

ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS ON CHIGNIK MANAGEMENT AREA GROUNDFISH, HERRING, AND SALMON PROPOSALS



ALASKA BOARD OF FISHERIES MEETING ANCHORAGE, ALASKA NOVEMBER 14-16, 2004

These staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries meeting, scheduled for November 14-16, 2004 in Anchorage, Alaska. The comments are designed to assist the public and board. The stated staff positions should be considered preliminary and subject to change, as new information becomes available. Final staff positions will be formulated after review of written and oral public testimony presented to the Board of Fisheries.

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| Proposal # | Department Position | Issue | |
| Groundfish | | | |
| 34 | S | Establish a logbook requirement for black rockfish. | |
| 35 | N | Increase the Pacific cod jog allocation to 25 % and restrict registration to one gear type. | |
| 36 | N | Change Pacific cod state-waters season opening to April 1. | |
| Herring | | | |
| 37 | S | Identify boundary lines using global positioning system (GPS). | |
| 38 | S | Make the herring statistical area boundaries congruent with the commercial salmon statistical area boundaries. | |
| 39 | S | Require permit holders to register with the department before herring sac roe fishing. | |
| Salmon | | | |
| Subsistence | | | |
| 40 | S | Identify boundary lines using global positioning system (GPS). | |
| 41 | S | Make the salmon subsistence area boundaries congruent with the commercial salmon and herring area boundaries. | |
| 42 | S | Increase subsistence fishing opportunity within the Chignik River. | |
| 43 | S | Increase subsistence fishing opportunity for salmon permit holders. | |
| Commercial | | | |
| Area coordinates, lines, closed waters, dates | | | |
| 44 | S | Identify boundary lines using global positioning system (GPS). | |
| 45 | S | Close Schooner Bay; place Mensis Point and Pillar Rock markers into regulation. | |
| 46 | S | Define in regulation the area known as Jack's Box. | |
| 47 | O | Close Mitrofanina area when significant numbers of immature salmon are present in the catches as determined by department observers | |
| 48 | N/O | Return the closed waters around Kupreanof Point to the pre-1996 boundaries; disallow simultaneous fishing in Area M and Area L. | |
| 49 | O | Delay opening Chignik Management Area to commercial salmon fishing until June 7 and close the subsistence season on June 6. | |
| Gear specifications and definitions | | | |
| 50 | O | Allow beach seines of 225 fathoms and purse seines of 430 fathoms in length. | |
| Cooperative salmon management plan | | | |
| 51 | N | Disallow the cooperative fishery for two years. | |
| 52 | N | Restrict the number of members of any one fishing group to 51. | |
| 53 | N | Restrict the allocation to any one group to 50 percent. | |

| | | |
|----|---|---|
| 54 | O | Allow the allocation to be based on the preseason harvest forecast and allow this group to continue to harvest fish until this allocation is filled, regardless of actual run strength. |
| 55 | O | Count all over escapement towards the allocation of the group that was fishing at the time of the escapement. |
| 56 | N | Allow the sale of allocation shares. |
| 57 | S | Require payment of the annual CFEC cooperative permits annually by March 15. |
| 58 | S | Allow concurrent fishing times/areas for both the competitive and cooperative fleets. |
| 59 | S | Place the practice of anchoring a fishing vessel attached the fixed-leads into regulation. |
| 60 | S | Place the use of fixed leads into regulation. |
| 61 | S | Clarification the amount of legal gear on board a cooperative fishing vessel into regulation. |
| 62 | S | Place the use of net pens by the cooperative fleet into regulation. |
| 63 | S | Place the use of one fish ticket to record multiple deliveries by a cooperative vessel into regulation. |
| 64 | S | Remove the requirement for out-of-cycle board meetings. |

N: The department is neutral on this aspect of the proposal.

O: The department is opposed on this aspect of the proposal.

S: The department is supportive on this aspect of the proposal.

GROUND FISH:

PROPOSAL 34: Page 27, 5 AAC 28.5XX. Logbook requirement for the Chignik Area.

WHAT WILL THE PROPOSAL DO? This proposal would require fishers participating in the Chignik Area black rockfish fishery to complete a logbook.

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

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

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

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

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support this proposal. Though potentially burdensome on individual participants, the information provided in logbooks will provide valuable information on harvest location, retention, and bycatch information. At a recent black rockfish research conference in February 2002, catch accounting was identified as the top priority for black rockfish fisheries in the state. The confidential logbook information, as well as black rockfish discard data, will be essential in achieving this goal, monitoring the long-term health of the fishery, and ensuring the sustainability of the resource. A logbook proposal was adopted for the South Alaska Peninsula Area in 2003; a similar proposal has been submitted for the January meeting for the Kodiak Area black rockfish fishery.

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

PROPOSAL 35: Page 28, 5 AAC 28.537(c). Chignik Area Pacific cod management.

WHAT WILL THE PROPOSAL DO? This proposal would increase the state-waters jig quota in the Chignik Area from the current level of 15% to 25%. In addition, this proposal would make registration superexclusive by gear type thereby preventing vessels from registering for both pot and jig gear over the course of the state-waters season.

WHAT ARE THE CURRENT REGULATIONS? The Chignik Area Pacific Cod Management Plan 5 AAC 28.537(c)(1) establishes a 15% allocation of the overall guideline harvest level (GHL) for vessels using mechanical jigging machines and hand troll gears. If this 15% is not harvested before August 15, the fishery may be reopened to both pot and jig gear to fully attain the GHL before the regulatory closure date of December 31.

5 AAC 28.506 CHIGNIK AREA REGISTRATION (a) establishes registration for the state-waters Pacific cod season as superexclusive. Vessel operators may not use both gear types at the same time however; vessel operators may change registrations at any time. Vessels in the Chignik Area state-waters season must be 58 feet or less in overall length.

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The amount of the total GHL available to mechanical jig and hand troll fishers would increase by 10% of the total GHL. The amount allocated to the pot fleet would decrease by 10% from 85 to 75% of the total GHL. A vessel could only be registered for either the pot or the jig fishery over the course of the state-waters Pacific cod season.

BACKGROUND: The state-waters Pacific cod season began in 1997. At that time, there was no specific allocation for either pot or jig gear types in the Chignik Area. A 15% allocation for jig fishers and 85% allocation for pot fishers were implemented in the 2000 fishery. When the 15% allocation was established for jig gear, an allocation rollover date of August 15 was also adopted. If the 15% allocation to jig gear has not been harvested by August 14, the Chignik Area fishery may be reopened to pot and jig gear on August 15 to afford additional harvest opportunity to attain the GHL before the regulatory closure date of December 31.

The 85% pot gear allocation was fully utilized in 2003 and 2004. Since the inception of the jig allocation, the jig allocation has only been attained once prior to the August 15 rollover date. This occurred in 2003, however the jig GHL in 2003 was reduced from the full 15% allocation due to an overage in the pot season harvest. The Chignik Area fishery has only been closed on two occasions when inseason management data indicated the total GHL would be attained, once in 1998 and again in 2003. The actual level of harvest in both years would end up slightly below the actual GHL but would be above the 90% mark necessary for an incremental ‘step up’ in the subsequent year’s GHL as outlined in the fishery management plan.

In many years, a lack of processing in the Chignik Area at the start of the season in spring or towards the end of the season in fall has been a significant factor in limiting harvest and therefore full attainment of the GHL. In the years that the 15% jig allocation has been ‘rolled-over’ and made available to both

gear types on August 15, little if any effort by either gear type has occurred due to the lack of a local processor or tenders for processors adjacent to the area.

The number of vessels that have registered for both pots and jigs over the course of the season has never been large; in 1999 and 2003 three vessels participated with both gear types over the course of the season.

Chignik Area state-waters Pacific cod GHLS, allocations, harvest by gear type, and participation, 1997-2004.

| Year | Gear | Total GHL (million pounds) | Allocation by gear type (million pounds) | Harvest | Vessels | No. of vessels that used both gear types |
|-------------|------|-------------------------------|---|---------|---------|---|
| 1997 | Jig | 5.9 | None | <0.1 | 4 | 1 |
| | Pot | | | 1.1 | 10 | |
| 1998 | Jig | 5.7 | None | 0.2 | 11 | 1 |
| | Pot | | | 5.1 | 33 | |
| 1999 | Jig | 8.2 | None | 0.2 | 11 | 3 |
| | Pot | | | 6.2 | 33 | |
| 2000 | Jig | 6.7 | 1.0 | <0.1 | 5 | 0 |
| | Pot | | 5.7 | 1.7 | 19 | |
| 2001 | Jig | 6.0 | 0.9 | 0.3 | 15 | 2 |
| | Pot | | 5.1 | 2.3 | 16 | |
| 2002 | Jig | 4.9 | 0.7 | 0.3 | 13 | 1 |
| | Pot | | 4.2 | 3.9 | 12 | |
| 2003 | Jig | 4.5 | 0.7 | 0.4 | 16 | 3 |
| | Pot | | 3.8 | 4.0 | 15 | |
| 2004 | Jig | 6.9 | 1.1 | 0.1 | 14 | 3 |
| | Pot | | 5.8 | 5.6 | 17 | |

updated through August 15, 2004

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of this proposal and the designation of superexclusive registration by gear type.

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

PROPOSAL 36: Page 29, 5 AAC 28.537. Chignik Area Pacific cod management plan.

WHAT WILL THE PROPOSAL DO? This proposal would change the opening date for the Chignik Area state-waters Pacific cod season from March 1 to April 1.

WHAT ARE THE CURRENT REGULATIONS? Currently, the state-waters Pacific cod season in the Chignik Area opens on March 1 (5 AAC 28.537 (c)).

WHAT WILL BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The state-waters Pacific cod season will open a month later in the spring than it had in 2002 through 2004 seasons.

BACKGROUND: The opening date of the Chignik Area state-waters Pacific cod season has changed four times in the eight seasons that have occurred since 1997.

Chignik Area state-waters Pacific cod season opening criteria, opening dates, and percent of the GHl attained, 1997-2004

| Year | Opening criteria | Opening date | % of GHl attained |
|------|-------------------------------|--------------|-------------------|
| 1997 | Regulatory opening date | April 15 | 19% |
| 1998 | Regulatory opening date | April 1 | 98% |
| 1999 | Regulatory opening date | April 15 | 79% |
| 2000 | Regulatory opening date | April 15 | 27% |
| 2001 | 7 days following CGOA closure | March 11 | 74% |
| 2002 | Regulatory opening date | March 1 | 85% |
| 2003 | Regulatory opening date | March 1 | 99% |
| 2004 | Regulatory opening date | March 1 | 83% |

Updated through August, 15, 2004.

The amount of the GHl attained in any given year appears attributable to when and if processors are available to take deliveries of Chignik Area fish rather than a function of when the fishery opens. In many years, the lack of a local processor or tenders to carry fish to processors in other areas has limited the Chignik Area fishery to a period of fishing in the spring before salmon season hits high gear in June and sporadic periods through summer and fall. Typically, the first month to six weeks of the season is prosecuted with pot gear. Jig fishery participants typically begin operations later in the spring towards late April and May.

DEPARTMENT COMMENTS: The department is neutral on this proposal.

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

HERRING:

PROPOSAL 37: Page 29, 5 AAC 27.XXX. Use Of Global Positioning System (GPS).

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

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

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

BACKGROUND: Open and closed water boundaries, sections lines, and other pertinent boundary lines are defined by latitude and longitude. Some fishermen in the Chignik Management Area continue to use the older and less accurate LORAN technology to determine the location of these boundaries. GPS provides a more accurate measurement of coordinates than is available with LORAN.

Much of the herring fleet has used LORAN to obtain latitude and longitude coordinates since LORAN was first adopted. The Alaska Department of Public Safety (DPS) and the Alaska Department of Fish and Game use GPS technology to enforce boundary lines.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support this proposal. If adopted, this proposal will avoid confusion among the Chignik commercial herring fleet, and make existing boundary lines more enforceable. The regulations will clearly state that GPS will be used to define all coordinates. The fishing area will not change, just the definition of the existing boundary.

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

PROPOSAL 38: Page 30, 5 AAC 27.550. Description of the Chignik Area.

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

The Chignik Area includes all waters of Alaska on the south side of the Alaska Peninsula **bounded by a line extending 135° southeast for three miles from a point near Kilokak Rocks at 57° 10.34' N. lat., [ENCLOSED BY] 156°20.22' W. long.,** (the longitude of the southern entrance to Imuya Bay) **then due south, and a line extending 135° southeast from** [AND A LINE ENTENDING SOUTHEAST (135°) FROM THE SOUTHERNMOST TIP OF] Kupreanof Point at 55°33.98' N lat., 159°35.88' W. long.

WHAT ARE THE CURRENT REGULATIONS? The current regulation, 5 AAC 27.550 describes the area slightly differently from the commercial salmon regulations.

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

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

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

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

PROPOSAL 39: Page 31, 5 AAC 27.560(c). Fishing seasons and fishing periods for the Chignik Area.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would require all commercial herring sac roe fishermen to register with the department before fishing in the Chignik Management Area.

(c) A CFEC permit holder must register with the department before participating in the **sac roe or** food and bait **fisheries** [FISHERY].

WHAT ARE THE CURRENT REGULATIONS? The current regulation, 5 AAC 27.560(c) only requires commercial herring food and bait fishermen to register.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the regulation would require all herring fishermen to register with the department prior to fishing.

BACKGROUND: No commercial herring sac roe deliveries have occurred in the CMA since the 1990s, but annually fishermen have indicated interest in the fishery. Annual harvestable biomass is low, and it is necessary for the department to document potential effort levels.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support this proposal. The department believes it will avoid confusion and enforcement of Chignik herring sac roe fisheries.

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

SALMON:

SUBSISTENCE:

PROPOSAL 40: Page 31, 5 AAC 27.XXX. Use Of Global Positioning System (GPS).

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would create a new regulation mandating the use of GPS in the measurement of latitude and longitude pertaining to all boundary lines and coordinates in the Chignik Management Area subsistence finfish fishery.

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

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

BACKGROUND: Open and closed water boundaries, sections lines, and other pertinent boundary lines are defined by latitude and longitude. Some fishermen in the Chignik Management Area continue to use the older and less accurate LORAN technology to determine the location of these boundaries. GPS provides a more accurate measurement of coordinates than is available with LORAN.

Many subsistence users have used LORAN to obtain latitude and longitude coordinates since LORAN was first adopted. The Alaska Department of Public Safety (DPS) and the Alaska Department of Fish and Game use GPS technology to enforce boundary lines.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support this proposal. If adopted, this proposal will avoid confusion for the Chignik subsistence users, and make existing boundary lines more enforceable. The regulations will clearly state that GPS will be used to define all coordinates. The fishing area will not change, just the definition of the existing boundary.

COST ANALYSIS: Additional cost may be incurred by subsistence users that do not currently have GPS.

PROPOSAL 41: Page 31, 5 AAC 01.450. Description of the Chignik Area.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would define the Chignik Management Area in the subsistence finfish regulations the same as the area is defined in the commercial salmon regulations.

The Chignik Area includes all waters of Alaska on the south side of the Alaska Peninsula **bounded by a line extending 135° southeast for three miles from a point near Kilokak Rocks at 57° 10.34' N. lat., [ENCLOSED BY] 156°20.22' W. long.,** (the longitude of the southern entrance to Imuya Bay) **then due south, and a line extending 135° southeast from** [AND A LINE EXTENDING SOUTHEAST (135°) FROM THE SOUTHERNMOST TIP OF] Kupreanof Point at 55°33.98' N lat., 159°35.88' W. long.

WHAT ARE THE CURRENT REGULATIONS? The current regulation, 5 AAC 01.450 describes the area slightly differently than it is described in the commercial salmon regulations.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the regulation would make the boundaries of the Chignik Management Area the same in both the subsistence finfish and commercial salmon regulations.

BACKGROUND: When the BOF last defined the Chignik Management Area in the commercial salmon regulations a slight disparity resulted in the subsistence finfish and commercial salmon area descriptions.

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

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

PROPOSAL 42: Page 32, 5 AAC 01.475. Waters closed to subsistence fishing.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would allow subsistence salmon fishing within the reach of the Chignik River from the weir to Chignik Lake from September 1 through June 30.

Salmon may not be taken in **that portion of** the Chignik River, **within 100 yards upstream or downstream of** [FROM] the department weir [SITE OR COUNTING TOWER]. **Additionally, salmon may not be taken in the Chignik River upstream from the department weir to Chignik Lake from June 30 to August 31.[.] Except where allowed in the Chignik River, salmon may not be taken in** Black Lake **or** [, AND] any tributary to Black and Chignik Lakes.

The department would like to amend the proposal to avoid date confusion. The amended regulation would read:

Salmon may not be taken in **that portion of** the Chignik River, **within 100 yards upstream or downstream of** [FROM] the department weir [SITE OR COUNTING TOWER]. **Additionally, salmon may not be taken in the Chignik River upstream from the department weir to Chignik Lake from July 1 to August 31.[.] Except where allowed in the Chignik River, salmon may not be taken in** Black Lake **or** [, AND] any tributary to Black and Chignik Lakes.

WHAT ARE THE CURRENT REGULATIONS? The current regulation, 5 AAC 01.475 specifically closes the reach of river between the weir and Chignik Lake to subsistence fishing.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the regulation would increase subsistence fishing opportunity within the Chignik River.

BACKGROUND: In 2003, early season subsistence fishing opportunity was decreased with the amended Chignik Area cooperative management plan (5 AAC 15.359(g)) that redefined the first fishing period criteria in the Chignik Area salmon management plan (5 AAC 15.357 (b)(1)). The amended plan may allow commercial salmon fishing in early June. In 2004 early subsistence fishing opportunity was increased by allowing fishing from the weir upstream to Chignik Lake by Emergency Order.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support this proposal. The department supports increasing subsistence fishing opportunity when possible.

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

PROPOSAL 43: Page 33, 5 AAC 01.485. Restrictions on commercial fishermen.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would allow subsistence salmon fishing for commercial fishing license holders after the first commercial salmon fishing period in the Chignik Management Area.

a) During the 24 [FROM 48] hours before the first commercial salmon fishing opening in the Chignik Area a commercial fishing license holder may not subsistence fish for salmon.

(b) When the first commercial salmon fishing period begins commercial fishing license holders may subsistence fish for salmon by registering with the department at the Chignik weir.

(1) Commercial fishing license holders in the open (competitive) fishery may subsistence fish for salmon by registering with the department during a commercial fishing period for the cooperative fleet. In addition, commercial fishing license holders in the competitive fishery may not subsistence fish for salmon 24 hours before or 12 hours after a competitive fishery's commercial fishing period.

(2) Commercial fishing license holders in the cooperative fishery may subsistence fish for salmon by registering with the department during a commercial fishing period for the open (competitive) fishery. In addition, commercial fishing license holders in the cooperative fishery may not subsistence fish for salmon 24 hours before or 12 hours after a cooperative fishery's commercial fishing period.

(3) Commercial fishing license holders registered with the department as cooperative fishery members, but not registered with the department to commercial fish, may subsistence fish for salmon using gillnets during commercial fishery periods by registering with the department.

WHAT ARE THE CURRENT REGULATIONS? Under current regulations, 5 AAC 01.485, commercial fishing license holders may not subsistence fish for salmon from 48 hours before the first commercial fishing period in the CMA through September 30.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the regulation would increase subsistence fishing opportunity for commercial fishing license holders within the CMA.

BACKGROUND: In 2003, early season subsistence fishing opportunity was decreased with the amended Chignik Area cooperative management plan (5 AAC 15.359(g)) that redefined the first fishing period criteria in the Chignik Area salmon management plan (5 AAC 15.357 (b)(1)). The amended plan may allow commercial salmon fishing in early June. In 2003 and 2004 early subsistence fishing opportunity was increased by amending subsistence permits with the above language.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support this proposal. The department supports increasing subsistence fishing opportunity when possible

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

COMMERCIAL:

PROPOSAL 44: Page 34, 5 AAC 15.XXX. Use Of Global Positioning System (GPS).

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would create a new regulation mandating the use of GPS in the measurement of latitude and longitude pertaining to all boundary lines and coordinates in the Chignik Management Area commercial salmon fishery.

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

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

BACKGROUND: Open and closed water boundaries, sections lines, and other pertinent boundary lines are defined by latitude and longitude. Some fishermen in the Chignik Management Area may continue to use the older and less accurate LORAN technology to determine the location of these boundaries. GPS provides a more accurate measurement of coordinates than is available with LORAN.

Many commercial salmon fishermen have used LORAN to obtain latitude and longitude coordinates since LORAN was first adopted. The Alaska Department of Public Safety (DPS) and the Alaska Department of Fish and Game use GPS technology to enforce boundary lines.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support this proposal. If adopted, this proposal will avoid confusion for the Chignik commercial fleets, and make existing boundary lines more enforceable. The regulations will clearly state that GPS will be used to define all coordinates. The fishing area will not change, just the definition of the existing boundary.

COST ANALYSIS: Additional cost may be incurred by those fishermen (if any) that do not currently have GPS.

PROPOSAL 45: Page 34, 5 AAC 15.350(1). Closed waters.

WHAT WOULD THE PROPOSAL DO? Commercial fishing closed waters regulatory markers at Humes Point have been supplemented with closed waters markers at Mensis Point and at Pillar Rock for the Chignik River upstream markers for commercial salmon fishing. Placing these markers in regulation will help alleviate confusion over closed water in the Chignik Bay District.

WHAT ARE THE CURRENT REGULATIONS? The current regulations, 5 AAC 15.350(1), only specify regulatory markers within Chignik Lagoon at Humes Point and Mallard Duck Bay.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would simplify management of the Chignik Lagoon commercial salmon fishery by reducing the complexity of emergency orders.

BACKGROUND: The proposed regulatory markers have been commonly used for several years in emergency orders to define the Chignik Lagoon closed waters.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support this proposal. If adopted, this proposal will simplify management of the Chignik Lagoon commercial salmon fishery by reducing the complexity of emergency orders.

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

PROPOSAL 46: Page 35, 5 AAC 15.357(d). Chignik Area Salmon Management Plan.

WHAT WOULD THE PROPOSAL DO? This proposal would define a fishing area around Jack's Point, which is located in both the Chignik Bay and Central Districts, as an area that could be opened as a terminal harvest area coincidentally with the terminal harvest areas located in the Western and Perryville Districts.

WHAT ARE THE CURRENT REGULATIONS? The current regulations, 5 AAC 15.357(d)(2)(B), allow commercial salmon fishing targeting pink and chum salmon in terminal harvest areas in the Western and Perryville Districts.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would add an additional area within the Chignik Bay and Central Districts to the areas that could be opened to direct effort on pink and chum salmon.

BACKGROUND: Due to weather constraints many of the smaller "lagoon" boats are unable to travel to the Western and Perryville Districts, and therefore are unable to take advantage of that fishery. The area known as "Jack's Box" has been defined by emergency order in prior years in conjunction with the Western and Perryville pink and chum salmon fisheries to provide opportunity for these smaller vessels.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support this proposal. If adopted, this proposal will simplify management of the CMA commercial salmon fishery by reducing the complexity of emergency orders.

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

PROPOSAL 47: Page 36, 5 AAC 15.357. Chignik Area Salmon Management Plan.

WHAT WOULD THE PROPOSAL DO? This proposal would require the department to deploy observers in the Western and Perryville Districts fisheries and close areas around Mitrofanina Island to commercial salmon fishing when significant numbers of immature sockeye salmon are harvested.

WHAT ARE THE CURRENT REGULATIONS? There are no regulations in the Chignik Area Salmon Management Plan that address immature sockeye salmon in the commercial harvest.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would require the department to deploy observers in the Western and Perryville Districts fisheries and close waters around Mitrofanina Island to commercial salmon fishing when an undefined number of immature sockeye salmon are harvested.

BACKGROUND: There have been times when immature salmon have been caught in the Western and Perryville Districts during fisheries directed on adult pink and chum salmon. On occasion, these fisheries have been closed by emergency order to reduce the harvest of the immature salmon. The criteria commonly used to close an area paralleled the immature salmon regulations in the South Peninsula post-June fishery (5 AAC 09.366 (i)). A threshold number of 100 gilled salmon per set, as determined by a department observer, was considered justification to close an area.

DEPARTMENT COMMENTS: This proposal is ambiguous and the department opposes it as written. The department feels that an observer program would be impractical to implement due to the added labor costs and staff shortages. The Western and Perryville Districts fisheries have had observers either on vessels or in the air when the department believed that immature salmon were likely in the area (by notification from the Chignik fleet or from the Shumagin Islands test fishery). When the catch of immature salmon warranted a closure the department used emergency order authority to close the fishery.

COST ANALYSIS: Additional costs may be incurred by a private person to participate in this fishery if observers are required.

PROPOSAL 48: Page 36, 5 AAC 15.200(d)(3). Fishing Districts.

WHAT WOULD THE PROPOSAL DO? This proposal is requesting that the current boundary line between Area M and Area L at Kupreanof Point be amended to the pre-1996 boundary. The department is assuming, because this boundary line did not change in 1996, that the intent of the proposal is to eliminate the closed waters in the Ivanof Bay Section, Area L, (5 AAC 15.350(20)) and in the East Stepovak Bay Section, Area M, (5 AAC 09.350(37)). This proposal would also not allow simultaneous fishing in the entire waters of Area M and Area L.

WHAT ARE THE CURRENT REGULATIONS? The current regulations (5 AAC 15.100 and 5 AAC 09.100) describe the boundary between Area L and M as a line extending 135° southeast from Kupreanof Point (55° 33.98' N lat., 159° 35.88' W. long.). 5 AAC 15.350(20) closes that portion of the Ivanof Bay Section that borders Area M from July 6 to August 20 and 5 AAC 09.350(37) closes that portion of the East Stepovak Bay Section that borders Area L also from July 6 to August 30. There are no regulations addressing simultaneous fishing in Area M and Area L.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would allow commercial salmon fishing in the western portion of the Ivanof Bay Section and the eastern portion of the East Stepovak Bay Section from July 6 to August 20. This proposal would also disallow simultaneous fishing in Area M and Area L.

BACKGROUND: There has been long standing conflicts between Area M and Area L fishermen in the area surrounding Kupreanof Point. The boundary between the fisheries is a line drawn 135° southeast from Kupreanof Point. In 1996, waters were closed on either side of Kupreanof Point to prevent boundary line conflicts and to ease law enforcement.

DEPARTMENT COMMENTS: Because the meeting notice did not include Area M, the Board, if it chooses to take any action, may only be able to take action in Area L not in Area M. That would make this proposal primarily allocative. The department is neutral on this aspect of the proposal. The department believes the intent of the proposal was to allow fishermen from both Area L and M to fish Kupreanof Point in July and August. The department also believes that the intent of the proposal was to address active fishing conflicts between the areas by not allowing fishermen to fish in adjoining waters at the same time. However, this was not clearly defined in the proposal. Conflicts and enforcement of the Kupreanof Point line may become problematic if this proposal is adopted. The department is opposed to an interpretation of this proposal that would not allow simultaneous fishing in Area M and Area L. As the proposal is written, whenever a fishery occurs in any portion of Area M all of Area L would be required to be closed and vis-à-vis.

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

PROPOSAL 49: Page 37, 5 AAC 15.310. Fishing Seasons.

WHAT WOULD THE PROPOSAL DO? The proposal would close all Chignik Management Area salmon subsistence fishing at 12:00 NOON on June 6 and open commercial salmon fishing on June 7.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.460 Fishing seasons; state that subsistence fishing, other than rainbow trout and steelhead trout, may be taken at any time, except as may be specified by a subsistence fishing permit.

5 AAC 15.310 Fishing seasons; state that commercial salmon fishing may begin in the Chignik Bay District as early as June 1. The Chignik Area Salmon Management Plan, 5 AAC 15.357 (b)(1)(A), states that commercial salmon fishing may begin in the Chignik Bay and Central Districts when a minimum escapement of 40,000 sockeye salmon have passed the weir by June 12 or a subsequent interim escapement objective has been reached. However, the Chignik Area Cooperative Management Plan 5 AAC 15.359 (g), states that the provisions in 5 AAC 15.357 (b)(1) do not apply in years there is a cooperative fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted all Chignik Management Area salmon subsistence fishing would close at 12:00 NOON June 6 and commercial salmon fishing, whether a cooperative fishery was formed or not, could not begin until June 7.

BACKGROUND: Prior to the cooperative fishery, the first commercial fishing period in the Chignik Bay District, and the entire CMA, was only allowed after an escapement of 40,000 sockeye salmon passed the weir by June 12 or until a subsequent interim escapement goal was achieved, and there was a significant buildup of sockeye salmon in Chignik Lagoon. With the advent of the Chignik cooperative fishery, there were concerns that the fleet(s) would not be able to harvest enough fish early in the season and excessive escapement would result. Therefore, the Chignik Area Cooperative Management Plan included a provision to begin commercial fishing as early as June 1.

This provision did have impacts on Chignik subsistence fishing opportunity. 5 AAC 01.485, (restrictions on commercial fishermen) states that from 48 hours before the first commercial salmon fishing opening in the Chignik Area through September 30 a commercial fishing license holder may not subsistence fish for salmon. In 2003 and 2004 this was addressed via special provisions in the Chignik Salmon Subsistence Permit, and commercial fishing license holders were allowed the opportunity to fish when their fleet was not fishing. In addition, in 2004, waters closed to subsistence fishing were reduced to allow subsistence fishing opportunity in the Chignik River from the weir site to Chignik Lake through June 30.

There have still been concerns expressed to the department from subsistence users, stating that they were unable to obtain their subsistence fish in early June. The early June sockeye salmon are important to subsistence users because they are able to process these fish before the flies come out and the weather is generally drier in early June. Sockeye salmon obtained from mid June through September may have a greater likelihood of spoilage.

DEPARTMENT COMMENTS: The department recognizes the problem some subsistence fishermen may have had obtaining their early-season sockeye salmon, but the department feels that it is important

to the overall health of the Chignik watershed and salmon runs to prevent large buildups of sockeye salmon in the lagoon and to control overescapement. Chignik subsistence fishing occurs well into December and if adopted as written this proposal would eliminate about seven months of subsistence fishing opportunity. Therefore, the department is opposed to this proposal.

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

PROPOSAL 50: Page 38, 5 AAC 15.332. Seine specifications and operations.

WHAT WOULD THE PROPOSAL DO? This proposal requests that beach seines be allowed as a gear type in the Chignik Management Area and request that the beach seine gear be 225 fathoms in length with metal purse rings. The proposal would also require all purse seines to be 430 fathoms in length.

WHAT ARE THE CURRENT REGULATIONS? Currently, a beach seine is not a legal gear in the Chignik Management Area.

5 AAC 15.332 (a) and (b) states that purse or hand purse seines may be no less than 100 and no more than 225 fathoms in length in the Eastern, Central, Western, and Perryville Districts. Section (c) of the same regulation states that purse or hand purse seines may be no less than 100 and no more than 125 fathoms in length in the Chignik Bay District. In 2004, under direction by the Board, the department approved a Commissioner's Permit that allows the cooperative fleet to use 225 fathom nets within certain portions of the Chignik Bay District.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal may increase the efficiency of some Chignik CFEC permit holders who chose to invest in new beach seine gear. As written all permit holders who chose to fish would have to lengthen their purse seine gear to 430 fathoms.

BACKGROUND: Currently, only purse seine and hand purse seine gear is legal in the Chignik Management Area. Hand purse seine gear has not been used in the area for at least several years.

DEPARTMENT COMMENTS Adoption of this proposal would likely cause a reallocation between users, because some permit holders may not be able to purchase larger vessels that would likely be needed to handle the larger nets. Increased efficiency via a new gear type or larger gear is not desired within the competitive fleet because it would be difficult to manage the allocation between fleets. For example, in 2004, the competitive fleet was allocated only 13% of the CMA harvest. Because of this small allocation, the maximum fishing time for any one fishing period was 24 hours. More efficient gear would require shorter fishing periods and make the management between fleets difficult. Product quality would likely decrease due to larger hauls. Therefore, the department is opposed to this proposal. If adopted the department requests the Board define beach seine gear in its entirety, not just the length and ring requirements.

COST ANALYSIS: Additional costs are expected to be incurred by the private person to participate in this fishery if this proposal were to be adopted and fishermen chose to purchase longer purse seines or beach seine gear.

PROPOSAL 51: Page 38, 5 AAC 15.332. Chignik Area cooperative purse seine salmon fishery management plan.

WHAT WOULD THE PROPOSAL DO? This proposal would repeal the cooperative fishery for a period of two years.

WHAT ARE THE CURRENT REGULATIONS? Currently, the Chignik Area cooperative purse seine salmon fishery management plan (5 AAC 359), allows the annual formation of a cooperative fishery if at least 51 CFEC permit holders apply to the commissioner for a permit to fish cooperatively.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would return the Chignik Management Area fishery to a traditional competitive fishery for a period of two years.

BACKGROUND: In 2002, the Board adopted the Chignik Area cooperative fishery management plan. Pursuant to 5 AAC 15.359 (f), the cooperative fishery management plan has been reviewed and approved annually by the Board in every subsequent year.

DEPARTMENT COMMENTS: The department is neutral on this proposal. The intent of this proposal is to examine the environmental, economic, and social effects of the Chignik Area cooperative fishery management plan during a two-year repeal of the plan. It is unclear where funding would come from to conduct these studies.

The department can effectively manage the Chignik Management Area salmon fishery with or without this management plan.

COST ANALYSIS: If cooperative fishery members are required to fish competitively, additional costs are expected to be incurred by the private person to participate in this fishery.

PROPOSAL 52: Page 39, 5 AAC 15.332. Chignik Area cooperative purse seine salmon fishery management plan.

WHAT WOULD THE PROPOSAL DO? This proposal would limit fishing groups to a maximum of 51 members. Further, it would require all group members to declare their winter residency.

WHAT ARE THE CURRENT REGULATIONS? Currently, the Chignik Area cooperative purse seine salmon fishery management plan (5 AAC 15.359 (b)(1)), requires at least 51 CFEC permit holders to apply to form a cooperatively. There are no residency regulations in the Chignik Area cooperative purse seine salmon fishery management plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would limit the membership of the current cooperative to 51 members, and if additional CFEC permit holders wished to fish cooperatively, would require the formation of another coop. It would also require any fishing group to declare their membership's winter residency.

BACKGROUND: In 2002, the Board adopted the Chignik Area cooperative fishery management plan. Pursuant to 5 AAC 15.359 (f), the cooperative fishery management plan has been reviewed annually by the Board. The Board has reviewed and rejected cooperative membership limits, other than those in 5 AAC 15.359.

DEPARTMENT COMMENTS: The department is neutral on this allocative proposal. The department could manage up to two cooperative fleets and an independent fleet. Additional cooperative fleets would become problematic. The proposal is unclear as to who the CFEC permit holders would have to declare their residency and for what purpose.

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

PROPOSAL 53: Page 39, 5 AAC 15.359. Chignik Area cooperative purse seine salmon fishery management plan.

WHAT WOULD THE PROPOSAL DO? This proposal would amend the allocation criteria established in the Chignik Area cooperative purse seine salmon fishery management plan (5 AAC 15.359) to limit allocations to any fishing group to no more than 50 percent of the salmon (presumably sockeye salmon) harvest.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 15.359(d): For each year that an annual cooperative fishery permit is issued under this section, the Chignik Area cooperative fishery is allocated a percentage of the annual Chignik Area commercial sockeye salmon harvestable surplus based on the number of permit holders participating in the cooperative as follows:

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

There is no current regulation that limits the total allocation to any group.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would redefine the allocation criteria of the cooperative and competitive fleets.

BACKGROUND: During the January 2002 Board of Fisheries (BOF) meeting the Chignik Area Cooperative Purse Seine Salmon Management Plan was adopted. This plan authorized the formation of a cooperative and allocated a percentage of the sockeye harvest to the cooperative. The allocation criteria was addressed again in the fall of 2003, and modified to the graduated allocation described above. The proponents of the cooperative proposal argued that an allocation was necessary to allow the cooperative fleet to harvest salmon at a slower pace with fewer vessels thereby reducing costs and increasing product quality.

Opponents of the cooperative argued that an allocation for the cooperative was not necessary to improve quality, that jobs in the local communities would be lost, and that an allocation to the cooperative hurt fishermen who typically were the top producers in the Chignik fleet. Some argued they

could only support a cooperative if it was based on individual harvest shares that represented the harvest history of each individual.

The board, based on advice from the Department of Law, determined that it was not within their authority to establish an allocation based on historic catch records. Instead, the board addressed the issue of equitability with the language of 5 AAC 15.359(d). By allocating nine-tenths of one percent to each member of the cooperative, the competitive fleet would be able to compete for more than one percent per permit holder of the total sockeye salmon harvest. However, the board was concerned that this allocation formula might provide an incentive to individual permit holders to refrain from registering with the cooperative fishery if annual membership in the cooperative approached 100 percent. More specifically, if a small number of permit holders chose not to participate in the cooperative, each of these permit holders would have a relatively larger percentage of the allocation in which to compete. In order to address this concern, the board approved 5 AAC 15.359(d)(2) and (3) which increases the per capita percentage of the sockeye salmon harvest if participation in the cooperative is equal to or greater than 85 percent of the Chignik CFEC permit holders.

When the cooperative was approved in 2002, the department was uncertain about its ability to meet the allocations established for the two fleets and the escapement goal for each lake. Three years of experience demonstrate that the department has been successful in meeting the allocation goals and, especially during the 2003 and 2004 seasons, in keeping the escapement within the range established for Black and Chignik Lakes. The department managed to more precisely meet interim escapement objectives and spread the escapement more evenly over the course of the return. This changed the historic pattern of pulsing escapement and harvest. The 2002 through 2004 Chignik sockeye salmon runs were average to below average.

DEPARTMENT COMMENTS: The department is neutral on this allocative proposal. The department can manage the Chignik commercial salmon fishery with or without the existing allocation plan.

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

PROPOSAL 54: Page 40, 5 AAC 15.359 (e). Chignik Area cooperative purse seine salmon fishery management plan.

WHAT WOULD THE PROPOSAL DO? This proposal is unclear as written; there appeared to be several components to this proposal:

- 1) Allow the group with the smallest allocation to choose which group fishes first;
- 2) Begin the fishing season on June 11;
- 3) Set the sockeye salmon allocation between fleets based on the preseason forecast;
- 4) Start fishing on the first daylight high tide of the day (Kodiak tide table) and conclude fishing on the following high tide (Kodiak tide table).
- 5) The fleet with the smallest allocation would fish until their allocation is filled, then the other fleet would fish.

WHAT ARE THE CURRENT REGULATIONS?

- 1) Currently, there is no regulation regarding which fleet fishes first.
- 2) The current regulations (5 AAC 15.310 Fishing Seasons) state that commercial salmon fishing could begin in the Chignik Bay District as early as June 1. The Chignik Area Salmon Management Plan (5 AAC 15.357(b)(1)(A)) states that commercial salmon fishing can begin in the Chignik Bay and Central Districts when a minimum escapement of 40,000 sockeye salmon have passed the weir by June 12 or a subsequent interim escapement objective has been reached. However, the Chignik Area Cooperative Management Plan (5 AAC 15.359(g)) states that the provisions in 5 AAC 15.357(b)(1) do not apply in years there is a cooperative fishery.
- 3) The allocation criteria between the two fleets are outlined in 5 AAC 15.359(d). The harvestable surplus of sockeye salmon is allocated based on the number of members in the cooperative fleet. The department uses the forecast for preseason planning, however, the allocation between fleets depends on inseason sockeye salmon returns that are in excess of escapement objectives.
- 4) There are no regulations regarding tide stage with respect to the beginning or ending times of commercial salmon fishing periods in the Chignik Management Area, although openings usually start at or near high tide in the upper portion of Chignik Lagoon.
- 5) Because the allocation is based on the sockeye salmon surplus to escapement needs as determined inseason, there is no regulation addressing harvesting one fleet's entire season allocation at once.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the management of the Chignik Management Area fishery would change dramatically. The allocation between groups would be based on the preseason forecast, and the group with the smallest allocation would choose if they wanted to fish first, or they could choose to wait for the other group to harvest their allocation. The actual harvests, then, would be more guaranteed for the group that fished first, if the return was more than the escapement requirements. The second group may or may not harvest their

allocation, depending on the actual return for that year. If the return was larger than predicted, the group fishing second, may harvest more than they would have if they had fished first and, as in 2004, if the actual return was less than the forecast the second fleet may not fish at all.

BACKGROUND: The Chignik River watershed sockeye salmon forecast accuracy has been variable and has ranged from 91 percent under-forecast (1999) to 41 percent over forecast (1997 and 2000), averaging two percent over-forecast over the last ten years. Inaccurate forecasts would create a situation where the actual harvests between fleets would be different than the preseason allocations.

DEPARTMENT COMMENTS: The department is opposed to this proposal, because the preseason forecasts, which are intended to be informational, would become allocative and the department would be under heavy pressure to increase the forecast accuracy, perhaps to no avail. If this proposal was to be adopted, language regarding who's forecast to use (the departments or some other organization) will be needed.

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

PROPOSAL 55: Page 40, 5 AAC 15.359. Chignik Area cooperative purse seine salmon fishery management plan.

WHAT WOULD THE PROPOSAL DO? This proposal would allocate any over-escapement to the group that was fishing at the time.

WHAT ARE THE CURRENT REGULATIONS? Currently, there are no regulations in the Chignik Area cooperative purse seine fishery management plan (5 AAC 15.359) which address overescapement. 5 AAC 15.359(e) states that the allocation takes second priority to escapement and harvest objectives. Also, the interim escapement objectives used as management guidelines are not in regulation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? All overescapement would be allocated to a fishing group.

BACKGROUND: When the cooperative management plan was approved, there were concerns that the reduced fleet size of the cooperative fleet would not be able to stop a large sockeye salmon run to the Chignik River which may result in excess escapement. In response, in the fall of 2002 the board directed the department to issue a Commissioner's Permit to allow the cooperative fleet to use fixed leads in the Pillar Rock reach of the Chignik River. Prior to the 2004 season, there was speculation that the competitive fleet may not be able to harvest enough fish to contain the escapement due to their small size. In 2003 and especially in 2004, there has not been any problem with either fleet not being able to stop the fish as required to manage the escapement.

DEPARTMENT COMMENTS: The department is opposed to this proposal. There needs to be clarification if this proposal was to be adopted. It would be necessary to define "overescapement", the time frame in which the overescapement was measured, and the escapement objectives. Interim escapement objectives may need to be placed in regulation, and a mechanism to compensate for the prior overescapement of "the other fleet" would have to be in place. There would also have to be clear language that addresses the contention that the overescapement was the result of management error, not the fleets catching ability.

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

PROPOSAL 56: Page 41, 5 AAC 15.359. Chignik Area cooperative purse seine salmon fishery management plan.

WHAT WOULD THE PROPOSAL DO? This proposal would allow Chignik CFEC permit holders that chose not to participate in the commercial fishery to form a group to sell their fishing rights for the season. The proposal may be requesting the board to establish individual quotas (equal shares in the Chignik fishery) that could then be transferred.

WHAT ARE THE CURRENT REGULATIONS? There are no regulations in salmon fisheries that provide “saleable fishing rights”.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted this would, in effect, create a third group in the Chignik Management Area, that would not join the cooperative but would also not fish competitively. This group would sell their allocation (however that allocation might be determined) for the season to the highest bidder, either the cooperative group, independent fishermen group(s), or to an independent fishermen.

BACKGROUND: There may be legal concerns whether fishing opportunity/quotas can be transferred. The Chignik cooperative group is allocated a percent of the sockeye salmon harvestable surplus based on the number of members in the cooperative, but the members do not receive an individual allocation they can transfer to the cooperative or keep for themselves.

DEPARTMENT COMMENTS: The department is neutral on the allocative aspects of this proposal. This proposal would be difficult to implement. To implement this type of program, CFEC permit holders that chose not to fish, could form some sort of agreement so that they can act as a group to sell “fishing rights”. Also, some type of allocation would need to be given to this group. This could mean the formation of multiple allocations, rather than just the current two or a maximum of three groups that the department has indicated is the most groups the fishery could be divided into and still remain manageable.

COST ANALYSIS: The adoption of this proposal would likely result in an additional cost for a private person to participate in this fishery because it would require them to purchase fishing rights with their group, either as a member of the cooperative or as a competitive fisherman.

PROPOSAL 57: Page 42, 5 AAC 15.359. Chignik Area cooperative purse seine salmon fishery management plan.

WHAT WOULD THE PROPOSAL DO? This proposal would require Chignik Area CFEC permit holders to renew their permits before they could join the cooperative fishery.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 15.359(b)(2-3) defines that a Chignik Area CFEC permit holder has until March 15 of each year to choose to join the cooperative. There is no deadline in regulation or statute that defines the deadline for CFEC permit holders to annually renew their permits. The department requires the cooperative, by March 1, to provide the names and CFEC permit number of each applicant (5 AAC 15.359(b)(2)) or an individual may registering with the department by March 15 (5 AAC 15.359(b)(3)).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted Chignik Management Area CFEC permit holders would be required to renew their permits before they could join their cooperative.

BACKGROUND: Permit numbers are the same from year to year, unless a transfer occurs. The cooperative vessel registration form and the annual cooperative permit only require the permit holder to register with a CFEC permit number. There have been Chignik CFEC permit holders and perhaps also interim use permit holders that joined the coop before they renewed their CFEC permits. There have been instances where Chignik CFEC permit holders have not renewed their permit until the following year, but still garnered benefits from their cooperative membership.

DEPARTMENT COMMENTS: The department supports a requirement for Chignik Area CFEC permit holders to renew their permits by March 15. The department determines the annual sockeye salmon allocation to the cooperative and independent fleets based on the final March 15 cooperative membership list. The department requests direction from the board regarding the CFEC permit validation, in the cooperative, by fee payment. On a related topic, the department reminds the board that interim permit holders might not have their permit validated by the state until after the March 15 deadline.

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

PROPOSAL 58: Page 42, 5 AAC 15.359(e). Chignik Area cooperative purse seine salmon fishery management plan.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the department the flexibility to allow both the cooperative and competitive fleets to fish concurrently.

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

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 15.359(e) identifies that the department may open and close separate fishing periods and areas for each fleet.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted the department would have the flexibility for both fleets to fish concurrently if required to meet escapement or allocative objectives.

BACKGROUND: The department has concerns that, in the event of a large run, both fleets may be needed to harvest salmon in excess to escapement requirements, especially if one fleet has limited harvesting capacity. It may also be necessary for both fleets to fish at the same time to meet the allocation objectives especially toward the end of the season when each fleet may only have a few catcher vessels remaining.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support this proposal. It is recognized that the ideal situation is to have each fleet separated by time an/or area, but the department requires the flexibility to put both fleets in the same location at the same time when necessary.

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

PROPOSAL 59: Page 43, 5 AAC 15.359. Chignik Area cooperative purse seine salmon fishery management plan.

WHAT WOULD THE PROPOSAL DO? This proposal would identify the legal practice regarding the use of leads as follows:

- (i) Vessels attached to a fixed-lead or to a seine attached to a fixed-lead, as described in 5 AAC 15.359, in the Mensis Point to Pillar Rock reach of the Chignik River may let the vessel, seine, and/or the fixed-lead go dry or be anchored without the purse seine vessel engine running.

WHAT ARE THE CURRENT REGULATIONS? There is currently no language in regulation regarding the practice of letting the vessel and/or seine go dry or anchoring them within the Chignik Management Area.

As directed by the board, this practice was allowed in 2004 under the provisions outlined in a commissioner's permit (2004-4 and 2004-4 Amendment 2).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the practice of anchoring and/or letting the vessel and seine go dry, as allowed in a commissioner's permit, would be approved in regulation.

BACKGROUND: The practice of anchoring the vessel and/or a seine attached to a vessel that was in turn attached to a fixed lead was allowed, under direction from the board, via a commissioner's permit in 2003 and 2004. It was decided to allow this via a commissioner's permit to allow the department the flexibility to change the provisions in case unforeseen problems arose. No problems were noted by the department.

This practice was used to reduce costs to the cooperative fleet, and since they were not competing with the competitive fleet, it did not result in an unfair advantage over any other fishermen.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support this proposal. It is advantageous to place into regulation longstanding practices that are being allowed via repeated commissioner's permits.

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

PROPOSAL 60: Page 43, 5 AAC 15.359. Chignik Area cooperative purse seine salmon fishery management plan.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the use of fixed leads by the cooperative fleet in regulation:

(h) Fixed-leads may be operated by the cooperative fleet in the Chignik Bay District under the requirements of a commissioner's permit.

WHAT ARE THE CURRENT REGULATIONS? The use of fixed leads is not currently addressed in regulation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted the cooperative fleet would be allowed to use fixed leads in the Chignik Bay District under the provisions of a commissioner's permit.

BACKGROUND: Fixed-leads in the Chignik Bay District of the Chignik Management Area were operated by the cooperative fleet during 2002 through 2004 under the authority of a commissioner's permit. The use of fixed-leads is not addressed in regulation. This proposal is intended to provide the board an opportunity to review and decide if they want to retain the use of fixed-leads in the Chignik Management Area.

Prior to statehood fish traps and fixed leads were used in the Chignik Management Area, especially in Chignik Lagoon. In about 1948 purse seines began to replace set net and beach seine gear in the lagoon and in about 1960 fish traps became illegal and purse seine gear became the only legal salmon gear in the Chignik Management Area.

The advent of the cooperative salmon fishery created renewed interest and discussion regarding leads as a legal gear type in the Chignik Bay District. The Alaska Board of Fisheries in the December 2002 meeting allowed the use of two fixed leads in the Pillar Rock to Mensis Point reach of the Chignik River by the cooperative fleet through a commissioner's permit. During the meeting, potential effects of the leads on subsistence harvest opportunities were not evident and thus not identified as an issue. Prior to the 2003 salmon season, the department questioned subsistence fishers and the subsistence representatives of the Chignik Advisory Committee and the Chignik Area Salmon Management (CHASM) task force and determined that subsistence use of this reach of the Chignik River occurred either prior to mid June or not at all.

In 2003, after the cooperative fleet deployed the leads, several subsistence fishers indicated that they were displaced from the Pillar Rock reach of the Chignik River because of the leads and that the constant flow of salmon into Chignik Lake, rather than the past management practices of large pulses of escapement, made subsistence fishing less productive. In 2004 there were also similar comments from subsistence users. Fixed leads are perhaps the main cooperative tool for controlling the harvest and thus the escapement into the Chignik River.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support this proposal. It is advantageous to place into regulation longstanding practices that are being allowed via repeated commissioner's permits. The leads have proven to be a useful harvest and management tool, and the department has not noted any negative biological effects from the leads.

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

PROPOSAL 61: Page 44, 5 AAC 15.359. Chignik Area cooperative purse seine salmon fishery management plan.

WHAT WOULD THE PROPOSAL DO? This proposal would clarify the amount of legal gear that is aboard a fishing vessel participating in the cooperative fishery:

(j) In the Chignik Management Area, a vessel may have onboard a purse or hand seine and up to two fixed-leads which conform to specifications in a commissioner's permit.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 39.240(a) states that a salmon vessel only have one legal limit of gear aboard.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted a cooperative fleet vessel would be allowed to carry up to two fixed leads and a legal limit of seine gear aboard.

BACKGROUND: Fixed-leads in the Chignik Bay District of the Chignik Management Area were operated by the cooperative fleet during 2002 through 2004 under the authority of a commissioner's permit. The boat monitoring this gear also has a legal purse seine aboard. The question arose whether the lead monitoring vessel was required to offload their seine before taking the fixed-leads aboard to remain in compliance of 5 AAC 39.240(a).

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

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

PROPOSAL 62: Page 44, 5 AAC 15.359. Chignik Area cooperative purse seine salmon fishery management plan.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the use of net pens as follows:

(k) Net pens to hold live salmon prior to processing by the cooperative fleet in the Chignik Bay District of the Chignik Management Area is allowed only under the requirements of a commissioner's permit.

WHAT ARE THE CURRENT REGULATIONS? There are currently no regulations regarding the use of net pens to hold live fish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, net pens will be allowed to hold live salmon under the requirements of a commissioner's permit.

BACKGROUND: Net pens used to hold live salmon prior to processing were operated by the cooperative fleet in the Chignik Management Area during the 2002 through the 2004 salmon season. The net pens were allowed under the authority of a commissioner's permit. Currently the use of net pens is not addressed in regulation. This proposal is intended to provide the board an opportunity to review and decide if they want to retain the use of net pens used to hold live salmon prior to processing in the Chignik Management Area.

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

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

PROPOSAL 63: Page 45, 5 AAC 15.359. Chignik Area cooperative purse seine salmon fishery management plan.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the cooperative to record multiple deliveries from one vessel to a single tender on one fish ticket with an estimation by species as follows:

- (l) In the Chignik Area cooperative purse seine salmon fishery, catcher vessels harvesting salmon for the cooperative fleet may record multiple deliveries from an individual vessel to **a single processor** and a single tender on a given day on an individual fish ticket with catch numbers estimated by species. The total pounds and numbers of fish by species from the catcher vessel's harvest must be reported to the department the morning following the delivery date on the fish ticket.

WHAT ARE THE CURRENT REGULATIONS? There are currently no regulations concerning cooperative fishermen recording multiple deliveries from one vessel to a single processor and a single tender on one fish ticket with an estimation by species. However, this practice has been allowed under the provisions of a commissioner's permit during the 2003 and 2004 season.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the practice of using single fish tickets to record multiple deliveries fish tickets as outlined in commissioner's permits, would be placed into regulation.

BACKGROUND: The style of fishing employed by the cooperative fleet in the Chignik Management Area requires that fish being delivered to tenders, dead or alive, receive minimal handling to maximize quality. This is accomplished by brailing or pumping fish directly from the seine net of catcher vessels to tenders. In 2003 and 2004 the cooperative fleet received a commissioner's permit that allowed the cooperative fleet to place multiple deliveries to a single processor and a single tender on a single day on one fish ticket. Numbers of salmon harvested was estimated when delivered to tenders and edited at a later date for weight and number of salmon at the processing facility. These steps were taken to reduce the number of fish tickets generated by the style of fishing employed by the cooperative fleet.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support this proposal. The system, as developed using commissioners permits, had provided a reasonably accurate accounting of harvest by species, and has reduced the volume of paperwork the fishermen, tenders, processors, and the department has had to address.

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

PROPOSAL 64: Page 45, 5 AAC 15.359. Chignik Area cooperative purse seine salmon fishery management plan.

WHAT WOULD THE PROPOSAL DO? If adopted, this proposal would repeal the language in the Chignik Area cooperative fishery management plan that requires the board to review the Chignik Area cooperative purse seine salmon fishery management plan annually:

(f) **Repealed.** [NOTWITHSTANDING THE PROVISION OF 5 ACC 39.999, AT IT FIRST MEETING IN THE FALL OF EACH YEAR, THE BOARD MAY CONSIDER WRITTEN REQUESTS FOR REGULATION CHANGES TO THE PROVISIONS OF THIS SECTION THAT ARE SENT TO THE EXECUTIVE DIRECTOR OF THE BOARD AT LEAST 45 DAYS BEFORE THE MEETING. IF THE BOARD ACCEPTS A REQUEST, IT WILL SCHEDULE THE PROPOSED REGULATION CHANGE AS NECESSARY TO CONSIDER THE MERITS OF THE REQUEST.]

WHAT ARE THE CURRENT REGULATIONS? Currently, the board must consider proposals addressing the Chignik Area cooperative purse seine salmon fishery management plan at its first meeting in the fall every year.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the plan would be reviewed on the regular BOF three-year cycle.

BACKGROUND: The Chignik Area cooperative purse seine salmon management plan requires that, at the board's first fall meeting of each year, the board consider regulatory changes to the Chignik cooperative management plan. Now that the initial adjustments have been made to the management plan it is time to return the Chignik Management Area to the usual board cycle.

DEPARTMENT COMMENTS: This proposal was submitted by the department and we support this proposal. The initial details in the management plan have been addressed, and the department feels it is appropriate to return to the normal, three-year cycle.

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

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