

Note, this proposal was submitted as a petition from the Cook Inlet Aquaculture Association. The Board of Fisheries accepted it during the January 21-27, 2009 meeting in Petersburg and scheduled it for regulatory consideration during the March 16-20, 2009 meeting in Anchorage.

Proposal 380

Repeal 5 AAC 21.375. Bear Lake Management Plan and replace with a Trail Lakes Hatchery Sockeye Salmon Management Plan that incorporates elements of the Bear Lake Management Plan.

5AAC xxx.xxxx Trail Lakes Hatchery Sockeye Salmon Management Plan

(a) The purpose of the Trail Lakes Hatchery Sockeye Salmon Management Plan is to provide a reasonable distribution of the harvest of salmon from enhancement projects among some and set gillnet commercial fisheries and the hatchery operator. The department, in consultation with the hatchery operator, shall primarily manage the Lower Cook Inlet Southern District Special Harvest Areas (China Poot Section 241-09, Neptune Bay Section 241-10, and Tutka Bay Subdistrict 241-16), the Kamishak Bay District Special Harvest Area (Kirschner Lake Section 249-75), and Eastern District Special Harvest Area (Resurrection Bay North Subdistrict 231-30) salmon fisheries to achieve the Cook Inlet Aquaculture Association cost recovery harvest goal and the broodstock escapement goals for Trail Lake Hatchery.

(b) Except as otherwise provided by emergency order, a corporation holding a permit under AS 16.10.400 for the Trail Lake Hatchery, and an agent, contractor, or employee of that corporation who is authorized under 5 AAC xxxxx, may harvest salmon within the China Poot, Hazel Lake, Tutka Bay, and Kirschner Lake Special Harvest Areas opened by Emergency Order on or after the third Monday in June, using purse seines, hand purse seines, and beach seines; and, within the Bear Lake Special Harvest Area opened by Emergency Order on or after the third Monday in May, using purse seines, hand purse seines, beach seines and weirs. The China Poot, Hazel Lake, Tutka Bay, Kirschner Lake and Bear Lake Special Harvest Areas will remain closed to commercial fishing until the cost recovery goal and the broodstock escapement goals for Trail Lakes Hatchery are achieved.

(c) Any restrictions, in board policies dated before the effective date of this section, on the maximum number of indigenous Bear Lake sockeye salmon spawners are rescinded. The department shall establish a biological escapement goal for Bear Lake sockeye salmon stocks and shall manage all contributing fisheries to meet this goal.

(d) Enhancement activities related to either indigenous Bear Lake sockeye salmon stocks or transplanted sockeye salmon stocks must consider the impact on continuing enhancement of Bear Lake coho salmon. It is the intent of the Board of Fisheries that

(1) any enhancement of sockeye salmon must not cause a net loss of coho salmon smolt production from Bear Lake;

(2) any enhancement of sockeye salmon in Bear Lake must maintain the early run timing of the indigenous stocks;

(3) the prime objective of any Bear Lake sockeye salmon enhancement must be to provide the opportunity for a commercial sockeye salmon fishery prosecuted with minimal conflict with the recreational fishery.

~~(c) In Resurrection Bay, the department shall manage the commercial harvest of the enhanced Bear Lake sockeye salmon harvestable surplus to achieve an allocation of 50 percent to the commercial seine fleet and 50 percent to the Trail Lakes Hatchery for cost recovery in Resurrection Bay. For the purposes of this subsection, Resurrection Bay consists of those waters in the Eastern District enclosed by a line from Adalik Cape at 59° 42.33' N. lat., 149° 31.50' W. long. to a point approximately one mile south of Adalik Cape at 59° 41.33' N. lat., 149° 31.50' W. long., then northeast to a point approximately one mile south of Cape Resurrection at 59° 51.03' N. lat., 149° 17' W. long., then north to a point on Cape Resurrection at 59° 52.03' N. lat., 149° 17' W. long.~~

(e) The China Poot and Hazel Lake Special Harvest Area consists of all marine waters of the China Poot Bay Subdistrict in the Southern District shoreward and within the lines connecting 59°34.68' N Lat., 151°19.23' W Long. and 59°35.08' N Lat., 151°19.77' W Long. and 59°33.09' N Lat., 151°25.22' W Long. and 59°32.84' N Lat., 151°24.90' W Long.

(f) The Tutka Bay Special Harvest Area consists of all marine waters of the Tutka Bay Subdistrict in the Southern District southeast of a line connecting 59°30.23' N Lat., 151°28.23' W Long. And 59°28.63' N Lat., 151°30.37' W Long. including Tutka Bay Lagoon.

(g) The Kirschner Lake Special Harvest Area consists of all marine waters of the Bruin Bay Subdistrict in the Kamishak Bay District northwest of a line connecting 59°25.17' N Lat., 153°50.50' W Long. and 59°23.17' N Lat., 153°56.90' W Long.

(h) The Bear Lake Special Harvests Area consists of those marine waters of Resurrection Bay in the Eastern District north of the latitude of Caines Head, as well as all freshwaters of Bear Creek, Salmon Creek, and Resurrection River downstream from, and including, the Bear Creek weir.

FINAL ACTION: Carries Fails Tabled No Action See Prop. # _____

ABSENT _____ ABSTAIN _____

DATE _____ TIME _____ TAPE# _____

PROPOSAL 380- Seeks to repeal 5 AAC 21.375, the Bear Lake Management Plan, and replace it with a Trail Lakes Hatchery Sockeye Salmon Management Plan.

Motion to adopt by Dianne, seconded by Arnie.

We departed from the traditional meeting rules for this discussion as we had several members of the public that wanted to have their voices heard during our deliberations and outside of the public comment period. We debated this proposal for two hours in a round table format.

Members of the public and several AC members felt this proposal being put forth as a petition circumvented the proposal process.

Are there any other fisheries managed primarily for cost recovery and broodstock? We are against a fishery to be primarily managed for the hatchery, as this proposal is written, and not for the fishermen. Resurrection Bay fisherman would carry the burden if this proposal passes.

CIAA stated that fishermen will still be able to fish Resurrection Bay, just not in the Special Harvest Area, south of Caines Head. There are no catchable fish outside of the Special Harvest Area.

Resurrection Bay reds are the money fish. The run comes in early. Being on the road system eliminates tender costs. These fish command a higher price on par with Copper River reds.

CIAA told us they need 1.2 million dollars to operate this year. The 2% fish tax collected from all Cook Inlet Fishermen was \$440,000. Of this amount, \$60,000 was collected from LCI seiners who see the most benefit of the CIAA programs. It costs the hatchery 1.2 million to grow reds for the seiners. CIAA receives \$60,000 in return. There is no easy solution to this problem.

We discussed the 50-50 fish ticket split that passed the BOF in 2005. CIAA told us the plan is in effect, but the fishery has never been managed that way,

We discussed an increase of the fish tax to 10%. This idea was discarded as the tax would hit all of the fishermen in Cook Inlet, drifters and setnetters. Seiners are the group that primarily benefits from CIAA programs.

The discussion kept coming back to the fact that CIAA needs 1.2 million \$ to raise fish for primarily one user group. Return on raw fish tax from the seiners in \$60,000.

There must be a more equitable solution to spread the burden out amongst all users. Resurrection Bay's money fish should not bear the burden of being managed for the hatchery, cutting out the fishermen from the money fish.

CIAA told us that the dollar amount needed would be for this year only. They hope to have adequate funding in place by 2010. No funding would mean a loss of broodstock which is hard to get going again once it's lost.

We discussed amending the Proposal as written.

Our amendment would allow fishing on alternate days to be split between fisherman and the hatchery. The alternate days would include all of the LCI Southern District Special Harvest Areas. This would spread out the burden and not focus only on Resurrection Bay.

As CIAA believes they need this funding only for this year we added a sunset clause. If needed, the hatchery would then have its proposal heard during the regular cycle for LCI in 2010.

The amendment was passed as follows: **Alternate days fishing, including all of the Special Harvest Areas, for common property and CIAA. This arrangement would last for one year.** The amendment passed 8-0-2.

Proposal 380 passed as amended 8-0-2.

The Chair on our AC always abstains except in a tie. The other abstention stated he did not understand the proposal or amendment and felt he could not make a decision on information that he had no time to become familiar with.

By the time we voted on this proposal, we had been discussing it for two hours. Major discussion points were as follows:

We don't like the idea of a fishery being managed only for the hatchery. This disenfranchises the fishermen that support the hatchery. It would be a bad precedence to manage a fishery only for cost recovery and brood stock

This issue should have been put forth as a proposal, not a petition.

The public should have had more time to understand and comment on this proposal.

Total fish tax from all user groups is \$440,000, \$60,000 comes from seiners. Raising fish tax would be unfair to the drifters and setnetters as those groups do not see the same benefit as the seiners.

The burden of cost recovery should be spread out equally among all of the Special Harvest Areas. Resurrection Bay cannot be the only area managed solely for the hatchery.

The entire Resurrection Bay red fishery occurs in the Special Harvest Area. Fishing is extremely poor south of Caines Head. The assessment that the fishermen can fish outside of the SHA is wrong because the fishery occurs at the head of the bay.

The fish harvested in Resurrection Bay are the money fish and fishermen should be allowed to fish for common property, that is why the hatchery exists.

As this is supposed to be a one year need, let the petition expire at that time. If additional funding is needed, CIAA should present this issue as a proposal in cycle for the LCI meeting in 2010.

ALASKA BOARD OF FISHERIES
Statewide Dungeness Crab, Shrimp, Misc. Shellfish
March 16-20, 2009, Anchorage, Alaska

Preliminary Summary

- C/A 44 Establish a Prince William Sound Commercial Pot Shrimp Management Plan. *(Adopted a plan including a 110,000 lbs. threshold, a 40 percent allocation to commercial, a three area rotation, and numerous registration requirements.)*
- F 49 Require exclusive registration for sport or commercial participation in spot shrimp fishery.
- C/A 356 Allow Dungeness crab fishing vessels to simultaneously tender Dungeness crab for other fishing vessels in the Kodiak District of Area J. *(Amended to provide specific regulatory language.)*
- F 357 Increase allowable twine size on Dungeness pots from 60 to 90.
- C/A 358 Open a closed-water area near Kodiak Island to scallop fishing under an exploratory scallop fishing permit. *(Provided for harvest in specific areas.)*
- C 359 Clarify reporting requirements for statewide scallop fisheries.
- C 360 Repeal Commissioner's permit for Kamishak District scallop fishery and put into effect management elements previously stipulated in permit.
- NA 361 Allow subsistence fishing by proxy in Alaska Peninsula shellfish fishery.
- NA 362 Allow subsistence crab pots in Alaska Peninsula shellfish fishery.
- F 363 Reduce razor clam limit to 30 per day.
- NA 364 Reduce razor clam limit in Clam Gulch to the first 15 dug.
- NA 365 Reduce razor clam limit to 25.
- C/A 366 Close commercial, sport, and personal use shellfish harvest in Kachemak Bay (Shipwreck Cove and Otter Rock) from April 15 through September 15. *(Amended to clarify specific area to be closed.)*
- F 367 Allow for written permission to use another person's shrimp or crab gear.
- C/A 375 Require that all groundfish taken in a commercial fishery be reported on a fish ticket statewide. *(Amended to provide specific regulatory language.)*
- T/A 377 Increase allowable length of set gillnets from 25 fathoms to 35 fathoms for the Naknek River Special Harvest Area in Bristol Bay. *(Amended to clarify net use. Tabled to next Bristol Bay Finfish meeting in December 2009.)*
- C 378 Clarify prohibition on blocking a channel in areas with a braided stream or multiple channels statewide.
- C/A 380 Repeal Bear Lake Management Plan and replace with a Trail Lakes Hatchery Sockeye Salmon Management Plan that incorporates elements of

the Bear Lake Management Plan. (*Amended to apply to the 2009 and 2010 seasons only; expires in May 2011.*)

Other actions

The board denied a petition for emergency action to raise the sport fishing daily bag limit for black cod in the Southeast Alaska.

The board generated a proposal to A) increase the resident and nonresident daily bag limit for black cod in Southeast Alaska from two fish to four fish, and B) to remove the resident annual limit. The proposal was scheduled for consideration during a teleconference late April 2009.

The board denied a petition for emergency action to list Alexander Creek king salmon as a stock of concern.

The board delegated authority to the Commissioner to liberalize sport bag limits for Northern pike in Alexander Lake.

The board failed a motion to generate a proposal to close early season fishing periods in the Cook Inlet Northern District commercial fishery.

The board denied a petition for emergency action on escapement goals in Cook Inlet.

The board denied a petition for emergency action on the department's use of emergency order authority.

The board delegated authority to the Commissioner to allow online registration in the Bristol Bay commercial fishery.

The board adopted a resolution in support of funding research projects.

The board adopted informal criteria to apply when selecting meeting locations in the future.