

PROPOSAL 103

5 AAC 33.363. Management guidelines for allocating Southeast Alaska pink, chum, and sockeye salmon between commercial net fisheries.

Modify net gear allocation guidelines to further consider potential effect of hatchery-produced salmon on wild-stock salmon and wild-stock salmon management, as follows:

5 AAC 33.363. Management guidelines for allocating.

(a) Present management of state-financed hatchery and enhanced stocks represents the collective biological, social, **statutory**[1] and economic factors which have been applied over time and have resulted in current regulations.

(b) Similarly, present management of wild stocks represents the collective biological, social, **statutory** and economic factors which have been applied over time and have resulted in current regulations.

(c) As a general matter, the harvest of fish stocks **in the state shall be managed consistent with sustained yield of wild fish stocks.**[2] **and** will be managed primarily for the benefit of the user groups within the district to which those stocks are bound. The board recognizes that biological, social, **statutory**, and economic factors and the current regulatory structure may result in the need to harvest such stocks outside the district for which they are bound.

(f) As a general proposition and **under statutory law**, private nonprofit hatchery stocks supported by fishermen assessments will be managed to

(1) maximize harvest in the common property fisheries consistent with wild stock conservation concerns and the facility's management plan; and

(2) give primary emphasis to the facility's plan for allocation within the common property fisheries within the special harvest area **and shall incorporate the following PNP Hatchery Act mandated obligations:**

(1) fish stocks in the state shall be managed consistent with sustained yield of wild fish stocks[3]

(2) hatchery programs shall be operated without adversely affecting natural stocks of fish in the state[4]

(3) hatchery programs shall be operated under a policy of management which allows reasonable segregation of returning hatchery-reared salmon from naturally occurring stocks;[5]

(4) Hatchery program remote release sites shall be located in an area where a reasonable segregation from natural stocks occurs [6]

(5) hatchery operations and specifications must be consistent with the comprehensive regional salmon plan approved under AS 16.10.375[7]

(6) SE CSP's concern for wild stocks is triggered when hatchery salmon straying rates exceed 2%. Any higher rates must be validated to not jeopardize wild populations by the department.[8]

(7) the department and board shall define and validate hatchery straying proportions "based on the best available scientific information" to sustain productivity, without adversely affecting, or jeopardizing sustained yield of wild naturally occurring salmon[9][10]

(8) validated proportions of benign hatchery salmon straying are defined as chinook xxx%; sockeye xxx%; coho xxx%; chum xxx%, pink xxx%;

(9) Until the the department and board have a policy of management that justifies and validates this reasonable segregation, of straying proportions without jeopardizing wild

stock sustained yield,[1] the CSP and genetics policy 2% trigger rule will be adhered to within wild naturally occurring streams[11],[12],[13] (10) when proportions of hatchery salmon straying exceed validated percentages, jeopardizing sustained yield of wild fish stocks, hatchery production shall be ramped down the following spring, from each Remote Release Site, hatchery or THA source incrementally until adverse affects cease[14],[15]

- [1] 5AAC 39.222 Policy For The Management Of Sustainable Salmon Fisheries (c)(3)(F)
- [2] AS 16.05.730 (a) Management of Wild and enhanced Stocks of Fish
- [3] AS 16.05.730 Management of Wild and Enhanced Stocks of Fish.
- [4] PNP Hatchery Act legislative intent
- [5] PNP Hatchery Act legislative intent
- [6] AS 16.10.420. (10) Conditions of a Hatchery Permit
- [7] AS 16.10.480 (f) Contracts for the Operation of State Hatcheries
- [8] 5 AAC 39.222 Policy For The Management Of Sustainable Salmon Fisheries (c)(1) (B),(D); (2)(D); (3)(B),(F)
- [9] 5AAC 39.222 Policy For The Management Of Sustainable Salmon Fisheries (c)(1) (B),(D), (2)(D); (3)(B),(F)
- [10] PNP Hatchery Act legislative intent
- [11] 5AAC 39.222 Policy For The Management Of Sustainable Salmon Fisheries (c)(1) (B),(D); (2)(D); (3)(B)(F)
- [12] SE CSP Phase III
- [13] Genetics Policy
- [14] Intent of PNP Hatchery Act
- [15] Article VIII Section3 and 4. Natural Resources, Common Use; Sustained Yield. Alaska Constitution

What is the issue you would like the board to address and why? Presently hatchery operations are not in compliance with mandates.

“Effective fishery management outcomes should be consistent with regulations, regulations should be consistent with statutes, implementation can effectively carry out the purpose... of objectives, strategies, guiding principles, and policies established in harvest management plans. 5 AAC 39.222 (c)(3)(F) Sustainable Salmon Fisheries Policy Sustainable Fisheries

Elevate statutory and constitutional intent into regulatory management and allocation plan to ensure directives remain engaged as intended to protect the public trust. Clarify, elevate and illuminate the intent of the SEAK Comprehensive Salmon Plan and the intent of the PNP Hatchery Act statutory mandate obligations granted to recipients in exchange for the privilege to operate within the public trust and to avoid confusion and misinterpretation from not understanding these significant responsibilities.

PROPOSED BY: Pioneer Alaskan Fisheries Inc. (EF-F20-107)
