PROPOSAL 81

5 AAC 39.222. Policy for the management of sustainable salmon fisheries.

Manage fisheries in Upper Cook Inlet by designating types of salmon habitat, as follows:

Somewhere near 5 AAC 39.222 Policy for Management .

Proposed that the State of Alaska adopt a policy for Upper Cook Inlet to protect anadromous spawning-beds from abuse and from over-fishing, wherein each system is allocated long-term spawning-bed protection that is reasonably calculated to maintain optimal sustainable yield for each species of salmon, while allowing for reasonable opportunity for public access. Spawning-bed areas will be categorized as following:

1. Sanctuary Areas: Habitat that is so important or fragile where no spawning-bed fishing is allowed. Or,

2. Primary Spawning Bed Areas: Spawning-bed habitat that starts the season as closed to fishing but may be opened to fishing by management upon observation of adequate return so long as the fishery is monitored and orderly. Or,

3. Secondary Spawning Bed Areas: Spawning-bed habitat of lessor density that starts the season as open to fishing and may be closed to fishing only by emergency order. Or,

4. Migratory Areas: where salmon rarely spawn and where access points for public harvest will be encouraged.

The goal is to provide for long term spawning-bed protection that is reasonably calculated to maintain optimal sustainable yield for each anadromous system, while allowing the public adequate access for a reasonable fishing opportunity. This proposal seeks a balanced approach. The State of Alaska's current policy on State land is unlimited growth of spawning-bed fishing that occurs oftentimes in systems that are not actively monitored. In many systems spawning-beds are not individually identified and categorized.

This proposal only provides for the framework of long-term spawning-bed protection. To become meaningful the legislature would need to fund ADFG professionals to make the reasonable calculations and surveys for each system, one system at a time. Or the Board of Fish would call for proposals from private groups to make the designations. By approving this concept, the Board of Fish requests cooperation from the legislature, the Governor, and ADFG, and asks that they turn their immediate attention to high traffic and unmonitored spawning-bed fishing areas in the Susitna Drainage and along Cook Inlet's West Side. It is time to start to implement a long-term spawning-bed protection scheme that is reasonably calculated to maintain optimal sustainable yield. Maintained abundance is the best way to address tension for access to salmon among user groups. 5 AAC 39.222 (c) (1) includes beautiful goals that are not in fact being implemented. The intend here is to begin to implement policy goals system by system.

What is the issue you would like the board to address and why? Proposed that the Board of Fish address unlimited growth of spawning bed fishing, which is oftentimes not monitored by fishery managers, to provide for long-term spawning bed protection. The Cook Inlet area is being

subjected to growth of directed spawning bed fishing. Without protection, on down cycle years there is the potential of over-fishing, causing severe damage to spawning bed populations. As spawning beds that are readily accessible become depleted, more trails are made and planes fly farther. In competition for salmon on their spawning beds, brush cover is being cut away to make room to operate gear and to make salmon accessible, causing irreparable damage to spawning bed areas. When fry hatch out, with depleted cover, they are more susceptible to predation. Moreover, heavily fished spawning bed areas usually lack sanitary facilities. In some instances, fishing techniques include trampling established nests to gain access to salmon. What is more, anglers going from one spawning bed to another risk transporting invasive vegetation directly to the spawning bed areas. Increasing spawning bed fishing pressure demands a reasonably calculated response.

From a legal point of view, the Magnuson-Stevens Act requires "long-term protection" for "essential fish habitats." The phrase "essential fish habitat" is a defined term in the MSA that includes "spawning beds and rearing areas." The MSA claims to the National Sovereign all anadromous species of the United States within the Exclusive Economic Zone, beyond the EEZ, and throughout their range. The Act permits a State to manage anadromous species so long as they adhere to "minimum conservation standards." The State of Alaska is failing to provide long-term protection for essential fish habitat that is reasonably calculated to maintain optimal sustainable yield in the face of a largely unmonitored, ever-growing, spawning-bed fishery. The danger is that the 9th circuit court might one day rule that Alaska falls below the MSA's required minimum conservation standards and order that the National Government take control.

Presently, Alaska's management policy for Susitna king salmon can be called whipsaw management, where all spawning bed areas are closed for conservation now, in the hopes that king salmon spawning beds can be reopened to spawning bed fishing later, so that we can deplete them again. However, the law calls for practices that are reasonably calculated to achieve stability and sustainability. Because we have a larger population and more visitors, spawning bed protection for Cook Inlet has become practically and legally mandatory.

PROPOSED BY: David Chessik (EF-F19-108)

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