

On-Time Public Comment List

Lower Cook Inlet | November 30-December 3, 2016

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Cook Inlet Recreational Fishermen

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PC01
1 of 4

November 15, 2016

ALASKA BOARD OF FISHERIES
ALASKA DEPARTMENT OF FISH AND GAME
C/O BOARD SUPPORT SECTION
PO BOX 115526
JUNEAU, AK 99811-5526

Subject: **ADF&G Progress Report on Genetic and Coded Wire Tag Mixed Stock Analysis of Chinook Salmon Harvested in Cook Inlet Marine Sport Fishery, 2014-2016, and; Proposal No. 15, regarding Lower Cook Inlet Finfish**

Dear Glenn Haight, Executive Director and Board of Fisheries Members,

Cook Inlet Recreational Fishermen (CIRF) is a grass-roots sportfishing association formed to provide Alaska anglers a unified voice in management actions that affect the saltwater Chinook (king) salmon sport fishery in Lower Cook Inlet. We respectfully submit CERF's comments and recommendations for your consideration.

Progress Report (*identified above*)

We greatly appreciate the efforts of ADF&G scientists and staff in preparing the current Progress Report ("the report") for the Board's consideration, as well as the hard work that went into gathering and processing the data. And we are very grateful for their efforts to provide us with a copy of the report as soon as it became available.

While the report is a preliminary progress report, it is a significant publication and our review of the report is still underway. As such, our comments on the report are preliminary and will likely develop with further review and additional results.

Report's Findings Regarding Mixed-Stock Composition of Harvest

It is encouraging that the report's findings regarding the Lower Cook Inlet Marine Sport Fishery and its mixed-stock harvest are consistent with data collected on this fishery over past decades.¹ This confirms fishermen's accumulated knowledge that virtually all of the Lower Cook Inlet Marine Sport Fishery harvest consists of non-Cook Inlet stocks.

Years ago, many trollers fished near the Anchor River and within one-quarter mile of shore. As the Board recognized, this area presented a greater chance of catching king salmon returning to their Cook Inlet spawning populations. The Board's adoption of the early-run king salmon special harvest area special regulations established vital protection for returning Cook Inlet spawners as they migrated in the corridor within 1 mile of shore. As a result of these special regulations, there was a dramatic drop in the percentage of returning Cook Inlet spawning king salmon harvested in the salt water fishery.

¹ *Creel surveys*: 1972-1986 (Hammarstrom 1974-1981; Hammarstrom and Larson 1982-1984, 1986; Hammarstrom et al. 1985).
Harvest: 1987-present (SWHS; Mills 1979-1980, 1981a-b, 1982-1994; Howe et al. 1995, 1996, 2001 a-d; Walker et al. 2003; Jennings et al. 2004, 2006), (Szarzi 1998).
Coded wire tag (CWT) programs: 1993 (Kenai), 1994 (Deep Creek), marine fishery sampling 1996-2002 (Bendock 1995, 1996; King and Breakfield 1998, 1999, 2002; McKinley 1999; Begich 2007, 2010).



A brief review of the history of this fishery may provide some useful context for some of the proposals currently before the Board: In 1988, the Board rescinded the seasonal bag limit and reporting requirement during the winter fishery from October 1 to March 31. After a public proposal and considerable evaluation, the Board adopted a Guideline Harvest Level of 3,000 king salmon to slow the growth of the winter fishery.

The current ADF&G report, while preliminary, caps decades of extensive (and very likely expensive) study. It recognizes that non-Cook Inlet feeder kings constitute nearly all of the harvest south of Bluff Point. The accumulated data confirms that this fishery harvests some hatchery enhancement king salmon returning to non-Cook Inlet release sites from mid-May through June and feeder kings throughout the year, with the winter months being most productive. In addition, a significant portion of the feeder kings are white kings and certainly not from this region.

As the ADF&G concluded 12 years ago:

“Non-local feeding Chinook salmon from many stocks dominate both the summer and winter harvests south of Bluff Point, therefore the fishery does not pose a threat to conservation of Cook Inlet stocks or visiting non-local stocks.”²

Study Design: Temporal & Geographic Strata

Our review of the report raised some concerns over the study’s geographic and temporal strata, as it failed to accurately reflect the statutory areas in the Lower Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan. Rather than sample the fishery management area as defined in the regulation³ (i.e. south of Anchor Point Light), the study design restricted its Lower Cook Inlet sampling to the area south of Bluff Point. This was despite the study design expressly and repeatedly⁴ declaring its sampling strata were selected to coincide with the management units established in the Alaska Administrative Code (including 5 AAC 58.060 *Lower Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan*).

We find this troubling, as the Pacific States Marine Fisheries Commission recognizes Upper and Lower Cook Inlet Regions separated by a dividing line at Anchor Point, Latitude: 59.779° (59° 46’ 44’)⁵.

Previous assessments of this fishery have employed a spatial (geographic) design that provided much greater resolution of the fishery’s mixed-stock harvest composition by area. Designing the current study consistent with historical precedent would have simplified the task of designing the study and, more

² Szarzi, N. J., and R. N. Begich. 2004. Recreational fisheries in the Lower Cook Inlet Management Area, 2001-2004: Fisheries under consideration by the Alaska Board of Fisheries 2004. Alaska Department of Fish and Game, Fishery Management Report No. 04-08, Anchorage, p. 14.

³ “5 AAC 58.060(c): For the purposes of this section, Lower Cook Inlet consists of the salt waters south of the latitude of the Anchor Point Light at 59° 46.14’ N. lat.”

⁴ Failor, B. J. 2013. Cook Inlet Chinook salmon marine recreational harvest assessment. Alaska Department of Fish and Game, Regional Operational Plan ROP.SF.2A.2014.19 (March 2015 ver.), Anchorage, at p. 3.

- Failor, B. J. 2016. Operational Plan: Cook Inlet Chinook salmon marine sport harvest assessment, 2015. Alaska Department of Fish and Game, Regional Operational Plan ROP.SF.2A.2015.17 (March 2016 ver.), Anchorage, at pp. 2-3.
- Failor, B. J. 2016. Operational Plan: Cook Inlet Chinook salmon marine sport harvest assessment, 2015. Alaska Department of Fish and Game, Regional Operational Plan ROP.SF.2A.2016.01 (March 2016 ver.), Anchorage, at pp. 2-3.
- Failor, B. J. 2016. Operational Plan: Cook Inlet Chinook salmon marine sport harvest assessment, 2016. Alaska Department of Fish and Game, Regional Operational Plan ROP.SF.2A.2016.01 (April 2016 ver.), Anchorage, at p.3.

Despite this apparent multitude of assessment plans, we have been unable to obtain any statements of amendments or addendum identifying what was changed and explaining why.

⁵ This revision was requested by ADF&G representatives.



importantly, greatly increased the value and comparability of the report's findings with those of prior assessments.⁶

As a former ADF&G Commissioner stated:

*"An important charge for our research staff is to critically examine the collective data from our past management history and to consolidate and analyze these extensive data sets to ensure continual and timely refinement of our management policies. Only by periodically and critically examining what we have done, can we hope to improve where we are going."*⁷

The Operational Plan makes no mention of data obtained by previous studies, the strengths or limitations of the methods used, or how this assessment is designed to enable comparison with, and verification of, existing data. It also does not fully disclose the methods used or the references that validate them. Perhaps more significantly, it does not discuss what tests will be applied to validate and verify the results of the genetic analysis, nor how the Plan will assess the reliability and comparability of the genetic findings with existing data.

We strongly encourage ADF&G scientists to carefully scrutinize the data and methods of prior fishery studies, in order to improve the compatibility of findings and to verify the validity and reliability of methods used, to ensure they are the best available science.

Coded Wire Tags

Tag recovery from well-designed fishery sampling programs can be a valuable tool for conducting rigorous scientific analysis that can reliably assist with effective fishery management of mixed-stock fisheries. Many years of extensive research has tested, compared, and evaluated the CWT recovery rates of different sampling methods.

The study's Operational Plan(s) called for all king salmon encountered to be visual inspected for the presence/absence of an adipose fin. The heads from fish missing an adipose fin were collected and shipped to the ADF&G Mark, Tag, and Age lab in Juneau for coded wire tag extraction and decoding.

Electronic CWT detectors, usually hand-held wands, can reduce fisheries research costs by eliminating needless shipping of heads that do not have CWT. But the real benefits are in the vast improvement in the quality of fisheries science by recovering tags from non-adipose fin clipped (i.e., unmarked) double-index tag (DIT) stocks. Stocks that the visual detection method misses completely and as a result, introduces significant and unacceptable error and bias into a study's data. Surveys have revealed that over 15% of CWT king salmon still had their adipose fin intact.⁸

While Alaska may not employ DIT marking, it is very likely that a good number of DIT fish are in the mixed-stock harvested by this fishery. It is now widely understood that king salmon fishery research should systematically examine ALL of the sampled catch for CWTs, and not only those with an adipose fin clip. When conducting a fishery assessment, a failure to examine 100% of the sampled catch for CWTs is fundamentally flawed as it ignores the significant percentage of CWT kings that still have their adipose fin. If only AFC kings are sampled, then it is obvious that some stocks will be misrepresented.

⁶ Begich, R. N. 2007. Contributions of coded wire tagged Chinook salmon stocks to the early-run marine sport fishery in Cook Inlet, 1999 through 2001. Alaska Department of Fish and Game, Fishery Data Series No. 07-54, Anchorage.

Begich, R. N. 2010. Contributions of coded wire tagged Chinook salmon to the early-run marine sport fishery in Lower Cook Inlet, 1996-2002. Alaska Department of Fish and Game, Fishery Data Series No. 10-87, Anchorage.

⁷ AFRB: A Research Step Toward Better Management, Carl L. Rosier, Vol. 1(1):99. 1994.

⁸ Morris, J.F.T., M. Trudel, D.W. Welch, M. E. Thiess, and T. B. Zubkowski. 2004. Canadian Highseas Salmon Surveys: CWT Recoveries from Juvenile Chinook and Coho salmon on the Continental Shelf off British Columbia and Southeast Alaska from 1998 to 2003. (NPAFC Doc. 823), 35 p.



We sincerely hope the final report will contain a thorough explanation of how and why the study was revised so many times. With the manner in which each subsequent operational plan was released, few fishermen were aware that more than one plan had been published. As the numerous plans ranged from 39 pages to 110 pages to 117 pages without any explanation or stated reason, it is no surprise that many doubt the transparency and validity of some operations.

In an effort to improve respect and trust, CERF respectfully requests the report fully disclose the facts surrounding the coded wire tag and sample design issues raised in this comment, along with a full discussion of the impacts and if and how they might be reduced.

- **PROPOSAL NO. 15, REGARDING LOWER COOK INLET FINFISH**

PROPOSAL 15: Modify the king salmon bag and possession limit north of the latitude of Bluff Point, the Cook Inlet harvest record requirement, and the Winter King Salmon Management Plan to include all Cook Inlet salt waters from September 1 through March 31, and review the guideline harvest level.

This Proposal should be **REJECTED** as it contains multiple issues. ***The Board will reject proposals that contain multiple or confusing issues.*** (Proposal Instructions, and Regulation Proposal Form 2015-2016)

It is also confusing and unclear how the guideline harvest level would be reviewed. Without some specificity regarding the nature of the review, the Proposal is indefinite, confusing and must be **REJECTED**.

The Proposal would amend one or more existing Lower Cook Inlet management plans to apply to the ENTIRETY OF COOK INLET, without input, notice, or advice and consent of Upper Cook Inlet stakeholders.

The Proposal WOULD COMBINE UPPER COOK INLET AND LOWER COOK INLET MANAGEMENT AREAS without providing any facts, information, or analysis regarding the impacts on the biological, ecological, environmental, technological, social and cultural, and economic considerations involved.

The Proposal is indefinite, vague, confusing, and contains multiple issues. It should be **REJECTED**.

CIRF IS OPPOSED TO THIS PROPOSAL AND BELIEVES IT SHOULD BE REJECTED, with one reservation.

With respect to ONE ISSUE (*below*) which CIRF understands is contained in the Proposal:

- The month of SEPTEMBER would be added to the Winter King Salmon Management Plan, as it would not impact spawning migration of Cook Inlet king salmon stocks.

CIRF AGREES WITH THIS ONE ISSUE AND SUPPORTS adding SEPTEMBER to extend the WKSMP.

With respect to the modification or elimination of the Guideline Harvest Level, CIRF AGREES with the need to eliminate or clarify the GHL. However, this Proposal is too confusing and indefinite and presents too many issues. Instead, CIRF SUPPORTS THE CLARIFICATION AND AMENDMENT OF THE GHL AS SET FORTH IN PROPOSALS 25, 26, and 27.

CIRF appreciates the Board members' considerable time and effort in addressing the difficult decisions before them. CIRF members look forward to meeting and discussing these proposals with members of the Board of Fisheries at the upcoming meeting in Homer.

Sincerely,

/PETER ZIMMERMAN/

Peter Zimmerman
CIRF spokesperson



Submitted By
Colin Lowe
Submitted On
10/21/2016 11:22:34 AM
Affiliation
Business Owner

The town of Cooper Landing, is heavily dependent on our Sockeye runs and has not had a good 2nd run fishery in over 5 years. In fact the Sockeye return to this town specifically to the Russian River and the Upper reaches, are this town's "economic center of gravity."

The 2nd run of Sockeye into the Russian River has not provided enough escapement over the past 5 years to produce a sport fishery that provides for a reasonable success rate. Success rates for the average visitor to our area have been discouraging at best. More people as a result are migrating down river in search of these fish creating significant pressure in areas not designed for the amount of users on any given day. Consequently, as more people migrate down river, less fish make it up river thus reducing opportunity and in fact reducing the required escapement to support both in river allocations and commercial allocations.

Prior escapements of at least 100k into the Russian River 2nd run not only addressed the Sport fishery/economy of Cooper Landing but also indirectly ensured that the upper regions of the Kenai River received sufficient escapement. Simple math easily shows how an escapement at the counter of 1.4 million fish can result in under escapement thereafter. If 10,000 fishermen catch 6 fish per day that's 60,000 per day and 600,000 in 10 days and 1.2 million in 20 days and even if they only catch 2/3rds of that, where is the required escapement then?

A significant part of the problem is the raising of the limit on the lower river to 6 fish and leaving the upper river at 3, the unintended consequence is that more people migrate down river to get 6 fish and the more who do this the less that make up river further reducing upper river opportunity and escapement.

Over the past 10 years, I have continuously monitored select locations on the Upper Kenai River for bio mass. One of those locations is the Sportsman's Boat Launch in Cooper Landing. Prior to the last 5 years, the bio mass at that location was always in the thousands on average and our 2nd runs reflectively were strong. In the past 5 years, the bio mass has been a few hundred at best. We used to commonly say at the boat launch during that time of year, that you had to part the Red Sea because typically the bio mass covered the entire launch now what is typical is a small school below the launch. Here are some questions and suggestions to ponder:

Do we have an "in river" allocation problem?

How is this resource being managed in river from an allocation standpoint?

Does Cooper Landing deserve a Fishery/economy as well?

If we truly are concerned about "escapement" consider the placement of a sonar at the "gateway" of the spawning area.

Consider redefining "achieved escapement" to ensure that managers are held accountable for the amount that not only enters the river but also makes it to the spawning grounds.

How are we addressing the fishery in Bing's Landing in Sterling which has become an over-whelmed fishery and one of the main reasons for our Upper River "under escapement"?

I believe the solution is simple. Consider a "river wide" "liberalized" limit increase of 4 fish versus 6 when warranted to spread people out and not encourage people to migrate down river for a 6 fish limit. Moreover, this move could possibly address the apparent under escapement.

Also consider not going to 24 hours on dipnetting once liberalization is warranted. Some of the best escapements to the Upper River were years where the limits were not routinely increased to 6 fish on the lower Kenai.

Another unintended consequence of the 6 fish limit increase from an economic standpoint is more and more people in state and out of state, wait until the limit is increased to 6 fish before they come out especially since we routinely increased to 6 fish. What happens when we don't warrant liberalizing which has happened in the past? The assumption of many is that it's not worth going until the limit is increased.

We in Cooper Landing are only asking for a fair "In River Allocation" of fish so that Fishermen to our area can once again enjoy the "fishery" we once had here in Cooper Landing. Furthermore, the amount of escapement also dictates how well our trout fishery is for the year. The more spawners the greater the concentration of Char and trout and is also a significant part of the Cooper Landing economy.

To quote a visitor to our area at the USFW Russian River Ferry one year "why should I pay you \$15 to park and another \$10 per person to ride the ferry when I can drive further south and not only catch fish but a more generous limit of 6 fish and no added cost aside from perhaps \$5 to park for the entire car if that"

To paraphrase the ADFG mission statement, to manage the fisheries in the best interest of the economy while sustaining the yield, does Cooper Landing not count as part of that economy? How do we sustain the yield if a significant portion of the spawners required never make it to the spawning grounds i.e the Upper Kenai River?

In conclusion, with the continued apparent "significant" under escapement of Sockeye to the Upper Kenai river as a whole, we will continue to see a decline in the amount of Sockeye returning to Cook Inlet and the eventual demise of our great fishery.



PC02



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11/15/2016 3:21:59 PM
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PROPOSAL 39 – 5 AAC 21.375. Bear Lake Management Plan.

The 1974 Hatchery Act was specifically created for:

“the rehabilitation of the states depleted and depressed salmon fishery.” “The program shall be operated without adversely affecting natural stocks of fish...”

Protecting business plans or solvency for Aquaculture Associations is not in the statutes.

Please consider proposal 39 carefully. A cost analysis and an investigation on Cook Inlet Aquacultures permits and Plan conditions need honest consideration by the BOF. Bear Lake Sockeye salmon cost recovery requirements already result in reduction in common property opportunity at other CIAA release sites in LCI. The Tutka Lagoon Hatchery operations also cause abuse jointly with TLH needs at Bear Lake. The privilege of using the Lower Cook Inlet Kachemak Bay Critical Habitat Shellfish Nursery as a cash register for a faltering business empire is not acceptable.

“Rehabilitation of the states depleted and depressed salmon fishery” has become an exclusive use and replacement of wild salmon while not adequately protecting against adverse affects on natural stocks of fish including shellfish larvae, their habitat, and the fishermen common property access.

For 25 years, permit objectives were for the common property fisherman to receive 2/3rd now 1/2 of the fish at the Tutka Hatchery. Lower Cook Inlet fisherman have averaged less than 20% of returning fish while CIAA has garnered over 80%. These operations are not in the best interest of the public. Now it is 50/50 The cost of operations consistently far exceeds the return to the fisherman. When bear Lake fails as the cash register then The Lower Cook Inlet fisherman pay with the common property fish. This needs open airing to get to the truth of a cost analysis and audit of CIAA over the last 25 years.

The insolvency of Cook Inlet Aquaculture is not an allocation problem. The failure to uphold the cost recovery/ common property share balance condition of hatchery permits or Plans over decades, places CIAA out of compliance.

“Continuation of these permits is contingent upon corrections of any aspects of the hatchery operations that fail to meet the terms of the permit.” ADFG has not enforced compliance as per the permit and with this Plan?. ADFG has not and does not demand accountability. They change the permits to help CIAA not the fisherman. This failure to act on noncompliance needs to be examined by BOF.

This chronic lack of compliance has been a drain on most of the common property fisherman, the State of Alaska, and the habitat since this organization began cost recovery operations in 1992. Straying from PWS hatchery pinks into Lower Cook Inlet at 44-87% has been documented. Pushing permits through ADFG using remote genetics at the angst of the ADFG genetics lab has occurred and is unacceptable. Asking for 83 million fish to be placed in a shrimp nursery is unacceptable. Not harvesting remote genetic salmon allowing them to stray into wild stocks has been ignored.

Using proposal number 39 please open discussion to address the many problems of compliance of the CIAA. It is persistent and ongoing requiring honest and open dialogue using the Best Available Science. We cannot afford to ignore this problem any longer.



Submitted By
Jim Martin
Submitted On
11/15/2016 2:42:59 PM
Affiliation
individual

I am writing in general support of Proposals 19 through 27, submitted by Pete Zimmerman of Cook Inlet Recreational Fishermen. In light of new data showing very few Upper Cook Inlet spawner king salmon caught by recreational anglers in the Lower Cook Inlet saltwater fishery, the Guideline Harvest Limit should be reconsidered and the annual limit of 5 kings during the summer months should be removed along with the requirement to record the catch. The annual limit is an undue burden for sportfishing and severely limits our access to these fish without any documented conservation benefit.

Sincerely,

Jim Martin, Homer AK



Submitted By
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11/11/2016 12:00:15 PM
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PROPOSAL 39 - 5 AAC 21.375. Bear Lake Management Plan. Reinstate Bear Lake Management Plan with an equal allocation between cost recovery and common property fisheries,

I SUPPORT Proposal 39 to Reinstate Bear Lake Management Plan (between commercial fishermen and Cook Inlet Aquaculture Association – CIAA) in order to balance the salmon harvest in Resurrection Bay.

I support this critical issue of allocation of the salmon resources in Resurrection Bay for several reasons. The fallout of giving 100% allocation to a single user has put too much power in the hands of CIAA with no voice by the permit holders. It has made Fish and Game a financial manager for CIAA. It has created a biased hiring system for cost recovery which has eliminated the local Seward seiners from the cost recovery harvesting, leaving their boats high and dry while CIAA board members hire family & friends for cost recovery. It has caused all focus to be on the early run of reds and has eliminated all other common property fisheries in Resurrection Bay.

In 2010 — **six years ago** — the Board of Fish took extraordinary action by granting Cook Inlet Aquaculture a two year allocation of 100% of the resources in Resurrection Bay, which was solely a financial issue. This action harmed the commercial fishing industry and has had a negative impact on sport fishing in Resurrection Bay as well and I am asking that it be rescinded immediately, **by Board action**, and not delegated.

In the years subsequent to the 100% allocation the board has deferred management of this fishery to a Regional Planning Team who consistently manage the resource to the sole benefit of Cook Inlet Aquaculture to the detriment of the commercial fleet and the aggravation of local sport fishermen. There are no *local* members on this *Regional* Planning Team and Fish & Game now manages Resurrection Bay solely to the benefit of Cook Inlet Aquaculture—below is an excerpt from a pre-season announcement:

From F&G News Release:

The Resurrection Bay commercial sockeye salmon fishery will be managed with the intent of achieving the CIAA cost recovery goal as well as meeting hatchery and wild stock escapement needs. Additionally, the department will be managing all Cook Inlet SHA's with the intent of achieving the CIAA established financial and broodstock objectives. CIAA has established an overall revenue goal of \$1.55 million in 2012. Assuming an average value of \$1.85 per pound and an average weight of 5.8 pounds per fish, 144 thousand sockeye salmon are required to meet this goal. CIAA anticipates harvesting all of the returning Tutka Bay sockeye salmon (28,000 fish) for cost recovery and broodstock in addition to approximately 136 thousand of the 216 thousand hatchery released sockeye salmon forecast to return to Resurrection Bay. SHAs may be opened to commercial common property seining for sockeye salmon in 2012 if the CIAA revenue goal is achieved or if its attainment can be projected.

The 100% allocation and priority management for the benefit of CIAA for the past six years has completely eliminated any viable common property commercial fishing in Resurrection Bay for the past six years. In no way does this imbalance support local commercial fishing and it is impacting sport fishing as well.

The State of Alaska, Department of Fish and Game, has become a de facto financial manager for CIAA and that's not a healthy partnership, nor is the state in the position of knowing what's reasonable as a revenue goal for CIAA. As CIAA continually increases its revenue goals it continues to make commercial fishermen nothing more than farm harvesters, eliminating common property fisheries. The worst of this is that only fishermen chosen by CIAA, or the processors who are on the CIAA board, are hired to work as cost recovery boats. This control is not how the state intended commercial fishing permits to be managed and the practice should allow ANY permit holder to fish for cost recovery. All fishermen pay the tax that supports CIAA and there should be no preferential treatment of permit holders or boat owners in the cost recovery process.

CIAA, in the continual aggrandizement, annually proposes increasingly restrictive fishing measures to further limit commercial and sport fishing in Resurrection Bay, adding to the friction between the association and **local** user groups.

CIAA is not invested in sustainability of the local fishing cycle in Resurrection Bay, nor in the enhancement of fisheries that benefit common property or sport fishing in Resurrection Bay and the continued allocation of 100% of the local resources to the sole benefit of CIAA is a gross imbalance that must be stopped. In fact, since the advent of the CIAA early run reds all other commercial fishing in Resurrection Bay has been eliminated. The Bay used to support many commercial fishing boats. Now it is limited to a few boats hired by CIAA and their

agents and all other permit holders and boat owners are eliminated from fishing the Bay completely.



There are natural runs in Resurrection Bay that belong to the citizens of Alaska, not exclusively to the aquaculture association, yet CIAA tries year after year to submit proposals to further limit sport fishing in Resurrection Bay, since they have successfully eliminated commercial fishing in the Bay.

No other natural resource is so completely managed for the financial benefit of one group and the Board must take action now to reverse this trend, which has been allowed to go on for far too long. CIAA's financial shortcomings are not the responsibility of the users of the multiple natural salmon resources in Resurrection Bay.

The previous management plan, The Bear Lake Management Plan, was extremely generous in its allocation of 50% of the catch to the aquaculture association and it should be reinstated via action by the Board of Fish itself, immediately.

The CIAA board and member-processors have grossly mis-managed cost recovery by controlling who gets to fish and who is eliminated from cost-recovery fishing—and the balance between cost recovery and common property fishing is tipping ever more every year—which excludes some fishermen from fishing at all. In the years since the 100% allocation CIAA and their processing agents have not ever hired a local Seward home-port commercial fisherman for a cost recovery season in Resurrection Bay or elsewhere. Additionally, boats working for Cook Inlet Aquaculture have repeatedly and aggressively antagonized sport fishermen in Resurrection Bay while engaged in cost recovery fishing, something that never used to happen when the split was 50/50 and not controlled completely by CIAA and their board-member agents. CIAA treats Resurrection Bay as a farm solely for the financial benefit of their organization. They consistently hire boats owned by CIAA board members themselves or relatives of members of their board to the complete exclusion of local Seward seiners.

I would like the board to approve this proposal to return the management of the resources of Resurrection Bay to a reasonable split between fishermen and the organization that was created to improve fishing, not take it over completely.

I am a commercial and sport fisherman, a 38 year resident of the state, and I reside in Seward, Alaska.



Submitted By
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Submitted On
11/15/2016 4:26:34 PM
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PROPOSAL 39 – 5 AAC 21.375. Bear Lake Management Plan.

Proposal 39 explains a problem that Cook Inlet Aquaculture and ADFG have not and do not honestly address. We are asking the Board of Fisheries to look into this continuing problem of insolvency within Cook Inlet Aquaculture that the fisherman end up paying for year after year.

Pertaining to conditions of cost recovery in Plans and Permits, the common property fisheries is are to get a predictable % of returning fish. How often have the fisherman received the allotted %? When money gets short for CIAA, which averages most of the time, the fisherman continually lose. Proposal 39 is closely related to the Lower Cook Inlet Seine fishery in Kachemak Bay. When the fish do not show up in Resurrection Bay for Cook Inlet Aquacultures operating costs, then the effort to make money for this organization transfers to Kachemak Bay.

The past history since cost recovery began has proven damaging to the local fisherman year after year. If salmon catch history from the 1950's is assessed up until the time the hatchery was built the numbers show the common property fisherman made a better more predictable living fishing for salmon before the hatchery was built.

The hatchery has cost millions upon millions of dollars in State capital, operating, and state wage funding on top of the cost recovery attempts. Cost recovery has not worked for the fisherman. Cost Recovery has taken the lions share of the fish because CIAA is insolvent. Why is CIAA beating this dead horse. It gambles with the fishermans enhancement tax money and has failed them. Add the closures to attempt to protect mixed stock fisheries and the loss to fisherman has been large and unpredictable for the fishermans business plans. The Tutka hatchery is located in a Critical Habitat Area known as a shellfish nursery that supplies shellfish for the Gulf of Alaska. Why are 100's of millions of predators that draw in even more predators released precisely at the time of settling for this high value shellfish larvae for a low value pink salmon to ship to china to be processed?

Please look at the historical numbers...overall the operations have failed. Climatic events favor salmon right now. The mandate of the Hatchery Acts "rehabilitation of the states depleted and depressed salmon fishery" is mute. 2015 was a record year for pinks. 2016 was a record year for sockeye in Bristol Bay. This is why it is called fishing. The Cook Inlet Aquaculture with ADFG at their side have gone beyond what the mandate of the Hatchery Act was designed for and has created a hardship for the lower Cook Inlet fisherman by creating problems in the common property fisheries that needs to be assessed and address not turned the blind eye.

Please assess.



Submitted By
Malcolm Milne
Submitted On
11/15/2016 12:32:00 PM
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The North Pacific Fisheries Association (NPFA) is a multi species multi gear type commercial fishing organization based in Homer. We support Proposal 43 Reducing the closed waters for commercial groundfish in Kachemak Bay. It appears that the closed area was originally established without a scientific justification based on crab habitat and does not seem to have accomplished any savings. Reducing the closed area will make area available that is generally calmer as far as weather and sea state which leads to increased safety. We feel proposal 43 should be approved.



IN REPLY REFER TO:

United States Department of the Interior

Office of Subsistence Management
1011 East Tudor Road MS 121
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OSM 16098.GP

NOV 15 2016

Mr. John Jensen, Chairman
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ATTN: Board of Fisheries Comments

Dear Chairman Jensen:

The Alaska Board of Fisheries is scheduled to meet November 30 – December 3, 2016 to deliberate proposals concerning changes to regulations governing the Lower Cook Inlet finfish fisheries. We have reviewed the 46 proposals the Board will be considering at this meeting.

The Office of Subsistence Management, working with other Federal agencies, has developed preliminary recommendations on one proposal that may have potential impacts on Federally qualified subsistence users and fisheries resources. Our comment is enclosed.

We appreciate the opportunity to comment on these important regulatory matters and look forward to working with your Board and the Alaska Department of Fish and Game on these issues. Please contact George Pappas, State Subsistence Liaison, 907-786-3822, with any questions you may have concerning this material.

Sincerely,

Eugene R. Peltola, Jr.
Assistant Regional Director

Enclosure

cc: Sam Cotten, ADF&G
Anthony Christianson, Interim Chair FSB
Tom Brookover, ADF&G, Anchorage
Hazel Nelson, ADF&G, Anchorage
Scott Kelly, ADF&G, Juneau
Interagency Staff Committee

Glenn Haight, ADF&G, Juneau
Jill Klein, ADF&G, Anchorage
Tom Taube, ADF&G, Juneau
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Forrest Bowers, ADF&G, Juneau
Administrative Record



RECOMMENDATIONS
ALASKA BOARD OF FISHERIES PROPOSALS
LOWER COOK INLET MANAGEMENT AREA

November 30 – December 3, 2016

Anchorage, Alaska



Proposal 14 – 5 AAC 56.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area. Allow snagging for Sockeye Salmon in all Cook Inlet freshwater lakes.

Current Federal Regulations:

Current Federal subsistence fishing regulations prohibit retaining Sockeye Salmon snagged with a rod and reel in the Cook Inlet Area. Current Federal subsistence fishing regulations do authorize snagging salmon with a hand line or hook and line attached to a rod and reel in a few areas of Alaska within waters under Federal subsistence fisheries jurisdiction. The areas where snagging is authorized are in more remote parts of the State in low participation fisheries (as compared to the more accessible Cook Inlet Area high use fisheries).

Is a similar issue being addressed by the Federal Subsistence Board? No

Impact to Federal Subsistence users/fisheries: If this proposal is adopted as written, some Sockeye Salmon sport fisheries in the freshwater lakes of the Cook Inlet Area may lead to conservation concerns and eventual challenges to continuance of subsistence uses. If this proposal is adopted as written, authorizing intentional snagging in the sport fisheries may increase mortality of incidentally snagged non-target fish and wounding loss in targeted species. Snagging is an indiscriminate method and means and damage to non-target species, target species outside of a legal size limits, and target species in a condition which an angler chooses not to retain (water marked etc.) may lead to high mortality rates of non-retained fish (e.g., gut hooked small fish or eye hooked in-slot Chinook Salmon), additive to conservation concerns for species under restrictive protections (above length limit trout and char), or lead to wanton waste of mortally wounded less desirable fish (jacks, heavily net marked, or fish not fit for most human consumptive practices).

Adoption of this proposal may have unintended consequences for remote lakes with diminutive Sockeye Salmon populations such as those found in some streams and lakes on the west side of Cook Inlet which are accessed by small aircraft. Small West Cook Inlet Sockeye Salmon stocks that could be impacted by this proposal and potentially comprise a conservation concern include the Crescent Lake population, which experiences notable fly-in angler pressure with sometimes up to 100 anglers per day. Potential conservation issues arise due to the relatively small population size on the spawning grounds which could be vulnerable to impact of additional snagging take or mortality due to snagging.

Federal Position/Recommended Action: The OSM recommendation is to **oppose** this proposal.



Rationale: Adoption of this proposal may lead to unintended increased mortalities of fish which are non-target, illegal to retain, or in non-preferred condition, potentially leading to wanton waste and conservation concerns relative to one or more already highly utilized stocks.

Though several Federal subsistence fisheries in Alaska authorize snagging with a rod and reel or hand line as a legal means to harvest salmon and steelhead trout, the majority of those fisheries take place in remote or low use areas where fewer conservation concerns or fisheries restrictions exist. Authorizing snagging of Sockeye Salmon in high use areas of Cook Inlet could compound conservation concerns for species restrictively managed, ultimately resulting in conservation concerns and challenges to the continuance of subsistence uses for Federally qualified subsistence users.



Submitted By
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11/15/2016 4:55:25 PM
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Now facing \$30, 000 bank restoration cost, its very apparent that the increased power boat traffic on the mid-upper Kenai river is increasing at a very fast pace resulting in increased damage to the bank systemk. I would think it would be to everyones benefit to slow the traffic and property damage by declaring the these waters above the Soldotna bridge a designated drift boat fishery like the Kasiloff river. I would suggest this designation extend to Skilak lake outlet. I am cofident the biologist would be able to attest the the advantages of added protection for the fish while allowing continued fishing opportunities in a more responsible fashion. My neighbors of many years are complaining as they have witnessed the dramatic increase of motorized traffic and it direct impact on our river banks. Lets not create another lower river problem.



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11/11/2016 12:05:51 PM
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Proposal #37 to open waters east of Gore Point in the Outer District of the Lower Cook Inlet Commercial Salmon Fishery.

I wrote this proposal to deal with ongoing limitations in management of the Outer District which is reducing opportunities at harvesting traditional areas of quality fish and resulting in poor product coming to market.

I have been fishing this area since 1972—for 45 years. For the first 37 years I never had to go any further than Port Dick during any seasons. The area use to be surveyed 4 to 5 times a week.

Historically the waters of East Nuka have opened up the last week of June for sockeyes and that area alone used to support between 10-20 boats every season. But for the past 10 years the surveys east of Gore Point in the outer district have been decreasing in number to the point now of being once a week, over a very limited area. Currently Fish and Game doesn't even start to survey the area until late July and only once a week then, if weather permits. By F&G's own assessment, stated before the board of fish in a recent summary, they can only see about 30 to 35% of the fish in the lakes by plane. They relied on a weir in the past but that's gone now and now east Nuka is rarely opened at all for commercial harvest. Places like East Nuka and Nuka Island Subdistrict, where 10 to 20 boats made their entire season, is hardly ever opened anymore. This is a total waste of a great resource.

Instead of managing openings by searching for fish, Fish and Game is now managing by waiting for the fish to show; waiting for reports of fish to come to them from the fleet; and only routinely surveying a very few areas, when visible. Instead of updates being issued daily or several times a week, announcements are now made weekly.

In this day of changing weather patterns and changing fish returns this practice serves no one at all. It is not productive or reasonable. Many areas are being ignored completely and areas we can fish are being reduced year after year because they are not being monitored or opened.

This reduced management benefits no one and frequently causes over-escapement in areas that are not monitored often enough.

Opening on a set date balances the fleet's need to catch fish with Fish and Game's need to know where the fish are and how many there are. With markers (or GPS coordinates) in effect, escapement is protected and through fish ticket reporting Fish and Game will know of any catch as soon as the fish are purchased by a processor, allowing them to focus on areas that have an active catch versus repeatedly flying over areas where no fish have returned.

The waters of Nuka Island sub-district have pinks and chums returning and because of a lack of surveys, by the time the areas are opened the fish are no longer top quality. In 2016, 750,000 fish that were harvested at South Nuka were so dark most processors didn't want them. And other bays in the area were not even surveyed there was over-escapement in almost every bay. 100's of thousands of fish were wasted, that could have been harvested if this area was opened on a reasonable date.



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Proposal #38 to open waters of Aialik Bay in the Eastern District of the Lower Cook Inlet Commercial Salmon Fishery.

I wrote this proposal to deal with ongoing limitations in management of the Eastern District which is reducing opportunities at harvesting traditional areas of quality fish and resulting in poor product coming to market.

When I first started to fish Aialik bay in 1983. There were 5 boats that fished it regularly. We fished primarily for the sockeyes but there are chums and pinks also in the area. The area was normally opened up by July 1st sometimes earlier depending on surveys. Usually by mid to late July we moved onto other areas.

But for the past 10 years the surveys have been decreasing in number to the point now of being once a year, and usually done in mid July, far too late for a viable harvest.

The last year that any boat fished Aialik was 2006.

This reduced management benefits no one and frequently causes over-escapement in areas that are not monitored often enough.

Opening on a set date balances the fleet's need to catch fish with Fish and Game's need to know where the fish are and how many there are. With markers (or GPS coordinates) in effect, escapement is protected and through fish ticket reporting Fish and Game will know of any catch as soon as the fish are purchased by a processor.



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Proposal #39 to reinstate the Bear Lake Management Plan.

I proposed this to reinstate the split of harvested fish to 50-50 between cost recovery benefiting Cook Inlet Aquaculture and common property fishermen. The current plan allows for 100% of the harvest to be designated for cost recovery and has been in place for six years, since 2010.

I started fishing in 1972. In the 1970's and 1980's Resurrection Bay was opened for pinks and chums. There were quite a few boats that participated in this fishery.

In the late 1980's Cook Inlet Aquaculture (CIAA) started the Grouse Lake Project with the main goal of 100% cost recovery from the fresh waters of Grouse Creek. By having 100% of the organization's cost recovery focused on a single area it ensured that cost recovery efforts would not encroach existing fisheries in as Kachemak Bay or Bear Lake.

Since CIAA started the Grouse Lake Project there has never been another pink or chum opening in Resurrection Bay.

The Grouse Lake run did not work out for CIAA. The sockeyes were of poor quality when they were harvested. CIAA never let any of the sockeyes into Grouse Lake to naturally spawn. The fish were harvested at the weir and were sold for ten cents a pound for dog food.

After the Grouse Lake Project failed the Bear Lake Management Plan was drafted and put in place. It established a 50/50 split between cost recovery and common property and this was the standard for many years.

When CIAA went into financial difficulties in 2010 they approached the Board of Fish asking for 100% of the harvest of sockeyes in Resurrection Bay for a year. The Board gave CIAA TWO years of 100% and that still wasn't enough.

In 2012 CIAA again asked for 100% of the harvest. The Board of Fish advised them to form a 6 person regional planning team 2 F&G, 2 CIAA members and 2 commercial fishermen. (the fishermen were also on the CIAA board). So naturally they received 100%.

The sockeyes from Bear Lake run are in time with the Copper River run so that CIAA can obtain a premium price for them. There is no cap on the cost recovery goals for CIAA. The only common property fisheries that occurs now is a small clean up at the end when it is not viable for the cost recovery boats.

Giving CIAA 100% of Bear Lake sockeyes is fish farming with the ocean as their pen. No salmon run should be solely for the benefit of one group.

Reinstating the Bear Lake Management plan and bringing the split of the harvest back to 50/50 between cost recovery and common property is the fairest way to allocate this fishery.



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PROPOSAL 40 - 5 AAC 21.373. Trail Lakes Hatchery Salmon Management Plan. Amend the Bear Lake Special Harvest Area to exclude fresh waters that are currently open to salmon sport fishing.

I support this proposal 100%.



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PROPOSAL 41 - 5 AAC 21.373. Trail Lakes Hatchery Salmon Management Plan. Amend the Bear Lake Special Harvest Area to exclude nearshore marine waters in Resurrection Bay.

I support this proposal as amended below:

The idea behind this proposal is to eliminate conflict between sport fishermen and commercial cost recovery boats and I support this completely as both a commercial fisherman and a sport fishermen who has fished in these areas. However, 50 feet is not enough in some areas. A sport fisherman can cast up to 200 feet. The area of conflict that this proposal attempts to eliminate is the mouth of creeks known as 4th of July Creek and Spring Creek and by the Seward Marine Industrial Center (SMIC).

I propose that the language be:

The SHA boundary will be pulled off of the beach by 300 yards of water distance from the mouth of 4th of July Creek and from the mouth of Spring Creek and close the waters inside the Seward Marine Industrial Center.

To the best of my knowledge there have been no conflicts between sport fishermen and commercial fishermen in any other areas of the bay outside of the 4th of July-Spring Creek areas. With the improvements going into the SMIC it is possible that there may be future conflicts in that area and I believe it is best to include this area now, to prevent any future issues.



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PROPOSAL 33 - 5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for the Cook Inlet – Resurrection Bay Saltwater Area. Establish possession and size limits for small salmon in Resurrection Bay, as follows:

Sockeye, Chum, Pink or Coho less than 16 inches in length and King salmon less than 20 inches in length.

10 per day, 10 in possession in combination.

I made this proposal because there are no regulations on small salmon in Resurrection Bay. I would like to have the harvest regulations consistent with the rest of the Kenai Peninsula.