Regional Information Report No. 1J08-24

Staff Comments on Regulatory Proposals for Southeast Alaska and Yakutat Area Finfish, Herring, and Groundfish For The Board of Fisheries Meeting, February 17–26, 2009

by

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and

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January 2009

Alaska Department of Fish and Game **Division of Commercial Fisheries**

Symbols and Abbreviations

The following symbols and abbreviations, and others approved for the Système International d'Unités (SI), are used without definition in the following reports by the Divisions of Sport Fish and of Commercial Fisheries: Fishery Manuscripts, Fishery Data Series Reports, Fishery Management Reports, Special Publications and the Division of Commercial Fisheries Regional Reports. All others, including deviations from definitions listed below, are noted in the text at first mention, as well as in the titles or footnotes of tables, and in figure or figure captions.

Weights and measures (metric)

centimeter	cm
deciliter	dL
gram	g
hectare	ha
kilogram	kg
kilometer	km
liter	L
meter	m
milliliter	mL
millimeter	mm

Weights and measures (English)

cubic feet per second	ft^3/s
foot	ft
gallon	gal
inch	in
mile	mi
nautical mile	nmi
ounce	oz
pound	lb
quart	qt
yard	yd

Time and temperature

day	d
degrees Celsius	°C
degrees Fahrenheit	°F
degrees kelvin	K
hour	h
minute	min
second	s

Physics and chemistry

all atomic symbols	
alternating current	AC
ampere	A
calorie	cal
direct current	DC
hertz	Hz
horsepower	hp
hydrogen ion activity (negative log of)	pH
parts per million	ppm
parts per thousand	ppt, ‰
volts	V
watts	W

General

Alaska Administrative Code	AAC
all commonly accepted abbreviations	e.g., Mr., Mrs., AM, PM, etc.
all commonly accepted professional titles	e.g., Dr., Ph.D., R.N., etc.
at	@
compass directions:	
east	E
north	N
south	S
west	W
copyright	©
corporate suffixes:	
Company	Co.
Corporation	Corp.
Incorporated	Inc.
Limited	Ltd.
District of Columbia	D.C.
et alii (and others)	et al.
et cetera (and so forth)	etc.
exempli gratia (for example)	e.g.
Federal Information Code	FIC
id est (that is)	i.e.
latitude or longitude	lat. or long.
monetary symbols (U.S.)	$, ¢
months (tables and figures): first three letters	Jan,...,Dec
registered trademark	®
trademark	™
United States (adjective)	U.S.
United States of America (noun)	USA
U.S.C.	United States Code
U.S. state	use two-letter abbreviations (e.g., AK, WA)

Measures (fisheries)

fork length	FL
mideye-to-fork	MEF
mideye-to-tail-fork	METF
standard length	SL
total length	TL

Mathematics, statistics

all standard mathematical signs, symbols and abbreviations	
alternate hypothesis	H_A
base of natural logarithm	e
catch per unit effort	CPUE
coefficient of variation	CV
common test statistics	(F, t, χ^2, etc.)
confidence interval	CI
correlation coefficient (multiple)	R
correlation coefficient (simple)	r
covariance	cov
degree (angular)	°
degrees of freedom	df
expected value	E
greater than	>
greater than or equal to	≥
harvest per unit effort	HPUE
less than	<
less than or equal to	≤
logarithm (natural)	ln
logarithm (base 10)	log
logarithm (specify base)	$\log_2$, etc.
minute (angular)	'
not significant	NS
null hypothesis	H_O
percent	%
probability	P
probability of a type I error (rejection of the null hypothesis when true)	α
probability of a type II error (acceptance of the null hypothesis when false)	β
second (angular)	"
standard deviation	SD
standard error	SE
variance	
population	Var
sample	var

REGIONAL INFORMANTION REPORT NO. 1J08-24

STAFF COMMENTS ON REGULATORY PROPOSALS FOR SOUTHEAST ALASKA AND YAKUTAT AREA FINFISH, HERRING, AND GROUNDFISH FOR THE BOARD OF FISHERIES MEETING, FEBRUARY 17–26, 2009

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The Regional Information Report Series was established in 1987 and was redefined in 2007 to meet the Division of Commercial Fisheries regional need for publishing and archiving information such as project operational plans, area management plans, budgetary information, staff comments and opinions to Board of Fisheries proposals, interim or preliminary data and grant agency reports, special meeting or minor workshop results and other regional information not generally reported elsewhere. Reports in this series may contain raw data and preliminary results. Reports in this series receive varying degrees of regional, biometric and editorial review; information in this series may be subsequently finalized and published in a different department reporting series or in the formal literature. Please contact the author or the Division of Commercial Fisheries if in doubt of the level of review or preliminary nature of the data reported. Regional Information Reports are available through the Alaska State Library and on the Internet at: http://www.sf.adfg.ak.us/statewide/divreprots/htlm/intersearch.cfm.

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ABSTRACT

Included in this report are comments by the Alaska Department of Fish and Game on all of the regulatory proposals submitted for the Southeast Alaska and Yakutat Finfish meeting of the Alaska Board of Fisheries. Proposals are evaluated by the department according to a standardized protocol and information is provided to assist the board and public in preparation for comments, discussions, evaluation, and deliberations during the meeting of the board scheduled for February 17–26, 2009 in Sitka, Alaska. This document includes comments on proposals that would potentially change existing salmon, herring, and groundfish regulations. A table of the department's positions on each proposal is provided.

Key words: Alaska Board of Fisheries, regulations, finfish, herring, groundfish, Alaska Department of Fish and Game, Southeast Alaska area, Yakutat area, Region 1, Alaska Board of Fisheries meeting.

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Table 1.–Department Positions on Proposals for Southeast Alaska Finfish Board of Fisheries Meeting in Sitka, February 17–26, 2009.

Proposal Number	Department Position	Issue
43	**N**	Delete portions of groundfish guiding principles
86	**N**	Repeal seine vessel size limit for SE and PWS
137	**N**	Establish a sport fish bag limit for all species
199	**O**	Close commercial herring fisheries in Areas 1A thru 16.
200	**O**	Establish minimum threshold levels for herring stocks in Section 13A.
201	**N**	Allow harvests in District 3 by stock size.
202	**N**	Increase guideline harvest level in District 10.
203	**N**	Change Sections 13A&B harvest level and harvest rate for herring sac roe fishery.
204	**O**	Include herring taken in test fishery in the guideline harvest limit in Sections 13A&B.
205	**N**	Set a 25 percent allocation of herring to gillnet fishery.
206	**N**	Change herring fishery allocation in Behm Canal.
207	**N**	Allow only gillnet fishery for herring in District 10.
208	**N**	Restrict fishing and tendering in the same herring fishery.
209	**N**	Establish an equal shares fishery for Sitka Sound sac roe herring.
210	**N**	Establish an equal share quota for Sitka Sound sac roe herring fishery.
211	**N**	Require permit holders to be present only during placement and harvest of product.
212	**S**	Allow use of multiple permits and aggregating units of gear in herring roe on kelp fishery.
213	**S**	Clarify definition of "first day" in herring pound management plan for Sections 3-B, 12-A, and 13-C, and in District 7.
214	**N**	Change date of required removal of pounds and gear to July 1 in sections 12A and 13C.
215	**N**	Expand the herring closed pound area in Section 3B.
216	**N**	Allow herring open pen anywhere in Section 3B except the west side of Fish Egg Island.
217	**S**	Include Salisbury Sound in sac roe herring management area.
218	**O**	Allow use of two set gillnet permits and provide for use of additional gear.
219	**O**	Designate Bradfield Canal king salmon as a stock of concern
220	**N**	Adjust allocation to guided sport fishery by amount over or under previous year's allocation.
221	**N**	Apply the one king salmon per day bag limit to both residents and nonresidents.
222	**N**	Close guided sport fishery in areas of high king salmon abundance during years of low overall abundance.
223	**N**	Allow the use of two rods October through March
224	**N**	Allow exception for non-residents salmon bag limit to apply August 1–25.
225	**N**	Double sport bag limit for king salmon in all hatchery troll access corridors.
226	**N**	Double bag limits in all troll access corridors for May and June in the Ketchikan area.

–Continued–

Table 1.–continued (page 2 of 6)

Proposal Number	Department Position	Issue
227	**N**	Open troll fishery 7 days per week in District 8 when transboundary river fishery is open.
228	**N**	Open portion of Frederick Sound to trolling during May and June.
229	**N**	Increase the nonresident annual limit for king salmon to a multiple of 4 daily bag limits.
230	**O**	Open troll fishery 7 days per week in District 11when transboundary river fishery is open.
231	**O**	Open troll fishery throughout District 11 when transboundary river fishery is open.
232	**N**	Close subsistence gill netting before July 1 above Seduction Point in Chilkat Inlet.
233	**N**	Prohibit subsistence gill netting in Chilkat Inlet above marker before July 1.
234	**N**	Increase the amount necessary for subsistence of herring spawn in Area 13-A and 13-B.
235	**N**	Expand permit and reporting requirement for all harvest of herring spawn in Sitka Sound area.
236	**N**	Modify amount necessary for subsistence finding for salmon.
237	**N**	Add salmon and smelt to list of customary and traditional resources in Section 15-A.
238	**O**	Allow use of seine boat to catch subsistence sockeye needed for Klawock.
239	**O**	Close subsistence fishing at Falls Lake and Gut Bay
240	**O**	Delete requirement that subsistence permit holder be physically at the net for portions of Chilkat River.
241	**S**	Clarify weekly Yakutat subsistence fishing period during commercial fishing season.
242	**N**	Extend southern boundary subsistence harvest in Chilkoot Inlet
243	**O**	Allow subsistence harvest of rockfish and lingcod by rod and reel.
244	**N**	Exclude from allocation formula the enhanced salmon production from private nonprofit associations not receiving enhancement tax revenues.
245	**N**	Modify enhanced salmon allocation plan for Northern Southeast Alaska.
246	**N**	Close Coffman Cove to commercial trolling, gill netting, and seining.
247	**S**	Provide for reopening closed waters for troll fishery in District 8 to match drift gillnet openings.
248	**N**	Uncouple troll and set gillnet openings in the Yakutat area.
249	**N**	Allow gillnet and troll gear on board vessel while participating in either fishery.
250	**N**	Allow only one unit of troll gear and one unit of gillnet gear to be on board vessel simultaneously.
251	**N**	Add gear stowage requirements for dual licensed vessels and allow salmon harvested from only one gear type onboard.
252	**S**	Require vessels participating in both troll and gillnet fisheries deliver product from one fishery before starting the next.
253	**N**	Increase length limit for Southeast salmon seine vessels to 75 feet.
254	**N**	Change measurement method for Southeast salmon seine vessels.
255	**O**	Provide incentive for dual permit use by allowing additional fishing time or gear in drift gillnet fishery.

–Continued–

Table 1.–continued (page 3 of 6)

Proposal Number	Department Position	Issue
256	**O**	Allow dual permit use and use of additional 100 fathoms of gillnet.
257	**O**	Change first day of gillnet openings to Mondays.
258	**O**	Change first day of open periods to Monday.
259	**N**	Change open day of weekly periods to Monday for District 8.
260	**O**	Open Zimovia Straits concurrently with openings in District 8 gillnet fishery north of Pt. Nemo and south of Chichigof Pass.
261	**N**	Develop pink salmon management plan for Districts 11, 12, and 14 to allow series of openings based on migration and stock identification.
262	**N**	Amend Northern Southeast seine salmon fishery management plans.
263	**O**	Allow purse seine vessels to carry an extra net onboard.
264	**N**	Close commercial salmon fishing from July 1–15 in Klawock area.
265	**O**	Change the opening and closing dates for sockeye season in Klawock area.
266	**N**	Increase allowable set gillnet length for Yakutat Area.
267	**N**	Allocate equal time between seine and gillnet fishing in Nakat Inlet Special Harvest Area.
268	**N**	Modify allocation of seine and gillnet time for Neet's Bay Special Harvest Area.
269	**N**	Expand boundary of terminal king salmon harvest area in the Neets Bay fishery, establish a two fish bag limit and liberalize the annual limit .
270	**N**	Close shoreline fishing at Herring Cove and change king salmon release location.
271	**N**	Modify ratio of seine and gillnet openings for Anita Bay area.
272	**N**	Address Gunnuk Creek Hatchery area management plan.
273	**N**	Use a 1:1 ratio for gillnet and seine openings in Deep Inlet for 2009 to 2011.
274	**N**	Allocate equal time between seine and gillnet fishing in Deep Inlet Special Harvest Area for three years.
275	**S**	Amend Nakat Inlet Terminal Harvest Area Salmon Management Plan and Nakat Inlet Special Harvest Area.
276	**S**	Repeal Carroll Inlet Terminal Harvest Area regulation.
277	**S**	Establish openings by regulation for Kendrick Bay Terminal Harvest Area.
278	**S**	Correct definition of Wrangell Narrow-Blind Slough Terminal Harvest Area.
279	**S**	Repeal Eastern Passage Terminal Harvest Area regulation.
280	**S**	Establish openings by regulation for Port Armstrong Special Harvest Area.
281	**S**	Establish closure in regulation for Mist Cove Special Harvest Area.
282	**S**	Establish in regulation dates for cost recovery in Northern Southeast Regional Aquaculture Association Special Harvest Areas.
283	**S**	Establish cost recovery openings and modify boundaries for Sheldon Jackson Special Harvest Areas.
284	**S**	Establish management plan for Boat Harbor Terminal Harvest Area.
285	**S**	Repeal Burro Creek Farms special harvest area regulation.
286	**O**	Define possession limit as the maximum number of fish a person may have in possesssion until returning to their domicile
287	**O**	Define possession limit as the maximum number of fish a person may have in possesssion until returning to his/her domicile

–Continued–

Table 1.–continued (page 4 of 6)

Proposal Number	Department Position	Issue
288	**N**	Establish an annual limit of 12 coho for nonresidents and require a harvest record
289	**O**	Amend harvest reporting requirements for nonresidents to include coho salmon
290	**N**	Prohibit the retention of steelhead in fresh and salt waters except in 16 streams
291	**N**	Prohibit the retention of steelhead only in high use systems, fall steelhead drainages, Ward Creek, Thorne River and Karta River.
292	**N**	Reduce Dolly Varden bag and possession limit to 4 fish, of which only one may exceed 20 inches
293	**O**	Liberalize dogfish bag and possession limits and repeal annual limit
294	**N**	Close regional aquaculture association terminal harvest areas to guided sport harvest of salmon species not financed by state.
295	**N**	Develop plan to address catch and release mortality
296	**N**	Modify definition of sport fishing gear for the Southeast Alaska area
297	**N**	Modify the definition of a fishing rod for the Southeast Alaska area
298	**N**	Allow the use of electric reels for sport fishing.
299	**O**	Add beach seine, cast net, purse seine, and gill net as legal gear type for herring
300	**S**	Correct an error by amending unbaited and artificial lure sport fishing regulations
301	**O**	Require single barbless hook if catch and release salmon fishing
302	**N**	Prohibit catch and release fishing in guided sport fishery
303	**N**	Allow unguided anglers an additional rod or line for jigging herring
304	**N**	Prohibit removing steelhead under 36 inches from the water.
305	**N**	Prohibit use of felt soles for wading in freshwater.
306	**S**	Consolidate regulations for sport fishing services into one section.
307	**N**	Prohibit charter vessel use in subsistence or personal use fisheries within 30 days of use in guided sport fishery.
308	**N**	Restrict subsistence and personal use fishing by commercial lodge or charter operators when paying clients are present.
309	**N**	Establish allocation of coho salmon for guided sport fishery based on past 10 years of harvest.
310	**O**	Develop fish ticket system to monitor inseason harvest within guided sport fishery.
311	**O**	Establish regulation to allow enforcement access to vessels, lodges, and processing facilities
312	**O**	Establish regulation to allow monitoring and inspection of private vessels and freezer facilities associated with charter fishing.
313	**O**	Establish regulation to allow monitoring and inspection of freezer facilities at lodges and bed and breakfasts associated with charter fishing.
314	**N**	Reduce sockeye salmon bag and possession limit in the Situk-Ahrnklin Estuary
315	**S**	Open Ketchikan Creek to sport fishing from September 15 through May 3.

–Continued–

Table 1.–continued (page 5 of 6)

Proposal Number	Department Position	Issue
316	**N**	Prohibit snagging from May 1 through November 1 in salt waters between the Macaulay Salmon Hatchery fish ladder to the Channel Wayside fishing dock
317	**N**	Prohibit retention of steelhead in all streams crossed by Juneau road system.
318	**S**	Move Prince of Wales area shrimp regulations to correct subsection.
319	**O**	Close Port Banks, Whale Bay, and Baranof Is. to anchoring and snagging within 200 feet of the falls.
320	**N**	Allow uncaught Chinook quota to be available during spring troll fishery.
321	**N**	Adjust guideline harvest level in winter salmon troll fishery for hatchery component.
322	**N**	Remove closure in winter salmon troll fishery for District 8.
323	**S**	Repeal Cross Sound pink and chum troll fishery.
324	**N**	Allow fishing 7 days a week until June 30 in Cross Sound.
325	**N**	Extend closing date for Coho Salmon Troll Fishery to September 30.
326	**O**	Lengthen coho commercial troll season.
327	**O**	Extend closing date for troll fishery in portion of Behm Canal and Clarence Straight to September 30.
328	**N**	Allow holders of transferable hand troll permits to use two powered troll gurdys.
329	**N**	Increase allowable number of handtroll gurdies to four after July 1 west of Cape Spencer.
330	**S**	Specify use of degrees and decimal minutes in logbooks for Eastern Gulf of Alaska Area.
331	**N**	Close guided sport and commercial bottom fisheries in Port Frederick between Christ Point and Cannery Point.
332	**N**	Close area around Naha Bay to all bottom fish fishing.
333	**O**	Raise guideline harvest level for lingcod in central outside Southeast Alaska area.
334	**N**	Increase sport allocation of lingcod
335	**N**	Set the lingcod allocation equally between the sport and dinglebar fishery
336	**S**	Amend lingcod possession and landing requirements in Eastern Gulf of Alaska to include Central Southeast Outside Section.
337	**N**	Make surplus dinglebar quota available to troll fleet.
338	**O**	Allow trollers to retain lingcod as bycatch during April in Icy Bay District.
339	**N**	Allow anglers to retain trophy lingcod 55 inches or greater in length.
340	**O**	Modify boundary for lingcod sport fishery near Cross Sound and Yakobi Island.
341	**N**	Increase sport allocation of demersal shelf rockfish to 25 percent
342	**S**	Amend regulations regarding demersal shelf rockfish fishing seasons for the Eastern Gulf of Alaska.
343	**N**	Open summer season for directed fishing of demersal shelf rockfish.
344	**N**	Extend commercial yellow eye rockfish fishery for jig fishing.
345	**S**	Adjust bycatch allowance for demersal shelf rockfish.

–Continued–

Table 1.–continued (page 6 of 6)

Proposal Number	Department Position	Issue
346	**N**	Allow only bycatch of demersal shelf rockfish and provide for variable limits.
347	**O**	Allow retention slope rockfish during summer in directed Pacific cod fishery.
348	**S**	Clarify regulation on rockfish possession and landing requirements for Eastern Gulf of Alaska area.
349	**O**	Require use of a decompression device for releasing sport caught rockfish in Southeast waters.
350	**O**	Require use of a decompression device for releasing sport caught rockfish in Southeast waters.
351	**O**	Require release of demersal shelf rockfish at or near bottom of water in commercial fishery.
352	**O**	Require release of demersal shelf rockfish at or near bottom of water in sport fishery.
353	**O**	Require retention of yelloweye rockfish and add specifications to release of other rockfish.
354	**S**	Allow sale black rockfish that are retained as required in Eastern Gulf of Alaska Area.
355	**S**	Open the inside waters to fishing for black rockfish and outside waters except Salisbury Sound.
368	**N**	Restrict non-resident possession limit for all species

PROPOSAL 43: 5 AAC 28.089. GUIDING PRINCIPLES FOR GROUNDFISH FISHERY REGULATIONS.

PROPOSED BY: James O. Smith.

WHAT WOULD THE PROPOSAL DO? As written, the proposal would remove three sections from regulation that guide groundfish management practices in the State of Alaska, including adherence to sustained yield, basing management on stock abundance, minimizing bycatch species, and providing for maximum benefit to the state.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.089. Guiding principles for groundfish fishery regulations.

(a) With state groundfish management expanding to cover the groundfish resources in the waters of Alaska, the Board of Fisheries (board) will be receiving regulatory proposals for these fisheries. The board will, to the extent practicable, consider the following guiding principles when taking actions associated with the adoption, amendment, or repeal of regulations regarding groundfish fisheries:

(1) conservation of the groundfish resource to ensure sustained yield, which required that the allowable catch in any fishery be based upon the biological abundance of the stock;

(3) minimization of bycatch of other associated fish and shellfish and prevention of the localized depletion of stocks;

(5) extension of the length of fishing seasons by methods and means and time and area restrictions to provided for the maximum benefit to the state and to regions and local areas of the state;

(b) The provisions of this section do not apply to the groundfish fisheries in the Eastern Gulf of Alaska Area.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Adopting this proposal would reduce the regulatory framework that sets the standard for how groundfish fisheries would be managed in the state.

BACKGROUND: The groundfish fishery guiding principles were developed by the board to guide consideration of groundfish proposals and fisheries.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal, as provisions of the regulation proposed for change do not apply to groundfish fisheries in the Eastern Gulf of Alaska.

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

PROPOSAL 137: 5 AAC 47.020. GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA.

PROPOSED BY: Southeast Alaska Fishermen's Alliance.

WHAT WOULD THE PROPOSAL DO? If adopted, this proposal would apply a two fish/shellfish bag limit with a one day possession limit and no annual limits for all currently unregulated species, with the exception of herring. The herring bag and possession limits would be one five-gallon bucket of herring. As written, this would apply to resident and nonresident anglers, with emphasis on chartered anglers.

WHAT ARE THE CURRENT REGULATIONS? The current bag and possession limits regarding sport harvests are within **5AAC 47.020**. Local exceptions to these limits exist outside the scope of this proposal and the regional regulations. Other saltwater finfish and shellfish species not specified in 5AAC 47.020 may be taken from January 1 – December 31; no bag, possession, annual, or size limits apply (**5AAC 47.020 (17)**).

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? For some species such as bivalve shellfish, smelt, and eulachon a decrease in harvests per sport angler would be expected because sport anglers typically harvest more than two fish or shellfish per fishing trip. Because sport harvest data typically does not exist for each unregulated species, the effect upon those harvests cannot be evaluated. It is likely that future proposals to the board would request regional changes to these limits or localized exceptions (5 AAC 47.021).

BACKGROUND: A review of Statewide Harvest Survey data for Southeast Alaska (1997–2006) indicates, on average, that 97% of angler finfish harvests are species with bag and possession limits, while only 3% are unregulated species. An estimated 87% of shellfish harvests are from species with bag limits and the remaining 13% are unregulated. Existing sport harvest data for unregulated species primarily includes pooled estimates and rarely individual species (e.g., Pacific cod). Pooled estimates represent either a collection of a few species (e.g., smelt—3 species or more, and hard shelled clams—numerous species) or large pooled groupings such as "other fish" and "other shellfish." This proposal draws attention to black cod, which is one of many species falling into the "other fish" category. This category is known to include a large number of possible species that some anglers may take for food or use as bait, such as herring, which are commonly jigged and harvested in relatively high numbers. Harvest estimates for this group have ranged from 2,200 to 13,000 animals per species/group for all Southeast Alaska. On average, an estimated one unregulated "other fish" would be harvested for every 100 angler days of fishing effort based on regional sport angling effort and harvest of "other finfish" that might include herring or black cod. The same effort would lead to the average harvest of 155 other fish that currently have bag and possession limits. The marine sport creel survey program included examining sport catches for black cod in 2008. A total of 7 black cod were observed by creel technicians. The creel survey program does not sample remote lodges; therefore, the sport harvest of black cod at remote locations is unknown.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal because it is allocative. Survey and biomass data for the Chatham Strait black cod stock suggest that the stock is in a period of significant decline and the department has taken very conservative management actions in the commercial fishery. The department has no information that substantiates a biological concern for other finfish species within the region.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 199: 5 AAC 27.035. CLOSURE OF REGISTRATION AREAS.

PROPOSED BY: Ketchikan Herring Action Group.

WHAT WOULD THE PROPOSAL DO? If adopted, this proposal would close all commercial herring fisheries within Southeastern Alaska. [An exception would be herring fisheries within the Annette Island Reserve where the state has no regulatory authority.]

WHAT ARE THE CURRENT REGULATIONS? **5AAC 27.035. Closure of Registration Areas**, directs the department to monitor herring stocks throughout the state and establishes a policy for closure of registration areas, or portions of a registration area. Factors which may be considered by the department when considering a closure are listed in (c) and include: the effect of fishing effort, catch rate, returns compared with forecast returns, guideline harvest levels, handling of immature or spawned-out herring, condition of herring, maximum sustainable yield, reporting of harvests, and adequacy of subsistence harvests.

5AAC 27.190. Herring Management Plan for Southeast Alaska Area provides for sustainable commercial uses of herring populations through stock assessment programs, threshold levels, and harvest rate policy.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Commercial fisheries for bait, spawn-on-kelp, and roe would be discontinued. Herring stocks that now are managed to support commercial fisheries would have from no fishing mortality each season during years that threshold levels of herring are forecast. The proportion of herring in the diets of herring predators might increase to an unknown degree and herring predator populations might increase to an unknown degree. These types of changes, however, are buffered by a wide variety of environmental factors, among which herring populations are one factor.

There would be significant economic effects to the local, regional, and state economy.

BACKGROUND: Figure 199-1 summarizes regional herring harvests and spawning biomass in tons, and ex-vessel values from 1977 to 2008. In 2008, the department conducted spawn deposition stock assessment surveys on 8 stocks, managed two areas for winter food and bait, three areas for spawn-on-kelp, and three areas for herring sac roe. The ex-vessel value of these combined herring fisheries is estimated at $18,000,000 in 2008 from harvest of 21,520 tons of herring.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The department currently carries out the provisions of 5AAC 27.035. (c) annually in the general course of managing herring fisheries and does not conclude that continued herring fishing in the

Southeastern Alaska Region would jeopardize the health of herring stocks. The department adheres to 5AAC 27.190. Herring Management Plan for Southeastern Alaska Area, to provide for sustainable herring fisheries. The department is neutral on any allocative intent of this proposal. The mission of the department is: "To protect, maintain, and improve the fish, game, and aquatic plant resources of the state, and manage their use and development in the best interest of the economy and the well-being of the people of the state, consistent with the sustained yield principle."

COST ANALYSIS: Adoption of this proposal would cost the local, regional, and state economies of Southeast Alaska millions of dollars annually.

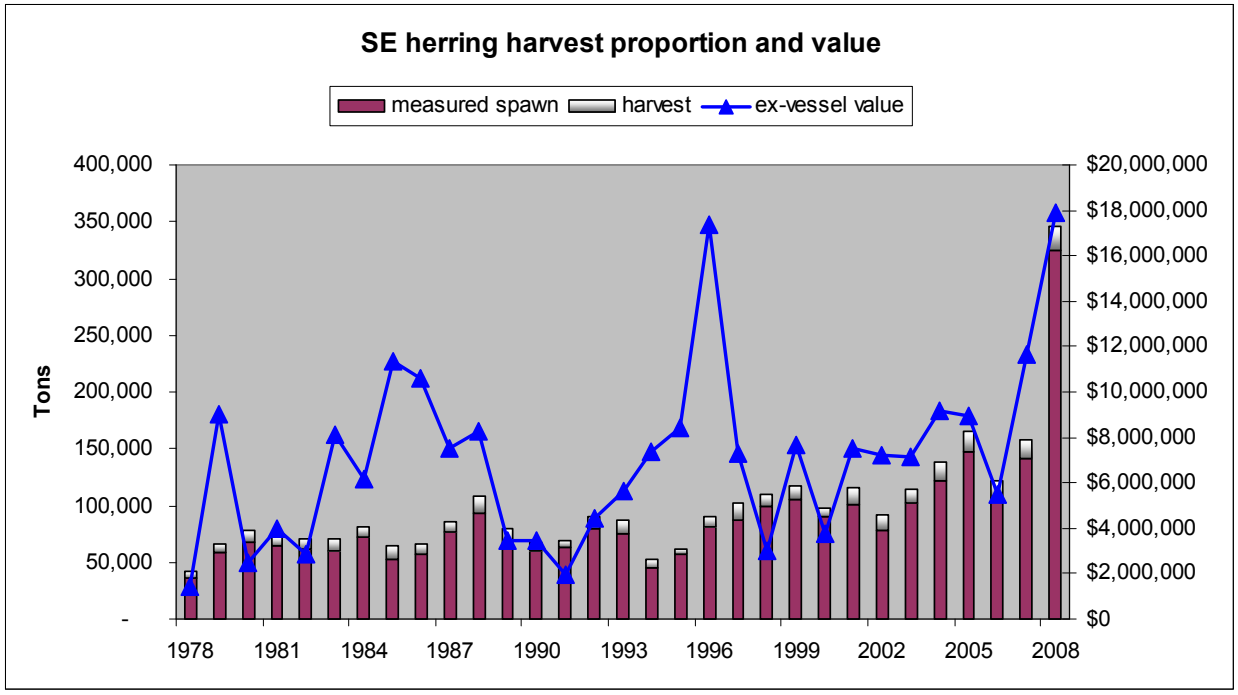


Figure 199-1.–Southeastern Alaska herring harvest, in tons, ex-vessel value, and estimated spawning biomass, in tons, from nine surveyed locations. Harvests and values include herring bait, spawn-on-kelp, gillnet sac roe, and seine sac roe fisheries. The nine locations include Kah Shakes, West Behm, Craig, Ernest Sound, Hobart/Houghton, Seymour Canal, Sitka Sound, Hoonah Sound, and Tenakee Inlet.

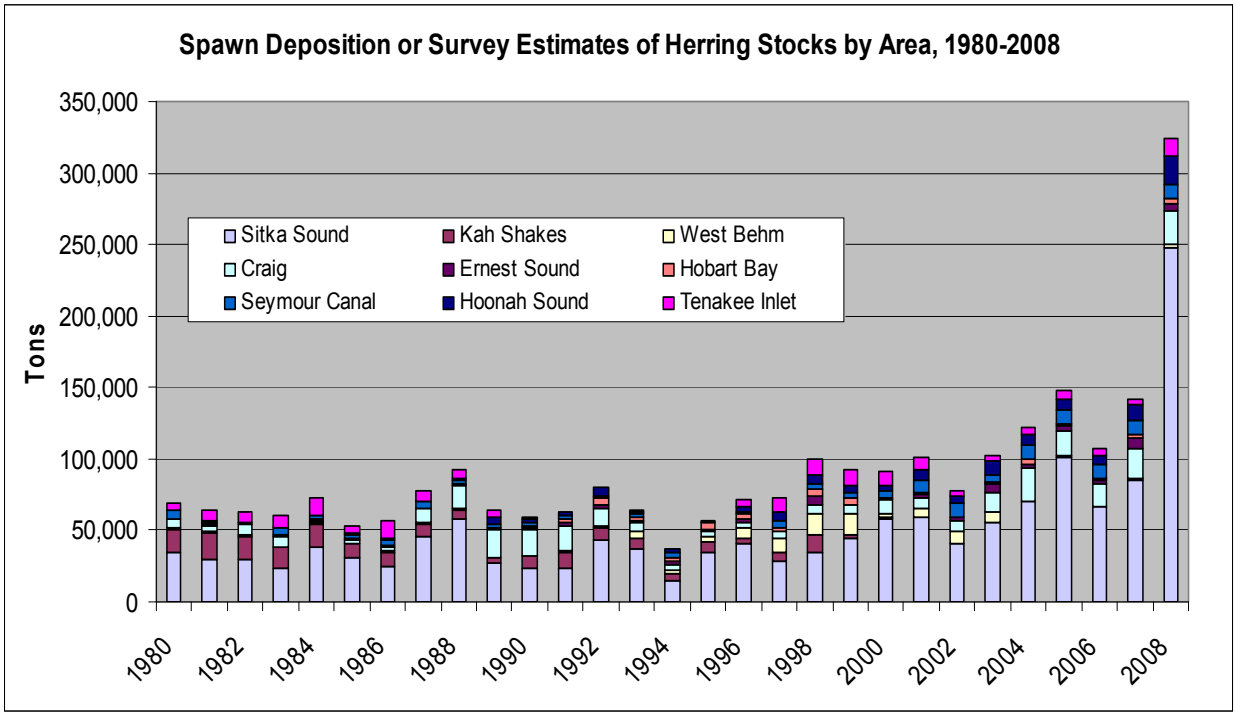


Figure 199-2.–Estimated sizes of surveyed herring spawning stocks in tons by area, 1980–2008.

Note: The majority of estimates shown are from spawn deposition dive surveys. Some of the estimates were derived from subtracting harvests from pre-fishery hydroacoustic estimates when spawn deposition estimates were not done (from 1980–1991 for some years in West Behm, Ernest Sound and Tenakee Inlet). Since survey estimates are more variable, when setting GHLs, model estimates are used.

PROPOSAL 200: 5 AAC 27.195. SITKA SOUND COMMERCIAL SAC ROE HERRING FISHERY.

PROPOSED BY: N. Ralph Guthrie Jr.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to suspend commercial herring harvest in Salisbury Sound, to the north of Sitka Sound, until further stock delineation studies are completed.

WHAT ARE THE CURRENT REGULATIONS?

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

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

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

5 AAC 27.160. Quotas and guideline harvest levels for Southeastern Alaska Area.

(g) provides for the taking of herring sac roe in Section 13-B, and permits the harvest rate percentage to vary between 10% and 20% of the biomass, determined by the formula:

$$\text{Harvest Range Percentage} = 2 + 8\left(\frac{\text{Spawning Biomass (in tons)}}{20{,}000}\right).$$

The fishery will not be conducted if the spawning biomass is less than 20,000 tons.

5 AAC 27.190. Herring Management Plan for Southeast Alaska Area.

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

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

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

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Harvest opportunities in Salisbury Sound would be at least temporarily eliminated from consideration during openings of the Sitka Sound commercial herring sac roe fishery.

BACKGROUND: Regulations establishing sac roe areas for set gillnet and seine fisheries were adopted in 1975. At that time there was no documented herring spawn or sac roe harvest in Salisbury Sound. The department has been mapping herring spawn annually in the greater Sitka Sound area since 1964, primarily using aerial surveys. During the 1960's and 1970's the Sitka Sound herring population was at much lower levels than currently, and herring spawning generally occurred only within Sitka Sound and favored the shorelines in the northeastern portions of Sitka Sound. This area is considered to be the "core" spawning area for the Sitka Sound herring population.

The Sitka Sound herring population expanded substantially beginning in 1979 and spawning began occurring over a broader area. It was not until 1988, well after the population expansion, that significant spawning was documented in Salisbury Sound totaling 6.9 nm. There are two periods of sequential seasons when significant spawning occurred in Salisbury Sound: 1988–1991 and 2003–2008. From 1964 through 1987, only a minor amount of herring spawn was documented in three of those years. It is not understood what factors might lead to the occurrence or, conversely, the disappearance of spawning in Salisbury Sound, but it is assumed that the expanding population and resultant dispersal of population segments resulted in the utilization of spawning habitats, such as Salisbury Sound, further from the core spawning areas of Sitka Sound.

Sequential seasons of spawning in "satellite" areas such as Salisbury Sound suggest that some degree of fidelity exists at these spawning locations by subgroups of herring. This pattern of spawning behavior has been observed in other areas in and around Sitka Sound. For example, intermittent herring spawn is documented to the south of Sitka Sound in the Goddard area. This area is further from the core spawning area than Salisbury Sound, but is also considered to be part of the Sitka Sound herring spawning area. Colonization of areas outside of the core spawning area is often short lived and lasts at most a few years. In view of these considerations and the proximity in spawn timing and location, the department has viewed spawning in Salisbury an extension of the Sitka Sound spawning population. The department has historically included Salisbury Sound herring spawn in the assessment of the Sitka Sound spawning stock.

A summary of the harvest from Salisbury Sound relative to the rest of the fishery over the last 10 seasons is shown in Table 200-1.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The department is not aware of any conclusive scientific evidence that has demonstrated that herring spawning in Salisbury Sound can be differentiated from those that spawn elsewhere in the greater Sitka Sound area. Levels of herring spawn in Salisbury Sound are highly variable among years, at

times with periods of no spawn followed by periods of significant spawn or vice versa. These observations are not consistent with the concept of a self propagating stock and suggest that a separate stock cannot exist. A more likely explanation is that herring spawning in Salisbury Sound are part of a metapopulation that is centered in Sitka Sound and which at times temporarily expands to adjacent areas, such as Salisbury Sound.

As required by the Herring Management Plan for Southeast Alaska, the department has identified the Sitka Sound herring stock based on the spawning area. To obtain the best possible forecasts and estimates of population size for the Sitka Sound stock, the department intends to continue including data from Salisbury Sound. If Salisbury Sound is closed to the commercial sac roe fishery, the result will be that fishery openings will be limited to a smaller geographical area. This could have the effect of reducing options for distributing openings as required in 5AAC 27.195 (2).

The department has submitted a proposal to include part of Section 13-A in the regulatory description of the Sitka Sound sac roe herring fishery to make regulations consistent with the current management of the fishery. Please see staff comments for Proposal 217 for additional information.

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

Table 200-1.–Sitka Sound herring sac roe GHL and commercial harvest. All GHL and harvest values are expressed in tons.

Year	GHL	Harvest Section 13-A and 13-B	Harvest in Section 13-A
1999	8,476	9,421	262
2000	5,120	4,572	
2001	10,597	12,034	
2002	11,042	9,788	986
2003	6,969	7,051	
2004	10,618	10,380	
2005	11,192	11,294	
2006	10,412	9,942	4,204
2007	11,904	11,571	
2008	14,723	14,386	
Average	10,105	10,044	545
Total	101,053	100,439	5,452

PROPOSAL 201: 5 AAC 27.110. FISHING SEASONS FOR SOUTHEASTERN ALASKA AREA.

PROPOSED BY: David Lawler.

WHAT WOULD THE PROPOSAL DO? This proposal would establish a herring sac roe set gillnet fishery in District 3.

WHAT ARE THE CURRENT REGULATIONS? Under current regulations, 60% of the guideline harvest level for the Craig/Klawock herring stock is allocated to bait fisheries. The remaining 40%, and any portion not taken by the bait fishery, is allocated to the spawn-on-kelp pound fishery (5 AAC 27.185 (h)).

There are herring sac roe set gillnet fisheries in Sections 1-E, 1-F, and 11-D and in District 10 (5.AAC 27.110 (b)(2)).

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would establish a herring set gillnet fishery in District 3. It would require re-allocating an unspecified portion of the guideline harvest level away from the bait and pound fisheries to the set gillnet fishery.

BACKGROUND: Before 1992, the herring guideline harvest level in District 3 was taken in the winter food and bait fishery. In 1992, 15% of the bait quota was reallocated to the herring spawn-on-kelp pound fishery. After 1992, demand for District 3 bait herring decreased and in 1997 the allocation of quota for the spawn-on-kelp pound fishery was increased to 40%. Recent years have seen an increase in demand for District 3 bait herring. Currently, the District 3 guideline harvest level is completely utilized, with 60% set aside for winter food and bait, and 40% set aside for the spawn-on-kelp pound fishery. Up to 100 tons of herring may also be set aside for the bait pound fishery if the winter bait and spawn-on-kelp fisheries do not fully utilize the full GHL.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

Table 201-1.–District 3 herring winter food and bait and spawn-on-kelp (SOK) fishery information (in tons) 1992 to 2008. No tray pack harvest has occurred.

Year	Total GHL	Bait GHL	Bait Harvested	SOK GHL	SOK product harvested (tons)	SOK herring utilized (tons)
91–92	2684	2281	2295	403	25.7	321
92–93	1602	1362	629	973	5.7	71
93–94	895	760	636	259	16.5	206
94–95	725	617	124	601	25.4	318
95–96	658	558	34	624	37.25	466
96–97	715	615	517	198	21.9	274
97–98	755	455	254	501	22.4	280
98–99	750	450	254	496	36	450
99–00	626	376	346	280	0	0
00–01	1058	635	144	914	26.9	336
01–02	952	571	145	807	41.7	521
02–03	630	378	144	486	69.2	865
03–04	1754	1052	157	1597	50	625
04–05	2217	1330	550	1667	115.2	1440
05–06	1955	1173	750	1205	28.9	361
06–07	1860	1116	300	1560	44.5	556
07–08	1945	1167	565	1380	148.5	1856
08–09	1945	1167	*	*	*	*
Average	1318	892	461	821	42.1	526

* Fishery information not yet available for 2008–2009 season

PROPOSALS 202 AND 207: 5 AAC 27.160. QUOTAS AND GUIDELINE HARVEST LEVELS FOR SOUTHEAST ALASKA AREA

PROPOSED BY: David Lawler.

WHAT WOULD THE PROPOSAL DO? These proposals would eliminate the District 10 herring winter food and bait fishery. All of the available guideline harvest level (GHL) would be allocated to the herring set gillnet sac roe fishery.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 27.160. Quotas and guideline harvest levels for Southeastern Alaska area. (f) The guideline harvest level for the District 10 set gillnet fishery described in 5AAC 27.110(b)(2)(C) is the portion of the annual harvest amount established for the District 10 winter food and bait fishery under 5AAC 27.190 that is not taken by that fishery.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Herring seiners would no longer be allowed to fish for food and bait in District 10 whenever the herring stock was above the threshold level for allowing a fishery. The District 10 set gillnet sac roe herring fishery would be guaranteed a fishery whenever the Hobart Bay/Port Houghton herring stock meets its threshold level.

BACKGROUND: The winter food and bait fishery season is from October 1 through February 28. However, the department does not usually open the winter food and bait fishery until the first week of December due to the time it takes to complete forecasts and calculate available GHL for the various areas. There are presently four areas where herring stocks are assessed and herring may be taken for food and bait: Craig, Ernest Sound, Hobart Bay/Port Houghton and Tenakee. The Craig (Section 3-B) area has a split Guideline Harvest Level (GHL) between winter food and bait and the roe-on-kelp fishery. The portion of the winter food and bait GHL that is not harvested is allocated to the roe-on-kelp fishery. The Ernest Sound (District 7), Hobart Bay/Port Houghton (District 10), and Tenakee (District 12) areas are a winter food and a bait fishery and bait pound fishery during the initial portion of the season. Portions of the GHLs that are not harvested during the winter fisheries are then allocated to the roe-on-kelp fisheries in Ernest Sound and Tenakee and to the set gillnet sac roe fishery in Hobart Bay/Port Houghton.

During the 1997 Board of Fish (BOF) meeting, the Board allocated any portion of the GHL remaining in District 10 after the winter food and bait fishery to the set gillnet sac roe fishery. During the 2003 BOF meeting, the Board allocated 10% of the GHL in Ernest Sound and Tenakee to the bait pound fishery, and also allocated any GHL remaining after the winter food and bait fishery and the bait pound fishery to the roe-on-kelp fisheries. These actions were taken in response to a decreasing demand for winter food and bait which left portions of those GHLs unharvested.

Since 1997, the Hobart Bay/Port Houghton herring stock has met the threshold six out of the past 12 years. The winter food and bait fishery harvested herring in two out of those six years and harvested the entire GHL in one of those years (Table 202-1). Southeast wide, the winter food and bait fishery has harvested an average of 44% of the available food and bait GHL during the past 10 years. Effort has declined significantly since the 1990s with an average of five boats making landings since 1999 (Table 202-2).

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. The department recognizes that the winter food and bait and bait pound fisheries have not been fully harvesting the GHLs available to those fisheries. However, market conditions could change resulting in more utilization of the winter food and bait GHLs. Although the winter food and bait fishery is open to both seiners and set gillnetters, seiners are realistically the only harvesters of fish during the winter fishery.

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

Table 202-1.–GHLs, harvest (in tons), and effort for the Hobart Bay/Port Houghton winter food and bait and sac-roe fisheries.

Year	GHL	Food & Bait Harvest	Food & Bait Effort	Sac-Roe Harvest	Sac-Roe Effort
1992	200	0	0		
1993	500	0	0		
1994	230	**	1		
1995	250	229	4		
1996	700	230	5		
1997*	550	**	2	442	87
1998	260	0	0	351	53
1999	436	0	0	506	89
2000	418	432	7	0	
2001	0				
2002	0				
2003	0				
2004	0				
2005	223	0	0	204	48
2006	0				
2007	0				
2008	462	0	0	306	59
1999–2008 Avg.	154	108	2	254	65

*1997 BOF allocated unharvested Hobart/Houghton winter food and bait GHL to set gillnet sac roe fishery.
**Confidential data; less than three boats reporting

Table 202-2.–GHLs, harvest (in tons), and effort for Southeast winter food and bait fisheries including Craig, Ernest Sound, Hobart Bay/Port Houghton, and Tenakee.

Year	GHL	Harvest	% of GHL	Effort
1992	2,481	2,295	93%	28
1993	2,062	637	31%	11
1994	990	776	78%	7
1995	1,122	464	41%	6
1996	1,538	484	31%	7
1997*	1,842	725	39%	10
1998	1,540	946	61%	7
1999	2,571	1,185	46%	8
2000	1,336	1,272	95%	13
2001	1,541	919	60%	7
2002	1,411	538	38%	5
2003**	906	472	52%	3
2004	2,326	215	9%	3
2005	2,029	550	27%	3
2006	1,173	750	64%	3
2007	1,116	300	27%	3
2008	2,873	535	19%	4
1999–2008 Avg.	1,728	674	44%	5

*1997 BOF allocated unharvested Hobart/Houghton winter food and bait GHL to set gillnet sac roe fishery.
**2003 BOF allocated unharvested Tenakee and Ernest sound winter food and bait GHL to roe on kelp fisheries.

PROPOSAL 203: 5 AAC 27.190. HERRING MANAGEMENT PLAN FOR STATISTICAL AREA A. and 5AAC 27.160. QUOTAS AND GUIDELINE HARVEST LEVELS FOR SOUTHEASTERN ALASKA AREA.

PROPOSED BY: Sitka Tribe of Alaska**.**

WHAT WOULD THE PROPOSAL DO? This proposal would make the following changes in harvest policy for the commercial herring fisheries in Sections 13-A and 13-B:

1) limit the guideline harvest level (GHL) to a maximum of 10,000 tons;
2) lower the maximum harvest rate from 20% to 10% of the forecasted mature biomass when it is greater than threshold; and
3) change the threshold from 20,000 tons to an undetermined value.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 27.160. (g) provides for the taking of herring sac roe in Section 13-B, and permits the harvest rate percentage to vary between 10% and 20% of the biomass, determined by the formula:

$$\text{Harvest Range Percentage} = 2 + 8\left(\frac{\text{Spawning Biomass (in tons)}}{20{,}000}\right).$$

The fishery will not be conducted if the spawning biomass is less than 20,000 tons.

5 AAC 27.190. Herring Management Plan for Southeastern Alaska.

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

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

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Without knowing the threshold value, it is difficult to judge the full effect of this proposal. However, assuming the threshold remained at 20,000 tons, a 10% maximum harvest rate would substantially reduce the commercial harvest opportunity.

BACKGROUND: A 6,000-ton threshold was established by the department for the Sitka Sound herring stock in 1977. In 1982, the department increased the threshold to 7,500 tons based on an increase of population size. In 1994, the Board of Fisheries adopted the department's proposed management plan for Southeast Alaska herring fisheries. Threshold levels were excluded from the management plan to ensure the department had the flexibility to modify spawning thresholds for conservation and development purposes based on new information. In 1997, the department

conducted a threshold/harvest rate analysis for Sitka Sound herring, which provided alternatives for calculating the harvest rate and setting the threshold. The analysis determined that 16,759 tons was an appropriate threshold level for Sitka Sound herring. This was based on a calculation of 25% of the estimated "average unfished biomass," which is a generally accepted as an appropriate method to determine thresholds for herring and groundfish. Based on this analysis, the Board chose to adopt into regulation a threshold of 20,000 tons along with the current sliding scale harvest rate calculation.

As required by the Herring Management Plan for Southeast Alaska, the department conducts annual stock assessment surveys before setting harvest levels or allowing harvest to occur. The management plan specifies that commercial harvest may be allowed only when an area's minimum spawning biomass threshold is exceeded. The biomass threshold is the minimum herring biomass believed to allow sustained yield and maintain biological productivity.

Although over most of the history of the commercial herring fishery in Sitka Sound the GHL infrequently exceeded 10,000 tons, it has exceeded this level in seven of the past ten years (Table 203-1). Based on the department's estimates, the herring biomass in Sitka Sound has increased substantially from a decade ago. Department modeling suggests that increased survival rates since about 2002, possibly due to ocean temperature regime shifts, have been at least partially responsible for the increase.

An estimate of the difference in GHLs using 10% and 20% harvest rates over the last ten seasons is shown in Table 203-1.

There are few herring management plans along the west coast of North America with a maximum harvest rate that is less than 20% (Table 203-2). Two stocks in Alaska (Cape Avinof and Kamishak Bay) have maximum harvest rates of 15% in regulation. This reduced harvest rate is used for these two stocks to account for uncertainty in population estimates and subsistence harvest in the case of Cape Avinof.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. Analyses of Alaskan herring populations have found that a maximum of 20% exploitation rate is appropriate for stocks where thresholds are set at 25% of the estimated average unfished biomass. The threshold for herring in Sitka Sound exceeds this level and therefore, the 20% exploitation rate is considered conservative and appropriate for long-term productivity, reduced risk of collapse, and providing for sustained yield. The existing sliding scale harvest rate is an additional conservation measure. A reduction of the maximum harvest rate to 10% when above threshold is considered by the department to be very biologically conservative.

COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery. However, the potential income from participation would be reduced by the expected reduction of available GHL, as shown in Table 203-1.

Table 203-1.–Actual Sitka Sound GHL and harvest and expected maximum GHL and harvest. All GHL and harvest values are expressed in tons.

Year	Actual GHL at 20% maximum	Actual Harvest Rate	Actual Harvest	GHL at 10%	Expected Harvest at 10% GHL	Expected Harvest Difference
1999	8,476	19.4%	9,421	4,369	4,856	-4,565
2000	5,120	15.3%	4,572	3,346	2,988	-1,584
2001	10,597	20.0%	12,034	5,299	6,017	-6,017
2002	11,042	20.0%	9,788	5,521	4,894	-4,894
2003	6,969	17.7%	7,051	3,937	3,984	-3,067
2004	10,618	20.0%	10,380	5,309	5,190	-5,190
2005	11,192	20.0%	11,294	5,596	5,647	-5,647
2006	10,412	20.0%	9,942	5,206	4,971	-4,971
2007	11,904	20.0%	11,571	5,952	5,786	-5,786
2008	14,723	20.0%	14,386	7,362	7,193	-7,193
Average	10,105	19.2%	10,044	5,190	5,153	-4,891
Total	101,053	--	100,439	51,897	51,526	-48,913

Table 203-2.–Harvest rates for Alaskan and other herring stocks.

State / Province	Stock / Area	Maximum Harvest Rate (%)
Alaska	Sitka Sound	20
	Togiak	20
	Norton Sound	20
	Prince William Sound	20
	Nelson Island	20[a]
	Cape Avinof	15[b]
	Security Cove	20
	Goodnews Bay	20
	Nunivak Island	20
	Cape Romanzof	20
	Kamishak Bay	15[c]
	Kodiak	none established
	AK Peninsula / Aleutian	none established
British Columbia	Queen Charlotte Island	20
	Prince Rupert	20
	Central Coast	20
	Vancouver Island	20
	Johnstone Strait	20
	Strait of Georgia	20
Washington	Puget Sound	20[c]
Oregon		none established
California	San Francisco Bay	20
North Atlantic	North Sea	12[d]
	Norwegian	16[d]
	Baltic Sea	14[d]

[a]200 tons is subtracted from resulting GHL for subsistence harvest.

[b]15% used to account for uncertainty in biomass estimates and subsistence harvest.

[c]Target is 80% of resulting GHL to account for uncertainty in biomass estimates and harvest.

[d]Represents estimates of currently used or suggested optimal rates.

PROPOSAL 204: 5 AAC 27.195. SITKA SOUND COMMERCIAL SAC ROE HERRING FISHERY.

PROPOSED BY: Sitka Tribe of Alaska.

WHAT WOULD THE PROPOSAL DO? This proposal would require that the estimated amount of herring captured in purse seines during pre-fishery sets conducted to test herring quality be deducted from the commercial sac roe guideline harvest level.

WHAT ARE THE CURRENT REGULATIONS?

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

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

5 AAC 27.059. Management guidelines for commercial herring sac roe fisheries.
(a) If the department has adequate information, and if department management programs are in place, the department may manage commercial herring sac roe fisheries, to enhance the value of the landed product as follows:

(1) fishing periods may be established by emergency order in areas and during times when sampling has demonstrated, or when other factors indicate, that the herring roe content of the catch is likely to be highest;

(2) fishing periods may be established by emergency order in areas and during times when sampling has demonstrated, or when other factors indicate, that the catch is composed of the maximum average size of herring available for the stock;

(3) in a preseason management plan, the department shall specify the particular herring fisheries that are to be managed to enhance the value of the landed product.

(b) The department may modify herring sac roe fishing periods and areas to minimize the harvest of recruit-sized herring during the conduct of a sac roe fishery that targets post-recruit herring.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Guideline harvest levels would be reduced by an amount estimated by the department to have been captured during test sets. Such a reduction would have effectively reduced allowable harvest by an average of 53% since 1999. Another effect may be that less informed decisions are made about commercial openings and lower quality product may be harvested if frequency of test setting is reduced.

BACKGROUND: The Sitka Sound seine sac roe fishery is managed to harvest herring at maximum mature roe content for the herring sac roe market. In order to achieve this objective it is necessary to conduct test sampling of herring distributed broadly over the available herring schools. The department has worked with Sitka Sound sac roe permit holders and processors to test herring sac roe quality prior to conducting fishery openings, with the goal to maximize product quality and value. The test setting program involves coordinating three to five volunteer permit holders/vessels to locate schools of herring throughout Sitka Sound and make sets to obtain samples. Close communication is maintained between those making test sets and the department to ensure that samples are necessary.

To obtain samples, a seine is deployed around a school of herring, pursed, and the seine is gathered just enough to allow a sample to be retrieved using a long-handled dip net operated from a skiff alongside the outer edge of the purse seine. This means that the seine is drawn aboard until some herring are visible on the surface, usually "boiling" in pockets of the seine. Herring are typically swimming freely within the seine and samplers in the skiff may require several attempts to find herring isolated in a pocket of fold of the seine. About three five gallon buckets of herring are sampled and immediately transported to a processor for inspection. Once samples have been removed from the seine, the pursed herring are immediately released. The duration between the time of pursing to the time of release is typically about thirty minutes.

Information provided by the sampling includes the percentage of sac roe weight to body weight of mature females (a direct indicator of product quality), percentage of immature fish, size of fish, ratio of females to males, and estimate of school size. The transition from immature to mature sac roe occurs rapidly, usually over a period of two or three days. Since the main determination of quality, marketability and value is the sac roe percentage of the total weight, close monitoring plays an important role in the overall success of the fishery.

Estimates of the amount of herring that are captured during test sets are primarily made to determine whether or not the sample represented a substantial body of herring. Estimates are made by the permit holders based on their interpretation of the sonar returns and observations of fish in the seine. The estimates are likely highly variable. The department has no data to estimate mortality rates of herring that are pursed during test sets. Herring captured in test sets are probably exposed to a somewhat more stressful environment; however, it is unknown what latent effect it may have on mortality. Based on anecdotal observations of fish in test sets, herring do not appear to suffer from excessive net abrasion or immediate mortality.

The number and size of test sets over the past ten years is presented in Table 204-1.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. Although the department agrees that there is likely some mortality resulting from test sets, it is assumed to be at a low level. The harvest rate policy is considered to be conservative enough to buffer against this source of mortality assuming it is at a low level. Deducting all test sets from the GHL would assume 100% mortality.

Prior to fishery openings, the department conducts as few test sets as possible to make a decision whether to open a fishery or not. If fewer test sets were made, it is possible that the peak of quality would be missed and fisheries may be conducted either prematurely or too late, resulting in less than maximum quality and value.

COST ANALYSIS: If this proposal were adopted the direct cost to industry would include loss of available quota due to the incurred reduction of tonnage from the guideline harvest level. Also, insufficient test sampling would result in loss of quality of harvested product.

Table 204-1.–Pre-fishery test sets of herring in Sitka Sound.

Year	Number of test sets made	Average estimated set sizes (tons)	Sum of estimated set sizes (tons)	Actual GHL (tons)	GHL minus test sets	Percent change in GHL
1999	34	128	4,352	8,476	4,124	-51%
2000	67	73	4,891	5,120	229	-96%
2001	48	92	4,416	10,597	6,181	-42%
2002	47	107	5,029	11,042	6,013	-46%
2003	51	101	5,151	6,969	1,818	-74%
2004	53	154	8,162	10,618	2,456	-77%
2005	49	134	6,566	11,192	4,626	-59%
2006	29	121	3,509	10,412	6,903	-34%
2007	47	111	5,217	11,904	6,687	-44%
2008	14	116	1,624	14,723	13,099	-11%
Average	44	114	4,892	10,105	5,214	-53%
Total	439		48,917	101,053	52,136	

PROPOSAL 205: **5 AAC 27.110. FISHING SEASONS FOR SOUTHEASTERN ALASKA AREA.**

PROPOSED BY: David Lawler.

WHAT WOULD THE PROPOSAL DO? The proposal would provide an allocation target of 25% of herring to the gillnet fishery.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 27.110. Fishing seasons for

Southeastern Alaska Area provides: (a) a season and areas for the winter food and bait fishery; (b) areas for the sac roe fishery for (1) purse seine and (2) set gillnet; (d) a season and areas for the bait pound fishery; and (e) allows management of the spawn-on-kelp fishery by emergency order.

Areas for the spawn-on-kelp fishery are specified under **5AAC 27.185. Management plan for herring spawn on kelp in pounds in Sections 3-B, 12-A, 13-C, and District 7. 5AAC 27.197. Sections 1-E and 1-F commercial sac roe herring fishery** specifies alternate year fisheries for either set gillnet and purse seine gear. **5AAC 27.160. Quotas and guideline harvest levels for Southeastern Alaska Area** specifies how available GHLs for stocks that are shared by different gears are allocated over the season so that GHLs are not exceeded.

The present method of commercial herring allocation among gear groups is by area, and by year and area in the case of West Behm Canal. Provisions were put into effect to allocate small portions of herring stocks for bait pound fisheries in 2003.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal were adopted the Board of Fisheries would develop an allocation scheme for herring to provide 25% of herring for the set gillnet sac roe fishery. The proposal is unclear concerning what allocation targets would be set for other gears. The proposal is also unclear as to how the department would administer allocations each season, given annual fluctuations of herring.

BACKGROUND: Areas where herring may be harvested by set gillnet gear include Seymour Canal in Section 11-D, Hobart Bay/Port Houghton in District 10, the Kah Shakes shoreline in Section 1-F, and on alternate years West Behm Canal in Section 1-E & 1-F.

For West Behm Canal in Section 1-E and 1-F. 10% of any available GHL is available to bait pound operation and 90% is available on alternate years to either set gillnet or purse seine gear for sac roe harvest. Since 2003 when **5AAC 27.197, Sections 1-E** and **1-F Commercial Sac Roe Herring Fishery** went into effect, no fisheries have occurred in this area.

For the Kah Shakes area in Section 1-F, herring are allocated only for the set gillnet fishery. The last fishery for this area was in 1998 and no spawn or fisheries have occurred in this area since that time. Fisheries have continued within the Annette Island Reserve in District 1 on an annual basis since that time, but this fishery occurs outside of state jurisdiction.

For Hobart/Houghton in District 10, a set gillnet fishery may occur on any unharvested portion of the District 10 winter food and bait fishery.

For Seymour Canal in Section 11-D, herring are allocated only to the set gillnet fishery.

Figure 205-1 shows the amount of herring harvested in the winter food and bait, spawn-on-kelp, sac roe seine, and sac roe gillnet fisheries from 1990–2008. The quantity of herring harvested in seine fisheries has increased since the Sitka Sound herring stock has increased. The quantity of herring utilized for spawn-on-kelp fisheries has increased over this time frame because areas were reallocated for development of these new fisheries. The quantity of bait harvests have declined due to declining demand and lower priced alternative supplies of bait. Gillnet harvests were largely (80%) from the Kah Shakes area from1990–1997, and largely from the Seymour Canal area from 1999–2008 (92%). There have been no fisheries at Kah Shakes since 1998.

Figure 205-2 shows how the proportions of herring for each fishery have changed over this time frame. Purse seine sac roe harvests have been entirely from Sitka Sound and have averaged 67% of the total herring harvest. Gillnet sac roe harvests have averaged 8% of the total harvest. Spawn-on-kelp harvests began in 1990 in Southeastern Alaska. Spawn-on-kelp fisheries have averaged 15%, increasing to 24% over the past six years. Bait harvests have averaged 9% and there has been a declining trend to only 4% over the past eight years.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: The costs associated with this proposal are unknown unless provisions of the proposal can be clarified.

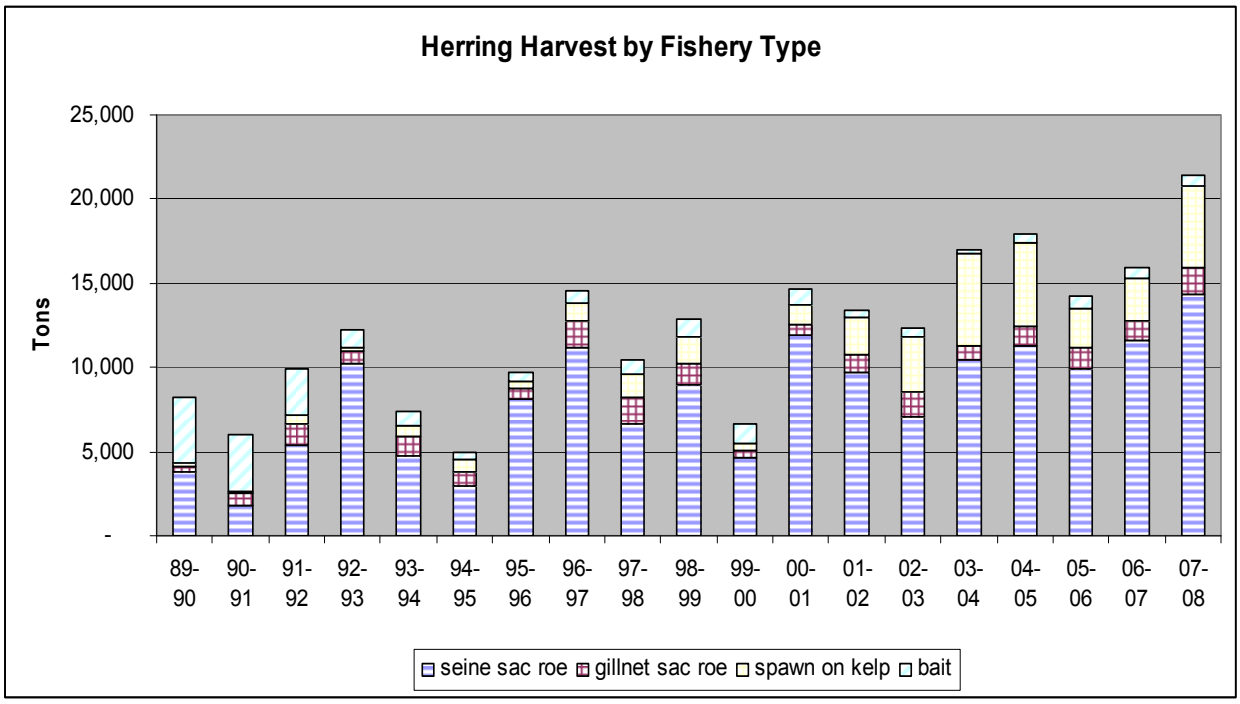


Figure 205-1.–Amount of herring harvested by fishery in tons, 1989–90 through 2008–08 seasons.

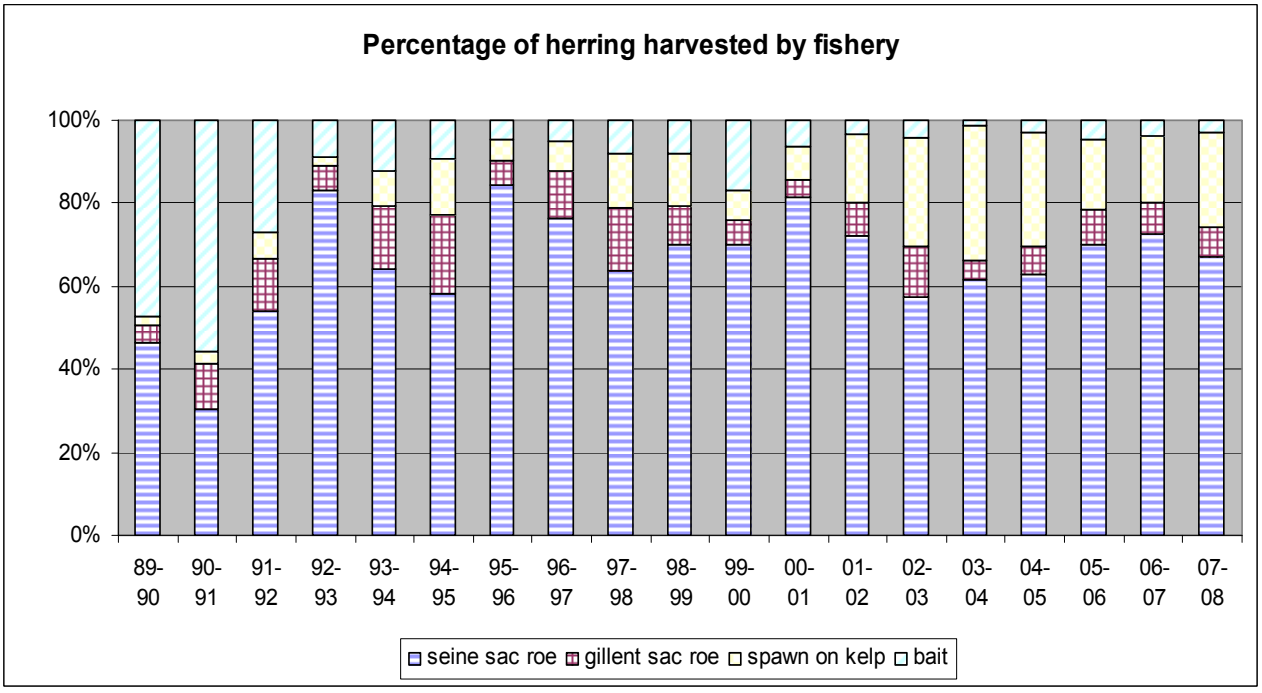


Figure 205-2.–Percentage of herring harvested by fishery, 1989–90 through 2007–08 seasons.

PROPOSAL 206: 5 AAC 27.110. FISHING SEASONS FOR SOUTHEASTERN ALASKA AREA.

PROPOSED BY: David Lawler.

WHAT WOULD THE PROPOSAL DO? It is uncertain exactly what the author wanted to accomplish with this proposal. On the proposal form it was stated that the new regulation would say "27.110(2)(f) District 7." It appears that the desire may be to change the herring fishery in District 7 to a set gillnet fishery. The proposal states that the problem is the migration of herring out of Behm Canal, which is in District 2.

WHAT ARE THE CURRENT REGULATIONS? The current regulations in District 7 allocate 90% of any herring guideline harvest level (GHL) to the winter food and bait fishery and the other 10% to the bait pound fishery. Any portion of the GHL that is unharvested or unallocated by March 15 is allocated to the spawn-on-kelp pound fishery.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If the intent of the proposal is to change the District 7 herring fishery to a gillnet sac roe fishery, then the winter food and bait fishery, the bait pound fishery, and the spawn-on-kelp fishery would be eliminated. All of the available GHL would be allocated to the gillnet sac roe fishery.

BACKGROUND: During the 1970's a fairly consistent winter bait fishery occurred in Ernest Sound in the vicinity of Deer Island. Poor stock conditions were instrumental in keeping the fishery closed during the 1980's and early 1990's. Since the 1992–93 season, the spawning biomass has been above the GHL during eight seasons. Harvests in the winter bait fishery have been small during those seasons for at least two reasons (Table 206-1.). The market demand for bait was low and the size of the fish in District 7 was smaller than desired. Roughly 15% of the total winter bait GHL has been harvested since 1992–93. During the 2003 meeting, the Board created two new fisheries on the District 7 herring biomass. These fisheries were designed to utilize any biomass remaining after the winter food and bait fishery was closed for the season. One was a bait pound fishery utilizing 10% of the GHL and the other was a spawn-on-kelp pound fishery based upon any portions of the GHL that weren't harvested during the winter fisheries. There has been little interest and no harvest in the bait pound fishery. The spawn-on-kelp fishery has been fished during the two years it was open. However, effort and harvest have been limited because the timing of the Ernest Sound fishery conflicts with other established spawn-on-kelp fisheries.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

Table 206-1.–Ernest Sound herring quotas and harvest.

	Winter Food and Bait Fishery				Spawn-on-Kelp Fishery	
Season	Quota (tons)**	Majority of Quota Harvested	Greater than 3 Vessels Participating	Fishing Season	Harvest (tons)	Permits Landing Product
1994–95	255	No	No	1/11–2/28		
1995–96	280	Yes	No	10/15–2/29		
1996–97	575	No	No	10/1–2/28		
1997–98						
1998–99	662	No	No	10/14–2/28		
1999–00						
2000–01						
2001–02						
2002–03						
2003–04*	785	No	No	12/1–2/28	56.1	64
2004–05						
2005–06						
2006–07						
2007–08	1244	No	No	12/3–2/29	9.8	13
2008–09	476	--	--	--	--	--

*The 2003–04 season was the first season there could have been an SOK fishery.

**The remaining Winter Food and Bait Quota is allocated to the SOK fishery. Both years there was remaining quota. The quota for the SOK fishery was large enough to allow for the maximum kelp allocations.

PROPOSAL 208: 5 AAC 27.XXX. NEW SECTION FOR TENDERING.

PROPOSED BY: Alaska Independent Tendermen's Association.

WHAT WOULD THE PROPOSAL DO? This proposal would require that herring would be transported to processing locations either on the specific fishing vessel that caught those herring or on a registered tender. The proposal would exclude fishing vessels from tendering herring harvested by other fishing vessels. Although this proposal seems primarily oriented to the Sitka Sound sac roe herring fishery, it may also apply to herring tending in other herring fisheries.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 39.120. Registration of commercial fishing vessels. (a) requires vessel registration before transporting unprocessed fish in any waters of the state. **5AAC 27.005. Registration areas established.** Establishes Southeastern Alaska Area as a herring registration area. **5AAC 27.162. Buyer and tender reporting requirements for the sac roe herring fishery in Southeastern Alaska Area.** (a) requires that tender operators, buyers, or buyer's agents report and register with a local representative of the department upon arrival, before changing locations of operations and before commencing operations; specifies that buyers or their agents register all vessels employed in transporting or processing herring before engaging in those activities; and specifies reporting requirements.

Current regulations do not limit a fishing vessel from acting as a tender and transporting herring for another fishing vessel so long as that vessel is registered with the department.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would limit fishing vessels to tendering only herring that they had harvested. Permit holders who do not catch herring during an opening would no longer be able to tender herring for other fishermen. This proposal would affect the sac roe seine fishery where numerous tenders are involved and fishing boats sometimes tend. Typically, there may be several boats during an opening who are not successful at harvesting herring but who may be interested in tendering over shorter distances if they would not be out of position for additional openings. This proposal would have a minor impact on the set gillnet sac roe fishery since transport is mostly on tenders and not fishing boats. This proposal would have minimal effect on the winter food and bait fishery since few boats are generally involved in fishing and they often work directly with tenders. It is somewhat unclear how this proposal might affect the spawn-on-kelp fishery since the seine vessel harvests herring and then acts as a tender to transport spawn-on-kelp to the delivery location for many or all fishermen in a group. Since permit holders in a group share fishing responsibilities and use the same vessel it may be argued that the vessel is transporting for each fisherman, but this may need some clarification if the proposal is adopted.

BACKGROUND: Tendering is an essential component of the regional industry. Table 208–1 presents a tending-oriented summary based on vessel registrations in the Sitka Sound sac roe herring fishery over the most recent five-year period. Of 50 or 51 fishing permit holders and vessels, an average of 37 were also registered for tendering with an average combined capacity of just over 1,600 tons. In addition to these vessels, an average of 79 vessels registered exclusively as tenders, with an average combined capacity of around 8,000 tons, or 100 tons capacity per vessel. During this time, herring GHLs have averaged just below 12,000 tons. To land the GHL, some fishing vessels, as well as some tenders, are able to make more than one delivery in a season. The distance herring are transported varies from within Sitka Sound, to various locations around Southeastern Alaska, and to locations in British Columbia, Canada.

Tendering is a significant part of the overall economic activity generated by the Sitka Sound herring fishery. Tendering fees may vary from around $175/ton within Sitka Sound to around $250/ton plus fuel costs to deliver herring from Sitka to Prince Rupert. Based on roughly estimated average payments of $225/ton, the tendering value for the 2008 Sitka herring fishery is estimated at around $3,200,000 and it employed an estimated 225 people as crewmembers.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal as it seeks to establish an allocation between tenders and fishing vessels.

COST ANALYSIS: This proposal is not expected to increase costs to fishermen; however, it may prevent earning of additional income from tendering. There may be a net decrease in costs to tender operators who are able to transport a greater volume of herring. Costs to buyers should be the same.

Table 208-1.–Sitka Sound Sac Roe Herring Fishery Registered Tendering Capacity for past five seasons, in tons.

Year	GHL	Number Permits Tendering	Registered F/V Tending Capacity	Average F/V Capacity	Number Registered Tenders	Registered Tender Capacity	Average Tender Capacity	Total Number Deliveries
2008	14,723	40	1,785	45	75	7,473	100	248
2007	11,904	36	1,700	47	76	7,136	94	239
2006	10,412	36	1,550	43	78	8,116	104	196
2005	11,192	36	1,590	44	79	8,111	103	251
2004	10,618	36	1,565	43	88	8,865	101	165
Average	11,770	37	1,638	45	79	7,940	100	220

PROPOSALS 209 AND 210: 5 AAC 27.195. SITKA SOUND COMMERCIAL SAC ROE HERRING FISHERY.

PROPOSED BY: The Sitka Herring Group (Proposal 209), Roger Ingman (Proposal 210).

WHAT WOULD THE PROPOSALS DO: Proposals 209 and 210 seek to allocate an equal portion of the Sitka Sound (Section 13-B) herring sac roe fishery guideline harvest level (GHL) to each permit holder.

WHAT ARE THE CURRENT REGULATIONS: Commercial herring sac roe purse seine fisheries are currently allowed in Sections 1-E, 1-F, 11-A, and 13-B. All Southeastern Alaska herring sac roe fisheries are limited entry and the13-B herring sac roe purse seine fishery is managed as a competitive fishery.

5 AAC 27.110. Fishing seasons for Southeastern Alaska Area.

(b) Herring may be taken in the sac roe fishery only during seasons established by emergency order in the following districts and sections:

(1) in the purse seine fishery herring may be taken only in the following sections:

(A) Section 1-E;

(B) Section 1-F, north of the latitude of South Vallenar Point;

(C) Section 11-A, north of the Shrine of St. Terese;

(D) Section 13-B, north of the latitude of Aspid Cape (56 41.75 N. lat.), except Whale and Necker Bays.

5 AAC 27.195. Sitka Sound commercial sac roe herring fishery.

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

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

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

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

WHAT WOULD BE THE EFFECT IF THE PROPOSALS ARE ADOPTED: If these proposals were adopted, all registered sac roe purse seine herring permit holders would be

allocated equal shares of the available GHL for the Section 13-B fishery each season. If the sac roe herring fisheries were managed on an equal share basis, it is possible that permit holders could cooperate to harvest their shares more efficiently by using reduced numbers of fishing vessels, crewmembers, spotter aircraft, and tenders. Fewer people would share in the economic benefits derived from the fishery. Fishers would have greater opportunities to release sets containing marginal roe content or small herring to increase overall quality and value of fish harvested. The pace of the fishery would be determined more by industry's ability to process catch than by the need to provide competitive openings for all permit holders. There might be competition for herring in areas determined to have high roe percentages, but there would not be competition to maximize individual fisherman's share of the harvest. The fishery could occur in a larger, less restricted area. If adopted, this proposal may disadvantage fishermen who historically have harvested more than average or who may have invested in their boats and gear to be able to harvest a greater than average amount.

BACKGROUND: There are 51 limited entry sac roe purse seine permits available in Southeast Alaska. All permit holders usually participate each year in the Sitka sac roe seine fishery. The Lynn Canal sac roe seine fishery has not been opened since 1982 due to below threshold forecasts and no sac roe fishery has yet occurred in the newly established Behm Canal fishery due to below threshold forecasts.

Since 1977, the average fishery harvest in Sitka has been 6,342 tons (Table 209-1). The average harvest per permit holder has been 131 tons.

Currently the Sitka Sound purse seine sac roe fishery is managed competitively, when possible. After test fishing has demonstrated good roe herring in an area and vessel surveys have been conducted to gauge herring amount and distribution, then the department may open the fishery in a specific area. Fishing periods are opened for either set time periods or are managed inseason by monitoring catch on the fishing grounds.

Cooperative style equal share fisheries have been used as a management tool in Sitka Sound in cases when roe quality standards would have been difficult or impossible to achieve, in order to slow down the pace of the fishery due to processing capacity limitations, and to control the harvest when smaller amounts of GHL remain to be harvested in order to remain within the established seasonal GHL. There are no specific regulations which address how a cooperative fishery should be managed. Cooperative style fisheries have been difficult to organize inseason since generally not all permit holders have agreed to this approach. The department has agreed to manage cooperative style (equal share) fisheries in Sitka Sound under strict guidelines with permit holders and processors, but only after all 51 permit holders have unanimously agreed to the guidelines. Cooperative style fisheries with the GHL shared between permit holders have been used during all or portions of the 1979, 1988, 1989, 1991, 1993, 1996, 1999, 2002, 2005, and 2006 seasons (Table 209-1). Cooperative style equal share fisheries have accounted for 100% of the herring harvest in five years and from 9% to 49% of the harvest in five of the years. For all other years, the GHL was completely harvested in competitive fisheries.

Since 1979, the reported Sitka Sound average roe content has been 10.7% and the amount harvested has averaged 104% of the established GHLs.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on these allocative proposals. The department has demonstrated the ability to manage either competitive or shared quota fisheries. The department has successfully used shared quotas in the past as a management tool in the Sitka Sound sac roe fishery based on the unanimous agreements of all permit holders. Department success with equal share quota fisheries in Sitka Sound is, in part, related to management in accordance with the terms of cooperative agreements between permit holders, processors, and the department.

Reasons cited by the authors in support of this proposal are reduced vessel collisions and damage to equipment, gear, and nets commonly associated with the highly competitive nature of the fishery, and providing for a safe and orderly fishery. Also cited is the improved quality of the herring harvested and reduction of the risk of exceeding the established GHL. Not specifically cited in these proposals, but generally understood to be a motivating factor for the equal share style fishery, are the improved fishery economics that would likely result for permit holders through more efficient use of harvesting assets.

If any of these equal shares proposals were adopted, the department's responsibility for making critical time and area decisions that affect the quality of the herring harvest would be reduced. Also, industry would bear more of the responsibility of controlling harvests in consideration of processing capacities. The department's inseason management orientation of monitoring herring quality and distribution would not significantly change. It should be anticipated that department would continue to exercise time and area authority to minimize high grading and excessive test setting to achieve desired herring quality. The department would also use time and area authority to disperse the harvest in consideration of subsistence roe fisheries (5 AAC 27.195). Potential conflicts between commercial and subsistence fisheries could be reduced through temporal and geographic dispersal of commercial fishing activities under an equal share management regime.

Increased monitoring of fishery activities may be necessary to ensure compliance with regulations and harvest limits. This would include on-grounds monitoring of harvesting and transferring of herring to tenders and possibly dockside verification to ensure adequate enforcement of catch limits. Dockside monitoring might involve third party contractors such as those used in British Columbia to verify sac roe herring landings at processing facilities.

Past experiences with cooperative style fisheries in Sitka Sound has shown that harvest limits are likely to be exceeded. In 1999, a cooperative fishery to catch the remaining GHL of 765 tons resulted in a harvest of 873 tons, exceeding the target by 14%. In 2002, the target harvest of 1,382 tons was exceeded by 94 tons (7%) and in 2005 the target harvest of 1,020 tons was exceeded by 64 tons (6%). At larger GHLs it might be expected that, proportionally, the level the

GHL is exceeded would go down. However, this would largely depend upon how many of the permit holders pool together and work cooperatively under an equal share program. For example, if all 51 permit holders chose to harvest their own share with their own vessel, the overall overage would likely be high. Conversely, if permit holders work in cooperatives using fewer harvesting vessels, the overall overage would likely be lower. The expectation might be that most permit holders will work in cooperative type groups as this will reduce the cost of participation in the fishery. In Canadian herring sac roe fisheries it is required by regulation that fishermen work in pools of a minimum number of license holders. This management approach was designed specifically to reduce excessive overages of GHLs.

If the board chooses to adopt equal shares for sac roe herring fisheries, the department recommends the following regulations be considered:

- The department's authority to determine the maximum number of harvesting vessels that can participate during any given open period.
- Excessive sorting of captured herring so as to maximize roe content can cause stress and mortality. We recommend that a standard minimum roe content be established (e.g., 10%) and that if sampling indicates the minimum roe content exists that the set be retained.
- Allow the department to close the fishery if excessive catch and release is occurring.
- Sometimes not all permit holders participate in the fishery. Equal share amounts can be established either based upon the total number of limited entry permits issued by CFEC or by a registration process. If a registration process is adopted, the department needs the authority to establish a final cut-off date so that individual limits can be established prior to opening the fishery.
- Mandatory presence of permit holders during the harvesting should be defined. Will the permit holder need to be on a harvesting vessel at the time their share is harvested? On a nearby tender? In the town of Sitka?
- Mandatory call-in to the department immediately prior to making a set and the results of each set. This will allow the department to monitor the effort and effectively manage the fishery.
- Prohibit the making of a set unless roe samplers are immediately available. Sets should not be held for an excessive amount of time while a decision is made to pump or release the set. A fixed amount of time should be established to make this determination.
- Once a set is dried up or pumping has started, all herring in that set must be retained and sold.
- Fishing should be allowed only during daylight hours. This will allow the department to monitor and implement changes to the fishery in an effective manner.
- Company pool sharing of fish from a set and sharing between companies should be allowed and encouraged.
- Reporting of harvest on fish tickets should be made by each permit holder and not by the boat that actually caught the fish.
- A mechanism should be developed so that permit holders or company pools that exceed their shared quota cannot benefit and may be penalized for excess harvest. All

revenues from overages shall be payable to the state, and any overages 5% or more above shared quota amounts will be submitted to Alaska Wildlife Troopers for possible citation.

- Dockside verification of landings to ensure compliance with harvest limits.

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.

Table 209-1.–Summary of Sitka Sound herring purse seine sac roe fishery. 1977–2008.

Year	Guideline Harvest Level (tons)	Sac Roe Harvest (tons)	Percent of GHL Harvested	Number of Permits	Average Harvest/ Permit	Roe Percent	Tons Taken Coop	Percent Harvest Coop
*1977	0	0						
1978	250	238	95%	23	10	11		
1979	2,800	2,559	91%	48	53	9.3	2,559	100%
1980	4,000	4,445	111%	50	89	10.8		
1981	3,000	3,506	117%	51	69	11.0		
1982	3,000	4,363	145%	51	86	11.7		
1983	5,500	5,416	98%	51	106	11.1		
1984	5,000	5,830	117%	50	117	11.1		
1985	7,700	7,475	97%	52	144	11.3		
1986	5,029	5,443	108%	52	105	11.9		
1987	3,600	4,216	117%	52	81	9.9		
1988	9,200	9,390	102%	52	181	9.5	9,390	100%
1989	11,700	11,831	101%	51	232	9.4	11,831	100%
1990	4,150	3,804	92%	52	73	10.6		
1991	3,200	1,838	57%	22	84	8.9	1,838	100%
1992	3,356	5,368	160%	52	103	9.4		
1993	9,700	10,186	105%	50	204	10.7	10,186	100%
1994	4,432	4,758	107%	51	93	11.0		
1995	2,609	2,908	111%	51	57	11.8		
1996	8,144	8,144	100%	51	160	9.6	3,976	49%
1997	10,900	11,147	102%	51	219	11.5		
1998	6,900	6,638	96%	51	130	10.2		
1999	8,476	9,217	109%	51	181	10.7	873	9%
2000	5,120	4,630	90%	51	91	9.9		
2001	10,597	11,974	113%	51	235	11.3		
2002	11,042	9,788	89%	51	192	10.9	1,462	15%
2003	6,969	7,051	101%	51	138	10.7		
2004	10,618	10,490	99%	51	206	10.8		
2005	11,192	11,366	102%	51	223	11.5	1,102	10%
2006	10,412	9,967	96%	50	199	10.5	879	9%
2007	11,904	11,571	97%	50	231	11.4		
2008	14,723	14,386	97%	50	286	11.5		
Average	6,726	6,871	104%	49	141	10.7		

* The fishery was placed under a program for limited entry. The threshold policy was implemented. No fishery occurred since the stock was below threshold.

PROPOSAL 211: 5 AAC 27.185. MANAGEMENT PLAN FOR HERRING SPAWN ON KELP IN POUNDS FISHERIES IN SECTIONS 3-B, 12-A, AND 13-C, AND DISTRICT 7.

PROPOSED BY: Larry Demmert.

WHAT WOULD THE PROPOSAL DO: Require permit holders to be present only during placement of herring into pounds and the harvest of spawn-on-kelp product.

WHAT ARE THE CURRENT REGULATIONS:

5 AAC 27.185. Management plan for herring spawn on kelp in pounds fisheries in Sections 3-B, 12-A, and 13-C, and District 7.

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

(1) when kelp is being placed into a pound structure;
(2) when herring is being captured and transferred into a closed pound;
(3) when an open pound is being moved; and
(4) when kelp product is being collected from the pound.

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED: The intent of this proposal is to not require the presence of a permit holder at the pound fishing site when kelp is being placed into the permit holder's pound structure.

BACKGROUND: When operating a closed pound, current regulations require that permit holders be present at the pound fishing site while kelp is being placed into their pound, herring are being transferred into their pound, and when spawn-on-kelp product is being harvested from their pound. This proposal would require that the permit holder only be present when herring are being introduced and when spawn on kelp product is being harvested.

Permit holders are not required to be present during harvest of *Macrocystis* kelp, but persons actively harvesting and transporting kelp must have a kelp permit in possession. Kelp permits are available at local ADF&G offices.

It is difficult to predict when pre-spawning herring will be available for capture and placement into pounds, and the window of opportunity to capture pre-spawning herring is generally short lasting only a few days. For this reason it is necessary to harvest and transport the kelp to the grounds well in advance of the fishery. This requires that the kelp be preserved while waiting for the opportunity to capture ripe herring. Kelp is best preserved in circulating seawater. With

increasing kelp allocations in recent years and limited capacity to hold kelp in either vessel holds or totes, it has become practice to hang kelp directly in the water from pounds for the purpose of preserving kelp quality. The author of this proposal makes the point that kelp hanging in the pound for the purpose of preservation is not fishing unless herring are also present in the pound.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The department does not view this as allocative, but defers to the Board to determine the standards of an acceptable level of participation as a permit holder in this fishery. The department also defers to the Department of Public Safety regarding any enforcement concerns. There are no resource concerns with this proposal.

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 212: 5 AAC 27.185. MANAGEMENT PLAN FOR HERRING SPAWN ON KELP IN POUNDS FISHERIES IN SECTIONS 3-B, 12-A, AND 13-C AND DISTRICT 7.

PROPOSED BY: Michael Bangs.

WHAT WOULD THE PROPOSAL DO? This proposal would allow multiple permit holders to join more than two legal units of gear in the spawn on kelp in pounds fishery.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow the joining of two closed pounds together into one structure. **5 AAC 27.185(r)**: Permit holders operating two separate closed pounds must notify the local representative of the department before connecting the permit holder's pounds. No more than two pounds may be connected into a combined structure. After the permit holders have connected two pounds, the permit holders may not transfer additional herring into the combined pound. After two pounds are connected under this section, the permit holders may drop the wall between the pounds so that herring may swim between the connected pounds.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would allow the construction and use of gear larger than is currently allowed in the fishery.

BACKGROUND: In 2003, the Board considered a proposal to change the basic unit of gear in the herring pound fisheries. Rather than adopt that proposal without knowing the effects of the change on the fishery, the department was allowed to issue experimental permits and collect information on the effects of changing pound configurations. Between 2003 and 2006, the department issued experimental permits that allowed different configurations of gear that maintained a constant volume consistent with the legal size of gear. This research indicated that configurations with less depth and more surface area had an increased amount of eggs deposited on kelp. There was also no indication of a significant increase, or any increase at all, in the amount of herring used in these experimental pounds. This resulted in a regulation change in 2006 that allowed new configurations of gear to be used in the fishery that had greater surface area and shallower depth, but maintained the same volume as traditional gear.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. It does not seek to increase the combined volume of herring pounds in the fishery. As long as permit holders do not add any additional herring to herring pounds after pounds have been joined together there will not be an increase in the overall utilization of herring. However, this will increase the complexity of enforcing herring pound restrictions by legalizing gear which is larger than currently allowed

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

PROPOSAL 213: 5 AAC 27.185. MANAGEMENT PLAN FOR HERRING SPAWN ON KELP IN POUNDS FISHERIES IN SECTIONS 3-B, 12-A, AND 13-C, AND IN DISTRICT 7.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to clarify the definition of "the first day" herring are introduced into a herring pound in the herring pound management plan for Sections 3-B, 12-A, 13-C and District 7.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 27.185. Management plan for herring spawn on kelp in pounds fisheries in Sections 3-B, 12-A, and 13-C, and in District 7.

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The effect of this proposal would be to provide a clear definition of "first day" under 5 AAC 27.185 (q) and make the definition consistent with regulation 5 AAC 27.185 (s).

BACKGROUND: During the 2006 Hoonah Sound spawn on kelp fishery season, herring were accessible for placement into pounds for an extended period of time. It became evident that the "first day" under 5 AAC 27.185 (q), was not specifically defined, and some fishermen were interpreting the "first day" to mean the day 24-hours after the herring were first placed into pounds. Under 5 AAC 27.185 (s), the "first day" is defined as "the day that herring are placed into a pound." In order to maintain consistency in the regulations we are proposing adding this definition of "first day" to 5 AAC 27.185 (q).

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this housekeeping proposal.

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 214: 5 AAC 27.185. MANAGEMENT PLAN FOR HERRING SPAWN ON KELP IN POUNDS FISHERIES IN SECTIONS 3-B, 12-A, AND 13-C, AND DISTRICT 7.

PROPOSED BY: Charles R. Olsen.

WHAT WOULD THE PROPOSAL DO? This proposal would change the date spawn on kelp permit holders are required to remove pounds from the waters in Sections 12-A and 13-C from June 10 to July 1.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 27.185. Management plan for herring spawn on kelp in pounds fisheries in Sections 3-B, 12-A, and 13-C, and District 7.

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

(3) Section 12-A by 12:00 noon June 10;

(4) Section 13-C by 12:00 noon June 10.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The effect of this proposal would be that herring pounds could remain in the water for an additional three week's time.

BACKGROUND: Current regulations require that the pound and webbing remain in place for four weeks after the spawn-on-kelp product is removed from the pound to allow the herring eggs on the structures to hatch. Regulations also require the removal of these structures by a specified date in order to minimize the visual and navigational impacts of herring pounds. After the June 10 deadline, pounds and associated structures must be removed from the water. All of the surrounding uplands are part of the Tongass National Forest and the U.S. Forest Service has designated specific areas adjacent to the fishing grounds for pound storage under a special permit. Otherwise pounds must be transported to town for storage.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. In Section 13-C and Section 12-A, most of the pounds are located in popular recreational areas and anchorages. Since most fishery participants live in communities distant from the fishing area, removal of the pounds requires significant time and expense. Some participants will hire individuals to remove and store their pounds for them. Though not specifically stated in the proposal, the later date coincides with the beginning of the salmon season when vessels and crews are better positioned to remove their pounds. In some years, the department has received complaints from local residents about the presence of pound structures left on the grounds past the June 10 date under current regulations. Increased enforcement of this regulation has significantly reduced violations.

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 215: 5 AAC 27.185. MANAGEMENT PLAN FOR HERRING SPAWN ON KELP IN POUNDS FISHERIES IN SECTIONS 3-B, 12-A, AND 13-C, AND DISTRICT 7.

PROPOSED BY: Larry Demmert.

WHAT WOULD THE PROPOSAL DO? This proposal would increase the area in Section 3-B where herring may be harvested for use in the spawn-on-kelp pound fishery.

WHAT ARE THE CURRENT REGULATIONS? Current regulations prohibit the commercial harvest of herring for the spawn on kelp in pounds fishery in the waters of Klawock Inlet, Big Salt Lake, and San Christoval Channel, and around Fish Egg and Ballena Islands.

5 AAC 27.185(f)(1) ... in Section 3-B, the following waters are closed to herring spawn-on-kelp pounds and to seining for taking herring for placement into pounds:

(A) Klawock Inlet and Big Salt Lake;

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

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If implemented, proposal 215 would increase the waters open to the commercial harvest of herring around Fish Egg Island and in Klawock Inlet (Figure 215-1).

BACKGROUND: When the Board established the Craig/Klawock herring spawn on kelp in pounds fishery in 1992, closed waters were established around the heavily used subsistence areas nearby, including those waters around Fish Egg Island. The subsistence harvest of herring spawn on kelp in the waters around Fish Egg Island is the largest subsistence harvest of herring spawn on kelp in Southeast Alaska.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

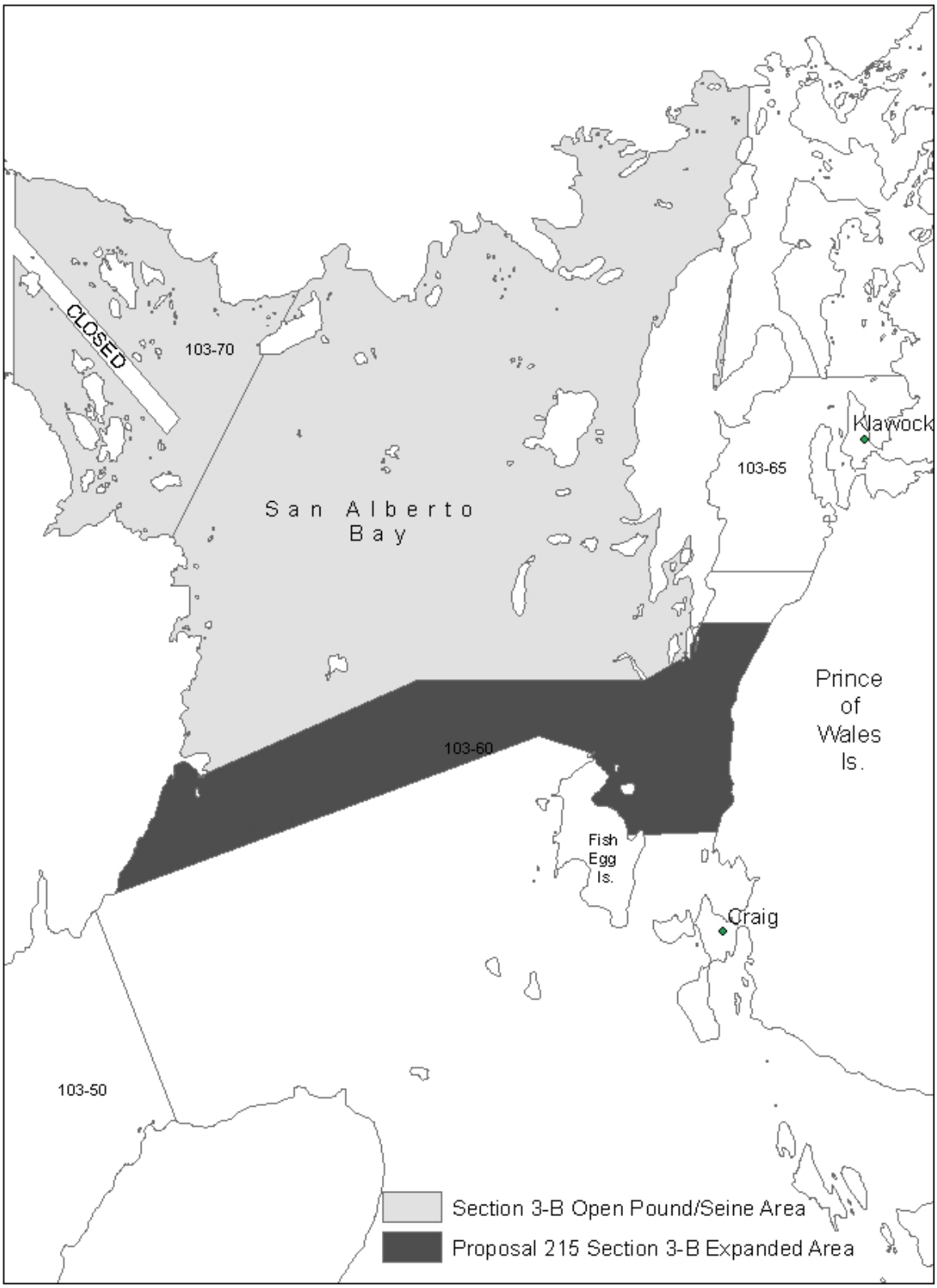


Figure 215-1.–Proposed area expansion in Section 3-B, for Craig/Klawock herring spawn-on-kelp fishery.

PROPOSAL 216: 5 AAC 27.185. MANAGEMENT PLAN FOR HERRING SPAWN ON KELP IN POUNDS FISHERIES IN SECTIONS 3-B, 12-A, AND 13-C, AND DISTRICT 7.

PROPOSED BY: Larry Demmert.

WHAT WOULD THE PROPOSAL DO? The size of the area where herring spawn-on-kelp pounds are allowed would increase.

WHAT ARE THE CURRENT REGULATIONS? Current regulations prohibit the placement of open herring pounds in the waters of Klawock Inlet, Big Salt Lake, and San Christoval Channel, and around Fish Egg and Ballena Islands.

5 AAC 27.185(f)(1) ... in Section 3-B, the following waters are closed to herring spawn-on-kelp pounds and to seining for taking herring for placement into pounds:

(A) Klawock Inlet and Big Salt Lake;

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

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Proposal 216 would increase the waters in which open herring pounds may be placed. It is unclear exactly what the area around Fish Egg Island would remain closed to open herring pounds under proposal 216 (Figure 216-1).

BACKGROUND: When the Board of Fisheries established the Craig/Klawock herring spawn on kelp in pounds fishery in 1992, closed waters were established by the Board of Fisheries around the heavily used subsistence areas nearby, including those waters around Fish Egg Island. The subsistence harvest of herring spawn on kelp in the waters around Fish Egg Island is the largest subsistence harvest of herring spawn on kelp in Southeast Alaska.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

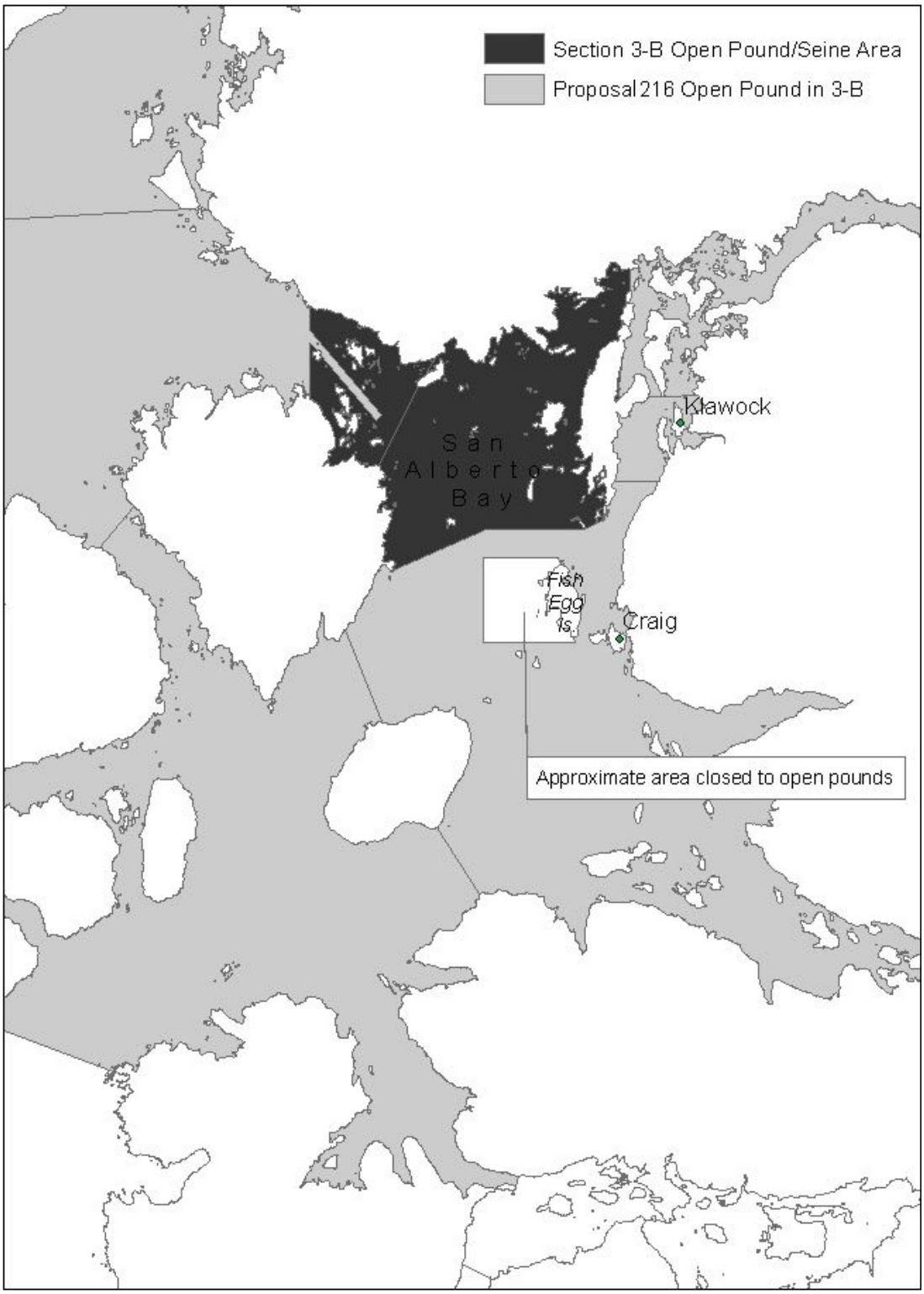


Figure 216-1.–Proposed area expansion for in Section 3-B, for Craig/Klawock herring open pound fishery.

PROPOSAL 217: 5 AAC 27.110. FISHING SEASONS FOR SOUTHEAST ALASKA AREA.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO: The proposal would include Salisbury Sound herring spawn in the assessment of the Sitka Sound spawning stock.

WHAT ARE THE CURRENT REGULATIONS:

5AAC 27.110 FISHING SEASONS FOR SOUTHEASTERN ALASKA AREA.

(b) Herring may be taken during seasons established by emergency order (sac roe fishery) in the following Districts and Sections:

(1) in the purse seine fishery, herring may be taken only in the following sections:

(C) Section 13-B, north of the latitude of Aspid Cape (56^0 41.75' N. latitude)

5AAC 27.160. QUOTAS AND GUIDELINE HARVEST LEVELS FOR SOUTHEASTERN ALASKA AREA.

(g) The guideline harvest level for the herring sac roe fishery in Section 13-B shall be established by the department and will be the harvest rate percentage that is not less than 10 percent and not more than 20 percent, and within that range shall be determined by the following formula: Harvest Rate Percentage = 2 + 8 x [(Spawning Biomass in tons)/20,000]. This fishery will not be conducted if the spawning biomass is less than 20,000 tons.

5 AAC 27.190. HERRING MANAGEMENT PLAN FOR SOUTHEASTERN ALASKA AREA. For the management of herring fisheries in Southeastern Alaska Area, the department

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED?: The effect of this proposal would be to expand the area of the Section 13-B seine sac roe fishery provided in regulation to include portions of Section 13-A.

BACKGROUND: Current regulations define the area for the Sitka Sound seine sac roe fishery as Section 13-B north of Aspid Cape. Section 13-A lies to the north of Section 13-B and the boundary separating the two sections is at the latitude approximately 2 nautical miles south of Salisbury Sound (Figure 217-1). The department has opened areas of Salisbury Sound in Section 13-A to herring sac roe seining during four seasons: 1989, 1999, 2002, and 2006 (Table 217-1) in the history of the fishery.

Regulations establishing sac roe areas for set gillnet and seine were adopted in 1975. At that time there was no documented herring spawn or sac roe harvest in Salisbury Sound. The department has been mapping herring spawn annually in the greater Sitka Sound area since 1964, primarily using aerial surveys. During the 1960's and 1970's, the Sitka Sound herring population was at much lower levels than during more recent years. In these earlier years herring spawning generally occurred only within Sitka Sound and favored the shorelines in the northeastern portions of Sitka Sound. This area is considered to be the "core" spawning area for the Sitka Sound herring population.

The Sitka Sound herring population expanded substantially beginning in 1979 and spawning began occurring over a broader area. It was not until 1988, well after the population expansion, that significant spawning was documented in Salisbury Sound, totaling 6.9 nm. There are two periods of sequential seasons when significant spawning occurred in Salisbury Sound: 1988–1991 and 2003–2008. From 1964 through 1987, only a minor amount of herring spawn was documented in three of those years. It is not understood what factors might lead to the occurrence of, or conversely, the disappearance of, spawning in Salisbury Sound, but it is assumed that the expanding population and resultant dispersal of population segments resulted in the utilization of spawning habitats, such as Salisbury Sound, further from the core spawning areas of Sitka Sound.

Sequential seasons of spawning in "satellite" areas such as Salisbury Sound suggest that some degree of fidelity exists at these spawning locations by subgroups of herring. This pattern of spawning behavior has been observed in other areas in and around Sitka Sound. For example, intermittent herring spawn is documented to the south of Sitka Sound, in the Goddard area. This area is further from the core spawning area than Salisbury Sound but is also considered to be part of the Sitka Sound herring spawning area. Colonization of areas outside of the core spawning area is often short lived and lasts at most a few years. In view of these considerations and the proximity in spawn timing and location, the department has viewed spawning in Salisbury as an extension of the Sitka Sound spawning population. The department has historically included Salisbury Sound herring spawn in the assessment of the Sitka Sound spawning stock.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. As required by the Herring Management Plan for Southeast Alaska, the department has identified the Sitka Sound herring stock based on the spawning area. To obtain the best possible forecasts and estimates of population size for the Sitka Sound stock, the department intends to continue including data from Salisbury Sound. If Salisbury Sound is closed to the commercial sac roe fishery, the result will be that fishery openings will be limited to a smaller geographical area. This could have the effect of reducing options for distributing openings as required in 5 AAC 27.195 (2).

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.

Table 217-1.–Historical spawn and herring harvest in Salisbury Sound, 1964–2008.

Year	Spawn Mileage	Sac Roe Harvest (tons)
1964–1967	None Documented	-
1968	0.2	-
1969–1973	None Documented	-
1974	0.2	-
1975–1976	None Documented	-
1977	0.6	-
1978–1987	None Documented	-
1988	6.9	-
1989	7.3	1,700
1990	5.1	-
1991	5.3	-
1992	0.5	-
1993–1994	None Documented	-
1995	0.2	-
1996–1998	None Documented	-
1999	0.7	262
2000–2001	None Documented	-
2002	None Documented	986
2003	1.0	-
2004	1.8	-
2005	1.4	-
2006	3.8	4,204
2007	3.4	-
2008	7.1	-

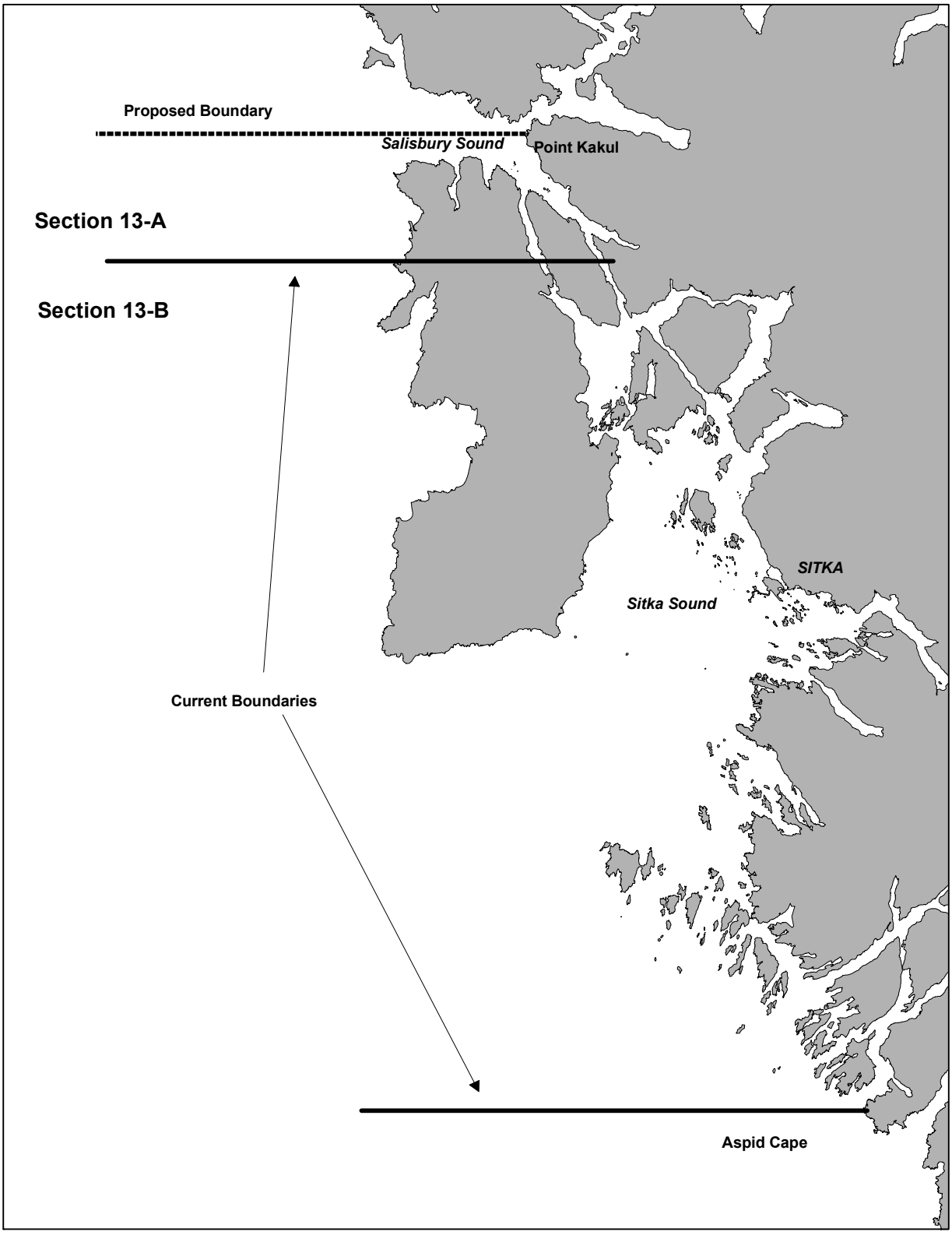


Figure 217-1.–Sitka Sound seine herring sac roe fishery current regulatory boundaries and proposed northern boundary in Salisbury Sound.

PROPOSAL 218: 5 AAC 27.131. GILLNET SPECIFICATIONS AND OPERATIONS FOR SOUTHEASTERN ALASKA AREA.

PROPOSED BY: David Lawler.

WHAT WOULD THE PROPOSAL DO? If this proposal were adopted it would allow a permit holder who purchases two set gillnet herring permits to fish two nets with a combined length of 100 fathoms.

WHAT ARE THE CURRENT REGULATIONS? Statute **AS 16.43.140. Permit required.** (c) a person may hold more than one interim-use or entry permit issued or transferred under this chapter only for the following purposes: (1) fishing more than one type of gear; (2) fishing in more than one administrative area; (3) harvesting particular species for which separate interim-use or entry permits are issued; (4) if authorized by regulations of the commission, fishing an entire unit of gear in a fishery in which the commission has issued entry permits for less than a unit of gear under AS 16.43.270 (d)…however, the person may not (A) fish more than one unit of gear in the fishery or (B) acquire a second entry permit for the fishery after the person has acquired an entry permit that authorizes the use of an entire unit of gear in the fishery; (5) consolidation of the fishing fleet for a salmon fishery; however, a person may hold not more than two entry permits for a salmon fishery under this paragraph, but the person who holds two entry permits for a salmon fishery may not engage in fishing under the second entry permit.

AS 15.05.251. Regulations of the Board of Fisheries. (i) Notwithstanding AS 16.43.140(c)(5), the board may adopt at a regularly scheduled meeting at which the board considers regulatory proposals for a specific salmon fishery, a regulation to allow a person who holds two entry permits for that salmon fishery an additional fishing opportunity appropriate for that particular salmon fishery.

5AAC 27.131. Gillnet specifications and operations for Southeastern Alaska Area. (a) Except as provided in (i) of this section, a vessel fishing for herring may not have more than one herring gillnet on board or operated from any vessel taking herring. A herring gillnet may not be longer than 50 fathoms. (i) Two Southeast Alaska set gillnet CFEC permit holders may concurrently fish from the same vessel and jointly operate up to 75 fathoms of set gillnet gear as follows:

Summary Comment on Statute and Regulation: Statute allows ownership of more than one entry permit for specific circumstances, but ownership for the purpose of fishing additional units of gear is not included. Provisions allow for the Board of Fisheries to adopt regulations for consolidation of the salmon fishing fleet to provide additional fishing opportunity; however, that additional opportunity does not provide fishing of the second permit. Current statutes preclude adoption of this request as written since it would allow fishing multiple units of gear in the same

fishery and since the provision for "additional opportunity" to provide for gear consolidation applies only to salmon fisheries.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? CFEC permit holders in the herring fishery are currently precluded from ownership of two permits, having more than one gillnet on board the vessel, and from having a gillnet longer than 50 fathoms– unless two permit holders are aboard and fishing concurrently. This proposal would change these fundamental provisions. As written, this proposal could lead to an overall increase in the amount of gear fished, an overall increase of harvest rates, more variability of harvest rates between fishermen, greater difficulty and less precision in management, reduced quality from slower retrieval of large nets, wastage from hang-ups of large sets, untended gear, and more difficult enforcement.

BACKGROUND: 5AAC 27.131. Gillnet specifications and operations (a) was changed to the current provisions in 1989 allowing a total of 50 fathoms and one net to be operated. Prior to that time, regulations allowed for two 50 fathom nets unless the department specified reduced gear by emergency order. This regulation was changed due to management and enforcement problems associated with individuals fishing more than one net. In 2006, the regulation was modified for Southeastern Alaska to allow the joint operation of a 50% larger net when operated by two permit holders fishing from the same vessel. (A similar provision had been adopted for Bristol Bay allowing for a 33% longer net for two permit holders from the same vessel). The gear length reduction for dual-permit operated vessels tempered the potential gear increase from reactivation of unfished permits. The gillnet herring fishery was placed into limited entry in 1978. Over the past 10-year period from 1999–2008 an average of 114 CFEC permits were active and 62 permits (54%) were fished.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Under most circumstances the current gear is sufficient to harvest available GHLs. Any increase in the amount of set gillnet gear in the water could intensify the fisheries which could result in exceeding GHLs.

COST ANALYSIS: If this proposal were adopted some fishermen would find it necessary to buy and transport additional gear, so costs to a fisherman may increase accordingly.

PROPOSAL 219: 5 AAC 39.222. POLICY FOR THE MANAGEMENT OF SUSTAINABLE SALMON FISHERIES. List the Bradfield Canal king salmon as a stock of concern.

PROPOSED BY: Marlin Benedict.

WHAT WOULD THE PROPOSAL DO? List the Bradfield Canal king salmon as a Stock of Concern.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 39.222 Policy for the Management of Sustainable Salmon Fisheries (Sustainable Salmon Fisheries Policy) directs the department to provide the Alaska Board of Fisheries (board), at regular meetings, with reports on the status of salmon stocks and identify any salmon stocks that present a concern related to yield, management, or conservation.

Under the Sustainable Salmon Fisheries Policy, "yield concern" means a concern arising from a chronic inability, despite the use of specific management measures, to maintain expected yields, or harvestable surpluses above a stock's escapement needs; a yield concern is less severe than a management concern. A "management concern" means a concern arising from a chronic inability, despite use of specific management measures, to maintain escapements for a salmon stock within the bounds of the sustainable escapement goal, biological escapement goal, optimal escapement goal, or other specific management objectives for the fishery; a management concerns is less severe than a conservation concern. A "conservation concern" means concern arising from a chronic inability, despite the use of specific management measures, to maintain escapement for a stock above a sustained escapement threshold.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would result in the department creating an action plan and presenting it to the board for consideration. Effects would depend on what restrictions or other actions the board implemented.

BACKGROUND: There are 4 drainages in the Bradfield Canal area of District 7 where wild king salmon have been observed on a consistent basis and counts have exceeded 100 fish more than once. Only two of these systems, the East and North Forks of the Bradfield River, are routinely surveyed for king salmon escapement, while king salmon are sometimes observed and counted in the other systems during surveys for other salmon (Figure 219-1.). It is believed that the largest numbers of fish are produced in the Bradfield River drainages; however, aerial survey counts may be of limited value in determining or monitoring escapements because of the low frequency of counts coupled with reduced visibility and variable conditions in these partially-glacial streams and rivers. The next largest producers include the Harding and Eagle rivers. Additionally, a small number of king salmon are observed periodically in Toms Lake and Marten Creek. Acquiring escapement information for these streams has been limited to marginal aerial

surveying conditions, and as a result, there is no trend or pattern in the escapement data. Escapement goals and other specific management objectives for fisheries that harvest these fish have not been established.

The nearest systems routinely surveyed for king salmon escapement are the Unuk River to the south and Andrew Creek (a tributary to the Stikine River) to the north. Escapement counts in these 2 systems have been within, or above, the biological escapement goal range since 1998. Both the Unuk River and Andrew Creek are in USFS-designated wilderness areas. In contrast, none of the District 7 systems are in wilderness areas and some have been heavily developed. Both forks of the Bradfield River were intensively logged/roaded between 1966 and 1982.

Studies and information on king salmon stocks originating in the Bradfield Canal drainages have been very limited and do not address stock status. During a local enhancement study for the Harding River, king salmon eggs were collected from Harding River king salmon in the 1986, 1989, and 1991 and incubated at Crystal Lake Hatchery. The resulting fry were marked with coded wire tags and 103,500 fry (approximately 1 g) were released back into the Harding River as part of a habitat enhancement project. Ninety-two of the surviving fish were later recovered in harvest or escapement sampling. Of the tagged fish caught in commercial fisheries, about 11% were caught in the District 7 purse seine fishery, and the remaining 89% were recovered throughout Southeast Alaska fisheries, with over 65% harvested by the troll fleet.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The Bradfield Canal king salmon stocks do not meet the criteria in 5 AAC 39.222 to consider it a stock of concern. The status of the Bradfield Canal king salmon stocks is unknown.

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

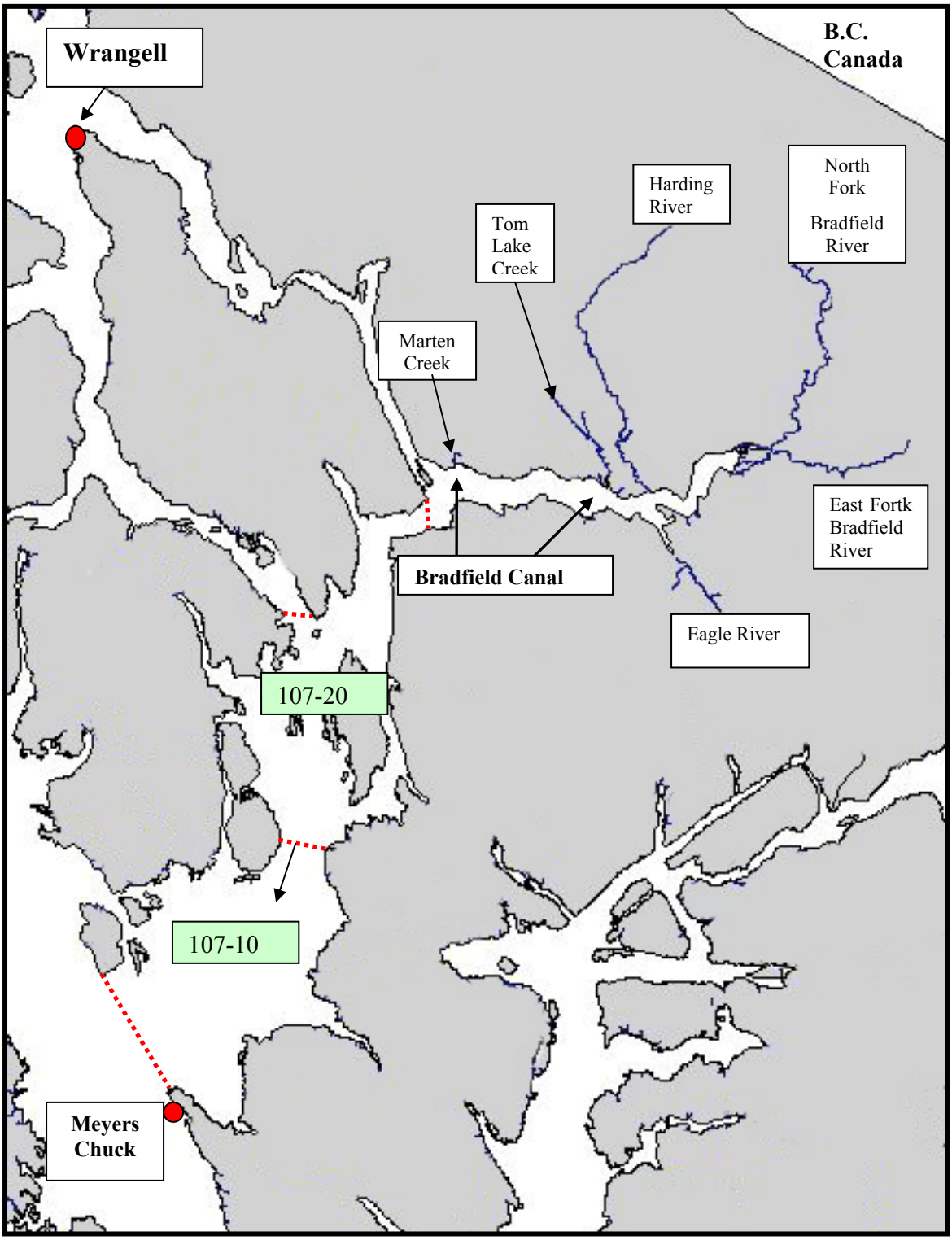


Figure 219-1.–Locations of Bradfield Canal king salmon drainages and nearby statistical areas.

PROPOSAL 220: 5 AAC 47.022. GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE FRESH WATERS OF THE SOUTHEAST ALASKA AREA.

PROPOSED BY: Walter Pasternak.

WHAT WOULD THE PROPOSAL DO? This proposal would modify the Southeast Alaska King Salmon Management Plan by requiring the department to adjust the guided sport fishery allocation for overages/underages annually. Additionally, it would require the board to divide the sport allocation for king salmon into two components: guided and non-guided.

WHAT ARE THE CURRENT REGULATIONS? The **Southeast Alaska King Salmon Management Plan** (**5 AAC 47.055**) and regulations under the **General Harvest Ceiling and Allocation of Chinook Salmon** (**5 AAC 29.060**) direct the department to manage the sport fishery for an average harvest of 20 percent and the commercial troll fishery for 80 percent of the annual harvest ceiling (quota) specified by the Pacific Salmon Commission, after subtracting the commercial net harvest as follows: purse seine fishery, 4.3 percent; drift gillnet 2.9 percent; and set gillnet fishery 1,000 Chinook salmon.

The **Southeast Alaska King Salmon Management Plan** (**5 AAC 47.055**) directs the department to establish specific regionwide bag limits for resident and nonresident anglers and annual limits for nonresident anglers at various levels of king salmon abundance (as measured by the Chinook Abundance Index or AI). Under the current plan, the nonresident bag limit is generally 1 fish; the exception being 2 fish limits in May and June when the AI is greater than 2.0 and a 2 fish limit in May when the AI is greater than 1.75. Additionally, the plan directs the department to establish periods of non-retention for nonresidents, as well as resident anglers, under very low AI levels. The nonresident annual limit is established using a sliding scale that becomes progressively more restrictive as the AI declines, from a maximum of 6 fish annually at high levels to a low of 1 fish. The current plan does not provide provisions for tracking overages or underages.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Under the 1999 Pacific Salmon Treaty Agreement, the Southeast Alaska king salmon fishery is managed based on abundance. There are no provisions in the treaty that allow Alaska to "bank" fish to account for harvest underages or overages that occurred in prior years. Therefore, any increase in sport harvest to make up for past underages would have to be taken from another gear group. Overages in the sport fishery would have to be subtracted from the next year's sport allocation.

This proposal would require individual allocations between guided and non-guided anglers within the sport fishery. How this allocation would be set is not addressed in the proposal. If current management is modified such that harvests are allocated based on guided/non-guided activity, management of the king salmon sport fishery would be more complex, and, given the department's existing programs, less precise. This proposal would require the current management plan to be substantially modified to provide direction to the department in

managing each group of users for an allocation; the current plan does not provide the department with the discretion or direction to do so.

BACKGROUND: Since the Pacific Salmon Treaty was ratified in 1985, Alaska has been allowed to harvest a specific number of "treaty" Chinook salmon. The amount of Alaska's quota varies depending on the abundance of Chinook stocks on the West Coast. The board has allocated Alaska's share of the treaty quota to various fisheries. The Southeast King Salmon Management Plan was established in 1992 and has been modified on numerous occasions. The plan lists the objectives for the sport fishery and the regulations under which it is managed. In 2003, the board made a number of changes to the King Salmon Management Plan. The board repealed the regulation requiring the department to restrict or expand the commercial troll fishery in response to yearly overages and underages in the sport fishery.

Increased king salmon harvest by charter and nonresident anglers was an issue at past board meetings in Southeast, and as a result, the board has taken steps to decrease the percentage of harvest by nonresident anglers. In 1997, the board imposed annual limits for nonresidents, and in 2000 and 2003 additional bag limit and annual limit restrictions were implemented for nonresidents. In 2006 and 2007, the most recent years for which data are available, nonresidents accounted for 63% of the total harvest each year. Guided harvest during 2006 and 2007 represented 49% and 50% of the total harvest, respectively.

During the 2005, 2006, and 2007 seasons the sport fishery harvested 16.2%, 21.8%, and 20.3% respectively of its allocation based on the preseason abundance index.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of setting an allocation of the sport fishery quota between guided and non-guided anglers. However, if the board decides to reduce the harvest of king salmon by guided anglers, the department prefers that regulatory means (such as reduced bag limits, annual limits, and closures) be used, with specific direction about when and where to implement the regulations, rather than establishing specific allocations for each group.

The department is **OPPOSED** to modifying the plan to account for overages/underages in the sport fishery. Under abundance-based management, the Treaty does not provide the option for increasing harvest to compensate for fish not harvested in prior years. Therefore, increasing the sport allocation to harvest overages from prior years would require commensurate reductions in allocations to other fisheries. This would reverse the action taken by the board in 2003 that uncoupled the management of the troll and sport king salmon fisheries. A goal of the King Salmon Management Plan is for the sport fishery to obtain an average harvest of 20% of the combined troll/sport allocation. Since 2003, the sport fishery has averaged 17.4% of its 20% allocation based on the preseason abundance index.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 221: 5 AAC 47.055. SOUTHEAST ALASKA KING SALMON MANAGEMENT PLAN. Establish a king salmon bag limit of one fish for all anglers.

PROPOSED BY: Michael Truax.

WHAT WOULD THE PROPOSAL DO? It would establish a king salmon bag limit of 1 fish 28 inches or greater in length for all anglers.

WHAT ARE THE CURRENT REGULATIONS? The **Southeast Alaska King Salmon Management Plan** (**5 AAC 47.055**) directs the department to establish specific regionwide daily bag limits for resident and nonresident anglers, and annual limits for nonresident anglers based on the level of the preseason Abundance Index (AI) issued by the Pacific Salmon Commission. When AIs are above 2.0, the nonresident bag limit is 2 king salmon during May and June, and 1 king salmon for the remainder of the year under the current plan. When the AI is 1.51 to 2.0, the nonresident bag limit is 2 king salmon during May and 1 king salmon for the remainder of the year. At abundance indices of 1.5 or below, the nonresident bag limit is 1 king salmon; although the plan directs the department to establish periods of non-retention by nonresident and residents under very low AI levels.

At AI levels greater than 1.5 the resident bag limit is 3 king salmon. The resident bag limit decreases to 2 king salmon when the AI is greater than 1.2 and less than or equal to 1.5. A 1 king salmon resident bag limit is established at abundance indices less than or equal to 1.2.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would reduce the nonresident bag limit in May and June from 2 to 1 king salmon when the abundance index was above 2.0. The nonresident bag limit would also be reduced from 2 to 1 king salmon during May when abundance indices are from 1.51 to 2.0. The resident bag limit would be reduced from 3 to 1 king salmon when the abundance index is greater than 1.5. Additionally it would reduce the resident bag limit when from 2 to 1 king salmon when the abundance index is from 1.21 to 1.5.

BACKGROUND: One of the objectives of the Southeast Alaska King Salmon Management Plan ((5 AAC 47.055(3)) is to minimize regulatory restrictions on resident anglers. The nonresident bag limit has never been greater than the resident bag limit under the current plan, nor has it been since implementation of the plan in 1992.

The premise of this proposal–that nonresident bag limits were set higher than resident bag limits–is incorrect. At no time has the nonresident king salmon bag limit been set at 3 fish while the resident king salmon bag limit was set at 1 fish.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

PROPOSAL 222: 5 AAC 47.055. SOUTHEAST ALASKA KING SALMON MANAGEMENT PLAN. Close areas of high Chinook salmon abundance to the guided sport fishery when the king salmon abundance is below 1.2.

PROPOSED BY: Walter Pasternak.

WHAT WOULD THE PROPOSAL DO? This proposal adds an additional management measure to the Southeast Alaska King Salmon Management Plan (5 AAC 47.055) for closing the guided sport fishery in areas of high king salmon abundance at Abundance Indices (AI) below 1.2. This may reduce hook and release mortality in the sport fishery.

WHAT ARE THE CURRENT REGULATIONS? Currently, the sport fishery receives 20% of the remaining all gear king salmon allocation after the net allocation has been removed. The **Southeast Alaska King Salmon Management Plan** (**5 AAC 47.005**) (Plan) directs the department to establish regionwide bag and nonresident annual limits at various levels of king salmon abundance, as measured by the Chinook Abundance Index (AI).

During years when the AI is an less than or equal to 1.2, but greater than 1.1, the bag limit is one fish for all anglers and the nonresident annual limit is established using a sliding seasonal scale as follows: January 1–June 30 the annual limit is 3 fish; July 1 through July 15 the annual limit is 2 fish; and from July 16 through December 31 the annual limit is 1 fish.

At an AI less than or equal to 1.1 but greater than 1.0, the resident and nonresident bag, possession, and annual limits restrictions remain in effect, but nonresidents are further restricted by a 48 inch minimum size limit during July 16 through September 30.

During years of very low king salmon abundance (AI below 1.0), the Southeast Alaska King Salmon Management Plan directs the department to enact provisions by emergency order, specifying fishing times during which the retention of king salmon less than 48 inches in length is prohibited by resident and nonresident anglers. Fishing times of non-retention would be implemented independently for resident and nonresident anglers to obtain 20 percent of the harvest reduction from resident anglers and 80 percent from nonresident anglers. Fishing times of non-retention may be established on a regular basis between July 16 and July 31, as needed, and established on non-consecutive days when possible. If the entire period of July 16 through July 31 is established as a fishing time of non-retention and additional closures are necessary, additional fishing times of non-retention will be similarly established between July 1 and July 15.

The "waters of frequent high king salmon abundance," as defined in regulation AAC 29.025 (a), are closed to commercial trolling each summer following the first king salmon opening, which

begins on July 1 and ends when the harvest target for the first retention period is reached. The areas of high king salmon abundance remain closed for the rest of the summer fishery in order to slow down the harvest rate, as long as approximately 70% of the summer troll king salmon quota was harvested during the first retention period.

The waters of high king salmon abundance may reopen only if one or more of the following conditions are met:

- If, after 10 days, the department determines that the annual troll king salmon quota might not be reached by September 20 with those waters closed.
- If the department determines that less than 30% of the king salmon harvest target for the initial opening was taken in that opening.
- If the annual troll king salmon quota will not be harvested by September 20. The department may continue the summer troll king salmon fishery only in waters with no coho salmon conservation concerns until the king salmon quota is reached or until September 30, whichever occurs first.

Following the closure of the summer troll fishery to the taking of king salmon, the fishery remains open for harvest of other salmon species. However, the department closes the waters of high king salmon abundance to the taking of other salmon species in order to further minimize the incidental hook and release of king salmon.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would prohibit fishing by guided anglers for all species in areas of high king salmon abundance at abundance indices below 1.2.

BACKGROUND: Prior to 1993, the Southeast Alaska King Salmon Management Plan (Plan) provided provisions to prohibit the retention of king salmon by nonresident anglers and anglers fishing from charter boats in areas of high king salmon abundance along the outer coast of Southeast Alaska. The provisions could also be applied to specified times, and apply to all anglers (as determined by the department). In 1994, the board rescinded these provisions and enacted the current provisions for implementing regionwide periods of king salmon non-retention in the sport fishery. Since 1994, a 'period of non–retention' in the sport fishery has only been enacted once (2000), and was only in place for a short period of time; it was rescinded when the preseason AI was revised and the resulting quota increased.

Preseason AIs in 1999–2001 were below 1.2 and although the set of management measures in the Plan at that time were different than what is there currently, harvests remained under the allocation by approximately 3,000 fish in two of those three years. The 2008 preseason AI was 1.07 and was the first time that the AI has been below 1.2 under the current Plan. The preliminary 2008 sport king salmon harvest estimate (based on expanded creel census and logbook data) is 25,700 treaty fish. Therefore, under the current plan, the sport fishery harvested less than its preseason allocation of 31,352 by about 5,700 fish.

From 2003 to 2007, the nonresident harvest of king salmon in logbook areas that encompass the areas of high Chinook abundance as identified in 5 AAC 29.025 accounted for an average of 28% of the regional total. However, since the logbook areas are larger than the areas of high Chinook abundance, the harvest within the high abundance areas is likely less than 28% of the regional total.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 223: 5 AAC 47.055. SOUTHEAST ALASKA KING SALMON MANAGEMENT PLAN. Allow the use of two rods October through March every year unless a conservation concern exists.

PROPOSED BY: Petersburg Charterboat Association.

WHAT WOULD THE PROPOSAL DO? This proposal would allow sport anglers the use of two rods from October through March at Abundance Indices (AI) below 1.5 and above 1.0.

WHAT ARE THE CURRENT REGULATIONS? The **Southeast Alaska King Salmon Management Plan** (**5 AAC 47.005**) has provisions that allow anglers to use two rods from October through March at Abundance Indices above 1.5.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Approximately 2% of the Southeast region king salmon harvest occurs during October through April. The increased king salmon harvest generated by allowing two rods during this time period is expected to be low. Resident anglers would be the primary beneficiaries of the increased harvest opportunity because few nonresidents fish during this time. Increased harvest of other species may occur.

BACKGROUND: In 2006, the board modified the Southeast Alaska King Salmon Management Plan to include provisions that allowed anglers to use two rods from October through March at Abundance Indices above 1.5. These provisions were implemented by the department in 2006 and 2007.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 224: 5 AAC 47.055 (e)(2) and (3). SOUTHEAST ALASKA KING SALMON MANAGEMENT PLAN. When the preseason abundance indices (AIs) are less than or equal to 1.1 and greater than or equal to 1.0, establish a bag and possession limit of one king salmon, 28 inches or greater in length, for nonresident anglers fishing within the geographical boundaries of the Golden North Salmon Derby area August 1 through August 25.

PROPOSED BY: Territorial Sportsmen, Inc.

WHAT WOULD THE PROPOSAL DO? During years when the AIs are less than or equal to 1.1 and greater than or equal to 1.0, this proposal would provide a bag and possession limit of one king salmon, 28 inches or greater in length, for nonresident anglers fishing within the geographical boundaries of the Golden North Salmon Derby area August 1 through August 25.

WHAT ARE THE CURRENT REGULATIONS? During years when the AIs are less than or equal to 1.1, and greater than or equal to 1.0, from July 16 through September 30, the nonresident bag, possession, and harvest limit is one king salmon 48 inches or greater in length.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The department estimates that this proposal would increase harvest of treaty king salmon by approximately 300 fish.

BACKGROUND: The Southeast Alaska king salmon sport fishery is managed under the directives of the Southeast Alaska King Salmon Management Plan (5 AAC 47.055). This plan prescribes management measures implemented by the department for the king salmon sport fishery based upon the preseason AI determined by the Chinook Technical Committee of the Pacific Salmon Commission. The preseason AI for the 2008 season was 1.07, which resulted in 31,350 king salmon allocated to the sport fishery--a 48% reduction from 2007.

The department issued emergency order 1-KS-R-03-08 on April 9, 2008 which enacted all management measures prescribed in the Plan for abundance indices below 1.1 and above 1.0. These management measures were adopted by the board in 2003; however, it was not until the relatively low AI level in 2008 that they were first implemented for the sport fishery. After implementation of the emergency order, questions arose within the department and from the public pertaining to the 11-day exemption in August intended for the Juneau sport fishing derby and how the 4 line limit on charter vessels should be applied. The department sought clarification on the implementation of these management measures by polling the board.

In April of 2008, the board convened and modified provisions within the Southeast Alaska King Salmon Management Plan. The board eliminated a management measure for the plan that

provided exemptions to the prohibition of the retention of king salmon less than 48 inches in length by resident and nonresident anglers fishing in the derby area August 15 through August 25. The management measure restricting the maximum number of lines that may be fished from a charter vessel to four lines was also eliminated. Additionally, a resident bag and possession limit of one king salmon, 28 inches or greater in length, was added making an exception for residents fishing the derby area unnecessary. To offset the increased harvest by these more liberal management measures, the board increased by two weeks the nonresident 48 inch minimum size limit for king salmon.

The 2003–2007 average king salmon harvest in the derby area from August 1–August 25 was 469 fish, with about 40% of them from Alaska hatcheries. This equates to an average harvest of about 280 treaty king salmon in the Golden North Salmon Derby area during the proposed time period.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 225: 5 AAC 47.055. SOUTHEAST ALASKA KING SALMON MANAGEMENT PLAN. Double the sport bag limit for king salmon in hatchery troll access corridors.

PROPOSED BY: Donald E. Westlund.

WHAT WOULD THE PROPOSAL DO? This proposal would double the bag limits for king salmon in all troll access corridors for resident and nonresident anglers.

WHAT ARE THE CURRENT REGULATIONS? Regionwide bag limits are set based on king salmon abundance as specified in the **Southeast King Salmon Management Plan** (**5 AAC 47.055)**. Under the plan, the department may establish, by emergency order, that nonresident harvest and annual limits for king salmon that do not apply in a hatchery terminal harvest area. In addition, the department's **emergency order authority** (**5 AAC 75.003**) provides the option of increasing limits and liberalizing methods and means in designated harvest areas when surplus hatchery fish are available.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would increase the harvest of king salmon by resident and nonresident anglers. The additional harvest of king salmon would include both Treaty (wild non-Alaska hatchery stocks) and non-treaty fish (Alaska hatchery stocks). The treaty portion of the increased harvest would count towards the sport fishery king salmon allocation. This proposal would also increase the king salmon bag limit in statistical areas 101-25, 29, the remainder of 101-27, portions of 101-85, 90 and 102-20, 30, 40, 50, 60, 70, and 80.

BACKGROUND: Currently, the department uses its emergency order authority to liberalize sport fishery regulations in the Ketchikan terminal harvest area (THA) to target Alaska hatchery king salmon originating from four hatcheries (Neets Bay, Deer Mountain, Whitman Lake, and Tamgas). Once hatchery broodstock needs are met and the hatchery composition of the total sport catch reaches 50%, the designated terminal areas are opened to harvest surplus king salmon, with an expanded bag limit of 6 king salmon of any size. This opening typically occurs in mid-June each year. From 2004–2008, an average of 57% of king salmon harvested annually in the Ketchikan area have originated from Alaska hatcheries.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. However, the department prefers to continue to manage the harvest of excess hatchery-produced king salmon in THAs on an annual basis via inseason emergency order rather than have our options fixed in regulation.

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

PROPOSAL 226: SOUTHEAST ALASKA KING SALMON MANAGEMENT PLAN; and 47.XXX. NEW SECTION. Double the king salmon bag limits in all hatchery troll access corridors for May and June in the Ketchikan area.

PROPOSED BY: Donald E. Westlund.

WHAT WOULD THE PROPOSAL DO? This proposal would double the king salmon bag limits in all troll access corridors during May and June for resident and nonresident anglers. This proposal would also establish official criteria that would direct how to manage the sport fisheries for hatchery king salmon based on hatchery composition percentages.

WHAT ARE THE CURRENT REGULATIONS? Regionwide bag limits are set based on king salmon abundance as specified in the **Southeast King Salmon Management Plan** (**5 AAC 47.055**). Under the plan, the department may establish, by emergency order, that nonresident harvest and annual limits for king salmon under that do not apply in a hatchery terminal harvest area. In addition, the department's **emergency order authority** (**5 AAC 75.003**) provides the option of increasing limits and liberalizing methods and means in designated harvest areas when surplus hatchery fish are available.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would increase the harvest of king salmon by resident and nonresident anglers. The additional harvest of king salmon would include both treaty (wild non-Alaska hatchery stocks) and non-treaty fish (Alaska hatchery stocks). The treaty portion of the increased harvest would count towards the sport fishery king salmon allocation. This proposal would also increase the king salmon bag limit during May and June in statistical areas 101-25, 29, the remainder of 101-27, portions of 101-85, 90 and 102-20, 30, 40, 50, 60, 70, and 80.

BACKGROUND: Currently, the department uses its emergency order authority to liberalize sport fishery regulations in the Ketchikan terminal harvest area (THA) to target Alaska hatchery king salmon originating from four hatcheries (Neets Bay, Deer Mountain, Whitman Lake, and Tamgas). Once hatchery broodstock needs are met and the hatchery composition of the total sport catch reaches 50%, the designated terminal areas are opened to harvest surplus king salmon with an expanded bag limit of 6 king salmon of any size. This opening typically occurs in mid-June each year. Currently, there are no official criteria directing how to manage the sport fisheries for hatchery king salmon in the Ketchikan area. From 2003–2008, an average of 57% of king salmon harvested annually in the Ketchikan area have originated from Alaska hatcheries.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. However, the department prefers to continue to manage the harvest of excess hatchery-produced king salmon in THAs on an annual basis via inseason emergency order rather than have our options fixed in regulation.

PROPOSAL 227: 5 AAC 29.095. DISTRICT 8 KING SALMON MANAGEMENT PLAN.

PROPOSED BY: Alaska Trollers Association.

WHAT WOULD THE PROPOSAL DO? This proposal would open District 8 to troll gear seven days per week, from the first Monday in May through June 30, when the Stikine River directed king salmon fishery is implemented.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 29.095. District 8 king salmon management plan.

(a) Except as specified in (b) of this section, the commissioner may open, by emergency order, weekly king salmon troll fishing periods in the waters of District 8, beginning on the first Monday in May through June 30, to occur from

(1) 12:01 a.m., Monday through 11:59 p.m. Wednesday when the commercial gillnet salmon fishery is open for 24 hours; and

(2) 12:01 a.m. Monday through 11:59 p.m. Friday when the commercial gillnet salmon fishery is open for more than 24 hours.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, the annual all-gear harvest of Stikine River king salmon is projected to increase between four and ten percent (712–1,509 fish), based on harvest statistics for the past three years. During that time period, the all-gear harvest exceeded the weekly U.S. Allowable Catch (AC) seventeen of the thirty weeks that the directed Stikine fishery was open. Assuming that effort was by the same number of vessels, if trolling had been open seven days per week during those three years, the all-gear harvest would have been over the AC eighteen of the thirty weeks. The overage would have been 35% greater in 2006 and 47% greater in 2007. The underage in 2008 would've been smaller if trolling had been open seven days per week (Table 227-1).

Increasing the days open to trolling would have a relatively small effect due to the relatively low efficiency of troll gear, even considering that additional time might lead to somewhat greater effort levels. During the four years in which the directed fishery has been open, the weekly mean average kings/boat/day (CPUE) has been 2.3 for troll gear, compared to 10.6 for drift gillnet gear, and the mean annual CPUE was 0.43 for troll and 3.0 for gillnet. Troll efficiency, as measured by weekly mean average CPUE, averaged 22% of drift gillnet efficiency (Table 227-2). Based on the annual average, the troll CPUE is 14% of the gillnet CPUE, which would equate to 7 days of trolling for 1 day of gillnetting. During weeks in which the commercial harvest of the Stikine River king salmon run generally peaks, weeks 20–24, troll CPUE's average 2.6, while gillnet CPUE's average 15.0. The gillnet fishery is managed for sockeye salmon beginning the second Sunday in June, so effort tends to shift to sockeye by week 25.

BACKGROUND: The commercial salmon troll fishery was open year-round prior to 1981, with a winter season of October 1 through April 14, and a summer season of April 15 through September 30. Beginning in 1981, the opening of the summer season was delayed by one month, until May 15, to provide for a three-cycle (15-year) king salmon rebuilding program. Commercial fisheries targeting Stikine and Taku River king salmon were closed in the mid to late 70s to rebuild those runs.

An agreement between the U.S. and Canada was reached in February, 2005 to allow directed commercial and sport fisheries on king salmon returning to the Stikine and Taku Rivers. The spring troll areas that had been open during the previous year in District 8 were open seven days per week in 2005, from May 1–June 30, to target Stikine River king salmon. In 2006, the board adopted a management plan for the directed fisheries in District 8, allowing for both the troll and drift gillnet fisheries to begin on the first Monday in May. Under that plan, troll openings are based on a ratio of days open to drift gillnet gear vs. days open to troll gear, as described above in 5 AAC 29.095. To avoid overharvesting specific components of the run, weekly guideline harvests were developed that apportion the allowable harvests over the total Chinook season based on historical weekly run timing. The preseason forecast is only to be used for management until inseason projections become available.

During the "base level" years 1985–2002, the average spring troll catch was 158 and the average drift gillnet catch was 428 king salmon. Historically, the troll catch was approximately half of the gillnet catch prior to 2003. Since 2006, the average annual troll harvest of Stikine River king salmon has been 9% (1,421 fish) of the average all-gear Stikine River king salmon harvest (15,733 fish).

An average of 87 troll permits fished annually from 2005 to 2008, compared to an average of 141 drift gillnet permits. Troll effort was 60% of drift gillnet effort during that time period.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

Table 227-1.–All-gear Stikine River king salmon harvest, projected harvest and Allowable Catch (AC).

2006 week	Gillnet Stikine Kings	Troll Stikine Kings	Commercial Stikine King Catch	Sport Stikine King Catch	Total All-Gear Stikine King Catch	Troll Stikine King Catch @ 7-Days	Total Comm. Stikine King Catch@ 7-day Troll	Total All-Gear Stikine King Catch@ 7-day Troll	Stikine King Catch Increase @ 7-days	% Stikine Catch Increase	US Weekly AC*	O/U Weekly AC	O/U Weekly AC @ 7-Day Troll
18		103	103	49	152	144	144	193	41		350	-199	-158
19	620	256	876	480	1,356	359	979	1,459	102	7%	880	476	579
20	578	51	629	404	1,033	71	649	1,053	20	2%	1,145	-112	-92
21	1,920	332	2,252	583	2,835	465	2,385	2,968	133	4%	2,894	-59	74
22	3,133	406	3,539	843	4,382	711	3,843	4,686	305	6%	4,137	245	549
23	5,079	440	5,519	72	5,591	616	5,695	5,767	176	3%	3,768	1,823	1,999
24	4,345	72	4,417	14	4,431	101	4,446	4,460	29	1%	3,517	914	943
25	2,811	176	2,987	203	3,190	246	3,057	3,260	70	2%	2,735	455	525
26	56	58	114	285	399	82	137	422	23	6%	1,379	-980	-957
27	1,187	0	1,187	11	1,198	0	1,187	1,198	0	0%	1,172	26	26
Total	19,728	1,895	21,622	2,944	24,566	2,794	22,522	25,466	900	4%	21,977	2,589	3,489

2007 week	Gillnet Stikine Kings	Troll Stikine Kings	Commercial Stikine King Catch	Sport Stikine King Catch	Total All-Gear Stikine King Catch	Troll Stikine King Catch @ 7-Days	Total Comm. Stikine King Catch@ 7-day Troll	Total All-Gear Stikine King Catch@ 7-day Troll	Stikine King Catch Increase @ 7-days	% Stikine Catch Increase	US Weekly AC*	O/U Weekly AC	O/U Weekly AC @ 7-Day Troll
18				165	165		0	165			112	53	53
19	157	149	306	193	499	348	505	698	199	28%	322	177	376
20	366	178	545	518	1,063	416	782	1,300	238	18%	445	618	855
21	741	149	890	523	1,414	348	1,089	1,613	199	12%	730	684	883
22	1,087	199	1,286	1,095	2,381	464	1,551	2,646	265	10%	2,091	290	555
23	1,494	379	1,873	475	2,348	884	2,378	2,854	505	18%	1,810	538	1,044
24	3,810	201	4,011	146	4,158	281	4,092	4,238	80	2%	1,842	2,316	2,396
25	531	58	589	52	641	81	612	664	23	3%	1,646	-1,005	-982
26	614	0	614	0	614	0	614	614	0	0%	857	-243	-243
27	116	0	116	100	216	0	116	216	0	0%	452	-236	-236
Total	8,918	1,313	10,231	3,268	13,499	2,822	11,740	15,008	1,509	10%	10,307	3,192	4,701

–Continued–

Table 227-1.─continued (page 2 of 2).

2008 week	Gillnet Stikine Kings	Troll Stikine Kings	Commercial Stikine King Catch	Sport Stikine King Catch	Total All-Gear Stikine King Catch	Troll Stikine King Catch @ 7-Days	Total Comm. Stikine King Catch@ 7-day Troll	Total All-Gear Stikine King Catch@ 7-day Troll	Stikine King Catch Increase @ 7-days	% Stikine Catch Increase	US Weekly AC*	O/U Weekly AC	O/U Weekly AC @ 7-Day Troll
18				0	0			0			385	-385	-385
19	320	72	392	70	462	101	421	491	29	6%	708	-246	-217
20	671	160	831	159	990	224	895	1,054	64	6%	871	119	183
21	1,253	313	1,566	313	1,879	438	1,691	2,004	125	6%	1,397	482	607
22	1,141	154	1,295	152	1,447	359	1,500	1,652	205	12%	1,813	-366	-161
23	1,335	145	1,480	135	1,615	338	1,673	1,808	193	11%	1,935	-320	-127
24	878	131	1,009	126	1,135	183	1,061	1,187	52	4%	1,706	-571	-519
25	1,112	0	1,112	-1	1,111	0	1,112	1,111	0	0%	800	311	311
26	463	79	542	79	621	111	574	653	32	5%	331	290	322
27	-131	2	-129	2	-127	14	-117	-115	12	-10%	177	-304	-292
Total	7,043	1,055	8,098	1,035	9,133	1,767	8,810	9,845	712	7%	10,123	-990	-278

Table 227-2.–Troll and drift gillnet CPUE (catch/boat/day) by year and week.

Troll CPUE by year and week					Gillnet CPUE by year, week				
Week	**2006**	**2007**	**2008**	**Avg.**	**Week**	**2006**	**2007**	**2008**	**Avg.**
18	1.2			1.2	18	5.3	0.0	0.0	1.8
19	2.0	2.3	1.4	1.9	19	9.0	6.9	5.2	7.0
20	1.2	2.7	1.5	1.8	20	7.3	7.8	7.3	7.5
21	2.0	3.0	1.8	2.3	21	14.4	11.8	8.3	11.5
22	3.4	2.0	2.7	2.7	22	20.2	15.9	13.6	16.5
23	3.9	4.1	1.8	3.2	23	26.6	20.1	14.9	20.5
24	3.2	4.0	2.1	3.1	24	20.0	28.4	9.1	19.1
25	3.2	2.5	1.4	2.4	25	20.1	5.7	14.9	13.6
26	4.7	4.3	1.0	3.3	26	3.5	6.4	5.9	5.3
27					27	3.4	2.1	3.0	2.8
Avg.	2.7	3.1	1.7	2.4	Avg.	13.0	10.5	8.2	10.6

PROPOSAL 228: 5 AAC 29.150(i)(7) CLOSED WATERS.

PROPOSED BY: Alaska Trollers Association.

WHAT WOULD THE PROPOSAL DO? Open a portion of Frederick Sound to trolling Monday through Wednesday each week, from the first Monday in May through the second Saturday in June. Trolling would be allowed in waters of Section 8-A west of a line from the District 10 boundary line one nautical mile off Kupreanof Island shoreline to Sukoi Island Light to Point Frederick (Figure 228-1).

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 29.150. Closed waters. (i)(7). Beacon Point/Point Frederick: waters of Frederick Sound west of a line from the District 10 boundary line one nautical mile off Kupreanof Island shoreline to Sukoi Island Light to Point Frederick, from the first Monday in May through the second Saturday in June. *Note: This regulation should be corrected to read "Frederick Point".*

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, troll harvest and catch rates could potentially increase to some degree, although projecting the quantitative effects is difficult since there is no separate harvest data for this portion of District 8. During the past four years, troll harvest in District 8 as a whole ranged from 1,666–4,995 king salmon. Troll effort ranged from 76 to 92 permits annually, while catch rates ranged from an average of 1.6–2.7 kings/boat/day (Table 228-1).

Had this proposal been adopted in 2008, this area would have been open to trolling for a total of 18 days over a six-week period. The maximum number of trollers that fished District 8 in a single week that year was 49, while the average was 26. If, for example, one-third of the average weekly troll effort occurred in the proposed area (9 boats per week) at the average catch rate for 2008 (1.6 kings/boat/day), the resulting 18-day harvest would be 259 kings. However, there is no way of predicting how many trollers would choose to fish in the proposed area and those who do would be likely to move there from other portions of District 8. Since most of District 8 was already open to trolling for a minimum of three days per week during the past three years, troll effort and harvest in District 8 would not necessarily increase, but would probably be more widely dispersed throughout the district. Factors such as fish distribution and effort by other gear types would probably influence whether trollers would fish within the new area or not.

If this proposal were adopted, trollers would be allowed to fish in a portion of District 8 that has been closed to the drift gillnet fishery. Troll catch rates may be somewhat higher than they would be in an area shared by troll and gillnet gear.

BACKGROUND: The commercial salmon troll fishery was open year-round prior to 1981, with a winter season of October 1 through April 14 and a summer season of April 15 through September 30. Beginning in 1981, the opening of the summer season was delayed by one month, until May 15, to provide for a three-cycle (15-year) king salmon rebuilding program. Commercial fisheries targeting Stikine and Taku River king salmon were closed in the mid to late 70s to rebuild those runs.

An agreement between the U.S. and Canada was reached in February, 2005 to allow directed commercial and sport fisheries on king salmon returning to the Stikine and Taku Rivers. The spring troll areas that had been open during the previous year in District 8 were open seven days per week in 2005, from May 1–June 30, to target Stikine River king salmon. In 2006, the board adopted a management plan for the directed fisheries in District 8, allowing for both the troll and drift gillnet fisheries to begin on the first Monday in May. The board adopted specific closed waters in District 8 where king salmon are usually concentrated to provide sport fishers with exclusive areas for fishing without interference from commercial fishing gear.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

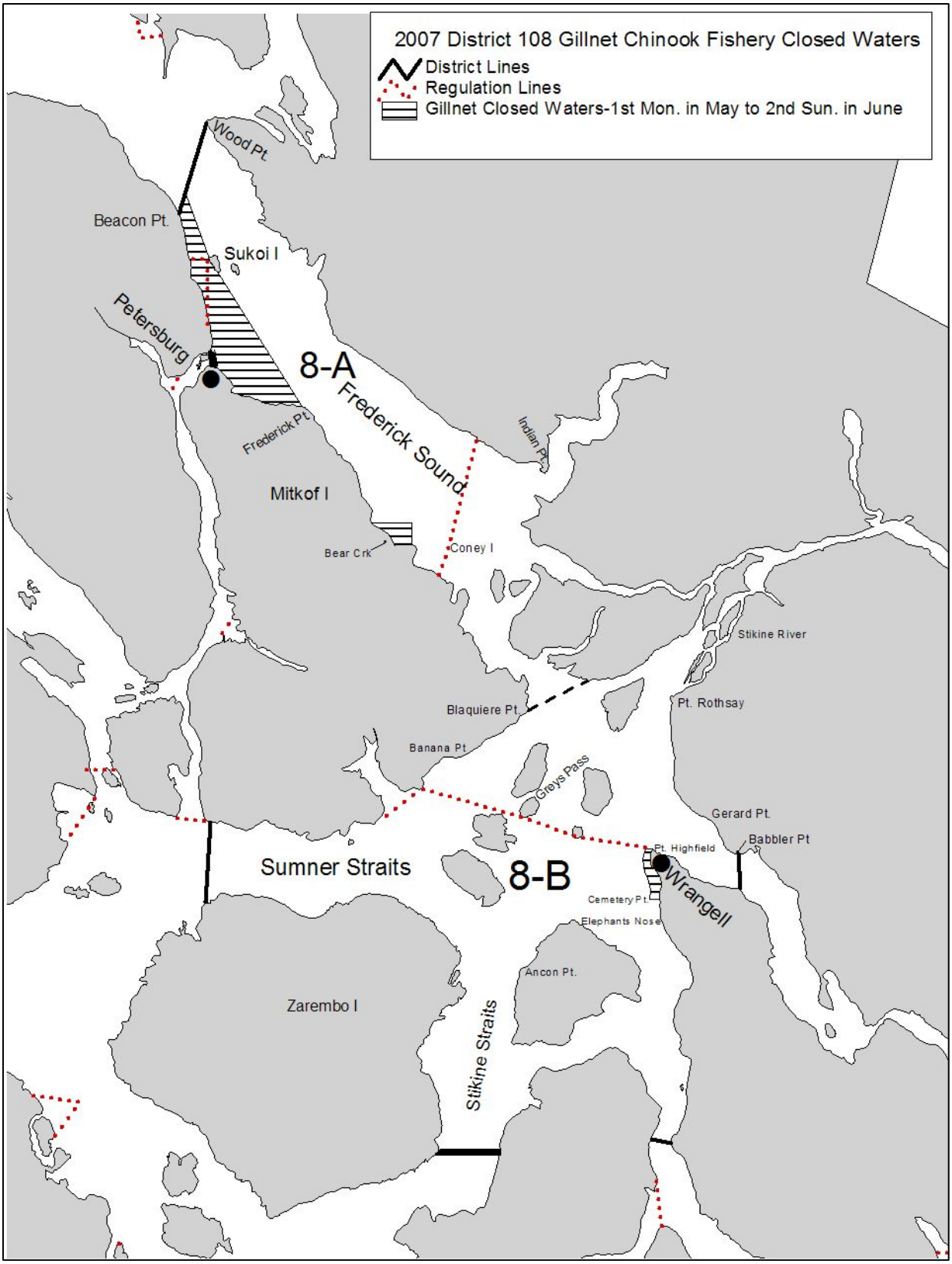


Figure 228-1.–District 8 directed Stikine River king salmon fishery areas.

Table 228-1.–Troll harvest data in District 8, 2005–2008.

	2005				2006				2007				2008			
Week	**Days**	**Boats**	**Kings**	***CPUE**	**Days**	**Boats**	**Kings**	***CPUE**	**Days**	**Boats**	**Kings**	***CPUE**	**Days**	**Boats**	**Kings**	***CPUE**
18					5	18	106	1.18								
19	7	23	156	0.97	5	28	278	1.99	3	22	149	2.26	5	19	70	0.74
20	7	20	148	1.06	5	40	235	1.18	3	37	298	2.68	5	28	192	1.37
21	7	26	350	1.92	5	37	370	2.00	3	42	375	2.98	5	49	360	1.47
22	7	45	1,127	3.58	4	38	516	3.39	3	33	199	2.01	3	34	183	1.79
23	7	38	799	3.00	5	34	661	3.89	3	38	464	4.07	3	28	225	2.68
24	7	40	876	3.13	5	11	178	3.24	5	19	384	4.04	5	36	319	1.77
25	7	33	918	3.97	5	11	176	3.20	5	12	148	2.47	5	23	236	2.05
26	7	21	587	3.99	5	17	395	4.65	5	13	277	4.26	5	11	79	1.44
27	5	6	34	1.13									1	2	2	1.00
Total	61	89	4,995	2.5	44	90	2,915	2.7	30	76	2,294	3.1	37	92	1,666	1.6

*CPUE = kings/boat/day; average CPUE is given in place of a total.

PROPOSAL 229: 5 AAC 47.057 (b)(3). STIKINE RIVER KING SALMON MANAGEMENT PLAN. Increase the nonresident annual limit for king salmon to a multiple of 4 daily bag limits in the Stikine River area.

PROPOSED BY: Petersburg Charterboat Association.

WHAT WOULD THE PROPOSAL DO? This proposal would increase the annual limit from five to eight king salmon 28 inches and greater in length during years when the District 8 king salmon fishery is liberalized under the existing Stikine River King Salmon Management Plan.

WHAT ARE THE CURRENT REGULATIONS? The current regulations from the **Stikine River King Salmon Management Plan** (**5 AAC 47.057**) regarding bag, possession, and annual limits once there has been an allowable harvest announced are as follows: taken from 5 AAC 47.057 (b)(2–3):

(2) a resident bag limit of three king salmon 28 inches or greater in length, and a possession limit of six king salmon;
(3) a nonresident bag limit of two king salmon 28 inches or greater in length, a possession limit of two king salmon; and an annual limit of five king salmon 28 inches or greater in length.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? An estimated 2% increase would occur in the District 8 sport king salmon harvest. In the last three seasons, this would have equated to between 35 and 70 additional Stikine River king salmon taken by nonresident anglers in each of the years.

BACKGROUND: Beginning in 2005, sport and commercial directed king salmon fisheries occurred in the area around the mouth of the Stikine River, known as District 8, after it was acknowledged by the Pacific Salmon Commission that Stikine River king salmon runs had been rebuilt. Because the Stikine fishery is considered a Treaty exclusion fishery, liberalized king salmon sport regulations were developed to improve harvest opportunity on fish that are surplus to escapement needs. Emergency regulations initially established in 2005 by the board were identical for resident and nonresident anglers, including a bag and possession limit of three king salmon and no annual limit during the May 1 through July 15 period.

In 2006, the board adopted fishery management plans for future directed king salmon fisheries for the Stikine area. The process to develop the management plan included a board-directed task force of local representatives from Petersburg and Wrangell split into gear groups, that worked to find consensus for all aspects of the commercial and recreational fishery that would be considered by the board. The two communities remained split over nonresident annual limits for sport-caught king salmon and never achieved consensus. Petersburg task force members felt an annual limit was not needed for the liberalized fishery, while Wrangell continued to seek a four king salmon annual limit as had been proposed by their local advisory committee. The resulting annual limit regulation selected by the board (five king salmon) was a compromise between the two communities.

Since 2005, liberalized regulations have been implemented each year for this sport fishery. Directed commercial fisheries (gillnet and troll) also have occurred in each of these years and the allowable catch for this area has been harvested. District 8 sport harvests of king salmon in the three years under these regulations have not markedly increased relative to the 1985–2003 baseline sport harvest of 2,818 Stikine River king salmon. During the first three years under the local management plan's liberalized regulations, angling success on private and charter day trips has varied, but the levels are not outside the range seen in years prior to the directed fisheries in District 8. In this same period, between 1.3% and 6.3% of the chartered nonresident anglers took their District 8 annual limit of 5 king salmon. While on charters, 3% of the chartered nonresident anglers released king salmon that, if retained, may have increased the nonresident charter harvest by as much as 5.7%. When combined with unguided or private nonresident harvests in the same years, it is estimated that the overall District 8 sport king salmon harvests would increase by 2.1%.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in additional costs for the private person to participate in this fishery to harvest their legal limits.

PROPOSAL 230: 5 AAC 29.097. DISTRICT 11 KING SALMON MANAGEMENT PLAN.

PROPOSED BY: Alaska Trollers Association.

WHAT WOULD THE PROPOSAL DO? This proposal would open District 11 to troll gear seven days per week when the Taku River Directed king salmon fishery is open to drift gillnet gear.

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

(1) in the waters of Section 11-A that are east and south of a line from Piling Point at 58°19.25' N. lat., 134°48.17' W. long. to Middle Point at 58°14.90' N. lat., 134°37.73' W. long. then south and west of a line from Marmion Island Light to Circle Point,
   (A) from 12:01 a.m. Monday through 11:59 p.m. Wednesday when the gillnet fishery is open for 24 hours; and
   (B) from 12:01 a.m. Monday through 11:59 p.m. Friday when the gillnet fishery is open for more than 24 hours;
(2) in the waters of Section 11-B that are south of a line from Marmion Island Light to Circle Point,
   (A) from 12:01 a.m. Monday through 11:59 p.m. Wednesday when the gillnet fishery is open for 24 hours;
   (B) from 12:01 a.m. Monday through 11:59 p.m. Friday when the gillnet fishery is open for more than 24 hours.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, troll harvest of king salmon is projected to increase by an average of 0.2% when compared to the total commercial harvest in 2005–2006. The troll harvest is projected to be 34 fish, compared to the actual average of 16 fish. The number of days open to trolling would double when compared with the 2005–2006 average of 57 days (Table 230-1). The effect on the drift gillnet fishery is likely to be minimal to none. However, it is possible that the number of vessels participating in this fishery would increase due to the proposed increase in fishing opportunity.

BACKGROUND: The commercial salmon troll fishery was open year-round prior to 1981, with a winter season of October 1 through April 14 and a summer season of April 15 through September 30. Beginning in 1981, the opening of the summer season was delayed by one month, until May 15, to provide for a three-cycle (15-year) king salmon rebuilding program. Commercial fisheries targeting Stikine and Taku rivers king salmon were closed in the mid to late 70s, to rebuild those runs.

An agreement between the U.S. and Canada was reached in February, 2005 to allow directed commercial and sport fisheries on king salmon returning to the Stikine and Taku rivers. Trolling was allowed in two areas of District 11 (Figure230-1). Waters of Section 11-A on the west side of Douglas Island were open concurrently with the drift gillnet fishery in Section 11-B, beginning May 2. Waters of Section 11-B south of Cove Point were open five days per week, Monday–Friday. If the drift gillnet fishery was closed, trolling also closed in both areas.

In 2006, the board adopted a management plan for the directed fisheries in District 11 allowing for both the troll and drift gillnet fisheries to begin on the first Monday in May. Under that plan, troll openings are based on a ratio of days open to drift gillnet gear vs. days open to troll gear, as described above in 5 AAC 29.097. To avoid overharvesting specific components of the run, weekly guideline harvests were developed which apportion the allowable harvests over the total Chinook salmon season, based on historical weekly run timing. The preseason forecast will only be used for management until inseason projections become available.

There were no directed king salmon fisheries for Taku River king salmon in 2007 or 2008 due to the low preseason forecast and subsequent inseason abundance estimates that did not provide for any U.S. Allowed Catch (AC). The preseason terminal forecasts for large Taku River king salmon were 38,500 fish and 39,500 in 2007 and 2008, respectively. These forecasts were well below the preseason forecast of approximately 48,400 fish required to trigger directed fisheries in District 11 under the terms in the Pacific Salmon Treaty.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal as written since it would include fishing in Sections 11-C and 11-D during a directed fishery on Taku River Chinook salmon. Fishing in those areas may lead to overharvest of smaller Chinook salmon stocks such as the King Salmon River stock. These concerns do not apply to fishing in Sections 11-A and 11-B during directed fisheries on Taku River stocks. The department is **NEUTRAL** on the allocative aspects of this proposal.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

Table 230-1.–Harvest data for the Taku River directed king salmon fishery.

Troll Fishery	**2005**	**2006**	**Average**
King salmon harvested	21	11	16
Unique permits fished	3	4	3.5
Days open	35	18	26.5
Overall CPUE	0.2	0.2	0.2
Days if open 7 days/week*	60	54	57
Projected harvest if 7 days/week	36	33	34
Combined troll + gillnet harvest	19,861	10,947	15,404
Troll harvest/ Combined harvest	0.1%	0.1%	0.1%
Increase Troll/ Combined harvest	0.2%	0.3%	0.25%
Drift Gillnet Fishery	**2005**	**2006**	**Average**
King salmon harvested	19,840	10,936	15,388
Unique permits fished	121	120	120
Days open	32	26	29
Overall CPUE	5.1	3.5	4.3

**May 2–June 30, 2005; May 8–June 30, 2006. Troll effort in most weeks was confidential.*

Table 230-2.–Drift gillnet harvest in the Taku River directed king salmon fishery.

2005	**Week**	**Kings**	**Permits**	**Days**	**CPUE**
	19	994	47	2	10.6
	20	1,645	64	3	8.6
	21	3,985	73	3	18.2
	22	4,559	80	4	14.2
	23	3,664	86	3	14.2
	24	2,572	70	3	12.2
	25	1,307	46	2	14.2
	26	462	48	3	3.2
	27	460	61	3	2.5
	28	158	50	3	1.1
	29	34	51	3	0.2
	Total	19,840	121	32	5.1

2006	**Week**	**Kings**	**Permits**	**Days**	**CPUE**
	21	1,092	43	2	12.7
	22	4,036	54	3	24.9
	23	3,218	55	2	29.3
	24	1,006	43	1	23.4
	25	1,066	45	3	7.9
	26	178	41	3	1.4
	27	222	74	4	0.75
	28	99	72	4	0.3
	29	19	55	4	0.1
	Total	10,936	120	26	3.5

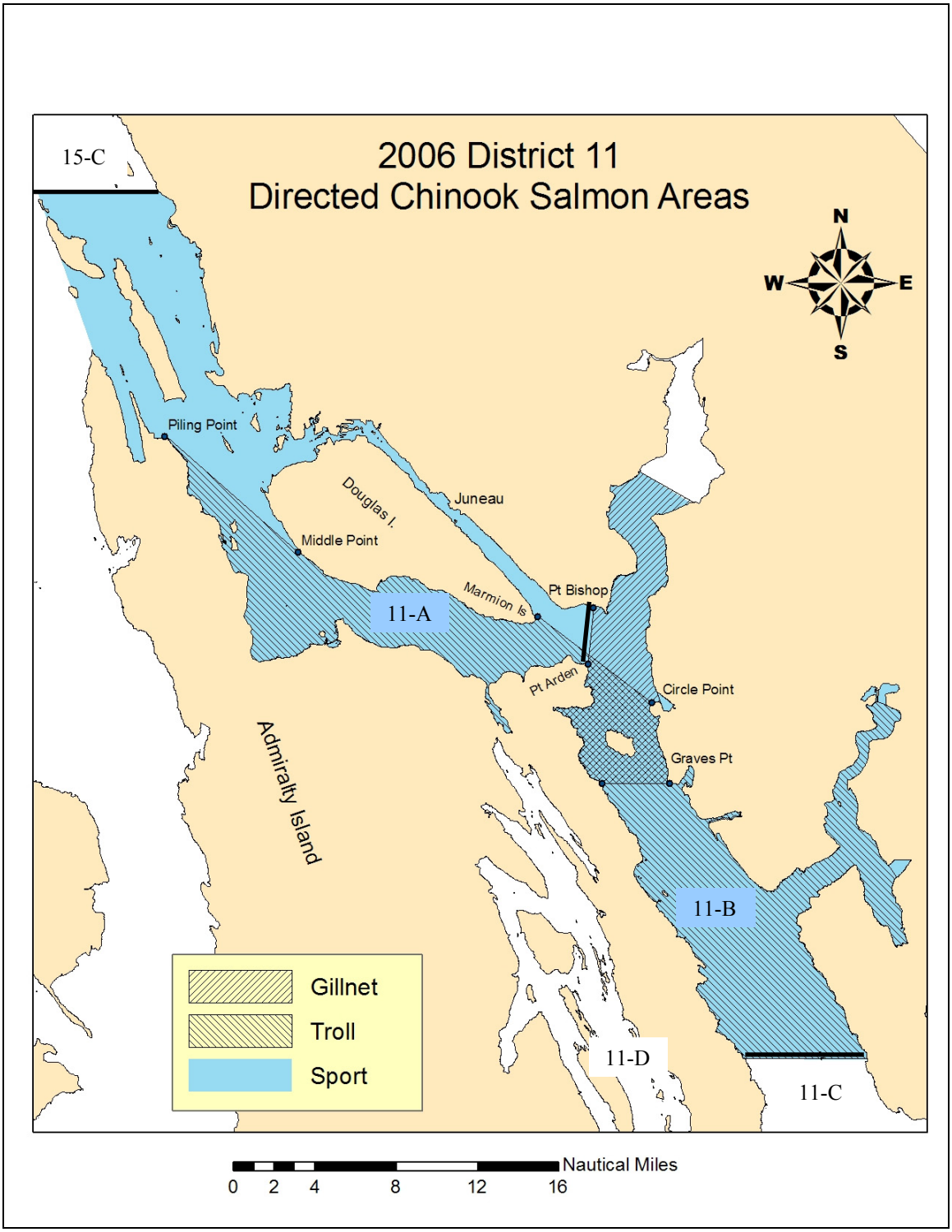


Figure 230-1.–2006 Taku River directed king salmon fishing areas.

PROPOSAL 231: 5 AAC 29.097. DISTRICT 11 KING SALMON MANAGEMENT PLAN.

PROPOSED BY: Alaska Trollers Association.

WHAT WOULD THE PROPOSAL DO? This proposal would open all of District 11 to trolling when the directed Taku River king salmon fishery is implemented.

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

(3) in the waters of Section 11-A that are east and south of a line from Piling Point at 58°19.25' N. lat., 134°48.17' W. long. to Middle Point at 58°14.90' N. lat., 134°37.73' W. long. then south and west of a line from Marmion Island Light to Circle Point,
  (A) from 12:01 a.m. Monday through 11:59 p.m. Wednesday when the gillnet fishery is open for 24 hours; and
  (B) from 12:01 a.m. Monday through 11:59 p.m. Friday when the gillnet fishery is open for more than 24 hours;

(4) in the waters of Section 11-B that are south of a line from Marmion Island Light to Circle Point,
  (A) from 12:01 a.m. Monday through 11:59 p.m. Wednesday when the gillnet fishery is open for 24 hours;
  (B) from 12:01 a.m. Monday through 11:59 p.m. Friday when the gillnet fishery is open for more than 24 hours.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, the area open to trollers would increase to include all of District 11. This proposal was submitted along with Proposal 230, which supports allowing trollers to fish seven per week when the directed Taku River king salmon fishery is open. Removing the current area restrictions may increase the troll harvest, though that increase is not likely to be large if troll effort is similar to that seen in 2005–2006, when three or four permits were fished. By allowing trollers to fish in areas that may have a higher concentration of Taku River king salmon, troll catch rates may improve over the low levels seen in 2005–2006. The potential effect on drift gillnet catch rates and harvest is likely to be relatively small, given that trollers harvested 0.1% of the commercial catch in 2005 and 2006 (Table 231-1). The efficiency of troll gear in near-terminal areas has usually proven to be low compared to that of net gear.

BACKGROUND: The commercial salmon troll fishery was open year-round prior to 1981, with a winter season of October 1 through April 14 and a summer season of April 15 through September 30. Beginning in 1981, the opening of the summer season was delayed by one month, until May 15, to provide for a three-cycle (15-year) king salmon rebuilding program.

Commercial fisheries targeting Stikine and Taku rivers king salmon were closed in the mid to late 70s, to rebuild those runs.

An agreement between the U.S. and Canada was reached in February, 2005 to allow directed commercial and sport fisheries on king salmon returning to the Stikine and Taku Rivers. Trolling was allowed in two areas of District 11 (Figure 231-1). Waters of Section 11-A on the west side of Douglas Island were open concurrently with the drift gillnet fishery in Section 11-B, beginning May 2. Waters of Section 11-B south of Cove Point were open five days per week, Monday–Friday. If the drift gillnet fishery was closed, trolling also closed in both areas.

In 2006, the board adopted a management plan for the directed fisheries in District 11, allowing for both the troll and drift gillnet fisheries to begin on the first Monday in May. Under that plan, troll openings are based on a ratio of days open to drift gillnet gear vs. days open to troll gear, as described above in 5 AAC 29.097. To avoid overharvesting specific components of the run, weekly guideline harvests were developed which apportion the allowable harvests over the entire Chinook salmon season based on historical weekly run timing. The preseason forecast is only to be used for management until inseason projections become available.

There were no directed Chinook salmon fisheries for Taku River king salmon in 2007 or 2008,due to the low preseason forecast and subsequent inseason abundance estimates that did not provide for any U.S. Allowed Catch (AC). The preseason terminal forecasts for large Taku River king salmon were 38,500 fish and 39,500 in 2007 and 2008, respectively. These forecasts were well below the preseason forecast of approximately 48,400 fish required to trigger directed fisheries in District 11 under the terms in the Pacific Salmon Treaty.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal as written since it would include fishing in Sections 11-C and 11-D during a directed fishery on Taku River Chinook salmon. Fishing in those areas may lead to overharvest of smaller Chinook salmon stocks such as the King Salmon River stock. These concerns do not apply to fishing in Sections 11-A and 11-B during directed fisheries on Taku River stocks. The department is **NEUTRAL** on the allocative aspects of this proposal.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

Table 231-1.–Harvest data for the Taku River directed king salmon fishery.

Troll Fishery	**2005**	**2006**	**Average**
King salmon harvested	21	11	16
Unique permits fished	3	4	3.5
Days open	35	18	26.5
Overall CPUE	0.2	0.2	0.2
Days if open 7 days/week*	60	54	57
Projected harvest if 7 days/week	36	33	34
Combined troll + gillnet harvest	19,861	10,947	15,404
Troll harvest/ Combined harvest	0.1%	0.1%	0.1%
Increase Troll/ Combined harvest	0.2%	0.3%	0.25%
Drift Gillnet Fishery	**2005**	**2006**	**Average**
King salmon harvested	19,840	10,936	15,388
Unique permits fished	121	120	120
Days open	32	26	29
Overall CPUE	5.1	3.5	4.3

**May 2–June 30, 2005; May 8–June 30, 2006. Troll effort in most weeks was confidential, so is not presented here.*

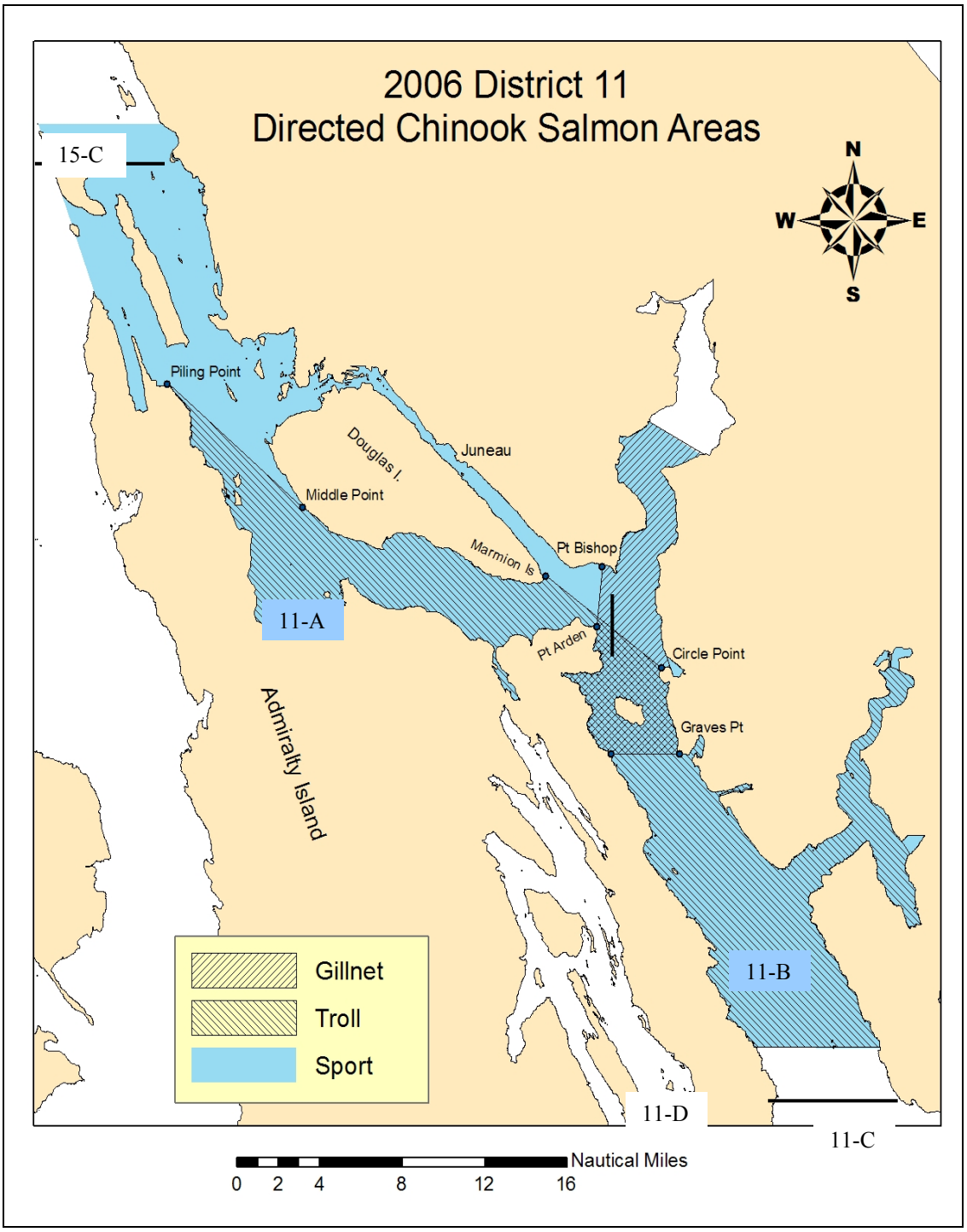


Figure 231-1.–Taku River directed king salmon fishing areas approved during the 2006 Board of Fisheries meeting.

PROPOSALS 232 AND 233: 5AAC 33.384. LYNN CANAL AND CHILKAT RIVER KING SALMON FISHERY MANAGEMENT PLAN.

PROPOSED BY: Haines Sportsmen's Association (232) and Upper Lynn Canal Advisory Committee (233)

WHAT WOULD THE PROPOSALS DO? Both proposals seek to close subsistence salmon fishing within Chilkat Inlet north of Seduction Point prior to July 1.

WHAT ARE THE CURRENT REGULATIONS? There is a customary and traditional use finding for salmon and smelt in all waters of the Chilkat River and Chilkat Inlet north of the latitude of Glacier Point, and in the Chilkoot River, Lutak Inlet, and Chilkoot Inlet north of the latitude of Battery Point, excluding waters of Taiya Inlet north of the latitude of the tip of Taiya Point (5AAC 01.716 (2), (Figure 232-1).

5 AAC 01.716. Customary and traditional subsistence uses of fish stocks and amount necessary for subsistence uses. (c) The board finds that the following numbers of salmon are reasonably necessary for subsistence uses in the Southeastern Alaska Area: (5) District 15: 7,174–10,414.

There is also a management plan for Chilkat River Chinook salmon adopted by the Board of Fisheries in 2003.

5 AAC 33.384. Lynn Canal and Chilkat River King Salmon Fishery Management Plan.

(a) The purpose of the management plan in this section is to provide for the biological spawning escapement requirements of king salmon to the Chilkat River. It is the intent of the board that Chilkat River king salmon be harvested in the fisheries that have historically harvested them. The board, through this management plan, recognizes that the commercial drift gillnet fishery in Chilkat Inlet and the subsistence fisheries in Chilkat Inlet and the Chilkat River are directed primarily toward sockeye salmon, but incidentally catch king salmon. A secondary goal of this management plan is to provide a reasonable opportunity to harvest sockeye salmon in the Chilkat Inlet and Chilkat River subsistence fisheries while minimizing the incidental harvest of king salmon. This management plan provides the department guidelines to preclude allocation conflicts between the various user groups of this resource. The department shall manage the Chilkat River king salmon stocks in a conservative manner consistent with sustained yield principles.

(b) The subsistence net fisheries in Chilkat Inlet north of a line extending from an ADF&G regulatory marker located approximately one mile south of Anchorage Point to an ADF&G regulatory marker located directly north of the Letnikof Cove boat ramp are closed through July 15. The subsistence net fisheries in the Chilkat River, excluding that portion of the river from

Haines Highway mile 19 upstream to Well's Bridge, are closed from the third week of June through the fourth week of July.

(c) The department shall manage the commercial and sport fisheries in Lynn Canal to achieve an inriver run goal of 1,850–3,600 king salmon in the Chilkat River upstream of the department fish wheels located approximately adjacent to Haines Highway mile 9. The inriver run goal includes the following:

(1) a biological escapement goal of 1,750–3,500 three ocean age and older king salmon to the Chilkat River; and

(2) the incidental harvest of king salmon in the Chilkat River subsistence sockeye fishery.

(d) The department will evaluate the inriver run of king salmon based on the following:

(1) primarily, a pre-season projected run of Chilkat River king salmon to Lynn Canal; and

(2) secondarily, inseason fisheries performance and inriver stock assessment programs.

(e) The department shall manage the commercial drift gillnet and troll fisheries in Lynn Canal and the sport king salmon fishery in Chilkat Inlet, as follows:

(1) the commercial troll fishery in Chilkat Inlet north of an ADF&G regulatory marker immediately north of Seduction Point is closed through July 14;

(2) if the projected inriver run of king salmon to the Chilkat River is less than 1,850 three ocean age and older fish, the commissioner shall, by emergency order,

(A) close the commercial drift gillnet fishery

(i) in Chilkat Inlet north of an ADF&G regulatory marker immediately north of Seduction Point through the first two weeks of the season specified in 5 AAC 33.310(c) ;

(ii) in Chilkat Inlet north of Glacier Point during the third and fourth week of the season specified in 5 AAC 33.310(c);

(iii) in Chilkat Inlet north of Cannery Point during the fifth week of the season specified in 5 AAC 33.310(c) ; and

(B) close sport fishing for king salmon

(i) in Chilkat Inlet north of an ADF&G regulatory marker immediately north of Seduction Point through June 30;

(ii) in Chilkat Inlet north of a line extending from an ADF&G regulatory marker located approximately one mile south of Anchorage Point to an ADF&G regulatory marker directly north of the Letnikof Cove boat ramp, through July 15; and

(iii) in the remainder of Chilkat Inlet north of Seduction Point, from July 1–July 15;

(C) establish a sport bag and possession limit of one king salmon, 28 inches or greater in length;

(3) if the projected inriver run of king salmon to the Chilkat River is 1,850–3,600 fish, the commissioner shall, by emergency order,

(A) close the commercial drift gillnet fishery

(i) in Chilkat Inlet north of an ADF&G regulatory marker immediately north of Seduction Point through the first two weeks of the season specified in 5 AAC 33.310(c) ;

(ii) in Chilkat Inlet north of Glacier Point during the third week of the season specified in 5 AAC 33.310(c);

(iii) in Chilkat Inlet north of Cannery Point during the fourth week of the season specified in 5 AAC 33.310(c); and

(B) close sport fishing for king salmon in Chilkat Inlet north of a line extending from an ADF&G regulatory marker located approximately one mile south of Anchorage Point to an ADF&G regulatory marker directly north of the Letnikof Cove boat ramp from April 15 through July 15;

(4) if the projected inriver run return of king salmon to the Chilkat River is greater than 3,600 fish,

(A) the commissioner shall, by emergency order, close the commercial drift gillnet fishery

(i) in Chilkat Inlet north of an ADF&G regulatory marker immediately north of Seduction Point through the first week of the season specified in 5 AAC 33.310(c);

(ii) in Chilkat Inlet north of Glacier Point during the second week of the season specified in 5 AAC 33.310(c) ;

(iii) in Chilkat Inlet north of Cannery Point during the third week of the season specified in 5 AAC 33.310(c) ; and

(B) the commissioner shall, by emergency order, close sport fishing for king salmon in Chilkat Inlet north of a line extending from an ADF&G regulatory marker located approximately one mile south of Anchorage Point to an ADF&G regulatory marker directly north of the Letnikof Cove boat ramp from April 15 through July 15;

(C) the commissioner may, by emergency order, increase the bag and possession limits for king salmon in the waters of Chilkat Inlet north of Seduction Point.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Subsistence salmon fishing opportunity before July 1 within Chilkat Inlet will not occur. Currently, most subsistence effort takes place on Saturdays prior to commercial openings in Section 15-A (5AAC 01.725 (3)). If this proposal is adopted, the department may anticipate additional effort directed at Chilkoot and Lutak Inlets during the early fishing season as early fishing opportunity in Chilkat Inlet will be closed.

BACKGROUND: In recent years, the department has had concerns regarding the strength of the Chilkat Lake sockeye and Chilkat Lake Chinook salmon stocks. Restrictions have been imposed on the summer season commercial drift gillnet fishery to protect these stocks: no fishing has been allowed in Chilkat Inlet north of Seduction Point, and very limited fishing has been allowed in section 15-A south of the latitude of Seduction Point.

In 2007, the inriver abundance goal for Chilkat River Chinook salmon was not met (Table 232-1). In 2008, the preseason projected inriver run of Chilkat River king salmon was less than 1,850 fish. Following the provisions in the Lynn Canal and Chilkat River King Salmon Fishery Management Plan (5 AAC 33.384. (e)(2)), king salmon retention by sport anglers was prohibited in Chilkat Inlet north of Seduction Point through June 30, and commercial salmon fishing was not allowed in Chilkat Inlet north of Seduction Point for the first two weeks of the season (through June 29). Subsistence fishers in Chilkat Inlet were asked to voluntarily release king salmon caught in their nets in 2008. The Chilkat River Chinook salmon escapement goal was met in 2008.

Subsistence fishing effort in Chilkat Inlet during the June subsistence fishery has increased in recent years. Chilkat Inlet subsistence harvest of Chinook and sockeye salmon, and permits reporting harvest during the month of June is presented in Table 232-2. Based on the 1998–2007 average, approximately 38 Chinook and 415 sockeye from 66 permits are reported taken annually by subsistence gear within Chilkat Inlet prior to July 1.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

The department notes that if this proposal is adopted, at projected higher inriver run sizes, the commercial drift gillnet and/or sport fisheries could be open in Chilkat Inlet north of Seduction Point during the last two weeks of June while the subsistence fishery is closed in those areas.

Based on current provisions of 5AAC 33.384. Lynn Canal and Chilkat River King Salmon Fishery Management Plan at projected inriver abundance of 1,850—3,600, sport fisheries would be open in Chilkat Inlet north of Seduction Point to the line from south of Anchorage Point to the Letnikof boat ramp line from April 15 through July 15 when subsistence fisheries are closed in that area (5AAC 33.384 (e)(3)(B)). At projected inriver abundance over 3,600, commercial fisheries would be open in Chilkat Inlet between Seduction Point and Glacier Point during the second week of the drift gillnet season (week of the fourth Sunday of June), and the sport fisheries would be open between Seduction Point and the line from south of Anchorage Point to the Letnikof boat ramp line from April 15 through July 15. There is a closure to inriver subsistence fisheries beginning the third week of June through the fourth week of July, excluding the area from Haines Highway mile 19 upstream to Well's Bridge, so some opportunity for subsistence is provide inriver prior to July 1.

The board should consider whether a reasonable opportunity for subsistence would be provided with this proposed modification of the management plan since it would reduce subsistence opportunity compared with the status quo.

SUBSISTENCE REGULATION REVIEW

1. Is this stock in a subsistence area? No.
2. Is the stock customary and traditionally taken or used for subsistence? There is a customary and traditional finding for salmon and smelt in all waters of the Chilkat River and Chilkat Inlet north of the latitude of Glacier Point, and in the Chilkoot River, Lutak Inlet, and Chilkoot Inlet north of the latitude of Battery Point, excluding the waters of Taiya Point (5 AAC 01.716 (2)).
3. Can a portion of the stock be harvested consistent with sustained yield? Yes. The department does not have specific management concerns with this proposal.
4. What amount is reasonably necessary for subsistence use? In 2006 the board established ANS ranges in regulation, 7,174–10,414 salmon was the amount necessary for subsistence uses for District 15.
5. Do the regulations provide a reasonable opportunity of subsistence use? This is a board determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity of subsistence use? This is a board determination.

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.

Table 232-1.–Chilkat River Chinook salmon inriver abundance estimates, 1991–2007. The inriver escapement goal is 1,850 – 3,600 large (age-1.3 and older) fish.

Year	Large (age-1.3+) abundance
1991	5,897
1992	5,284
1993	4,472
1994	6,795
1995	3,790
1996	4,920
1997	8,100
1998	3,675
1999	2,271
2000	2,035
2001	4,517
2002	4,051
2003	5,657
2004	3,422
2005	3,359
2006[a]	3,027
2007[a]	1,452
2008[a]	3,233

[a] Preliminary estimate.

Table 232-2.–Reported subsistence harvest of Chinook and sockeye salmon in Chilkat Inlet before July 1 each year, 1991–2007.

Year	Chinook	Sockeye	Permits reported
1991	0	12	2
1992	0	0	0
1993	0	0	1
1994	1	63	3
1995	18	129	15
1996	41	756	54
1997	12	108	15
1998	7	269	26
1999	14	274	41
2000	21	462	50
2001	42	803	88
2002	35	479	77
2003	20	307	60
2004	88	590	99
2005	53	318	73
2006	37	373	76
2007	58	273	72
1998–2007 Ave.	38	415	66

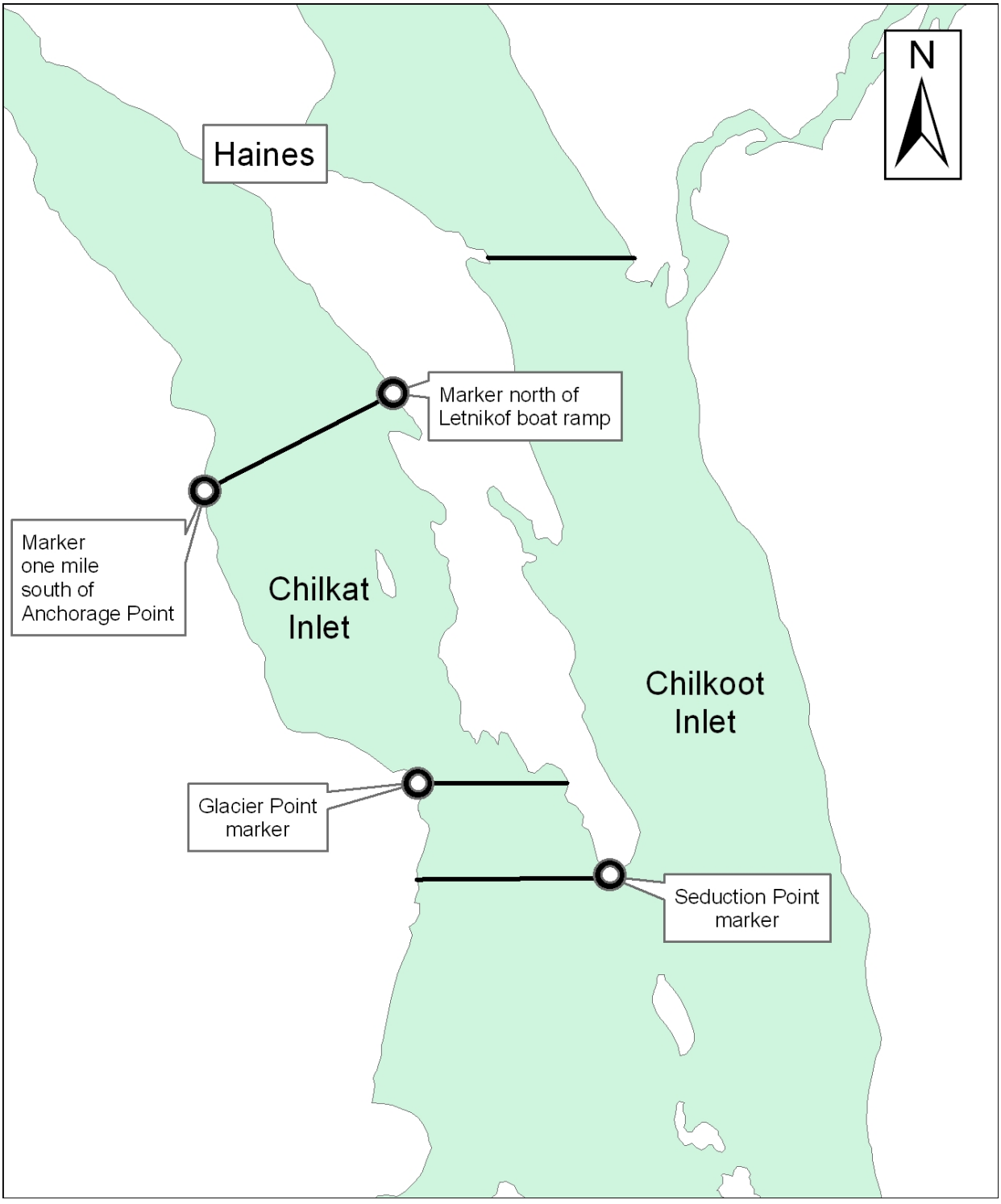


Figure 232-1.–Map of Chilkat and Chilkoot inlets showing subsistence salmon fishing boundaries in Chilkat Inlet.

PROPOSAL 234: 5 AAC 01.716. CUSTOMARY AND TRADITIONAL SUBSISTENCE USES OF FISH STOCKS AND AMOUNT NECESSARY FOR SUBSISTENCE USES.

PROPOSED BY: Sitka Tribe of Alaska

WHAT WOULD THE PROPOSAL DO: The proposal asks the board to modify findings regarding the amount of herring spawn reasonably necessary to provide for subsistence uses (ANS) in Section 13-A and Section 13-B north of the latitude of Aspid Cape (5 AAC 01.716(b)).

WHAT ARE THE CURRENT REGULATIONS: In 1989, the Alaska Board of Fisheries made Customary and Traditional (C&T) determinations covering all of Southeast Alaska communities for all fisheries. At the Alaska Board of Fisheries meeting in January 2002, the board established the current amount reasonably necessary for subsistence use (ANS) for herring spawn in Section 13-A and Section 13-B north of the latitude of Aspid Cape based on the best available information.

5 AAC 01.716. Customary and traditional subsistence uses of fish stocks and amount necessary for subsistence uses. (b) The board finds that 105,000–158,000 pounds of herring spawn are reasonably necessary for subsistence uses in Section 13-A, and Section 13-B north of the latitude of Aspid Cape.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED: The proposal asks the board to establish an ANS finding that 265,000–325,000 pounds of herring spawn are reasonably necessary for subsistence uses in Section 13-A and Section 13-B north of the latitude of Aspid Cape.

BACKGROUND: Under the state subsistence statute (AS 16.05.258(a)), the Board of Fisheries must identify those fish stocks, or portions of those stocks, that support customary and traditional (C&T) subsistence uses. The board applies the Joint Board's C&T procedures ("the eight criteria") to make these determinations (5 AAC 99.010). Whenever there is a harvestable surplus on fish stocks subject to customary and traditional uses as determined by the Board, the subsistence statute also requires the board to determine the ANS. The board has established ANS ranges for herring spawn are reasonably necessary for subsistence uses in Section 13-A and Section 13-B north of the latitude of Aspid Cape. The board established these ANS ranges at its January 2002 meeting in Anchorage. The action in 2002 was the first ANS finding for herring spawn in Section 13-A and Section 13-B north of the latitude of Aspid Cape and was based on the best available data. Since 2002 the department, in cooperation with the Sitka Tribe of Alaska has conducted subsistence herring spawn surveys. In making ANS findings, the board considers information about subsistence harvest and use patterns from the department and the public, and may periodically reconsider and update these findings or address public proposals to change

them. The department will provide a report summarizing the appropriate data and providing options for ANS findings for the Board of Fisheries to consider.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the proposal due to its allocative aspects. We recommend that the board review the information in the department's report, as well as any information provided during public testimony at the February 2009 meeting, as the basis for evaluating an amount necessary for subsistence (ANS) finding for these stocks.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

PROPOSAL 235: 5 AAC 01.730. SUBSISTENCE FISHING PERMITS.

PROPOSED BY: Sitka Herring Association.

WHAT WOULD THE PROPOSAL DO: This proposal would require persons to obtain a subsistence fishing permit to harvest any herring roe in Sitka Sound. The permit would require that harvest information be recorded on the permit and returned to the department.

WHAT ARE THE CURRENT REGULATIONS: There is currently no subsistence harvest permit required for herring roe on branches and there are no restrictions on the harvest of roe-on-branches. There are permits required and harvest restrictions for the subsistence roe on kelp fishery.

5 AAC 01.716. Customary and traditional subsistence uses of fish stocks and amount necessary for subsistence uses.

(a) (7) herring and herring spawn in the waters of Section 13-A, and Section 13-B north of the latitude of Aspid Cape; (23) (b) The board finds that 105,000–158,000 pounds of herring spawn are reasonably necessary for subsistence uses in Section 13-A, and Section 13-B north of the latitude of Aspid Cape.

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

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

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

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

5 AAC 01.730. Subsistence fishing permits. (g) When issuing a herring spawn on kelp subsistence fishing permit, the department may specify on the permit the times and locations for harvesting and the species of kelp that may be taken. The annual possession limit for herring spawn on kelp is 32 pounds for an individual or 158 pounds for a household of two or more persons. The department will, in its discretion, issue an additional permit for herring spawn on

kelp above the annual possession limit if harvestable surpluses of herring spawn on kelp are available.

(k) In addition to the reporting requirement under (e) of this section, the department will, to the extent practicable, use a harvest monitoring program with surveys and interviews to record the harvest of herring spawn on branches, kelp, and seaweed taken in the waters of Section 13-A and Section 13-B north of the latitude of Aspid Cape.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Persons participating in the herring roe on branch subsistence fishery would be required to obtain a free permit, log harvest on the permit, and return the permit to the department at the close of the season. The department would obtain more timely harvest information on the subsistence spawn on branches fishery.

BACKGROUND: There is a customary and traditional use finding for herring and herring spawn in several areas of Southeastern Alaska. Following the 2001 herring spawn, subsistence harvesters complained of failure to harvest adequate amounts of roe on branches to meet subsistence needs in Sitka Sound. Localized harvest of herring in the commercial sac roe herring fishery was blamed for the failure. The Board of Fisheries accepted an Agenda Change Request from the Sitka Tribe of Alaska in 2001 to consider the issue out of cycle at the January 2002 meeting in Anchorage. In establishing a new management plan for the Sitka Sound herring fishery the Board of Fisheries also adopted an amount reasonably necessary for roe on branch harvest of 108,000–158,000 pounds. Discussions on how to monitor the subsistence roe on branch harvest to determine if subsistence needs were being met resulted in an understanding that a permit would not be necessary. The primary concern by subsistence harvesters was that a permit might lead to restrictions. The Sitka Tribe of Alaska and the Department of Fish and Game's Subsistence Division agreed on a joint effort to conduct in-season and postseason household interviews of harvesters to estimate the amount of herring roe on branches harvested. This method of harvest tracking was incorporated in a Memorandum of Agreement between the Tribe and the department. Surveys have been conducted annually since 2002 with harvests ranging from 68,409 pounds in 2008 to 356,693 in 2004 and averaging 171,978 pounds (Table 235-1).

In 2006, the Sitka Tribe of Alaska requested that key survey information including names of fishery participants and specific harvest locations no longer be provided to the department. Reasons cited were that Tribal staff had adequate knowledge on survey methods to conduct the survey without department oversight and the confidential nature of specific individual harvest information. Key survey information including names of fishery participants and specific harvest locations has not been provided to the department, compromising proper data analysis. Furthermore, public confidence in the survey results may be compromised without department oversight of survey methods.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal and defers to the Alaska Board of Fisheries and to the Department of Law and the Department of Public Safety for consideration.

The department has concerns regarding the lack of oversight by department staff to ensure the survey is conducted in an objective manner. The department is confident that reasonably accurate information can be obtained provided that the survey is done with greater cooperation with the Department of Fish and Game, Subsistence Division. This would better ensure that the survey methodology is followed in an objective manner and provide greater transparency of methods needed to establish confidence in the results of the survey.

The department is concerned with lack of detailed information provided by the current survey, which precludes the department from evaluation of possible reasons why the subsistence fishery is not always achieving the amount necessary for subsistence. Detailed information is missing from the present survey making it difficult to evaluate trends in numbers of participants, numbers of high-harvesters, locations where sets are made, or numbers of sets being made.

The department issues subsistence permits for herring spawn on kelp, as well as for salmon harvests, in order to monitor harvests and from this, obtains useful information concerning harvest locations, harvest amounts, and effort levels at various locations. The department is concerned with the inconsistency in the approach to gathering information. Permits are issued with minimal expense. The household interview method requires funding for Subsistence Division travel expenses, travel costs, and time spent on data analysis.

Before a subsistence permit system could be implemented, issues surrounding enforcement of compliance by Alaska Wildlife Troopers would need to be thoroughly considered.

COST ANALYSIS: The department does not believe that approval of these proposals would result in an additional cost for the private person to participate in this fishery.

Table 235-1.–Subsistence roe harvest in Sitka Sound estimated from interviews of harvesting households in Sitka conducted by the ADF&G and STA, 2002–2008.

Year	Roe on Branch	Roe on Hair Kelp	Roe on Macrocystis Kelp	Roe Harvest All Strata
2002	139,755	7,642	4,270	151,717
2003	269,904	4,338	4,555	278,799
2004	356,693	13,039	11,494	381,226
2005	72,039	3,848	3,176	79,064
2006	212,952	2,031	4,373	219,356
2007	84,093	-	3,117	87,211
2008	68,409	-	3,527	73,936
Average	171,978	6,180	4,930	181,616

PROPOSAL 236: 5 AAC 01.716. CUSTOMARY AND TRADITIONAL SUBSISTENCE USES OF FISH STOCKS AND AMOUNT NECESSARY FOR SUBSISTENCE USES.

PROPOSED BY: Kootznoowoo Inc., the Alaska Native Village Corporation for the community of Angoon.

WHAT WOULD THE PROPOSAL DO: The proposal asks the board to modify findings regarding the amount of salmon reasonably necessary to provide for subsistence uses (ANS) in the Southeastern Management Area (5 AAC 01.716(c)).

WHAT ARE THE CURRENT REGULATIONS: In 1989, the Alaska Board of Fisheries (board) made Customary and Traditional (C&T) determinations covering all of Southeast Alaska communities for all fisheries. In 1993 the board made an administrative ANS finding of 21,000 to 34,000 salmon for all Southeastern Alaska that was not adopted in regulations. In 2006, the board established the current ANS findings for all salmon in the Southeastern Alaska area. Subsistence harvest data collected over an eight year period (1996–2003) were considered in setting these amounts or ranges.

5 AAC 01.716. Customary and traditional uses of fish stocks and amount necessary for subsistence uses.

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

(1) Districts 1– 4: 9,068–17,503;

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

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

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

(5) District 15: 7,174–10,414.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED: The proposal would establish more precise ANS findings at the species and stream level rather than for all species of salmon combined at the permit area level.

BACKGROUND: Under the state subsistence statute (AS 16.05.258(a)), the Board of Fisheries must identify those fish stocks, or portions of those stocks, that support customary and traditional (C&T) subsistence uses. The board applies the Joint Board's C&T procedures ("the eight criteria") to make these determinations (5 AAC 99.010). Whenever there is a harvestable surplus on fish stocks subject to customary and traditional uses as determined by the board, the subsistence statute also requires the board to determine the amount reasonably necessary for subsistence uses (ANS). The board has established ANS ranges for "salmon" (all species

combined) for the 6 management areas in this region (Figure 236-1). The board established these ANS ranges at its January 2006 meeting in Ketchikan. Each range was defined by the lowest and highest annual estimated subsistence harvest of salmon within the permit area during the period from 1996 through 2003. The action in 2006 replaced a board administrative ANS finding from 1993 of 21,000 to 34,000 salmon for all Southeastern Alaska that had not been adopted in regulations. At the January 2006 meeting, this previous finding was considered low because it was based on reported rather than estimated, subsistence harvests. The large geographic scale of the finding was also considered not useful for assessing subsistence opportunities on small, local sockeye runs. In making ANS findings, the board considers information about subsistence harvest and use patterns from the department and the public, and may periodically reconsider and update these findings or address public proposals to change them. The department will provide a report summarizing the appropriate data and providing options for ANS findings for the board to consider.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the proposal due to its allocative aspects. We recommend that the board review the information in the department's report, as well as any information provided during public testimony at the February 2009 meeting, as the basis for evaluating an amount necessary for subsistence (ANS) finding for these stocks.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

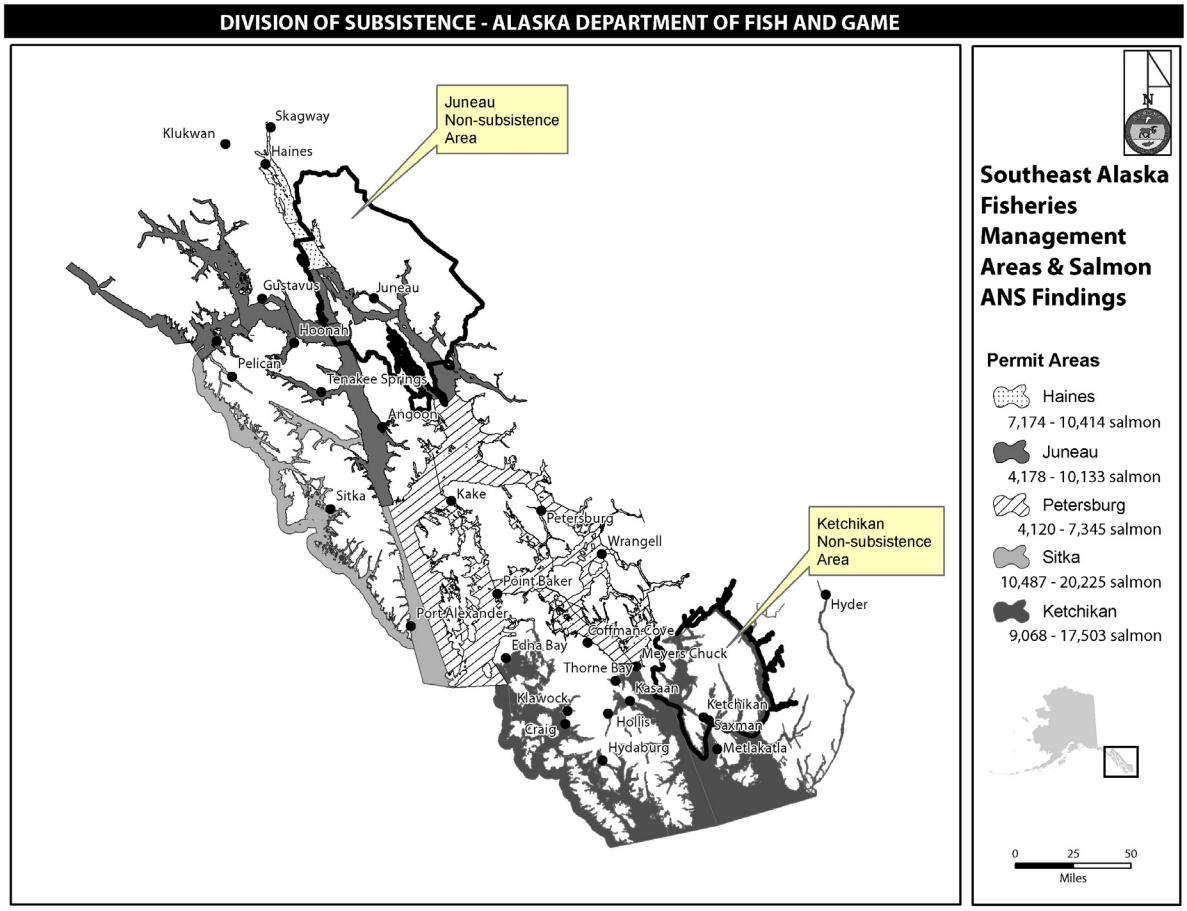


Figure 236–1.–Southeast Alaska Fisheries Management Areas and ANS Findings

PROPOSAL 237: 5 AAC 01.716. CUSTOMARY AND TRADITIONAL SUBSISTENCE USES OF FISH STOCKS AND AMOUNT NECESSARY FOR SUBSISTENCE USES.

PROPOSED BY: Michael J. Van Note

WHAT WOULD THE PROPOSAL DO: This proposal would establish a Customary and Traditional (C&T) finding for subsistence harvest of salmon and smelt in waters of Section 15-A.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 01.716. Customary and traditional uses of fish stocks and amount necessary for subsistence uses.

The Alaska Board of Fisheries finds that the following fish stocks are customary and traditionally taken or used for subsistence:
(1) herring, herring spawn, bottomfish, and halibut in waters of Section 15-A;

(2) salmon and smelt in all waters of the Chilkat River and Chilkat Inlet north of the latitude of Glacier Point, and in the Chilkoot River, Lutak Inlet, and Chilkoot Inlet north of the latitude of Battery Point, excluding waters of Taiya Inlet north of the tip of Taiya Point.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There would be a positive customary and traditional use determination for salmon and smelt in all waters of Section 15-A. For stocks with customary and traditional uses, under AS 16.05.258 (b), the board must determine the amount of the harvestable surplus that is reasonable for subsistence uses and adopt regulations that provide a reasonable opportunity for subsistence uses.

BACKGROUND: Under the state subsistence statute (AS 16.05.258(a)), the Board of Fisheries must identify those fish stocks, or portions of those stocks, that support customary and traditional (C&T) subsistence uses. The board applies the Joint Board's C&T procedures ("the eight criteria") to make these determinations (5 AAC 99.010). The department has prepared a background report in the form of a customary and traditional use worksheet that summarizes available harvest and use information for these stocks. This report, plus information the board receives from the public during the February 2009 meeting, can be used to develop a customary and traditional use finding.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the proposal due to its allocative aspects. We recommend that the board review the information in the department's customary and traditional use worksheet, as well as any information provided during public testimony at the February 2009 meeting, as the basis for a customary and traditional use finding for these stocks.

COST ANALYSIS: This proposal is not expected to result in additional direct cost for the private person to participate.

SUBSISTENCE REGULATION REVIEW:

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

2. Is the stock customarily and traditionally taken or used for subsistence? The Board has determined C&T use of salmon for a portion of Section 15-A but not all of Section 15-A.

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

4. What amount is reasonably necessary for subsistence use? If the board makes a positive customary and traditional use finding for salmon and smelt stocks in waters of Section 15-A., it should review available harvest data and determine if adequate data are available to support adopting an ANS range.

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

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence use? This is a board determination.

PROPOSAL 238: 5 AAC 01.720. LAWFUL GEAR AND GEAR SPECIFICATIONS.

PROPOSED BY: Klawock Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the use of a commercial seine vessel to harvest subsistence sockeye salmon (presumably outside of current subsistence fishery areas) for distribution to subsistence users of Klawock.

WHAT ARE THE CURRENT REGULATIONS? Regulation **5 AAC 01.710** allows for a subsistence fishery in the Klawock Inlet from July 7 through July 31, 8:00 a.m. Monday until 5:00 p.m. Friday each week. The fishery operates under an ADF&G permit that allows a daily possession limit of 20 sockeye salmon. Regulation **5 AAC 01.750** stipulates that in the waters of Klawock Inlet no person may subsistence fish from a vessel that is powered by a motor of greater than 35 horsepower. Regulations and permit stipulations would not allow a seine vessel to participate in the current subsistence fishery.

5 AAC 01.716 (15) lists a customary and traditional use finding for salmon in Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point.

The department issues community harvest permits in some circumstances, but use of a purse seine is not currently allowed. One example in regulation is **5 AAC 01.760 (d)** and **(e)** which allows for a community harvest permit for Redoubt Bay, but does not allow for harvest by purse seine gear.

Commercial purse seine vessels are able to retain salmon harvested during a commercial opening for personal use. Salmon harvested in this manner are required to be reported on a fish ticket and may be distributed however the harvester chooses.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The department believes that the intent of this proposal is to allow a purse seine vessel to fish outside of the Klawock Inlet subsistence fishery boundaries and outside of normal open commercial periods. Once caught, sockeye salmon harvested by this seine vessel would be delivered to subsistence users in Klawock. It is unclear if the traditional subsistence fishery would continue.

BACKGROUND: Sockeye salmon return to the Klawock River beginning in mid July. To catch sockeye salmon in June would require harvest at considerable distance west of the current subsistence fishery. Harvest in these mixed stock areas would impact numerous systems besides the Klawock River, including potential harvest of Canadian fish.

Recent returns to the Klawock River for the last few years have been above average; however, overall subsistence harvest and effort levels have been below average (Figure 238-1). While the overall harvest is down, total catch by permit is above average.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal as written. The department has concerns about allowing harvest of salmon by purse seine vessels outside of scheduled commercial openings. Allowing the harvest of sockeye salmon away from the Klawock River would increase harvest of sockeye salmon from other streams that may not be able to support the increased pressure. There is also a question of what would happen to the bycatch as sockeye salmon tend to be a small proportion of the entire catch. It is unclear how this proposal would preserve sockeye salmon populations at Klawock Lake with additional unquantified harvests on unknown stocks.

If this proposal were adopted there would need to be a limited area near Klawock River where the seine vessel could fish, thereby limiting the interception of fish bound for other systems. Bycatch concerns, the need for special enforcement, and the administrative burden would all be additional problems associated with a permit like this.

It is also unclear as to who would supply the operating costs of the seine vessel, who would supply the seine vessel, or where the vessel would be fishing.

The department has a concern that the proponents want to harvest these fish in District 4. Fishing in District 4 would be a violation of the Pacific Salmon Treaty. Under the Pacific Salmon Treaty new fisheries are not allowed in District 4

COST ANALYSIS: The department believes that adoption of this proposal will result in additional costs to the owner/operator of the harvest vessel.

Figure 238-1.–Klawock River Subsistence Area and Klawock Customary and Traditional Use area.

PROPOSAL 239: 5 AAC 01.725. WATERS CLOSED TO SUBSISTENCE FISHING.

PROPOSED BY: Ken Bellows.

WHAT WOULD THE PROPOSAL DO? Close subsistence fishing at Falls Lake and Gut Bay.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 01.716. Customary and Traditional Subsistence Uses of Fish Stocks and Amount Necessary for Subsistence Uses.

(a)(10) salmon and Dolly Varden char in Sections 9-A and 9-B in waters north of a latitude of Swain Point, . . .

5AAC 01.730. Subsistence Fishing Permits.

(a) Eulachon in the Unuk River, and salmon, trout, char, and herring spawn on kelp may only be taken under authority of a subsistence fishing permit.

(e) The department shall adhere to the following when issuing subsistence salmon fishing permits:

(1) fishing effort must be allowed in places and during times when resource abundance will allow a harvest without jeopardizing the sustained yield of the stock and in a manner which provides for an orderly fishery;

(2) any gear must be allowed which is efficient and economical in light of local circumstances and which provides for an orderly harvest without waste of the resource;

(3) possession limits may be established if resources are limited relative to anticipated harvest levels;

(4) the department may not set any possession limit which jeopardizes the sustained yield of a stock;

(5) a permit is valid for the entire season in which it is issued;

(6) the department may require the permit holder to report daily harvests on the catch calendar which accompanies the permit.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would close subsistence fisheries at Falls Lake and Gut Bay Lake. Under the subsistence priority law, closure of the subsistence fishery would also result in closure of sport fisheries as well.

BACKGROUND: Falls Lake and Gut Bay Lake are relatively small sockeye producing lake systems that are located on the eastern shoreline of Baranof Island and are approximately 10 miles apart by water. Both systems have a state and federal Customary and Traditional use designation and a state subsistence permit is required. Both of these systems are used for

subsistence harvest of sockeye salmon, primarily by the residents of the village of Kake, which is located approximately 25 miles by water from Falls Lake.

Falls Lake has been monitored for escapement from 2001–2008 with escapement estimates ranging from 700 to 7,900 and averaging 3,400 sockeye salmon (Table 239-1). During this same period, subsistence harvests as determined by a creel survey or as reported on subsistence permits have ranged from 820 to 2,900 and averaged 1,900 sockeye salmon. A weir was operated during the period 1981–1989 with escapements ranging from 1,100 to 5,800 and averaging 2,500 sockeye salmon, similar to the more recent escapement estimates. The subsistence season for sockeye salmon at Falls Lake is currently June 1–July 13 and July 23–August 15 and the harvest limit is 50 in possession and 50 annually. A small number of sockeye salmon are harvested by sport fishermen at Falls Lake. There are no commercial fisheries directed at Falls Lake sockeye salmon, though some Falls Lake sockeye salmon are likely harvested in traditional and hatchery seine fisheries in Chatham Strait.

There is little information on escapement levels at Gut Bay Lake. Subsistence harvests reported on subsistence permits from 1985 to 2007 have been relatively stable ranging from 121 to 795 and averaging 447 sockeye salmon (Table 239-2).

Prior to 1999, the subsistence season at Falls Lake and Gut Bay was June 1–August 15 with a daily limit of 10 sockeye salmon. In 1999, the department was becoming concerned about an increasing harvest trend at Falls Lake. With little to no information on escapement trends at either Falls Lake or Gut Bay, the department believed a more conservative management approach was necessary to ensure continued viability of the runs. Beginning in 1999, the department shortened the open season allowed for subsistence harvest from June 1 to August 15 to June 1–July 20 to allow later retuning sockeye to escape the fishery. Beginning in 2001, stock assessment programs were implemented at Falls Lake and Gut Bay Lake with funding from the federal Office of Subsistence Management. Prior to the 2002 season, representatives from the Organized Village of Kake requested the department raise the possession limit to 50 fish at Falls Lake because of the long distance of open water travel to the fishing sites. With a stock assessment program in place to monitor escapement levels, the department agreed to raise the possession and annual limit to 50 sockeye at Falls Lake and the season was extended until July 31. The results of a creel survey and escapement monitoring in 2002 at Falls Lake showed 2,600 sockeye were harvested and the escapement was estimated at only 1,100 fish. With average escapement levels of 2,500 sockeye salmon documented from weir operations during the 1980's, the department implemented a split season in an effort to reduce the harvest rate and boost escapement levels. The split season remains in effect by permit. With no stock assessment information available for Gut Bay Lake, possession limits and seasons are limited by permit to possession of 10 sockeye salmon daily, 20 sockeye salmon annually, with fishing allowed from June 1—July 20. Both Falls and Gut Bay Lakes have small subsistence fishery closure areas near stream outlets intended to provide fish small milling areas during acclimation to fresh water.

The Organized Village of Kake submitted a proposal to the Federal Subsistence Board (FSB) in 2000 to close Falls Lake and Gut Bay Lake to non-federally qualified users. The proposal was adopted by the Federal Subsistence Board in 2001. Federal jurisdiction only applied to freshwaters where little harvesting of sockeye salmon by either subsistence or sport users had been documented. ADF&G sought to rescind this regulation based on lack of documentation of either a conservation concern or substantial harvest by non-federally qualified users. The closure to non-federally qualified users was rescinded by the FSB effective in 2008.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Estimated escapement levels at Falls Lake, though variable, appear to support subsistence harvests. Though there is little information on escapement of sockeye into Gut Bay Lake, reported harvests have been stable over the long term.

The department may modify harvest limits, fishing seasons, and gear types under its existing subsistence fishing permit authority. Permit stipulations are reviewed annually and changes are incorporated if available information suggests changes are warranted.

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.

Table 239-1.–Summary of Falls Lake sockeye salmon subsistence harvest and escapement, 2001–2008.

Year	Harvest Estimate Based on Creel Survey	Harvest Reported on Subsistence Permits	Estimated Escapement using Mark Recapture Methods	95% Confidence Interval for Escapement
2001	2,000	1,290	2,600	2,500–2,800
2002	2,600	1,795	1,100	970–1,260
2003	2,700	2,434	5,700	5,100–6,500
2004	2,900	2,098	3,300	3,200–3,500
2005	945	1,134	3,400	3,300–3,600
2006	na	1,507	7,900	7,200–8,800
2007	na	820	2,600	1,900–4,400
2008	1,540	na	700	470–860
Average	2,114	1,583	3,413	

Note: "na" indicates that data is not available.

Table 239-2.–Summary of Gut Bay Lake sockeye salmon subsistence harvest and effort.

Year	Number of Permits	Sockeye Harvest
1985	37	339
1986	59	572
1987	22	211
1988	39	419
1989	29	649
1990	16	182
1991	12	128
1992	46	765
1993	52	795
1994	32	432
1995	38	490
1996	41	488
1997	23	287
1998	53	732
1999	26	272
2000	37	419
2001	47	577
2002	12	121
2003	20	245
2004	30	459
2005	36	512
2006	29	513
2007	48	684

PROPOSAL 240: 5 AAC 01.730(C). SUBSISTENCE FISHING PERMITS.

PROPOSED BY: Klukwan Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would exempt a portion of the Chilkat River adjacent to the Haines Highway from mile post 19 upstream to a point one mile upstream of Wells Bridge from the requirement to be physically present at the subsistence net while it is fishing (Figure 240-1).

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 01.730. Subsistence fishing permits.

(c) In the Chilkat River, the subsistence fishing permit holder shall be physically present at the net while it is fishing.

5 AAC 33.384. Lynn Canal and Chilkat River King Salmon Fishery Management Plan.

(b) The subsistence net fisheries in Chilkat Inlet north of a line extending from an ADF&G regulatory marker located approximately one mile south of Anchorage Point to an ADF&G regulatory marker located directly north of the Letnikof Cove boat ramp are closed through July 15. The subsistence net fisheries in the Chilkat River, excluding that portion of the river from Haines Highway mile 19 upstream to Well's Bridge, are closed from the third week of June through the fourth week of July.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? A portion of the river will be excluded from the regulation that the subsistence fishing permit holder shall be physically present at the net while it is fishing (5 AAC 01.730) (c).

BACKGROUND: This regulation has been in effect since well before 1978 to address gear abandonment, gear loss, and salmon waste issues. The department believes this regulation is necessary to minimize unwanted catch, waste of salmon, and accidental gear loss to the river during periods of strong fish migrations and storm events.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The department believes the existing regulation helps to eliminate derelict gear problems along the Chilkat River and reduces the incidence of wasting fish if nets are fishing unattended for extended periods of time. Although this regulation is currently in effect, ADF&G and the Alaska Wildlife Troopers continue to receive reports from the public regarding unattended subsistence gear causing wasting of salmon in set net gear fishing for extended periods of time in the Chilkat River subsistence fishing area.

Recent research has been conducted to document migratory timing of sockeye salmon into Chilkat Lake and other spawning areas within the Chilkat River drainage. Sockeye salmon mill in the lower Chilkat River (within the Chilkat River subsistence area) for extended periods of time before resuming their upstream migration to spawning grounds. Because of this delayed migratory behavior, salmon can be very vulnerable to subsistence harvest during their migration up river. This regulation requires the subsistence permit holder to be monitoring their subsistence gear while it is fishing to reduce the incidence of harvesting more fish than intended.

SUBSISTENCE REGULATION REVIEW

1. Is this stock in a non subsistence area? No.
2. Is the stock customary and traditionally taken or used for subsistence? There is a customary and traditional finding for salmon and smelt in all waters of the Chilkat River and Chilkat Inlet north of the latitude of Glacier Point, and in the Chilkoot River, Lutak Inlet, and Chilkoot Inlet north of the latitude of Battery Point, excluding the waters of Taiya Point (5 AAC 01.716 (2)).
3. Can a portion of the stock be harvested consistent with sustained yield? Yes. Although the department does not have specific management concerns with this proposal, the department supports the intent of this regulation to provide proper oversight of subsistence set net gear use within the Chilkat River subsistence area.
4. What amount is reasonably necessary for subsistence use? The board found that 7,174–10,414 salmon was the amount necessary for subsistence uses for District 15 in 2006 [5 AAC 01.716 (c) (5)].
5. Do the regulations provide a reasonable opportunity of subsistence use? This is a board determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity of subsistence use? This is a board determination.

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.

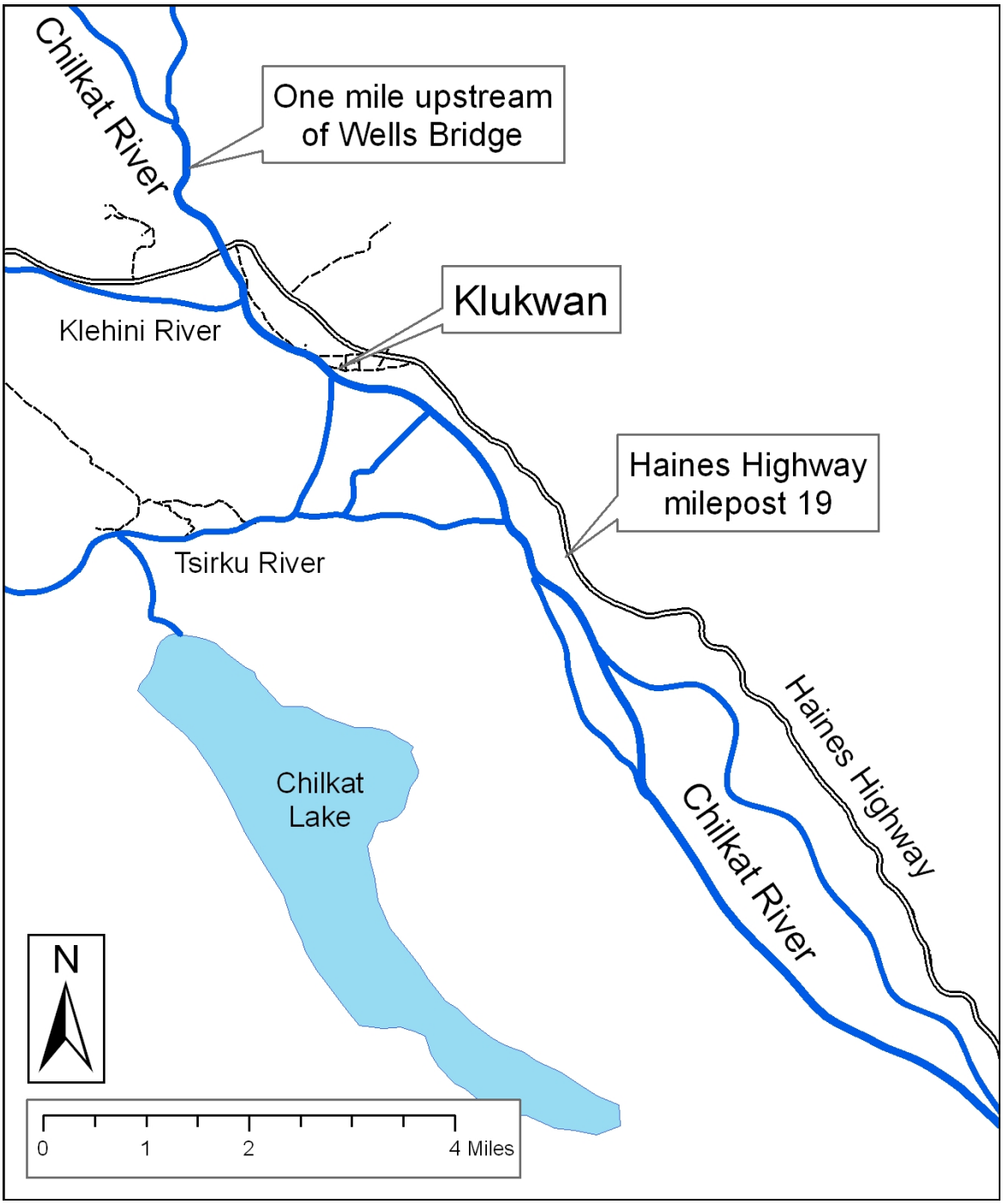


Figure 240-1.–Upper Chilkat River subsistence fishing area and existing fishing boundaries.

PROPOSAL 241: 5 AAC 01.660. FISHING SEASONS AND PERIODS.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal would eliminate the current subsistence regulation prohibiting the taking of salmon during the period commencing 48 hours before through 48 hours after a commercial salmon net fishing period. It would establish a 36-hour subsistence period at the end of each week that would remain in effect regardless of weekly changes in the commercial set gillnet fishing period.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 01.660 (b) Current subsistence regulations prohibit the taking of salmon during the period commencing 48 hours before a commercial opening until 48 hours after the closure of a commercial opening. When the length of the weekly commercial opening exceeds two days in any Yakutat Area salmon net fishery, the subsistence period is from 6:00 a.m. to 6:00 p.m. on Saturday in that location (**5AAC 01.660 (d)**).

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? From the commencement of the commercial salmon net fishery through the end of the commercial net season, subsistence users would know each week that they had a definite 36-hour period to harvest salmon regardless of what was taking place in the commercial net fishery in that location. Adoption of the proposal would eliminate weekly confusion among subsistence users as to when any given area was open to subsistence fishing. It would also add 24 hours to the current 12-hour period allowed when the commercial net fishery exceeded two days in time. For the past four years the department has increased the 12-hour period to 36 hours by emergency order in response to requests for more subsistence time from the community.

BACKGROUND: By regulation, all weekly commercial fishing periods in the Yakutat Area are a minimum of two and one-half days during the sockeye salmon season, and they then increase to a minimum of three days during the coho salmon season. Generally, there are no resource concerns and the commercial fishery is open for two and one-half days or longer by regulation. With these commercial regulations the subsistence regulation limiting harvest periods to 48 hours before or after a commercial opening is almost never in effect; the subsistence regulation automatically defaults to the second part of the regulation (5AAC 01.660 (d)) that sets the subsistence period at 12 hours on Saturday whenever the commercial opening is more than two days. In effect, the "48-hour rule" has become archaic under this scenario.

The Alsek River and the Akwe River are two exceptions to the above; weekly commercial openings for both are curtailed to less than two days to allow for inseason assessment of salmon run strength. Both commercial fisheries are managed by fishery performance in the form of catch per unit effort (CPUE). When the openings are set for less than two days the 48-hour rule is in

effect for subsistence. On Sunday of each week, subsistence users can plan on the 48-hour rule, but on Monday that may change. The commercial fishery on the Akwe may get extended to two and one-half or three and one-half days; the Alsek may get extended to two or three days. Each change in the commercial fishing period requires a corresponding change in subsistence plans, and subsistence users have to stay on top of the situation to find out when they can and cannot subsistence fish. The resultant confusion has limited subsistence use in the Alsek and Akwe Rivers to prior to the start of the commercial season in the spring and after the commercial season is over in the fall. Commercial fishermen may keep any part of their commercial catch for personal use. Subsistence fishermen tend not to be commercial fishermen, and the dependence of subsistence fishing time on commercial fishing time can be very confusing to the subsistence user.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. The 48-hour rule was established to allow for some separation of the commercial and subsistence user groups and gear. The intent was to minimize abuse of subsistence use provisions, and to make it difficult to harvest subsistence fish and then sell them in the commercial fishery. As has been mentioned above, the 48-hour rule is seldom invoked and the subsistence period has been established at 36 hours—from 6:00 a.m. Friday through 6:00 p.m. Saturday. Establishing a permanent 36-hour subsistence period for that time will, for the most part, maintain some separation of the two gear groups. The commercial fisheries all open on Sunday morning, and subsistence nets would be out of the water Saturday evening.

There is a limited possibility of overlap on Friday if commercial fisheries get extended until late in the week. Given a normal closure of Tuesday evening, commercial fisheries may get extended to Wednesday or Thursday evening. It is unlikely that extensions would carry over through Friday. If commercial fisheries have been extended through Thursday evening, and if the upper levels of the Biological Escapement Goals (BEG) are being attained or exceeded, the next logical extension for commercial fisheries would be to seven days per week. This has occurred on a number of occasions in Yakutat for both sockeye and coho salmon. Subsistence takes priority over commercial fishing, and if there are no resource concerns to limit commercial fishing, the same applies to subsistence. Every time a commercial fishery has been extended to seven days per week, the subsistence period has also been extended by emergency order to seven days per week in that fishery. To this point in time, no enforcement problems have been encountered under this scenario.

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 242: 5 AAC 01.725. WATERS CLOSED TO SUBSISTENCE FISHING.

PROPOSED BY: Burl Sheldon.

WHAT WOULD THE PROPOSAL DO? Extend the southern boundary of the subsistence fishing area in Chilkoot Inlet in District 15 in upper Lynn Canal from Battery Point to a point approximately 1 mile south of Mud Bay Point (Figure 242-1).

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 01.716. Customary and traditional subsistence uses of fish stocks and amount necessary for subsistence uses.

(2) salmon and smelt in all waters of the Chilkat River and Chilkat Inlet north of the latitude of Glacier Point, and in the Chilkoot River, Lutak Inlet, and Chilkoot Inlet north of the latitude of Battery Point, excluding waters of Taiya Inlet north of the latitude of the tip of Taiya Point;

5 AAC 01.725. Waters closed to subsistence fishing.

(a) The following waters are closed to the subsistence taking of salmon:

(1) repealed 6/25/89;

(2) repealed 6/25/89;

(3) in District 15, salt waters of Lynn Canal including Chilkat, Chilkoot and Lutak Inlets, during closed periods of the commercial salmon net fishery in the district, except that salmon may be taken in salt waters of Chilkoot Inlet north of the latitude of Battery Point, excluding waters of Taiya Inlet north of the latitude of Taiya Point, and in Chilkat Inlet north of the latitude of Glacier Point on the Saturday before any period that the commercial salmon net fishery is open in the waters of Section 15-A.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Subsistence fishing would occur in a larger area in Chilkoot Inlet. It is unknown if this increased area would result in increased harvest.

BACKGROUND: Recently, the department has had concerns regarding the strength of the Chilkoot Lake sockeye salmon stock. Restrictions have been in imposed on the commercial drift gillnet fishery. Very little fishing has been allowed in Chilkoot Inlet north of the latitude of Seduction Point and very limited fishing has been allowed on the eastern shoreline of Lynn Canal to protect these fish during the 2008 summer season. The department is projecting poor total returns of Chilkoot Lake sockeye salmon for the 2009 season. Well below average estimates of zooplankton density and sonar estimates of rearing Chilkoot Lake sockeye salmon smolt during 2005 all indicate poor adult returns in 2009.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

If this proposal is adopted, the department would not anticipate significant gear conflicts in this area between commercial and subsistence users. Most subsistence effort takes place on Saturdays prior to commercial openings. The department would also not expect a significant increase in subsistence fishing effort if this proposal were adopted, but would have the ability to modify possession and annual harvest limits using its existing authority via subsistence salmon permits should there be conservation concerns.

SUBSISTENCE REGULATION REVIEW

1. Is this stock in a non subsistence area? No.
2. Is the stock customary and traditionally taken or used for subsistence? There is a customary and traditional finding for salmon and smelt in all waters of the Chilkat River and Chilkat Inlet north of the latitude of Glacier Point, and in the Chilkoot River, Lutak Inlet, and Chilkoot Inlet north of the latitude of Battery Point, excluding the waters of Taiya Point (5 AAC 01.716 (2)). This proposal would require the Board of Fisheries to redefine the customary and traditional area for salmon and smelt in Chilkoot Inlet to include those waters south of the latitude of Battery Point.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes. The department does not have specific management concerns with this proposal.
4. What amount is reasonably necessary for subsistence use? The board found that 7,174–10,414 salmon was the amount necessary for subsistence uses for District 15 in 2006 [5 AAC 01.716 (c) (5)].
5. Do the regulations provide a reasonable opportunity of subsistence use? This is a board determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity of subsistence use? This is a board determination.

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.

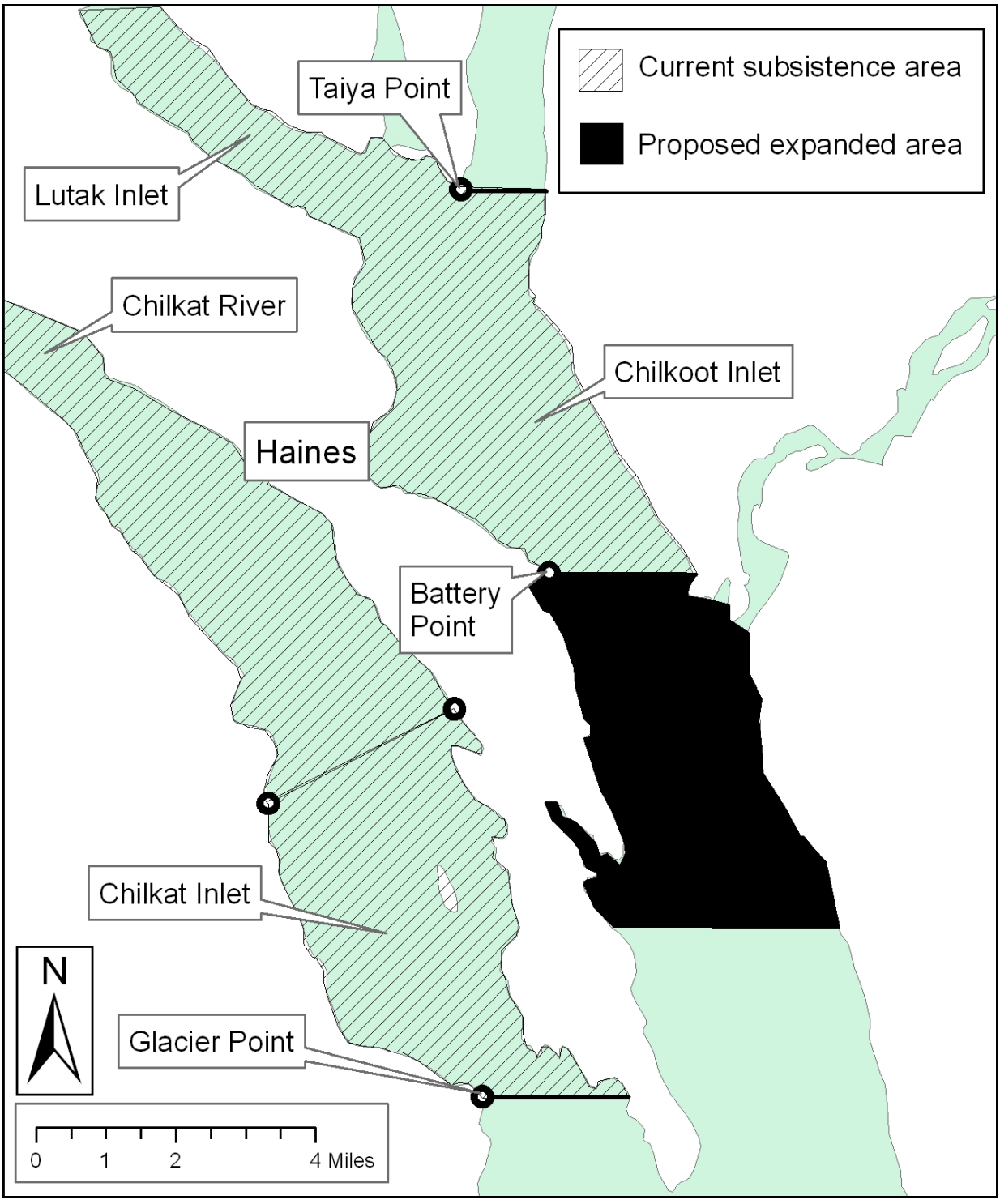


Figure 242-1.–Existing customary and traditional use area for section 15-A, and proposed addition to existing area.

PROPOSAL 243: 5 AAC 01.720(5). LAWFUL GEAR AND GEAR SPECIFICATIONS. Amend this regulation to allow subsistence harvest of rockfish and lingcod by rod and reel as follows:

Add to **5 AAC 01.720**:

(5) **Rockfish and lingcod may be taken by rod and reel.**

PROPOSED BY: Tad Fujioka.

WHAT WOULD THE PROPOSAL DO? This proposal would allow rockfish and lingcod to be taken with rod and reel in this subsistence fishery.

WHAT ARE THE CURRENT REGULATIONS? Currently (under **5 AAC 01.720)**, rod and reel are not legal gear types for rockfish or lingcod in this subsistence fishery. Hook and line attached to a rod or pole is generally prohibited in state subsistence fisheries **(5 AAC 01.010(g))**. The Board has made Customary and Traditional Use findings for these fish stocks **(5AAC 01.716).**

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Rod and reel would be legal gear types for use in this subsistence fishery.

BACKGROUND: Subsistence fisheries limit gear types for rockfish and lingcod to longline.

DEPARTMENT COMMENTS: The department **OPPOSES** the use of rod and reel as legal subsistence gear in this fishery. Enforcement becomes more difficult when the same gear is used for two or more fisheries with different bag limits, seasons, and areas.

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

PROPOSAL 244: 5 AAC 33.364. SOUTHEAST ALASKA AREA ENHANCED SALMON ALLOCATION MANAGEMENT PLAN.

PROPOSED BY: Mike Saunders, Lynn Canal Gillnetters Association.

WHAT WOULD THE PROPOSAL DO? Exclude production from those private non-profit salmon hatchery operators not receiving salmon enhancement tax revenue from the value calculations associated with the Southeastern Alaska Enhanced Salmon Allocation Management Plan.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 33.364. Southeastern Alaska Area Enhanced Salmon Allocation Management Plan.

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

(1) seine - 44 percent - 49 percent;

(2) hand and power troll - 27 percent - 32 percent;

(3) drift gillnet - 24 percent - 29 percent.

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

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

(d) The department may not make inseason adjustments or changes in management in or out of the special harvest areas to achieve the allocation percentages established in (a) of this section.

History: Eff. 5/29/94, Register 130

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? By excluding the allocation value data from the non-regional private non-profit (PNP) salmon enhancement operators, the five year rolling averages for the seine and gillnet groups are within the recommended range for the past three years (Figures 244-1, 244-2, 244-3 244-4). The five-year rolling average for the troll group is below the recommended range, with the exception of the 2001–2005 time series (Figures 244-5 and 245-6).

There are two regional associations that receive enhancement tax revenues in Southeast Alaska. They are the Southern Southeast Regional Aquaculture Association based in Ketchikan and the Northern Southeast Regional Aquaculture Association based in Sitka. There are several other non-association PNP operators in Southeast Alaska that do not receive enhancement tax revenues. They include Douglas Island Pink and Chum Salmon Incorporated (DIPAC), Armstrong Keta Incorporated (AKI), Sheldon Jackson (associated with the college in Sitka), Prince of Wales Hatchery Association (POWHA), Kake Fisheries Development Corporation, and Tamgass Creek (located in the Annette Island Reserve).

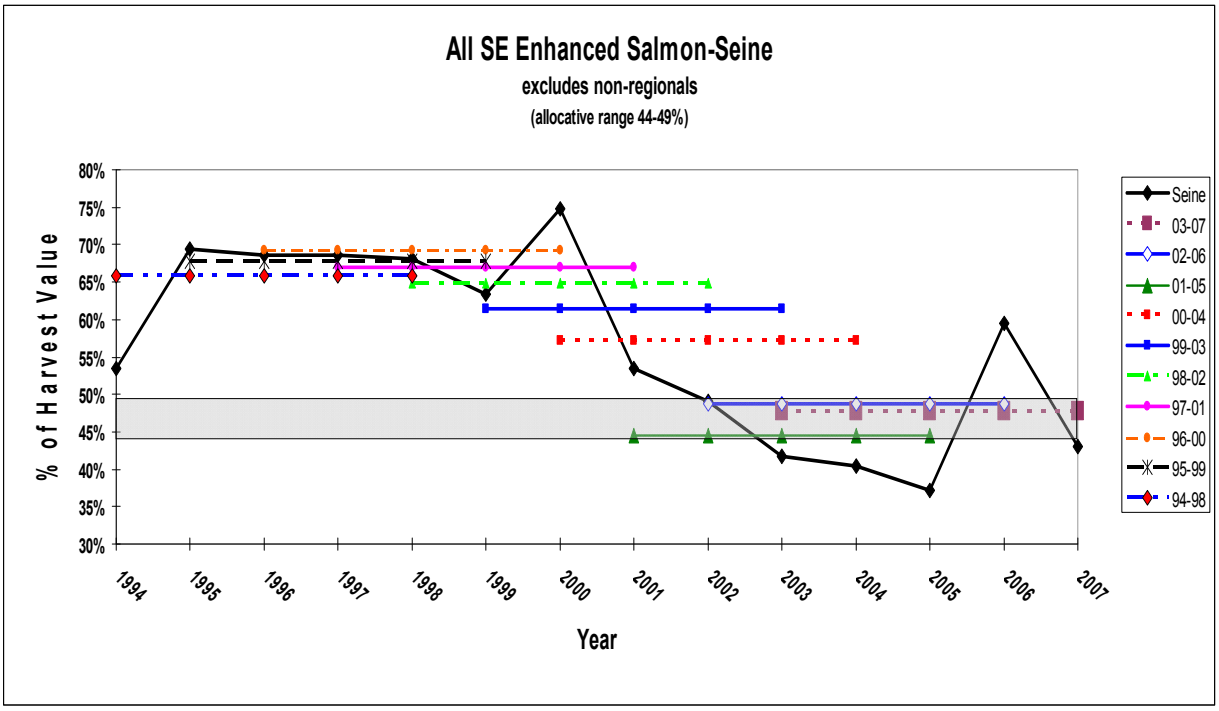


Figure 244-1.–Purse Seine commercial fisheries percentage harvest value excluding non-regional PNPs.

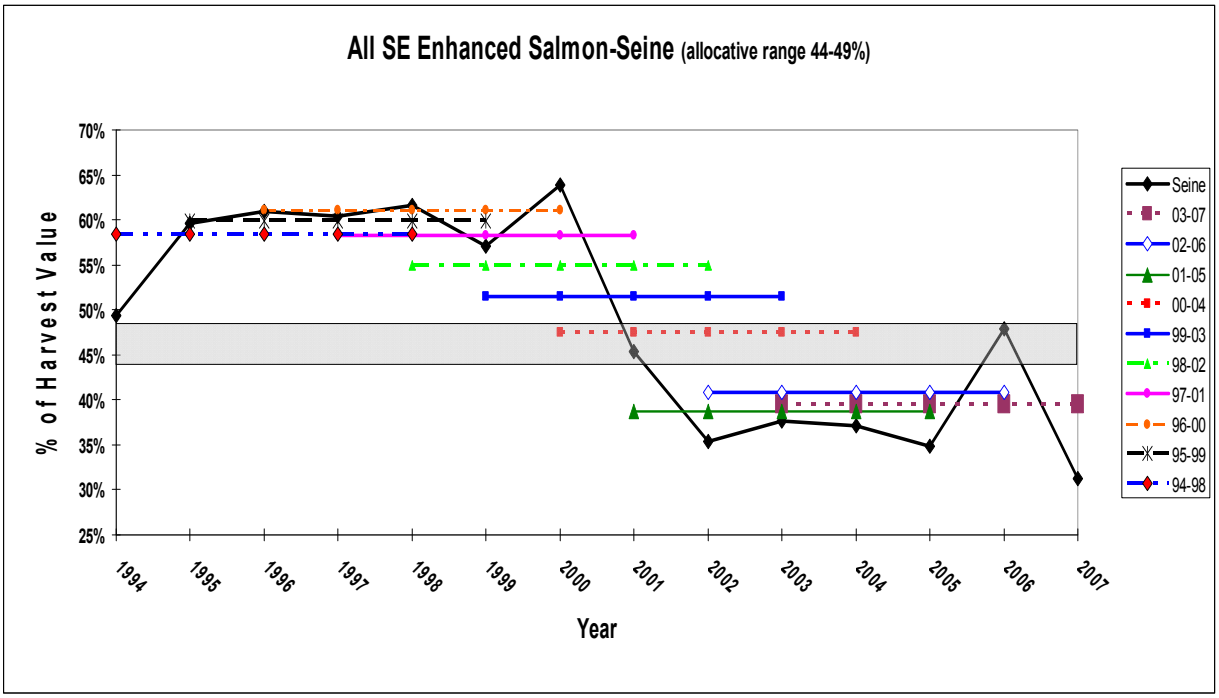


Figure 244-2.–Purse seine commercial fisheries percentage harvest value including non-regional PNPs.

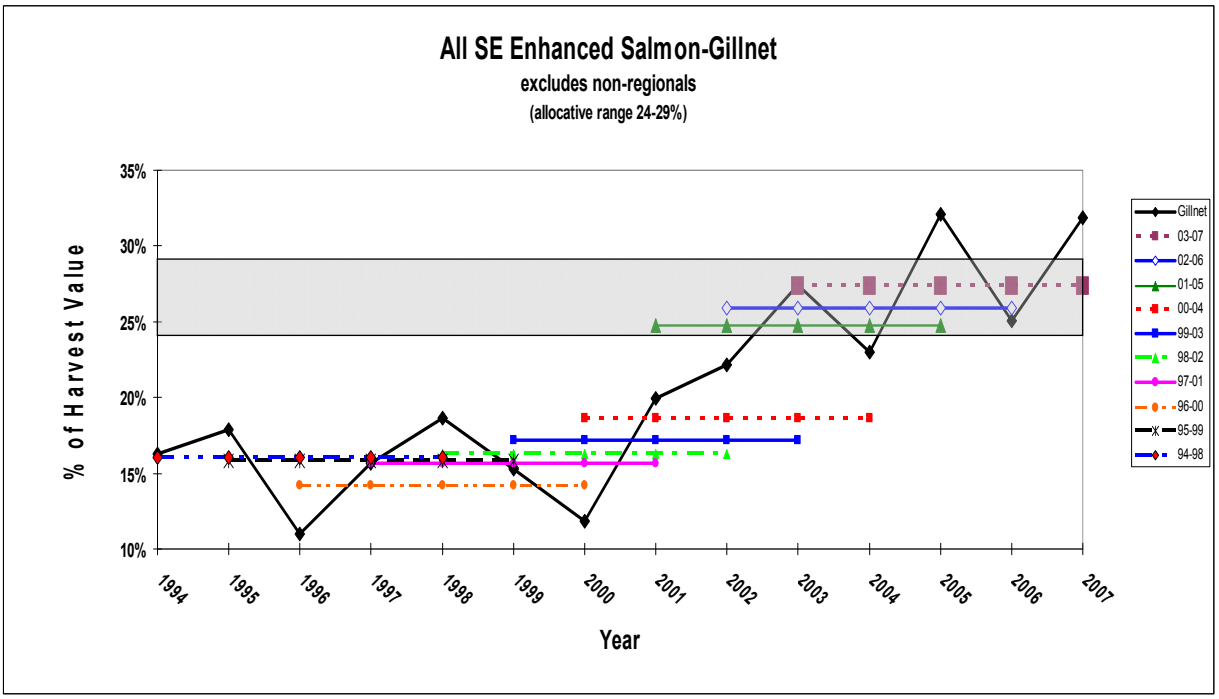


Figure 244-3.–Drift gillnet commercial fisheries percentage harvest value excluding non-regional PNPs.

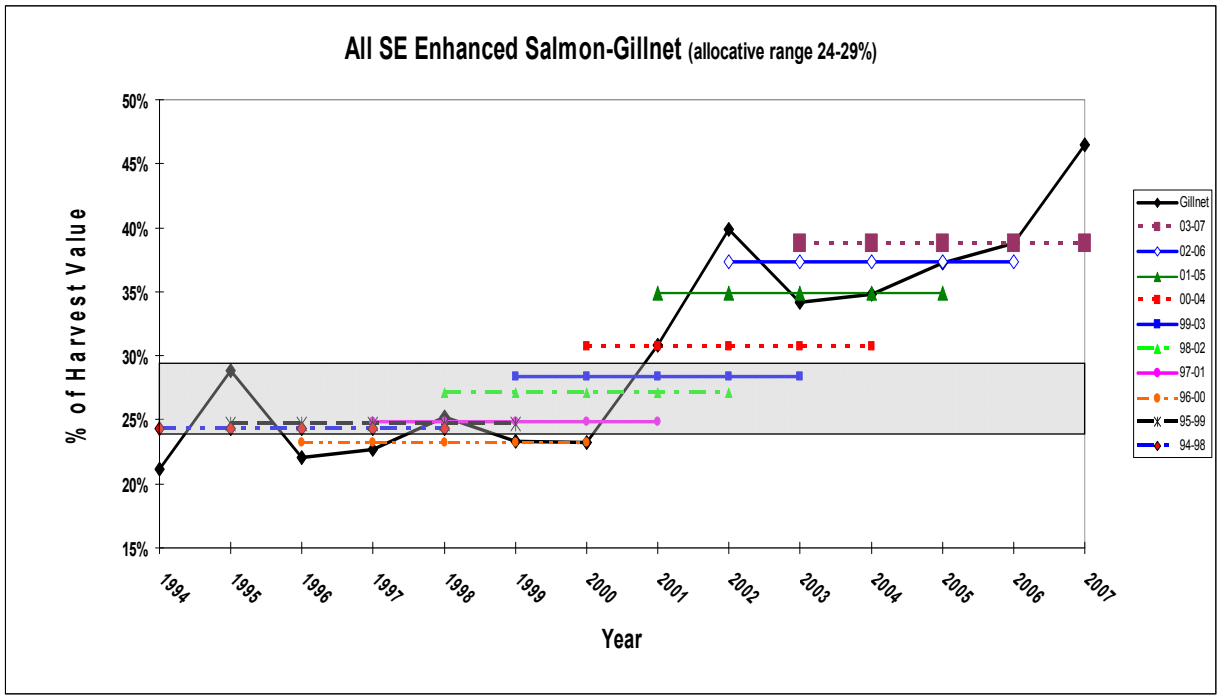


Figure 244-4.–Drift gillnet commercial fisheries percentage harvest value including non-regional PNPs.

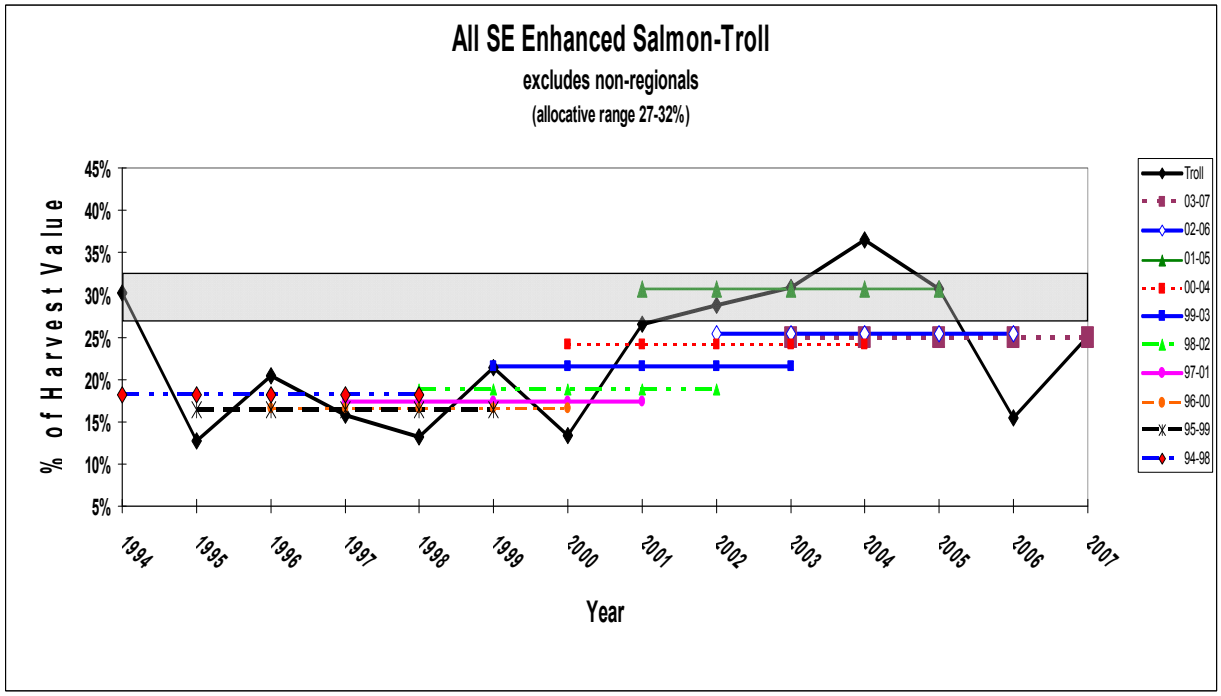


Figure 244-5.–Salmon troll commercial fisheries percentage harvest value excluding non-regional PNPs.

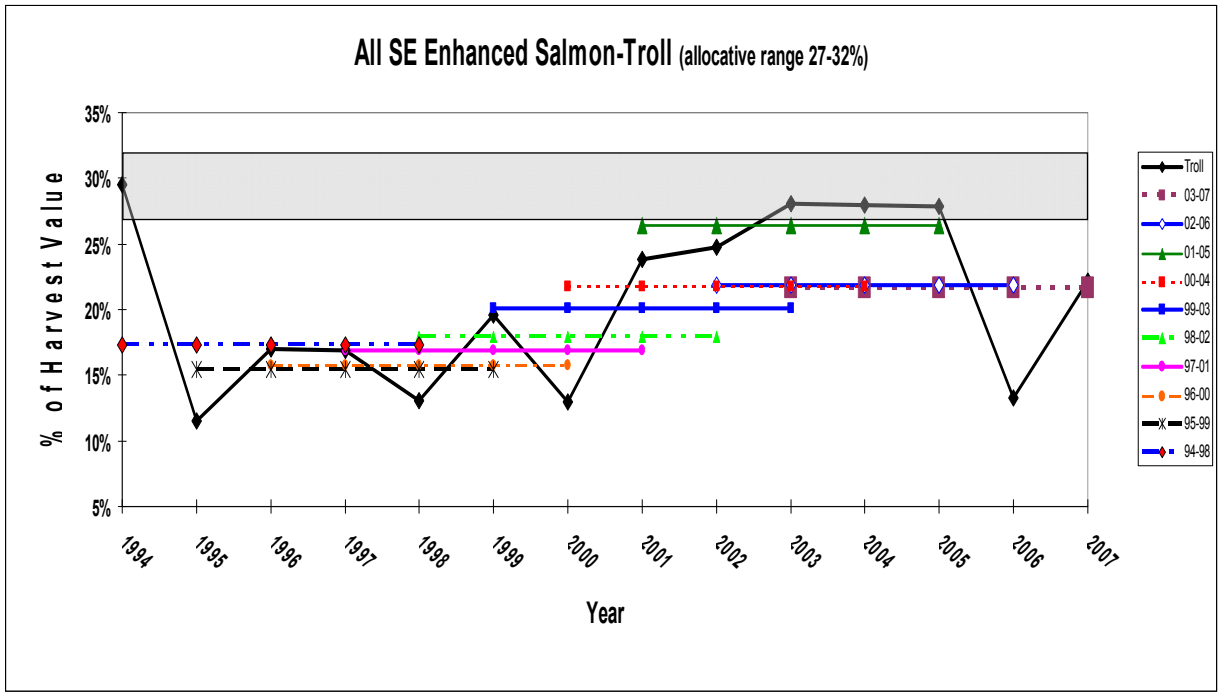


Figure 244-6.–Salmon troll commercial fisheries percentage harvest value including non-regional PNPs.

BACKGROUND: The existing Southeast Alaska enhanced salmon allocation plan was adopted in 1994 based on work completed by the Southeast Allocation Task Force (SATF) at the request of the Alaska Board of Fisheries (board). The regulation was based on a report completed by the SATF and adopted by the board as finding 94-148-FB. The text of that finding is provided in its entirety below.

94-148-FB

FINDING OF THE ALASKA BOARD OF FISHERIES

SOUTHEASTERN ALASKA AREA ENHANCED SALMON

ALLOCATION MANAGEMENT PLAN [5 AAC 33 .364]

(Previously Finding #94-02-FB)

The attached report was developed by the Southeast Alaska Allocation Task Force (SATF) for Proposal #239 for the 1993/94 board meeting cycle. The board deliberated the proposal at its board meeting in Ketchikan, Alaska on January 17, 1994.

The Board incorporates by reference the attached SAFT report as its findings for 5 AAC 33 .364 adopted on January 17, 1994.

Adopted:

January 19, 1994 @ 11:21am

Ketchikan, Alaska

Vote: (6:0:1) Yes: No: Absent—Angasan

Tom Elias, Chairman

Alaska Board of Fisheries

BACKGROUND: In March 1991 Mike Martin, Chairman of the Board of Fisheries, asked the Northern Southeast Regional Aquaculture Association (NSRAA) and the Southern Southeast Regional Aquaculture Association (SSRAA) to coordinate the development of a southeast wide allocation plan for all enhanced salmon. The issue concerned the benefits commercial fishermen received from the enhancement activities, especially in relation to the amount of the 3 % Salmon Enhancement Tax (SET) paid. The issue was different between the Regional Associations and could not be resolved. Numerous proposals have been submitted to the Board of Fisheries to resolve the issue but none were acted upon. Chairman Martin requested that the two Regional Associations consider an all Southeast Alaska Allocation Plan to include all enhancement activities:

Fish and Game FRED Division,

Independent non-profit aquaculture corporations;

and Regional Aquaculture Associations.

The Boards of Directors of NSRAA and SSRAA agreed to accept the challenge. They formed a group that first met on March 29, 1991 in Ketchikan. The group called itself the Southeast Allocation Task Force (SATF). The SATF is composed of six voting members, three each from NSRAA and SSRAA, and each association provided one seiner, one troller, and one gillnetter for a total of two people from each gear type on SATF. All decisions were by consensus. No meeting was held without six voting members present. There were two non-voting members on the SATF, one each from the FRED Division, and a representative from the independent non-profit aquaculture corporations. DIPAC represented the independent seat. Also, each regional Association provided one staff member; Pete Esquiro represented NSRAA and Don Amend represented SSRAA. The staff and non-voting members are resource people who provided technical input and comments when appropriate. The SATF also has had technical input from the NMFS at Auke Bay, the limited entry commission, and other people as needed.

All meetings were publicly held. Announcements were made southeast wide in newspapers and radios. Public attendance was minimal, but a few showed up at each meeting. These people were allowed to address the SATF as recognized by the chair. There was no appointed sport representative, but these interests were present at a few meetings. There were a total of five meetings.

The SATF developed the number of fish caught and this was reviewed by scientists at the Auke Bay Laboratory. The value of the fish was provided by the Limited Entry Commission. The data does not include enhancement activities by the National Marine Fisheries Service (NMFS), Metlakatla Indian Community (MIC) on Annette Island, or the U.S. Forest Service (USFS).

The production at NMFS is small and experimental. Although the production by the MIC is significant and they also harvest Alaska enhanced fish, this was not included because their harvest and production cannot be controlled by the State. The USFS conducts many habitat enhancement activities, but the numbers cannot be verified or evaluated. All of S.E. Alaska was included (Districts 1–15), but the Yakutat area was excluded.

The base period for data analysis was 1985. Production prior to 1985 was not significant and most projects were just coming on line. The data was evaluated through 1990 and will be updated annually as it becomes available. Averages were based on this period when production was still increasing and changing. Estimates were made based upon all currently permitted capacity when at full production. Future production was based on planned increases in capacity, but not yet permitted or operational.

The development of the agreement was based on catches by power and hand trollers, purse seiners, and drift gillnetters. Set nets were not included and are not used in the areas analyzed. Sport, sport charter, subsistence, and personal use were not included. The agreement was based only upon those who pay the 3% SET. No allocation was suggested for these other groups. The belief was that they are restricted by bag limits and an allocation of enhanced fish is inappropriate.

The guidelines will be submitted to the Board of Fisheries and may be set in regulation, or developed into policy. The guidelines will be used by the Regional Planning Teams (RPTs) as one element in the evaluation of permit requests and proposed production changes. The Commissioner of Fish and Game will consider the guidelines when evaluating permits or establishing special harvest areas. The Commissioner of Commerce of Economic Development will consider them in determining salmon enhancement loans for changes in production. The Board of Fisheries will use it to make decisions concerning gear group disagreements that involve enhanced fish production. The guidelines are viewed as goals to achieve and remain flexible for changing conditions, such as management changes, treaty changes, gear changes, legislative changes, etc. It was not intended for Fish and Game management to use in managing the common property fishery, except in a very few special instances.

REPORT OF THE SOUTHEAST ALASKA ALLOCATION TASK FORCE (SATF) FOR ENHANCED SALMON

Following are the fourteen (14) guiding principles which were developed along with rationale statements for each:

1. The primary goal of the Southeast Alaska salmon enhancement program is to provide additional fishing opportunities and revenue to traditional common property fisheries.

   (A) Performance Goals: Hatchery program plans and performance, over time, should provide a 70% contribution (after broodstock) to common property fisheries. Out of recognition for those hatcheries not receiving any salmon enhancement tax (SET) revenues, a 60% contribution (after broodstock) to common property fisheries is an acceptable goal. This goal should be expanded to 70% when these non-association hatcheries retire their existing debt obligation to the State of Alaska.

   (B) Operators of hatcheries and other enhancement projects will use these performance goals in designing the annual management plans they submit to the joint Regional Planning Team (RPT) for review prior to approval by the Commissioner.

   (C) It is recommended that enhancement programs that achieve these performance goals be given priority from the Dept. of Commerce and Economic Development on the requests for funding from the Fisheries Enhancement Revolving Loan Fund.

   (D) Common property fisheries means those fisheries available to the people for common use.

Rationale: The enhancement programs are primarily for the benefit of the common property fishery and not for the benefit of private or state ownership. To assure the emphasis is on the common property fisheries, the 70% and 60% performance goals specified in 1A shall be used in evaluating projects. Although contributions to the common property fisheries will vary from year to year depending on run strength, survival rates and management, the long term benefit must be to the common property fisheries. No penalty for failure is suggested. However, hatchery programs should include these production goals and, if not achieved over time, it is intended that management changes be made to assure these goals. Broodstock are not included because they were viewed the same as escapement goals. Broodstock do not financially benefit anyone directly and are essential for continued production (see number 3).

2. Management of traditional "wild stock" fisheries are not to be restricted by cost recovery needs (economic escapement) of hatcheries.

Rationale: This concept is embodied in Alaska Statutes (AS 16 .05.730). The SATF could not envision any circumstance where a wild stock fishery should be interrupted to assure a cost recovery harvest.

3. Restrictions on conduct of traditional "wild stock" fisheries to meet broodstock needs should be absolutely minimal and should be clearly documented by adequate production and harvest data. Protection of broodstock should only occur in close proximity to terminal areas. (Consistent with AS 16 .05 .730, and regulations 5 AAC 40 .005 and 5AAC 40.220).

Rationale: The SATF recognizes the importance of broodstock. However, broodstock alone should not drive a common property fishery. Protection of broodstock should only occur in close proximity to terminal areas and only when the wild stocks can be adequately harvested in another area. The need for protection of broodstock in any area must be documented by showing that broodstock goals are adversely affected and the area contains significant broodstock. However, it is not intended that an operator manipulate activities just to ask for broodstock protection; for example, by conducting cost recovery harvest without taking proper steps to assure broodstock collection.

4. Enhancement projects should include tagging or marking that will allow determination of the amount of production harvested in the various fisheries.

Rationale: It is recommended that adequate tagging programs be required under the Commissioner's authority (AS 16 .10.400). Operator estimates are not adequate for estimating contribution to common property fisheries. Tagging or marking programs are essential; however, because the technology for marking fish is still evolving, no method is recommended. It is assumed that the most reliable and cost effective method will be used.

5. The State of Alaska should commit to an adequate mark recovery program for all enhanced salmon to provide harvest and production data.

Rationale: It is recommended that those responsible for enhancing fish should pay for the marking, but only the state has the resources to conduct the tag recovery program. The allocation agreement will not work unless the state commits to a mark recovery program. Also, there was evidence that the tag recovery program was not being conducted equally among the gear types or species harvested. For example, troll Chinook fisheries have been more intensively sampled, while the seine harvest has been sampled the least of the gear groups. The tag recovery program should be designed to provide an equal level of confidence in the contribution of enhanced salmon to each gear type.

6. Habitat enhancement and restoration projects where marking is not feasible will not be counted. Other field projects where marking is feasible and economically acceptable will be counted.

Rationale: Lake fry plants, stream bioenhancement, stream rehabilitation, and other enhancement strategies are frequently conducted with small numbers of fish in remote areas. It may not be practical or economically feasible to mark the fish. These enhancement and restoration projects are encouraged and it is recognized that they contribute to the common property fisheries, but they will not be counted in the allocation percentages. However, where feasible, marking should be conducted.

7. The allocation percentage goals will be used to provide a fixed target for production.

Rationale: Enhancement projects and production goals have frequently been established based on political expediency or the economic viability of the operator. However, whenever fish are released and the returning adults harvested, an allocation is made. The allocation can become disproportionate based on the number of fish and where they are released. It is desirable that new production, or revised existing production, contribute to achieving the allocation percentage goals established. This, however, should not be the only criteria used to judge the desirability of new or revised production. If such new or revised production is "projected" to unbalance the distribution of enhanced salmon, and the change in production is otherwise considered desirable, the RPT will evaluate the overall enhancement program to determine what adjustments may be necessary to bring distribution of the harvest into compliance with the allocation percentage goals and make recommendations to the Commissioner.

8. Allocation percentage goals will be long term.

Rationale: It is recognized that survival rates can vary considerably within and among enhancement projects throughout S.E. Alaska. Also, variations in the management of the common property fisheries influence the harvest rates. The allocation percentage goals are not expected to be attained each year, but should be attained over the long term. Any change in production takes two to five years to impact a fishery. Therefore, allocation percentage goals should be based on a minimum of five year increments (see number 9).

9. Overall contribution of revenue from salmon enhancement projects should be evaluated using the most recent five year average. Adjustments should be implemented only after discrepancies are determined to exist in the five year average for three consecutive years.

Rationale: See number 8 above. The distribution of enhanced fish is expected to vary widely from year to year. A five year rolling average was used because it constitutes a production cycle and levels year to year variation. It is recognized that a single abnormal year can change the five year average outside the range of the allocation percentage goals; therefore, the guidelines establish a three year period of consistent discrepancy before any change is made.

10. The joint RPT will evaluate current enhanced salmon production and the distribution of harvest revenues and update this on an annual basis.

    (A) Each facility should be evaluated after a minimum five years of operation to determine whether the 70% or 60% common property contribution, referred to in guiding principle 1A, is being achieved or to determine the realistic production and common property contribution for the facility.

    (B) The joint RPT will conduct an evaluation to determine when the allocation percentages are not being achieved and adjustments are necessary .

    (C) The joint RPT will recommend to the Commissioner adjustments to facilities' annual operating plans as necessary to accomplish the desired allocation goal .

Rationale: The SATF believes the joint RPT is the appropriate body to review the contribution data. The joint RPT is responsible for establishing and maintaining the comprehensive salmon plan, under the Commissioner's authority, and is responsible for recommending permit changes for production to the Commissioner.

11. Achieving these allocation percentage goals should not result in any modifications, in time or area, to the traditional "wild stock" fisheries. Minor modification may be considered to allow experimental or test fisheries that would not adversely impact wild stocks.

Rationale: The SATF strongly believed that the common property fisheries for wild stocks should not be manipulated in order to achieve the allocation percentage goals. However, this is not intended to preclude experimental or test fisheries, special hatchery access fisheries, or the establishment of new special harvest areas in order to access enhanced fish. For example, this could include the June troll fisheries for Chinook, or late season openings, or other special openings used to target enhanced fish as long as wild stocks are not adversely impacted. It is recommended that the department allow targeted fisheries on enhanced stocks when they will not adversely impact sustained yield of wild stocks. The department should work closely with hatchery operators in establishing these fisheries, keeping in mind the 70 % and 60 % contribution goals. The harvest of enhanced salmon in a targeted wild stock fishery is considered incidental to the harvest of wild stocks.

12. There should be no inseason changes in management of enhanced salmon in or out of the special harvest areas to achieve the allocation percentage goals.

Rationale: These guidelines are established to reach long term allocation percentages. Inseason common property fisheries adjustments should not be considered to meet allocation goals. No adjustment of wild stock fisheries should be allowed in order to meet the allocation percentage goals.

13. When adjustments are deemed necessary to the distribution of the harvest to meet allocation percentage goals, the following tools should be used: (1) special harvest area management adjustments: (2) new enhanced salmon production: and (3) modification of enhancement projects production including remote releases. Hidden Falls shall remain a seine/troll terminal harvest area (Consistent with 5 AAC 33 .374).

(A) The joint RPT will make appropriate recommendations through the Commissioner to facility(s) annual operating plan(s) to attain allocation goals.

(B) Facilities may request changes in operating plans to meet allocation requirements.

Rationale: New production and facility modifications to meet the allocation percentage goals are long term changes and will take five to ten years to have an impact. Changes in special harvest areas can be used in the short term to help modify any imbalances that occur. For example, special harvest areas can be designated to only one gear group or the fishing time allowed to different gear groups could be adjusted. The effectiveness of this will also be contingent on the gear type and the targeted species. The SATF expects these adjustments will be reviewed by the joint RPT, and the joint RPT will make recommendations to the Commissioner as to the most appropriate action needed to achieve the allocation percentage goals. It is anticipated that short term solutions such as special harvest area management adjustments will only be used until decisions concerning long term adjustments can take effect. The allocation percentage goals will also be considered when reviewing permit alteration requests. If new production is not feasible or desirable, changes in remote releases can include new sites, change in species composition, change in the numbers of salmon released, or a combination of these.

14. The allocative percentages will be:

Note: The following percentages refer to the total value (nominal dollars) of enhanced salmon. These percentages are not intended to apply to wild stock allocations.

Seine— 44% to 49%

Troll—27% to 32%

Gillnet—24% to 29%

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

PROPOSAL 245: 5 AAC 33.364. SOUTHEAST ALASKA AREA ENHANCED SALMON ALLOCATION MANAGEMENT PLAN.

PROPOSED BY: Jim Becker, Arnold Enge, Jev Shelton, and Cheyne Blough.

WHAT WOULD THE PROPOSAL DO? There are two parts to this proposal. The first part suggests enhanced salmon production from Northern Southeast Regional Aquaculture Association be removed from item (2) of the Southeast Alaska Area Enhanced Salmon Allocation Plan. The only item (2) in the regulation is pertinent to the allocation range specified for hand and power troll gear and it is unlikely this was the intent of the proponents. The department staff comments for this proposal are provided in the context that the proponents intent is to remove NSRAA salmon production from item (b) of the existing regulation which is the second section of the regulation and which is the section that describes how the enhanced allocation values are determined by the department.

The second part of the proposal seeks to formally vest, in regulation, authority for "…maintaining a reasonable commitment of production…" with the association (NSRAA). The proponents suggest the board adopt new regulatory language that provides for mechanisms under which to evaluate compliance to production obligations for each gear type. It is not clear if the proponent's intent is to specifically evaluate NSRAA enhanced salmon production based on the existing allocation percentages for each gear type or to create a new set of allocation ranges for each gear type. It is also not clear what the implications are for enhanced salmon production from enhancement projects operated by private non-profits (PNP) other than NSRAA, but the department assumes those parameters will be unchanged if this proposal were adopted.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 33.364. Southeastern Alaska Area Enhanced Salmon Allocation Management Plan.

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

(1) seine - 44 percent - 49 percent;

(2) hand and power troll - 27 percent - 32 percent;

(3) drift gillnet - 24 percent - 29 percent.

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

(c) If the value of the harvest of enhanced salmon stocks by a gear group listed in (a) of this section is outside of its allocation percentage for three consecutive years, the board will, in its

discretion, adjust fisheries within special harvest areas to bring the gear group within its allocation percentage.

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? NSRAA is a major contributor of enhanced Chinook, coho, and chum salmon in Southeast Alaska commercial net and troll fisheries. Because of that, changes to the way the value of NSRAA enhanced production is evaluated have significant impact on the final outcome of the annual and five-year increments specified in the existing enhanced allocation management plan. (Figures 2445-1 through 245-9) show three scenarios depicting the affects of NSRAA enhanced salmon on the allocation values for each commercial gear type (troll, purse seine, and drift gillnet). The three scenarios presented include: 1) the calculations based on the existing method of including all enhanced salmon production in Region I, 2) calculations that show the same values with NSRAA production subtracted, and 3) calculations that show the same values with only NSRAA production included.

The lack of detail on the suggested regulatory language for the proposed new subsection precludes full evaluation of the effects of the proposal.

BACKGROUND: The existing Southeast Alaska enhanced salmon allocation plan was adopted in 1994 based on work completed by the Southeast Allocation Task Force (SATF) at the request of the Board of Fisheries. The regulation was based on a report completed by the SATF and adopted by the Board of Fisheries as finding 94-148-FB. The text of that finding is provided in its entirety as part of the staff comments background for proposal 244.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

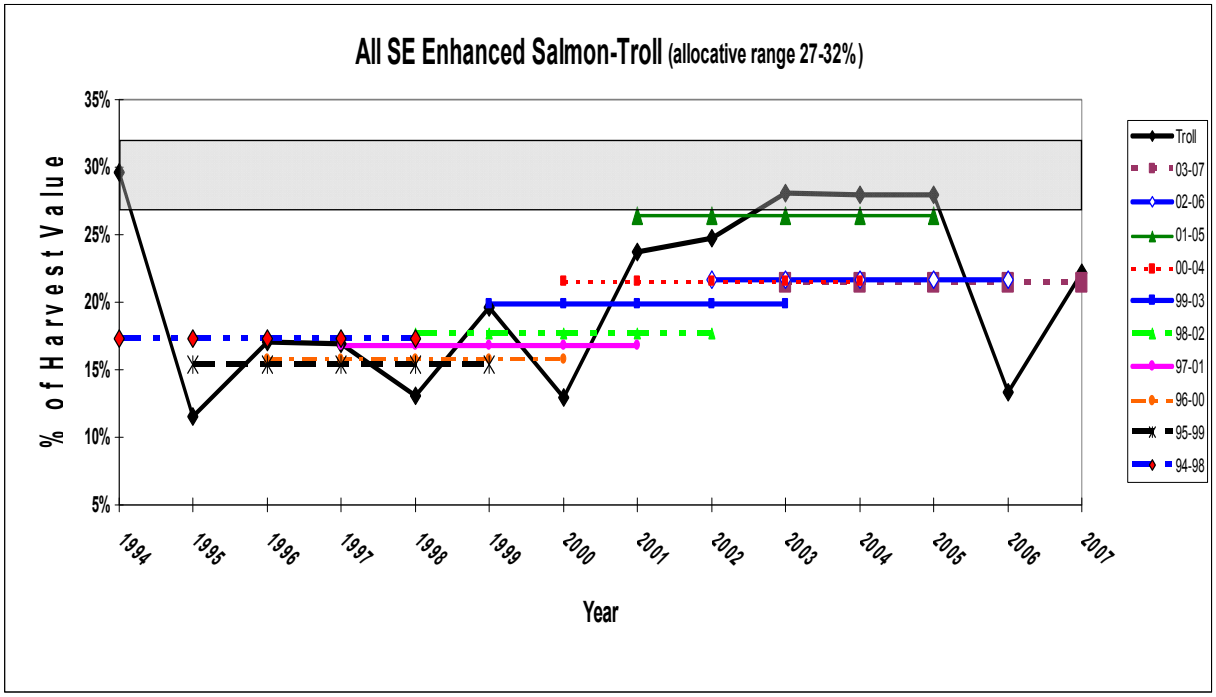


Figure 245-1.–Salmon troll allocation for all SE enhanced salmon **(existing calculation method).**

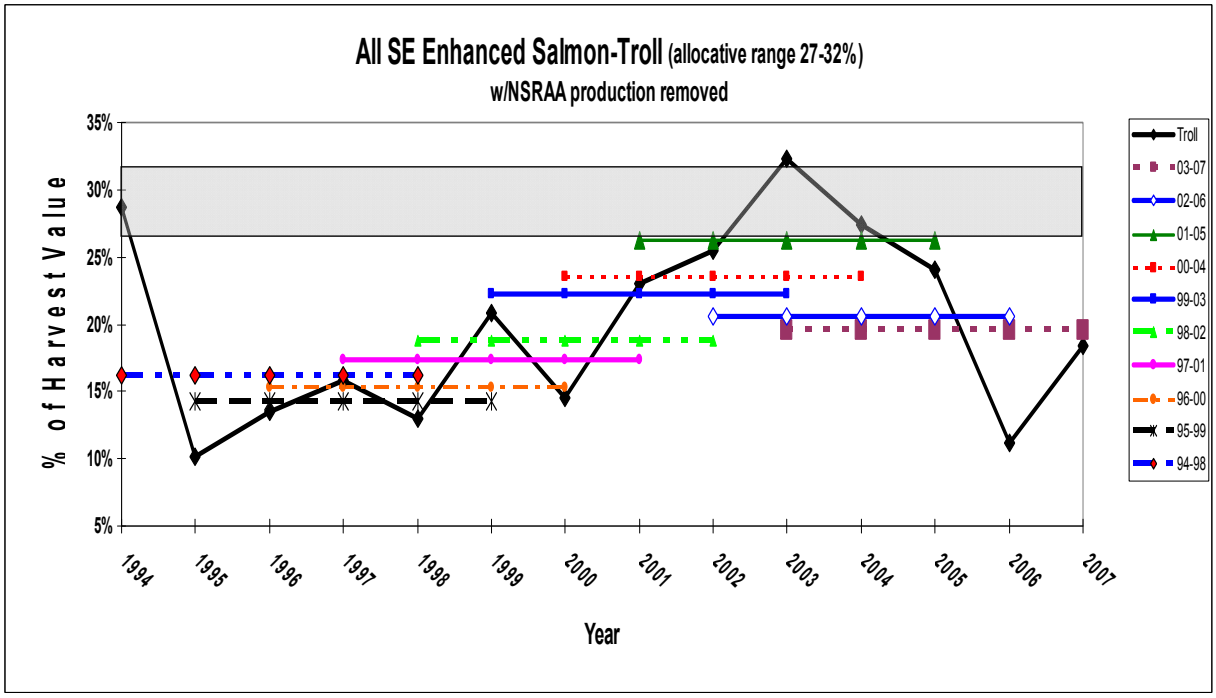


Figure 245-2.–Salmon troll allocation for all SE enhanced salmon **minus NSRAA production.**

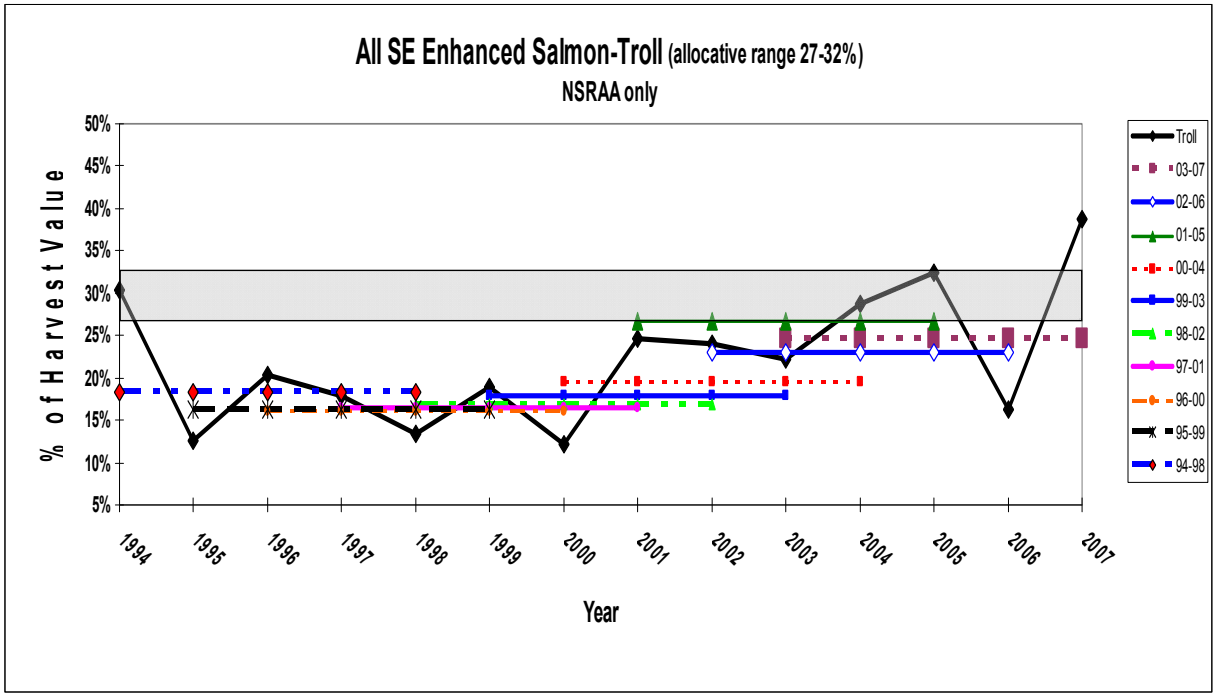


Figure 245-3.–Salmon troll allocation value results with NSRAA production only.

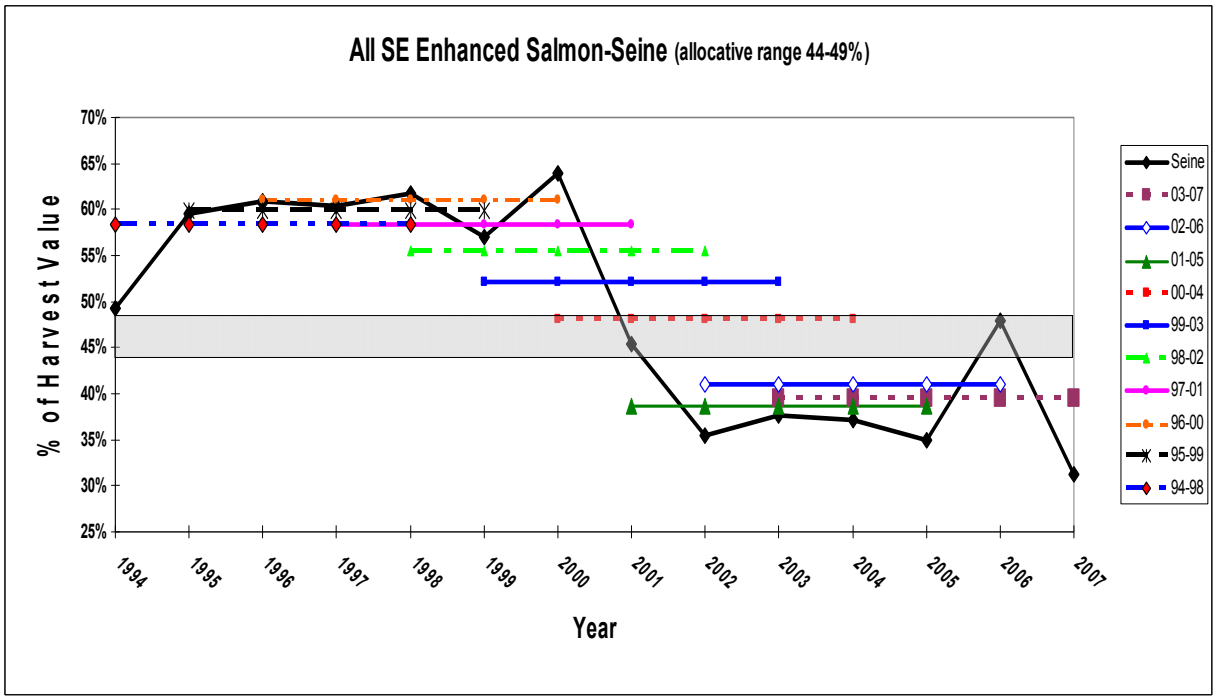


Figure 245-4.–Purse seine allocation for all SE enhanced salmon (existing calculation method).

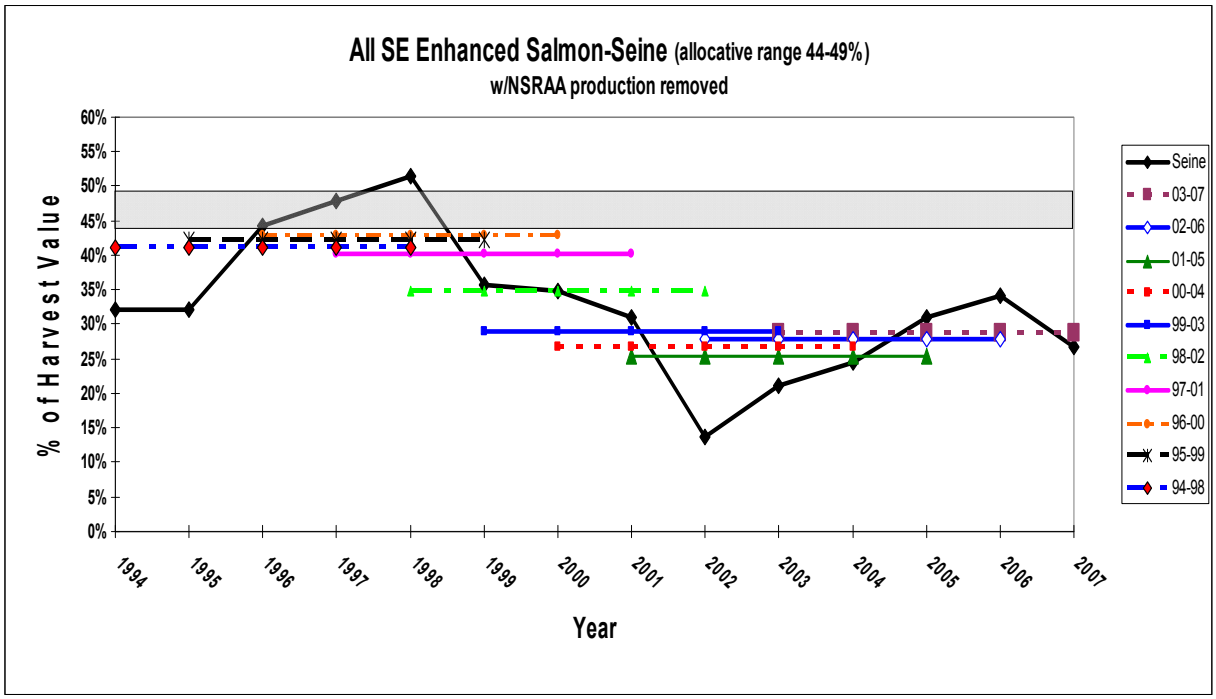


Figure 245-5.–Purse seine allocation for all SE enhanced salmon **minus NSRAA production**.

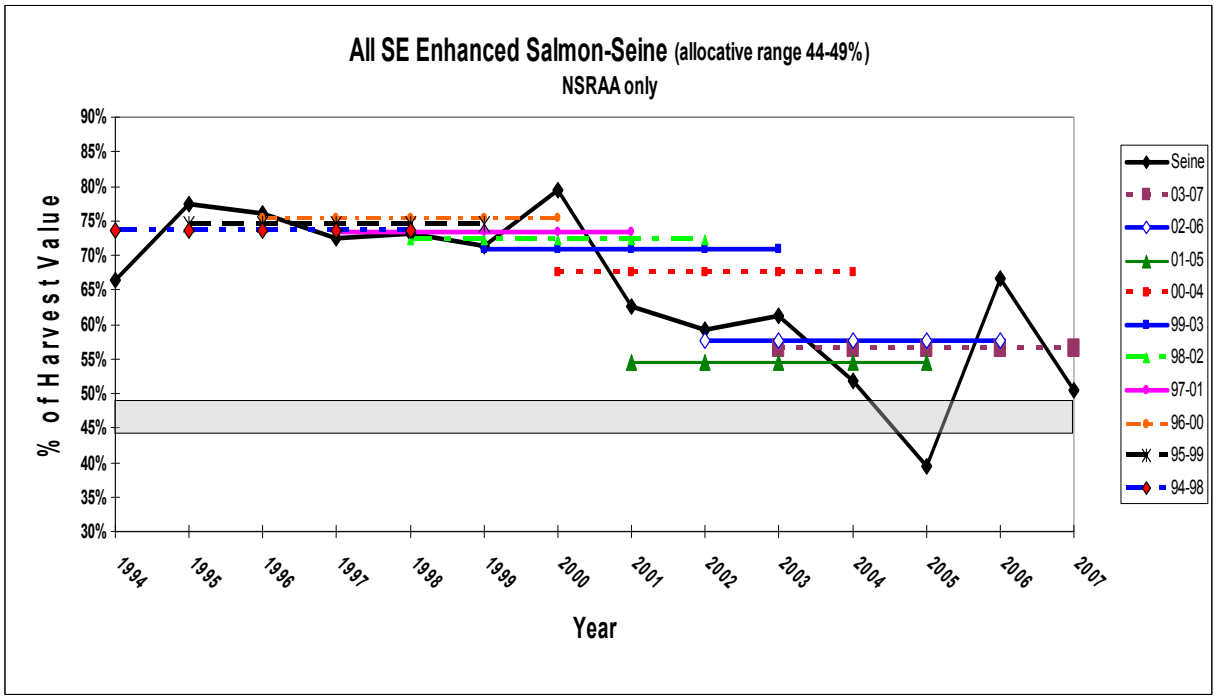


Figure 245-6.–Purse seine allocation value results **with NSRAA production only**.

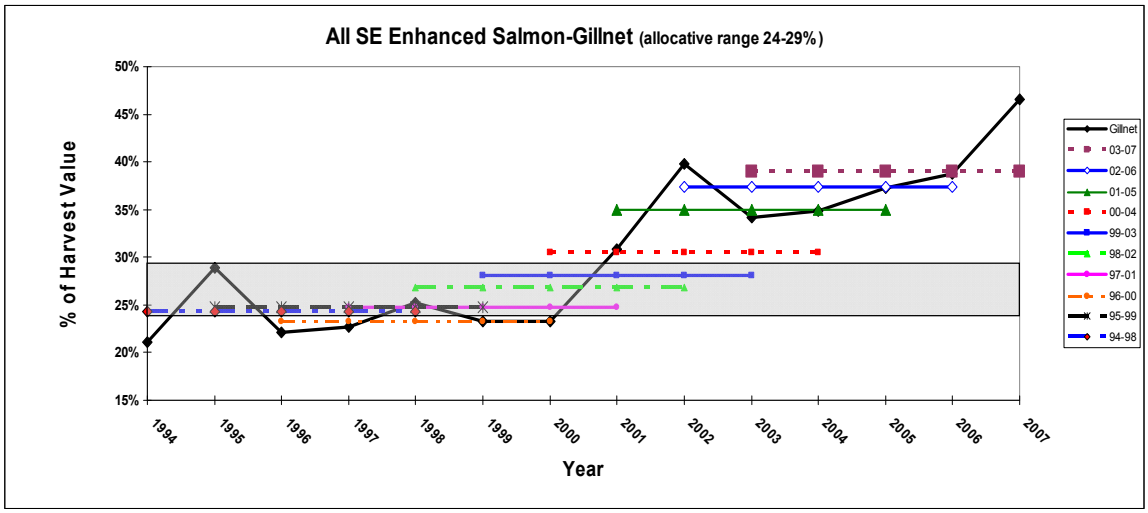


Figure 245-7.–Drift gillnet allocation for all SE enhanced salmon **(existing calculation method)**.

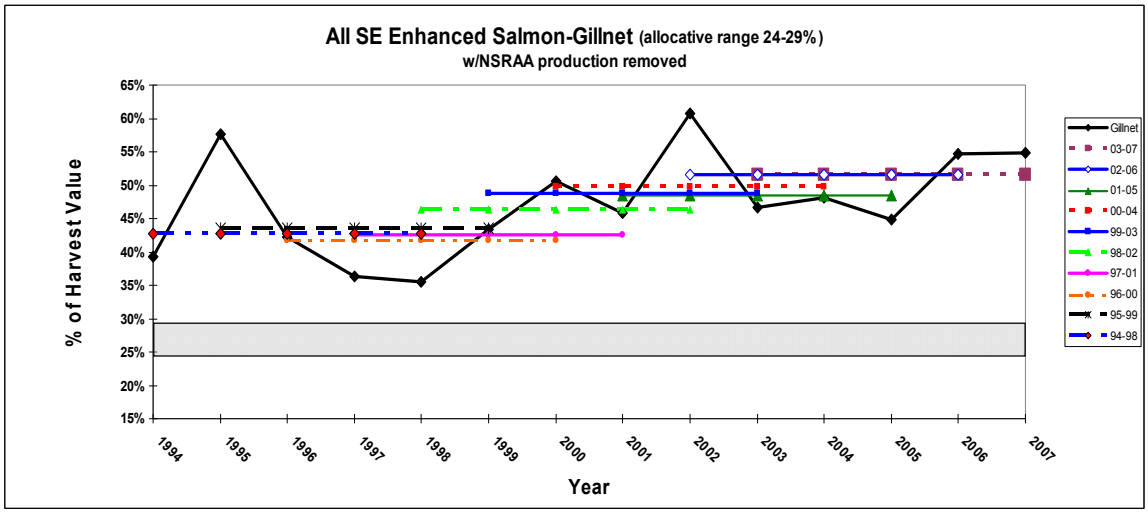


Figure 245-8.–Drift gillnet allocation for all SE enhanced salmon **minus NSRAA production.**

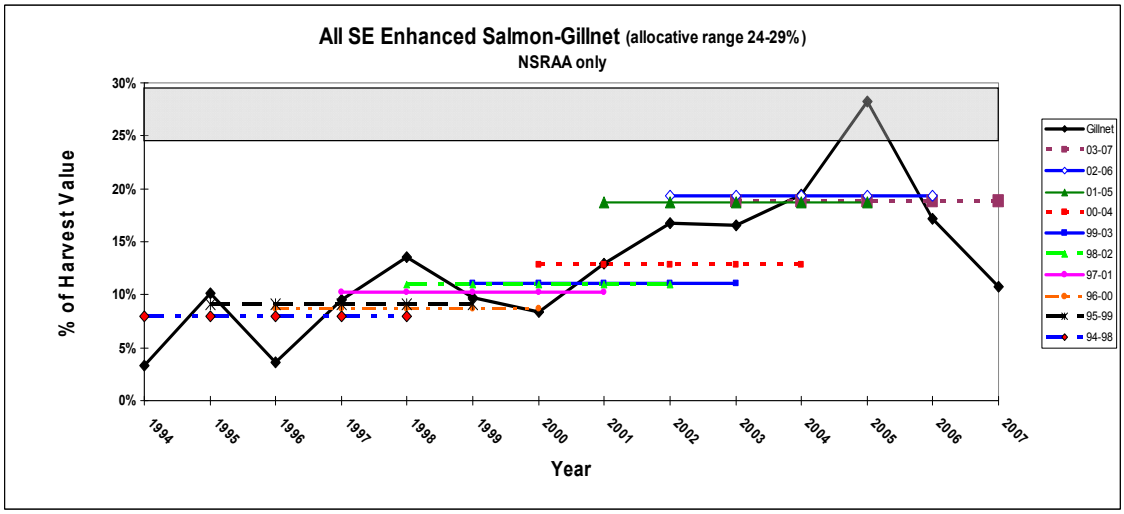


Figure 245-9.–Drift gillnet allocation value results **with NSRAA production only.**

PROPOSAL 246: 5 AAC 29.150. CLOSED WATERS; and **5 AAC 33.350. CLOSED WATERS**.

PROPOSED BY: City of Coffman Cove.

WHAT WOULD THE PROPOSAL DO? The proposal would close the waters within Coffman Cove to commercial salmon fishing.

WHAT ARE THE CURRENT REGULATIONS? Closed waters defined in **5 AAC 29.150** (salmon troll fishery) and **5 AAC 33.350** (salmon net fisheries) do not include waters within Coffman Cove.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Commercial salmon fishermen would not be able to fish inside Coffman Cove (Figure 246-1).

BACKGROUND: Commercial salmon fishing is prohibited at all times within 500 yards of any salmon stream (5 AAC 29.150 and 39.290). Larger closures have been implemented throughout the region. These closures often occur at the heads of inlets and bays where salmon are schooled and waiting to go upstream. These larger closures protect salmon that back out more than 500 yards from the stream during periods of low flows or during very large changes in tides. Closures have also been implemented in troll and net fisheries to reduce conflict among commercial groups and between commercial and sport fish groups.

Commercial gillnet openings typically begin in District 6 on the second Sunday in June. Although gillnetters could fish inside Coffman Cove, there is not ample room to set a 300-fathom net which is the maximum legal gear size in this district (Figure 246-2). Gillnetters have never been observed fishing inside Coffman Cove during weekly on-the-grounds surveys by management biologists. However, gillnetters routinely fish within the immediate vicinity of Coffman Cove (Figure 246-1).

Commercial seine openings do not occur in Section 6-B (Figure 246-1).

Commercial troll openings could occur inside Coffman Cove. The winter fishery allows fishing inside closed waters and within 500 yards of stream terminus. The winter fishery starts in October and does not extend past April 30. In the spring and the summer fisheries, which start in early May and extend through September 20, closed waters within 500 yards of stream terminus are not open to trolling.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. This proposal would close waters that are currently open to commercial fishing and create a terminal harvest area for sport and charter fishers.

The City of Coffman Cove has received Southeast Sustainable Salmon Fund (SSSF) funding to release king salmon smolts inside Coffman Cove. This should result in a small enhanced king salmon return for sport and commercial fishermen to utilize. The first return of enhanced adult king salmon from the 2007 smolt release of 98,000 fish should occur in the spring of 2010. These returning fish will be harvested by both commercial and sport fisheries. Commercial fisheries will probably intercept a significant percentage of the total return during normal traditional fisheries.

Commercial fishing inside Coffman Cove (Figure 246-2) is already presented with several impediments including small boat traffic, the Inter-island Ferry, and very little deep water area for fishing. A regulatory closure may not be necessary to keep commercial fishing at a minimum inside the cove. However, a gillnetter or troller might be enticed to target fish milling inside the cove.

Hook and line fisheries are often not effective enough to harvest all of the returning fish. The department has the authority to open a commercial gillnet fishery within Coffman Cove to mop up unharvested fish before they start straying and spawning in streams in and around Coffman Cove.

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

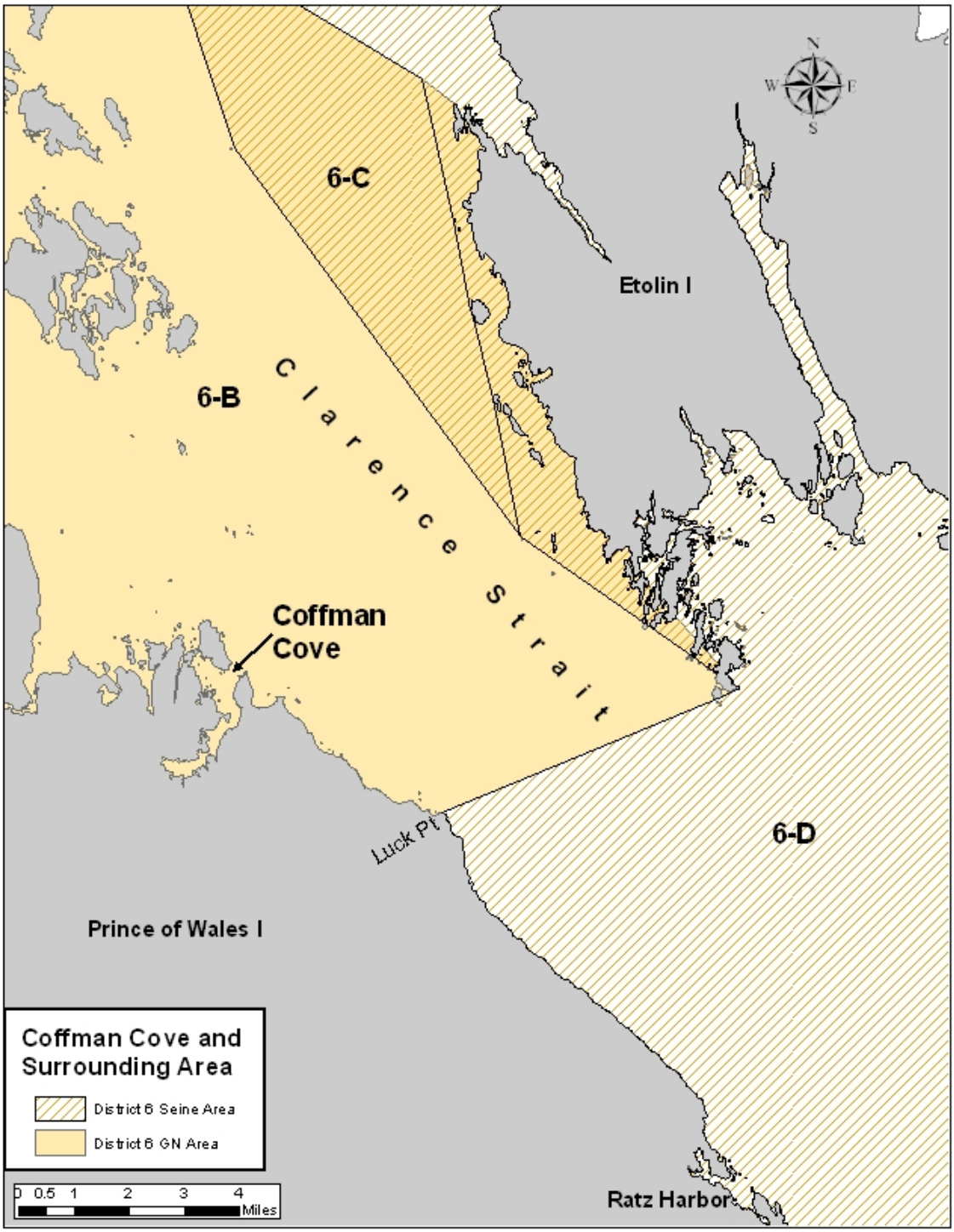


Figure 246-1.–Coffman Cove and surrounding commercial gillnet and seine areas. (Note: the waters off the western portion of Etolin Island are both seine and gillnet areas.)

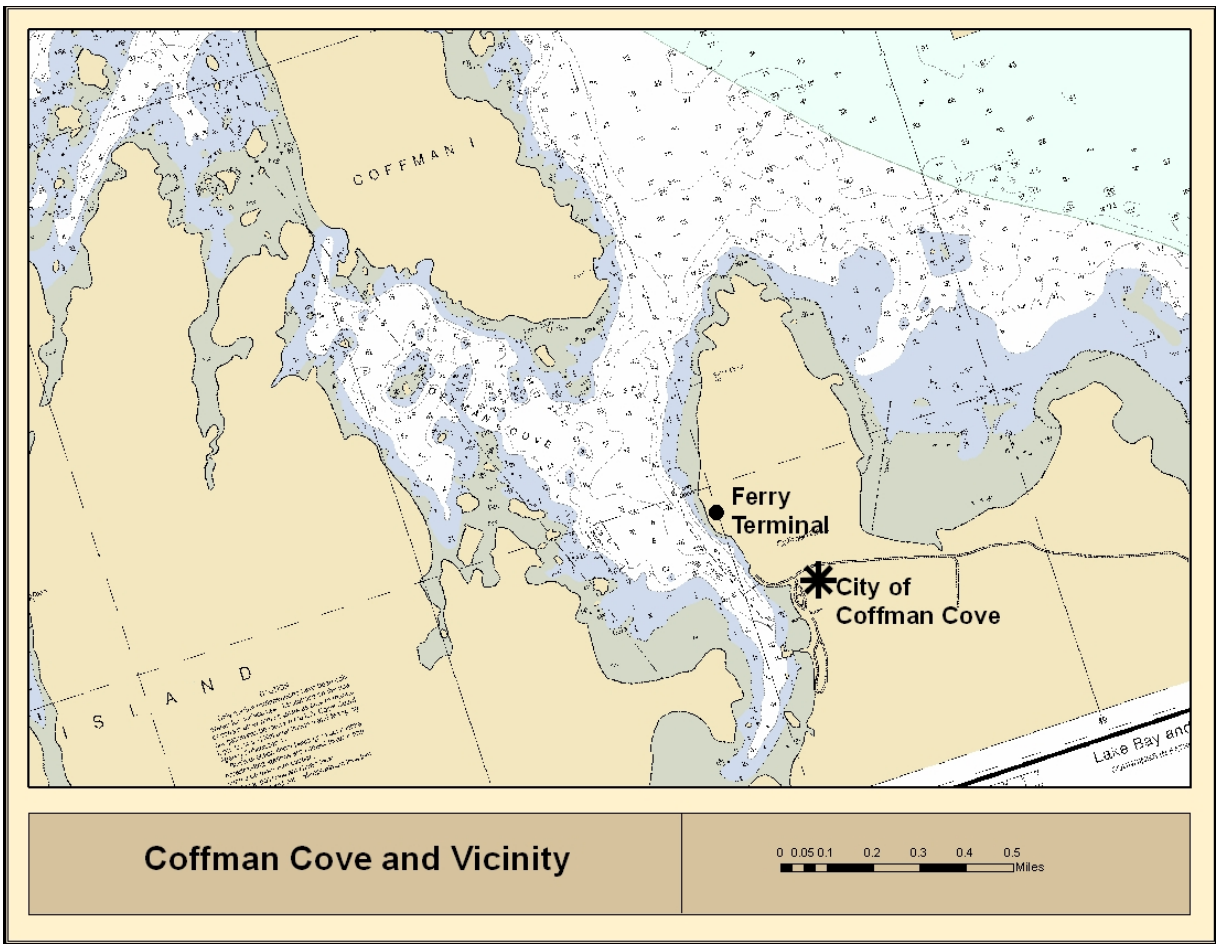


Figure 246-2.–Map of Coffman Cove.

PROPOSAL 247: 5 AAC 29.150(i). CLOSED WATERS.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would establish in regulation a new subsection (8) under 5 AAC 29.150(i) stating that, beginning on July 1, the waters of District 8 will be open consistent with drift gillnet openings.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 29.150. Closed waters.(i)

(2) Stikine River: waters inside a line from Babbler Point to Hour Point along the shore of Wrangell Island to Point Highfield to the southern end of Liesnoi Island to the southern end of Greys Island to the small island near the eastern entrance of Blind Slough to the nearest point of Mitkof Island to the prominent point of Mitkof island nearest Coney Island to the northern end of Coney Island to a point 500 yards north of Jap Creek on the mainland shore.

5 AAC 29.100. Management of the summer salmon troll fishery.

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal is a housekeeping proposal that would establish by regulation what is already implemented on an annual basis by emergency order. Although 5 AAC 100(e) establishes the same time and area as for gillnets for the summer fishery, there is not a corresponding regulation under the Closed Waters section that opens the same waters. This can create confusion among trollers who look in the Closed Waters regulations to see what waters are open in District 8 during the summer season.

BACKGROUND: The same time/area regulation for drift gillnetting and trolling in District 8, beginning on July 1, has been in effect since1965.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this housekeeping proposal.

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

PROPOSAL 248: 5 AAC 29.100. MANAGEMENT OF THE SUMMER SALMON TROLL FISHERY (i)(1).

PROPOSED BY: Yakutat Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would repeal 5AAC 29.100(i)(1) and would uncouple the troll and set gillnet openings during the summer troll season, from August 7 through September 20, and would make the management of each fishery independent.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 29.100. Management of the summer salmon troll fishery (i)(1).

(1) in waters bounded on the north by a line extending seaward from 59°42.50' N. lat., 140°38.20' W. long. to 59°40.06' N. lat., 140°45.30' W. long. and on the south by a line extending seaward from 59°29.70' N. lat., 139°44.00' W. long. to 59°27.77' N. lat., 139°49.28' W. long. and in waters bounded on the north by a line extending seaward from 59°20.30' N. lat., 139°16.50' W. long. to 59°18.25' N. lat, 139°21.94' W. long. , and on the south by a line extending seaward from 59°02.60' N. lat., 138°14.70' W. long., to 59°00.57' N. lat., 138°19.90' W. long., from August 7 through September 20, the weekly fishing periods for trolling are the same as for set gillnetting in the Situk River.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Trollers would be allowed to fish in Yakutat Bay and within 3 miles of the shoreline between Sitkagi Bluffs (approximately 11 mi. northwest of Yakutat Bay) and a point approximately 5 miles southeast of Dry Bay at any time the summer fishery was open (Figure 248-1).

It is likely that harvest of Yakutat area origin coho will increase if this proposal is adopted. However, it is not possible to make a direct correlation between the possible increase in catch and an increase in the number of days this area would be open. In 2008, the majority of vessels that fished in this area also fished in District 189, outside of state waters.

BACKGROUND: The coordinated opening times for trolling and set gillnetting were first implemented in 1970 for the waters of Yakutat Bay from Aug. 15 – Sept. 20. From 1971 – 1980 the start date was moved to August 1 for the waters of Yakutat Bay. In 1981 and 1982, the area was expanded to include the waters from Sitkagi Bluffs southeast to the Dangerous River. In 1983 and 1984, the area was expanded further southeast to the Lost River. In 1985, the current time and area was established and has been in effect each year since that time.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

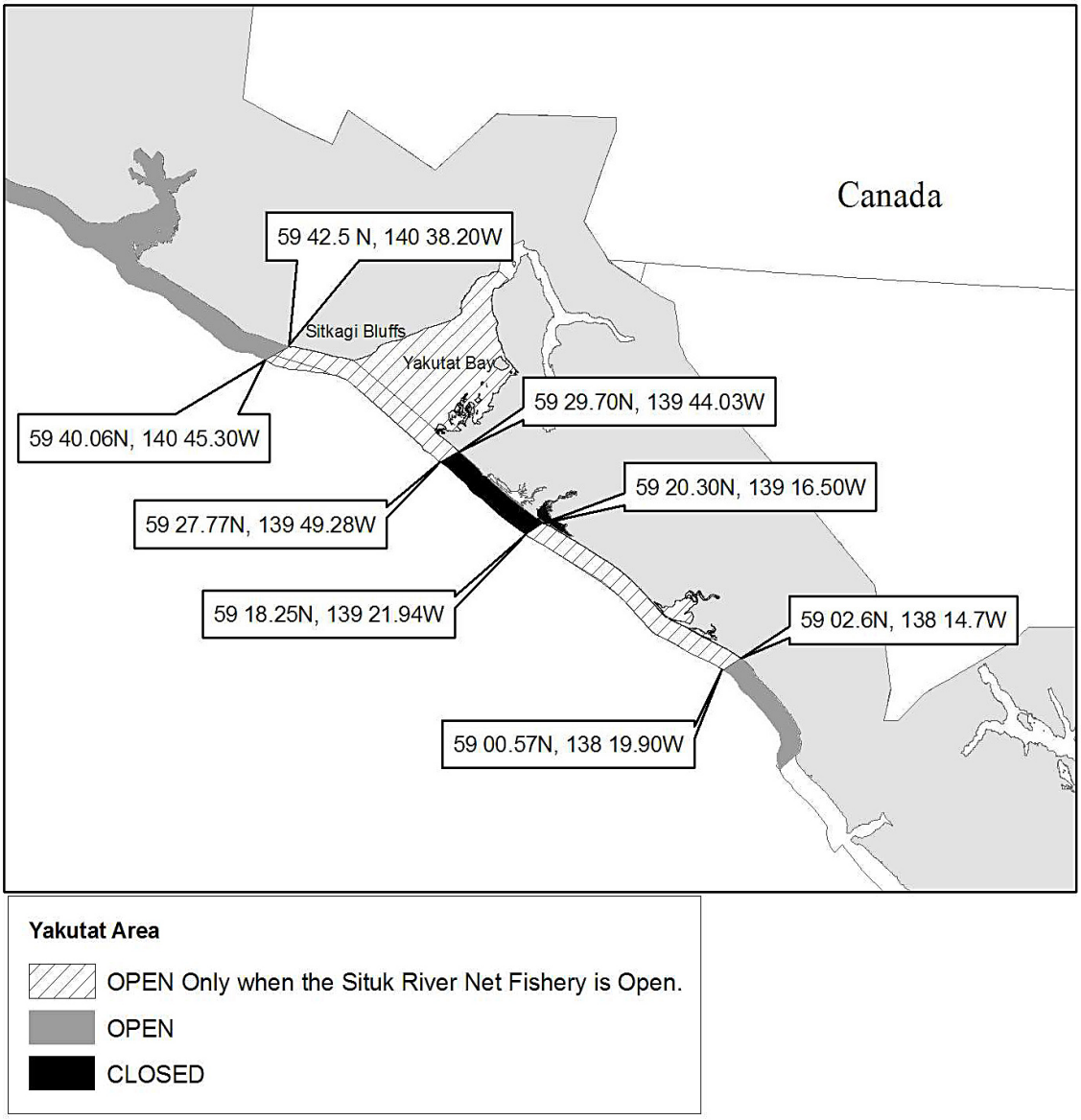


Figure 248-1.–Trolling times and areas for the Yakutat area, beginning August 7.

PROPOSALS 249, 250, AND 251: 5 AAC 29.120. GEAR SPECIFICATIONS AND OPERATIONS; **5 AAC 33.331. GILLNET SPECIFICATIONS AND OPERATION**; and **5 AAC 33.332. SEINE SPECIFICATIONS AND OPERATION.**

PROPOSED BY: Sumner Strait Fish and Game Advisory Committee (249), Andy Wright (250), and Southeast Alaska Fishermen's Alliance (251).

WHAT WOULD THE PROPOSAL DO? Proposals 249 and 250 would allow gillnet and troll gear onboard a vessel simultaneously while participating in a fishery and while in transit between fisheries. Proposal 251 would allow large lead weights called cannon balls that are used to deploy salmon troll gear to be stored below decks while fishing with net gear. It would also allow a gillnet onboard a vessel while trolling if the net was removed from the gillnet reel and stored in a bag that is tied closed.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 39.240. General gear specifications and operations.

(a) A salmon fishing vessel shall operate, assist in operating, or have aboard it or any boat towed by it, only one legal limit of salmon fishing gear in the aggregate except as otherwise provided in this title.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If adopted, these proposals would allow salmon fishermen in Southeast Alaska who have both a drift gillnet permit (S03A) or seine permit (S01A) and either a power troll permit (S15B) or hand troll permit (S05B) to have one unit of net gear and one unit of troll gear aboard a vessel simultaneously. These dual-permit fishermen (gillnet/troll or seine/troll) would not have to travel to wherever their other gear is stored in order to switch fisheries, allowing more opportunity to harvest fish.

If proposal 249 was adopted, salmon permit holders with both gillnet and troll permits would be able to simultaneously have troll gear and gillnet gear aboard while fishing. If proposal 250 was adopted, any salmon troll or gillnet vessel could simultaneously have one unit of troll gear and one unit of gillnet gear onboard. Permit holders who held both types of permits would be able to fish with the other type of gear on aboard. Persons who either held just a troll or a gillnet permit could transport the other type of fishing gear, but would have to remove that gear before they started fishing. If proposal 251 was adopted, trollers who also hold a gillnet permit would be allowed to have gillnet gear aboard while fishing as long as the net was removed from the net reel and stored in a bag that was tied closed. Gillnetters and seiners who hold troll permits would be able to have troll gear aboard as long as cannon balls are stored below the deck. These dual-permit fishermen (gillnet/troll or seine/troll) would not have to travel to wherever their other gear is stored in order to switch fisheries, allowing more opportunity to harvest fish. Seiners would still be required to remove their nets before trolling.

BACKGROUND: Commercial salmon fishermen in Southeast who have both troll and drift gillnet permits have increased in number in recent years from a low of 67 permit holders in 1998 to 80 permit holders in 2004 and 2007. This recent increasing trend can also be seen in the number of permit holders having both seine and troll permits from a low of 22 in 2000 to 33 in 2007 and 2008 (Table 249-1). The recent re-diversification of fisheries by permit holders may be partly a result of a drop in average hand troll, power troll, and gillnet permit prices to a low of $3,500, $12,700, and $21,100, respectively in 2003. Seine permit prices were at their recent low a year earlier in 2002 at $22,800. Fluctuating, varied markets and intermittent commercial salmon openings allow fishermen with multiple permits to increase their annual income.

Terminal Harvest Areas (THAs), and their associated fisheries, throughout Southeast Alaska have opened up many more opportunities for commercial salmon fishermen beyond traditional openings. Many of these THAs are far removed by distance from traditional areas and from communities. Often, significant runs of enhanced salmon (particularly chum) draw fishermen from all corners of Southeast. For example, a Wrangell gillnet and troll permit holder was interested in targeting enhanced chum in the Deep Inlet gillnet rotational fishery this summer and having the opportunity to do some summer trolling for coho when he wasn't gillnetting. Under the current regulations, he would not be able to travel to the Sitka area with both gillnet and troll gear aboard his vessel. This is just one specific example in a multitude of potential scenarios around Southeast Alaska.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on these proposals, but does support proposals that could improve fish quality and the economics of the fishery without jeopardizing the sustainability of the resource. The department also supports efforts to reduce fuel consumption and the "carbon footprint" of Alaska's fishing fleets.

The rising cost of doing business for commercial salmon fishermen makes these proposals quite relevant and timely. Fishermen holding both a troll and a gillnet permit would be able to participate in both fisheries without having to make potentially long, costly runs to switch out their gear if this proposal(s) was adopted. However, fishermen could not fish both types of gear simultaneously as this could lead to serious fishery enforcement issues and dual permit fishermen could not have fish harvested from both gillnet and troll fisheries aboard their vessel at the same time. Fishermen holding both a seine and a troll permit would still be required to remove the seine from the vessel before trolling. The department would ask that any of these proposals only be adopted if dual permit fishermen are required to deliver product from one fishery before starting the next. This would mean the adoption of both this proposal(s) and Proposal 252.

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

Table 249-1.–CFEC results showing the number of S03A (gillnet) and S01A (seine) permit holders who also hold a S05B (hand troll) or S15B (power troll) permit for the given year.

Year	Gillnet & Troll	Seine & Troll	Seine or Gillnet & Troll
1975	162	93	255
1976	172	103	275
1977	201	102	303
1978	227	98	325
1979	208	98	306
1980	137	60	197
1981	115	54	169
1982	105	50	155
1983	109	50	159
1984	90	45	135
1985	100	41	141
1986	97	44	141
1987	89	36	125
1988	90	33	123
1989	91	34	125
1990	82	28	110
1991	82	31	113
1992	85	25	110
1993	85	27	112
1994	83	24	107
1995	79	23	102
1996	74	25	99
1997	71	27	98
1998	67	26	93
1999	69	24	93
2000	65	22	87
2001	70	23	93
2002	69	24	93
2003	71	26	97
2004	80	28	108
2005	79	31	110
2006	78	34	112
2007	80	33	113
2008	79	33	112

PROPOSAL 252: 5 AAC 29.XXX. (NEW SECTION); and **5 AAC 33.XXX. (NEW SECTION).**

PROPOSED BY: Andy Wright.

WHAT WOULD THE PROPOSAL DO? This proposal would require commercial salmon fishermen, who fish in more than one salmon fishery utilizing the same vessel, to land all product from one salmon fishery before participating in another salmon fishery.

WHAT ARE THE CURRENT REGULATIONS? Current regulations (**5 AAC 39.130**) do not clearly prohibit a permit holder from having salmon onboard that were harvested with two different commercial gear types.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal was adopted, the regulations would clearly state that commercial salmon troll and gillnet vessels must deliver product caught using one gear type before participating in a salmon fishery with the other type of gear. Commercial salmon landings would be definitively assigned to the correct gear group.

BACKGROUND: In recent years, owning and operating both commercial troll and gillnet permits has become more prevalent. Commercial gillnetters are able to maximize their fishing time by participating in the gillnet fishery, removing their gillnet gear, loading their troll gear, and starting trolling without being required to unload their fish. Although current landing requirements make it difficult to land fish from more than one salmon fishery at a time, this regulation is not as clear as it should be. Current regulations do not allow for gear from two different salmon fisheries to be on board at the same time but do allow for salmon caught from two different fisheries to be on board.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. This proposal is closely linked to proposals 249, 250, and 251 and the department strongly recommends that this proposal be adopted if the board adopts any of those proposals. This proposal was actually submitted as a companion to proposal 250. Proposals 249 and 250 would amend current regulation to allow dual permit holders to have both troll and gillnet gear aboard a vessel and 251 includes all commercial salmon gear and specific onboard gear storage requirements. Any of these proposals could potentially exacerbate allocation and enforcement issues by having fish aboard a vessel from more than one salmon fishery.

COST ANALYSIS: This proposal would incur some extra cost to the fisherman as they would have to unload any salmon from one fishery before starting another fishery and this could require running to a processor or tender. However, reduced fuel costs resulting from adoption of any of proposals 249–251 would help offset any additional costs incurred by this proposal.

PROPOSALS 253 AND 86: 5 AAC 33.xxx. MAXIMUM LENGTH OF SALMON SEINE VESSEL.

[Note: 5AAC 39.117. is cited in proposal 253, but there is no such regulation.]

PROPOSED BY: Darrell Kapp (86) and Larry Demmert (253).

WHAT WOULD THE PROPOSAL DO? These proposals would increase the allowable length of a salmon seine vessel in the Southeastern Alaska Area. Proposal 86 would repeal any length limit and would apply both to Prince William Sound and to Southeastern Alaska. Proposal 253 would increase the vessel length limit to 75 feet "hull length." Based on proposal 254 by the same individual, hull length would exclude any type of roller or add-on.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 39.160. Maximum length of salmon seine vessel was deleted in 1991 and this subject is no longer addressed in Alaska Administrative Code.

AS 16.05.835. Maximum length of salmon seine and certain hair crab vessels. (a) Unless the Board of Fisheries has provided by regulation for the use of a longer vessel in a salmon seine fishery, a salmon seine vessel may not be longer than 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels. (c) In this section "overall length" means the strait line length between the extremities of the vessel excluding anchor rollers.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Fishing vessels larger than 58 feet and/or less than 75 feet "hull length" would be available for the Southeastern Alaska and/or Prince William Sound salmon purse seine fisheries.

These proposals have been identified by the board as "restructuring proposals." Proposal 86 was scheduled for deliberation at the Prince William Sound Board meeting in December, 2008, and Proposal 253 is scheduled for deliberation at the Southeast finfish meeting in February, 2008.

Seine vessels of a variety of sizes could eventually take part in the fishery, depending on their individual business plans. Depending on the number of larger seine vessels in the fishery, the department would have to account for these differences when managing fisheries. With more of the larger-sized vessels, fewer tenders would be required since the primary advantage of a larger boat would be increased hold capacity. Hold capacity in the fishing fleet now ranges from 5 net tons to 60 tons. The larger vessels would spend more time fishing and less time running for delivery to tenders, floating processors, or shore-based processing plants. Larger vessels would be capable of fishing in more marginal weather conditions and could fish longer in offshore

areas, such as District 4. Some limited processing of high value species could take place on board larger vessels.

BACKGROUND: The original 58-foot seine vessel limit was enacted to prevent larger out-of-state vessels, such as herring seiners, from moving into the salmon seine fishery and greatly increasing the effort. The original 1960 statute specified that no seiner could be longer than 50 feet registered length. In 1962, this was changed to 58 feet overall length, exempting vessels that had fished before 1962 as 50-foot registered length vessels. The statute was changed on January 1, 2005 so the board could adopt a regulation changing the length of salmon seine vessels. The board did not adopt a proposal to change vessel length at the 2006 Board meeting in Ketchikan. The board opposed Proposal 86 as it applied to Prince William Sound during its Cordova meeting in December, 2008.

Historical harvest and effort in the purse seine fishery since 1977 is shown in Figure 253-1. Trends of ex-vessel value are shown in Figure 253-2.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal which may provide some advantages to individuals fishing and investing in larger vessels compared with those continuing to fish smaller vessels. This proposal may also allocate tending opportunity between vessels. Because the size of purse seine nets would be the same, catch rates between vessels would be roughly comparable. The department would continue to evaluate harvests and manage fisheries with consideration given to the different capabilities of larger vessels.

The department does not expect much of a difference between Proposal 86, which repeals the size limit, and Proposal 253, which would increase the current limit to 75 feet, because it is doubtful that there would be many vessels greater than 75 feet seining. Therefore, if the board does change the vessel limit, it would be simpler to remove the limit altogether.

If the intended purpose of this proposal is to increase deck space to provide an area for fish processing, then vessels engaging in those activities will need to comply with ADF&G processing license requirements, ADEC processing requirements, and pay salmon enhancement and raw fish taxes collected by ADR. In addition, the department would like to ensure compliance with fish ticket reporting requirements. Shore-based processing companies have always provided timely harvest information to the department immediately following open fishing periods, so the department is able to track harvests of targeted species as well as Chinook and sockeye salmon harvests to comply with provisions of the Pacific Salmon Treaty. With substantial numbers of catcher-freezers and direct-marketers in the pot shrimp fishery and significant numbers of frozen-at-sea salmon trollers, it has become necessary to develop new regulations to address inseason reporting, as well as to modify fish ticket reporting requirements. Since fish tickets are only required within seven days of landing, when salmon are frozen and retained aboard the vessel indefinitely, the inseason tracking of harvests could be less precise or there may be under-reporting of harvests.

The department would like to present both the pros and cons of removing the 58 foot limit on salmon seiners.

Pro:

1. The reason for the law which was to prevent large out-of-state vessels from flooding into the seine fisheries and greatly increasing the effort no longer exists because of limited entry.
2. Larger vessels might be more fuel efficient when comparing the amount of fish they could pack over the entire season to the amount of fuel they use.
3. Larger vessels are likely safer, both in being able to safely fish in poor weather and also in being more stable for traveling to and from the fishing grounds.
4. Larger vessels might reduce the need for tenders and they would pack more fish, both of which could result in more money to the fishermen.
5. Larger vessels would be more versatile for use in other fisheries like the halibut and sablefish fisheries, and the tanner and king crab fisheries.
6. Larger vessels could be used for custom on-board processing which should produce an even higher quality product resulting in more money to the fishermen.

Con:

1. Allowing larger vessels to seine might reduce the value of the existing vessels that are 58 feet and shorter.
2. Large vessels would be more efficient in harvesting salmon than smaller vessels in certain areas. This would happen on the outer coast of Dall and Noyes Islands in District 4 and other seining locations areas where the weather is sometimes a factor which limits seining. The department would have to take any increased efficiency into account when managing those fisheries.
3. New regulations may be needed to ensure that the department gets timely and accurate harvest reports and fish tickets for Chinook and sockeye salmon, or other species, if they are processed and retained on board the vessel and not landed along with other species. The department will need to monitor all processors, whether shore-based or vessel-based, in order to comply with inseason management provisions of the Pacific Salmon Treaty.

COST ANALYSIS: Costs for upgrading to larger vessels could be substantial for those that choose to fish from larger vessels and develop processing capabilities. Fuel costs may increase. Increased tendering, custom processing, and/or alternate marketing by the larger class fishing vessels may provide offsetting income from increased dock deliveries and higher dock delivery or value-added prices.

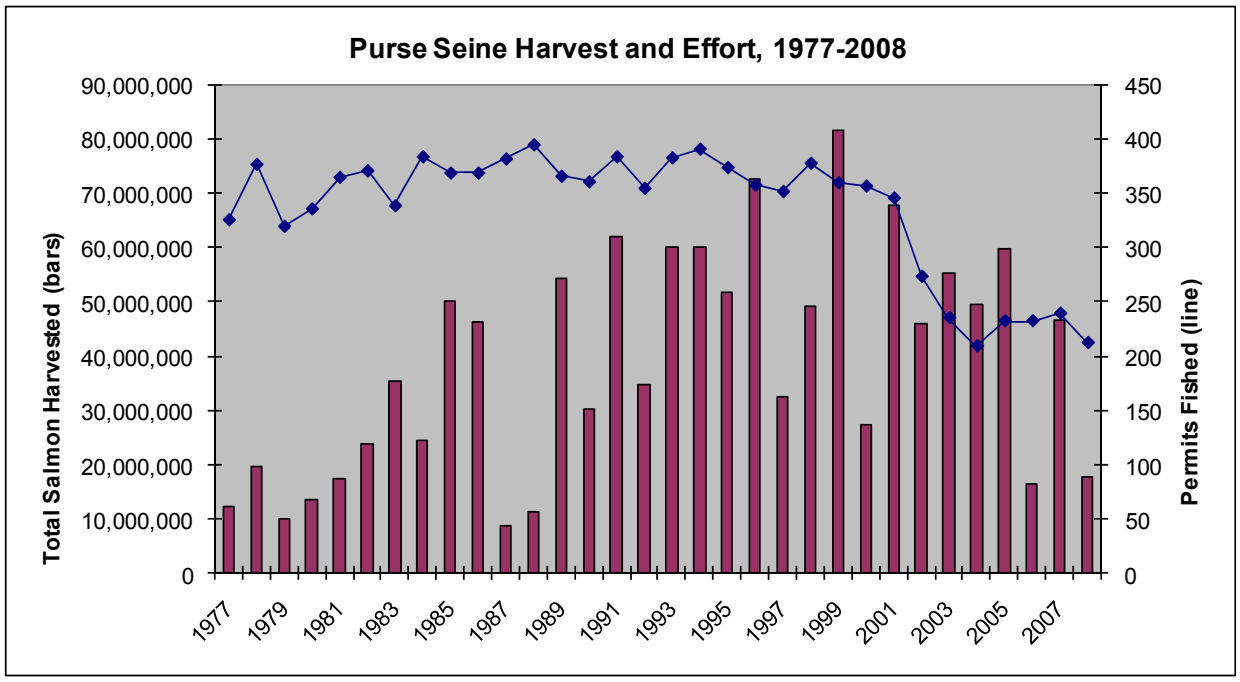


Figure 253-1.–Southeastern Alaska purse seine fishery harvests and effort trends, 1977–2008.

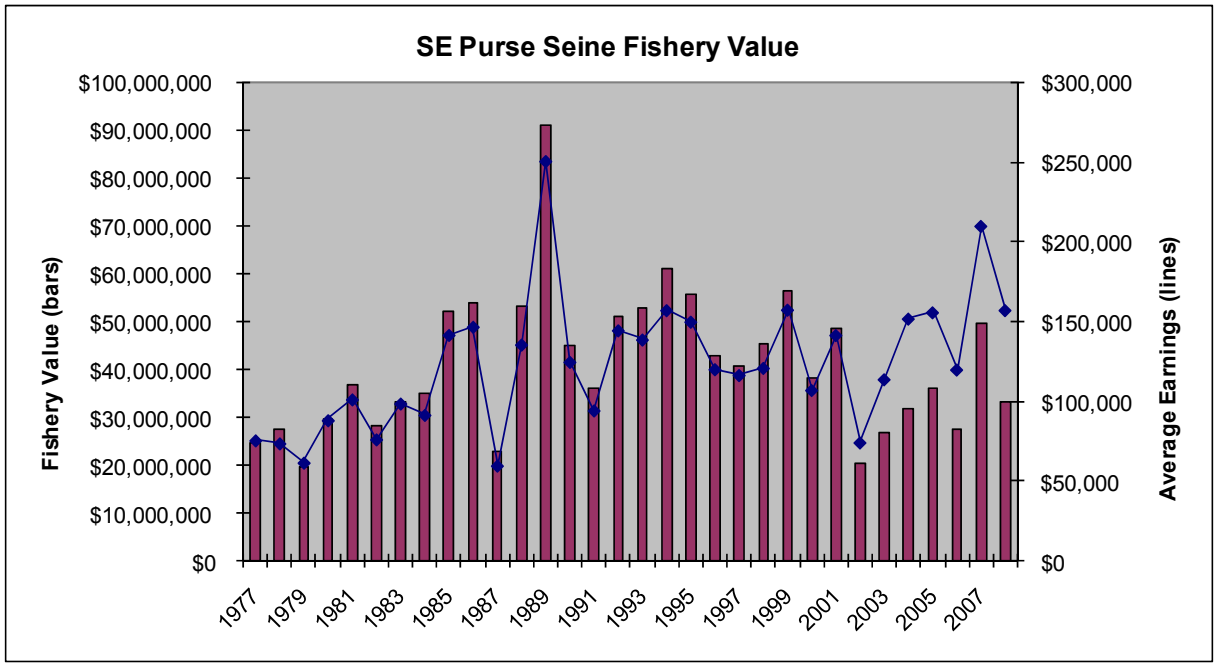


Figure 253-2.–Southeastern Alaska purse seine fishery ex-vessel value, 1977–2008.

Note: Values from CFEC based on annual operator reports and fish tickets. 2007 CFEC value is preliminary. 2008 value from ADF&G and is based only on prices reported on fish tickets.

PROPOSAL 254: 5 AAC 33.xxx. MEASUREMENT OF SOUTHEASTERN ALASKA SEINE VESSEL LENGTH. [Note: 5AAC 39.117. is cited in the proposal, but there is no such regulation.]

PROPOSED BY: Larry Demmert.

WHAT WOULD THE PROPOSAL DO? The proposal would measure vessel length as "hull length" exclusive of anchor rollers on the bow, stern rollers, or other extensions including platforms.

WHAT ARE THE CURRENT REGULATIONS? AS 16.05.835. Maximum length of salmon seine and certain hair crab vessels. (c) In this section, "overall length" means the strait line length between the extremities of the vessel excluding anchor rollers. Board action would need to be consistent with this statute.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If adopted, this proposal would provide more available deck space on boats near the present statutory limit of 58 feet. Vessels preferring more deck space could be modified accordingly. If the board adopted Proposals 253 or 86 there could be more deck space on boats with a hull length of 75 feet and someone purchasing a 75 foot vessel could later modify that vessel. If the board adopted Proposal 86 there would not be a need to measure the length of salmon seine vessels.

BACKGROUND: The original 58-foot seine vessel limit was enacted to prevent larger out-of-state vessels such as herring seiners from moving into the salmon seine fishery, and greatly increasing the effort. The original 1960 statute specified that no seiner could be longer than 50 feet registered length. In 1962, this was changed to 58 feet overall length, exempting vessels that had fished before 1962 as 50-foot registered length vessels. The statute was changed on January 1, 2005 so the BOF could adopt a regulation changing the length of salmon seine vessels.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on how vessels are to be measured. The Board could simply adopt an increased seine vessel length according to AS 16.05.835. (a) that would account for any bow and stern rollers and other extensions; however, some vessels owners may use that change to provide more hold capacity, instead of just using the additional length to provide deck space by excluding extensions.

COST ANALYSIS: If adopted this proposal would allow some vessel owners to make modifications or to upgrade to larger hull length vessels. These costs might vary widely depending on the specific modification or vessel upgrade.

PROPOSAL 255 AND 256: 5 AAC 33.331. GILLNET SPECIFICATIONS AND OPERATION.

PROPOSED BY: Andy Wright (255) and Bob Martin (256).

WHAT WOULD THE PROPOSAL DO? Provide an incentive of additional fishing time or gear for permit holders who acquire a second entry permit for the drift gillnet fishery. A reduction in the number of entry permit holders could lead to better fishing opportunities for active drift gillnetters.

WHAT ARE THE CURRENT REGULATIONS?

Sec. 16.43.140 permit required. (c) A person may hold more than one interim-use or entry permit issued or transferred under this chapter only for the following purposes:

(5) consolidation of the fishing fleet for a salmon fishery; however, a person may hold not more than two entry permits for a salmon fishery under this paragraph, but the person who holds two entry permits for a salmon fishery may not engage in fishing under the second entry permit.

Sec. 16.05.251. Regulations of the Board of Fisheries. (i) Notwithstanding AS 16.43.140(c)(5), the board may adopt, at a regularly scheduled meeting at which the board considers regulatory proposals for management of a specific salmon fishery, a regulation to allow a person who holds two entry permits for that salmon fishery an additional fishing opportunity appropriate for that particular fishery.

5 AAC 33.331 Gillnet specifications and operations. (c) the maximum length of gillnets is as follows:

(1) in District 1, a gillnet may not be more than 200 fathoms in length;

(2) in District 6, a gillnet may not be more than 300 fathoms in length, except that a gillnet may not exceed 75 fathoms in length in Wrangell Narrows during seasons established by emergency order;

(3) In District 8, a gillnet may not be more than 300 fathoms in length, except that a gillnet may not exceed 150 fathoms in length in Blind Slough during seasons established by emergency order;

(4) in District 11, a gillnet may not be more than 200 fathoms in length;

(5) in District 15, a gillnet may not be more than 200 fathoms in length.

5 AAC 33.370 District 1: Neets Bay Hatchery Salmon Management Plan. (c) A drift gillnet operated in the harvest area may not exceed 200 fathoms in length.

5 AAC 33.371 District 1: Carroll Inlet Terminal Harvest Area Salmon Management Plan. (c) A drift gillnet operated in the special harvest area may not exceed 200 fathoms in length.

5 AAC 33.372 District 1: Nakat Inlet Terminal Harvest Area Salmon Management Plan. (d) A drift gillnet operated in the terminal harvest area may not exceed 200 fathoms in length.

5 AAC 33.373 District 7: Eastern Passage Terminal Harvest Area Salmon Management Plan. (d) A drift gillnet operated in the special harvest area may not exceed 200 fathoms in length.

5 AAC 33.376 District 13: Deep Inlet Terminal Harvest Area Salmon Management Plan. (c) A drift gillnet operated in the terminal harvest area may not exceed 200 fathoms in length.

5 AAC 33.383 District 7: Anita Bay Terminal Harvest Area Salmon Management Plan. (e) A drift gillnet operated in the terminal harvest area may not exceed 200 fathoms in length.

20 AAC 05.1725. Permanent Transfer Of An Entry Permit Under AS 16.43.140(C)(5). (c) In addition to the requirements under (b) of this section, the proposed transferee shall certify on the request form an understanding that the transferee

(2) may not engage in fishing under the second permit and will not be issued a permit card for the second permit;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The effects of these proposals are difficult to predict. The intent of the proposals is to decrease the number of boats fishing in the Southeast Alaska drift gillnet fishery. This reduction in effort would occur only if fishermen chose to buy a second permit that had been actively fished in prior years. As a result of the proposal's incentives, the fishing power of the dual permit operations would increase; thus, these proposals are allocative within the drift gillnet fleet.

With respect to the additional time component, incentive option #1 of proposal #255, there would be no effects in areas with existing rotational fisheries in terminal harvest area management plans, such as Deep Inlet, Neets Bay, Naket, etc., unless those management plans were modified by the board.

Depending upon how many double permit holders were active in the fisheries the department would be more conservative in providing fishing time on an area specific basis. For example, if under normal circumstances, the department would open a specific fishing area for three days, it is probable that the area would be opened for only two days so an evaluation could be made of the amount of double permit effort.

The effects of this proposal option in areas where the department allows extended fishing time, for example Boat Harbor and Speel Arm Special Harvest Areas, that the department commonly opens up to seven days per week during the peak of the hatchery salmon returns are unknown, but would have to be fully considered by the board.

It is also unclear how this proposal option would be implemented in cases where fishing time in traditional fishing areas is extended for short periods based on inseason management decisions.

With respect to the additional gear component, incentive option #2 of proposal #255, which reduces all gillnets fished in Southeast Alaska to 200 fathoms and allows 300 fathoms to dual permit holders in all areas, there would be a penalty to single permit holders fishing in districts 6 and 8 who are currently allowed to fish 300 fathoms. Since limited entry began in 1975, an average of 194 drift gillnetters have fished in Districts 6 and 8 each season.

If either extra time or gear incentives are adopted, department analysis of catch and effort data, a fundamental tool for inseason management decision making, would have to be changed.

Enforcement problems could result due to different gear or time allowances among vessels active in the Southeast Alaska drift gillnet fishery.

BACKGROUND: The Southeast Alaska drift gillnet fishery is limited entry and there are 475 total available permits. The number of permits issued and fished each year and the number of multiple permit holders is summarized in Table 255-1. The permits are valid for the entire region and the department has no means to control the number of permits fished in any open area. Traditional common property drift gillnet fisheries are presently allowed by regulation in Districts 1, 6, 8, 11, and 15. Drift gillnets fisheries are also allowed in certain Terminal Harvest Areas throughout the region. The traditional fisheries are managed by weekly fishing periods that begin on Sundays and close by emergency order. Open fishing periods commonly range from two days up to five days depending on salmon abundance. Fishing time may be extended during a fishing period if the department gathers information during an opening that indicates an extension is warranted. Midweek fisheries can also occur in District 8 to target large returns to the Stikine River. Southeast Alaska drift gillnet fisheries management is achieved by adjusting time and area each week of the season and is largely based on catch and effort data comparisons between years.

The Alaska Constitution Article VIII, Section 15: No Exclusive Right of Fishery originally stated that no exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. When it became apparent that some limitations on participation were necessary to ensure viable and manageable fisheries the voters of the state passed the 1972 Constitutional Amendment allowing for Limited Entry, and in 1973 the Limited Entry Act was

passed. One of the expressed purposes of limited entry, as called for in the amendment, is resource conservation. The drafters of the amendment considered resource conservation to be more than just conservation of the fishery resource; they considered that conservation of capital and labor used to harvest the fishery resource should also be included.[1] AS 16.43.140 Permit required, essentially limited a person to owning only one permit for a particular fishery and to fish only one unit of gear. This statute was amended in 2002 by adding subsection (c)(5) to allow for fleet consolidation by allowing persons to hold not more than two entry permits for a salmon fishery, but did not allow any additional fishing under the second permit. In 2006, AS 16.05.251 was amended adding subsection (i) which gives the board the authority to adopt regulations allowing a person who holds two entry permits for a salmon fishery an additional fishing opportunity appropriate for that particular fishery.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of these proposals. However, the department is **OPPOSED** to the fundamental changes to catch and effort data collection and analysis that would be required for proper management decision making, and the management and enforcement problems inherent in dealing with multiple time or gear standards within the existing fisheries.

There are clearly many details that would have to be considered if the board chooses to adopt these proposals. The department would continue to manage the traditional drift gillnet fisheries to meet salmon escapement objectives and to fulfill the Pacific Salmon Treaty Harvest sharing arrangements in Districts 1, 6, 8, and 11. However, use of fishery performance data, the complexity of management of some drift gillnet fisheries, the necessity to meet Pacific Salmon Treaty requirements, and the likelihood of bringing large numbers of unused permits back into the fishery would severely challenge managers and likely result in far more conservative management.

COST ANALYSIS: Approval of this proposal could lead to an increase in entry permit prices as demand for a second permit increases, making it more expensive for a private person to enter the fishery. To maximize their opportunity, existing permit holders would need to purchase an additional permit and potentially additional gear.

There would be increased costs to the department to compile and analyze the more complex catch and effort data, and greater costs for enforcement of the different time or gear allowances among permitted fishers.

[1] An Analysis of Non-participating Limited Entry Permits in the Bristol Bay Salmon Drift Gillnet Fishery, 1990–2005CFEC Report No. 06-4N, December 2006, S. Moreland.

Table 255-1.–Southeast Alaska drift gillnet limited entry permits issued, actively fished, and multiple permit holders 1975–2008.

Year	Issued	Fished	Permits Unfished	Holders of Multiple Permits
1975	511	443	68	
1976	487	432	55	
1977	474	438	36	
1978	491	474	17	
1979	491	449	42	
1980	489	445	44	
1981	487	447	40	
1982	487	431	56	
1983	481	432	49	
1984	481	437	44	
1985	485	446	39	
1986	488	460	28	
1987	486	465	21	
1988	485	470	15	
1989	485	466	19	
1990	486	465	21	
1991	485	465	20	
1992	485	467	18	
1993	482	460	22	
1994	483	466	17	
1995	483	452	31	
1996	484	439	45	
1997	482	423	59	
1998	479	422	57	
1999	481	430	51	
2000	480	422	58	
2001	482	433	49	
2002	482	391	91	1
2003	478	375	103	0
2004	477	348	129	2
2005	478	368	110	3
2006	477	358	119	7
2007	476	387	89	5
2008	475	382	93	6
Average 1998–2007	479	392	86	

PROPOSALS 257 AND 258: 5 AAC 33.310. FISHING SEASONS AND PERIODS FOR NET GEAR.

PROPOSED BY: Adeline Florschutz (257) and Paul G. Southland (258).

WHAT WOULD THE PROPOSAL DO? Change the day that weekly drift gillnet fishing periods open from Sunday to Monday.

WHAT ARE THE CURRENT REGULATIONS?

5AAC 33.310 Fishing seasons and periods for net gear. (c) Salmon may be taken by gillnets in the following locations only during the fishing periods established by emergency order that start on a Sunday and close by emergency order:

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The department will be required to open the weekly drift gillnet fishing periods in Districts 1, 6, 8, 11, and 15 on Monday rather than on Sundays as in current regulations. Setting the gillnet openings to Monday would cause the drift gillnet fishing periods to close later in the week and the weekly gillnet announcement that is issued every Thursday would instead be issued on Friday. In any district that the fishing periods are for five days, opening on Monday could limit the manager's ability to provide the fleet with accurate and timely catch information.

BACKGROUND: Prior to statehood and during the 1960's, gillnet periods opened on Mondays in all areas. From 1961 through 1964 split openings were employed; District 1 opened on Sunday and all other districts opened on Monday. From 1965 through 1976, gillnet periods were changed to open on Sundays in all districts. From 1977 through 1981, split openings were used again; District 1 opened on Sunday and all the other districts opened on Monday. The split openings created difficulties for managers in that catch data was not accurate when boats take part of their catch to other areas. In 1982, drift gillnet openings were changed to Sunday in all areas by emergency order. Current regulations returning the gillnet openings to Sunday in all districts were approved by the board during the winter 1982–83 meeting. In 2003, the board adopted regulations for directed Chinook salmon fisheries in Districts 8 and 11, which open on Mondays from the first Monday in May through the Tuesday before Memorial Day weekend in District 8 (5AAC 33.368), and through the third Sunday in June in District 11 (5AAC 33.310(4)(A).

DEPARTMENT COMMENTS: The department **OPPOSES** these proposals. The department prefers Sunday openings because this schedule provides time during the normal work week to compile and analyze the data needed to establish the following week's fisheries. The department does not oppose Monday openings for the directed Chinook salmon fisheries in Districts 8 and 11 as these openings are typically of short duration and ample time in the work week is available to compile and analyze data for the following week's fisheries.

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 259: 5AAC 33.310 FISHING SEASONS AND PERIODS FOR NET GEAR (c)(3). and 5 AAC 33.368. DISTRICT 8 KING SALMON MANAGEMENT PLAN.

PROPOSED BY: Brent Akers.

WHAT WOULD THE PROPOSAL DO? This proposal would amend current regulations to require that District 8 gillnet openings begin on Monday during the entire month of June.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 33.310. Fishing seasons and periods for net gear.

(c) Salmon may be taken by gillnets in the following locations only during fishing periods established by emergency order that start on a Sunday and close by emergency order:

(1) District 1:

(A) Section 1-A

(B) Section 1-B opens on the third Sunday of June;

(2) District 6:

(A) Sections 6-A, 6-B, and 6-C open on the second Sunday of June;

(B) Section 6-D west of a line from Mariposa Rock Buoy to the northernmost tip of Point Harrington to a point on Etolin Island at 56° 09.60' N. lat., 132° 42.70' W. long., to the southernmost tip of Point Stanhope is open from the second Sunday in June through the first Saturday in August and from the first Sunday in September until the season is closed;

(3) District 8 opens on the second Sunday of June;

(4) District 11:

(A) Section 11-B opens on the third Sunday in June, except that the commissioner may open, by emergency order, drift gillnet fishing periods in the waters of Section 11-B north of the latitude of Graves Point Light, from the first Monday in May through the third Sunday in June subject to the following provisions:

(i) drift gillnet fishing periods are subject to the provisions of the Pacific Salmon Treaty as specified in 5 AAC 33.361;

(ii) the commissioner may not establish a fishing period to begin on a Saturday, Sunday, or a state or federal holiday;

(iii) fishing periods will begin at 12:01 p.m. from the first Monday in May;

(iv) repealed 5/23/2006;

(B) Section 11-C;

(5) District 15:

(A) Section 15-A opens on the third Sunday in June;

(B) Sections 15-B and 15-C;

The following regulations are what appear in the regulation, book but they are in error and do not reflect what the board passed in January of 2006. (The regulations the board passed are described in the section following this one and are the basis for the way the department has been managing the fishery since 2006.)

5 AAC 33.368. District 8 King Salmon Management Plan.

(a) The purpose of the management plan in this section is to provide for abundance-based management of king salmon, reduce the conflicts between commercial and sport fishermen, and reduce the incidental harvest of steelhead.

(b) Notwithstanding 5 AAC 33.310(c) (3), the commissioner may open, by emergency order, drift gillnet fishing periods in the waters of District 8, from the first Monday in May through the Tuesday before the Memorial Day weekend. A fishing period established under this section will begin at 8:00 a.m.

(c) The commissioner may not establish fishing periods under this section to occur

(1) on a weekend day; or

(2) for more than four days in a week.

,(d) In this section, "week" means a calendar week, a period of time beginning at 12:00:01 a.m. Sunday and ending at 12:00 midnight the following Saturday.

The following regulations are what the Board passed and they are the basis for the way the department has been managing the fishery since 2006.

5 AAC 33.368. District 8 King Salmon Management Plan.

(a) The purpose of the management plan in this section is to provide for abundance-based management, reduce the conflicts between commercial and sport fishermen, and reduce the incidental harvest of steelhead, as follows,

(b) District 8 will open on the second Sunday in June except, the commissioner may open, by emergency order, drift gillnet fishing in the waters of District 8 beginning on the first Monday in May through the second Saturday in June;

(1) the commissioner may not establish a fishing period on a Saturday, Sunday, or a State of Alaska or federal holiday;

(2) the commissioner may not establish a fishing period later than 8:00 a.m. the Wednesday before the Memorial Day weekend;

(3) fishing periods will begin at 8:00 a.m.; and

(4) fishing periods may not exceed four days a week.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If the proposal is adopted, gillnetters fishing in District 8 during the sockeye salmon management period could not begin fishing until Monday starting the second Monday in June. (They presently start fishing on the second Sunday in June.) Sport fishermen and commercial gillnetters would likely not be on the water simultaneously on Sunday during the month of June. The District 6 gillnet fishery is managed in conjunction with the District 8 gillnet fishery. If the District 8 gillnet openings were restricted to open on Mondays during the month of June, then the District 6 gillnet fishery would also open on Monday. The District 6 and District 8 fisheries would open 24 hours after the District 1 and District 11 fisheries. If gillnetting was poor during the first few sets in District 1 or District 11 gillnetters might move to District 6 or District 8 since they would miss very little or no fishing time.

BACKGROUND: Prior to 2005, the District 6 and 8 gillnet fisheries could open by regulation the second Sunday in June. This opening could occur in either Statistical Weeks (SWs) 24 or 25. However, due to conservation concerns and/or lack of run size estimates for returns of king salmon to the Stikine River, these districts were usually not open until the third Sunday in June (SWs 25 or 26). By February of 2005, a successful king salmon forecasting method had been developed and the U.S. and Canada negotiated Treaty Annex provisions that included harvest sharing arrangements for king salmon returning to the Stikine River. Following the negotiations, the BOF approved emergency regulations in March 2005 for the commercial and sport fisheries in District 8. These regulations were only in effect for the 2005 season. During the 2006 board meeting, the board adopted the current regulations that included new closed waters for the District 8 king fishery (5 AAC 33.331) and the District 8 King Salmon Management Plan (5 AAC 33.368). The management plan does not allow commercial gillnetting to occur on a weekend day starting the first Monday in May and continuing until sockeye salmon management begins on the second Sunday in June. The basic structure of the management plan was based on recommendations by the board-directed Stikine King Salmon Workgroup, which was made up of commercial trollers and gillnetters, sport charter, sport fishermen, and a Board of Fisheries liaison.

The vast majority of District 8 gillnetters continue to target king salmon through the second or third week of June even after the restrictions of the management plan are no longer in effect. On-the-grounds surveys have indicated that most gillnetters keep their king salmon nets on through the first three weeks in June. Targeted fish can be easily determined by comparing the District 8 king and sockeye weekly gillnet harvests before and during the beginning of the sockeye management period for the past four seasons (Figure 259-1).

A management tool that is often used in District 8 during sockeye management is mid-week openings. These openings occur when the run of Stikine River sockeye is strong and further fishing on these stocks can be warranted. A mid-week opening occurs 18 to 24 hours after the closure of the regular opening. For example, if a three-day opening ended at noon on

Wednesday, a mid-week opening would start at 6 a.m. or 12 p.m. on Thursday. A midweek opening during the month of June typically lasts 24 hours but can last up to 84 hours. In the past 20 years, the earliest mid-week opening in District 8 has occurred in statistical week 25 (three times) and is utilized more as the sockeye salmon season progresses (Table 259-1).

If extra gillnet fishing time is warranted in the first couple weeks (SWs 24-26) of the sockeye salmon management period, this time usually comes in the form of an extension. An extended opening does not involve a closure and the extra fishing time is added on from the end of the original opening. Five-day regular openings (including extensions) are rare early in the season, but they do occur. A five-day opening would involve a half-day of weekend fishing regardless of whether it started on a Sunday (Sunday noon through Friday noon) or a Monday (Monday noon through Saturday noon).

From 1976 through 1982 gillnetting opened on Mondays in Districts 6 and 8, as well as most of the Southeast Region.

DEPARTMENT COMMENTS: The department is **NEUTRAL** due to the allocative nature of this proposal as it would allocate fishing time between user groups. The department would like to point out that extended openings in the latter part of June would create the very conflict that this proposal is looking to eliminate. Delaying the gillnet opening until Monday could cause the fishery to be open on Saturday. Monday gillnet openings starting in week 25 or later may be counterproductive to the intent of this proposal.

It should also be pointed out that switching to Monday openings next season (2009) would result in the first sockeye salmon management opening to be almost a week earlier than a Sunday opening scenario as the second Monday of June is June 8, while the second Sunday of June is June 14.

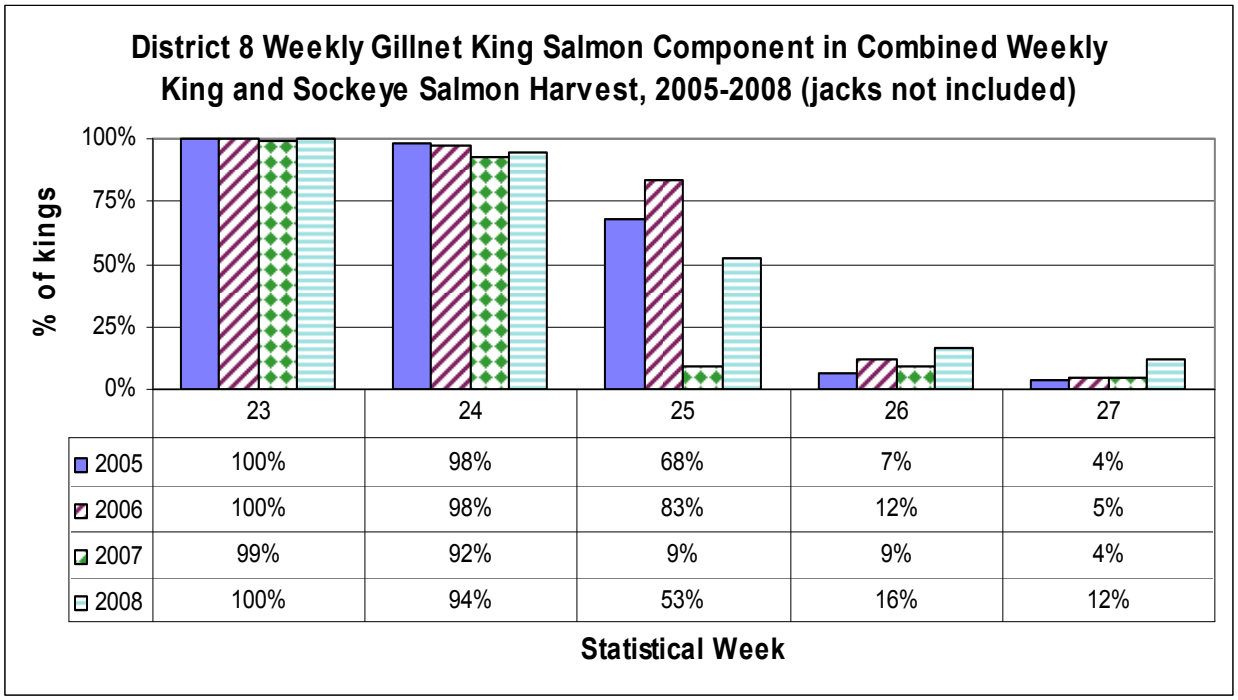
COST ANALYSIS: The department does not believe that approval of this proposal will result in any additional direct cost for a private person to participate in this fishery.

Table 259-1.–District 8 days open during the traditional sockeye fishery in the month of June by Statistical Week (SW).

	Statistical Week 24	Statistical Week 25			Statistical Week 26			Statistical Week 27**		
Year	Regular Time	Regular Time	Mid-week Time	Total for Week	Regular Time	Mid-week Time	Total for Week	Regular Time	Mid-week Time	Total for Week
1989		2		2	2		2			
1990		2		2	2		2	2		2
1991		2		2	2		2	2	1	3
1992					2		2	4		4
1993					2		2	2	2	4
1994		1		1	2	2	4	2	2	4
1995	1	2	2	4	2	3.5	5.5	2	3.5	5.5
1996	1	2	2	4	2	3.5	5.5	2	3.5	5.5
1997	1	2	2	4	3	2	5	3	2.5	5.5
1998					3		3	2		2
1999					3		3	2	1	3
2000					2		2	2		2
2001										
2002										
2003										
2004		3		3	3	2	5	5		5
2005	*	3		3	4		4	4		4
2006	3	3		3	3		3	3	1	4
2007	2	5		5	4	1	5	3	1	4
2008	2	2		2	4		4	4		4
Avg	**1.7**	**2.4**	**2.0**	**2.9**	**2.6**	**2.3**	**3.5**	**2.8**	**1.9**	**3.8**

*Open during directed Stikine king salmon fishery.

**SW 27 can overlap into July and can be entirely in July during certain years. In 2009 it starts on June 28.



	23	24	25	26	27
2005	100%	98%	68%	7%	4%
2006	100%	98%	83%	12%	5%
2007	99%	92%	9%	9%	4%
2008	100%	94%	53%	16%	12%

Figure 259-1.–District 8 weekly king salmon component, as percentage of the salmon harvested.

PROPOSAL 260: 5 AAC 33.383 DISTRICT 7: ANITA BAY TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN.

PROPOSED BY: Doug Chaney.

WHAT WOULD THE PROPOSAL DO? This proposal would open a portion of District 7 outside of Anita Bay Terminal Harvest Area to seining whenever gillnetting is open in the adjacent area of District 8.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 33.383 District 7: Anita Bay Terminal Harvest Area Salmon Management Plan.

a) The Anita Bay Terminal Harvest Area consists of the waters of Anita Bay south and west of a line from the tip of Anita Point to 56º 14.26' N. lat., 132º 23.92' W. long.

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

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

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

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

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

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

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

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

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

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

(f) Salmon may be taken in the terminal harvest area under sport and personal use fishing…

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If adopted, this proposal would:

1) Create a new seine fishery targeting hatchery salmon outside of the existing Anita Bay Terminal Harvest Area, effectively increasing the THA for seiners (Figure 260-1).
2) Increase interception of wild stocks that migrate through the proposed area.
3) Increase the seine harvest of enhanced fish, primarily chum salmon, outside the THA.
4) Decrease the gillnet harvest of enhanced fish, primarily chum salmon, in District 8.
5) Significantly reduce the harvest of enhanced fish, primarily chum salmon, within the THA by gillnet, seine and troll fishermen.

BACKGROUND: Anita Bay was initially used as a remote site for releases from Burnett Inlet Hatchery, which was operated by the Alaska Aquaculture Foundation Incorporated (AAFI). Enhanced returns of pink and chum salmon first occurred in 1994. The hatchery went bankrupt in the spring of 1997 and the last returns from AAFI releases occurred in 2000. In 2001, the Southern Southeastern Regional Aquaculture Association (SSRAA) transferred the release of king, coho, and chum salmon from Earl West Cove to Anita Bay. SSRAA is currently permitted to annually release 400,000 Chinook salmon, 225,000 coho salmon, and 30 million chum salmon. In 2003, the outer THA line was moved to the mouth of the bay. Also in 2003, three lines were established in the head of the bay to reduce Dungeness crab gear and salmon net conflicts. These lines are time restricted and, as the season progresses, the net fisheries are allowed further inside the bay.

In 2002, the first common property harvest occurred on enhanced returns of coho salmon inside the Anita Bay THA. Gillnetters first started harvesting sizable amounts of chum salmon in the 2004 season and seiners did not start taking full advantage of returning chum salmon until the 2005 season. Since 2004, gillnetters have harvested fewer chum and king salmon on average than seiners inside the THA while harvesting more coho salmon. The troll fleet has harvested very few king, coho, or chum salmon within the Anita Bay THA (Table 260-1).

The department determines open time and area for the traditional District 8 gillnet fishery from mid-June to as late as mid-August based on the run strength of sockeye returning to the Stikine River. The traditional fishing area within District 8 includes the waters of Zimovia Strait and Chichagof Pass (Statistical Area 108-10) and gillnetters have targeted returning Anita Bay chum salmon as they move through this area during openings directed at sockeye salmon. The three highest annual harvests of chum salmon in District 8 during the past 20 years have occurred since 2005. The majority of these chum salmon were harvested in Statistical Area 108-10 (Figure 260-2).

Both gillnetters and seiners harvest returns of Anita Bay chum salmon in traditional fisheries. Since 2004, gillnetters have harvested more Anita Bay chum salmon in traditional fisheries than seiners have, harvesting an average of 135,336 Anita Bay chum salmon compared to the average seine harvest of 44,864 fish. The vast majority of the gillnet harvest of Anita Bay chum salmon is in District 8 (Table 260-2).

DEPARTMENT COMMENTS: The department is **OPPOSED** to any further expansion of the Anita Bay THA and/or any special openings targeting returns of salmon to Anita Bay outside of the THA as these openings would violate (5 AAC 39.220) the Policy for the Management of Mixed Stock Salmon Fisheries, which states that "conservation of wild salmon stocks consistent with sustained yield shall be accorded the highest priority." Purse seine harvest in a special area outside the Anita Bay THA would also cause a redistribution of enhanced fish harvests, which are managed according to 5 AAC 33.383, between purse seine, drift gillnet and troll gear. The department is **NEUTRAL** to the allocative aspects of this proposal.

Several wild salmon stocks could potentially be intercepted in the proposed fishing area. These include the Stikine River, which produces all five species of salmon, plus a number of smaller streams, which produce sockeye, coho, pink and/or chum salmon (Figure 260-1). The THA harvest already includes sockeye and pink salmon, which the hatchery did not produce and release in the THA. Since 2002, trollers, gillnetters, and seiners have harvested 1,834 sockeye and 19,148 pink salmon (Table 260-1). Any further expansion of the THA, or an exclusive harvest area for seiners outside of the THA, would result in an increased harvest of wild stock salmon.

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

Table 260-1.–Common Property Harvest of salmon inside the Anita Bay THA by gillnetters, seiners, and trollers.

Year	King	Sockeye	Coho	Pink	Chum
			Gillnet		
2002	0	0	917	0	4
2003	52	33	1,268	330	2,263
2004	1,457	359	2,221	136	43,197
2005	553	554	1,239	1,970	57,146
2006	613	264	969	986	88,043
2007	3,303	194	3,202	1,865	92,576
2008	1,741	88	3,480	376	28,651
04–08 Avg.	1,533	292	2,222	1,067	61,923
			Purse Seine		
2002	0	0	0	0	0
2003	0	0	0	0	0
2004	232	5	0	0	6
2005	50	61	95	3,356	66,506
2006	4,509	187	1,149	5,066	261,103
2007	4,275	31	20	4,176	40,805
2008	2,172	58	223	887	46,345
04–08 Avg.	2,248	68	297	2,697	82,953
			Troll		
2002	0	0	0	0	0
2003	0	0	0	0	0
2004	0	0	0	0	0
2005	0	0	0	0	0
2006	4	0	0	0	0
2007	125	0	0	0	32
2008	0	0	11	0	0
04–08 Avg.	26	0	2	0	6

Table 260-2.–Harvest of Anita Bay chum salmon in traditional gillnet and seine fisheries.

(*Note*: 2004 data is from ADF&G CWT data base and 2005–2008 data obtained from SSRAA.)

	2004		2005		2006		2007		2008		Average	
District	Gillnet	Seine	Gillnet	Seine	Gillnet	Seine	Gillnet	Seine	Gillnet	Seine	Gillnet	Seine
1	1,130	15,055	800	1,155	2,530	6,263	3,686	4,487	1,630	990	1,955	5,590
2				414		12,039		11,486		4,990		7,232
3								1,501		1,220		1,361
4				750		3,615		10,706		1,240		4,078
6	26,940	725	19,540		54,945		57,592	2,641	18,870		35,577	1,683
7		14,335		8,160		70,851		20,787		16,160		26,059
8			20,804		201,811		118,585		40,550		95,437	
Total	28,070	30,115	41,144	10,479	259,286	92,768	179,863	51,608	61,050	24,600	135,336	44,864

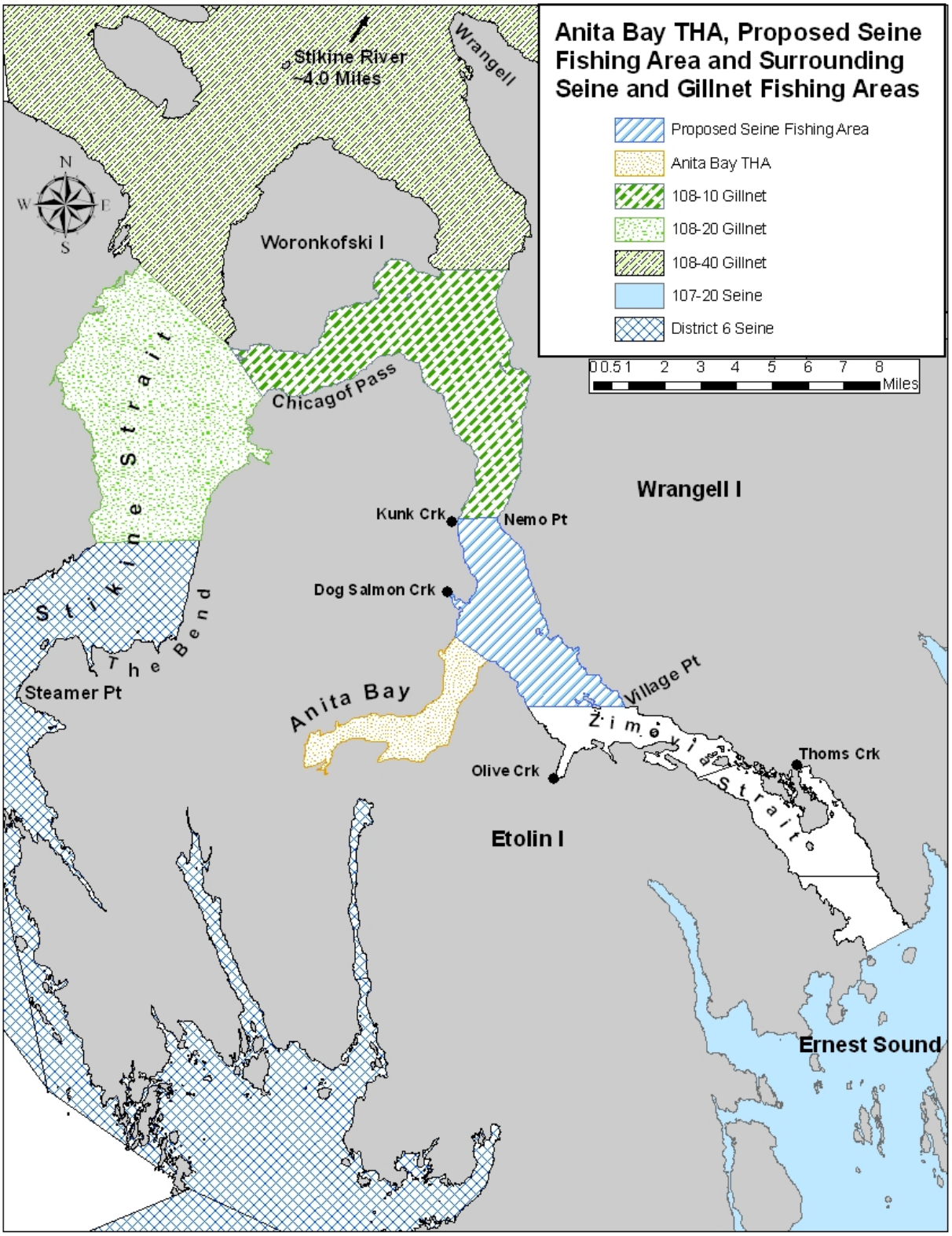
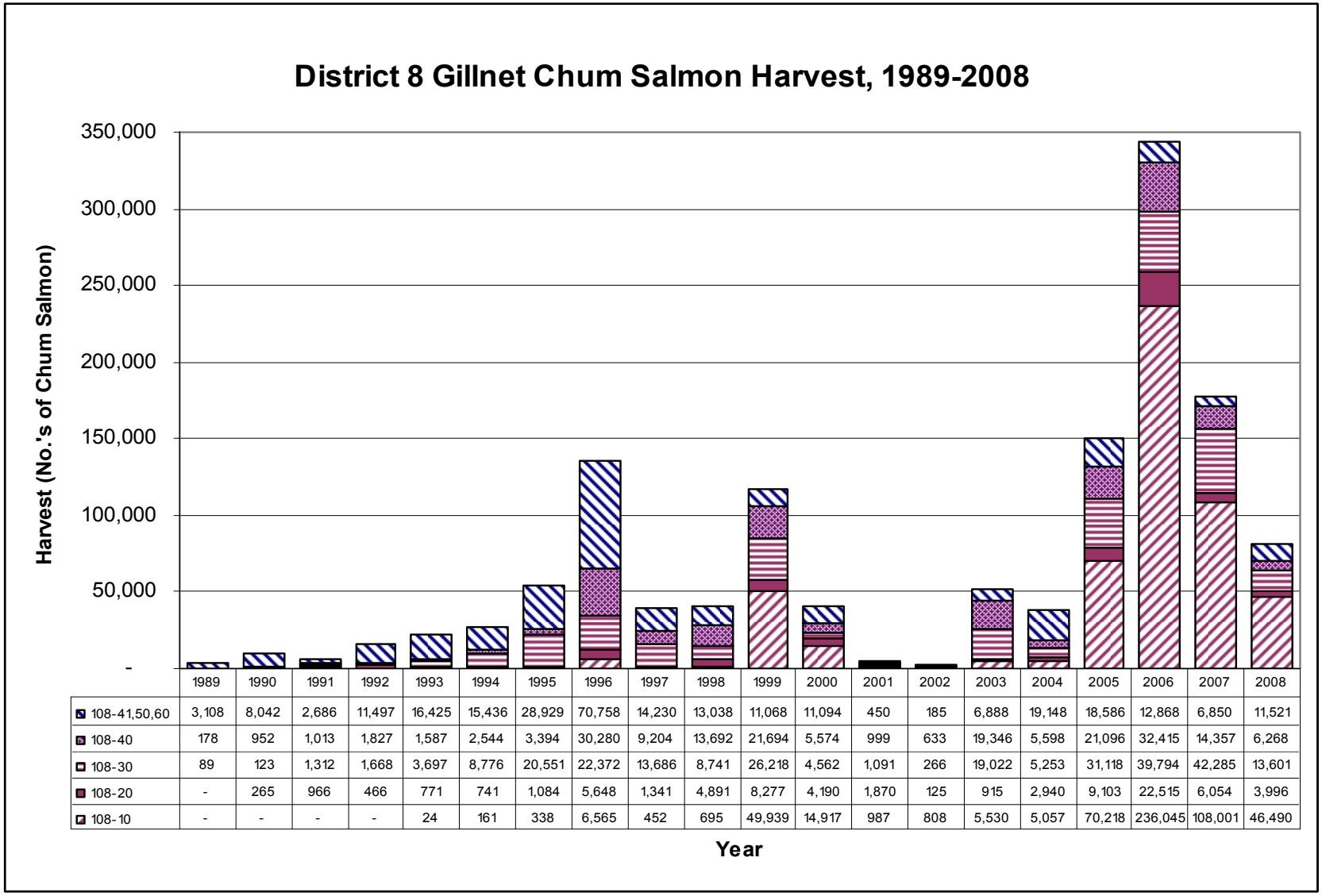


Figure 260-1.–Anita Bay Terminal Harvest Area, proposed seine area, and surrounding gillnet and seine traditional fishing areas.



	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
108-41,50,60	3,108	8,042	2,686	11,497	16,425	15,436	28,929	70,758	14,230	13,038	11,068	11,094	450	185	6,888	19,148	18,586	12,868	6,850	11,521
108-40	178	952	1,013	1,827	1,587	2,544	3,394	30,280	9,204	13,692	21,694	5,574	999	633	19,346	5,598	21,096	32,415	14,357	6,268
108-30	89	123	1,312	1,668	3,697	8,776	20,551	22,372	13,686	8,741	26,218	4,562	1,091	266	19,022	5,253	31,118	39,794	42,285	13,601
108-20	-	265	966	466	771	741	1,084	5,648	1,341	4,891	8,277	4,190	1,870	125	915	2,940	9,103	22,515	6,054	3,996
108-10	-	-	-	-	24	161	338	6,565	452	695	49,939	14,917	987	808	5,530	5,057	70,218	236,045	108,001	46,490

Figure 260-2.–District 8 gillnet harvest of chum salmon by statistical area, 1989–2008.

(Note: The Frederick Sound statistical areas are combined into one category.)

PROPOSAL 261: 5 AAC 33.366. NORTHERN SOUTHEAST SEINE SALMON FISHERY MANAGEMENT PLAN.

PROPOSED BY: Southeast Alaska Seiners Association.

WHAT WOULD THE PROPOSAL DO? It is not clear what exactly this proposal would do. The proponent states that there is a need to develop a salmon management plan for access to fish returning to Districts 11, 12, and 14. Therefore, it is assumed that the intent of this proposal is to increase access to northern inside pink salmon stocks through additional seine opportunities in District 14 and possibly District 11. A management plan already exists that allows access to pink salmon returning to Districts 11, 12, and 14 [5 AAC 33.366].

WHAT ARE THE CURRENT REGULATIONS? 5 **AAC 33.366. Northern Southeast Seine Salmon Fishery Management Plans.**

(a) During July, the department may allow the operation of purse seines in District 12 north of Point Marsden to harvest pink salmon migrating northward in Chatham Strait only as follows:

(1) the department may open only those portions of the area in which a harvestable abundance of pink salmon is observed; open areas and times must consider conservation concerns for all species in the area;

(2) the department shall close the seine fishery in District 12 north of Point Marsden during July after 15,000 sockeye salmon are taken; hatchery-produced sockeye salmon will not count against the 15,000 sockeye salmon harvest limit; all wild sockeye salmon harvested by seine vessels that the department identifies as fishing north of Point Marsden during any July fishing period when other areas are open concurrently will be counted against the 15,000 sockeye salmon harvest limit under this paragraph; during the openings, the department will use aerial flyovers, on-the-ground sampling, and interviews to estimate the sockeye salmon harvest north of Point Marsden.

(b) Salmon may be taken during emergency order openings for chum salmon in Excursion Inlet only in waters of Section 14-C north of the latitude of the northern tip of the Porpoise Islands; the department may open the area by emergency order only after consideration of concerns for chum and coho salmon conservation.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? It is difficult to say what the effects of this proposal would be since no details are included other than the implied desire to see more area open to purse seining in Districts 11, 12, and 14. The proposal states that a management plan will be developed and used in concert with a stock identification (ID) project. Presently, a limited stock ID project exists in association with the department's Hawk Inlet test fishery. Additionally, an index fishery exists at Point Augusta although no department sampling occurs for that fishery. The proponent may be suggesting that test fisheries similar to the Hawk Inlet test fishery be developed in District 11 and District 14. This would, of course, mean more of the department's limited resources would be required to further assess the run strength and stock composition of salmon returning to Districts 11, 12, and 14.

BACKGROUND: District 11: Section 11-A and 11-D are designated in regulation as areas that may be opened to purse seining by emergency order. Section 11-A has not been opened since statehood and Section 11-D, Seymour Canal, has opened infrequently. The last purse seine opening in Seymour Canal occurred in 1987 although exploitation of these pink salmon occurs in the Chatham Strait corridor and in District 10.

District 14: Icy Strait is a mixed stock area with many salmon stocks entering inside waters from this ocean entrance. Prior to the mid-1970's, purse seining was allowed in Icy Strait, but starting in the late 1970's Icy Strait was closed due to conservation concerns for inside pink salmon stocks (Figure 261-1). The department's current management approach is to limit seine fisheries to terminal areas of Icy Strait such as Port Althorp, Idaho Inlet, Excursion Inlet, and Port Frederick to access local stocks when surplus production occurs. The Whitestone shore, a mixed stock area along the southern shore of Icy Strait between Hoonah and Point Augusta, is often opened to harvest surplus pink salmon from Port Frederick, northern Chichagof Island, and upper Chatham Strait streams. Table 261-1 shows the annual historical purse seine harvest in District 14.

District 12: The western shoreline of Admiralty Island between Point Marsden and Funter Bay is known as the Hawk Inlet shoreline. This area has become the most productive pink salmon fishery in northern southeast Alaska since the closure of Icy Strait. The annual historical purse seine harvest for this statistical area (112-16) is shown in Table 261-2. Salmon stocks returning to their natal streams in Lynn Canal, Stephens Passage, Seymour Canal, Frederick Sound, and Chatham Strait pass through this area after entering from the ocean through Icy Strait, and turn north or south depending on their ultimate destination. Purse seining along the Hawk Inlet shoreline has been controversial because salmon destined to inside drift gillnet areas (Districts 11 and 15) are taken in the fishery. The Hawk Inlet shoreline was closed during July between 1984 and 1988 by Board of Fisheries regulations. In 1989, the Board of Fisheries passed the Northern Southeast Purse Seine Fishery Management Plan [5 AAC 33.366] and placed a harvest limit total of 15,000 sockeye salmon for the fishery during July. The plan authorizes the department to manage the Hawk Inlet fishery in July such that any portion of the area north of Point Marsden may be opened when a harvestable surplus of pink salmon is observed, and specifies that open areas and time must consider conservation concerns for all species in the area. In January 2006, the Board further clarified that this sockeye harvest cap applied to only wild fish. Since the plan was adopted, the fishery has been opened 10 years out of the last 20. Information concerning these openings is shown in Table 261-3.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this potentially allocative proposal.

The majority of northbound fish transiting through Icy Strait into upper Chatham Strait come together along the West Mansfield Peninsula shoreline of northern Admiralty Island. The purse seine fleet has opportunity there, along the Hawk Inlet Shoreline, to harvest surplus pink salmon

under the terms of the Northern Southeast Seine Management Plan. Additional opportunity exists in District 14 or District 11, but is limited to terminal areas when surpluses are identified. Any further opportunity would need to incorporate a well-planned sampling program to be consistent with the intent of the present management plan.

The department is concerned that openings along the northern shoreline of Icy Strait, without a comprehensive sampling program, could lead to overharvesting of small local stocks. Also, prior stock assessment work has indicated that large numbers of Chilkat River chum salmon and disproportionately large numbers of sockeye salmon can be, and have been, taken in the directed pink salmon seine fishery along the Homeshore shoreline and lower Lynn Canal.

For the most part, surpluses of northbound pink salmon have been adequately harvested under the current management strategy. There have been a few recent years (2003–2005) of extremely high pink salmon abundance in which all the harvestable surplus was not taken. This was primarily due to two conditions. First, openings along the Hawk Inlet shoreline in July are constrained to the 15,000 wild sockeye salmon cap. Northbound pink salmon returns experienced earlier than normal run timing during this time period so the sockeye cap was reached by mid July. This meant that no additional purse seine openings could be allowed in July for the Hawk Inlet fishery at a time when pink salmon were very abundant and continued to pass through the area. Secondly, some processors put their boats on trip limits and others did not accept deliveries for more than two days of a four day opening. That meant that purse seine opportunity to target abundant northbound pink salmon was limited by processing capacity.

In 1990, department analysis (McPherson, unpublished data) for the years 1985–1989 indicated that almost half of the sockeye salmon harvested in District 12 (112-16) were from Chilkat and Chilkoot lakes. Chilkoot Lake sockeye salmon catches were highest in July, while Chilkat Lake sockeye salmon catches were highest in August. There were fewer years of seine openings in District 14 so the analysis for this district was limited to two years, 1989 and 1990. For District 14, although the catch was relatively small the results were interesting. In 1989, the purse seine openings were primarily in southern Icy Strait (Port Fredrick to Point Augusta) and the Chilkat and Chilkoot contributions made up 30% of the harvest. In 1990, the purse seine openings were primarily in northern Icy Strait (Homeshore shoreline) and those samples indicated a 70% contribution rate of stocks from Chilkat and Chilkoot lakes.

COST ANALYSIS: There would not likely be any additional costs to permit holders to participate in this fishery if the proposal is adopted. However, there could be significant costs to the department depending what is incorporated in the management plan such as sampling programs, test fisheries, etc.

Table 261-1.–District 14 purse seine salmon harvest 1960–2008.

Year	Chinook	Sockeye	Coho	Pink	Chum	Total
1960	261	136,796	27,863	363,391	176,751	705,062
1961	336	213,619	52,531	2,913,987	535,784	3,716,257
1962	2,389	136,712	34,583	258,076	436,526	868,286
1963	2,055	201,535	109,133	9,016,292	328,398	9,657,413
1964	1,477	204,304	115,666	4,440,497	366,584	5,128,528
1965	3,309	280,730	152,488	3,168,720	581,094	4,186,341
1966	3,404	216,858	105,996	1,868,375	1,122,699	3,317,332
1967	1,461	160,019	93,347	1,549,756	627,225	2,431,808
1968	2,181	230,741	131,485	4,192,274	635,273	5,191,954
1969	3,409	231,624	65,358	2,415,027	199,064	2,914,482
1970	1,824	163,224	60,517	2,083,962	640,940	2,950,467
1971	1,683	88,758	80,922	1,647,390	494,671	2,313,424
1972	3,044	96,853	87,385	1,178,064	682,581	2,047,927
1973	2,729	130,805	47,743	921,247	351,310	1,453,834
1974	646	20,594	6,724	86,042	99,870	213,876
1975	22	2,391	549	24,714	41,488	69,164
1976	10	21	1,504	2,565	51,510	55,610
1977	0	0	0	0	0	0
1978	0	0	0	0	0	0
1979	0	3	130	1	3,584	3,718
1980	35	1,702	1,950	36,169	226,135	265,991
1981	314	10,638	6,803	734,971	134,964	887,690
1982	6	234	5,045	167,264	4,004	176,553
1983	140	2,333	4,027	313,034	37,826	357,360
1984	175	6,882	4,435	47,356	161,442	220,290
1985	576	3,638	4,314	1,036,852	53,215	1,098,595
1986	12	1,466	552	14,551	58,336	74,917
1987	132	3,751	2,221	512,798	120,844	639,746
1988	94	1,244	2,154	85,744	66,760	155,996
1989	118	6,095	3,319	564,881	29,789	604,202
1990	154	4,136	3,539	185,917	29,759	223,505
1991	80	4,307	5,121	677,752	51,641	738,901
1992	74	6,454	12,010	523,060	92,414	634,012
1993	10	9,806	4,969	1,266,941	62,966	1,344,692
1994	149	10,536	45,209	1,439,497	50,800	1,546,191
1995	0	264	708	13,884	9,940	24,796
1996	0	0	0	0	0	0
1997	13	5,123	6,699	1,101,837	31,512	1,145,184
1998	0	0	0	0	0	0
1999	67	17,301	32,987	7,309,329	165,831	7,525,515
2000	25	1,111	4,038	32,907	102,549	140,630
2001	24	43,664	8,829	2,289,578	79,884	2,421,979
2002	54	4,592	19,739	1,121,060	24,562	1,170,007
2003	83	11,973	3,029	1,907,955	80,423	2,003,463
2004	420	35,254	10,097	2,132,019	141,793	2,319,583
2005	95	13,354	7,293	2,753,278	74,799	2,848,819
2006	31	8,657	7,209	673,514	40,026	729,437
2007	42	16,948	8,153	1,293,079	69,813	1,388,035
2008	0	0	0	0	0	0

Table 261-2.–Sub-district 112-16 purse seine salmon harvest 1960–2008.

Year	Chinook	Sockeye	Coho	Pink	Chum	Total
1960	64	7,590	2,494	42,641	12,879	65,668
1961	150	23,693	8,841	443,030	69,312	545,026
1962	256	5,395	1,647	12,605	42,524	62,427
1963	348	15,386	7,542	816,694	57,843	897,813
1964	545	18,287	20,202	610,076	33,047	682,157
1965	1,467	35,565	20,709	248,511	69,284	375,536
1966	332	10,198	6,216	210,835	53,042	280,623
1967	153	11,196	7,774	196,070	49,711	264,904
1968	429	26,702	19,972	1,109,096	73,153	1,229,352
1969	229	19,933	4,684	275,241	21,040	321,127
1970	439	34,776	39,134	855,233	163,291	1,092,873
1971	488	15,465	17,549	503,850	94,320	631,672
1972	1,417	24,184	28,973	328,032	183,160	565,766
1973	1,104	27,454	3,048	392,906	87,675	512,187
1974	227	18,368	3,632	87,926	39,716	149,869
1979	0	575	440	48,897	1,931	51,843
1980	0	633	1,410	71,720	9,040	82,803
1981	174	14,562	7,843	563,363	21,943	607,885
1982	247	10,753	25,663	2,440,317	19,515	2,496,495
1983	193	11,948	13,281	682,353	22,881	730,656
1984	161	15,326	12,624	771,591	98,510	898,212
1985	411	30,128	12,223	3,460,939	82,411	3,586,112
1986	2	4,716	3,359	154,259	7,844	170,180
1987	108	39,900	7,962	1,223,022	93,646	1,364,638
1988	13	303	1,222	44,570	2,583	48,691
1989	184	35,550	13,576	2,645,868	51,323	2,746,501
1990	214	11,397	13,554	822,882	23,108	871,155
1991	252	23,095	20,420	3,123,218	89,225	3,256,210
1992	49	31,104	16,147	1,518,552	80,546	1,646,398
1993	233	43,243	20,483	3,637,802	195,663	3,897,424
1994	295	45,797	56,050	4,152,903	173,748	4,428,793
1995	33	2,943	7,770	189,099	19,955	219,800
1996	12	15,100	31,514	1,806,240	74,327	1,927,193
1997	32	10,876	15,568	2,107,964	39,089	2,173,529
1998	13	15,492	29,406	1,359,289	72,242	1,476,442
1999	47	26,382	28,224	5,974,808	150,489	6,179,950
2000	25	8,727	19,923	1,083,484	64,948	1,177,107
2001	143	36,006	29,683	2,359,119	83,713	2,508,664
2002	116	14,155	31,220	2,180,951	54,174	2,280,616
2003	385	44,795	26,183	3,372,986	163,368	3,607,717
2004	1,370	132,061	52,088	4,876,695	464,480	5,526,694
2005	548	74,111	44,463	6,502,567	229,131	6,850,820
2006	199	17,074	5,300	469,059	182,560	674,192
2007	317	31,925	16,680	2,102,139	91,800	2,242,861
2008	0	0	0	0	0	0

Table 261-3.–Hawk Inlet, July, purse seine openings and salmon harvest, 1989–2008.

Year	Opening Date	Boats	Hours	Total Sockeye	Percent Enhanced	Enhanced Sockeye	Pink	Chum	Total Harvest
1989	9-Jul	62	15	3,595			113,577	5,799	122,971
	16-Jul	45	39	11,437			558,013	13,387	582,837
		Total	54	15,032			671,590	19,186	705,808
1992	23-Jul	46	15	12,529			218,873	18,673	250,075
1993	11-Jul	33	12	6,120			80,471	30,325	116,916
1994	15-Jul	57	15	7,061			283,239	41,661	331,961
	18-Jul	30	8	3,262			125,674	11,251	140,187
		Total	23	10,323			408,913	52,912	472,148
1999	18-Jul	28	8	2,655	16.9%	449	211,731	20,222	234,608
	21-Jul	28	15	3,221	18.2%	586	385,943	26,143	415,307
		Total	23	5,876	17.6%	1,035	597,674	46,365	649,915
2001	19-Jul	47	12	10,579	28.0%	2,962	194,624	16,508	221,711
2003	10-Jul	27	10	6,755	7.5%	507	81,120	23,356	111,231
	13-Jul	12	10	3,431	13.5%	463	97,099	15,337	115,867
		Total	20	10,186	9.5%	970	178,219	38,693	227,098
2004	8-Jul	37	10	3,427	24.0%	822	216,307	85,131	304,865
	11-Jul	20	15	3,824	28.0%	1,071	79,885	24,935	108,644
	15-Jul	44	15	10,239	34.0%	3,481	329,051	63,567	402,857
		Total	40	17,490	30.7%	*5,374*	625,243	173,633	816,366
2005	7-Jul	28	10	2,110	26.0%	549	356,744	26,953	385,807
	10-Jul	42	15	4,861	31.0%	1,507	479,863	45,123	529,847
	14-Jul	33	15	4,672	39.0%	1,822	614,111	31,805	650,588
	17-Jul	38	15	4,120	44.0%	1,813	257,996	19,300	281,416
		Total	55	15,763	36.1%	*5,690*	1,708,714	123,181	1,847,658
2006	6-Jul	33	8	5,112	12.0%	613	120,057	112,130	237,299
	9-Jul	12	8	890	0.0%	0	30,101	11,024	42,015
	13-Jul	14	8	2,296	27.4%	629	54,783	26,209	83,288
	16-Jul	10	8	1,590	0.0%	0	48,276	11,323	61,189
	20-Jul	13	8	1,587	0.0%	0	57,651	8,043	67,281
	23-Jul	5	8	619	0.0%	0	18,044	2,387	21,050
	27-Jul	3	8	509	0.0%	0	10,785	1,143	12,437
		Total	56	12,603	9.9%	1,243	339,697	172,259	524,559
	Average		30	11,650		2,879	502,402	69,174	583,225

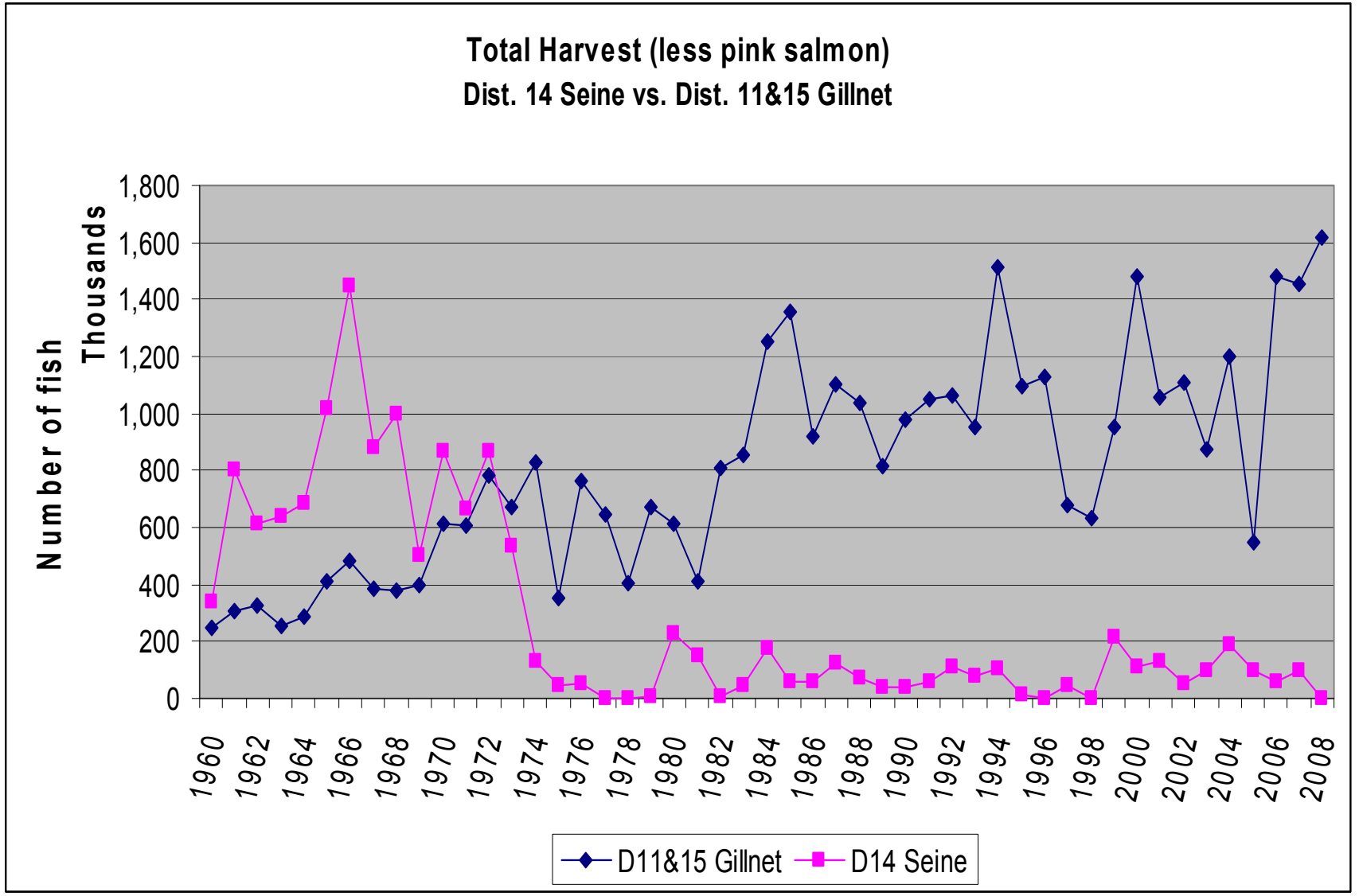


Figure 261-1.–Historical salmon (minus pink salmon) harvests in District 14 purse seine and combined Districts 11 and 15 drift gillnet commercial fisheries, 1960–2008.

PROPOSAL 262: 5 AAC 33.366. NORTHERN SOUTHEAST SEINE SALMON FISHERY MANAGEMENT PLANS.

PROPOSED BY: Kootznoowoo Inc.

WHAT WOULD THE PROPOSAL DO? This proposal would place additional regulatory restrictions and/or constraints on purse seine fishing in upper Chatham Strait by amending 5AAC 33.366. The proponent suggests that regulatory changes are needed to protect and maintain existing subsistence sockeye fisheries. This proposal would take away emergency order authority from the department in managing the purse seine fisheries in upper Chatham Strait and Icy Strait. It would also diminish the department's ability to verify pink salmon run strength entering northern inside waters by adding regulatory constraints to the index fishery at Point Augusta.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 33.366. Northern Southeast Seine Salmon Fishery Management Plans.

(a) During July, the department may allow the operation of purse seines in District 12 north of Point Marsden to harvest pink salmon migrating northward in Chatham Strait only as follows:

(1) the department may open only those portions of the area in which a harvestable abundance of pink salmon is observed; open areas and times must consider conservation concerns for all species in the area;

(2) the department shall close the seine fishery in District 12 north of Point Marsden during July after 15,000 sockeye salmon are taken; hatchery-produced sockeye salmon will not count against the 15,000 sockeye salmon harvest limit; all wild sockeye salmon harvested by seine vessels that the department identifies as fishing north of Point Marsden during any July fishing period when other areas are open concurrently will be counted against the 15,000 sockeye salmon harvest limit under this paragraph; during the openings, the department will use aerial flyovers, on-the-ground sampling, and interviews to estimate the sockeye salmon harvest north of Point Marsden.

(b) Salmon may be taken during emergency order openings for chum salmon in Excursion Inlet only in waters of Section 14-C north of the latitude of the northern tip of the Porpoise Islands; the department may open the area by emergency order only after consideration of concerns for chum and coho salmon conservation.

5 **AAC 33.310. Fishing seasons and periods for net gear.**

(a) Salmon may be taken with purse seines in the following locations only during fishing periods established by emergency order that will generally begin on Sundays:

(11) District 12; except that Section 12-A north of the latitude of Point Marsden and Section 12-B may open before August 1 only as provided in 5AAC 33.366;

(13) District 14.

5 AAC 01.716. Customary and traditional subsistence uses of fish stocks and amount necessary for subsistence uses. (c) (4) Districts 11, 12, 14, and 16: 4,178 – 10,133;

5 AAC 33.363. Management guidelines for allocating Southeast Alaska pink, chum, and sockeye salmon between commercial net fisheries. This regulation is significant to the proposal, although the regulation itself would not change if the proposal were adopted. The regulation speaks to policies in mixed stock areas, incidental harvest of non targeted species, conservation of all stocks, and allocation balance.

5 AAC 39.220. Policy for the management of mixed stock salmon fisheries. This regulation is relevant in that it speaks to sustained yield, subsistence preference, fishery management plans, and natural fluctuations in abundance of stocks harvested.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal, if adopted, would mean that management of commercial purse seine fisheries in Northern Chatham Strait and Icy Strait would be accomplished primarily through regulation rather than through the department's emergency order authority. This would significantly limit the flexibility the department now has to react to changes observed in pink salmon run strength and/or timing.

Another effect would be lost opportunity to commercial purse seine permit holders during years of high northern Southeast Alaska inside pink salmon abundance. The seine fleet would have significantly less access to harvestable surpluses of northbound pink salmon. In years of high abundance, the foregone harvestable surplus not taken in purse seine fisheries in the Hawk Inlet fishery could result in extremely high pink salmon catches in the drift gillnet fisheries in Districts 11 and 15. Since these gillnet fisheries have small markets for pink salmon, significant numbers of fish could potentially go unharvested.

Constraints placed on the Point Augusta Index Fishery, utilized by the department since 1992, would work against the usefulness of this index fishery in determining pink salmon abundance and run timing.

Based on the department's analysis of sockeye run timing of Chatham Strait sockeye salmon stocks, adoption of this proposal would likely have little, if any, impact on Chatham Strait sockeye escapements or subsistence fisheries.

BACKGROUND: There are many small systems within the confluence of Chatham Strait that support subsistence fisheries for sockeye salmon. Kook Lake and Sitkoh Lake on Chichagof Island, and Kanalku Lake and Hasselborg River on Admiralty Island are used primarily by Angoon residents. Falls Lake and Gut Bay Lake on Baranof Island and Kutlaku Lake on Kuiu

Island are used primarily by residents of Kake. Lake Eva on Baranof Island is used primarily by residents of Sitka; Neva Lake on the Chilkat Peninsula is used primarily by residents of Hoonah (Figure 262-1 and Table 262-1).

The average annual harvest of sockeye salmon reported on State Subsistence Salmon Permits by Angoon, Kake, and Hoonah residents combined for the period 1985–2007 is approximately 3,500 fish (Table 262-2). The combined subsistence harvest increased over the years 1985–2004, but has decreased the past three years, most notably from the communities of Angoon and Hoonah. While total subsistence sockeye salmon harvest declined in recent years, the average number of sockeye salmon harvested per permit has remained relatively stable near the long term average of 21 fish (Figure 262-2. Over the last three decades, the subsistence sockeye salmon harvest per permit has averaged 15 fish in the 1980s, 21 fish in the 1990s, and 25 fish in the 2000s.

Proposal 262 is specific to subsistence and commercial fisheries in upper or northern Chatham Strait; therefore, the following background information will focus primarily on the sockeye salmon stocks in northern Chatham Strait. These stocks include Sitkoh Lake, Kook Lake, Kanalku Lake, and Hasselberg River, which support subsistence fisheries primarily by Angoon residents (Figure 262-3). Direct harvest pressure on these stocks, primarily the Kanalku stock, from subsistence fisheries peaked in the late 1990s, in part due to decreased numbers of Angoon held CFEC purse seine permit holders. Some past subsistence needs had been met in the community of Angoon, as in other communities, by harvest of mixed stocks in the purse seine fishery. Due to specific concerns over low sockeye returns to Kanalku Lake, and at the request of representatives of the community of Angoon, a voluntary subsistence fishery closure agreement was implemented beginning in 2002 with the intent of increasing returns to that system. At the same time, ADF&G liberalized harvest limits for sockeye salmon at Sitkoh and Kook lakes. The voluntary closure agreement, initiated by the Angoon Fish & Game Advisory Committee, was discontinued after the 2005 season at the request of Angoon Community Association (ACA).

There are over 200 sockeye salmon-producing systems in Southeast Alaska. The department intensively monitors 18 systems and has escapement goals for 13 systems. Several of the stocks that the department has long-term stock assessment information for are used as indicators of what is happening in the non monitored systems. Limited department resources do not allow stock assessment projects for every sockeye salmon stock. Although there is a shortage of information for many sockeye stocks in the Chatham Strait vicinity, most, if not all, of these stocks are considered healthy and relatively productive despite their proximity to commercial fisheries. These Chatham Strait stocks, and all small sockeye producing stocks, have inherent limitations on their productivity regardless of the association with purse seine fisheries. For example, the department has observed wide fluctuations in returns to Hoktaheen Lake, Gut Bay Lake, Neva Lake, and other small sockeye salmon producing lakes in Southeast Alaska that are not subject to exploitation in commercial net fisheries.

None of the Chatham Strait sockeye systems have a long time series of stock assessment information. Falls Lake had a weir operating in the early 1980's and more recently, through federal subsistence funding, has had a partial weir operating to provide for mark/recapture estimates of total escapement. The only other system with more than a few years of escapement data is Sitkoh Lake, which has mark/recapture estimates of escapement from 1996 to 2005. Since 2001, federal funding has allowed for some level of stock assessment work to be conducted on Kook Lake, Kanalku Lake, Falls Lake, Sitkoh Lake, Kutlaku Lake, and Neva Lake. Escapement information for these systems is summarized in Table 262-3.

All the available technical information related to sockeye salmon in northern Chatham Strait has been assembled into a published report titled, *Special Publication No 07-15; Northern Chatham Strait Sockeye Salmon: Stock Status, Fishery Management, and Subsistence Fisheries.*

In the case of Chatham Strait, understanding the timing and location of commercial purse seine fishery openings, directed at pink and/or chum salmon, is critical towards recognizing the impact these fisheries may have on local sockeye salmon stocks. Throughout Southeast Alaska, adult pink salmon returns are the result of production from many small stocks and a few large stocks. To prevent overfishing of individual stocks, the majority of purse seine effort is directed into mixed stock areas, held to conservative levels, and spread over as many stocks as possible. This style of management effectively moderates exploitation rates and reduces the risk of overexploiting individual runs or temporal segments of runs. Co-migrating salmon stocks receive the same benefits or protection under this management approach.

Many separate purse seine fisheries operate in the waters of Districts 12 (Chatham Strait) and 14 (Icy Strait). Areas open to purse seining in District 12 include the Point Augusta index area, Tenakee Inlet, the West Admiralty shoreline (including the Hawk Inlet fishery), the southwest Admiralty Island shoreline, the Chichagof Island shoreline, the Catherine Island/Kelp Bay shoreline, and the Hidden Falls Terminal Harvest Area. Areas open to purse seining in portions of District 14 include Idaho Inlet, Port Althorp, the Whitestone shoreline, Excursion Inlet, Homeshore shoreline, and Port Frederick. The purse seine fisheries in Chatham Strait and Icy Strait are primarily directed at the harvest of pink salmon, although Chinook, chum, sockeye, and coho salmon are harvested incidentally. Exceptions include Tenakee Inlet, Kelp Bay, and Port Fredrick where early season openings may be directed at identified harvestable surpluses of summer chum salmon and Excursion Inlet that may be opened late in the season to target surpluses of fall chum salmon returning to the Excursion River. Hidden Falls is the only fishery that is strictly a hatchery terminal area chum salmon fishery.

The fishing season starts by emergency order generally the third Sunday in June with a 15-hour opening in 3 areas: Point Augusta, Tenakee Inlet, and Hidden Falls. These early season openings are limited to Sundays only. If the pink salmon return is developing adequately, the fishery expands in early to mid-July with the addition of a mid-week opening, typically falling on a Thursday for another 15 hours. In general, no new areas are open until early to mid-July and then only if pink salmon returns develop adequately. Through mid-July, the Chatham Strait

commercial purse seine fishery is generally open 9% of the total available weekly hours in 12% of the total available area. Consequently, the commercial exploitation rate is relatively low on the targeted pink salmon stocks (and other co-migrating stocks) ensuring that adequate numbers will reach terminal areas to spawn.

The northwest Admiralty Island shoreline is generally the first area of fishery expansion in mid-July. This area is known as the Hawk Inlet fishery and targets early-run pink salmon stocks returning to Districts 11 and 15. The co-migrating sockeye salmon that are incidentally harvested from this area are also predominantly northbound fish and come from large production systems such as the Taku River, Chilkat, Chilkoot, Port Snettisham wild stocks, and Snettisham Hatchery enhanced sockeye salmon. This fishery provides the last opportunity for the seine fleet to harvest surplus northbound pink salmon. It's also a very controversial fishery because of co-migrating sockeye salmon that pass through inside drift gillnet fisheries in Lynn Canal and Taku Inlet. Approximately 60% of all sockeye salmon harvested from District 12 seine fisheries come from this one sub-district (Figure 262-4 and Table 262-4). As a result, allocation issues between commercial net user groups developed years ago and led to current management practices in accordance with 5AAC 33.366, the Northern Southeast Seine Salmon Fishery Management Plan. Commercial purse seine openings in early to mid-July occur north of Point Marsden and average two or three 12-hour openings per year. The average opening date for this statistical area is July 20, although openings have occurred as early as July 6. Since 1989. The Hawk Inlet fishery has opened in 10 years out of the last 20 years. The recent 1998–2007 average purse seine sockeye salmon harvest in this statistical area is 41,000 fish. Indicators used by the department for triggering fisheries in this area include fishery performance of the District 11 & 15 drift gillnet fisheries, Taku River fishwheel catches, test fishing along the Hawk Inlet shoreline, and aerial observations of abundance throughout the Juneau management area.

As southbound pink salmon abundance along the west Admiralty Island shoreline develops, the seine fishery is opened south of Point Marsden (the southernmost boundary of the Hawk Inlet fishery). Early openings have a northern boundary of Point Marsden and southern boundary of Point Hepburn. As southbound pink salmon abundance further increases, the fishery boundaries are expanded to include the area from Point Hepburn to Danger Point, which is statistical area 112-17. Statistical area 112-17 is the area adjacent to Mitchell Bay, which is the terminal area for Kanalku Lake sockeye salmon. The average opening date for statistical area 112-17 is July 29, which is well after subsistence harvest has peaked in Kanalku Bay. In the last 15 years, the department has only opened a portion of this area from Point Hepburn to Parker Point leaving approximately 9 nautical miles north of Angoon closed to commercial purse seine fishing. The department has taken these actions, through emergency order authority, to insure a sustainable return to Kanalku Lake and to provide opportunity for subsistence uses of this salmon stock. The 10-year average sockeye salmon incidental purse seine harvest in statistical area 112-17 is 3,100 fish that accounts for approximately 4.5% of the total sockeye harvest in all of District 12.

The Point Augusta Index Fishery, statistical area 112-14, takes place along a one-mile stretch of the Chatham Strait shoreline on northeast Chichagof Island. Since 1992, the department has opened this small section of shoreline beginning the third Sunday in June to monitor incoming

pink salmon run strength in northern Chatham Strait. Early season openings occur once per week on Sundays for 15 hours. If the pink salmon return is developing adequately, the index fishery expands in July with the addition of a mid-week opening, typically falling on a Thursday for another 15 hours. In late July or August, this fishery is typically opened in conjunction with the Whitestone shoreline openings in Icy Strait (District 14). If pink salmon returns do not develop adequately, then this and other fishery areas are shut down or if opened, they are managed very conservatively in regards to time and area. There can be as many as 8–10 boats at Point Augusta when it is open, but the 10-year average effort is 5 boats. During any given commercial opening, the small area accommodates only 3–5 boats actively fishing. Other seine boats in the area wait to take turns setting their gear. The 10-year average sockeye salmon incidental harvest in the Point Augusta seine fishery is 5,800 fish and accounts for approximately 8.5% of the total sockeye harvest in all of District 12.

Several separate purse seine fisheries typically occur in District 14 due to the large size of Icy Strait. Fishing areas open in District 14 often include the Port Fredrick, Idaho Inlet, Port Althorp, Excursion Inlet, and the Homeshore shoreline. The most significant fishery today is the Port Frederick fishery, statistical area 114-27, which includes portions of the Whitestone shoreline. This fishery is directed at pink salmon stocks passing through Icy Strait, as well as stocks returning to local area streams in Port Fredrick and along the northeast shoreline of Chichagof Island. On average, the commercial seine fishery opens in this area on July 22. Early openings do occasionally occur in a relatively small area in front of Port Frederick to target strong chum salmon returns to Port Fredrick streams. The earliest opening for this area in recent history is June 25. Historically this district was fished in the vicinity of the Inian Islands, the boundary between Cross Sound and Icy Strait. The 1960s average incidental take of sockeye salmon in District 14 purse seine fisheries was 202,000 fish. Today, fishery openings occur primarily between Port Fredrick and Point Augusta, closer to Chatham Strait, although limited openings do occur in other areas of the district depending on the abundance of pink salmon. The Homeshore shoreline, portions of statistical areas 114-25 and 114-80, is opened occasionally to target pink salmon returning to local streams. Excursion Inlet, statistical area 114-80, has also been opened in late August or early September if the department observes a surplus of fall chum salmon returning to Excursion River. The recent 10-year average annual sockeye harvest of 18,000 fish for all of District 14 is less than one tenth of the numbers harvested commercially in the 1960s.

The basis for the Chatham sockeye harvest controversy comes from observations that commercial sockeye harvest has increased in recent years, primarily in 2004 and 2005. These two years in fact experienced the largest number of sockeye salmon ever harvested by commercial fisheries in District 12. Initial department analysis revealed that the vast majority of this sockeye harvest (77% in 2004, 64% in 2005) occurred in one statistical area, 112-16. As mentioned earlier, all salmon harvested from this statistical area are primarily from northern stocks. Further, the department has observed a strong correlation between the number of sockeye salmon commercially harvested from Chatham Strait and the number of enhanced adult sockeye salmon returning to DIPAC's Snettisham Hatchery. Therefore, it is not surprising that there were exceptionally high numbers of enhanced sockeye salmon in the commercial harvest during both the 2004 and 2005 fishing seasons. The Snettisham Hatchery sockeye enhancement program has realized an average return of 200,000 adult fish since 1999 and peaked in 2004 with an estimated

500,000 returning adults. That is over twice the total sockeye average run size for the entire Taku River. The District 12, Chatham Strait purse seine fisheries harvested a record 176,000 sockeye salmon (134,000 from statistical area 112-16) that year. Based on sockeye salmon otolith sampling from the upper Chatham Strait area, approximately 40% of the commercial harvest was from Snettisham Hatchery contributions in 2004.

It is worth noting that pink salmon abundance for northern Southeast Alaska inside waters was at historical high levels during the 2004 and 2005 fishing seasons. Management of the District 12 purse seine fishery was accordingly very aggressive. Despite a very aggressive fishery management approach for commercial seine fisheries in Chatham Strait during these two years, four sockeye salmon stock assessment projects, underway at the time, all revealed adequate to good adult escapements relative to historical information available for these sockeye salmon stocks (Table 262-3). The Kanalku Lake stock assessment project is particularly interesting to examine during this time period for a number of reasons. First of all, the adult sockeye salmon escapement was healthy for this stock with an estimated 1,200 spawners in 2004 and 1,100 spawners in 2005. Secondly, these lake spawning sockeye have a barrier to negotiate in order to successfully spawn in the lake. As early as 1964, observations indicated that only a portion of the sockeye successfully negotiate the barrier falls in the outlet stream below Kanalku Lake. Recent United States Forest Service (USFS) research indicates the lake spawning population may represent only 30% of the sockeye population making it as far as the partial barrier falls. Applying that percentage, the terminal area Kanalku sockeye salmon return in 2004 and 2005 theoretically could have been as high as 3,600 to 4,000 fish. Although the number of sockeye salmon returning to the barrier is not precisely known, there is no doubt that it was greater than the number of spawners estimated in the lake.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

The department has for many years implemented effective conservation measures to protect sockeye salmon stocks in Chatham Strait that are important to subsistence users. These measures include closing waters in the approaches to the terminal areas of Kook and Kanalku lakes and structuring fishery openings so that local Chatham Strait stocks are provided adequate time, free of commercial exploitation, to reach terminal areas.

The amount of salmon necessary for subsistence uses in the Juneau management area, Districts 11, 12, 14, and 16, is 4,178 to 10,133 as defined in regulation (5AAC 01.716 (c) (4)). In the last 10 years, the reported subsistence salmon harvest for the Juneau management area has averaged 6,576 fish. The lowest harvest occurred in 2002 with a reported harvest of 4,123 fish. However, the Division of Subsistence estimated actual harvests are 40 to 50 percent greater than the reported harvests. Based on the division's research, unreturned permits are assumed to be fished at the same rate as the returned permits, catching the average harvest of each species for a particular community. Therefore, a straight-line expansion of reported harvest by community of residence is used by the Division of Subsistence as a more accurate measurement of actual harvests.

The Chatham Strait sockeye salmon issue appears to be a socioeconomic rather than resource competition issue. Local Chatham Strait sockeye salmon stocks are small with inherently limited productivity. Recent increased subsistence harvest demands have been placed on these stocks that do not appear to be sustainable when directed at only one particular stock (i.e., Kanalku Lake). However, these harvest demands may very well be sustainable if the harvest is spread over several stocks.

In 2008, the Alaska State Legislature appropriated $200,000 for improvement of fish passage to Kanalku Lake. If sockeye salmon are allowed easier passage to Kanalku Lake, more adults will successfully reach the spawning grounds. Sockeye salmon production from this system could increase, perhaps significantly. Because Kanalku Bay is inside the protected waters of Mitchell Bay, subsistence users would benefit greatly in a number of ways including safety. The Southeast Regional Planning Team was updated on planning by the U.S.F.S regarding the Kanalku Lake fish passage project at its December 9, 2008 meeting in Ketchikan

COST ANALYSIS: If this proposal is adopted, there would likely be a cost to purse seine permit holders through foregone harvest in years of high pink salmon abundance.

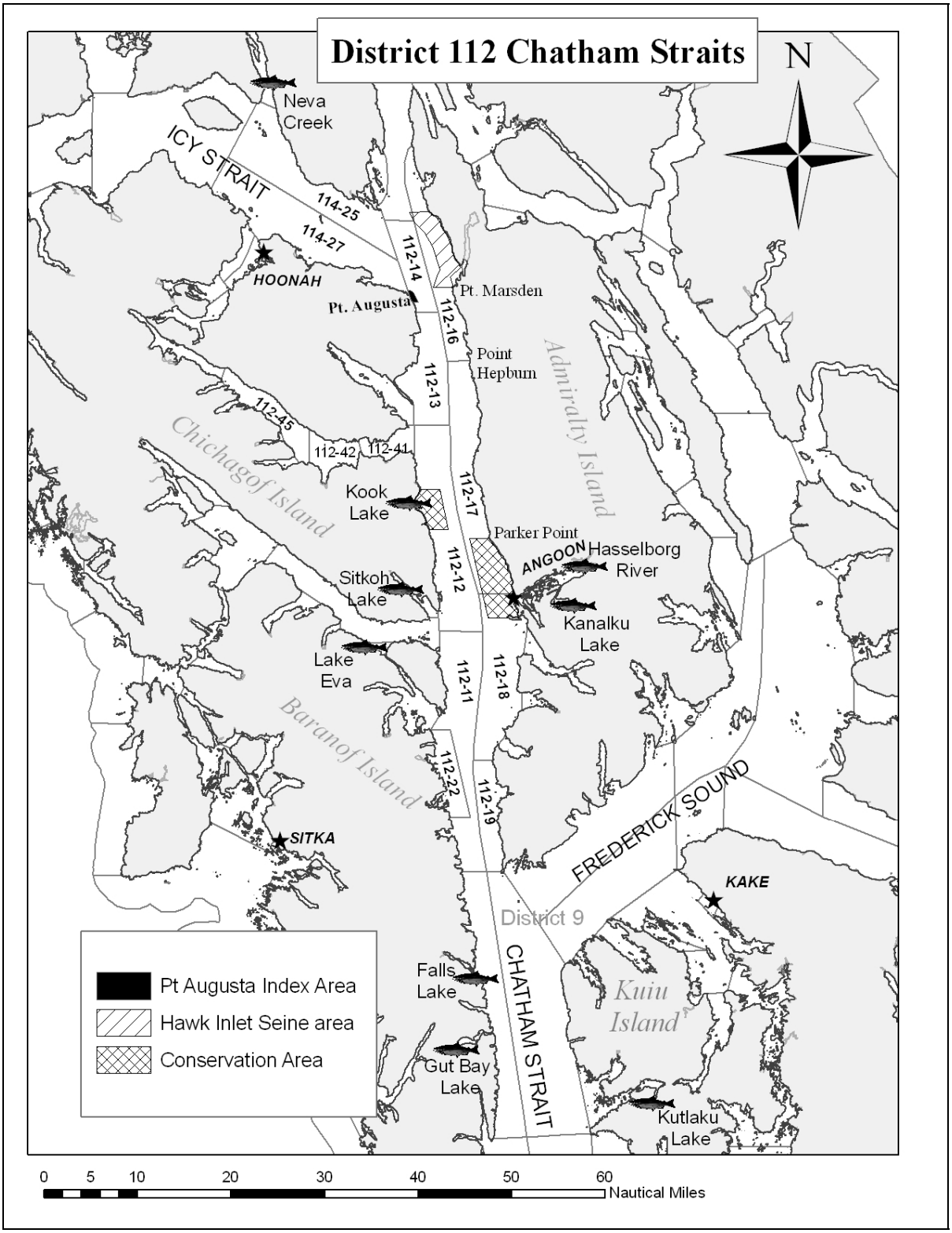


Figure 262-1.–Location of sockeye salmon systems utilized for subsistence harvest in the Chatham Strait confluence.

Table 262-1.–Reported subsistence harvest by year from eight sockeye systems in northern Chatham Strait, 1985–2007.

Year	Neva	Hassleborg	Kanalku	Kook	Sitkoh	Falls	Gut Bay	Kutlaku	Total
1985		0	473	450	313	17	339	812	2,404
1986		60	931	1,427	677	30	572	750	4,447
1987		45	645	1,233	636	30	211	1312	4,112
1988		0	258	316	322	338	419	969	2,622
1989		0	425	493	248	350	572	634	2,722
1990	25	25	762	477	181	149	182	593	2,394
1991	40	50	556	406	0	122	128	813	2,115
1992	348	0	571	602	90	550	765	1375	4,301
1993	127	25	901	475	0	1002	795	516	3,841
1994	151	87	1,282	348	36	911	422	629	3,866
1995	90	45	936	387	10	976	490	238	3,172
1996	411	78	1,627	302	50	1229	488	817	5,002
1997	126	110	1,538	187	60	987	297	628	3,933
1998	25	67	1,482	327	16	1101	732	791	4,541
1999	50	60	1,666	418	36	1020	272	984	4,506
2000	197	40	1,443	252	75	798	419	200	3,424
2001	157	40	946	279	276	1290	577	130	3,695
2002	36	50	14	645	184	1795	121	194	3,039
2003	87	20	90	976	647	2434	245	366	4,865
2004	397	25	60	691	1,055	2164	468	548	5,408
2005	276	34	50	169	275	1134	512	114	2,564
2006	140	0	51	507	350	1507	563	12	3,130
2007	219	10	10	146	0	820	684	60	1,949
Average	161	38	727	501	241	902	447	586	3,603

Table 262-2.–Reported subsistence sockeye salmon harvest, total permits, and sockeye salmon harvest per permit by residents of Angoon, Kake, and Hoonah, 1985–2007.

Year	Angoon	Kake	Hoonah	Total Sockeye	Total Permits	Sockeye/Permit
1985	732	1,026	36	1,794	162	11.1
1986	1,057	1,269	361	2,687	211	12.7
1987	646	1,503	242	2,391	135	17.7
1988	226	1,332	107	1,665	115	14.5
1989	429	1,425	526	2,380	122	19.5
1990	1,032	909	299	2,240	118	19.0
1991	696	1,208	365	2,269	114	19.9
1992	769	2,611	624	4,004	169	23.7
1993	901	2,188	386	3,475	185	18.8
1994	1,300	1,972	750	4,022	181	22.2
1995	936	1,606	825	3,367	173	19.5
1996	1,408	2,375	999	4,782	217	22.0
1997	1,495	1,891	1,538	4,924	223	22.1
1998	1,554	2,471	964	4,989	232	21.5
1999	1,620	2,318	746	4,684	229	20.5
2000	1,344	1,593	751	3,688	194	19.0
2001	1,147	2,036	792	3,975	194	20.5
2002	751	2,079	845	3,675	145	25.3
2003	1,496	2,926	664	5,086	156	32.6
2004	1,479	2,931	2,257	6,667	200	33.3
2005	261	1,628	854	2,743	116	23.6
2006	658	1,951	288	2,897	99	29.3
2007	56	1,399	342	1,797	95	18.9
Average	956	1,854	677	3,487	165	21.2

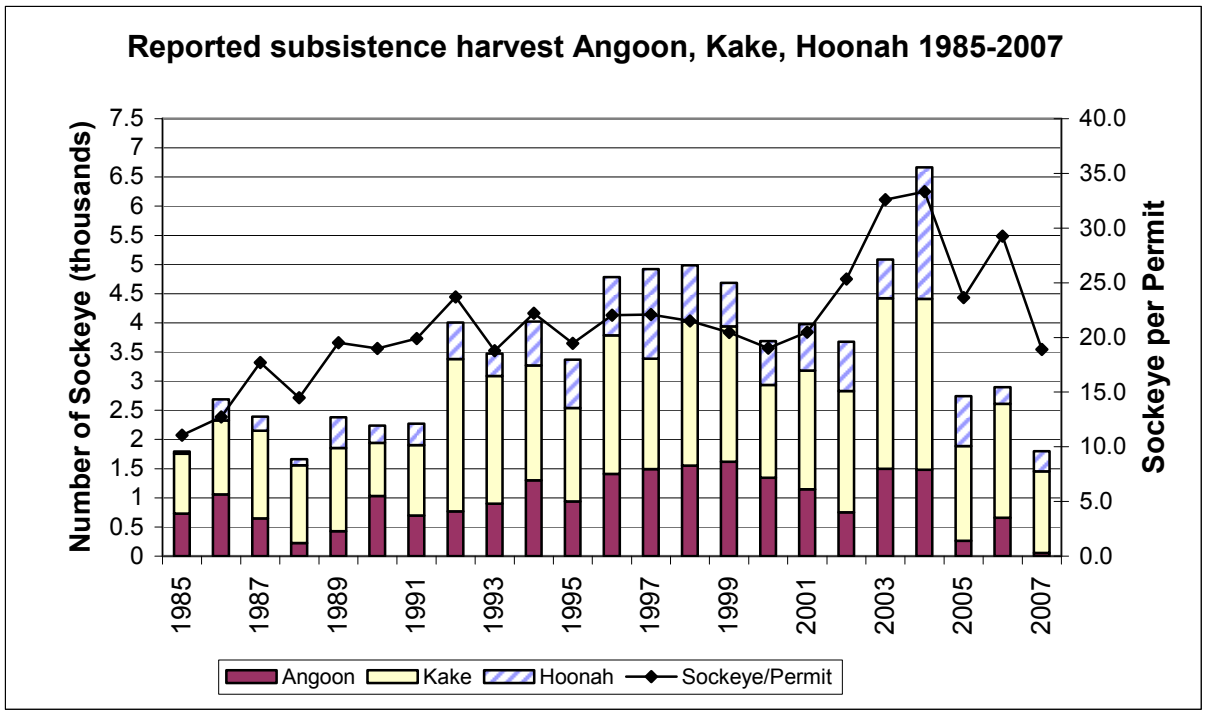


Figure 262-2.–Reported sockeye salmon subsistence harvest and sockeye salmon harvest per permit for 3 communities in or near Chatham Strait, 1985–2007.

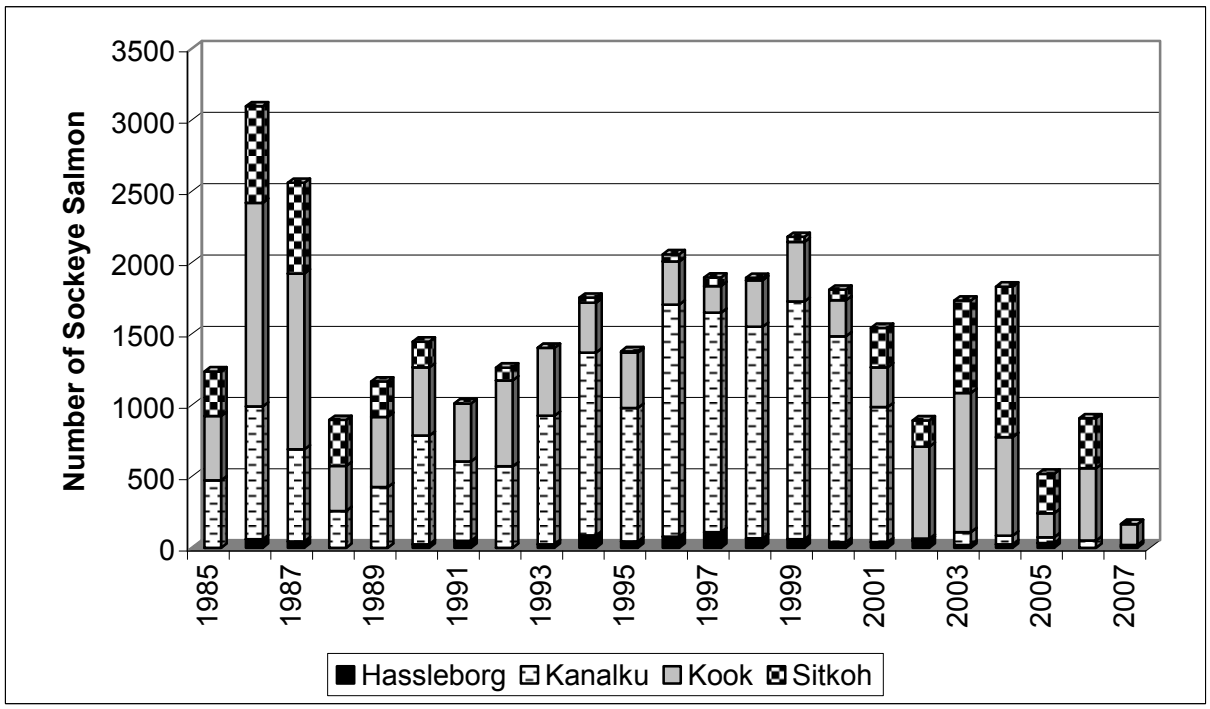


Figure 262-3.–Reported sockeye salmon subsistence harvest for four Angoon area lakes, 1985–2007.

Table 262-3.–Escapement estimates of sockeye salmon for six Chatham Strait sockeye systems based on method (W=weir; M/R=mark/recapture; EI=expanded index). The shaded years, 2004-2005,are years in which commercial sockeye harvest in D12 reached record high numbers.

Year	Falls Lake	Type	Sitkoh Lake	Type	Kook Lake	Type	Kanalku Lake	Type	Kutlaku Lake	Type	Neva Lake	Type
1981	1,278	W										
1982	1,687	W	7,228	W								
1983	1,658	W										
1984	3,622	W										
1985	2,612	W										
1987	5,789	W										
1988	1,114	W										
1989	2,055	W										
1994					1,812	W						
1995					5,817	W						
1996			16,300	M/R								
1997			5,984	M/R								
1998			6,649	M/R								
1999			10,499	M/R								
2000			17,040	M/R								
2001	2,600	M/R	15,200	M/R			229	EI				
2002	1,100	M/R	11,900	M/R	3,600	M/R	1,630	EI	10,000	EI	4,471	W
2003	5,700	M/R	8,500	M/R			276	EI	8,500	EI	11,097	W
2004	3,100	M/R	3,700	M/R			1,154	EI	na		9,513	W
2005	3,400	M/R	13,400	M/R	1,994	W	1,060	EI	12,000	EI	5,212	W
2006	7,900	M/R			9,800	W	1,300	EI			3,319	W
2007	2,600	M/R			2,958	W	461	W			4,455	W
2008	700	M/R					967	W				
Avg.	2,700		10,500		3,300		870		10,200		6,361	

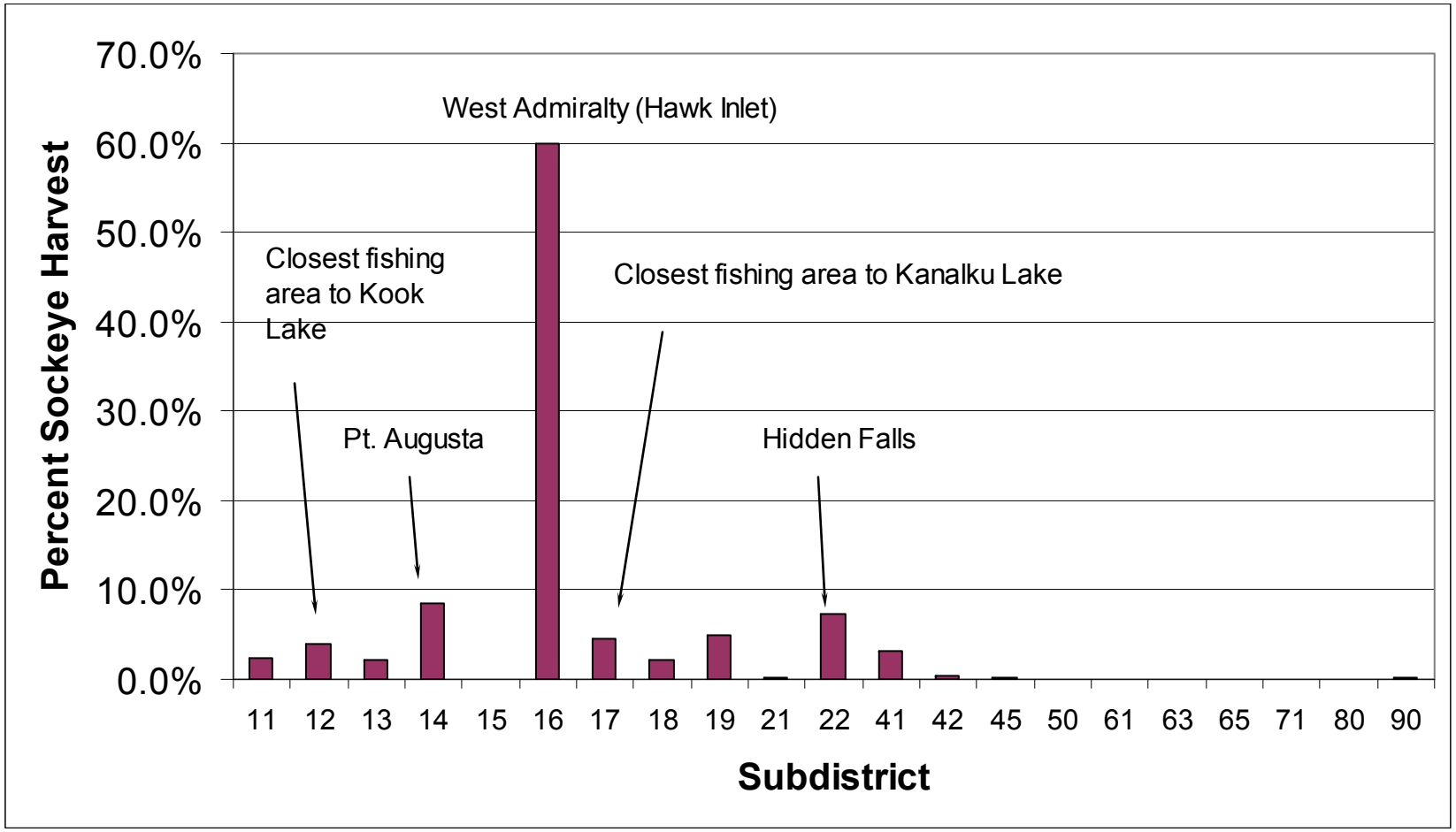


Figure 262-4.–District 12, Chatham Strait, commercial purse seine sockeye salmon harvest by statistical area (1997-2008 average catch as percent of entire district harvest).

Table 262-4.–Sockeye salmon harvest by District 12 statistical area, 1998–2008.

Statistical area Name	Stat area	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	10-yr Average	Percent of 10-yr Average Harvest
Outer Kelp Bay	11	648	1,678	396	1,720	354	1,345	3,076	5,322	372	904	14	1,582	2.31%
Basket Bay	12	3,409	6,022	298		384		6,998	2,021	1,131	1,237		2,688	3.92%
False Bay	13		1,930						958				1,444	2.11%
Pt. Augusta	14	1,616	6,067	4,895	13,483	3,517	7,659	4,461	5,481	3,112	7,737	2,594	5,803	8.47%
S. Lynn Canal	15													0.00%
W. Mans. Peninsula	16	16,195	29,328	9,565	37,116	15,039	45,158	134,468	74,111	17,074	31,925		40,998	59.87%
Angoon to Hepburn	17		2,038	42	168	650	5,697	9,259	6,440		441		3,092	4.52%
Angoon to Whitewater	18	822	485	2,244	62	153	1,879	3,261	3,248	53	2,333		1,454	2.12%
Wilson Cove Area	19	368	1,841	1,690		793	3,858	5,165	13,262		458		3,429	5.01%
Kelp Bay	21	59	77	115	182		395	0	532	30	3		155	0.23%
Hidden Falls	22	5,608	6,058	6,972	9,034	2,741	2,891	6,124	1,264	6,522	2,572	1,302	4,979	7.27%
Outer Tenakee	41	1,877	2,448	4,042	2,420	775	82	1,954	3,203	2,169	2,473	57	2,144	3.13%
Tenakee Springs	42	0	3	62	96	247	156	573	43	904	155	14	224	0.33%
Central Tenakee	45	0	5	38	59	98		434	8	315	1	2	106	0.16%
Freshwater Bay	50													0.00%
Howard Bay	61													0.00%
Funter Bay	63													0.00%
Hawk Inlet	65													0.00%
Outer Hood Bay	71			179									179	0.26%
Chaik Bay	80	124		98						101	1		81	0.12%
Whitewater Bay	90	94							145				120	0.17%
	Total	30,820	57,980	30,636	64,340	24,751	69,120	175,773	116,038	31,783	50,240	3,983	68,476	100.00%

PROPOSAL 263: 5 AAC 33.332. SEINE SPECIFICATIONS AND OPERATION.

PROPOSED BY: Southeast Alaska Seiners Association.

WHAT WOULD THE PROPOSAL DO? This proposal would allow a purse seine vessel to have two legal limits of seine gear on board a vessel in Southeast Alaska.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 39.240. General gear specifications and operations.

(a) A salmon fishing vessel shall operate, assist in operating, or have aboard it or any boat towed by it, only one legal limit of salmon fishing gear in the aggregate except as otherwise provided in this title.

(b) Unhung gear sufficient for mending purposes may be carried aboard fishing vessels.

5 AAC 33.332. Seine specifications and operation.

(a) No purse seine may be less than 150 meshes or more than 450 meshes in depth, or less than 150 fathoms or more than 250 fathoms in length, hung measure.

(b) Seine mesh may not be more than four and one-half inches, except the first 25 meshes above the lead line may not be more than seven inches.

(c) No seine lead may be more than 75 fathoms in length and 100 meshes in depth.

(d) Repealed 4/26/70.

(e) A seine lead may not be permanently attached to a seine and may be operated only on the bunt end of a seine.

(f) Except as specified in 5 AAC 39.260(f), the mesh size of a seine lead may not be less than seven inches or more than seven and one-half inches.

(g) A purse seine is considered to have ceased fishing when the bunt end of the seine is attached to the purse seine vessel and the tow end of the seine is attached to the vessel or moving through the power block.

(h) During concurrent seine and drift gillnet periods in Sections 1-B and 1-F, seine nets may not be in the water in Section 1-B.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The proposal would provide a specific exception to statewide regulation 5AAC 39.240 by modification of 5AAC 33.332 (a) for Southeast Alaska. If adopted, this would allow salmon fishing vessels in Southeast Alaska to have aboard more than one limit of gear on board the permit holder's vessel. This proposal would allow harvest and net transport of two nets in Terminal Harvest Areas, but also in wild stock fisheries with effective gear for deep or shallow water depending on the circumstances. There is not a resource concern in THAs where enhanced fish may be accessed and quality improved as the proponent suggests, but the effects in traditional fisheries are unknown and more difficult to foresee. It is likely that large boat fishermen would take advantage of this additional opportunity and many would eventually carry a second net. This proposal could increase overall efficiency of gear, change fishing practices, and increase fishing in shallower waters near stream mouths. Opportunities would arise in wild stock fisheries where

nets designed for shallow water could harvest fish that otherwise, without a specialized net, would have contributed to escapement. The department would need to be vigilant and management would need to be more conservative, especially with close attention to positioning of stream markers. Changing marker locations is both difficult and expensive for the department and, in some cases, takes years between access to some markers. A large scale change amongst the fleet to the use of additional and/or alternate nets could lead to changes in quality and changes in total harvest depending on the department's ability to respond to changes in long-standing fishing practices.

Enforcement of nets specifications would likely be more complex and time consuming for the Alaska Wildlife Troopers since they may need to check two nets instead of one for compliance with gear specifications.

BACKGROUND: This regulation can be traced back to at least 1950 when Alaska fisheries were managed by the federal government. Since statehood this regulation has remained unchanged.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal as written since it could have somewhat unpredictable, yet deleterious effects on wild stock fisheries and could jeopardize escapements. Longstanding uses of gear and fishing patterns could change and management would need to change in response. In part, management of the fishery now works well since many regulations have been in place for decades and management has adapted to the combined effects of the regulations. The department is **NEUTRAL** on the allocative aspect of this proposal that would afford fishermen with larger seine boats increased overall opportunity. The department is **NEUTRAL** on potentially allowing for the use of two nets only in THAs as long as two nets are not being transported for possible use in traditional wild stock fisheries, and as long as potential enforcement issues can be adequately addressed. The department supports changes that could improve overall quality and value of fish harvested.

This proposal raises enforcement issues. The Alaska Wildlife Troopers should be asked to comment on how enforcement of seine specifications would be affected by the use or transport of two nets on board purse seine vessels.

COST ANALYSIS: Costs would increase to those fishermen who chose to purchase a second net or to those fishermen would felt it necessary to upgrade to a larger fishing vessel that would accommodate a second net. Costs to the department might increase should it become necessary to re-position regulatory markers in many locations around the region due to changing overall effectiveness of gear. Additional fishery and escapement aerial surveys may be needed to support timely management actions during the season. The department is not always able to respond to increasing demands due to uncertainty over budget allocations.

PROPOSAL 264: 5 AAC 33.310. FISHING SEASONS AND PERIODS FOR NET GEAR.

PROPOSED BY: Klawock Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would close commercial salmon fishing from July 1 through July 15 in the Klawock area.

WHAT ARE THE CURRENT REGULATIONS? Under current regulations purse seine is the only net gear allowed in District 3. Commercial fishing periods for purse seine gear are established by emergency order. District 3, the district nearest the Klawock River, is typically first opened around Statistical Week 30, which occurs after July 15. District 4, the next closest purse seine fishery, opens the first Sunday in July.

Regulation **5 AAC 01.710** allows for a subsistence fishery in the Klawock Inlet from July 7 through July 31, 8:00 a.m. Monday until 5:00 p.m. Friday each week. The fishery operates under an ADF&G permit that allows a daily possession limit of 20 sockeye salmon. Regulation **5 AAC 01.750** stipulates that in the waters of Klawock Inlet, no person may subsistence fish from a vessel that is powered by a motor of greater than 35 horsepower. Regulations and permit stipulations would not allow a seine vessel to participate in the current subsistence fishery.

5 AAC 01.716 (15) lists a customary and traditional use finding for salmon in Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? It is unclear what portion of the purse seine fishery would constitute as being in the Klawock area. During the suggested closure period, the only purse seine fishery that occurs anywhere near the Klawock River would be the District 4 purse seine fishery. Purse seine openings in District 4 occur nearly 20 miles distant from the Klawock River mouth. Closures in District 4 would limit the opportunity to manage the District 4 commercial purse seine fishery for harvest sharing arrangements provided by the Pacific Salmon Treaty.

BACKGROUND: The department manages a subsistence fishery that occurs at the mouth of the Klawock River and has conservative restrictions in place limiting outboard horsepower used in the harvest, the total length of the fishery, and the weekly time allowed for the fishery.

The District 3 purse seine fishery, which is nearest to the Klawock River, opens on or near statistical week 30 which is after the July 1 through July 15 suggested closure. Based on historical Klawock River weir data for 2001–2006, an average of 3,000 sockeye salmon are in the Klawock River system by the time the District 3 fishery begins.

DEPARTMENT COMMENTS: While the department is **NEUTRAL** on any allocative issues associated with this proposal, the department does **OPPOSE** additional fishery restrictions that would preclude managing fisheries in accordance with the provisions of the Pacific Salmon Treaty.

The proponents perceive the commercial purse seine fishery harvests an excessive amount of sockeye salmon that are destined for the Klawock River. The department does not believe this is true. There are no openings for purse seine that extend close to the terminus of the Klawock River, and purse seine fisheries in District 3 do not open until late July. The sockeye salmon harvested in Districts 3 and 4 are bound for many different sockeye salmon streams in Southeast Alaska and Canada.

If this proposal extends to District 4, there will be difficulties managing the District 4 purse seine fishery in accordance with the Pacific Salmon Treaty. Harvest before Statistical Week 31 (the first three weeks of July) is limited under the treaty.

COST ANALYSIS: The department does not believe that adoption of this proposal will result in any additional direct cost for a private person to participate in this fishery. There will be an indirect cost to fishers who harvest in areas that remain closed.

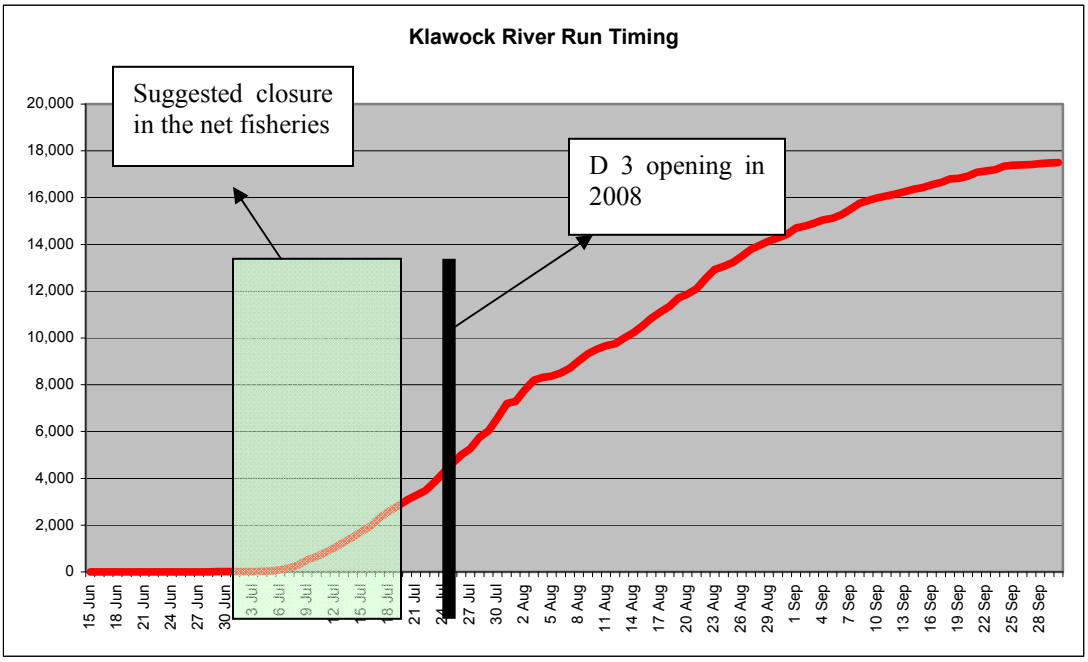


Figure 264-1.–Average Klawock River sockeye salmon escapement timing (red line), proposed commercial salmon fishery closure period, and date the District 3 commercial purse seine fishery was opened in 2008.

PROPOSAL 265: 5 AAC 01.710 (e). LAWFUL GEAR AND GEAR SPECIFICATIONS.

[*Note:* 5AAC 33.310. FISHING SEASONS AND PERIODS FOR NET GEAR was incorrectly cited in the proposal].

PROPOSED BY: Klawock Cooperative Association.

WHAT WOULD THE PROPOSAL DO? This proposal would change the open dates for the subsistence fishery in Klawock Inlet to July 15 through August 15.

WHAT ARE THE CURRENT REGULATIONS? Regulations currently limit harvest periods in the Klawock River subsistence fishery to weekdays, between 8:00 a.m. Monday and 5:00 p.m. Friday, July 7 through July 31.

5 AAC 01.710 (e) From July 7 through July 31, sockeye salmon may be taken in the waters of Klawock Inlet enclosed by a line from Klawock Light to the Klawock Oil Dock, the Klawock River, and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Adoption of this proposal would remove the first open week when few fish are harvested and extend the duration of the Klawock River subsistence fishery into August 15, allowing for a greater harvest of sockeye salmon in some years.

BACKGROUND: A weir program in place at the Klawock River has monitored sockeye salmon returns since 1999. Daily weir counts show the sockeye salmon return into the Klawock River begins in early July and typically continues through September (Figure 265-1). The Klawock River sockeye salmon escapement has been above average in recent years (Table 265-1, Figure 265-2) and a significant portion of the run occurs after the subsistence fishery has closed. Although returns have been above average, subsistence sockeye salmon harvest, as reported on subsistence permits, has been below average for the last several years (Figure 265-3). The department has conducted subsistence harvest interviews from 2001 to 2008 to obtain an estimate of the harvest that is not reported on subsistence fishing permits. The results of those interviews are summarized in Table 265-1.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal as written, but would support a seven day extension of the current regulations. Conservative measures are in place to protect the Klawock River sockeye returns. The Klawock River is highly accessible for subsistence harvest, and conservative measures are in place to limit the harvest and allow fish to pass through the fishery. During years of late returns, the department is constantly asked to extend the subsistence fishery. This fishery has been extended in the past when it is determined that although late, indications are that the return will be at least of average size. The department

would support changing the dates and would consider July 15 to August 7. Historical harvest and run timing information suggest that moving the subsistence harvest window would both reduce the harvest pressure on the weaker early run and allow additional harvest opportunities for Klawock subsistence fishers during the peak of the run.

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

Table 265-1.–Estimated sockeye salmon subsistence harvest from fisherman interviews, subsistence fishing permits, and estimated annual sockeye escapement to Klawock Lake, 2001–2008.

Year	Estimated subsistence harvest	Subsistence harvest reported on returned permits	Estimated escapement
2001	6,400	4,433	14,000
2002	6,000	3,778	12,600
2003	6,000	3,195	21,000
2004	4,500	2,697	12,400
2005	175	238	14,800
2006	3,100	1,849	14,757
2007	2,600	2,042	17,500
2008	6,700	na	18,000
Average	4,434	2,605	15,632

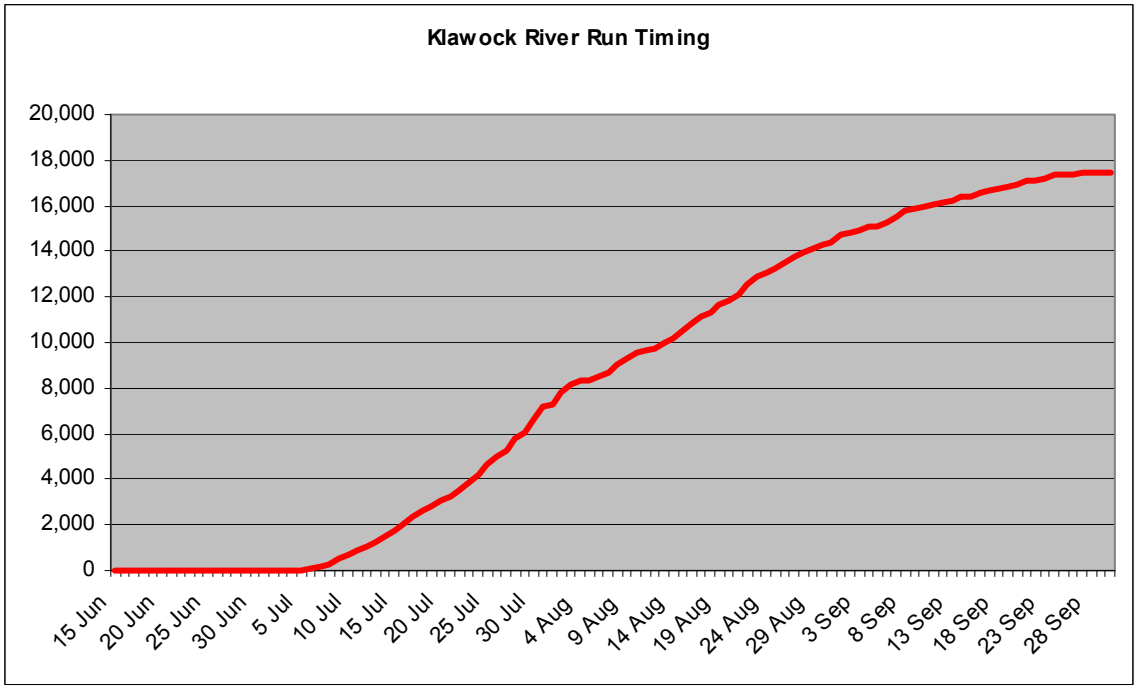


Figure 265-1.–Average Klawock Lake sockeye salmon escapement timing.

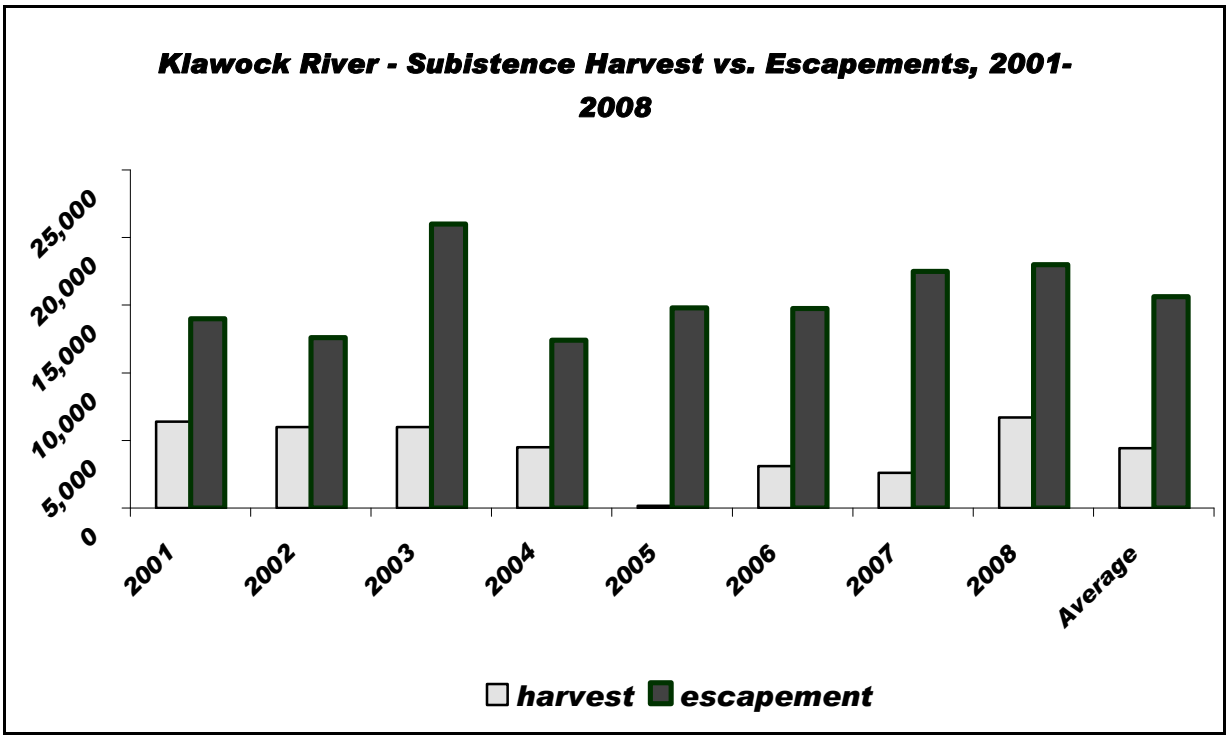


Figure 265-2.–Sockeye salmon escapements and subsistence harvest for the Klawock River, 2001–2008.

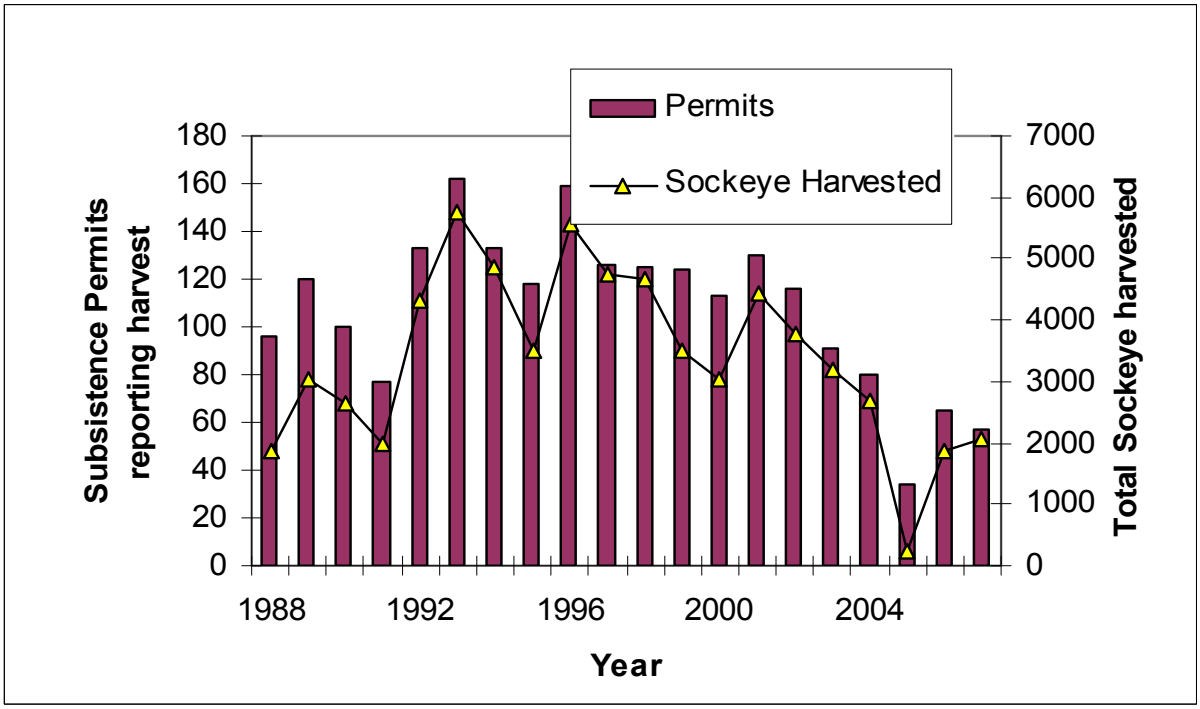


Figure 265-3.–Subsistence harvest on the Klawock River as reported on subsistence permits.

PROPOSAL 266: 5 AAC 30.331. GILLNET SPECIFICATIONS AND OPERATIONS.

PROPOSED BY: Jonathon Pavlik and other Yakutat Residents.

WHAT WOULD THE PROPOSAL DO? Allowable gear in the marine waters of the "remainder of the Yakutat District" is presently limited to one 15 fathom net. This proposal would increase the allowable gillnet length for other waters of the district to one 75 fathom net.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 30.331 (a)(1)(H) specifies that in other waters of the district not specifically listed, including the surf line beyond the outermost bars, allowable gear is one net not to exceed 15 fathoms.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? In the marine waters of the district there would be a dramatic increase in efficiency of the gear between a 15 and a 75 fathom gillnet. Increasing allowable gear in the marine waters from Ocean Cape eastward to Cape Fairweather would increase effort in the marine waters and potentially change the dynamics of the Yakutat set gillnet fishery from primarily a terminal harvest fishery located within the various rivers, streams, and estuaries to a marine interceptive fishery targeting salmon bound for those terminal areas.

BACKGROUND: While most Yakutat Area set gillnet fisheries are terminal area fisheries within the various rivers, streams, and estuaries, there also two marine fisheries, one within the waters of Yakutat Bay and one in the marine waters outside the beach along the western, or Manby Shore, of Yakutat Bay. Both marine fisheries are long standing and harvest stocks known to originate in the Yakutat area, chiefly among them the Situk-Ahrnklin Inlet. The Manby Shore and Yakutat Bay fisheries also harvest stocks headed eastward down the coast, including the Dangerous, Italios, and Akwe Rivers, and to a lesser extent, the Alsek and East Rivers. Tagging studies within the marine fisheries have given an indication of the stocks harvested, and the two marine fisheries are managed in accordance with Situk River conservation concerns.

The Yakutat Bay (bay) fishery is the only fishery in the Yakutat area with allowable gear of one 75 fathom gillnet. The bay opens one week earlier in June than the Situk-Ahrnklin Inlet, and historically, there was high effort in the bay during this week while many permits waited for the Situk-Ahrnklin Inlet to open the following week. Effort in the bay decreased as much as 50% the second week of the season as many permits relocated to their setnet sites in the Situk estuary. Effort within the bay occurred from Ocean Cape at the eastern entrance to the bay around into Monti Bay in front of the town of Yakutat and along the southern and western shores of Khantaak Island. In other words, most of the effort was scattered and well within the geographical limits of Yakutat Bay. During the 20-year period 1987–2006 the average sockeye salmon harvest in the Situk-Ahrnklin Inlet was 68,000 fish, while during this same period the average harvest for Yakutat Bay was slightly over 23,000 fish (Table 266-1). On four different

occasions during this span, the Situk-Ahrnklin Inlet recorded sockeye salmon harvests of over 100,000 fish. The all-time record harvest for Yakutat Bay of 42,000 fish happened twice, in 1990 and in 1999.

The year 2007 marked a dramatic change in the dynamics of the Yakutat Bay gillnet fishery. Effort in Yakutat Bay did not decline following the first week of the season, and in fact actually increased, and effort in the bay remained high throughout the sockeye salmon season. But it was the distribution of this effort that caused the change in dynamics. Instead of being scattered all over the bay, the preponderance of nets was located in the vicinity of Ocean Cape and slightly beyond in the marine waters just outside the geographical limits of the bay itself. The migration route for sockeye salmon in Yakutat Bay is to swing around Ocean Cape and head easterly down the coast immediately outside the outermost breaker. Certainly there had always been a few nets at Ocean Cape in previous years, but in 2007, when sockeye salmon made that turn around Ocean Cape, virtually every single 75 fathom Yakutat Bay gillnet was concentrated in that particular area, again, right in the middle of the migration route. Results speak for themselves: Yakutat Bay harvested 59,600 sockeye in 2007, almost 20,000 more than had ever been harvested in the bay before. A total of 62,000 sockeye salmon were harvested in the Situk-Ahrnklin Inlet, meaning that for the first time ever, the Yakutat Bay harvest virtually equaled the Situk-Ahrnklin Inlet harvest. The nets concentrated near Ocean Cape caused a change in the distribution of sockeye salmon harvests between the two larger Yakutat area fisheries.

2008 proved to be one of the worst, if not the worst, sockeye salmon seasons on record for Yakutat. Weekly fishing times for all areas in Yakutat remained on reduced time for most of the sockeye salmon season and all areas were closed to commercial fishing for the last two weeks of the sockeye salmon season. The total harvest for the area was 35,000 sockeye salmon. For the second year in a row the Yakutat Bay fishery was concentrated in the area around Ocean Cape. That fishery harvested 15,000 sockeye salmon, 43% of all sockeye salmon harvested in Yakutat in 2008. Only 10,000 fish were harvested in the Situk-Ahrnklin Inlet and another 2,900 were harvested in the Alsek River. The Yakutat Bay harvest exceeded the harvest for both the Alsek and the Situk rivers combined. This proposal is a direct result of the experience gained by the Ocean Cape fishery. The efficiency of the 75 fathom nets in the marine waters of the rest of the district has been demonstrated and adoption of this proposal would then allow this emerging fishery to occur in the other waters of the district.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. The proposal would allocate within one user group: Yakutat set gillnet permits. The proposal would change harvests from the traditional terminal area fisheries or to a new marine fishery intercepting fish destined for the various terminal areas. This may increase harvests from mixed stocks, and may alter terminal area opportunities or escapements.

COST ANALYSIS: Any additional costs to the public would include the higher costs of larger nets. There may be some increased costs due to enforcement activities or increased costs to the department for conducting escapement surveys.

Table 266-1.–Harvest of sockeye salmon at Situk-Ahrnklin Inlet and Yakutat Bay, 1980–2008.

Year	Situk/Ahrnklin Setnet	Yakutat Bay Setnet
1980	32,473	9,454
1981	29,049	14,400
1982	29,796	24,790
1983	17,816	17,893
1984	7,401	9,213
1985	18,620	11,665
1986	7,617	21,956
1987	63,595	25,240
1988	52,108	14,210
1989	99,927	24,524
1990	90,737	41,852
1991	120,123	28,581
1992	105,423	31,616
1993	104,049	19,176
1994	56,007	14,524
1995	73,729	17,337
1996	101,161	17,039
1997	40,893	17,574
1998	37,884	6,782
1999	61,500	41,739
2000	34,551	24,757
2001	62,192	34,044
2002	71,015	17,899
2003	84,248	14,358
2004	27,518	22,920
2005	32,887	17,844
2006	62,118	35,893
2007	61,846	59,602
2008	10,625	14,963
Average (1980–2007)	55,066	22,477

PROPOSAL 267: 5 AAC 33.372. DISTRICT 1: NAKAT INLET TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN.

PROPOSED BY: Southeast Alaska Seiners Association.

WHAT WOULD THE PROPOSAL DO? This proposal would change the current Nakat Inlet Terminal Harvest Area (THA) fishery management plan by allowing the commercial purse seine gear group to share in the harvest of terminal fish.

WHAT ARE THE CURRENT REGULATIONS? The current Nakat Inlet THA management plan allows only the troll and gillnet fleets to harvest fish in the terminal area.

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

(g)(1) the department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the waters of Nakat Inlet between 54º50' N. lat. and 54º56' N. lat. from June 1 through November 10 to allow the harvest of hatchery-produced coho and chum salmon by troll and gillnet gear groups during periods established by emergency order;

5 AAC 33.364. Southeastern Alaska Area Enhanced Salmon Allocation Management Plan provides for the overall regional allocation of value of harvests to purse seine, drift gillnet, and troll gear groups.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Purse seiners would be allowed to fish in the Nakat Inlet THA under a rotation plan that allows equal fishing time with gillnetters. If adopted, this proposal might change the value allocations of enhanced fish under 5AAC 33.364 somewhat.

BACKGROUND: Current permitted capacities for SSRAA releases in Nakat Inlet (Figure 267-1) include 8 million summer chum, 8 million fall chum, and 300 thousand coho salmon. SSRAA is permitted to release 20 million summer chum salmon in Kendrick Bay. Currently, the Nakat Inlet THA management plan allows both gillnet and trollers to fish with the bulk of the harvest from gillnetters. It is opened continuously beginning June 1 through November 10.

When the management plan was initially created it allowed purse seiners, gillnetters, and trollers access to the Nakat Inlet THA. In 2006, the board approved regulations removing purse seiners from the Nakat Inlet THA. The gillnet and purse seine fleet agreed to this change with the assumption that increased releases in Kendrick Bay, Anita Bay, and Neets Bay would make up for the loss of the Nakat Inlet THA to the purse seine fleet.

SSRAA has increased chum salmon production in the Kendrick Bay THA to compensate the purse seine fleet for foregoing harvest in the Nakat Inlet THA. Historical harvest of coho and chum salmon in the Nakat Inlet THA, Kendrick Bay THA, and Neets Bay THA by drift gillnet and purse seine gear is presented in Table 267-1.

2008 information from enhanced catches from SSRAA releases from all harvest locations, including wild stock fisheries, is summarized in Table 267-2. Significant portions of returns of SSRAA's enhanced production are harvested in wild stock fisheries, although returns are targeted only in Terminal Harvest Area fisheries.

The status of value allocations of enhanced fish under 5 AAC 33.364 are summarized in oral and written reports to the board, as well as under in Figures 244-2, 244-4, and 244-6.

Initially, the department had concerns that during large returns, neither troll nor gillnet gear had the ability to harvest all surplus returns. Although returns have been moderate, the gillnet fleet has shown its ability to harvest all excess salmon returning to the Nakat Inlet THA.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

Table 267-1.–Chum and coho salmon harvest in numbers of fish by gillnet and purse seine fishers in Kendrick Bay, Neets Bay, and Nakat Inlet THAs, 1999 to 2008.

	Nakat Inlet (THA)				Kendrick Bay (THA)	Neets Bay (THA)			
	Gillnet		Purse Seine		Purse Seine	Gillnet		Purse Seine	
Year	Coho	Chum	Coho	Chum	Chum	Coho	Chum	Coho	Chum
1999	8	2,879	138	44,866	42,045				
2000	1,368	19,697	730	51,731	76,991		45		984
2001	425	32,719	34	36,449	32,518	491	*		
2002	1,252	16,408	592	46,263	4,352	33,956	13,466	42,365	9,156
2003	2,413	39,261	298	87,930	2,094	31,506	37,083	15,077	45,969
2004	518	24,892	564	114,883	55	19,411	10,829	5,968	5,711
2005	86	12,848	132	138,041	20,829	14,087	5,599	6,308	1,083
2006	1,187	26,113	1,505	339,339	284,061	1,003	2,320		*
2007	2,387	156,552	1,172	13,084	219,640		*	*	189
2008	1,607	79,725			163,571		143	*	235

* = Catch by three vessels or less is confidential.

Table 267-2.–2008 total enhanced salmon harvests in numbers of fish from SSRAA release sites (preliminary).

Species	Gillnet	Purse Seine
Coho salmon	83,400	10,400
Chinook salmon	10,320	7,090
Chum salmon	427,900	543,300

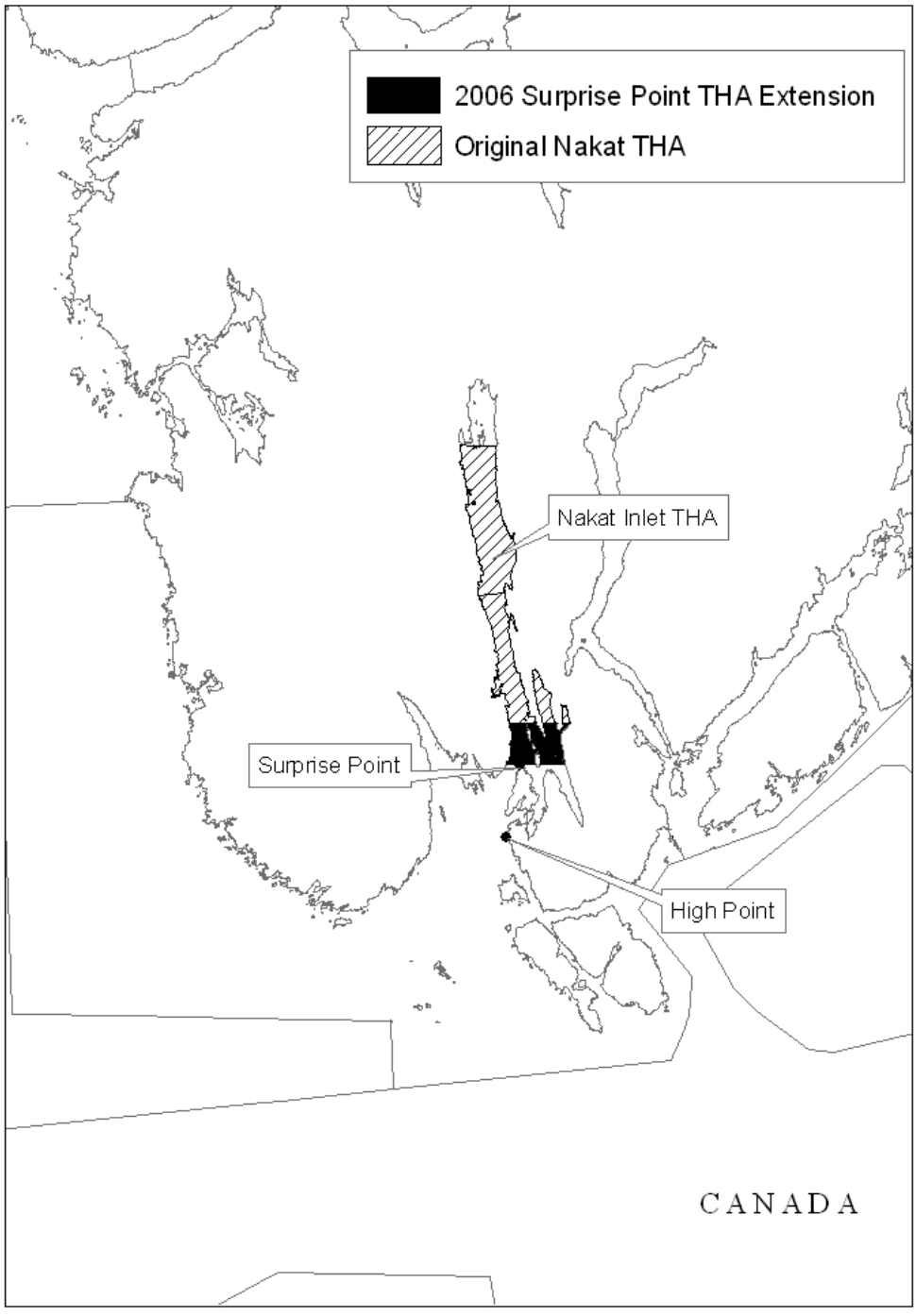


Figure 267-1.–Map of the Nakat Inlet THA.

PROPOSAL 268: 5 AAC 33.370. DISTRICT 1: NEETS BAY HATCHERY SALMON MANAGEMENT PLAN.

PROPOSED BY: Southeast Alaska Seiners Association.

WHAT WOULD THE PROPOSAL DO? Change the current fishing schedule in the Neets Bay Terminal Harvest Area (THA). Fishing opportunities would go to the gear group that is out of their enhanced allocation range. If both purse seiners and gillnetters are within their ranges, then a fishing scheme of one day for purse seiners followed by one day for gillnetters would be used.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow for a fishing schedule that allows both gear groups access to the Neets Bay THA resource after cost recovery is completed.

5AAC 33.370. District 1: Neets Bay Hatchery Salmon Management Plan.

(b) The department in consultation with Southern Southeast Regional Aquaculture Association (SSRAA) shall manage the Neets Bay….hatchery produced salmon between the purse seine, troll, and drift gillnet fleets by setting the fishing times for these fleets as follows:

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

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

(B) a gillnet opening must be no less than 24 hours in duration and a seine opening must be no less than 12 hours in duration;

5 AAC 33.364. Southeastern Alaska Area Enhanced Salmoln Alloction Management Plan provides for the overall regional allocation of value of harvests to purse seine, drift gillnet, and troll gear groups.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The fishing schedule in Neets Bay would be decided by enhanced allocations. The net gear group that is out of its range would be given the sole opportunity to harvest excess fish at the Neets Bay THA along with the trollers. If both net gear groups are in their range, then fishing periods would be based on a fishing time ratio of 1 to 1.

BACKGROUND: Neets Bay is a rearing and release site for the Southern Southeast Regional Aquaculture Association (SSRAA). Permitted capacities for SSRAA in Neets Bay include 49 million summer chum, 20 million fall chum, 2 million coho salmon, and 450,000 Chinook

salmon. Currently, SSRAA collects broodstock and conducts cost recovery to meet its corporation operating expenses within Neets Bay. When cost recovery needs are being met, SSRAA provides for a rotational gear fishery between purse seine and drift gillnet fleets based on a fishing time ratio of 2:1 drift gillnet to purse seine with continual fishing by troll gear (Table 268-1).

The waters of the Neets Bay THA were expanded by the Board of Fisheries in 2003 from the original lines that had been put into the management plan. This expanded area went west of the easternmost tip of Bug Island to include those waters of Neets Bay east of the longitude of Chin Point to the closed waters area at the head of the bay from the second Sunday in June through the third Sunday in July. This was done in order for SSRAA to harvest its incoming salmon in the best possible quality. In 2006, the Board of Fisheries extended the date on this expanded area to August 1.

The status of value allocations of enhanced fish under 5 AAC 33.364 are summarized in oral and written reports to the board, as well as under in Figures 244-2, 244-4, and 244-6.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

Table 268-1.–Salmon harvest by gear groups by number of fish in the Neets Bay THA, 1999 to 2008.

	Gillnet				Purse Seine				Troll			
Year	Chinook	Coho	Chum	Boats	Chinook	Coho	Chum	Boats	Chinook	Coho	Chum	Boats
1999									*	*	*	*
2000	*	*	*	*	*	*	*	*	1	357	1,028	8
2001	*	*	*	*	*	*	*	*	113	1,304	166,394	60
2002	294	33,956	13,466	36	607	42,365	9,156	27	95	-	-	3
2003	150	31,506	37,083	44	310	15,077	45,969	16	58	21	72,535	47
2004	47	19,411	10,829	42	1,379	5,968	5,711	13				
2005	244	14,087	5,599	34	2,572	6,308	1,083	13	*	*	*	*
2006	443	1,003	2,320	9	*	*	*	*	21	2	10,085	3
2007	353		74	4	*	*	*	*	136	6	4,977	4
2008	2,028		143	6	4,911	2	235	8	227	15	22	9

*=confidential data, less than 3 vessels landed fish

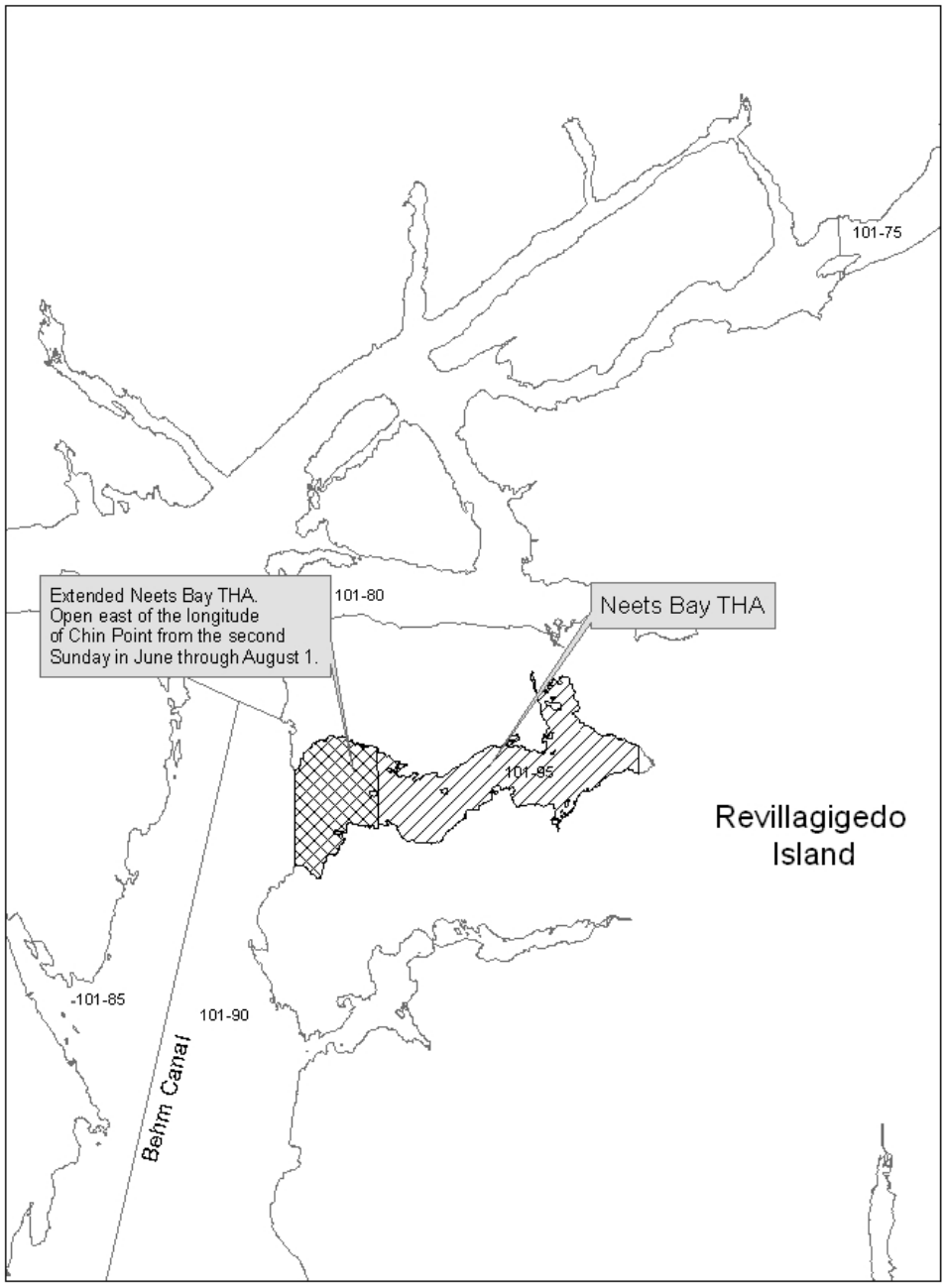


Figure 268-1.–Neets Bay Terminal Harvest Area.

PROPOSAL 269: 5 AAC 33.370. DISTRICT 1: NEETS BAY HATCHERY SALMON MANAGEMENT PLAN AND **5 AAC 47.021. (J)(4) SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA.** Amend this regulation to expand the boundary of the terminal king salmon harvest area in the Neets Bay.

PROPOSED BY: Ketchikan Guided Sportfish Association.

WHAT WOULD THE PROPOSAL DO? Expand the existing boundaries of the Neets Bay THA from inside Neets Bay proper out into Behm Canal and south to Clarence Strait. This would allow increased resident and nonresident bag limits of two fish in all waters along the western shore of Revillagigado Island bounded by a line from Point Higgins, west to Tatoosh Rocks, and north to Brow Point. The two fish daily bag limit would not count towards the nonresident harvest limit. Timing for this opening would coincide with the traditional Neets Bay Terminal Harvest Area typically opening mid June through end of July.

WHAT ARE THE CURRENT REGULATIONS? Regionwide bag limits are set based on Chinook salmon abundance as specified in the Southeast King Salmon Management Plan (**5 AAC 47.055**). Under the plan, the department may establish, by emergency order, the nonresident annual limits for king salmon under this section that do not apply in hatchery terminal harvest areas. In addition, the department's emergency order authority (**5 AAC 75.003**) provides the option of increasing limits (bag and annual), as well as methods and means in designated harvest areas when surplus hatchery fish are available.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would increase the harvest of king salmon by resident and nonresident anglers. The additional harvest of king salmon would likely include both treaty stocks (wild and non-Alaska hatchery) and the intended non-treaty stocks (Alaska hatchery). The treaty portion of the increased harvest would count towards the sport fishery king salmon allocation. This proposal would also increase the size of the Ketchikan Terminal Harvest Area (THA) fishery to include the remainder of sub-district 101-90 and a small portion of 101-80.

BACKGROUND: Currently, the department uses its emergency order authority to liberalize sport fishery regulations in the Ketchikan THA to target Alaska hatchery king salmon originating from four local facilities (Neets Bay, Deer Mountain, Whitman Lake, and Tamgas). Once hatchery broodstock needs are met and the hatchery composition of the total sport catch reaches 50% (unofficial criteria), the designated terminal areas are opened to harvest surplus king salmon, with an expanded bag limit of up to 6 king salmon of any size. This opening typically occurs in mid-June each year. From 2003 through 2008, an average of 57% of Chinook salmon harvested in the Ketchikan area have originated from Alaska hatcheries. From 2003 through 2008, an average of 72% of Chinook salmon harvested in creel statistical area 101-900 were Alaska hatchery fish.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on the allocative aspects of this proposal. However, the department prefers to continue to manage the harvest of excess hatchery-produced king salmon in THAs on an annual basis via inseason emergency order authority rather than have options fixed in regulation.

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

PROPOSAL 270: 5 AAC 47.021. SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS, AND METHODS AND MEANS FOR THE SALT WATERS OF SOUTHEAST ALASKA AREA. Close shoreline fishing at Herring Cove and change the hatchery release location.

PROPOSED BY: Janet Brand and Herring Cove residents.

WHAT WOULD THE PROPOSAL DO? This proposal would close shoreline fishing in Herring Cove and move the king and coho salmon release site to a new location.

WHAT ARE THE CURRENT REGULATIONS? Herring Cove Creek opens by regulation from the highway down to ADF&G markers from August 10 through December 31 for all species of salmon except for king salmon. Bag limits for coho, chum, sockeye, and pink salmon in combination are 2 fish daily, 2 in possession, 16 inches or longer. Herring Cove Creek upstream from the highway is closed to fishing.

Current saltwater regulations allow shoreline fishing for all species seaward of the mean low tide line in Herring Cove. Herring Cove is included in the Ketchikan Terminal Harvest Area (THA). The bag and possession limit for king salmon are increased in the THA by emergency order if it is determined that brook stock needs will be met. In 2008, the department issued an emergency order that increased the bag limit to six king salmon of any size and repealed the nonresident annual limit for king salmon harvested in the THA from June 17 through July 31.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Shoreline fishing would be prohibited in Herring Cove. The opportunity for shoreline anglers to catch and harvest salmon (primarily king and coho salmon) returning to Whitman Lake Hatchery via Herring Cove Creek would be eliminated. Closure of the shoreline fishery and/or relocating the existing release location would alleviate a majority of concerns expressed by the Herring Cove residents including trespassing, liability, and poor angler behavior. If the release location remains unchanged and the shoreline fishery is closed, a harvestable surplus potentially would not be fully utilized.

BACKGROUND: Herring Cove Creek is located 8 miles south of Ketchikan and is easily accessed by road. Herring Cove Creek is the release site for king and coho salmon for Whitman Lake Hatchery. In 1997, the department entered into a cooperative agreement with SSRAA in an effort to enhance king salmon fisheries in the Ketchikan area. Using this funding, Whitman Lake Hatchery releases 750,000 king salmon smolts resulting in an annual return of approximately 14,000 kings for the common property fishery.

Whitman Lake Hatchery also serves as the central incubation facility and the primary brood collection site for all of SSRAA's fall coho programs (Neets Bay, Nakat Inlet, Anita Bay, and Bakewell Lake). Coho salmon enhancement is funded by cost recovery and the commercial salmon tax. Whitman Lake Hatchery releases 300,000 coho salmon smolts resulting in an annual

return of approximately 26,000 coho salmon for the common property fishery and to provide for future broodstock needs.

Herring Cove has become the largest and most popular shoreline fishery in the Ketchikan area. The primary target species among shoreline anglers is king salmon, but anglers also target coho salmon returning in the fall. Herring Cove king salmon are popular among both resident and nonresident sport anglers. The majority of shoreline effort occurs in the saltwater area at the creek mouth. Most shoreline anglers harvest their fish by snagging.

The five year average annual sport fishing effort at Herring Cove shoreline is approximately 2,125 angler days. The five year average annual sport fishing effort in the Herring Cove marine fishery is 2,012 angler days; however, some anglers report their harvest in the Ketchikan Terminal Harvest Area or Mountain Point where the five year average annual sport fishing effort is approximately 8,591 and 7,526 angler days, respectively

Over the past nine years, local residents have expressed numerous concerns associated with the Herring Cove shoreline fishery. Herring Cove residents own the patented tidelands and public access is allowed via a 50' public access easement exposed only during low tides. Public access also occurs on state tidelands via Herring Cove Creek. Concerns from the residents include private property trespass, safety, property owner liability, litter, verbal harassment, carcass disposal, increased bear problems, fishing in closed waters, illegal harvest techniques, limited enforcement, and a lack of parking and restroom facilities.

There is very limited parking and no public facilities or developed public access at Herring Cove. Since 1999, the department has presented a number of access improvement projects to the Herring Cove residents including the addition of trails, fishing piers, parking, and vaulted restrooms. Some project proposals were dismissed based on logistical or financial reasons and other proposals were not supported by local residents for fear that the actions would attract more visitors to the area. The consensus among Herring Cove residents was that additional access was not needed. Efforts by the department have been made to lease private property and develop existing state land for parking, to provide bear proof trash cans, to improve signage, and to provide portable toilets.

DEPARTMENT COMMENTS: The Department is **NEUTRAL** on this proposal because it is allocative between shoreline anglers and boat anglers. There are no biological or conservation concerns with king and coho salmon returning to Whitman Lake Hatchery.

COST ANALYSIS: Whitman Lake Hatchery and ADF&G would incur additional costs if the release site is moved to a new location. These costs would include scoping and permitting for a new location, along with the additional costs for remote releases and remote brood collection for both king and coho salmon.

PROPOSAL 271: 5 AAC 33.383(d)(3). DISTRICT 7: ANITA BAY TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN.

PROPOSED BY: Southeast Alaska Seiners Association.

WHAT WOULD THE PROPOSAL DO? Seine fishing time in the Anita Bay Terminal Harvest Area (THA) would double in June and July. Gillnet fishing time would be reduced in half during that same time period. The existing consultation process between the department and Southern Southeast Regional Aquaculture Association (SSRAA) will become formalized in regulation.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 33.383 DISTRICT 7: Anita Bay Terminal Harvest Area Salmon Management Plan.

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

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

5 AAC 33.364. Southeastern Alaska Area Enhanced Salmon Allocation Management Plan provides for the overall regional allocation of value of harvests to purse seine, drift gillnet and troll gear groups.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If the department, through consultation with SSRAA, decided to have a fishing schedule similar to the past several years with a 24-hour closure between each opening, the following schedule would occur: during June and July: seine fishing time would increase from one 24-hour opening every five days to one 48-hour opening every five days; and gillnet fishing time would decrease from one 48-hour opening every five days to one 24-hour opening every five days. Increased fishing time for seiners would increase harvests of king salmon and chum salmon by seiners. Decreased fishing time for gillnetters would decrease harvests of king salmon and chum salmon by gillnetters. Increased fishing time for seiners would probably attract more seiners to the THA and reduce fishing effort in adjacent common property areas in District 7 in July. Decreased gillnet fishing time would probably reduce the number of gillnetters fishing in the THA in June and July. More gillnet effort would probably shift to adjacent common property fishing areas in District 6 and District 8.

BACKGROUND: Anita Bay was initially used as a remote release site for releases from Burnett Inlet Hatchery, which was operated by the Alaska Aquaculture Foundation Incorporated. Enhanced returns of pink and chum salmon first occurred there in 1994. In 1997, the first THA was defined and the management plan for a common property fishery was passed by the board. This was done because the department needed a method for harvesting the returning salmon if the hatchery was unsuccessful at harvesting them. The hatchery went bankrupt in the spring of 1997 and the last returns from AAFI releases occurred in 2000. In 2001, SSRAA transferred the release of king, coho, and chum salmon from Earl West Cove to Anita Bay. The first fish (coho salmon) returned to Anita Bay from SSRAA releases in 2002 and that was the first year a common property harvest occurred on enhanced returns in the Anita Bay THA.

Starting in 2004, there were more significant returns harvested by both seine and gillnet gear. Gillnetters averaged an annual harvest of 1,533 king salmon (Figure 271-1), 2,222 coho salmon, and 61,923 chum salmon (Figure 271-2) from 2004 to 2008. Seiners averaged 2,248 king salmon, 2,697 coho, and 82,953 chum salmon during that same time period. Since SSRAA returns have started occurring in Anita Bay, gillnetters in the closely adjacent areas of District 8 (108-10 and 20) have significantly increased their harvest of all three of those species (Figure 271-3). Average annual harvests in statistical areas 108-10 and 108-20 by the gillnet fleet have averaged 1,848 king salmon, 9,233 coho salmon, and 102,084 chum salmon from 2004 to 2008. Purse seine harvests of Anita Bay chum salmon in District 7 are shown in Table 260-2 for 2004-2008, and averaged 26,000 chum over this 5-year period.

See Figure 260-1 for a map of Anita Bay and surrounding waters.

The status of value allocations of enhanced fish under 5 AAC 33.364 are summarized in an oral and written reports to the board as well as under in Figures 244-2, 244-4, and 244-6.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

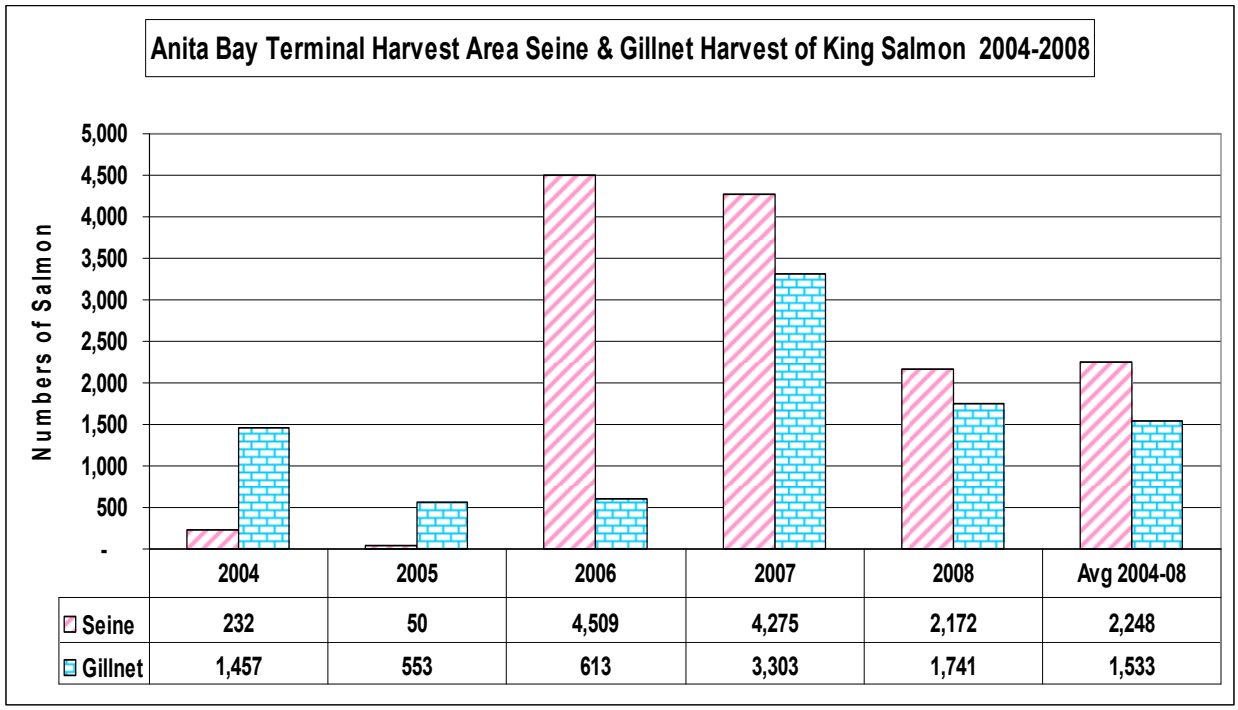


Figure 271-1.–Harvest of king salmon in Anita Bay from 2004 to 2008 by seine and gillnet gear.

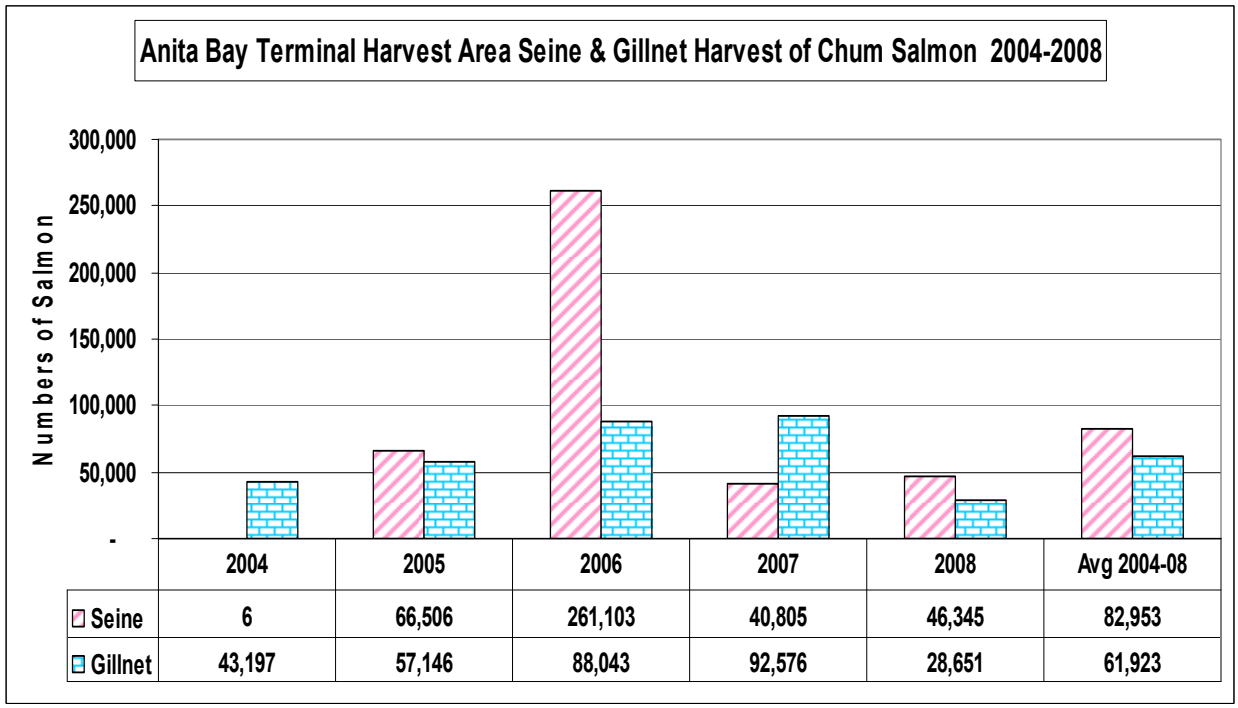


Figure 271-2.–Harvest of chum salmon in Anita Bay from 2004–2008 by seine and gillnet gear.

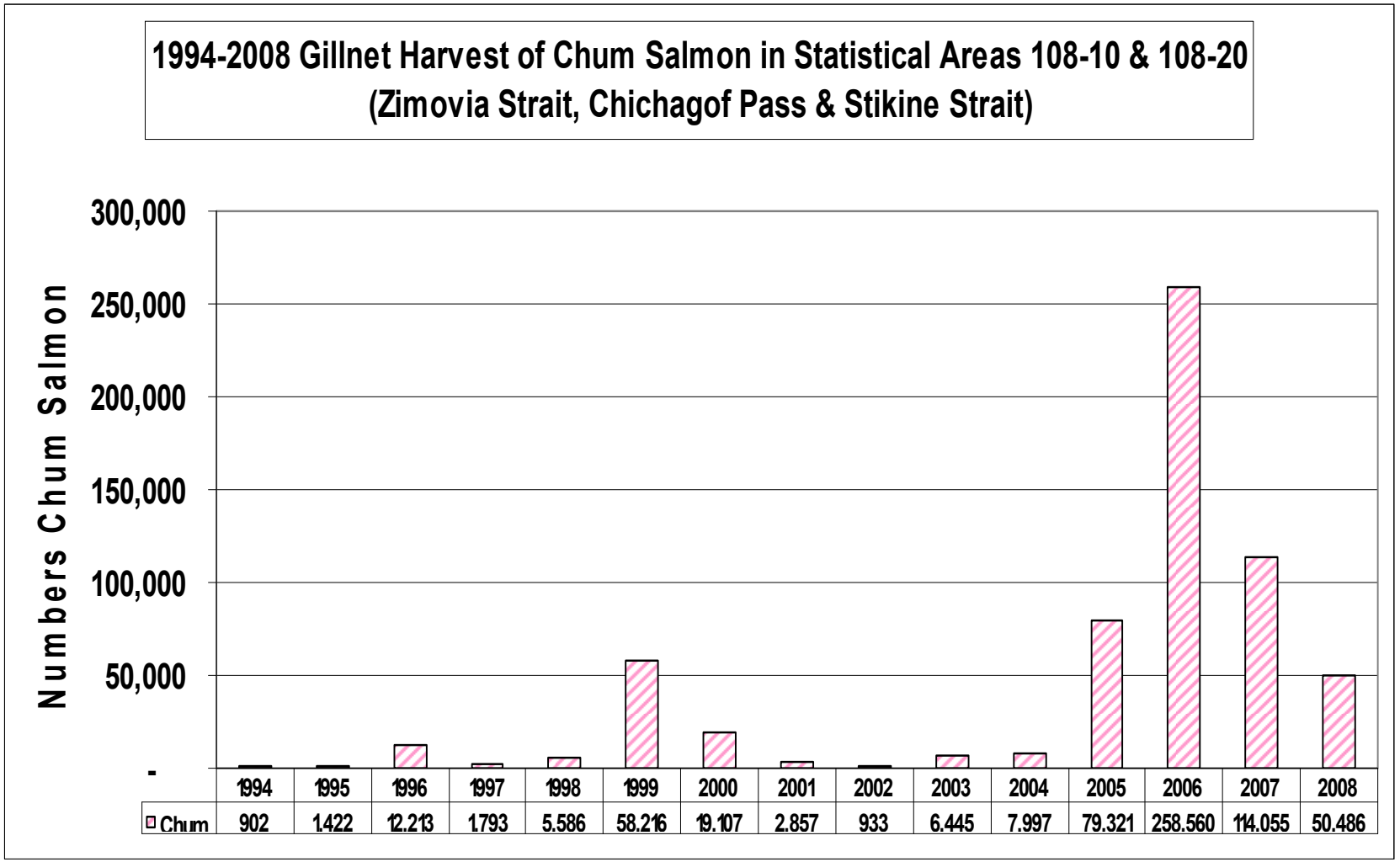


Figure 271-3.–Gillnet harvest of chum salmon in Statistical Areas 108-10 and 108-20 from 1994 to 2008.

PROPOSAL 272: 5 AAC 40.071. DISTRICT 9: GUNNUK CREEK SPECIAL HARVEST AREA. and **5AAC 40.073. DISTRICT 9: SOUTHEAST COVE SPECIAL HARVEST AREA.**

PROPOSED BY: Henrich Kadake.

WHAT WOULD THE PROPOSAL DO? The proposal would develop a management plan for Gunnuk Creek Hatchery which is located at Kake. The proposal would limit the common property harvest to seining and trolling. The proposal asks that when a common property seine fishery occurs an equal split fishery be instituted.

WHAT ARE THE CURRENT REGULATIONS?

5AAC 40.071. District 9: Gunnuk Creek Special Harvest Area. (c) The commissioner shall open and close, by emergency order, fishing periods for common property fisheries to harvest excess salmon returning to the Gunnuk Creek salmon hatchery.

5AAC 40.073. District 9: Southeast Cove Special Harvest Area. (c) The commissioner shall open and close, by emergency order, fishing periods for the common property fisheries to harvest excess salmon returning to the Gunnuk Creek salmon hatchery.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There is currently not a management plan written into regulation outlining how the harvest of fish excess to brood and cost recovery would be distributed in Gunnuk Creek special harvest areas. However, the existing gear types that would presently be able to fish in the area are seine and troll. Each year the department and the hatchery operator write an Annual Management Plan which the Commissioner signs. Ever since the hatchery began producing returning salmon, the hatchery's Annual Management Plan has identified that all the existing returns would be used for broodstock and cost recovery. Adopting a management plan into regulation would not change any aspect of the harvest of these fish for the foreseeable future. An equal share fishery would distribute the harvest evenly among seiners.

BACKGROUND: The hatchery at Gunnuk Creek was originally operated as a scientific and educational facility through the Kake School District from 1976 through 1979. From 1980 to present, it has been operated by the Kake Nonprofit Fishery Development Corporation. The first construction on the hatchery at the existing site occurred in 1980. Improvements and renovations occurred in a number of years including 1982, 1988, 1992, and 1995. These improvements increased the egg take capacity from about 3 million to about 70 million. Between 1980 and 1991, permitted egg limits for the hatchery changed in a series of steps from 3 million to 65 million eggs. The hatchery was started as a dual-species hatchery with both pink and chum salmon permitted. However, chum salmon have always been the primary focus, with the hatchery permitted for 65 million total eggs, of which 5.5 million may be pink salmon. Pink

salmon egg takes were stopped after 1993 and then restarted again in 2007. Coho salmon have been raised for release at several remote enhancement sites. Starting in 2005, the hatchery has been taking less than 50,000 coho salmon eggs for release at the hatchery site. Pink salmon donor stocks have been Gunnuk Creek and a nearby stream called Point White Creek. Chum salmon stocks were originally fall chum salmon from Security Bay Creek on northern Kuiu Island. The cost of the remote egg takes coupled with difficulty in taking large numbers of eggs and poor returns from that stock prompted the hatchery to request that they be switched to summer chum salmon stock from Hidden Falls Hatchery. Chum salmon eggs were obtained from Hidden Falls for one cycle from 1985 through1988. Hidden Falls has remained a donor stock and has provided eggs occasionally when there have been poor returns to Gunnuk Creek Hatchery. Coho salmon eggs are obtained from Gunnuk Creek coho salmon.

Prior to 1988, all the releases occurred at Gunnuk Creek, which is in the middle of the village of Kake. Starting in 1988, Southeast Cove, about 6 miles southwest of Kake on the northeast corner of Kuiu Island, became the major release site (Figure 272-1). This site is used for cost recovery while the fry releases at Gunnuk Creek site are designed to produce brood stock for the hatchery.

Annual chum salmon egg takes produced less than 2 million eggs until eggs were obtained from Hidden Falls Hatchery in 1985. After Hidden Falls Hatchery eggs were obtained for a five-year cycle, it took several more cycles for the hatchery to reach its permitted capacity in 1997. From then until 2003, egg takes exceeded 54 million each year. Since then, egg takes have been declining. Chum salmon egg takes were 25 million, 44 million, 25 million, and 8 million each year from 2005 through 2008. Pink salmon egg takes were 6 million in 2007 and 2 million in 2008. Chum salmon returns to the terminal areas remained below 400,000 fish through 2002. The hatchery had its best return in 2003 when about 1.2 million chum salmon were harvested for cost recovery at Southeast Cove. 2004 was the last good year of returns with about 0.6 million chum salmon harvested at Southeast Cove. Since then, returns have been poor, not providing enough fish for the hatchery to fill its permitted egg capacity. The hatchery has about $13 million in outstanding debt.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. Gunnuk Creek Hatchery will probably need at least several decades before it will have paid off its debt and be returning salmon surplus to its needs. Therefore, it will be quite awhile before the department would consider opening a common property fishery on stocks returning to the hatchery's terminal harvest areas. It would be more appropriate to create regulations dealing with those potential returns after the hatchery returns become more consistent and after significant steps have been made towards paying down the hatchery's indebtedness.

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

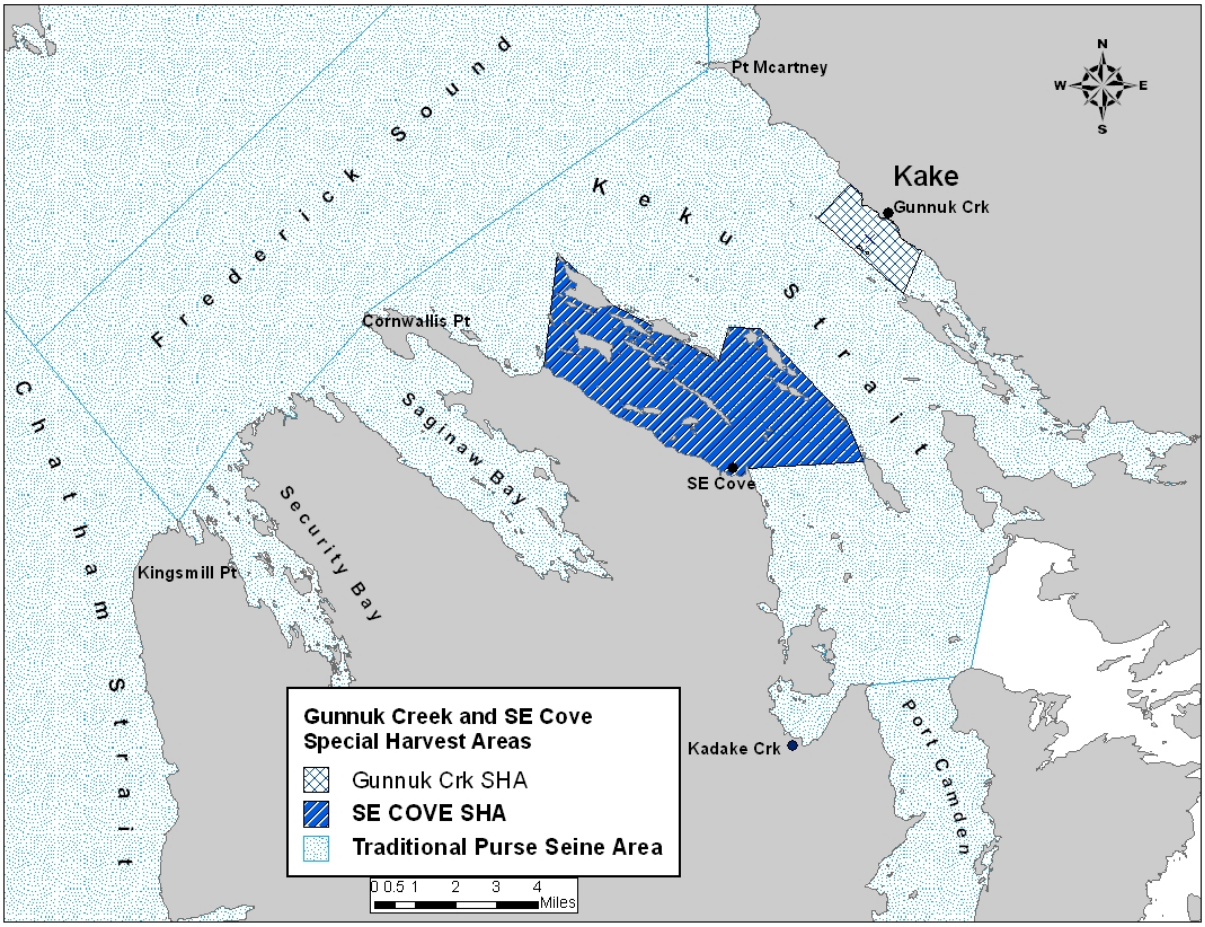


Figure 272-1.–Gunnuk Creek SHA, Southeast Cove SHA and surrounding traditional purse seine area.

PROPOSAL 273 AND 274: 5 AAC 33.376(B)(1)(B). DISTRICT 13: DEEP INLET TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN.

PROPOSED BY: Southeast Joint Regional Planning Team (Proposal 273) and Southeast Alaska Seiners Association (Proposal 274).

WHAT WOULD THE PROPOSAL DO? Amend the regulation to use a 1:1 ratio for gillnet and seine openings in the Deep Inlet Terminal Harvest Area (THA) for 2009 to 2011. This ratio would sunset after the 2011 season.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 33.376. District 13: Deep Inlet Terminal Harvest Area Salmon Management Plan.

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

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

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

(B) the time ratio for gillnet openings to seine openings is two to one;

5 AAC 33.364. Southeastern Alaska Area Enhanced Salmon Allocation Management Plan provides for the overall regional allocation of value of harvests to purse seine, drift gillnet and troll gear groups.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would effectively reduce the proportion of harvest by the gillnet fleet and increase the proportion harvest by the seine fleet of hatchery chum salmon returning to the Deep Inlet THA.

BACKGROUND: The Deep Inlet THA is located in southern Sitka Sound. The Northern Southeast Regional Aquaculture Association (NSRRA) operates the Deep Inlet salmon enhancement project. Both Hidden Falls stock and Medvejie Hatchery stock chum salmon are

released in Deep Inlet. Hidden Falls chum salmon comprise about one-third of the total releases at Deep Inlet and the adults return during the month of July. The remaining two-thirds of the releases are Medvejie stock chum salmon that return in August. In 2008, a total of 51.5 million chum salmon fry were released in Deep Inlet.

Since 1993, the Deep Inlet THA management plan has provided for a 2:1 ratio of gillnet to seine fishing time. During the past ten years (1999–2008) the average total common property harvest of chum salmon was 1,442,646 fish, with gillnetters harvesting 26%, seiners harvesting 63%, and trollers harvesting 11% of the total on average (Table 273-1). During the past five years, gillnetters have harvested 32%, the seiners 56%, and the trollers 12% of an average common property harvest of 1,139,187 chum salmon. Trollers harvest 98% of their total catch outside of the Deep Inlet THA. Seiners also harvest significant numbers of hatchery chum salmon in the Sitka Sound traditional seine fishery with harvests ranging from 2,500 to 394,000 and averaging 154,000 chum salmon over the past five years.

There are no traditional gillnet fisheries in the Sitka Management Area and most gillnetters must travel long distances from traditional gillnet areas to participate in the Deep Inlet fishery. If the rotational schedule is reduced to a 1:1 time ratio, fewer gillnet boats are likely to travel to Sitka Sound to participate in the Deep Inlet fishery. Conversely, traditional seine fisheries occur in Sitka Sound and surrounding areas. Increased seine opportunity in the Deep Inlet fishery will likely result in increased seine effort in the Sitka Management Area traditional seine fisheries.

The status of value allocations of enhanced fish under 5AAC 33.364 are summarized in oral and written reports to the board, as well as under in Figures 244-2, 244-4, and 244-6.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on these allocative proposals. If the board chooses to adopt a 1:1 time ratio for seine and gillnet, the board might give consideration to providing a different rotational schedule during the period from early May through mid-June. Since providing for this early season opportunity, seiners have not begun fishing in Deep Inlet until the middle of June. During this period, hatchery Chinook salmon returning to Medvejie Hatchery are the targeted species and chum salmon are not caught in significant numbers until the last week of June.

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.

Table 273-1.–Deep Inlet hatchery chum salmon harvest by gear, 1999–2008. (Source: NSRAA)

Year	Troll	Seine	Gillnet	Grand Total
1999	67,348	2,602,058	608,452	3,277,858
2000	449,625	2,159,519	619,501	3,228,645
2001	188,700	388,975	267,158	844,833
2002	80,585	285,345	186,584	552,514
2003	87,582	528,146	210,948	826,676
2004	145,858	1,023,757	421,070	1,590,685
2005	165,046	564,171	430,655	1,159,872
2006	141,145	1,120,211	651,689	1,913,045
2007	179,084	112,850	113,091	405,026
2008	54,718	362,862	209,727	627,307
Grand Total	1,559,691	9,147,894	3,718,875	14,426,461
10 Year Average	155,969	914,789	371,888	1,442,646
Percent of Total	11%	63%	26%	100%
5 Year Average	137,170	636,770	365,246	1,139,187
Percent of Total	12%	56%	32%	100%

PROPOSAL 275: 5 AAC 33.372. DISTRICT 1: NAKAT INLET TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal would clarify and update the Nakat Inlet Terminal Harvest Area (THA) management plan in three ways. These changes would include: clarification of opening and closing dates, modification of the southern boundary and removal of the northern boundary line in the THA, and deletion of the reference to seining to be consistent with changes to the Nakat Inlet THA management plan adopted by the board in 2006.

WHAT ARE THE CURRENT REGULATIONS? Current regulations describe the transition year for changing the fisheries in the Nakat THA from purse seine, drift gillnet, and troll to drift gillnet and troll only. The department would also recommend placing fishery opening and closing dates that are currently implemented by emergency order authority into regulation. Regulations also describe an open area that is smaller than is currently used for the gillnet fleet.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The department currently uses its emergency order authority to open and close fishing periods and to extend the fishing area in the Nakat Inlet THA. Adoption of this proposal would make less work for the department and allow the management plan to more accurately mirror fishery actions. Removing obsolete regulations would simplify the management plan allowing it to be easier understood by both the department and industry.

BACKGROUND: Since its inception, the Nakat Inlet management plan allowed both purse seiners and gillnetters access to the Nakat Inlet THA. In 2006, the board approved regulations removing purse seiners from the Nakat Inlet THA. This two year change-over was described in regulations which now can be removed to allow for more concise regulations. The department is also attempting to clarify the opening and closing dates which are currently not clear for all gear groups in the management plan. The southern line of the Nakat Inlet THA has been moved to Surprise Point for the past three seasons by emergency order to provide for additional fishing area. The northern line was removed by emergency order last season due to the removal of purse seine gear that catches increased numbers of pink salmon. The department would like to put both of the border changes into regulation.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal and considers it housekeeping in nature.

The department submitted this proposal in light of the regulatory changes the board adopted during the 2006 meeting for the Nakat Inlet THA management plan. Proposal 267 seeks to

modify the actions taken by the board in 2006 and if that proposal were adopted, there would be significant ramifications to this housekeeping proposal. The department recommends that the board defer action on proposal 275 until final action is taken on proposal 267.

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

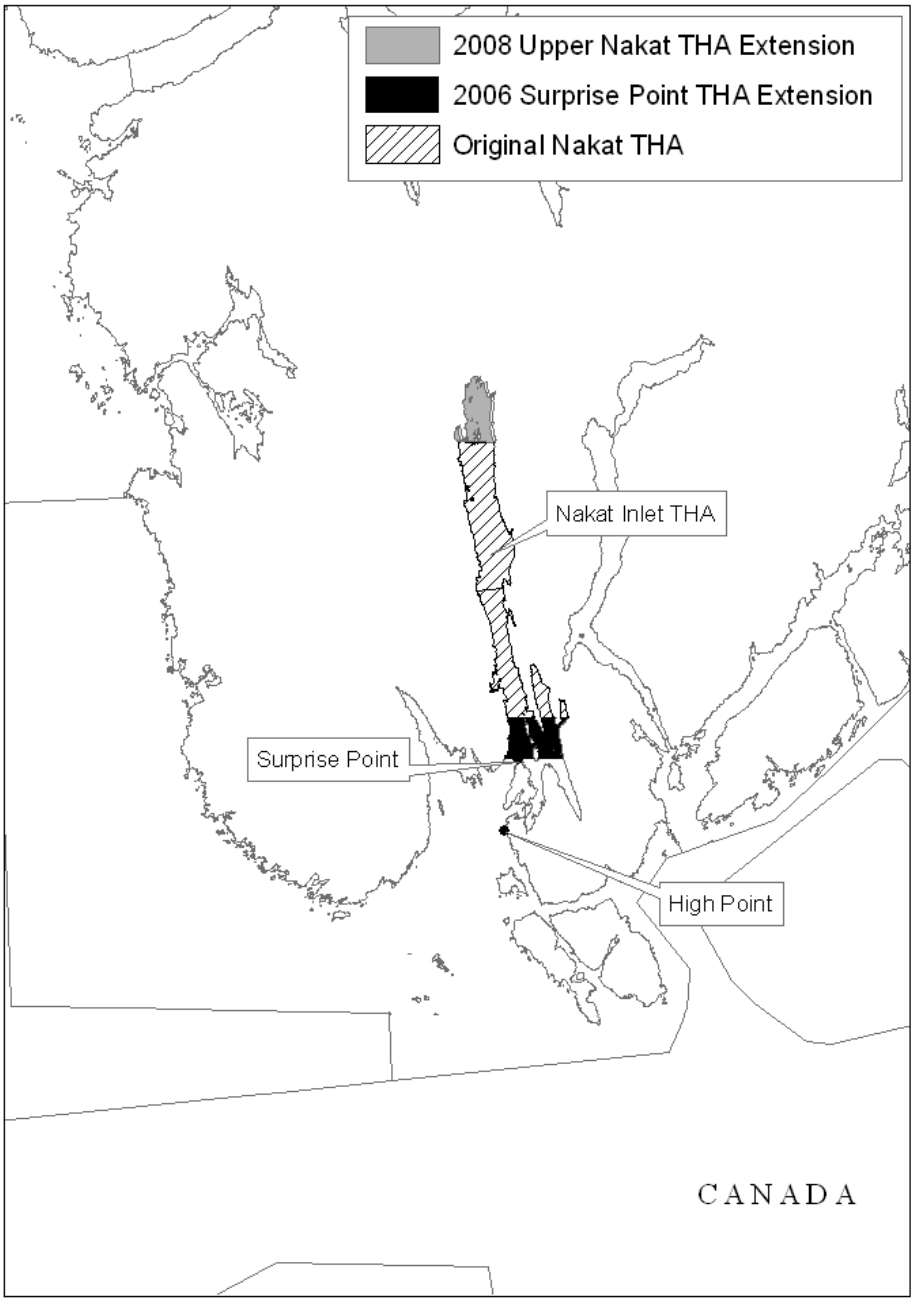


Figure 275-1.–Nakat Inlet Terminal Harvest Area.

PROPOSAL 276: 5 AAC 33.371. DISTRICT 1: CARROLL INLET TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Repeal the Carroll Inlet Terminal Harvest Area (THA) management plan.

WHAT ARE THE CURRENT REGULATIONS: Current regulations describe a Carroll Inlet THA that allows for harvest of Chinook salmon.

5 AAC 33.371. District 1: Carroll Inlet Terminal Harvest Area Salmon Management Plan.

(a) This management plan distributes the harvest of hatchery-produced king salmon in the Carroll Inlet Special Harvest Area between the purse seine, troll, and drift gillnet fleets.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the waters of Carroll Inlet north of Nigelius Point (55º 33.50' N. lat.) to distribute the harvest of hatchery-produced king salmon as follows:

(1) June 11–July 10, salmon may be taken by troll gear only during periods established by emergency order;

(2) June 25–July 10, salmon may be taken by seines and drift gillnets only during periods established by emergency orders as follows:

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

(B) a gillnet opening must be no less than 24 hours in duration and a seine opening must be no less than 12 hours in duration.

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

(d) Salmon may be taken in the special harvest area under sport fishing regulations at any time.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The Carroll Inlet THA management plan is obsolete. Removal of these regulations will have no effect as the area is no longer utilized as a THA.

BACKGROUND: The board established the Carroll Inlet THA in anticipation that common property fisheries would take place by net and troll gear. However, the Chinook salmon program for this area was not entirely successful and was abandoned. The last Chinook salmon returned in 2001 and no more releases are planed for this area. The department in conjunction with SSRAA does not plan to utilize this are in the future.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this housekeeping proposal.

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

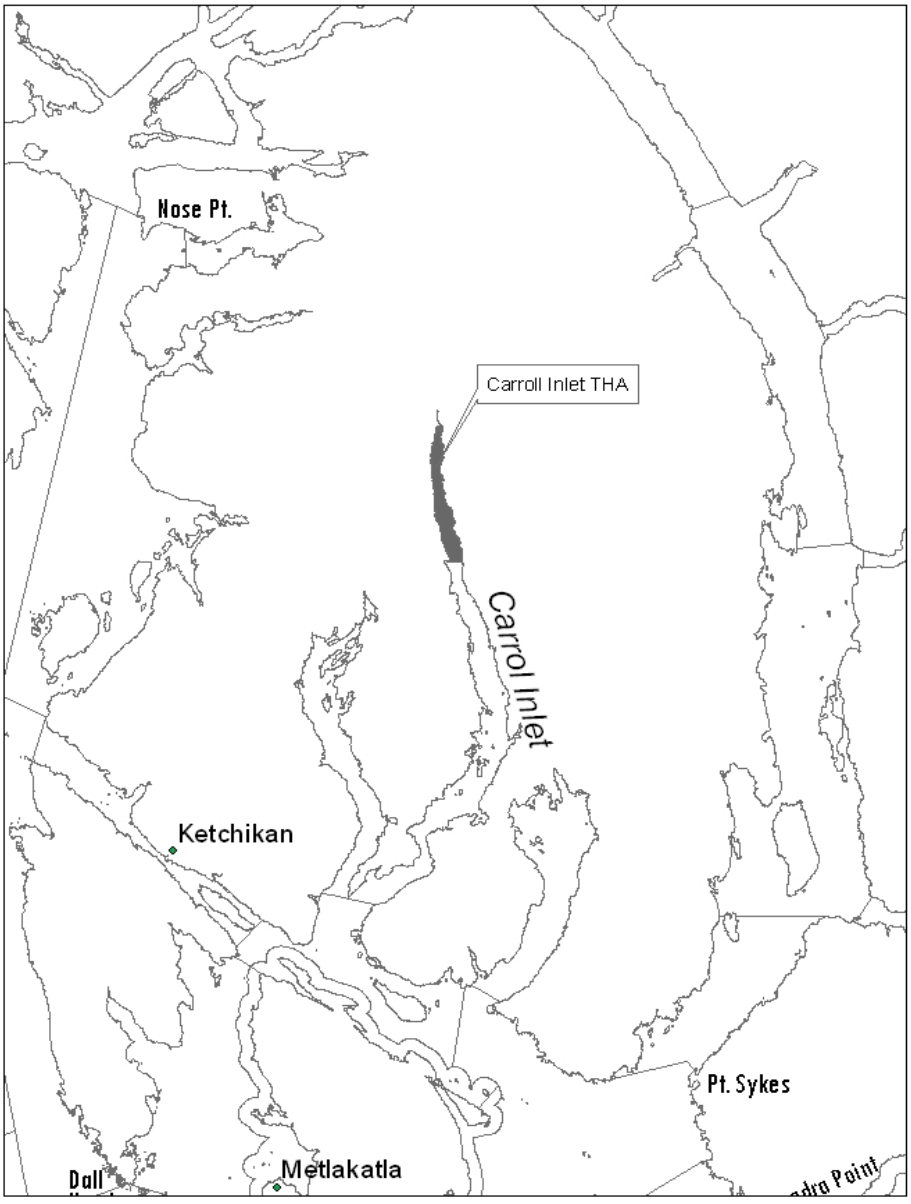


Figure 276-1.–Carroll Inlet Terminal Harvest Area.

PROPOSAL 277: 5 AAC 33.377. DISTRICT 2: KENDRICK BAY TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Clarify regulations for the Kendrick Bay Terminal Harvest Area (THA) salmon management plan.

WHAT ARE THE CURRENT REGULATIONS? Current regulations describe a management plan for the Kendrick Bay THA.

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

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

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage Kendrick Bay west of 131º59' W. long. and set the fishing times for the seine fishery as follows: salmon may be taken by seines only during periods established by emergency order.

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

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

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

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

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Regulations would be more concise and would not require the department to close the Kendrick Bay THA with an emergency order.

BACKGROUND: The Kendrick Bay THA is a remote release site that is utilized by SSRAA for an enhanced chum salmon program. The management plan currently in regulation is working well overall. The department would like to establish fishery opening and closing dates that have commonly been implemented by emergency order authority in regulation.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this housekeeping proposal.

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

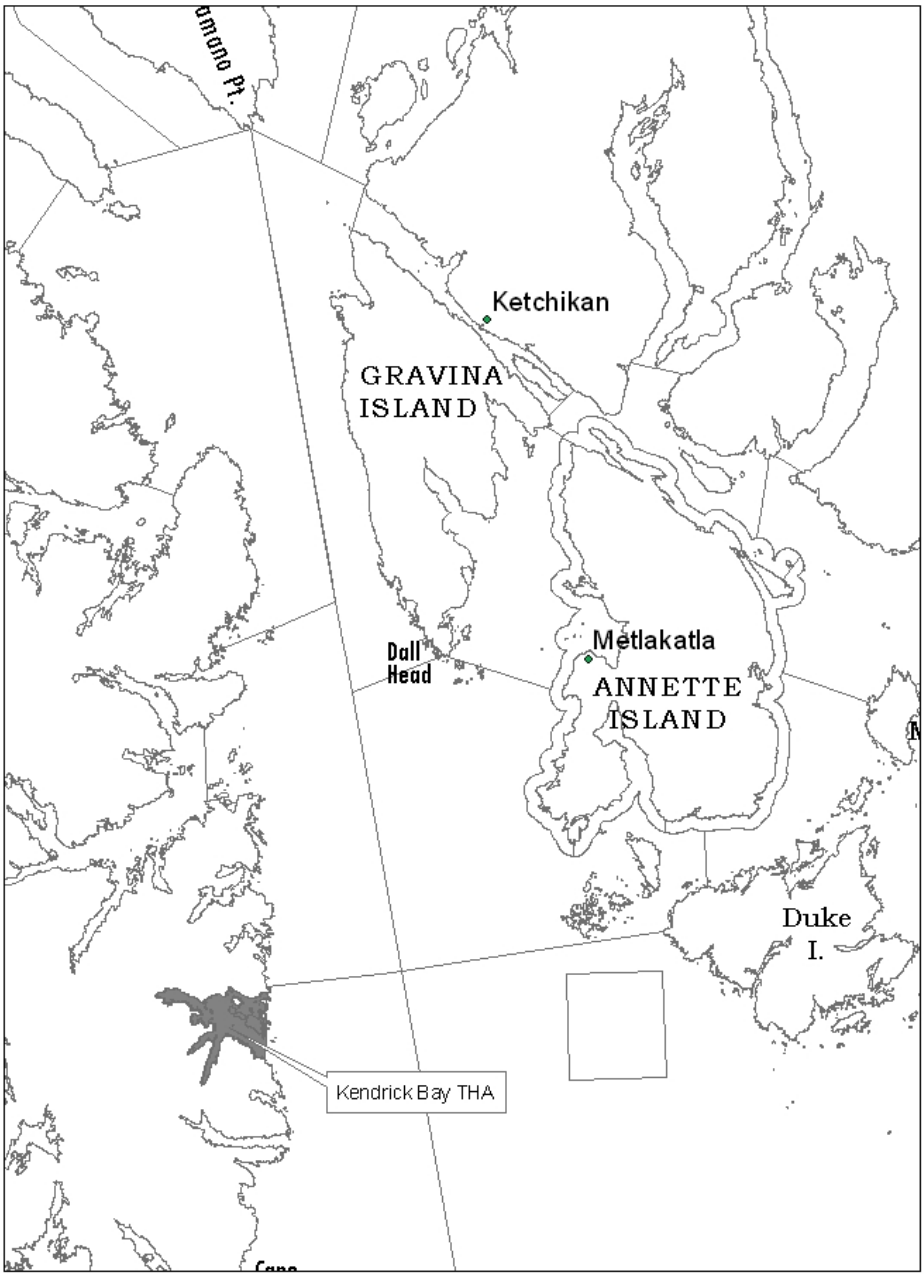


Figure 277-1.–Kendrick Bay Terminal Harvest Area.

PROPOSAL 278: 5 AAC 33.381 DISTRICT 6: WRANGELL NARROWS-BLIND SLOUGH TERMINAL HARVEST AREA MANAGEMENT PLAN.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would describe in regulation the southern boundary (Figure 278-1) of the Wrangell Narrows-Blind Slough Terminal Harvest Area (THA).

WHAT ARE THE CURRENT REGULATIONS? 5AAC 33.381 District 6: Wrangell Narrows-Blind Slough Terminal Harvest Area Management Plan. (a) This management plan distributes the harvest of Crystal Lake Hatchery king and coho salmon returns to the terminal waters of Wrangell Narrows in Section 6-A south of 56° 46' N. lat. and east of the longitude of the northern tip of Woewodski Island and the fresh waters of Blind Slough upstream of a line between the Blind Point and Anchor Point, among fisheries while protecting hatchery broodstock.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Emergency orders would no longer have to be written to add the southern boundary of the THA. Fishers, Fish and Game personnel, Alaska Wildlife Troopers, and others could refer to the regulation book for a complete description of the THA.

BACKGROUND: The Wrangell Narrows-Blind Slough THA is located in Wrangell Narrows south of the city of Petersburg (Figure 278-1). The THA supports a large sport fishery and a commercial troll fishery for hatchery returns of Chinook salmon. In August and September, returning wild and hatchery coho salmon support sport, personal use, and commercial troll fisheries.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this housekeeping proposal. When the management plan was written into regulation, the southern boundary line was inadvertently left out.

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

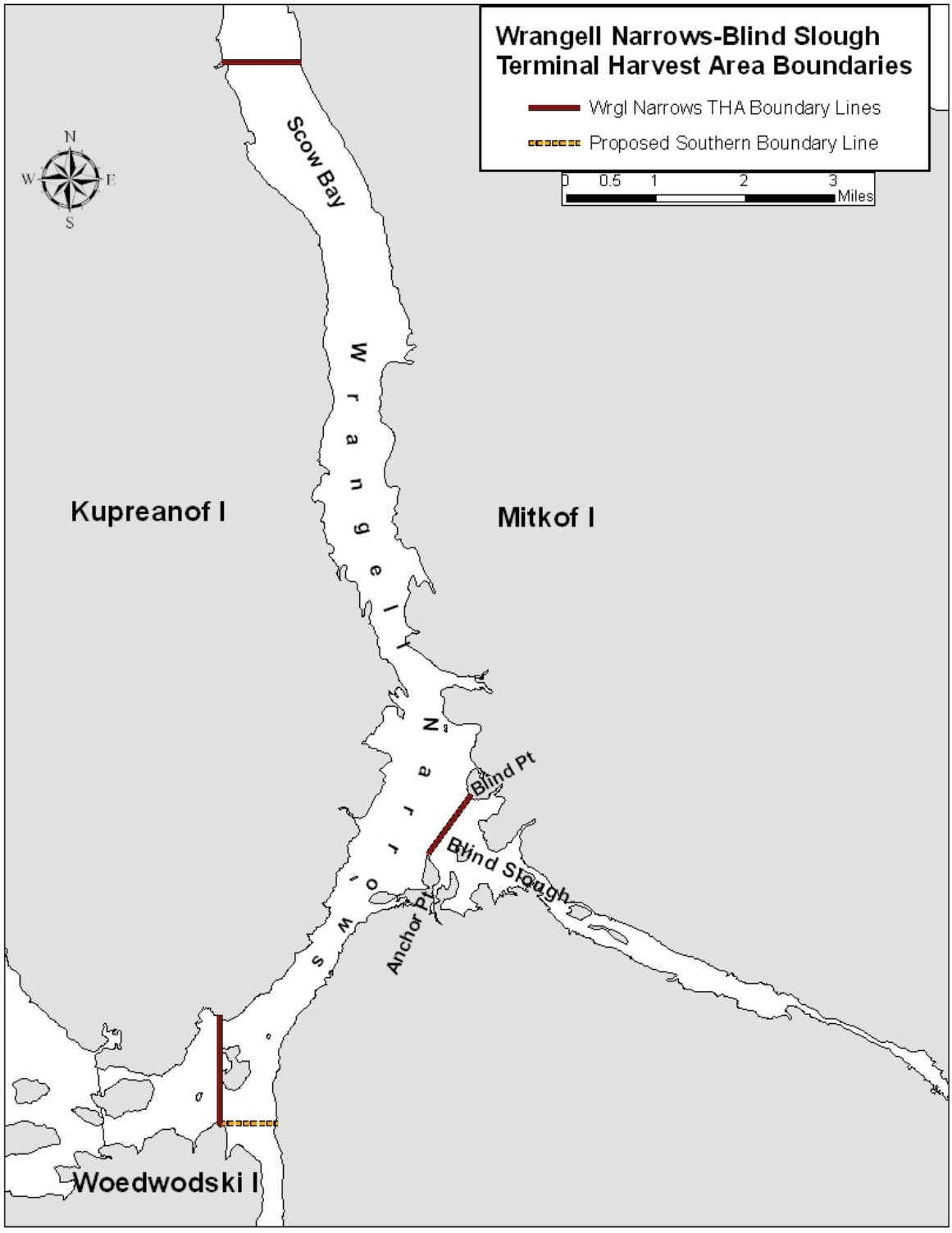


Figure 278-1.–Wrangell Narrow-Blind Slough THA boundaries and proposed southern boundary.

PROPOSAL 279: 5 AAC 33.373 EASTERN PASSAGE TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would remove the Eastern Passage Terminal Harvest Area (THA) management plan from regulation.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 33.373 Eastern Passage Terminal Harvest Area Salmon Management Plan.

a) This management plan distributes the harvest of hatchery-produced king, chum, and coho salmon in the Eastern Passage Special Harvest Area between the purse seine, troll, and drift gillnet fleets.

(b) The department, in consultation with the Southern Southeast Regional Aquaculture Association (SSRAA), shall manage the waters of Eastern Passage south of 56º 24.83' N. lat. and west of 132º 06.60' W. long. from June 15 through November 10 to distribute the harvest of hatchery-produced king, chum, and coho salmon as follows:

(1) salmon may be taken by troll gear …

(2) salmon may be taken by purse seines and drift gillnets …

(3) after the last rotational fishery on October 10…,

(c) Repealed 4/23/94.

(d) A drift gillnet operated in the special harvest area ….

(e) Salmon may be taken in the special harvest area under sport and personal use…

(f) The provisions of this section do not apply after December 31, 2008.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would be eliminate obsolete regulatory language.

BACKGROUND: In 2000, the SSRAA moved its remote release site for coho, chum, and Chinook salmon from Earl West Cove in the Eastern Passage THA to Anita Bay. After 2003, there were no significant returns of hatchery produced salmon to Eastern Passage THA. Eastern Passage THA was open on a rotational basis in 2004 and was open concurrently for troll, purse seine, and gillnet in 2005. The 2005 season was the last season the THA was open to target returns of hatchery produced salmon.

In 2003, when addressing the Eastern Passage THA management plan, the board adopted the regulatory language contained in section "f". The board recognized by the end of 2008 there

would no longer be returns of any salmon released at Earl West Cove to return to the Eastern Passage THA. Section "f" was meant to be a sunset clause that would delete the Eastern Passage THA management plan from regulation after December 31, 2008.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this housekeeping proposal. However, since section "f" would delete the management plan by default, no action needs to be taken on this proposal.

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

PROPOSAL 280: 5 AAC 40.081. DISTRICT 9: PORT ARMSTRONG SPECIAL HARVEST AREA.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to establish cost recovery openings for the Port Armstrong Special Harvest Areas (SHA) in regulation. This proposal also seeks to close the Port Armstrong SHAs to common property commercial fishing, in regulation, to insure the salmon hatchery operator meets their cost recovery and brood stock requirements.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 40.081. District 9: Port Armstrong Special Harvest Area.

(a) The Port Armstrong Special Harvest Area for Chinook salmon consists of the waters of Port Armstrong west of 134° 39.47' W. long.

(b) The Port Armstrong Special Harvest Area for pink and coho salmon consists of the waters of Port Armstrong west of a line from Point Eliza at 56° 17.73' N. lat., 134° 38.75' W. long. to a point on the Baranof Island shoreline at 57° 17.98' N. lat., 134° 38.35' W. long.

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

(d) The commissioner shall open and close, by emergency order, fishing periods for common property fisheries to harvest excess salmon returning to the Port Armstrong salmon hatchery.

(e) Notwithstanding 5 AAC 33.330, legal gear types for the hatchery permit holder in the special harvest area are purse seine, hand purse seine, beach seine, dip net, drift gillnet with six inch or larger mesh, and troll gear.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The effect of this proposal would be to close the Port Armstrong SHAs from 12:01 a.m. July 31 until 11:59 p.m. September 30 to all common property commercial fisheries. This proposal would also open the Port Armstrong SHA for cost recovery harvest from 12:01 a.m. April 15 until 11:59 p.m. July 31 for king salmon and from 12:01 a.m. June 15 until 11:59 p.m. October 31 for pink, chum, and coho salmon.

BACKGROUND: Every year the Port Armstrong SHAs are opened to cost recovery harvest and closed to common property harvests by emergency order. The dates that the SHAs are open for cost recovery and closed for common property harvests remain consistent from year to year. This proposal would place these dates in regulation, eliminating the need for the ADF&G to annually write an emergency order.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

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 281: 5 AAC 33.385. MIST COVE TERMINAL HARVEST AREA SALMON MANAGEMENT PLAN.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to close the Mist Cove Special Harvest Area (SHA) to common property commercial salmon fishing to insure the salmon hatchery operator meets their cost recovery and brood stock requirements.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 33.385. Mist Cove Terminal Harvest Area Salmon Management Plan.

(a) The Mist Cove Terminal Harvest Area for coho salmon using troll gear is established adjacent to and exclusive of the Mist Cove Special Harvest Area specified in 5 AAC 40.042(a)(8). The Mist Cove Terminal Harvest Area consists of the waters that are outside of the Mist Cove Special Harvest Area and north of the latitude of 56° 28.00' N. lat., west of a line from 56° 28.00' N. lat., 134° 37.00' W. long. to Patterson Point Light to a point on the Baranof Island shore at 56° 32.52' N. lat., 134° 40.18' W. long. and east of the longitude of 134° 41.00' W. long. in Deep Cove.

(b) The commissioner shall open and close, by emergency order, fishing seasons and periods to manage the harvest of excess salmon returning to the Mist Cove Terminal Harvest Area.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The effect of this proposal would be to close the Mist Cove SHA from 12:01 a.m. July 31 until 11:59 p.m. September 30 to all common property commercial fisheries.

BACKGROUND: Every year the Mist Cove SHA is closed to common property commercial salmon fishing by emergency order to insure the salmon hatchery operator meets its cost recovery and brood stock requirements. The time period of the closure remains consistent from year to year. This proposal would place this closure in regulation relieving the department of writing an emergency order annually.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. Opening Mist Cove to hatchery cost recovery harvests is addressed in proposal 282.

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 282: 5 AAC 40.042. NORTHERN SOUTHEAST REGIONAL AQUACULTURE ASSOCIATION SPECIAL HARVEST AREAS.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to establish cost recovery openings for the Northern Southeast Aquaculture Association's (NSRAA) Special Harvest Area's (SHAs), in regulation, to insure the salmon hatchery operator meets its cost recovery and broodstock requirements. The proposal also seeks to repeal regulations that refer to areas no longer used as hatchery release sites.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 40.042. Northern Southeast Regional Aquaculture Association Special Harvest Areas.

(a) The following special harvest areas are established for the Northern Southeast Regional Aquaculture Association:

(1) repealed 4/23/94;

(2) Sea Lion Cove, all waters within a 50-yard radius of the terminus of ADF&G stream # 113-61-005 at mean low tide;

(3) Patterson Bay, all waters of Patterson Bay north of 56° 34' N. lat.;

(4) Bear Cove, for king salmon: the waters of Bear Cove and Silver Bay east of a line from 57° 00.63' N. lat., 135° 09.80' W. long., to 57° 00.75' N. lat., 135° 10.58' W. long. to 57° 01.07' N. lat., 135° 09.93' W. long.;

(5) Hidden Falls,

(A) for chum and king salmon: the waters of District 12 within two nautical miles of the Baranof Island shoreline south of the latitude of South Point and north of 57° 06.83' N. lat., excluding the waters of Kelp Bay;

(B) for coho salmon: Kasnyku Bay west of a line from 57° 13.33' N. lat., 134° 50.93' W. long. to the northernmost tip of an unnamed island of Kasnyku Bay located at 57° 12.93' N. lat., 134° 51.40' W. long. and then due south to the southern shore of Kasnyku Bay;

(6) Silver Bay, for chum salmon:

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

westernmost tip of Error Island, to the northernmost tip of Luce Island, and to the westernmost tip of Silver Point;

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

(7) Deep Inlet: the waters of Deep Inlet, Aleutkina Bay, and contiguous waters south of a line from a point on the westernmost end of Cape Burunoff at 56° 59.04' N. lat., 135° 23.23' W. long., to a point west of Cape Burunoff at 56° 59.11' N. lat., 135° 23.59' W. long., to a point one-half mile west of the westernmost tip of Long Island at 57° 00.17' N. lat., 135° 22.69' W. long., to the westernmost tip of Long Island, to the easternmost tip of Long Island, to the westernmost tip of Emgeten Island, to the westernmost tip of Error Island, to the westernmost tip of Berry Island, to the southernmost tip of Berry Island, to the westernmost tip of the southernmost island in the Kutchuma Island group, to the easternmost tip of the southernmost island in the Kutchuma Island group, to the westernmost tip of an unnamed island at 57° 00.30' N. lat., 135° 17.67' W. long., to a point on the southern side of the unnamed island at 57° 00.08' N. lat., 135° 16.78' W. long., and then to a point on the Baranof Island shore at 56° 59.93' N. lat., 135° 16.53' W. long.;

(8) Mist Cove: the waters of Mist Cove west of a line from 56° 31.70' N. lat., 134° 39.87' W. long. to 56° 31.27' N. lat., 134° 39.75' W. long.;

(9) Shamrock Bay: the waters of Shamrock Bay east of 135° 08' W. long.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The effect of this proposal would be to place NSRAA's SHA cost recovery harvest opening and closure dates in regulation. This proposal also seeks to repeal regulations that refer to the Sea Lion Cove SHA and the Shamrock Bay SHA because these areas are no longer used for hatchery rearing and release locations.

BACKGROUND: Every year the NSRAA's SHAs are opened to cost recovery harvest by emergency order. The dates the SHAs are opened to cost recovery have been consistent from year to year and could be written into regulation. This proposal would eliminate the need for ADF&G to annually write an emergency order opening the SHAs.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this housekeeping proposal.

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 283: 5 AAC 40.030. DISTRICT 13: SHELDON JACKSON SPECIAL HARVEST AREAS.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to establish cost recovery openings for the Sheldon Jackson Special Harvest Areas (SHAs) in regulation and modify the boundaries of one of the Sheldon Jackson SHAs.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 40.030. District 13: Sheldon Jackson Special Harvest Areas.

(a) There are established under the provisions of 5 AAC 40.005 the following Sheldon Jackson Special Harvest Areas:

(1) the waters of Crescent Bay and Eastern Anchorage enclosed by a line from the northernmost end of the John O'Connel Bridge to the southernmost end of the bridge to the northeasternmost tips of Aleutski Island, Turning Island, Kutkan Island, Morne Island, and Twin Islands to the westernmost tips of Ring and Dove Islands then west to the southeasternmost tip of Cannon Island; only pink, chum, and king salmon may be harvested in the special harvest area;

(2) all waters enclosed by a line from the southeast corner of the Crescent Harbor breakwater (57° 02.97' N. lat., 135° 19.27' W. long.) to a point on the beach approximately 150 yards southeast of the hatchery stream outlet (57° 02.97' N. lat., 135° 19.27' W. long.); coho salmon only may be harvested in this area.

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The effect of this proposal would be to establish cost recovery openings in the Sheldon Jackson SHAs from 12:01 a.m. July 20 until 11:59 p.m. September 15 for king, pink, and chum salmon and from 12:01 a.m. August 15until 11:59 p.m. October 31 for coho salmon. This proposal would also modify the boundary of one of the Sheldon Jackson SHAs to remove the mouth of Indian River.

BACKGROUND: Every year the Sheldon Jackson SHAs are opened to cost recovery harvest by emergency order. The dates that the SHAs are open for cost recovery remain consistent from year to year and could be written into regulation, eliminating the need for the ADF&G to annually write an emergency order opening the SHAs.

This proposal also modifies the boundaries of one of the Sheldon Jackson SHAs for pink, chum and king salmon to minimizing disruption of common property commercial fisheries targeting wild stock pink salmon returning to Indian River (Figure 283-1). The current Sheldon Jackson

SHA for pink, chum, and king salmon encompasses the mouth of Indian River which is a significant wild pink salmon producing river. Cost recovery in the Sheldon Jackson SHA should be focused closer to the hatchery outlet stream to ensure cost recovery is not targeting wild stock salmon returning to Indian River.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

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.

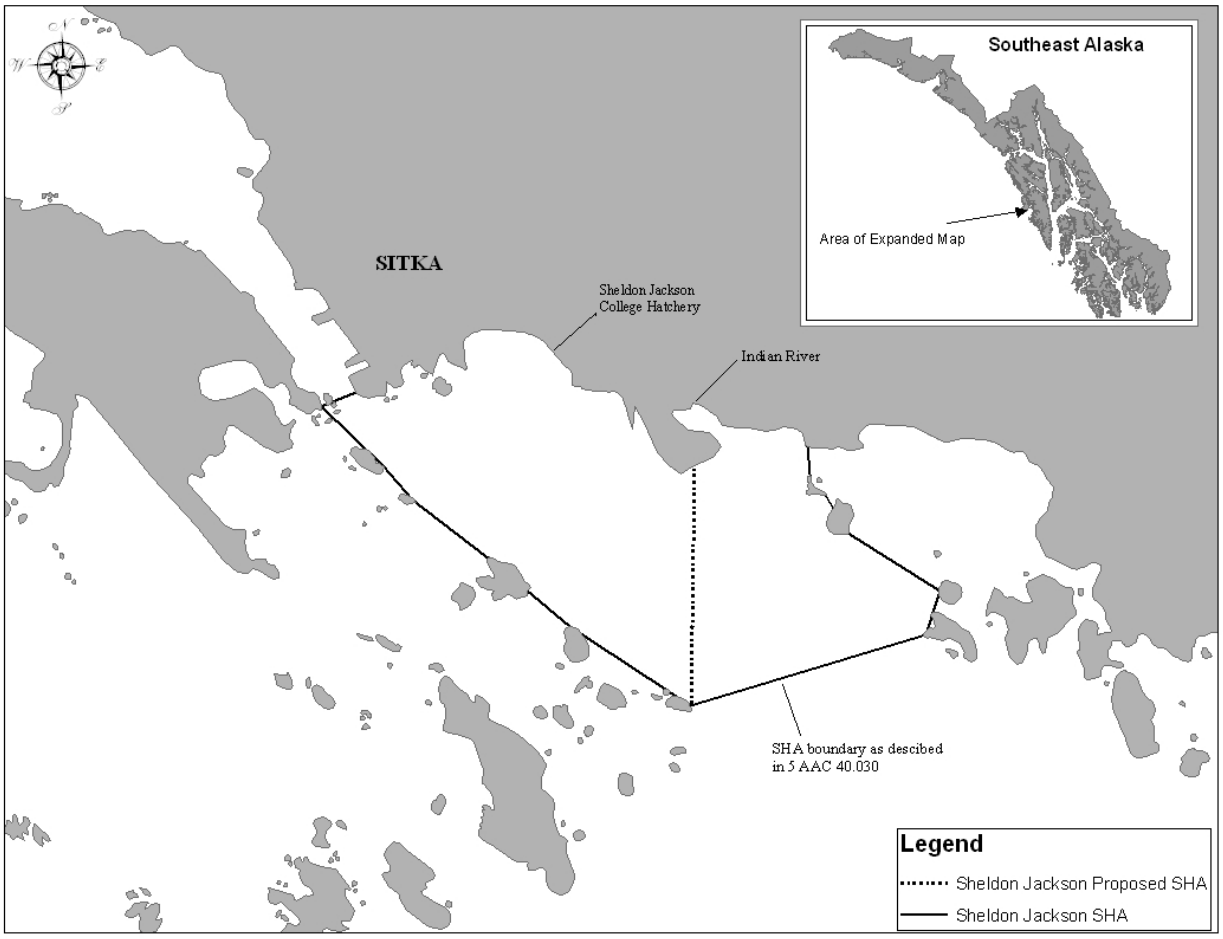


Figure 283-1.–Proposed Sheldon Jackson Special Harvest Area boundary area line change.

PROPOSAL 284: 5 AAC 33.XXX. DISTRICT 15: BOAT HARBOR TERMINAL HARVEST AREA MANAGEMENT PLAN.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Create a management plan for the Boat Harbor Terminal Harvest Area (THA) in District 15.

WHAT ARE THE CURRENT REGULATIONS? There is currently no management plan pertaining to the Boat Harbor THA in regulation.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This would be a new regulation that would place management actions that have consistently been implemented via emergency order into regulation. Placing these routine management actions into regulation would provide greater transparency for the drift gillnet fleet and save the department time.

BACKGROUND: Chum salmon releases in the Boat Harbor area started in 1988 and currently support substantial harvests of chum salmon in the District 15 commercial drift gillnet fishery. Fishing effort and wild stock harvest trends have stabilized in recent years and the department implements fairly routine management actions including fishing area and fishing time via emergency order. This proposal seeks to place management actions commonly implemented via emergency order into regulation.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this housekeeping proposal.

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 285: 5 AAC 40.044. BURRO CREEK FARMS SPECIAL HARVEST AREA.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Repeal an outdated and unnecessary regulation.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 40.044. Burro Creek Farms Special Harvest Area—Taiya Inlet.

(a) There is established the Burro Creek Farms Special Harvest Area consisting of all waters of Taiya Inlet within a 500-yard radius of the terminus of Burro Creek.

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

(c) Notwithstanding 5 AAC 33.330, legal gear for the hatchery permit holder in the special harvest area is beach seine, purse seine and gillnet.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? None, other than there would be no confusion by retaining an outdated Special Harvest Area in regulation.

BACKGROUND: In 2007, Burro Creek Farms cancelled its permit to operate a hatchery in Taiya Inlet. Hatchery operations ceased in 2000 and there are no plans to continue hatchery-related activity at Burro Creek. The permit is nontransferable; therefore, the private non-profit permit cancellation is permanent.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this housekeeping proposal.

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 286: 5 AAC 47.021. SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS AND METHODS AND MEANS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA and **5AAC 47.023 SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS AND METHODS AND MEANS FOR THE FRESH WATERS OF THE SOUTHEAST ALASKA AREA.** Define possession limits in Southeast Alaska waters as the maximum number of fish a person may possess until returning to their domicile

PROPOSED BY: Alaska Trollers Association.

WHAT WOULD THE PROPOSAL DO? Define possession limits in Southeast Alaska as the maximum number of fish a person may have in their possession until returning to their domicile.

WHAT ARE THE CURRENT REGULATIONS? Possession limit is defined as the maximum number of unpreserved fish that a person may have in possession (**5 AAC 75.995 (20)**). Preserved fish must be prepared in a manner as to be fit for human consumption after a 15-day period [5 AAC 75.995 (21)].

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The proposal would reduce the number of fish harvested by recreational anglers who freeze or otherwise preserve fish before they return to their domicile. The proposed definition of possession would apply to Alaska residents and nonresidents, whether they are guided or unguided anglers. The department has no way to assess the magnitude of the potential harvest reduction; however, it is expected that nonresident anglers would sustain the largest reduction.

BACKGROUND: The issue being addressed by this proposal is the perception that sport harvest is not counted accurately, especially the harvest of guided and nonresident anglers. The submitters of this proposal are concerned that this could cause stock declines especially in years of low abundance.

Currently, freshwater fishing guides and saltwater charter operators are required to record fishing effort, fish harvest, and catch data by individual anglers (that are identified by name and fishing license number) in logbooks on a trip-by-trip basis. Logbook data are required to be submitted weekly. The department also conducts on-site creel surveys in all the major ports of Southeast Alaska. During creel surveys, the size and species composition of the harvest is sampled, and estimates of effort, harvest, and catch are obtained for guided and unguided anglers. In addition, the department conducts an annual postal survey of a portion of all license holders to estimate catch, harvest and effort for resident and nonresident anglers in all areas of the state.

An almost identical proposal was submitted to the board in 2006, at which time the board tabled the proposal and recommended a workgroup review this issue and prepare a proposal. The work group (task force) met once and discussed organization of the task force, but did not recommend a definition for possession limits.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal because it is unable to determine how such a regulation could be successfully monitored and enforced. Harvest in sport fisheries is controlled by bag, possession, and annual limits, methods and means, and time and area closures that are established either in regulation or by emergency order. Where and how fish are transported, and in what quantity, does not affect the department's ability to manage for sustained yield. This proposal addresses no specific conservation issue. The department is **NEUTRAL** on the allocative aspects of this proposal.

In addition, this proposal seeks to change the statewide definition of "possession" only for Southeast Alaska (5 AAC 75.995). The department believes that any change of a statewide definition is more appropriately made at the statewide board meeting. If the objective of this proposal is to allocate fish between sport and other gear groups, the department requests that the board consider doing so under existing sport fishing regulations, such as differential annual limits or bag and possession limits.

COST ANALYSIS: Approval of this proposal may result in additional costs for these private persons to participate in this fishery. Resident and nonresident anglers who fish away from their domicile may find it necessary to make multiple trips to their domicile or ship their catch to their domicile under the proposed definition of possession.

PROPOSAL 287: 5 AAC 47.021. SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS AND METHODS AND MEANS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA and **5AAC 47.023. SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS AND METHODS AND MEANS FOR THE FRESH WATERS OF THE SOUTHEAST ALASKA AREA.** Define possession limits in Southeast Alaska waters as the maximum number of fish a person may possess until returning to their domicile.

PROPOSED BY: Benny B. Mitchell, Donna Mitchell, and Eric Jordan.

WHAT WOULD THE PROPOSAL DO? Define possession limits in Southeast Alaska as the maximum number of fish a person may have in their possession until returning to their domicile.

WHAT ARE THE CURRENT REGULATIONS? Possession limit is defined as the maximum number of unpreserved fish that a person may have in possession (**5 AAC 75.995 (20)**. Preserved fish must be prepared in a manner as to be fit for human consumption after a 15-day period (**5 AAC 75.995 (21)**).

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The proposal would reduce the number of fish harvested by recreational anglers who freeze or otherwise preserve fish before they return to their domicile. The proposed definition of possession would apply to Alaska residents and nonresidents, whether they are guided or unguided anglers. The department has no way to assess the magnitude of the potential harvest reduction; however, it is expected that nonresident anglers would sustain the largest reduction.

BACKGROUND: The issue being addressed by this proposal is the perception that sport harvest is not counted accurately, especially the harvest of guided and nonresident anglers. The submitters of this proposal are concerned that this could cause stock declines especially in years of low abundance.

Currently, freshwater fishing guides and saltwater charter operators are required to record fishing effort, fish harvest, and catch data by individual anglers (that are identified by name and fishing license number) in logbooks on a trip-by-trip basis. Logbook data are required to be submitted weekly. The department also conducts on-site creel surveys in all the major ports of Southeast Alaska. During creel surveys, the size and species composition of the harvest is sampled, and estimates of effort, harvest, and catch are obtained for guided and unguided anglers. In addition, the department conducts an annual postal survey of a portion of all license holders to estimate catch, harvest and effort for resident and nonresident anglers in all areas of the state.

An almost identical proposal was submitted to the board in 2006, at which time the board tabled the proposal and recommended a workgroup review this issue and prepare a proposal. The work group (task force) met once and discussed organization of the task force, but did not recommend a definition for possession limits.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal because it is unable to determine how such a regulation could be successfully monitored and enforced. Harvest in sport fisheries is controlled by bag, possession, and annual limits, methods and means, and time and area closures that are established either in regulation or by emergency order. Where and how fish are transported, and in what quantity, does not affect the department's ability to manage for sustained yield. This proposal addresses no specific conservation issue. The department is **NEUTRAL** on the allocative aspects of this proposal.

In addition, this proposal seeks to change the statewide definition of "possession" only for Southeast Alaska (5 AAC 75.995). The department believes that any change of a statewide definition is more appropriately made at the statewide board meeting. If the objective of this proposal is to allocate fish between sport and other gear groups, the department requests that the board consider doing so under existing sport fishing regulations such as differential annual limits or bag and possession limits.

COST ANALYSIS: Approval of this proposal may result in additional costs for these private persons to participate in this fishery. Resident and nonresident anglers who fish away from their domicile may find it necessary to make multiple trips to their domicile or ship their catch to their domicile for the purpose of preserving the catch under the proposed definition of possession.

PROPOSAL 288: 5 AAC 47.020. GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA. Establish a nonresident coho salmon annual limit of 12 fish and require nonresident anglers to have nontransferable harvest record in possession when angling for coho salmon.

PROPOSED BY: Alaska Trollers Association.

WHAT WOULD THE PROPOSAL DO? This proposal would establish a nonresident annual limit of 12 coho salmon 16" or greater in length and require nonresidents to immediately record coho salmon harvests on a nontransferable harvest record.

WHAT ARE THE CURRENT REGULATIONS? There is no annual limit on coho salmon and anglers are not required to possess a nontransferable harvest record when fishing for coho salmon. The current harvest limits on coho salmon 16 inches or greater in length are 6 daily and 12 in possession.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Based on charter logbook data, a 12 fish nonresident annual limit would have reduced the guided nonresident harvest by roughly 9,000 fish (9%) in 2006 and roughly 15,500 fish (11%) in 2007. Assuming the same percent reduction for the total nonresident harvest (guided and unguided), the total sport harvest of coho salmon in Southeast Alaska would have been reduced by 14,000 fish in 2006 and 24,000 fish in 2007. The reduction with respect to the combined sport and commercial harvest would have been about 1%. Logbook data also indicate that about 11% of guided nonresident anglers in 2006 and 2007 harvested more than 12 coho salmon.

BACKGROUND: Since 1995, the harvest of coho salmon by nonresident sport anglers has been highly variable with a slightly increasing trend. Harvests by resident anglers have been relatively stable with no clear trend. From 2003 to 2007, nonresident sport anglers harvested an average of about 241,000 coho salmon annually and this represented 78% of the total sport harvest and 9% of the total taken in the sport and commercial fisheries combined.

Although the sport fishery is not managed for a coho salmon harvest allocation, inseason catch rates in the fishery are estimated biweekly and the total sport harvest has been projected. The proposal also suggests that an annual limit would aid managers in estimating sport harvest. However, current annual limits established by the board are used solely to limit harvest; either for allocative purposes or to manage conservatively when there is insufficient stock assessment information.

Coho salmon escapement, smolt production, and total return are monitored at indicator streams throughout the region. Smolt production in some streams and overall marine survival in the region have declined in recent years. However, with very few exceptions, observed escapements have been within or above escapement goal ranges and there are no current stocks of concern. The department can, by emergency order, restrict harvest in the sport fishery with time and area closures, bag limit reductions, and by modifying methods and means.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. However, the department is **OPPOSED** to establishing a harvest restriction in the absence of a coho salmon conservation concern or harvest allocation for the sport fishery.

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

PROPOSAL 289: 5 AAC 47.020. GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA. Require nonresidents to record coho harvest on a nontransferable harvest record.

PROPOSED BY: Alaska Trollers Association.

WHAT WOULD THE PROPOSAL DO? This proposal would require nonresident anglers to possess a nontransferable harvest record while fishing for coho salmon and immediately record the date and location of their coho salmon harvests on the card or license.

WHAT ARE THE CURRENT REGULATIONS? There is no annual limit for coho salmon and anglers are not required to possess a harvest record when fishing for this species. The current limits for coho salmon 16 inches or greater in length are: 6 per day, 12 in possession.

5 AAC 75.995 (20) "possession limit" means the maximum number of unpreserved fish a person may have in his possession.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? There would be no change in the sport harvest. Although it is unclear how it would be achieved, proponents of this proposal indicate that sport harvests would be monitored more effectively.

BACKGROUND: To date, harvest records have been required only for species for which an annual limit exists. When an annual limit exists, anglers must have a nontransferable harvest record while fishing and immediately record the date and location of harvests in ink on the card or on the back of their license. Harvest recording provides accounting of harvested fish that contribute to an angler's annual harvest limit. A harvest record is available on the back of every sport fishing license, and harvest record cards are available at license vendors and department offices for anglers that do not need a sport fishing license.

From 2003 to2007, nonresident anglers harvested an average of 241,123 coho salmon in fresh and salt water. This represented 78% of the total sport harvest and 9% of the total harvest taken in the sport and commercial fisheries combined.

Lower coho salmon smolt production in some streams and a reduction in marine survival have been observed in recent years. However, with very few exceptions, observed escapements have been within or above escapement goal ranges and there are no current stocks of concern.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal because it is unclear how it would improve enforcement efforts at monitoring bag and possession limits. Compliance with bag and possession limits can only be effectively monitored while anglers are in possession of sport-caught fish. Preserved fish (typically frozen or canned) being transported out of Alaska do not contribute to an angler's possession limit.

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

PROPOSAL 290: 5 AAC 47.020 GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA; 5 AAC 47.021 GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE FRESH WATERS OF THE SOUTHEAST ALASKA AREA; and **5 AAC 47.023 SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS, AND METHODS AND MEANS FOR THE FRESH WATERS OF SOUTHEAST ALASKA AREA.**

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit the retention of sport-caught steelhead in the fresh and salt waters of the Southeast Alaska area, except in 16 drainages where the current regional regulations would remain unchanged. These 16 systems are as follows: Situk River drainage, Taku River drainage, Sitkoh Lake drainage, Anan Lake drainage, Castle River, Kadake Creek, Olive Creek, Petersburg Creek, Stikine River drainage, Naha River drainage, Checats Creek, Fish Creek, Karta River drainage, Eagle Creek drainage, Staney Creek, and the Thorne River drainage.

WHAT ARE THE CURRENT REGULATIONS? Southeast Alaska regionwide freshwater sport fishing regulations (**5 AAC 47.022(4)**) and saltwater sport fishing regulations (**5 AAC 47.20(4)**) allow for the harvest of 1 steelhead per day and 2 in possession, 36-inch minimum size limit. There is a 2-fish annual limit. Any retained steelhead must be recorded immediately in ink on the back of the angler's license or harvest record. In Klawock and Ketchikan creeks, the bag limit is two fish if at least one has a clipped adipose fin that designates the fish as hatchery stock. There is no size limit for steelhead with clipped adipose fins and their harvest does not apply to the annual limit.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? From 1996 through 2007, approximately 60% of the region's total steelhead harvest was from the 16 streams identified in this proposal. Therefore, the proposal would prohibit the retention of steelhead in the majority of the region's systems, where 40% of the region's total steelhead harvest occurs.

BACKGROUND: ADF&G has concerns that conservation issues may arise as a result of the creation, subsequent expansion, and liberalization of the federal subsistence steelhead fishery in Southeast Alaska. The department does not have the data or the research or management programs to evaluate the potential impact the federal subsistence fishery is having on steelhead stocks. ADF&G staff have repeatedly tried to engage federal staff to address conservation issues that may occur due to federal management of the subsistence steelhead fisheries in Southeast Alaska, but have had limited success. Under federal regulations, the federal subsistence steelhead fishery must have priority over other fisheries and federal staff members assert that a subsistence priority is provided since federal subsistence steelhead regulations are less restrictive than sport

fishery regulations. Federal staff will not limit the subsistence steelhead fishery unless restrictions in the sport fishery are taken.

These federal subsistence regulations may meet the subsistence priority required under federal law, but do not ensure sustainability of steelhead populations. The department also maintains that the sustainability of steelhead populations in Southeast Alaska is not jeopardized by current sport fishery regulations. However, in order to stimulate changes in the management of the federal steelhead subsistence fishery, the department is willing to further restrict the sport fishery.

The department submitted Federal Proposal 09-03 in 2008 to the Federal Subsistence Board as a companion to this Alaska Board of Fisheries proposal. Federal Proposal 09-03 addressed 6 items of concern. These included: 1) use of bait in freshwater, 2) locations of allowable harvest, 3) use of handlines in drainages where minimum size restrictions apply to any species, 4) accumulation or "stacking" of federal annual harvest limits with state sport harvest limits, 5) not requiring mandatory marking or fin-clipping of subsistence-harvested steelhead, and 6) possession of subsistence and sport caught steelhead on the same day.

Federal subsistence steelhead fishing regulations authorize liberal harvest limits, size limits, methods and means, and permitting/reporting requirements. Compliance with federal permit requirements is believed to be poor. ADF&G and the public have submitted over 2 dozen proposals to the Federal Subsistence Board between 2000 and 2007. Most of these proposals expressed serious concerns for the conservation of steelhead stocks and requested the Federal Subsistence Board to enact more conservative regulations.

Information to adequately evaluate the status of steelhead stocks throughout Southeast Alaska does not exist, but state fishery managers believe that the few steelhead stocks which are surveyed appear to be stable and generally have higher escapements than in the late 1990s. The 2008 counts show a slight decrease in numbers from the recent high years, but the index counts are still generally higher than the late 1990s counts. In response to depressed steelhead escapement in the late 1980's and early 1990s, state fishery managers imposed emergency order regulations prohibiting steelhead harvests in the Situk River in 1991. In 1992, harvest was prohibited in 24 systems, and in 1993, the Situk and 47 other systems were closed to the harvest of steelhead. From 1994 to the present, regional sport fishing regulations have included a daily bag limit of one steelhead, a minimum size of 36 inches, an annual harvest limit of two steelhead, and bait restrictions. ADF&G does believe that the current conservative regulations provide for sustainability of steelhead stocks while allowing for a limited harvest opportunity.

Written and verbal comments submitted by the state identifying potential conservation issues with liberalized federal subsistence fisheries were generally dismissed by the Federal Subsistence Board. Federal Subsistence Board members have indicated they do not believe current federal subsistence steelhead fisheries will create conservation issues because they

assume there is very limited effort and harvest and because the federal managers could restrict the fishery if a problem is documented.

The Federal Subsistence Board depends upon effort and harvest data collected through a subsistence permit system administered by federal biologists. Federal biologists issuing steelhead trout permits have recently become more responsive to ADF&G conservation concerns on road-accessible streams near population centers by increasing size restrictions and placing other limits on the federal permits. However, a recent ADF&G study identified problems with the federal permit system that indicates significant lack of compliance in acquiring permits and underreporting of harvest.

While this proposal does not directly address federal subsistence fisheries, it takes steps necessary to reduce steelhead mortality in the sport fishery to offset subsistence harvest and to promote sustainable fisheries.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because the Federal Subsistence Board in January 2009 did not adopt Federal Proposal 09-03 which was a companion proposal to this proposal. Regulations implemented in 1994 appear to have effectively reduced sport harvests of steelhead in Southeast Alaska while continuing to allow participation by anglers.

The department is concerned that the level of steelhead harvest allowed under the federal subsistence fishing permits is not sustainable. The department has notified the federal managers that, for sustainable steelhead harvest opportunity to occur, they need to identify subsistence needs, obtain site-specific biological information on steelhead runs, establish appropriate regulations to meet subsistence needs, and monitor the harvest closely to ensure that stock declines do not occur.

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

PROPOSAL 291: 5 AAC 47.023. SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS, FOR THE FRESH WATERS OF THE SOUTHEAST ALASKA AREA. Prohibit the retention of steelhead in 21 fall steelhead drainages, and Ward Creek, Thorne River, and Karta River.

PROPOSED BY: Tongass Sportfishing Association Chapter of Trout Unlimited.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit the retention of steelhead in fall steelhead systems throughout Southeast Alaska where the use of bait is prohibited year-around, as well as Ward Creek, the Thorne River, and the Karta River.

WHAT ARE THE CURRENT REGULATIONS? Southeast Alaska regional steelhead regulations consist of: 1 steelhead per day, 2 in possession; a minimum size limit of 36 inches; and an annual limit of 2 fish. Harvest recording requirements for steelhead are also required.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Harvest opportunity of steelhead 36 inches or greater would be eliminated in the streams identified in this proposal.

BACKGROUND: In response to depressed steelhead escapement, the department issued emergency orders prohibiting steelhead retention in the Situk River in 1991. In 1992, steelhead retention was prohibited in 24 systems, and in 1993, the Situk and 47 other systems were closed to the retention of steelhead.

The board established new regionwide regulations in 1994 to provide consistent conservation measures throughout the Southeast region. Sport fishery regulations were crafted based on public responses to a mail-out survey and the department's assessment of the potential for regulatory options to provide sustainable fisheries. These regulations included a bag limit of 1 steelhead, an annual limit of 2, and a 36-inch minimum size limit. Based on sampling in Southeast Alaska, the 36-inch size limit was expected to protect approximately 95% of adult steelhead. In concert with size limits established for cutthroat and rainbow trout (12-inch minimum, 22-inch maximum), the 1994 regulations ensured protection for juvenile steelhead prior to smolting and adult steelhead less than 36 inches in length.

At the same time, the board prohibited the use of bait in fresh waters of Southeast Alaska from November 16 through September 14, in part to provide additional protection from hooking mortality of juvenile and adult steelhead. Southeast Alaska commercial regulations were modified to prohibit the sale of commercially-caught steelhead by purse seine and gillnet permit holders.

In 1997, the board prohibited the use of bait year-round in 21 streams with fall runs of steelhead, providing additional protection to adult steelhead overwinter in these systems prior to spawning. These drainages are:

- In the Ketchikan management area: Ella Creek drainage, Fish Creek, Gokachin Creek, Humpback Creek drainage, McDonald Lake drainage, Naha River drainage, Spit Creek, Steelhead Creek, and Ward Creek.
- In the Prince of Wales management area: 108 Creek, Dog Salmon Creek, Eagle Creek drainage, Hunter Bay Creek, Klakas Creek, Old Franks Creek, Salmon Bay Creek drainage, Sarkar river drainage, Staney Creek, Karta River drainage, and Thorne River drainage.
- In the Petersburg management area: Castle River and Hamilton Creek.
- In the Sitka management area: Port Banks Creek.

A snorkel survey program in 12 index steams and a small number of weirs located on various streams provide data on steelhead populations in Southeast Alaska. Collectively, these counts suggest that steelhead stocks are stable and have generally rebounded from the depressed levels in the 1980s and 1990s.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal due to allocative aspects between catch-and-release anglers and anglers who want to harvest a steelhead. The department does believe that the current regulations provide for sustainability of these stocks while allowing for a limited harvest opportunity.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 292: 5 AAC 47.020. GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA and **5 AAC 47.022. GENERAL PROVISIONS FOR SEASON AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA .** Amend the regulation to reduce the bag limit and establish size restrictions for Dolly Varden

PROPOSED BY: Juneau Chapter of Trout Unlimited.

WHAT WOULD THE PROPOSAL DO? This proposal would lower the limit of Dolly Varden to 4 fish of which only 1 may exceed 20 inches.

WHAT ARE THE CURRENT REGULATIONS? Since 1980, the regionwide regulations for both salt and fresh waters have been 10 Dolly Varden daily, 10 in possession, with no size limits.

Specific exceptions to the regionwide regulations occur in Juneau and Haines. On drainages crossed by the Juneau road system and saltwaters adjacent to the Juneau road system within ¼ mile offshore, Dolly Varden limits are 2 daily and 2 in possession, no size restrictions. On Chilkoot Lake and River, Dolly Varden limits are 4 daily and 4 in possession, no size restrictions.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would lower the regionwide daily bag limit from 10 fish to 4 and implement a size restriction to prohibit retention of more than 1 fish per day exceeding 20 inches.

BACKGROUND: Since 1996, regionwide Dolly Varden harvest has ranged from a high in 2000 of 25,952 to a low in 2007 of 8,622. Between 1997 and 2007, 0.8% (range 0.3% to 1.2%) of households fishing in Southeast Alaska (households that fished for any species) reported harvesting 10 or more Dolly Varden in a year. The actual number of individual anglers that harvested a daily bag limit is likely lower because reported harvests may be from multiple anglers per household and multiple trips per year.

While it is assumed that most if not all anadromous streams in Southeast Alaska contain Dolly Varden, there are at least 2,454 that have been listed in the Anadromous Waters Catalog as containing Dolly Varden. Relatively little is known about total Dolly Varden abundance in Southeast Alaska, but a select few streams have been monitored for Dolly Varden abundance. Dolly Varden emigrants have been enumerated with a weir in 6 systems since statehood. Emigrant weir counts vary between years by as much as 50%, but are generally stable over multiple years. Estimates of abundance for Dolly Varden in lakes have been generated by two ADF&G projects: Chilkat Lake at 46,700 (SE = 17,300); and in Chilkoot Lake at 109,152 (SE =

21,065). In the streams in Southeast Alaska that have been monitored for Dolly Varden, emigrant counts ranged from a high of nearly 118,000 in Lake Eva to just over 3,000 in Auke Lake. The combined average count of these 8 systems is 73,000 Dolly Varden. The total estimated harvest of Dolly Varden in Southeast Alaska has been <15,000 since 1993. This annual harvest of Dolly Varden represents only a fraction of Dolly Varden emigrants in some of the larger overwintering systems, i.e., Eva and Chilkoot lakes.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal as it does not have any conservation concerns for Dolly Varden in Southeast Alaska and views this proposal as allocative. In two areas (Juneau and Haines), the bag and possession limits are already restricted below the proposed limits. However, the department is **OPPOSED** to establishing a harvest restriction in the absence of a known Dolly Varden conservation concern.

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

PROPOSAL 293: 5 AAC 47.020. GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA. Increase limits for harvest of dogfish and change reporting requirements.

PROPOSED BY: Tad Fujioka.

WHAT WOULD THE PROPOSAL DO? .This proposal would increase the harvest limits for spiny dogfish from 1 per day and 1 in possession to 6 per day and 12 in possession. It is implied in the proposal that the annual limit and harvest recording requirement should be eliminated.

WHAT ARE THE CURRENT REGULATIONS? Sport fishing for sharks, including spiny dogfish, is managed under a statewide management plan (**5AAC 75.012**). The plan includes a bag and possession limit of 1 shark, an annual limit of 2 sharks, and harvest reporting requirements.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The proposal would increase mortality of spiny dogfish by allowing liberalized harvest.

BACKGROUND: For Southeast Alaska sport fisheries, catch rates for all shark species have increased somewhat since about 2005. In 2007, just over 29,000 sharks were caught regionally, but with apparently little demand as only 349 (1%) were kept in the fishery. Since 1996, Southeast Alaska anglers have released 96%–99% of the sharks caught.

Spiny dogfish are a long-lived, slow to mature species that require long recovery times when stocks are overexploited. Large and abrupt increases in the spiny dogfish population are unlikely to occur naturally because of their low reproductive rate. Age at 50% maturity is estimated at 28–35 years, with the maximum age of 90 years. The gestation period is (22–24 months) the longest of any vertebrate.

Dogfish are highly migratory. The species is widely distributed in dense aggregations from the Baja California coast to the Bering Sea, with extensive movement being documented through Canadian tagging programs. Declines in abundance have been documented along the British Columbia coast and the North Sea and these were directly attributed to overfishing.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. Current regulations allow for a much larger harvest of these fish than currently occurs

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

PROPOSAL 294: 5 AAC 47.020. GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF SOUTHEAST ALASKA AREA. Close regional aquaculture association terminal harvest areas to guided sport harvest of salmon not financed by the state.

PROPOSED BY: Walter Pasternak.

WHAT WOULD THE PROPOSAL DO? This proposal would close regional aquaculture association terminal harvest areas (THAs) and special harvest areas (SHAs) to guided sport harvest of salmon for which the production is not financed by the state to some degree.

WHAT ARE THE CURRENT REGULATIONS? Commercial fishing regulations are specific to each THA or SHA and are determined by the board, commissioner, or the department's emergency order (EO) authority. Sport harvest limits in THAs are typically the same as the regionwide regulations (**5 AAC 47.020**), with the exception of a small area at the head of Neets Bay (**5 AAC 47.021(j)(4)**) which is open for salmon fishing only from November 16–June 14. Regional sport harvest limits and other management measures for king salmon are set according to the **Southeast Alaska King Salmon Management Plan** (**5 AAC 47.055**) and are based on the pre-season king salmon abundance index. King salmon harvest limits are as follows: residents—up to 3 daily, up to 3 in possession, ≥28 inches in length, no annual limit; nonresidents—up to 2 daily, up to 2 in possession, ≥28 inches in length, up to 6 fish annual limit. By EO, the commissioner may establish that the nonresident harvest and annual limits for king salmon under this section do not apply in a hatchery terminal harvest area (5 AAC 47.055(k)). The commissioner may also change the bag and possession limits and annual limits and liberalize sport harvest when hatchery-produced fish in excess of broodstock needs, any natural spawning requirements, or cost recovery goals of private non-profit hatcheries (**5 AAC 75.003**) escape through existing fisheries to designated harvest areas. Additionally, THA sport regulations may also fall under a fishery management plan, such as the **Wrangell Narrows-Blind Slough THA Salmon Management Plan** (**5 AAC 33.381**) which sets harvest limits based on projected returns of hatchery produced king salmon.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? In THAs associated with the Northern Southeast Regional Aquaculture Association (NSRAA) and Southern Southeast Regional Aquaculture Association (SSRAA), this proposal would limit guided sport harvest for all salmon species for production not funded by the department.

BACKGROUND: NSRAA and SSRAA, the two regional aquaculture associations in Southeast Alaska, operate 6 major production hatcheries in the region (Hidden Falls, Medvejie, Burnett Inlet, Neets Bay, Whitman Lake, and Crystal Lake Hatchery) and conduct several remote releases. The department financially supports the production of king salmon to provide more sport fishing opportunity where needed. No other species of salmon produced by the regional associations are funded by the department. Sport Fish Division currently funds the production of

king salmon by SSRAA at Whitman Lake Hatchery (75%), Neets Bay Hatchery (41.2%), and Crystal Lake Hatchery and Anita Bay (67% each). In 2008, 100% funding is also provided to NSRAA for a remote king salmon release in Lutak Inlet near Haines. King salmon releases at Earl West Cove have been funded in the past (33%), but this is no longer a current release.

In THAs where hatchery production is not funded by the department, the annual guided sport harvest of king salmon ranges from 0 to 335 fish, with the highest harvest occurring at Deep Inlet. The annual guided sport harvest of coho salmon in the same areas ranges from 0 to 3,061 fish, with the highest harvest occurring at Hidden Falls. For sockeye, pink, and chum salmon, the guided harvest in these areas range from 0 to 705 salmon, with the highest harvest being at Deep Inlet for pink salmon.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. This proposal does not address biological or escapement concerns. Broodstock needs and cost recovery needs are managed via special harvest areas and emergency order regulations.

COST ANALYSIS: This proposal, if approved, would result in loss of income to the guided sport fisheries. The amount would depend on the amount of business done in the THAs and the geographical distance that the industry would have to move to meet the same fishing success when the THA or SHA was not closed.

PROPOSAL 295: 5AAC 47.XXX. NEW SECTION. Request that the department and charter industry representatives develop a plan to address catch and release mortality issues with a goal of reducing overall mortality.

PROPOSED BY: John L. Murray.

WHAT WOULD THE PROPOSAL DO? This proposal does not request a change in regulation. The board could request the department to meet with sport fish charter operators to identify and promote catch-and-release techniques that reduce mortality, especially for king salmon.

WHAT ARE THE CURRENT REGULATIONS? There are no regulations that specify techniques for reducing catch-and-release mortality. A methods and means regulation (bait prohibition) specifically intended to reduce catch-and-release mortality for trout is in place from September 15 – November 15 in most streams, in "high-use" cutthroat trout lakes, and in 21 fall-run steelhead streams. Catch and release fishing is required by all anglers in areas where regulations limit the number and size of fish that may be harvested. Catch and release fishing is a personal preference by other anglers.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal does not request a change in regulation. The board could request the department to meet with sport fish charter operators to identify and promote catch-and-release techniques that reduce mortality, especially for king salmon.

BACKGROUND: The department requires catch-and-release of fish in fisheries were catch-and-release is needed for conservation or biological reasons. Information on proper release techniques is provided to the public by department publications, staff, and information and education programs.

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

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 296: 5 AAC 75.020. SPORT FISHING GEAR. Amend the definitions of allowable sport fishing gear for Southeast Alaska

PROPOSED BY: Seafood Producer's Cooperative.

WHAT WOULD THE PROPOSAL DO? This proposal would establish specific definitions for a fishing rod and a downrigger. In addition, it would prohibit the use of hand lines, fishing rods, and downriggers used in conjunction with troll gurdys in the Southeast Alaska sport finfish fishery. It would also require that all fish be retrieved using a rod with a hand powered reel.

WHAT ARE THE CURRENT REGULATIONS? AS 16.05.940 (30): "sport fishing" means the taking of or attempting to take for personal use and not for sale or barter, any freshwater, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries.

5 AAC 75.020 (a), unless otherwise provided in **5 AAC 47 – 5 AAC 75:** sport fishing may only be conducted by the use of a single line having attached to it not more than one plug, spoon, spinner, or series of spinners, or two flies, or two hooks. The line must be closely attended.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The extent to which finfish are taken in the Southeast Alaska sport fishery using gear other than a fishing rod with a hand powered reel is unknown, but thought to be minimal.

BACKGROUND: The Departments of Law (DOL) and Public Safety were asked in 2007 to determine if the use of electric reels, downriggers, and troll gurdys to retrieve fish in the sport fishery was legal. Upon review by DOL, it was determined that current regulations are very broad and do not prohibit use of electric or power-assisted reels, or any reel type, to retrieve fish in the sport fishery.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal**.**

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

PROPOSAL 297: 5 AAC 47.030. METHODS, MEANS, AND GENERAL PROVISIONS—FINFISH.

Clarify the definition of a sport fishing rod in Southeast Alaska.

PROPOSED BY: Mike Bethers.

WHAT WOULD THE PROPOSAL DO? This proposal would define a sport fishing rod and specify that it includes an electric or hand powered reel used to deploy and retrieve the fishing line.

WHAT ARE THE CURRENT REGULATIONS? AS 16.05.940 (30): "sport fishing" means the taking of or attempting to take for personal use and not for sale or barter, any freshwater, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries.

5 AAC 75.020 (a), unless otherwise provided in **5 AAC 47 – 5 AAC 75**: sport fishing may only be conducted by the use of a single line having attached to it not more than one plug, spoon, spinner, or series of spinners, or two flies, or two hooks. The line must be closely attended.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The extent to which finfish are taken in the Southeast Alaska sport fishery using gear other than a fishing rod with a hand powered reel is unknown, but thought to be minimal.

BACKGROUND: The Departments of Law (DOL) and Public Safety were asked in 2007 to determine if the use of electric reels, downriggers, and troll gurdys to retrieve fish in the sport fishery were legal. Upon review by the DOL, it was determined that current regulations are very broad and do not prohibit the use of electric or power assisted reels, or any reel type, to retrieve fish in the sport fishery.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. However, should use of electric reels become more widespread and result in increased harvest rates in the sport fishery, restrictions to reduce sport harvest may be needed to meet allocation and biological thresholds.

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

PROPOSAL 298: 5 AAC 47.030. METHODS, MEANS, AND GENERAL PROVISIONS—FINFISH. Allow the use of a hand operated or electric reel in the Southeast Alaska sport fishery.

PROPOSED BY: Mike Bethers.

WHAT WOULD THE PROPOSAL DO? This proposal would specify that sport fishing in Southeast Alaska be conducted with a single line either held in the hand or attached to a rod that may be operated by a hand or electric reel.

WHAT ARE THE CURRENT REGULATIONS? AS 16.05.940 (30): "sport fishing" means the taking of or attempting to take for personal use and not for sale or barter, any freshwater, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries.

5 AAC 75.020 (a), unless otherwise provided in **5 AAC 47 – 5 AAC 75**: sport fishing may only be conducted by the use of a single line having attached to it not more than one plug, spoon, spinner, or series of spinners, or two flies, or two hooks. The line must be closely attended.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The extent to which finfish are taken in the Southeast Alaska sport fishery using gear other than a fishing rod with a hand powered reel is unknown, but thought to be minimal.

BACKGROUND: The Departments of Law (DOL) and Public Safety were asked in 2007 to determine if the use of electric reels, downriggers, and troll gurdys to retrieve fish in the sport fishery were legal. Upon review by the DOL, it was determined that current regulations are very broad and do not prohibit the use of electric or power assisted reels, or any reel type, to retrieve fish in the sport fishery.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. However, should use of electric reels become more widespread and result in increased harvest rates in the sport fishery, restrictions to reduce sport harvest may be needed to meet allocation and biological thresholds.

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

PROPOSAL 299: 5 AAC 47.020. GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR SALT WATERS OF THE SOUTHEAST ALASKA AREA. Include beach seine, cast net, purse seine, and gillnet as legal sport gear for herring.

PROPOSED BY: Mike and Linda Slifer.

WHAT WOULD THE PROPOSAL DO? This proposal would include beach seine, cast net, purse seine, and gillnet as legal sport gear for herring.

WHAT ARE THE CURRENT REGULATIONS? Sport fishing for finfish in Alaska can only be conducted with a single, closely attended line, with one or two single or multiple hooks attached (**5 ACC 75.020**). Herring may be taken under sport regulations with a single line and up to 15 unbaited attached hooks (**5 ACC 75.030**), and any species of fish legally harvested under sport fishing regulations can be taken in salt water by spear, if the angler is completely submerged (**5 ACC 75.028**). Cast nets, purse seines, and gillnets are listed as legal gear for subsistence and personal use fishing under general provisions (**5 AAC 39.105(d)(30)**). However, none of these gear types are legal in the sport fishery.

In addition to provisions that allow taking of herring in subsistence and personal use fisheries with nets, commercial tray pack and bait pound permits are available from the department (**5 AAC 27.130(b)**) to CFEC licensed fishermen. These permits allow commercially licensed fishermen using nets to catch and hold or process herring for bait purposes subject to guideline harvest levels established by district. Individuals assisting in this harvest are required to have commercial crewmember licenses.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would allow use of gear not currently legal in sport fisheries anywhere in Alaska. Sport anglers would still be restricted to applicable bag and possession limits. However, harvest efficiency could increase substantially in places where fish are confined or concentrated.

BACKGROUND: In personal use and subsistence salmon fisheries, nets may only be used in areas and times specified under a permit by the department and only by Alaska residents. Providing an opportunity to use cast nets under Southeast Alaska sport fishing regulations would allow nonresidents as well as residents to participate in these fisheries. Sport fishing methods and means for taking finfish have not focused on the need to maximize harvest efficiency.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Allowing the use of nets in sport fisheries in all marine waters would result in higher harvest rates than traditional sport fishing gear currently provides and could cause conflicts with other user groups. Bycatch of other species could also increase.

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

PROPOSAL 300: 5 AAC 47.030. (i) METHODS, MEANS AND GENERAL PROVISIONS—FINFISH. Correct an error by amending this regulation as follows:

(i) Only unbaited, artificial lures may be used**, in fresh water,** from November 16 to September 14.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal will correct an overlooked error in regulation.

WHAT ARE THE CURRENT REGULATIONS? In Southeast Alaska only unbaited, artificial lures may be used from November 16 through September 14 for both fresh and salt waters.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? An error in a regulation will be corrected.

BACKGROUND: The regulatory language under 5 AAC 47.030 (i) is incorrect. As currently listed, only unbaited and artificial lures may be used in salt and fresh water from November 16 through September 14. This regulation was enacted in 1994 to reduce catch and release mortality of steelhead and trout in fresh water. This error first occurred and has persisted since the 2003 printing of the regulation book when the format for listing Southeast Alaska sport fishing regulations were changed from a matrix to a text format.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this housekeeping proposal.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 301: 5 AAC 47.020. GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA. Require the use of a single barbless hook for salmon fishing if release is intended.

PROPOSED BY: Theo Grutter.

WHAT WOULD THE PROPOSAL DO? This proposal would restrict sport gear by only allowing the use of a single barbless hook at all times in any Southeast Alaska sport salmon fishery when an angler may need to release a salmon. This would prohibit the commonly used tandem-hook trolling or mooching rigs when anglers are fishing for salmon. Although this may not affect a few terminal harvest areas without size limits, it would be a widespread prohibition since release of sport caught salmon is required with minimum size regulations, after reaching one's bag limit, or if time and/or area closures to retention exist.

WHAT ARE THE CURRENT REGULATIONS? Currently, anglers can use a single line having attached to it not more than 1 plug, spoon, spinner or series of spinners, or 2 flies, or 2 hooks. There are no general requirements for barbless hooks.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If adopted, anglers fishing for salmon would be prohibited from using the traditional tandem-hook trolling/mooching rigs in most areas of Southeast Alaska. This would impose gear restrictions and harvest inefficiencies onto all species taken while salmon fishing because they are often taken incidentally with the same gear. Although there may be a reduction in harvest owing to the variation in angler skills to land fish when using barbless hooks, there are no means to examine the net effect. Fish that may escape capture by shaking or twisting off a single barbless hook might survive; however, a portion of these "drop-off" released fish may die as result of hooking injury or when taken by predators. As a result, anglers who lose fish, yet eventually harvest their bag limit, could increase overall mortality beyond the existing bag limits. Lastly, because salmon are also taken by a number of methods used to pursue other marine sport species, enforcement of the new regulation will be difficult.

BACKGROUND: Similar proposals have been taken up by the board in recent years to modify recreational fishing and commercial trolling methods and means definitions in Southeast Alaska, but have not resulted in regulations that require the use of barbless hooks. Under the current regulatory regime, the Chinook Technical Committee (CTC) of the Pacific Salmon Commission (PSC) considered hook type (barbed/barbless) affects on mortality rates (CTC 1997). However, they decided that the available data were not conclusive or consistent. The committee agreed on a mortality rate for both hook types, which was 12.3% in recreational fisheries. Further, the CTC applies an additional 3.6% drop-off mortality rate in Southeast Alaska sport and commercial fisheries to account for losses by hooking injury or marine mammal predation following escape or intentional release (CTC 1997) for an estimated total release mortality of 15.9%. Barbless

hook regulations have been applied in some marine salmon fisheries relative to salmon stock recovery plans in the Pacific Northwest, including areas in British Columbia, Washington, Oregon, and California.

DEPARTMENT COMMENTS: The department is **NEUTRAL** with respect to the allocative aspects of this proposal. However, the department **OPPOSES** this proposal because it would be difficult to enforce and because any potential reduction in mortality may be negated or insignificant to additional drop-off mortalities. If the board supports this proposal, a definition of "barbless" would be needed before any regulation is enforceable.

COST ANALYSIS: Approval of this proposal may result in an additional cost to purchase and replace existing hooks with barbless hooks for the private person to participate in this fishery, or additional expenses incurred to harvest their legal limits.

PROPOSAL 302: 5 AAC 75.075. SPORT FISHING SERVICES AND SPORT FISHING GUIDE SERVICES; LICENSE REQUIREMENT; REGULATION OF ACTIVITIES.
Prohibit catch and release fishing in the guided sport fishery in Southeast Alaska.

PROPOSED BY: N. Ralph Guthrie.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit the release of fish by guided anglers once they have harvested two fish. The proposal also references the U.S.-Canada salmon treaty and the hook and release of king salmon by guided anglers on charter boats. The intention of the proposal was not to set a two fish bag and possession limit, but to request full retention of each legal species until the bag limit was met. No further fishing could occur by an angler once that species bag limit was harvested.

WHAT ARE THE CURRENT REGULATIONS? Catch-and-release fishing in Southeast Alaska is currently allowed and release of king salmon under 28 inches and lingcod of non-legal size is required.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If the proposal's two fish bag and possession limit is adopted, it would disregard current management of species that have bag and possession limits that are lower or higher than 2 fish, as well as cause unnecessary reductions in guided fishing and harvest opportunities. The intent of this proposal seeks full retention up to the legal limit. If this is adopted, it might reduce incidental hooking mortalities for released fish, but would also prohibit charter anglers from continuing to fish for any species after reaching their salmon bag and possession limits. There are no means to accurately project the net overall effects on angling opportunities and participation. Southeast Alaska marine guided salmon fishing often occurs in areas with a number of wild and hatchery origin fish that do not require restrictive conservation measures. Incidental mortality of wild origin and other U.S.-Canada treaty stocks of king salmon is already accounted for by the Treaty process.

BACKGROUND: Similar prohibitions on fishing after a bag limit has been met have been applied in high-use freshwater salmon fisheries when low escapement required inseason conservative management. Currently, there are no wild stocks of concern taken in mixed stock or terminal fisheries that would warrant this approach. Saltwater charter logbook data for 2005–2007 indicate that charter anglers retained, on average, between 80% and 88% of their king salmon catch, and between 96% and 98% of their coho salmon catch. More than 90% of chartered anglers during 2006 and 2007 either retained all their catch or released no more than one legal size king salmon, while only 1% released more than five fish during the year's fishing.

DEPARTMENT COMMENTS: The department is **NEUTRAL** with respect to this allocative proposal. Currently, there are no conservation concerns.

COST ANALYSIS: Approval of this proposal is not expected to result in additional costs for the private person to participate in this fishery to harvest their legal limits.

PROPOSAL 303: 5 AAC 47.030. METHODS, MEANS, AND GENERAL PROVISIONS – FINFISH. Allow unguided anglers to deploy an extra rod or line for jigging herring while salmon fishing.

PROPOSED BY: Larry Edfelt.

WHAT WOULD THE PROPOSAL DO? This proposal would allow unguided anglers the use of a second fishing rod while salmon fishing for the purpose of jigging herring or smelt.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 47.030(b). Sport fishing may be conducted only by the use of a single line per angler, and not more than six lines may be fished from a vessel.

5 AAC 47.030(g). The maximum number of fishing lines that may be fished from a vessel engaged in sport fishing charter activities is equal to the number of paying clients on board the vessel, except that

(1) an additional line may be used to jig for herring and smelt as bait as specified in 5 AAC 75.030; and

(2) the total number of lines may not exceed the limit established in **(b)** of this section (six).

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Sport harvest estimates for herring are unknown; however, the effect of this proposal on herring harvests would likely be minimal.

BACKGROUND: The primary justification for this proposal is based on an inaccurate interpretation of 5 AAC 47.030(g)(1). The use of an "additional line," as stated in this regulation, does not allow an individual angler to use a second fishing rod. Only one line per angler may be used and the number of lines may not exceed the number of paying clients on board. Therefore, when all charter clients are actively fishing, only the charter operator or deck hand would be able to fish the additional line for herring.

The purpose of this regulation is to allow the number of rods fished from a charter vessel to exceed the number of paying clients on board if the additional rod is used to jig for herring or smelt as specified in 5 AAC 75.030. The number of rods fished on a charter vessel may not exceed the number of paying clients and no more than 6 lines may be fished from a sport vessel in Southeast Alaska. Since sport fishing is restricted to the use of a single line per angler, the additional line for herring and smelt can be utilized only by an individual on board the charter vessel that is not already fishing.

The board has adopted 2 specific management measures, implemented by emergency order, that allow the use of 2 rods when sport fishing in Southeast Alaska. Use of 2 rods is allowed in the waters of Districts 8 or 11 when the forecasted returns of king salmon to the Stikine or Taku rivers are large enough to provide directed fishing opportunity. In addition, the use of 2 rods is allowed throughout the salt waters of Southeast Alaska from October through March when the preseason king salmon abundance index is greater than 1.5.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

PROPOSAL 304: 5 AAC 47.020. GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA and **5 AAC 47.022. GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE FRESH WATERS OF THE SOUTHEAST ALASKA AREA**. Prohibit removing steelhead under 36 inches from the water .

PROPOSED BY: Tongass Sport Fishing Association Chapter of Trout Unlimited.

WHAT WOULD THE PROPOSAL DO? Prohibit anglers from removing steelhead under 36 inches from the water.

WHAT ARE THE CURRENT REGULATIONS? In both freshwaters and saltwaters of Southeast Alaska: the steelhead bag limit is 1 fish; possession limit is 2 fish; the minimum size limit is 36 inches; the annual limit is 2 fish; and a harvest record is required.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Catch-and-release mortality may be decreased by some small unknown amount by not removing steelhead from the water that must be released. Anglers who value a photograph of their catch may lose that opportunity.

BACKGROUND: Steelhead sport fisheries are conservatively managed in Southeast Alaska. The regional 36-inch minimum size limit protects approximately 95% of steelhead from harvest and the annual limit of 2 fish keeps steelhead harvest low. Bait use is restricted in specific streams, including 21 fall-run steelhead systems to reduce steelhead and trout mortality. Snorkel surveys in index streams and weir counts in 3 streams indicate that the steelhead stocks surveyed are stable and generally have higher escapements than in the late 1990s. The department believes that the current conservative regulations provide for sustainability of steelhead stocks while allowing for a limited harvest opportunity.

The component of handling mortality attributable to removing a steelhead from the water is difficult to separate from the overall mortality caused by catch-and-release handling, so the conservation effect of this proposal is unknown. Studies of catch-and-release mortality have indentified warm water temperatures and the use of bait as the most significant catch-and-release mortality factors. Other factors such as hook type, fish size, fighting time, and handling techniques have been shown to have a much smaller influence on mortality.

The department distributes multiple brochures on catch and release handling techniques that emphasize careful fish handling, removing the hook from the fish while it is in the water, and lifting the fish only briefly from the water for a photograph. Current regulations prohibit

"molesting" fish, which includes dragging, kicking, throwing, striking, or otherwise abusing a fish that is intended to be released.

In portions of some Kenai Peninsula area streams with very small steelhead populations and heavy angler use (Anchor River, Ninilchik River, Deep Creek, Kasilof River, and Stariski Creek), retention of rainbow/steelhead trout is not allowed and removal of rainbow/steelhead trout from the water is prohibited.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. This proposal addresses angler ethics, which is a social issue. In streams with no conservation concern, the current Southeast Alaska regulations (36-inch minimum size and 2 fish annul limit) keep harvests at sustainable levels. If a conservation concern is identified in a particular stream or area, then a no-retention regulation combined with a prohibition on removing steelhead from the water could be instituted, or the stream or area could be closed to fishing for maximum conservation effect.

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

PROPOSAL 305: 5 AAC 47.030. METHODS, MEANS, AND GENERAL PROVISIONS – FINFISH. Prohibit the use of felt soles for wading in freshwater.

PROPOSED BY: Mark Vinsel.

WHAT WOULD THE PROPOSAL DO? Prohibit anglers from using felt-soled wading shoes in freshwaters of Southeast Alaska.

WHAT ARE THE CURRENT REGULATIONS? There are no regulations that specify footwear for anglers.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Anglers who have used felt-soled wading shoes would be required to replace them with non-felt-soled footwear. It is possible that this footwear change could reduce the introduction of harmful invasive organisms into Southeast Alaska waters.

BACKGROUND: The use of felt-soled wading footwear by anglers has been identified as a vector for introducing invasive species such as Didymo (*Didymosphenia geminate*), New Zealand mudsnails (*Potamopyrgus antipodarum*), and whirling disease pathogens (*Myxobolus cerebralis*) to freshwater systems. Banning felt-soled wading footwear could reduce the spread of invasive species, especially by anglers who have fished in infested waters within 2 weeks of entering non-invaded waters of Alaska.

Didymo, also known as "rock snot," is a diatom, a type of single-celled algae. Didymo clings to streambeds and rocks by creating a fibrous stalk. When the density of these stalks becomes excessive, Didymo can form dense mats that hinder invertebrate production and aquatic plant growth. Studies have shown that Didymo can tolerate a wide range of hydraulic regimes, alter invertebrate communities, and their cells can be found suspended in free flowing water. The effects of altered invertebrate populations on foraging fish have not been documented.

The status of Didymo as an invasive species in Southeast Alaska has yet to be confirmed, as it is native in parts of the state. There are confirmed reports of Didymo in Sitka, Juneau, and Haines.

New Zealand mudsnail (NZMS) is another harmful invasive organism that could be transported by felt soles. The closest observation of NZMS to Southeast Alaska was is in the Columbia River estuary, and it has been documented in the diet of Columbia River king salmon.

Whirling disease is primarily spread by infected fish and fish parts, but it can also be transported by fishing gear, including felt-soled wading boots. Live fish transport is the primary vector for spreading whirling disease.

The New Zealand government has banned the use of felt-sole footwear in its waters to fight the spread of invasive organisms. Other government agencies have taken the following measures:

NY State Dept. of Environmental Conservation has published recommended disinfection procedures for angler gear, including boats and trailers; Iceland requires disinfection of all used sport fishing gear before the gear is allowed in the country; and U.S. federal agencies have jointly developed the "Stop Aquatic Hitchhikers!" campaign, which includes educational materials and disinfection procedures. Some angler footwear manufacturers plan to cease production of felt-soled wading boots and are developing alternative sole materials.

Recommended protocols for treating fishing gear to eliminate the spread of these invasive organisms are: cleaning and removing organic material from waders, boots, clothing, and equipment; eliminating water from boats, live wells, coolers, and other gear; treating all fishing gear either with hot water, bleach, or detergent solution; and drying gear completely before bringing it to a different waterway.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it addresses only one vector for spreading invasive species and fish diseases. The Department **SUPPORTS** educating anglers, hunters, and anyone who spends time in aquatic environments about the risk of spreading invasive organisms and effective disinfection procedures.

COST ANALYSIS: This proposal would require many wading anglers to purchase replacement wading shoes without felt soles.

PROPOSAL 306: 5 AAC 47.030(g). METHODS, MEANS AND GENERAL PROVISIONS—FINFISH.

Consolidate regulations pertaining to sport fishing services into one section as follows:

5 AAC 47.030 Methods, means and general provisions—Finfish.

[(G) OPERATORS AND CREW MEMBERS WORKING ON A CHARTER VESSEL MAY NOT RETAIN KING SALMON WHILE CLIENTS ARE ON BOARD THE VESSEL. THE MAXIMUM NUMBER OF FISHING LINES THAT MAY BE FISHED FROM A VESSEL ENGAGED IN SPORT FISHING CHARTER ACTIVITIES IS EQUAL TO THE NUMBER OF PAYING CLIENTS ON BOARD THE VESSEL, EXCEPT THAT

(1) AN ADDITIONAL LINE MAY BE USED TO JIG FOR HERRING AND SMELT AS BAIT AS SPECIFIED IN 5 AAC 75.030; AND

(2) THE TOTAL NUMBER OF LINES MAY NOT EXCEED THE LIMIT ESTABLISHED IN (B) OF THIS SECTION.]

5 AAC 47.036. Prohibitions.

(c) Operators and crew members working on a charter vessel may not retain king salmon while clients are on board the vessel. The maximum number of fishing lines that may be fished from a vessel engaged in sport fishing charter activities is equal to the number of paying clients on board the vessel, except that:

(1) an additional line may be used to jig for herring and smelt as bait as specified in 5 AAC 75.030; and

(2) the total number of lines may not exceed the limit established in 5 AAC 47.030(b).

PROPOSED BY: Alaska Department of Fish and Gam

WHAT WOULD THE PROPOSAL DO? This proposal would consolidate regulations pertaining to sport fishing services into one section.

WHAT ARE THE CURRENT REGULATIONS? This proposal does not change any regulation it only changes their organization.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would group sport fishing guide services regulations under one section.

BACKGROUND: Section (g) of 5 AAC 47.030 is the only regulation in 47.030 that applies to sport fishing services. All other regulations related to sport fishing services in Chapter 47 are located under 5 AAC 47.036. Chapter 47 of the administrative code would be more effectively organized if all regulations that specifically pertain to sport fishing services were in one location.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal, which it views as a housekeeping propsal.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 307: 5 AAC XX.XXX. NEW SECTION. Prohibit charter vessel use in subsistence or personal use fisheries within 30 days of use in guided sport fishery.

PROPOSED BY: Walt Pasternak.

WHAT WOULD THE PROPOSAL DO? Registered sport charter vessels that will, are, or have been active within 30 days of providing guide services would be prohibited for use in subsistence or personal use fisheries for finfish and shellfish.

WHAT ARE THE CURRENT REGULATIONS? Current regulations do not prohibit the use of registered charter vessels in subsistence or personal use fisheries. However, the captain and crewmembers of a charter vessel may not deploy, set, or retrieve their own gear in a sport, personal use, or subsistence shellfish fishery when that vessel is being chartered (**(5 AAC 47.036(b)**, **5 AAC 77.699(b),** and **5 AAC 02.199(b)**). In addition, a charter vessel cannot be used for any commercial fishery on the day that it is used for hire in a sport, personal use, or subsistence fishery.

Charter vessel operators, lodge owners, and their employees are also restricted from supplying sport, subsistence, or personal use caught shellfish to their clients or guests unless the shellfish has been taken with gear deployed and retrieved by the client or guest, the gear has been marked with the client's name and address along with the vessel name, division of motor vehicles boat registration number, or Coast Guard documentation number (**5 AAC 75.035(1)**), and the shellfish is consumed by the client or guest or is consumed in the presence of the client or guest (**5 AAC 47.036(a)(3)**, **5 AAC 77.699(a)(3)**, and **5 AAC 02.199(a)(3)**).

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Because only Alaska residents may participate in subsistence and personal use fisheries, this proposal would only affect Alaska residents. The amount of subsistence and personal use finfish and shellfish taken by resident anglers using a registered charter boat within 30 days of it being active is unknown. This proposal would decrease harvest in subsistence and personal use fisheries by some unknown amount.

BACKGROUND: In 1997, the board adopted regulations prohibiting charter vessel operators, lodge owners, and their employees from supplying clients with sport, subsistence, or personal use-caught shellfish. This was in response to testimony regarding sport or personal use-caught shellfish being unlawfully supplied to nonresident clients and the increasing harvest of shellfish by charter operators. Charter vessel operators, lodge owners, and their employees were also restricted from supplying sport, subsistence, or personal use-caught shellfish to their clients or guests unless the shellfish has been taken with gear deployed and retrieved by the client or guest.

Once fish or shellfish are taken from the field and processed, it is difficult to determine from which fishery these fish or shellfish were harvested. The amount of fish or shellfish that are harvested in subsistence or personal use fisheries and then transferred to nonresidents is unknown.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. It is clear that the intent of this proposal is to restrict all subsistence and personal use finfish and shellfish harvest from active charter vessels. To accomplish this goal, similar restrictions should be included in the Southeast Alaska subsistence and personal use chapters (5 AAC 02.199 and 5 AAC 77.699.).

Establishing a vessel-tracking program to verify that each individual charter vessel did not participate in a subsistence and/or personal use fishery 30 days prior to and after being engaged in charter activities would be complicated, if not impossible.

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

PROPOSAL 308: **5 AAC 47.XXX** and **01.XXX. NEW SECTIONS.** Prohibit resident owners and resident employees of guide service businesses from participating in subsistence and personal use fisheries and possessing subsistence and personal use finfish or shellfish at the lodging site or on a licensed guide vessel when clients are present.

PROPOSED BY: Southeast Alaska Fishermen's Alliance.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit resident owners and resident employees of guide service businesses from participating in subsistence and personal use fisheries and possessing subsistence and personal use finfish or shellfish at the lodging site or on a licensed guide vessel when clients are present.

WHAT ARE THE CURRENT REGULATIONS? Current regulations do not prohibit the use of registered charter vessels in subsistence or personal use fisheries. However, the captain and crewmembers of a charter vessel may not deploy, set, or retrieve their own gear in a sport, personal use, or subsistence shellfish fishery when that vessel is being chartered (**5 AAC 47.036(b)**, **5 AAC 77.699(b)**, and **5 AAC 02.199(b)**). In addition, a charter vessel cannot be used for any commercial fishery on the day that it is used for hire in a sport, personal use or subsistence fishery.

Charter vessel operators, lodge owners, and their employees are also restricted from supplying sport, subsistence, or personal use-caught shellfish to their clients or guests unless the shellfish has been taken with gear deployed and retrieved by the client or guest; the gear has been marked with the client's name and address along with the vessel name, division of motor vehicles boat registration number, or Coast Guard documentation number (**5 AAC 75.035(1)**); and the shellfish is consumed by the client or guest or is consumed in the presence of the client or guest (**5 AAC 47.036(a)(3)**, **5 AAC 77.699(a)(3)**, and **5 AAC 02.199(a)(3)**.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Since only Alaska residents may participate in subsistence and personal use fisheries, this proposal would only affect Alaska residents. The amount of subsistence and personal use finfish and shellfish taken by resident owners and resident employees of guide service businesses when clients are present is unknown. This proposal would decrease harvest in subsistence and personal use fisheries by some unknown amount.

BACKGROUND: In 1997, the board adopted regulations prohibiting charter vessel operators, lodge owners, and their employees from supplying clients with sport subsistence or personal use-caught shellfish. This was in response to testimony regarding sport or personal use-caught shellfish being unlawfully supplied to nonresident clients and the increasing harvest of shellfish by charter operators. Charter vessel operators, lodge owners, and their employees were also

restricted from supplying sport subsistence or personal use-caught shellfish to their clients or guests unless the shellfish has been taken with gear deployed and retrieved by the client or guest.

Once fish or shellfish are taken from the field and processed, it is difficult to determine from which fishery these fish or shellfish were harvested. The amount of fish or shellfish that are harvested in subsistence or personal use fisheries and then transferred to nonresidents is unknown.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. It is clear that the intent of this proposal is to restrict all subsistence and personal use finfish and shellfish harvest from active charter vessels. To accomplish this goal, similar restrictions should be included in the Southeast subsistence and personal use chapters (5 AAC 02.199 and 5 AAC 77.699).

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

PROPOSAL 309: 5 AAC 47.XXX. NEW SECTION. Establish a coho salmon allocation for the guided sport fishery based on the percentage of its last ten years of coho salmon harvest and the all gear harvest of coho salmon.

PROPOSED BY: Walter Pasternak.

WHAT WOULD THE PROPOSAL DO? This proposal would establish an allocation of the all gear harvest of coho salmon to the guided sport fishery based on the percentage of its last ten years of coho salmon harvest.

WHAT ARE THE CURRENT REGULATIONS? The current regionwide regulations for coho salmon 16 inches or more in length, allow all anglers to keep 6 per day, and 12 in possession, with no annual limit. In addition, for all salmon, less than 16 inches in length, other than king salmon, anglers are allowed 10 per day in the aggregate, and in possession. No special regulations for coho salmon apply to nonresidents or the guided sport fishery.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would require the board to provide an allocation of the all gear coho salmon harvest to the guided sport fishery, which requires the development of a management framework. The board would need to specify the allocation and how it would be managed and monitored. Management measures to reduce or increase the harvest of coho salmon would need to be developed to keep the guided sport fishery within its allocation.

BACKGROUND: The principal management objective for Southeast Alaska fisheries for coho salmon is to achieve maximum sustained yield from wild stocks. Hatchery contributions and natural production are identified inseason in key fisheries using coded wire tags. Fisheries directed primarily at coho salmon are managed based on wild stock fishery performance to achieve adequate escapement while harvesting the surplus. A secondary management objective is to achieve long-term commercial gear-type allocations that were established by the board in 1989. These allocations preserve a 1969 to 1988 historical base distribution of 61% for troll gear, 19% for purse seine gear, 13% for drift gillnet gear, and 7% for set gillnet gear.

The guided sport fishery coho harvest has averaged approximately 5% of the all gear harvest of coho for the past ten years.

There are currently no coho salmon stocks of concern in Southeast Alaska. Although production has varied over time, management has been responsive to assure escapement is met and consumptive uses are provided for. Based on substantial coded-wire tag and escapement data collected during the past 20 years, exploitation rates average between 55% to 65% for a broad range of stocks, ranging from 44% to 54% for northern mainland systems like Auke Lake and Taku River; about 60% for the outside coast systems like Ford Arm Lake; and 70–80% for

southern inside systems like Hugh Smith Land and Unuk River. All indications are that these harvest rates are sustainable.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. This proposal seeks to limit the harvest of coho salmon taken in the guided sport fishery. This proposal does not address a conservation concern.

However, if the board decides to reduce the harvest of coho salmon by guided anglers, the department prefers that regulatory means (such as reduced bag limits, annual limits, and closures) be used, with specific direction about when and where to implement the regulations, rather than establishing specific allocations for the guided sport fishery.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 310: 5 AAC 47.020. GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA. Establish a fish ticket system to monitor inseason harvest by guided sport fishery.

PROPOSED BY: Walter Pasternak.

WHAT WOULD THE PROPOSAL DO? A fish ticket system would create a reporting system that would mirror the current logbook program.

WHAT ARE THE CURRENT REGULATIONS? A logbook record is required for every charter vessel trip, defined as an outing with 1 group of clients that ends when the clients and their fish (if fish were kept) are offloaded. For trips returning to a dock, the logbook must be completed before offloading any clients or fish. For trips returning to sites without docking facilities, the logbook must be completed before the vessel or guide departs the landing site and before offloading any fish or clients from the vessel. Every fishing trip taken with clients must be recorded in the manner specified in the logbook. Completed logbook sheets must be postmarked per the weekly schedule provided in the logbook.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would require implementation of a fish ticket system that would collect information currently recorded in the Statewide Saltwater Charter Logbook. The implementation of an additional system to monitor the guided sport fishery would have a budgetary impact on the department due to the costs associated with producing fish tickets, collection of the fish tickets, and entering and analyzing the data.

BACKGROUND: The major ADF&G Division of Sport Fish programs that provide information and estimates related to guided fisheries on a sustained basis include (1) the Alaska Sport Fish Survey, commonly called the statewide harvest survey (SWHS), (2) the Statewide Saltwater Charter Logbook Program, and (3) the Southeast Alaska Marine Creel Survey. These programs were developed to gather information on a wide variety of species and are statewide or regional in scope. Most of these programs also collect information on unguided fisheries; only the Saltwater Charter Logbook Program collects information exclusively on guided-fisheries. In addition to these major programs, there are occasional small-scale projects to collect specific information, such as hatchery contribution, for specific areas or dates.

Logbooks are issued from department area offices throughout Southeast Alaska for distribution. Logbooks are mailed to remote guide businesses on request. Vessel registration and issuance of required charter vessel identification stickers are distributed at the time of logbook issuance. Instructions and statistical area maps are bundled with logbooks. Logbook pages include a pressure sensitive copy for the operator's records.

Each trip is associated with an individual licensed business and guide. Data collected in 2008 included the date of trip; port or site of offloading; number of paying clients on the vessel (including those that did not fish); primary statistical area fished; target species category (bottomfish, salmon, or both); number of boat hours fished; individual license or permanent identification card numbers of each crew, client, and angler riding for free ("comp"); whether the angler was a resident or nonresident client, crew, or "comp;" and a listing of numbers of fish kept and released by each individual angler.

The department is currently evaluating the logbook program, and pending the results, is considering implementing some type of electronic reporting to decrease the time it takes to generate harvests estimates from logbook data. The department is also working on a point of sale system for licensing that will reduce the time lag with which harvest estimates for both the guided and unguided fishery are produced.

DEPARTMENT COMMENTS: The Department **OPPOSES** this proposal. A fish ticket system would not be significantly cheaper or easier to implement in a timely manner or be more accurate than the existing logbook program. In fact, the high number and broad geographic occurrence of recreational landings is the reason that programs such as the post-season mail survey and logbooks are used to tally sport harvest.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 311: 5 AAC 75.XXX. NEW SECTION. Allow representatives of the Department of Fish and Game or the Department of Public Safety free and unobstructed access to all charter fishing vessels, lodges, and other land-based or floating processing establishments to inspect catch, equipment, gear, and conduct enforcement activities.

PROPOSED BY: Alaska Longline Fishermen's Association.

WHAT WOULD THE PROPOSAL DO? This proposal would allow representatives of the Department of Fish and Game or the Department of Public Safety free and unobstructed access to all charter fishing vessels, lodges, and other land-based or floating processing establishments in order to inspect catches and conduct enforcement activities in the Southeast Alaska and Yakutat areas. This proposal would be similar to an existing commercial fishery regulation, 5 AAC 39.140, which grants representatives of the Department of Fish and Game or the Department of Public Safety free and unobstructed access to all fishing vessels, canneries, salteries, and other land-based or floating processing establishments to inspect catch, equipment, gear, and operational compliance with AS 16 and regulations promulgated thereunder, but would raise new constitutional issues by purporting to extend beyond the highly-regulated commercial fishing industry to reach into lodges, and possibly into noncommercial "processing establishments." If adopted at this meeting, these requirements would only apply to the Southeast Alaska and Yakutat areas.

WHAT ARE THE CURRENT REGULATIONS?

Sec. 16.05.170. Power to execute warrant.

Sec. 16.05.180. Power to search without warrant.

Sec. 16.05.810. Burden of proof.

Sec. 16.40.260(e). Sport fishing operator licenses.

Sec. 16.40.270(e). Sport fishing guide license.

5 AAC 75.010. (c) & (d) Possession of sport-caught Fish and Game.

5 AAC 75.075. Sport fishing services and sport fishing guide services; license requirements; regulation of activities.

5 AAC 75.076(c). Sport fishing services and sport fishing guides reporting requirements.

5 AAC 39.140. Inspection of fishing establishments and vessels.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal was submitted to provide additional authority for access to vessels and facilities involved in guided sport fishing or that might process or store guided sport-caught fish in the Southeast Alaska and Yakutat areas. Within these areas, it would also impose new requirements relating to

providing assistance with boarding of charter vessels, requirements for relinquishment of tags and heads of tagged fish, and for reporting catch dates and locations within these areas.

It is uncertain whether this proposal would have any real substantive effect because existing law probably gives adequate access to guided sport vessels and fish in possession on those vessels, and because constitutional concerns would likely limit any application to facilities other than charter vessels or commercial fish processors. Statewide regulations in 5 AAC 75.010 already require sport anglers, upon request, to present any fish taken or possessed and to present any gear capable of being used to take fish. Under AS 16.40.260, AS 16.40.270, 5 AAC 75.075, and 5 AAC 75.076, sport fishing guides and operators are required to maintain documents readily available for inspection, and are prohibited from aiding or allowing violations by their clients, so they must already allow department representatives and peace officers to come alongside and aboard.

Commercial fishing is a highly-regulated industry where there can be little reasonable expectation of privacy, allowing use of warrantless observations of gear and fishing areas in prosecutions. Because guided sport fishing is also a highly-regulated commercial operation we believe the same standards applicable to the commercial fisheries apply for warrantless observations of guided sport vessels.

Additional access to processed fish would serve little or no purpose because such fish do not count toward possession limits and often the species and origin of processed fish cannot be readily identified for determination of compliance with individual bag or seasonal limits. Additional regulations relating to reporting of fish processing and marking of processed fish would also be needed in order to make access to processed fish useful for enforcement purposes.

Adoption of regional requirements for access in the Southeast Alaska and Yakutat areas might negatively impact enforcement authorities in other areas because the existence of explicit provisions in the Southeast Alaska and Yakutat areas could be used to imply that such authority does not exist in other areas where there are no explicit provisions.

BACKGROUND: The Department of Public Safety and the Department of Fish and Game are very careful to follow constitutional mandates when utilizing the current statewide authority in 5 AAC 39.140 to access commercially-caught fish on fishing vessels and land-based processing facilities. This regulation has been in affect for more than 20 years and has proven a valuable and effective enforcement tool to increase access and accountability for those who possess commercially-taken fish and shellfish. Likewise, existing statewide provisions relating to production of guided sport documentation and existing provisions relating to production of sport-caught fish and fishing equipment already provide valuable and effective enforcement tools.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. The department, in general, supports the concept of increased access and accountability that the proposal requests, but believes that such authority should be statewide, which would be beyond the legal notice for this meeting. The department is also concerned that the proposed language might exceed constitutional limits, and that under current law access to processed fish would provide little or no enforcement benefit.

The board may wish to consider rescheduling of this proposal to a statewide meeting, modification of the proposal to reflect constitutional constraints, and modification to include recordkeeping, storage, and marking requirements for processed fish to make access to processed fish useful. The department would turn to the Departments of Law and Public Safety for input and guidance on this proposal.

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

PROPOSAL 312: 5 AAC 75.995 INSPECTION OF GUIDED SPORT FISHING ESTABLISHMENTS AND VESSELS. Allow representatives of the Department of Fish and Game or the Department of Public Safety free and unobstructed access to vessels and freezer facilities associated with charter fishing similar to what is currently in place for the commercial fishing industry.

PROPOSED BY: Alaska Trollers Association.

WHAT WOULD THE PROPOSAL DO? This proposal would allow representatives of the Department of Fish and Game or the Department of Public Safety free and unobstructed access to vessels and freezer facilities associated with charter fishing in order to inspect catches and conduct enforcement activities in the Southeast Alaska and Yakutat areas. This proposal would be similar to an existing commercial fishery regulation, 5 AAC 39.140, which grants representatives of the Department of Fish and Game or the Department of Public Safety free and unobstructed access to all fishing vessels, canneries, salteries, and other land-based or floating processing establishments to inspect catch, equipment, gear, and operational compliance with AS 16 and regulations promulgated thereunder, but would raise new constitutional issues by purporting to extend beyond the highly-regulated commercial fishing industry to reach into lodges, and might also reach into noncommercial "processing establishments." If adopted at this meeting these requirements would only apply to the Southeast Alaska and Yakutat areas.

WHAT ARE THE CURRENT REGULATIONS?

Sec. 16.05.170. Power to execute warrant.

Sec. 16.05.180. Power to search without warrant.

Sec. 16.05.810. Burden of proof.

Sec. 16.40.260(e). Sport fishing operator licenses.

Sec. 16.40.270(e). Sport fishing guide license.

5 AAC 75.010. (c) & (d) Possession of sport-caught Fish and Game.

5 AAC 75.075. Sport fishing services and sport fishing guide services; license requirements; regulation of activities.

5 AAC 75.076(c). Sport fishing services and sport fishing guides reporting requirements.

5 AAC 39.140. Inspection of fishing establishments and vessels.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal was submitted to provide additional authority for access to vessels and freezer facilities associated with charter fishing in the Southeast Alaska and Yakutat areas. Within these areas, it would also impose new requirements relating to providing assistance with boarding of charter

vessels, requirements for relinquishment of tags and heads of tagged fish, and for reporting catch dates and locations within these areas.

It is uncertain whether this proposal would have any real substantive effect because existing law probably gives adequate access to guided sport vessels and fish in possession on those vessels and because constitutional concerns would likely limit any application to facilities other than charter vessels or commercial fish processors. Statewide regulations in 5 AAC 75.010 already require sport anglers, upon request, to present any fish taken or possessed and to present any gear capable of being used to take fish. Under AS 16.40.260, AS 16.40.270, 5 AAC 75.075, and 5 AAC 75.076, sport fishing guides and operators are required to maintain documents readily available for inspection, and are prohibited from aiding or allowing violations by their clients, so they must already allow department representatives and peace officers to come alongside and aboard.

Commercial fishing is a highly-regulated industry where there can be little reasonable expectation of privacy, allowing use of warrantless observations of gear and fishing areas in prosecutions. Because guided sport fishing is also a highly-regulated commercial operation, we believe the same standards applicable to the commercial fisheries apply for warrantless observations of guided sport vessels.

Additional access to processed fish would serve little or no purpose because such fish do not count toward possession limits, and often the species and origin of processed fish cannot be readily identified for determination of compliance with individual bag or seasonal limits. Additional regulations relating to reporting of fish processing and marking of processed fish would also be needed in order to make access to processed fish useful for enforcement purposes.

Adoption of regional requirements for access in the Southeast Alaska and Yakutat areas might negatively impact enforcement authorities in other areas because the existence of explicit provisions in the Southeast Alaska Yakutat areas could be used to imply that such authority does not exist in other areas where there are no explicit provisions.

BACKGROUND: The Department of Public Safety and the Department of Fish and Game are very careful to follow constitutional mandates when utilizing the current statewide authority in 5 AAC 39.140 to access commercially-caught fish on fishing vessels and land-based processing facilities. This regulation has been in affect for more than 20 years and has proven a valuable and effective enforcement tool to increase access and accountability for those who possess commercially-taken fish and shellfish. Likewise, existing statewide provisions relating to production of guided sport documentation and existing provisions relating to production of sport caught fish and fishing equipment already provide valuable and effective enforcement tools.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. The department in general supports the concept of increased access and accountability that the proposal requests, but believes that such authority should be statewide, which would be beyond the legal notice for this meeting. The department is also concerned that the proposed language might exceed constitutional limits, and that under current law access to processed fish would provide little or no enforcement benefit.

The board may wish to consider rescheduling of this proposal to a statewide meeting, modification of the proposal to reflect constitutional constraints, and modification to include recordkeeping, storage, and marking requirements for processed fish to make access to processed fish useful. The department would turn to the Departments of Law and Public Safety for input and guidance on this proposal.

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

PROPOSAL 313: 5 AAC. XX.XXX. NEW SECTION. Allow representatives of the Department of Fish and Game or the Department of Public Safety free and unobstructed access to all freezer facilities at lodges and bed and breakfasts associated with charter fishing to inspect catch and conduct enforcement activities

PROPOSED BY: Signid Rutter.

WHAT WOULD THE PROPOSAL DO? This proposal would allow representatives of the Department of Fish and Game or the Department of Public Safety free and unobstructed access to all freezer facilities at lodges and bed and breakfasts associated with charter fishing to inspect catch and conduct enforcement activities in the Southeast Alaska and Yakutat areas. This proposal would be similar to an existing commercial fishery regulation, 5 AAC 39.140, which grants representatives of the Department of Fish and Game or the Department of Public Safety free and unobstructed access to all fishing vessels, canneries, salteries, and other land-based or floating processing establishments to inspect catch, equipment, gear, and operational compliance with AS 16 and regulations promulgated thereunder, but would raise new constitutional issues by purporting to extend beyond the highly-regulated commercial fishing industry to reach into lodges and might also reach into noncommercial "processing establishments." If adopted at this meeting, these requirements would only apply to the Southeast Alaska and Yakutat areas.

WHAT ARE THE CURRENT REGULATIONS?

Sec. 16.05.170. Power to execute warrant.

Sec. 16.05.180. Power to search without warrant.

Sec. 16.05.810. Burden of proof.

Sec. 16.40.260(e). Sport fishing operator licenses.

Sec. 16.40.270(e). Sport fishing guide license.

5 AAC 75.010. (c) & (d) Possession of sport-caught Fish and Game.

5 AAC 75.075. Sport fishing services and sport fishing guide services; license requirements; regulation of activities.

5 AAC 75.076(c). Sport fishing services and sport fishing guides reporting requirements.

5 AAC 39.140. Inspection of fishing establishments and vessels.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal was submitted to provide additional authority for access freezer facilities at lodges and bed and breakfasts used to store guided sport-caught fish in the Southeast Alaska and Yakutat areas. Within these areas, it would also impose new requirements relating to providing assistance with boarding of charter vessels, requirements for relinquishment of tags and heads of tagged fish, and for reporting catch dates and locations within these areas.

It is uncertain whether this proposal would have any real substantive effect because existing law probably gives adequate access to guided sport vessels and fish in possession on those vessels and because constitutional concerns would likely limit any application to facilities other than charter vessels or commercial fish processors. Statewide regulations in 5 AAC 75.010 already require sport anglers, upon request, to present any fish taken or possessed and to present any gear capable of being used to take fish. Under AS 16.40.260, AS 16.40.270, 5 AAC 75.075, and 5 AAC 75.076, sport fishing guides and operators are required to maintain documents readily available for inspection, and are prohibited from aiding or allowing violations by their clients, so they must already allow department representatives and peace officers to come alongside and aboard.

Commercial fishing is a highly-regulated industry where there can be little reasonable expectation of privacy, allowing use of warrantless observations of gear and fishing areas in prosecutions. Because guided sport fishing is also a highly-regulated commercial operation, we believe the same standards applicable to the commercial fisheries apply for warrantless observations of guided sport vessels.

Additional access to processed fish would serve little or no purpose because such fish do not count toward possession limits and often the species and origin of processed fish cannot be readily identified for determination of compliance with individual bag or seasonal limits. Additional regulations relating to reporting of fish processing and marking of processed fish would also be needed in order to make access to processed fish useful for enforcement purposes.

Adoption of regional requirements for access in the Southeast Alaska and Yakutat areas might negatively impact enforcement authorities in other areas because the existence of explicit provisions in the Southeast Alaska Yakutat areas could be used to imply that such authority does not exist in other areas where there are no explicit provisions.

BACKGROUND: The Department of Public Safety and the Department of Fish and Game are very careful to follow constitutional mandates when utilizing the current statewide authority in 5 AAC 39.140 to access commercially-caught fish on fishing vessels and land-based processing facilities. This regulation has been in affect for more than 20 years and has proven a valuable and effective enforcement tool to increase access and accountability for those who possess commercially-taken fish and shellfish. Likewise existing statewide provisions relating to production of guided sport documentation and existing provisions relating to production of sport caught fish and fishing equipment already provide valuable and effective enforcement tools.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. The department, in general, supports the concept of increased access and accountability that the proposal requests, but believes that such authority should be statewide, which would be beyond the legal notice for this meeting. The department is also concerned that the proposed language

might exceed constitutional limits, and that under current law access to processed fish would provide little or no enforcement benefit.

The board may wish to consider rescheduling of this proposal to a statewide meeting, modification of the proposal to reflect constitutional constraints, and modification to include recordkeeping, storage, and marking requirements for processed fish to make access to processed fish useful. The department would turn to the Departments of Law and Public Safety for input and guidance on this proposal.

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

PROPOSAL 314: 5 AAC 47.021. SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS, AND METHODS AND MEANS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA. Lower the bag limit for sockeye salmon in Situk-Ahrnklin Estuary drainages.

PROPOSED BY: Yakutat Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would decrease the bag limit for sockeye salmon on the drainages of the Situk-Ahrnklin Estuary from 6 to 3 per day and reduce the possession limit from 12 to 6. It also states that a mechanism should be used to raise limits depending on run strength.

WHAT ARE THE CURRENT REGULATIONS? Current sport fish regulations allow 6 sockeye per day, 12 in possession. Situk River sockeye salmon escapement is monitored by a department weir and a biological escapement goal (BEG) is set for Situk River sockeye salmon. Emergency order authority is used to modify regulations inseason if the escapement goal is in jeopardy.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The result would be lower bag and possession limits, resulting in a lower sport harvest of sockeye salmon on Situk-Ahrnklin Estuary streams.

BACKGROUND: Sport fisheries harvest Situk-Ahrnklin sockeye salmon in the Situk River, other small tributaries, and Yakutat Bay. Sport harvest of Situk-Ahrnklin Estuary sockeye salmon has averaged 8,622 over the last decade (1998–2007), peaking in 2003 at 12,926. Sport fisheries have harvested 12% of the total harvest (subsistence, sport, and commercial) of Situk-Ahrnklin Estuary sockeye salmon on average (1998–2007), peaking in 1998 at 18%. Commercial fisheries harvest Situk-Ahrnklin Estuary sockeye salmon in Situk-Ahrnklin Estuary and in Yakutat Bay. Commercial harvests of Situk-Ahrnklin sockeye has averaged 67,270, peaking in 2007 at 91,652. Typically 2000–5000 sport anglers and approximately 70 commercial harvesters fish for Situk-Ahrnklin Estuary sockeye salmon. Sport angling regulations are 6 per day, 12 in possession all year, and only single hooks are allowed. Commercial fisheries are opened by regulation 2.5 days per week, opening on Sunday at 6:00 a.m. Both fisheries are managed to attain the BEG and are routinely curtailed by emergency order if escapement goals are not being met. Commercial fisheries are extended when escapement goals are exceeded, but sport limits have never been raised. Escapement of sockeye salmon on the Situk River has met its BEG (30–70,000 fish) in 9 of the 10 preceding years, exceeded its goal 2 of the last 10 years, and failed to reach its goal 1 year (2008), but weir counts in the 2008 season were terminated early by high water events.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

PROPOSAL 315: 5 AAC 47.023. SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS, AND METHODS AND MEANS FOR THE FRESHWATERS OF THE SOUTHEAST ALASKA AREA. Open Ketchikan Creek to sport fishing for two additional weeks, May 15 through May 31.

PROPOSED BY: Tongass Sportfishing Association Chapter of Trout Unlimited.

WHAT WOULD THE PROPOSAL DO? This proposal would provide for an additional 2 weeks (May 15–31) of sport fishing opportunity and catch/harvest of steelhead, rainbow trout and Dolly Varden in Ketchikan Creek.

WHAT ARE THE CURRENT REGULATIONS? The fishing season for Ketchikan Creek is open September 15–May 15. Steelhead limits are 1 daily, 2 in possession, 36-inch minimum size, 2 fish annual limit and a harvest record requirement. However, the bag limit is 2 fish, if at least 1 has a clipped adipose fin, as evidenced by a healed scar. There is no size limit for steelhead with a clipped adipose fin and these fish do not apply towards the annual limit or harvest record requirement. In Ketchikan Creek, only unbaited, single-hook, artificial lures are allowed.

Regionwide regulations for rainbow trout and Dolly Varden apply: for rainbow trout the bag limit is 2 daily, 2 in possession, 11-inch minimum and 22-inch maximum size limits; for Dolly Varden the bag limit is 10 daily, 10 in possession and no size restrictions.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Adoption of this proposal would increase angling opportunity for steelhead, rainbow trout, and Dolly Varden by 2 weeks. The potential increase for harvest of steelhead, rainbow trout, and Dolly Varden would be minimal.

BACKGROUND: In 1985, a proposal was submitted to the Board of Fisheries recommending that Ketchikan Creek be opened to sport fishing for trout. The board amended the proposal and established a fishing season for Ketchikan Creek from September 15 through May 15. Ketchikan Creek closes by regulation from May 16 through September 14 to protect king salmon broodstock returning to the Deer Mountain Hatchery.

Steelhead snorkel survey data collected in Ketchikan Creek from 1997 to 2005 indicates that instream steelhead abundance peaks approximately mid to late May.

The average annual sport fishing effort at Ketchikan Creek during the past 10 years was 1,400 angler-days. The average annual steelhead harvest at Ketchikan Creek was 4 fish, though in most years no harvest occurred. The average annual harvest for Dolly Varden and rainbow trout were

19 and 37 fish, respectively. Average annual catches were 48 steelhead, 314 Dolly Varden, and 329 rainbow trout.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. There are no known conservation concerns for steelhead in Ketchikan Creek. The department's emergency order authority (5AAC 75.003) provides for closures to protect for broodstock needs should concerns arise inseason.

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

PROPOSAL 316: 5 AAC 47.023. SPECIAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, AND SIZE LIMITS, AND METHODS AND MEANS FOR THE SALT WATERS OF SOUTHEAST ALASKA AREA. Prohibit snagging from the Macaulay Salmon Hatchery fish ladder to the Channel Wayside fishing dock from May 1 through November 1.

PROPOSED BY: City and Borough of Juneau, Docks and Harbors.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit snagging from the Wayside Park fishing dock in the saltwater area between the dock and the fish ladder at the Douglas Island Pink and Chum Inc's Macaulay Salmon Hatchery.

WHAT ARE THE CURRENT REGULATIONS? Snagging is generally allowed in all saltwater areas, including the saltwater area described in the proposal. Freshwater regulations prohibit snagging and use of fixed or weighted hooks and lures, and multiple (treble) hooks with a gap between point and shank larger than one-half inch.

Southeast Alaska regional regulations allow fishing within 300 feet of a fish ladder unless otherwise posted by department markers. Department regulatory signs, posted at the saltwater area described in this proposal, define a small area near the fish ladder where fishing is prohibited.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Salmon would not be as readily harvested if snagging is prohibited.

BACKGROUND: The Wayside Park fishing dock was built by the Alaska Department of Transportation with federal highway funding for the purpose of providing fishing access that meets the requirements of the Americans with Disabilities Act. The dock is now owned and managed by the City and Borough of Juneau. Prior to the existence of the Wayside Park dock, Macaulay Salmon Hatchery managed a fishing dock at the same location. However, this dock was removed when the Channel Wayside dock was constructed. In 1993, out of safety concerns raised by the hatchery, the board adopted a regulation that prohibited snagging within 150 feet of the fishing dock. This regulation was specific to the hatchery fishing dock and therefore, it became invalid and unenforceable when that dock was removed.

High densities of chum, king, and coho salmon occur in this saltwater area, and densities are often highest in the area between the dock and the fish ladder. It is presumed that a high proportion of fish caught in the immediate vicinity of the dock and fish ladder are snagged. The dock and shoreline area near the hatchery have supported an average of about 6,500 angler-days of sport fishing effort over the past 5 years.

DEPARTMENT COMMENTS: The Department views the issue of snagging in this area as a social issue and is **NEUTRAL** on the proposal. If the board chooses to prohibit snagging in this area, we recommend that the regulatory language include a prohibition on attempting to snag for enforcement reasons.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 317: 5 AAC 47.021. SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS, AND METHODS AND MEANS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA and **5 AAC 47.023. SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS, AND METHODS AND MEANS FOR THE FRESH WATERS OF THE SOUTHEAST ALASKA AREA.** Allow only catch-and-release for steelhead in all streams crossed by Juneau road system.

PROPOSED BY: Juneau Chapter of Trout Unlimited.

WHAT WOULD THE PROPOSAL DO? If adopted, this proposal would restrict anglers to catch and release fishing for steelhead in all streams crossed by the Juneau road system.

WHAT ARE THE CURRENT REGULATIONS? Southeast Alaska regional steelhead limits consist of: 1 steelhead per day, 2 in possession; a minimum size limit of 36 inches; and an annual limit of 2 fish. Harvest recording requirements for steelhead are also in effect.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Current steelhead regulations provide little harvest opportunity and therefore the reduction in harvest would be minor.

BACKGROUND: In 1994, the board adopted more conservative angling regulations in an effort to rebuild and conserve steelhead populations. The board restricted the bag and possession limits for all trout, including steelhead, increased the minimum size limit for steelhead from 16 to 36 inches, and implemented an annual limit and harvest recording requirement. These restrictions were adopted to help rebuild Southeast Alaska steelhead stocks and were supported by public comments and department stock assessment information, both of which indicated that stocks had been in decline.

Populations of steelhead exist in several small streams on the Juneau road system. The largest known population occurs in Peterson Creek, which is also one of the regional index streams where the department conducts annual snorkel surveys to provide a relative index of abundance. The first snorkel surveys in Peterson Creek were conducted in 1997, and since that time, peak annual counts have been relatively stable ranging between 13 and 41 (average 29) adult steelhead observed. A temporary weir constructed in lower Peterson Creek in 1989, 1990, and 1991 provided immigrant counts of 222, 179, and 215, respectively. Only 1 other stream on the Juneau road system has ever had steelhead escapement quantified with a weir (n = 53); it is presumed that the other Juneau streams have annual escapements much less than that of Peterson Creek. Given the small populations and restrictive harvest limits, harvest on the road system is likely very low. Statewide Harvest Survey data indicates that no steelhead harvests have occurred on

the Juneau road system in the last few years, and that the average catch during the past 10 years is estimated to be just over 100 fish.

In March of 2005, the Federal Subsistence Board implemented new regulations allowing federally-qualified users to harvest steelhead throughout Southeast Alaska, including the Juneau road system area. To date, no one has requested a federal permit to harvest steelhead on the Juneau road system, and Juneau residents are not eligible to participate under current federal subsistence regulations. If interest in the federal subsistence fishery on the Juneau road system develops, there would be concern that Juneau road system steelhead stocks could be vulnerable to overharvest.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal due to allocative aspects between catch-and-release anglers and anglers who want to harvest a steelhead. Steelhead stocks on the Juneau road system appear to be stable and the sport steelhead regulations are believed to protect the sustainability of the Juneau area steelhead populations.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.

PROPOSAL 318: 5 AAC 47.021. SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS, AND METHODS AND MEANS FOR THE SALT WATERS OF SOUTHEAST ALASKA AREA. Corrected an error in regulation by amending the following sections.

(h) [IN THE PETERSBURG/WRANGELL VICINITY, SHRIMP MAY NOT BE TAKEN IN THE WATERS

(1) OF TWELVE-MILE ARM WEST OF A LINE FROM PRINCE OF WALES ISLAND AT 55° 29.07' N. LAT., 132° 37.60' W. LONG., TO THE NORTHEASTERNMOST TIP OF LOY ISLAND AT 55° 29.07' N. LAT., 132° 36.70' W. LONG., TO THE EASTERNMOST TIP OF CAT ISLAND AT 55° 27.80' N. LAT., 132° 39.08' W. LONG., TO PRINCE OF WALES ISLAND AT 55° 27.80' N. LAT., 132° 40.93' W. LONG., INCLUDING WATERS NEAREST HOLLIS ANCHORAGE; AND

(2) EAST OF A LINE FROM INDIAN POINT AT 55° 36.85' N. LAT., 131° 42.02' W, LONG., TO THE NORTHEASTERN MOST TIP OF BETTON ISLAND AT 55° 31.95' N. LAT., 131° 46.37' W. LONG., TO THE SOUTHEASTERN MOST TIP OF BETTON ISLAND AT 55° 29.90' N. LAT., 131° 48.18' W. LONG., TO SURVEY POINT AT 55° 28.07' N. LAT., 131° 49.87' W. LONG.]

(i) In the Prince of Wales Island vicinity**:** [,]

(1) the waters of Klawock Harbor between the Klawock River Bridge and a line from the Klawock blinker light to the Klawock oil dock are closed to**:**

(A) [(1)] snagging; a fish hooked anywhere other than the mouth must be released immediately;

(B) [(2)] sport fishing for sockeye salmon;

(2) shrimp may not be taken in the waters of Twelve-mile Arm west of a line from Prince of Wales Island at 55° 29.07' N. lat., 132° 37.60' W. long., to the northeastern most tip of Loy Island at 55° 29.07' N. lat., 132° 36.70' W. long., to the easternmost tip of Cat Island at 55° 27.80' N. lat., 132° 39.08' W. long., to Prince of Wales Island at 55° 27.80' N. lat., 132° 40.93' W. long., including waters nearest Hollis Anchorage;

(j) In the Ketchikan area:

(5) in Thomas Basin seaward of a line between ADF&G regulatory markers located on the upstream side of the Stedman Street Bridge,

(A) only single hooks may used;

(B) snagging is prohibited; a fish hooked anywhere other than the mouth must be released immediately**;** [.]

(6) Shrimp may not be taken in the waters east of a line from Indian Point at 55° 36.85' n. lat., 131° 42.02' w, long., to the northeastern most tip of Betton Island at 55° 31.95' n. lat., 131° 46.37' w. long., to the southeastern most tip of Betton Island at 55° 29.90' n. lat., 131° 48.18' w. long., to Survey Point at 55° 28.07' n. lat., 131° 49.87' w. long.

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would remove regulations from the Petersburg/Wrangell subsection and place them in their correct subsections.

WHAT ARE THE CURRENT REGULATIONS? Regulations are listed above and will not be changed.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The regulations would be listed in the correct subsections.

BACKGROUND: This proposal was submitted to correct an error whereby a Prince of Wales Island area regulation was incorrectly placed in the Petersburg subsection of the regulations. Upon further review it was discovered that a Ketchikan area regulation was also incorrectly placed in the Petersburg subsection of the regulations.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this housekeeping proposal.

COST ANALYSIS: The adoption of this proposal will not add any cost for a private person to participate in this fishery.

PROPOSAL 319: 5 AAC 47.021. SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS, AND METHODS AND MEANS FOR THE SALT WATERS OF SOUTHEAST ALASKA AREA. Close the area 200 feet below the falls of Polotnikof River at Port Banks to snagging.

PROPOSED BY: Ken Bellows.

WHAT WOULD THE PROPOSAL DO? Close the area below the falls of Polotnikof River at Port Banks to snagging within 200 feet.

WHAT ARE THE CURRENT REGULATIONS? Currently, snagging is legal in salt water, but prohibited in fresh water. The freshwater boundary of Polotnikof River was marked by the department in July 2008, which was after the submission of this proposal.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Snagging would not be permitted in the area below the falls at outlet of Polotnikof River.

BACKGROUND: Polotnikof River empties into Port Banks near salt water on the south side of Whale Bay. Until July 2008, the stream boundary was not marked and the freshwater/saltwater boundary was ambiguous. A department marker indicating the freshwater boundary is now in place approximately 1,000 feet below the falls thereby prohibiting snagging immediately below the falls.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. While the Department supports the intent of this proposal, the marked boundary now prohibits snagging within 1,000 feet which is more restrictive than the proposed 200 feet.

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

PROPOSAL 320: 5 AAC 29.090(a). MANAGEMENT OF THE SPRING SALMON TROLL FISHERIES.

PROPOSED BY: Fred Fayette.

WHAT WOULD THE PROPOSAL DO? This proposal would establish levels of hatchery percentage criteria and Treaty fish caps used for the management of the spring fisheries based on the number of uncaught king salmon left over (rolled over) from the winter fishery.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 29.090. Management of the spring salmon troll fisheries.

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

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

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

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

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

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

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

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, it's likely that the spring harvest would increase slightly, but the increase may not be significant. However, even slightly larger harvests of non-Alaska hatchery-produced king salmon would reduce the number of Treaty kings available for harvest in the summer fishery. Slight reductions in the summer quota may not negatively affect summer troll management in high king salmon abundance years, but in low abundance years (such as 2008), the number of king salmon retention days could be reduced as a result of increasing the spring harvests.

Many of the most productive areas are open throughout the spring fishery. Those areas that have not been open continuously have Alaska hatchery components that can vary significantly from

week to week and may be closed before the maximum allowable Treaty catch is actually attained in order to avoid exceeding that allowable catch by a significant amount. There have also been many areas that, no matter how long they would have been left open, would not have attained the maximum allowable Treaty catch. During the 2008 spring fishery, had the Treaty cap example in this proposal been in place (increasing the allowable Treaty catch by 500 fish per tier), it would have likely resulted in an increased total harvests of less than 1,000 king salmon, and an increase the Treaty catch of approximately 775 king salmon. In addition, during the 2008 season, the proposed change to the allowable Treaty catch would have affected only the Biorka Island spring area.

The long-term effect of this proposal is very difficult to assess. The spring areas are managed on a week by week basis and the Alaska hatchery composition, effort levels, and the total catch can change rapidly and significantly from week to week. Because of the uncertainties, it is very difficult to predict what the final catch and Treaty component will be at the end of the season. Spring areas, which are located some distance from the outer coast or areas, such as Sitka Sound (Figure 320-1), that are closer to the hatchery release sites, generally demonstrate stable or increasing Alaska hatchery composition as the season progresses. However, that is not always the case and spring areas located near the outer coast often demonstrate highly variable weekly hatchery percentages which can change the assumptions used for the weekly management decisions to set the length of the open periods. If the department's ability to project weekly hatchery composition was perfect, then this proposal would likely increase the catch in some of the spring areas. However, due to variability in the catch, effort, and weekly hatchery components it's unlikely this proposal will result in significant additional catch in the spring fishery.

BACKGROUND: In 1980, the Alaska Board of Fisheries (board) adopted a king salmon management plan recommended by the department to be effective in 1981 to rebuild king salmon stocks in Southeast Alaska. A primary feature of the plan was the closure of regionwide spring troll fisheries that harvested those stocks. Annual guideline harvests levels were adopted and the starting date of the general summer fishery was delayed. At about the same time as the rebuilding plan was implemented, Alaskan hatcheries began producing king salmon and releasing hatchery fish from 15 different hatcheries and 17 different sites.

In 2003, the board adopted a proposal that changed the allowable Treaty cap in the spring fisheries. That regulation change resulted in one spring area (Tebenkof Bay) remaining open in 2004 longer than would have been allowed under the previous regulations. In 2006, the board adopted proposals that added an additional tier to the allowable Treaty cap provisions in 5 AAC 29.090(d)(1)(D) and allowed combining adjacent spring areas and harvest caps (5 AAC 29.090(j)). Each of these regulations, although difficult to actually assess, likely resulted in slight increases in spring fishery harvests over what would have occurred under previous regulations.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

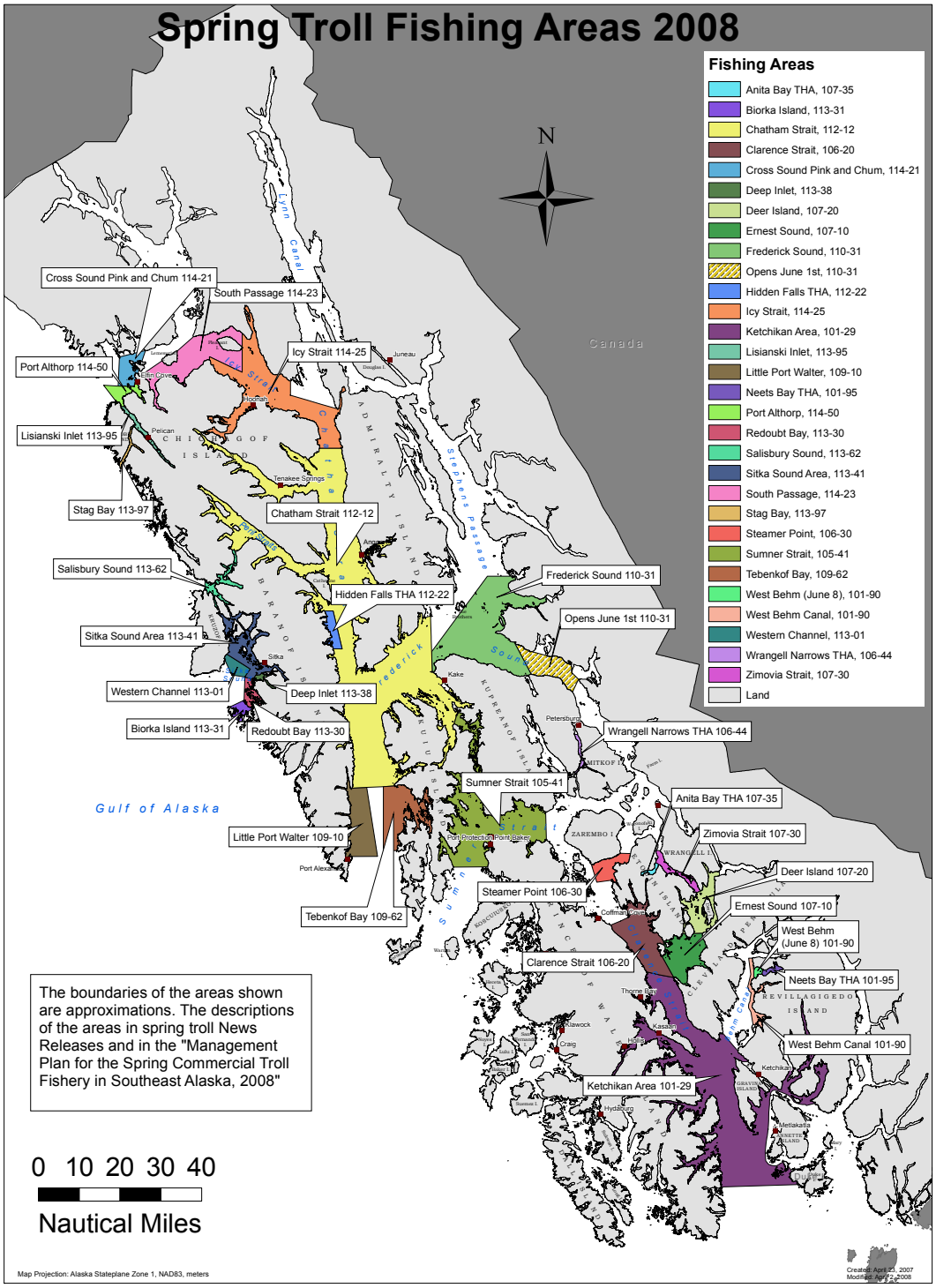


Figure 320-1.–Map of spring troll areas opened in 2008.

PROPOSAL 321: 5 AAC 29.080(a). MANAGEMENT OF THE WINTER SALMON TROLL FISHERY.

PROPOSED BY: Eric Jordan.

WHAT WOULD THE PROPOSAL DO? Although the proposal is confusing as written due to the hatchery add-on provision, the department believes that the proposal is requesting that the 45,000 winter king salmon guideline harvest level (43,000 to 47,0000 guideline harvest range) be the allowable catch of Treaty (non-Alaska hatchery-produced) king salmon rather than the total king salmon catch.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 29.080. Management of the winter salmon troll fishery.

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The allowable guideline harvest of king salmon during the winter troll fishery would essentially be changed from 45,000 total fish to 45,000 Treaty fish. The target catch of king salmon would be increased, with increases in both the total catch and Treaty catch. This action would leave fewer fish to be caught during the summer fishery if the total winter GHL were caught, because the king salmon catch during the spring fishery is not determined by the remaining allowable catch of Treaty fish as is the summer king salmon fishery. A reduction in king salmon available for the summer fishery may lead to an increase in Chinook salmon non-retention (CNR) days and the resultant incidental mortalities. In some years, the increase in winter catch could have resulted in reductions in allowable catch of a day or more in the summer fishery (Table 321–1). Any summer reduction would need to be taken during the coho fishery and would likely be incorporated into any coho salmon closure during August. Table 321–2 provides the average fleet/day catch rates for the July and August king salmon openings, and the likely number of additional troll closure days that would have resulted had this proposal been in effect since 1999. In most years, the additional winter catch would have added one day to the August troll closure.

Under provisions of the new 2009–2018 Pacific Salmon Treaty Agreement, a 15% reduction in the Southeast Alaska all-gear king salmon quota at current Abundance Indexes was implemented. Unless actions are taken to reduce winter and spring fishery catches, by default, the entire 15% reduction will be essentially taken out of the summer king salmon quota and fishery. If this proposal is approved, the reduction in the summer troll quota above the 15% reduction will likely result in an additional 0.6% reduction in the allowable summer harvest target. This additional reduction would likely also reduce the number of summer king salmon retention days by an additional day. Table 321-3 summarizes what would likely have happened during the 1999–2008 period under the 15% reduction only and with provisions of Proposal 321 included.

BACKGROUND: The winter troll fishery king salmon harvest has averaged 39,000 fish since 1999 and has ranged from 21,824 fish in 2008 to 52,886 fish in 2004 (Table 321–4). The Alaska hatchery percent of kings caught in the winter fishery has averaged 10% during that time period and has ranged from 8% in 2006 to 13% in 2008. The number of Alaska hatchery fish caught in the winter fishery has ranged from 2,000 in 2002 to 6,176 in 2004.

The current harvest cap was developed by the Board of Fisheries-appointed Chinook Troll Task Force and was adopted by the board in 1994. The cap was implemented in an effort to reduce the CNR days and the resulting incidental catch and release mortalities in the summer fishery.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

Table 321-1.–Projected effect of Proposal 321 on the number of additional summer troll fishery closure days, 1999–2008.

Year	July Fleet Catch/Day	Aug. Fleet Catch/Day	Potential Number of Additional Closure Days
1999	13,017	3,280	0
2000	10,154	3,112	1
2001	10,809	1,606	2
2002	10,389	2,967	1
2003	6,169	6,169	1
2004	12,933	12,733	0
2005	8,890	10,834	0
2006	10,817	6,559	1
2007	7,027	5,148	1
2008	11,985	4,833	1

Table 321-2.–Average fleet/day catch rates for the July king salmon openings and the likely number of additional troll closure days that would have resulted had this proposal been in effect since 1999.

Year	July Fleet Catch/Day	Days Open	Theoretical Days Open (what should have happened)	Theoretical Days Open with 15% Cut	Additional Closure Days Under Prop. 321
1999	13,017	6	5	3	0
2000	10,154	5	6	5	1
2001	10,809	6	7	5	2
2002	10,389	18	14	12	1
2003	6,169	31	NA	NA	1
2004	12,933	15	11	9	0
2005	8,890	17	18	14	0
2006	10,817	12	12	10	1
2007	7,027	20	17	13	1
2008	11,981	5	5	4	1
	Totals	130	89	70	7

Table 321-3.–Summary of what would likely have happened during the 1999–2008 period under the 15% reduction only and with provisions of Proposal 321 included.

Effect of 2009 PSC Agreement 15% Cut On Summer Troll Chinook Quota								Potential Additional Effect As Result of Prop. 321				
Year	Troll Allocation	Summer Troll Quota	1st Summer Quota	15% of Troll Allocation	Summer Quota Minus 15% of Troll Allocation	Summer % Reduction	New 1st Summer Quota	Winter AK Hatchery Catch	Summer Quota Minus 15% of Troll Allocation Minus Winter AK Hatchery Catch	New Summer % Reduction	New 1st Summer Quota	Additional % Change In Summer Quota
1999	142,335	85,000	59,500	21,350	63,650	25.1%	44,555	2,200	82,800	25.8%	57,960	-0.7%
2000	140,182	90,000	63,000	21,027	68,973	23.4%	48,281	3,100	86,900	24.2%	60,830	-0.8%
2001	140,182	103,600	72,520	21,027	82,573	20.3%	57,801	2,800	100,800	20.9%	70,560	-0.6%
2002	263,866	211,300	147,910	39,580	171,720	18.7%	120,204	2,000	209,300	18.9%	146,510	-0.2%
2003	270,993	202,000	141,400	40,649	161,351	20.1%	112,946	4,380	197,620	20.6%	138,334	-0.4%
2004	283,910	204,340	143,038	42,587	161,753	20.8%	113,227	6,176	198,164	21.5%	138,715	-0.6%
2005	308,335	222,800	155,960	46,250	176,550	20.8%	123,585	5,474	217,326	21.3%	152,128	-0.5%
2006	256,664	186,200	130,340	38,500	147,700	20.7%	103,390	3,993	182,207	21.1%	127,545	-0.5%
2007	243,747	167,000	116,900	36,562	130,438	21.9%	91,307	4,712	162,288	22.5%	113,602	-0.6%
2008	125,370	82,933	58,053	18,806	64,128	22.7%	44,889	2,940	61,188	26.2%	42,831	-3.5%

Table 321-4.–Winter troll fishery catches, 1999–2008.

Year	Total Catch	AK Hatchery Catch	% AK Hatchery
1999	31,000	2,200	7%
2000	36,100	3,100	9%
2001	22,600	2,800	12%
2002	29,400	2,000	7%
2003	50,854	4,380	9%
2004	52,886	6,176	12%
2005	50,464	5,474	11%
2006	48,919	3,993	8%
2007	46,872	4,712	10%
2008	21,825	2,940	13%
Average	39,092	3,778	10%

PROPOSAL 322: 5 AAC 29.080. MANAGEMENT OF THE WINTER SALMON TROLL FISHERY. (b)(2).

PROPOSED BY: Alaska Trollers Association.

WHAT WOULD THE PROPOSAL DO? This proposal would remove the "Stikine River" area restriction during the winter commercial troll fishery in District 8 from October 11 through March 31.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 29.080. Management of the winter salmon troll fishery.

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? During the winter fishery, trolling would be allowed inside (east) of the line that essentially delineates the boundary of the Stikine River tide flats, through March 31 (Figure 322-1). It is likely that the king salmon catch in District 8 would increase from historical levels because this proposal would open waters that are known to be areas where king salmon are relatively abundant. However, it is not likely that the adoption of this proposal would result in the harvest of many additional Stikine River king salmon because the winter fishery has a guideline harvest level which includes non-Alaska hatchery fish and because the March 31 closure date precedes the return of Stikine River king salmon to this area. Only one Stikine River coded-wire-tagged (CWT) king salmon has been caught in District 8 during the winter troll fishery since the first CWT king salmon return in 2005, and that fish was caught after the March 31 closure date in this proposal.

Currently, this area is only open to sport fishing during this time period.

BACKGROUND: The current closure has been in effect since 1964 and, while the reasons for implementation are somewhat obscure, it was likely implemented and remained in place as a conservation measure to protect king salmon returning to the Stikine River. Prior to 1964, the entire district was open Monday through Thursday of each week, and since that time, the Southeast Alaska king salmon rebuilding program has been completed, the Pacific Salmon Treaty has been implemented, king salmon allocation plans have been implemented (both regionwide and for District 8 harvest sharing), and a king salmon harvest cap has been in place for the winter commercial troll fishery since 1994.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on any allocative aspects of this proposal. However, the department **SUPPORTS** eliminating regulations that are no longer necessary or needed for stock conservation or management purposes.

As a result of the aforementioned management and associated stock assessment improvements, the department believes that the Stikine River closure is no longer necessary for conservation or protection of returning Stikine River king salmon prior to March 31.

The March 31 date would make the District 8 regulations consistent with the Sections 11-B, 11-C and 11-D regulations in 5 AAC 29.080 (b)(3)(B) that were adopted at the 2003 board meeting.

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

Table 322-1.–District 8 king salmon catches during the 1999–2008 winter troll fisheries.

	Winter Season Early Winter									
Statistical Week	**1999**	**2000**	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**
41				2		6			25	41
42	24	3		10	102	54	134	2	65	179
43			4		16	156	72	29	80	68
44	12	2	3	1	82	2	22	22	154	20
45	11	8	8	3	18	51	19	60	30	57
46		2	11	5	18	7	5	47	55	21
47	23	2	12		35	6	25	28	43	20
48	2			4	3	37	40	17	33	18
49	3	4	1	18	35	19	51	21	92	10
50	7	10	2	4	7	27	49	29	59	7
51		1	2		5	8	28	32	16	3
52	7				1	12	32	13	30	1
53					17	9	14	26		
Early Winter Total	***89***	***32***	***43***	***47***	***339***	***394***	***491***	***326***	***682***	***445***
	Late Winter									
Statistical Week	**1999**	**2000**	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**
1				2		10		17	74	2
2				6	20	3	17	30	50	1
3	4	2	1	2	84	59	7	35	42	15
4	6		9	14	4	7	2	15	78	
5		2	3	3	31	9	36	30	50	2
6		1	4	2	50	8	5	9	11	1
7		1		1	35	24	4	28	21	2
8				5	11	20	3	6	31	2
9			2	2	26	29	27	14	29	
10			1		16	10	4	38	7	5
11	2	1	15			19	11	7	29	
12				2	2	9	7	12	8	
13					4	14	23	12	14	4
14		24	1	2	2	15		8	3	6
15		8	3	1	2	12	9	6	13	3
16		6				26		19	4	6
17						29			9	4
18									11	33
Late Winter Total	***12***	***45***	***39***	***42***	***287***	***303***	***155***	***286***	***484***	***86***
Total Winter	**101**	**77**	**82**	**89**	**626**	**697**	**646**	**612**	**1,166**	**531**

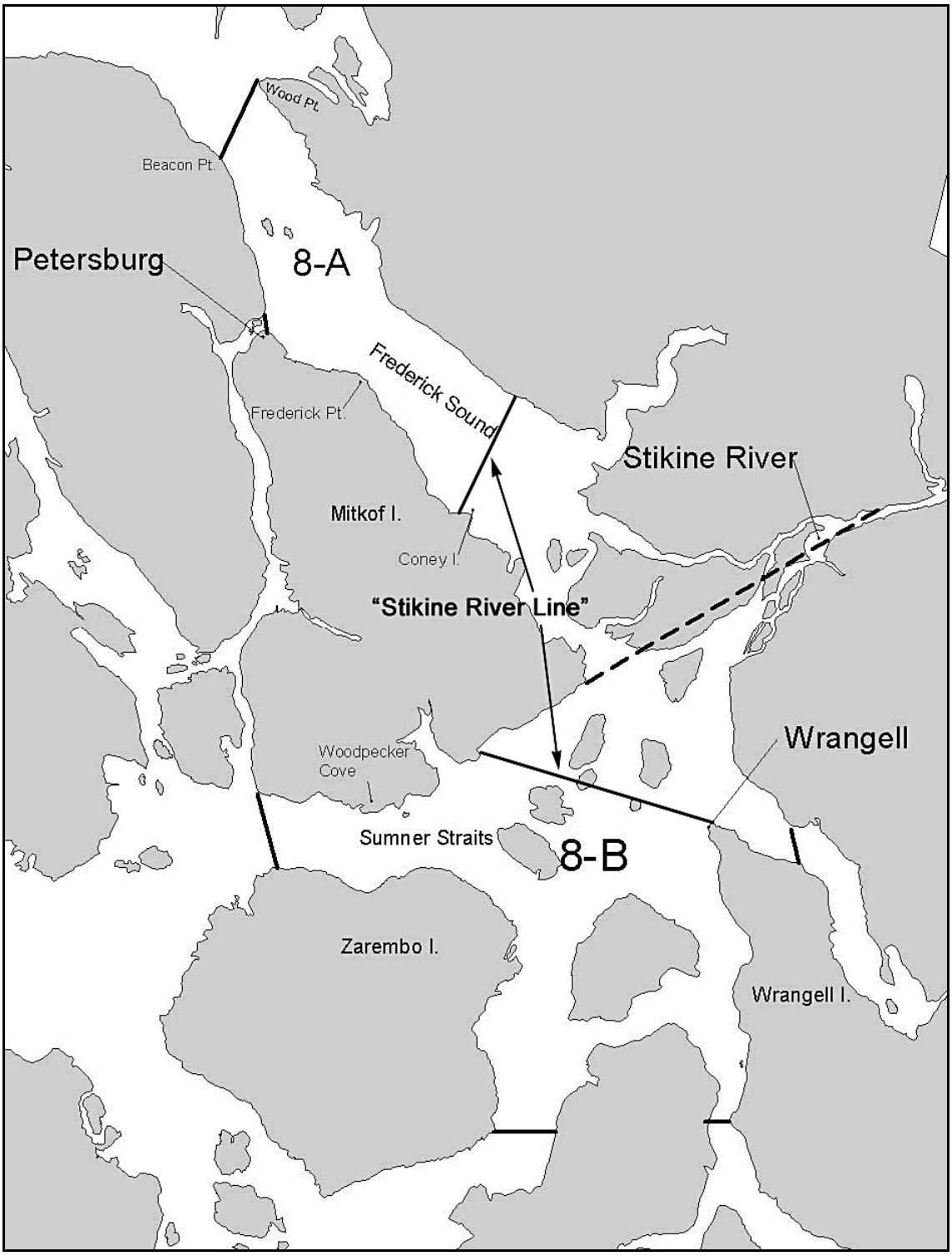


Figure 322-1.–District 8 showing the "Stikine River Line."

PROPOSAL 323: 5 AAC 29.090(f). MANAGEMENT THE SPRING SALMON TROLL FISHERIES.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would repeal this regulation and the Cross Sound Pink and Chum (CSPC) fishery as a pink and chum salmon index area.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 29.090. Management of the spring salmon troll fisheries.

(f) In Cross Sound, in the waters of Section 14-A west of the longitude of Point Dundas, south of the latitude of Point Dundas and east of the longitude of the southern tip of Taylor Island to 58°10' N. lat., then east to Althorp Rock Light, then north to the light at the entrance to Elfin Cove, pink and chum salmon may be taken from Monday through Friday each week beginning on the second Monday in June through June 30 or until 500 king salmon are taken, whichever occurs first.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would eliminate the CSPC spring fishery as it currently exists (Figure 323-1). This fishery is no longer needed as a run strength indicator for wild pink or hatchery chum salmon due to seine test fisheries that are conducted in Icy Strait and upper Chatham Strait.

By repealing the current regulation, this area or a new fishing area in Icy Strait could be managed as are other spring fishery areas, based on Alaska hatchery percentages and Treaty fish harvests provided for under provisions of 5 AAC 29.090(d). This area might open from the beginning of the Spring fishery around May 1, 2009.

Adoption of this proposal, followed by management as a spring area, could increase the spring king salmon catch since the minimum harvest cap would increase from 500 to 1000 king salmon. However, based on the 1999–2008 king salmon harvests in the existing CSPC area, it is doubtful that any increase in the Treaty king salmon harvest in this one area would decrease the number of king salmon retention days (increase the non-retention days) in the summer fishery (Table 323-1).

BACKGROUND: The Cross Sound pink and chum salmon fishery has been conducted since 1988 during the spring troll season and was initially established as a run strength indicator for wild pink or hatchery chum salmon. Troll harvest and effort has been low for several years and regulations limit king salmon harvest to 500 fish.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal since repeal of the CSPC would simplify management and the index is no longer considered useful for the department. The department is neutral on any allocative aspects of this proposal.

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

Table 323-1.–King salmon catch and troll effort in the Cross Sound pink and chum fishery area 1999–2008.

Year	Permits	Total Harvest	Alaska Hatchery %	Non-Alaska Hatchery Harvest
1999	26	165	15%	140
2000	9	104	38%	64
2001	33	617	32%	420
2002	10	71	2%	70
2003	13	146	21%	115
2004	4	21	93%	1
2005	5	12	18%	10
2006	9	85	0%	85
2007	10	65	0%	65
2008	6	20	0%	20

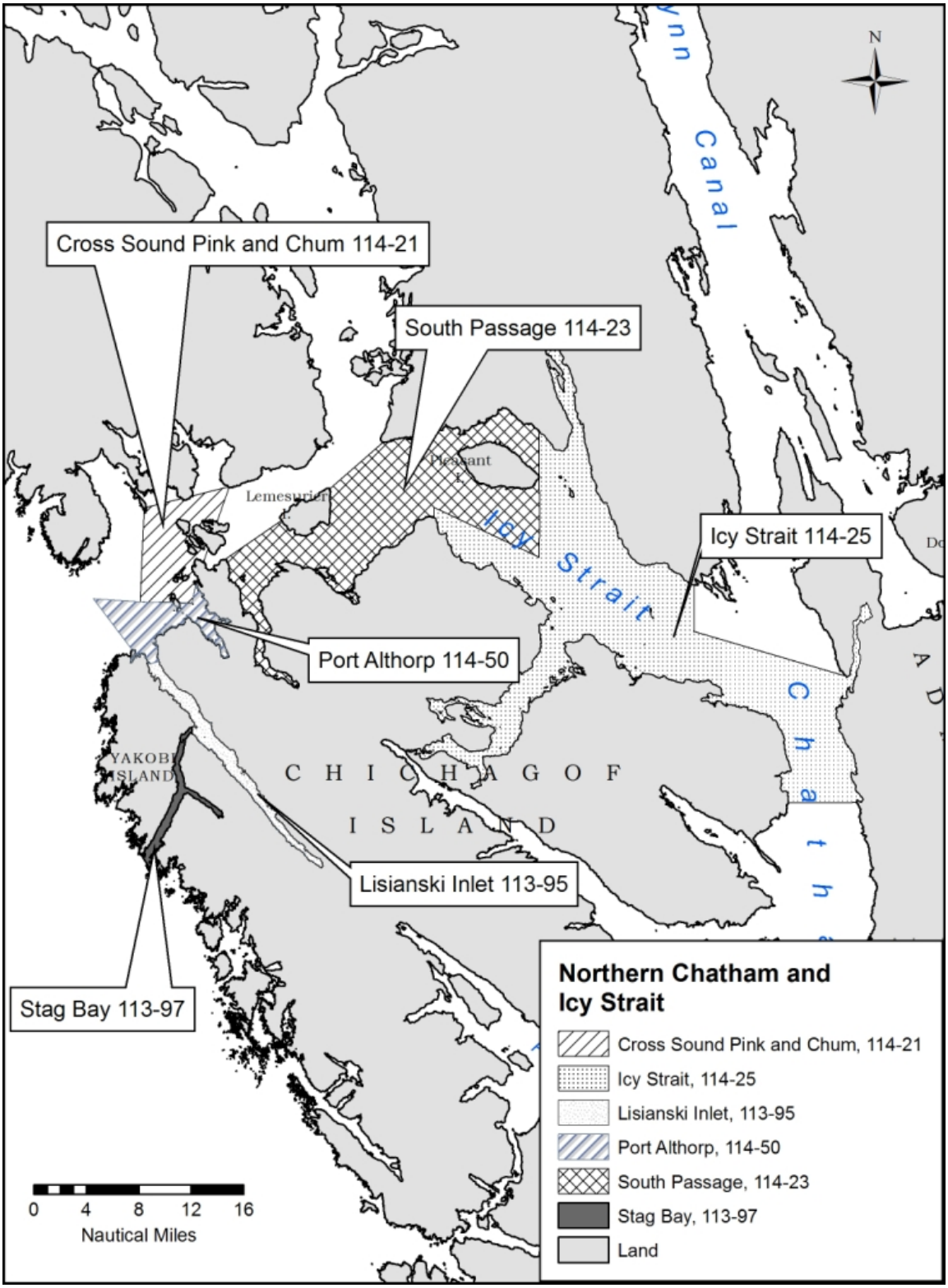


Figure 323-1.–North Chatham and Icy Strait spring trolling areas, 2008.

PROPOSAL 324: 5 AAC 29.090(f). MANAGEMENT THE SPRING SALMON TROLL FISHERIES.

PROPOSED BY: Elfin Cove Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would change the number of days Cross Sound Pink and Chum (CSPC) fishery would be open, but would maintain the current 500 king salmon cap and the fishery boundaries.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 29.090. Management of the spring salmon troll fisheries.

(f) In Cross Sound, in the waters of Section 14-A west of the longitude of Point Dundas, south of the latitude of Point Dundas and east of the longitude of the southern tip of Taylor Island to 58°10' N. lat., then east to Althorp Rock Light, then north to the light at the entrance to Elfin Cove, pink and chum salmon may be taken from Monday through Friday each week beginning on the second Monday in June through June 30 or until 500 king salmon are taken, whichever occurs first.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal would allow trolling in the Cross Sound Pink and Chum salmon spring area (Figure 324-1) continuously from the second Monday in June through the end of the spring fishery on June 30 or until the 500 king salmon harvest cap was achieved. Increasing the number of days that this area would be open would increase the spring king salmon catch. However, it is likely that the increase would not result in the harvest exceeding 500 king salmon in most years. Under the current regulations, the 500 king salmon cap was reached only once (2001) between 1999 and 2008 (Table 324-1) and if this proposal had been in effect, it is likely that the 500 king salmon cap would have also have only been reached once during that same time period.

BACKGROUND: The Cross Sound pink and chum salmon fishery has been conducted since 1988 during the spring troll season and was initially established as a run strength indicator for wild pink or hatchery chum salmon. Troll harvest and effort has been low for several years and regulations limit king salmon harvest to 500 fish.

This fishery is no longer needed as a run strength indicator for wild pink or hatchery chum salmon due to seine test fisheries that are conducted in Icy Strait and upper Chatham Strait.

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

Proposal 323 is a department proposal that also addresses the Cross Sound Pink and Chum area. That proposal recommends that the regulation that established this area (5 AAC 29.090(f)) be repealed. The area is no longer needed as a pink and chum salmon index area. The department would consider a new spring fishery managed under provisions of 5 AAC 29.090(d) for this area. Should that occur, the area would be managed based on Alaska hatchery percentage and Treaty fish catch and could remain open for longer periods.

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

Table 324-1.–King salmon catch and troll effort in the Cross Sound pink and chum salmon fishery area 1999–2008.

Year	Permits	Total Harvest	Alaska Hatchery %	Non-Alaska Hatchery Harvest
1999	26	165	15%	140
2000	9	104	38%	64
2001	33	617	32%	420
2002	10	71	2%	70
2003	13	146	21%	115
2004	4	21	93%	1
2005	5	12	18%	10
2006	9	85	0%	85
2007	10	65	0%	65
2008	6	20	0%	20

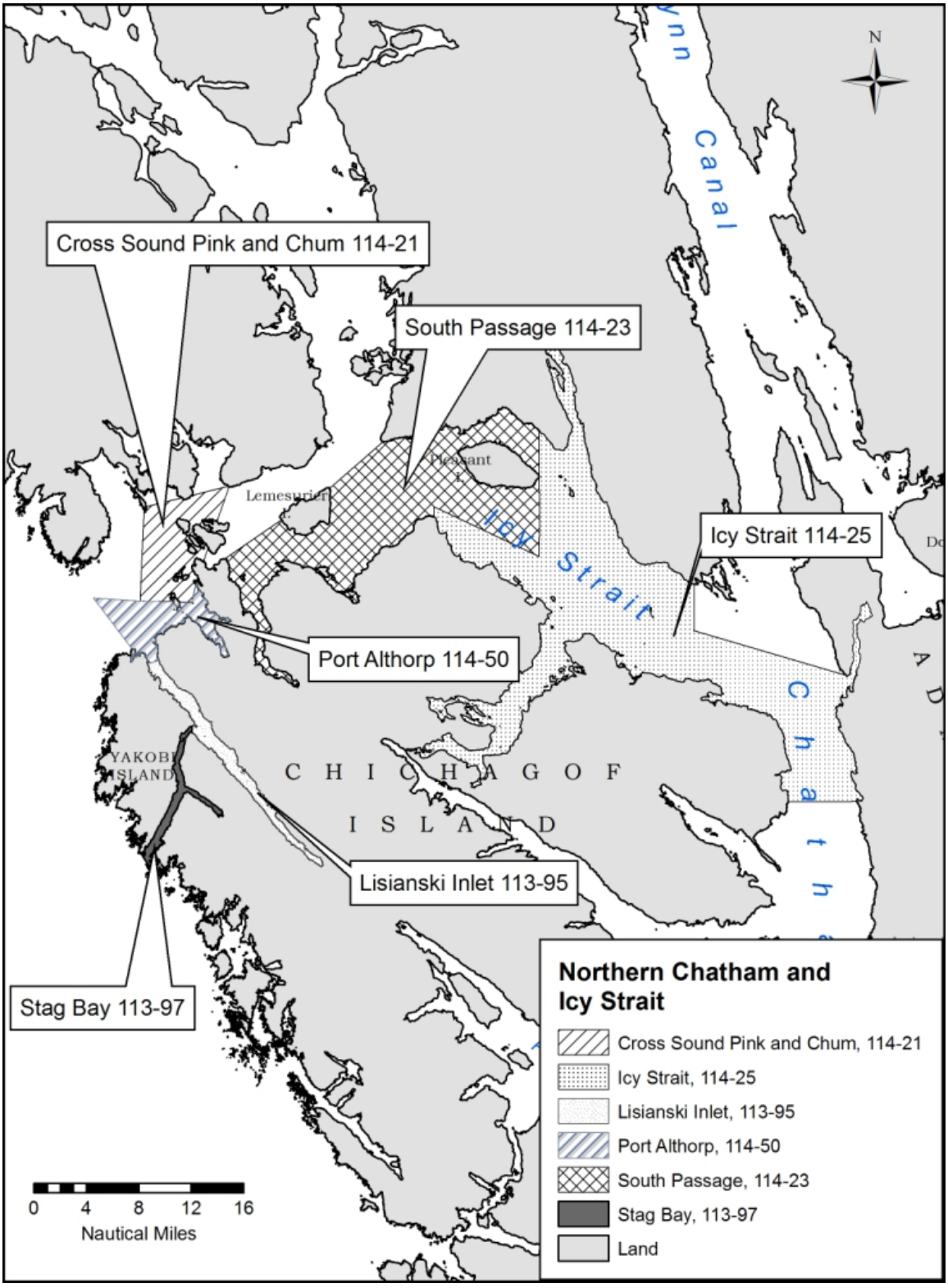


Figure 324-1.–North Chatham and Icy Strait spring trolling areas, 2008.

PROPOSAL 325: 5 AAC 29.110. MANAGEMENT OF COHO SALMON TROLL FISHERY.

PROPOSED BY: Alaska Trollers Association.

WHAT WOULD THE PROPOSAL DO? This proposal would change the closure date of the troll fishery from September 20 to September 30.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 29.110. Management of coho salmon troll fishery.

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The coho salmon troll fishery would continue through September 30 unless conservation or management concerns warranted a closure prior to that time. The department would need to assemble available information on abundance and make a timely decision to close the fishery when appropriate.

BACKGROUND: The September 20 troll coho closure date has been in effect since statehood and is largely allocative. This regulation was put in place to allow escapement to inside waters in order to provide sufficient numbers of coho salmon for the gillnet fisheries and to ensure sufficient returns to the inside waters for spawning escapement needs. The provision to allow extensions to the summer troll fishery for up to ten days was adopted by the Board of Fisheries and implemented in 1994.

Until recent years, few coho salmon escapement assessment projects were in place or had not been in place long enough to provide reasonable spawning escapement estimates prior to the September 20 date. Generally, the only tools that managers had for assessing coho salmon run strength were either foot surveys on coho salmon spawning systems that were undertaken after the seasonal closures of both troll and gillnet fisheries or counts at newly established weirs. Few systems had fully developed long-term escapement assessment programs using mark-recapture, weirs, or coded wire tag (CWT) recovery for assessing run strength. The department's inseason escapement assessment program is now much improved. CWT and mark-recapture assessment programs are in place on thirteen systems throughout the Southeastern Alaska-Yakutat Area and four of those systems are developed to the point where satisfactory inseason assessments of run strength can be made. Assessment programs on other systems continue to be operated and improved. They provide valuable and timely in- and postseason run strength information. Timely information from counting weirs can be compared with extensive historical run timing information to provide additional inseason information on escapement.

In 1988, the Board of Fisheries established the coho salmon allocation guidelines for commercial salmon fisheries now contained in 5 AAC 29.065. Allocation of coho salmon. These guidelines reflect the historical harvest (1969–1988) in the Southeastern Alaska and Yakutat commercial salmon fisheries with the existing September 20 closure date, and established the allocations at 19% purse seine, 13% drift gillnet, 7% set gillnet, and 61% troll (Table 325-1). The department is mandated to maintain these allocations guidelines over the long-term. Table 325-2 provides a summary of the coho salmon extension years and August closure dates and length.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

Although the coho salmon assessment programs and available data are much improved over past years, the run size information can still be difficult to assess. In 2005 and 2007, the decision on where and how long to extend the troll seasons took a great deal of time and effort. In 2005, the situation was complicated due to apparent behavioral changes as coho salmon responded to abnormal water temperatures and current. In 2007, differential survival rates between northern and southern stocks were observed. The 2005 season was not extended due to overall concerns that this was not a high coho salmon abundance year, although escapements throughout the region were generally at or above goal. The 2007 season was extended only in the northern portion of the region. If this proposal is adopted, a decision to close the season based on the same data would be even more problematic because that decision would require an emergency order and even more justification than is now necessary to extend the season. Under the proposed regulation, in a year when the run size is very difficult to assess, a closure may be warranted to avoid low escapements, but may not occur due to the lack of sufficient data to justify a closure.

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

Table 325-1.–Catch and percent of commercial coho salmon harvest by gear type.

	Commercial Troll		Purse Seine		Drift Gillnet		Set Gillnet		Total	
Year	**Number**	**Percent**	**Number**	**Percent**	**Number**	**Percent**	**Number**	**Percent**	**Number**	**Percent**
1989	1,415,512	65%	331,684	15%	252,516	12%	176,816	8%	2,181,092	100%
1990	1,832,604	67%	377,844	14%	372,645	14%	148,891	5%	2,738,632	100%
1991	1,719,060	59%	408,872	14%	595,719	21%	166,731	6%	2,898,846	100%
1992	1,929,899	56%	499,792	15%	696,767	20%	290,149	8%	3,424,623	100%
1993	2,395,711	67%	464,524	13%	431,543	13%	237,446	7%	3,556,219	100%
1994	3,466,782	63%	954,415	18%	735,465	13%	343,903	6%	5,525,285	100%
1995	1,750,221	56%	595,039	20%	446,730	15%	295,030	9%	3,129,584	100%
1996	1,906,740	64%	440,235	15%	398,103	14%	227,802	8%	2,986,172	100%
1997	1,170,460	64%	184,729	10%	149,835	9%	322,776	18%	1,838,904	100%
1998	1,636,707	59%	460,885	17%	436,352	16%	197,669	7%	2,750,969	100%
1999	2,272,619	69%	403,597	13%	391,480	12%	187,186	6%	3,276,855	100%
2000	1,124,854	67%	206,601	12%	176,726	11%	170,948	10%	1,688,378	100%
2001	1,843,997	63%	549,730	19%	335,301	11%	205,344	7%	2,934,372	100%
2002	1,310,060	55%	423,903	18%	453,622	19%	200,888	8%	2,388,473	100%
2003	1,220,782	58%	384,425	18%	430,902	20%	74,343	4%	2,110,452	100%
2004	1,915,007	68%	386,663	14%	316,589	11%	196,930	7%	2,815,188	100%
2005	2,036,104	75%	339,661	12%	281,418	10%	82,887	3%	2,708,296	100%
2006	1,361,267	75%	103,447	6%	272,112	15%	86,085	5%	1,820,657	100%
2007	1,376,753	72%	265,356	14%	197,079	10%	76,523	4%	1,915,711	100%
2008	1,233,162	64%	203,594	10%	352,200	18%	150,475	8%	1,939,431	100%
1989–2008 Average		64.3%		14.4%		14.2%		7.2%		100%
BOF Allocations		61%		19%		13%		7.0%		100%
Percent 1989–2008 Relative Deviation From Allocation		5.4%		-24.4%		9.4%		2.7%		

Note: Includes Annette Island harvests.

Table 325-2. Coho extension years and length of August coho salmon closures.

Year	Extension Dates	August Closure Dates and Length
1989	No Extension	-
1990	No Extension	-
1991	No Extension	-
1992	No Extension	-
1993	No Extension	-
1994	9/21–9/30	8/13–8/17=5 days
1995	9/21–9/30	8/13–8/22=10 days
1998	9/21–9/30	8/12–8/19=8 days
1999	9/21–9/30	8/13–8/17=5 days
2001	9/25–9/30	8/13–8/17=5 days
2002	9/21–9/30	8/10–8/11=2 days
2003	9/21–9/30	No Closure
2004	9/21–9/30	8/10–8/11=2 days
2005	No Extension	8/10–8/13=4 days
2006	9/21–9/30	8/9–8/12=4 days
	Northern portion of region	8/23–8/27=5 days
2007	No Extension	8/11/15=5 days
2008	No Extension	8/11–8/15 =5 days

PROPOSAL 326: 5 AAC 29.110. MANAGEMENT OF COHO SALMON TROLL FISHERY.

PROPOSED BY: Stanley C. Rude.

WHAT WOULD THE PROPOSAL DO? This proposal would delay the start of the coho salmon retention period from the current June 15 to July 10 and would extend the summer troll fishery through September 30.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 29.110. Management of coho salmon troll fishery.

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

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Coho salmon could not be retained in the troll fishery until July 10 and the troll fishery would continue through September 30 unless conservation or management concerns warranted a closure prior to that time. The management of the fishery would be driven by abundance rather than being closed by regulation on a specific date (September 20).

Although coho salmon mortality rates are variable and difficult to estimate, the Coho Fisheries Regulatory Assessment Model (FRAM) used for Pacific Fishery Management Council (PFMC) and Southern Coho planning applies a coho salmon hook and release mortality rate of 26% to commercial ocean troll fisheries during coho salmon non-retention periods (MEW, 2007). Applying the 26% mortality rate to the troll fisheries coho salmon catch from June 15 through July 9 from 1999–2008 would have resulted in from 19,800 (2008) to 108,450 (2005) catch and release mortalities and would have averaged approximately 47,750 per year (Table 326–1).

This proposal does not address either the July 1 opening date of the Summer Troll Fishery (5 AAC 29.070(b)(3)), or the first summer king salmon retention period (5 AAC 29.100(c)(1)(A)). However, under provisions of this proposal, the non-retention of coho salmon would be required during all or a portion of the first troll fishery king salmon retention period. During years when the 1st king salmon retention period is less than nine days, non-retention days for both king and coho salmon, or complete closures would need to be implemented in order to avoid king and coho salmon incidental mortalities. Four out of the ten years of the 1999 Pacific Salmon Treaty Agreement, would have required this sort of management action (Table 326-2).

BACKGROUND: The June 15 date for the beginning of coho salmon retention in the commercial troll fishery has been in effect since 1962. Although the exact purpose is somewhat obscure, the June 15 date was likely established to avoid harvesting small coho salmon with a lot

of growth left. Oregon, for example, initially had no season start, just a minimum length and coho salmon "recruited" into the fishery in April–May when most reached 16."

The September 20 troll coho salmon closure date has been in effect since statehood and is largely allocative. This regulation was put in place to allow escapement to inside waters in order to provide sufficient numbers of coho salmon for the gillnet fisheries and to ensure sufficient returns to the inside waters for spawning escapement needs.

DEPARTMENT COMMENTS: The department is **neutral** on any allocative issues this proposal may present, but **OPPOSES** the implementation of non-retention periods for any species that will result in increased incidental mortalities, unless that action is necessary to meet specific stock conservation and/or management objectives.

If the board approves this proposal, the department recommends that 5 AAC 29.070. General fishing seasons and periods (b) and 5 AAC 29.100. Management of the summer salmon troll fishery. (c)(1)(a) should also be amended so that the start of the summer fishery and first troll king salmon retention period are consistent with coho salmon retention in order to avoid coho salmon non-retention incidental mortalities.

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

REFERENCES CITED

Model Evaluation Workgroup (MEW). 2007. Fisheries Regulation Assessment Model (FRAM)

Table 326–1.–Troll coho salmon catch and estimated non-retention mortalities resulting from delaying coho salmon retention in the troll fishery until July 10, 1999–2008.

Year	Troll Coho Catch June 15–July 9	Troll Non-Retention Mort. Rate	Estimated Non-Retention Mortalities	Total Coho Catch	Percent of Total Catch as Incidental Mortalities
1999	281,829	26%	73,276	2,272,619	3.2%
2000	137,552	26%	35,764	1,124,854	3.2%
2001	199,707	26%	51,924	1,843,997	2.8%
2002	88,207	26%	22,934	1,310,060	1.8%
2003	106,518	26%	27,695	1,220,782	2.3%
2004	171,949	26%	44,707	1,915,069	2.3%
2005	417,114	26%	108,450	2,036,104	5.3%
2006	174,053	26%	45,254	1,360,267	3.3%
2007	183,120	26%	47,611	1,376,753	3.5%
2008	76,778	26%	19,962	1,273,710	1.6%
Total	1,836,827		477,575	15,734,199	-
Average	183,683		47,758	1,573,420	3.0%

Table 326-2.–Number of days open during the first summer troll fishery king salmon retention period and the number of coho salmon non-retention days or closure days that would have been necessary under Proposal 326, 1999–2008.

Year	Days Open During The First Troll King Salmon Retention Period	Coho Non-retention Days or Closure Days Necessary Under Proposal 326
1999	6	3
2000	5	4
2001	6	3
2002	18	0
2003	39	0
2004	15	0
2005	17	0
2006	12	0
2007	20	0
2008	5	4

PROPOSAL 327: 5 AAC 29.110(a) MANAGEMENT OF COHO SALMON TROLL FISHERY.

PROPOSED BY: Alaska Trollers Association.

WHAT WOULD THE PROPOSAL DO? This proposal would establish a commercial troll fishery in Behm Canal and Clarence Strait to target coho salmon returning to the Neets Bay hatchery through September 30, whether or not the general summer troll fishery is extended in that area. The open area was not delineated precisely in the proposal, but would include a portion of waters along the Gravina Island and Cleveland Peninsula shorelines in Lower Clarence Strait, as well as waters of Behm Canal to the entrance of Neets Bay.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 29.110. Management of coho salmon troll fishery.

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

AS 16.05.730. Management of wild and enhanced stocks of fish.

(a) Fish stocks in the state shall be managed consistent with sustained yield of wild fish stocks and may be managed consistent with sustained yield of enhanced fish stocks.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The harvest of enhanced coho salmon returning to Neets Bay by the troll fleet could increase. Some wild stocks would also likely be harvested and this fishery would be allowed only if there are no wild stock concerns in the Behm Canal area. This fishery would likely increase the proportion of coho salmon harvested by the troll fishery compared to other gear groups.

BACKGROUND: The troll fishery closes by regulation on September 20 unless extended for up to ten days during years of high coho salmon abundance. The proportion of hatchery fish normally increases in the coho salmon troll fishery as the season progresses (Figure 327-1). The later the season is open, the more returning hatchery fish are harvested. Except for the spring fishery targeting returning Alaska hatchery-produced king salmon, extending or increasing fishing time to target hatchery fish in a mixed stock fishing area outside of a Terminal Harvest Area (THA) is not allowed (AS 16.05.730).

DEPARTMENT COMMENTS: While the department is **neutral** on the allocative aspects of this proposal, the department **OPPOSES** the concept of allowing increased fishing time in regulation in a mixed stock fishing area outside of any THA based only upon the presence of hatchery fish.

Under the provisions of 5 AAC 33.370 District 1: Neets Bay Hatchery Salmon Management Plan, trollers are allowed to fish at any time within the THA during periods established by emergency order through November 15.

Trolling is currently allowed in all waters of Section 1-E during the summer season beginning on July 13 consistent with all region-wide open periods. The open area includes the waters of Behm Canal directly in front of and adjacent to the Neets Bay THA.

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

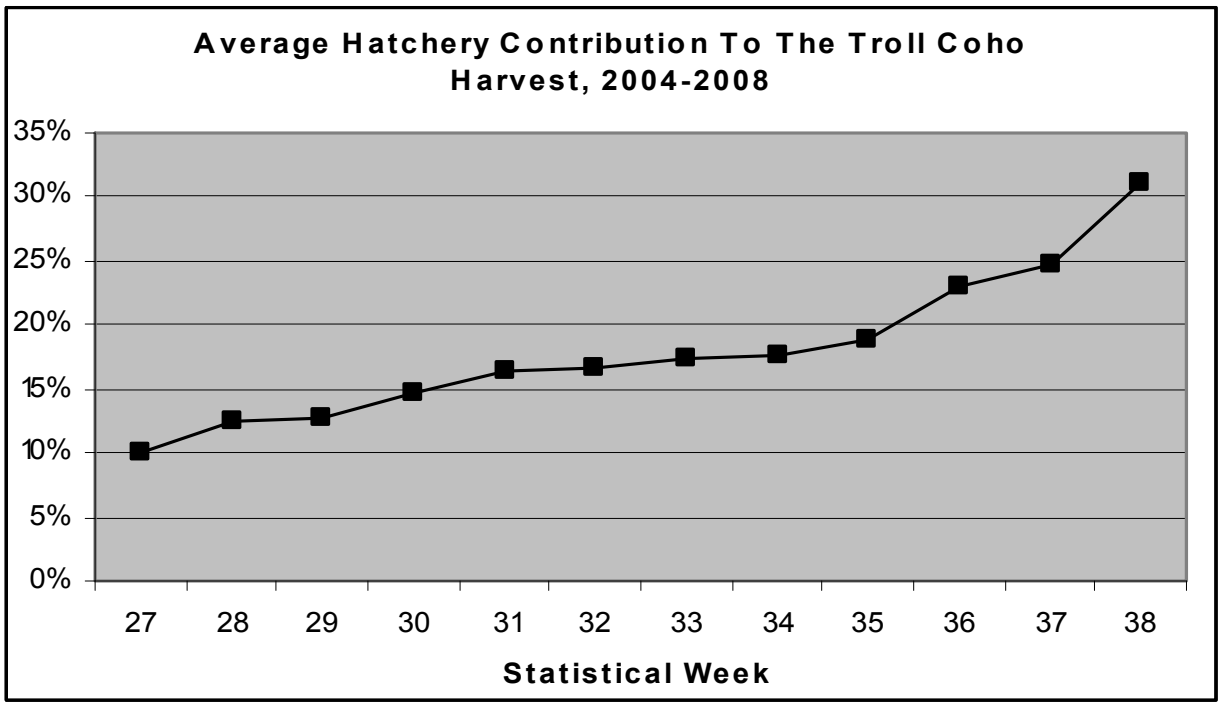


Figure 327-1.–The average hatchery contribution to the commercial troll coho salmon harvest, 2004–2008.

PROPOSAL 328: 5 AAC 29.120. GEAR SPECIFICATIONS AND OPERATIONS.

PROPOSED BY: Donald E. Westlund.

WHAT WOULD THE PROPOSAL DO? This proposal would allow holders of transferable (permanent) hand troll permits to use 2 powered troll gurdies.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 29.120. Gear specifications and operations.(b)(2)

(C) An aggregate of four fishing rods or an aggregate of two hand troll gurdies may be operated.

5 AAC 39.105. Types of legal gear. (d)

(8) **hand troll gear** consists of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing or other types of trolling, and which are retrieved by hand-powered crank and not by any type of electrical, hydraulic, mechanical or other assisting device or attachment.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would allow hand trollers to operate either four fishing rods or two hand or power troll gurdies. It would potentially change all hand trollers into power trollers who would be allowed to fish ½ of the amount of full power troll gear. Both hand and power troll gear is under limited entry, so this proposal would have immediate impacts on the Limited Entry Act. There are currently 788 transferable hand troll permits and 10 interim permits which are going through the adjudication process.

If this proposal were adopted, hand trollers would increase their efficiency and salmon harvests. Increasing the efficiency and harvest of king salmon by the hand troll fleet would reduce the time it would take to harvest the annual troll Treaty king salmon allocation, which would increase both the number of king salmon non-retention days and king salmon catch-and-release mortality during the summer fishery. These increases would need to be compensated for by complete closures of the fishery for a period or periods that would reduce the king salmon non-retention days to the equivalent of what would have been expected absent this gear change. The additional closure days would likely be added to any August closure necessary for troll coho salmon management. In addition to the increase in king salmon catch efficiency, the troll fleet coho salmon catch per day would also increase and more coho salmon would be caught in a shorter period of time. The increased coho salmon catch rate would affect how the August coho salmon closure length is determined under provisions of 5 AAC 29.110. Management of coho salmon troll fishery and 5AAC 29.065. Allocation of coho salmon, and could also result in an increase in the length of that closure, in addition to any closure due to king salmon non-retention compensation.

The increase in efficiency could be difficult to determine without knowing how many hand trollers would be fishing with the power troll gear or with traditional hand troll gear. The number of hand troll permits actually fished would likely increase. Gear registration, prior to the summer fishery, would need to be implemented in order to determine the potential effort and fleet catch/day so that the length of the king salmon retention periods could be set or projected. Implementing troll gear registration would increase the both department's work load and management costs.

Other effects of this proposal could include:

1. Permit prices: hand troll permit values would likely increase and power troll permit values would likely decrease;
2. The Commercial Fisheries Entry Commission could initiate a new study/analysis of the maximum number of hand troll permits allowed with the new gear (the department would likely request this analysis);
3. The distinction between hand and power troll gear would be blurred and could create enforcement issues.

BACKGROUND: In the late 1970s, limited entry for the hand troll fleet was under consideration by the Commercial Fisheries Entry Commission (CFEC) and the number of hand troll permits fished doubled from 1,100 permits in 1975 to a high of 2,644 permits in 1978. That year, 3,700 hand troll permits were renewed, compared to 976 power troll permits. Due to this increased effort, the CFEC initiated a selective limited entry regime for the hand troll fishery in 1980. Of the 2,163 permits issued that year, 1,346 were non-transferable.

As of 2008, 1,094 hand troll permits had been revoked due to non-renewal. The number of hand troll permits fished declined steadily between 1978 and 2001. Since 2002, both power troll and hand troll participation have increased slightly (Table 328-1). In 2008, 379 hand troll vessels harvested 100,239 fish and 750 power troll vessels harvested 1.415 million fish (Table 328-2).

DEPARTMENT COMMENTS: While the department is **NEUTRAL** on the allocative aspects of this proposal, we **OPPOSE** the proposal due to the significant management changes and increased costs and workload that would result, if adopted.

COST ANALYSIS: The department believes that approval of this proposal will result in additional direct cost for a private person to participate in this fishery due to potential power troll permit value reduction, the need to implement gear registration, and any fees required to offset increased costs to the department.

Table 328-1.–Southeast Alaska commercial troll permits renewed and fished by calendar year for 1975–1978, from January 1 to September 30 for 1979, and by troll season (October 1 to September 30) for 1980 to 2008.

Year	Hand Troll Permits		Power Troll Permits		Total Fished	Percent Hand Troll Fished
	renewed	fished	renewed	fished		
1975	2,087	1,100	1,078	760	1,860	59%
1976	2,082	1,242	998	742	1,984	63%
1977	2,951	1,852	970	746	2,598	71%
1978	3,922	2,644	976	817	3,461	76%
1979	3,700	2,195	978	813	3,008	73%
1980	2,436	1,713	973	848	2,561	67%
1981	2,048	1,172	969	797	1,969	60%
1982	1,906	1,185	967	819	2,004	59%
1983	2,031	1,016	967	820	1,836	55%
1984	1,983	875	961	799	1,674	52%
1985	1,952	930	959	840	1,770	53%
1986	1,887	820	957	834	1,654	50%
1987	1,820	777	956	832	1,609	48%
1988	1,783	801	956	844	1,645	49%
1989	1,747	725	955	853	1,578	46%
1990	1,699	708	956	841	1,549	46%
1991	1,643	703	958	855	1,558	45%
1992	1,595	660	957	848	1,508	44%
1993	1,550	605	956	842	1,447	42%
1994	1,513	551	954	809	1,360	41%
1995	1,479	461	954	820	1,281	36%
1996	1,420	414	965	739	1,153	36%
1997	1,380	387	964	748	1,135	34%
1998	1,331	305	962	737	1,042	29%
1999	1,155	332	927	724	1,056	31%
2000	1,006	318	899	717	1,035	31%
2001	1,039	329	927	737	1,066	31%
2002	1,017	251	915	671	922	27%
2003	909	257	883	639	896	29%
2004	934	319	905	693	1,012	32%
2005	937	349	922	720	1,069	33%
2006	914	375	926	742	1,117	34%
2007	911	383	927	747	1,130	34%
2008	934	379	928	750	1,129	34%
99–08 avg.	976	329	916	714	1,043	31%

Table 328-2.–Southeast Alaska annual commercial hand troll salmon harvest in numbers of fish by calendar year from 1975 to 1978, from Jan.1 to Sept. 30 September 30 for 1979, and by troll season (Oct. 1–Sept. 30) from 1980 to 2008.[a]

Year	Hand Troll Harvest	Total Troll Harvest	Percent Hand Troll
1975	98,407	582,276	17%
1976	161,658	955,304	17%
1977	311,648	1,077,142	29%
1978	687,507	2,122,965	32%
1979	594,394	1,913,968	31%
1980	348,484	1,281,888	27%
1981	393,584	1,705,254	23%
1982	431,259	2,069,700	21%
1983	415,327	2,072,756	20%
1984	370,801	1,978,455	19%
1985	556,816	2,839,930	20%
1986	415,398	2,604,994	16%
1987	352,695	1,793,327	20%
1988	289,472	1,348,572	21%
1989	559,362	3,511,643	16%
1990	475,070	2,963,990	16%
1991	355,698	2,447,994	15%
1992	378,443	2,894,420	13%
1993	477,277	4,075,603	12%
1994	541,717	4,942,822	11%
1995	245,487	2,907,329	8%
1996	299,049	3,278,309	9%
1997	175,730	2,313,649	8%
1998	142,694	2,213,767	6%
1999	199,165	3,039,905	7%
2000	88,116	1,953,546	5%
2001	139,918	2,733,039	5%
2002	92,635	1,840,686	5%
2003	101,183	2,001,850	5%
2004	130,900	2,493,038	5%
2005	165,994	2,660,240	6%
2006	94,242	1,853,711	4%
2007	115,968	1,941,501	6%
2008	100,239	1,515,310	7%
99–08 avg.	122,886	2,203,514	6%

[a] Prior to 1975, hand and power troll harvests were not reported separately.

PROPOSAL 329: 5 AAC 29.120 (e). GEAR SPECIFICATIONS AND OPERATIONS.

PROPOSED BY: Yakutat Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would allow four hand troll gurdies to be onboard and operated on a commercial hand troll vessel in the outside waters west of Cape Spencer during the general summer troll fishery.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 29.120. Gear specifications and operations.

(e) No more than two troll gurdies and four fishing rods may be on board any salmon hand troll vessel. A downrigger may not be used in conjunction with a fishing rod.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would allow hand trollers to operate four hand troll gurdies in the waters west of Cape Spencer during the summer troll fishery. If this proposal were adopted, hand trollers fishing west of Cape Spencer would likely increase their efficiency and harvest of salmon. Increasing the efficiency and harvest of the hand troll fleet could reduce the time it would take to harvest the annual troll Treaty king salmon allocation which would result in a greater number of king salmon non-retention days and increase incidental king salmon mortality.

BACKGROUND: In the late 1970s, limited entry for the hand troll fleet was under consideration by the Commercial Fisheries Entry Commission (CFEC) and the number of hand troll permits fished doubled from 1,100 permits in 1975 to a high of 2,644 permits in 1978. That year, 3,700 hand troll permits were renewed, compared to 976 power troll permits. Due to this increased effort, the CFEC initiated a selective limited entry regime for the hand troll fishery in 1980. Of the 2,163 permits issued that year, 1,346 were non-transferable. The board originally restricted hand trollers to two lines in 1979 as a means of maintaining an 80% power troll/20% hand troll salmon harvest allocation. The 20% functioned as a "cap" which the hand troll harvest was to stay under. The proposal references Board of Fisheries Resolution #79-57-FB (Dec. 11, 1979). However, that resolution is no longer applicable to current effort levels and regulations since the 80/20 split was eliminated from the management plan in 1995 because the hand troll fleet was harvesting less than 20% of the troll harvest (2,644 hand troll permits were fished in 1978, but only 551 and 461 were fished in 1994 and 1995, respectively).

As of 2008, 1,094 hand troll permits had been revoked due to non-renewal. The number of hand troll permits fished declined steadily between 1978 and 2001. Since 2002, both power troll and hand troll participation have increased slightly In 2008, 379 hand troll vessels harvested 100,239 fish and 750 power troll vessels harvested 1.415 million fish The number of hand and power troll permits renewed increased slightly from 2007, but the number of hand troll permits fished decreased by four while the number of power troll permits fished increased by three. For the

period 1999–2008, hand troll gear harvested an average of 6 % of total troll salmon harvest and made up an average of 31%of the troll fleet (Tables 329–1 and 329–2).

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

Table 329-1.–Southeast Alaska commercial troll permits renewed and fished by calendar year for 1975–1978, from January 1 to September 30 for 1979, and by troll season (October 1 to September 30) for 1980 to 2008.

Year	Hand Troll Permits		Power Troll Permits		Total	Percent Hand Troll
	renewed	fished	renewed	fished	Fished	Fished
1975	2,087	1,100	1,078	760	1,860	59%
1976	2,082	1,242	998	742	1,984	63%
1977	2,951	1,852	970	746	2,598	71%
1978	3,922	2,644	976	817	3,461	76%
1979	3,700	2,195	978	813	3,008	73%
1980	2,436	1,713	973	848	2,561	67%
1981	2,048	1,172	969	797	1,969	60%
1982	1,906	1,185	967	819	2,004	59%
1983	2,031	1,016	967	820	1,836	55%
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2000	1,006	318	899	717	1,035	31%
2001	1,039	329	927	737	1,066	31%
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2003	909	257	883	639	896	29%
2004	934	319	905	693	1,012	32%
2005	937	349	922	720	1,069	33%
2006	914	375	926	742	1,117	34%
2007	911	383	927	747	1,130	34%
2008	934	379	928	750	1,129	34%
99–08 avg..	976	329	916	714	1,043	31%

Table 329-2.–Southeast Alaska annual commercial hand troll salmon harvest in numbers of fish by calendar year from 1975 to 1978, from Jan.1 to Sept. 30 September 30 for 1979, and by troll season (Oct. 1–Sept. 30) from 1980 to 2008.[a]

Year	Hand Troll Harvest	Total Troll Harvest	Percent Hand Troll
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1979	594,394	1,913,968	31%
1980	348,484	1,281,888	27%
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1982	431,259	2,069,700	21%
1983	415,327	2,072,756	20%
1984	370,801	1,978,455	19%
1985	556,816	2,839,930	20%
1986	415,398	2,604,994	16%
1987	352,695	1,793,327	20%
1988	289,472	1,348,572	21%
1989	559,362	3,511,643	16%
1990	475,070	2,963,990	16%
1991	355,698	2,447,994	15%
1992	378,443	2,894,420	13%
1993	477,277	4,075,603	12%
1994	541,717	4,942,822	11%
1995	245,487	2,907,329	8%
1996	299,049	3,278,309	9%
1997	175,730	2,313,649	8%
1998	142,694	2,213,767	6%
1999	199,165	3,039,905	7%
2000	88,116	1,953,546	5%
2001	139,918	2,733,039	5%
2002	92,635	1,840,686	5%
2003	101,183	2,001,850	5%
2004	130,900	2,493,038	5%
2005	165,994	2,660,240	6%
2006	94,242	1,853,711	4%
2007	115,968	1,941,619	6%
2008	97,281	1,473,216	7%
99–08 avg.	153,538	2,452,803	6%

[a] Prior to 1975, hand and power troll harvests were not reported separately.

PROPOSAL 330: 5 AAC 28.175 LOGBOOKS FOR THE EASTERN GULF OF ALASKA AREA.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? The proposal requests that the format of location data associated with fisherman logbook information be expressed in degrees and decimal minutes.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 28.175. Logbooks for Eastern Gulf of Alaska Area.

(a) An operator of a vessel fishing for groundfish in the waters of Alaska in the Eastern Gulf of Alaska Area or in a state-managed directed fishery in the waters of the exclusive economic zone adjacent to the Eastern Gulf of Alaska Area shall maintain an accurate logbook of all fishing operations for each type of gear used.

(b) A logbook described in (a) of this section

> (1) for longline gear must include, by set, the date, the specific location of harvest by latitude and longitude for start and ending positions, hook spacing, the amount of gear (number of hooks) used, the depth of each set, the estimated weight of all target species taken, an estimated weight of the bycatch retained or discarded at sea, and the tag number of any tagged fish landed; for the Northern Southeast Inside Subdistrict and the Southern Southeast Inside Subdistrict sablefish fisheries, a logbook must include a record of the round weight delivered, the purchasing processor, and date of each delivery during that season if multiple landings have been made;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The effect of adoption of this change to the regulation would be that the type of data required by the department will be made clear to the fleet and there will be less chance of introducing errors since the data can be entered directly into the database with no translation. The current regulation has no stipulation for format. The result is that data comes to the department in a variety of formats that require translation into degrees and decimal minutes. This translation takes extra time and can result in errors.

BACKGROUND: For many years the department has had a mandatory logbook program in place for groundfish fisheries. In the early years, the location data associated with fishing practices was provided in a variety of formats. Over the years the standard has emerged in GPS equipment such that the most common readout for location data is in degrees and decimal minutes. This is also the format used in the department's database. If location data is provided in any other format it is translated to degrees and decimal minutes. Most vessels currently have GPS and have the capability to supply location data in this most common format.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this housekeeping proposal.

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

PROPOSAL 331: 5 AAC 47.021. SPECIAL PROVISIONS FOR SEASONS, BAG POSSESSION, AND SIZE LIMITS, AND METHODS AND MEANS FOR THE SALT WATERS OF SOUTHEAST ALASKA AREA AND **5 AAC 28.150. CLOSED WATERS IN EASTERN GULF OF ALASKA AREA.** Close the guided sport and commercial groundfish fisheries in Port Frederick between Christ Point and Cannery Point as follows.

PROPOSED BY: Icy Straits Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to close all guided sport and commercial fishing for groundfish species in Port Frederick (groundfish statistical area 355802). The state's definition of groundfish (5 AAC 39.975(21)) is any species of marine finfish except halibut, osmerids (smelt), herring, and salmonids. However, proponents of the proposal have indicated to department staff that the intent is to prohibit guided and commercial fishing for all bottom dwelling species, including shellfish and halibut.

WHAT ARE THE CURRENT REGULATIONS? Port Frederick is open to sport fishing and Southeast Alaska regional regulations apply. Port Frederick is also defined as groundfish statistical area 355802, which is part of the Northern Southeast Inside (NSEI) subdistrict. The State of Alaska has an open access directed commercial fishery for Pacific cod in NSEI, which generally stays open all year. Additionally, there is a directed fishery for demersal shelf rockfish in NSEI that occurs in the winter from January 5th until the start of the IFQ halibut fishery and in the fall from November 16th until December 31st or until the quota is taken. Directed fishing for sablefish is allowed in NSEI for permit holders in a state limited entry fishery from August 15th to November 15th. No other state-managed directed commercial groundfish fisheries could be prosecuted in this statistical area. The board has adopted a positive customary and traditional (C&T) use finding for groundfish in this area.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If adopted, the effect on regional harvest would be insignificant. Guided fishing effort would likely remain unchanged as anglers originating in Hoonah could travel a short distance and fish outside Port Frederick.

BACKGROUND: Port Frederick is a 19-mile long inlet on the north end of Chichagof Island. The city and port of Hoonah (pop. 852) is located roughly two miles inside the inlet from Icy Strait and about 40 air miles from Juneau. Guided fishing activity originating in the port of Hoonah has grown in recent years as a result of an increase in tourism, primarily related to cruise ship visitation. Data reported in 2006 and 2007 charter vessel logbooks shows that 529 angler days of guided fishing effort targeting groundfish species resulted in a harvest of 408 halibut, 30 pelagic rockfish, and 12 non-pelagic rockfish (including 4 yelloweye rockfish).

Commercial groundfish fisheries (including trips targeting halibut) in the last five years resulted in catches of Pacific cod (2,060 round pounds) and rockfish (104 round pounds). The total value of these landings was just over $1,000.

Management of the Pacific halibut fishery in Alaska is based on an international agreement between Canada and the U.S. commonly referred to as the Halibut Act. In February 1998, the board and the North Pacific Fishery Management Council (council) adopted a joint protocol to guide the successful development, processing, and implementation of local area fishery management plans (LAMPs) for halibut and other fisheries. The council's main purview is over halibut and other species covered by one of its management plans; however, a LAMP can include all species of interest in areas where local depletion or conflict exists. The protocol also stipulates that the board and the council expect proposals submitted for review to demonstrate broad participation and a high degree of consensus from representatives of all local affected user groups.

DEPARTMENT COMMENTS: This proposal is allocative and therefore, the department is **NEUTRAL**.

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

PROPOSAL 332: 5 AAC 28.150. CLOSED WATERS IN EASTERN GULF OF ALASKA AREA AND **5 AAC 47.021. SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS, AND METHODS AND MEANS FOR THE SALT WATERS OF SOUTHEAST ALASKA Area.** Close area around Naha Bay to all groundfish fishing.

PROPOSED BY: Naha Bay Preservation Coalition.

WHAT WOULD THE PROPOSAL DO? This proposal would close the Naha Bay area from Escape Point to Cedar Island to fishing for lingcod and rockfish. The department does not have authority to modify the management of halibut. Halibut are managed by the National Marine Fisheries Service, North Pacific Fishery Management Council, and the International Pacific Halibut Commission.

WHAT ARE THE CURRENT REGULATIONS? Each year the department establishes guideline harvest levels (GHL) for lingcod in each of the 7 districts of Southeast Alaska. The Southern Southeast Inside (SSEI) subdistrict is allocated 92% of the GHL to the sport fishery and the remaining 8% is allocated to the commercial fishery. The department uses regulations (options include bag limits, annual limits, length limits, and seasons for guided or nonresident anglers) by emergency order to ensure that the sport fishery does not exceed its allocation. For the SSEI, the season for lingcod is May 16 through November 30. The limits for non-guided Alaska residents in 2008 was a bag limit of 1 daily, 2 in possession, no size limit. The limits for nonresidents and guided anglers in 2008 was a bag limit of 1 daily, one in possession, with a 30 inch minimum to 40 inch maximum size limit, and an annual limit of 1 fish; a harvest record was required.

Regionwide rockfish regulations established by emergency order in 2008 require that all non-pelagic rockfish caught must be retained until the bag limit is reached. The resident bag limit is 3 non-pelagic rockfish, only 1 of which may be a yelloweye rockfish; the possession limit is 6 fish, 2 of which may be a yelloweye rockfish. The nonresident bag limit is 2 non-pelagic rockfish, only 1 of which may be a yelloweye rockfish; the possession limit is 4 fish, 2 of which may be a yelloweye rockfish. The annual limit for nonresidents is 2 yelloweye rockfish and a harvest record is required.

The Naha Bay area from Escape Point to Cedar Island falls in an area currently closed to directed fishing for demersal shelf rockfish according to groundfish regulation 5AAC 28.150 (2). Naha Bay is in groundfish statistical area 315531 in the Southern Southeast Inside (SSEI) management area. Directed commercial groundfish fisheries that could occur in this area are directed fishing for Pacific cod and directed fishing for sablefish. Directed fishing for sablefish is allowed in SSEI for permit holders in a state limited entry fishery from June 1st to August 15th with longline gear and from September 1st until November 15th with pot gear. No other directed commercial groundfish fisheries occur in this area.

Personal use groundfish fishing is allowed in this area, but there is not a positive C&T finding for groundfish in this area

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposal will eliminate catch and harvest opportunity for lingcod, rockfish, and other groundfish in the Naha Bay area.

BACKGROUND: Naha Bay is located about 25 miles northeast of Ketchikan. The remote community of Loring is located along the northeastern shore of Naha Bay. Emptying into Naha Bay from the northeast is the Naha River, which supports spring and fall runs of steelhead, sea-run cutthroat, coho salmon, sockeye salmon, chum salmon, and pink salmon. Residential and commercial development in Loring has increased in recent years. There is currently 1 operating fishing lodge and a second fishing lodge presently under construction. The Naha Bay area is popular among anglers because of its productive fishing grounds, recreational opportunities, and close proximity to Ketchikan. Anglers fishing in Naha Bay target salmon, halibut, lingcod, rockfish, shrimp, and crab. This area is open to commercial halibut fishing, directed Pacific cod fishing, and directed sablefish fishing.

The department collects catch and harvest information on lingcod and rockfish via dockside creel survey interviews. Naha Bay and adjacent waters lie in a larger sport fisheries creel reporting area, 101-900. It is not possible to determine what portion of this harvest occurs specifically in Naha Bay.

Groundfish effort has increased in creel area 101-900 over the last 10 years. Creel estimates for lingcod harvest indicate a slight decline in the last 10 years, while the most recent 5-year average (2004–2008) for rockfish harvest is 1,822 fish, which has increased from the 1999–2003 average harvest of 1,459 fish.

Commercial groundfish fisheries (including trips targeting halibut) in the last five years in statistical area 315531 resulted in catches of Pacific cod (1,274 round pounds) and 11 species of rockfish (4,084 round pounds). The total value of these landings was $2,600.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. Presently there are no known conservation or biological concerns for lingcod, rockfish, or groundfish in the Naha Bay area.

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

PROPOSAL 333: 5AAC 28.160. HARVEST GUIDELINES AND RANGES FOR EASTERN GULF OF ALASKA AREA.

PROPOSED BY: Sitka Charter Boat Operators.

WHAT WOULD THE PROPOSAL DO? Although the proposal refers to guideline harvest level (GHL), the intent of this proposal is probably to raise the guideline harvest range (GHR) for lingcod in the Central Southeast Outside (CSEO) Section, and possibly other areas, and would not change the rates of allocation for each area.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.160. Harvest guidelines and ranges for Eastern Gulf of Alaska Area.

(e) In the Southeast District, the department shall announce, before the season, the annual GHL for lingcod in each management area based on historical fishery performance data and population trends. Each GHL will be within the following ranges, in round pounds:

(1)	Icy Bay Subdistrict	0–100,000
(2)	East Yakutat Section	0–225,000
(3)	Northern Southeast Outside Section	0–40,000
(4)	Central Southeast Outside Section	0–240,000
(5)	Southern Southeast Outer Coast Sector	0–167,000
(6)	Southern Southeast Internal Sector	0–52,000
(7)	Northern Southeast Inside Subdistrict	0–32,000

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal is adopted, all fishermen fishing in the CSEO Section who currently are able to retain lingcod would have an increase to their allocation. The effect on the biomass of lingcod is unknown.

BACKGROUND: In 2000, the board took significant actions to manage lingcod, including harvest reductions (from those implemented in 1993), inclusion of sport harvest in the total allowable harvest, and allocation of lingcod between fishing gear groups and areas (Figure 333-1 shows lingcod management areas). Reductions were implemented in 2000 because analysis of the commercial catch data at that time showed a decline in CPUE, particularly in CSEO and the Northern Southeast Outside (NSEO) sections where there was evidence of serial depletion. Every year since 2000, the department has set the GHL according to 5AAC 28.160 (e) and has been managing this fishery at the upper end of the guideline harvest range (GHR).

From 2001 to 2008, there has been a gradual and steady increase in CPUE in CSEO. Effort in the directed fishery in CSEO was considerably lower in 2004–2006 and GHLs were not achieved. This may account for the higher CPUE here for the directed fishermen who did participate in 2007 and 2008 (Figure 333-2).

There has been renewed interest in the directed fishery with a greater amount of effort and catch in 2007 and 2008. In 2008, the directed fishery was closed on September 5 due to the allocation being taken.

The department currently has no stock assessment program in place that would provide for reliable estimates of lingcod biomass or abundance. Without abundance estimates and without full knowledge of life history and behavior of lingcod, impacts to lingcod populations from fishing activities are difficult to assess.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Total removals during 1993–1999 were, on average, 52% higher than during the period 2000–2008. At those higher harvest levels, a decline in lingcod abundance was evident from biological data from commercial fishery samples, commercial fishery CPUE data, and from reports of fishermen on the grounds. Current anecdotal information from both the commercial and sport fishing fleets, and CPUE data, suggest that lingcod populations are healthy in CSEO. For the years 2002 to 2008, between 41,000 and 93,000 pounds (average 65,000 pounds annually) of the CSEO annual lingcod GHL remained unharvested (Figure 333-3). Current reports of high lingcod abundance (anecdotal data and high CPUEs) could be the result of one or two strong year classes entering the fishery, or lower than expected harvest rates for each of the past five years, or some combination of these factors. Neither of these transient reasons is enough to justify a permanent increase to the GHRs.

The longline fishery has left a large amount of its allocation in CSEO in most years since the new lingcod annual allowable harvest was instituted (Table 333-1). This is not a factor of their inability to catch lingcod, but rather an issue of constraint by bycatch allowances and the absence of the directed demersal shelf rockfish (DSR) fishery in this area. Proposal 336 seeks to increase the lingcod bycatch allowance in the longline fishery to help maximize the harvest of the longline bycatch allocation.

With the resurgence of the directed lingcod fishery, the sport lingcod fishery regularly harvesting the annual sport allocation, and the possibility of increasing the longline bycatch percentage to allow more efficient harvest of allocations, the department believes it would be prudent to keep the harvest of lingcod at the current GHR levels to see how harvesting up to the GHL for several years in a row will affect the population. The department does not support increasing the upper end of the annual harvest allocation until the existing allocation is taken for a long enough period of time to assess fishery performance data at those higher harvest levels.

The proposal suggests changes to 5AAC 28.165, but the department assumes that, based on the narrative and intent of this proposal, it would be more appropriate to change 5AAC 28.160.

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

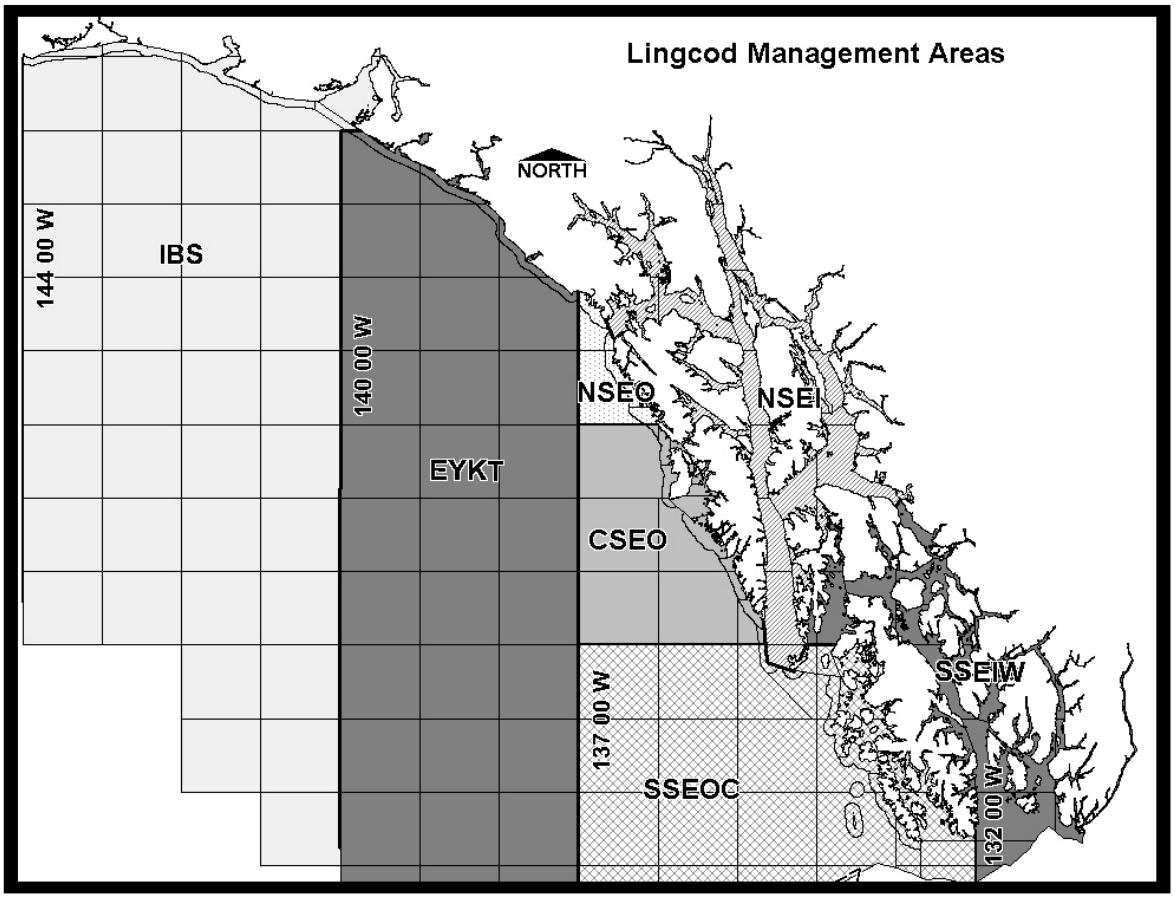

Figure 333-1.–Lingcod management areas for Southeast Alaska.

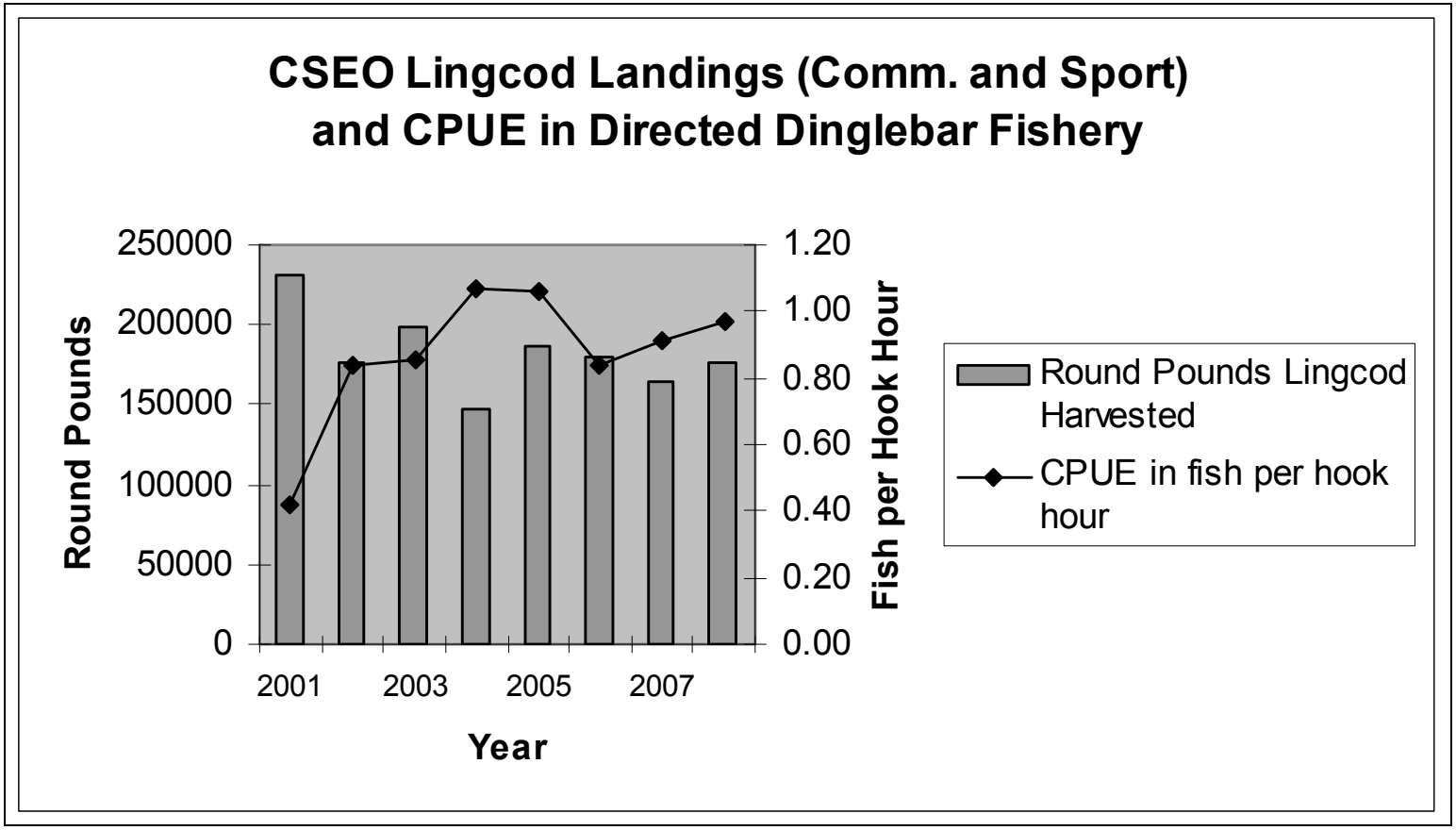

Figure 333-2.–CSEO lingcod landings and directed fishery CPUE.

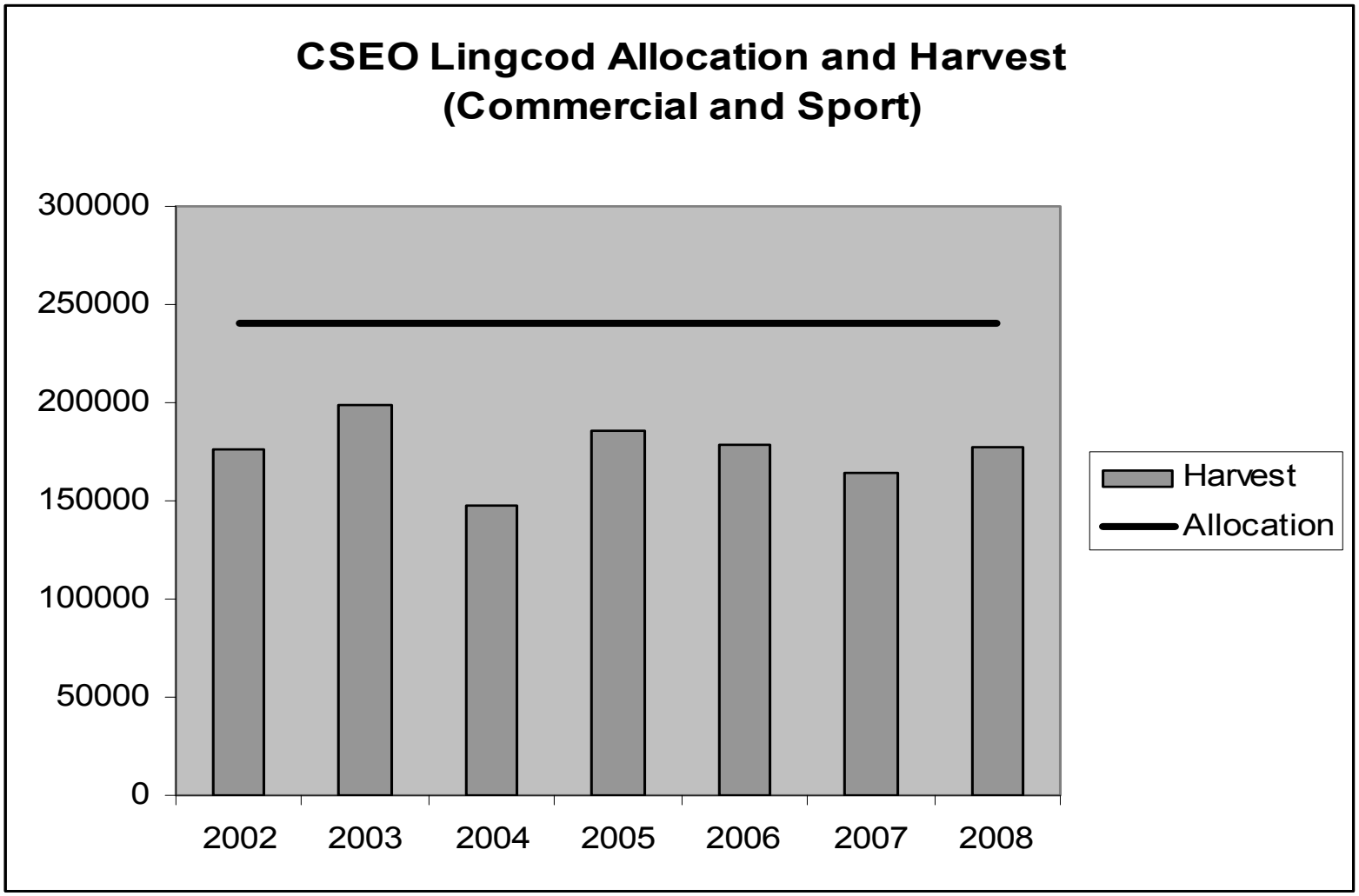

Figure 333-3.–CSEO Lingcod guideline harvest level and harvest for commercial and sport fisheries.

Table 333-1.–Lingcod harvest by year, fishery, management area, and percent allocation of GHL harvested.

YEAR	Fishery	CSEO	%	EYKT	%	IBS	%	NSEI	%	NSEO	%	SSEIW	%	SSEOC	%
2002	directed	60,160	63	93,173	108	NA		NA		15,264	89	NA		10,261	17
	troll	13,581	81	29,394	184	2,154		1,822	28	9,594	300	44	2	684	20
	longline	55,988	101	41,230	44	19,583		8,607	90	15,878	147	2,873	138	26,475	93
	sport	46,031	64		0	16,841	51	24,005	150	10,053	114	30,646	64	38,998	53
2002 Total		175,760	73	163,797	82	38,578	39	34,434	108	50,789	127	33,563	65	76,418	46
2003	directed	75,652	88	101,419	118	X		NA		14,493	84	NA		48,762	97
	troll	12,637	75	8,488	53	1,427		1,615	25	4,047	126	2,030	98	3,106	93
	longline	45,202	82	41,578	44	10,822		9,771	102	13,319	123	2,747	132	25,676	90
	groundfish jig	0	0	NA	NA	NA		NA		NA		NA		88	1
	sport	65,004	90		0	34,294	103	31,062	194	13,101	149	20,143	42	33,143	45
2003 Total		198,495	83	151,485	76	X		42,448	133	44,960	112	24,920	48	110,775	66
2004	directed	23,088	27	100,891	117	28,846		NA		2,609	15	NA		X	
	troll	8,377	50	10,951	68	6,552		420	7	4,118	129	673	32	3,531	106
	longline	38,845	70	94,983	101	12,457		9,982	104	12,391	115	1,943	93	24,515	86
	groundfish jig	381	4	NA	NA	NA		NA		NA		NA		0	0
	sport	76,795	107		0	25,483	76	23,149	145	6,486	74	51,935	109	82,930	113
2004 Total		147,486	61	206,825	103	73,338	73	33,551	105	25,604	64	54,551	105	X	
2005	directed	54,034	63	80,085	93	40,748		NA		2,659	15	NA		0	
	troll	8,812	52	5,299	33	3,436		1,195	19	3,894	122	381	18	2,383	71
	longline	19,453	35	64,901	69	24,712		10,220	106	11,039	102	2,655	128	12,707	45
	groundfish jig	0	0	NA	NA	NA		NA		NA		NA		0	0
	sport	103,957	144		0	32,455	97	41,448	259	14,668	167	56,740	119	123,414	168
2005 Total		186,256	78	150,285	75	101,351	101	52,863	165	32,260	81	59,776	115	138,504	83
2006	directed	46,916	54	108,650	98	63,432		NA		X		NA		16,646	33
	troll	13,391	80	8,552	53	46		3,776	59	4,711	147	584	28	3,877	116
	longline	20,054	36	33,954	36	16,793		9,615	100	11,846	110	3,161	152	15,134	53
	groundfish jig	35	0	NA	NA	NA		NA		NA		NA		0	0
	sport	98,591	137		0	32,902	99	30,549	191	10,461	119	45,236	95	92,551	126
2006 Total		178,987	75	151,156	67	113,173	113	43,940	137	X		48,981	94	128,208	77

- continued-

Table 333-1–continued. (page 2 of 2)

YEAR	Fishery	CSEO	%	EYKT	%	IBS	%	NSEI	%	NSEO	%	SSEIW	%	SSEOC	%
2007	directed	69,805	81	100,614	91	63,021		NA		X		NA		X	
	troll	16,575	99	14,242	89	287		2,063	32	3,753	117	928	45	3,383	101
	longline	18,540	34	35,306	38	11,333		11,825	123	12,117	112	2,884	139	15,236	54
	groundfish jig	0	0	NA	NA	NA		NA		NA		NA		0	0
	sport	58,827	82		0	28,352	85	23,979	150	5,607	64	63,156	132	74,829	102
2007 Total		163,747	68	150,162	67	102,993	103	37,867	118	X		66,968	129	X	
2008	directed	84,571	98	140,867	127	38,168		NA		5,313	31	NA		X	
	troll	9,441	56	11,633	73	2,599		1,982	31	3,695	115	833	40	1,677	50
	longline	16,444	30	50,837	54	25,949		12,008	125	7,625	71	1,240	60	18,016	63
	groundfish jig	0	0	NA	NA	NA		NA		NA		NA		0	0
	sport	66,549	92			43,579	131	21,683	136	9,196	105	58,729	123	59,783	81
2008 Total		177,005	74	203,337	90	110,295	110	35,673	111	25,829	65	60,802	117	X	

X- confidential information; less than 3 permits landing.

X- confidential information; less than 3 permits landing.

PROPOSAL 334: 5 AAC 28.165. LINGCOD ALLOCATION GUIDELINES FOR EASTERN GULF OF ALASKA AREA.

PROPOSED BY: Southeast Alaska Guides Organization (SEAGO).

WHAT WOULD THE PROPOSAL DO? If adopted, this proposal would increase the allocation of lingcod in the sport fish fishery.

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

(1) Icy Bay Subdistrict:

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

(B) 33.33 percent to the sport fishery;

(2) East Yakutat Section:

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

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

(ii) two percent to the sport fishery;

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

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

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

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

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

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

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

(3) Northern Southeast Outside Section:

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

(B) 22 percent to the sport fishery;

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

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

(4) Central Southeast Outside Section:

(A) 36 percent to the directed commercial lingcod fishery;

(B) 30 percent to the sport fishery;

(C) 23 percent to bycatch in the commercial longline fishery;

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

(E) four percent to bycatch in the commercial groundfish fishery using hand troll gear and mechanical jigging machines;

(5) Southern Southeast Outer Coast Sector:

(A) 30 percent to the directed commercial lingcod fishery;

(B) 44 percent to the sport fishery;

(C) 17 percent to bycatch in the commercial longline fishery;

(D) seven percent to bycatch in the commercial groundfish fishery using hand troll gear and mechanical jigging machines;

(E) two percent to bycatch in the commercial salmon troll fishery;

(6) Southern Southeast Internal Sector:

(A) no directed commercial lingcod fishery;

(B) 92 percent to the sport fishery;

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

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

(7) Northern Southeast Inside Subdistrict:

(A) no directed commercial lingcod fishery;

(B) 50 percent to the sport fishery;

(C) 30 percent to bycatch in the commercial longline fishery;

(D) 20 percent to bycatch in the commercial salmon troll fishery.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal is adopted, a portion of the lingcod GHLs would be reallocated from other user groups to the sport fishery.

BACKGROUND: In 2000, allocations to user groups were made based on fishing patterns of the previous 5 years. A task force was formed prior to the board meeting in 2000 and all user groups participated. Allocations were made to all users by management area (Figure 334-1).

Harvest allocations in percent of annual allowable harvest for 2008 are summarized by gear type and management area in Table 334-1. Harvest allocations in round pounds of lingcod for 2008 are summarized in Table 334-2. Lingcod harvest and percent of harvest allocation taken in the various fisheries from 2002 to 2008 are provided in Table 334-3.

A large amount of the allocation to the longline fishery has not been harvested in recent years in EYKT, CSEO, and SSEOC. This is not a factor of the inability of the longline fleet to catch lingcod; rather, it is an issue of constraint by bycatch allowances, a reduction in halibut catch limits, and the absence of the directed demersal shelf rockfish fishery in these areas in recent years. Longline allocations are typically taken in NSEO, NSEI, and SSEIW annually.

The directed fishery in CSEO has previously not achieved GHLs, particularly during the period of 2004 to 2006. There has been renewed interest in the directed lingcod fishery with greater effort and catch in 2007 and in 2008. In 2008, the directed fishery was closed on September 5 after the directed allocation was reached. The directed fisheries in NSEO and SSEOC have not achieved the allocation for the period of 2004 to present. The EYKT directed fishery has a high level of effort and the allocation is taken annually by that fishery.

The lingcod bycatch allocation in the salmon troll fishery is often taken in each management area, but can vary depending on the particular year.

During the past 3 years bag limits, combined with reduced seasons for all anglers, and slot length limits combined with annual limits for guided and nonresident anglers, have been successful in reducing sport harvest to within the GHL in a majority of the management areas.

In 2003, the board reallocated a portion of the commercial quota from the directed dinglebar fishery to provide for lingcod bycatch in the commercial jig fisheries. Since that change was made, the commercial groundfish jig fishery in CSEO and NSEO has had very little harvest.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

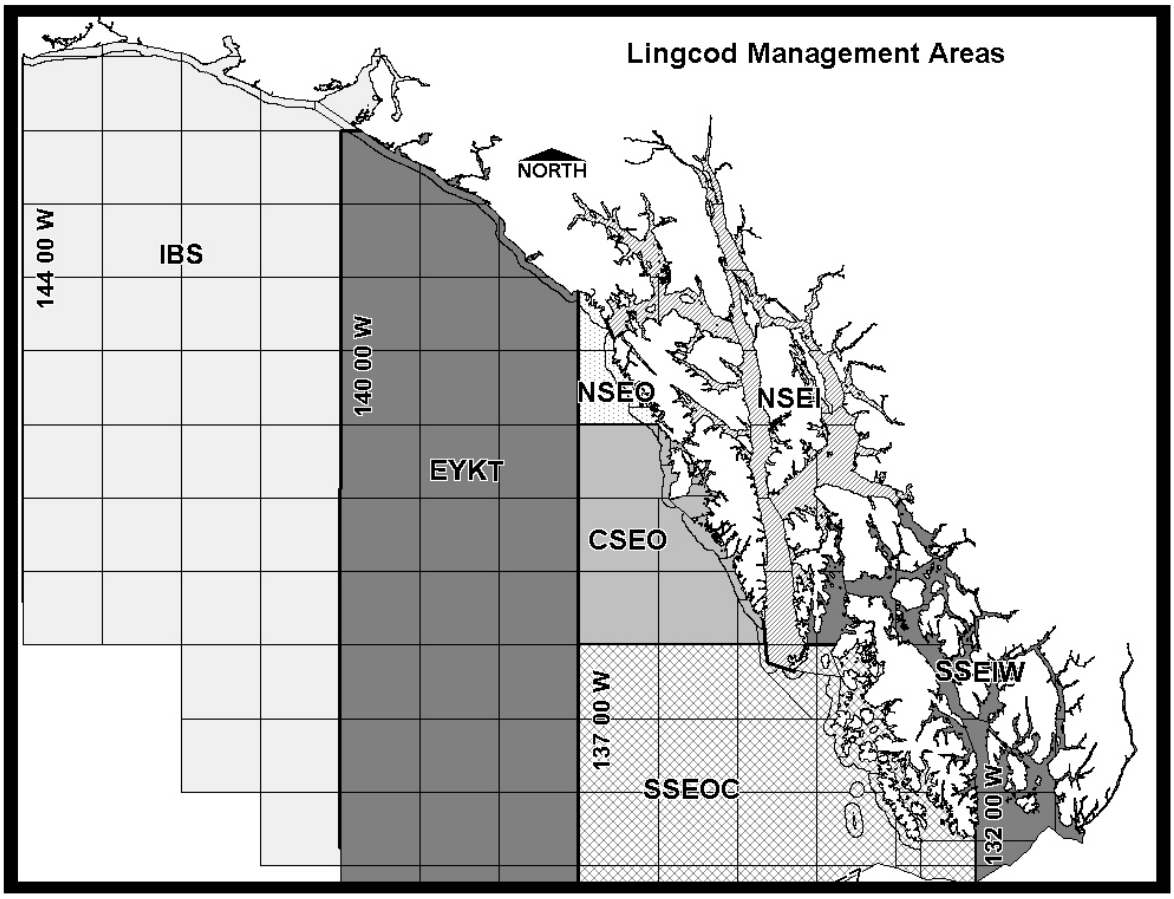

Figure 334-1.–Lingcod management areas.

Table 334-1.–Lingcod guideline harvest levels and allocations between sectors, 2008.

	Icy Bay	East Yakutat*	NSEO	CSEO	SSEOC	SSEIW	NSEI
Guideline Harvest Level	0–100,000	0–200,000	0–40,000	0–240,000	0–167,000	0–52,000	0–32,000
Sector	**Percent allocation**						
Sport fishery	33%	2%	22%	30%	44%	92%	50%
Directed fishery		43%	43%	36%	30%	0%	0%
Longline bycatch	67%	47%	27%	23%	17%	4%	30%
Salmon troll bycatch		8%	8%	7%	2%	4%	20%
Hand troll & jig bycatch	0	0	0	4%	7%	0	0

Table 334-2.–Lingcod harvest allocation of GHL by management area and fishery in round pounds, 2008.

Management Area	2008 Annual Harvest Allocation of GHL (round pounds)					
	Directed	Salmon Troll	Longline	Handtroll and Jig	Sport	Total AHO
IBS	combined-66,660			0	33,330	100,000
EYKT	111,000	16,000	94,000	0	4,000	225,000
NSEO	17,200	3,200	10,800	0	8,800	40,000
CSEO	86,400	16,800	55,200	9,600	72,000	240,000
SSEOC	50,100	3,340	28,390	11,690	73,480	167,000
NSEI	0	6,400	9,600	0	16,000	32,000
SSEI	0	2,080	2,080	0	47,840	52,000
Total						856,000

Table 334-3.–Lingcod harvest by year, fishery, management area, and percent allocation of GHL harvested, 2002–2008.

YEAR	Fishery	CSEO	%	EYKT	%	IBS	%	NSEI	%	NSEO	%	SSEIW	%	SSEOC	%
2002	directed	60,160	63	93,173	108	NA		NA		15,264	89	NA		10,261	17
	troll	13,581	81	29,394	184	2,154		1,822	28	9,594	300	44	2	684	20
	longline	55,988	101	41,230	44	19,583		8,607	90	15,878	147	2,873	138	26,475	93
	sport	46,031	64		0	16,841	51	24,005	150	10,053	114	30,646	64	38,998	53
2002 Total		175,760	73	163,797	82	38,578	39	34,434	108	50,789	127	33,563	65	76,418	46
2003	directed	175,760	73	163,797	82	38,578	39	34,434	108	50,789	127	33,563	65	76,418	46
	troll	175,760	73	163,797	82	38,578	39	34,434	108	50,789	127	33,563	65	76,418	46
	longline	175,760	73	163,797	82	38,578	39	34,434	108	50,789	127	33,563	65	76,418	46
	groundfish jig	175,760	73	163,797	82	38,578	39	34,434	108	50,789	127	33,563	65	76,418	46
	sport	175,760	73	163,797	82	38,578	39	34,434	108	50,789	127	33,563	65	76,418	46
2003 Total		198,495	83	151,485	76	X		42,448	133	44,960	112	24,920	48	110,775	66
2004	directed	23,088	27	100,891	117	28,846		NA		2,609	15	NA		X	
	troll	8,377	50	10,951	68	6,552		420	7	4,118	129	673	32	3,531	106
	longline	38,845	70	94,983	101	12,457		9,982	104	12,391	115	1,943	93	24,515	86
	groundfish jig	381	4	NA	NA	NA		NA		NA		NA		0	0
	sport	76,795	107		0	25,483	76	23,149	145	6,486	74	51,935	109	82,930	113
2004 Total		147,486	61	206,825	103	73,338	73	33,551	105	25,604	64	54,551	105	X	
2005	directed	54,034	63	80,085	93	40,748		NA		2,659	15	NA		0	
	troll	8,812	52	5,299	33	3,436		1,195	19	3,894	122	381	18	2,383	71
	longline	19,453	35	64,901	69	24,712		10,220	106	11,039	102	2,655	128	12,707	45
	groundfish jig	0	0	NA	NA	NA		NA		NA		NA		0	0
	sport	103,957	144		0	32,455	97	41,448	259	14,668	167	56,740	119	123,414	168
2005 Total		186,256	78	150,285	75	101,351	101	52,863	165	32,260	81	59,776	115	138,504	83
2006	directed	46,916	54	108,650	98	63,432		NA		X		NA		16,646	33
	troll	13,391	80	8,552	53	46		3,776	59	4,711	147	584	28	3,877	116
	longline	20,054	36	33,954	36	16,793		9,615	100	11,846	110	3,161	152	15,134	53
	groundfish jig	35	0	NA	NA	NA		NA		NA		NA		0	0
	sport	98,591	137		0	32,902	99	30,549	191	10,461	119	45,236	95	92,551	126
2006 Total		178,987	75	151,156	67	113,173	113	43,940	137	X		48,981	94	128,208	77

–Continued–

Table 334-3.–continued (page 2 of 2)

YEAR	Fishery	CSEO	%	EYKT	%	IBS	%	NSEI	%	NSEO	%	SSEIW	%	SSEOC	%
2007	directed	69,805	81	100,614	91	63,021		NA		X		NA		X	
	troll	16,575	99	14,242	89	287		2,063	32	3,753	117	928	45	3,383	101
	longline	18,540	34	35,306	38	11,333		11,825	123	12,117	112	2,884	139	15,236	54
	groundfish jig	0	0	NA	NA	NA		NA		NA		NA		0	0
	sport	58,827	82		0	28,352	85	23,979	150	5,607	64	63,156	132	74,829	102
2007 Total		163,747	68	150,162	67	102,993	103	37,867	118	X		66,968	129	X	
2008	directed	84,571	98	140,867	127	38,168		NA		5,313	31	NA		X	
	troll	9,441	56	11,633	73	2,599		1,982	31	3,695	115	833	40	1,677	50
	longline	16,444	30	50,837	54	25,949		12,008	125	7,625	71	1,240	60	18,016	63
	groundfish jig	0	0	NA	NA	NA		NA		NA		NA		0	0
	sport	66,549	92			43,579	131	21,683	136	9,196	105	58,729	123	59,783	81
2008 Total		177,005	74	203,337	90	110,295	110	35,673	111	25,829	65	60,802	117	X	

X- confidential information; less than 3 permits landing.

X- confidential information; less than 3 permits landing.

PROPOSAL 335: 5 AAC 28.165. LINGCOD ALLOCATION GUIDELINES FOR EASTERN GULF OF ALASKA AREA.

PROPOSED BY: Donald Westlund.

WHAT WOULD THE PROPOSAL DO? The proposal requests changing the lingcod harvest allocation between fisheries by reallocating so that there are equal percentages for both the sport fisheries and the commercial directed dinglebar fisheries in all areas.

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

(1) Icy Bay Subdistrict:

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

(B) 33.33 percent to the sport fishery;

(2) East Yakutat Section:

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

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

(ii) two percent to the sport fishery;

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

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

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

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

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

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

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

(3) Northern Southeast Outside Section:

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

(B) 22 percent to the sport fishery;

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

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

(4) Central Southeast Outside Section:

(A) 36 percent to the directed commercial lingcod fishery;

(B) 30 percent to the sport fishery;

(C) 23 percent to bycatch in the commercial longline fishery;

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

(E) four percent to bycatch in the commercial groundfish fishery using hand troll gear and mechanical jigging machines;

(5) Southern Southeast Outer Coast Sector:

(A) 30 percent to the directed commercial lingcod fishery;

(B) 44 percent to the sport fishery;

(C) 17 percent to bycatch in the commercial longline fishery;

(D) seven percent to bycatch in the commercial groundfish fishery using hand troll gear and mechanical jigging machines;

(E) two percent to bycatch in the commercial salmon troll fishery;

(6) Southern Southeast Internal Sector:

(A) no directed commercial lingcod fishery;

(B) 92 percent to the sport fishery;

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

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

(7) Northern Southeast Inside Subdistrict:

(A) no directed commercial lingcod fishery;

(B) 50 percent to the sport fishery;

(C) 30 percent to bycatch in the commercial longline fishery;

(D) 20 percent to bycatch in the commercial salmon troll fishery.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If adopted, the effects of this proposal would differ for to each management area (Figure 335-1) as follows:

IBS: Currently the directed allocation is combined with the allocation for longline bycatch and troll bycatch at 66.6%, while the sport allocation is 33.3 %. It is not clear what portion of the 66% would be reallocated under this scenario.

EYKT: When the GHL is at or below 200,000 lbs, the directed fishery and the sport fishery would each be allocated 22.5%. This would result in a reallocation from the directed fishery to the sport fish fishery of 20.5 %. When the GHL is above 200,000, the portion of the GHL not allocated to other users would be evenly divided between the directed fishery and the sport fishery.

NSEO: The directed fishery and the sport fishery would each be allocated 32.5%. This would result in a reallocation from the directed fishery to the sport fishery of 10.5 %.

CSEO: The directed fishery and the sport fishery would each be allocated 33%. This would result in a reallocation from the directed fishery to the sport fishery of 3%.

SSEOC: The directed fishery and the sport fishery would each be allocated 37%. This would result in a reallocation from the sport fishery to the directed fishery of 7%.

SSEIW: The directed fishery and the sport fishery would each be allocated 46%. This would result in a reallocation from the sport fishery to the directed fishery of 46%.

NSEI: The directed fishery and the sport fishery would each be allocated 25%. This would result in a reallocation from the sport fishery to the directed fishery of 25%.

BACKGROUND: At the 2000 board meeting, allocations to user groups were made based on fishing patterns of the previous 5 years. A task force was formed prior to the meeting and all user groups participated. Allocations that were made to all users groups are presented in Table 335-1.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

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

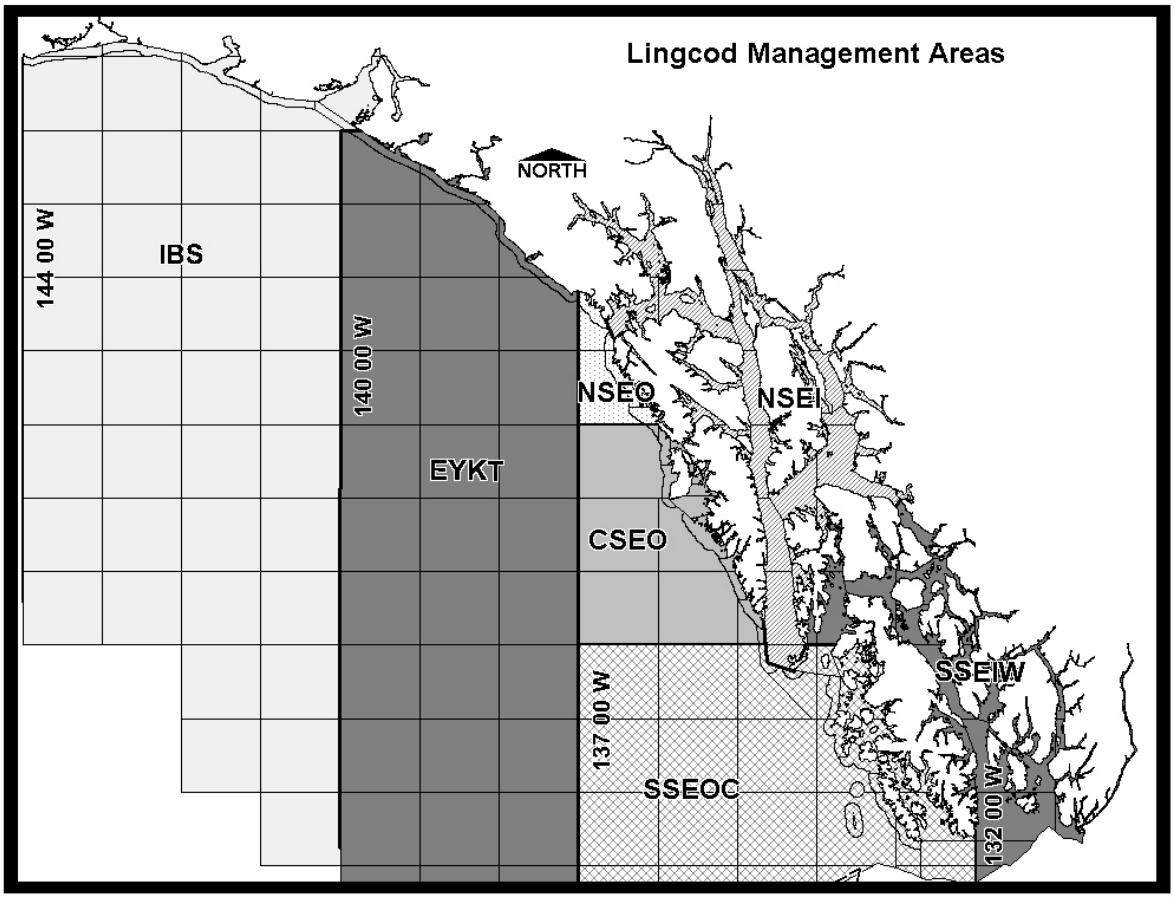

Figure 335-1.–Eastern Gulf of Alaska lingcod management areas.

Table 335-1.–Eastern Gulf of Alaska lingcod guideline harvest limits and allocations between sectors, 2008.

	Icy Bay	East Yakutat*	NSEO	CSEO	SSEOC	SSEIW	NSEI
Guideline Harvest Ranges	0–100,000	0–200,000	0–40,000	0–240,000	0–167,000	0–52,000	0–32,000
Sector	**Percent allocation**						
Sport fishery	33%	2%	22%	30%	44%	92%	50%
Directed fishery		43%	43%	36%	30%	0%	0%
Longline bycatch	67%	47%	27%	23%	17%	4%	30%
Salmon troll bycatch		8%	8%	7%	2%	4%	20%
Hand troll & jig bycatch	0	0	0	4%	7%	0	0

*GHL actually 0–225,000: when AHO exceeds 200,000 pounds, then 4,000 lbs to sport; 94,000 to longline; 16,000 to troll; and the rest to directed.

Table 335-2.–Eastern Gulf of Alaska lingcod harvest allocation of GHL by management area and fishery, 2008.

	2008 Annual Harvest Allocation of GHL (round pounds)					
Management Area	Directed	Salmon troll	Longline	Handtroll and Jig	Sport	Total
IBS	combined-66,660			0	33,330	100,000
EYKT	111,000	16,000	94,000	0	4,000	225,000
NSEO	17,200	3,200	10,800	0	8,800	40,000
CSEO	86,400	16,800	55,200	9,600	72,000	240,000
SSEOC	50,100	3,340	28,390	11,690	73,480	167,000
NSEI	0	6,400	9,600	0	16,000	32,000
SSEIW	0	2,080	2,080	0	47,840	52,000
Total						856,000

Table 335-3.–Eastern Gulf of Alaska lingcod harvest by year, fishery, area, and percent of allocation of GHL harvested by fishery, 2002–2008.

YEAR	Fishery	CSEO	%	EYKT	%	IBS	%	NSEI	%	NSEO	%	SSEIW	%	SSEOC	%
2002	directed	60,160	63	93,173	108	NA		NA		15,264	89	NA		10,261	17
	troll	13,581	81	29,394	184	2,154		1,822	28	9,594	300	44	2	684	20
	longline	55,988	101	41,230	44	19,583		8,607	90	15,878	147	2,873	138	26,475	93
	sport	46,031	64		0	16,841	51	24,005	150	10,053	114	30,646	64	38,998	53
2002 Total		175,760	73	163,797	82	38,578	39	34,434	108	50,789	127	33,563	65	76,418	46
2003	directed	75,652	88	101,419	118	X		NA		14,493	84	NA		48,762	97
	troll	12,637	75	8,488	53	1,427		1,615	25	4,047	126	2,030	98	3,106	93
	longline	45,202	82	41,578	44	10,822		9,771	102	13,319	123	2,747	132	25,676	90
	groundfish jig	0	0	NA	NA	NA		NA		NA		NA		88	1
	sport	65,004	90		0	34,294	103	31,062	194	13,101	149	20,143	42	33,143	45
2003 Total		198,495	83	151,485	76	X		42,448	133	44,960	112	24,920	48	110,775	66
2004	directed	23,088	27	100,891	117	28,846		NA		2,609	15	NA		X	
	troll	8,377	50	10,951	68	6,552		420	7	4,118	129	673	32	3,531	106
	longline	38,845	70	94,983	101	12,457		9,982	104	12,391	115	1,943	93	24,515	86
	groundfish jig	381	4	NA	NA	NA		NA		NA		NA		0	0
	sport	76,795	107		0	25,483	76	23,149	145	6,486	74	51,935	109	82,930	113
2004 Total		147,486	61	206,825	103	73,338	73	33,551	105	25,604	64	54,551	105	X	
2005	directed	54,034	63	80,085	93	40,748		NA		2,659	15	NA		0	
	troll	8,812	52	5,299	33	3,436		1,195	19	3,894	122	381	18	2,383	71
	longline	19,453	35	64,901	69	24,712		10,220	106	11,039	102	2,655	128	12,707	45
	groundfish jig	0	0	NA	NA	NA		NA		NA		NA		0	0
	sport	103,957	144		0	32,455	97	41,448	259	14,668	167	56,740	119	123,414	168
2005 Total		186,256	78	150,285	75	101,351	101	52,863	165	32,260	81	59,776	115	138,504	83
2006	directed	46,916	54	108,650	98	63,432		NA		X		NA		16,646	33
	troll	13,391	80	8,552	53	46		3,776	59	4,711	147	584	28	3,877	116
	longline	20,054	36	33,954	36	16,793		9,615	100	11,846	110	3,161	152	15,134	53
	groundfish jig	35	0	NA	NA	NA		NA		NA		NA		0	0
	sport	98,591	137		0	32,902	99	30,549	191	10,461	119	45,236	95	92,551	126
2006 Total		178,987	75	151,156	67	113,173	113	43,940	137	X		48,981	94	128,208	77

–Continued–

Table 335-3.–continued (page 2 of 2)

YEAR	Fishery	CSEO	%	EYKT	%	IBS	%	NSEI	%	NSEO	%	SSEIW	%	SSEOC	%
2007	directed	69,805	81	100,614	91	63,021		NA		X		NA		X	
	troll	16,575	99	14,242	89	287		2,063	32	3,753	117	928	45	3,383	101
	longline	18,540	34	35,306	38	11,333		11,825	123	12,117	112	2,884	139	15,236	54
	groundfish jig	0	0	NA	NA	NA		NA		NA		NA		0	0
	sport	58,827	82		0	28,352	85	23,979	150	5,607	64	63,156	132	74,829	102
2007 Total		163,747	68	150,162	67	102,993	103	37,867	118	X		66,968	129	X	
2008	directed	84,571	98	140,867	127	38,168		NA		5,313	31	NA		X	
	troll	9,441	56	11,633	73	2,599		1,982	31	3,695	115	833	40	1,677	50
	longline	16,444	30	50,837	54	25,949		12,008	125	7,625	71	1,240	60	18,016	63
	groundfish jig	0	0	NA	NA	NA		NA		NA		NA		0	0
	sport	66,549	92			43,579	131	21,683	136	9,196	105	58,729	123	59,783	81
2008 Total		177,005	74	203,337	90	110,295	110	35,673	111	25,829	65	60,802	117	X	

X- confidential information; less than 3 permits landing.

X- confidential information; less than 3 permits landing.

PROPOSAL 336: 5 AAC 28.173 LINGCOD POSSESSION AND LANDING REQUIREMENTS FOR EASTERN GULF OF ALASKA AREA.

PROPOSED BY: Theo Grutter.

WHAT WOULD THE PROPOSAL DO? This proposal would increase the bycatch allowance of lingcod in the halibut longline fishery from 5% to 10% in the CSEO section.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 28.173 Lingcod possession and landing requirements for Eastern Gulf Of Alaska Area.

(a) In the Southeast District, a vessel fishing for

(1) halibut with longline gear may not land or have on board lingcod in excess of five percent, by round weight, of all halibut on board the vessel, except that in the Icy Bay Section, a vessel may not have in excess of 10 percent, by round weight, of all halibut on board the vessel;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal were adopted, bycatch harvest of lingcod would increase in the halibut longline fishery.

BACKGROUND: At the 2000 board meeting, the board adopted regulations allocating the lingcod resource between user groups. These allocations are described in 5AAC 28.165. Every year the department sets the GHL according to 5AAC 28.160 (e) and has been managing this fishery at the upper end of the GHR. Table 336-1 describes the history of allocation and catch in the CSEO section for longline bycatch in the last 6 years.

Lingcod is taken as bycatch primarily in the halibut longline fishery and in the directed demersal shelf rockfish (DSR) fishery. The bycatch allowance of lingcod in the directed DSR fishery is 35% round weight to round weight of DSR onboard. However, since there has been no directed DSR fishery in the CSEO section since 2004, less than the allowable lingcod bycatch level has been harvested.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal as it is non-allocative and allows for increased harvest of a resource that is already allocated to a specific user group. However, the department would recommend that there be some flexibility built into the change in this regulation that would allow for the bycatch allowance to be reduced to 5% in years when the directed demersal shelf rockfish fishery is prosecuted in CSEO or if the Area 2-C halibut quota is increased. An alternative solution would be that the board grant the department the emergency order authority to set the bycatch limit of lingcod in the longline fisheries each season in response to yearly changes rather than setting bycatch in this fishery by regulation. The bycatch allowance could be set at the beginning of the year once the International Pacific Halibut Commission (IPHC) releases its preliminary catch limits.

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

Table 336-1.–History of lingcod bycatch in longline fisheries in CSEO in round pounds.

Year	Allocation	Catch	Remaining
2003	55,200	45,202	9,998
2004	55,200	38,845	16,355
2005	55,200	19,453	35,747
2006	55,200	20,054	35,146
2007	55,200	18,540	36,660
2008	55,200	16,444	38,756

PROPOSAL 337: 5 AAC 28.165 LINGCOD ALLOCATION GUIDELINES FOR EASTERN GULF OF ALASKA AREA.

PROPOSED BY: Alaska Trollers Association.

WHAT WOULD THE PROPOSAL DO? This proposal suggests that at times when the allocation of lingcod to the directed (dinglebar) fishery has not been harvested, the surplus could be made available to the troll fleet. It appears that the intention is not to make a permanent reallocation, but to allow the harvest of the surplus on a year to year basis.

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

(1) Icy Bay Subdistrict:

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

(B) 33.33 percent to the sport fishery;

(2) East Yakutat Section:

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

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

(ii) two percent to the sport fishery;

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

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

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

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

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

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

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

(3) Northern Southeast Outside Section:

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

(B) 22 percent to the sport fishery;

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

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

(4) Central Southeast Outside Section:

(A) 36 percent to the directed commercial lingcod fishery;

(B) 30 percent to the sport fishery;

(C) 23 percent to bycatch in the commercial longline fishery;

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

(E) four percent to bycatch in the commercial groundfish fishery using hand troll gear and mechanical jigging machines;

(5) Southern Southeast Outer Coast Sector:

(A) 30 percent to the directed commercial lingcod fishery;

(B) 44 percent to the sport fishery;

(C) 17 percent to bycatch in the commercial longline fishery;

(D) seven percent to bycatch in the commercial groundfish fishery using hand troll gear and mechanical jigging machines;

(E) two percent to bycatch in the commercial salmon troll fishery;

(6) Southern Southeast Internal Sector:

(A) no directed commercial lingcod fishery;

(B) 92 percent to the sport fishery;

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

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

(7) Northern Southeast Inside Subdistrict:

(A) no directed commercial lingcod fishery;

(B) 50 percent to the sport fishery;

(C) 30 percent to bycatch in the commercial longline fishery;

(D) 20 percent to bycatch in the commercial salmon troll fishery.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal is adopted, harvestable surpluses of lingcod in the directed fishery could be harvested by the troll fleet.

BACKGROUND: At the 2000 board meeting, the board adopted regulations allocating the lingcod resource between user groups. These allocations are described in the regulation above. Every year the department sets the GHL according to 5AAC 28.160 (e) and has been managing this fishery at the upper end of the GHR. Table 337-1 describes the history of allocation and catch in the last 6 years to both the directed fishery and the troll fishery. Lingcod bycatch in the troll fishery is permitted during the same period that the directed fishery is open.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

This proposal would not apply to the Icy Bay section because the lingcod allocation for all commercial users in that area was combined in 2003. The proposal also does not apply to the inside waters (Northern Southeast Inside or Southern Southeast Inside waters) where there is no directed commercial lingcod fishery.

This proposal would be pertinent to the EYKT, NSEO, CSEO, and SSEOC areas which are represented in Table 337-1; the annual allocations, actual harvest, and overage or underage for the directed and troll fisheries is presented in this table for 2003–2008.

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

Table 337-1.–Lingcod allocations by management area to the directed fishery and salmon troll bycatch in round pounds. Negative numbers indicate that the quota was exceeded in that year.

EYKT	Year	Directed Allocation	Directed Catch	Overage(-)/ Underage	Troll Allocation	Troll Catch	Overage(-)/ Underage	Troll Closure
	2003	86,000	101,419	-15,419	16,000	8,488	7,512	n/a
	2004	86,000	100,891	-14,891	16,000	10,951	5,049	n/a
	2005	86,000	80,085	5,915	16,000	5,299	10,701	n/a
	2006	111,000	108,650	2,350	16,000	8,552	7,448	n/a
	2007	111,000	100,614	10,386	16,000	14,242	1,758	n/a
	2008	111,000	140,867	-29,867	16,000	11,633	4,367	n/a
NSEO								
	2003	17,200	14,493	2,707	3,200	4,047	-847	22-Jul
	2004	17,200	2,609	14,591	3,200	4,118	-918	29-Jul
	2005	17,200	2,659	14,541	3,200	3,894	-694	22-Jul
	2006	17,200	confidential		3,200	4,711	-1,511	17-Jul
	2007	17,200	confidential		3,200	3,753	-553	26-Jul
	2008	17,200	5,313	11,887	3,200	3,695	-495	19-Jul
CSEO								
	2003	86,400	75,652	10,748	16,800	12,637	4,163	n/a
	2004	86,400	23,088	63,312	16,800	8,377	8,423	n/a
	2005	86,400	54,034	32,366	16,800	8,812	7,988	n/a
	2006	86,400	46,916	39,484	16,800	13,391	3,409	n/a
	2007	86,400	69,805	16,595	16,800	16,575	225	20-Sep
	2008	86,400	84,571	1,829	16,800	9,441	7,359	n/a
SSEOC								
	2003	50,100	48,762	1,338	3,340	3,106	234	22-Aug
	2004	50,100	confidential		3,340	3,531	-191	9-Aug
	2005	50,100	0	50,100	3,340	2,383	957	n/a
	2006	50,100	16,646	33,454	3,340	3,877	-537	18-Aug
	2007	50,100	confidential		3,340	3,383	-43	19-Aug
	2008	50,100	confidential		3,340	1,677	1,663	n/a

PROPOSAL 338: 5 AAC 28.133 GROUNDFISH AND HALIBUT TAKEN WITH SALMON TROLL FISHING GEAR IN THE EASTERN GULF OF ALASKA AREA.

PROPOSED BY: John Vale.

WHAT WOULD THE PROPOSAL DO? This proposal would allow lingcod to be harvested by trollers in Icy Bay Subdistrict (IBS) beginning April 1 during the later part of the winter salmon troll fishery.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 28.133 Groundfish and halibut taken with salmon troll fishing gear in the Eastern Gulf of Alaska Area.

(a) Groundfish incidentally taken by hand and power troll gear operated to take salmon consistent with applicable state laws and regulations are legally taken and possessed, except that lingcod may be taken under this subsection only from May 16 through November 30. Notwithstanding the provisions of this subsection, the commissioner may establish groundfish bycatch limits for the salmon fishery described in this subsection, if the commissioner determines it is necessary to manage the groundfish bycatch harvest within total catch limits established in this chapter.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Adoption of this proposal would allow the retention of lingcod in the IBS troll fishery beginning April 1, which could result in the harvest of male nest guarding lingcod in the IBS area.

BACKGROUND: During the 2000 board meeting, the board adopted regulations that defined the new area, "Icy Bay Subdistict," and assigned area and fishery specific annual quotas with a total guideline harvest range (GHR) for that area of 0–100,000 round pounds. The lingcod allocation was evenly divided (33.33% each) between longline bycatch, salmon troll bycatch, and the sport fishery. There was no allocation for a directed fishery at that time. At the 2003 board meeting, the board decided to combine the longline and troll bycatch quotas, add language that allowed for a directed fishery, and assigned 66.66% of the GHR (upper end still set at 100,000 round pounds) to an all-gear commercial lingcod quota for the directed lingcod fishery, bycatch in the commercial longline fisheries, and bycatch in the commercial salmon troll fishery. The combined quota was used because there was no way of knowing how the allocation should be split due to the fact that there was no previously established directed fishery in this area. The sport fishery retained the original allocation of 33.33%.

In 2006 and 2007, the commercial directed and longline bycatch fisheries harvested the entire commercial quota, which resulted in the closure of the commercial lingcod fisheries before the summer troll fishery opened (Figure 338-1).

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal because of biological concerns. The season for all fisheries, except longline, are set the same to protect nest guarding males, which are vulnerable to fishing and which reside in shallower areas on nests during December to mid-May. These depths and areas are typically fished with dinglebar and troll gear. The bycatch of lingcod in the longline fishery is not restricted by time because the halibut fishery takes place in water typically deeper than the nest guarding males. Female lingcod are predominantly caught in the longline fishery. This proposal, while focusing on the season for the fishery, also has allocative aspects since all commercial quotas are lumped and whatever user group is allowed to fish earliest could take most of the quota. The department is **neutral** on the potentially allocative issues associated with this proposal.

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

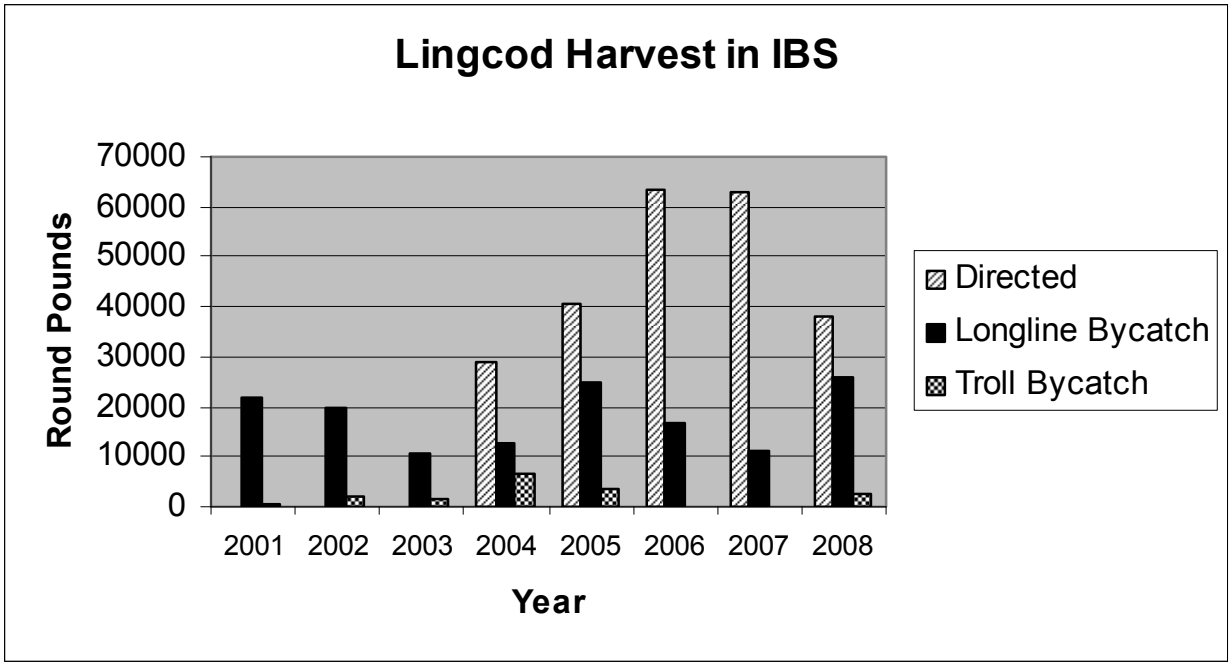

Figure 338-1.–Lingcod harvest in Icy Bay Subdistrict (IBS) by the directed fishery, commercial longline and commercial salmon troll in round pounds by year.

PROPOSAL 339: 5 AAC 47.020(7). GENERAL PROVISIONS FOR SEASONS AND BAG, POSSESSION, ANNUAL, AND SIZE LIMITS FOR THE SALT WATERS OF THE SOUTHEAST ALASKA AREA. Allow guided and nonresident anglers to keep one lingcod over 55 inches annually.

PROPOSED BY: Sitka Charterboat Operators Association.

WHAT WOULD THE PROPOSAL DO? This proposal would allow guided and nonresident anglers to keep 1 lingcod over 55 inches annually. Guided and nonresident anglers would have an annual limit of 2 lingcod, of which only 1 could be 55 inches or greater. The second fish harvested would have to be with the length limits established by emergency order.

WHAT ARE THE CURRENT REGULATIONS? Each year the department establishes guideline harvest levels (GHL) for lingcod in each of 7 subdistricts in Southeast Alaska. In each subdistrict, the sport fishery is allocated a percentage of the catch that varies between 2% in the East Yakutat subdistrict to 92% in the Southern Southeast Inside subdistrict (**5AAC 28.165**). The department establishes regulations (options include bag limits, annual limits, size limits, and seasons for guided or nonresidents anglers, and bag limits and seasons for resident anglers) by emergency order under the direction of the **Lingcod delegation of authority and provisions for management** (**5AAC 47.060**) to ensure that the sport fishery does not exceed its allocation. The regulations vary by subdistrict and year.

In 2008, the regulations established by emergency order were as follows:

Inside Southern Southeast area near Ketchikan (SSEI)

Season: May 16–November 30

Limits: for non-guided Alaska residents—1 daily and 2 in possession, no size limit; for nonresidents and guided anglers—1 daily, 1 in possession, 30–inch minimum and 40–inch maximum size limit; annual limit of 1 fish, harvest record required.

Outer Prince of Wales Island area (SSEO)

Season: May 16–November 30

Limits: for non-guided Alaska residents—1 daily and 2 in possession, no size limit; for nonresidents and guided anglers—daily, 1 in possession, 30–inch minimum and 35–inch maximum size limit; annual limit of 1 fish, harvest record required.

Northern Southeast area (CSEO, NSEO, NSEI)

Season: May 16–June 15 and August 16–November 30

Limits: for non-guided Alaska residents—1 daily and 2 in possession, no size limit; for nonresidents and guided anglers—1 daily, 1 in possession, 30–inch minimum and 35–inch maximum size limit; annual limit of 1 fish, harvest record required.

Yakutat area (EYKT)

Season: May 16–November 30

Limits: for non- guided Alaska residents—1 daily and 2 in possession, no size limit; for nonresidents and guided anglers—1 daily, 2 in possession, 32–inch minimum and 42–inch maximum size limit; no annual limit

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? A 55 inch minimum length limit, in combination with the existing slot limit, is expected to result in little or no increase in lingcod harvest.

BACKGROUND: The length that equates to a lingcod that is within 5 lbs of the state record is approximately 57 inches. From 1993 to 2008, only 3 lingcod larger than this have been sampled in the Southeast Alaska marine creel survey. Only 4 lingcod of this size or larger have been sampled in the commercial groundfish fisheries (n=20,665) from 1987 to 2008. No lingcod of this size were sampled during the course of groundfish research projects (n=9,397) from 1993 to 2008.

During the past 3 years bag limits, combined with reduced seasons for all anglers, and slot length limits combined with annual limits for guided and nonresident anglers, have been successful in reducing sport harvest to within the GHL in a majority of the management areas.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. However, the department **SUPPORTS** discontinuing use of the current user group designations: non-guided resident anglers, nonresident anglers, and all guided anglers. Allocative regulations for other sport species in Southeast Alaska sport fishery regulations (rockfish and king salmon) distinguish only between resident anglers and nonresident anglers. Use of residency as the only distinguishing factor for implementing restrictive regulations for lingcod sport fishery would reduce confusion among anglers and provide more consistent regulatory structure in the region

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

PROPOSAL 340: 5 AAC 47.021. SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS, AND METHODS AND MEANS FOR THE SALT WATERS OF SOUTHEAST ALASKA AREA. Amend boundary for lingcod sport fishery near Cross Sound and Yakobi Island.

PROPOSED BY: Elfin Cove Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would modify the regulatory boundaries for the Northern Southeast Outside (NSEO) groundfish management area so that a southern portion of the area is removed and the waters of Cross Sound are added. The proposal also asks the NSEO lingcod management area be merged with the East Yakutat (EYKT) and Icy Bay (IBY) areas and managed under the regulations for those areas.

WHAT ARE THE CURRENT REGULATIONS? Management areas for lingcod in Southeast Alaska are described in **5 AAC 28.105**. Guideline harvest levels (GHL) for each lingcod management area are described in **5 AAC 28.160**. Lingcod allocations are listed in 5 AAC 28.165.

The sport fishery allocations for the management areas affected by this proposal are as follows:

NSEO: 22% of the 0–40,000 lb. GHL, or 8,800 pounds.

Central Southeast Outside (CSEO): 30% of the 0 – 240,000 lb. GHL, or 72,000 pounds.

EYKT: 2% of the 0–200,000 lb. GHL, or 4,000 pounds.

IBY: 33.33% of the 0–100,000 lb. GHL, or 33,330 pounds.

Northern Southeast Inside (NSEI): 50% of the 0–36,000 lb. GHL, or 18,000 pounds.

5 AAC 47.060 provides the department with emergency order authority to establish size and annual limits for guided and nonresident sport anglers in order to attain sport fishery allocations. Current sport fishing emergency order regulations in NSEO area are:

Season: May 16– June 15, August 16–November 30

Limits for resident and non-guided anglers: 1 per day, 2 in possession, no size limit.

Limits for nonresident and guided anglers: 1 per day, 1 in possession; 30 inch–35 inch slot limit; 1 fish annual limit; harvest record required. In addition, lingcod must be landed by hand or with a landing net.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The intent of this proposal is to increase sport harvest opportunity for lingcod by easing restrictions for the waters near Elfin Cove. However, accomplishing this may not be possible as current harvests in the NSEO area, as well as in other areas of the region, are already at or near sport allocation levels.

BACKGROUND: In 2000, the board established lingcod sport fishery allocations for each of the 7 lingcod management areas in Southeast Alaska. At that time, the department indicated to the board that it would need to manage the NSEO and CSEO jointly as there was limited information on the lingcod sport fishery in the NSEO area. Since 2000, logbook data and on-site sport harvest data acquired in Elfin Cove has allowed the department to estimate sport harvests of lingcod in the NSEO area. The average sport harvest over the past 5 years is estimated to be slightly above the NSEO allocation. The sport allocation for the NSEO area is relatively small at 8,800 pounds, or roughly 550 lingcod, based under current length restrictions in the sport fishery.

Emergency order regulations issued to reduce sport harvest of lingcod were first implemented in 2000. Since 2000, emergency order regulations for the lingcod sport fishery have become increasingly restrictive throughout Southeast Alaska, with the exception of the Yakutat area. Through 2007, sport harvests of lingcod in the Yakutat area (IBY and EYKT) were within the sport allocation, and emergency order regulations for that area have been the least restrictive in the region. The proposal calls for applying the less restrictive Yakutat area regulations to the NSEO area. However, in 2008 the sport harvest of lingcod in the Yakutat area increased to 31% above the sport allocation and this suggests that additional restrictions will be required in future years.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal, as it would require increasing sport allocations for lingcod. At this time the department would **OPPOSE** modification of lingcod management area boundaries in the NSEO area as this species has been managed with the current boundaries for over 20 years in that area. An action to modify lingcod management areas would require further information on lingcod abundance as well as modification to the database.

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

PROPOSAL 341: 5 AAC 28.160. Harvest guidelines and ranges for Eastern Gulf of Alaska Area.

PROPOSED BY: Southeast Alaska Guides Organization.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to increase the amount of the Southeast Alaska demersal shelf rockfish (DSR) total allowable catch (TAC) allocated to the sport fisheries from 16% to 25% and decrease the amount of the TAC allocated to the commercial fisheries from 84% to 75%.

WHAT ARE THE CURRENT REGULATIONS? The annual allowable catch of demersal shelf rockfish is calculated based on the federal TAC of DSR with 84 percent allocated to the commercial fisheries and 16 percent allocated to the sport fisheries [**5 AAC 28.160 (c) (1) (A)**].

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Increasing the allocation to the sport fishery without changing management measures would effectively reduce or eliminate harvest overages in the sport fishery. An increase in the allocation to the sport fish fishery could reduce the opportunity for a directed commercial fishery especially in years when the halibut catch limits are high.

BACKGROUND: Since 1989, the state has had management authority for DSR in federal waters and has provided a stock assessment to the North Pacific Fishery Management Council (council) for these fish annually. The stock assessment is habitat-based and the biomass estimate is the product of estimated area of habitat, density of yelloweye rockfish, and average weight by management area. The allowable biological catch (ABC) levels and total allowable catch (TAC) levels are set annually for SEO as part of the NPFMC Fishery Evaluation and Stock Assessment process. The ABC for the SEO is set by multiplying the lower bound of the 90% confidence interval of biomass for yelloweye rockfish by the natural mortality rate (0.02) and adjusting for the 4% of other DSR species landed in this assemblage.

The current sport and commercial harvest allocation (16% and 84 % respectively) of the total allowable catch (TAC) of demersal shelf rockfish in the Southeast Outside Subdistrict was adopted by the board at its February 2006 meeting in Ketchikan. There were no fixed harvest allocations between the two user groups until that time. The board decided to establish allocations based on the historical catches of each sector averaged over the previous 5 years.

The board outlined a series of management measures that the commissioner may require by emergency order to modify existing sport fish regulations to keep the sport fishery within its allocation (5 AAC 47.065). These measures are: (1) reduced bag and possession limits for nonresident anglers; (2) retention of all demersal shelf rockfish caught by a nonresident angler is required until the nonresident bag limit is reached; (3) charter operators and crewmembers may

not retain demersal shelf rockfish while clients are on board the vessel; (4) annual limits for demersal shelf rockfish for nonresident anglers; (5) reduce the bag and possession limits for resident anglers; (6) retention of all demersal shelf rockfish caught by a resident angler is required until the resident angler's bag limit is reached; (7) annual limits for demersal shelf rockfish for resident anglers; and (8) time and area closures. To date, the department has implemented all of the management measures except time and area closures to reduce sport fishery harvest within its allocation.

The department estimates the annual biomass of DSR removed by the sport fishery by summing the estimated biomass of both the harvest and fish caught and released (a mortality rate of 100% is assumed for all released DSR) by area. Harvest biomass is estimated for DSR by multiplying the total number of all rockfish harvested (estimated from the Statewide Harvest Survey) by the percentage that are DSR species and their average weight (both estimated from port sampling programs) by area. Released DSR biomass is estimated by multiplying the estimated number of DSR species released (estimated from port sampling programs and charter logbook data) by area and their respective average weights by area (assumed to be the same as harvested fish, estimated from port sampling programs).

Existing sport fishing regulations in the Southeast Alaska Area for rockfish specify regulations for non-pelagic rock fish [5 AAC 47.095 (8) (B)] are: a bag limit of five fish; possession limit of 10 fish, of which only two per day and four in possession may be yelloweye rockfish; no annual limit; no size limit. Non-pelagic rockfish are defined as all rockfish species in the genus *Sebastes* that are not defined as pelagic rockfish [5 AAC 75.995 (46)]. Demersal shelf rockfish are defined by a list of species [5 AAC 39.975 (34)]. The group of non-pelagic rockfish contains more species than the group of demersal shelf rockfish; however, the species of rockfish that contribute to the overall sport catch in the Southeast Alaska Area in any significant manner (number of fish or overall pounds) between the two groups is basically the same. Thus, the department has modified existing sport fishing regulations for non-pelagic rockfish, by emergency order, to attempt to stay within the sport fishery allocation of demersal shelf rockfish.

In 2006, the department modified sport fishing regulations for non-pelagic rockfish, by emergency order, by instituting the following measures: the resident and nonresident bag limit was reduced to three fish, only one of which could be a yelloweye rockfish; all fish caught must be retained until the bag limit was reached; a nonresident annual limit of three yelloweye rockfish was instituted; and charter operators and crewmembers were prohibited from retaining fish. Despite these measures, the estimated biomass removed by the sport fishery was 77 metric tons, exceeding the allocation of 66 metric tons by 17%.

In 2007 and 2008, the same measures that were instituted in 2006 by emergency order were again instituted with the addition that bag limit was further reduced to two fish for nonresidents, and the yelloweye rockfish annual limit was further reduced to two fish for nonresidents. The estimated biomass removed by the sport fishery was 60 metric tons in 2007, 9% below the allocation of 66 metric tons; and in 2008 the estimated biomass removal (preliminary estimate)

was 70 metric tons, or 15% above the allocation of 61 metric tons. In 2009, the DSR sport fish allocation will be 58 metric tons.

Starting with the commercial allocation in any given year, estimated bycatch in the halibut fishery and the subsistence fishery are deducted as are the harvests in any testfish fishing (such as the IPHC survey). The remaining amount is then apportioned among the SEO management areas (EYKT, NSEO, CSEO, and SSEO) and if sufficient quota is available in any management area to conduct an orderly fishery, the department may open directed fisheries in one or more of those areas.

The current allocation of 84% to the commercial fleet has not been fully harvested in the years since this allocation was made (Table 341-1 and 341-2). In 2006 and 2007, no directed commercial fishing was allowed for DSR in any area of the Southeast Outside (SEO) due to concerns about bycatch estimation methods in the halibut fishery and sport fish removals. With confidence in our ability to predict the bycatch in the halibut fishery, the reduction in the halibut quota and the ability to manage the sport fish harvest, the department allowed a directed fishery in EYKT and SSEO in 2008.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. An unknown portion of the non-pelagic rockfish catch in the sport fishery is bycatch when other species are being targeted. Thus, changes to regulations in other sport fisheries (i.e., the halibut fishery) could affect the catch of non-pelagic rockfish to an unknown degree. In 2008, restrictions to the sport fishery for king salmon that essentially closed the king salmon fishery to nonresident anglers after July 16 may have led to an increase in the removal of DSR as anglers shifted effort from salmon to groundfish.

The anticipated harvest of DSR in the subsistence fishery was deducted from the commercial portion of the TAC before the directed fishery quotas were set for 2008. The department would like additional guidance from the board on how to account for estimated subsistence harvests of DSR. The department recommends that subsistence harvest estimates be subtracted from the TAC prior to determining the commercial and sport allocation.

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

Table 341-1.–Demersal shelf rockfish (DSR) total allowable catch (TAC), over fishing limit (OFL) and harvests by year in metric tons. Sport catch for 2008 is considered preliminary.

Year	OFL	TAC (mt)	Directed Fishery Landings	Non directed groundfish and halibut landings and testfish	Halibut Discard Mortality	Sport Mortality	Subsistence	Total SEO Mortality
1982			106	14		28		148
1983			161	15		29		205
1984			543	20		15		578
1985			395	100		13		512
1986			451	43		20		514
1987			803	52		18		873
1988		660	515	37		21		573
1989		420	356	119		15		490
1990		470	207	136		17		360
1991		425	386	119		18		523
1992		550	364	189		16		569
1993	967	800	345	272		20		637
1994	1680	960	283	154	175	34		646
1995	1044	580	177	112	108	25		422
1996	1702	945	345	85	179	28		637
1997	1450	945	267	87	217	38		609
1998	950	560	241	117	190	47		594
1999	950	560	235	112	174	73		594
2000	420	340	183	94	148	80		505
2001	410	330	172	147	122	71		511
2002	480	350	136	153	140	87		516
2003	540	390	102	174	107	74		457
2004	690	450	173	155	179	104	23	634
2005	640	410	42	195	162	90	16	505
2006	650	410	0	205	21	77	24	327
2007	650	410	0	198	20	60	21	299
2008	611	382	42	148	15	70	21	296

Table 341-2.–History of DSR allocations and catch in metric tons from 2006 through 2008. Sport catch for 2008 is preliminary. Minus indicates when allocation was exceeded.

Year	TAC	Commercial allocation of TAC	Harvest in all commercial fisheries	Commercial overage(-) /underage	Sport allocation of TAC	Sport catch	Sport overage(-) /underage
2006	410	344	226	118	66	77	-11
2007	410	344	218	126	66	60	6
2008	382	321	205	116	61	70	-9

PROPOSAL 342: 5 AAC 28.111 DEMERSAL SHELF ROCKFISH FISHING SEASONS FOR EASTERN GULF OF ALASKA AREA.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This change will clarify regulations regarding how the department actually manages for the portion of the annual directed demersal shelf rockfish (DSR) harvest limit that remains after the winter opening in inside waters.

WHAT ARE THE CURRENT REGULATIONS? The current regulation states that 33% of the annual directed harvest limit may be taken in a fall directed fishery from the day following the end of the commercial halibut season through December 31.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal is adopted, the public will be aware that the department will manage this fishery in such a way as to make the entire annual directed harvest limit available to the directed commercial DSR fishery in inside waters. This means that whatever portion of the annual directed harvest limit is not taken during the first opening will be made available during the second opening. This assumes that the department has determined there is enough remaining quota to conduct an orderly fishery and not exceed annual harvest limits.

BACKGROUND: The way the regulations are currently written, no more and no less than 33% of the annual directed harvest limit could be caught after the close of the halibut fishery until the end of the calendar year. In fact, currently, the department adds whatever was not caught in the first opening to the original 33% allocation and makes that total available for the second opening. Likewise, if the 67 percent were to be exceeded in the first opening, less than 33% would be available for harvest in the second opening.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this housekeeping proposal.

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

PROPOSAL 343: 5 AAC28.111 DEMERSAL SHELF ROCKFISH FISHING SEASONS FOR EASTERN GULF OF ALASKA AREA.

PROPOSED BY: Mike Ame.

WHAT WOULD THE PROPOSAL DO? If adopted, this proposal would repeal the existing winter and fall directed fishery seasons and instead provide for a summer season for the directed commercial fishery for demersal shelf rockfish (DSR). It would also prohibit vessels from directed fishing for halibut or sablefish fisheries during a directed DSR fishing trip.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC28.111. Demersal shelf rockfish fishing seasons for Eastern Gulf of Alaska Area.

(a) In the Southeast District, demersal shelf rockfish may be taken in a management area and in the directed fishery only as follows:

(1) in the Southeast Outside Subdistrict, from January 5 until the day before the start of the commercial halibut season, or until the annual directed harvest limit for the management area is taken, whichever occurs first;

(2) in the Northern Southeast Inside and Southern Southeast Inside Subdistricts,

(A) from January 5 until the day before the start of the commercial halibut season, or until 67 percent of the annual directed harvest limit for the management area is taken, whichever occurs first; and

(B) from the day following the end of the commercial halibut season through December 31, or until 33 percent of the annual directed harvest limit for the management area is taken, whichever occurs first.

(b) For all Eastern Gulf of Alaska demersal shelf rockfish fishing periods, the opening time is 9:00 a.m. and the closing time is 4:00 p.m.

5 AAC 28.160. Harvest guidelines and ranges for Eastern Gulf of Alaska Area.

(c) The guideline harvest levels for the taking of rockfish are as follows:

(1) in the Southeast Outside Subdistrict,

(A) the annual allowable catch of demersal shelf rockfish is calculated based on the federal total allowable catch (TAC) of demersal shelf rockfish with 84 percent allocated to the commercial fisheries and 16 percent allocated to the sport fisheries;

(B) the directed commercial demersal shelf rockfish quota is calculated based on the commercial allocation of the TAC after estimated bycatch mortality is deducted;

(2) in the directed taking of demersal shelf rockfish in the remaining waters of the Southeast District,

(A) for the Southern Southeast Inside Subdistrict: not more than 110,000 pounds round weight;

(B) in the Northern Southeast Inside Subdistrict: not more than 110,000 pounds round weight;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The effect of this proposal would be to no longer have the directed DSR fishery prosecuted in the winter months, but rather in the summer.

BACKGROUND: At the 1993 board meeting, a winter season for the directed DSR fishery was adopted in response to recommendations made by the Sitka Rockfish Working Group. At that time, the price was highest for these fish in the winter months and the timing provided fishermen who participated in the directed fishery with income outside the other fisheries they participate in during the summer season.

There are two basic fishing areas for the directed DSR fishery in Southeast Alaska. The first is in the Southeast Outside Subdistrict (SEO). Starting with the commercial allocation for SEO in any given year, estimated bycatch in the halibut fishery and the subsistence fishery are deducted as are the harvests in any testfish fishing (such as the International Pacific Halibut Commission survey). The remaining amount is then apportioned among the SEO management areas (EYKT, NSEO, CSEO, and SSEO) and if sufficient quota is available in any management area to conduct an orderly fishery, the department will open a directed fishery in one or more of those areas. A summary of the Southeast Outside commercial directed fisheries is presented in Table 343-1. In 2005, there was a limited fishery in EYKT only, and in 2006 and 2007 no directed commercial fishing was allowed for DSR in any area of SEO due to concerns about bycatch estimation methods and sport fishery removals. Because in recent years the department has gained confidence in its ability to predict the bycatch in the halibut fishery, along with the reduction in the halibut quota and the ability to more accurately manage sport fishery harvest, a directed fishery was opened in EYKT and SSEO in 2008.

The second basic area for directed commercial DSR fisheries in Southeast Alaska is inside waters. The inside area is divided into two fishing areas, Southern Southeast Inside and Northern Southeast Inside, and each area has a harvest limit of not more than 110,000 round pounds. The department has set the directed harvest guideline for the two inside areas at 55,125 pounds each year since 2000. The harvest for each inside fishing area is shown in Figure 343-1.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

The department does have concerns related to managing directed DSR fisheries in the Southeast Outside area under the proposed scenario. Based on the increased number of longline vessels that fish in the summer months, participation in this fishery could be higher than typically occurs during the regular winter season. The commercial Total Allowable Catch could be reached and

exceeded in a very short time. If the overrun was significant and if the overfishing level were reached, the result could be the complete or partial closures of all fisheries that catch DSR.

The department also has concerns about potential enforcement issues if there were a summer DSR fishery in internal waters only. The number of vessels fishing for halibut in both internal and outside waters will make it difficult for enforcement staff to determine which vessels are directed fishing for DSR and whether directed DSR vessels are only fishing in internal waters.

IFQ permit holders with unfilled quota are required to retain legal sized halibut taken while fishing. It could be difficult to enforce the prohibition of directed halibut fishing during a directed DSR trip because DSR fishermen holding unfilled IFQs are required to retain their halibut when the halibut season is open.

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

Table 343-1.–DSR quotas and harvest in SEO in metric tons by year and management area.

	EYKT		NSEO		CSEO		SSEO	
Year	Quota	Harvest	Quota	Harvest	Quota	Harvest	Quota	Harvest
2000	76	57	0	0	71	63	68	63
2001	76	50	0	0	62	64	60	59
2002	0	0	0	0	70	76	60	60
2003	0	0	0	0	70	64	40	38
2004	80	88	0	0	45	60	30	25
2005	41	42	0	0	0	0	0	0
2006	0	0	0	0	0	0	0	0
2007	0	0	0	0	0	0	0	0
2008	56	22	0	0	0	0	31	20

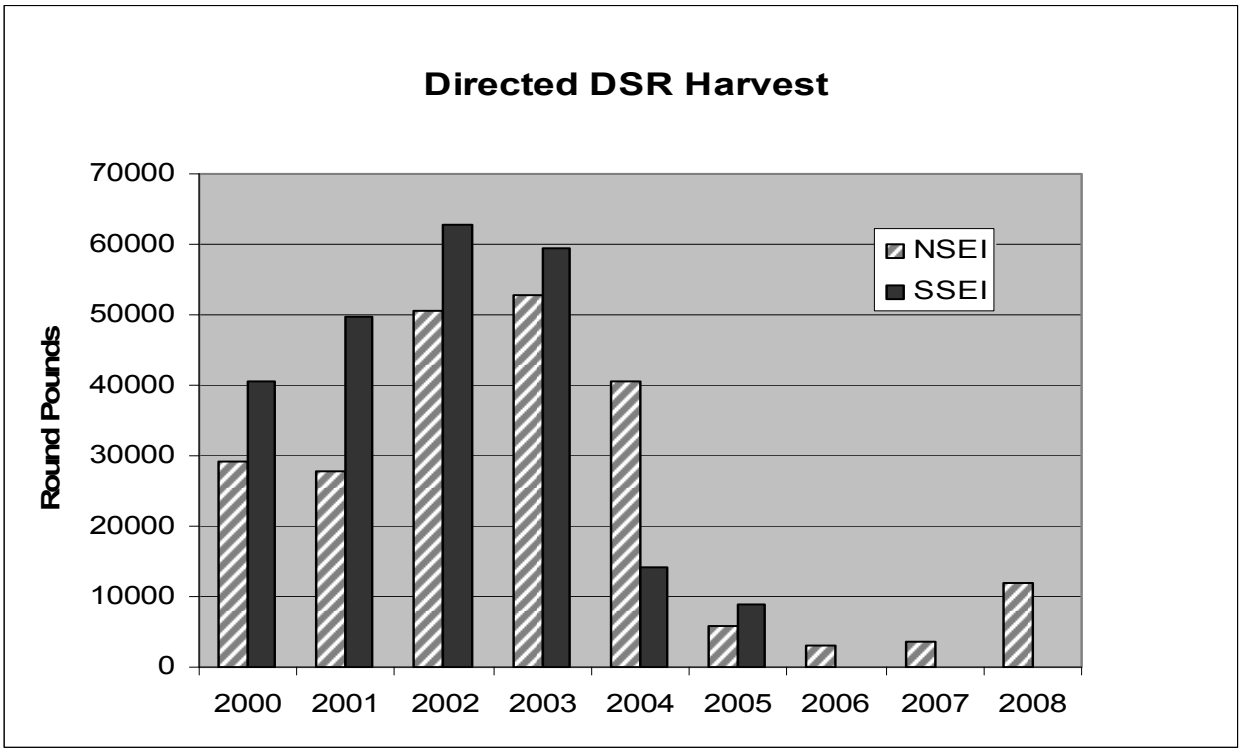

Figure 343-1.–Directed commercial DSR harvest in NSEI and SSEI, 2000–2008. The annual GHL for each area is 55,125 pounds. Reported harvest for SSEI in 2006–2008 is confidential and not shown here.

PROPOSAL 344: 5 AAC 28.111 DEMERSAL SHELF ROCKFISH FISHING SEASONS FOR EASTERN GULF OF ALASKA AREA.

PROPOSED BY: Rick Quint.

WHAT WOULD THE PROPOSAL DO? If adopted, this proposal would extend the DSR fishery in Southeast Alaska internal waters (NSEI and SSEI) for jig gear only until the annual quota is caught in those areas.

WHAT ARE THE CURRENT REGULATIONS? 5AAC28.111. Demersal shelf rockfish fishing seasons for Eastern Gulf of Alaska Area.

(a) In the Southeast District, demersal shelf rockfish may be taken in a management area and in the directed fishery only as follows:

(1) in the Southeast Outside Subdistrict, from January 5 until the day before the start of the commercial halibut season, or until the annual directed harvest limit for the management area is taken, whichever occurs first;

(2) in the Northern Southeast Inside and Southern Southeast Inside Subdistricts,

(A) from January 5 until the day before the start of the commercial halibut season, or until 67 percent of the annual directed harvest limit for the management area is taken, whichever occurs first; and

(B) from the day following the end of the commercial halibut season through December 31, or until 33 percent of the annual directed harvest limit for the management area is taken, whichever occurs first.

(b) For all Eastern Gulf of Alaska demersal shelf rockfish fishing periods, the opening time is 9:00 a.m. and the closing time is 4:00 p.m.

5 AAC 28.160. Harvest guidelines and ranges for Eastern Gulf of Alaska Area. (c) The guideline harvest levels for the taking of rockfish are as follows:

(2) in the directed taking of demersal shelf rockfish in the remaining waters of the Southeast District,

(A) for the Southern Southeast Inside Subdistrict: not more than 110,000 pounds round weight;

(B) in the Northern Southeast Inside Subdistrict: not more than 110,000 pounds round weight;

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The winter DSR fishery closes by regulation on the day before the start of the commercial halibut season. If adopted, this proposal would be to keep the DSR directed fishery open in internal waters (NSEI and SSEI), but only for persons using jig gear (mechanical jig, dinglebar, or hand troll).

Allowing the jig gear group to continue fishing through the spring and summer could reduce the remaining TAC so that there would be reduced opportunity for longline fishermen when the regular season re-opened in the fall in internal waters.

BACKGROUND: The board established the existing 110,000 maximum TAC in internal waters based on early catch histories in those areas. Participation in the NSEI and SSEI DSR directed fisheries dropped significantly in 2005. This was largely due to management actions in the outside waters directed DSR fishery. In January 2005, CSEO, SSEO, and the outer coast section of SSEI were not opened for fishing. Without the lucrative outside water fisheries, gearing up for fishing inside water only was not economical for most of the DSR fleet. Participation in the inside waters fisheries has continued at a low level.

The DSR fishery is primarily prosecuted with longline gear. Jig gear has only accounted for a very small portion of the directed harvest. For the period 2000–2008, five jig permits made five landings for 1,176 pounds in SSEI and 2 jig permits made 6 landings (catch confidential) in NSEI.

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

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

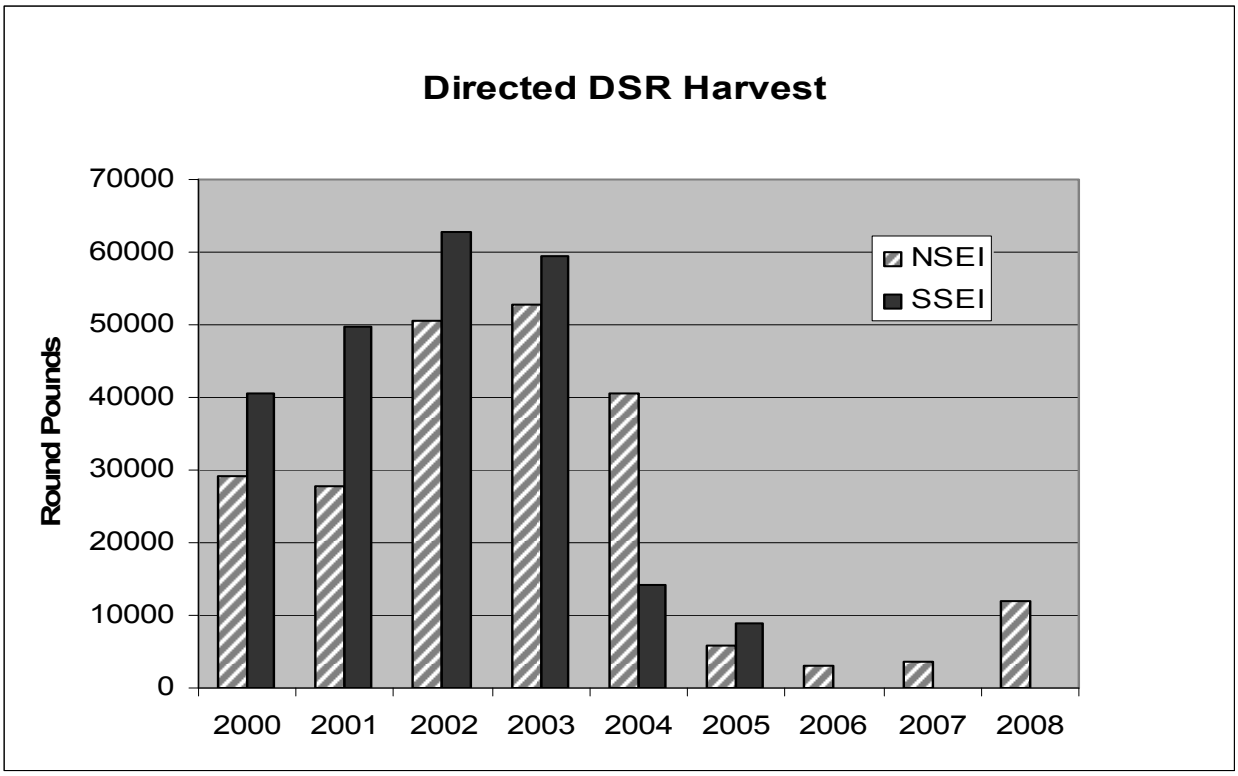

Figure 344-1.–Directed DSR harvest in Eastern Gulf of Alaska, NSEI and SSEI. Annual GHL for each area is 55,125 pounds. Reported harvest for SSEI 2006–2008 is confidential and not shown here.

PROPOSAL 345: 5 AAC 28.171. ROCKFISH POSSESSION AND LANDING REQUIREMENTS FOR EASTERN GULF OF ALASKA AREA.

PROPOSED BY: Alaska Longline Fisherman's Association.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to adjust the allowable bycatch percentage of demersal shelf rockfish that may be sold. If adopted, this proposal could allow for full utilization of the commercial allocation of DSR in any given year.

WHAT ARE THE CURRENT REGULATIONS? Mandatory full retention of DSR species is currently in regulation for all CFEC permit holders in the Southeast Area. Current regulations state that in the Southeast District bycatch of DSR in excess of 10% round weight must be weighed and reported as bycatch overage on fish tickets with all the proceeds of the sale of these fish going to the State of Alaska. In beam trawl fisheries the bycatch rate is one percent.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If adopted, more of the commercial quota would likely be harvested than in recent years and fishermen would realize more revenue from the sale of incidentally caught DSR.

BACKGROUND: Since 1989, the state has had management authority for DSR in federal waters and has provided annual stock assessment results to the North Pacific Fishery Management Council (council) for this assemblage. The stock assessment is habitat- based and the biomass estimate is the product of estimated area of habitat, density of yelloweye rockfish based on line transect methods using a manned submersible, and average weight by management area. The allowable biological catch (ABC) levels and total allowable catch (TAC) levels are set annually for SEO as part of the NPFMC Fishery Evaluation and Stock Assessment process. The ABC for the SEO is set by multiplying the lower bound of the 90% confidence interval of biomass for yelloweye rockfish by the natural mortality rate (0.02) and adjusting for the 4% of other DSR species landed in this assemblage.

In 2006 the board allocated 84% of the annual TAC for DSR to commercial fisheries and 16% to the sport fishery. Starting with the commercial allocation in any given year, estimated bycatch in the halibut fishery and the subsistence fishery are deducted as are the harvests in any testfish fishing (such as the IPHC survey). The remaining amount is then apportioned among the SEO management areas (EYKT, NSEO, CSEO, and SSEO) and if sufficient quota is available in any management area to conduct an orderly fishery, then the department will open a directed fishery in one or more of those areas.

Currently the bycatch allowances of DSR are as follows: 1% in beam trawl and sablefish fisheries, 0% in pot fisheries, and 10% in all other fisheries.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal under the current allocation plan, as it would maximize use of the commercial allocation percentage. The proposal would allow the department to adjust the bycatch allowance of DSR in commercial fisheries to be more flexible, taking into consideration the annual effect of the halibut quota, DSR ABC, and whether or not there is a directed DSR fishery in any given year. This proposal allows for the possibility of a directed fishery, while also affording the department with an option to increase the bycatch allowance of DSR in season so that the commercial TAC could be harvested and sold.

The proposal may have allocative implications, to which the department is **neutral**.

No directed fishery occurred in 2006 and 2007, but there was a limited directed fishery in 2008 (Figure 345-1).

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

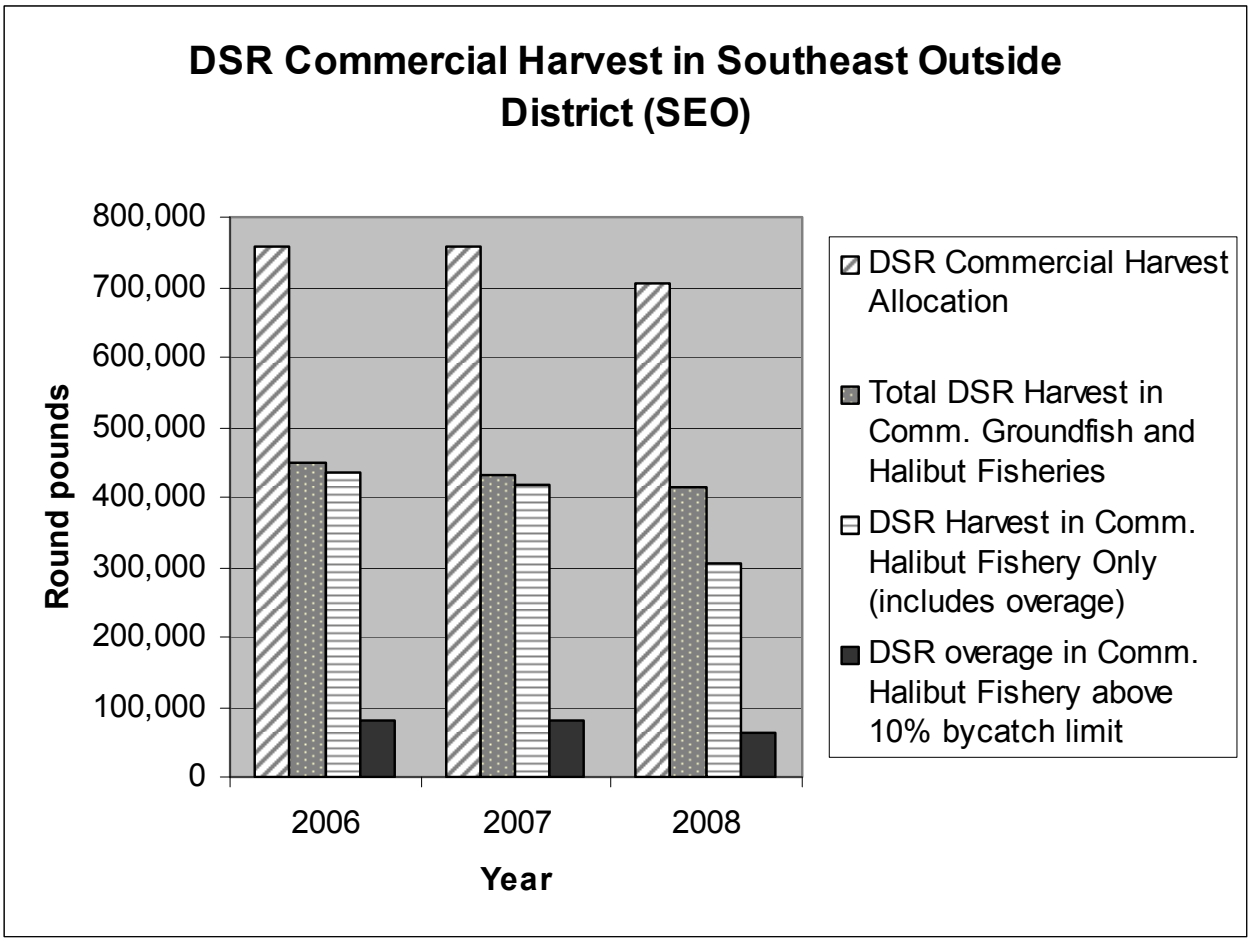

Figure 345-1.–Demersal shelf rockfish commercial allocations and harvests in the Eastern Gulf of Alaska, Southeast Outside District, 2006–2008.

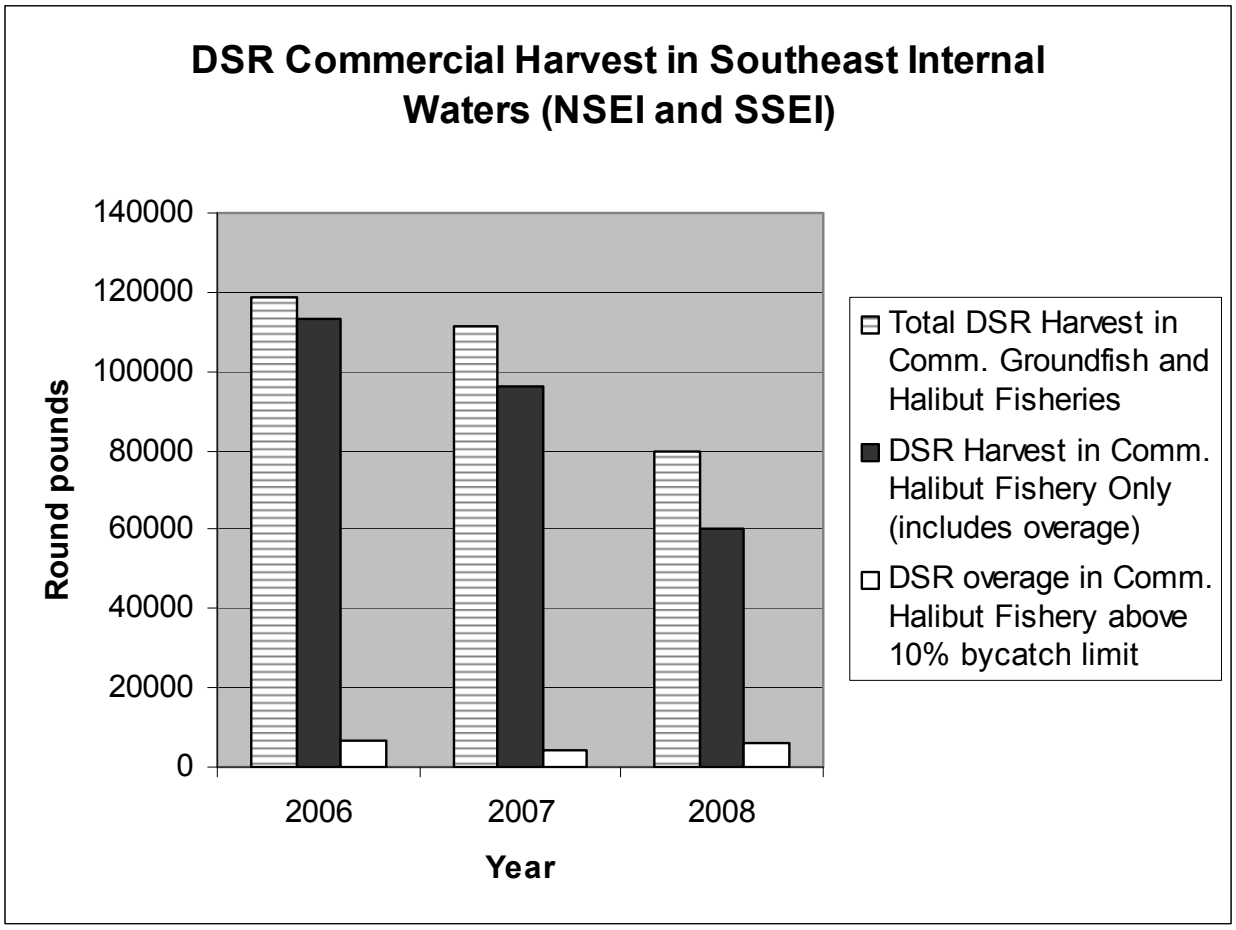

Figure 345-2.–Demersal shelf rockfish commercial harvest in Eastern Gulf of Alaska internal waters, Northern Southeast Inside and Southern Southeast Inside areas.

PROPOSAL 346: 5 AAC 28.111. DEMERSAL SHELF ROCKFISH FISHING SEASONS FOR EASTERN GULF OF ALASKA AREA, 5AAC 28.171. ROCKFISH POSSESSION AND LANDING REQUIREMENTS FOR EASTERN GULF OF ALASKA AREA, and 5AAC 28.160. HARVEST GUIDELINES AND RANGES FOR EASTERN GULF OF ALASKA AREA.

PROPOSED BY: Southeast Alaska Fishermen's Alliance.

WHAT WOULD THE PROPOSAL DO? This proposal would repeal regulatory language regarding directed commercial fisheries for demersal shelf rockfish (DSR) from the regulations and allow DSR to be taken only as bycatch in commercial fisheries. The proposal also seeks to grant the department the authority to establish DSR bycatch limits by emergency order after consideration of the forecasted bycatch in the halibut fishery and the available total allowable catch (TAC).

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow for a directed fishery with start and end dates (**5AAC 28.111**), state the allowable salable bycatch, make clear that full retention is required (**5AAC 28.171**), and describe how the TAC is allocated and how that allocation is handled on the commercial side to allow for bycatch and a directed fishery (**5AAC 28.160**).

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The directed commercial DSR fisheries would be closed in Southeast Alaska and DSR could only be taken in commercial fisheries as bycatch. DSR commercial bycatch limits would be altered each year depending on the halibut longline quota and estimated harvest in other commercial fisheries.

BACKGROUND: Since 1989, the State has had management authority for DSR in Federal waters and has provided a stock assessment to the North Pacific Fishery Management Council (council) for these fish annually. The stock assessment is habitat-based and the biomass estimate is the product of estimated area of habitat, density of yelloweye rockfish based on line transect methods using a manned submersible, and average weight by management area. The allowable biological catch (ABC) levels and total allowable catch (TAC) levels are set annually for SEO as part of the NPFMC Fishery Evaluation and Stock Assessment process. The ABC for the SEO is set by multiplying the lower bound of the 90% confidence interval of biomass for yelloweye rockfish by the natural mortality rate (0.02) and adjusting for the 4% of other DSR species landed in this assemblage.

In 2006, the board allocated 84% of the annual TAC for DSR to the commercial fleet and 16% to the sportfish fleet. Starting with the commercial allocation in any given year, estimated bycatch in the halibut fishery and the subsistence fishery are deducted as are the harvests in any testfish fishing (such as the IPHC survey). The remaining amount is then apportioned among the SEO

management areas (EYKT, NSEO, CSEO, and SSEO) and if sufficient quota is available in any management area to conduct an orderly fishery, the department may open directed fisheries in one or more of those areas.

In 2005, there was a limited fishery in EYKT only, and in 2006 and 2007 no directed commercial fishing was allowed for DSR in any area of SEO due to concerns about bycatch estimation methods and sport fishery removals. With growing confidence in its ability to predict the bycatch in the halibut fishery, the reduction in the halibut quota, and the ability to manage the sport harvest, the department allowed a directed fishery in EYKT and SSEO in 2008.

In internal waters, the directed DSR fishery TAC is set by regulation (5AAC 28.160 (A) and (B)) and is not to exceed 110,000 round pounds (50 mt) annually for each of the two internal waters areas (NSEI and SSEI). There is no stock assessment information available for these internal areas and the TAC was set at a low level based on historic CPUE and catch data. In recent years, the TAC has been set at 25 mt for each area annually. Interest in this fishery has changed over time with 50 permits participating in 1998 compared to 4 participating in 2007.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. This proposal seeks to close the directed DSR fishery and would therefore allocate the DSR resource as bycatch to fishermen participating in existing fisheries.

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

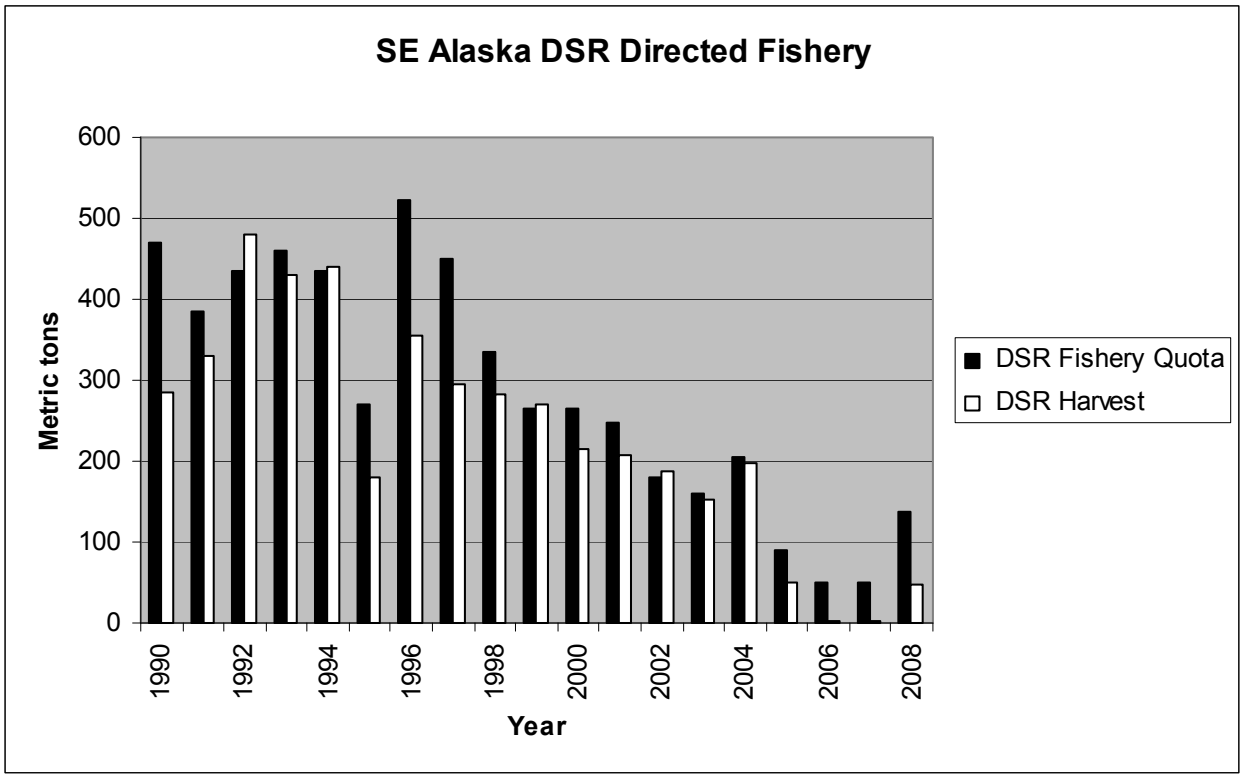

Figure 346-1.–History of quota and harvest in the DSR commercial directed fishery for Eastern Gulf of Alaska (internal and outside waters).

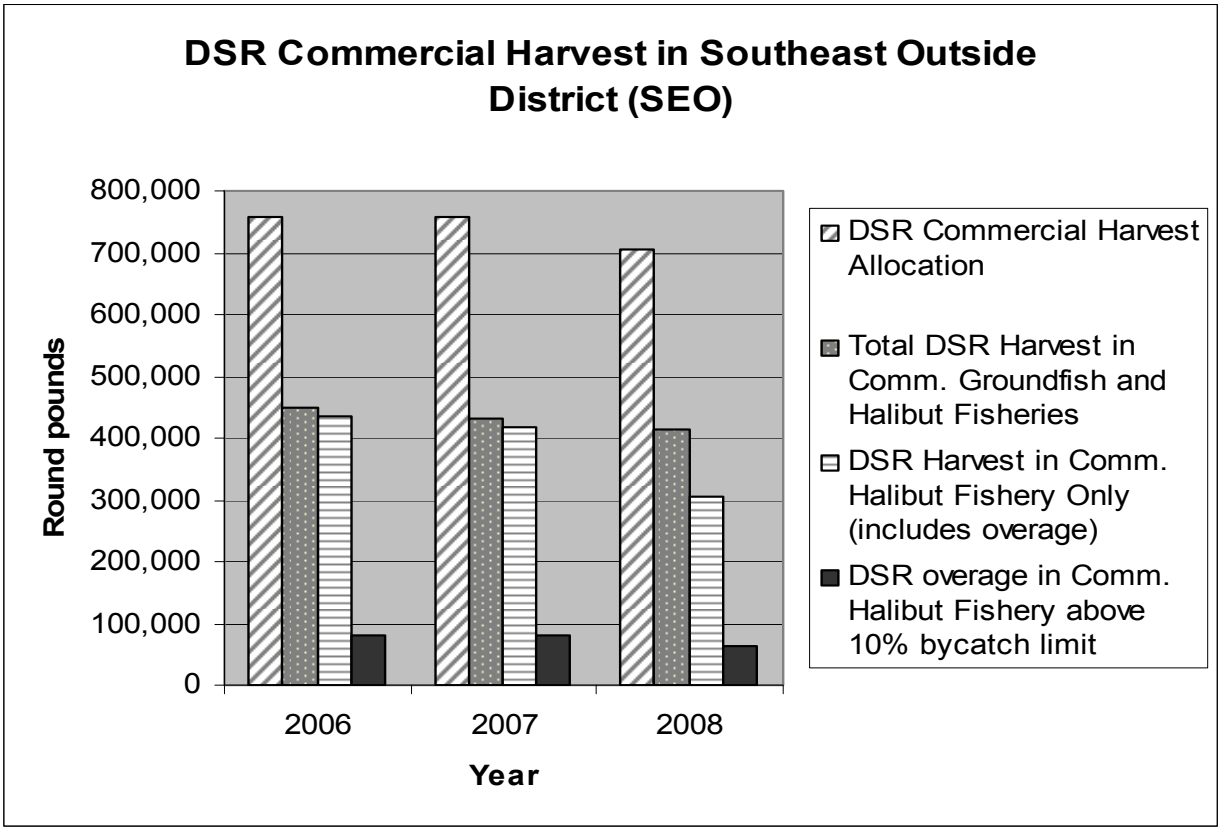

Figure 346-2.–Demersal shelf rockfish commercial allocations and harvest in the Southeast Outside District, 2006–2008.

Table 346-1.–Number of permits in the DSR commercial directed fishery in Southeast Alaska (internal and outside waters), 1990–2008.

Year	Directed Permits
1990	144
1991	136
1992	149
1993	122
1994	133
1995	66
1996	125
1997	105
1998	88
1999	83
2000	59
2001	55
2002	63
2003	60
2004	45
2005	17
2006	4
2007	4
2008	17

PROPOSAL 347: 5 AAC 28.171 ROCKFISH POSSESSION AND LANDING REQUIREMENTS FOR EASTERN GULF OF ALASKA AREA.

PROPOSED BY: Mike Sine.

WHAT WOULD THE PROPOSAL DO? This proposal would restore slope rockfish fishing to a directed fishery in state waters during the summer.

WHAT ARE THE CURRENT REGULATIONS? 5AAC 28.171 Rockfish possession and landing requirements for Eastern Gulf of Alaska Area.

(h) In the Eastern Gulf of Alaska Area, shortspine thornyhead, longspine thornyhead, shortraker, rougheye, and redbanded rockfish may be taken only as bycatch.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The department feels that directed commercial fisheries on these species would result in overexploitation of that fishery resource.

BACKGROUND: Slope rockfish include all deepwater species of rockfish not included in the Demersal Shelf Rockfish (DSR) and Pelagic Shelf Rockfish (PSR) assemblages and shortspine thornyhead (although they are not rockfish). Slope rockfishes and thornyheads are taken as bycatch in longline fisheries for sablefish, halibut, Pacific cod, and DSR, with the majority of the catch associated with the SSEI and NSEI sablefish fisheries.

In 2003, the board made shortspine thornyhead, longspine thornyhead, rougheye rockfish, shortraker rockfish, and redbanded rockfish bycatch only species. At that time a few longline fishermen targeted slope rockfish, with the primary species harvested being shortraker, rougheye, and redbanded rockfish.

Full retention regulations passed at the 2000 board meeting require that all rockfish caught in internal waters be weighed and accounted for on fish tickets. Proceeds of sales in excess of legal landing limits are forfeited to the State of Alaska.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal due to biological concerns. Shortraker, rougheye, and redbanded rockfish are extremely longlived (157, 205, and 106 years respectively). These fish have a closed swim bladder and are mortally injured when caught and pulled to the surface. Given their extreme longevity and their occurrence as bycatch in other fisheries, the department does not support directed fisheries for these species. A directed thornyhead fishery has bycatch implications on slope rockfish and therefore, is opposed by the department.

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

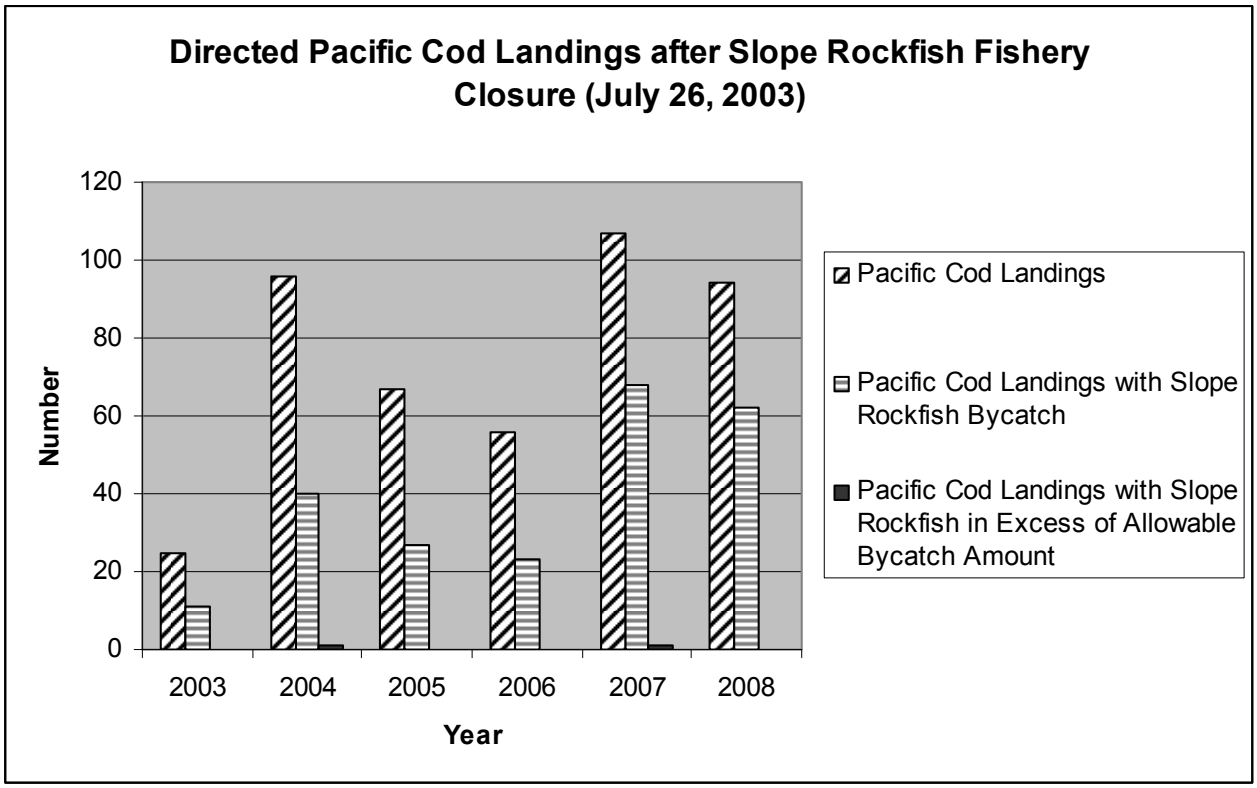

Figure 347-1.–Directed Pacific cod landings after slope rockfish closure.

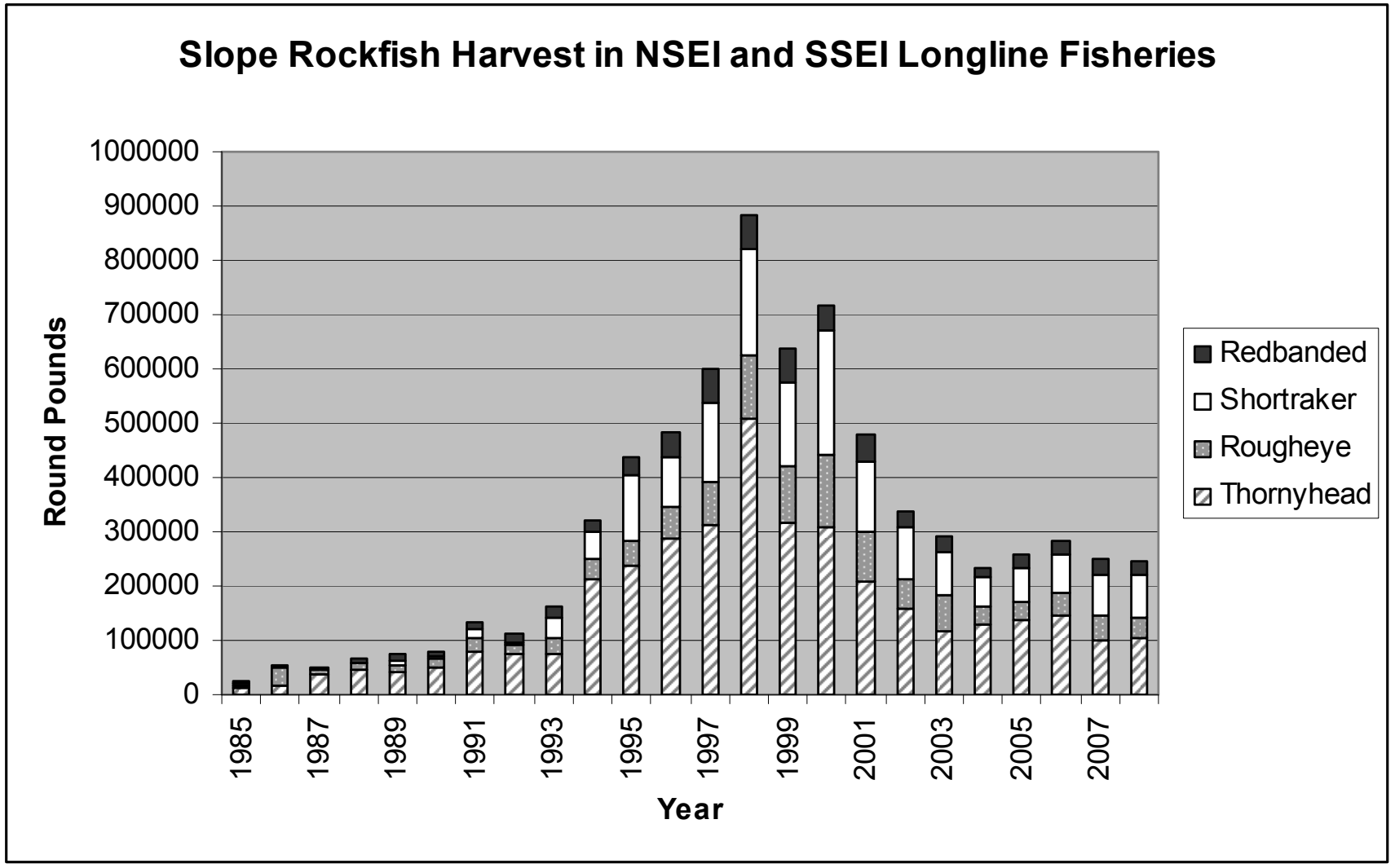

Figure 347-2.–Slope rockfish harvest in inside waters commercial longline fisheries, 1985–2008.

PROPOSAL 348: 5 AAC 28.171. ROCKFISH POSSESSION AND LANDING REQUIREMENTS FOR EASTERN GULF OF ALASKA AREA.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would change the requirement for full retention of demersal shelf rockfish (DSR) so that only fishermen fishing for groundfish and halibut would be required to comply. Current data indicates that the encounters of DSR by permit holders targeting species other than groundfish and halibut is negligible.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.171 Rockfish possession and landing requirements for Eastern Gulf of Alaska Area.

(a) In the Southeast District, a CFEC permit holder must retain, weigh, and report all demersal shelf rockfish taken. Except as provided in (b) of this section, all demersal shelf rockfish in excess of 10 percent, round weight, of all target species on board the vessel must be weighed and reported as bycatch overage on an ADF&G fish ticket. All proceeds from the sale of excess demersal shelf rockfish bycatch shall be surrendered to the state.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal is adopted, fishermen targeting fish other than groundfish and halibut will not be required to fully retain DSR.

BACKGROUND: In 2000, the department adopted full retention regulations for DSR for all permit holders fishing in state waters. In 2005, the federal government implemented full retention regulations for DSR in all groundfish and halibut fisheries in federal waters. Data collected to date show the incidental catch of DSR in other fisheries in state waters is minimal. For example, trollers averaged less than 2,500 pounds in each of the last five years.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this housekeeping proposal.

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

PROPOSAL 349/350: 5 AAC 47.021 SPECIAL PROVISIONS FOR SEASONS, BAG, POSSESSION, AND SIZE LIMITS, AND METHODS AND MEANS FOR THE SALT WATERS OF SOUTHEAST ALASKA AREA. Require use of a recompression device for releasing rockfish caught in sport fisheries in Southeast waters

PROPOSED BY: Sitka Fish and Game Advisory Committee (349), Benny B. Mitchell, Donna Mitchell, and Eric Jordan (350).

WHAT WOULD THE PROPOSAL DO? This proposal would require sport anglers who release rockfish to use a device (recompression device) that releases the fish at depth, and not at the surface.

WHAT ARE THE CURRENT REGULATIONS? Regionwide regulations for sport angling include limits for non-pelagic and pelagic rockfish at 5 of each per day, of which only 2 may be yelloweye rockfish. In the Sitka Sound Special Use Area and in selected waters near Ketchikan, the non-pelagic rockfish bag limit is 3 fish per day, no more than one of which may be a yelloweye rockfish. Guideline harvest levels (GHLs) have been established for sport harvest of demersal shelf rockfish (DSR; a subset of the non-pelagic species) in SE Alaska under **5AAC 28.160 9 (c)**. All rockfish captured in excess of the daily limit must be released. Recompression devices may be used voluntarily, but are not required.

5 AAC 47.065 allows the Commissioner to modify regulations in order to keep total DSR mortality within the GHL, and recommends 8 potential actions for use by emergency order (EO). Emergency orders have been issued in recent years to limit DSR harvest in sport fisheries; bag limits for all non-pelagic rockfish were reduced to 3 or 2 depending on residency status of the angler; yelloweye rockfish bag limits were further limited; non-pelagic species have been required to be retained until bag limit is reached; annual limits were set for nonresident harvest of yelloweye rockfish; and charter captains and crew have been prohibited from retaining non-pelagic rockfish.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Releasing rockfish at depth and not at the surface may lower rockfish mortality to some unknown extent if utilized. Research to date, however, has not demonstrated survival rates are high enough to offset potential mortality associated with increased catch-and-release fishing. This proposal would likely result in increased numbers of rockfish released, potentially offsetting any benefits of using recompression devices and potentially resulting in greater total mortality.

BACKGROUND: Estimated Statewide Harvest Survey (SWHS) sport harvest of all rockfish in Southeast Alaska has averaged 71,000 fish annually (range 44,000 to 95,000 fish) for the last decade. For this same time period, the number of released rockfish has averaged 96,000 fish annually (range 67,000 to 130,000). Yelloweye rockfish were 49% (on average) of all rockfish harvested in 2007 and 2008, and accounted for up to 71% of the non-pelagic species sport harvest. Logbook data indicate that 45% of all rockfish caught in the charter fishery are non-pelagic species. A significant number of rockfish are caught incidentally by anglers that target other fish, such as halibut. Departmental information programs attempt to limit incidental take by encouraging anglers to move out of rockfish habitats if they are targeting other species.

Non-pelagic rockfish, including those in the DSR assemblage, live in deep, high pressure environments. These species are subject to high mortality rates when released due to the injuries caused by pressure changes (barotrauma) when the fish is brought to the surface. Pelagic species also incur these injuries, but to a lesser extent due to physiological and behavioral differences in depth regulation, and their preference for shallower water. Barotrauma injuries include crushed, displaced, or ruptured internal organs, embolisms (air bubbles in blood), and exopthalmia (bulging eye) and detached retina. Often these fish can not descend if released at the surface due to increased buoyancy caused by the trapped and expanded gases. Even if descent after release is possible, barotrauma may cause delayed mortality or long-term effects on feeding or reproduction.

Mortality is assumed to be 90–100% for most rockfish species caught below 60 feet. Recent research has focused on ways to limit barotrauma by forcing the fish back to deep water quickly after capture. Various simple devices (recompression devices; sometimes misnamed as decompression devices) have been invented and marketed to achieve this by transporting and releasing fish at the depth of capture as quickly as possible.

DEPARTMENT COMMENTS: The Department is **OPPOSED** to this proposal. A substantial portion of rockfish are caught in shallow water and are able to submerge by themselves, so a requirement to release at depth is unnecessary. Research has shown that releasing fish at depth can reverse some of the overt physical symptoms of barotrauma and improve short-term survival in selected species of rockfish, but has not demonstrated that these devices significantly increase long-term survival of commonly released species in Alaska.

Few studies have observed rockfish survival after recompression or utilized methods that mimic how these devices would be used by anglers. Few studies have documented long term survival and no studies have examined effects on growth or reproduction. ADF&G is studying survival of common DSR species released at depth in Prince William Sound and preliminary results do not suggest high survival.

The department is most concerned over the potential for higher total fishing mortality due to changes in angler behavior associated with use of recompression devices, even if survival is increased. Anglers that believe the devices are effective would likely release more fish in attempting to obtain a larger fish or by choosing to remain longer in an area of high rockfish catch rates when targeting other fish. Research to date has not demonstrated survival rates are high enough to offset potential mortality associated with increased catch-and-release fishing.

The department also believes the proper enforcement of the mandated use of these devices would be difficult.

COST ANALYSIS: This proposal, if adopted, would result in a small cost to individual anglers to buy the devices. Charter businesses that need to provide gear to all clients could incur some cost.

PROPOSAL 351: 5 AAC 28.171 ROCKFISH POSSESSION AND LANDING REQUIREMENTS IN EASTERN GULF OF ALASKA AREA.

PROPOSED BY: Southeast Alaska Guides Organization (SEAGO).

WHAT WOULD THE PROPOSAL DO? This proposal would require that demersal shelf rockfish (DSR) caught in commercial fisheries over the bycatch allowance be released at or near the bottom of the ocean (presumably at the depth from which they were caught).

WHAT ARE THE CURRENT REGULATIONS? Currently there are no regulations that require the safe release of rockfish, but there are regulations that require full retention: **5AAC 28.171 ROCKFISH POSSESSION AND LANDING REQUIREMENTS IN EASTERN GULF OF ALASKA AREA.**

(a) In the Southeast District, a CFEC permit holder must retain, weigh, and report all demersal shelf rockfish taken. Except as provided in (b) of this section, all demersal shelf rockfish in excess of 10 percent, round weight, of all target species on board the vessel must be weighed and reported as bycatch overage on an ADF&G fish ticket. All proceeds from the sale of excess demersal shelf rockfish bycatch shall be surrendered to the state.

(b) In the Southeast District, a person operating a trawl vessel shall retain, weigh, and report all demersal shelf rockfish taken. All demersal shelf rockfish in excess of one percent, round weight, of all target species on board the vessel must be weighed and reported as bycatch overage on an ADF&G fish ticket. All proceeds from the sale of excess demersal shelf rockfish bycatch shall be surrendered to the state.

(c) The department may establish additional bycatch allowances by emergency order.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The full effects of this proposal are unknown. The department assumes that the intent is that only the portion of DSR not allowed to be sold will be released to the bottom. Therefore, once a permit holder reached their bycatch allowance, they would need to safely release the remainder of the DSR. It has been shown that handling time (keeping it under 10 minutes) is key to the survival of rockfish. Fish caught on longline gear could remain on the bottom for hours and then be slowly hauled to the surface. Once fish are hauled to the surface, it may be impractical and perhaps unsafe to stop hauling to deploy release gear. While new research indicates that there is a higher short-term survival rate for some rockfish that are re-released, it is still not known what the long term survival of these species are after suffering barotraumas. Waste in the commercial fisheries could occur from releasing fish if a high proportion of them die. Additionally, as before full-retention regulations were established, there would not be a clear picture of the true mortality of DSR.

Another effect of this proposal is that full retention regulations would need to be rescinded. This would be problematic since the federal government requires full retention of DSR for fisheries

managed in federal waters. Confusion would result as to where and when full retention was required.

BACKGROUND: Full retention regulations went into effect in state waters in 2000 and in federal waters in 2005. Full retention of DSR in groundfish and halibut fisheries is necessary for the accurate determination of total mortality.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal because it would result in a lack of total mortality data in commercial fisheries, which is essential for managing the DSR stocks in a sustainable manner. The department believes that full retention is the appropriate way to account for these species in the longline fishery. Currently, the commercial fisheries are staying under their allocation for DSR.

COST ANALYSIS: Approval of this proposal could result in additional expense for the purchase of equipment to facilitate the release of rockfish. Additionally, fishing effort could be compromised or slowed resulting in additional fuel costs.

PROPOSAL 352: 5 AAC 47.065. DEMERSAL SHELF ROCKFISH DELEGATION OF AUTHORITY AND PROVISIONS FOR MANAGEMENT. Require release of demersal self rockfish (DSR) in excess of an angler's bag limit to be released at or near the bottom.

PROPOSED BY: Southeast Alaska Guides Organization (SEAGO).

WHAT WOULD THE PROPOSAL DO? This proposal would add an action to the list of actions the commissioner may take in order to keep DSR sport harvest within the guideline harvest limit (GHL). This action would require that DSR, captured in excess of the daily bag limit, be released at or near the bottom. No DSR could be released at the surface.

WHAT ARE THE CURRENT REGULATIONS? Regionwide regulations for sport angling include limits for non-pelagic and pelagic rockfish at 5 of each per day, of which only 2 may be yelloweye rockfish. In the Sitka Sound Special Use Area and in selected waters near Ketchikan, the non-pelagic bag limit is 3 fish per day, no more than one of which may be a yelloweye rockfish. Guideline harvest levels (GHLs) have been established for sport harvest of demersal shelf rockfish (DSR: a subset of the non-pelagic species) in SE Alaska under **5AAC 28.160 9 (c)**. All rockfish captured in excess of the daily limit must be released. Recompression devices may be used voluntarily, but are not required.

5 AAC 47.065 allows the commissioner to modify regulations in order to keep total DSR mortality within the GHL, and recommends 8 potential actions for use by emergency order (EO). Emergency orders have been issued in recent years to limit DSR harvest in sport fisheries; bag limits for all non-pelagic rockfish were reduced to 3 or 2 depending on residency status of the angler; yelloweye rockfish bag limits were further limited; non-pelagic species have been required to be retained until bag limit is reached; annual limits were set for nonresident harvest of yelloweye rockfish; and charter captains and crew have been prohibited from retaining non-pelagic rockfish.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposed action under 5 AAC 47.065 may lower rockfish mortality to some unknown extent if utilized. Research to date, however, has not demonstrated survival rates are high enough to offset potential mortality associated with increased catch-and-release fishing. This proposal would likely result in increased numbers of rockfish released, potentially offsetting any benefits of using recompression devices and potentially resulting in greater total mortality

BACKGROUND: The current allocation of 16% of the annual allowable catch of DSR in the Southeast Outside Subdistrict to the sport fishery was adopted by the board at its February 2006 meeting in Ketchikan. In addition, the board outlined a series of management measures that the commissioner may require by emergency order to modify existing sport fish regulations to keep the sport fishery within its allocation (5 AAC 47.065). These measures are: (1) reduced bag and

possession limits for nonresident anglers; (2) retention of all demersal shelf rockfish caught by a nonresident angler is required until the nonresident bag limit is reached; (3) charter operators and crewmembers may not retain demersal shelf rockfish while clients are on board the vessel; (4) annual limits for demersal shelf rockfish for nonresident anglers; (5) reduce the bag and possession limits for resident anglers; (6) retention of all demersal shelf rockfish caught by a resident angler is required until the resident angler's bag limit is reached; (7) annual limits for demersal shelf rockfish for resident anglers; and (8) time and area closures. To date the department has implemented all of the management measures except time and area closures to reduce sport fishery harvest within its allocation.

The department estimates the annual biomass of DSR removed by the sport fishery by summing the estimated biomass of both the harvest and fish caught and released (a mortality rate of 100% is assumed for all released DSR by area.)

In 2006, the department modified sport fishing regulations for non-pelagic rockfish through emergency order by instituting the following measures: the resident and nonresident bag limit was reduced to 3 fish, only 1 of which could be a yelloweye rockfish; all fish caught were to be retained until the bag limit was reached; a nonresident annual limit of 3 yelloweye rockfish was instituted; charter operators and crewmembers were prohibited from retaining fish. Despite these measures, the estimated biomass removed by the sport fishery was 77 metric tons, exceeding the allocation of 66 metric tons by 17%.

In 2007 and 2008, the same measures that were applied in 2006 by emergency order were again instituted, with the addition that the bag limit was further reduced to 2 fish for nonresidents, and the yelloweye rockfish annual limit was further reduced to 2 fish for nonresidents. The estimated biomass removed by the sport fishery was 60 metric tons in 2007, 9% below the allocation of 66 metric tons; and in 2008 the estimated biomass removal (preliminary estimate) was 70 metric tons, or 15% above the allocation of 61 metric tons. In 2009, the DSR sport fish allocation will be 58 metric tons.

Demersal shelf rockfish live in deep water, high pressure environments. These species are subject to high mortality rates when brought to the surface due to the injuries caused by pressure changes (barotrauma). Pelagic species also incur these injuries, but to a lesser extent due to physiological and behavioral differences in depth regulation and their preference for shallower water. Barotrauma injuries include crushed, displaced, or ruptured internal organs, embolisms (air bubbles in blood), and exopthalmia (bulging eye) and detached retina. Often the fish cannot descend if released at the surface due to increased buoyancy of the trapped and expanded gases. Even if descent after release is possible, barotrauma may cause delayed mortality or long-term effects on feeding or reproduction.

Mortality is assumed to be 90–100% for most rockfish species caught below 60 feet. Recent research has focused on ways to limit barotrauma by forcing the fish back to deep water quickly

after capture. Various simple devices (recompression devices; sometimes misnamed as decompression devices) have been invented to achieve this by transporting and releasing fish at the depth of capture as quickly as possible.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. Research has shown that releasing fish at depth can reverse some of the overt physical symptoms of barotrauma and improve short-term survival in selected species of rockfish, but has not demonstrated that these devices significantly increase long-term survival of commonly released species in Alaska.

Few studies have observed rockfish survival after recompression or utilized methods that mimic how these devices would be used by anglers. Few studies have documented long-term survival and no studies have examined effects on growth or reproduction. ADF&G is studying survival of common DSR species released at depth in Prince William Sound and preliminary results do not suggest high survival.

The department is most concerned over the potential for higher total fishing mortality due to changes in angler behavior associated with use of recompression devices, even if survival is increased. Anglers that believe the devices are effective would likely release more fish in attempting to obtain a larger fish or by choosing to remain longer in an area of high rockfish catch rates when targeting other fish. Research to date has not demonstrated survival rates are high enough to offset potential mortality associated with increased catch-and-release fishing.

The department also believes the proper enforcement of the mandated use of these devices would be very difficult.

COST ANALYSIS: The proposal, if adopted, will result in a small cost to individual anglers to buy the devices. Charter businesses that need to provide gear to all clients could incur some cost.

PROPOSAL 353: 5 AAC 47. 065. DEMERSAL SHELF ROCKFISH DELEGATION OF AUTHORITY AND PROVISIONS FOR MANAGEMENT. Require retention of yelloweye rockfish and add specifications to release of other rockfish.

PROPOSED BY: Tad Fujioka.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to amend or add an action in the list of actions the commissioner may take in order to keep demersal shelf rockfish (DSR) sport harvest within the guideline harvest level (GHL). The proposed action requires that yelloweye rockfish be retained until the yelloweye rockfish bag limit has been reached; all other rockfish could be released as long as their swim bladders are not punctured. It also requires rockfish that do not submerge after release be counted as part of the daily bag limit.

WHAT ARE THE CURRENT REGULATIONS? Regionwide regulations for sport angling include limits for non-pelagic and pelagic rockfish at 5 of each per day, of which only 2 may be yelloweye rockfish. In the Sitka Sound Special Use Area and in selected waters near Ketchikan, the non-pelagic bag limit is 3 fish per day, no more than one of which may be a yelloweye rockfish. Guideline harvest levels (GHLs) have been established for sport harvest of demersal shelf rockfish (DSR: a subset of the non-pelagic species) in SE Alaska under **5AAC 28.160 9 (c)**. All rockfish captured in excess of the daily limit must be released. Recompression devices may be used voluntarily, but are not required.

5 AAC 47.065 allows the commissioner to modify regulations in order to keep total DSR mortality within the GHL, and recommends 8 potential actions for use by emergency order (EO). Emergency orders have been issued in recent years to limit DSR harvest in sport fisheries; bag limits for all non-pelagic rockfish were reduced to 3 or 2 depending on residency status of the angler; yelloweye rockfish bag limits were further limited; non-pelagic species have been required to be retained until bag limit is reached; annual limits were set for nonresident harvest of yelloweye rockfish; and charter captains and crew have been prohibited from retaining non-pelagic rockfish.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? This proposed action under 5 AAC 47.065 may lower DSR mortality to some unknown extent if utilized. This proposal would allow the release of rockfish other than yelloweye rockfish prior to achieving a daily limit. It would likely increase overall mortality of species other than yelloweye rockfish by changing angler use patterns and increasing the number of fish caught and released. It would also require that rockfish that are released and do not submerge be counted towards an anglers daily bag limit.

BACKGROUND: Estimated sport harvest from the statewide harvest survey of all rockfish in Southeast Alaska has averaged 71,000 fish annually (range 44,000 to 95,000 fish) for the last decade. For this same time period, the number of released rockfish has averaged 96,000 fish annually (range 67,000 to 130,000). Yelloweye rockfish made up an average of 49% of all rockfish harvest[2] in 2007 and 2008, and accounted for up to 71% of the non-pelagic species sport

harvest. Logbook data indicate that 45% of all rockfish caught in the charter fishery are non-pelagic species. A significant number of rockfish are caught incidentally by anglers that target other fish, such as halibut. Departmental information programs attempt to limit incidental take by persuading anglers to move out of rockfish habitats if they are targeting other species.

Non-pelagic rockfish, including those in the DSR assemblage, live in deep water, high pressure environments. These species are subject to high mortality rates when released, due to the injuries caused by pressure changes (barotrauma) when the fish is brought to the surface. Pelagic species also incur these injuries, but to a lesser extent due to physiological and behavioral differences in depth regulation and their preference for shallower water. Barotrauma injuries include crushed, displaced, or ruptured internal organs, embolisms (air bubbles in blood), and exopthalmia (bulging eye) and detached retina. Often the fish cannot descend if released at the surface due to increased buoyancy of the trapped and expanded gases. Even if descent after release is possible, barotrauma may cause delayed mortality or long-term effects on feeding or reproduction.

Mortality is assumed to be 90–100% for most rockfish species caught below 60 feet. Recent research has focused on ways to limit barotrauma by forcing the fish back to deep water quickly after capture. Various simple devices (recompression devices; sometimes misnamed as decompression devices) have been invented to achieve this by transporting and releasing fish at the depth of capture as quickly as possible.

Puncturing and releasing gases from the air bladder can increase survival, but requires specialized knowledge and equipment, and use of sterile technique, which is impractical for most anglers. Many anglers simply poke the protruding stomach and swim bladder with a knife, which allows fish to descend itself, but may result in delayed mortality.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. There are no estimates of long-term survival after release of yelloweye rockfish or other common non-pelagic species in Alaska. Neither is there information to suggest that the survival of other non-pelagic species released, even if they can descend, is any higher than that of yelloweye rockfish. Recent studies show differences in visible barotrauma symptoms among species and among individual fish of the same species, but the link between overt symptoms of barotrauma, such as the ability to descend, and survival has not been clearly established. The department concurs with most fishery management agencies in not recommending that anglers puncture and deflate swim bladders, as this can result in delayed mortality unless done properly. However, enforcement of applying rockfish that do not submerge to the bag limit is impractical due to the difficulty of associating a time limit or defining submergence success of a fish.

COST ANALYSIS: The proposal if enacted will result in a small cost to individual anglers to buy the devices. Charter businesses that need to provide gear to all clients could incur substantial cost.

PROPOSAL 354: 5 AAC 28.150. CLOSED WATERS IN THE EASTERN GULF OF ALASKA AREA.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal will allow fishermen who participate in other fisheries and who fully retain black rockfish in the black rockfish closure areas to benefit from the sale of a portion of those fish.

WHAT ARE THE CURRENT REGULATIONS? Currently, fishermen must retain all black rockfish caught while fishing for groundfish and halibut in the Eastern Gulf of Alaska. In most areas there are bycatch allowances for this species so that a portion of those fish that are retained may be sold. Current regulations prohibit the sale of black rockfish from the closure areas listed in **5AAC 28.150 (e)**.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The adoption of this regulation would allow fishermen to sell the black rockfish caught in the closure areas, up to their legal bycatch allowance, as is allowed in the non-closure areas. This will improve the likelihood that all fishermen will fully retain since there will be similar regulations for the bycatch of black rockfish both in and out of the closure areas. This will simplify bycatch regulations for fishermen and may reduce misreporting.

BACKGROUND: Black rockfish were removed from the Federal Fishery Management Plan (FMP) and are a state-managed species. The state currently requires full retention of black rockfish, but had prohibited the sale of black rockfish caught in the black rockfish closure areas listed in 5AAC 28.150 (e). This has proven to be counterproductive in that fishermen are confused about when they may sell their bycatch of black rockfish and therefore, are not retaining rockfish consistently in all areas. Simplifying this regulation will encourage full retention and discourage misreporting.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

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

PROPOSAL 355: 5 AAC 28.105. DESCRIPTION OF EASTERN GULF OF ALASKA AREA DISTRICTS, SUBDISTRICTS, SECTIONS AND SECTORS. and **5 AAC 28.150. CLOSED WATERS IN EASTERN GULF OF ALASKA AREA.**

PROPOSED BY: Rick Quint.

WHAT WOULD THE PROPOSAL DO? As stated, the intention of this proposal was unclear; therefore the author was contacted. The intent of the author is to repeal 5AAC 28.150 (e) with the exception of part (2)(B). Additionally, the author proposes to open a directed fishery in internal waters for black rockfish; specifically, he requests opening Statistical Areas 345603, 345534, and 335601.

It does not appear that 5AAC 28.105 needs to be addressed through this proposal.

WHAT ARE THE CURRENT REGULATIONS? Currently, directed black rockfish fishing is closed in the 4 horizontal bands pictured in Figure 355-1 in Sitka Sound, in NSEI, in SSEIW, and in the Cape Edgecumbe Pinnacles Reserve Area where all groundfish fishing is prohibited.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? If this proposal is adopted, directed black rockfish fishing would be permitted in all Southeast Outside Section areas except the Sitka Sound Closure Area (5AAC 28.150 (e)(2)(B)) and portions of NSEI and SSEIW.

If adopted, the department would need to create guideline harvest levels for black rockfish in the internal waters areas.

BACKGROUND: The state has had sole management and assessment responsibilities for black rockfish in state and federal waters since 1999 when this species was removed from the FMP. In 2003, the board adopted regulations closing 7 areas to the directed fishing of black rockfish: 4 areas on the outer coast, Sitka Sound, NSEI, and SSEI (see fig 355-1). At the time of the closure of these areas, the black rockfish fishery in Southeast Alaska was developing and it was determined to be of value to have some unfished areas closed to directed fishing and set aside for future research, along with a heavily fished area off Kruzof Island. The board also adopted black rockfish harvest guidelines for each management area. The small harvest limits proposed by the department for the internal waters (NSEI and SSEI) did not allow for a directed fishery allocation.

The fishery is managed inseason with small area closures to keep harvest distributed and minimize the likelihood of localized depletion. Full retention of black rockfish is required in all

groundfish fisheries in state waters. Participation and harvest in the directed black rockfish fishery has diminished in recent years, with only one permit landing in 2008.

No new attempts to determine a biomass of black rockfish have been conducted since 2000.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The department would like to stress the importance of having these study areas closed to directed fishing and set aside for future research possibilities. The Kruzof Island closure area historically has had significant removals and currently has bycatch being taken in on-going fisheries. The department has no new information on which to base higher proposed quotas for the internal waters and therefore does not believe a directed fishery is appropriate in these areas.

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

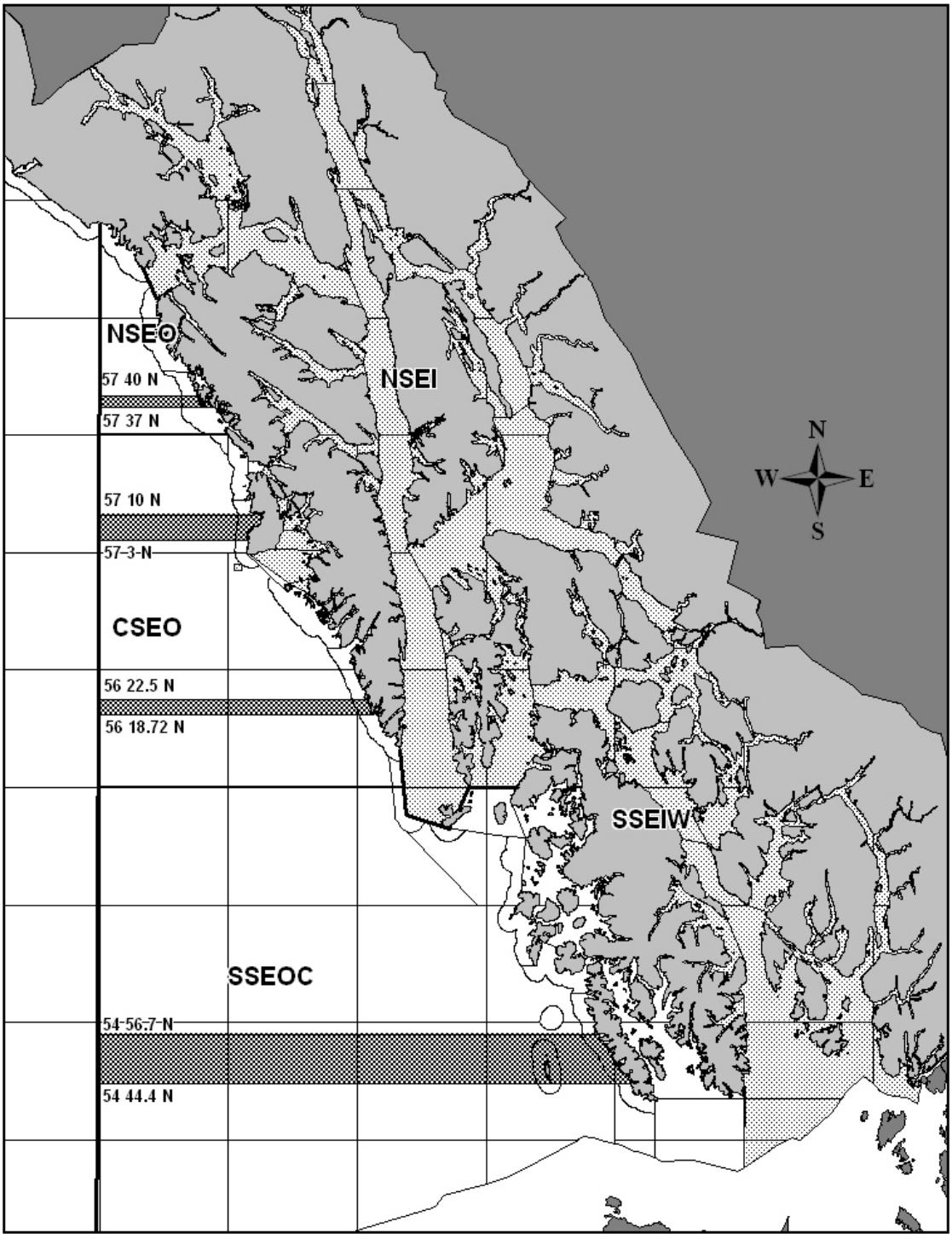

Figure 355-1.–Black rockfish permanent closure areas as defined in regulation (dark and light shaded areas). The pinnacle closure area off Cape Edgecumbe, Sitka Sound, and internal waters areas are included.

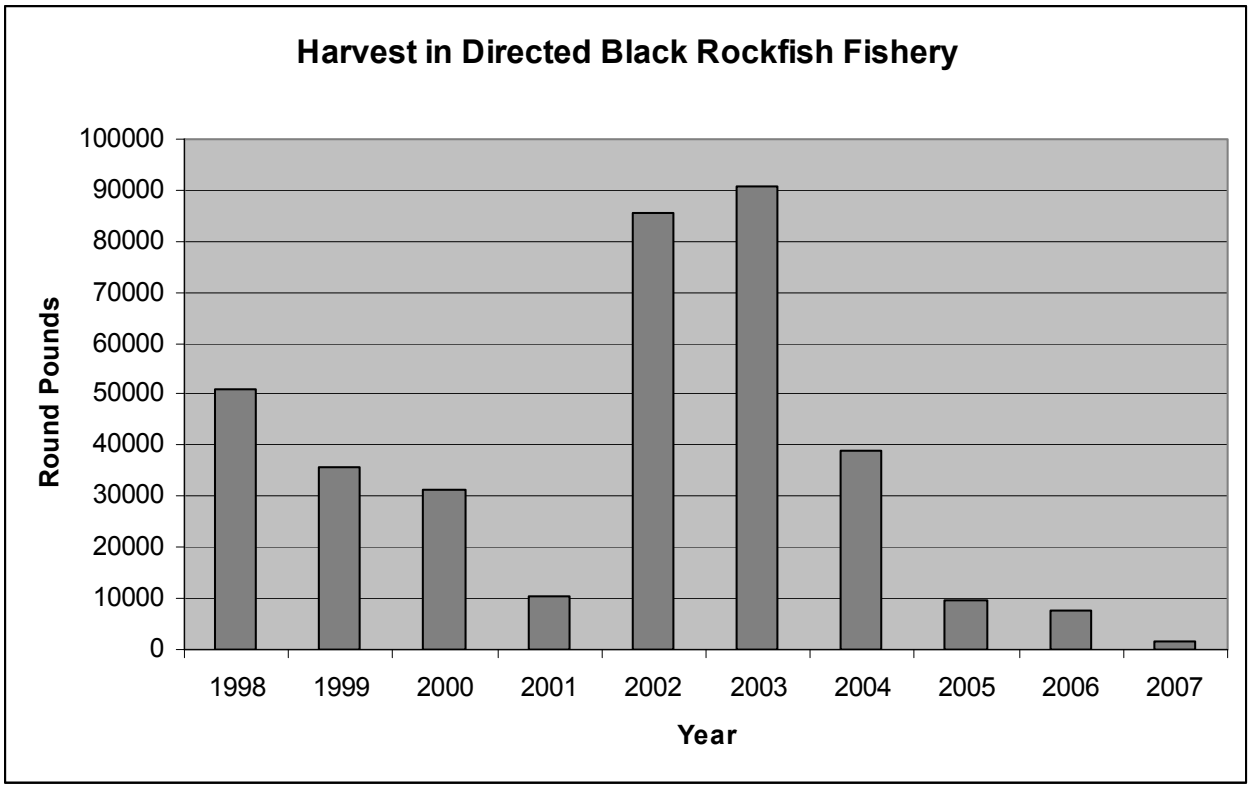

Figure 355-2.–Harvest in the directed black rockfish fishery, 1998–2007. These harvests are primarily from SEO; under 2,000 lbs came from internal waters areas in the years prior to 2003 when directed fishing for black rockfish closed in those areas.

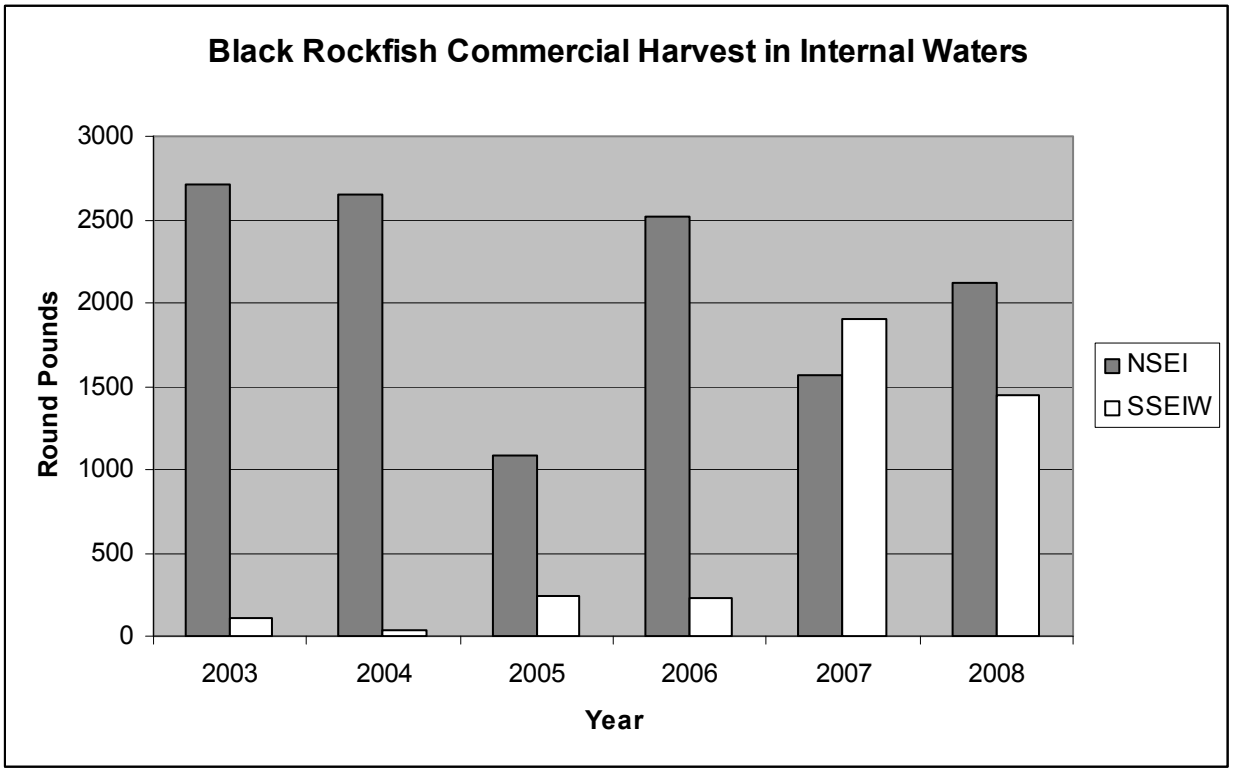

Figure 355-3.–Black rockfish harvest in NSEI and SSEI groundfish, halibut, and salmon troll fisheries, 2003–200

PROPOSAL 368: 5 AAC 47.XXX. NEW SECTION. Establish possession limits for nonresident fishers at one daily bag limit for all species in the Southeast and Yakutat areas.

PROPOSED BY: Southeast Alaska Fishermen's Alliance.

WHAT WOULD THE PROPOSAL DO? This proposal would restrict possession limits to equal one daily bag limit for all species of fish and shellfish harvested by nonresident anglers in both fresh and salt waters.

WHAT ARE THE CURRENT REGULATIONS? Current regulations that affect possession limits for Southeast Alaska are listed within **5 AAC 47.020**, **5 AAC 47.021**, **5 AAC 47.022**, and **5 AAC 47.023**. They are also set annually by a number of management plans, including **5 AAC 47.045**, **5 AAC 47.055**, **5 AAC 47.057**, **5 AAC 47.055**, **5 AAC 33.381**, **5 AAC 33.384**, and through delegations of authority regarding guideline harvest limits (GHL) fisheries in **5 AAC 47.060**, and **5 AAC 47.065**. Lastly, bag and possession limits may be adjusted under delegated emergency order (EO) authority as seen in **AS 16.05.060**.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? Although the specific level of geographic coverage has not been stated by a specific codified regulation (5 AAC 47.XXX) the proposal could apply regional possession limits on shellfish and finfish for nonresident anglers without regard for previously-applied regulations, localized management plans, and delegated authority with GHL fisheries which may seek to liberalize harvests for anglers when possible. Furthermore, the resulting restrictions and reductions to sport harvests would not be based on documented conservation concerns or inabilities to manage harvests for sustainability. It is expected that there would be reductions in overall harvests of some marine and freshwater finfish species by nonresident anglers. However, the department has no way to assess the magnitude of the reductions. No effect would be expected for sport-harvested shellfish and king salmon at the regional level because the sport shellfish possession limit already equals one daily bag limit.

BACKGROUND: Southeast Alaska sport fisheries are managed for sustainability through regional and local regulations, management plans, delegations of authority, and by EO authority. Typically, regional sport regulations on possession limits are not applied differentially with regard to residency across the wide range of species managed, except for lingcod where resident anglers are allowed 2 bag limits in possession. It should also be noted that Pacific halibut are not included since they are federally-managed and non-guided nonresident limits remain identical to residents. Discounting these exceptions, there are 7 species/group regulations where nonresidents and residents are allowed 2 bag limits in possession limit in marine waters. These include sockeye, coho, pink,and chum salmon, steelhead, and numerous species of pelagic and non-pelagic rockfishes. Regionally, in freshwaters there are five (5) species that have a possession limit of two daily bag limits for both nonresidents and residents. These include steelhead, sockeye, coho, pink, and chum salmon. At the localized level, some fisheries such as Florence

Lake allow two bag limits of cutthroat trout in possession, and the Stikine River King Salmon Management Plan (5 AAC 47.057.) has residency-based possession limits for the marine king salmon fishery.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. Survey and biomass data for the Chatham Strait black cod stock suggests that the stock is in a period of significant decline and the department has taken very conservative management actions in the commercial fishery. The department has no information that substantiates a biological concern for other finfish species within the region.

COST ANALYSIS: The adoption of this proposal is not expected to add any direct cost for a private person to participate in this fishery.