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**ALASKA DEPARTMENT OF FISH AND GAME**  
**STAFF COMMENTS**  
**ON SUBSISTENCE, PERSONAL USE, AND SPORT**  
**FINFISH REGULATORY PROPOSALS**  
**FOR THE**  
**LOWER COOK INLET AREA**  
**ALASKA BOARD OF FISHERIES MEETING**  
**HOMER, ALASKA**  
**NOVEMBER 13 – 15, 2007**



The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries meeting, November 13-15, 2007 in Homer, Alaska and are prepared to assist the public and Board. The stated staff comments should be considered preliminary and subject to change, if or when new information becomes available. Final Department positions will be formulated after review of written and oral testimony presented to the Board.

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**Summary of Department Positions on the 2007 Lower Cook Inlet Proposals**

<b>Proposal #</b>	<b>Dept. Position</b>	<b>Issue</b>
1	O	Open Anchor River king salmon fishery 6 days per week.
2	O	Open Anchor River king salmon fishery 5 days per week.
3	N	Modify king salmon season opening date on the Anchor River.
4	O/N	Increase the annual limit for king salmon on the Anchor River and Deep Creek.
5	O	Allow catch and release fishing after retaining a king salmon on the Anchor River and Deep Creek.
6	N	Reduce the conservation corridor dates in the Early-Run King Salmon Special Harvest Area around the Anchor River.
7	N	Reduce closed area at mouth of Anchor River from 4 miles to 2 miles in the Early-Run King Salmon Special Harvest Area.
8	O/N	Reduce closed area at mouth of Anchor River and Deep Creek in the Early-Run King Salmon Special Harvest Area.
9	O/N	Reduce closed area at mouth of Anchor River and Deep Creek in the Early-Run King Salmon Special Harvest Area.
10	S	Allow fishing for hatchery king salmon in the Ninilchik River 7 days per week.
11	O	Allow harvest of hatchery king salmon 7 days per week on Ninilchik River.
12	O	Reduce king salmon bag limit on Ninilchik River.
13	N	Prohibit use of weighted hooks in the Nick Dudiak Fishing Lagoon.
14	O	Increase bag limit of king salmon under 20 inches in Nick Dudiak Fishing Lagoon.
15	N	Prohibit personal use gill nets within a thousand yards of the Nick Dudiak Fishing Lagoon.
16	N	Prohibit sport fishing in Tutka Bay Lagoon and near the Tutka Bay lagoon hatchery net pens.
17	N	Close sport and personal use sockeye fishing in Tutka Bay Lagoon.
18	O	Remove spiny dogfish from the sport bag limit for sharks.
19	O	Reduce daily possession limit of rockfish between Gore Point to Cape Puget.
20	S	Establish a youth only fishery in the Seward lagoon area.
21	N	Open a sockeye salmon fishery in the Resurrection River.
22	S	Allow retention of rockfish and lingcod in subsistence fisheries.
<b>N = Neutral    S = Support    O = Oppose    O/N = Oppose but Neutral on Allocative Aspects</b>		

## **SALMON – SPORT**

**Central Cook Inlet – Anchor, Ninilchik, Deep Creek (12 proposals)**

**PROPOSAL 1 - 5 AAC 56.122 (a)(2)(E) and (a)(5)(D). Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Kenai Peninsula Area.**

**PROPOSED BY:** Gary Simmons

**WHAT WOULD THE PROPOSAL DO?** This proposal would open the Anchor River to king salmon fishing 6 days per week from May 25 to June 25, except on Mondays.

**WHAT ARE THE CURRENT REGULATIONS?** The waters of the Anchor River upstream from its mouth to an ADF&G regulatory marker located approximately 2 miles upstream are open to fishing for king salmon 20 inches or greater in length the weekend before Memorial Day weekend and the following four weekends and the Monday following each of those weekends.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?** This proposal would nearly double from 15 to 27 the days that the fishery is open. The resulting increase in harvest, catch, and effort is unknown but could be significant. Catch of non-targeted species (steelhead) would increase by an unknown amount. More foot traffic will occur in the riparian habitat along the Anchor River downstream of the department regulatory markers.

**BACKGROUND:** The Anchor River supports the largest run of king salmon within the Lower Cook Inlet Management Area (LCIMA). The king salmon sport fishery in the Anchor River has been heavily restricted throughout its history including fishery openings only on 3-day weekends in late May and June. King salmon escapement was indexed with a single annual aerial survey at the peak of spawning from 1976 until 2003. Starting in 2003, a Dual Beam Identification Sonar (DIDSON) was used to estimate king salmon escapement. The sonar has been used in conjunction with a weir since 2004 to estimate king salmon spawning escapement. King salmon escapement to the Anchor River has ranged from 8,945 in 2006 to 12,016 in 2004. Aerial index counts of spawning king salmon averaged 795 between 2004 and 2006 and accounted for only 6 to 10 percent of the average escapement for that period. Freshwater harvests averaged 1,462 and the percent of the total run that was harvested in fresh water from 2004 to 2006 ranged from 11.4 % to 12.6 %.

The department conducted a spawner-recruit analysis using all the available data and estimates that approximately 5,000 king salmon must spawn in the Anchor River to sustain maximum yields to the river over time. The department is proposing this number as the sustainable escapement goal (SEG) threshold for the river. A threshold is proposed rather than a range because the small amount of total escapement data results in

uncertainty about what the range of the goal should be. The Anchor River king salmon stock can support more harvest based on the proposed SEG threshold. The difference between the average escapement from 2004-2006 and the proposed escapement threshold is 5,685.

The biggest obstacle to recommending regulatory options is our inability to predict the consequences that large increases in opportunity may have on the harvest. It is difficult to predict the impact of different regulatory options because past regulations haven't provided the opportunity to see the effects of different regulation changes. Also the impacts of changes aren't instantaneous and are influenced by other factors. It is unknown if doubling fishing time would result in more or less than twice the current average or peak harvests. Currently, the least amount of effort occurs on Mondays, the addition of more days during the week could result in similarly low effort. However, doubling the highest observed harvest of 2,787 in 1993 to 5,574 would exceed the estimated surplus in 2 of the 4 years we have escapement data for. The addition of two days per week during the five regulatory weeks when king salmon fishing is open would more likely result in sustainable harvests.

There are a suite of proposals before the Board to liberalize Anchor River fishing regulations. They are: 1) increase the number of days open to fishing to 5 per week; 2) increase the number of days open to fishing to 6 per week; 3) increase the combined annual limit of Anchor River and Deep Creek king salmon from 2 to the combined Cook Inlet drainage limit of 5; 4) allow anglers to keep fishing on the Anchor River and Deep Creek on the same day after a king salmon 20 inches or greater is harvested; 5) decrease the closed saltwater area around the mouth of the Anchor River and 6) open the saltwater at the mouth of the Anchor River June 25 instead of July 1.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal because the magnitude of the harvest that would result from such a drastic liberalization is unknown and could jeopardize sustainability of the stock. The department supports a cautious, incremental increase to harvest opportunity on Anchor River king salmon stocks, but is neutral on the allocative aspects between the freshwater and marine fisheries.

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

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**PROPOSAL 2 - 5 AAC 56.122 (2). Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Kenai Peninsula Area.**

PROPOSED BY: John McCombs

WHAT WOULD THE PROPOSAL DO? This proposal would open the Anchor River to king salmon fishing 5 days per week.

WHAT ARE THE CURRENT REGULATIONS? The waters of the Anchor River from its mouth to an ADF&G regulatory marker located approximately 2 miles upstream are open to fishing for king salmon 20 inches or greater in length the weekend before Memorial Day weekend and the following four weekends and the Monday following each of those weekends.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal does not specify when king salmon fishing would open; therefore it is assumed the king salmon fishery would remain the same general length. In general, the majority of the king salmon migration occurs from May through July therefore this proposal would increase fishing time about four-fold (15 days versus 60 days). The resulting increase in harvest, catch, and effort is unknown but could be significant. The catch of non-targeted species (steelhead trout and Dolly Varden) would increase by an unknown amount. More foot traffic will occur in the riparian habitat throughout the Anchor River drainage.

BACKGROUND: The Anchor River supports the largest run of king salmon within the Lower Cook Inlet Management Area (LCIMA). The king salmon sport fishery in the Anchor River has been heavily restricted throughout its history including fishery openings only on 3-day weekends in late May and June. King salmon escapement was indexed with a single annual aerial survey at the peak of spawning from 1976 until 2003. Starting in 2003, a Dual Beam Identification Sonar (DIDSON) was used to estimate king salmon escapement. The sonar has been used in conjunction with a weir since 2004 to estimate king salmon spawning escapement. King salmon escapement to the Anchor River has ranged from 8,945 in 2006 to 12,016 in 2004. Aerial index counts of spawning king salmon averaged 795 between 2004 and 2006 and accounted for only 6 to 10 percent of the average escapement for that period. Freshwater harvests averaged 1,462 and the percent of the total run that was harvested in fresh water from 2004 to 2006 ranged from 11.4 % to 12.6 %.

The department conducted a spawner-recruit analysis using all the available data and estimates that approximately 5,000 king salmon must spawn in the Anchor River to sustain maximum yields to the river over time. The department is proposing this number as the sustainable escapement goal (SEG) threshold for the river. A threshold is proposed rather than a range because the small amount of total escapement data results in uncertainty about what the range of the goal should be. The Anchor River king salmon stock can support more harvest based on the proposed SEG threshold. The difference between the average escapement from 2004-2006 and the proposed escapement threshold is 5,685.

The biggest obstacle to recommending regulatory options is our inability to predict the consequences that large increases in opportunity may have on the harvest. It is difficult to predict the impact of different regulatory options because past regulations haven't provided the opportunity to see the effects of different regulation changes. Also the impacts of changes aren't instantaneous and are influenced by other factors. Quadrupling fishing time would likely not quadruple the current average or peak harvests but would likely increase harvest above sustainable levels. Doubling the highest observed harvest

of 2,787 in 1993 to 5,574 nearly exceeds the average estimated surplus so quadrupling fishing time is more likely to exceed the surplus. The addition of two days per week during the five regulatory weeks when king salmon fishing is open would more likely result in sustainable harvests.

There are a suite of proposals before the Board to liberalize Anchor River fishing regulations. They are: 1) increase the number of days open to fishing to 5 per week; 2) increase the number of days open to fishing to 6 per week; 3) increase the combined annual limit of Anchor River and Deep Creek king salmon from 2 to the combined Cook Inlet drainage limit of 5; 4) allow anglers to keep fishing on the Anchor River and Deep Creek on the same day after a king salmon 20 inches or greater is harvested; 5) expand the open area around the mouth of the Anchor River and 6) open the saltwater at the mouth of the Anchor River June 25 instead of July 1.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal because the magnitude of the harvest that would result from such a drastic liberalization is unknown and could jeopardize sustainability of the stock. The department supports a cautious, incremental increase to harvest opportunity on Anchor River king salmon stocks, but is neutral on the allocative aspects between the freshwater and marine fisheries.

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

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**PROPOSAL 3 - 5 AAC 56.122 (a)(2). Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Kenai Peninsula Area.**

PROPOSED BY: Gary Sinnhuber

WHAT WOULD THE PROPOSAL DO? This proposal would open the Anchor River to king salmon fishing Memorial Day weekend and the following four weekends and the Mondays following those weekends from its mouth to a marker approximately 2 miles upstream.

WHAT ARE THE CURRENT REGULATIONS? The waters of the Anchor River from its mouth to an ADF&G regulatory marker located approximately 2 miles upstream are open to fishing for king salmon the weekend before Memorial Day weekend and the following four weekends and the Mondays following each weekend.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The length of the season and the number of days open to king salmon fishing would remain at 15, but the season would start one week later. Lower clearer water would be more prevalent but fewer fish would be migrating through the fishery, therefore king salmon harvest, catch and effort would not likely change. The total catch of emigrating steelhead trout may be lower because more would likely have exited the river by Memorial Day weekend. The



opening weekend would align with the nearby king salmon fisheries in Deep Creek and the Ninilchik River.

BACKGROUND: King salmon fishing was open for five 3-day weekends and the first opening was Memorial Day weekend during 1989 to 2001 and in 2004. In 2005 and 2006 king salmon fishing opened before Memorial Day weekend for five 3-day weekends. The harvests in 2005 and 2006 were 1,432 and 1,394, respectively, compared to the average harvest of 1,496 for 1989-2003 and 2004.

This proposal would likely not liberalize the Anchor River king salmon fishery but there are a suite of proposals before the Board that would. They are: 1) increase the number of days open to fishing to 5 per week; 2) increase the number of days open to fishing to 6 per week; 3) increase the annual limit of Anchor River king salmon from 2 to 5; 4) allow anglers to keep fishing on the Anchor River and Deep Creek on the same day after a king salmon 20 inches or greater is harvested; 5) decrease the closed saltwater area around the mouth of the Anchor River and 6) open the saltwater at the mouth of the Anchor June 25 instead of July 1.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal because it will not likely change to the king salmon catch, harvest, and effort.

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

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**PROPOSAL 4 - 5 AAC 56.122 (a)(2)(E) and (a)(5)(D). Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Kenai Peninsula Area. and 5 AAC 56.124 (a)(3). Harvest record required; annual limits for the Kenai Peninsula Area.**

PROPOSED BY: Gary Sinnhuber

WHAT WOULD THE PROPOSAL DO? This proposal would repeal the Anchor River and Deep Creek combined annual limit of two king salmon 20 inches or greater in length. King salmon harvested from the Anchor River and Deep Creek would apply towards the Cook Inlet annual limit of five.

WHAT ARE THE CURRENT REGULATIONS? The annual limit of king salmon 20 inches or greater in length from Anchor River and Deep Creek combined is two.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The harvest of king salmon 20 inches or greater in length from the Anchor River and Deep Creek would likely increase by an unknown amount. Fishing effort on both rivers and the catch of king salmon from both rivers might increase. Catch of non-targeted species (steelhead) from both rivers would increase by an unknown amount if effort increased. More foot traffic would occur in the riparian habitat downstream of the department

regulatory markers. The increase in harvest Anchor River king salmon could be sustained by the stock. The increase in harvest of king salmon from Deep Creek might not be sustainable.

**BACKGROUND:** The Anchor River supports the largest run of king salmon, and Deep Creek the second largest run, within the Lower Cook Inlet Management Area (LCIMA). The king salmon sport fishery in the Anchor River has been heavily restricted throughout its history. King salmon escapement was indexed with a single annual aerial survey at the peak of spawning from 1976 until 2003. A two fish annual limit in combination with Deep Creek, along with a prohibition on fishing after harvesting a king salmon 20 inches or greater and a suite of saltwater king salmon fishing restrictions, were implemented in 1996, when it was thought recent low aerial index counts indicated harvests were unsustainable. Annual king salmon harvests and effort in angler-days from the Anchor River decreased by an average of 338 fish and 6,875 angler-days during the period after the restrictions, 1996-2001, compared to the average from the period prior to the restrictions, 1989-1995.

Starting in 2003, a Dual Beam Identification Sonar (DIDSON) was used to estimate king salmon escapement. The sonar has been used in conjunction with a weir since 2004 to estimate king salmon spawning escapement. King salmon escapement to the Anchor River has ranged from 8,945 in 2006 to 12,016 in 2004. Aerial index counts of spawning king salmon averaged 795 between 2004 and 2006 and accounted for only 6 to 10 percent of the average escapement for that period. Freshwater harvests averaged 1,462 and the percent of the total run that was harvested in fresh water from 2004 to 2006 ranged from 11.4 % to 12.6 %.

The department conducted a spawner-recruit analysis using all the available data and estimates that approximately 5,000 king salmon must spawn in the Anchor River to sustain maximum yields to the river over time. The department is proposing this number as the sustainable escapement goal (SEG) threshold for the river. A threshold is proposed rather than a range because the small amount of total escapement data results in uncertainty about what the range of the goal should be. The Anchor River king salmon stock can support more harvest based on the proposed SEG threshold. The difference between the average escapement from 2004-2006 and the proposed escapement threshold is 5,685. The harvest resulting from passage of this proposal would be considerably less than the number of surplus king salmon escaping the fishery.

King salmon escapement to Deep Creek has been indexed with a single annual aerial survey at the peak of spawning since 1976. The two fish annual limit, a prohibition on fishing after harvesting a king salmon 20 inches or greater in length, a reduction in 3-day weekend king salmon open periods from five to three and a suite of saltwater king salmon fishing restrictions, were implemented in 1996 when recent low king salmon aerial index counts indicated harvests were unsustainable. The average annual Deep Creek king salmon escapement index since 1996 has been within the SEG of 350-800. Deep Creek king salmon escapements since 1998 have been within or above the SEG. It

is unknown which restriction or combination of restrictions, if any, implemented in 1996 is responsible for the improvement of Deep Creek escapement index counts.

There are a suite of proposals before the Board to liberalize Anchor River and Deep Creek fishing regulations. They are: 1) increase the number of days open to fishing to 5 per week; 2) increase the number of days open to fishing to 6 per week; 3) increase the combined annual limit of Anchor River and Deep Creek king salmon from 2 to the combined Cook Inlet drainage limit of 5; 4) allow anglers to keep fishing on the Anchor River and Deep Creek on the same day after a king salmon 20 inches or greater is harvested; 5) decrease the closed saltwater area around the mouth of the Anchor River and 6) open the saltwater at the mouth of the Anchor River June 25 instead of July 1.

DEPARTMENT COMMENTS: The department is **NEUTRAL** to the allocative aspects of this proposal, but supports a cautious, incremental increase to harvest opportunity on Anchor River king salmon stocks. The department **OPPOSES** increasing the Deep Creek annual limit of king salmon 20 inches or greater in length because the Deep Creek king salmon escapement index is regularly within the SEG, under the current regulations.

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

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**PROPOSAL 5 - 5 AAC 56.122 (a)(2)(E) and (a)(5)(D). Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Kenai Peninsula Area.**

PROPOSED BY: Gary Sinnhuber

WHAT WOULD THE PROPOSAL DO? The proposal would allow an angler to keep fishing in the Anchor River and Deep Creek after they harvested a king salmon 20 inches or greater in length from either drainage.

WHAT ARE THE CURRENT REGULATIONS? A person who takes and retains a king salmon 20 inches or greater in length from either Deep Creek or the Anchor River may not sport fish in either drainage for the rest of that day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would not increase the harvest of king salmon from the Anchor River and Deep Creek but it would likely increase the mortality associated with catch and release by an unknown amount. Fishing effort on both rivers and the catch of king salmon from both rivers may decrease if the fishery is crowded and anglers can't cycle into the fishery. Catch of non-targeted species (steelhead) from both rivers would increase by an unknown amount if effort increased. More foot traffic would occur in the riparian habitat downstream of department regulatory markers. The increase in exploitation of Anchor River king salmon could be sustained by the stock. The increase in exploitation of king salmon from Deep Creek may not be sustainable.

BACKGROUND: The Anchor River supports the largest run of king salmon and Deep Creek the second largest king salmon run within the Lower Cook Inlet Management Area (LCIMA). The king salmon sport fishery in the Anchor River has been heavily restricted throughout its history. King salmon escapement was indexed with a single annual aerial survey at the peak of spawning from 1976 until 2003. The prohibition on fishing after harvesting a king salmon 20 inches or greater in length, along with a two fish annual limit in combination with Deep Creek, and a suite of saltwater king salmon fishing restrictions, was implemented in 1996 when it was thought recent low aerial index counts indicated harvests were unsustainable.

King salmon escapement to Deep Creek has been indexed with a single annual aerial survey at the peak of spawning since 1976. The prohibition on fishing after harvesting a king salmon 20 inches or greater in length from Deep Creek and the Anchor River, a two fish annual limit in combination with the Anchor River, a reduction in 3-day weekend king salmon open periods from five to three, and a suite of saltwater king salmon fishing restrictions, were implemented in 1996 when recent low king salmon aerial index counts indicated harvests were unsustainable. The average annual Deep Creek king salmon escapement index since 1996 has been within the SEG of 350-800. Deep Creek king salmon escapements since 1998 have been within or above the SEG. It is unknown which restriction or combination of restrictions, if any, implemented in 1996 is responsible for the improvement of Deep Creek escapement index counts.

There are a suite of proposals before the Board to liberalize Anchor River and Deep Creek fishing regulations. They are: 1) increase the number of days open to fishing to 5 per week; 2) increase the number of days open to fishing to 6 per week; 3) increase the combined annual limit of Anchor River and Deep Creek king salmon from 2 to the combined Cook Inlet drainage limit of 5; 4) allow anglers to keep fishing on the Anchor River and Deep Creek on the same day after a king salmon 20 inches or greater is harvested; 5) decrease the closed saltwater area around the mouth of the Anchor River and 6) open the saltwater at the mouth of the Anchor River June 25 instead of July 1.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal, but supports a cautious, incremental increase to harvest opportunity on Anchor River king salmon stocks. This proposal will not increase harvest, it may exacerbate crowding in these fisheries, and it would be inconsistent with the majority of Cook Inlet streams. In addition, allowing fishing in Deep Creek after a king salmon 20 inches or greater length has been harvested may jeopardize the sustainability of this stock.

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

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**PROPOSAL 6 - 5 AAC 58.055 (d). Upper Cook Inlet Salt Water Early-run King Salmon Management Plan.**

PROPOSED BY: Clive Talkington

WHAT WOULD THE PROPOSAL DO? This proposal would open the salt waters within one mile from shore and 2 miles north and south of the Anchor River mouth on June 25 instead of July 1.

WHAT ARE THE CURRENT REGULATIONS? Most of the restrictions contained in the Upper Cook Inlet Salt Water Early-run King Salmon Management Plan are in effect from April 1 through June 30. The plan designates a conservation zone that is closed to all fishing from the latitude of a marker 2 miles north of the Anchor River to the latitude of a marker 2 miles south of the Anchor River and 1 mile from shore. Outside the conservation zone, a Special Harvest Area is designated in waters within 1 mile of shore, from the Ninilchik River mouth south to the latitude of Bluff Point where: 1) guides may not fish while accompanying paid clients, except to provide assistance to a disabled client and; 2) anglers may not continue to fish for any species on the same day after taking a king salmon 20 inches or greater in length. The plan also specifies a guideline harvest level of 8,000 king salmon 20 inches or greater in length may be taken from January 1-June 30 from the marine waters of Cook Inlet north of the latitude of Bluff Point.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The harvest of king salmon stocks bound for the Anchor River would likely increase by a small but unknown amount because some migrants are still in saltwater although the peak of the migration is passed. The harvest of other king salmon stocks of Cook Inlet origin would also increase by a small amount, particularly those bound for Stariski and Deep creeks and the Ninilchik River. The harvest of early-run stocks in general is very small during June 25 through July 30. The harvest of late-run king salmon bound for the Kenai and Kasilof and northern Cook Inlet rivers would increase by a small amount because the late-run normally begins to arrive during this time period. The harvest of other species, including halibut, within one mile of shore in the salt waters at the Anchor River mouth might also increase by a small quantity.

Regulatory complexity would increase because waters beyond 2 miles north and south from the Anchor River mouth and 1 mile from shore would still be subject to the restrictions outlined in the management plan until July 1. In addition, the freshwaters of the Anchor River are closed to fishing in the later part of June from Tuesday after the final regulatory 3-day opening until July 1. Confusion about the location of the saltwater and freshwater boundary could lead to fishing in the closed waters of the Anchor River from June 25 until July 1.

BACKGROUND: The Board of Fisheries passed the Upper Cook Inlet Marine Early Run King Salmon Management Plan in 1996. The plan was intended to stabilize the growing king salmon fishery on fully utilized mixed stocks in the nearshore marine waters from Ninilchik to Bluff Point and to prevent overexploitation of stocks thought to be intercepted in the fishery which were experiencing below average returns including Deep Creek and the Anchor River as well as the Kenai River and some northern Cook Inlet tributaries. Record harvests were occurring in the Anchor River and Deep Creek

concurrently with below average escapements. Besides creating the management plan, the Board restricted the freshwater king salmon fisheries in the Anchor River and Deep Creek as an additional conservation measure. The plan increased the closed area around the mouth of the Anchor River from 1 mile north and south to 2 miles north and south. The marine waters within one mile of stream mouths, including the Anchor River, Deep Creek and the Ninilchik River, have been closed from January 1-July 1 since 1979.

The early-run marine king salmon harvest north of Bluff Point peaked at 8,230 in 1995. Upon implementation of the management plan in 1996, the annual early run marine king salmon sport harvest stabilized at an average of 4,505. The peak harvest between 1996 and 2006 was 5,783 in 1998. The reported harvests are king salmon of any size, including those less than 20 inches.

A department study to estimate the contribution of coded-wire tagged king salmon stocks to the marine fishery was conducted from 1996-2002 and found that the marine fishery between Bluff Point and Deep Creek harvests a mixture of king salmon stocks from Cook Inlet and the western United States. Cook Inlet stocks dominate the harvest but non-local stocks make up a significant proportion of the harvest some years. No single Cook Inlet stock dominates the harvest but rather many Cook Inlet stocks contribute. Deep Creek king salmon and Ninilchik River hatchery-produced king salmon were the only local stocks that were implanted with coded wire tags and were found to contribute less than 300 and 200 fish, respectively, to the annual marine harvest in the years of the study that all year classes of the two stocks were tagged. The marine harvest of Anchor River king salmon is likely slightly higher, but of a similar small magnitude, compared to the harvest from Deep Creek. Cook Inlet stocks were found to dominate the harvest taken within 3/4 mile from shore and non-local stocks dominated the harvest from beyond 3/4 mile of shore.

Harvest in the marine fishery peaks in mid May to early June. Harvest is very low after June 12 until approximately June 26 when the harvest of late-run kings begins to increase. Peak entry of king into the lower Peninsula streams occurs from late May through June with small numbers of fish continuing to enter the streams into early July.

There are a suite of proposals before the Board to liberalize Anchor River and Deep Creek fishing regulations. They are: 1) increase the number of days open to fishing to 5 per week; 2) increase the number of days open to fishing to 6 per week; 3) increase the combined annual limit of Anchor River and Deep Creek king salmon from 2 to the combined Cook Inlet drainage limit of 5; 4) allow anglers to keep fishing on the Anchor River and Deep Creek on the same day after a king salmon 20 inches or greater is harvested; 5) decrease the closed saltwater area around the mouth of the Anchor River and 6) open the saltwater at the mouth of the Anchor River June 25 instead of July 1.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal, but supports a cautious, incremental increase to harvest opportunity on Anchor River king salmon stocks.

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

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**PROPOSAL 7 - 5 AAC 58.055 (d)(3). Upper Cook Inlet Salt Water Early-run King Salmon Management Plan.**

PROPOSED BY: Clive Talkington and Doug Peterson

WHAT WOULD THE PROPOSAL DO? This proposal would change the saltwater closed area around the mouth of the Anchor River from 2 miles to 1 mile north and south of the Anchor River mouth.

WHAT ARE THE CURRENT REGULATIONS? Most of the restrictions contained in the Upper Cook Inlet Salt Water Early-run King Salmon Management Plan are in effect from April 1 through June 30. The plan designates a conservation zone that is closed to all fishing from the latitude of a marker 2 miles north of the Anchor River to the latitude of a marker 2 miles south of the Anchor River and 1 mile from shore. Outside the conservation zone, a Special Harvest Area is designated in waters within 1 mile of shore, from the Ninilchik River mouth south to the latitude of Bluff Point where: 1) guides may not fish while accompanying paid clients, except to provide assistance to a disabled client and; 2) anglers may not continue to fish for any species on the same day after taking a king salmon 20 inches or greater in length. The plan also specifies a guideline harvest level of 8,000 king salmon 20 inches or greater in length may be taken from January 1-June 30 from the marine waters of Cook Inlet north of the latitude of Bluff Point.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The harvest of king salmon stocks bound for the Anchor River would likely increase by an unknown amount. The harvest of other king salmon stocks of Cook Inlet origin would also increase by an unknown amount. The harvest of other species including halibut between 1 and 2 miles north and south of the Anchor River mouth may also increase.

BACKGROUND: The Board of Fisheries passed the Upper Cook Inlet Marine Early Run King Salmon Management Plan in 1996. The plan was intended to stabilize the growing king salmon fishery on fully utilized mixed stocks in the nearshore marine waters from Ninilchik to Bluff Point and to prevent overexploitation of stocks thought to be intercepted in the fishery which were experiencing below average returns including Deep Creek and the Anchor River as well as the Kenai River and some northern Cook Inlet tributaries. Record harvests were occurring in the Anchor River and Deep Creek concurrently with below average escapement. Besides creating the management plan, the Board restricted the freshwater king fisheries in the Anchor River and Deep Creek as a further conservation measure. The plan increased the closed area around the mouth of the Anchor River from 1 mile north and south to 2 miles north and south. The marine waters within one mile of stream mouths, including the Anchor River, Deep Creek and the Ninilchik River, have been closed from January 1-July 1 since 1979.

The early-run marine king salmon harvest north of Bluff Point peaked at 8,230 in 1995. Upon implementation of the management plan starting in 1996, the annual early run marine king salmon sport harvest stabilized at an average of 4,505. The peak harvest between 1996 and 2006 was 5,783 in 1998. The reported harvests are king salmon of any size, including those less than 20 inches.

A department study to estimate the contribution of coded-wire tagged king salmon stocks to the marine fishery was conducted from 1996-2002 and found that the marine fishery between Bluff Point and Deep Creek harvests a mixture of king salmon stocks from Cook Inlet and the western United States. Cook Inlet stocks dominate the harvest but non-local stocks make up a significant proportion of the harvest some years. No single Cook Inlet stock dominates the harvest but rather many Cook Inlet stocks contribute. Deep Creek king salmon and Ninilchik River hatchery-produced king salmon were the only local stocks that were implanted with coded wire tags and were found to contribute less than 300 and 200 fish, respectively, to the annual marine harvest in the years of the study that all year classes of the two stocks were tagged. The marine harvest of Anchor River king salmon is likely slightly higher, but of a similar small magnitude, compared to the harvest from Deep Creek. Cook Inlet stocks were found to dominate the harvest taken within 3/4 mile from shore and non-local stocks dominated the harvest from beyond 3/4 mile of shore.

The Anchor River supports the largest run of king salmon within the Lower Cook Inlet Management Area (south of the Kasilof). Starting in 2003, a Dual Beam Identification Sonar (DIDSON) was used to estimate king salmon escapement. The sonar has been used in conjunction with a weir since 2004 to estimate king salmon spawning escapement. King salmon escapement to the Anchor River has ranged from 8,945 in 2006 to 12,016 in 2004.

The department conducted a spawner-recruit analysis using all the available data and estimates that approximately 5,000 adult king salmon must spawn in the Anchor River to sustain maximum yields to the river over time. The department is proposing this number as the sustainable escapement goal (SEG) threshold for the river. A threshold is proposed rather than a range because the small amount of total escapement data results in uncertainty what the range of the goal should be. The difference between the average escapement from 2004-2006 and the proposed escapement threshold is 5,685. The harvest resulting from passage of this proposal would be considerably less than the number of surplus king salmon escaping the fishery.

There are a suite of proposals before the Board to liberalize Anchor River and Deep Creek fishing regulations. They are: 1) increase the number of days open to fishing to 5 per week; 2) increase the number of days open to fishing to 6 per week; 3) increase the combined annual limit of Anchor River and Deep Creek king salmon from 2 to the combined Cook Inlet drainage limit of 5; 4) allow anglers to keep fishing on the Anchor River and Deep Creek on the same day after a king salmon 20 inches or greater is harvested; 5) decrease the closed saltwater area around the mouth of the Anchor River and 6) open the saltwater at the mouth of the Anchor River June 25 instead of July 1.



DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal, but supports a cautious, incremental increase to harvest opportunity on Anchor River king salmon stocks

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

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**PROPOSAL 8 - 5 AAC 58.055 (d)(1) & (3). Upper Cook Inlet Salt Water Early-run King Salmon Management Plan.**

PROPOSED BY: Deep Creek Charter Boat Association

WHAT WOULD THE PROPOSAL DO? This proposal would change the saltwater closed area from 2 miles to 1 mile north and south of the Anchor River mouth. It would also decrease the closed saltwater area south from the Deep Creek mouth from 2 miles to 1 mile.

WHAT ARE THE CURRENT REGULATIONS? Most of the restrictions contained in the Upper Cook Inlet Salt Water Early-run King Salmon Management Plan are in effect from April 1 through June 30. The plan designates a conservation zone that is closed to all fishing 1 mile from shore from the latitude of a marker 2 miles north of the Anchor River to the latitude of a marker 2 miles south of the Anchor River and from the Ninilchik River mouth to 2 miles south of Deep Creek. Outside the conservation zones, a Special Harvest Area is designated in waters within 1 mile of shore, from the Ninilchik River mouth south to the latitude of Bluff Point where: 1) guides may not fish while accompanying paid clients, except to provide assistance to a disabled client and; 2) anglers may not continue to fish for any species on the same day after taking a king salmon 20 inches or greater in length. The plan also specifies a guideline harvest level of 8,000 king salmon 20 inches or greater in length may be taken from January 1-June 30 from the marine waters of Cook Inlet north of the latitude of Bluff Point.

The salt water within 1 mile of the Ninilchik River mouth is closed to sport fishing for king salmon from January 1 through June 30.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The harvest of king salmon stocks bound for the Anchor River and Deep Creek would likely increase by an unknown amount. The harvest of other king salmon stocks of Cook Inlet origin would also increase by a small amount, particularly those bound for Stariski and Deep creeks and the Ninilchik River. The harvest of other species including halibut outside the waters within 1 to 2 miles north and south of the Anchor River mouth and between 1 and 2 miles south of the Deep Creek mouth may also increase.

### BACKGROUND:

The Board of Fisheries passed the Upper Cook Inlet Marine Early Run King Salmon Management Plan in 1996. The plan was intended to stabilize the growing king salmon fishery on fully utilized mixed stocks in the nearshore marine waters from Ninilchik to Bluff Point and to prevent overexploitation of stocks thought to be intercepted in the fishery which were experiencing below average returns including Deep Creek and the Anchor River as well as the Kenai River and some northern Cook Inlet tributaries. Record harvests were occurring in the Anchor River and Deep Creek concurrently with below average escapement. Besides creating the management plan, the Board restricted the freshwater king salmon fisheries in the Anchor River and Deep Creek as an additional conservation measure. The plan increased the closed area around the mouth of the Anchor River from 1 mile north and south to 2 miles north and south and extended the southern boundary of the Deep Creek closed area from 1 mile to two miles south of the river. The marine waters within one mile of stream mouths, including the Anchor River, Deep Creek and the Ninilchik River, have been closed from January 1-July 1 since 1979.

The early-run marine king salmon harvest north of Bluff Point peaked at 8,230 in 1995. Upon implementation of the management plan in 1996, the annual early run marine king salmon sport harvest stabilized at an average of 4,505. The peak harvest between 1996 and 2006 was 5,783 in 1998. The reported harvests are king salmon of any size, including those less than 20 inches.

A department study to estimate the contribution of coded-wire tagged king salmon stocks to the marine fishery was conducted from 1996-2002 and found that the marine fishery between Bluff Point and Deep Creek harvests a mixture of king salmon stocks from Cook Inlet and the western United States. Cook Inlet stocks dominate the harvest but non-local stocks make up a significant proportion of the harvest some years. No single Cook Inlet stock dominates the harvest but rather many Cook Inlet stocks contribute. Deep Creek king salmon and Ninilchik River hatchery-produced king salmon were the only local stocks that were implanted with coded wire tags and were found to contribute less than 300 and 200 fish, respectively, to the annual marine harvest in the years of the study that all year classes of the two stocks were tagged. The marine harvest of Anchor River king salmon is likely slightly higher, but of a similar small magnitude, compared to the harvest from Deep Creek. Cook Inlet stocks were found to dominate the harvest taken within 3/4 mile from shore and non-local stocks dominated the harvest from beyond 3/4 mile of shore.

The Anchor River supports the largest run of king salmon within the Lower Cook Inlet Management Area (south of the Kasilof). Starting in 2003, a Dual Beam Identification Sonar (DIDSON) was used to estimate king salmon escapement. The sonar has been used in conjunction with a weir since 2004 to estimate king salmon spawning escapement. King salmon escapement to the Anchor River has ranged from 8,945 in 2006 to 12,016 in 2004.

The department conducted a spawner-recruit analysis using all the available data and estimates that approximately 5,000 adult King salmon must spawn in the Anchor River to

sustain maximum yields to the river over time. The department is proposing this number as the sustainable escapement goal (SEG) threshold for the river. A threshold is proposed rather than a range because the small amount of total escapement data results in uncertainty what the range of the goal should be. The difference between the average escapement from 2004-2006 and the proposed escapement threshold is 5,685. The harvest resulting from passage of this proposal would be considerably less than the number of surplus king salmon escaping the fishery.

The average annual king salmon escapement to Deep Creek since 1996 has been within the SEG of 350-800. Deep Creek king salmon escapements since 1998 have been within or above the SEG.

There are a suite of proposals before the Board to liberalize Anchor River and Deep Creek fishing regulations. They are: 1) increase the number of days open to fishing to 5 per week; 2) increase the number of days open to fishing to 6 per week; 3) increase the combined annual limit of Anchor River and Deep Creek king salmon from 2 to the combined Cook Inlet drainage limit of 5; 4) allow anglers to keep fishing on the Anchor River and Deep Creek on the same day after a king salmon 20 inches or greater is harvested; 5) decrease the closed saltwater area around the mouth of the Anchor River and 6) open the saltwater at the mouth of the Anchor River June 25 instead of July 1.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal, but supports a cautious, incremental increase to harvest opportunity on Anchor River king salmon stocks. The department **OPPOSES** increasing the area open to fishing at the mouth of Deep Creek because the Deep Creek king salmon escapement index is regularly within the SEG.

COST ANALYSIS:

The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in the fishery.

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**PROPOSAL 9 - 5 AAC 58.055 (d)(1) and (3). Upper Cook Inlet Salt Water Early-run King Salmon Management Plan. and 5 AAC 58.022 (b)(A)(ii) and (iii). Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.**

PROPOSED BY: Mel Erickson

WHAT WOULD THE PROPOSAL DO? This proposal would change the saltwater closed areas from 2 miles to 1 mile north and south of the Anchor River and Deep Creek mouths. The northern boundary of the closed area would be the saltwater confluence of the Ninilchik River.

WHAT ARE THE CURRENT REGULATIONS? Most of the restrictions contained in the Upper Cook Inlet Salt Water Early-run King Salmon Management Plan are in effect

from April 1 through June 30. The plan designates a conservation zone that is closed to all fishing 1 mile from shore from the latitude of a marker 2 miles north of the Anchor River to the latitude of a marker 2 miles south of the Anchor River and from the Ninilchik River to 2 miles south of Deep Creek. Outside the conservation zones, a Special Harvest Area is designated in waters within 1 mile of shore, from the Ninilchik River mouth south to the latitude of Bluff Point where: 1) guides may not fish while accompanying paid clients, except to provide assistance to a disabled client and; 2) anglers may not continue to fish for any species on the same day after taking a king salmon 20 inches or greater in length. The plan also specifies a guideline harvest level of 8,000 king salmon 20 inches or greater in length may be taken from January 1-June 30 from the marine waters of Cook Inlet north of the latitude of Bluff Point.

The salt water within 1 mile of the Ninilchik River mouth is closed to sport fishing for king salmon from January 1 through June 30.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The harvest of king salmon stocks bound for the Anchor River and Deep Creek would likely increase by an unknown amount. The harvest of other king salmon stocks of Cook Inlet origin would also increase by an unknown amount. The harvest of other species including halibut outside the waters within 1 mile north and south of the Anchor River and Deep Creek mouths might also increase.

Anglers could harvest king salmon from the Ninilchik River seaward of the mean low tide line (0 ft) during periods closed to king salmon fishing in the Ninilchik River.

BACKGROUND: The Board of Fisheries passed the Upper Cook Inlet Marine Early Run King Salmon Management Plan in 1996. The plan was intended to stabilize the growing king salmon fishery on fully utilized mixed stocks in the nearshore marine waters from Ninilchik to Bluff Point and to prevent overexploitation of stocks thought to be intercepted in the fishery which were experiencing below average returns including Deep Creek and the Anchor River as well as the Kenai River and some northern Cook Inlet tributaries. Record harvests were occurring in the Anchor River and Deep Creek, concurrently with below average escapement. Besides creating the Management Plan, the Board restricted the freshwater king fisheries in the Anchor River and Deep Creek as a further conservation measure. The plan increased the closed area around the mouth of the Anchor River from 1 mile north and south to 2 miles north and south and extended the southern boundary of the Deep Creek closed area from 1 mile to two miles south of the river.

The early-run marine king salmon harvest north of Bluff Point peaked at 8,230 in 1995. Upon implementation of the management plan in 1996, the annual early run marine king salmon sport harvest stabilized at an average of 4,505. The peak harvest between 1996 and 2006 was 5,783 in 1998. The reported harvests are king salmon of any size, including those less than 20 inches.

A department study to estimate the contribution of coded-wire tagged king salmon stocks to the marine fishery was conducted from 1996-2002 and found that the marine fishery between Bluff Point and Deep Creek harvests a mixture of king salmon stocks from Cook Inlet and the western United States. Cook Inlet stocks dominate the harvest but non-local stocks make up a significant proportion of the harvest some years. No single Cook Inlet stock dominates the harvest but rather many Cook Inlet stocks contribute. Deep Creek king salmon and Ninilchik River hatchery-produced king salmon were the only local stocks that were implanted with coded wire tags and were found to contribute less than 300 and 200 fish, respectively, to the annual marine harvest in the years of the study that all year classes of the two stocks were tagged. The marine harvest of Anchor River king salmon is likely slightly higher, but of a similar small magnitude, compared to the harvest from Deep Creek. Cook Inlet stocks were found to dominate the harvest taken within 3/4 mile from shore and non-local stocks dominated the harvest from beyond 3/4 mile of shore.

The Anchor River supports the largest run of king salmon within the Lower Cook Inlet Management Area (south of the Kasilof). Starting in 2003, a Dual Beam Identification Sonar (DIDSON) was used to estimate king salmon escapement. The sonar has been used in conjunction with a weir since 2004 to estimate king salmon spawning escapement. King salmon escapement to the Anchor River has ranged from 8,945 in 2006 to 12,016 in 2004.

The department conducted a spawner-recruit analysis using all the available data and estimates that approximately 5,000 adult King salmon must spawn in the Anchor River to sustain maximum yields to the river over time. The department is proposing this number as the sustainable escapement goal (SEG) threshold for the river. A threshold is proposed rather than a range because the small amount of total escapement data results in uncertainty what the range of the goal should be. The difference between the average escapement from 2004-2006 and the proposed escapement threshold is 5,685. The harvest resulting from passage of this proposal would be considerably less than the number of surplus king salmon escaping the fishery.

The average annual Deep Creek king salmon escapement index since 1996 has been within the SEG of 350-800. Deep Creek king salmon escapements since 1998 have been within or above the SEG.

Ninilchik River escapements upstream of the eggtake weir between July 3 and July 31 have been within the SEG of 550-1,300 king salmon, since 1999, except in 2007. The 2007 wild king salmon escapement was 545 fish; 5 fish below the goal. The reduced escapement might be explained by the prolonged king salmon run observed in other Lower Cook Inlet area streams so more fish escaped upstream after weir operation. The middle 50% of the cumulative Anchor River king salmon run was 17 days longer than the 2004 through 2006 average. Also, the educational fishery king salmon harvest within 1 mile of the Ninilchik River mouth increased from an average of 143 during 2001-2006 to 365 in 2007 due to an increase in the 2007 harvest quota. The Board will consider a department

proposal to liberalize the regulations on hatchery-produced king salmon in the Ninilchik River.

There are a suite of proposals before the Board to liberalize Anchor River and Deep Creek fishing regulations. They are: 1) increase the number of days open to fishing to 5 per week; 2) increase the number of days open to fishing to 6 per week; 3) increase the combined annual limit of Anchor River and Deep Creek king salmon from 2 to the combined Cook Inlet drainage limit of 5; 4) allow anglers to keep fishing on the Anchor River and Deep Creek on the same day after a king salmon 20 inches or greater is harvested; 5) decrease the closed saltwater area around the mouth of the Anchor River and 6) open the saltwater at the mouth of the Anchor River June 25 instead of July 1.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal, but supports a cautious, incremental increase to harvest opportunity on Anchor River king salmon stocks. The department **OPPOSES** increasing the Deep Creek open areas at the mouth of Deep Creek and the Ninilchik River because Deep Creek and Ninilchik River king salmon escapements are regularly within the respective SEGs.

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

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**PROPOSAL 10: - 5 AAC 56.122(6). Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Kenai Peninsula Area.**

PROPOSED BY: Alaska Department of Fish and Game

WHAT WOULD THE PROPOSAL DO? This proposal would open the Ninilchik River to fishing for hatchery-produced king salmon continuously beginning Memorial Day weekend through December 31.

WHAT ARE THE CURRENT REGULATIONS? The waters of the Ninilchik River upstream from its mouth upstream to an ADF&G regulatory marker located 2 miles upstream are open to sport fishing for king salmon 20 inches or greater in length beginning Memorial Day weekend and the following two weekends and the Monday following each of those weekends. The bag and possession limit is two king salmon 20 inches or greater in length, of which only one fish may be a naturally-produced king salmon. An annual limit of five king salmon can be harvested from the Ninilchik River.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Opportunity to harvest surplus hatchery-produced king salmon would be increased. Catch and release mortality on wild king salmon would likely increase but at a level that would not jeopardize the sustainability of the wild escapement or increase the likelihood of inseason harvest restrictions. Catch of non-targeted species (steelhead) would increase by an

unknown, but likely limited amount. More foot traffic would occur in the riparian habitat downstream of the department regulatory markers.

BACKGROUND: King salmon have been stocked in the Ninilchik River since 1988 to provide additional harvest opportunity for sport anglers. Concern about unsustainable harvests of wild king salmon in the Ninilchik River, negative hatchery-wild smolt interactions and straying of hatchery fish resulted in a reduction in stocking levels from approximately 180,000 king salmon smolts to 50,000 in 1995. At the same time, the percentage of coded wire tagged hatchery smolts was increased from approximately 20% to 100%.

Wild and hatchery-produced Ninilchik River king salmon escapement has been monitored at a weir operated during part of the king salmon run in July and early August. The weir is located approximately 4 miles from the mouth and is also utilized to collect fish for brood stock. The Ninilchik River king salmon Sustainable Escapement Goal (SEG) of 550-1,300 fish is an index of spawning escapement based upon counts of wild fish passed upstream of the weir during July 3 to July 31 from 1999-2007. The SEG has been met each year during that period except in 2007. The 2007 wild king salmon escapement was 545 fish; 5 fish below the goal. The reduced escapement might be explained by the prolonged king salmon run observed in other Lower Cook Inlet area streams resulting in more fish passing upstream after weir operations. The central 50% of the cumulative Anchor River king salmon run was 17 days longer than the 2004 through 2006 average. Also, the educational fishery king salmon harvest within one mile of the Ninilchik River mouth increased from an average of 143 during 2001-2006 to 365 in 2007 due to an increase in the 2007 harvest quota.

From 1999 through 2005 the weir was operated over the entire king salmon run. On average, 500 hatchery-produced king salmon escaped annually during 1999 through 2005. In 2006 and 2007 the weir was operated only during July and early August; not over the total run. Based on the 1999-2005 total weir counts, roughly 80% of the total run of hatchery-produced fish passed through the weir during the index monitoring period. Also during this time, hatchery-produced fish arrived at the weir on average 11 days later than the wild fish.

The 1999 through 2006 statewide harvest survey estimated average annual harvest of king salmon from the Ninilchik River was roughly 1,400 fish. Harvest sampling was conducted throughout the area open to sport fishing in 2006. Excluding jack king salmon, the total king salmon harvest ranged from 24% to 34% hatchery-produced fish for all three weekends. In 2007, weekly beach seine surveys were conducted from mid-May through mid-July in the area open to sport fishing to estimate the hatchery-produced percentage in the sport fishery area. The mean hatchery-produced percentage was 15% and ranged from 0% to 28% for all surveys. The last survey was conducted on July 11 and the hatchery-produced percentage was 21%. The results of this survey suggest that hatchery-produced fish are still available for harvest in mid-July.

The Ninilchik River sport fishery regulations have been liberalized each year since 2001 to increase the harvest of hatchery-produced fish. In 2001-2004 and 2006-2007 the

fishery was extended by emergency order for the harvest of hatchery-produced king salmon. In 2005, the BOF increased the bag limit to two king salmon, both of which could be hatchery fish but only one could be wild. The lowest number of hatchery-produced fish counted at the weir during July 3-31 so far has coincided with the increased bag limit implemented by the BOF in concurrence with a continuous opening for hatchery fish in 2007. In 2006, the fishery was extended after the three regulatory weekends from June 14 through July 14. In 2007, the fishery was extended from May 29 through July 15, which included the weeks between the regulatory weekend openings. Two hundred sixty and 81 hatchery-produced king salmon were counted during the index period in 2006 and 2007, respectively. These weir counts were a 47% and 83% reduction from the previous seven year average (1999-2005).

Fishing effort has been relatively low during all fishery extensions when only hatchery fish may be taken. Annual harvest and effort during 2004-2006, have been relatively stable and has not deviated significantly from the 1999-2006 average harvest of 1,400 king salmon and 11,000 angler-days, even with significant liberalization of the fishing times for hatchery-produced fish during those years.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal. This proposal provides additional opportunity to harvest hatchery king salmon in the Ninilchik River without negatively impacting our ability to meet the escapement goal for wild king salmon.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in the fishery.  
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**PROPOSAL 11 - 5 AAC 56.122(6). Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Kenai Peninsula Area.**

PROPOSED BY: Gary Sinnhuber

WHAT WOULD THE PROPOSAL DO? This proposal would open the Ninilchik River to fishing for hatchery-produced king salmon continuously beginning Memorial Day weekend through July 15.

WHAT ARE THE CURRENT REGULATIONS? The waters of the Ninilchik River upstream from its mouth upstream to an ADF&G regulatory marker located 2 miles upstream are open to sport fishing for king salmon 20 inches or greater in length beginning Memorial Day weekend and the following two weekends and the Monday following each of those weekends. The bag and possession limit is two king salmon 20 inches or greater in length, of which only one fish may be a naturally-produced king salmon. An annual limit of five king salmon can be harvested from the Ninilchik River.



WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Opportunity to harvest surplus hatchery-produced king salmon would be increased. Catch and release mortality on wild king salmon would likely increase but at a level that would not jeopardize the sustainability of the wild escapement or increase the likelihood of inseason harvest restrictions. Catch of non-targeted species (steelhead) would increase by an unknown, but likely limited amount. More foot traffic would occur in the riparian habitat downstream of the department regulatory markers. There would be no opportunity to harvest hatchery king salmon migrating upstream after July 15.

BACKGROUND: King salmon have been stocked in the Ninilchik River since 1988 to provide additional harvest opportunity for sport anglers. Concern about unsustainable harvests of wild king salmon in the Ninilchik River, negative hatchery-wild smolt interactions and straying of hatchery fish resulted in a reduction in stocking levels from approximately 180,000 king salmon smolts to 50,000 in 1995. At the same time, the percentage of coded wire tagged hatchery smolts was increased from approximately 20% to 100%.

Wild and hatchery-produced Ninilchik River king salmon escapement has been monitored at a weir operated during part of the king salmon run in July and early August used to artificially spawn fish for stocking. The weir is located approximately 4 miles upstream from the mouth. The Ninilchik River king salmon Sustainable Escapement Goal (SEG) is an index of escapement based upon counts of wild fish released upstream of the weir during July 3 to July 31 from 1999-2007. The SEG range of 550-1,300 has been met each year during that period except in 2007. The 2007 wild king salmon escapement was 545 fish; 5 fish below the goal. The reduced escapement might be explained by the prolonged king salmon run observed in other Lower Cook Inlet area streams so more fish than usual escaped upstream of the weir after operation. The middle 50% of the cumulative Anchor River king salmon run was 17 days longer than the 2004 through 2006 average. Also, the educational fishery king salmon harvest from within one mile of the Ninilchik River mouth increased from an average of 143 during 2001-2006 to 365 in 2007 due to an increase in the 2007 harvest quota.

From 1999 through 2005 the weir was operated over the entire king salmon run. On average, 500 hatchery-produced king salmon escaped annually during 1999 through 2005. In 2006 and 2007 the weir was operated only during July and early August; not over the total run. Based on the 1999-2005 total weir counts, roughly 80% of the total run of hatchery-produced fish passed through the weir during the index monitoring period. Also during this time, hatchery-produced fish arrived at the weir on average 11 days later than the wild fish.

The 1999 through 2006 statewide harvest survey estimated average annual harvest of king salmon from the Ninilchik River was roughly 1,400 fish. Harvest sampling was conducted throughout the area open to sport fishing in 2006. Excluding jack king salmon, the total king salmon harvest ranged from 24% to 34% hatchery-produced fish for all three weekends. In 2007, weekly beach seine surveys were conducted from mid-May through mid-July in the area open to sport fishing to estimate the hatchery-produced

percentage in the sport fishery area. The mean hatchery-produced percentage was 15% and ranged from 0% to 28% for all surveys. The last survey was conducted on July 11 and the hatchery-produced percentage was 21%. The results of this survey suggest that hatchery-produced fish are still available for harvest in mid-July.

The Ninilchik River sport fishery regulations have been liberalized each year since 2001 to increase the harvest of hatchery-produced fish. In 2001-2004 and 2006-2007 the fishery was extended by emergency order for the harvest of hatchery-produced king salmon. In 2005, the BOF increased the bag limit to two king salmon, both of which could be hatchery fish but only one could be wild. The lowest number of hatchery-produced fish counted at the weir during July 3-31 so far has coincided with the increased bag limit implemented by the BOF in concurrence with a continuous opening for hatchery fish in 2007. In 2006, the fishery was extended after the three regulatory weekends from June 14 through July 14. In 2007, the fishery was extended from May 29 through July 15, which included the weeks between the regulatory weekend openings. Two hundred sixty and 81 hatchery-produced king salmon were counted during the index period in 2006 and 2007, respectively. These weir counts were a 47% and 83% reduction from the previous seven year average (1999-2005).

Fishing effort has been relatively low during all fishery extensions when only hatchery fish may be taken. Annual harvest and effort during 2004-2006, have been relatively stable and has not deviated significantly from the 1999-2006 average harvest of 1,400 king salmon and 11,000 angler-days, even with significant liberalization of the fishing times for hatchery-produced fish during those years.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal because it terminates the opportunity to harvest hatchery fish after July 15 when hatchery fish are still present in the fishery. The department **SUPPORTS** the provision of additional opportunity to harvest hatchery king salmon in the Ninilchik River and has proposed a similar regulation with a closure date of December 31.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in the fishery.  
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**PROPOSAL 12 - 5 AAC 56.122(6). Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Kenai Peninsula Area.**

PROPOSED BY: Gary Sinnhuber

WHAT WOULD THE PROPOSAL DO? This proposal would reduce the king salmon bag limit in the Ninilchik River from two fish per day, only one of which may be a naturally-produced fish, to one fish per day.

WHAT ARE THE CURRENT REGULATIONS? The bag and possession limit is two king salmon 20 inches or greater in length, of which only one fish may be a naturally-produced king salmon. An annual limit of five king salmon can be harvested from the Ninilchik River.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Opportunity to harvest hatchery-produced king salmon from the Ninilchik River would decrease.

BACKGROUND: King salmon have been stocked in the Ninilchik River since 1988 to provide additional harvest opportunity for sport anglers. Concern about unsustainable harvests of wild king salmon in the Ninilchik River, negative hatchery-wild smolt interactions and straying of hatchery fish resulted in a reduction in stocking levels from approximately 180,000 king salmon smolts to 50,000 in 1995. At the same time, the percentage of coded wire tagged hatchery smolts was increased from approximately 20% to 100%.

Wild and hatchery-produced Ninilchik River king salmon escapement has been monitored at a weir operated during part of the king salmon run in July and early August. The weir is located approximately 4 miles from the mouth and is also utilized to collect fish for brood stock. The Ninilchik River king salmon Sustainable Escapement Goal (SEG) of 550-1,300 fish is an index of spawning escapement based upon counts of wild fish passed upstream of the weir during July 3 to July 31 from 1999-2007. The SEG has been met each year during that period except in 2007. The 2007 wild king salmon escapement was 545 fish; 5 fish below the goal. The reduced escapement might be explained by the prolonged king salmon run observed in other Lower Cook Inlet area streams resulting in more fish passing upstream after weir operations. The central 50% of the cumulative Anchor River king salmon run was 17 days longer than the 2004 through 2006 average. Also, the educational fishery king salmon harvest within one mile of the Ninilchik River mouth increased from an average of 143 during 2001-2006 to 365 in 2007 due to an increase in the 2007 harvest quota.

From 1999 through 2005 the weir was operated over the entire king salmon run. On average, 500 hatchery-produced king salmon escaped annually during 1999 through 2005. In 2006 and 2007 the weir was operated only during July and early August; not over the total run. Based on the 1999-2005 total weir counts, roughly 80% of the total run of hatchery-produced fish passed through the weir during the index monitoring period. Also during this time, hatchery-produced fish arrived at the weir on average 11 days later than the wild fish.

The 1999 through 2006 statewide harvest survey estimated average annual harvest of king salmon from the Ninilchik River was roughly 1,400 fish. Harvest sampling was conducted throughout the area open to sport fishing in 2006. Excluding jack king salmon, the total king salmon harvest ranged from 24% to 34% hatchery-produced fish for all three weekends. In 2007, weekly beach seine surveys were conducted from mid-May through mid-July in the area open to sport fishing to estimate the hatchery-produced percentage in the sport fishery area. The mean hatchery-produced percentage was 15% and ranged from 0% to 28% for all surveys. The last survey was conducted on July 11

and the hatchery-produced percentage was 21%. The results of this survey suggest that hatchery-produced fish are still available for harvest in mid-July.

The Ninilchik River sport fishery regulations have been liberalized each year since 2001 to increase the harvest of hatchery-produced fish. In 2001-2004 and 2006-2007 the fishery was extended by emergency order for the harvest of hatchery-produced king salmon. In 2005, the BOF increased the bag limit to two king salmon, both of which could be hatchery fish but only one could be wild. The lowest number of hatchery-produced fish counted at the weir during July 3-31 so far has coincided with the increased bag limit implemented by the BOF in concurrence with a continuous opening for hatchery fish in 2007. In 2006, the fishery was extended after the three regulatory weekends from June 14 through July 14. In 2007, the fishery was extended from May 29 through July 15, which included the weeks between the regulatory weekend openings. Two hundred sixty and 81 hatchery-produced king salmon were counted during the index period in 2006 and 2007, respectively. These weir counts were a 47% and 83% reduction from the previous seven year average (1999-2005).

The regulatory increase in the bag limit beginning in 2005 resulted from a compromise with two public participants at the board meeting opposed to the department proposal to open fishing on the Ninilchik River for hatchery-produced king salmon Memorial Day weekend through December 31, intended to increase the harvest of hatchery-produced fish and fishing opportunity. The department agreed that the bag limit increase, suggested by the public participants, was also a viable alternative to boost the harvest of hatchery-produced fish and the board passed the bag limit increase.

Fishing effort has been relatively low during all fishery extensions when only hatchery fish may be taken. Annual harvest and effort during 2004-2006, have been relatively stable and has not deviated significantly from the 1999-2006 average harvest of 1,400 king salmon and 11,000 angler-days, even with significant liberalization of the fishing times for hatchery-produced fish during those years.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal because it reduces the likelihood that hatchery-produced king salmon will be harvested from the Ninilchik River.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in the fishery.  
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**Lower Cook Inlet Saltwater (6 proposals)**

**PROPOSAL 13 - 5 AAC 58.022(b)(2). Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area.**

PROPOSED BY: Nick Varney

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit the use of weighted hooks, hooks that follow weights, and bobbers that follow hooks or weights during times that snagging is prohibited in the Nick Dudiak Fishing Lagoon (Fishing Lagoon).

WHAT ARE THE CURRENT REGULATIONS? Sport fishing may be conducted only 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 use of fixed or weighted hooks or lures is prohibited by regulation in freshwater but not in saltwater. Fixed or weighted hook use is considered snagging gear by enforcement personnel and their use in salt waters closed to snagging is a citable offense.

“Snag” is defined as hooking a fish elsewhere than in the mouth of the fish.

The Fishing Lagoon is closed to snagging except during periods opened by emergency order when the stocked salmon that return there become too sexually mature to strike at lures.

The Fishing Lagoon includes the waters from the Homer City Dock near the entrance to the Homer Boat Harbor northwest along the east side of the Homer Spit to the department marker placed approximately 200 yards northwest of the entrance to the Fishing Lagoon, to a distance of 300 feet from the shore.

The daily bag and possession limits in the Fishing Lagoon are two king salmon and six silver salmon. King salmon 20 inches or greater in length count toward the annual limit for Cook Inlet of five and must be recorded.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal would eliminate gear configurations that have become popular in the Fishing Lagoon to hook fish, including weights following hooks and bobbers following hooks. By removing an effective method of hooking fish, fish in the Fishing Lagoon would likely be available longer for harvest by conventional methods. It would also lead to more fish being available for legal snagging during emergency order openings. The proposal would likely reduce the incidence of fish being hooked elsewhere than in the mouth and therefore the opportunity for fish to be retained illegally.

BACKGROUND: The Fishing Lagoon has been stocked with salmon since 1987 to provide sport fishing opportunity and relieve pressure on local wild salmon stocks. Currently early-run king salmon and early- and late-run silver salmon are stocked in the Fishing Lagoon. In 1988, the Alaska Board of Fisheries adopted a regulation closing the Fishing Lagoon area to snagging except after June 23 and only by emergency order when stocked fish quit biting and could not be adequately harvested by conventional fishing methods. The regulation was to provide the opportunity to harvest fish by conventional means until the fish no longer struck at lures. The Fishing Lagoon has typically been opened to snagging by emergency order twice each summer; around July 4 and in mid-September.

The popularity of fishing with weights following single hooks at the Fishing Lagoon increased from 1997 to 2001 along with public complaints about the incidence of fish being snagged and snagged fish being kept by anglers using that gear configuration. The technique, called "tight lining", allows the suspension of the fishing line and hook in midwater where a passing salmon would encounter the line and the angler sets the hook. Ideally, the line intercepted the fish's open mouth and the angler lodged the hook in the area around the fish's mouth. Weighted hooks or hooks with trailing or following weights were the most common tackle of anglers with snagged fish observed by department personnel during the peak of their use. In 2001, the department issued an emergency order prohibiting the use of weighted hooks and trailing weights to reduce the incidence of fish being snagged and kept. The use of hooks trailing bobbers rather than weights is currently a popular gear at the Fishing Lagoon. The technique, whether the hook trails a bobber or a weight, is similar.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the social aspects of this proposal but supports regulations that discourage illegal activities. If this proposal is to pass, the term "bobber" will need to be defined and the language describing what configuration of gear will need to be precise to be enforceable.

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

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**PROPOSAL 14 - 5 AAC 58.022(b)(2). Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area.**

PROPOSED BY: Gary Sinnhuber

WHAT WOULD THE PROPOSAL DO? This proposal would increase the bag limit of king salmon less than 20 inches in length to 10 fish in the Nick Dudiak Fishing Lagoon.

WHAT ARE THE CURRENT REGULATIONS? The bag and possession limits in all waters south of the latitude of Bluff Point, including the Fishing Lagoon, are two king salmon of any size. King salmon 20 inches or greater in length harvested between April 1 and September 30 count toward the annual limit of five fish for all of Cook Inlet and must be recorded.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Since this is a terminal fishery, all the fish are eventually harvested. This proposal would likely reduce fishing opportunity as a result of fewer anglers taking more fish.

BACKGROUND: The saltwater bag and possession limits of two king salmon of any size was implemented in 1966. In 1991, the bag limit north of Bluff Point was reduced to one king salmon of any size to protect migrating Cook Inlet spawners from overharvest in the saltwater. The bag limit of two south of Bluff Point was retained to provide sport

harvest opportunity on fish returning to stocked terminal harvest areas in Kachemak Bay: the Fishing Lagoon, Seldovia and Halibut Cove Lagoon.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The current bag limit helps to spread the harvest out at this popular fishery thereby increasing the opportunity for anglers to harvest a fish. Although the department has emergency order authority to increase bag limits, the department typically opens this fishery to snagging by emergency order to harvest all of the stocked fish in this terminal fishery.

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

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**PROPOSAL 15: 5 AAC 77.549. Personal Use Coho Salmon Fishery Management Plan.**

PROPOSED BY: Nick C. Varney

WHAT WOULD THE PROPOSAL DO? Prohibit personal use set gillnets within one thousand yards of the Nick Dudiak Fishing Lagoon outlet.

WHAT ARE THE CURRENT REGULATIONS? Salmon may be taken for personal use from August 16 through September 15, from 6:00 a.m. Monday until 6:00 a.m. Wednesday and from 6:00 a.m. Thursday until 6:00 a.m. Saturday. Legal gear is limited to a single set gillnet not exceeding 35 fathoms in length, 45 meshes in depth, with a maximum mesh size of six inches. Nets are not allowed more than 500 feet from the mean high water mark, and a net cannot be set offshore of another net. A permit from the Homer ADF&G office is required, and an Alaska resident sport fishing license is necessary to obtain a permit. The seasonal limit is 25 salmon per head of household and 10 additional salmon per each dependent. The fishery is closed by emergency order, usually when a catch within the guideline harvest range (GHR) of 1,000 - 2,000 coho salmon is achieved or can be projected. Salmon may not be taken from the north entrance to the Homer Small Boat harbor northwest along the Homer Spit to a department marker located approximately 200 yards northwest of the entrance to the enhancement lagoon on the Homer Spit; or west of a line from an ADF&G regulatory marker at "Green Timbers" near the base of the Homer Spit to an ADF&G regulatory marker approximately 300 yards east of the Homer airport access road.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This proposal could decrease the personal use gillnet harvest of coho salmon stocked at the Nick Dudiak Fishing Lagoon on the Homer Spit and may increase the personal use harvest of wild stock coho salmon returning primarily to the Fox River system at the head of Kachemak Bay. Adoption of this proposal may also increase the length of time required to achieve a harvest within the current GHR. This proposal would also reduce the available personal use fishing area on the Homer Spit, displacing some personal use fishers to alternative locations within Kachemak Bay.

**BACKGROUND:** The Southern District (Kachemak Bay) fall coho salmon gillnet fishery dates back prior to statehood under varying names, being known as a “personal use” fishery during the years 1986-1990, 1993, and 1995–present, and as a “subsistence” fishery in 1991, 1992, and 1994. Numerous court rulings affected the status of this fishery during the 1980s and 1990s, causing it to change in status between the two categories. The most recent court action, after the 1994 fishery, reestablished the “subsistence” and “non-subsistence” areas originally created by the Alaska Board of Fisheries (BOF) in 1992, and because most of Kachemak Bay was included in a “non-subsistence” classification, the subsistence fishery and the regulations governing it were no longer valid. The BOF re-adopted personal use regulations governing this fishery into permanent regulation for the 1995 season and rescinded the subsistence regulations formerly governing the fishery. The personal use designation, and regulations applying to it, have remained in effect since that time.

The target species in the Kachemak Bay personal use gillnet fishery is coho salmon, with the harvest being a mixture of wild stocks primarily bound for the Fox River drainage at the head of Kachemak Bay and stocked fish bound for the Nick Dudiak Fishing Lagoon, located on the Homer Spit. Two separate coho enhancement projects, one at Fox Creek/Caribou Lake near the head of Kachemak Bay and the second at Fritz Creek just east of Homer, provided additional fish for harvest in the 1980s and 1990s, but those programs were discontinued and no adults from those projects returned after 1997. The BOF last addressed this fishery during its 1998 meeting in Homer. After hearing the staff’s concerns regarding the harvest of wild stocks of coho, the BOF adopted a change to the regulatory GHR, from a former range of 2,500 to 3,500 coho salmon to a new range of 1,000 to 2,000 coho. The lower GHR was first implemented in the 1999 season and has been in place ever since. Incorporated into the management plan is a requirement that coho salmon taken during the earlier Seldovia area subsistence salmon fishery be included as part of the personal use guideline.

Stocked adult coho salmon first started returning to the Nick Dudiak Fishing Lagoon in 1989. When stocked coho salmon began returning, effort in the personal use fishery began to shift towards Homer Spit, peaking there in 1996. Both effort and coho salmon harvest in the personal use fishery on the Homer Spit declined steadily thereafter.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this allocative proposal. Department staff believes that the present GHR is reasonable at protecting wild stocks.

**COST STATEMENT:** The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

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**PROPOSAL 16 - 5 AAC 58.022(b)(2). Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area.**



PROPOSED BY: Cook Inlet Aquaculture Association

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit sport fishing for salmon within 100 yards of the Tutka Bay Lagoon hatchery net pens from July 1 through September 15.

WHAT ARE THE CURRENT REGULATIONS? The waters of Tutka Bay Lagoon are currently open all year to sport fishing for salmon. Cook Inlet saltwaters south of Bluff Point are open to snagging from June 24 through December 31.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Interference with hatchery broodstock and equipment by anglers fishing would be prevented. Anglers could continue to fish for other species within 100 yards of the net pens, however it is likely little, if any, fishing would occur in the closed area.

BACKGROUND: The Tutka Bay Lagoon Hatchery operated from 1975-2004. Pink salmon from Tutka Bay Lagoon Creek were spawned and reared in the hatchery from 1975-2003. Sockeye salmon broodstock from Tustemena and Packers lakes were remotely spawned and the progeny experimentally reared at the hatchery in 1991 and 1994-1997. Net pens have been in place and in use throughout hatchery operations. Net pen floats have remained in place since discontinuation of the pink salmon enhancement program and suspension of hatchery operations after the 2004 season.

A small sport fishery targeting the hatchery-produced pink salmon evolved in Tutka Bay near the mouth of the lagoon and in Tutka Bay Lagoon itself until 2006. Historically, a few sport anglers have sporadically targeted naturally-produced salmon and Dolly Varden in Tutka Bay Lagoon Creek and in the saltwater of Tutka Bay Lagoon.

Sport anglers have not previously been restricted from fishing on or near the net pens by sport fishing regulation although the net pens have been posted with "No Trespassing" signs by hatchery staff during pen use.

Cook Inlet Aquaculture Association has begun to develop a sockeye salmon run to Tutka Bay Lagoon through a remote release program at that location with the first adult return of stocked sockeye salmon occurring in 2007. If successful, the run will provide broodstock for ongoing Lower Cook Inlet enhancement projects at Leisure, Hazel and Kirschner lakes that support commercial fisheries and, incidentally, support sport and personal use sockeye salmon fisheries in China Poot Bay.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The board has adopted regulations in other areas that closed angling activities in small areas adjacent to hatchery operations.

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

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**PROPOSAL 17 - 5 AAC 58.022(b)(2). Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area.**

PROPOSED BY: Leroy Cabana

WHAT WOULD THE PROPOSAL DO? This proposal would close the saltwaters of Tutka Bay Lagoon to sport and personal use fishing for sockeye salmon by preventing use of sport and personal use fishing gear for the harvest of sockeye salmon.

WHAT ARE THE CURRENT REGULATIONS? All waters of Tutka Bay Lagoon are currently open to sport and personal use fishing for all species.

In Alaskan waters, including Tutka Bay Lagoon, sport fishing may be conducted only 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. Fixed or weighted hooks or lures may be used in saltwater.

Cook Inlet saltwaters south of Bluff Point are open to snagging from June 24 through December 31. "Snag" is defined as hooking a fish elsewhere than in the mouth of the fish.

Salmon may be taken for personal use in Tutka Bay Lagoon under the provisions of 5 AAC 77.549 Personal Use Coho Salmon Fishery Management Plan between August 16 through September 15 during 2 48-hour periods per week until a harvest guideline of between 1000-2000 salmon is taken. A permit is required and each permittee is limited to the use of one set gillnet not to exceed 35 fathoms in length, six inches in mesh size and 45 meshes deep. Individual limit is 25 salmon with an additional 10 salmon allowed for each family member.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Sport anglers and personal use harvesters could not harvest sockeye salmon in Tutka Bay Lagoon. Sport and personal use gear could be used to fish for other species in Tutka Bay Lagoon, however, creating difficulty enforcing the proposed regulation.

BACKGROUND: The Tutka Bay Lagoon Hatchery operated from 1975-2004. Pink salmon from Tutka Bay Lagoon Creek were spawned and reared in the hatchery from 1975-2003. Sockeye salmon broodstock from Tustemena and Packers lakes were remotely spawned and the progeny experimentally reared at the hatchery in 1991 and 1994-1997.

A small sport fishery targeting the hatchery-produced pink salmon evolved in Tutka Bay near the mouth of the lagoon and in Tutka Bay Lagoon itself until 2006. Historically, a few sport anglers have sporadically targeted naturally-produced salmon and Dolly Varden in Tutka Bay Lagoon Creek and in the saltwater of Tutka Bay Lagoon.

Cook Inlet Aquaculture Association has begun to develop a sockeye salmon run to Tutka Bay Lagoon through a remote release program at that location with the first adult return of stocked sockeye salmon occurring in 2007. If successful, the run will provide broodstock for ongoing Lower Cook Inlet enhancement projects at Leisure, Hazel and Kirschner lakes that support commercial fisheries and, incidentally, support sport and personal use sockeye salmon fisheries in China Poot Bay.

No personal use fishing is known to have taken place historically in Tutka Bay Lagoon.

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

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

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**PROPOSAL 18 - 5 AAC 58.022 (8). Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area.**

PROPOSED BY: Seward Charter Boat Association

WHAT WOULD THE PROPOSAL DO? This proposal would reclassify the spiny dogfish (*Squalus acanthias*) from a shark to “other finfish,” and remove the bag, possession, and annual limits for them.

WHAT ARE THE CURRENT REGULATIONS? The bag and possession limit is one shark of any species per day, with an annual limit of two sharks per year and a harvest record is required. Species of fish for which no daily or possession limits are specified may be used for bait or other purposes.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The harvest of spiny dogfish would increase by allowing unlimited harvest.

BACKGROUND: The Cook Inlet and Resurrection Bay sport fisheries have experienced relatively high dogfish catch rates since about 2001, especially in late July and August. However, there is little recreational demand for dogfish. About 37,500 sharks were caught in the Cook Inlet-Resurrection Bay Regulatory Area in 2006, but only about 450 were kept. Since 2000, anglers in this area have released 95%-99% of sharks they 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 because of their low reproductive rate. That, along with the wide diversity of ages in the population, suggests that the high catch rates in recent years are a result of shifts in the spatial distribution of dogfish. Dogfish are highly migratory.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Current regulations allow for a much larger harvest of these fish than what currently occurs.

Increasing the bag limit is not likely to increase the harvest of spiny dogfish taken home by anglers since most anglers are not aware of their table value or how to preserve and prepare the meat.

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

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#### **Resurrection Bay and Outer Gulf Coast Sport, Subsistence, and Personal Use (4 proposals)**

#### **PROPOSAL 19 - 5 AAC 58.022 (6). Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area.**

PROPOSED BY: Seward Fish and Game Advisory Committee

WHAT WOULD THE PROPOSAL DO? This proposal would reduce the bag limit of rockfish in Cook Inlet and North Gulf waters to the first four rockfish caught, of which only one may be a non-pelagic species.

WHAT ARE THE CURRENT REGULATIONS? The bag limit is five rockfish per day, ten in possession, of which only one per day, two in possession may be non-pelagic species.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Anglers would be prohibited from releasing rockfish until their bag limit of four was reached, or until they had harvested one non-pelagic rockfish. By requiring retention of the first four rockfish caught, anglers not targeting rockfish would be forced to retain pelagic species that might otherwise be released with a high probability of survival. Passage of this proposal would also have implications for the subsistence rockfish regulations, which mirror sport fish regulations for bag and possession limits. If this were to pass, the BOF, with the same reasoning, might consider the same change to the subsistence regulations.

BACKGROUND: The 10-year (1997-2006) average catch for rockfish in the North Gulf is about 55,000 fish, with a harvest of 32,000. The catch in recent years has been higher, with a peak of 81,000 fish in 2004. In that 10-year period anglers reported releasing 26%-42% of the rockfish they caught. The catch and release mortality is considered very high for some rockfish species due to barotrauma to internal organs caused by pressure changes when bringing rockfish to the surface.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Rockfish stocks are difficult to monitor and manage, but data suggest that current harvest levels of North Gulf rockfish stocks are sustainable. Rockfish age structure from both charter and private anglers appears to be stable and older age classes are still present in rockfish stocks. Reducing the bag limit from five to four rockfish alone would result in a decrease in the rockfish harvest of an estimated 4%, but adding the requirement to keep the first

four rockfish caught could confuse anglers, increase harvest, and generate waste of rockfish. The current rockfish bag limit of five per day, ten in possession is consistent with Prince William Sound limits for May 1 through Sept 15 (Prince William Sound limits increase to ten per day from September 16 through April 30).

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

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**PROPOSAL 20 -5 AAC 56.122(9). Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Kenai Peninsula Area.**

PROPOSED BY: Seward Fish and Game Advisory Committee

WHAT WOULD THE PROPOSAL DO? This proposal would create a Youth-Only fishery in the Seward Lagoon and the Seward Lagoon outfall stream for king salmon (two 3-day weekends) and coho salmon (two 3-day weekends) fishing. It would allow bait, but prohibit snagging. The limit for king salmon would be 2 per day and the limit for coho salmon would be 3 per day. Anglers would not be required to record king salmon harvested in the waters of the North Gulf Coast, and they would not count toward the five fish annual limit.

WHAT ARE THE CURRENT REGULATIONS? The Seward Lagoon and lagoon outflow stream are closed to all fishing. Fishing is open on the ocean side of the Lagoon Outfall culverts with a bag limit of six salmon per day, all of which can be coho salmon, and two can be king salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? This fishery would create a terminal fishery and allow anglers 15 years and younger the opportunity to harvest surplus hatchery king and coho salmon returning to their stocking location. There are currently no Youth-Only salmon fisheries in the Seward area.

BACKGROUND: The Seward Lagoon and outfall stream are closed to all fishing. ADF&G has stocked the lagoon with coho salmon every year since 1968, and the current stocking goal is 120,000 smolt each year. King salmon were first stocked there in 1985, and have been stocked every year since 1988. The current stocking goal is 105,000 king salmon smolt each year. Typically more than 100 king salmon and many more coho salmon escape the marine fishery, move into the outfall stream and then into the Lagoon where they were imprinted as smolt. There are no escapement goals or brood stock goals for either king or coho salmon into the lagoon as these fish are considered to be surplus hatchery returns and are available for harvest.

The BOF only recently obtained the legislative authority to create Youth-Only fisheries. These fisheries are designed to allow young anglers, aged 15 and younger, an opportunity to fish without having to compete with the more skilled adult anglers. Youth-Only

salmon fisheries are now in regulation on Campbell Creek in Anchorage for king salmon, at the Nick Dudiak Fishing Lagoon in Homer for both king and coho salmon, and at First Lake in Seward for stocked trout. These fisheries are successful family oriented events.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. A Youth-Only fishery in the Lagoon and outfall stream would be a good way harvest excess hatchery fish returning to their stocking location. Targeting two 3-day weekends for each species give young anglers a better chance to fish during the peak timing of this run. For king salmon, the department recommends the last Friday, Saturday, and Sunday in June, and the second weekend in July. The suggested dates for the coho salmon fishery: the first weekend in August and the first weekend in September may need some revision. For regulatory consistency with the other freshwater coho fishery in the Seward area we recommend a bag and possession limit of two coho salmon per day. The lagoon and outfall stream should remain closed to all other fishing.

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

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**PROPOSAL 21 - 5 AAC 56.122(9)(D). Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Kenai Peninsula Area.**

PROPOSED BY: Seward Fish and Game Advisory Committee

WHAT WOULD THE PROPOSAL DO? Open the Resurrection River drainage, downstream of the Seward Highway and downstream of Nash Road, to sockeye salmon fishing after June 15. The bag limit would be 3 fish per day, 3 in possession. Only a single-hook artificial lure would be allowed.

WHAT ARE THE CURRENT REGULATIONS? The waters downstream of the Seward highway and downstream from Nash road are open to sport fishing for salmon, except king salmon, from August 1 – December 31; only single-hook, artificial lures may be used; the bag and possession limit is three salmon per day, of which only two may be coho salmon. All other freshwater drainages in Resurrection Bay are closed to salmon fishing year round.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Anglers would target hatchery-produced sockeye salmon returning to Bear Lake. There is currently a recreational fishery on these salmon in the marine waters as defined by ADF&G markers off the mouth of Resurrection River. This is primarily a snag fishery. This proposal would increase the size of the area open to anglers fishing for sockeye salmon and allow them to target them in fresh water and likely increase the harvest of sockeye salmon.

**BACKGROUND:** Freshwater drainages in Resurrection Bay have been closed to salmon fishing since 1960. At the last BOF meeting the board considered a similar proposal and decided to open the Resurrection River drainage, downstream of the Seward Highway and downstream of Nash Road to salmon fishing from August 1 – December 31. Access to the fishery is through private property along this reach of river. This new coho salmon fishery has not had much participation since anglers have plenty of opportunity for coho in Resurrection Bay saltwater. Freshwater salmon fishing opportunity in Resurrection Bay is very limited.

The saltwater sockeye salmon fishery that has developed at the mouth of the Resurrection River is the earliest salmon fishery available to local residents. The most recent 5-year (2001-2005) average of sockeye salmon harvest from Resurrection Bay is 3,000 fish. The harvest in 2005 was 5,460 fish and the estimate for harvest in 2006 was 4,372 fish. It is assumed that most of this harvest is taken off the mouth of Resurrection River during June and early July. Because this fishery takes place in saltwater, snagging is legal and the favored method of harvest. If this section of river is opened on June 15<sup>th</sup> to sockeye, anglers fishing the freshwater side of the mouth may only use one single hook artificial lure.

The recent increase of sockeye salmon sport fishing harvest coincides with increased stocking levels into Bear Lake by Cook Inlet Aquaculture Association (CIAA). CIAA currently stocks Bear Lake with 2.4 million sockeye salmon fry, an average of 750,000 pre-smolt, and as many as 400,000 smolt. Since the sockeye stocking project is partially supported by commercial fishing enhancement taxes, the adult sockeye returning from these releases are primarily harvested in a small commercial seine fishery in Resurrection Bay and by CIAA for cost recovery, and secondarily by the sport fishery at the mouth of the river. Bear Lake has an SEG of 700 – 8,300 sockeye, and because CIAA collects hatchery broodstock from lake escapement, the return is managed to achieve a “desired inriver return” of approximately 12,000 sockeyes into the lake.

The Resurrection Bay Management Plan (5 AAC 21.376) allocates coho and king salmon primarily for the sport fishery and the pink and chum salmon primarily to the commercial fishery. It also states that the commercial fishery must be managed in a manner so that it does not interfere with the recreational fishery. The Bear Lake Management Plan (5 AAC 21.375) states that any sockeye salmon enhancement in Bear Lake will cause no net loss of coho salmon smolt production from the lake, and must maintain the early run timing similar to the native Bear Lake sockeye stocks. The prime objective of any Bear Lake sockeye enhancement is to produce a commercially viable fishery with minimal impact on the recreational fishery. The department’s management objective for the enhanced commercial sockeye salmon fishery is to achieve an equal allocation of the harvestable surplus between the commercial fishermen and CIAA for cost recovery.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this allocative proposal between sport anglers and CIAA’s ability to achieve its sockeye salmon cost recovery objective as mandated by regulation.

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

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**PROPOSAL 22 - 5 AAC 01.570. Lawful gear and gear specifications.**

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the retention of rockfish and lingcod when harvested with gear that is legal in other subsistence fisheries.

WHAT ARE THE CURRENT REGULATIONS? State of Alaska subsistence regulations for the Cook Inlet Area 5 AAC 01.570 **LAWFUL GEAR AND GEAR SPECIFICATIONS** (m) and (n) specify that lingcod and rockfish may only be taken by a single hand troll, single hand-held line, or single longline, none of which may have more than five hooks attached to it.

Current federal subsistence regulations (68 FR 18145, April 15, 2003) allow holders of a Subsistence Halibut Registration Certificate (SHARC) to use set line or hand line gear of not more than 30 hooks including longline, hand line, rod and reel, spear, jig, and hand-troll gear.

5 AAC 01.595 **SUBSISTENCE BAG, POSSESSION, AND SIZE LIMITS** (c) specifies the daily bag limit for lingcod is two fish and the possession limit is four fish. A person may not take or possess lingcod under sport fishing regulations and under this section on the same day. Lingcod must measure at least 35 inches from the tip of the snout to the tip of the tail, or 28 inches from the front of the dorsal fin to the tip of the tail. Undersized lingcod shall be returned to the water immediately without further injury; (d) specifies the daily bag limit of rockfish is five fish and the possession limit is ten fish, of which only one per day and two in possession may be non-pelagic rockfish. A person may not take or possess rockfish under sport fishing regulations and under this section on the same day.

5 AAC 01.560. **FISHING SEASONS AND DAILY FISHING PERIODS** (l) specifies that lingcod may be taken for subsistence purposes only from July 1 through December 31.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Federal Pacific halibut subsistence fishermen would be able to retain up to 2 lingcod and 5 rockfish per day (only one of which could be a non-pelagic rockfish) with a possession limit of 4 lingcod and 10 rockfish (only two of which could be a non-pelagic rockfish) while participating as a SHARC holder in the federal Pacific halibut subsistence fishery.

BACKGROUND: In that portion of the Cook Inlet Area outside the Anchorage-Matsu-Kenai Nonsubsistence Area as defined in 5 AAC 99.015, subsistence halibut fishers,



fishing under federal subsistence regulations adopted by the National Marine Fisheries Service and in effect since 2003, incidentally catch rockfish and lingcod on subsistence gear utilizing more hooks than currently allowed under subsistence regulations for rockfish and lingcod.

According to the results of surveys of subsistence halibut fishers conducted by the Division of Subsistence, ADF&G, an annual average of 30 subsistence halibut fishers (range 20 to 45) harvested an annual average 185 lingcod (range 117 to 266) in the portion of the Cook Inlet Area under consideration in this proposal from 2003 through 2006. Also, an average of 49 subsistence halibut fishers (range 32 to 73) harvested an average of 690 rockfish (range 330 to 934) in this area from 2003 through 2006 (Division of Subsistence Technical Papers 288, 304, 320, and 333 by Fall et al.).

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal. The board in January 2005 adopted a similar department proposal for the Kodiak Area (5 AAC 01.520 (e)(f)) to address the same issue in that area.

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

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? Yes. The Board has found that bottomfish, halibut, and herring in those portions of the Cook Inlet Area outside the boundaries of the nonsubsistence area described in 5 AAC 99.015(a)(3) are customarily and traditionally used for subsistence (5 AAC 01.566(4)).
3. Can a portion of the stock be harvested consistent with sustained yield? Yes
4. What amount is reasonably necessary for subsistence use? The Board has established a range of 100 to 225 lingcod (5 AAC 01.566 (b)) and 750-1250 rockfish (5 AAC 01.566(c)) in the portion of the Cook Inlet Area described in 5 AAC 01.575(A)(9) as reasonably necessary for subsistence. 5 AAC 01.575(9) defines this area as "the waters of the Cook Inlet Area that are outside the boundaries of the nonsubsistence area described in 5 AAC 99.015(a)(3) and that are south of 59° 30' N. lat. and west of 151° 20' W. long."
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.

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**Staff Comments on Proposals 392-400**

**Alaska Board of Fisheries Lower Cook Inlet Finfish Meeting**

**November 13-15, 2007**

**by**

**Alaska Department of Fish and Game**

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November 2007

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.

<b>Weights and measures (metric)</b>		<b>General</b>		<b>Measures (fisheries)</b>	
centimeter	cm	Alaska Administrative Code	AAC	fork length	FL
deciliter	dL	all commonly accepted abbreviations	e.g., Mr., Mrs., AM, PM, etc.	mid-eye-to-fork	MEF
gram	g	all commonly accepted professional titles	e.g., Dr., Ph.D., R.N., etc.	mid-eye-to-tail-fork	METF
hectare	ha	at	@	standard length	SL
kilogram	kg	compass directions:		total length	TL
kilometer	km	east	E	<b>Mathematics, statistics</b>	
liter	L	north	N	<i>all standard mathematical signs, symbols and abbreviations</i>	
meter	m	south	S	alternate hypothesis	H <sub>A</sub>
milliliter	mL	west	W	base of natural logarithm	e
millimeter	mm	copyright	©	catch per unit effort	CPUE
		corporate suffixes:		coefficient of variation	CV
		Company	Co.	common test statistics	(F, t, $\chi^2$ , etc.)
		Corporation	Corp.	confidence interval	CI
		Incorporated	Inc.	correlation coefficient (multiple)	R
		Limited	Ltd.	correlation coefficient (simple)	r
		District of Columbia	D.C.	covariance	cov
		et alii (and others)	et al.	degree (angular)	°
		et cetera (and so forth)	etc.	degrees of freedom	df
		exempli gratia	e.g.	expected value	E
		(for example)		greater than	>
		Federal Information Code	FIC	greater than or equal to	≥
		id est (that is)	i.e.	harvest per unit effort	HPUE
		latitude or longitude	lat. or long.	less than	<
		monetary symbols (U.S.)	\$, ¢	less than or equal to	≤
		months (tables and figures): first three letters	Jan., ..., Dec	logarithm (natural)	ln
		registered trademark	®	logarithm (base 10)	log
		trademark	™	logarithm (specify base)	log <sub>2</sub> , etc.
		United States (adjective)	U.S.	minute (angular)	'
		United States of America (noun)	USA	not significant	NS
		U.S.C.	United States Code	null hypothesis	H <sub>0</sub>
		U.S. state	use two-letter abbreviations (e.g., AK, WA)	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

<b>Weights and measures (English)</b>					
cubic feet per second	ft <sup>3</sup> /s				
foot	ft				
gallon	gal				
inch	in				
mile	mi				
nautical mile	nmi				
ounce	oz				
pound	lb				
quart	qt				
yard	yd				

<b>Time and temperature</b>					
day	d				
degrees Celsius	°C				
degrees Fahrenheit	°F				
degrees kelvin	K				
hour	h				
minute	min				
second	s				

<b>Physics and chemistry</b>					
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				

***REGIONAL INFORMANTION REPORT NO. 5J07-XX***

**STAFF COMMENTS ON REGULATORY PROPOSALS 392-400**

**ALASKA BOARD OF FISHERIES LOWER COOK INLET FINFISH  
MEETING**

**NOVEMBER 13-15, 2007**

By

Alaska Department of Fish and Game, Divisions of Commercial Fisheries, Sport Fish and Subsistence  
Juneau

Alaska Department of Fish and Game  
Division of Commercial Fisheries  
Publishing Office Address

November 2007

The Regional Information Report Series was established in 1987 and was redefined in 2006 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/html/intersearch.cfm>.

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## ABSTRACT

This publication is a compilation of Alaska Department of Fish and Game (ADF&G) staff comments on regulatory proposals 302-400. These proposals resulted from agenda change requests accepted by the Alaska Board of Fisheries (BOF) or were generated by BOF at the work session held in October 2007.

Key words: agenda change request, Board of Fisheries, comments, proposals

## INTRODUCTION

Regulatory proposals 302 through 400 resulted from agenda change requests accepted by the Alaska Board of Fisheries (BOF) or were generated by BOF at the work session held in October 2007. These proposals along with Alaska Department of Fish and Game (ADF&G) staff comments on these proposals are provided.

These proposals include:

Proposal 392 (was ACR 12) - 5 AAC 02.310 Subsistence Shellfish Fishery; 5 AAC 02.311. Customary and traditional subsistence uses of shellfish stocks. Allow subsistence harvest of shellfish in Kachemak Bay.

Proposal 393 (was ACR 24) - 5 AAC 75.xxx. New regulation. Have state halibut regulations mirror federal regulations for consistency with the North Pacific Halibut Act and international treaty.

Proposal 394 (was ACR 25) - 5 AAC 02.011. Subsistence fishing by proxy; 5 AAC 75.011. Sport fishing by proxy; and 5 AAC 77.016. Personal use fishing by proxy. Modify reporting requirements for subsistence, sport, and personal use shellfish fisheries.

Proposal 395 - 5 AAC 28.073. Trip limits for commercial pollock vessels. Modify Pollock trip limits for vessels in a 24-hour period as follows:

Proposal 396 - 5 AAC 28.645. Aleutian Islands District Walleye Pollock Management Plan. Amend or repeal the Adak state-waters walleye Pollock fishery.

Proposal 397 - 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan. Reduce maximum vessel size to 60 feet for all permitted gear types in the Aleutian Islands District state-waters Pacific cod fishery as follows:

Proposal 398 - 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan. Provide for a pot-gear reopening of the A season fishery and in the B season in the Aleutian Islands District state-waters Pacific cod fishery as follows:

Proposal 399 - 5 AAC 28.050(e). Lawful gear for groundfish.; and 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan. Increase the size of tunnel openings for groundfish pots used in the Aleutian Islands District state-waters Pacific cod fishery as follows:

Proposal 400 - 5 AAC 39.xxx. New section. Modify vessel length definition to exclude bulbous bow in vessel length calculation.

## **PROPOSAL 392 (ACR 12)**

**5 AAC 02.310 Subsistence Shellfish Fishery; 5 AAC 02.311. Customary and traditional subsistence uses of shellfish stocks.** Allow subsistence harvest of shellfish in Kachemak Bay.

The rural community members of Port Graham, Nanwalek, and Seldovia have historically harvested hard shell clams for subsistence use in the Kachemak Bay. The regulations currently in place do not accurately reflect the traditional use area to the Port Graham Sub-district; this regulation makes it impossible to participate in the hard shell clam harvest as there are no harvestable clam populations in the Port Graham Sub-district since the 1964 earthquake.

Sections of the regulations that apply include:

**5 AAC 02.310. Subsistence shellfish fishery**

(a) In the nonsubsistence area described in 5 AAC 99.015(a) (3),\* and except as otherwise provided in this section, no person may take shellfish for subsistence purposes.

(b) Clams may be taken in the Port Graham Subdistrict.

**5 AAC 02.311. Customary and traditional subsistence uses of shellfish stocks**

The Alaska Board of Fisheries finds that clams in the Port Graham Subdistrict are customarily and traditionally used for subsistence.

**Proposed by:** Herman N. Moonin Jr., Port Graham Village Council



## ADF&G COMMENTS ON PROPOSAL 392 (ACR 12)

**PROPOSAL 392 (formerly ACR 12) - 5 AAC 02.311. Customary and Traditional Uses of Shellfish Stocks; and 5 AAC 02.310. Subsistence Shellfish Fishery.**

Proposed by: Herman N. Moonin Jr., Port Graham Village Council

What would the proposal do? This proposal (formerly ACR 12) would modify the customary and traditional use (C&T) finding for clams in the Port Graham Subdistrict of the Cook Inlet Area, extending the finding to other shellfish and other areas, and adopt regulations allowing the subsistence harvest of shellfish in portions of the Cook Inlet Area outside the Anchorage-Matsu-Kenai Nonsubsistence Area.

What are the current regulations? Regulation 5 AAC 02.310 (a) closes all subsistence harvesting of shellfish in the Cook Inlet Area "except as otherwise provided in this section." In 1982, the Alaska Board of Fisheries (BOF) found that clams in the Port Graham Subdistrict of the Cook Inlet Area were customarily and traditionally used for subsistence purposes (5 AAC 02.311) and regulation 5 AAC 02.310 (b) provides for the subsistence harvest of clams. The clam season is open all year and there are no bag, possession, or minimum size limits. Regulations authorize no other subsistence shellfish fisheries in the Cook Inlet Area.

Other noncommercial harvest opportunities for shellfish are provided under sport and personal use fishing regulations in Cook Inlet. Sport and personal use shellfish fishing require a sport fishing license (5 AAC 75.005, 5 AAC 77.010(a)). There are no bag, possession, or season restrictions for open shellfish fisheries other than for hardshell clams (Pacific littleneck clams (*Protothaca staminea*) and butter clams (*Saxidomus giganteus*)).

Within the Southern District, which includes Kachemak Bay, 5 AAC 38.318(d) establishes an annual guideline harvest level of 160,000 pounds of hardshell clams for the non-commercial and 40,000 pounds of hardshell clams for the commercial fisheries. The sport and personal use hardshell clam fisheries are open all year and are managed under minimum legal size, bag and possession limits of 1.5 inches and 1,000 clams for littleneck clams and 2.5 inches and 700 clams for butter clams (5 AAC 58.022 (12- 13) 5 AAC 77.518 (1), (2)(B) and (2)(C)). Regulations 5 AAC 75.035, 5 AAC 58.035 (d-g) and 5 AAC 77.509 establish sport and personal use lawful gear and gear specifications for Cook Inlet shellfish including clams.

Regulation 5 AAC 38.318 SOUTHERN DISTRICT HARDSHELL CLAM AND MUSSEL FISHERY MANAGEMENT PLAN guides the commercial harvest of hardshell clams and mussels. The plan provides an alternate-year harvest divided among two and three clam subdistricts respectively, a March 15-October 31 season, and the allowable harvest apportioned equally among three periods. Statewide regulation 5 AAC 38.075 sets commercial minimum legal sizes of 1.5 inches for littleneck and 2.5 inches for butter clams. The plan also requires harvesters to complete and submit harvest maps which identify specific harvest location, pounds harvested, and the number of digging hours. For mussels, the plan sets a GHF of 5,000 pounds. Gear for clams is restricted in 5 AAC 38.311 to shovels or forks (rakes) although the commissioner may issue a permit for mechanical or hydraulic harvesting gear. The Alaska Department of Environmental Conservation (ADEC) requires clam and mussel harvesters to obtain a permit and the Alaska Department of Natural Resources, Division of State Parks also has a permit requirement for harvesters operating in the Kachemak Bay State Park.

In regulation 5 AAC 38.360 COOK INLET AREA OCTOPUS MANAGEMENT PLAN the board established a bycatch-only commercial fishery for octopus and 5 AAC 38.390 closed

commercial fisheries for other miscellaneous shellfish such as sea cucumbers and urchins. Cook Inlet commercial and noncommercial Dungeness and king crab and shrimp fisheries are currently closed in regulation due to low abundance.

Sport, personal use, and commercial Tanner crab fisheries are currently closed throughout Cook Inlet because legal male abundance is below the fishery-specific thresholds set forth in 5 AAC 35.408 REGISTRATION AREA H TANNER CRAB HARVEST STRATEGY. When Tanner crab fishing is open, sport and personal use regulations under 5 AAC 58.022 (a) (11) and (b) (2) (d) and 5 AAC 77.516 establish seasons, size limits and bag and possession limits. 5 AAC 58.035 and 5 AAC 77.516 specify rules against mutilation or disfigurement of crab that would prevent the determination of minimum size and sex restrictions. Additionally, 5 AAC 77.019 prohibits one individual from pulling or tampering with another's pot without prior permission of the pot's owner.

What would be the effect if the proposal is adopted? The customary and traditional use finding for Cook Inlet shellfish would be modified to include stocks in addition to clams in the Port Graham Subdistrict. Under the current regulatory structure, the magnitude of the subsistence clam harvest could not be determined. Sport and personal use clam harvests are currently estimated from the Statewide Harvest Survey (SWHS). However, there is no sport fishing license requirement for subsistence fisheries.

Background: Under AS 16.05.258, the Alaska Board of Fisheries "shall identify the fish stocks . . . or portions of those stocks . . . that are customarily and traditionally taken or used for subsistence." The Board applies 5 AAC 99.010 Joint Boards of Fisheries and Game Subsistence Procedures ("the eight criteria") to make these determinations.

The Board of Fisheries adopted a positive customary and traditional use finding for clams in the Port Graham Subdistrict (5 AAC 02.311). Consequently, regulations provide for a subsistence clam fishery in the Port Graham subdistrict (5 AAC 02.310). All other noncommercial harvesting of shellfish is governed by sport and personal use regulations. Areas outside the Anchorage-Matsu-Kenai Nonsubsistence Area include coastal portions of the Southern, Barren Islands and Outer Districts of Lower Cook Inlet, including Jakolof and Kasitsna bays in what is considered Kachemak Bay. The balance of the Cook Inlet shellfish districts and subdistricts are within the Anchorage-MatSu-Kenai Nonsubsistence Area (5 AAC 99.015(d)) defined by the Joint Board. The Board of Fisheries may not permit subsistence fishing in a nonsubsistence area (AS 16.05.258(c)), but it may expand its customary and traditional use finding beyond the Port Graham Subdistrict to other appropriate areas outside the nonsubsistence area.

The Board adopted the current customary and traditional use finding for Cook Inlet shellfish in 1982, prior to extensive research by the Division of Subsistence documenting the harvest clams and a wide range of other shellfish resources by residents of Nanwalek, Port Graham, and Seldovia, including harvests outside the Port Graham Subdistrict. The department has prepared an updated customary and traditional use worksheet for Cook Inlet shellfish stocks outside the nonsubsistence area to assist the Board in reviewing the present customary and traditional use finding.

The additional area that would be open to subsistence fishing encompasses Jakolof and Kasitsna bays, two of the most popular clamming locations that sustain 20% of the non-commercial clam digging effort in Kachemak Bay.

Under Alaska Department of Environmental Conservation (ADEC) regulations, clams may be harvested commercially only from certified beaches. Within Kachemak Bay, ADEC has certified only those beaches on the southern shore approximately between Barabara Point and Chugachik Island. The areas potentially affected by a change in the subsistence clam fishery include beaches between Barabara Point and the easternmost point of Jakolof Bay. Commercial harvest occurs in areas outside the Nonsubsistence Area, primarily those beaches within Kasitsna and Jakolof bays and including the adjacent shoreline and islands. Part of Subdistrict-4, these beaches are open to commercial harvest on even numbered years and since 1996 have accounted for 13-76% of the commercial littleneck clam harvest in a given year.

While the sustainable harvest rate for hardshell clams at the latitude of Cook Inlet is not known, stocks in Jakolof Bay are likely fully utilized based upon recent abundance surveys that estimate the harvest rate of legal-sized littleneck and legal-sized butter clams combined to be approximately 28%. The harvest rate of hardshell clams in Kasitsna Bay has not been estimated but is thought to be similar to Jakolof Bay.

The minimum size limits for littleneck and butter clams were established to allow these species to spawn at least once before being subject to harvest. The bag limits for sport and personal use harvest of hardshell clams were set primarily to establish an enforceable difference between commercial and noncommercial harvesters.

Department comments: Because of the allocative aspects of customary and traditional use findings, the department is **NEUTRAL** on this proposal. The department recommends that the board review information related to the eight criteria (5 AAC 99.010), as summarized in the department report and as supplemented by written and oral testimony, to identify customary and traditional uses of shellfish stocks in the portion of the Cook Inlet Area outside the nonsubsistence area, and adopt regulations providing a reasonable opportunity to harvest stocks with harvestable surpluses that are found to support customary and traditional uses.

The department **SUPPORTS** establishment of subsistence regulations applying the same minimum size and bag and possession limits for hardshell clams as apply to sport and personal use fisheries in Cook Inlet to protect spawning clams and promote enforcement of regulations. The department supports providing a mechanism for collection of harvest and effort data from subsistence hardshell clam fisheries such as a permit.

Proposal 359 addresses personal use Tanner crab regulations for Cook Inlet, and will be considered by the BOF at its March 2008 meeting. If the BOF adopts a positive customary and traditional use finding for shellfish that includes Tanner crab, it may choose to consider subsistence regulations for Tanner crab in the context of its deliberations on Proposal 359.

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 the fishery.

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 found that only clams in the Port Graham Subdistrict are customarily and traditionally used for subsistence (5 AAC 02.311). The board will review this finding as it deliberates on this proposal.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes for all stocks of shellfish outside the nonsubsistence area except shrimp, king, Tanner, and Dungeness crabs.

4. What amount is reasonably necessary for subsistence use? The board has made no determination regarding the amount reasonably necessary for subsistence uses of these shellfish stocks.

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. If harvests increase, it may become necessary to restrict the commercial and sport harvests of hardshell clams in Jakolof and Kasitsna bays to provide for a subsistence harvest. A harvestable surplus for shrimp, king, Tanner, and Dungeness crab stocks, does not exist. However, a positive C&T finding will require further work with the board to manage any future fisheries.

## **PROPOSAL 393 (ACR 24)**

**5 AAC 75.xxx. New regulation.** Have state halibut regulations mirror federal regulations for consistency with the North Pacific Halibut Act and international treaty.

Halibut are managed under an international treaty and the North Pacific Halibut Act. As a result the state has very limited regulatory authority over halibut. State halibut regulations that are not identical to federal regulations are considered preempted by federal law. The National Marine Fisheries Service, under direction of the North Pacific Management Council, recently changed regulations for people sport fishing from charter boats in southeast Alaska and are considering changes in south central Alaska. As a result, the state halibut sport fishing regulations are inconsistent with federal regulations in southeast Alaska. This causes significant enforcement issues and results in confusion amongst anglers due to conflicting and invalid state regulations. Given the possibility of future changes, the state could find that our regulations are out of sync with federal regulations in some areas at any time. To correct this, the Department proposes to have state sport fishing regulations for halibut mirror federal regulations. This approach closely mirrors that of commercial fisheries which are dually managed, *See* 5 AAC 28.092.

**Proposed by:** Alaska Department of Fish and Game

## ADF&G COMMENTS ON PROPOSAL 393 (ACR 24)

### PROPOSAL 393 (formerly ACR 24) - 5 AAC 75.070. Possession of sport-caught halibut.

Proposed by: Alaska Department of Fish and Game.

What would the proposal do? This proposal (formerly ACR 24) would create a regulation that would make it illegal for any person to take or possess halibut in both guided and unguided sport fisheries in a manner inconsistent with the regulations of the International Pacific Halibut Commission (IPHC) or the regulations of the National Marine Fisheries Service (NMFS), except those regulations dealing with client validation of saltwater logbooks.

What are the current regulations? Current state regulations do not include the latest federal regulations implemented by NMFS. Additional regulations could be implemented by NMFS in future years to restrict halibut harvest from charter vessels in IPHC Areas 2C and 3A.

What would be the effect if the proposal is adopted? State regulations in both guided and unguided sport fisheries will mirror federal regulations for halibut, except regulations dealing with client validation of saltwater logbooks.

Background: Halibut are managed under an international treaty and the North Pacific Halibut Act. As a result the state has very limited regulatory authority over halibut. State halibut regulations that are not identical to federal regulations are considered preempted by federal law. NMFS, under direction of the North Pacific Management Council, recently changed regulations for people sport fishing from charter boats in southeast Alaska, (IPHC Area 2C). As a result, the state halibut sport fishing regulations are inconsistent with federal regulations in southeast Alaska. Given the possibility of future changes, the state could find that our regulations are in conflict with federal regulations in some areas. This approach is similar to the regulation for commercial fisheries which are dually managed (5 AAC 28.092).

Department comments: The department submitted this ACR and continues to **SUPPORT** the 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 the fishery.

## **PROPOSAL 394 (ACR 25)**

**5 AAC 02.011. Subsistence fishing by proxy; 5 AAC 75.011. Sport fishing by proxy; and 5 AAC 77.016. Personal use fishing by proxy.** Modify reporting requirements for subsistence, sport, and personal use shellfish fisheries.

During the 2006-07 statewide meeting the board amended the finfish proxy fishing regulations in the subsistence, sport and personal use fisheries. However, due to legal notice issues only proxy fishing regulations for finfish could be changed. Given that there is proxy fishing for shellfish this agenda change request is necessary to eliminate the confusion of having two different proxy reporting requirements and regulations that apply only to finfish.

**Proposed by:** Alaska Department of Fish and Game

## ADF&G COMMENTS ON PROPOSAL 394 (ACR 25)

**PROPOSAL 394 (formerly ACR 25) - 5 AAC 02.011. Subsistence fishing by proxy; 5 AAC 75.011. Sport fishing by proxy; and 5 AAC 77.016. Personal use fishing by proxy.**

Proposed by: Alaska Department of Fish and Game.

What would the proposal do? This proposal (formerly ACR 25) would create reporting requirements for anglers that are proxy fishing in subsistence, sport, and personal use fisheries for all shellfish.

What are the current regulations? There are no reporting requirements for shellfish harvested by proxy.

What would be the effect if the proposal is adopted? Enforcement of proxy regulations for shellfish would be enhanced.

Background: During the March 2007 statewide finfish meeting, the BOF amended the finfish proxy fishing reporting regulations in the subsistence, sport and personal use fisheries. However, due to legal notice issues proxy regulations could be adopted only for finfish. Given that there is also proxy fishing for shellfish in the same fisheries, this proposal is necessary to eliminate the confusion of having different proxy reporting requirements and regulations that apply only to finfish.

When the BOF adopted the proxy reporting regulations for finfish it was understood that the department would submit an agenda change request (ACR) to include all shellfish species thereby allowing the new regulatory requirements to be applicable to both finfish and shellfish. ACR 25 was submitted to, and accepted by, the BOF at the October 2007 work session which led to this proposal now before the BOF.

Department comments: The department submitted this proposal and continues to **SUPPORT** it.

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 the fishery.



## PROPOSAL 395

**5 AAC 28.073. Trip limits for commercial pollock vessels.** Modify Pollock trip limits for vessels in a 24-hour period as follows:

**5 AAC 28.073. Trip limits for commercial pollock vessels.** (a) In the state waters between 144° W. long [147° W. LONG.] and 170° W. long., a person may not retain on board a catcher vessel, daily [AT ANY TIME], more than 300,000 pounds [136 METRIC TONS] of unprocessed pollock, or retain on board a tender vessel, daily [AT ANY TIME], more than 600,000 pounds [272 METRIC TONS] of unprocessed pollock, harvested in the state waters adjacent to the federal waters of the Western, [AND] Central, and a portion of the Eastern Gulf of Alaska Areas described in 50 C.F.R. 679, Figure 3.

(b) The cumulative amount of pollock landed by a catcher vessel harvesting pollock taken from the state waters adjacent to the federal waters of the Western, Central, and a portion of the Eastern Gulf of Alaska area described in 5 CFR 679, Figure 3, during a directed fishing season may not exceed the daily trip limit specified in subsection (a) of this section, times the number of calendar days the directed pollock fishery is open.

**(b) For the purpose of this section daily means from 12:01 a.m. through 11:59 p.m.**

This proposal was presented to give the board the opportunity to re-evaluate the trip limits for commercial pollock fishing vessels.

**Proposed by:** Alaska Board of Fisheries

## ADF&G COMMENTS ON PROPOSAL 395

### **PROPOSAL 395 - 5 AAC 28.073. Trip limits for commercial pollock vessels.**

Proposed by: Alaska Board of Fisheries

What would the proposal do? This proposal, generated by the BOF at the 2007 work session, would modify walleye pollock harvest trip limits and define daily trip limits in state waters between 140° W. long. and 170° W. long.

What are the current regulations? Currently a catcher vessel may not have aboard more than 136 metric tons (mt) of unprocessed walleye pollock and a tender vessel may not have more than 272 mt of unprocessed walleye pollock at any time in the Western and Central Gulf of Alaska.

What would be the effect if the proposal were adopted? If this proposal is adopted the walleye pollock harvest trip limits would refer to pounds instead of metric tons (136 mt equals approximately 300,000 pounds and 272 mt equals approximately 600,000 pounds), a trip limit would characterize harvest during a 24 hour period (12:01 a.m. through 11:59 p.m.) of a calendar day, and this regulation would apply to state waters between 140° W. long. and 170° W. long.

Proposed regulatory language as follows:

#### **5 AAC 28.073. Trip limits for commercial pollock vessels.**

(a) In the state waters between 140° W. long. [147° W. LONG] and 170° W. long., a person may not harvest, off-load, or retain on board a catcher vessel, daily [AT ANY TIME], more than 300,000 pounds [136 METRIC TONS] of unprocessed pollock, or retain on board a tender vessel, daily [AT ANY TIME], more than 600,000 pounds [272 METRIC TONS] of unprocessed pollock, harvested in the state waters adjacent to the federal waters of the Western, [AND] Central, and a portion of the Eastern Gulf of Alaska Areas described in 50 C.F.R. 679, Figure 1.

(b) The cumulative amount of pollock landed by a catcher vessel harvesting pollock taken from the state waters described in (a) and federal waters described in 50 CFR 679, 1, during a directed fishing season may not exceed the daily trip limit specified in subsection (a) of this section, times the number of calendar days the directed pollock fishery is open.

(c) For the purpose of this section daily means from 12:01 a.m. through 11:59 p.m.

Background: Federal and State regulations were modified placing a 136 mt. (~300,000 lb) limit for the amount of walleye pollock that can be aboard a catcher vessel in the Gulf of Alaska to meet the objectives of Steller sea lion protection measures, but it placed no limit on the number of trips per day, and did not place a limit on the total amount of walleye pollock that could be harvested and landed by a catcher vessel in a single day. The trip limit was intended to slow down the walleye pollock fishery by limiting harvests on catcher vessels to 300,000 lb of unprocessed walleye pollock per fishing trip. Catcher trawl vessels may have been circumventing the intent of the trip limit by making multiple 300,000 lb deliveries in a day. It was generally believed that only one trip per vessel would occur per day when the BOF and the North Pacific Fisheries Management Council (NPFMC) passed pollock vessel trip limits, but regulations, as written, did not impose a daily limit. Multiple off-loadings in a day allow for a faster catch rate than if only one trip was allowed per day.

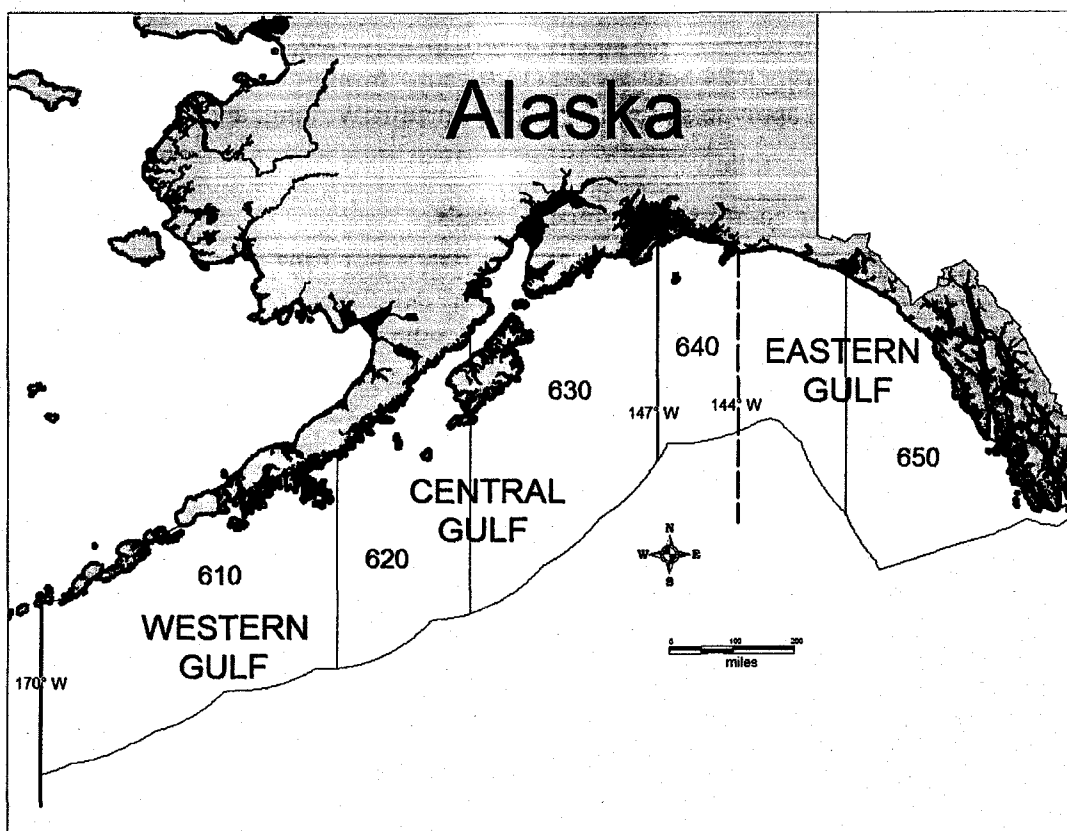
Federal regulations were modified by the Council (October 9, 2007) to the following:

(a) Limit trawl catcher vessels in the Gulf of Alaska (GOA) pollock fishery to landing no more than 136 metric tons, through any delivery means, in a calendar day - 12 AM to 12 AM (or the final language may be: 0001 hrs to 2400 hrs); and

(b) The cumulative amount of pollock harvested from any GOA regulatory area landed by a trawl catcher vessel cannot exceed the daily trip limit of 136 metric tons times the numbers of calendar days the fishery is open in the respective regulatory area.

There were 2 walleye pollock landings in state-waters over 300,000 pounds, out of a total of 1,940 walleye pollock landings, from January 2003 through October 1, 2007.

ADF&G supports establishing the 140° W. long eastern boundary which will include all of PWS under a single trip limit. The 144° W. long line in state regulations is the dividing line between PWS and SE/Yakutat management areas.



**Figure 1.—Map of the Gulf of Alaska showing National Marine Fisheries Service statistical and reporting areas. Shaded areas are state waters.**

Department comments: The department **SUPPORTS** this proposal.

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

## PROPOSAL 396

**5 AAC 28.645. Aleutian Islands District Walleye Pollock Management Plan.** Amend or repeal the Adak state-waters walleye Pollock fishery.

This proposal is presented to give the board the opportunity to re-evaluate the state managed Adak pollock fishery established by the board in October 2006. The National Marine Fisheries Service has raised concerns regarding the allowable harvest level because of pollock abundance levels in the area.

Sections of the regulations that apply include:

**5 AAC 28.645. Aleutian Islands District Walleye Pollock Management Plan**

(a) This management plan governs the directed harvest of walleye pollock in that portion of the Aleutian Islands District between 174° long. and 178° long.

(b) The commissioner will establish the guideline harvest level for the directed harvest of walleye pollock under this section at 3,000 metric tons, reduced by the amount of walleye pollock authorized to be taken by the federal exempted fishery permit fishery inside critical habitat areas in the Aleutian Islands District between 174° long. and 178° long., described in C.F.R. 226.202, revised as of October 1, 2005.

(c) Seven days after the beginning of the federal exempted fisheries permit fishery, or on or after March 1, the commissioner may open, by emergency order, the walleye pollock fishery under this section if the commissioner determines that the available guideline harvest level is sufficient to allow a manageable fishery. The commissioner shall close, by emergency order, the walleye pollock fishery under this section when the guideline harvest level is projected to be taken or on June 10 if the commissioner determines that the guideline harvest level will not be taken by June 10.

(d) Walleye pollock may be taken under this section only with pelagic trawl gear and on a vessel that is no more than 58 feet in overall length.

(e) Before a person uses a vessel to operate gear to take walleye pollock under this section, the vessel owner, the owner's authorized agent, or the vessel operator shall validly register the vessel with the department office in Dutch Harbor.

(f) A vessel operator must notify a local representative of the department daily between the business hours of 8:00 a.m. through 5:00 p.m. to report the amount, by weight, of unprocessed walleye pollock on board the vessel. Cod end transfers are prohibited. The vessel operator must land the walleye pollock on board the vessel at a processing plant that has observer coverage where the unsorted catch may be observed by the observer.

(g) The following waters are closed to the direct harvest of walleye pollock under this section:

(1) all state waters within 20 miles around a Steller sea lion rookery, excluding the waters of the bay on the northwest side of Kanaga Island;

(2) all waters within three miles around a Steller sea lion haulout.

(h) In this section,

(1) "overall length" means the straight line length between the extremities of the vessel, excluding the anchor rollers;

(2) "Steller sea lion haulout" means a site listed as a Steller sea lion protection area in Table 4 of 50 C.F.R. 679, revised as of October 1, 2005, adopted by reference, but not listed in Table 12 of 50 C.F.R. 679, revised as of October 1, 2005, adopted by reference;

(3) "Steller sea lion rookery" means a site listed as a Steller sea lion protection area in Table 12 of 50 C.F.R. 679, revised as of October 1, 2005, adopted by reference.

(i) The provisions of this section do not apply after December 31, 2008.

**Proposed by:** Alaska Board of Fisheries

## ADF&G COMMENTS ON PROPOSAL 396

### **PROPOSAL 396 - 5 AAC 28.645. Aleutian Islands District Walleye Pollock Management Plan.**

Proposed by: Alaska Board of Fisheries

What would the proposal do? This proposal was generated by the BOF at the 2007 work session to give the BOF the opportunity to amend or repeal the state managed Adak walleye pollock fishery established by the BOF in October 2006 based on concerns raised by NMFS because of low walleye pollock abundance levels in the area. This regulation will sunset on December 31, 2008.

What are the current regulations? Sections of the regulations that apply include:

#### **5 AAC 28.645. Aleutian Islands District Walleye Pollock Management Plan**

(a) This management plan governs the directed harvest of walleye pollock in that portion of the Aleutian Island District between 174° W longitude and 178°W longitude.

(b) The commissioner will establish the guideline harvest level for the directed harvest of walleye pollock under this section at 3,000 metric tons, reduced by the amount of walleye pollock authorized to be taken by the federal exempted fishery permit fishery inside critical habitat areas in the Aleutian Islands District between 174°W longitude and 178°W longitude, described in C.F.R. 226.202, revised as of October 1, 2005.

(c) Seven days after the beginning of the federal exempted fisheries permit fishery, or on or after March 1, the commissioner may open, by emergency order, the walleye pollock fishery under this section if the commissioner determines that the available guideline harvest level is sufficient to allow a manageable fishery. The commissioner shall close, by emergency order, the walleye pollock fishery under this section when the guideline harvest level is projected to be taken or on June 10 if the commissioner determines that the guideline harvest level will not be taken by June 10.

(d) Walleye pollock may be taken under this section only with pelagic trawl gear and on a vessel that is no more than 58 feet in overall length.

(e) Before a person uses a vessel to operate gear to take walleye pollock under this section, the vessel owner, the owner's authorized agent, or the vessel operator shall validly register the vessel with a the department office in Dutch Harbor.

(f) A vessel operator must notify a local representative of the department daily between the business hours of 8:00 a.m. through 5:00 p.m. to report the amount, by weight, of unprocessed walleye pollock on board the vessel. Cod end transfers are prohibited. The vessel operator must land the walleye pollock on board the vessel at a processing plant that has observer coverage where the unsorted catch may be observed by the observer.

(g) The following waters are closed to the direct harvest of walleye pollock under this section:  
(1) all state waters within 20 miles around a Steller sea lion rookery, excluding the waters of the bay on the northwest side of Kanaga Island;

(2) all waters within three miles around a Steller sea lion haulout.

(h) In this section,

(1) "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers;

(2) "Steller sea lion haulout" means a site listed as a Steller sea lion protection area in Table 4 of 50 C.F.R. 679, revised as of October 1, 2005, adopted by reference, but not listed in Table 12 of 50 C.F.R. 679, revised as of October 1, 2005, adopted by reference;

(3) "Steller sea lion rookery" means a site listed as a Steller sea lion protection area in Table 12 of 50 C.F.R. 679, revised October 1, 2005, adopted by reference.

(i) The provisions of this section do not apply after December 31, 2008.

What would be the effect if the proposal were adopted? If this proposal were adopted the BOF would eliminate the walleye pollock fishery in the Aleutian Islands District state-waters fishery.

Background: At their October 2007 work session the BOF reviewed a letter from Robert D. Mecum, Acting Administrator, Alaska Region, NFMS. Mr. Mecum requested that the BOF reconsider allowing the Adak walleye pollock fishery to occur in 2008 because of the apparent low abundance of walleye pollock in the area and the potential adverse effects on Steller sea lions. The BOF also received a presentation during the 2007 BOF work session, by Dr. Steve Barbeaux from NFMS summarizing the initial qualitative observations of walleye pollock abundance in this area.

Department comments: The department **SUPPORTS** this proposal based on conservation concerns related to potentially low walleye pollock abundance in the Aleutian Islands District and the potential adverse effects on Steller sea lions.

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

## PROPOSAL 397

**5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.** Reduce maximum vessel size to 60 feet for all permitted gear types in the Aleutian Islands District state-waters Pacific cod fishery as follows:

**5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan**

...

(d) During a state waters season,

...

(3) a vessel used to harvest Pacific cod with

(A) non-pelagic trawl gear may not be more than 60 [100] feet in overall length;

(B) mechanical jigging machines and longline gear may not be more than 60 [58] feet in overall length;

(C) pot gear may not be more than 60 [125] feet in overall length;

The board was requested to take up this matter and it generated this proposal for public review and consideration. This proposal seeks to reduce the maximum vessel size limit to 60 feet for all permitted gear types.

The Aleutian Islands District Pacific cod fishery began in 2006. The fishery takes place in state-waters of the Aleutian Islands west of 170° W long. The state-waters fishery harvest level is based upon 3% of the Bering Sea/Aleutian Islands federal acceptable biological catch (ABC).

The state-waters guideline harvest level is apportioned 70% to the A season and 30% to the B season. The state-waters fishery A season opens after the initial catcher-vessel trawl sector parallel/federal Pacific cod season is closed, and remains open until the A season GHF is attained, or no later than June 9. Beginning June 10, the state-waters B season opens. There are no harvest allocations by gear type.

During the 2006 season there were no vessel size limits. The 2007 Aleutian Islands District state-waters A season Pacific cod fishery was the first in which vessel size limits of 125 feet or less for pot vessels, 100 feet or less for trawl vessels and 58 feet or less for longline and jig vessels were in effect.

During 2007, the state-waters A season opened to commercial fishing for Pacific cod on March 16, 2007, and closed on March 23, a 7-day fishery. The harvest was 8,229,931 pounds of Pacific cod taken by 27 vessels, although 29 vessels registered for the fishery. Three floating-processor vessels and two shore-based processors participated. No catcher processor vessels (CPs) participated in 2007 whereas six CPs participated in the 2006 A season. Average fishing vessel size was 89' overall length during 2007.

Only two gear types participated in the 2007 A season; non-pelagic trawl gear harvested 85% of the A season total catch and pot gear 15%. Of the 20 trawl vessels that participated, 13 trawl vessels (>60 feet ) accounted for 72% of the trawl harvest. All pot vessels that participated were over 60 feet. Overall for both gear types, 76% of the 2007 A season harvest was taken by vessels over 60 feet and 24% was taken by vessels 60 feet or less.

During 2007, a daily and trip harvest-limit of 150,000 pounds applied to each vessel. During 2006, the daily harvest-limit was 150,000 pounds, with a vessel trip harvest-limit of 300,000 pounds. The vessel size limits and daily harvest-limit during 2007 were not effective in slowing



the pace of the 2007 harvest compared to the 2006 fishery and overages of the daily and trip limits occurred in both seasons. The 2006 fishery lasted 9 days whereas the 2007 fishery lasted 7 days. Fishery catches indicate that most trawl vessels in the fleet, including those less than 60 feet, are capable of catching and holding onboard quantities of Pacific cod very near to or exceeding the current daily harvest limit.

**Proposed by:** Alaska Board of Fisheries

## ADF&G COMMENTS ON PROPOSAL 397

### **PROPOSAL 397 - 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.**

Proposed by: Alaska Board of Fisheries

What would the proposal do? This proposal, generated by the BOF at the 2007 work session, requests to reduce the maximum vessel size limit to 60 feet overall length (OAL) for all vessels participating in the Aleutian Islands District state-waters Pacific cod fishery.

What are the current regulations? Current vessel size limits are 125 feet or less for pot vessels, 100 feet or less for trawl vessels and 58 feet or less for longline and jig vessels. The current vessel size limits were adopted prior to the 2007 season. There are no harvest allocations by gear type.

What would be the effect if the proposal were adopted? If this proposal is adopted all harvest of Pacific cod in the Aleutian Islands District state-waters fishery would occur on vessels 60 feet OAL or less.

Proposed regulatory language as follows:

#### **5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.**

(d) During a state waters season,

(3) a vessel used to harvest Pacific cod with

(A) non-pelagic trawl gear may not be more than 60 [100] feet in overall length;

(B) mechanical jigging machines and longline gear may not be more than 60 [58] feet in overall length;

(C) pot gear may not be more than 60 [125] feet in overall length;

During the 2007 A season, vessels using non-pelagic trawl gear harvested 85% of the A season total and vessels using pot gear accounted for the remaining 15%. Of the 20 trawl vessels that participated, 13 (>60 feet OAL) accounted for 72% of the trawl harvest. All pot vessels that participated were over 60 feet OAL. Overall for both gear types combined, 76% of the 2007 A season harvest was taken by vessels over 60 feet and 24% was taken by vessels 60 feet OAL or less. If this proposal is adopted the portion of the fleet that has taken most of the harvest would be eliminated.

Background: The state-waters fishery A season opens after the initial catcher-vessel trawl sector parallel/federal Pacific cod season is closed, and remains open until the A season GHL is attained, or no later than June 9. Beginning June 10, the state-waters B season opens. The guideline harvest level (GHL) for the state-waters Pacific cod fishery is based on three percent of the federal Bering Sea Aleutian Islands (BSAI) Pacific cod allowable biological catch (ABC). According to 5 AAC 28.647 a maximum of 70 percent of the GHL is available in the A season and 30 percent is available in the B season. If 70 percent of the GHL is not harvested during the A season up to 40 percent of the GHL is rolled over to the B season. The current A & B season allocations were adopted for Steller sea lion conservation when the management plan was originally adopted.

During 2007, the state-waters A season opened to commercial fishing for Pacific cod on March 16, 2007, and closed on March 23, resulting in a 7-day fishery. The harvest was 8,229,931

pounds of Pacific cod taken by 27 vessels, although 29 vessels registered for the fishery. Three floating-processor vessels and two shore-based processors participated. No catcher processor vessels (CPs) participated in 2007, whereas six CPs participated in the 2006 A season. Average fishing vessel size was 89' overall length during 2007 (Table 2). The 2007 B season fishery is ongoing. Table 1 provides the average vessel size by vessel category.

During 2007, a daily and trip harvest-limit of 150,000 pounds applied to each vessel. The vessel size limits and daily harvest-limit during 2007 were not effective in slowing the pace of the 2007 harvest compared to the 2006 fishery and overages of the daily and trip limits occurred in both seasons. The 2006 fishery lasted 9 days whereas the 2007 fishery lasted 7 days. Fishery catches indicate that most trawl vessels in the fleet, including those less than 60 feet OAL, are capable of catching and holding onboard quantities of Pacific cod very near to or exceeding the current daily harvest limit.

Reducing the vessel size limit may not substantially slow the pace of the harvest because even smaller trawl vessels are capable of reaching the daily harvest-limit.

**Table 1.**— Aleutian Islands state-waters Pacific cod fishery guideline harvest level and harvest

Year	Initial	
	GHL (lbs)	Harvest (lbs)
2006 A season	8,981,540	8,502,781
B season	3,849,232 <sup>a</sup>	357,884
TOTAL	12,830,772	8,860,665
2007 A season	8,148,202	8,229,931 <sup>b</sup>
B season	3,492,086	2,269,772 <sup>c</sup>
TOTAL	11,640,288	

<sup>a</sup>ADF&G made 3.5 million pounds of the GHL available to National Marine Fisheries effective on September 1.

<sup>b</sup>GHL was exceeded by 81,729 pounds.

<sup>c</sup>B season harvest as of October 15.

**Table 2.**— Aleutian Islands state-waters Pacific cod fishery fleet composition, A season.

Year	Vessel type	Number participating	Average overall length
2006	Trawl catcher under 60'	3	58'
	Trawl catcher over 60'	16	104'
	pot catcher over 60'	1	92'
	Trawl catcher-processor	1	296'
	Longline catcher-processor	5	152'
	Total	26	115'
2007	Trawl catcher under 60'	7	58'
	Trawl catcher over 60'	15	91'
	pot catcher over 60'	7	113'
	Total	29	89'

**Table 3.**— 2007 Aleutian Islands state-waters Pacific cod fishery B season vessel participation.

Vessel Type	Number participating	Average overall length
Pot Catcher Processor	2	114'
Pot Catcher Vessel	2	83'
Longline <sup>a</sup>	7	52'
Jig <sup>a</sup>	1	47'

<sup>a</sup> One vessel registered for both jig and longline gear.

Department comments: The department is **NEUTRAL** on the allocative aspects of reducing the maximum vessel size limit.

The 2006 and 2007 A season fisheries lasted 9 and 7 days respectively and the 2007 A season GHL was slightly exceeded. Many of the trawl vessels that would be allowed to participate under a 60 foot OAL size limit have the ability to meet or exceed the current daily harvest limit of 150,000 pounds. If harvest levels decline and effort increases the fishery will become increasingly difficult to manage inseason and the department would be forced to take more aggressive and restrictive inseason management measures.

Cost analysis: If this proposal were adopted it could result in a direct cost for a private person to participate in this fishery.

## PROPOSAL 398

**5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.** Provide for a pot-gear reopening of the A season fishery and in the B season in the Aleutian Islands District state-waters Pacific cod fishery as follows:

### **5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan**

...

(d) During a state waters season,

(1) the guideline harvest level for Pacific cod in the Aleutian Islands District west of 170° W. long. is three percent of the estimated total allowable harvest of Pacific cod for the federal Bering Sea-Aleutian Islands Area; the guideline harvest level will be available for harvest as follows:

(A) a maximum of 70 percent of the guideline harvest level will be available for harvest in the state waters A season before June 10 as follows:

(i) if the state waters A season guideline harvest level has not been taken by April 1, when the federal catcher-vessel trawl fishery season opens, the commissioner will close, by emergency order, the state waters A season and immediately reopen a parallel season;

(ii) if the commissioner determines that an adequate state waters season A guideline harvest level is available after the federal catcher-vessel trawl fishery season closes, and before June 10, the commissioner may reopen, by emergency order, the state waters A season;

(B) a total of 30 percent of the guideline harvest level plus any unharvested amount from the state waters A season under (1)(A) of this subsection, up to a maximum of 70 percent, will be rolled over on June 10 and available for harvest in the state waters B season; **except that the commissioner shall open, by emergency order, a state waters season to pot vessels only in the Aleutian Islands District west of 170° W. long. four days after the initial Bering Sea-Aleutian Islands state waters A season is closed and any catch by pot vessels in the pot-only season prior to June 10 will be accounted against the B season GHL;** the guideline harvest level will be available as follows:

(i) if the state waters B season guideline harvest level has not been taken by September 1, when the federal catcher-vessel **fixed gear** [POT] fishery season for vessels **under** [OVER] 60 feet in overall length opens, the commissioner will close, by emergency order, the state waters B season and immediately reopen a parallel season;

(ii) if the commissioner determines that an adequate state waters season B guideline harvest level is available after the federal catcher-vessel **fixed gear** [POT] fishery season for vessels **under** [OVER] 60 feet in overall length closes, the commissioner may reopen, by emergency order the state waters B season;

...

(h) For the purposes of this section,

...

(2) "state waters A season" means the state waters season conducted from January 1 through June 9;

(3) "state waters B season" means the state waters season conducted from June 10 through December 31.

The board was requested to take up this matter and it generated this proposal for public review and consideration. The proposal seeks to amend the Aleutian Islands District state-waters Pacific cod management plan (5 AAC 28.647) to potentially harvest more than 70% of the A season GHL prior to June 10 (current allocation: A season 70% GHL, B season 30% GHL). This additional A season harvest would be allocated to vessels fishing with pot gear and does not propose any vessel size limit. The proposal also changes the gear sector in the parallel/federal fishery that is linked to closing and reopening the state-waters B season fishery. The state-waters B season would close when the parallel/federal fishery for Pacific cod by vessels less than 60 feet using fixed gear (longline and pot gear) opened rather than by catcher vessels over 60 feet using pot gear. The state-waters B season could reopen after the fixed gear parallel/federal fishery by vessels less than 60 feet closed.

The 2006 state-waters B season was open for 82 days, however there was limited harvest due to a lack of fishing activity. To date, the 2007 B season has been open for 82 days and approximately 63% of the GHL was taken by August 31. The parallel/federal Pacific cod fishery for over 60 feet pot gear catcher vessels was open September 1 – 28. The state-waters B season will reopen October 1. The fishery may remain open until December 31, however if catch rates are similar to the first portion of the B season then the entire GHL could be taken before December 31.

The Aleutian Islands District Pacific cod fishery began in 2006. The state-waters fishery is based upon 3% of the Bering Sea/Aleutian Islands federal acceptable biological catch (ABC).

The state-waters guideline harvest level is apportioned 70% to the A season and 30% to the B season. The state-waters fishery A season opens after the initial catcher-vessel trawl parallel/federal Pacific cod season is closed, and remains open until the A season GHL is attained, or no later than June 9. Beginning June 10, the state-waters B season opens.

The proposal asks for a change in the seasonal allocation in Pacific cod in the state-waters fishery. The current A & B season allocations were adopted for Steller sea lion conservation when the management plan was originally adopted. If the proposal is adopted the annual harvest percentage taken from the A season would increase, however staff cannot predict what that magnitude of increase would be. Potentially the entire year's GHL could be taken in the A season.

The second part of the proposal requests a change in gear sector of the parallel/federal fishery that is linked to closing and reopening the state-waters B season. Currently the gear-sector for closing and reopening the state-waters B season on September 1 is the over 60 feet catcher-vessel pot gear sector. The petition proposes to specify the less than 60 feet fixed-gear catcher vessel sector to determine closure and reopening of the state-waters B season when coordinating with the parallel/federal September 1 opening.

In 2008, as a result of federal groundfish FMP Amendment 85, the overall allocation to the less than 60 feet fixed-gear catcher vessel sector is expected to be less than the over 60 feet catcher-vessel pot sector allocation; 2% of federal total allowable catch (TAC) for less than 60 feet fixed gear and 8.4% of TAC for over 60 feet pot catcher vessels. This change in federal Pacific cod allocation would have the expected effect of providing additional fishing time in the state-waters B season if the parallel/federal less than 60 feet fixed-gear catcher vessels reach their sector allocation first.

There are no harvest allocations by gear type in the state-waters fishery. During the 2006 season there were no vessel size limits. The 2007 Aleutian Islands District A season Pacific cod fishery was the first in which vessel size limits of 125 feet or less for pot vessels, 100 feet or less for trawl vessels and 58 feet or less for longline and jig vessels were in effect.

During 2007, state-waters of the Aleutian Islands west of 170° W long. opened to commercial fishing for Pacific cod on March 16, 2007, and closed on March 23, a 7-day fishery. The harvest was 8,229,931 pounds of Pacific cod taken by 27 vessels, although 29 vessels registered for the fishery. Three floating-processor vessels and two shore-based processors participated. No catcher-processor vessels (CPs) participated in the 2007 A season whereas six CPs participated in the 2006 A season. Average fishing vessel size was 89 feet during 2007.

Only two gear types were used in the 2007 A season; non-pelagic trawl gear harvested 85% of the A season total catch and pot gear 15%. Of the 20 trawl vessels that participated, 13 trawl vessels (>60 feet ) harvested 72% of the trawl harvest. All pot vessels that participated were over 60 feet. Overall for both gear types, 76% of the 2007 A season harvest was taken by vessels over 60 ft and 24% was taken by vessels 60 ft or less.

B season harvest through August 31, 2007 was 2.14 million pounds from the B season GHL of 3.41 million pounds. Ten of the thirteen registered vessels made landings in the first portion of the 2007 B season. Individual landings have ranged in size from less than 1,000 pounds to over 300,000 pounds and have averaged approximately 179,000 pounds per week. The state-waters B season will reopen October 1. The fishery may remain open until December 31, however if catch rates are similar to the first portion of the B season then the entire remaining GHL of 1.27 million pounds could be taken before December 31. Harvest to date during the 2007 B season has been split between longline (46%), pot (54%) and jig (<1%) gear types.

**Proposed by:** Alaska Board of Fisheries

## ADF&G COMMENTS ON PROPOSAL 398

### PROPOSAL 398 - 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.

Proposed by: Alaska Board of Fisheries

What would the proposal do? This proposal generated by the BOF at the 2007 work session requests that the BOF modify the Aleutian Islands District state-waters Pacific cod management plan to provide for a reopening of the A season fishery to vessels using pot gear, after the A season GHL has been attained. Additional Pacific cod harvest in the A season that would occur as a result of the pot gear reopening would be deducted from the state-waters B season fishery GHL.

The proposal also requests changing the gear-sector for coordinating the closure of the state-waters B season fishery with the September 1 parallel/federal fishery opening, and the reopening of the state-waters B season after the parallel/federal fishery is closed. The state-waters B season would close when the parallel/federal fishery for Pacific cod by vessels less than 60 feet OAL using fixed gear (longline and pot gear) opened rather than by catcher vessels over 60 feet OAL using pot gear. The state-waters B season could reopen after the fixed gear parallel/federal fishery by vessels less than 60 feet OAL closed.

Proposed regulatory language as follows:

### **5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.**

...

(d) During a state waters season,

(1) the guideline harvest level for Pacific cod in the Aleutian Islands District west of 170° W. long. Is three percent of the estimated total allowable harvest of Pacific cod for the federal Bering Seas-Aleutian Islands Area; the guideline harvest level will be available for harvest as follows:

(A) a maximum of 70 percent of the guideline harvest level will be available for harvest in the state waters A season before June 10 as follows:

(i) if the state waters A season guideline harvest level has not been taken by April 1, when the federal catcher-vessel trawl fishery season opens, the commissioner will close, by emergency order, the state waters A season and immediately reopen a parallel season;

(ii) if the commissioner determines that an adequate state waters season A guideline harvest level is available after the federal catcher-vessel trawl fishery season closes, and before June 10, the commissioner may reopen, by emergency order, the state waters A season;

(B) a total of 30 percent of the guideline harvest level plus any unharvested amount from the state waters A season under (1)(A) of this subsection, up to a maximum of 70 percent, will be rolled over on June 10 and available for harvest in the state waters B season; **except that the commissioner shall open, by emergency order, a state waters season to pot vessels only in the Aleutian Islands District west of 170° W. long. four days after the initial Bering Sea-Aleutian Islands waters A season is closed and any catch by pot vessels in the pot-only season prior to June 10 will be accounted against the B season GHL; the guideline harvest level will be available as follows:**



(i) if the state waters B season guideline harvest level has not been taken by September 1, when the federal catcher-vessel **fixed gear** [POT] fishery season for vessels **under** [OVER] 60 feet in overall length opens, the commissioner will close, by emergency order, the state waters B season and immediately reopen a parallel season;

(ii) if the commissioner determines that an adequate state waters season B guideline harvest level is available after the federal catcher-vessel **fixed gear** [POT] fishery season for vessels **under** [OVER] 60 feet in overall length closes, the commissioner may reopen, by emergency order the state waters B season;

...

(h) For the purposes of this section,

...

(2) "state waters A season" means the state waters season conducted from January 1 through June 9;

(2) "state waters B season" means the state waters season conducted from June 10 through December 31.

What are the current regulations? The state-waters fishery A season opens after the initial catcher-vessel trawl sector parallel/federal Pacific cod season is closed, and remains open until the A season GHL is attained, or no later than June 9. Beginning June 10, the state-waters B season opens. The guideline harvest level (GHL) for the state-waters Pacific cod fishery is based on three percent of the federal Bering Sea Aleutian Islands (BSAI) Pacific cod allowable biological catch (ABC). According to 5 AAC 28.647 a maximum of 70 percent of the GHL is available in the A season and 30 percent is available in the B season. If 70 percent of the GHL is not harvested during the A season up to 40 percent of the GHL is rolled over to the B season. The current A & B season allocations were adopted for Steller sea lion conservation when the management plan was originally adopted.

The second part of the proposal requests a change in gear sector of the parallel/federal fishery that is linked to closing and reopening the state-waters B season. Currently the gear-sector for closing and reopening the state-waters B season on September 1 is the over 60 feet OAL catcher-vessel pot gear sector. The proposal requests that the less than 60 feet OAL fixed-gear catcher vessel sector be used to determine closure and reopening of the state-waters B season when coordinating with the parallel/federal September 1 opening.

What would be the effect if the proposal were adopted? If the proposal is adopted the annual harvest percentage taken from the A season would increase, however staff cannot predict what that magnitude of that increase would be. Potentially the entire year's GHL could be taken in the A season.

Beginning in 2008, as a result of federal groundfish FMP Amendment 85, the overall allocation to the less than 60 feet OAL fixed-gear catcher vessel sector is expected to be less than the over 60 feet OAL catcher-vessel pot sector allocation; 2% of federal total allowable catch (TAC) for less than 60 feet OAL fixed gear and 8.4% of TAC for over 60 feet OAL pot catcher vessels. This change in federal Pacific cod allocation would have the expected effect of providing additional fishing time in the state-waters B season if the parallel/federal less than 60 feet OAL fixed-gear catcher vessels reach their sector allocation first.

Background: The state-waters fishery A season opens after the initial catcher-vessel trawl sector parallel/federal Pacific cod season is closed, and remains open until the A season GHL is attained, or no later than June 9. Beginning June 10, the state-waters B season opens. The guideline harvest level (GHL) for the state-waters Pacific cod fishery is based on three percent of the federal Bering Sea Aleutian Islands (BSAI) Pacific cod allowable biological catch (ABC). According to 5 AAC 28.647 a maximum of 70 percent of the GHL is available in the A season and 30 percent is available in the B season. If 70 percent of the GHL is not harvested during the A season up to 40 percent of the GHL is rolled over to the B season. The current A & B season allocations were adopted for Steller sea lion conservation when the management plan was originally adopted.

During 2007, daily and trip harvest-limits of 150,000 pounds applied to each vessel. The vessel size limits and daily harvest-limit during 2007 were not effective in slowing the pace of the 2007 harvest compared to the 2006 fishery and overages of the daily and trip limits occurred in both seasons. The 2006 fishery lasted 9 days whereas the 2007 fishery lasted 7 days. Fishery catches indicate that most trawl vessels in the fleet, including those less than 60 feet OAL, are capable of catching and holding onboard quantities of Pacific cod very near to or exceeding the current daily harvest limit.

Department comments: The department is **OPPOSED** to changing the seasonal harvest allocation of Pacific cod from 70/30 for Steller sea lion conservation reasons. The department is **NEUTRAL** on the change in gear-sector for coordinating the closure of the state-waters B season fishery with the September 1 parallel/federal fishery opening, however the department believes that the existing management plan provides adequate fishing time to harvest the available GHL.

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

## PROPOSAL 399

**5 AAC 28.050(e). Lawful gear for groundfish.; and 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.** Increase the size of tunnel openings for groundfish pots used in the Aleutian Islands District state-waters Pacific cod fishery as follows:

**5 AAC 28.050(e). Lawful gear for groundfish.**

...

(e) A groundfish pot is a pot with individual tunnel eye openings with perimeters 36 inches or less, except in the Aleutian Islands Management area where tunnel eye openings with perimeters up to 48 inches is allowed.

**5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan**

...

(d) During a state waters season,

...

(2) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, longline, non-pelagic trawl, and hand troll gear;

...

The board was requested to take up this matter and it generated this proposal for public review and consideration. The proposal asks to increase the tunnel-size opening for groundfish pots from a maximum of 36 inches in perimeter to 48 inches in perimeter, to permit the capture of larger Pacific cod that may not be able to enter a 36 inch perimeter tunnel. The current groundfish pot opening definition helps to distinguish groundfish pot gear from other pot gear and to reduce bycatch. Changing the tunnel size opening perimeter dimension would impact other pot fishery gear definitions. For example, the statewide king crab pot gear definition states that king crab pot tunnel-eye openings are individually more than 36 inches in perimeter. Increasing the pot tunnel-size-opening may also impact the amount and type of bycatch in the Pacific cod fishery, however the department does not collect bycatch data in this fishery.

The Aleutian Islands District Pacific cod fishery began in 2006. The state-waters fishery is based upon 3% of the Bering Sea/Aleutian Islands federal acceptable biological catch (ABC).

The state-waters guideline harvest level is apportioned 70% to the A season and 30% to the B season. The state-waters fishery A season opens after the initial catcher-vessel trawl parallel/federal Pacific cod season is closed, and remains open until the A season GHL is attained, or no later than June 9. Beginning June 10, the state-waters B season opens. The A season fishery GHL has been taken in the initial two years of the fishery. The B season fishery has a slower harvest rate than the A season, however the B season GHL may be taken in 2007.

There are no harvest allocations by gear type in the state-waters fishery. Increasing tunnel size opening on pot gear may provide more harvest opportunity for vessels using pot gear. Larger fish may have a higher market value. If the Board changed the tunnel-size-opening for groundfish pot gear, then the state definition for tunnel-size-opening of groundfish pot gear would be larger than current federal definition for groundfish pot gear tunnel-size-opening.

During the 2006 season there were no vessel size limits. The 2007 Aleutian Islands District A season Pacific cod fishery was the first in which vessel size limits of 125 feet or less for pot vessels, 100 feet or less for trawl vessels and 58 feet or less for longline and jig vessels were in effect.

During 2007, the A season state-waters Pacific cod fishery opened to commercial fishing on March 16, 2007, and closed on March 23, a 7-day fishery. The harvest was 8,229,931 pounds of Pacific cod taken by 27 vessels, although 29 vessels registered for the fishery. Three floating-processor vessels and two shore-based processors participated. No catcher processor vessels (CPs) participated in the 2007 A season whereas six CPs participated in the 2006 A season. Average fishing vessel size was 89' overall length during 2007.

Only two gear types participated in the 2007 A season; non-pelagic trawl gear harvested 85% of the A season total catch and pot gear 15%. Of the 20 trawl vessels that participated, 13 trawl vessels (>60 ft) harvested 72% of the trawl harvest. All pot vessels that participated were over 60 feet. Overall for both gear types, 76% of the 2007 A season harvest was taken by vessels over 60 feet and 24% was taken by vessels 60 feet or less.

B season harvest through August 31, 2007 was 2.14 million pounds from the GHIL of 3.41 million pounds. Ten of the thirteen registered vessels made landings in the first portion of the 2007 B season (Table 3). Individual landings have ranged in size from less than 1,000 pounds to over 300,000 pounds and have averaged approximately 179,000 pounds per week. The state-waters B season will reopen October 1. The fishery may remain open until December 31, however if catch rates are similar to the first portion of the B season then the entire remaining GHIL of 1.27 million pounds could be taken before December 31. Harvest to date during the 2007 B season has been split between longline (46%), pot (54%) and jig (<1%) gear types.

**Proposed by:** Alaska Board of Fisheries

## ADF&G COMMENTS ON PROPOSAL 399

### **PROPOSAL 399 - 5 AAC 28.050(e) lawful gear for groundfish; and 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.**

Proposed by: Alaska Board of Fisheries

What would the proposal do? This proposal generated by the BOF at the 2007 work session requests an increase in the tunnel-size opening for groundfish pots used in the Aleutian Islands District from a maximum of 36 inches in perimeter to 48 inches in perimeter.

Proposed regulatory language as follows:

#### **5 AAC 28.050. Lawful gear for groundfish.**

...

(e) A groundfish pot is a pot with individual tunnel eye openings with perimeters 36 inches or less, **except in the Aleutian Islands Management Area where tunnel eye openings with perimeters up to 48 inches is allowed.**

#### **5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan.**

...

(d) During a state waters season,

...

(2) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, longlines, non-pelagic trawl, and hand troll gear;

What are the current regulations? The statewide definition for groundfish pot tunnel eye opening perimeter is 36 inches or less.

What would be the effect if the proposal were adopted? The current groundfish pot opening definition helps to distinguish groundfish pot gear from other pot gear such as king and Tanner crab pots and aids in reducing the bycatch of halibut and crab in groundfish pots.

Changing the tunnel size opening perimeter dimension would impact other pot fishery gear definitions. For example, the statewide king crab pot gear definition states that king crab pot tunnel-eye openings are individually more than 36 inches in perimeter. Increasing the pot tunnel-size-opening may also impact the amount and type of bycatch that occurs in the Pacific cod fishery.

The Aleutian Islands District state-waters Pacific cod fishery is relatively new and the portion of the stock targeted during the fishery may not have been heavily fished previously. The proportion of larger Pacific cod in the area could decrease over time as the fishery removes older, larger fish or as recruitment or migratory patterns change.

If the BOF changed the tunnel-size-opening for groundfish pot gear, then the state definition for tunnel-size-opening of groundfish pot gear would be larger than current federal definition for groundfish pot gear tunnel-size-opening.

Background: The department does not have information on the size of Pacific cod landed from the Aleutian Islands District state-waters Pacific cod fishery because port sampling is not conducted.

Department comments: The department is **OPPOSED** to increasing the groundfish pot tunnel size opening in the Aleutian Islands District because of the potential for increased crab and halibut bycatch, and because the new gear definition would not be compatible with other state groundfish pot gear definitions or the federal groundfish pot gear definition.

Cost analysis: This proposal could result in increased costs to fishers participating in this fishery.

## **PROPOSAL 400**

**5 AAC 39.xxx. New section.** Modify vessel length definition to exclude bulbous bow in vessel length calculation.

Current method for measuring vessel length includes the added length of a bulbous bow modification made to a vessel. A bulbous bow modification can enhance the fuel economy of a vessel and the seaworthiness of a vessel without adding any unfair fishing capacity advantage in a fishery subject to vessel length limitations. This proposal seeks to change the method of defining vessel length to exclude a bulbous bow.

**Proposed by:** Alaska Board of Fisheries

## ADF&G COMMENTS ON PROPOSAL 400

### PROPOSAL: 400 – 5 AAC 39.XXX. New Section.

Proposed by: Alaska Board of Fisheries

What would the proposal do? This proposal generated by the BOF at the 2007 work session seeks to add an exception to the length limitation with the additional allowance of a "bulbous bow" on salmon seine fishery vessels.

Proposed draft regulatory language as follows:

**5 AAC 39.XXX. New Section.** (a) Unless otherwise specified in 5 AAC 01. –

5 AAC 38., in the measurement of a salmon seine vessel, "overall length" means the straight line length between the extremities of the vessel excluding anchor rollers or a bulbous bow.

(b) For the purposes of this section, a bulbous bow means a bulbous extension of the bow below or predominately below the water line of a vessel designed to increase stability and fuel efficiency.

What are the current regulations? Within Alaska statute 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.

(b) .....

(c) In this section, "overall length" means the straight line length between the extremities of the vessel excluding anchor rollers.

What would be the effects if the proposal is adopted? Salmon seine vessels owners would be allowed to add bulbous bows to the existing bows of their seine vessels.

Background: In 2005 the Alaska Legislature amended the statute AS 16.05.835(a) to allow the Board of Fisheries to provide for longer vessels by regulation in salmon seine fisheries. During the 2007 BOF work session the board accepted a board generated proposal to address the possibility of allowing bulbous bows on seine vessels.

A bulbous bow modification can enhance the fuel economy of a vessel and the seaworthiness of a vessel without adding any unfair fishing capacity advantage in a fishery subject to vessel length limitations.

Department comments: At this time any adverse effects from the allowance of bulbous bows is unknown. The department is **NEUTRAL** on this proposal.

Cost analysis: Should a vessel owner choose to add a bulbous bow, it would require a significant investment.