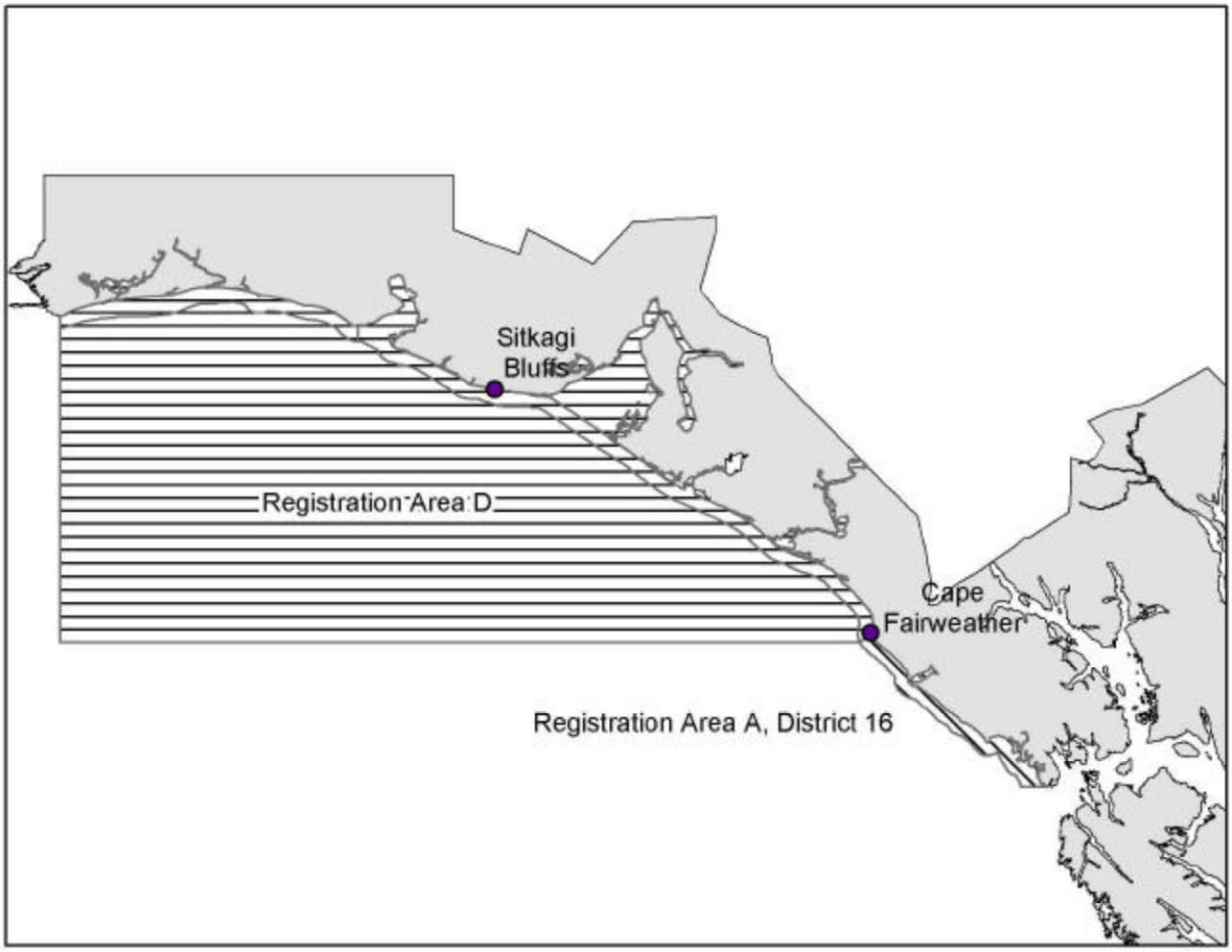


Figure 221-2. Harvest and effort in the Tanner crab fishery in District 16 of Southeast Alaska, and in Yakutat, Registration Area D, 1972/73 – 1999/2000 seasons.

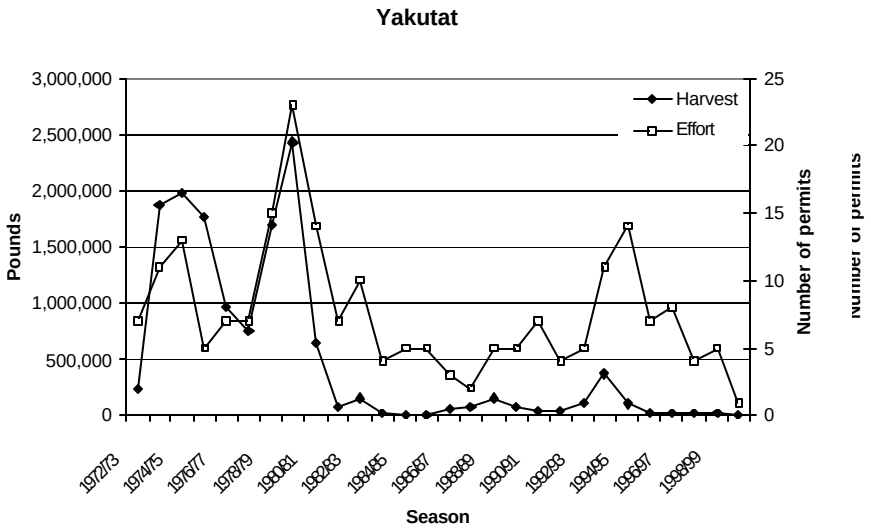


Figure 221-3. Harvest and effort in the Dungeness crab fishery in District 16 of Southeast Alaska, and in Yakutat, Registration Area D, 1960 – 1999/00 seasons.

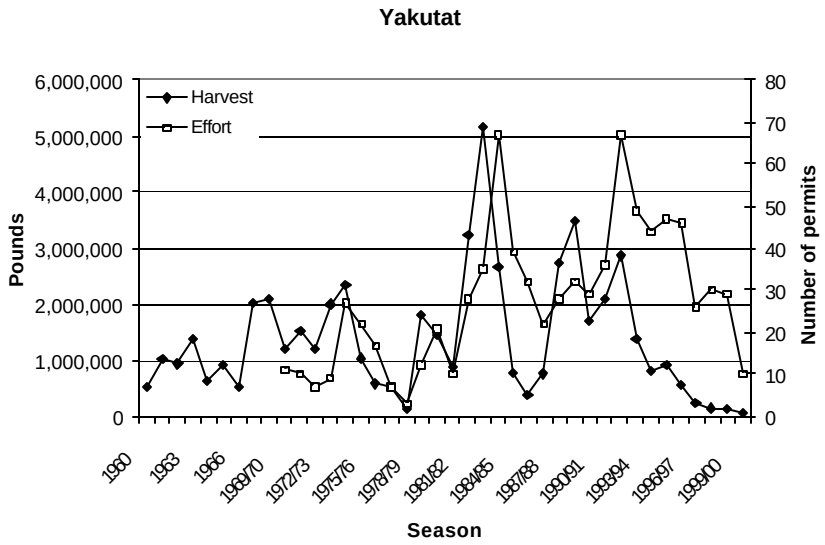
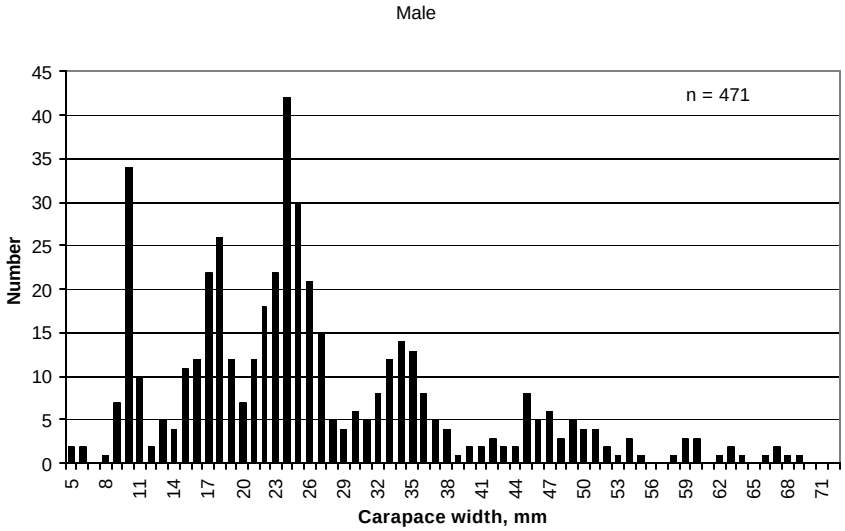


Figure 221-4. Size composition of Tanner crabs measured by observers during the 2002 scallop commercial fishery in District 16 and Yakutat.



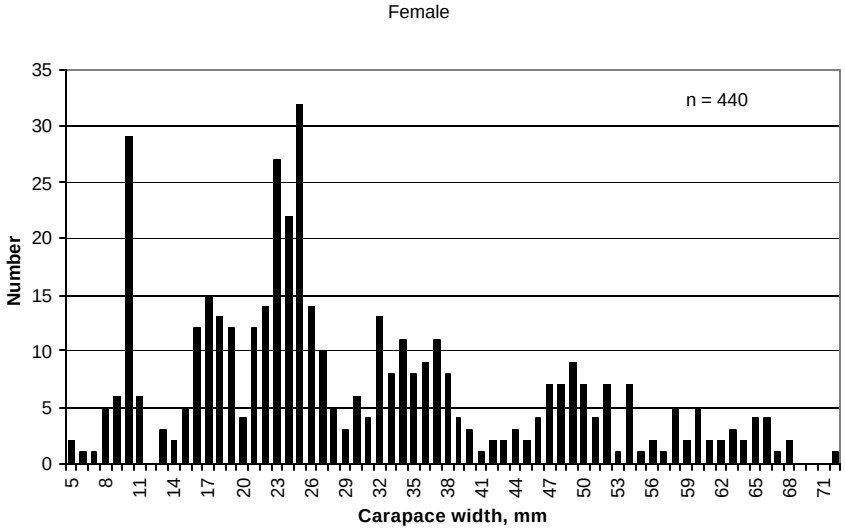
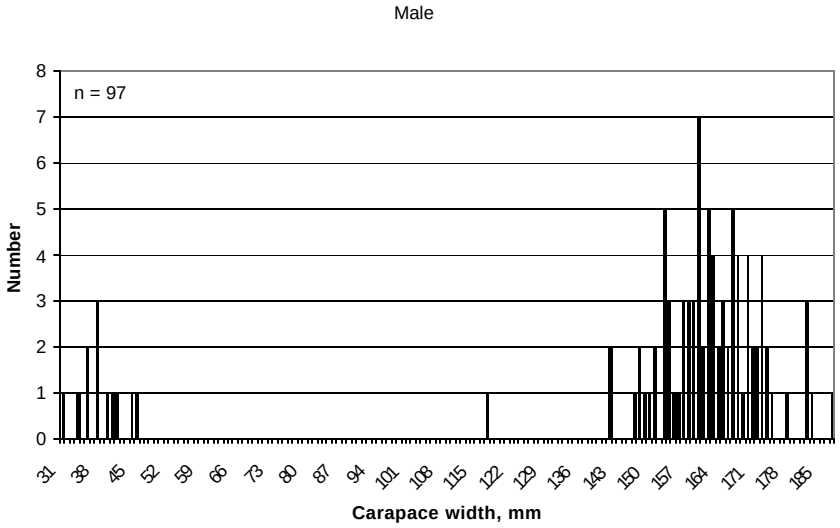


Figure 221-5. Size composition of Dungeness crabs measured by observers during the 2002 scallop commercial fishery in District 16 and Yakutat.



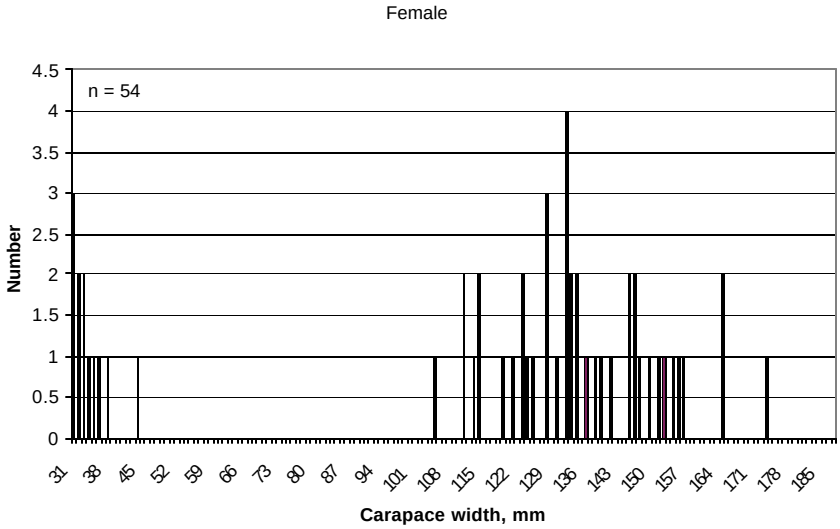


Figure 221-6. Location of Tanner crab bycatch during scallop dredging operations in District 16 of Southeast Alaska and Yakutat, 1993 – 2001 seasons.

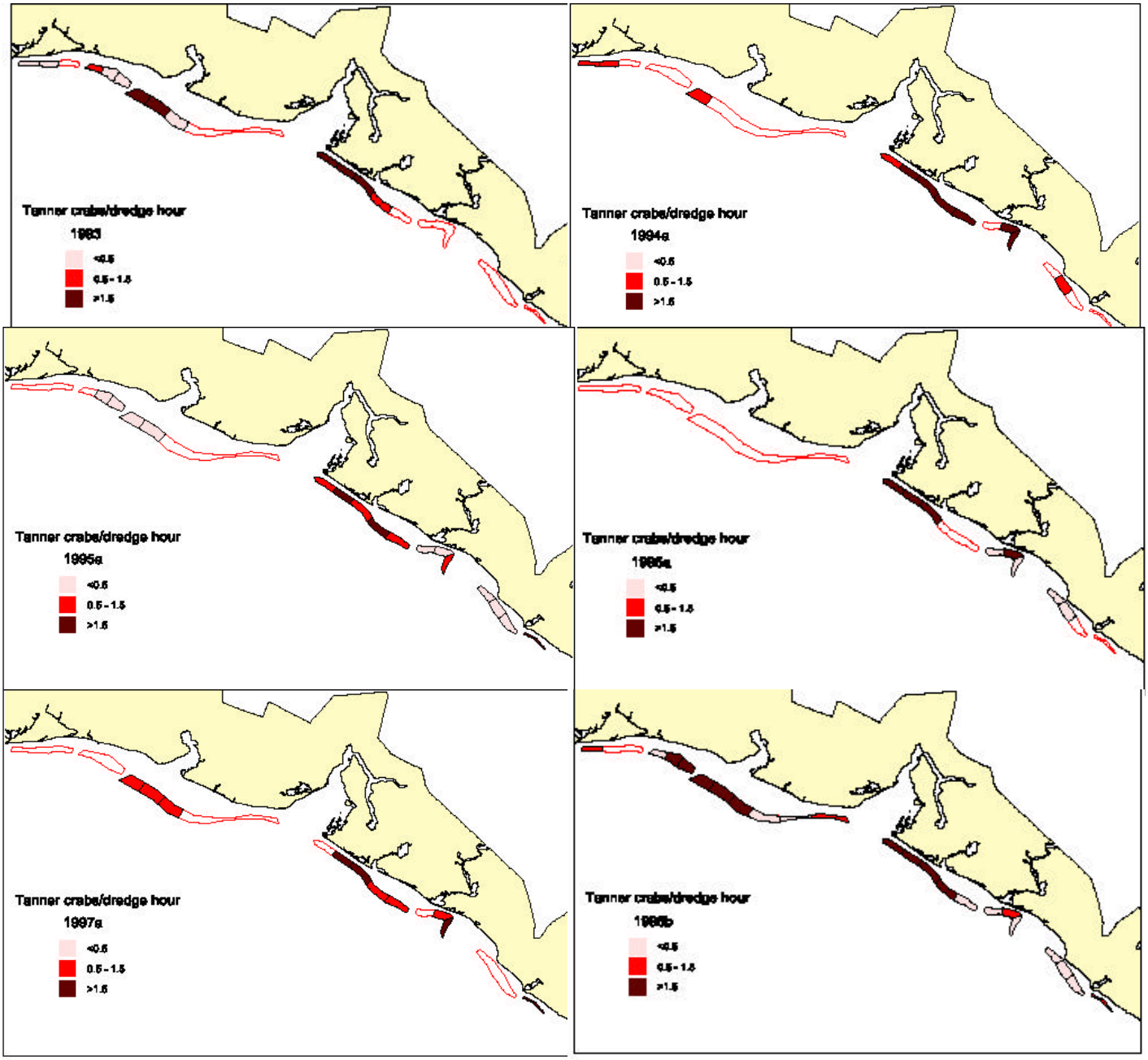
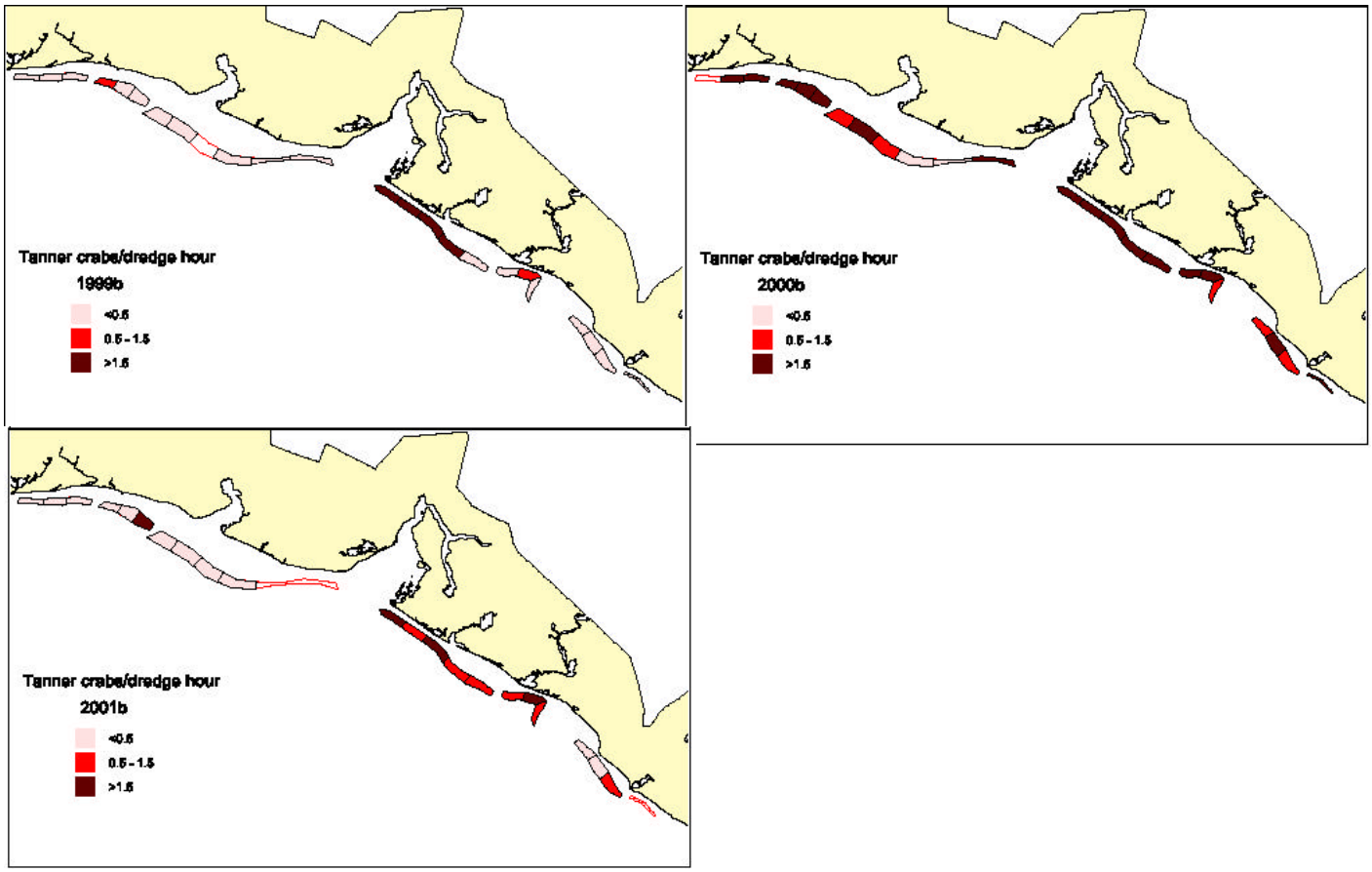


Figure 221-6. (page 2 of 2).



PROPOSAL 225. PAGE 156. 5 AAC 38.167. FISHING SEASONS FOR SCALLOPS IN REGISTRATION AREA D, AND 5 AAC 38.1XX. FISHING SEASON FOR SCALLOPS IN REGISTRATION AREA A.

WHAT WOULD THIS PROPOSAL DO? Extend the season for scallops from the current 6 ½-months to a year-round season.

WHAT ARE THE CURRENT REGULATIONS? The Alaska Scallop Fishery Management Plan (5 AAC 38.076) establishes scallop registration areas, requires vessel registration, describes gear requirements, establishes onboard observer requirements, specifies hand shucking only, and establishes maximum crew size. A season of July 1 – February 15 unless closed earlier by emergency order is set in 5 AAC 38.167 for Scallop Registration Area D.

WHAT WOULD BE THE EFFECT OF THE PROPOSAL IF ADOPTED? The scallop season in Scallop Registration Area D would be extended from 6 ½ to 12 months.

BACKGROUND: Prior to 1997, the Yakutat area scallop fishery (Statistical area 16 and Area D) opened January 10 and closed by emergency order in each of the two areas when the guideline harvest levels were achieved. Beginning with the 1997/98 season, the Yakutat area season was changed to match the statewide season, opening July 15 and closing February 15. This serves to protect scallops during their spawning period from mid May to mid June (Hennick 1970), as well as to provide protection for mating and molting Tanner crab.

Tanner crabs have a somewhat complex reproductive strategy. Juvenile female Tanner crabs first molt to reproductive maturity and mate in the soft shell condition in shallow water with activity peaking in mid February. There is a subsequent male molt period also in shallow water in March and April (Stone 1999) that is followed by a mating period of older females reproductively mature for at least one season that mate in the hard shell condition with males. This latter mating occurs in deep water in April and May (Stevens et al. 1993; Stevens et al. 1994). Thus, the timing of the current Yakutat scallop season provides for a closed period during the Tanner crab pubescent mating, male molt and multiparous mating seasons (Stone 1999). However, as Tanner crab bycatch in the Yakutat scallop fishery consists primarily of juveniles 24-mm in carapace width that molt several times annually it may be difficult to entirely avoid their molt periods.

DEPARTMENT COMMENTS: The department **opposes** this proposal, as it would extend the scallop fishery into the Tanner crab mating and molting period and into the Scallop spawning period. However, there may be some room for a slightly lengthened scallop season that may not seriously disrupt spawning.

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

PROPOSAL 406: 5 AAC 38.076. ALASKA SCALLOP FISHERY MANAGEMENT PLAN, page 287

WHAT WOULD THE PROPOSAL DO? This proposal would formally adopt crab bycatch limits as a management measure in the statewide scallop fishery management plan.

WHAT ARE THE CURRENT REGULATIONS? Crab bycatch limits are established annually, however there is no regulatory requirement to establish crab bycatch limits in the management plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal will place into regulation the authority to establish crab bycatch limits in the scallop fishery.

BACKGROUND: Crab bycatch limits have been established in the weathervane scallop fishery since 1993. Scallop fisheries are managed inseason, via observer catch reports, to avoid exceeding these limits. Crab resources in many areas of the state are currently depressed or rebuilding. Conservation of these resources is critical to achieving the goal of healthy crab stocks. Crab bycatch in scallop fisheries can be significant and bycatch limits have been achieved resulting in the closure of the commercial scallop fishery in some areas.

DEPARTMENT COMMENTS: This is a staff proposal.

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

PROPOSAL 407: 5 AAC 38.076. ALASKA SCALLOP FISHERY MANAGEMENT PLAN, page 287

WHAT WOULD THE PROPOSAL DO? This public proposal would exempt vessels less than 60 feet in overall length from mandatory observer coverage in the scallop fishery.

WHAT ARE THE CURRENT REGULATIONS? The fishery management plan for scallops (5 AAC 38.076 (g)) allows the department to require a vessel in a scallop fishery to carry an onboard observer.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? There are 9 vessels that are permitted to fish federal waters and 5 vessels that have a CFEC license to fish state waters. Of those vessels only one is less than 60 feet in length.

BACKGROUND: The primary purpose of the onboard scallop observer program is to collect a variety of biological and fishery-based data, monitor bycatch, and provide for regulatory enforcement. Data are collected on crab and halibut bycatch, discarded scallop catch, retained scallop catch, catch composition, scallop meat-weight recovery, location, area and depth fished, and catch per unit effort. Data are used to manage the fishery inseason and to set guideline harvest ranges for the following season. Data are provided to local advisory committees, BOF, NPFMC, and NMFS to address concerns and requests for information about the statewide weathervane scallop fishery. These data have been critical for preparing Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HAPC) documents.

Under 5 AAC 38.076 (g) of the Alaska Scallop Fishery Management Plan the department may require a scallop vessel to carry an observer unless the department determines that carrying an observer will not serve the purpose of the onboard observer program. The department and NMFS have determined that requiring vessels to carry an observer does serve the purpose of the program, and the need for accurate management data outweigh the economic impact on small vessels. In most areas of the state the department does not conduct a scallop stock assessment survey, so the observer collected data is vital to the management of the resource. Observers also provide regulatory enforcement. With fewer vessels operating it is more important then ever for all vessels to have observer coverage in order to ascertain the impact of the fishery.

The only scallop fishery in Alaska that does not currently require full observer coverage is the Cook Inlet (Kamishak District) scallop fishery. The Cook Inlet fishery is prosecuted under a commissioner's permit that stipulates, among other things, accommodation of a department observer upon request, gear limited to a single six-foot dredge, and daily catch and bycatch reporting. The Cook Inlet experience is somewhat unique in that the department conducts annual crab trawl surveys in the area and assesses the scallop stock biennially and has had staff available to observe the fishery. If any of these aspects change, the department has the authority and will begin requiring third-party contract observers aboard Cook Inlet scallop fishing vessels.

DEPARTMENT COMMENTS: The department opposes this proposal. Within some federal fisheries, vessels smaller than a predetermined length have been exempted from full observer coverage. However, this has introduced substantial uncertainty regarding catch and bycatch rates of these exempted vessels. For example, unobserved vessels are known to exhibit different fishing practices and locations owing to differences in vessel size and the ability to tolerate different weather conditions. Because scallop fisheries are remote and the potential exists for high bycatch mortality, observers are necessary on all vessels, including smaller vessels, within the fleet.

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

COMMITTEE F
EARLY RUN KENAI AND KASILOF KINGS; UPPER KENAI DOLLY VARDEN

PROPOSAL 434. 5 AAC 56.XXX KENAI RIVER AND KASILOF RIVER EARLY-RUN KING SALMON CONSERVATION PLAN.

DEPARTMENT COMMENTS: Staff comments to this proposal are still in preparation as a result of the numerous public and advisory recommendations and the late deadline for submission that the Department provided to the public. Staff comments will be mailed out separately to BOF members, posted on the Department web site and otherwise be made available to the public.

PROPOSAL 459, PAGE, 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS.

WHAT WOULD THIS PROPOSAL DO?
This proposal seeks to rescind the current Dolly Varden regulation for the Kenai River drainage, above the Upper Killey River confluence, and replace it with a regulation that allows a harvest of 2 Dolly Varden, none between 12 and 24 inches in length.

WHAT IS THE CURRENT REGULATION?
Under subsection (a) (4) of 5AAC 56.023. SEASONS; BAG; POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE, the Dolly Varden fishery in the Kenai River drainage above the mouth of the Upper Killey River, including Quartz Creek, is managed with a bag and possession limit of 1 fish less than 18 inches in length.

WHAT WOULD BE THE EFFECT IF THIS PROPOSAL WERE ADOPTED?
Department analysis indicates that Upper Kenai River Dolly Varden stocks are present in high effort, directed fisheries for 20% of the year. The current fishery (1 fish less than 18 inches in length) exposes approximately 80% of all Upper Kenai River Dolly Varden to potential harvest. The previous management strategy (2 fish bag limit, 12”-24” exclusionary slot) exposed approximately 40% of Upper Kenai River Dolly Varden to potential harvest.

The most recent Statewide Harvest Survey, 2001, indicates that under slot management anglers harvested less than 1% of their catch in the Upper River. Anglers in the Middle River, where there were no size restrictions on harvest, kept 3% of their catch. The low harvest rate in both fisheries indicates that the majority of anglers participate in catch and release fishing by choice.

BACKGROUND:
The current Dolly Varden regulation was approved by the Board during the February 2002 Upper Cook Inlet meeting. From 1997 through 2001, the upper Kenai River Dolly Varden fishery was managed under the proposed 12” to 24” slot limit. At the 2002 Upper Cook Inlet meeting, Department staff supported the 1 fish under 18” regulation for Dolly Varden for two reasons. Recent resident trout research on the upper Kenai River, cited above, suggested that the 1 fish under 18” regulation would adequately protect all segments of the Dolly Varden population to meet existing quality trout management objectives for this fishery. The 1 fish under 18” regulation was also implemented for the middle Kenai River. Managing the rainbow trout and Dolly Varden fisheries under identical regulations reduces public confusion and furthers Department and Board of Fisheries objectives to simplify fishing regulations.

DEPARTMENT COMMENTS
The department is NEUTRAL on this proposal. Although staff does not agree that it is necessary to manage this population as restrictively as the proposed regulation in order to meet the management objectives for this fishery, the proposed regulation would adequately protect that segment of the Dolly Varden population. Staff concludes that the current regulation adequately protects and conserves all segments of the Upper Kenai River Dolly Varden population, and that harvest rates will remain at acceptable levels.

COST ANALYSIS:

The Department does not believe that approval of these proposals may result in an additional direct cost for a private person to participate in this fishery.

COMMITTEE G
MISCELLANEOUS/ACRS ACCEPTED FROM WORK SESSION

PROPOSAL 460: 5 AAC 18.361. ALITAK BAY DISTRICT SALMON MANAGEMENT PLAN, supplemental proposal book

WHAT WOULD THE PROPOSAL DO? The proposal seeks unspecified changes in the current language of 5 AAC 18.361, the Alitak Bay District Salmon Management Plan. As amended by the Alaska Board of Fisheries (BOF), from the original petition, it is believed that the proposers seek to establish different opening times for fishing periods in the Alitak Bay Section occurring later in the fishing season, to lessen the danger of setting nets in this area during hours of darkness. Additionally, the proposers seek relief from "the unforeseen percent loss of fishing time on single day openings after 15 August" for gill net fishers in the Alitak Bay Section. Adjustments to the open and/or closing times and the length of fishing periods in the Alitak District may be necessary to accomplish this.

WHAT ARE THE CURRENT REGULATIONS? For commercial salmon fishery management, the Alitak District is divided into five sections. The Olga Bay, Moser Bay, and Alitak Bay Sections are open to gillnet gear only through September 4, and the Cape Alitak and Humpy-Deadman Sections are open to seine gear only. From June 5 through September 15, the commercial fishery opening times, newly established by the BOF in January 2002, are different for each section as follows:

(1) in the Olga Bay Section, fishing periods shall open at 6:00 AM;
(2) in the Moser Bay Section, fishing periods shall open at 6:00 PM the same day as the Olga Bay Section under (1) of this subsection;
(3) in the Alitak Bay Section, fishing periods shall open at 6:00 AM the day after the Olga Bay and Moser Bay Sections under (1) and (2) of this subsection;
(4) in the Cape Alitak Section, fishing periods shall open on a rotating basis as follows:
    (A) the first fishing period shall open concurrently with the opening of the first fishing period in the Alitak Bay Section;
    (B) the second fishing period shall open concurrently with the opening of the second fishing period in the Moser Bay Section;
    (C) the third fishing period shall open concurrently with the opening of the third fishing period in the Olga Bay Section;
    (D) fishing periods after those specified in (A) – (C) of this paragraph shall open on a rotating basis in the same order and at the same time of day as specified in (A) – (C) of this paragraph.

The remaining section, Humpy-Deadman, is open at the same time as the Cape Alitak Section through July 15.

Fishing periods are announced by emergency order, and no other opening times are listed in regulation. It is past and present practice in the Kodiak Management Area (KMA) to begin commercial salmon fisheries at 12:00 NOON, in most cases (including Humpy-Deadman Section post July 15 fisheries). Exceptions are the Cape Igvak seine fishery from June 5 to July 25, with fishing periods opening at 12:00 MIDNIGHT, and terminal area seine fisheries such as the Inner Ayakulik Section or the Inner Kitoi Bay Section, where flare openings may occur anytime during daylight hours (though there is an effort made to keep the flare opening time near 12:00 NOON).

Salmon fishery closure times are not listed in regulation. However, it is the department's practice in the KMA to close commercial salmon fisheries at 9:00 PM from June 5 to August 15. From August 16 through

the end of the fishing season (October 31), commercial salmon fisheries end at 6:00 PM. The earlier closure time after August 15 is based on enforcement and safety concerns brought on by earlier sunset times. These fishery opening and closing times are published annually in the salmon fishery harvest strategy, which is distributed to fishers, processors, and any interested parties.

Opening and closing times of commercial salmon fisheries are variable throughout the state. In South Peninsula (Area M) post-June salmon fisheries, both the opening and closure times change each month, "in an effort to accommodate enforcement activities" (in August the opening and closing time for fishing periods are 8:00 AM and 9:00 PM, in September these change to 9:00 AM and 8:00 PM).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED The proposal offers no suggested changes, but outlines several problems that the proposer believes were not known or addressed at the January 2002 BOF meeting during committee meetings or deliberations concerning regulatory changes to this management plan. The department believes that the proposal, as amended by the Board during the October 2002 work session, is seeking changes to the post August 15 opening time for the Alitak Bay Section, as well as changes to the opening or closing times of the Moser Bay and Olga Bay Sections, in order to maintain the same proportions of allowable fishing times among these sections throughout the season.

Currently, it is the practice to reduce the length of fishing periods by 3 hours after August 15, with the fishery closure time changing from 9:00 PM to 6:00 PM. This change will disproportionally affect the fishing time of Alitak Bay Section fishers, as well as Moser Bay fishers when compared to the time allowed Olga Bay fishers. During a short opening (one "day"), prior to August 15 fishing time among the gillnet sections would be as follows: Olga Bay 39 hours, Moser Bay 27 hours, Alitak Bay 15 hours. Subtracting 3 hours due to earlier closing time effects the following percent change: Olga Bay = minus 7.7% (36 vs. 39 hours), Moser Bay = minus 11.1% (24 vs. 27 hours), Alitak Bay = minus 20.0% (12 vs. 15 hours). If the fishing period is extended beyond one "day" (in 24 hour increments), these percentages will decrease, but will remain different between the areas.

It is uncertain how an amendment to the current fishery opening or closing times will change the effectiveness of this management plan for allocating harvest opportunity. The current management plan has not been used in a "normal" season, since no commercial fishing occurred in the affected section in 2002, and its effectiveness at meeting the established harvest allocation ranges is untested.

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

District and section boundaries, catch reporting statistical areas, legal gear, management strategies, allocation schemes, as well as permit ownership, use, and location of fishing sites, have changed a number of times since statehood. There have also been significant improvements in technology, gear and equipment, and gear efficiency. An entirely new sockeye run was developed in this district during the 1970s and 1980s (Frazer). Limited opportunities to target this new Frazer sockeye run were allowed for seine fisheries, through 1983, when the BOF directed the department to provide equal opportunity (fishing time) for seine and gillnet gear during fisheries directed at this new run. As the Frazer run developed, effort

by set gillnet fishers increased, as did interest in this fishery by KMA purse seine fishers. Frazer is now a major, early-run sockeye producing system. The management plan used by the department has also developed over time, solidifying in the mid 1980s, and was adopted into regulation as the Alitak Bay District Salmon Management Plan in 1988.

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

At the January 2002 Board of Fisheries meeting, proposals were made seeking further changes to the management plan (proposals 82 and 83). These proposals asked for either a strict allocation plan or a modification of the length of mandatory closed periods and maximum continuous fishing periods. The three gillnet groups met during the initial days of the Board meeting and presented a plan in committee. That plan asked that allocation levels be established for the sockeye fishery, and sought further changes related to methods and means, super-exclusive registration, and joint venture or cooperative fisheries. The BOF committee initially identified six options; status quo, expanded pulse fisheries (increase the length of mandatory closures), allocation plans, reduced set gillnet gear length in Alitak Bay, additional fishing time in Olga and Moser Bays, and establishment of a cooperative with changes of methods and means to allow use of any gear.

The BOF committee recommended to the full Board a combination of an allocation plan with additional fishing time for Olga and Moser Bays. RC174 outlined the Board's intent language for amending the Alitak Bay District Salmon Management Plan. Four allocation objectives were identified, to be used as a standard for determining the effectiveness of the regulatory actions, and not as an inseason management requirement. These are expressed as ranges for the final percentage of the total harvest of early and late-run sockeye by each of the four groups: Olga Bay gillnet, Moser Bay gillnet, Alitak Bay gillnet, and Cape Alitak purse seine fishers. Different fishery opening times were placed in regulation to give additional fishing time to the Olga and Moser Bay gillnet fishers.

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

Proposal 460 was developed from Agenda Change Request 3, submitted to the BOF at the October 2002 meeting. When the board considered ACR 3, it was very specific on the sideboards it added to its consideration. Only paragraphs b and f of ACR 3 were to be considered, and were amended into this proposal. Paragraph b concerns the 6:00 AM opening time for the Alitak Bay Section, and dangers to fishers that are increased later in the fishing season when it is dark at that hour (mid August through October 31). Paragraph f concerns the disproportionate harm done to Alitak Bay Section fishers by the standard reduction of fishing time that normally occurs after August 15 (fishery closure time switches from 9:00 PM to 6:00 PM). Specifically, the proposer asserts that Alitak Bay Section fishers will lose an additional 20 percent of fishing time during a standard single day opening after August 15.

DEPARTMENT COMMENTS: The department is neutral on the allocative consequences of any change to fishing time among these four groups. The department supports efforts to make the fishery less dangerous and currently makes adjustments in fishery closure times after August 15, recognizing the earlier onset of darkness and potential problems with safety and enforcement. However, while the department supports regulations that stabilize management and promote the orderly fisheries, it opposes unusually complicated or burdensome regulations.

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

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

PROPOSAL 461: 5 AAC 01.400-436. ALASKA PENINSULA SUBSISTENCE REGULATIONS, supplemental proposal book.

WHAT WOULD THE PROPOSAL DO? This proposal would allow subsistence salmon fishing in Ikatan and Bechevin Bays (False Pass area) during June and July with a small net either concurrently with commercial openings, or at a minimum during any closure (revise the 24 hour prior/12 hour after regulation).

WHAT ARE THE CURRENT REGULATIONS? Salmon may be taken at any time except within 24 hours before and within 12 hours following each open weekly commercial salmon fishing period within a 50-mile radius of the area open to commercial salmon fishing, or as may be specified on a subsistence fishing permit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? It would be less confusing for people to subsistence fish for salmon in the vicinity of False Pass. However, in some locations, it could be more difficult to enforce regulations if commercial abuse is occurring.

BACKGROUND: The current regulations can, in some situations, reduce opportunity to subsistence fish for salmon and can be confusing. This is especially true at False Pass which is located on the boundary of two districts often having different fishing periods. Many of the provisions established to regulate subsistence fishing have been included as permit conditions, and in some locations fishing has been allowed regardless of what the commercial fishing periods are. The department has issued news releases and then amended permits to let people fish in otherwise prohibited conditions. There were no complaints from people at False Pass, indicating that people were having difficulty obtaining subsistence salmon, until an individual was cited by the Department of Public Safety in 2002.

DEPARTMENT COMMENTS: While generally agreeing with this proposal, the issue is very complex. The department does not believe this proposal as written goes far enough. Therefore the department is providing substitute language.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery. No additional costs to the department are expected if the proposal is adopted.

PROPOSAL 462, PAGE XX, 5 AAC 01.210. FISHING SEASONS AND PERIODS; and 5AAC 05.360. YUKON RIVER KING SALMON MANAGEMENT PLAN; and 5 AAC 07.365 KUSKOKWIM RIVER SALMON REBUILDING MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to amend or clarify the current regulations, 5 AAC 01.210. FISHING SEASONS AND PERIODS (b); 5 AAC 05.360. YUKON RIVER KING SALMON MANAGEMENT PLAN. (d) and (e); and 5 AAC 07.365. KUSKOKWIM RIVER SALMON REBUILDING MANAGEMENT PLAN (c) (1) and (d) (3); to maintain a subsistence salmon fishing schedule throughout the entire salmon fishing season.

WHAT ARE THE CURRENT REGULATIONS? In the Yukon, under subsection (b) of 5 AAC 01.210. FISHING SEASONS AND PERIODS, when there are no commercial salmon fishing periods, the subsistence fishery in the Yukon River drainage will be based on a schedule implemented chronologically, consistent with migratory timing as the salmon run progresses upstream. The commissioner may alter fishing periods by emergency order, if the commissioner determines that preseason or inseason run indictors indicate it is necessary for conservation purposes. The fishing periods for subsistence fishing in the Yukon River drainage will be established by emergency order as follows:

(1) Coastal District, Koyukuk River, and Subdistrict 5-D: seven days per week;
(2) Districts 1-3: two 36-hour fishing periods per week;
(3) District 4, and Subdistricts 5-B and 5-C: two 48-hour fishing periods per week;
(4) Subdistrict 5-A, and District 6: two 42-hour fishing periods per week; and
(5) Old Minto Area: five days per week.

Similar wording is also provided in commercial fishing regulations under (d)(6)(7)(8)(9) and (10) of 5 AAC 05.360. YUKON RIVER KING SALMON MANAGEMENT PLAN.

Under subsection (e) of 5 AAC 05.360. YUKON RIVER KING SALMON MANAGEMENT PLAN, if inseason run strength indicates a sufficient abundance of king salmon to allow a commercial fishery, subsistence fishing shall revert to the fishing periods specified in 5 AAC 01.210.

In the Kuskokwim, the subsistence fishing schedule is only provided under commercial regulations in (c) (1) of 5 AAC 07.365. KUSKOKWIM RIVER SALMON REBUILDING MANAGEMENT PLAN, the subsistence salmon net and fish wheel fisheries will be open for four consecutive days per week in June and July as announced by emergency order; however, the commissioner may alter fishing periods by emergency order if the commissioner determines that inseason indicators indicate it is necessary for conservation purposes;

Under (d) (3) of 5 AAC 07.365. KUSKOKWIM RIVER SALMON REBUILDING MANAGEMENT PLAN, the commissioner shall open and close the Kuskokwim River commercial chum salmon fishery by emergency order; if inseason indicators of run strength indicate sufficient harvest abundance to allow a commercial chum salmon fishery, the subsistence fishing shall revert to the fishing periods as specified in 5 AAC 01.260.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The proposal would maintain the subsistence salmon fishing schedule in the Yukon River throughout the entire salmon fishing season and in the Kuskokwim River throughout June and July regardless of available surplus of any salmon species or commercial fishing periods.

BACKGROUND: In January 2001 the board adopted subsistence salmon fishing schedules on the Yukon and Kuskokwim Rivers as part of action plans to address chum and chinook salmon stocks of concern. The 2002 season was the first time the department allowed commercial fishing after the schedule was implemented.

Prior to adoption of the new subsistence salmon fishing schedule, subsistence salmon fishing time was based on subsistence fishing regulations, which varied by area, and whether or not the commercial fishing season was open or when commercial fishing periods occurred.

In the Kuskokwim River drainage, pre-2001 subsistence salmon fishing regulations are as stated in 5 AAC 01.260.

In Yukon River drainage, pre-2001 subsistence fishing regulations are as stated in 5 AAC 01.210, except (b). The following is a summary of pre-2001 Yukon River subsistence salmon fishing seasons and periods by district:

Districts 1, 2, and 3: Districts 1-3 were allowed to subsistence salmon fish 7 days per week until 24 hours prior before the commercial salmon season. By regulation, subsistence and commercial fishing periods are separated in Districts 1-3. During the commercial salmon season through July 15, subsistence fishing is open between each commercial salmon fishing period, except that salmon may not be taken for subsistence 18 hours before, during, and 12 hours after each commercial salmon fishing period.

During the commercial salmon season after July 15, subsistence fishing is open between each commercial salmon fishing period, except that salmon may not be taken for subsistence 12 hours before, during, and 12 hours after each commercial salmon fishing period. After the commercial season closes, subsistence fishing is open 7 days per week.

District 4: In District 4, excluding the Koyukuk River drainage, subsistence fishing was allowed for two 48-hour periods per week beginning June 15 each year. During any commercial salmon fishing season closure of greater than five days in duration, excluding the Koyukuk River drainage, subsistence fishing is open five days per week.

In Subdistrict 4-A during the commercial salmon season, subsistence fishing with set gillnets and beach seines was open between commercial salmon fishing period, except that salmon may not be taken for subsistence 12 hours before and 12 hours following each commercial salmon fishing period. Exception: In Subdistrict 4-A, chinook salmon may be taken during the commercial fishing season with drift gillnet gear only during two 48-hour periods per week.

In Subdistricts 4-B and 4-C unless altered by emergency order, subsistence salmon fishing coincided with commercial fishing and was allowed for two 48-hour periods per week.

In the Koyukuk River drainage, subsistence fishing was allowed 7 days a week throughout the season, unless altered by emergency order.

District 5: During the commercial salmon season, subsistence fishing coincided with commercial periods. Prior to the commercial fishing season, subsistence salmon fishing was allowed 7 days per

week until 24 hours prior before the commercial salmon season. In District 5, except Subdistrict 5-D, during any commercial salmon fishing season closure of greater than five days in duration, subsistence fishing is open five days per week**.**

In Subdistrict 5-D, subsistence fishing was allowed 7 days a week throughout the season, unless altered by emergency order.

District 6: During the commercial salmon season, attempts will be made to coincide the subsistence fishing schedule with commercial periods. Unless altered by emergency order, subsistence fishing was allowed for two 42-hour periods per week throughout the fishing season.

The 2002 season was the first time the department allowed commercial fishing after the subsistence schedules were implemented. On the Kuskokwim River, subsistence fishing reverted to periods specified in 5 AAC 01.260 when the commercial fishing season was opened. On the Yukon River in 2002 there was confusion as to whether subsistence salmon fishing was to remain on the subsistence schedule regardless of commercial fishing or run abundance levels. While the regulations pertaining to the subsistence salmon fishing schedule for the Yukon River appear to provide for ending the subsistence fishing schedule, if inseason indicators of run strength show sufficient abundance to allow a commercial fishery, the language is ambiguous. In 2002, the subsistence fishing schedule was ended in most Yukon River districts once the commercial fishing season was opened in a district. Some districts did remain on the subsistence schedule in 2002 even though commercial fishing occurred downriver and upriver. It was unforeseen that subsistence fishing opportunity would be unnecessarily reduced even though a sufficient abundance to allow for other uses was identified inseason.

DEPARTMENT COMMENTS: The department **OPPOSES** continuing the subsistence fishing schedules once the commercial fishing seasons are opened in the Yukon and Kuskokwim Rivers. During the January 2001 board meeting, the department's reports on chinook and chum salmon stock status and development of management/action plan options for the Yukon and Kuskokwim Rivers presented the option of reducing subsistence fishing time, early in the run when the preseason projection is for very low runs and commercial fishing is likely to remain closed, and to help ensure that subsistence harvests do not impair meeting escapement needs or reasonable opportunity for all subsistence users. The objective of the proposed action was to reduce harvest early in the salmon runs when there is a much higher level of uncertainty in projecting total run abundance, spread the harvest throughout the run to reduce the impact on any particular component of the run, and spread subsistence harvest opportunity among users.

The Kuskokwim River commercial fishing season is opened in late-June or July when inseason indicators of run strength show an incidental harvest of earlier running chinook salmon will not impact escapement or subsistence needs, and there is a sufficient surplus abundance of later running chum salmon to allow a directed chum salmon fishery. When the Kuskokwim commercial fishing season is not open because of insufficient abundance, the subsistence salmon fishing schedule will be continued unless shorter periods are deemed necessary for conservation purposes.

Because of the subsistence closures before, during and after commercial periods and the short time frame for announcing commercial fishing periods in both the Kuskokwim and the Yukon rivers, continuing the subsistence fishing schedule during the commercial fishing season in most districts is impractical. Under the current fisheries management regime, the department is opposed to allowing subsistence periods to coincide or overlap with commercial fishing periods in the Lower Yukon Area

and Kuskokwim River, because this would make enforcement of regulations extremely difficult. In addition, by the time inseason indicators of run strength are available to show there is a sufficient abundance to allow for other uses, a majority of the subsistence harvest will have been completed. Much of the subsistence effort is directed to the early portion of the chinook salmon runs and effort tapers off through the remainder of the run. Once a surplus has been identified, the remaining subsistence harvest should have little impact. This is particularly true in the Upper Kuskokwim where subsistence fishing effort and harvest are low, and when under current salmon market conditions a district or subdistrict may not actually have a commercial harvest because of no buyers.

The conservation goal of the subsistence fishing schedules is primarily accomplished during the early portion of the salmon runs. If run abundance is not sufficient to allow for other uses, the subsistence schedules remain in effect and may be reduced if necessary for conservation. Managers need flexibility to relax or tighten the subsistence fishing time as determined by inseason indicators of abundance.

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

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern and Kuskokwim Areas.

3. Can a portion of the stock be harvested consistent with sustained yield? Generally, yes.

4. What amount is reasonably necessary for subsistence use? The board has determined that 45,500 – 66,704 king salmon, 83,500 – 142,192 summer chum salmon, 89,500 – 167,100 fall chum salmon, and 25,500 – 51,980 coho salmon are necessary for subsistence in the Yukon-Northern Area. In the Kuskokwim Area, the board has determined that the amounts necessary for subsistence are 64,500 – 83,000 king salmon, 39,500 – 75,500 chum salmon, 27,500 – 39,500 sockeye salmon, and 24,500 – 35,000 coho salmon.

5. Do the regulations provide a reasonable opportunity for subsistence use? The board will need to make this finding.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In some recent years for some species, it has been necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use.

PROPOSAL 463, PAGE XX, 5 AAC 01.210. FISHING SEASONS AND PERIODS; and 5AAC 05.360. YUKON RIVER KING SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? The proposal seeks to amend or clarify the current regulations, 5 AAC 01.210. FISHING SEASONS AND PERIODS (b); and 5 AAC 05.360. YUKON RIVER KING SALMON MANAGEMENT PLAN. (e); the department shall revert to the fishing periods as specified in 5AAC 01.210, except (b), when inseason indicators suggest that the run strength is sufficient in abundance to allow a commercial salmon fishery in that district or subdistrict.

WHAT ARE THE CURRENT REGULATIONS? In the Yukon, under subsection (b) of 5 AAC 01.210. FISHING SEASONS AND PERIODS, when there are no commercial salmon fishing periods, the subsistence fishery in the Yukon River drainage will be based on a schedule implemented chronologically, consistent with migratory timing as the salmon run progresses upstream. The commissioner may alter fishing periods by emergency order, if the commissioner determines that preseason or inseason run indictors indicate it is necessary for conservation purposes. The fishing periods for subsistence fishing in the Yukon River drainage will be established by emergency order as follows:

(6) Coastal District, Koyukuk River, and Subdistrict 5-D: seven days per week;
(7) Districts 1-3: two 36-hour fishing periods per week;
(8) District 4, and Subdistricts 5-B and 5-C: two 48-hour fishing periods per week;
(9) Subdistrict 5-A, and District 6: two 42-hour fishing periods per week; and
(10) Old Minto Area: five days per week.

Similar wording is also provided in commercial fishing regulations under (d)(6)(7)(8)(9) and (10) of 5 AAC 05.360. YUKON RIVER KING SALMON MANAGEMENT PLAN.

Under subsection (e) of 5 AAC 05.360. YUKON RIVER KING SALMON MANAGEMENT PLAN, if inseason run strength indicates a sufficient abundance of king salmon to allow a commercial fishery, subsistence fishing shall revert to the fishing periods specified in 5 AAC 01.210.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The proposal would end the subsistence fishing schedule and revert to pre-2001 subsistence fishing period regulations in the Yukon River when inseason indicators suggest that the run strength is sufficient in abundance to allow a commercial salmon fishery in that district or subdistrict.

BACKGROUND: In January 2001, the board adopted subsistence salmon fishing schedules on the Yukon River as part of action plans to address chum and chinook salmon stocks of concern. The 2002 season was the first time the department allowed commercial fishing after the schedule was implemented.

Prior to adoption of the new subsistence salmon fishing schedule, subsistence salmon fishing time was based on subsistence fishing regulations, which varied by district and subdistrict, and whether or not the commercial fishing season was open or when commercial fishing periods occurred.
In the Yukon River drainage, pre-2001 subsistence fishing regulations are as stated in 5 AAC 01.210, except (b). The following is a summary of pre-2001 Yukon River subsistence salmon fishing seasons and periods by district:

Districts 1, 2, and 3: Districts 1-3 were allowed to subsistence salmon fish 7 days per week until 24 hours prior before the commercial salmon season. By regulation, subsistence and commercial fishing periods are separated in Districts 1-3. During the commercial salmon season through July 15, subsistence fishing is open between each commercial salmon fishing period, except that salmon may not be taken for subsistence 18 hours before, during, and 12 hours after each commercial salmon fishing period.

During the commercial salmon season after July 15, subsistence fishing is open between each commercial salmon fishing period, except that salmon may not be taken for subsistence 12 hours before, during, and 12 hours after each commercial salmon fishing period. After the commercial season closes, subsistence fishing is open 7 days per week.

District 4: In District 4, excluding the Koyukuk River drainage, subsistence salmon fishing was allowed 7 days per week until 24 hours prior to opening of the commercial salmon season and 24 hours following closure of the commercial salmon season. During any commercial salmon fishing season closure of greater than five days in duration, excluding the Koyukuk River drainage, subsistence fishing is open five days per week.

In Subdistrict 4-A during the commercial salmon season, subsistence fishing was only allowed between commercial salmon fishing periods, except that salmon may not be taken for subsistence 12 hours before, during, and 12 hours following each commercial salmon fishing period. Exception: In Subdistrict 4-A, chinook salmon may be taken during the commercial fishing season with drift gillnet gear only during two 48-hour periods per week.

In Subdistricts 4-B and 4-C unless altered by emergency order, subsistence salmon fishing coincided with commercial fishing and was allowed for two 48-hour periods per week.

In the Koyukuk River drainage, subsistence fishing was allowed 7 days a week throughout the season, unless altered by emergency order.

District 5: Subsistence salmon fishing was allowed 7 days per week in Subdistricts 5-A, 5-B and 5-C until 24 hours prior to opening of the commercial salmon season and 24 hours following closure of the commercial salmon season. During the commercial salmon season, subsistence fishing coincided with commercial periods. In Subdistricts 5-A, 5-B and 5-C, during any commercial salmon fishing season closure of greater than five days in duration, subsistence fishing is open five days per week.

In Subdistrict 5-D, subsistence fishing was allowed 7 days a week throughout the season, unless altered by emergency order.

District 6: During the commercial salmon season, subsistence fishing coincided with commercial periods. Unless altered by emergency order, subsistence fishing was allowed for two 42-hour periods per week throughout the fishing season.

During the January 2001 board meeting, the department's reports on chinook and chum salmon stock status and development of management/action plan options for the Yukon River presented the option of reducing subsistence fishing time, early in the run when the preseason projection is for very low runs and commercial fishing is likely to remain closed, to help ensure that subsistence harvests do not impair meeting escapement needs or reasonable opportunity for all subsistence users. The objective of the

proposed action was to reduce harvest early in the salmon runs when there is a much higher level of uncertainty in projecting total run abundance, spread the harvest out to reduce the impact on any particular component of the run, and spread subsistence harvest opportunity among users.

The department recognized that in districts or subdistricts where subsistence and commercial fishing time is separated, attempting to maintain the subsistence fishing schedule would be impractical and result in loss of management flexibility in effectively establishing commercial fishing periods. Therefore the department asked for the regulatory language under subsection (e) of 5 AAC 05.360. YUKON RIVER KING SALMON MANAGEMENT PLAN, "if inseason run strength indicates a sufficient abundance of king salmon to allow a commercial fishery, subsistence fishing shall revert to the fishing periods specified in 5 AAC 01.210". Staff expected that this would mean that once there was an abundance of king salmon greater than escapement and subsistence needs, subsistence fishing would revert to pre-2001 subsistence fishing period regulations.

The 2002 season was the first time the department allowed commercial fishing after the subsistence schedule was implemented. There was confusion as to whether subsistence salmon fishing was to remain on the subsistence schedule regardless of commercial fishing or run abundance levels because in addition to placing the subsistence fishing schedule in commercial fishing regulations within the YUKON RIVER KING SALMON MANAGEMENT PLAN, the schedule was also placed in subsistence regulations to make it effective for all salmon species. Therefore, when subsistence fishing reverts to the fishing periods specified in 5AAC 01.210, the schedule basically reverts back to the schedule under the new subsection (b) of 5AAC 01.210. While the regulations pertaining to the subsistence salmon fishing schedule in the Yukon River King Salmon Management Plan appear to provide for changes to the schedule when there is sufficient abundance to allow a commercial fishery, the regulations are circular and ambiguous.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal. Because of the subsistence closures before, during and after commercial periods and the short time frame for announcing commercial fishing periods, continuing the subsistence fishing schedule during the commercial fishing season in most districts is impractical. The department is opposed to allowing subsistence periods to coincide or overlap with commercial fishing periods in the Lower Yukon Area, because this would make enforcement of regulations extremely difficult. In addition, by the time inseason indicators of run strength are available to show there is sufficient abundance to allow for other uses, a majority of the subsistence harvest will have been completed. Much of the subsistence effort is directed to the early portion of the chinook salmon run and effort tapers off through the remainder of the run. Once a surplus has been identified, the remaining subsistence harvest should have little impact.

The conservation goal of the subsistence fishing schedule is accomplished during the early portion of the salmon runs. Since the subsistence fishing schedule is established chronologically upriver, it is expected that ending the schedule would be similarly implemented upriver through time irregardless of whether the commercial fishing season is opened. Under current salmon market conditions a district or subdistrict may not actually be opened to commercial fishing because of no buyers. It is important that the protection the subsistence fishing schedule affords to salmon stocks early in the run in the lower river is maintained as the fish pass through middle and upper river areas. Otherwise positive conservation effects in one section of the river may be voided in another. If run abundance is not sufficient to allow for other uses, the subsistence schedule remains in effect throughout the season and may be reduced if necessary for conservation. Managers need flexibility to relax or tighten the subsistence fishing time as determined by inseason indicators of abundance.

Therefore, to be consistent with the January 2001 action plans, to provide implementable regulations for management, and to reduce confusion, the department supports amending AAC 05.360. YUKON RIVER KING SALMON MANAGEMENT PLAN. (e); if inseason run strength indicates a sufficient abundance of king salmon to allow a commercial fishery in that district or subdistrict, subsistence fishing shall revert to the fishing periods as specified in 5AAC 01.210, except (b).

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

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.

2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the Board has made a positive customary and traditional use determination for all salmon in the Yukon-Northern Area.

3. Can a portion of the stock be harvested consistent with sustained yield? Generally, yes.

4. What amount is reasonably necessary for subsistence use? The board has determined that 45,500 – 66,704 king salmon, 83,500 – 142,192 summer chum salmon, 89,500 – 167,100 fall chum salmon, and 25,500 – 51,980 coho salmon are necessary for subsistence in the Yukon-Northern Area.

5. Do the regulations provide a reasonable opportunity for subsistence use? The board will need to make this finding.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? In some recent years for some species, it has been necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use.

PROPOSAL 464: 5 AAC 39.XXX. DEVELOPING FISHERIES POLICY.

DEPARTMENT COMMENTS: Board consideration of the DEVELOPING FISHERIES POLICY has been postponed to allow further public review.

***The following staff comments on proposals 426-29 & 433-34 were completed after production and are an addendum to the Alaska Department of Fish and Game Staff Comments on Dungeness Crab, Shrimp, and Miscellaneous Shellfish (except SE and Yakutat) and supplemental issues notebook for the Alaska Board of Fisheries Meeting, March 17-27, 2003.**

PROPOSAL 426. 5 AAC 75.XXX. STATEWIDE WILD TROUT FISHERY MANAGEMENT PLAN; and 5 AAC 75.013. CRITERIA FOR ESTABLISHING SPECIAL MANAGEMENT AREAS FOR TROUT.

WHAT WOULD THIS PROPOSAL DO?
This proposal would establish a statewide wild trout management plan and amend the existing regulations for establishing special management areas for trout.

WHAT ARE THE CURRENT REGULATIONS.
Criteria for establishing special management areas for trout statewide currently exists in regulation (5 AAC 75.013). No statewide management plan currently exists for wild trout. However, regional plans that guide wild trout management are provided in the Cook Inlet/Copper River Basin Rainbow/Steelhead Trout Management Plan, the Southwest Alaska Rainbow Trout Management Plan, and the Southeast Alaska Cutthroat and Rainbow Trout Management Plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?
This is one a several alternative frameworks that have been proposed to create a sustainable wild trout fisheries policy. This proposal would combine the elements of a sustainable wild trout policy with those of a wild trout management and allocation plan. It also includes a section for establishing a process for the Board to use for recommending to river corridor or watershed conservation measures on significant streams.

BACKGROUND:
Wild trout populations have been depleted or have disappeared from much of their range around the world. As a result Alaska's trout now represent the world's greatest spectrum of genetic diversity. The State has long recognized the value of these fish. Since the 1970's, the board has adopted successively more conservative management by adopting (A) the blue ribbon and trophy trout areas in Southwest Alaska, (B) the Cook Inlet & Copper River Basin Rainbow/Steelhead Trout Management Policy, (C) the Southwest Alaska Rainbow Trout Management Plan, (D) the Kenai Peninsula Steelhead Management Plan; (E) conservative management regulations for steelhead trout in Southeast Alaska; (F) conservative regulations for cutthroat and rainbow trout in Southeast Alaska; and (G) numerous proposals by the public to establish catch-and-release fisheries for wild rainbow trout. Similarly, the Alaska Department of Natural Resources has protected trout and salmon habitat and the fishing through habitat classifications in the Bristol Bay Area Plan, the Susitna Area Plan, and other such plans, and has sought to minimize conflict between users through a Nushagak/Mulchatna Recreation Area Management Plan. Also, the Alaska Legislature has enacted legislation to facilitate conservation easements and tax incentives that protect trout and salmon

habitat, and to designate and conserve recreational rivers. Further, the Department of Fish and Game, Department of Natural Resources, Exxon Valdez Trustee Council, local governments and non-governmental entities (e.g., private land trusts, the Nature Conservancy, sport fishing and river conservation organizations) have sought to protect trout and salmon habitat by tax incentives, conservation easements, acquisitions, zoning, restoration, and the like. If small populations of steelhead in Southeast Alaska become endangered, then federal law could severely impact commercial salmon fisheries.
To address these and other concerns former Governor Knowles proposed in October 2002 cornerstones of this initiative were aimed at assuring the sustainability of Alaska's wild rainbow trout resources. In response to the Governor's initiative, the Alaska Board of Fisheries established a Wild Rainbow Trout Task Force and charged this Task Force with developing a statewide wild rainbow trout management plan (to guide the utilization of Alaska's wild rainbow trout stocks) and a statewide wild trout sustainable fishery management policy (to assure for the sustainability of these stocks). This Task Force developed both a statewide wild trout fishery management plan and a statewide wild trout sustainable fishery policy. The Task Force believes these two plans will help assure for the sustainable use of Alaska's wild trout resources while managing them for their optimal sustained yield and benefits. This proposal represents an alternative approach to the Task Force's proposal (#423).

DEPARTMENT COMMENTS:
The department **opposes** this proposal. We believe a better approach is to separate the allocation aspects of trout management from the sustained yield aspects. Also, some of the language proposed is beyond the authority of the Board. If the Board determines this approach has merit, we recommend that it be addressed as a separate issue and management policy, given its broad implication.

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

PROPOSAL 427. 5 AAC 39.XXX. POLICY FOR THE MANAGEMENT OF SUSTAINABLE WILD TROUT FISHERIES.

WHAT WOULD THIS PROPOSAL DO?
This proposal would add a definition to any adopted wild trout policy or plan for "indigenous wild trout".

WHAT ARE THE CURRENT REGULATIONS.
Trout is currently defined in 5 AAC 75.995 to include rainbow, steelhead, and cutthroat trout. There is no differentiation made between wild or indigenous or stocked trout.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?
Special protection would be afforded to wild or indigenous populations/stocks of trout.

BACKGROUND:
Wild trout populations have been depleted or have disappeared from much of their range around the world. As a result Alaska's trout now represent the world's greatest spectrum of genetic diversity. The State has long recognized the value of these fish. Since the 1970's, the board has adopted successively more conservative management by adopting (A) the blue ribbon and trophy trout areas in Southwest Alaska, (B) the Cook Inlet & Copper River Basin Rainbow/Steelhead Trout Management Policy, (C) the Southwest Alaska Rainbow Trout Management Plan, (D) the Kenai Peninsula Steelhead Management Plan; (E) conservative management regulations for steelhead trout in Southeast Alaska; (F) conservative regulations for cutthroat and rainbow trout in Southeast Alaska; and (G) numerous proposals by the public to establish catch-and-release fisheries for wild rainbow trout. Similarly, the Alaska Department of Natural Resources has protected trout and salmon habitat and the fishing through habitat classifications in the Bristol Bay Area Plan, the Susitna Area Plan, and other such plans, and has sought to minimize conflict between users through a Nushagak/Mulchatna Recreation Area Management Plan. Also, the Alaska Legislature has enacted legislation to facilitate conservation easements and tax incentives that protect trout and salmon habitat, and to designate and conserve recreational rivers. Further, the Department of Fish and Game, Department of Natural Resources, Exxon Valdez Trustee Council, local governments and non-governmental entities (e.g., private land trusts, the Nature Conservancy, sport fishing and river conservation organizations) have sought to protect trout and salmon habitat by tax incentives, conservation easements, acquisitions, zoning, restoration, and the like. If small populations of steelhead in Southeast Alaska become endangered, then federal law could severely impact commercial salmon fisheries.

To address these and other concerns former Governor Knowles proposed in October 2002 cornerstones of this initiative were aimed at assuring the sustainability of Alaska's wild rainbow trout resources. In response to the Governor's initiative, the Alaska Board of Fisheries established a Wild Rainbow Trout Task Force and charged this Task Force with developing a statewide wild rainbow trout management plan (to guide the utilization of Alaska's wild rainbow trout stocks) and a statewide wild trout sustainable fishery management policy (to assure for the sustainability of these stocks). This Task Force developed both a statewide wild trout fishery management plan and a statewide wild trout sustainable fishery policy. The Task Force believes these two plans will help assure for

the sustainable use of Alaska's wild trout resources while managing them for their optimal sustained yield and benefits. This proposal suggests a modification to the Task Force's proposal (#423).

DEPARTMENT COMMENTS:
The department supports this concept. Within proposal 423, which the Department supports, are definitions for wild trout population and wild trout stock that we believe embody the intent of this proposal.

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

PROPOSAL 428. 5 AAC 75.XXX. STATEWIDE WILD TROUT FISHERY MANAGEMENT PLAN.

WHAT WOULD THIS PROPOSAL DO?
This proposal would add slot limits and various levels of spawning season closures to the regulatory tools for conservative management identified in Proposal 423.

WHAT ARE THE CURRENT REGULATIONS.
Criteria for establishing special management areas for trout statewide currently exists in regulation (5 AAC 75.013). No statewide management plan currently exists for wild trout. However, spawning season closures and slot limits are commonly used approaches to regionally manage Alaska's wild trout resources.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?
This would add slot limits and various levels of spawning season closures to the regulatory tools for conservative management identified in Proposal 423. The Department would continue to utilize these tools for conservation of Alaska's wild trout stocks.

BACKGROUND:
Wild trout populations have been depleted or have disappeared from much of their range around the world. As a result Alaska's trout now represent the world's greatest spectrum of genetic diversity. The State has long recognized the value of these fish. Since the 1970's, the board has adopted successively more conservative management by adopting (A) the blue ribbon and trophy trout areas in Southwest Alaska, (B) the Cook Inlet & Copper River Basin Rainbow/Steelhead Trout Management Policy, (C) the Southwest Alaska Rainbow Trout Management Plan, (D) the Kenai Peninsula Steelhead Management Plan; (E) conservative management regulations for steelhead trout in Southeast Alaska; (F) conservative regulations for cutthroat and rainbow trout in Southeast Alaska; and (G) numerous proposals by the public to establish catch-and-release fisheries for wild rainbow trout. Similarly, the Alaska Department of Natural Resources has protected trout and salmon habitat and the fishing through habitat classifications in the Bristol Bay Area Plan, the Susitna Area Plan, and other such plans, and has sought to minimize conflict between users through a Nushagak/Mulchatna Recreation Area Management Plan. Also, the Alaska Legislature has enacted legislation to facilitate conservation easements and tax incentives that protect trout and salmon habitat, and to designate and conserve recreational rivers. Further, the Department of Fish and Game, Department of Natural Resources, Exxon Valdez Trustee Council, local governments and non-governmental entities (e.g., private land trusts, the Nature Conservancy, sport fishing and river conservation organizations) have sought to protect trout and salmon habitat by tax incentives, conservation easements, acquisitions, zoning, restoration, and the like. If small populations of steelhead in Southeast Alaska become endangered, then federal law could severely impact commercial salmon fisheries.

To address these and other concerns former Governor Knowles proposed in October 2002 cornerstones of this initiative were aimed at assuring the sustainability of Alaska's wild rainbow trout resources. In response to the Governor's initiative, the Alaska Board of

Fisheries established a Wild Rainbow Trout Task Force and charged this Task Force with developing a statewide wild rainbow trout management plan (to guide the utilization of Alaska's wild rainbow trout stocks) and a statewide wild trout sustainable fishery management policy (to assure for the sustainability of these stocks). This Task Force developed both a statewide wild trout fishery management plan and a statewide wild trout sustainable fishery policy. The Task Force believes these two plans will help assure for the sustainable use of Alaska's wild trout resources while managing them for their optimal sustained yield and benefits. This proposal suggests a modification to the Task Force's proposal (#423).

DEPARTMENT COMMENTS:
The department **supports** the inclusion of spawning season closures and slot limits as regulatory tools for conservative trout management in any adopted wild trout management plan.

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

PROPOSAL 429. 5 AAC 75.XXX. STATEWIDE WILD TROUT FISHERY MANAGEMENT PLAN.

WHAT WOULD THIS PROPOSAL DO?
This proposal would include additional tools for the Board to use to diversify fishing opportunities for trout. Possibilities identified included gear allowances (barbless hooks, multiple flies), catch limits on catch and release, and boating/bank fishing restrictions.

WHAT ARE THE CURRENT REGULATIONS.
Criteria for establishing special management areas for trout statewide currently exists in regulation (5 AAC 75.013). Under this regulation, the Board will, in its discretion, consider proposed regulatory changes dealing with special management areas for bodies of water that would diversify sport fishing opportunity, such as catch and release, fly fishing only, or trophy designation, for populations of wild trout. No statewide management plan currently exists for wild trout. However, regional plans that guide wild trout management are provided in the Cook Inlet/Copper River Basin Rainbow/Steelhead Trout Management Plan, the Southwest Alaska Rainbow Trout Management Plan, and the Southeast Alaska Cutthroat and Rainbow Trout Management Plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?
This proposal would add additional tools for the Board to use to diversify fishing opportunity.

BACKGROUND:
Wild trout populations have been depleted or have disappeared from much of their range around the world. As a result Alaska's trout now represent the world's greatest spectrum of genetic diversity. The State has long recognized the value of these fish. Since the 1970's, the board has adopted successively more conservative management by adopting (A) the blue ribbon and trophy trout areas in Southwest Alaska, (B) the Cook Inlet & Copper River Basin Rainbow/Steelhead Trout Management Policy, (C) the Southwest Alaska Rainbow Trout Management Plan, (D) the Kenai Peninsula Steelhead Management Plan; (E) conservative management regulations for steelhead trout in Southeast Alaska; (F) conservative regulations for cutthroat and rainbow trout in Southeast Alaska; and (G) numerous proposals by the public to establish catch-and-release fisheries for wild rainbow trout. Similarly, the Alaska Department of Natural Resources has protected trout and salmon habitat and the fishing through habitat classifications in the Bristol Bay Area Plan, the Susitna Area Plan, and other such plans, and has sought to minimize conflict between users through a Nushagak/Mulchatna Recreation Area Management Plan. Also, the Alaska Legislature has enacted legislation to facilitate conservation easements and tax incentives that protect trout and salmon habitat, and to designate and conserve recreational rivers. Further, the Department of Fish and Game, Department of Natural Resources, Exxon Valdez Trustee Council, local governments and non-governmental entities (e.g., private land trusts, the Nature Conservancy, sport fishing and river conservation organizations) have sought to protect trout and salmon habitat by tax incentives, conservation easements, acquisitions, zoning, restoration, and the like. If small populations of steelhead in Southeast Alaska become endangered, then federal law could severely impact commercial salmon fisheries.

To address these and other concerns former Governor Knowles proposed in October 2002 cornerstones of this initiative were aimed at assuring the sustainability of Alaska's wild rainbow trout resources. In response to the Governor's initiative, the Alaska Board of Fisheries established a Wild Rainbow Trout Task Force and charged this Task Force with developing a statewide wild rainbow trout management plan (to guide the utilization of Alaska's wild rainbow trout stocks) and a statewide wild trout sustainable fishery management policy (to assure for the sustainability of these stocks). This Task Force developed both a statewide wild trout fishery management plan and a statewide wild trout sustainable fishery policy. The Task Force believes these two plans will help assure for the sustainable use of Alaska's wild trout resources while managing them for their optimal sustained yield and benefits. This proposal suggests a modification to the Task Force's proposal (#423).

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

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

PROPOSAL 433. 5 AAC 75.XXX. STATEWIDE WILD TROUT FISHERY MANAGEMENT PLAN.

WHAT WOULD THIS PROPOSAL DO?
This proposal would add "cautiously crafted" rebuttable presumptions regarding water, food sources, guided/unguided allocations, and nongovernmental studies to any adopted wild trout management plan or sustainable wild trout policy.

WHAT ARE THE CURRENT REGULATIONS.
Criteria for establishing special management areas for trout statewide currently exists in regulation (5 AAC 75.013). However, a policy that provides principles and criteria to ensure conservation, sustainability, and optimal sustained yield and benefits is lacking.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?
If adopted, this proposal would add "cautiously crafted" rebuttable presumptions regarding water, food sources, guided/unguided allocations, and nongovernmental studies to any adopted wild trout management plan or sustainable wild trout policy. A rebuttable presumption is a standard that assures some outcome should occur unless proved otherwise.

- For water, it would presume that any appropriation, diversion, channeling or control of water, including by culvert placement or velocity barrier, that substantially interferes, or is likely to substantially interfere, directly or indirectly with the productivity of essential trout and salmon habitats, with access of trout and salmon habitats, or with the use of trout and salmon, including by diminished population, is presumed to violate sustained yield.
- For food sources, it would presume in the absence of a management plan or formulae that addresses nutrient loads derived from salmon escapement, any reduction in a BEG of salmon into water inhabited by trout would violate sustained yield.
- For guided/unguided allocations, it would presume that in any road accessible fishery where the guided level of use exceeds half of the sum of the guided and unguided use, then any increase in guided use would improperly allocate trout to commercial benefits over sustained yield of the greater public use.
- Finally for nongovernmental studies, it would presume that the use of the data would be predicated on whether the Department was provided an opportunity to approve the study design, supervise the study, and approve the contents and conclusions of the study.

BACKGROUND:
Wild trout populations have been depleted or have disappeared from much of their range around the world. As a result Alaska's trout now represent the world's greatest spectrum of genetic diversity. The State has long recognized the value of these fish. Since the 1970's, the board has adopted successively more conservative management by adopting (A) the blue ribbon and trophy trout areas in Southwest Alaska, (B) the Cook Inlet & Copper River Basin Rainbow/Steelhead Trout Management Policy, (C) the Southwest Alaska Rainbow Trout Management Plan, (D) the Kenai Peninsula Steelhead Management Plan; (E) conservative management regulations for steelhead trout in Southeast Alaska; (F) conservative regulations for cutthroat and rainbow trout in

Southeast Alaska; and (G) numerous proposals by the public to establish catch-and-release fisheries for wild rainbow trout. Similarly, the Alaska Department of Natural Resources has protected trout and salmon habitat and the fishing through habitat classifications in the Bristol Bay Area Plan, the Susitna Area Plan, and other such plans, and has sought to minimize conflict between users through a Nushagak/Mulchatna Recreation Area Management Plan. Also, the Alaska Legislature has enacted legislation to facilitate conservation easements and tax incentives that protect trout and salmon habitat, and to designate and conserve recreational rivers. Further, the Department of Fish and Game, Department of Natural Resources, Exxon Valdez Trustee Council, local governments and non-governmental entities (e.g., private land trusts, the Nature Conservancy, sport fishing and river conservation organizations) have sought to protect trout and salmon habitat by tax incentives, conservation easements, acquisitions, zoning, restoration, and the like. If small populations of steelhead in Southeast Alaska become endangered, then federal law could severely impact commercial salmon fisheries.

To address these and other concerns former Governor Knowles proposed in October 2002 cornerstones of this initiative were aimed at assuring the sustainability of Alaska's wild rainbow trout resources. In response to the Governor's initiative, the Alaska Board of Fisheries established a Wild Rainbow Trout Task Force and charged this Task Force with developing a statewide wild rainbow trout management plan (to guide the utilization of Alaska's wild rainbow trout stocks) and a statewide wild trout sustainable fishery management policy (to assure for the sustainability of these stocks). This Task Force developed both a statewide wild trout fishery management plan and a statewide wild trout sustainable fishery policy. The Task Force believes these two plans will help assure for the sustainable use of Alaska's wild trout resources while managing them for their optimal sustained yield and benefits. This proposal suggests a modification to the Task Force's proposal (#423).

DEPARTMENT COMMENTS:

The department is **neutral** to this proposal. The department strongly recommends the Board seek the advice of the Department of Law on this proposal. We believe some of the language proposed may be beyond the authority of the Board.

COST ANALYSIS:

The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 434. PAGE 346, 5 AAC 56.XXX. KENAI RIVER AND KASILOF RIVER EARLY-RUN KING SALMON CONSERVATION PLAN.

WHAT WOULD THIS PROPOSAL DO?
This proposal was submitted as a placeholder by the department at the request of the board to allow for the consideration of adopting a comprehensive management plan that addresses the conservation concerns for early-run king salmon stocks in the Kenai and Kasilof Rivers. This plan would also create management strategies that address the interactions of sport fishing effort and harvest between the two rivers.

WHAT ARE THE CURRENT REGULATIONS.
The Kenai River early run king salmon fishery is managed under section 5 AAC 56.070. KENAI RIVER EARLY-RUN KING SALMON MANAGEMENT PLAN.

The Kenai River early-run king salmon are managed to achieve a spawning escapement range of 7,200 - 14,400 salmon. From January 1 through June 30, only one single-hook, artificial lure may be used in the Kenai River; except that from June 11 through June 30, fishing with bait is allowed unless prohibited by emergency order. From January 1 through June 10 only king salmon 40 inches or less in length or 55 inches or greater in length may be retained, except that for king salmon less than 20 inches in length, the bag and possession limit is 10 fish. If the spawning escapement level is projected to be less than 7,200 fish, the commissioner shall, by emergency order, close the fishery to the taking of king salmon in the sport and guided sport fisheries in the Kenai River. A person may not possess, transport, or export from this state, a king salmon 55 inches or greater in length taken from the Kenai River from January 1 through June 30, unless the fish has been sealed by an authorized representative of the department in Soldotna within 3 days after the taking.

The Kasilof early-run king salmon fishery is managed under sections 5 AAC 56.022. WATERS; SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE, and 5AAC 21.365. KASILOF RIVER SALMON MANAGEMENT PLAN.

For the Kasilof River drainage, excluding Crooked Creek and Tustumena Lake and its tributaries, sport fishing from a motorized vessel is closed from January 1 – July 31 downstream of the Sterling Highway Bridge and from January 1 – June 30 upstream of the Sterling Highway Bridge.

From its mouth upstream to the Sterling Highway Bridge, from January 1 – July 31 the Kasilof River is open to sport fishing for king salmon 20 inches or greater in length with a bag and possession limit of one fish; a king salmon 20 inches or greater in length that is removed from the water must be retained and becomes a part of the bag limit of the person originally hooking it; a person may not remove a king salmon from the water before releasing the fish; on any Sunday in July, a person may not sport fish from a registered guide vessel; upstream from the Sterling Highway Bridge, from January 1 –

June 30, is open to sport fishing for king salmon 20 inches or greater in length; the bag and possession limit is one fish. A person may not retain more than three king salmon 20 inches or greater in length each year from the Kasilof River.

A fishing guide may not sport fish while a client is present or is within the fishing guide's control or responsibility. During any one day, a fishing guide may guide only that client or group of clients initially guided by the fishing guide that day; different or additional clients may not be guided. A vessel may not be used for guided sport fishing unless, at all times, it has its ADF&G registration numbers plainly and legibly displayed in permanent symbols at least six inches high and with lines at least one inch wide in a color that contrasts with the background on the outside of the vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

There are a number of recommendations from advisory committees, fishing groups and other members of the pubic for the board to consider. The effect of the proposal if adopted is dependant upon the action the board ultimately takes. The department has prepared deliberation materials and will be able to describe the potential effects most of the public recommendations may have on the early run king fisheries.

BACKGROUND:

Prior to the February 2002 Board of Fisheries (BOF) meeting, the Kenai River Early-run King Salmon Management Plan (5 AAC 56.070) stipulated a biological escapement goal (BEG) of 7,200 to 14,400 fish. If the upper end of the BEG was projected to be exceeded, the Plan allowed for the use of bait in the sport fishery. If the lower end of the BEG was not projected to be achieved, the Plan allowed for either a harvest of fish 52 inches and longer or closure of the fishery. At the February 2002 BOF meeting the department and some users expressed concern about a decrease in numbers of larger king salmon and an apparent lack of stability and predictability in the fishery. Based on these concerns the BOF amended the Management Plan for early-run Kenai River king salmon to allow for a harvest of king salmon 40 inches or less in length or fish 55 inches and longer in length from January 1 through June 10. The use of bait was not allowed during this time period. From June 11 through June 30 only king salmon 55 inches and longer could be harvested, and the use of bait could be allowed if the escapement was projected to be within the BEG range. These regulations were designed to both increase the escapement of larger, older king salmon and decrease the probability of in-season restrictions to the fishery.

At the same time, a number of regulatory changes were enacted for the early-run Kasilof River king salmon fishery. The adopted changes were: guides may not fish while guiding clients; guides may have only one set of clients per day; and, guide boats must have the Commercial Fisheries Entry Commission (CFEC) triangle number or Kenai River State parks registration number visible on the boat. In addition, fishing is not allowed from motorized boats from January 1 to July 31, and only three of the annual five king salmon limit in Cook Inlet may come from the Kasilof River.

Due to public discontent with the new regulations and assertions that there was insufficient public input into the changes, in June 2002 the BOF rescinded the June 11-30 size regulations on the Kenai River until April 15, 2003.

Review of the available biological information by department staff has provided the following perspective on the relevant issues under consideration by the public and the Board of Fisheries.

- The current BEG range for early-run Kenai River king salmon is 7,200 to 14,400 fish. Escapements greater than 16,500 do not produce well. The lowest observed escapement produced well, but there is only one year of information at this low level of escapement. Future years of returns will help better define an escapement goal for this stock, but the current BEG range should be maintained until more is known.

- There has been a decline in the number and percentage of the largest king salmon in the Kenai River. Some of this decline may be due to the targeting of large king salmon by the sport fishery, but other factors are also causing the decline. We recommend that a precautionary approach to protect large king salmon should be taken.

- Disproportionate harvest of early-run king salmon by time has occurred in the past, primarily early in the season during years when harvest restrictions were implemented later in the season. This "front-end" loading of harvest should be avoided in the long-term because it could cause shifts in run-timing.

- The current regulatory sanctuaries on the Kenai River for king salmon help protect fish as they move into spawning tributaries in July. However, further protection of early-run king salmon in July may be required when the escapement is projected to be below the lower end of the BEG range.

- Catch-and-release mortality is low for early-run Kenai River king salmon, but the effect of multiple captures on mortality is unknown. Catch-and-release remains a viable tool for managing early-run king salmon.

- Although there are challenges with the sonar project, we are confident that the overall assessment of run strength of early-run Kenai River king salmon is reliable and sufficient for managing this resource and maintaining escapements within the BEG range.

- We found no direct evidence for an increase in harvest of king salmon or overall fishing effort in the Kasilof River when the Kenai River is restricted. However, the effect of restrictions on the Kenai River on other fisheries, including the Kasilof River, should be considered when regulatory changes are made.

- Kasilof River king salmon should be managed with the current precautionary approach until more is known about this stock. An assessment project is underway that should provide better information in the future.

DEPARTMENT COMMENTS:

The department provides the following non-allocative recommendations for the board to consider on this proposal. The department recognizes there are many options available to meet escapement objectives, reduce exploitation and spread exploitation evenly across the early run, and maintain parity between the age and length composition of the harvest and escapement. The department believes the goals of managing the Kenai River and Kasilof River early-run king salmon according to provisions in the Sustainable Salmon Fisheries Management Policy and the Statewide Salmon Escapement Goals Policy can be achieved through these recommendations.

Management Strategy for the Kenai River early-run king salmon:

- Prosecute the Kenai River early run king salmon fishery conservatively throughout the run to satisfy management goals and achieve management objectives.
- Apply pre-cautionary protection to 5-ocean early run king.

Management recommendations for the Kenai River early-run king salmon:

- Single hook, no bait through June 30.
- No retention of king salmon 45" to 55".
- Liberalize with bait when escapement is projected over 14,400 early-run king salmon.
- Use catch and release for step-down restriction.
- Close when escapement is projected less than 7,200 early-run king salmon, with same time and area as last year (2002) (i.e. closed to fishing below Soldotna Bridge through June 30; closed to fishing upstream of Soldotna Bridge through July 15).
- July 1 - July 15, from Soldotna Bridge to Skilak Lake outlet, no retention of king salmon 45"-55", bait allowed.

These recommendations will provide for a reduction in harvest potential of larger fish of up to 28% by excluding the vast majority of 5-ocean fish from harvest while still allowing an upper trophy limit. Kenai River early run kings over 55" in length represent 0.23 % of the run and are almost entirely males. Past management plans adopted by the Board of Fisheries for the Kenai River and other fisheries around the state have allowed retention of trophy kings. Continuing to allow retention of the occasional king salmon 55" or longer does not conflict with the stated objective of conserving 5-ocean early run kings.

In addition to the existing sanctuary areas and closed areas upstream of Skilak Lake, the July slot-limit restrictions should provide additional protection to 5-ocean kings.

The department considers the recommendations as an interim measure to ensure that the fishery does not contribute to a decline of 5-ocean king salmon while we gain a better understanding of the status of 5-ocean king salmon in the early run. An evaluation of parity between the age and length composition of the harvest and escapement and sex

composition will be a regular part of the preparations for regularly scheduled Upper Cook Inlet Board of Fisheries meetings and escapement goal reviews in the future.

Management Objectives for the Kasilof River early-run king salmon:
- Meet escapement objectives
- Avoid Kenai River management balloon effects.

Management Strategy for the Kasilof River early-run king salmon:
- Protect natural King production with emphasis of harvest oriented king fishing on hatchery kings during the early run fishery.
- Consider consequences of Kenai River management actions to avoid Kasilof River fishery "balloon" effects.

Management recommendations for the Kasilof River early-run king salmon:
- BOF actions in 2002 remain in place
- Fin clipped hatchery king harvest only.
- Single hook only.
- After harvesting a king, anglers may not continue to fish for that day.
- ADFG and Fish and Wildlife Protection staff are attempting to develop language that would allow king anglers to fish from boats with electric trolling motors on Board downstream of Trujillo's landing as long as the electric motor is only used to safely exit the fishery. Use of the electric motor to run upstream for another drift would be prohibited.

COST ANALYSIS:

The Department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.