

(b) Salmon may not be taken in the following waters:

(4) west of a line from an ADF&G regulatory marker at "Green Timbers" (59° 37.67' N. lat., 151° 28.38' W. long. [59°37.90' N. LAT.151°28.70' W. LONG.]) on the Homer Spit to an ADF&G marker 300 yards east of the Homer airport access road (59° 38.35' N. lat., 151° 28.71' W. long.).

**ISSUE:** An area of closed waters in the Southern District coho salmon personal use set gillnet fishery, locally known as "Mud Bay," is delineated by ADF&G regulatory markers on or near the shoreline. However, latitude and longitude coordinates for these closure markers are presently absent (airport marker) or inaccurate (Green Timbers marker) in the subsistence and personal use statewide fisheries regulations.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Personal use regulations will not specifically and accurately describe the two markers designating closed waters in Mud Bay.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** No.

**WHO IS LIKELY TO BENEFIT?** Participants in the Southern District (Kachemak Bay) coho salmon personal use fishery will benefit from accurate descriptions of the closed waters markers in regulation.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-10F-160)  
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**PROPOSAL 12 - 5 AAC 21.373. Trail Lakes Hatchery Sockeye Salmon Management Plan.** Remove the sunset clause from regulation so as to make the Trail Lakes Hatchery Sockeye Salmon Management Plan permanent as follows:

CIAA requests the Trail Lakes Hatchery Sockeye Salmon Management Plan sunset clause, 5 AAC 21.373 (f), be removed and the Trail Lakes Hatchery Sockeye Salmon Management Plan be allowed to continue as adopted.

[(F) THE PROVISIONS OF THIS SECTION DO NOT APPLY AFTER MAY 1, 2011.]

**ISSUE:** Early in 2009, The Cook Inlet Aquaculture Association (CIAA) asked the BOF to recognize the benefits of CIAA's enhancement programs could not be sustained with inconsistent and frequently lost cost-recovery harvest income. The resulting imminent loss of future commercial, sport, and personal use fisheries in Lower Cook Inlet constituted an emergency. CIAA petitioned the BOF to repeal the Bear Lake Management Plan (5 AAC 21.375) and adopt a Trail Lakes Hatchery Sockeye Salmon Management Plan that would address this problem. The new plan would institute a cost-recovery harvest priority that provided for a

reasonable distribution of the harvest of sockeye salmon from enhancement projects among seine and set gillnet commercial fisheries and CIAA. The BOF acted on CIAA's request and in March 2009 repealed the Bear Lake Management Plan (5 AAC 21.375) and adopted the Trail Lakes Hatchery Sockeye Salmon Management Plan (5 AAC 21.373). Because the change in regulation was requested "out-of-cycle" through the BOF's petition process, the BOF included a sunset clause of May 1, 2011 [5 AAC 21.373 (f)]. CIAA requests the sunset clause [5 AAC 21.373 (f)] be removed and the remainder of the Trail Lakes Hatchery Sockeye Salmon Management Plan be allowed to stand as adopted.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Trail Lakes Hatchery provides sockeye salmon for stocking projects at Hidden Lake, Bear Lake, Kirschner Lake, Leisure Lake, Hazel Lake, Tutka Bay Lagoon, and Resurrection Bay and coho salmon for stocking at Bear Lake. Trail Lakes Hatchery, through a cooperative agreement with Nanwalek and Port Graham, also provides incubation and rearing for sockeye salmon released to English Bay Second Lake and Port Graham Bay.

Several of the sockeye salmon fry stocking projects conducted by Trail Lakes Hatchery are fry releases to barreid lakes where all returning fish are the products of supplemental production and are harvested. These projects were initially supported by eggs from fish returning to Tustumena Lake. CIAA no longer has access to the Tustumena Lake brood source. Since 2004, CIAA has been developing a new brood source to support these projects. The development of the new brood source has taken several years during which stocking objectives have not always been met. As a result, recent sockeye returns have been low (250,000 sockeye in 2008 and 2009). As development of a new brood source has progressed stocking has been more consistent and future returns are expected to improve (425,000 in 2010).

Without the Trail Lakes Hatchery Sockeye Salmon Management Plan in place for 2011 and beyond, CIAA will be unable to secure the funds required to operate Trail Lakes Hatchery's current and future salmon enhancement projects. Significant commercial, sport, and personal use harvest opportunities for sockeye and coho salmon will be lost.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Prior to adoption of the Trail Lakes Sockeye Salmon Management Plan, adult sockeye salmon returning to the Bear Lake system were harvested by CIAA for cost recovery in a freshwater special harvest area defined in the Trail Lakes Hatchery Basic Management Plan. Fish harvested in the freshwater system were of very low grade. Since adoption of the Trail Lakes Hatchery Sockeye Salmon Management Plan a majority of the fish harvested by CIAA for cost recovery have been harvested in saltwater. Fish harvested from saltwater are of very high grade and represent a significant asset to CIAA. Removal of the sunset clause from the Trail Lakes Hatchery Sockeye Salmon Management Plan will allow CIAA to continue to harvest high grade fish for cost recovery.

**WHO IS LIKELY TO BENEFIT?** In the long term, all users (subsistence, personal use, recreation, commercial and processors) of CIAA enhancement programs will benefit from the continued operation of Trail lakes Hatchery. CIAA and all user groups served by CIAA projects

throughout the Cook Inlet drainage will benefit. The coho salmon enhancement project will not be changed.

**WHO IS LIKELY TO SUFFER?** In the short term, the harvest by commercial fishermen that are restricted to or prefer to fish in Resurrection Bay or Kachemak Bay will be limited. CIAA, however, has increased its stocking objective for Resurrection Bay and is working to develop additional cost-recovery harvest opportunities in Tutka Bay. Over the next 2 to 3 years, as these projects come on line, commercial harvest opportunities in Resurrection Bay and Kachemak Bay are expected to increase. More fish will be available for harvest by CIAA and the commercial seine fleet.

**OTHER SOLUTIONS CONSIDERED?** 1) The Bear Lake Management Plan (5 AAC 21.375), which was repealed in 2009, allocated 50% of the harvest to CIAA. From 2005 through 2008, the harvest allocated to CIAA varied from 32% to 63% and averaged 47%. While CIAA harvested an average of 47% of the resource, the value of the harvested resource averaged only 36% of the value of the resource harvested by the commercial fishery. This option was rejected because CIAA's allocation was taken from the end of the return when quality and prices were low and CIAA's annual income was inconsistent and lower than projected.

2) CIAA has considered a variable Salmon Enhancement Tax (SET) option. For this option, CIAA must request the SET for Lower Cook Inlet be adjusted annually to secure the funds needed to operate Trail Lakes Hatchery. CIAA rejected this option because the process has not been previously used, implementation of a variable tax would require development of emergency regulations by the Department of Revenue, and there would be a 1 year delay in allocating tax revenues to the Association.

**PROPOSED BY:** Gary Fandrei, Cook Inlet Aquaculture Association (HQ-10F-107)  
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**PROPOSAL 13** - 5 AAC 21.373. Trail Lakes Hatchery Sockeye Salmon Management Plan; and 5 AAC 21.376 Resurrection Bay Salmon Management Plan. Modify Trail Lakes management plans for noncommercial users as follows:

5 AAC 21.373 (d) [NO] Management restrictions [WILL] **shall** be imposed on the noncommercial fisheries in order to achieve the Trail Lakes Hatchery **broodstock** objectives for sockeye salmon.

5 AAC 21.376 (4) **Manage the noncommercial fisheries in order to achieve the Trail Lakes Hatchery broodstock objectives for sockeye and coho salmon.**

**ISSUE:** A sport fishery has developed at the mouths of Resurrection River and Salmon Creek drainages, downstream from the Seward Highway and downstream from then Ash Road. (This area had been closed since statehood) on sockeye and coho salmon propagated from the Cook Inlet Aquaculture Association's (CIAA) Bear Lake salmon project. This newly developed sports fishery has grown substantially and anecdotal information puts the harvest 300% more than what was expected. In 2008 the sockeye run was weak, resulting in a closure of CIAA's cost recovery

to insure adequate escapement into Bear Lake for spawning and CIAA's egg take program goal. Unfortunately, Alaska Department of Fish and Game's (ADF&G) Sport Fisheries Division refused to restrict the newly developed sports fishery, thus sharing in the burden of conservation to ensure escapement and egg take goals were achieved. Coho escapement to the weir have also been on the very low end and will probably not make the escapement goal on weak returns.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Without a directive by the Board of Fisheries to implement management restrictions on the noncommercial fisheries in order to achieve the Bear Lake maximum escapement and Trail Lakes Hatchery broodstock objectives for sockeye and coho salmon, these goals will not be achieved on years of low return. Failure to achieve these two goals will jeopardize future long standing Bear Lake returns and CIAA and ADF&G salmon projects along with negatively impacting the people that rely on these projects for recreation and commerce not only in Resurrection Bay, but also all of Cook Inlet and Kachemak Bay.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Yes. Failure to achieve the Trail Lakes Hatchery broodstock goal decreases the future sockeye and coho production to Resurrection Bay, Kachemak Bay and other CIAA projects in the Cook Inlet drainage.

**WHO IS LIKELY TO BENEFIT?** Everyone will benefit from the continuation of CIAA's contributions through rehabilitation, enhancement, stream clearing, research, monitoring, etc.

**WHO IS LIKELY TO SUFFER?** Only in the short term those fishermen who don't want to share the burden or take the responsibility to ensure Bear Lake maximum sockeye and coho escapement and the Trails Lake Hatchery broodstock goal. Had CIAA not rehabilitated Bear Lake and continue the on-going project it is unlikely there would be any surplus sockeye to warrant this new noncommercial fishery.

**OTHER SOLUTIONS CONSIDERED?** No other solutions will correct the problem on low return years. Every newly created fishery has some unforeseen problems. This is a problem that no one knew the magnitude of until the fishery was implemented. Lack of action will only exacerbate the problem.

**PROPOSED BY:** David Martin (SC-10F-119)

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**PROPOSAL 14 - 5 AAC 77.545. Kachemak Bay Personal Use Salmon Fishery Management Plan.** Allow PU fishery after CIAA meets cost recovery goals as follows:

Allow the PU fishery after Cook Inlet Aquaculture Association (CIAA) cost recovery goals are met and a reasonable commercial fishery has occurred.

**ISSUE:** The personal use (PU) fishery solely based on Cook Inlet Aquaculture Association (CIAA) stocks. This PU fishery prevents CIAA from doing any effective cost recovery or commercial harvests on this stock.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** UCIDA will encourage CIAA to stop the stocking of salmon in this location.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Unless CIAA and commercial fishermen achieve an economic performance from this program, there is no reason to continue this stocking program.

**WHO IS LIKELY TO BENEFIT?** Public.

**WHO IS LIKELY TO SUFFER?** Public.

**OTHER SOLUTIONS CONSIDERED?** None.

**PROPOSED BY:** United Cook Inlet Drift Association (SC-10F-068)  
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**PROPOSAL 15 - 5 AAC 27.430. Lawful gear for Cook Inlet Area.** Allow for use of cast nets when fishing for herring for personal use as follows:

Allow Hawaiian style throw nets as a legal means of take.

**ISSUE:** Personal use herring are currently allowed to be harvested by dipnet or gillnet. Dip nets are not often effective, and gillnets may harvest more than one person or family might need.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** People who would like to harvest a few gallons of herring will not utilize the fishery.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** The few people who would like to net herring but for practical or financial reasons find dip or gill nets inappropriate to their needs.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Dave Lyon (HQ-10F-188)  
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**PROPOSAL 16 - 5 AAC 28.310. Fishing Seasons For Cook Inlet Area (d)(1) and (2); 5 AAC 28.365 Cook Inlet Area Rockfish Management Plan; and 5 AAC 28.367 Cook Inlet Area Pacific cod Management Plan (i).** This is a placeholder proposal that will reorganize and clarify confusing regulatory references to rockfish fishing and bycatch retention.

### **CIAA and Trail Lakes Hatchery Plan**

- F   12 Remove the sunset clause from regulation so as to make the Trail Lakes Hatchery Sockeye Salmon Management Plan permanent.
- F   13 Modify Trail Lakes Management Plan for noncommercial users.
- F   14 Allow PU fishery after CIAA meets cost recovery goals.

### **HERRING**

#### **Gear**

- C   15 Allow for use of cast nets when fishing for herring for personal use. (*Applied to Lower Cook Inlet area only.*)

### **GROUND FISH**

#### **Cook Inlet Fishing Seasons, Rockfish Management Plan, and Pacific Cod Management Plan**

- C/A   16 This is a placeholder proposal that will reorganize and clarify confusing regulatory references to rockfish fishing and bycatch retention. (*Required retention and allowed for emergency order closures to insure guideline harvest level not exceeded.*)

#### **Gear**

- C   17 Repeal the definition of gear.

#### **Pacific Cod Management Plan**

- F   18 Open area from Cape Douglas to Chinitna Point for cod fishing.
- F   19 Reallocate cod in Cook Inlet.

### **SPORT FISHERIES**

#### **West Cook Inlet**

- F   20 Designate a portion of Silver Salmon Creek as fly-fishing-only waters.
- T   21 Decrease bag limit to 2 coho salmon in West Cook Inlet. (*Tabled to February 20-March 5, 2011 Upper Cook Inlet Finfish meeting.*)
- T   22 Increase bag and possession limit to 3 coho salmon in West Cook Inlet Area. (*Tabled to February 20-March 5, 2011 Upper Cook Inlet Finfish meeting.*)