

February 28, 2011 [**Starting at 1320**]

Webster: Is there any objection to making this a Board generated proposal? Seeing none, so be it. So before us is RC 164, which is a Board generated proposal. I'd like the ... if someone from the Department can explain...we'll have questions on this. Can someone from the Department explain this?

Webster: Mr. Fox can you explain? Let's just take this in sections. On the first page of RC 164 down to the second, halfway down the page, the top half that closes the one area of Area One. Can you explain what that does?

Fox: Mr. Chairman, the big letter A, the capital A from July 19 through the 15th there's currently two regular period restrictions, that occur south of the south tip of Kalgin Island. This action here recreates a new corridor section which is outside of the current corridor, closes that first regular period from south of Kalgin Island north of drift gillnet Area 1 and only puts the drift fleet for that period in this out Kenai and outer Kasilof Section.

Webster: Which consists of what?

Fox: It is a line from the outside of points of the corridor up at Collier's Dock ...

Webster: That's what the whole proposal does. Right now if we don't expand the corridor where would they go?

Fox: They would go into the regular Kenai and Kasilof Section.

Webster: Ok, so the top half all it does is closes the one period.

Fox: In Drift Gillnet Area One on the 9th to about the 11th.

Webster: And where could you fish the fleet if you just did that?

Fox: In the Kenai and Kasilof Sections.

Webster: Which is the corridor as it's written now?

Fox: The regular corridor. Approximately three miles except for in a few places between the two rivers it stretches out to almost 5 miles right there at Karluk Reef up North it's about a mile and a quarter somewhere like that. Generally about three miles.

Webster: Ok. So just the closure period of this part of the RC 164 closes the fleet down in Area One and moves them into the corridor. And you can fish them in the existing corridor, you have the authority to do that 24 hours a day 7 days a week to catch fish?

Fox: Yes sir. Generally we don't fish them except in daylight hours because enforcement of the line is very rough in the dark. So it's generally they fish 5 A.M. to 11 P.M. when they're in the any additional time is restricted to the corridor.

Webster: But you have the EO authority already to do that?

Fox: Correct.

Webster: Ok. Board Members? Mr. Brown?

Brown: I thank you Mr. Chair. I'm sure I'm going to have more questions like this as we go along but as it's written now under Section A to the Section you were at, outer Kenai and outer Kasilof Sections, that's the boomeranged shaped corridor, is that correct?

Fox: No, if you go to the map that follows, the outer ones are the straight line, the regular corridor is the boomerang.

Brown: Ok. So that's what I thought, I must have spaced out on something. So as it's written now in Section A we have expanded the corridor?

Fox: Correct.

Brown: And so fishing's going to be allowed in a larger corridor and some of this expansion carries into what is known as District One is that correct?

Fox: Uh, it actually carries into District 1 and 2. This line at the widest part is approximately 8 miles off shore. I think 8.3 miles.

Brown: Ok.

Fox: That actually takes them out into Drift Gillnet Area One to the South and later on in the season we are restricted to Drift Gill-net Area 2 which is North of Drift Gillnet Area 1.

Brown: Ok.

Fox: So it encompasses a small piece of both.

Brown: Ok. That's how I thought I understood it reading through it. I haven't fished there myself but the way the proposal is written now we're going to close fishing on the first of two regular periods in District 1 and permit fishing seven days a week 20 hours a day or something like that in an expanded corridor that includes the old corridor plus a little bit larger area.

Webster: Mr. Brown you're absolutely correct, but all I wanted to discuss right at this moment is just the closure.

Brown: Ok.

Webster: I'm taking this one step at a time.

Brown: Thank you, he had mentioned that corridor and I wanted to make sure I knew of it.
We'll just talk about the closure now thank you Mr. Chair.

Webster: So at ... if we just pass this top part the Area 1 would close and the fleet, if we didn't if we didn't expand the corridor we take away, we haven't talked about that yet, so if we just close this one period then you have and that's all we passed, you would put the fleet in the existing corridor which is boomerang shaped.

Fox: Both of these issues are covered under little i. It is a closure and a renaming of the corridor.

Webster: But we're not under ...

Brown: Yeah we are

Webster: So we'd need to take the words "outer" out. If we only passed the top section we'd need to delete "outer."

Fox: If you don't want to expand the corridor take "outers" off and ... correct.

Webster: Right. So any other questions on the restriction we may want to put on the Drift Fleet?
Mr. Jensen?

Jensen: Thank you Mr. Chair. Just let me get this straight. We're talking about the first sentence in little i? Fish during the first, and then 2 is in parenthesis, regular fishing periods?

Webster: The 2 will be removed. It'll read Fish and Game the first regular fishing period... We need to change that sentence if we just want to do the restriction and not change the corridor.

Jensen: uh huh. I think I got it now Mr. Chair.

Fox: You just need to delete the two words "outer".

Webster: How would it read then?

Fox: Fishing during the first regular period is restricted to the Kenai and Kasilof Sections.

Webster: Ok.

Jensen: Excuse me Mr. Chair.

Webster: Mr. Jensen?

Jensen: If you apply “outer” that means the new area described.

Webster: And we haven’t talked about that yet.

Jensen: Yeah, that’s what I thought.

Fox: A map of this is on RC 2 on page 61 it has Area 1 and Area 2. And the corridor is on the next page.

Webster: Ok. Other Board Members? Is there any...Mr. Smith?

Smith: Yes, thank you. For a little clarity on my part, and then it’s just those small sections of Area 1 and Area 2 then that are encompassed within a possibly expanded corridor?

Fox: Yes sir, uh Mr. Chairman the District is between 30 and 40 miles wide. The corridor, the present corridor is 3 to 5 miles wide at the widest piece and this new corridor is about 8 miles wide, 8 and a third miles wide at its widest piece.

Smith: But it doesn’t encompass all of Areas 1 and 2 it’s just a small portion.

Fox: Yes it’s just the corners of it.

Smith: Ok, thank you.

Webster: Other Board Members? Is there any objection on closing Area 1 for one period between, the first period between July 9th and July 15th? Mr. Jensen?

Jensen: Thank you Mr. Chair. Yes I’m going to be in objection to that, Mr. Chair. For the reason that I don’t think that we have a real serious problem quite yet. So that’s why I’m going to object.

Webster; Ok. Any other objection to leaving this portion in? Mr. Johnstone?

Johnstone: Is this a proper time for us to establish a record for taking that period away are you going, do you plan on having a vote on this an actual formal vote on this particular aspect of the action plan? And if so, I think we need to establish a little better record than what we’ve just done.

Webster: Oh. We will. We’ll come back before we vote and we can give our reasons for what we have left, if we have anything left.

Johnstone: I see, so what you’re asking for is really an informal idea of what’s going to happen.

Webster: Right.

Johnstone: Ok, very good thank you.

Webster: So is there any other objections. Ok, seeing none, it's obvious a majority wants to leave this portion alone. Now we come to expanding the corridor, the way it's written right now, explain how it's written right now in the expanded corridor department, Mr. Fox.

Fox: Just the expanded corridor?

Webster: Explain what the last half of this page does. The bottom part.

Fox: The bottom part number 2 is the second period during this time frame.

Webster: Mr. Johnstone.

Johnstone: Mr. Chairman, the expanded corridor is on page 2, it's a definition under part C. I don't know if it's your intention but you're going from, you're jumping over the second half of the first page.

Webster: No, I'm wanting to explain the bottom half of the first page.

Fox: I believe what you're asking is the definition of the "outer" sections?

Webster: Yes.

Fox: Ok. The outer sections are basically aligned from the outside point of the current corridor at Collier's Dock to the north to the bottom end of the corridor at Ninilchik. Drawn with a straight line and it's all waters encompassed inward of that. On the page that Mr. Johnstone was just speaking of that is the legalese to define both the outer Kenai and outer Kasilof, because we do fish these. Sometimes if Kenai was weak we would only fish south. If Kasilof was weak we might only fish north so we actually have a Kenai and a Kasilof portion of each of these. And that's what it is on the bottom of the next page of this RC and what that is basically a series of points connected in all waters inward from that outer Kenai or outer Kasilof section.

Webster: Thank you. Board members questions on what the outer section is? Mr. Johnstone?

Johnstone: I can make sure the description that you have on page 2 under C and E. Is that reflected on a straight line between the northern points of the existing corridor down to the southern point of the existing corridor?

Fox: Correct and it's actually, the map of that is on the next page, on 3.

Johnstone: So that's the expanded corridor that we're referring to as the "outer" on both, is that correct?

Fox: Correct.

Johnstone: Ok, and this would not be the first time that the Department would utilize an expanded corridor, maybe not this large, but has the Department used expanded corridors in the past when you've had large runs?

Fox: Yes sir we have. This corridor was actually used in probably the late 70's. After that we started with a three mile corridor when we had very large runs during the 90's, 92 in particular, we've actually had an eight mile corridor and then Kings were an issue that year so we actually went from a 3 to a 8 mile corridor, and closed the inner portion.

Johnstone: When you said this corridor was used in the 70's are you referring to the proposed outer corridor?

Fox: The straight line, yes.

Johnstone: Thank you Mr. Chairman, thank you Jeff.

Webster: Thank you. I want to clarify this, the way that this is written any time you fish the fleet in the corridor, they'd be in this expanded corridor.

Fox: Unless you directed us otherwise or we had some reason not to do that, yes.

Webster: If it was, if we only wanted to give the fleet an opportunity to harvest fish for the Kenai and Kasilof from the period that they was closed from, to the next regular Area 1 opening we'd have to add language to this to do that, is that correct?

Fox: Yes sir, we'd have to add language and it would be rather simple, just say during the time period the first restriction is to the outer Kenai and Kasilof sections.

Webster: I personally would like to see that in there if we was going to keep this. I don't want the outer... I don't want the corridor permanently out there, I just want it for that one period that they was restricted. But I want to make sure that they have an opportunity to harvest the Kenai and the Kasilof stocks that wasn't harvested out in Area 1. But that's my personal opinion. Other Board Members? Mr. Johnstone?

Johnstone: Mr. Chairman. Is this a time for us to discuss whether we want this or not, or is it a time to inquire?

Webster: Either one.

Johnstone: Ok, what I'm thinking Mr. Chairman is that this is an integrated management plan. If you expand the corridor as defined under C and E, that expanded corridor under other provisions of the management plan would be utilized based on abundance, so then you're not only are you doing it under B, which is the July 9th through the July 15 period but that expanded corridor would be applicable under the July 16 through July 31st portion of the

management plan, and whereas it might be appropriate to have an expanded corridor if you're going to shut the Drift Fleet out of Area 1 for the first period in earlier July, it may not be so appropriate to have such an expanded corridor when you are looking at maybe protecting some Coho runs that are running up the beach, or running up the Inlet, under the second period July 16th through July 31st, which is on abundance as well. So any time we start talking about expanded corridor it's going to apply later on in this management plan and it seems to me that rather than decide the expanded corridor provision now, it would be more appropriate to look at the rest of the openings that take place in later in July and see if it would be appropriate to have an expanded corridor for those as well. I'm not sure when the best time to talk about that is, but I would not want to be in a position where I would vote on expanded corridor just to find out later that it might not be appropriate for fishing later on in the season. Mr. Chairman.

Webster: Thanks. Mr. Brown.

Brown: Thank you Mr. Chair. I share some of the concerns that Board Member Johnstone has, and what I think that we should consider, and I'm Ok considering what we're doing now as long as we put some dates on this expanded corridor. And so far we're talking just about Sockeye but if we go much farther than this page the purpose of these other things we might be considering, maybe support, maybe not, but the purpose of considering would be to try to get more Cohos up north. Those from the middle of the page is almost, it's clearly drawn from Proposal 126 which is a management plan intended to get more Cohos up north. So I personally believe that it's fine to talk about to where we are, carefully define corridor whether we want to expand it or not, put some dates on when it would be expanded, and leave all the discussion of the rest of this page for the Committee B where we talk up Proposal 126. Those ideas are put in context and we've already got committee discussion on them and I think it would be better to deliberate at that time Mr. Chairman.

Webster: If we ... I personally, and I'll do a show of hands here after everybody has an opportunity to discuss this. As it's written I can't support it. I think that the date needs to be in there when we want this used, for the harvest of Sockeye that wasn't caught in Area 1, that's heading for the Kasilof and Kenai, to try to protect that Susitna Sockeye stock of concern. I'd like to address it here, and then in 126 if you put, adjust the time period and the existing corridor for the rest of the year that's very appropriate to do that. If it's the wishes of the Board not to address this portion of it right now and do it when we address 126, that's fine, we can do that too. So it's totally up to the wishes of the Board. Mr. Johnstone.

Johnstone: Thank you Mr. Chairman. I would be in favor of the expanded corridor as it is described, to put the Drift Fleet in for that first fishing period where they cannot fish in Area 1, and I would be in favor of using that description for only that fishing period.

Webster: Thank you. Other Board members? Mr. Smith.

Smith: Mr. Chairman I was just curious, does changing the definition in 5AAC 21 200 to that corridor, where does the old corridor get described in?

Webster: Mr. Fox?

Fox: Mr. Chairman, the old corridor is number 2 in little d, or capital D there. The old corridor is still in place in regulation. The ... what I'm hearing the Board is they're, they want the outer to only be fished during this first period. All you'd have to do is add a sentence there that this should only occur during the first period under little, two little it's, just delete "outer" twice and that's what you would have done.

Webster: Other Board members? Mr. Kluberton.

Kluberton: Thank you Mr. Chairman. I want to ask a question of staff, I don't know if you've had an opportunity or occasion to review RC 183, in RC 183 there's a definition of a corridor from, utilizing 2005 they say, to concentrate harvest on Kenai Sockeye while avoiding the harvest to Susitna Sockeye. I wonder if you could give us any sense of the distinctions between those two the ones we've just now described as the out Kenai and outer Kasilof as used in the 70's versus the definition of corridor that was used in 2005, whether it is significantly different in its impact on the Northern Bound Stocks?

Fox: I just got the RC, give me one second and ...

Kluberton: Sure and this swiggled out area is the area in question, the bold line to the right is the existing what we call the Kenai/Kasilof section now it's not actually the shoreline the shoreline is further to the East from that further right most line. so I'll give you a second to look.

Fox: Just looking at it I believe those points are the current corridor.

Kluberton: Well the right-most line is the current corridor and then what we're talking about used in 2005 defined by the Lat and Long. on the front page RC 183 is the center line, brings us to the center line, so actually the beach is not lined out here.

Fox: Yes, correct. Oh, I uh, in 2005 the Board moved the point at the Blanchard Line because, when you look out in front of the Kasilof River there's a reef there called Karluk Reef. The line actually went almost across that reef and we had a gentleman on the reef that perished. This moved it out enough that you could drift along that line and not hit the reef.

Kluberton: And is it your understanding that in that time period there were considerable catches in there, I think I heard a number like half a million Sockeye in one period at one point?

Fox: I don't think it would ever be that high. This adds, I think this added like a half a mile to a mile at that point. This wouldn't put people out in the rips and get into Northern bound

fish or anything. When the fish, Kenai fish and Kasilof fish swing down they do come along Karluk Reef and that's what they were after.

Morris: So you don't think this area gets them into the rips?

Fox: No.

Morris: Ok, thank you.

Webster: Other Board members? Mr. Morris?

Morris: Thank you Mr. Chairman. The way I see the action plan it's not only a commercial restriction but there's sport fish restrictions, there's some closures on some lake on some river system, and there's some closures on the Northern District setnetters. I think they all, ... personally, I think they all tie together as part of an action plan. I think if we go to 126 we're going to pick apart the commercial part without considering all the other aspects of the action plan. I would be opposed to doing that until we've gone through the complete plan and then looked at the various considerations. Mr. Chairman.

Webster: The Northern District, we are going to take the Northern District action plan separate and that'll come up. Right now we are just talking about the Susitna Sockeye Salmon Action Plan and so that's what's before us right now at this time. Mr. Jensen.

Jensen: Thank you Mr. Chair. What I see this trying to do is create an expanded corridor to use for the time period stated above in A, for that first regular fishing period. I don't see it as a permanent thing, I see it as a tool for this portion of the season. Am I seeing it correctly?

Webster: So you're saying, we would have to do it, what you're saying, we do have to put a date, that's left out. We do have to modify this if we only use this expanded corridor for that first period closure.

Jensen: Ok.

Webster: We would need to determine what that date is, come up with the language and add that to this. It's pretty simple as Mr. Fox says. If we wanted to take care of that right now we could, when we get all through discussing here, we could step down, get that in writing or get it clarified exactly what we want it on that date and then come back to the record and finish addressing this. If it's the wishes of the Board to not even consider an expanded corridor at this time, then there's a place later on in the meeting to do that too. So, Mr. Brown?

Brown: Thank you Mr. Chair. I too, just looked at RC 183 as delivered this afternoon and there's some of the information that's intriguing and let me just preface my remarks before I ask a question of staff. On committee B a lot of our proposals talked about this sort of thing and I asked several members of Drift Fleet, you know, would they take advantage of the

corridor and I couldn't get anyone to say yes, that'll help us and when I asked "if we expand it is that going to help" I couldn't get anyone to say it. And then I talked to staff people and they said they're really not sure how many more fish would be caught or if there would be more fish caught. So what I'm wondering now, especially in light of RC 183 what's the best guess? If we do what we seem to thinking about, close one day on July the 10th or something for the Drift Fleet in Area 1, and while that is closed allow fishing in the existing corridor, how many fish do you think would be caught? If we allowed fishing in the expanded corridor how many fish would be caught? And of those extra fish that would be caught is there any best guess how many would be Susitna Sockeye and how many would be Kenai Sockeye? And I realize that we don't have any firm numbers, but we need to know that before we make this decision. So can someone give me some best guess of what's going to happen under extra time in the old corridor and extra time in the new corridor?

Webster: Mr. Fox?

Fox: Typically, in round numbers, with a very low r-squared, the Drift Fishery catch will be reduced by probably 90%. To take away District-wide or Area 1 and move them to the corridor. They would probably catch about 10% in that corridor. So. I'm sorry, I didn't say that quite correctly. They'll catch about 1/10th as much in the corridor.

Brown: In the existing corridor?

Fox: In the existing corridor. There are likely, if the wind blows there are likely to be some mixed stock allocation in that fishery. The other issue is, if it's a good Southwest blow and fish, say it's the 11th, sometimes fish can be there and they can catch almost as they could District-wide. So it all depends on the day, there's a very wide variation. But in general, it's about 1/10th.

Brown: So that's in the existing corridor? In the expanded corridor what would be, you're the knowledgeable person, would it be 20% or 30%?

Fox: Probably slightly more, basically what ends up happening, well in the expanded corridor the rip is in the expanded corridor so fish might keep traveling through there. Typically what happens on the corridor is shortly after it opens everyone is on the Western line. There's not a lot of fish in behind it. On an expanded corridor now there is room and there probably would be some fish, so it gives a little more fishing area but we don't have a good number of harvest. We haven't used that in 30 plus years.

Brown: So it'd be, I think you might have said 30%, substantially more than 10%.

Fox: It would be more than 10, probably not 30.

Brown: Ok, if the purpose of this plan is to save Susitna Sockeye is that plan defeated by having an expanded corridor?

Fox: Yes and no. Some of the changes that have occurred, these two Period One restrictions or Area 1 restrictions, it used to be a single corridor in a District-wide. The reason we made it two Area 1s was that after a closure on the 9th, the next period there's actually a lot of fish still left in the District that the Drifters catch and there's a bunch of fish on the Eastside that the Set Netters catch and it plugs the canneries. So nobody could fish for days after that. That was the primary reason to change this. It's uh, it gets kind of hard once all this starts rolling to say exactly what will happen.

Brown: I just want guarantees.

Fox: I understand that.

Brown: Thank you.

Webster: Mr. Johnstone.

Johnstone: Thank you. Jeff, I'm a little confused and I think it's maybe the way the question was answered. If you took them in for that day that they'd be in Area 1 and put them in the expanded corridor for that day you think 10-20% that they'd catch 10-20% is that correct?

Fox: In the old corridor they'd catch about 10%, although it's variable. The new one will be probably more but probably not 3 times as much.

Johnstone: Ok, now this is an integrated plan and elsewhere in the management plan proposal which is not included in the RC, there's quite a few things that aren't included in the RC, but this was not included. The proposal that goes along with taking the Drift Fleet out of Area 1 also proposes that additional periods may be authorized independent of the upper sub-district set Gillnet fisheries. Now my question for you is, would be the same I asked you in committee, and the same I asked some of the Drifters in committee: If you allowed 5 or 6 days fishing in that expanded corridor, I asked you that question, the question I asked you was: does the Drift Fleet have enough power to get those fish, the ones that are heading towards the river, and I believe your answer was in many cases yes, you don't know for sure but you acknowledge that might get a big number not 100% but a large number and if you expanded the number of days and some of the users said and have said subsequent to that, that they would fish it, they would get the fish, but it would take a long time, it would be a lot of effort, a lot of gasoline being used a lot of diesel fuel being used it would be more effort to do it. So is that a fair summary of what you said and what you heard?

Fox: Yes sir. The uh ... we have the ability right now to fish the Drifters extra in the corridor, we also have the ability to separate them from the Set Gillnets. The only time we've ever done that was during a window or when we ran out EO hours for the use site setnets. Fishing them every day gets to be a problem. We still have to get escapements into the Kenai. The fish that you save by closing Area 1, if you fish a whole bunch of corridors where they catch some smaller percentage, the additive catch of those smaller or

numerous corridors pretty much defeats the first action. So typically we don't fish a whole lot of extra in the corridor unless we really don't want any more escapement in the Kenai or Kasilof Rivers. So we don't, we aren't using the corridor for Northern District management necessarily, so much as Eastside management.

Johnstone: So may I fairly assume that if you shut the Drift Fleet out of Area 1 and put them into the expanded corridor, that they will have the power if they want to fish every day or every other day, to get more than the 10, 20 percent that you just relayed they'd catch with just one day?

Fox: The Drift Fleet is very adept at catching back up, the problem, as we've been speaking is this outer corridor would only be fished on that one restricted period. Anything outside of that would be in the current corridor.

Johnstone: Ok. That's why I mentioned this that this is an integrated plan, because there is a proposal to allow additional periods, so if we allow periods the first day they're not in Area One to the expanded corridor and then thereafter to the regular corridor or we allowed the expanded fishing in an expanded corridor, if we did that then we'd harvest more it sounds like during the four or five days. And it's my understanding that some fish, we don't know how many, by doing this would migrate north, some of the sockeyes. And the closer we get to the terminal areas, the more likely it is that we're going to harvest Kenai or Kasilof bound stocks, is that correct?

Fox: Correct. And from time to time, as you look at the genetics there are a period or two where those spike up on the East side.

Johnstone: Ok, thank you. Mr. Chairman, I just want to continue calling attention to this being an integrated plan. Whenever you do something, there's going to be something down the line in the management plan that will be impacted by what we do. Mr. Chairman.

Webster: Thank you. Mr. Jensen?

Jensen: I got my answer.

Webster: Any other Board members? I guess the question is, do we want to allow them an expanded area on a certain day. Do we want to address that now or not? Do I see Board members that want to address that now?

Johnstone: I'm sorry I didn't get that please.

Webster: The question is: Do we want to address an expanded area to be fished on a certain date now or, if we don't do it now we could possibly bring it up again later, there's opportunity. What's the wishes of the Board. Who wants to address, if you want an expanded area, address that now on a certain date? I see one...

Johnstone: I have some questions.

Webster: Ok, Mr. Johnstone.

Johnstone: I would be willing to discuss that, utilizing the expanded corridor for the period of time starting on the first day that the first opener would take place in Area 1 that we are take away from the Drifters, let them fish the expanded corridor, until the next regular opening, which would be in Area 1. That way they get a good opportunity to catch close to, not the same number, hopefully, because we want some of the fish to go up north, but catch the fish that are destined to go to the Kenai and Kasilof if you gave them the opportunity to fish the expanded corridor for that week before the next opener.

Webster: Ok and that's all we're talking about. Is everybody ... Mr. Brown.

Brown: I'm a little leery of Mr. Johnstone's suggestion. We don't know how many fish are going to be caught but the best guess, the scientist that's probably best knowledgeable in this area says they might catch in the expanded corridor 30% of what they would have caught in the... we take one day of fishing away in Area 1 and put them in the expanded corridor, I assume he meant that in one day they'd catch 30% of what they'd catch in one day in the other area. So if we let them fish daily until the second opening in District 1, that's three or four days fishing. They might catch the same amount. I don't know if any fish would get up north. So I want to be sure that in fact I'm concerned about stocks of concern. I want to be sure that more fish get north in that, it's going to be maybe two days in the expanded corridor, but three I could not agree to that, cause three times 30 that's the same amount under reasonable scenarios. Mr. Chairman.

Webster: Mr. Fox, if what Mr. Johnstone just described, if you had the authority to do that, EO authority to do, that how would it work? You wouldn't automatically give them that time? You would only give them that time if there was surplus of Kenai and Kasilof salmon is that correct?

Fox: Yes sir, that would be correct and the other thing that you have to remember is that between the 11th or 9th and 15th however that shakes out there's only Tuesday and Wednesday or Saturday, Sunday, Friday. So there's not, it wouldn't be an every day thing.

Webster: So, it'd only be a maximum ... What would be the maximum if you did fish everyday? Three days?

Fox: Well, probably one or two.

Webster: So the maximum, if we gave you that EO authority would only be, not more than three days, probably two days.

Fox: It would be two days if it was on a Monday, the maximum on the other one would be Friday, Saturday, Sunday. The other issue is is that you're talking about different run strengths. Under a two million run we'd be not to the Kenai, we'd be not all that likely to

do it. But if the forecast is 10 million we'd be pretty likely to do it. So, we currently have the ability to expand the corridor and we have. We haven't done it in a straight line we just move all the points out one or two or three miles, whatever we deem necessary to harvest fish. They do, after a very time period end up on the western most line typically, so...

Webster: Thank you. Board members, questions? Mr. Johnstone.

Johnstone: Jeff, I have a calendar for 2011. June 9th falls on a Thursday. June 15 falls on a Wednesday, so if we took away the 9th. How many days could you put them into the expanded corridor then between then and the 15th?

Fox: Three.

Webster: That's the maximum.

Johnstone: Thank you.

Fox: And we'd likely never do that.

Webster: You'd only do it on abundance of fish.

Fox: Yes we'd do it one or two times if we thought it was necessary.

Webster: Mr. Jensen.

Jensen: Twelve hour periods or twenty-four hour periods?

Fox: Typically twelve hours.

Jensen: That's what I thought.

Webster: Other Board members? So the question comes back to, do we want to address this expanded corridor and a specific time it may be allowed, not mandatory, but may be allowed. Do we want to address that right now? Is there any objection on addressing that right now? Seeing none. Ok, now we need to come up with a language for... I guess there's one other, we need to come up with the language to address that. Have you heard, you've heard our ,what the intent of the Board, let me say it then ask the Board members if that's what their intent is. To allow the fleet only to fish when the, Area 1 is closed up until the next Area 1 opening in the expanded area only with EO authority when there's an abundance of Kenai and Kasilof fish. Is that the intent of what we want to see in regulation Board members?

Unknown: Mr. Chairman that's my intent.

Unknown: Mr. Chairman that's my intent

Webster: Ok. Let's step down give the Department an opportunity to get that language before us. We'll... how long do you need for that?

Fox: 5 minutes, 10

Webster: Ok let's take a 10 minute break we should have that language before us and we can move on.

Webster: We're back on record 2:27. We have 7 of 7 Board members present under RC 200 we asked the Department to come up with the changes in the regulation that would only allow the expanded area to exist for the fleet between the restricted area period till the next normal period in Area 1. Department, you want to address this?

Fox: Yes Mr. Chairman we've done two things with this. First we've done what you've asked we've also renamed it to the expanded Kenai and Kasilof instead of outer. There was some confusion whether we'd only fish the area between. This actually goes all the way to shore. So it's an expanded corridor. So the way it reads now is, fishing during the first regular fishing area is restricted to the expanded Kenai and Kasilof sections, Drift Gillnet area 1 is closed. Additional fishing time between the first restricted period and the second regular fishing period during this timeframe may be allowed in the expanded Kenai and expanded Kasilof Sections.

Webster: Board Members any questions? Is there any objection on if we leave the closed period in there, we've got to have the closed period, is there any objection on this language. Mr. Brown.

Brown: Yes, thank you Mr. Chair. I like this language better. I'm still, in the back of my mind, I'm concerned about those rare cases where there'd be three openings in this period. If I'm the only one concerned then I'll do away with my concern, but I'd like to hear if my colleagues on the board would like to limit it to at most two additional days of fishing Mr. Chair.

Webster: Other Board members? Mr. Johnstone.

Johnstone: Jeff, I want to get back to what this is going to accomplish. It sounds to me like it's not going to accomplish, it's not going to allow the drift fleet to catch as many fish as they would had they been able to fish in Area 1. Is that a fair statement?

Fox: Yes sir, generally that's going to be the case.

Johnstone: Ok. And is it a fair statement to say in Area 1 there are sockeye there are going to the Kenai, there are sockeye going to the Northern District?

Fox: Yes sir. During just about every period from about July 1st on there are sockeye heading north in a smaller number, but as time goes on during this time frame when you get to

about the 5th or 6th of July. Kenai starts showing up in stronger and stronger numbers in a normal year.

Johnstone? Is it a fair statement to say we don't know how many fish are going north on that July 9th period and how many are going to the Kenai? We just know more are going to the Kenai than are going up North. Is that fair?

Fox: Correct.

Johnstone: Is it a fair statement to say that if the drift fleet is restricted to the expanded corridor it will allow a number, we don't know how many, but it will allow a number of fish to go up to the northern district?

Fox: Yes sir.

Johnstone: Thank you, that's all I have right now. I just want to make sure we have, we're achieving some what the goal we're striving for. Mr. Chairman.

Webster: Thank you. I'd like to get back to, they put a slide up of the area. We don't need the lights off, leave the lights on, we can't see. Mr. Brown's concern of do we want to limit to only two days. You said some years there'll be three days of fishing time maximum, some years it may be two. It depends on the calendar year. Is that ...?

Fox: It depends on which regular period falls first in there, whether it's a Monday or a Thursday. If it's a Monday there's two time periods and it's unlikely we'd be fishing both of those anyway. And on the 2nd time or situation where it's a Thursday, there are three days between, and it's also unlikely that we'd fish three days unless a Kenai run of 3, 4, 5 million was returned. Typically this is the time period that we don't know how close to accurate the forecast is and we're waiting to see what the run strength to the Kenai is, and trying to get a little bit of the front end of the run in.

Webster: So I guess the two different philosophies here is, one, we maximize it to 2 days no matter what. The other is to allow you the EO authority to take that third day if, on stock abundance. That's the, is that what you're saying Mr. Brown?

Brown: That's the issue I'm groping with. I'd feel good if we just had a maximum of two days. If the Board prefers, those rare occasions of three and last (?) by EO, then I'll go ahead with that, but my preference as I sit here now grappling with things I don't understand I'd like a maximum of two days, Mr. Chair.

Webster: Thank you. We want to make sure that you understand what you're voting on before you vote on it. Mr. Jensen.

Jensen: Thank you Mr. Chair. I'm not in support of this. I'm, just to be perfectly frank, I'm supporting status quo so now you know where I stand Mr. Chair, and I'll get to my reasons as we go along and develop this further.

Webster: By approving this expanded corridor during this period you're not saying that you agree with the proposal as whole. All you're saying is if the period in Area 1 is closed then, do you want the expanded corridor or the existing corridor to exist for those additional fishing periods. That's all we're looking at here. Just because I would agree to have this in here does not mean, we've already seen that it's not unanimous on the closed period. Now we're just talking about this portion. Doesn't mean that you agree with the proposal as a whole. So that's what I'm looking for. Does anybody object to having just this in there if the upper, if that closure exists. Mr. Johnstone.

Johnstone: Question for staff, Mr. Chairman. Jeff, looking at the straight line going from the top to the bottom of the expanded corridor, the larger of the two there. How much of area 1 is taken by that expanded corridor, can you give me a rough percentage. We're getting into Area 1 a little bit aren't we?

Fox: It would be like 2-3%. If you look at the south end of Kalgin Island and drew that line straight across. That's Area 1. The straight line there stops at Ninilchik from Ninilchik to Anchor Point's another 20-30 miles of open water also.

Johnstone: Ok, so that's for the expanded, the largest of the expanded area.

Fox: That's for Area 1. So this is just sticking into the northern piece of area 1. The northernmost point being the south tip of Kalgin Island and across.

Johnstone: Alright, thank you Jeff. Thank you Mr. Chairman.

Webster: Mr. Kluberton.

Kluberton: Thank you Mr. Chairman. I may go a little broad here, but, I am going to speak to two versus three days, the potential for three days, as far as the additional openings within the corridor. But what I would kind of like to do is put it against a broader context of where we stand with the stock of concern, and as we spoke there is an integrated plan in effect here and one of the things that, well, the only thing that is abundantly clear in all this is that there is a [start 1437] massive amount of uncertainty when you talk about northern district sockeye. The stock of concern status is on a yield basis which fundamentally means the catch was not performing to any level of tradition in a, over a five year period. So when you look at the annual management report you can see that the northern district set-gill net has dropped from a 40-year average of 91,439 fish to a 10-year average of 32,680 fish or close to a 66% drop against a 40-year average. That was fundamentally the basis for the stock of concern status being granted in 2008. Now some things we know there is massive amounts of uncertainty in how the stocks are behaving in the northern district. We have got an action plan addressing that with science. I think we have got to decide as a board whether to come out of here with a sledge hammer or an ice pick. And I think for where we stand now with the research going in the northern district, I would be willing to live with potential for three, it may or may not happen. The three openings may or may not happen, those will give us some information, I would

think, with which to approach the next Cook Inlet, the upper Cook Inlet board cycle. In the interest of information gathering I think it will give us another tool to work with in addition to what we are finding out up north. So, at this stage of the game, you know, given the baby with the bath water, I wouldn't want through the whole thing out or fall on my sword over two or three days, I can understand we might learn more with, you know, less fishing at this point in time, but it sounds like there are some impacts and I would be willing to live with this and then see the board revisit where we are. I am sure we will have to anyway, in 2014. So, I am willing to stand with this.

Webster: Thank you. I too would rather see the openings just based on abundance and give the department that EO authority, but other board members, anyone else beside Mr. Brown want a two day maximum? Other than that, you have ...

I am good with that and my colleagues are twisting me on this one. It was an issue I thought we should discuss but I think I, I would not loose sleep if we went for three day maximum, Mr. Chair.

Webster: Thank you, so, we are getting close to a procedural thing. Pretty soon we have got to accept RC200 as substitute language, but Mr. Johnstone:

Mr. Johnstone: I just want to make sure that by doing this that we're giving the department EO authority to allow fishing only in the expanded corridor we are not going beyond that at this point?

Webster: Absolutely. Is that your understanding, department?

Fox: Yes, sir.

Webster: Ok. So, now I accept a motion to accept RC200 as substitute language for the board generated proposal.

Brown: So moved.

Webster: Do I hear a second?

Smith: Second Mr. Chairman.

Webster: You ask for unanimous consent?

Smith: Yes.

Webster: Any objection? Seeing none, so before us now, is the board general proposal, is RC 200. Now let's start justifying whether we approve or oppose this proposal. Board members? Mr. Brown?

Brown: I, I'm, another procedural, we are talking about down to little ii, the first half of the page all? That's all we are talking about now? How far are we talking about?

Webster: Well, we can address the size, I mean, the only thing left in here is the size of the expanded corridor. Do you want to address that? For this time period only.

Brown: Oh, for this time period only?

Webster: This time period only. That's the only thing left in this proposal. Is that correct Mr. Fox?

Johnstone: No there is a lot more than that....

Mr. Fox: Yes sir, the only other thing that really has changed is the second period is all highlighted also. But, it's just because we separated the two periods.

Webster: Right. It doesn't change...

Fox: The second period is Area 1 and the old corridor.

Webster: The second period is just like it is now. So, really the only thing left that changes, is the definition of the expanded corridor.

Mr. Fox: Correct.

Webster: Mr. Johnstone.

Mr. Johnstone: I am confused. I was, I have been working off of 164 now we are on 200?

Webster: Yes.

Mr. Johnstone: Ok, and now we are only dealing with July 9 through July 15, is that what we are dealing with now?

Webster: For ... Yes, for that restricted area, and the use of the expanded corridor.

Johnstone: Again, we are just operating off of this RC, there are some other things in Proposal 126 that apply to the week July 9 through July 15th, are we going to be taking them up in 126, then, Mr. Chairman?

Webster: We can bring them up in 126 or if you want to discuss them here, we can discuss them hear.

Johnstone: Well, rather than discuss it twice, the thing that comes to my mind right away is the decoupling of the set-net from the drift. Now we've decided to give EO authority to the department to open up additional fishing in the expanded corridor to catch some fish

[start 1442], but we still have the issue of decoupling the drift-fleet from the set-net fleet and I know the set-net fleet is concerned about that, and I am wondering if we need to address that, Mr. Chairman?

Webster: Mr. Fox, can you explain to us with this change allowing, closing the one period, allowing them in the expanded area, can you explain how that would work for the drift-fleet and how that would work for the set-net fleet?

Mr. Fox: Mr. Chairman, currently when the, on a Monday and Thursday, from July 8th on, the Kenai, Kasilof and East Foreland section set-nets would be fishing, and drifters during this first period would be in a expanded corridor. Additional time right now is already separated. They, we can fish the drifters independent of the set gill-nets now. The only time we have ventured into that area is when there is a window and we needed to go fishing with somebody, so we put the drift-fleet out there, or if we ran out of emergency order authority on the east side set-net fishery which has caps at 24, 51, and 84 hours of additional time, per week, if we had expended those hours and we needed additional harvest of Kenai or Kasilof, or Kenai and Kasilof, we would put the drifters in the corridor with the inner-boundary closed. So the first two miles of it would be, or excuse, me, it's a mile and a half from mean high tide mark south of the Kenai River and one mile north of the Kenai River, is closed to drifting during those periods. Basically, you have to stay out of the set-net area, which is closed.

Webster: Ok. Mr. Johnstone?

Mr. Johnstone: Jeff does that, if this language it says in the proposal "Additional periods may be authorized independent of the upper sub district set-gill net fishery." If that is adopted in the regulation, what are the potential impacts to the set-netters?

Mr. Fox: That language already is in regulation, we can do that now. The only time we have used it is during those closures if we run out of EO time or during like a Friday window and if we had large numbers of fish out just coming into the district, or into the Kenai-Kasilof area, we would fish the drifters even though we couldn't fish the set-netters.

Mr. Johnstone: So as I understand what you are saying you have that authority now, it's not regulations, EO authority, is that correct?

Mr. Fox: It is in regulation, we can fish them independent. We have not ventured there very often.

Mr. Johnstone: It has not been in regulation in this management plan however, has it?

Mr. Fox: It's not in the drift gill-net plan, no.

Mr. Johnstone: OK. And I have always been under the impression you fish them concurrent because it wasn't in the drift management plan?

Mr. Fox: We generally fish them concurrently because if you are trying to kill Kenai and Kasilof fish, both of these, or gear groups, are primary harvesters of them, we fish them. If we ran out of EO time for set-netters, they couldn't fish, we wouldn't not fish the drifters if we had to fish we would fish the drifters. We haven't been there often. Typically we still have EO time for set-netters so we would fish them both at the same time.

Mr. Johnstone: Do you view that adding this language to the drift plan would have any adverse effects on the set-netters?

Mr. Fox: No, not, it is already in the Kenai plan, so it doesn't...we understand we have that authority.

Mr. Johnstone: Very good, I am just trying to find out what the impacts are to the other people who are affected. Thank you Mr. Chairman.

Webster: Other board members?

Webster: So everyone knows, explain to me, is there, under this scenario would the set-netters run out of their allotted time and you would still want to put drifters in there, would that, is that going to occur very often?

Mr. Fox: It doesn't occur very often because generally the one or two times I actually remember doing it, we were almost out of EO time for set-netters so we put the drifters out first to see what was coming in. With cell phones it's pretty quick what you find out how well [start 1447] you're doing. At, then we kind of tell us whether we want to use that time for set-netting now, or save it for later, and we ended up using it then.

Webster: We wouldn't, my concern is, we wouldn't want to restrict the set-netters any further than they already are. However, if their EO, I wouldn't want to give them extra EO time than what they already have. If their EO time runs out, I would expect it to be a drift opening only. Is that the way the other board members think this is going to work? Is that our intent?

Mr. Johnstone: That was my fear, Mr. Chairman. That the drift gill-netters would get more time and the set-netters would be, might complain that they are not getting equal opportunity, and if they were given equal opportunity that there may be an unforeseen harvest of Chinook stocks during that additional time.

Webster: Right. That is why I don't want to give the set-netters any additional time, EO time because of the king concern. Mr. Fox.

Mr. Fox: Especially during this 9th to the 15th time frame. Especially for Kenai we would not even dream of it, generally. We may be fishing in the Kasilof section but because you give something to the drifters you know, just saying that they could fish, they currently don't have any EO limitations, any extra time they get is in the corridor. No, we understand that isn't adding time to the set-net fishery, necessarily. So ... or detracting...

Webster: does everybody understand that?

Mr. Johnstone: I'm clear.

Webster. Ok. Back to the, we need to start building the record for the reason for this.

Mr. Johnstone: For what?

Webster: If we are going to pass it.

Mr. Johnstone: Pass what?

Webster: The board generated proposal.

Mr. Johnstone: We have got a lot more to talk about on this RC200.

Webster: Ok, what else do you want to talk about, I mean that's part of it, I mean ...

Mr. Johnstone: Oh, Ok. Well, Mr. Chairman, in ii is something that we haven't discussed yet. That is fishing during the 2nd regular fishing period is restricted to the Kenai and Kasilof sections and drift gill-net area 1. That's something that you highlighted and I assume that is something that is part of this proposal 200. Is it not, sir?

Webster: Yeah, and we, the department explained that the second period is just what is in regulation now. Mr. Fox do you want to address this?

Mr. Fox: Yes, sir, the reason it's highlighted is it used to read "for two regular periods between the 9th and 16th". When we divided the two we then had to add, this is all new language but it does the same thing, it's drift gill-net area 1 and the unexpanded corridor, the old corridor, during that time period.

Mr. Johnstone: And Mr. Chairman, I understand that fully, my concern is that we have a proposal in 126 that addresses ii and that proposal in ii, if I can find it here, removes drift gill net area 1 from the area where they can fish. This board generated proposal, and I am not sure how it got in here, doesn't address the proposer's intent to take the, during the second regular fishing period, take the fleet out of drift gill-net area number 1, such as the authors of 126.

Webster: Mr. Fox, do you want address that?

Mr. Fox: Yes sir, Mr. Johnstone is correct, that is, I believe, what proposal 126, they adjust both of these fishing periods along with some other issues.

Webster: So 126, they want to close both periods.

Mr. Fox: As I read it, and then manage the two fisheries independently, and then there is a provision for run strengths over 2, yes, over 2 million either or both of these periods, so that their proposal is for [start 1452] periods under 2 million, I believe both periods are restricted.

Webster: So if the board wants to pull the fleet in for both periods between the 9th and the 15th, if that's what you want then we can modify, you, you know, if that's what you want, then let's discuss it. If it is your intent to close one of these two periods, the first one, I mean we could leave it up to the Department to choose which one but, they don't, because it's an allocative decision, does the Department want to make, would you, would you feel better to manage to choose which one if we just gave you the authority to choose one of them. Would you want to choose that, or you want the board to choose which one?

Mr. Fox: In the old days, we chose it for different reasons. Under this scenario we would not want to choose.

Webster: Ok. Mr. Johnstone:

Mr. Johnstone: I think I've, I may be mistaken about this. I think that the, what I was looking at addresses the second period from July 16 to 31st. I think that Jeff is right about this, this is what is in regulation, when you take out the one regular fishing period you leave the second regular fishing period, the proposer does not address that at all. That's, so I assume that he meant to allow the second fishing period to go as in regulation. Jeff, is that how you read it? I think I may have made a mistake.

Webster: Mr. Fox?

Mr. Fox: As I read what they have written in runs of over 2 million I believe the restriction, the second restriction is completely off.

Webster: So, the intent, our intent, right now, for the language before us, the board generated proposal, is close the first period between that, those dates. And the reason it is written that way, is because it's possible, depending on the calendar, there may only be one opening in there. So we have chosen to take the first one, restrict no fishing area 1, move the fleet into the expanded corridor for that period, for that closure, up to the second period, the regular period of area 1, and that's all we are doing here. That's all this does. Nothing, and it gives you the description of the expanded area. Is that correct?

Fox: Correct.

Webster: Anybody else need some...

Mr. Brown: Need some. Yeah, I was following it for a while and then I was trying to go back and forth between three things written, we are still talking about from July 9 to July 15. Correct?

Webster: Yes.

Mr. Brown: I follow it, I like what we have done so far. Thank you Mr. Chair.

Webster: Thank you. Mr. Kluberton.

Mr. Kluberton: Yeah, thank you Mr. Chair. I might try a shot at some clarification here. I think we are getting a little bit confused because we've on RC 200 under ii, we've fundamentally inserted a new piece and we are labeling it ii and we have changed the old ii now to iii. So if I read from proposal 126 their first target here, i, fishing, I'm going to read it now as the code would read if we make, if we adopted this change. It would read "Fishing during one of the two regular fishing periods is restricted to the Kenai and Kasilof sections." End of story. We have now taken out the "and gill-net area 1", so, we had been reading it during the two regular fishing periods we restrict Kenai, Kasilof and drift gill-net area 1. So now what we would, what I believe would happen with 126 is that on one of those periods we are just going restrict ourselves to Kenai and Kasilof sections, and the intent was to leave the other period alone. So, I believe that ii here is basically indicating that, during the second regular period we are back to the way it was, restricted the Kenai, Kasilof area sections and drift gill-net area 1.

Johnstone (?): Right.

Mr. Kulberton: I think there may have been a loop hole in 126 where they removed "and gill-net area 1," if we adopted that as it's written may have let them go Inlet wide. There might have been a boo-boo in that. So, I think I am clear enough on that, we have added ii, and by the time we get to discussing the new iii, we're into this discussion about run strengths of, well greater than 2 million sockeye and that's another discussion. So, that helps out...Do you under...

Webster: If your intent is to, you know, you want to incorporate some of 126 into this, that's fine. This by no means replaces proposal 126. 126 will come back before us in Committee B, you know. That, and there's things in 126 to cover other concerns besides the Susitna sockeye salmon stock of concern, so that proposal in its entirety is going to come back before us. Mr. Johnstone.

Mr. Johnstone: Maybe I misunderstood, but it is my understanding, Mr. Chairman, that what we are doing now, if we vote on this, and it's passed, for example, just for discussion sake, and we take the fleet out of the area 1 for the first period and put them in the expanded areas with EO authority to give them additional time, that goes into the Central District Drift Gill-net fishery Management plan. It becomes regulation, is that correct, Mr. Chairman?

Webster: Yes. I want to make sure I am right on this, department is that correct?

Mr. Fox: Yes, sir. If you pass this in deliberation that's where it will go.

Webster: Thank you. Other board members? Any other questions on what's left in here? Do we need any more definition on the size of the corridor, the description of the corridor?
Mr. Johnstone.

Mr. Johnstone: Mr. Chairman there several things in RC 200 that deviate from 126 proposal of, if we vote on this as a whole, RC 200, we would be essentially preempting a discussion on those areas that go beyond the date and the corridor. For example ii, I'm sorry, its now iii, the, RC 200 in iii and we are dealing with the July 9 through July 15 period, iii is different than what the author's proposal is. The author's proposal, well let me tell you what it says, first of all, in regulation is says: "The Commissioner may by emergency order open one additional 12 hour fishing period in the Kenai and Kasilof sections of the upper sub-district in drift gill-net area 1". That's open one additional 12 hour period. The proposal takes out the word "one" and takes out the word "12-hour". And takes out "drift gill-net area 1". The proposal says the Commissioner made by emergency order open additional fishing periods in the Kenai and Kasilof section of the upper sub-district and then additional periods may be authorized independent of the upper sub-district set-net fishery. So it eliminates ability by emergency order to open up any fishing in drift gill-net area number 1 and it doesn't set forth the length of time. It just says additional fishing periods. So there is a substantial difference between what you have in RC 200 on iii, and what the proposal suggests.

Webster: There absolutely is a difference. I mean we are not even discussing 126 actually. That's going to come up before us. There is portions in the board generated proposal that is in 126. There is no question about that. When we come to 126 we can, those portions that we have discussed here, we can choose to take no action, or we can choose to make another change.

Mr. Johnstone: Mr. Chairman, I under...from what you have said, I think I understand but if we are going take a vote, a formal vote on RC 200, I don't think we should take a formal vote on that portion I just read off to you unless we are going to discuss it fully to see if we want to change that or not.

Webster: So you don't...

Mr. Johnstone: Its in RC 200, you have it in RC 200, and it differs substantially from the proposal and if we vote on that and say RC 200 is ok the way it is, we have just eliminated the ability to vote on it in 126, in my opinion.

Webster: So, what else do you want in this, or what do you want out of this proposal?

Johnstone: Well, if we are going to vote on RC 200 Mr. Chairman, and it's going to **start 1502** incorporate all of the words you have put in your RC here, both pages, it seems to me we need to discuss how it differs from Number 1, existing management plan in regulation and how it differs from the proposed 126, and then, so we make a fully informed decision if we want to vote it like you have it written here, or we want to have some changes. The same for the second, the last part of page one from July 16 to July 31, what you have put

in your RC 200 differs significantly, I mean, magnitudes, from what the proposed plan asks for. So before we vote on that, I think we need to make sure we understand that that's different from what 126 is, if we are going to vote on that. If you want to take those parts out, starting with iii all the way down, you want to take that part out and leave it for discussion on 126, that would be fine. If you want to discuss it now and not make a decision on it and go to 126 that would be fine, we will just discussing it twice though. So, I will leave it up to you, but I, I don't want to vote on something unless we have a full discussion on how it differs from the proposals, the authors are entitled to have all that discussed and aired and rather than just vote on this without discussing it that just doesn't seem to be fair to the authors.

Smith: Mr. Chairman.

Webster: Just a second. Many times, we do every proposal, we vote on sections of different parts of the regulations and we do it piece, piece by piece. There is nothing that changes. We can take this off the, all we are saying right now is this is the change we want to make right now. If we want to make additional changes, for other reasons, we can when 126 comes up.

Johnstone: Very well, and so if we vote on RC 200 are we just voting on the matters we have discussed?

Webster: Yes.

Johnstone: And not the rest of RC 200 that we haven't discussed?

Webster: We can discuss it, but there is no changes. The rest of the, Mr. Fox, can you explain exactly what our board generated proposal does right now.

Fox: This RC 200 closes the Area 1 during the July 9 period and adds an expanded corridor during that time frame, also allows additional time in an expanded corridor between the next, up to the next regular period. The second regular period, there is no changes, there is also no changes to the rest of the plan, unless you make them later during other proposals. And we would just keep adding the, anything you change or add into it. The only thing, we, we also then in 21.200 defined these new expanded corridor areas, so, you would be free to add to them, or detract from them in any way you want.

Webster: Thank you. Does that answer your question and concerns, Mr. Johnstone?

Mr. Johnstone: Yes, as long we are not restricted from discussing this and make a decision based on the rest of the proposed changes.

Webster: Right. Mr. Nelson.

Mr. Nelson: Mr. Chairman, I, just a little bit of a clarification. When ever you vote on a proposal, all you're voting on is to amend it as it's expressed there, it doesn't mean the

part that you haven't amended, you've somehow readopted or reaffirmed, it just means you voted to make this change. You haven't done anything as to the status of the rest of the regulation you haven't amended. So.

Webster: Thank you.

Mr. Nelson: It would still be available for amending later on.

Webster: Thank you. Mr. Smith.

Mr. Smith: No, Mr. Chairman, and I appreciate Mr. Nelson's comment because that was certainly my impression is that if we were to adopt this we would simply be amending the management plan, and that when 126 came up, all we would have in front of us at that point would be the amended management plan, and if we wanted to consider any of the other things in 126 we could simply add it to the management plan. And so, Mr. Chairman, I am very comfortable that this process can work and that we can bring up the issues in 126 and still, you know, and still do it, Mr. Chairman.

Webster: Thank you. Mr. Brown.

Mr. Brown: I am generally one to like try to speed things on and stuff because I am always in a hurry and run too fast and that stuff, but, I'm [Start 1507], especially the bottom half of this page, it takes serious, they are tiny, but significant changes from 126. I have to be honest when I first saw the 164, the 164 RC I just kind of skimmed through it and thought this is the same 126 and it went on stuff. Only one I looked at very closely I saw things like changing 1 to 2 and 12 hours and district, when you read it very carefully, this is directly related to 126. We've just got out today, the committee report from 126. We haven't had time to get public comment on it. We haven't gotten RCs in on it. Before I can comfortably vote on these changes here I want know how the public responds to the committee report on Committee B. I think its premature to discuss this without as much public input as we could have had, Mr. Chair. I know the action plan has been out, but I am not sure everyone realized how significantly different it was from the very, very similar text we had in Committee B and proposal 126, Mr. Chair.

Webster: The rest of RC 200, which is a board generated proposal that differs from proposal, what, 129?, 126, the reason it differs is because what is left in this proposal is status quo. It's the same. We are not making changes, now. Tomorrow, when we get into 126 we will address changing any other part of that thing. I'm, as Mr. Nelson said, we are only making, we are making changes, nothing keeps us from tomorrow making further changes. Other Board members, Mr. Johnstone.

Mr. Johnstone: Mr. Chairman, given what Mr. Nelson said, and given what the understanding is, I can go along with that and deal with just the issue of whether or not we are going to limit the fleet, take them out of 1, whether the second period will be as status quo, and whether or not the, we are going to adopt the expanded corridor.

Webster: Thank you. Other board members? Mr. Kluberton:

Kluberton: Thank you, Mr. Chairman. I would just like to point out that the way I interpret where we stand in regard to the distinction between RC 200 and proposal 126 is that there is fundamentally a line in 126 when we begin talking about subsection B from July 16 through July 31. In that timeframe we are beginning to segue into talking about Coho intercept. Above that line going up the page, the ground we have covered so far and the action plan up until we get to what was ii and is now iii, is one paragraph: The run strengths greater than 2 million sockeye, blah, blah, blah. That is fundamentally oriented to sockeye protection, northern district sockeye protection, so I am comfortable, to me it's an arbitrary choice the board can you know, stop and consider we've done what we want to do under the stock of concern section of the program here and then come back and revisit this. I can argue it either way. I am happy moving ahead. It seems it would be germane to this discussion to pick that next section up, what was ii and is now iii, I certainly respect the opinion of the board to move ahead and pick it up when we do 126 and based on what board member Brown has mentioned about getting the additional benefit of the public's review of the committee minutes, or committee report on Committee B, I will defer to that and just leave us here. I just want to point out that this is a little more germane than the section from July 16 through 31. But let's hold off on getting the additional value of the public review and take it up at another time.

Webster: Thank you. Any comments on justification for this change? Myself I, we do have a stock of concern that was determined 3 years ago by the Board that the Susitna sockeye salmon action, salmon was a stock of concern for yield. We heard a report on that from the department, they still, they [start 1512] support at this time to continue to stay on stock of concern. I think, you know, we've heard a lot of different testimonies—you can read the numbers, you know, the escapement goals, we've heard Didson and weirs, and in the past, you know, they didn't know what the escapements was, basically they—it's one thing to have a method of determining escapement and you know how accurate it is, you can have a consistent record. At least you know you are consistently wrong. With the old system they don't even know if they were consistently wrong, that's why they can't tell us what that escapement goal, what the return per spawn actually is, because it was so out of whack that it wasn't giving them any useful information. So we've got areas up there, some of them healthy some of them is not. I feel that we do need to get some, some salmon up north. We've got a commercial user group up there, that's been restricted in this fishery. They've bore the burden of conservation the most in the commercial fleet, you know, I think this is a yield concern. I think we need to try to get some relief up to those guys so, there's many methods of trying to do that. You know, we could chop up area 1—there was discussion, there was a lot of discussion on how to redistrict, what the time periods could be, there's many ways of doing that. This board-generated proposal has chosen to take one period between the 9th and the 15th and restrict it to the drift fleet where that area, that period, is in a mixed-stock fishery, where that northern bound fish are going through, and to terminalize it during this period. It also allows the drift fleet to harvest the Kenai and Kasilof fish that may get by, that may have went by, that they sacrifice, it gives them an opportunity to harvest those in the expanded area. Will they catch them all? Maybe, maybe not. But it'll give them some opportunity

to do that. So, I'm going to be supporting this because I think it does address the sockeye concern up north and I think we need to do something. Whether it's right or wrong, I'm hoping in 3 years the department will have an opportunity to take genetic samples on the line of the expanded fishery and give us a better feel of what, what the make up of that interception would be on the expanded district. Three years from now we may want to pull that line back further. I'm not saying this is going to be set forever. I'm saying I am willing to do this with uncertainty, hoping with today's technology we can get some more DNA sampling and in three years we can, this will come back before us and I can make a better informed decision on the best available information at that time. I'm making—I'm basing my vote here, my support here, on the best available information that we have before us at this time as the sustainable salmon fishery policy states. And it addresses conservation concerns—it says when we are in doubt we should bear on the side of caution on conservation. So that's why I'm supporting this. Other board members? Mr. Johnstone.

Mr. Johnstone: Ok, thank you Mr. Chairman. Looking at the SSFP, the questions would be have the following factors been considered in formulating a management plans: a) is environmental changes, b) is habitat loss degradation and c) is data uncertainty. The data is very uncertain. We don't have any in-season management tools any more to [start 1517] say what's happening so we could do some in-season changes to assist in getting more fish. There is limited funding for research and management. We don't have enough money, I'm sure, and we really don't have any big plans to do some in-season management, yet. I don't know if we can eventually get there. We are hoping we can, hope we get enough money to do that. Existing harvest patterns, we have an idea of existing harvest patterns, but after talking to Mr. Fox we don't know for sure where these fish are going. We know some are going north, some are going to the Kenai—we don't have a great handle on that. It's not a new or expanding fishery. Our escapement goals, I think right now do not provide for any kind of certainty in measurement. And, with varying abundance within the related population of the stock we have some indications on three lakes, of how they're doing, and if we try to relate that to how the rest of the lakes are doing it's very uncertain. We don't know what the other lakes are doing. We don't know why they are not producing. If they are not producing, it could a number of reasons we've hear earlier, it could be a lack of fish getting into those systems. The—this plan if we adopted, this management plan, will hopefully protect non-targeted salmon stocks. The stocks we like to target in the expanded corridors are Kenai and Kasilof stocks, not northern district stocks, so that hopefully will take that into consideration. The management activities are supposed to be accomplished in a timely and responsive manner using and implementing objectives. We really can't accomplish in-season management timely with our current management plan and the resources that we have. Question should be has the board collaborated with the department and the development of an action plan for any new expanded salmon fisheries. We did that in 2008, gave the department some direction and we're doing it now. However, in mid-cycle the department changed the enumeration and got away from the sonar and went into lakes and the results of that are unknown at this time. So we are now collaborating and I would encourage us to continue collaborating on this line. We will have some numbers which will give us some performance measures appropriating—appropriate for monitoring and

gauging effectiveness of the action we take. And we'll have some harvest possible numbers, we'll have some more weir numbers, we'll know if we are doing something that is helping the situation. An ongoing study is occurring. The department says that they are doing some studies, they're trying to use the wheel, and the connection with some other things and do some, perhaps some stock-identification techniques, so there is ongoing activities, studies going on. It appears to me that we're using the best information available, which is really not adequate, but we have to do something. This is a stock of concern. And I will reference these comments later on during other discussions on stocks of concern and I echo your comments, Mr. Chairman. Thank you.

Webster: Thank you. Other board members? Mr. Brown.

Brown: If we do pass this top half of RC200, it would in fact impose additional direct costs of people who engage in the fishery. Drifters who decide to fish the new expanded corridor will probably expend more fuel getting in. They'll probably have catch fewer fish per set, costs will go up. Recognizing that, this would only be done if we didn't have stocks of concerns, Mr. Chair.

Webster: Thank you. Other board members? Mr. Jensen.

Jensen: Thank you Mr. Chair. I'm going to be voting in opposition to this. I'll read a little snippet out of the sustainable salmon policy, "an understanding the portion of mortality inflicted on each salmon stock for each user group should be promoted and the burden of conservation should be allocated across user groups in a manner consistent with applicable state and federal [start 1522] statutes. In the absence of regulatory management plan that otherwise allocates or restricts harvest and when it is necessary to restrict fisheries on salmon stocks, whether a known conservation problem, the burden of conservation shall be shared among all fisheries in the coastal portion to each fisheries' respective use consistent with state and federal law." And I'm not going to be able to support this until I see the other restrictions we put on the other users for this reason. So, with that I'm not going to be in support of this action plan, Mr. Chair. This portion of RC200.

Webster: Thank you. Other board members? Mr. Smith.

Smith: Yeah, thank you, Mr. Chairman. I'm going to be voting in favor of this proposal. I think that the—it's fairly obvious that the continuing decline of sockeye is apparent. That the lack of clarity and the separation of stocks in the mixed-stock fishery hasn't given us much hope in trying to distinguish in stocks. Additionally though, I think it also maintains the flexibility of the department to go after those Kenai and Kasilof stocks should they be coming in real good numbers. So Mr. Chairman, I'm going to go ahead and be voting in favor of this proposal and look forward to the debate on the other proposals concerning the action plan.

Webster: Thank you. Mr. Johnstone.

Johnstone: Thank you, Mr. Chairman. This is clearly allocative, there's no doubt about that.

Unfortunately, it's going to be at the expense to some extent of some users and I regret that. Truly regret it. I wish that didn't need to happen, but the set-netters in the northern district used to harvest a lot more sockeye. They've been going downhill, and they have taken the brunt of any kind of reduction in numbers because they're farthest up the line. I'm sure that the number of participants has dwindled, because it's hard to make a living on the number of fish that they're getting. It may affect their ability to obtain fish for their personal family consumption if they're not out there harvesting. There are available alternative fisheries, that's a set-net permit that could be used anywhere in the upper Cook Inlet, according to my information. But most of the good sites are taken. It takes quite a bit of effort to move your operation from northern district down to the central district. The fish—the fishery was very important to the economic issues for the local set-netters in the northern district. It was important for a number of reasons. There's been an evolving fishery. The economic impact of the set-netters is now much different than it was before. The set-netters used to be the big money makers in the northern district and now they're no longer the big money makers, it's gone into the in-river fisheries where the money impact is. I'd like to see the set-netters get an opportunity to get back on the board. And I think that this is one thing that might do it. It might do it. We don't know, the science is imperfect, imprecise, but it's I think the best way we can approach it, Mr. Chairman.

Webster: Thank you. Other board members. Mr. Kluberton.

Kluberton: Thank you, Mr. Chairman. I'd like to reference the comments of the other board members who have spoken in support of this motion. I would like to point out in the sustainable salmon fisheries policy checklist we touch on whether or not there exists excess fishing capacity. I think in a mixed-stock fishery like this, if we were to pull away everybody, you know, with the mixed stocks trying to get to the terminal fishery, everybody else stayed on the beach, the northern district set-netters would probably have a bumper catch. We would love to know what that number is but we'll never get there. So, I'm inclined to look at that and think, well, there are only two fisheries, commercial fisheries, in the upper Cook Inlet who target these stocks. Those are the drift fleet and the northern district set-netters, so to some extent we do show an excess capacity in the drifter's ability to intercept these fish on their way up there. The only other fishery that targets these that I can think of, is the 500 fish allotted to the Yentna/Susitna catch, oh pardon me, it's Skwentna there that's subsistence catch, I believe, is capped at 500 fish. So when we look at distribution of the impact, we really only have a couple of groups to work with and unfortunately the one of the groups, the northern district set-netter [**Start 1527**] are the folks whose yields have brought about the stock of concern situation that we're in. I do think that we've tried our best to mitigate the impacts on the drifters in that what we're doing is trying to offer up additional periods in fisheries or off to the East side of the Inlet, less likely to intercept the northern bound fish. And while we have an active and forward-moving research plan as a result of the 2008 decision to treat these as a stock of concern, it seems appropriate at this time to make perhaps a light-handed regulatory change and see what the effects are, see how far it gets us. And I encourage us to pass

this and then look again in 3 years and see what kind of effect we've seen from this change. I'll be supporting it, thank you.

Webster: Thank you. Mr. Morris.

Morris: Thank you Mr. Chairman. Most of what I would care to add to this said in some form or another but I would like to reference my colleague's comments and mention that part of the sustainable salmon fisheries policy requires precautionary approach to the mortality, which includes social, cultural and economic risks. We've discussed those in great detail and need to take action with incomplete knowledge and we recognize that a lot of what we're doing are in incomplete knowledge. But with the part i toward being able to collect some of that information over the very near future, which is part of part i consideration of future needs and avoidance of potentially irreversible changes, we believe that having made this stock a concern in 2008 we recognized at that point that we were looking to keep things from getting worse, but hopefully we're not seeing fewer fish rather than more with consideration of future needs and avoidance of potentially irreversible changes and trying to identify any undesirable outcomes and correct them promptly which I believe we're doing. Mr. Chair.

Webster: Thank you. Mr. Brown.

Brown. Thank you Mr. Chair. An issue that we are all dealing with, I certainly am, that mantra that we hear all the time, talking about fishing that we want to achieve MSY, the Maximum Sustainable Yield we all want that but it's not an simple process. Getting MSY is really an constrained optimization because if we maximize return on one stock we may devastate another stock. So we have to look at when we're trying to achieve MSY that leitmotif, that song that comes back and forth every time we talk about fishing you've got to look at do you have mixed stocks or do you have single stocks and in this case we have mixed stocks. And what we're doing is we're getting the MSY subject to not devastating other stocks. We've got stocks of concern. If we continue a status quo on the drift fishery for Cook Inlet sockeye we may eliminate some other runs. We can't do that so we want to optimize the yield like it says in Magnuson-Stevens, but we want to make sure that we do irreparable harm on other stocks. I'm going to be favoring this Mr. Chair.

Webster: Thank you. Mr. Johnstone.

Johnstone: I just wanted to add one thing. My hope is that the drift fleet can get enough fish in the expanded corridor to get all the Kenai bound fish they can get in that corridor and that by leaving Area 1 alone we can get as many fish up district. I recognize that it's harder to make a living fishing as it's ever been. The cost of fuel is out of sight and this will require greater effort by the drift fleet in the expanded corridor and it's not going to be as profitable, I know that. I regret that this decision has to be made, it's not easy and I don't like it. I'm hoping that this will work out and that you get all the fish you possibly can that are going to the Kenai. I don't want you to get any fish that are going to the Susitna. Thank you Mr. Chairman.

Webster: Thank you. Other board members?

Brown: Question

Webster: Question's been called. Errors and omissions, Captain Cain?

Cain: No Mr. Chairman.

Webster: Mr. Nelson?

Nelson: No, Mr. Chairman.

Webster: Department?

Department: No, Mr. Chair.

1532

Webster: We'll call roll please

Marcotte: Final action on the Board generated proposal that we're labeling proposal A.

Morris: Yes

Kluberton: Yes

Webster: Yes

Brown: Yes

Jensen: No

Smith: Yes

Johnstone: Yes

Marcotte: The motion carries, 6 in favor, 1 opposed. Mr. Chairman

Webster. Thank you, let's a 10-minute break and then go into the next RC.

Jenson: What number is that?

1547

Webster: We're back on record it's 3:47. We've been ... **[End transcription request]**

...

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[1024:12]

Webster: We're back on record. We have seven of seven board members present. I've got 10:24. That turned into a little extended recess there, but I think it was probably needed to get organized for committee B. Mr. Brown, you're chairing committee B, you want to try and lead us through this?

Brown: I'll try my very best. It may be hard. Is the staff ready in place for the pleasant time for all? Proposal 126 for the record please.

Lingnau: Mr. Chair, proposal 126, 5AAC 21.353. Mr. Chair.

Jensen: Move to adopt.

Johnstone: Second

Brown: Staff comments please.

Fox: Mr. Chairman, this proposal seeks to—it's a Board generated proposal that seeks to close the—

Brown: We're on 126?

Fox: Oh, I'm sorry, I was on 122. Never mind. Backtrack a little bit.

Brown: Thank you.

Fox: Proposal 126—there's a suite of changes that are covered under this proposal. I'm not sure how you really want to proceed down through them.

Brown: I—I'm going to proceed, uh, kind of deliberately and in order. If you could highlight in just a moment the main ideas in it, and I will then take us through in some detail. Mr. Fox.

Fox: Well, this proposal would make a suite of regulatory changes in the Upper Cook Inlet drift gillnet fishery. Proposed changes include adding a purpose statement, adding additional drift gillnet area restrictions, reducing fishing periods from one to two, or, excuse me, from two to one, during a portion of the season, adding unspecified fishing time to the Kenai and Kasilof sections, and closing the drift gillnet commercial fishing season in all areas of the Central District except in drift gillnet Areas 3 and 4 one week earlier, allowing the department to vary the proposed changes if the projected escapement will be

exceeded. This proposal would reduce the drift fishing in the Upper Cook Inlet general fishing area and likely increase the number of fishing—or of salmon migrating to all streams and rivers. This proposal would also increase fishing time in the Kasilof and Kenai sections in order to manage for escapements into those rivers. This additional fishing pressure would increase the harvest of sockeye salmon as well as increase the harvest of king salmon bound to the Kenai and Kasilof rivers.

Brown: Thank you, Mr. Fox.

Webster: Mr. Brown.

Brown: Thank you, Mr. Chair. This is, as Mr. Fox indicated, it's a suite of proposals that covers lots of area, and my—my pro—my decision is to go through the proposal virtually line by line for a discussion, highlight the things that we're going to—that are the main points of it, and then get input from the rest of the Board of Fish on it, and then have a vote. It's—we've covered some of this material before, in our action plan, and those parts I'm going to delete. I will be working through the orange book, and it's got a proposal on page—beginning on page 105. I'll also be looking at the staff comments, which is RC96—I'm sorry, the committee report, which is RC96—and the staff comments. All of these I'll be referring to if you want to go with them. Let me just highlight some of the things in general before we get into the specific details. First, this suite of proposals, the main thing it wants to do is to minimize the Coho harvest in the northern district. Now, we talked yesterday about the term minimize and it—we need to repeat it again. What we have in all of Cook Inlet is mixed stocks. All five species of salmon run up there. If we were to attempt to generate MSY in any particular species, we would probably have a very—we could have a harmful effect on another species. So we've got a difficult proposition of optimizing return over several species. Now in that context, what this proposal has to say is it wants to minimize the catch of coho salmon by the drift fleet that's targeting sockeye salmon. **Start 1029** Minimize doesn't mean "catch zero." That's not going to happen. Unfortunately, we don't have a better definition of minimize. We don't know how many are going to catch. So what we've got are methods available to try to reduce the inadvertent catch of cohos to make sure enough fish go up to the northern district. That is the aim of this proposal. It covers other grounds, but the aim of this proposal is to get coho salmon up north. Now we discussed that there—we had, as you might imagine, a very lively debate. There were some people said there was no reason for this proposal, other people said it should go stronger. Unfortunately, there was not a lot of compromise in our committee on it. Not everyone agreed that there were stocks of concern in the northern district. Not everyone agreed that there should be a separation between some groups catching one fish and other groups catching other fish. So what the Board's going to have to do is find the best way to solve these problems and to give as much—as little pain as possible to the various groups, but we're going to have to make some decisions. At any rate, with that preface I want to start on page 2—106 in the orange book and look at a few sections for discussion with the Board, and I'll call upon my other Board members to give me their comments. And the first thing I want to talk about is the preamble to this proposal, and I'll read it aloud in case you don't have the orange book in front of you: "The purposes of this management plan are to ensure adequate escapements of salmon into the northern district drainages and to provide

management guidelines to the department. The department is further directed to manage the commercial drift gillnet fishery to minimize the harvest of northern district and Kenai river coho salmon in order to provide sport and guided sport fishermen a reasonable opportunity to harvest these salmon stocks over the entire run, as measured by the frequency of their river restrictions.” And I’ll call on my Board members to make comments on this statement.

Webster: Mr. Johnstone.

Johnstone: I’ll give it an initial stab, then I’m sure we’re going to go over it again. The policy statement really doesn’t impose any prescriptive changes on the management plan. I think it will assist managers in making decisions if in good faith they utilize the policy statement objectively. It will help future Boards in assessing proposal changes to the management plan. All things being equal, the managers could look at the policy plan—policy statement—and say “are we, by exercising this EO authority for example, are we within the guidelines of the policy statement. Are we doing what the policy statement—are we managing it as the policy statement suggests we should.” When in doubt, the managers could look at the policy statement and determine if their decision will be within the intent of the policy statement, and if there’s two ways to go to address an issue, one within the guidance provided by the policy statement and one without, then they would be directed to take that step that minimizes or encourages actions that the policy statement suggests should be the goal. Mr. Chairman.

Webster: Thank you. Question for the department: How do you manage now? What would this change in the management plan and how would it affect your managing?

Fox: Mr. Chairman, it wouldn’t really be for us. It’s for you, basically. The Board in—might have been ’08, might have been the previous board meeting—took the northern district plan and pulled the drift fishery out of it. Most of this language was in the northern district plan, the northern district salmon management plan. It just didn’t get carried back over to the drift gillnet fishery management plan. The Board just said “This is how you manage the drift fishery.” So, given what the Board has directed us to, there’s little interpretation we have to do. It’s just follow the recipe, basically.

Webster: So it really—you’re saying it doesn’t do anything.

Fox: It doesn’t—*We* don’t necessarily use it, the Board may use it in the future. The drift fishery was covered under the northern district salmon management plan. When the Board took the drift fishery and made their own plan, under 21.353, they didn’t carry the preamble out of the northern district plan. **Start 1034**. They could’ve. If it provides clarity, that’s fine.

Webster: So the central dist—Why was the central district—Why was there a central district drift gillnet fishery management plan developed? Why was it pulled out?

Fox: I’d have to think a minute on that. I can’t really recall why we did it that way. I think there were a number of changes occurring in the drift fishery, and when you had all that in the northern district plan things started to kind of meld together.

Webster: The way I read this, I mean—Is there other reasons to have a central district management plan besides—I mean, I don't want you to use—Are you regulating the central district drift fleet solely to—for the purpose of insuring adequate escapement of salmon to the northern district?

Fox: Uh, no sir, not solely. The drift fishery—we have a lot of management actions for them. These are more allocative consequences I would guess. The reason, probably, that the Board didn't carry that language through is you gave us very specific directions. The drift fishery will fish June 19th up to July 9th, regular period, central district wide. The period between July 9th to July 15th do this. There's little ambiguity there. The period between July 16th and 31st, you have this. And manage with the rest of them, the rest of the season with the east side set nets, and once the east side set nets close they go to the west side. So additional periods are provided unless those kinds of things. Everything is spelled out. We follow those directions just like a cookbook. A little bit too much salt, something happens, so we follow them exactly. So to us any additional periods are in the corridor or district-wide periods except for these four—area 3, area 4, it's all spelled out exactly.

Webster: Thank you. Other Board members. Mr. Johnstone.

Johnstone: Thank you, those are good questions. The reason I think a purpose statement might be helpful is that, particularly in the exercise of EO authority, there are many options that can be applied to EO authority and if the department believes their projections will result in reaching the upper end of the SEG, there are lots of ways to do that and some ways affect northern-bound stocks, some ways may affect them less. And if there's a discussion, if it's in good faith discussion with an eye towards achieving the purpose statement, they will examine these various options they might have and come to a conclusion that one option would achieve their goal at the expense of northern district stocks more than the other and they could opt for the one that is least invasive for the northern district. It gives them something to fall back on, and to look at and see if what they're trying to achieve will fly in the face of this purpose statement or will achieve some of the goals. Mr. Chairman.

Webster: Thank you. Other Board members—Mr. Brown.

Brown: Yes, I—That's how I interpret it, and I think that's how much of our committee discussion was, is that we want to put—the proposer wants to put it in writing that this is a joint maximization problem. That if you maximize, for example, reds, you may not get very many cohos up the river. If you maximize for cohos you won't get very many reds up the river. And so this states explicitly, we've got a joint maximization problem, we've got to consider both of those runs of fish as we design policy. I think it's important that we state that up front. The proposer thinks that, and I agree with that. I like a preamble statement of this nature. Mr. Chair.

Webster: Thank you. Mr. Kluberton.

Kluberton: Thank you, Mr. Chairman. Similar to member Brown's thinking, as I look at this management plan, if it were an inlet with no outlet, no rivers, pardon me, no other fisheries, the drift fleet would fish wherever they wanted, there wouldn't be much of an issue, they'd just go fish. There's two objectives to this section of the management plan. One is to share the abundance. As bigger runs come in we have the tiers defined in here, designed to share abundance with the in-river users as varying sizes of sockeye runs come **Start 1039** through the Inlet. The other purpose for this section of the regulation is to make some means to let northern-bound fish come through the—it's the central—it's the heart of the mixed-stock fishery equation I think, for the Inlet. It does make sense, as first I read this and I go "Well, there's got to be other purposes to this piece of code and managing the drift gillnet fleet," but, fundamentally, if it weren't a mixed-stock fishery, if there weren't other user groups we had to apportion to, we wouldn't—there just wouldn't be much code in here. So I think it stands to reason to make it clear right up front. This statement here is okay, this is—I, uh—a piece of the regulation book that is in here to allocate the abundance of the sockeye runs and to allow for the passage of northern-bound stocks. I do think that's appropriate. Thank you.

Webster: Thank you. Other Board members? I—how do you want to do this, Mr. Brown? Do you want to take a show of hands on who supports leaving this in, or who—or not, or—

Brown: I'll leave that up to you, Mr. Chair. What I do plan to do is take a couple more sections in pieces, and if you think it'd be appropriate to have a show of hands after each discussion that would be fine with me.

Webster: I think that would be a clear, driving—y'know, if we don't have support for this, then we leave it out. If there's four votes for this to leave it in, than it stays in.

Brown: Okay.

Webster: I think that would be appropriate if that's the way you'd like to do it.

Brown: That's fine with me.

Webster: So, who would like to see this mission statement in the first—A—stay in this proposal? Who wants it to stay in?

Johnstone: You want hands?

Webster: Show of hands. There's four votes so it stays in.

Brown: Thank you, Mr. Chair. The next section, beginning on page 106 of the orange book, where we start with a boldface, underlined b, and go all the way down to additional periods that may be authorized in the upper sub—subdistrict set gillnet fishery, we've dealt with that in our action plan. Much of our discussion yesterday was about closing one period between June 9—July 9 and July 15, the expanded corridor and that passed. So, as I understand it, we can delete this entire section from this proposal, and what we did with the action plan yesterday will become regulation. Is that correct, Mr. Chair?

Webster: Yes. So—so what we need to see here is, is there any objection on removing this part because we've already dealt with it.

Brown: Again, just from the bold letter b in parentheses down to the bold type Subdistrict set net gillfishery, that's all been dealt with in the action plan.

Webster: So there's—I see no objection to deleting that? So that part's deleted. Mr. Brown.

Brown: Thank you. Now we've got to discuss what—another part of the proposal, and it begins on the orange book, cap B in parentheses, from July 16 through July 31. This is an abundance-based rules to try to again get the main purpose of this proposal, to get cohos in the northern district. Now, I'm going to read it with the numbers that are currently in the orange book, recognizing that we just passed a—RC213, we accepted that and changed all these numbers based on the Dison counts. Okay? And one reason I ask the question of these, the new numbers, do they equate identically to the old numbers just by a scale factor so we don't have to go through all the adjustments. So rather than calculating the numbers now, I'm going to read the old numbers excepting that this will take account of the new Dison numbers. Does that make sense, Mr. Chair?

Webster: Yes, it does. Is that clear to staff?

Staff: Yes, Mr. Chair.

Webster: Okay. Mr. Brown.

Brown: Okay, thank you. Here's what we're talking about now. From July 16 to July 31, at run strengths of less than 2 million sockeye in the Kenai River, fishing during two regular 12 hour periods will be restricted to the Kenai and Kasilof sections of the upper subdistrict. ii: At run strengths of 2 million to 4 million sockeye in the Kenai River, fishing during one regular 12 hour period per week will be restricted to either or both of the Kenai and Kasilof sections of the upper subdistrict, or start 1044 drift gillnet area 1. Finally, at run strengths of less than 4 million sockeye in the Kenai River, the commissioner may, by emergency order, open additional periods in the Kenai and Kasilof sections of the upper subdistrict, and additional periods may be authorized independent of the upper subdistrict set gillnet fishery. Finally, (iv), at run strengths greater than 4 million sockeye in the Kenai River, there will be no mandatory restrictions during regular fishing periods. So I want to stop at that part there. What we've got here is an abundance-based management, based on the run of sockeye. It's going to determine fishing in the per—it's going to close some fishing in the period July 16 to July 31. My understanding, based on the run pattern, this is the most crucial part of this whole proposal for getting Kenai in the northern district. Any comments from my fellow Board members?

Webster: Mr. Johnstone.

Johnstone: Mr. Chairman and Committee Chairman Brown, is it your intent to take B(i) and get a discussion on that and have an informal vote on B(i), and then go to B(ii) and do the same thing and etcetera through (iv)?

Brown: It was actually my intent to look at them all at once, 'cause it's abundance-based management for low runs and high runs. I think it makes sense to look at them all together. If that's going to run into problems, we can look at them one at a time. Would you prefer to just talk about one at a time, Mr. Johnstone?

Johnstone; Well, I'll leave that up to your discretion, but it would be easier on me if we discussed (i), because that addresses runs that are a little short, and then (ii) runs are heavier, and then on down until we get no restrictions at all. It would be easier for me to do it one at a time, and address the restrictions that are proposed and the impacts that [?] to the users and then maybe take a vote on that, and then move on down. But one—like for example, (i) may be something that would be good, and maybe (ii) would not be good, or vice versa. Mr. Chairman, Mr. Brown.

Brown: Let's go individually than. Your comments on (i).

Webster: Uh, before we do that, let's have the department how you manage now and how this would change your management.

Fox: Yes, Mr. Chairman. I want to thank Mr. Johnstone for just talking about one of these at a time. Under little (i), currently from July 16th to the 31st, there are two regular period restrictions that go to drift gillnet area 1 and the Kenai and Kasilof sections. This proposal would make those two restrictions both just the Kenai and Kasilof sections.

Webster: Okay, explain that again. Right now they're allowed to fish in which area? Can we get a picture, the map up on the—I want to make sure everyone knows the areas we're closing.

Fox: Okay, again, under runs of less than 2.3 total run to the Kenai River—it used to be 2.0 now it's 2.3—the drift gillnet fishery is restricted for two regular periods between July 16th and 31st, so the second half of the month—

Webster: So which ones are they restricted right now?

Fox: Right now they fish drift gillnet area 1, which is in this shaded—these here—for two regular periods. They also fish in this white band here, down to Ninilchik, which is about in here somewhere. So this is the Kenai and Kasilof sections.

Webster: Okay, that's what they do now, when this—

Fox: That's what they do now.

Webster: With this regulation what happens?

Fox: With this proposal they just fish from about here down to about here in this white section.

Webster: So we're closing area 1 another, another period.

Fox: Two periods.

Webster: We're closing area 1—

Fox: For two regular periods.

Webster: Mr. Johnstone.

Johnstone: I think that Mr. Fox summed that up. That's what (i) does, it just takes it up—takes the fleet out of drift area 1. The periods remain the same. And it puts them in the corridor, and we don't know if it's going to be an expanded corridor or **start 1049** a normal corridor, a somewhat restricted or expanded corridor at this point, but we'll probably want to discuss that too. What I want to discuss briefly is that—I need to ask Mr. Fox a couple of questions, Mr. Chairman. What I'm concerned about, and maybe other members are concerned about, are getting northern district cohos up to—up north. It's my understanding that if you find cohos in area 1 in—between July 16th and July 31st—that if you find them there, they may be heading north, they may be heading to the Kenai, but basically the northern district runs for coho take place earlier than the Kenai runs for coho, is that correct?

Fox: That is correct.

Johnstone: Okay. And is there any way of telling when cohos are caught in area 1—between July 16th and July 31st—is there any way of telling where they're going?

Fox: Uh, no, Mr. Chairman. Basically, first fish that hit, coho are going to the Susitna, little Su, and they kind of go north and south after that. So this would be mixed stock coho.

Johnstone: And, Mr. Fox, if—I would expect that, say, July 16th you would find fewer coho in area 1 than you would later in the month of July—is that a fair statement?

Fox: Uh, not necessarily. There's a lot of variables that affect how many coho get caught.

Johnstone: Okay, so then middle of July could be just as many coho in area 1 than there are towards the latter part—that's what I heard you to say?

Fox: About the 10th of July on, they—you know, unless there's a spike of something coming through, they catch about relatively the same each period. I mean there's some variation there, but about each period is about—it's similar to the Yentna sockeye.

Johnstone: Okay.

Fox: They don't really come in a big gang all at once, it's evenly distributed throughout its , the way it looks [?].

Johnstone: Do you have numbers that would assist us in telling us when the fleet is in area 1, under (i), when the—I suppose, regardless of whether there's a projection of 2 million or more than 2 million, or more than 4 million, when they're in area 1, what is the percentage harvest of cohos and sockeyes? What's an average the last five years or so?

Fox: You'll have to give us a few minutes there. Mr. Shields will work those up for you here real quick.

Johnstone: Okay, that'd be helpful to find out what kind of cohos are being harvested. That's all I have right now, but I will have some more questions Mr. Chairman.

Webster: Thank you. I want to make sure I understood what you said earlier. We're going to close—yesterday we closed area 1 down between the 9th and 15th, correct?

Fox: For one period between the 9th and 15th and gave that expanded corridor—

Webster: Alright.

Fox: This would close two periods between the 16th and 31st in area 1.

Webster: So this is going to close area 1 down two *additional* periods, and move them into the corridor, on top of what we did yesterday?

Fox: Correct.

Webster: Thank you.

Johnstone: Excuse me.

Webster: Mr. Johnstone.

Johnstone: If we're dealing just with (i), I don't read it that it shuts down the periods of fishing under (i) of run strengths of less than 2 million sockeye, all it does is take the fleet out of drift area, gillnet area 1—am I wrong about that?

Fox: It shuts down area 1 and open—and restricts them to the Kenai and Kasilof sections.

Johnstone: But it doesn't reduce their fishing time, (i) doesn't.

Fox: Right, just the area.

Johnstone: Mr. Chairman, that's what you indicated. Now later on, when you get down to (ii), it does then restrict periods, but (i) doesn't restrict the fishing time. It just takes them out of area 1.

Webster: Right, it removes them out of area 1. What is the harvest in the past on these two periods in area 1?

Johnstone: That's what I just asked them.

Fox: We're getting that for you.

Webster: Okay. Mr. Brown.

Brown: Yeah, I—I find that it is good to separate the sections down, but the reason I wanted to put them together is because I wanted to emphasize that these ideas are abundance-based. So, yes, if the Board passes this and we accept point (i) it will move the fishing fleet out of area 1 into the Kenai and Kasilof sections. However, that's only when we are very low escapement, I mean that's under 2 million fish—a very low run, under 2 million fish. Mr. Chair.

Webster: Mr. Jensen.

Jensen: Yeah, thank you, **start 1054** Mr. Chair. From what I get out of that then, is we've restricted them on the first period and we're going to restrict them on the second period; we're not going to take away fishing time, but we're going to take away about 95 percent of their fishing area, and I'm going to be in opposition to that. And I've been reading some of this material we've been getting in our RCs and to me it doesn't look like—it looks like the gillnet fleet's coho catch has been—has gone down quite a bit in the last 10 years, and it seems like there's more opportunity being up in the Susitna area. It seems like the catch has been increasing up there. I guess it's the sport—it's not really clear here, but—yeah, it says sport fish harvest, the coho, so—I'm not going to go for this big of a chunk, a closed area, Mr. Chair.

Webster: Mr. Kluberton.

Kluberton: Thank you, Mr. Chairman. Reacting to board member Jensen's comments, what my understanding of this is that proposal 126 tends to return us to pre-2005 regulations in this area. We get up to the last three years, 2008 forward, the northern district set net catches on—these are coho, which is what we're trying to protect at this time—did in fact increase. I believe what we saw there was due to some closures that occurred in the years subsequent to the 2008 Board cycle, where the stocks of concern were brought to bear. I think there were some additional closures, maybe staff can clarify that. We look to the years 2004, we go to—talking about pre-2004—after 2004, northern district set netters dropped from 44,000, they dropped 25 percent to 30,000, then down to 20,000-21,000. Then we come up to 2008, after we made some adjustments I think in management, there were a couple of periods closed in that time frame and we bounced back up. Coho stocks tend to be variable. We can look back to, you know, drift numbers in the 300,000s for the season. We don't know exactly—we have no timing. I'm looking at the AMR page 135, and again we see the offsetting declines in 2008-9, and they grow up a little in '10. I don't think, we might have had the same closures, but I think there was a dynamic there just in the last few years that helps to illustrate what some of the potential here is. And I'll maybe defer to the department whether we had some closures in the years subsequent to the '08 Board cycle during the period 16th to the 31st.

Fox: Yes, Mr. Chair, the sockeye run in '08 and '09 were relatively weak. And in '08 we closed, I think for about a 10-day period, or—excuse me, I think in '08 we closed until the end of the season, and in '09 I think we closed for about a 10-day period. And then in '10 I don't believe we had that closure.

Webster: Thank you. Did you have—have you had time to pull those numbers out yet?

Fox: I see the pencil working feverishly.

Webster: Other Board members? Mr. Johnstone.

Johnstone: Thank you. To address member Jensen's remarks—and I don't dispute him, I just—I have some additional numbers here. I asked the director of Comm Fish whether or not the—what the numbers were for the coho Susitna drainage abundance estimates were for 2002 and then compared by looking at the 2010 numbers. And the numbers for the entire Susitna drainage in 2002 for in-river abundance estimate was 663,231, and in 2010 that number dropped to 196,000. Breaking up between the Yentna and mainstream Susitna, 2002 was three thousand—305,240 in the Yentna, 136,000 in 2010. In the mainstream Susitna River, 2002 was 357,991 and in 2010 it was 60,000. So, approximately 475,000 fewer fish in the entire Susitna drainage between 2002-2010, at least in-river abundance estimates. That tells me that there are fewer fish going to northern district. Harvest numbers, I'm looking **start 1059** forward to getting, but I think that the Board needs to address that or we're going to be looking at some—some restrictive measures in next cycle, or maybe out of cycle if those things don't change. I would like to ask Mr. Fox, since it's abundance based and this (i), one (i), it addresses run strengths of less than 2 million sockeye, when would you be able to make that projection, generally speaking? If you had a year of low abundance, when would you normally be able to make that kind of a projection, and where this would come into play?

Fox: It depends how close to the 2 million, or 2.3 million, it is. If it's widely divergent, it's earlier and if it's real close, it's later, but generally about the 20th to the 25th of July we're trying to make these estimates. If it's very close, it doesn't happen sometimes even into August. So ...

Johnstone: And do you view this regulation as when it says at run strengths of less than 2,000, we're talking about projected run strengths, is that right Mr. Fox?

Fox: Correct.

Johnstone: Okay, thank you. Mr. Chairman.

Webster: These run strength numbers, is based strictly on—that's Kenai escapement, is that right?

Fox: That is total run to the Kenai, not escapement. The—

Johnstone: Total run. [Whispering]

Fox: The plan calls for us to begin making a projection by July 20th. It's typically the period after that we can actually get Yentna/Susitna guesses and add those in and actually make a projection.

???: [Whispering continues]

Webster: Thank you. Earlier you said that from July 10th on, the coho to sockeye ratio is basically the same in area 1.

Fox: No, what I'm basically saying than in each period they catch—there's not one peak period in there that you catch either a Susitna sockeye or a Susitna coho. It's a, you know, a same size or percentage each period.

Webster: From the 10th on.

Fox: Yeah.

Webster: So the restriction we did yesterday, there will be some coho staying on.

Fox: Correct. As you go later in the month, you know, the entire district is open for a few periods there. By about the first of August, anything headed to the Susitna is generally going to be out of the central district and may be in the northern district.

Webster: Thank you. Other Board members? Mr. Johnstone.

Johnstone: Thank you. I looked at some numbers that were provided me earlier, and I don't know if we've got it as an RC yet, but for 2010 there were a fair number of sockeye harvested at least early in that—early in the period, and there was fewer sockeye. I was impressed that there was one day in there, it was a pretty good day for sockeye, and then when you added up all the coho there through the end of the month there weren't as many as there were sockeye, there was no question about that. And this will have a direct impact on those people who are still fishing for sockeye as well in area 1, whether they can make up for it in area—in the corridor—and we haven't discussed it, but it's going to be expanded or regular corridor, it remains to be seen. So I do need numbers for more than just 2010. I would like to see the numbers for several years so we can get a fair average, get an idea on an average of what might really occur. Thank you, Mr. Chairman.

Webster: Thank you. Did—Mr. Morris, question?

Morris: Yeah, Mr. Chairman, thank you. We kept hearing throughout the committee and testimony that these coho runs are very—extremely variable. In fact, in one of the documents that was presented to us, it said that some years there are up to a million fish. And that the actual participation, of course, in the sport fishery at the upper inlet, is—a great deal of that is just lost opportunity; there's too many fish to harvest, or even participate in the fishery. And in addition to that, there's a very large deadloss, mortality, associated with fishing silvers, up to 70 percent. How will we know—**start 1104** how soon will you know—and also we've heard that in 2010, 200,000 fish in the river; in 2002 there were 600,000, which may mean that there were fewer coho, or obviously means that fewer came in, but during that time, 2002-2010, there's probably a large range as was suggested by other, you know, other biologists. And it appears to me that to have a handle on what that run's going to look like early enough to make some major changes, and being able to allow the driftnetters to fish if it's a monster run, is there any way for

you to do that? I mean, how do you take into account the variability in the coho run?

Fox: Well, certainly there are large variations in coho runs. 1999 was—1997 and 1999, both were two very poor runs. We had a conservation concern, addressed it with a special Board meeting, and 2000-2002 were some of the best coho runs, at least in my tenure. So they can swing widely. We have two snapshots—2002 and 2010. There's no direct line between those. There's going to be variation in all those runs. We have in the past had regulations from the Board where we had a red light/green light for, I believe there were triggers for the regular period. I can't remember exactly what that was, but we—Mr. Lutt used to have a model that told us whether we'd make the aggregate goals in Fish Creek, Knik Arm, and Little Su. We can still gauge a good coho run and a poor coho run. We can't guarantee we'll make all the escapement goals in a good one or a poor one. It's an after-the-season thing almost, because the weirs in the Little Su are pretty far upstream. The other two are up in Knik Arm, which is—it's August before you have any kind of really indications on those streams.

Webster: Uh, department, did you pulled those numbers out?

Shields?: Yes, Mr. Chair. I went back to 2006, that's the last five years, and looked at the time period from July 16th to July 31st, the time you're questioning here, and pulled out the area 1 and area 2 catches. Some years you have to realize, or most years, we fish areas 1 and 2 together during that time frame. I can separate them out if you want. So it's two periods each year, on the years that we fish. 2006 we did not fish in this area at all; we were closed down. From 2007 through 2010, from both area 1 and area 2, the average catch per period was approximately 15,000 coho, 226,000 sockeye during that time frame. So that would be 2007, '8, '9 and '10. And if you want them by periods I have them in front of me here, Mr. Chairman.

Brown: I'd like to see periods.

Shields?: Mr. Chairman, Mr. Brown, in 2007 we fished July 16th and July 19th, both of those were in area 1. And the catches for those two periods were 20—I'll round them—25,000 coho on July 16th, 18,000 coho on July 19th. Again that was year 2007. In year 2008 we fished in area 1 and 2 combined. I can't separate the catches by either area, I have to combine them. On July 17th we caught 19,000 coho, on July 21st we caught 13,000 coho. The next year would be 2009; we fished area 1 and area 2. On July 16th the catch was 6,800 coho. On July 20th the catch was 10,000 coho. And finally last year, on July 19th I have us in area 1, and the coho catch was 14,000 and on July 29th we fished area 1 and 2, and we caught approximately 11,000 coho. Mr. Chairman.

Webster: Thank you. And you said you didn't fish in 2006—what was the reasoning for that?

Fox: 2006 was forecast to be weak, and **start 1109** it was not all that strong but it was very late, and the fish came in August. So we were closed trying to make the Kenai escapement goal. For sockeye, I'm sorry.

Webster: Mr. Johnstone.

Johnstone: And for those exact dates, what were the sockeye harvests?

Shields?: Mr. Chairman, to save time I'll just go down and give them to you, exact dates—beginning in 2007, for the same dates, 481,000 sockeye on the 16th, 451,000 sockeye on the 19th. 2008, we had 140,000 sockeye on the 17th, 132,000 sockeye on the 21st. 2009, on July 16th, 234,000 sockeye, on the 20th 116,000 sockeye. And in 2010, on the 19th we had 181,000 sockeye, and on the 29th, 76,000 sockeye. Mr. Chairman.

Webster: Thank you. Well, after hearing those numbers, y'know, we're talking taking a major bite out of the drift fleet's opportunity to harvest these fish. They *would* have an opportunity to harvest these fish in the restricted corridor, but, I mean, we're talking a lot of fish. I only heard once, less than 100,000. So two periods, that's 200,000. That's—that's the minimum. I—this is a big change, and we've already restricted them some and to do it more, I—I just can't see it right now. Mr. Brown.

Brown: Those are big numbers. Um, but I want to remind the Board, and the Chair, that what we're talking about in little (i) is if we're having a very weak sockeye run, then they'll restrict the fishing to let some more cohos go up there. The numbers we got just now, they don't represent to me a really weak sockeye run. So most of those runs there came from pretty good years so you wouldn't have the restriction described in point (i).

Webster: Other Board members? Mr. Johnstone.

Johnstone: Yes, I'd like to explore that a bit further. Can you correlate those years that you gave us these numbers? Can you correlate them and tell us what the run strength projections were and what turned out to be the runs for those years? For sockeye.

Fox: We'd have to take a break, because our numbers were in the old 2 million; 2.3 is going to be different. It would take us a few minutes I'm sure to actually get those for you in increments of 2.3, 4.6, and over 4.6.

Johnstone: Sure, I would like them for the numbers you used at the time, not the new numbers, so we can compare apples to apples.

Webster: Do you need those numbers, Mr. Johnstone, to make your decision?

Johnstone: Well, Mr. Chairman, it'd be helpful because this doesn't tell us if we're getting these numbers in times of low abundance or high abundance. As we go through this proposal, since it's abundance based, when you have high abundance—for example, no restrictions over 4 million—that would be different than what, if they were caught during those times rather than when they were caught during low abundance. Mr. Chairman.

Webster: I understand your reasoning to have those numbers, and the reason—the difference between the low abundance years and comparing the harvest. I understand that. I just want to make sure we ain't going to step down—does the Board—does other Board members need this information before them to make a decision on this?

Johnstone: To answer your question directly, it probably will not make a difference for me, but it might for others. I'll leave that up to the discretion of the chairman.

Webster: That's what I'm asking the other Board members. Does other Board members need this information to make an informed decision on this one? Seeing no other Board members needing this information, we'll just move on. Does anybody else have questions so we can decide on this—what is it, which one are we on—(i)? The ...

Brown: We're on (i), correct.

Webster: That—is it about time to see if we got support for this or not?

Smith: Mr. Chairman, can I ask a question?

Webster: Mr. Smith.

Smith: Thank you, Mr. Chairman. **Start 1114** I'm trying to understand. You mentioned that this, if we were to adopt this, would close two periods down—it's just one period. Right?

Fox: Mr. Chairman, this would close two regular periods between the 9th and 16th—

Johnstone: No it wouldn't.

Webster: No, what—

Fox: Just in area 1.

Webster: What we want to talk about right now is between the 15th and 31st, I believe, isn't it?

???: 16th and—

Fox: 16th through 31st, it would just close the area 1 in that map. The Kenai and Kasilof sections would be open. So it's a restriction not a closure.

Webster: But—and that—so how many periods between July 16th and July 31st are—is area 1 going to be closed?

Fox: As this proposal is written, it would close two area 1 fisheries.

Webster: Between the 16th and 31st, on low abundance years, below 2 million.

Fox: Correct. There's four or five during that period; it's closing two of them.

Webster: Mr. Johnstone.

Johnstone: Just so there's—nobody is misled, innocently I'm sure, would not be intentionally from anybody's point of view. **But it takes them out of area 1 and it puts them in the corridors for those two periods. So they're not—fishing is not stopped, they still have opportunity in the corridor, and I would like to explore that concept. We've expanded**

the corridor for—when we moved the fleet out of area 1 for sockeye and put them into an expanded corridor, and I'd like—I've heard numbers that with an expanded corridor there have been times when the fleet has caught, in times of high abundance, a lot of salmon, 500,000 I've heard from somebody who used to be on the Board. If the expanded corridor—if they were permitted to fish in the expanded corridor, not just the regular corridor—historically, have there been times when there's been a lot of harvest in the expanded corridor? During these times?

Fox: Mr. Chairman, we don't have much experience, at least in my tenure, with the expanded corridor. In the regular corridor, yes, it's variable. They can catch about 10 percent of what they would district-wide in the corridor, but they also have periods, they've typically been with wind or something else that drives the fish into the corridor on that opening—but, yes, they can have pretty good catches. We don't have what they would catch if they were in the central district on that day. So, yes, they have big catches, but, you know, if they caught 300,000 in the corridor, what would they have caught—catch out in area 1, we don't know.

Johnstone: Okay, I just wanted to make sure, Mr. Chairman, that nobody thinks that they would not have opportunity if they were put into an expanded corridor. They would still have opportunity, and so these numbers that you—you've expressed some concern about the big numbers—wouldn't be so stark as they are right now.

Webster: Right. I understand that. And I understand that right now I'd be restricted to the corridor, the existing corridor and later on we may—if this passed—you'd want to expand that, but—I understand that they would have an opportunity to catch, to fish in a restricted area, but area 1 would be closed two additional periods.

Johnstone: Mr. Chairman, I'd like to have the Board view this as a total picture, and we vote this up or down informally, than can we then look at it again from an expanded point of view, expanded corridor point of view, or should we do that at this point? Because I—I would like to see, if we take them out of area 1, I would like to see them get an opportunity with an expanded corridor so their harvest limits wouldn't be so restricted, and we'd then be able to move, possibly, not only northern district coho up, but some northern district sockeye that still may be lingering around. Mr. Chairman.

Webster: I mean, if—we'd need to decide whether—if we don't have support for this, we don't even need to worry about the corridor. But—

Johnstone: Mr. Chairman, I respectfully disagree. If we don't have support for it, it's in—it would be putting them into the restricted corridor. There may be support to put them into an expanded corridor to give them more opportunity.

Webster: Well, if we vote on this it would be—I mean, whoever supports it would, I'd say, you need to voice your opinion I guess, on how—to me, an expanded corridor would not change my vote. I'm not going to be in support of this, so—

Brown: You've made that quite clear, Mr. Chairman, I understand that. But you may not be speaking for the rest of the members.

Webster: That's why I want the rest of the Board members to voice their opinions. That's what **start 1119** I'm asking for. Mr. Jensen.

Jensen: Thank you, Mr. Chair. I'm happy to voice my opinion. I just did a little simple math here, just for '07, 7/16—depending on the cost, the price of the fish, I—I'm just guessing—at a buck and a quarter it'd be about 3½ million dollars. Um, we would be giving them an opportunity, a bad opportunity, versus a good opportunity. I—there's a huge difference. When you lose 95 percent of your fishing area—which I'm just guessing at, but looking at that map it's at least 95 percent—that's not fair. I mean there's—the opportunity's virtually gone. You're going to crowd all the boats that would normally be fishing in area 1 into that little strip down there and, it's just going to reduce their ability to make a living, Mr. Chair.

Webster: Thank you. Mr. Kluberton, did you have an opinion.

Kluberton: Yeah, Mr. Chairman. I'll get to the end of the story first, which is I'd be very interested in seeing catch numbers from pre-2005 when they did fish in the corridor, just how that turned out. I look at 2005 versus 2004 on the overall drift gillnet catch, they were—within 8,000 fish, less than 8,000 fish—they're the same number in 2004 as '05. Now, because this is abundance based, 2004 could well have been a bumper year and it just went well, maybe they never got restricted to the corridor. Looking back to 2003, '2, '1, certainly not as good as '04. Again, it's abundance based, so I feel we don't have a real sense of how successful they might be in that corridor. If '04 they were in there, they did really well. I'll leave it at that for now. My approach to try to figure out how the Board feels about coming into this would be to back into some straw polls from the Board on who might be willing to entertain the expanded corridor, bring that up first, move to the fully restricted corridor and see who falls out. And I think by backing into that, you might get a sense of how the Board feels about this. But I think it would be very valuable to have numbers. If these were the regs before 2005, we should have some discreet information about which seasons we were restricted to the corridor and how that catch turned out. Because there are—'01 was just a bad year, 2000 was a bad year, those might've been restrictions and that would show that we had a real problem. So even if we just went back a couple life cycles prior to 2005, it might help us out a lot.

Webster: Okay. So, you and Mr. Johnstone make a good point. How about we not take a straw vote on this one yet, we move on. Once we get the—because this seems to be the meat of it, so let's move on and see if the restricted area, if—how that works out and we can come back to this. Is that agreeable with Board members? Mr. Morris?

Morris: Thank you, Mr. Chairman. When we got those numbers a little earlier I didn't get them written down quickly enough to find what percentage—was it around 15 percent or something like that—that was coho?

Brown?: Something like that.

Shields?: Mr. Chair, Mr. Morris, I think we probably have to spend a minute or two, but—

Morris: Just roughly.

Shields?: Roughly, it's probably 10-15, ballpark.

Morris: Okay, thank you.

Webster: Mr. Brown.

Brown: Thank you, Mr. Chair. I have to make a couple comments. First, I think that I would prefer to just put it in the expanded corridor, for no other reason than to say we'd have simple regulations. We've already put the expanded corridor in the July 9th and 15th area. If we put it in the July 16 to 31 I think it would be easier for people to understand it. But I also have to comment on Mr. Jensen's back-of-the-envelope calculations on lost income. There are two things. One, we don't know how many fish will be lost to the drift fleet. They're not going to lose 100 percent, so these calculations are an overestimate. The other thing is, the reason we would be doing this would be to move fish in the northern district. Those are valuable fish too. And I won't—I could probably do back-of-the-envelope calculations on those too, but I won't. I'll just say that the tradeoff **start 1124** isn't nearly as dramatic as it's being made out to be. And also, we need to think of this as a dynamic optimization problem. We need to have a flow of fish to the northern district over several years, and if we get one or two good years, that might be fine. They might reestablish and might come back and they—the streams that are, I can't use the term stock of concern, but they—the streams that we're concerned about might get enough fish so that we're less concerned about them, it might open up opportunities for the thousands of people that live in that area. So we need to be careful before throwing out economic calculations that are only—that aren't containing all of the information. Mr. Chair.

Webster: Okay, let's—we've discussed this particular—I wanna move off of this and keep going, and maybe we'll come back to this as suggested by Mr. Johnstone and Mr. Kluberton, is that okay?

???[Whispering]

Webster: I've had a request for a break, so we're going to take a 10-minute break.

[1138:55]

Webster: We're back on record. We have six of seven Board members present. It's 11:38. Just a reminder, the Board members—I mean, the staff—they're breaking their necks trying to give us all—everything we're asking for in deliberation here. And that's fine, I mean, sometimes questions come up in deliberations that wasn't considered in the committee process or you know, you hadn't thought of before. Just a friendly reminder, in the future, if you know you're going to want some information from the staff, please give them a heads up on it. They're doing the best they can; some things they can pull out, some things they can't, some things it may take hours to pull out, and they've been doing that, you know, helping us if time allows. So that's just a friendly reminder to the Board. Mr. Brown, do you want to lead us all through this?

Brown: We're still talking about point (i) and we need some more data. We just got the benefit of RC216 that I just had a chance to look at, but I think my colleague Mr. Johnstone has spent more time with it. And you may want to have some comments on RC216, Mr. Chair.

Webster: Mr. Johnstone.

Johnstone: Thank you, Mr. Chair, Mr. Brown. 216 deals with harvest in 1987, when part of the fleet—the fleet were for part of the time restricted to the corridor, and on page 2 it has lines—page 2 of 216—it has lines of describing the corridor. It says the expanded corridor on page 2 is somewhat less than our expanded corridor we adopted earlier with sockeye in the earlier periods, but it shows you what the expanded corridor was. And this was a big year; there was a lot of fish, and I've been advised that the fleet was taken out of the district and put in the corridor, the expanded corridor, to allow fish to migrate north as they got in the district. There was a lot of fish, they would've harvested that would've been going north, there may be other reasons, maybe processors weren't capable of processing all the fish so they took them out of the district and put them in the corridor. And I don't offer it for anything other than to show the relative catch, because on page 3 of RC216 it shows on the left column under date, it shows Rs alongside of some dates and then there's nothing along some dates. The Rs are the regular district fishing, and when there's no R next to that number that means they were restricted to the corridor. And an example would be on July 20th, when they were fishing the regular district, they harvested 624,000 sockeye. The next day, they were restricted to the corridor, they caught 509,000 sockeye. Going down towards seven—July 30th—in the corridor on July 30th they caught 245,000 sockeye; when they're put in the district on July 31st they caught 182. It's clear that they catch—caught less in the corridor, expanded corridor, than in the district, but not by much. The numbers are pretty close. And I just point this out to show that in an expanded corridor there's some opportunity to catch fish, and maybe not quite as many fish as you could in the regular district, but close to it. And so to say or suggest that if you're put in an expanded corridor you get zero fish, or you're not going to get any fish, is really not accurate. And I offer those comments just to reflect that in an expanded corridor, particularly if it's expanded to greater area than is set forth on page 2 of RC216, which our expanded corridor would do, it's a little larger than it was expanded back in 1987—there would be opportunity, almost equal opportunity to catch fish as if you were in area 1. Mr. Chairman.

Webster: Thank you. Mr. Fox—so, how many periods do they get in area 1 right now between the 16th and 31st?

Fox: **In a run under 2 million they get two in drift gillnet area 1, plus the corridor.**

Webster: **Start 1143** So this is removing both opportunities to be in area 1?

Fox: Correct.

Webster: You know, I—Here again, the reason I'm not supporting this 'cause I think it's really—it's too drastic, you know. I'd rather see some—take a little bit—not be so

aggressive. You know, I could possibly support this if we just cut it down to one period. To cut both of them out—I'm just offering up a compromise here if anybody wanted to think about it, but if not than let's move on. Board members? Mr. Johnstone.

Johnstone: And I wish to think about that, I think that's something that would be appropriate for discussion, because there's going to be an impact on the fleet. I don't think it's as great as other members have suggested with their economics, but there's going to be some impact and some compromise here to not hit them so hard, and give them an opportunity in the corridor to make up for that may be appropriate. Mr. Chairman.

Webster: Thank you. Mr. Brown.

Brown: Thank you, Mr. Chair. I too am intrigued by that possibility. If we had the expanded corridor and restricted fishing just one period, that would let some additional fish get up north and less of an economic impact on the drift fishermen. So, while I'm not wedded to that at this point, it's intriguing, I'll certainly want to think about it.

Webster: Mr. Smith.

Smith: Thank you, Mr. Chairman, and to the staff I guess, if you didn't have either one of those periods, how would you make an assessment? Do those periods act—give you some sort of index?

Fox: Uh, Mr. Chairman, yes we do use the drift CPUE to gauge run strength, so every restriction does fuzzy that projection. The other thing you have to recall, or remember, is that in a run under 2 million—if it's right at 2 million it's not as dire as if it's 1.5 million. But with the new escapement goals, the PU fishery and sport harvest, there's not a lot of surplus fish. At 2 million, you're probably talking, you know, maybe a million, somewhat less. At 1.5 million, we'd be talking some serious closures in the drift fishery—

Smith: Well that's—

Fox: —before July 15th and after, so.

Smith: Mr. Chairman, that was one of my other—not concerns, but inquires I guess—is if you're managing those cohos under an abundance-based management scheme and you're under 2 million fish, you've got a pretty serious problem.

Fox: Uh, if it were coho, we probably wouldn't. If it's sockeye, Kenai sockeye—2 million Kenai sockeye or less is very difficult. That's actually the trouble we've had with the tiers. Right at 2 million there's a demarcation point that's kind of a cliff. And when it switches into the other one or vice versa it's tough to deal with. So...

Smith: Thank you, Mr. Chairman.

Fox: I should speak that along the drift closures, the east side set nets would be closed and for sure the Kenai section, probably most of the Kasilof section.

Smith: Thank you.

Webster: Mr. Brown.

Brown: You may have said it, Mr. Fox, you may have said it earlier and I spaced it out, I can't read my notes, but can you give me an idea, maybe in the last decade how many runs have been less than 2 million sockeye? Or whether you can give me, even better, would be what fraction—is it every 10th year, every 7th year, is under 2 million?

Fox: Since 1998, there would have been four; 1991, 1984, 1981, and 1980 also.

Brown: Since, okay. Four since 1998.

Fox: There's also 2006. Nope, 2006 isn't.

Brown: So it's—it happens, but it's not like extremely common.

Smith [muffled]: When was the last time?

Fox: Correct. It happens.

Brown: **Start 1148** And, I mean, suppose you got a run estimate of 1½ million—I hope that never happens, but pretend like it did. Would you take policies different than we've suggested in point (i)? More restrictive, or less restrictive, or—is there a chance that if your run estimate, and you believed it was 1½ million, you'd do just what we've got in (i) anyway?

Fox: Depending on how the run came in, I would have closures. And that's where the issue comes in—we run into it with windows. Sometimes we might be closed for a week coming up to a Friday window. The regulations don't let you out of a window, you still have a window. Well, the same thing would apply, I'm assuming, with this little (i). We could be closed for 10-12 days and then find out that, "Oh, we're making the escapement." We would still implement these restrictions, so.

Brown: Okay. Thank you.

Webster: I think let's move on off of this and as suggested let's get into what that expanded corridor is going to look like. Can that—is that in here already, or do we need to discuss that? Mr. Brown.

Brown: No, Mr. Chair, it's not in proposal 126. My recommendation, in fact I would move this, that we use for all of our discussion of 126, we use the same expanded corridor we used in our action plan last night. Mr. Chair.

Webster: Thank you. Any objection to that? Seeing none, so be it. So, Mr. Kluberton.

Kluberton: Thank you, Mr. Chairman. I just—it's not so much a question, I just want to make an observation that, I think I touched on it yesterday, we're right here in this part of the

meeting at the very heart of the most complex issue we're faced with in upper Cook Inlet. And as we've got a mixed-stock fishery, this is the place we have to try to do something. If we do nothing, we learn nothing. Just looking at, again, it's a limited amount of numbers, it's the best available science we've got. We've got numbers from 2002 on coho, we've got number in 2010 on coho—not a lot of R-squared in those two figures, but it's enough to cause some concern. Given uncertainty, acting conservatively—again, if we do nothing, we learn nothing—I'm favoring the approach of a light hand, but do something and watch the metrics come out at the next Board cycle and see what we've learned. So I think probably the most readily available tool to us in that regard would be to use the expanded corridor, take your thought and expand on it, just using a single period of closure and see what that looks like in three years. That gives us something to measure from. If we do nothing, we learn nothing. Take an action. Maybe we take the slightest action we can and see if we can't learn from that. Thank you.

Webster: Thank you. I guess we could—Mr. Brown, how do you want to go from here?

Brown: Um, I—Just trying to read people's facial expressions. I'm not very good at it, given I need a new glasses prescription. I'm guessing that most people have come to a decision on how they would vote on that particular item, expanded corridor and one closure, and I think it'd be nice to get a show of hands and see if the Board is ready to move on to 2(ii).

Webster: Okay, as I've stated, I can't support as written, I could possibly support it if we gave them one opening, but as it's written I can't support it. So, other Board members? Mr. Jensen.

Jensen: Thank you Mr. Chair. I can't support it in any form. I think the restrictions and stuff we did in 2008 haven't had a chance to come to fruition, we haven't gone through a lifecycle of most of the salmon to see how that's turning out, and I can't support any closure of area 1. Mr. Chair.

Webster: Thank you. Anybody—show of hands. Support for as it's written?

Johnstone: Excuse me—further comment, you allowed a comment from Mr. Jensen—may I give a short comment?

Webster: Go ahead, Mr. Johnstone.

Johnstone: I want to note, based on Mr. Fox's statement that the likelihood of this occurring is, looks like about 15 percent. And if we do have run strengths of less than 2 million sockeye I think we need to consider some restrictions, because there's going to be some problems. I could support it either way, I would—with the expanded drift area—I could support it to take them out of area 1 and put them **start 2253** in the expanded corridor for both fishing periods or for one. And I'm not sure how you're going to take a vote. Are you going to take a vote on one and then—I mean two—and then take a vote on one.

Webster: Yes, Mr. Morris.

Morris: Mr. Chairman. I wasn't totally sure what your position was, but I understand that you might consider it if there was an expanded corridor in one opening there and the second opening would be in district 1, is that your thinking?

Webster: Right. I think this particular—if we make it one, this particular one should be a floater to be used as discretion. As Mr. Fox stated, they may already be restricted, and they may have had a 10-day closure not fishing at all, and then all of a sudden an abundance shows up—you know, why not let them use that opening. If we put it solid then they wouldn't even have an opportunity to use it. So that's my thinking.

Morris: Well, I agree with you.

Webster: Okay, I guess it's—Mr. Kluberton.

Kluberton: Thank you. Could we maybe get a show of hands on support for a single floating closure in the expanded area and see how that is shaping up?

Webster: We can do that. Who would support a single floating opener?

Brown: And an expanded—

Webster: And an expanded corridor. We got support for that, so that's what's before us. Let's move on. Mr. Brown.

Brown: Oh, that was fun. Uh, now remember, this is an abundance-based management, and we've taken some slight restrictions on runs of less than 2 million, now we're looking at on runs— (ii), on run strengths of 2-4-million sockeye in the Kenai River, fishing during one regular 12-hour period per week will be restricted to either or both of the Kenai and Kasilof sections of the upper district, or drift gillnet area 1. Okay, so this is a run of 2-4 million. Remember, we adjusted those numbers with Didson, but I'll just call it 2-4 million. One 12-hour period per week will be restricted to either or both of the—I'm going to say this is the expanded corridor—or drift gillnet 1. Any comments from my colleagues?

Webster: Board members? Mr. Jensen.

Jensen: Again, Mr. Chair, I'm not going to be supporting any more restrictions.

Webster: Thank you. Other Board members? Okay, Mr. Kluberton.

Kluberton: Thank you, Chairman. Again, in the spirit of exploring the guts of a mixed-stock fishery, now we're in the center of the bell curve. We have an expanded area, fundamentally what we're doing here is trying to allow, if I have this right, we're going to take one period and hold them into area 1 and the expanded corridor, which gives them a little bit further north, closer in. The only thing we're doing, we're pulling them out of area 2, which is further to the north, giving those fish that are making it through a little better head start getting to the northern district. In the spirit of sharing abundance, sharing restrictions, again, we have to do something in a mixed-stock fishery scenario to

pay credence to those other fisheries in the upper Cook Inlet. So I'd be inclined to support this one.

Webster: Question for staff: can you explain how it's managed now and what this would do?

Fox: Yes, Mr. Chairman. Currently, in runs of 2-4 million, you fish drift gillnet area 1, and drift gillnet area 2, and the Kenai/Kasilof sections for—two periods are restricted to those areas, drift gillnet area 1, area 2, Kenai and Kasilof sections, or some subset of them. What this proposal does, is it says for one of those delete area 2, and for the next one it's unrestricted.

Webster: So, for one of those periods area 2 is deleted, the other period area 2 is—it's normal.

Fox: **start 1158** No, area 2 goes away. It's unrestricted period.

Webster: So where would they go—

Fox: District-wide. Everything. Fishing everywhere.

Webster: Every—when you say everywhere, you're talking about the black line all the way to the bottom?

Fox: The black line above the area 2, the one that's about—

Webster: One goes from shore to shore—

Fox: Correct. This one here.

Webster: Right.

Fox: All the way down to the Anchor Point line, all of that's open.

Webster: Okay. So one period—and they're allowed to do that now?

Fox: No, right now two periods are restricted to area 1, area 2, plus the corridor between July 16th and 31st. This proposal would say one of them is restricted to area 1 only plus the Kenai/Kasilof sections, so you lose area 2, area 2 goes away completely, and then the next period is district-wide.

Webster: So, the second period you get on the—what is that, the west side of Kerrigan Island—that's basically—

Johnstone [whispering]: Kalgin.

Fox: Yes, you get everything. West side of Kalgin Island and that area up above area 2 to the forelands there, to Boulder Point is also open. Mr. Johnstone.

Johnstone: Perhaps Mr. Fox could give us a—I don't mean to ask for additional workload, but I think these numbers are appropriate, and hopefully they're available. Maybe we get some numbers of what the harvest is in area 2 during these periods.

Fox: The entire reason we're struggling with this, Mr. Chairman, is the first of these restrictions started in 1997, and it was Kenai/Kasilof section before July 15th. Then in '99 we added, but by 2005 we—because of problems we experienced with processing capacity, especially with runs between 2 and 4, we took the Kenai/Kasilof restriction between July 9th and 15th. Either one of those two periods was restricted, but just to the corridor. In order to facilitate better processing capacity, we created area 1, which is about half the Inlet, and fished it for two periods. So one restriction we turned into two because of processing capacity. So, each and every year we've changed it, and we don't have any specific numbers that you're asking for now. They're going to be, like, one year or two years. We don't have an area 2 all by itself. We have some area 1s, we have lots of corridors. We have also lots of district-wides, but we don't have—when we fish more than one area we can't do a subset of what area 1 is and what area 2 is.

Webster: Thank you. Mr. Johnstone.

Johnstone: Well, I accept that and if we don't have the information, we don't have the information. But I think perhaps common logic would suggest that fish harvested in area 2 are—can go almost all the way up to the end of the district, that it's likely that there are a greater percentage of fish going north, and perhaps it's particularly cohos going into the Kenai River and there may be additional sockeye going up that far as well. **If we take the fleet out of area 2 for the one period and put them in an expanded corridor,** and then for the other period they get a district-wide fishery, it sounds to me like we're protecting fish going north and still giving ample opportunity to harvest the fish in the district. Mr. Chairman.

Webster: Thank you. **I just heard you say expanded corridor; as this is written it's not putting them in the expanded corridor, it's putting them in the existing corridor, is that correct?**

Fox: **Correct.**

Johnstone: **Mr. Chairman, I thought we'd already decided that we would use the expanded corridor for all these—I thought that's what we did earlier.**

Brown: **That was my intent with my amendment.**

Webster: **Oh, okay, my mistake. So we talking now for all purposes, everything we're talking about in here, is expanded corridor. Okay. Department of Law.**

Mitchell: **Mr. Chairman, just a point of procedural clarification—the motion was on the floor, I didn't hear a vote for it, so I guess just to make a clear record, if that was adopted by unanimous consent—**

Brown: **It was.**

Webster: It was adopted by unanimous consent.

Mitchell: Thank you.

Webster: Or, without objection—there was no objection. So, thank you for that clarification.
Mr. Johnstone. Mr. Morris.

Morris: Thank you, Mr. Chairman. Having been on the 2005 Board, I believe that's when we adopted the area 2 if I'm not mistaken—is that right, Fox? Wasn't it 2005?

Fox: Yes, Mr. Chairman, I think you are **start 1203** correct.

Morris: And I think much of the discussion at that time was to provide opportunity for fish to get to the northern districts, and—so I don't see that as being inconsistent with this proposal.
Mr. Chairman.

Webster: Thank you. So, Mr. Brown, are we ready to...

Brown: I—as I stare at people's faces, I think we're ready to go with this. I think Mr. Kluberton's comments were especially profound and certainly convinced me. I'm going to favor (ii).

Webster: So, for (ii), can I see a show of hands for who supports (ii)? I see one, two, three, four.
Mr. Brown.

Brown: (iii): At run strengths of less than 4 million sockeye salmon in the Kenai River, the commissioner may, by emergency order, open additional fishing periods in the Kenai and Kasilof sections of the upper subdistrict, and additional periods may be authorized independent of the upper subdistrict set gillnet fishery. Um, what this is doing is separating drift gillnet from set gillnet and, correct me if I'm wrong Mr. Chair, but I believe we've already done that in the action plan.

Webster: Department? Is that your—

Fox: We already have this authority. I'm not sure if you reauthorized it in the action plan or not, but we already have this authority.

Webster: So is—Does—Mr. Johnstone.

Johnstone: I believe, and I could be mistaken, that we authorized that under part B for the July 9th through July 15th area, and there'd be no reason not to for the July 16th to July 31st area, since the department has—already the same reasons would apply, Mr. Chairman.

Webster: So there's no—this would just be removed then. Is there any objection? Because they already have authority to do it and they...

Brown: That would be fine with me, if they do have the authority.

Webster: Is there any objection, just removing this? Seeing none, Mr. Brown.

Brown: Part (iv). This is one we're going to have to debate, I'm sure. At run strengths greater than 4 million sockeye salmon in the Kenai River there will be no mandatory restrictions during regular fishing periods. Uh, it's only in there because we changed the numbering. (iv) is in boldface type, but the actual content's not changed. So I'm guessing that we will accept this without any disagreement.

Kluberton: Well, it's moot 'cause we—we didn't do number (iii). We already have that ability, we just decided not to use the language added at number (iii), so that language stays number (iii).

Brown: Correct, that's correct. So there's no change.

Webster: So, there's no objection to just removing that.

Johnstone: Renumbered. It actually stays as (iii).

Webster: Right.

Brown: Um, my turn?

Webster: Yes, Mr. Brown.

Brown: Mr. Chair, I'm—I suspect we're going to have quite a discussion on part C, the next section here, and I know we'll have a lot of discussion on the EO authority on page 107, and I—my recommendation is we do that after lunch.

Webster: Yeah, let's take a lunch break and come back at 1:30.

[Start 1329]

Webster: We're back on record. It's 1:30. This afternoon, we got six of seven Board members present. When we took a break, we was deliberating proposal 126. Mr. Brown, what's next?

Brown: Well, we're in the middle of 126, and we're down to (C) in parentheses at the bottom of page—

Webster: A correction: there's seven of seven Board members present. Mr. Brown.

Brown: Okay, let's see. We've gotten through the guts of 126, we're down to part C on the bottom of page 106, and then we had some verbiage on page 107. As more I've been thinking about it and talking to other Board members, I think it might behoove us to skip over those two sections, omit them from our discussion, and take a vote on what we did before lunch.

Webster: Can I get the department to explain what this part would do first, before we do that?

Johnstone: C?

Webster: C. C and D, yeah. C and D together.

Fox: Capital C would basically push drifters over into drift gillnet areas 3 and 4, which is on the lower west side. Mr. Shields will get that up here for you in just a second. Currently from the 16th of August, this area, the eastside set gillnet fishery, closes and drifters get moved over to drift gillnet area 3 and 4. So this would be about a week earlier. The drift gillnet fisher would be restricted to drift gillnet area 3, which is within 5 miles of shore basically, on the west side, and the lower southwest corner of the central district. We'll get you a page here in just a second. Was that clear? This is just for drift gillnetting, not—

Webster: Yes.

Fox: Page 71 has a map in the staff comment book.

Webster: Thank you. Can you explain just a little bit on C of the next page? On page 107 of the—within 48 hours, restricting the—can you explain what that would do?

Fox: It's currently under the upper Cook Inlet salmon management plan, and it's also I think in other smaller management plans. There's a stipulation that if we're going to exceed the escapement goal, the commissioner has EO authority to ig—not ignore, but supersede regulations such as windows, emergency order limitations, closed areas could be opened, those kinds of things to manage for the escapement goal. This would put a stipulation on it that you'd have to project within 48 hours you will exceed that escapement goal. Currently, we can project, depending on the time frame of the year—you know if we have 70 or 80 percent of the escapement goal already in by July 17th, we're pretty sure where we're going, but it would be maybe July 25th, 27th before we actually exceed that goal. So, the projection is pretty hard to deal with. By the time you project it, depending on when that occurs in the season, you could depart widely from the escapement goal.

Webster: So, are you saying that the 48 hour isn't practical?

Fox: Yes.

Webster: Hearing that, you know—how we massage this proposal thus far, I'm not 100 percent in support of every item that's in there, but these other two points would definitely be a killing point for me. I would entertain a motion to just delete these two from this proposal and I could possibly support this proposal. Mr. Johnstone.

Johnstone: Mr. Chairman, I so move—I move that we vote on 5 AAC 21.353 on the **start 1334** informal votes we've taken down to capital C, and from capital C down we do not consider them and take no action on those, and just vote on it as down to C.

Webster: Do I hear a second?

Kluberton (?): Second.

Webster: With objection?

Brown: Without objection.

Webster: Any objection? Seeing none, so be it. Mr. Brown.

Brown: Well, I think we've spent most of the morning on this. I—as I look at this, this is a serious proposal, perhaps the most elaborate that I've voted on in my three years on the Board. It bothers me that a number of people are going to lose income, but what I hope is that we'll save a lot of fish. I hope that we take these actions, we'll get more fish in the northern district, be caught by the northern district set netters, it will help those people. I hope it'll be more fish up northern district to restore coho fishery up there. When there are difficult times, you have difficult measures, and I believe this does it. I think in our discussion we came with an important compromise. We omitted parts that weren't necessary to achieve the end, and took a lot of work, but I'm going to support this proposal, Mr. Chairman.

Smith: Mr. Chairman, if I might—

Webster: Mr. Smith.

Smith: Can we just get a little clarity exactly what it is we have in front of us right now? I just want to make sure, Mr. Chairman, that we all understand exactly what we're voting on.

Webster: Thank you. Mr. Marcotte.

Marcotte: Thank you, Mr. Chairman. What you may want to do is refer to the original proposal wording in the proposal book, or in your Board book, but that—through a series of either informal amendments or that last one that was without objection—through that series of amendments, what the Board's done is, it's kept the first paragraph, small letter (a) with the new—it's the bold underlined wording there. So we'd keep that, so that would be indeed a change, the purpose statement at the beginning of that section. Under that next section, in paragraph small (b), it would delete that from the bolded b on down to the language that says subdistrict gillnet fishery. So it would delete that section. And then under capital B, that next paragraph, it would keep that section but change it to a single period instead of the wording that's in print there, that says two regular periods; it would keep it a single period as a floating period. And then under—yeah, okay, that's under paragraph little (i) and then (ii) paragraph, it would keep that. And then under the triple (iii) paragraph, it would remove that wording that's bold and underlined. And then the Board also expressed that the intent is to use the updated escapement numbers that you adopted under your proposal E, which was that RC1—excuse me, RC213, using the Didson numbers, even though the numbers here show the old numbers, but the intent is to use the new Didson numbers throughout. And then also the Board's intent was to use the expanded corridor that came from proposal A, which was the RC200 that the Board adopted yesterday. So that's—oh, yeah I guess the [loud cough] two aspect on paragraph C would not make the change as proposed there, paragraph C and D. And then also, at the very end of the—under paragraph, lowercase (c) it would not make that change either.

Webster: Thank you. Other Board members? Mr. Kluberton.

Kluberton: Thank you, Mr. Chairman. I wanted to follow up a little bit on some comments I made earlier about management of mixed-stock salmon fisheries, and reviewing the policy for management of mixed-stock salmon fisheries. And the first thing I'd like to point out is that to a pretty large extent what we've been working on in proposal 126 is a logical extension to the actions we took **start 1339** yesterday regarding the stocks of concern on northern district sockeye salmon. We, later on in this proposal 126, took a couple actions to try to work with some coho stocks that appear to be in decline, we have to work that out and see what happens. But, looking at the policy from management mixed-stock salmon fisheries, in applying this policy, conservation of wild salmon stocks consistent with sustained yield shall be accorded the highest priority, and I think given mixed-stock we are doing our due diligence to look at the full breadth of the fisheries involved. We're supposed to be consistent with the subsistence preference and I think we paid close attention to that with what we did with Tyonek and the areas over there yesterday on the stocks-of-concern decisions. We're also—it's pointed out in the policy for management of mixed-stock fisheries, the Board recognized that precise sharing of conservation among fisheries is dependant on the amount of stock-specific information available, and that we'll be working, and I think we have worked—it's not perfect, but with the information we have available we've tried to use what we had and round up what we didn't have through the course of our conversations today. Also says that the Board's preference in assigning conservation burdens is through the application of specific fishery management plans set out in the regulations. This is obviously the one regulation that's at the heart of trying to iron out the mixed-stock fishery in the upper Cook Inlet. So, again, I'll point out that most stocks are fully allocated, it's—these are the decisions that we've got to consider, it's—there's going to be give and there's going to be take. This is a painful one, but I think we've done everything we can possibly do to adhere to this policy. Thank you.

Webster: Thank you. As you stated, this is an allocated proposal. Mr. Johnstone.

Johnstone: I'll take a stab at allocation criteria, Mr. Chairman. The history of this commercial fishery we're dealing with has changed over time. It's gone back and forth. We've been in and out of corridors, we've been in and out of expanded corridors. The fisheries have taken place all over the district, and depending on the needs at the time, it's displaced fishermen from time to time. In recent history, they've been fishing a little different than what we're going to be putting in regulation now, but they have fished corridors before. There are alternative fishery resources when they're restricted in some areas here, they will have alternative areas to go fish, so there are alternative fishery resources—they may not be as productive in some areas, but in bearing the burden here to allow fish to go up north, they're sharing in the burden to some extent. The ones—the fishers up north who have been fishing for many years, they've been sharing the burden of not getting so many fish. They've been the ones who have been hit. This hopefully will balance it out somewhat. This is an important fishery, for the economy of not only the area around Kenai/Soldotna/Homer, but it's an important fishery for the Mat Valley and the area around Anchorage as well. It's an important fishery economically for the State. There's a lot of money generated by the commercial fishery, and to the extent there will be an

adverse impact, that's regrettable but hopefully the consequences of this will be an enhancement of fisheries elsewhere that will participate in providing an economic engine for the State. This fishery does provide recreational opportunities whether we restrict it this way or not, or don't restrict it, or—whatever we do here is not going to really reduce recreational opportunities for residents and non-residents. It's an important fishery to provide residents the opportunity to obtain fish for personal family consumption. I think we're not going to take away from that. I think we may enhance that for the fisheries up north. I don't think we're going to be—do it to the detriment of the fisheries in the districts we're affecting. Mr. Chairman.

Webster: Thank you. Mr. Brown.

Brown: Thank you, Mr. Chair. Regrettably, if we pass this proposal it will impose costs on people engaged in fishery. When we take drifters out of area 1, and allow them to fish in the enhanced corridor it may—they may spend more money on diesel fuel and gas, there may be more time getting to and from, so it will be costly. I'm aware of that. I wish it weren't the case, but the fish come first. These measures, **start 1344** hopefully they'll be short-term costs with significantly larger long-term benefits. We'll get more fish up north and larger runs of fish for everyone in the future. Mr. Chair.

Webster: Thank you. Other Board members?

Regnart: Mr. Chair?

Webster: Mr. Regnart.

Regnart: Thank you. I just wanted to—there's one point of clarification, and I just wanted to make sure that we're on the same page as the Board. And that was under (B), in the plan, when we talked about the single floating restriction between the 16th and the 31st. As Mr. Fox discussed, if we're closed into that time period, in our minds that constitutes the restriction. Now if that's not what the Board's intent is, then we'd want to make sure that the language clearly defined that that floating holiday [laughter]—definitely not a holiday—that floating restriction would still be in place even if we were closed for, say, the first week of that time period.

Webster: It was my intent that—actually it's—it reverses. There's only one opening during that period, and that's floating. And if you come through a 6,8,10-day closure, you can have that one open, so that... Mr. Fox. How would you do it, the way you think it's written right now.

Fox: Perhaps you're thinking glass half empty/half full or whatever—

Webster: Yes.

Fox: —but if, right now you're saying one period between the 9th and 16th—or, excuse me, the 16th and 31st—is restricted out of area 1. The other one would be unrestricted is how we read it.

Webster: Right.

Fox: If one of those two were closed, say we fished the first one then a closure was necessary, or the opposite—if we had a closure of an area more than area 1 we would've figured the bill was paid and would not institute a second.

Webster: Right. That's how—that's my intent.

Fox: That's how we do it now.

Webster: Right. Is that clear to everyone? Mr. Johnstone.

Johnstone: I'm not sure if it is clear or not to me. The way I view that is that in run strengths of less than 2 million sockeye salmon under the proposal we're going to vote on here, the department may open up one fishing period during that time, July 16th through July 31st, in Kasilof sections and drift gillnet area 1, that would be the expanded corridor and drift gillnet area 1. For the other period, the fishery could be opened up only in the expanded corridor, no other place. Is that how you read it Mr. Fox?

Fox: Yes, the—what Mr. Regnart was trying to clarify is that if we closed a period completely, even if it was for Crescent River sockeye, drift fishery is closed that day, on July 16th, say, then we feel we have satisfied this.

Johnstone: Right. And then—

Fox: That's what we wanted to clarify, that we then wouldn't put a second restriction in. It would just be regular periods as they occur.

Johnstone: You would've satisfied this restriction and then you could open it up in the corridor and drift area 1, that would be the only places you could open it up though.

Fox: For one other period—

Johnstone: Right.

Fox: —but the others would be district-wide.

Johnstone: Right. I understand.

Webster: Mr. Smith.

Smith: Thank you. But if you're operating on your closures from the get-go, then what you're suggesting is that should the run fall back, you wanted to have a—I guess I'm having a hard time understanding this as well. If the run came back and it got a little better than you originally anticipated, and you wanted to—that you started under closures, bumps back up, then you want to have another opening.

Fox: We often close to pulse fish into the river.

Smith: Okay.

Fox: So, under these run strengths, say we didn't just restrict it to the Kenai/Kasilof section, we closed the entire Inlet—after that, we wouldn't be implementing any restrictions for your plan; we may do them because we need additional fish, but we would've satisfied (b) of this plan with the total closure, not Kenai/Kasilof only.

Smith: **Start 1349.** Right.

Fox: Seems like a small departure, but it will be a major point someday.

Webster: Everybody clear? Department, are you clear?

Fox: Completely.

Webster: Okay. Mr. Brown.

Brown: I was going to call the question.

Webster: Any other—any other comments? Mr. Jensen.

Jensen: Yeah, I'd like to make one more, Mr. Chair. What we're doing here, in my mind is way too punitive for the savings we want to get, and I've been following that—the whole thing we've been going through here—I've been voicing my opinion. Granted, we need to provide some more fish for sustainability up there it seems like—I haven't seen enough glaring evidence, but—I'm going to be voting against this, Mr. Chair.

Webster: Thank you. Other Board members? Mr. Morris.

Morris: Thank you, Mr. Chairman. Yeah, I tend to agree with Mr. Jensen, but I don't think we have the data to really tell us what happened in the past three years since we made it a stock of concern in the Yentna, Little Susitna. And the only thing—about the only thing we do know is that it's still a stock of concern and we need to get some fish up there. I'm not really happy with all of the actions that we're taking and I personally believe that some of them may turn out differently than we're hoping for, but I think it's a fairly small percentage of the fishery that's going to be totally affected. I know that the addition of the expanded corridor will probably make substantial difference because fishing in the corridor normally doesn't yield many results. I'm reluctantly going to support this. Mr. Chairman.

Webster: Thank you. The question's been heard. Captain Cain, errors or omissions?

Cain: No, Mr. Chairman.

Webster: Mr. Nelson?

Mitchell: Mr. Chairman—

Webster: Mr. Mitchell.

Mitchell: —I did hear the reference to these allocation policy, but I did not hear express reference to the sustainable salmon fisheries policy. If I overlooked that, I apologize, but I think it would be helpful if that hasn't been made, to go through those criteria.

Webster: Mr. Kluberton?

Kluberton: Yeah, I—My earlier comments were to the mixed-stock fishery policy, but I'm happy to speak to the sustainable salmon fisheries policy, and again I believe we're at the heart of this. We're working generally within the auspices of a stock of concern status, so we're definitely exercising a precautionary approach, probably the most stringent precautionary approach a Board could ever impose. We've considered the uncertainty of the data, we wish we had more, we're working from the best information we could glean out of what we've heard. We've definitely considered fishing impacts to a large degree—abundance trends are being monitored and will ongoingly be monitored under the action plans. We've—let's see, management plan is definitely based on the principles and criteria, we're right at the heart of the management plan here—this is nothing ancillary, we're right in the guts of it. I think we're—yeah, we are, considering avoidance of potentially irreversible changes, we're doing all we can to avoid—to indentify undesirable outcomes, the most undesirable outcome being the loss of stocks. The conservation concern—again, it's a yield concern, which we think probably implies a conservation concern could come up next. There's been discussion through the meeting—there were parties interested in trying to elevate this to a management concern, so we're heading that off. I think we have acted within the auspices of the sustainable salmon fisheries policy.

Webster: Thank you. Mr. Johnstone.

Johnstone: I'd like to reference my comment made earlier on part (b), the July 9th through July 15th portion of this, which applied to the stock of concern for the Yentna/Susitna. Part B, large B, dealing with July 16th through July 31st does pass salmon up as well, as well as coho, and I want to adopt my reference to the small part (b) to the **start 1354** sustainable salmon fisheries policy, the remarks I made, like to adopt by reference member Kluberton's as well. Mr. Chairman.

Webster: Yes, I also agree with you guys' assessments on sustainable salmon fisheries policy, and all my comments—actually, all my comments have always—I base all my opinions on sustainable salmon fisheries policy, even if it wasn't specifically mentioned those that apply, is because of sustainable salmon fisheries policy. Does that satisfy your...

Mitchell: It does. Thank you, Mr. Chairman.

Webster: Thank you. Errors and omissions, department?

Fox: No, Mr. Chair.

Webster: Roll call vote, please.

Marcotte: Proposal 126 as amended: Webster?

Webster: Yes.

Marcotte: Brown?

Brown: Yes.

Marcotte: Jensen?

Jensen: No.

Marcotte: Smith?

Smith: Yes.

Marcotte: Johnstone?

Johnstone: Yes.

Marcotte: Morris?

Morris: Yes.

Marcotte: Kluberton?

Kluberton: Yes.

Marcotte: The motion carries, 6 in favor, 1 opposed. Mr. Chairman.

[END March 1, 2011]

March 2, 2011

Webster: We're back on record again, 8:31 this morning March 2nd. We was in, we took a recess, we've just completed Committee B. There may have been a little, there may or may not have been a misunderstanding on what the intent of the Board was when we passed 126. I just want right off the bat to have the Department to explain to us the difference between the July 16th and 31st. What your definition of "extended", how that would work between runs of 2 million and 4 million and the use of the expanded corridor.

Unknown: [unintelligible]

Webster: That's the misunderstanding that the Department had yesterday, or that I think the Department had yesterday.

Fox: Mr. Chairman, the way this reads: "One regular fishing period will be restricted to either or both the expanded Kenai and the expanded Kasilof areas. And Drift Gillnet area 1, Drift

Gillnet Area 2 is now gone. Additional fishing time, you haven't given us direction. In the previous section you told us additional time was in the expanded corridor.

Webster: it was my understanding and talking with other board members that additional EO time would be in the expanded corridor. I think we made that clear, we thought we made that clear yesterday but obviously you didn't think that we made that clear. Is that clear to you now?

Fox: Yes sir.

Webster: And also, you may under extraordinary circumstances if the run comes in at 10 million possibly EO go back out to Area 1. But you know that it's our intent that your extra EO period is only for the expanded corridor not the Area 1.

Fox: Except for as you said extraordinary circumstances.

Webster: Yes, is that ... Mr. Brown.

Brown: Yes, I think I understand now but when Mr. Fox read that section there he said one regular 12 hour fishing period. I think he left out per week. That is in there. One, run strength of sockeye salmon fishing during one regular 12 hour fishing period per week will be restricted.

Fox: that was my understanding but reading the language it's not per week it's per period. One period.

Brown: 12 hour fishing periods per week.

Webster: Between runs strengths of 2 and 4 million.

Brown: Yes.

Webster: Mr. Johnstone.

Johnstone: That was my understanding as well and I'm not sure I understood what Mr. Fox said. Did you say that was your understanding but that's not how it reads?

Fox: I didn't actually have the language in front of me when you were voting, we actually typed up language during that break, and I was just going off the notes I made in my book. But in this language there isn't per week it's one period.

Johnstone: What was your understanding is my question. When we were discussing this and voting on it? One per week or one period?

Fox: The proposal 126 has one period per week. At some point, I'm not sure if there was a motion, Mr. Marcott would have to help you on that, my notes aren't that though.

Johnstone: Mr. Chairman, my recollection is that we voted on it using the words one and per week instead of two and then we left out the “and” and we left out “s” and we left out “and 2”. That was my recollection that it was restriction to one per week would be in the expanded corridor.

Webster: Between run strengths of two

Johnstone: two to four yes.

Webster: Is that every, other board members’ recollection? If so then you understand exactly our intent then?

Fox: That is per week, so two periods?

Webster: Yes, between 2 and 4 million and the expanded corridor, basically between the 9th and the 16th the old corridor is the new corridor now.

Fox: **Start 0836** Your desire is our command sir.

Webster: Knowing that we’re not saying that you have to fish every period but the EOs will be in the expanded corridor, not the existing corridor.

Fox: Yes sir.

Webster: Based on abundance. Ok. Is everybody happy, is everybody clear now?

Unknown: Yes.

Webster: Is the Department clear?

Fox: Yes, sir.

Webster: Ok, I think we’ve built a record at least of what the true intent of the Board was. Mr. Johnstone.

Johnstone: Just to build that a bit further there was a provision that was offered by the author under subsection c that it was if it had been adopted in regulation, if it was adopted legally in regulation, would have done exactly you said your intent was as to if you decided it if projection were going to exceed the upper end of the goal and you needed to do additional fishing then you would be restricted to doing it in the new expanded corridor and that’s why we decided not to vote on that because you expressed your intention that that’s exactly what you would do. Mr. Chairman.

Webster: Thank you, and also under for reasons of conservation for the northern district you could if you wanted to EO back to the original corridor. That corridor's still up in regulation the definition of it is?

Fox: Yes sir, it's still there.

Webster; Ok, with that we'll move on to Committee C. Mr. Morris

Morris: Good morning Mr. Chairman Committee C RC 97 Kenai and Kasilof River Sockeye Management Plan, proposal 146 the record please.

Fox: Mr. Chairman, proposal 146 5AAC 21. 359 Kenai River late river king salmon management plan.

Webster: Move to adopt.

Unknown: Second.

Unknown: Second.

Webster: Staff comments please.

Fox: This proposal would allow the department to reduce the size of the closed area of around the mouth of the Kenai river if the in river king salmon run is less than 40 thousand fish. The effects of this proposal would be dependent upon the usage of the Kenai river special harvest area. In years of large sockeye runs to the Kenai river, fishing this area would allow commercial fisherman to harvest large concentrations of Kenai River sockeye during a short time period. Commercial harvest rates of the kenai river sockeye salmon and late run king salmon would likely increase. This proposal would increase the social conflict between the commercial and personal use fisheries operating in the same location, Department's neutral on this proposal.

Webster: Mr. Morris.

Morris: Mr. Chairman, in support of this proposal it provides an extra tool in controlling the sockeye salmon escapement and maximum sustained yield should be optimum sustained yield. In opposition there is a history of conflicts between the peer groups and would conflict with the personal use fishery, highly allocated we had no consensus from the public panel and consensus to oppose among fellow board members.

Webster: Mr. Kluberton:

Kluberton: the proposers on this appear to have um, confused the in river goal with the escapement, also exacerbating some of the conflict and the allocatory aspects of this. That 40 thousand number accommodates the sport harvest above the counter so it sort of the threshold is artificially high the way the proposal is worded. It is highly allocatory

and didn't seem to merit that kind change at this point in time with the conflicts among the user groups and we felt that which was probably not the right time to do this. The conservation and the mixed stocked fishery concerns were not that well aligned. I think every panel consents to oppose this guy. We didn't see it as a necessary tool as any sort of conservation move other than just clarifying that the trigger point wasn't necessarily proper and there would be some intercept of those kings. We haven't heard a strong conservation concern but there wasn't... **audio ends**