

ALASKA DEPARTMENT OF FISH AND GAME**STAFF COMMENTS
ON KODIAK FINFISH REGULATORY PROPOSALS****ALASKA BOARD OF FISHERIES MEETING
KODIAK, ALASKA****JANUARY 11-14, 2011**

Regional Information Report No. 4K10-10

The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries meeting, January 11-14, 2011 in Kodiak, Alaska and are prepared to assist the public and board. The stated staff comments should be considered preliminary and subject to change, if or when new information becomes available. Final department positions will be formulated after review of written and oral testimony presented to the board.

ABSTRACT

This document contains Alaska Department of Fish and Game (department) staff comments on Statewide (General Provisions) subsistence, personal use, sport, and commercial finfish regulatory proposals. These comments were prepared by the department for use at the Alaska Board of Fisheries (board) meeting, January 11–14, 2011 in Kodiak, Alaska to assist the public and board. The stated staff comments should be considered preliminary and subject to change, if or when new information becomes available. Final department positions will be formulated after review of written and oral testimony presented to the board.

Key words: Alaska Board of Fisheries, staff comments, subsistence, personal use, sport, commercial, regulatory proposals, finfish, salmon.

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SUMMARY OF DEPARTMENT POSITIONS

Dept. Proposal #	Position	Issue
52	N	Close state waters of Sitkalidak Strait to pelagic trawling.
53	N	Close state waters of Marmot Bay to pelagic trawling.
54	S	Amend rockfish fishery management plan.
55	S	Define gear for harvesting lingcod.
56	S	Repeal one type of mechanical jigging machine.
57	S	Modify fishing season regulation that allows groundfish to be taken at any time in the Kodiak area.
58	N	Modify legal gear used in herring bait permit fishery.
59	S	Add dip nets for Settler Creek at Port Lions.
60	S	Change finfish reporting requirements.
61	N/S	Revise recording procedures for subsistence-caught fish.
62	N/S	Amend regulations regarding recording of subsistence-caught fish in the Kodiak area.
63	N	Prohibit fishing multiple areas in the same year.
64	O	Allow for pink salmon harvest August 15–24 on Kodiak’s west side.
65	N/O	Allow for set gillnet fishing after August 15 if escapement goals are met in the northwest Kodiak districts.
66	O	Allow for pink salmon harvest August 15–24 on Kodiak’s west side.
67	N/O	Amend Kodiak Area Westside Management Plan to include escapement goals in the major sockeye systems of Olga Bay.
68	S	Amend (e)(1) in the Inner Karluk Section salmon management.
69	N/O	Create new regulation to provide for power and or hand troll fishing in the Kodiak Management Area.
70	O	Define “attending a fish site” in regulation.
71	N	Amend regulation so sunset clause becomes permanent regulation.
72	N	Develop a special harvest area within the Northeast Kodiak District.
73	N	Develop a special harvest area within the Northwest Kodiak District.
74	N	Amend closure times.
75	O	Close fishing for Chinook salmon in the Mainland District until escapement goals are met.
76	S	Amend subsection (f) in the Pauls Bay Section salmon management plan.
77	S	Amend closed water regulations and add a new paragraph.
78	S	Amend (a)(3) in the Alitak District salmon management plan.
79	N	Close Kalsin Pond outlet stream to sport fishing
80	N	Close Kalsin Pond outlet stream to sport fishing within 200 feet of Chiniak Highway
81	S	Open the American and Olds rivers to fishing for king salmon
82	S	Reduce the rockfish bag limit from 10 per day, 20 in possession to 5 per day, 10 in possession.

Note: N = Neutral
 S = Support
 O = Oppose

COMMITTEE A: GROUND FISH/SPORT FISH (10 PROPOSALS)

Groundfish: (6 proposals)

PROPOSAL 52 – 5 AAC 28.4XX. New Regulation.

PROPOSED BY: Old Harbor Fisherman’s Association.

WHAT WOULD THE PROPOSAL DO? Close state waters of Sitkalidak Strait to pelagic trawling.

WHAT ARE THE CURRENT REGULATIONS? Pelagic trawl gear is lawful gear for groundfish as defined in 5 AAC 28.050. *Lawful Gear for Groundfish* and 5 AAC 39.105. (10)(C). *Types of Legal Gear*. In Sitkalidak Strait, pelagic trawl gear is used to target walleye pollock. Walleye pollock fisheries in state waters target the same stocks harvested under federal regulations in adjacent waters of the Exclusive Economic Zone (EEZ). Sitkalidak Strait is within the federal Central Gulf of Alaska Management Area 630 (CGOA-630; Figure 52-1A). The department manages the state waters portion of the walleye pollock fishery as a parallel fishery. During the parallel walleye pollock fishery the state adopts the seasons, bycatch limits, allowable gear types, and closed waters as promulgated by the federal government in adjacent waters of the EEZ. In addition, the state has adopted the federal Steller sea lion restrictions, including vessel monitoring system (VMS), for the parallel walleye pollock fishery. Directed fishery quotas for walleye pollock are released four times per year, in January, March, August, and October. *Guiding Principles for Groundfish Fishery*, 5 AAC 28.089, contains guiding principles for the board to consider when adopting groundfish regulations.

The regulations for customary and traditional subsistence uses of fish stocks and amounts reasonably necessary for subsistence uses are located in 5 AAC 01.536.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would close Sitkalidak Strait to pelagic trawl gear. Participants who would normally fish walleye pollock in these waters would have to find alternate fishing areas.

BACKGROUND: Pelagic trawl gear is allowed in state waters in the Kodiak Area. The community of Old Harbor is located adjacent to Sitkalidak Strait (Figure 52-1), and the proponent expresses a concern that pelagic trawl gear negatively impacts subsistence use and availability of Pacific halibut, Pacific cod, lingcod, black rockfish, Chinook salmon, and Tanner crab resources in Sitkalidak Strait. The boundaries described in the proposal do not align with state statistical areas 535703 and 535706, which were used for this analysis (Figure 52-1B).

Walleye Pollock Fishery

Walleye pollock are a semi-pelagic schooling fish. Walleye pollock harvests from the federal CGOA-630 (Figure 52-1A) have averaged 28.3 million pounds from 2005 to 2009 (Table 52-1).

Approximately 3.0% of the annual walleye pollock harvest from CGOA-630 comes from Sitkalidak Strait (ranging from 0.0 % to 6.3%; Table 52-1).

On average (2005–2009), 35 vessels per year have fished for walleye pollock in the CGOA-630 with pelagic trawl gear, and five vessels, on average, per year have fished in Sitkalidak Strait; however, there was no pelagic trawl effort in Sitkalidak Strait for walleye pollock in 2009.

Walleye pollock harvest from the CGOA-630 are roughly evenly distributed among February, March, September, and October (Figure 52-2A). Most walleye pollock harvest from Sitkalidak Strait occurs in September and October (Figure 52-2B).

Walleye Pollock Observer Data

The following observer coverage applies to vessel operators participating in a federal or parallel groundfish fishery and operating under a federal fisheries permit. Trawl vessels less than 60 feet are not required by National Marine Fisheries Service (NMFS) to carry observers. No vessels less than 60 feet fished in Sitkalidak Strait between 2005 and 2009. Trawl vessels between 60 feet and 125 feet are required by NMFS to have observer coverage for 30% of their fishing time regardless of where they fish. No vessels over 125 feet participated in state waters in the CGOA-630 during the period of time investigated. Observer coverage for this analysis was calculated from NMFS observer data by taking the proportion of walleye pollock harvested with an observer to the harvest of walleye pollock without an observer. Walleye pollock harvest from Sitkalidak Strait has ranged from zero (2009) to over 2 million pounds (2006; Tables 52-1 and 52-2), and percent of harvest observed ranged from 11% (2007) to 43% (2008).

Average annual bycatch in Sitkalidak Strait by pelagic trawl gear was estimated from observer data from 2005 through 2009 (Figure 52-3). Bycatch was predominantly arrowtooth flounder and flathead sole.

Pelagic trawl harvest of species listed in the proposal (e.g., Chinook salmon, Pacific halibut) was estimated from observer data (Table 52-3).

Other Fisheries

On average (2005–2009), 25 vessels using pelagic trawl, pot, longline, and jig gear harvested 7.8 million pounds of groundfish from Sitkalidak Strait. The top five species harvested were walleye pollock, Pacific cod, arrowtooth flounder, flathead sole, and Pacific halibut (Figure 52-4). Over half of the total harvest was walleye pollock from pelagic trawl gear.

North Pacific Fishery Management Council

Since implementation of the groundfish fishery management plans for Alaska, the North Pacific Fishery Management Council (NPFMC) has adopted measures intended to control bycatch of species taken incidentally in groundfish fisheries. Certain species are designated as prohibited in groundfish fishery management plans since they are the target of other domestic fisheries. Catch of these species and species groups must be avoided while fishing for groundfish, and when incidentally caught, must be immediately returned to sea with minimum injury. These species include Pacific halibut, Pacific herring, Pacific salmon, steelhead trout, king crab, and Tanner crab.

To further reduce bycatch of these prohibited species, various bycatch control measures have been instituted in the Alaska groundfish fisheries. In the Gulf of Alaska groundfish fisheries, halibut bycatch limits (which close the groundfish target fisheries after the limits are reached) and bottom trawl seasonal and permanent closure areas to protect red king crabs have been established.

During its October 2010 meeting, the NPFMC took final action on Tanner crab bycatch in the Gulf of Alaska. The passed action includes a closure to bottom trawl gear in a portion of Marmot Bay and increased observer coverage for vessels using bottom trawl (100%) and pot gear (30%) in Chiniak Gully or state statistical area 525702.

A discussion paper on Chinook salmon bycatch is on the agenda for the December 2010 NPFMC meeting.

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

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Table 52-1.—Total walleye pollock harvest using pelagic trawl from the Central Gulf of Alaska Area-630, from Sitkalidak Strait, and percent of Sitkalidak Strait harvest to total Central Gulf of Alaska Area-630, 2005–2009.

Year	CGOA-630 Harvest (millions of pounds)	Sitkalidak Harvest (millions of pounds)	Sitkalidak Harvest (%)
2005	40.0	0.8	2.0
2006	31.8	2.0	6.3
2007	27.7	1.5	5.4
2008	22.5	0.4	1.8
2009	19.5	0.0	0.0
<i>Average</i>	28.3	0.9	3.0 ^a

^a Average percent of harvest is average of annual proportions

Note: Harvest calculated from fish ticket records.

Table 52-2.—Total walleye pollock harvest (all vessel sizes), observed walleye pollock harvest, and percent of harvest observed in Sitkalidak Strait, 2005–2009.

Year	Sitkalidak Strait Pollock Harvest	Pollock Harvest w/ Observer Onboard	Percent Harvest w/ Observer Onboard
2005	762,658	143,648	19
2006	2,017,090	438,459	22
2007	1,474,725	162,904	11
2008	358,853	155,268	43
2009	0	0	n/a

Note: Harvest in pounds.

Table 52-3.–Pelagic trawl harvest in pounds (observer data) from Sitkalidak Strait, 2005–2009.

Species	2005	2006	2007	2008	2009	Average
Pacific halibut	80	271	154	35	0	108
Pacific cod	2,952	46,119	39,289	4,273	0	18,527
Lingcod	0	0	0	0	0	0
Black rockfish	0	0	0	0	0	0
Chinook salmon	770	869	3,612	18	0	1,054
Tanner crab	0	0	9	0	0	2

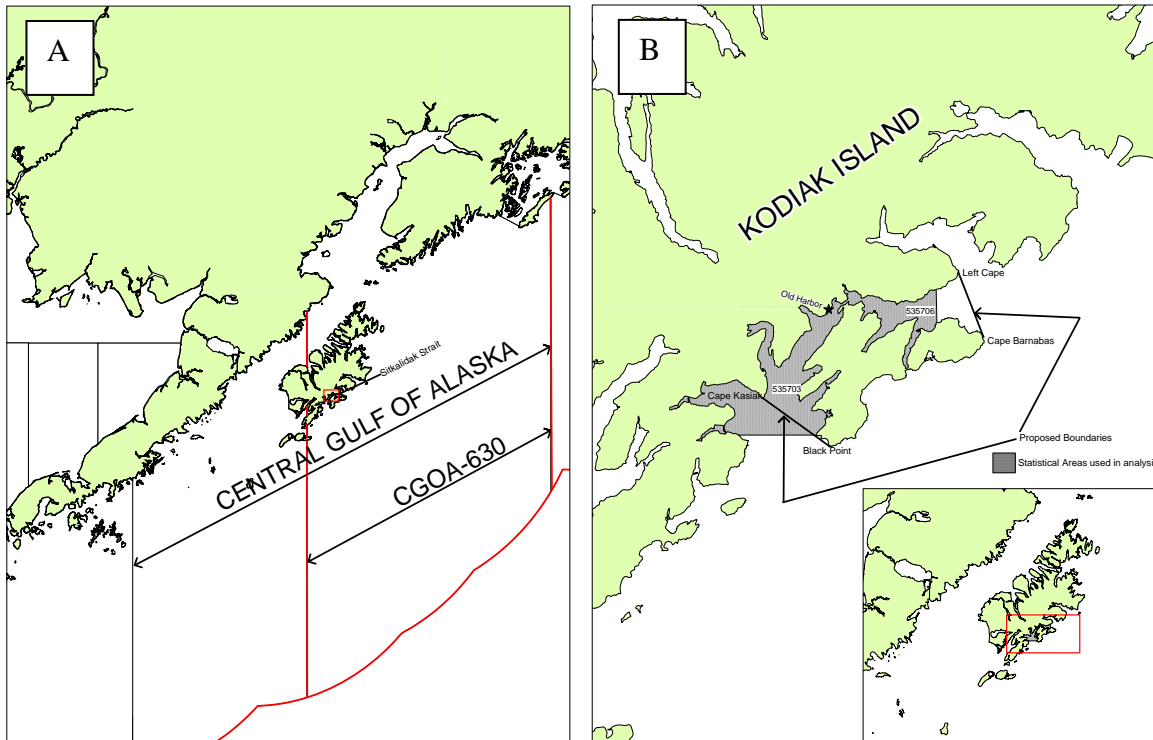


Figure 52-1.–(A) Sitkalidak Strait in relation to the federal Central Gulf of Alaska Area-630. (B) Closed water boundaries for pelagic trawl gear versus statistical boundaries used in analyses.

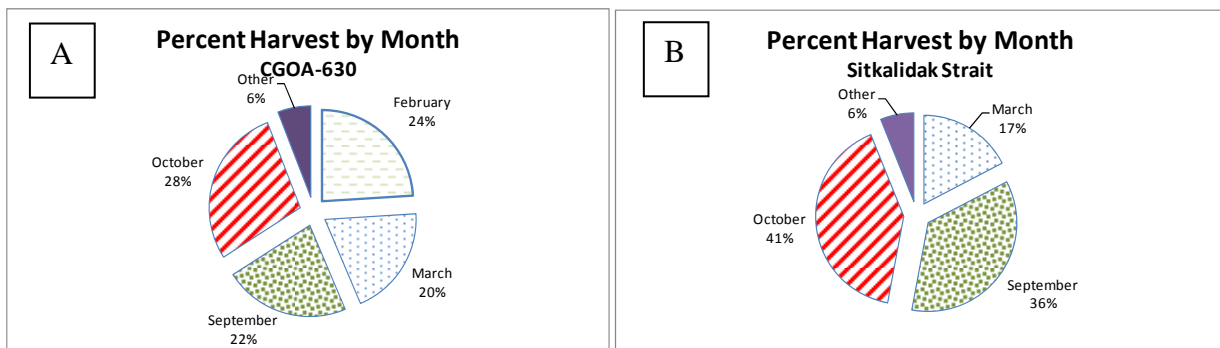


Figure 52-2.–Percent harvest of walleye pollock by month (based on landing date) for Sitkalidak Strait (A) and the Central Gulf of Alaska 630 (B), 2005–2009.

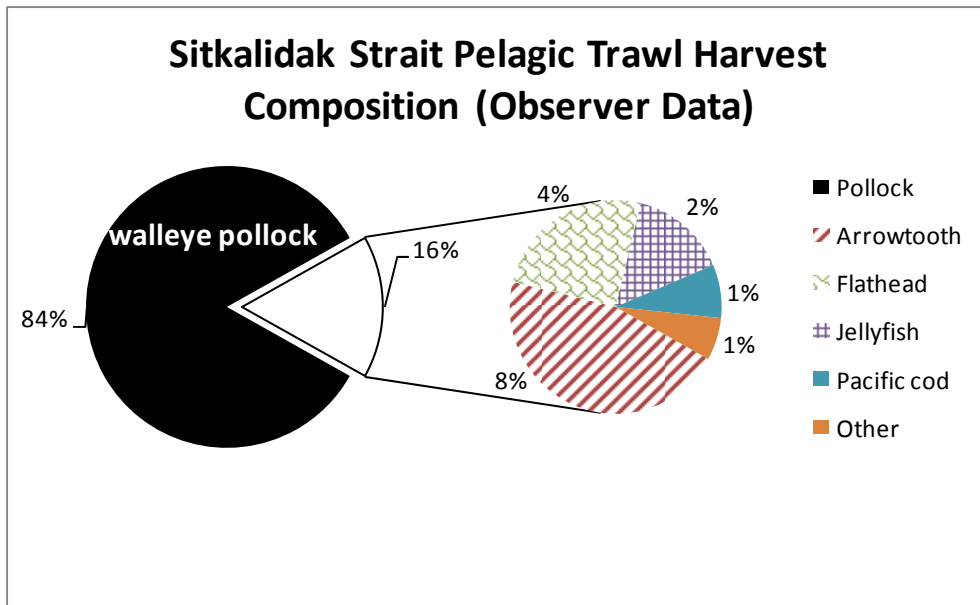


Figure 52-3.—Observer data records of average harvest composition during the pelagic trawl walleye pollock fishery in Sitkalidak Strait, 2005–2009.

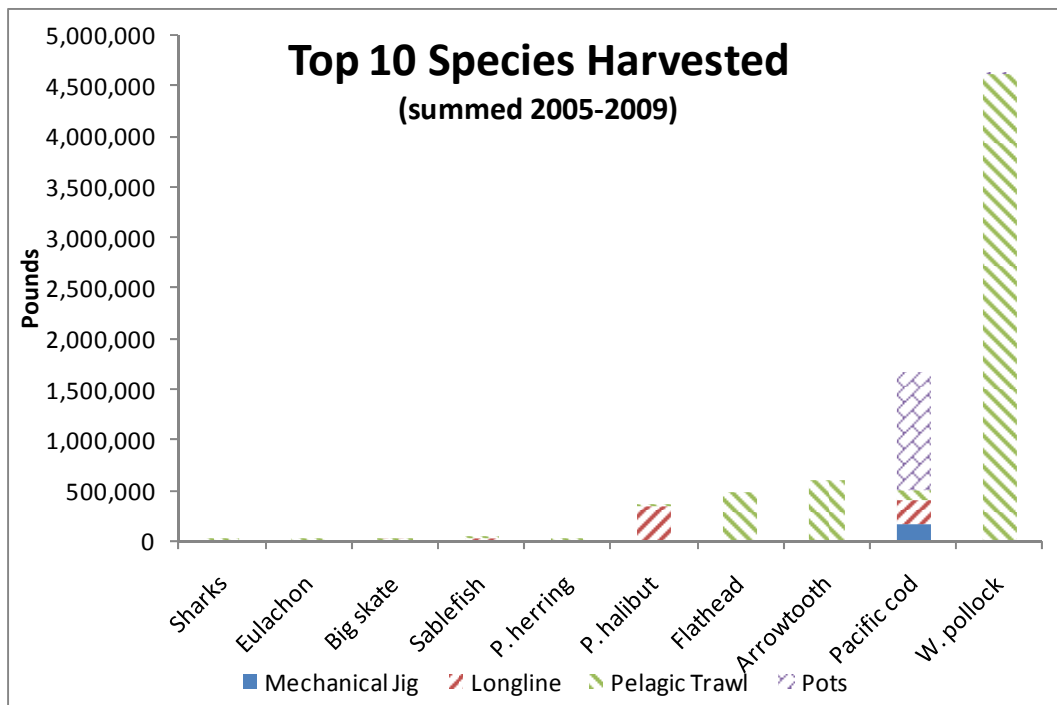


Figure 52-4.—Top 10 (by weight) species harvested (includes discards) from Sitkalidak Strait (statistical areas 535703 and 535706), summed 2005–2009 by gear type.

PROPOSAL 53 – 5 AAC 28.4XX. New Regulation.

PROPOSED BY: Ouzinkie Native Corporation.

WHAT WOULD THE PROPOSAL DO? Close state waters of Marmot Bay to pelagic trawling.

WHAT ARE THE CURRENT REGULATIONS? Pelagic trawl gear is defined under 5 AAC 39.105 (10)(C). *Types of Legal Gear* and 5 AAC 28.050. *Lawful Gear for Groundfish*. In Marmot Bay, pelagic trawl gear is used to target walleye pollock. Walleye pollock fisheries in state waters target the same stocks harvested under federal regulations in adjacent waters of the EEZ. Marmot Bay is within the federal Central Gulf of Alaska Management Area 630 (CGOA-630). The department manages the state waters portion of the walleye pollock fishery as a parallel fishery. During the parallel walleye pollock fishery the state adopts the seasons, bycatch limits, allowable gear types, and closed waters as promulgated by the federal government in adjacent waters of the EEZ. In addition, the state has adopted the federal Steller sea lion restrictions, including VMS, for the parallel walleye pollock fishery. Directed fishery quotas for walleye pollock are released four times per year, in January, March, August and October. *Guiding Principles for Groundfish Fishery*, 5 AAC 28.089, contains guiding principles for the board to consider when adopting groundfish regulations.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would close state waters of Marmot Bay to pelagic trawl gear. Participants who would normally fish walleye pollock in these waters would have to find alternate fishing areas.

BACKGROUND: The proponent expresses a concern about Chinook salmon bycatch. Chinook salmon are considered a prohibited specie while participating in a federal or parallel groundfish fishery and must be discarded at sea. The pelagic trawl closure area described in the proposal does not align with state reporting areas. For analysis of the proposed closure area, state statistical areas 525731, 525805, and 525806 were used (Figure 53-1).

Walleye Pollock Fishery

Walleye pollock are a semi-pelagic schooling fish. Walleye pollock harvests from the federal CGOA-630 have averaged 28.3 million pounds from 2005 to 2009 (Table 53-1). Approximately 33.5% of the annual harvest from CGOA-630 comes from Marmot Bay (ranging from 24.9% to 53.3%; Table 53-1).

On average from 2005 to 2009, 35 vessels per year have fished for walleye pollock in the CGOA-630 with pelagic trawl gear, and 25 vessels, on average, per year have fished in Marmot Bay.

Walleye Pollock Observer Data

The following observer coverage applies to vessel operators participating in a federal or parallel groundfish fishery and operating under a federal fisheries permit. Trawl vessels less than 60 feet are not required to carry observers, but in most years, vessels in this size class do not participate in the walleye pollock fishery in state waters in the CGOA. No vessels less than 60 feet

participated in Marmot Bay from 2005 to 2009. Trawl vessels between 60 feet and 125 feet are required to have observer coverage 30% of their fishing time regardless of where they fish. No vessels over 125 feet participated in state waters in the CGOA during 2005–2009. Observer coverage for this analysis was calculated by taking the proportion of walleye pollock harvested with an observer to the harvest of walleye pollock without an observer. Walleye pollock harvest from Marmot Bay has ranged from 6.9 million pounds (2007) to 11 million pounds (2005; Table 53-1). The percent of the harvest observed has ranged from 21% (2006) to 41% (Table 53-2).

Average annual bycatch in Marmot Bay by pelagic trawl gear was estimated from observer data from 2005 through 2009 (Figure 53-2). The majority of bycatch was arrowtooth flounder.

Pelagic trawl harvest of Chinook salmon was estimated from observer data (Table 53-3). From 2005–2009, the average bycatch of Chinook salmon by the trawl fleet was 10,479 pounds per year; excluding 2006 the average was 4,679 pounds per year.

North Pacific Fishery Management Council

Since implementation of the groundfish fishery management plans for Alaska, the NPFMC has adopted measures intended to control bycatch of species taken incidentally in groundfish fisheries. Certain species are designated as prohibited in groundfish fishery management plans since they are the target of other domestic fisheries. Catch of these species and species groups must be avoided while fishing for groundfish, and when incidentally caught, must be immediately returned to sea with a minimum of injury. These species include Pacific halibut, Pacific herring, Pacific salmon, steelhead trout, king crab, and Tanner crab.

To further reduce the bycatch of these prohibited species, various bycatch control measures have been instituted in the Alaska groundfish fisheries. In the Gulf of Alaska groundfish fisheries, halibut bycatch limits (which close the groundfish target fisheries after the limits are reached) and bottom trawl seasonal and permanent closure areas to protect red king crab have been established. To date, no bycatch control measures have been implemented for other crab or salmon species taken incidentally in GOA groundfish fisheries.

A discussion paper on Chinook salmon bycatch is on the agenda for the December 2010 NPFMC meeting.

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

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Table 53-1.—Total walleye pollock harvest from the Central Gulf of Alaska Area-630, harvest from Marmot Bay, and percent of Marmot Bay harvest to total, 2005–2009.

Year	CGOA-630 Harvest (millions of pounds)	Marmot Bay (millions of pounds)	Marmot Harvest (%)
2005	40.0	11.0	27.5
2006	31.8	9.7	30.0
2007	27.7	6.9	24.9
2008	22.5	7.2	32.0
2009	19.5	10.4	53.3
<i>Average</i>	28.3	9.0	33.5

^a Average percent of harvest is average of annual proportions.

Note: Harvest calculated from fish ticket records.

Table 53-2.—Total walleye pollock harvest (all vessel sizes), observed walleye pollock harvest, and percent of harvest observed in Marmot Bay, 2005–2009.

Year	Marmot Bay Pollock Harvest	Pollock Harvest w/ Observer Onboard	Percent Harvest w/ Observer Onboard
2005	11,009,569	2,446,918	22
2006	9,724,719	2,077,032	21
2007	6,886,696	2,797,880	41
2008	7,245,582	2,882,356	40
2009	10,420,228	3,871,626	37

Note: Harvest reported in pounds.

Table 53-3.—Pelagic trawl harvest (observer data) of Chinook Salmon from Marmot Bay, 2005–2009.

Species	2005	2006	2007	2008	2009	Average
Chinook salmon	11,116	33,679	5,837	586	1,175	10,479

Note: Harvest reported in pounds.

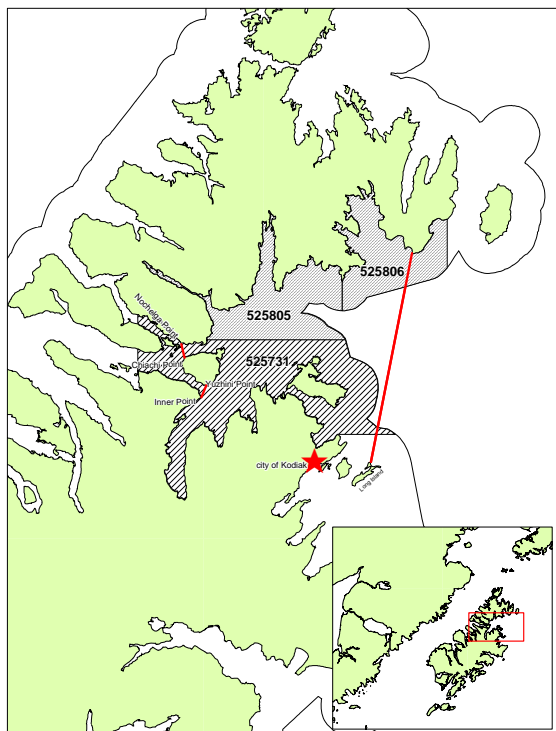


Figure 53-1.—Map of Marmot Bay with proposed closed water boundary for pelagic trawl gear. Shaded regions are the statistical areas used in the analysis.

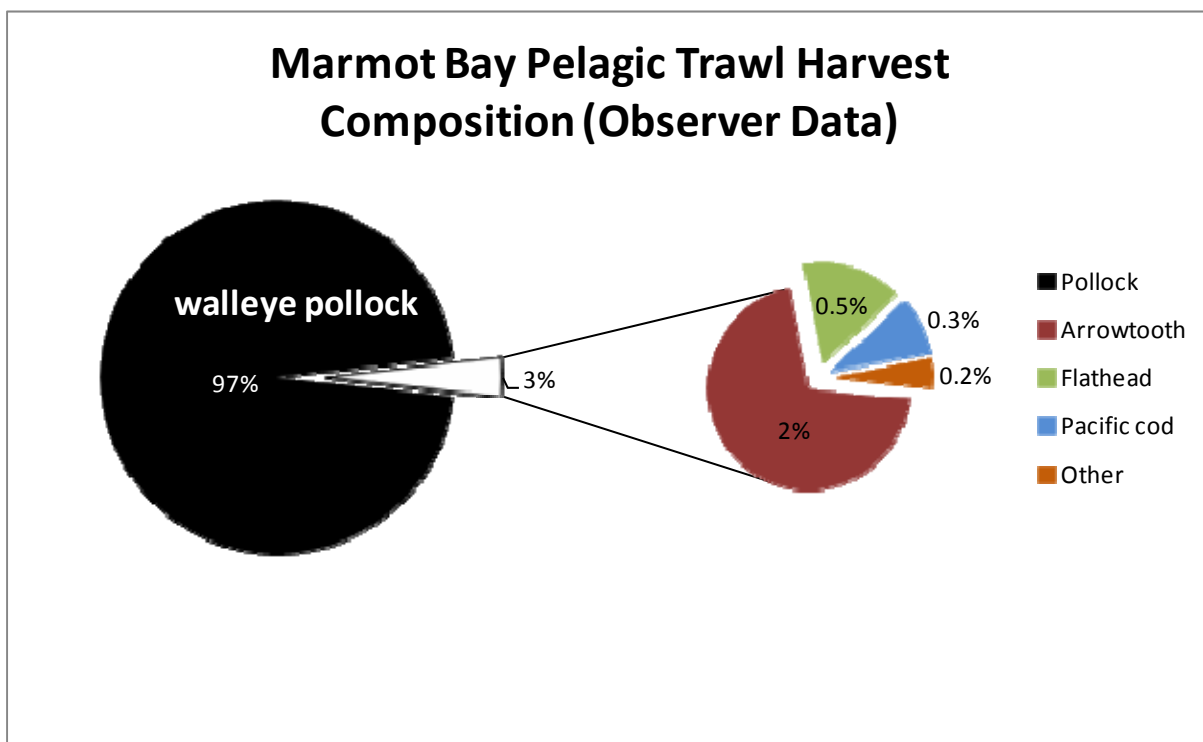


Figure 53-2.—Observer data records of average harvest composition during the pelagic trawl walleye pollock fishery in Marmot Bay, 2005–2009.

PROPOSAL 54 – 5 AAC 28.4XX. Kodiak Area Rockfish Management Plan; 5 AAC 28.472. Black Rockfish Possession and Landing Requirements for Kodiak Area; 5 AAC 28.485. Logbook Requirements for Black Rockfish Fishery in the Kodiak Area; and 5 AAC 28.406. Kodiak Area Registration.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would create a management plan for commercial harvest of black and dark rockfish. In so doing, current commercial rockfish regulations would be aggregated for easier reference. Additional language would define:

- catcher–processor trip limits and reporting requirements,
- Kodiak Area as a nonexclusive registration area,
- a late-season increased black rockfish harvest trip limit, and
- management measures for dark rockfish.

Existing language allowing fixed bycatch limits would be amended to allow establishment of bycatch levels for black and dark rockfish by gear type. Likewise, registration requirements would be amended to preclude simultaneous registration for black rockfish in state waters or parallel Pacific cod fisheries.

WHAT ARE THE CURRENT REGULATIONS? No regulatory management plan exists in the Kodiak Area for black rockfish. Possession limits (trip limits) are described under 5 AAC 28.472. *Black Rockfish Possession and Landing Requirements for the Kodiak Area*. There is a directed fishing trip limit of 5,000 pounds per five-day period and a lower trip limit for bycatch. There are two separate bycatch regulations. Vessel operators that specify a district may register to retain a fixed bycatch amount: 1,000 pounds for districts closer to Kodiak city and 2,500 pounds for districts further from Kodiak city (Figure 54-1). Vessel operators who do not register for the fixed bycatch may retain black rockfish up to 5% of their targeted catch.

Logbooks are required for operators targeting black rockfish in a trip-limit fishery as described in 5 AAC 28.485. *Logbook Requirements for Black Rockfish Fishery in the Kodiak Area*. *Kodiak Area Registration* 5 AAC 28.406 (d) prohibits simultaneous registration for black rockfish and another groundfish species. The catcher–processor (CP) trip limit regulation is described under 5 AAC 28.070 (d) *Groundfish Possession and Landing Requirements*. This regulation allows CPs to retain higher amounts of fish than set by the possession limits (5 AAC 28.472) if the operator has written authorization from the department. There are no current management regulations for dark rockfish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would clarify and aggregate existing regulations and develop a management plan for black and dark rockfish. The existing directed trip limit of 5,000 pounds for black rockfish would remain in place. The proposed management plan would give the department flexibility to increase the directed black rockfish trip limit to 7,000 pounds beginning August 15, which may increase harvest of black rockfish where GHs are not currently being achieved. Bycatch trip limits of 1,000 and 2,500 pounds while participating in another groundfish fishery would be

repealed. Bycatch limits in fisheries other than jig gear for black and dark rockfish would be defined in regulation at 5% unless modified by subsequent management action. Vessels operating as CPs would be allowed to harvest 5,000 pounds per 5-day period not to exceed twice the legal trip limit (10,000 pounds) onboard within a ten-day period. Vessels operating as CPs would also be required to report harvest for each 5-day period. Logbooks would only be required for vessels in a directed black rockfish fishery. *Kodiak Area Registration* (5 AAC 28.406) would be amended to explicitly state that black rockfish in the Kodiak Area is a nonexclusive registration area fishery.

Dark rockfish are currently managed as bycatch to other groundfish fisheries, and the bycatch rate is established at the beginning of each year in an emergency order (EO) at 5%. If this proposal were adopted, bycatch rates of dark rockfish for nonjig gear would be established in regulation at 5% and would clarify that bycatch rates for dark rockfish using jig gear are established by EO.

BACKGROUND: The department acquired management authority from NMFS for black rockfish (0 to 200 nm) in 1998. Initial guideline harvest levels (GHLs) were set at 75% of average harvest from 1978 to 1995. Harvests were difficult to control and exceeded GHLs in 1998 and 2000–2002 (Table 54-1).

In order to slow harvests, the department implemented several management measures in 2003, including trip limits and a prohibition against simultaneous registration with other groundfish fisheries while registered for black rockfish. These provisions made the black rockfish fishery more manageable. From 2003 to 2005, total harvest averaged 107,714 pounds (Table 54-1). While trip limits made the fishery more manageable, harvest from other districts more distant from Kodiak city were reduced (e.g., Southwest District; Figure 54-2). In 2005, to increase harvest opportunities, the board adopted a regulation allowing retention of black rockfish up to 2,500 pounds while participating in another groundfish fishery (“incidental” harvest). Vessel operators wishing to “incidentally” harvest black rockfish were required to register with the department and specify a district. In 2005, the board also mandated logbooks for vessels directing on black rockfish or retaining black rockfish in excess of 5%.

In 2007, “incidental harvest” trip limits were reduced in districts that routinely achieved their GHL. Incidental harvest has allowed harvest opportunity from some districts (Figure 54-3), but it has also increased the complexity of regulations.

Dark rockfish are a recently recognized species. In 2008, light dusky rockfish were split into two separate species: dusky rockfish and dark rockfish. Management was delegated to the state from NMFS in 2009 and the department has managed the dark rockfish fishery as bycatch to other groundfish fisheries. Little is known about dark rockfish abundance and the department plans to continue managing dark rockfish as bycatch to other directed fisheries.

While CPs are uncommon in state waters groundfish fisheries, one vessel has operated as a CP harvesting black rockfish since 2009. The department is provided flexibility under general provisions of the groundfish regulations (5 AAC 28.070 (d). *Groundfish Possession and Landing Requirements*) to allow CPs to retain higher amounts of fish than set by the possession limits (5 AAC 28.472) if the operator has written authorization from the department. In practice, the

department has allowed the CP to harvest twice the trip limit over twice the duration (i.e., 10,000 pounds in 10 days). The department is seeking clarification of this CP trip limit from the board.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Table 54-1.-Kodiak Area black rockfish guideline harvest levels, harvest, and vessel effort, 1998–2009.

Year	Vessels	Guideline Harvest Level	Pounds Harvested
1998	64	190,000	196,548
1999	70	185,000	128,008
2000	72	185,000	245,891
2001	36	185,000	213,629
2002	25	185,000	196,166
2003	33	185,000	84,237
2004	37	185,000	122,180
2005	23	175,000	116,726
2006	25	175,000	123,443
2007	21	175,000	135,386
2008	17	175,000	132,325
2009	18	175,000	122,249
<i>Averages</i>			
1998–2009		181,250	151,399
2003–2005		177,857	107,714
2005–2009		175,000	126,026

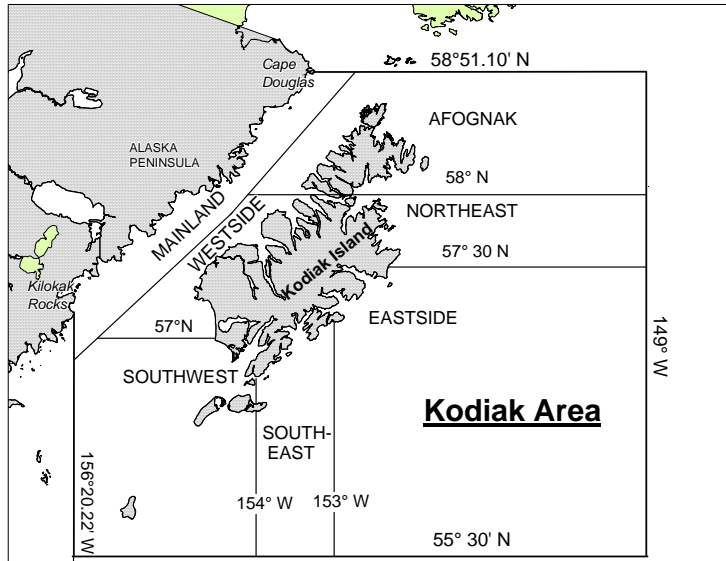


Figure 54-1.—Black rockfish districts within the Kodiak Area. Vessel operators may direct for black rockfish in any district (5,000 pound trip limit). Vessel operators may register for 1,000 pound bycatch limits in Afognak, Northeast, Eastside, and Southeast districts or 2,500 pound bycatch limits in Southwest, Westside, or Mainland districts.

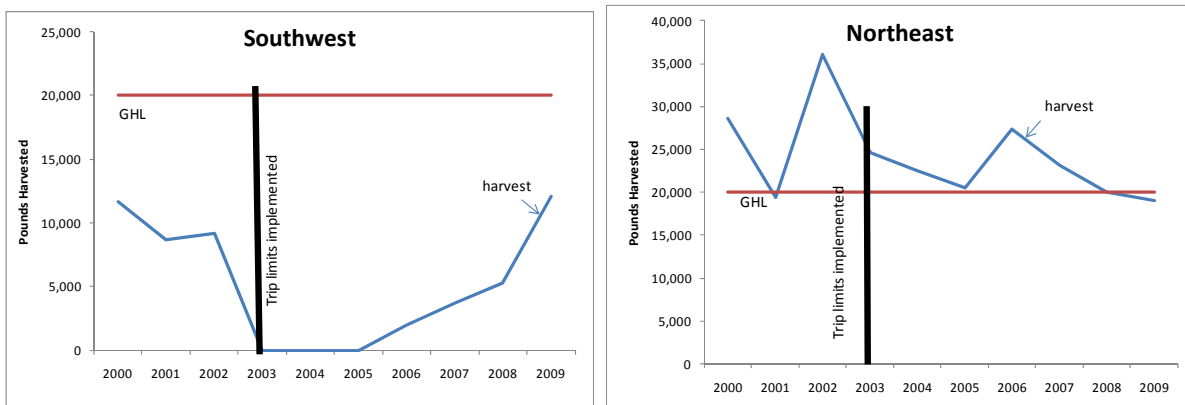


Figure 54-2.—Black rockfish harvest by year from the Northeast and Southwest districts of the Kodiak Area, 2000–2009.

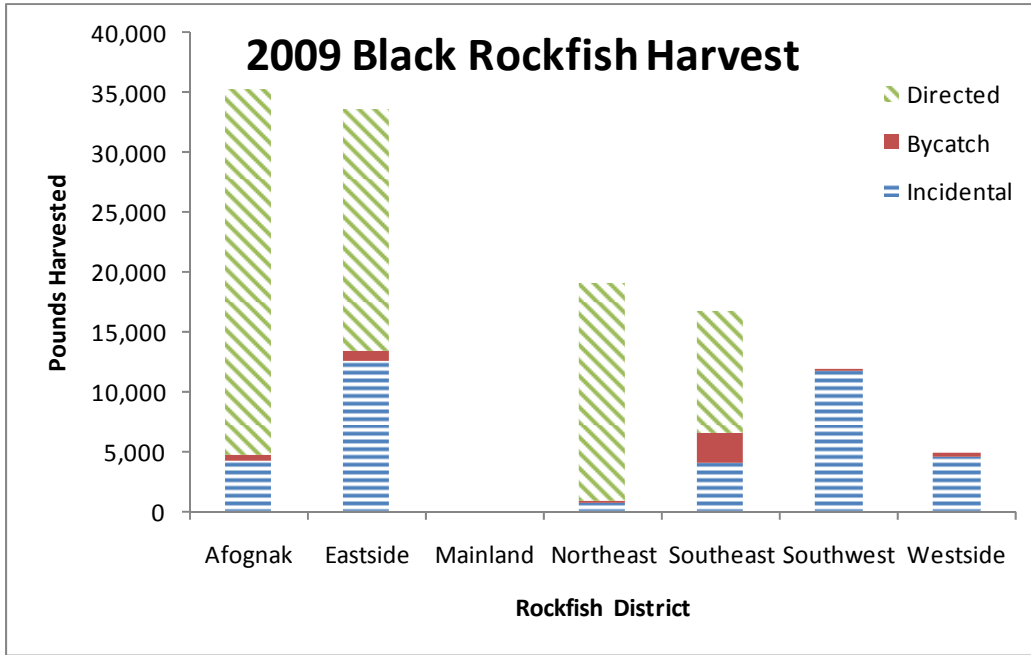


Figure 54-3.—Black rockfish harvest by district and management program in the Kodiak Area, 2009.

PROPOSAL 55 – 5 AAC 28.430. Lawful Gear for Kodiak Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Specify that only jig and hand troll gear is allowed for directed lingcod fishing.

WHAT ARE THE CURRENT REGULATIONS? The general provision for lawful gear of groundfish, 5 AAC 28.050, lists gear that may be used for taking groundfish unless restricted in area groundfish regulations. Current gear listed in the statewide general provision regulation are trawl, hand troll, seines, mechanical jigging machines, dinglebar troll gear, longlines, and pot gear.

Lingcod may only be retained from July 1 through December 31 (5 AAC 28.410. *Fishing Seasons for Kodiak Area*). *Possession Requirements for Kodiak Area* (5 AAC 28.470) states that retained lingcod must measure 35 inches or more from the tip of snout to the tip of the tail (or 28 inches from the front of the dorsal fin to the tip of the tail). Regulations for lingcod gear are unspecified in the Kodiak Area regulations.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, directed fishing for lingcod would be limited to jig gear, although other gear types would be allowed to harvest lingcod as bycatch.

BACKGROUND: There has not been directed fishing for lingcod in the Kodiak Area; however, there is a history of lingcod harvest as bycatch in other groundfish fisheries.

Commercial regulations in the Kodiak Area restrict lingcod harvest to the period from July 1 to December 31 and require harvested lingcod to be a minimum of 35 inches in total length. These regulations were designed to eliminate commercial exploitation during the nest-guarding period and ensure that only mature fish that have had at least one spawning opportunity are harvested. Currently, all legal commercial groundfish gear types can be used to harvest lingcod, although registration (5 AAC.020. *Groundfish Area Registration*; 5 AAC 28.010. *Application of Groundfish Regulation*) is required for vessels intending to target lingcod.

The 2008 lingcod harvest (552,114 pounds) was the highest recorded, and the majority was harvested as bycatch by the trawl fleet (Table 55-1). As a result of the high 2008 harvest, bycatch rate of lingcod was lowered from 20% to 5% at the beginning of the 2009 season. Total harvest in 2009 was 120,084 pounds (Table 55-1).

There is currently no population estimate for lingcod for the Kodiak Management Area and lingcod could be susceptible to overfishing. Restricting directed fishing to only mechanical jigging gear will allow for controlled harvest. In some areas along the Pacific Northwest Coast (including Puget Sound, the Strait of Georgia, and near Resurrection Bay) lingcod have been overharvested. Once overharvested, lingcod require long periods to recover.

In the Eastern Gulf of Alaska lingcod may be taken with longline, dinglebar, power troll, hand troll, and mechanical jig gear. In the Cook Inlet Area, lingcod may only be taken with mechanical jigging machines. In the Prince William Sound, Chignik, South Alaska Peninsula, and Bering Sea–Aleutian Islands areas, gear for lingcod is undefined.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Table 55-1.–Directed harvest and bycatch of lingcod by gear type in the Kodiak Area 2005–2009. Harvest only includes lingcod sold for human consumption.

Year	Directed harvest	Bycatch by gear type				Total
		Jig	Longline	Trawl	Pots	
2005	0	771	16,429	170	3,435	20,805
2006	0	0	17,123	19,912	26,776	63,811
2007	0	0	29,489	49,819	33,696	113,004
2008	0	1,354	35,488	493,791	21,481	552,114
2009	0	364	29,583	86,440	3,697	120,084

PROPOSAL 56 – 5 AAC 28.430. Lawful Gear for Kodiak Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Repeal the regulation that states mechanical jigging machines may be a single continuous line with not more than 150 hooks.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.430. *Lawful Gear for Kodiak Area* states that mechanical jigging machines used to take groundfish must have 1) no more than five lines with no more than 30 hooks per line; or 2) a single continuous line with not more than 150 hooks.

5 AAC 39.105 (25). *Types of Legal Gear* defines a mechanical jigging machine as a device that deploys a line with lures or baited hooks and retrieves that line with electrical, hydraulic, or mechanically powered assistance; a mechanical jigging machine allows the line to be fished only in the water column; a mechanical jigging machine must be attached to a vessel registered to fish with a mechanical jigging machine; the mechanical jigging machine may not be anchored or operated unattached from the vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would prohibit mechanical jigging machines rigged as a single continuous line with up to 150 hooks. It would not modify the definition of mechanical jigging machines that use five lines with no more than 30 hooks per line.

BACKGROUND: Since the inception of state-waters groundfish fisheries in 1996, new fisheries regulations have been developed and existing regulations have been modified to address changing fishery and management needs. The mechanical jigging machine definition for the Kodiak Area allowing a single line with 150 hooks is often confusing to commercial fishermen.

The gear has not been adopted into common use and the definition has proven misleading based on reports that a single line with 150 hooks could be used like a longline and fished on bottom rather than in the water column.

Mechanical jig machines are used in Pacific cod, black rockfish, and lingcod fisheries. During the Kodiak Pacific cod state-waters fishery and the black rockfish fishery, Kodiak staff interview commercial fishermen when they deliver their product. As part of this interview, skippers are asked how many hooks they use per line. From 2005 to 2009, over 400 interviews were conducted. On 311 of these interviews, staff were able to document how many hooks were used per line. The average was nine hooks per line and the maximum was 24 hooks per line.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 57 – 5 AAC 28.410. Fishing Seasons for Kodiak Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Modify the fishing season regulation that states groundfish may be taken at any time in the Kodiak Area. In practice, fishing seasons are defined elsewhere in Kodiak Area groundfish regulations, as well as in the global emergency order issued by the department prior to annual groundfish fisheries. In general, the global emergency order establishes parallel groundfish fishing seasons to mirror federal groundfish seasons.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 28.410 (a). *Fishing Seasons for Kodiak Area* states that unless otherwise specified, groundfish may be taken at any time.

Groundfish may only be taken from state waters when parallel or state-waters seasons are open to commercial fishing (e.g., 5 AAC 28.070, 5 AAC 28.086, 5 AAC 28.087, 5 AAC 28.467).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would provide clear and consistent regulations regarding fishing seasons. This proposal would not influence or modify any current groundfish management practices in the Kodiak Area. The department considers this proposal a housekeeping action to clarify existing regulations by removing language that is inconsistent with actual groundfish management practices.

BACKGROUND: Since the inception of state-waters groundfish fisheries in 1996, new fisheries regulations have been developed and existing regulations have been modified to address changing fishery and management needs. In some instances, general provisions are replaced by area-specific regulations. Currently, groundfish may only be taken inside state waters (0 to 3 nm) during specific state-waters or parallel seasons as defined by regulation or emergency order.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Sport Fish: (4 proposals)

PROPOSAL 79 – 5 AAC 64.022. Waters; Seasons; Bag, Possession, and Size Limits; and Special Provisions for the Kodiak Area.

PROPOSED BY: Dan Busch.

WHAT WOULD THE PROPOSAL DO? This proposal would close the Kalsin Pond outlet stream to sport fishing within 150 feet of the Chiniak Highway, or a distance specified by the department not to exceed 150 feet.

WHAT ARE THE CURRENT REGULATIONS? The entire Kalsin Pond drainage including outlet stream is open year round to sport fishing.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would prohibit sport fishing, which occurs primarily for coho salmon, within the specified portion of the Kalsin Pond outlet stream.

BACKGROUND: The Kalsin Pond outlet stream is a shallow, tidally influenced channel that extends approximately ¼ mile from the pond outlet at Chiniak Highway into Kalsin Bay. Kalsin Pond drainage supports relatively small runs of pink and coho salmon, and is also seasonally inhabited by small numbers of Dolly Varden. Anglers target coho salmon, and historically most of this effort has occurred within the pond itself. However, recent installation of a high flow velocity culvert beneath the highway has resulted in the buildup of immigrating coho salmon directly downstream of the culvert. The local Department of Fish and Game and Department of Public Safety offices have received complaints that snagging is occurring downstream of the culvert where salmon build up between tide cycles. Enforcement efforts are hindered by an open expanse surrounding the outlet stream which offers nominal concealment for surveillance of the sport fishery.

The department does not assess annual returns to the Kalsin Pond drainage; however, observations of the sport fishery over time indicate the run has been sustained.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of closing waters to sport fishing when there is no biological concern for the stocks. Without biological justification to reduce sport fishing opportunity, this proposal addresses an enforcement and social issue. The department supports development of orderly sport fisheries and providing Department of Public Safety the tools needed to enforce fish and game regulations.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 80 – 5 AAC 64.022. Waters; Seasons; Bag, Possession, and Size Limits; and Special Provisions for the Kodiak Area.

PROPOSED BY: Bob Happ, Ernie Suazo, Roy Ecklund, Fred Patterson, and Mike Patterson.

WHAT WOULD THE PROPOSAL DO? This proposal would close the outlet stream from Kalsin Pond to sport fishing within 200 feet of the Chiniak Highway.

WHAT ARE THE CURRENT REGULATIONS? The entire Kalsin Pond drainage including outlet stream is open year round to sport fishing.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would prohibit sport fishing, which occurs primarily for coho salmon, within the specified portion of the Kalsin Pond outlet stream.

BACKGROUND: The Kalsin Pond outlet stream is a shallow, tidally influenced channel that extends approximately ¼ mile from the pond outlet at Chiniak Highway into Kalsin Bay. Kalsin Pond drainage supports relatively small runs of pink and coho salmon, and is also seasonally inhabited by small numbers of Dolly Varden. Anglers target coho salmon, and historically, most of this effort has occurred within the pond itself. However, recent installation of a high flow velocity culvert beneath the highway has resulted in the buildup of immigrating coho salmon directly downstream of the culvert. The local Department of Fish and Game and Department of Public Safety offices have received complaints that snagging is occurring downstream of the culvert where salmon build up between tide cycles. Enforcement efforts are hindered by an open expanse surrounding the outlet stream which offers nominal concealment for surveillance of the sport fishery.

The department does not assess annual returns to the Kalsin Pond drainage; however, observations of the sport fishery over time indicate the run has been sustained.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of closing waters to sport fishing when there is no biological concern for the stocks. Without biological justification to reduce sport fishing opportunity, this proposal addresses an enforcement and social issue. The department supports development of orderly sport fisheries and providing Department of Public Safety the tools needed to enforce fish and game regulations.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 81 – 5 AAC 64.022. Waters; Seasons; Bag, Possession, and Size Limits; and Special Provisions for the Kodiak Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would open the entire drainages of the American and Olds rivers year round to sport fishing for king salmon.

WHAT ARE THE CURRENT REGULATIONS? The American and Olds rivers are closed to salmon fishing upstream of the Chiniak Highway from August 1 through September 15. Bait is allowed by anglers targeting Dolly Varden above the highway during salmon fishing closures.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would provide additional opportunity for anglers to harvest enhanced king salmon returning to the American and Olds rivers drainages.

BACKGROUND: The American and Olds rivers, respectively, drain into Middle and Kalsin bays along the Kodiak Road Zone (Figure 81-1). Since 2007, the department has annually imprinted and released up to 160,000 king salmon smolt in these rivers for the purpose of providing enhanced sport fishing opportunity. A brood source to sustain this enhancement project has been established at nearby Monashka Creek. Consequently, all adult king salmon annually returning to the American and Olds rivers are surplus to future production needs of the project and available for harvest by anglers and other users.

Anglers currently are unable to harvest these hatchery-released king salmon during the August 1–September 15 closure to salmon fishing upstream of the Chiniak highway. This closure was originally established in 1996 to conserve wild coho salmon. Annual escapements, despite recent below-average levels (Figure 81-2), have been sustained since that time. Surveys conducted in 2009 after the August 1 closure revealed that a portion of the enhanced king salmon runs remained unharvested, which prompted the department to open both rivers above the highway to king salmon fishing by emergency order.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal to provide additional angling opportunity on a harvestable surplus of king salmon. The department will rely on the separation in run timing, and the department’s ability to use emergency order authority to close the king salmon fishery if needed to protect wild coho salmon stocks.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

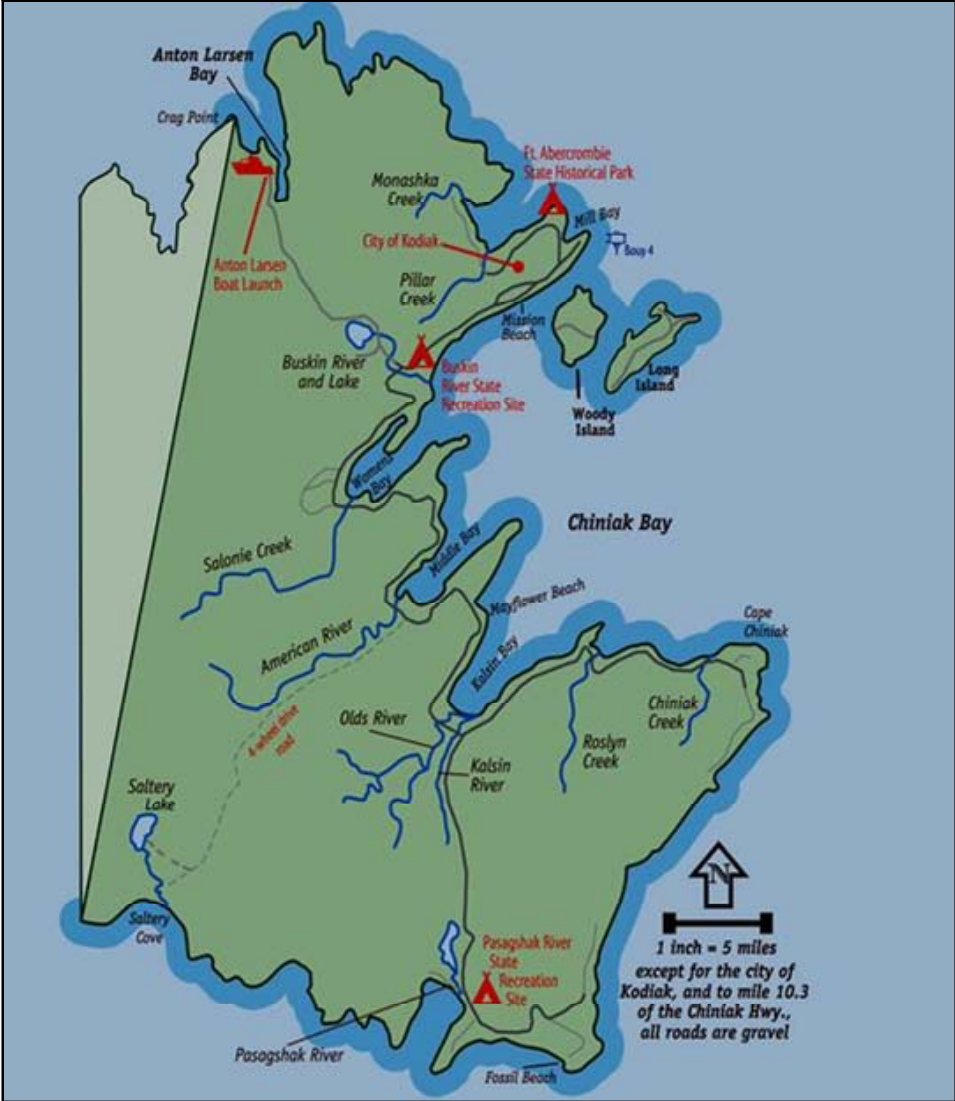
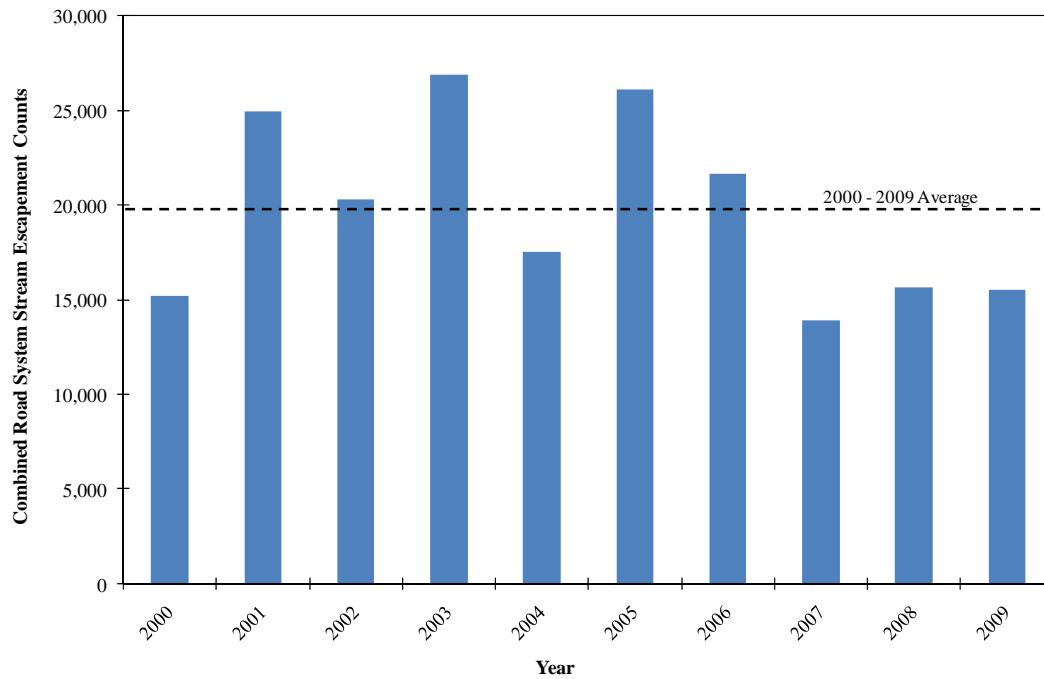


Figure 81-1.–Kodiak Road Zone showing American and Olds rivers.



Note: Includes escapement index counts from the American, Pasagshak, Olds, Rosyln, Salonie, and Russian rivers; Pillar, Monashka, Sargent, Felton, Myrtle, and Chiniak creeks; and annually estimated total escapement for the Buskin River.

Figure 81-2.—Combined coho salmon escapement counts for Kodiak Road Zone streams, 2000–2009.

PROPOSAL 82 – 5 AAC 64.022. Waters; Seasons; Bag, Possession, and Size Limits; and Special Provisions for the Kodiak Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would reduce the Kodiak Area sport rockfish bag and possession limit to 5 per day, 10 in possession, bringing it more in line with adjacent area rockfish limits.

WHAT ARE THE CURRENT REGULATIONS? The current Kodiak Area rockfish bag and possession limit is 10 per day, 20 in possession.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would reduce the sport bag and possession limits of pelagic and nonpelagic rockfish taken in Kodiak Area waters. The more restrictive bag limit would reduce the rockfish sport harvest by about 26%.

BACKGROUND: Kodiak Area sport rockfish harvests were highly variable from year to year, but generally remained in the range of 4,000–8,000 fish annually until 2005, when harvest increased to over 15,000 fish. Harvests averaged over 14,000 fish annually for the last five years (Table 82-1). The recent growth in harvest is largely attributable to the guided sector, whose share of harvest rose from 30% in 2000 to 60% during 2009.

Rockfish harvests from Kodiak waters include pelagic species (black, dark, and dusky) and nonpelagic species (yelloweye). Pelagic rockfishes have historically constituted the vast majority of the annual harvest.

Black rockfish are also harvested annually in a directed commercial jig fishery, and incidentally in relatively small numbers by other gear types. The commercial black rockfish fishery is managed for guideline harvest levels established preseason for each of seven fishing districts. Since 2000 the annual commercial harvest has ranged between approximately 84,000 and 246,000 pounds, and averaged around 147,000 pounds.

A bag limit analysis was conducted by the department using areawide charter vessel logbook records from 2006–2009. Results indicated that reducing the bag limit from 10 to 5 fish per day during those years would have lowered the total guided angler harvest by an average of 26%.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. Without fishery-independent stock assessment data for rockfish and other groundfish species, the department has proposed bag limit and season changes to maintain historical harvest levels. The increase in Kodiak area rockfish harvest justifies a precautionary approach to managing this fishery. Reducing the Kodiak area rockfish bag limits to 5 per day, 10 in possession makes them more consistent with rockfish bag limits in adjacent management areas.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Table 82-1.—Kodiak Area sport fishery harvests (number of fish) of rockfish, 2000–2009.

Year	Harvest		Total
	Guided Anglers	Unguided Anglers	
2000	1,967	5,158	7,125
2001	2,516	2,989	5,505
2002	2,557	4,999	7,556
2003	1,774	4,392	6,166
2004	4,239	3,605	7,844
2005	5,889	9,503	15,392
2006	6,087	5,601	11,688
2007	7,132	5,419	12,551
2008	9,961	5,635	15,596
2009	9,264	6,673	15,937
10 Year Avg.	5,139	5,397	10,536

**COMMITTEE B: COMMERCIAL AND SUBSISTENCE
SALMON/HERRING
(21 PROPOSALS)**

Herring: (1 proposal)

PROPOSAL 58 – 5 AAC 27.545. Harvest of Bait by Commercial Permit Holders in Kodiak Area.

PROPOSED BY: Ian MacIntosh.

WHAT WOULD THE PROPOSAL DO? This proposal would make mechanical jig and hand troll gear legal gear types for the harvest of herring for bait by commercial permit holders in the Kodiak Area. This proposal would also increase the allowable harvest from 500 to 1,000 pounds of herring.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 27.545. *Harvest of Bait by Commercial Permit Holders in Kodiak Area.* The holder of a valid CFEC interim use or limited entry permit may take but may not sell herring for use as bait in the commercial fishery for which the permit is held as follows:

- (1) herring may only be taken under the authority of a herring bait fishing permit issued by the commissioner or the commissioner's designee;
- (2) herring may only be taken by gillnet or purse seine gear;
- (3) from April 12 through July 3, a vessel, crew member, or permit holder that participates in the Kodiak commercial herring sac roe fishery may not take herring under this section in the Kodiak Area;
- (4) a person may not take more than 500 pounds of herring in a calendar year.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, mechanical jig and hand troll gear would be legal gear for harvest under the herring bait permit and the limit would be increased from 500 to 1,000 pounds.

BACKGROUND: Prior to 1999, the herring subsistence fishery was referred to as a personal use/subsistence fishery and had occurred for at least 20 years. This fishery was only regulated during the herring sac roe season, from April 15 to June 30, under the conditions of the subsistence permit issued in Kodiak. Gear was limited to a 25 fathom gillnet, but there was no harvest limit. The remainder of the year there were no permit requirements, gear restrictions, or harvest limits. The majority of the harvest occurred near the Port of Kodiak in Womens Bay and

was caught by gillnet. Herring were used primarily for bait in commercial longline and pot fisheries.

In 1999, more restrictive regulations were approved by the board that allowed for a harvest of up to 500 pounds of herring with no permit requirements, except during the sac roe fishing season (April 15 to June 30). A subsistence permit was required for those individuals that wished to fish during the sac roe season or intended to harvest more than 500 pounds of herring annually. The maximum annual harvest was limited to 2,000 pounds per permit.

In 2000, herring subsistence harvests escalated due to bait needs created with the reopening of the commercial Tanner crab fishery in the Kodiak Management Area (KMA). The department was concerned about the increased herring subsistence harvest and the appropriateness of taking subsistence herring for use as bait in a commercial fishery. The department proposed regulation changes to the board in 2001, which were approved to allow for both types of historical harvests. The current subsistence regulation requires that fishermen obtain a permit prior to fishing (5 AAC 01.530. (a)) and allows for the harvest of up to a total of 500 pounds of herring annually (5 AAC 01.530. (d)). Recording requirements for herring were included on the existing KMA salmon and crab subsistence permit. A bait permit was also created which allows for the harvest of up to 500 pounds of herring by commercial permit holders to be used as bait in commercial fisheries (5 AAC 27.545).

Current herring stocks are at or near historic high levels. The Kodiak herring sac roe guideline harvest levels (GHLs) have increased each year since 2000 and the 2010 GHL of 6,075 tons was the highest on record. The 2010 harvest of 5,701 tons was the highest since 1994.

The herring bait permit was created in 2002 and the number of permits issued has ranged from 1 in 2003, 2004, and 2009 to 6 in 2007. Reported harvests have ranged from 0 to 400 pounds.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. With current herring stock levels and low effort by fishermen harvesting bait herring, the department is not concerned that increasing the harvest limit and allowing mechanical jig and hand troll gear as legal gear types will have a substantial impact on the herring stocks. However, the department is unsure how many new individuals would participate in this fishery. If herring stocks decline the department could reduce harvest limits by emergency order (EO).

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Subsistence Salmon: (4 proposals)

PROPOSAL 59 – 5 AAC 01.520. Lawful Gear.

PROPOSED BY: Ivar Malutin and Pat Holmes.

WHAT WOULD THE PROPOSAL DO? This proposal would add dip nets as a legal gear type for subsistence salmon fishing near Settler Creek in the Settler Cove Special Harvest Area.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.520. *Lawful Gear and Gear Specifications.*

(b) Salmon may only be taken by gillnet and seine. Gillnet and seine gear may not be operated in a manner to obstruct more than one-half the width of any waterway and any channel or side channel of the waterway.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow subsistence fishermen to use a dip net to harvest salmon near the mouth of Settler Cove Creek.

BACKGROUND: Kodiak Regional Aquaculture Association has developed enhanced runs of sockeye and coho salmon that return to Settler Creek at Port Lions for use by both subsistence and commercial salmon fishermen (Figure 59-1). The fish cannot escape into fresh water to spawn and are all intended to be utilized.

Subsistence fishermen are required to report their harvest on a permit report and submit it to the department at the end of the year (5 AAC 01.530. (c)). The data for the 2010 season are not yet compiled, but the harvest for the most recent previous three years is depicted in Table 59-1.

Although Settler Cove is a unique statistical area (Figure 59-1), commercial fishermen have reported minimal salmon harvest in this area. Since 2001, commercial harvest, as documented on fish tickets, has been reported in only one year (2006) when six permit holders harvested 26 Chinook, 5,975 sockeye, 7 pink, and 46 chum salmon.

DEPARTMENT COMMENTS: The department does not have biological concerns for the harvest of enhanced sockeye and coho returns to Settler Creek, and **SUPPORTS** the full utilization of salmon in this terminal fishery. However, if this proposal is adopted the department would seek a clarification from the board to specifically define the “mouth of Settlers Cove Creek” and where dip nets could be used within the Kodiak Management Area.

COST ANALYSIS: Adoption of this proposal could potentially reduce the cost necessary to participate in this subsistence fishery. People harvesting salmon in Settler Cove would not need to use more expensive gillnet gear to harvest salmon.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a nonsubsistence area? No.
2. Is this stock customarily and traditionally taken or used for subsistence? Yes. The board has found that salmon within the Kodiak Management Area, as described in 5 AAC 01.500, are customarily and traditional used for subsistence (5 AAC 01.536).
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence uses? The board has established a range of 26,800–44,700 salmon (5 AAC 01.536) as the amount reasonably necessary for subsistence uses of salmon in the Kodiak Management Area.
5. Do the regulations provide a reasonable opportunity for subsistence uses? This is a board determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

Table 59-1.–Settle Cove reported subsistence salmon harvest.

Year	Number of permit holders	Number of salmon				
		Chinook	sockeye	coho	pink	chum
2007	12	4	150	76	31	0
2008	18	0	636	183	0	0
2009	25	1	995	175	25	0

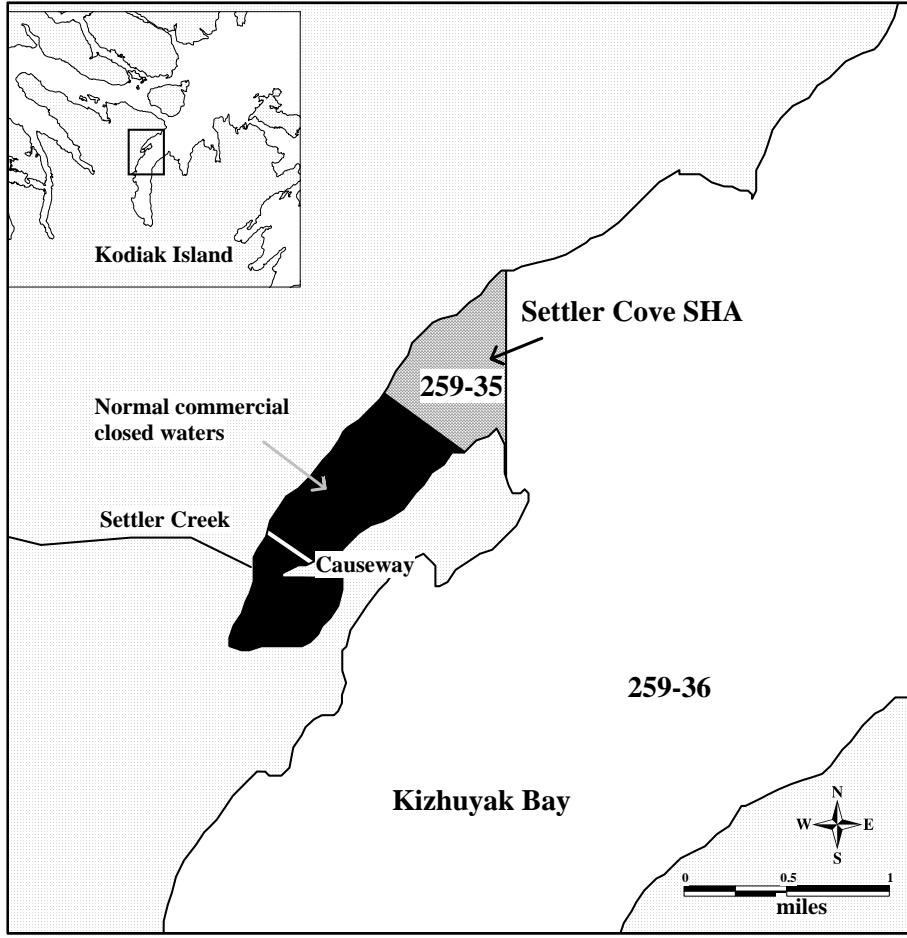


Figure 59-1.—Settler Cove Special Harvest Area.

PROPOSAL 60 – 5 AAC 01.xxx. Prohibitions (new section).

PROPOSED BY: Pat Holmes and Ivar Malutin.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would prohibit an owner, operator, or employee of a lodge, charter vessel, or other enterprise that provides food, lodging, or sport fishing guide services from furnishing finfish taken under subsistence regulations to a paying client or guest, unless:

1. The finfish have been taken with gear operated and retrieved by the client or the guest, and the gear has been marked with the client or guest’s name and address as required under subsistence regulations, and
2. The finfish is to be consumed by the client or the guest, or in the presence of the client or guest.

This proposal would also prohibit sport fishing guides and charter vessel operators from deploying, operating, or retrieving gear in a subsistence finfish fishery when the guide is providing guide services or when there are paying clients on board the charter vessel.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.010. *Methods, Means, and General Provisions.*(d) Unless otherwise specified in this chapter, it is unlawful to buy or sell subsistence-taken fish, their parts, or their eggs, except that it is lawful to buy or sell a handicraft made out of the skin or nonedible by-products of fish taken for personal or family consumption.

State subsistence regulations for the Kodiak salmon fisheries have two different annual household limits, depending upon the location of the harvest. The subsistence salmon fishery along the Kodiak road system has an annual limit of 25 salmon for the head of the household and an additional 25 salmon for each member of the same household. State subsistence salmon fisheries off of the Kodiak road system do not have an annual harvest limit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? While current regulations broadly prohibit lodges and sport fishing guide service providers or their employees from furnishing subsistence-harvested fish to paying guests of the lodge or clients of the sport fishing guide, this proposal would more clearly define subsistence sharing with paying clients and reduce the impact of inappropriate subsistence uses on the underlying resource.

BACKGROUND: In 2002 the board adopted a similar regulation for the Kodiak Area shellfish subsistence fishery (5 AAC 02.499) from a proposal submitted by the department in response to reports that some local guide service providers were furnishing subsistence caught king, Tanner, and Dungeness crabs to their clients as an indirect means of commerce. The department also expressed concern that excessive harvesting of king crabs for this purpose could hinder recovery of locally depleted stocks. The proponents are seeking adoption of regulations for the taking of subsistence finfish, particularly salmon, that would prohibit enterprises that furnish lodging, food or sport fishing guide services from furnishing their clients with subsistence harvested salmon.

The Division of Commercial Fisheries’ subsistence salmon harvest database for the Kodiak Management Area (KMA) does not include data on the transfer of subsistence caught finfish by

lodges, charter vessels, or other enterprises. The extent of providing subsistence caught finfish to paying clients is unknown. However, the department has closed the Karluk Lake drainage to subsistence fishing due to reports of subsistence caught salmon being supplied to clients when the sport fishery was closed to the retention of Chinook salmon.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. The department considers subsistence a priority and supports regulatory language that helps prevent the abuse of subsistence resources by commercial operations.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Are these stocks in a nonsubsistence area? No.
2. Are these stocks customarily and traditionally taken or used for subsistence? Yes. The board has found that salmon and other finfish (except steelhead and rainbow trout) within the Kodiak Management Area, as described in 5 AAC 01.500, are customarily and traditional used for subsistence (5 AAC 01.536).
3. Can a portion of these stocks be harvested consistent with sustained yield? Yes.
4. What amounts are reasonably necessary for subsistence uses? The board has established that ranges of 26,800–44,700 salmon, 21,000–35,000 rockfish, 3,300–5,600 lingcod, and 550,000–900,000 usable pounds of finfish other than salmon, rockfish, and lingcod (5 AAC 01.536) are the amounts reasonably necessary for subsistence uses of finfish in the Kodiak Management Area.
5. Do the regulations provide a reasonable opportunity for subsistence uses? This is a board determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

PROPOSAL 61 – 5 AAC 01.530. (c). Subsistence Fishing Permits

PROPOSED BY: Ivar Malutin and Pat Holmes.

WHAT WOULD THE PROPOSAL DO? This proposal would change the time when subsistence harvests of salmon or herring must be recorded in the Kodiak Management Area (KMA) from “immediately upon landing” to “before leaving the fishing site”.

Note: Proposals 61 and 62 are similar and are interpreted to have the same intent.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 01.530. (c) *Subsistence Fishing Permits*. A subsistence fisherman shall keep a record of the number, or if for herring, the number of pounds, of subsistence fish taken by that subsistence fisherman each year. The number or pounds of subsistence fish taken shall be recorded on the reverse side of the permit. The record must be completed immediately upon landing subsistence-caught fish, and must be returned to the local representative of the department by February 1 of the year following the year the permit was issued.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would require subsistence users to record their finfish harvest before leaving the fishing site.

BACKGROUND: This issue focuses on the term “landing”. The original intent of this regulation was to provide as an accounting measure so the department could know the number of subsistence fish harvested in each location. In the past, enforcement and department staff used discretion in enforcing what was meant by “landing”. However, the term “landing” has not been officially defined in subsistence regulations.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. However the department does **SUPPORT** the board’s intent to require subsistence users to report harvested salmon in a timely fashion.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Are these stocks in a nonsubsistence area? No.
2. Are these stocks customarily and traditionally taken or used for subsistence? Yes. The board has found that salmon and finfish other than salmon (except steelhead and rainbow trout) within the Kodiak Management Area, as described in 5 AAC 01.500, are customarily and traditional used for subsistence (5 AAC 01.536).
3. Can a portion of these stocks be harvested consistent with sustained yield? Yes.

4. What amounts are reasonably necessary for subsistence uses? The board has established a range of 26,800–44,700 salmon and 550,000–900,000 usable pounds of finfish other than salmon (5 AAC 01.536) as the amounts reasonably necessary for subsistence uses of salmon and other finfish in the Kodiak Management Area.
5. Do the regulations provide a reasonable opportunity for subsistence uses? This is a board determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

PROPOSAL 62 – 5 AAC 01.530. (c). Subsistence Fishing Permits

PROPOSED BY: Ivar Malutin and Pat Holmes.

WHAT WOULD THE PROPOSAL DO? This proposal would change the time when subsistence harvests of salmon or herring must be recorded on the permit in the Kodiak Management Area (KMA) from “immediately upon landing” to “before leaving the fishing site”.

Note: Proposals 61 and 62 are similar and are interpreted to have the same intent.

WHAT ARE THE CURRENT REGULATIONS: 5 AAC 01.530. (c) *Subsistence Fishing Permits*. A subsistence fisherman shall keep a record of the number, or if for herring, the number of pounds, of subsistence fish taken by that subsistence fisherman each year. The number or pounds of subsistence fish taken shall be recorded on the reverse side of the permit. The record must be completed immediately upon landing subsistence-caught fish, and must be returned to the local representative of the department by February 1 of the year following the year the permit was issued.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would require subsistence users to record their finfish harvest before leaving the fishing site.

BACKGROUND: This proposal hinges on the term “landing”. The original intent of this regulation was to act as an accounting measure so the department could know how many subsistence fish were harvested in what location. In the past, enforcement and department staff used discretion in enforcing what was meant by landing. However, the term “landing” has not been officially defined in subsistence regulations.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. However, the department does **SUPPORT** the board’s intent to require subsistence users to report harvested salmon and herring in a timely fashion.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Are these stocks in a nonsubsistence area? No.
2. Are these stocks customarily and traditionally taken or used for subsistence? Yes. The board has found that salmon and finfish other than salmon (except steelhead and rainbow trout) within the KMA, as described in 5 AAC 01.500, are customarily and traditional used for subsistence (5 AAC 01.536).
3. Can a portion of these stocks be harvested consistent with sustained yield? Yes.

4. What amounts are reasonably necessary for subsistence uses? The board has established a range of 26,800–44,700 salmon and 550,000–900,000 usable pounds of finfish other than salmon (5 AAC 01.536) as the amounts reasonably necessary for subsistence uses of salmon and other finfish in the KMA.
5. Do the regulations provide a reasonable opportunity for subsistence uses? This is a board determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

Commercial Salmon: (16 proposals)

PROPOSAL 63 – 5 AAC 13.3XX. New Section.

PROPOSED BY: Don Bumpus.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit a Commercial Fisheries Entry Commission (CFEC) permit holder from fishing one salmon administrative area and crewing in another area in the same year.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 39.110. *Crew Member Fishing License Requirements:*

(a) each commercial fisherman who does not hold a valid interim-use or entry permit card issued by the Commercial Fisheries Entry Commission shall obtain a crew member fishing license before fishing in any waters of Alaska. A crew member fishing license is not required for the holder of a valid interim-use or entry permit card.

(d) a valid interim-use or entry permit card holder may crew in any fishery.

(e) in this section, “crew” means the activities of a commercial fisherman as defined in AS 16.05.940 (4), who is actively engaged in the operation of fishing gear that is being operated in the manner described in 5 AAC 39.707.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The intent of this proposal is to prohibit people who have multiple CFEC salmon permit cards from being the captain of a vessel in one salmon administrative area and acting as a crew member in another salmon administrative area within the same calendar year.

BACKGROUND: Currently, it is legal for a CFEC permit holder to harvest salmon in one salmon management area and travel to another management area and fish as a crewmember.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department does not have any conservation concerns regarding this issue. While this proposal is being discussed during the Kodiak Management Area board session, it appears to have statewide implications.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 64 – 5 AAC 18.362. Westside Kodiak Salmon Management Plan.

PROPOSED BY: Peter Danelski.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would allow for more fishing time in the Central and North Cape sections of the Northwest Kodiak District if Karluk Lake late-run sockeye salmon goals are less than optimal and Northwest Kodiak District pink salmon goals are being met. As written, the department would be required to close the fishing period if 15,000 late-run sockeye salmon are harvested.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 18.362. *Westside Kodiak Salmon Management Plan* (b)(4). The Central and North Cape Sections must be managed from approximately August 16 through August 24, based on pink salmon returning to the Northwest Kodiak District and on late-run sockeye salmon returning to the Karluk system.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Currently, Karluk Lake late-run sockeye salmon is managed based on a Biological Escapement Goal (BEG). *The Policy for the Management of Sustainable Fisheries* (5 AAC 39.222 (f)(3)) defines a BEG as “the escapement that provides the greatest potential for maximum sustained yield; BEG will be the primary management objective for escapement unless an optimal escapement goal (OEG) or inriver run goal has been adopted.” Although it is unclear what the proposer means by “escapements are less than optimal,” the department interprets this as levels less than the lower end of the BEG range. Therefore, as a specific management objective different from the BEG, the proposal, as written, would require the board to establish an OEG as defined by 5 AAC 39.222(f)(25). The department would then manage for the board-established OEG.

If adopted, this proposal would allow for fishing periods to continue in the Central and North Cape sections of the Northwest Kodiak District, between August 16 and August 24, if Northwest Kodiak District pink salmon escapements are being met and Karluk Lake late-run sockeye salmon escapements are less than an unidentified OEG. Additional fishing periods would continue during this timeframe until a cumulative catch of 15,000 sockeye salmon is reported.

The current management plan allows for commercial salmon fishing between approximately August 16 through August 24 to protect both Northwest Kodiak District pink salmon, and Karluk late-run sockeye salmon. Allowing for fishing periods during this timeframe based only on Northwest Kodiak District pink salmon escapement would decrease the department’s ability to control or conserve Karluk late-run sockeye salmon escapement.

BACKGROUND: The *Westside Kodiak Salmon Management Plan* is the achievement of long-term management strategies which were initially implemented in 1971 and placed into regulation in 1990. Placing the management plan in regulation clarified the management strategy and helped maintain the biological integrity of local salmon stocks while alleviating allocative concerns of local fishermen.

The intent of this management plan is to harvest salmon bound to local systems in traditional fisheries. Due to the mixing of various local salmon stocks during the inshore migration, the

plan is complex, but provides a predictable framework for the major sockeye, pink, chum, and coho salmon stocks from the west side of Kodiak. The plan is in effect for the entire salmon season and covers the Southwest and Northwest Kodiak districts, as well as the Southwest Afognak Section (Figure 64-1).

The management plan guides the prosecution of early- and late-run sockeye salmon fisheries, including those targeting the major systems of Karluk Lake, Ayakulik River, and other minor sockeye salmon systems, as well as local pink, chum, and coho salmon fisheries. For the Northwest Kodiak District, the Central and North Cape sections are managed from June 1 through July 5 based on early-run sockeye salmon returning to Karluk Lake.

The pink salmon fishery opens on July 6 and the length of the initial weekly fishing periods are based on the current year's (wild stock) pink salmon forecast. During the peak pink salmon harvest period, from late July to mid-August (Figure 64-2), fishing periods are adjusted to match the actual strength of the pink salmon run.

During the August overlap period, from approximately August 16 through August 24, the Central and North Cape sections are opened and closed based on both Karluk Lake late-run sockeye and pink salmon returning to the major systems of the Northwest Kodiak District. By this time, 80% to 95% of the pink salmon have been harvested in the Northwest Kodiak District and Karluk late-run sockeye salmon escapement has begun to increase (Figure 64-2). From August 25 through September 5, the Central and North Cape sections are managed based on late-run sockeye salmon returning to Karluk Lake. After September 5, the fishery is managed both on late-run sockeye salmon returning to Karluk Lake and coho salmon returning to major systems of the Northwest Kodiak District. This blended management has allowed for protection of both salmon present within the Northwest Kodiak District, as well as sockeye salmon returning to the Karluk Lake system.

From 2008 to 2010, weak runs of Karluk Lake late-run sockeye salmon have resulted in commercial salmon fishing restrictions on the west side of Kodiak during August and September. During the 17-year period before the decline in productivity (1991-2007), the Karluk Lake late-run average total run was 863,571 sockeye salmon. From 2008 through 2010, the Karluk Lake late-run average run has only been 315,742 sockeye salmon (Figure 64-3). In 2008, managers allowed commercial salmon fishing during the August overlap period that contributed to the Karluk Lake late-run not reaching its minimum escapement goal of 170,000 sockeye salmon. The 2008 Karluk Lake late-run sockeye salmon escapement of 164,419 was the lowest escapement since the inception of the *Westside Management Plan* (Figure 64-3) and was the lowest on record since 1982.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal based on biological concerns for Karluk late-run sockeye salmon escapement. The current plan allows managers to protect the Karluk late-run sockeye salmon stock even if Northwest Kodiak District pink salmon escapements are adequate. If the board adopted this proposal, the department would seek clarification of the proposed OEG. The department is further **OPPOSED** to creating unusually complicated and burdensome management plans. The department does not have the additional necessary resources to allocate increased monitoring of the Westside fishery.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

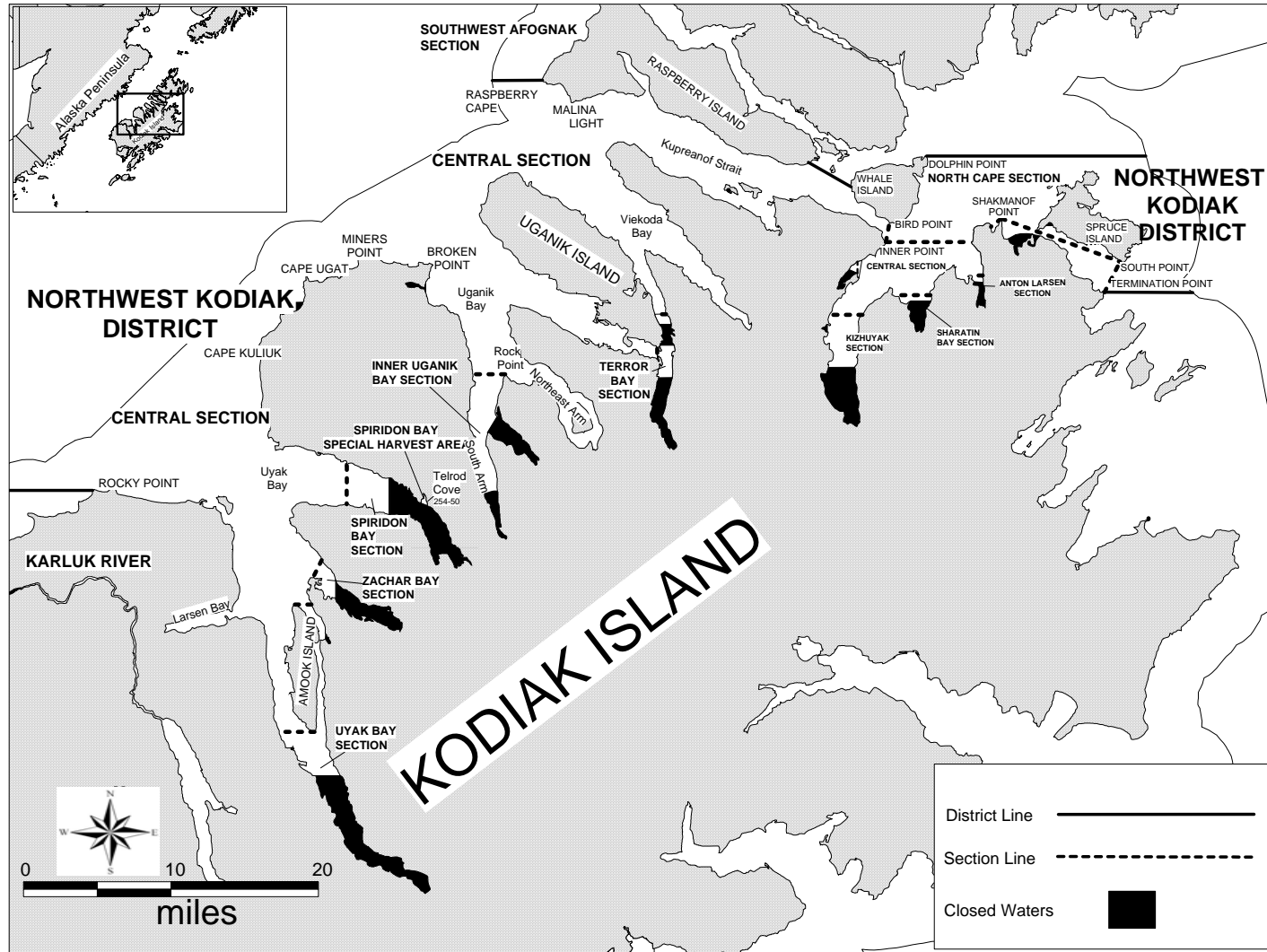


Figure 64-1.—Map of the Northwest Kodiak District identifying commercial salmon fishing sections and statistical areas.

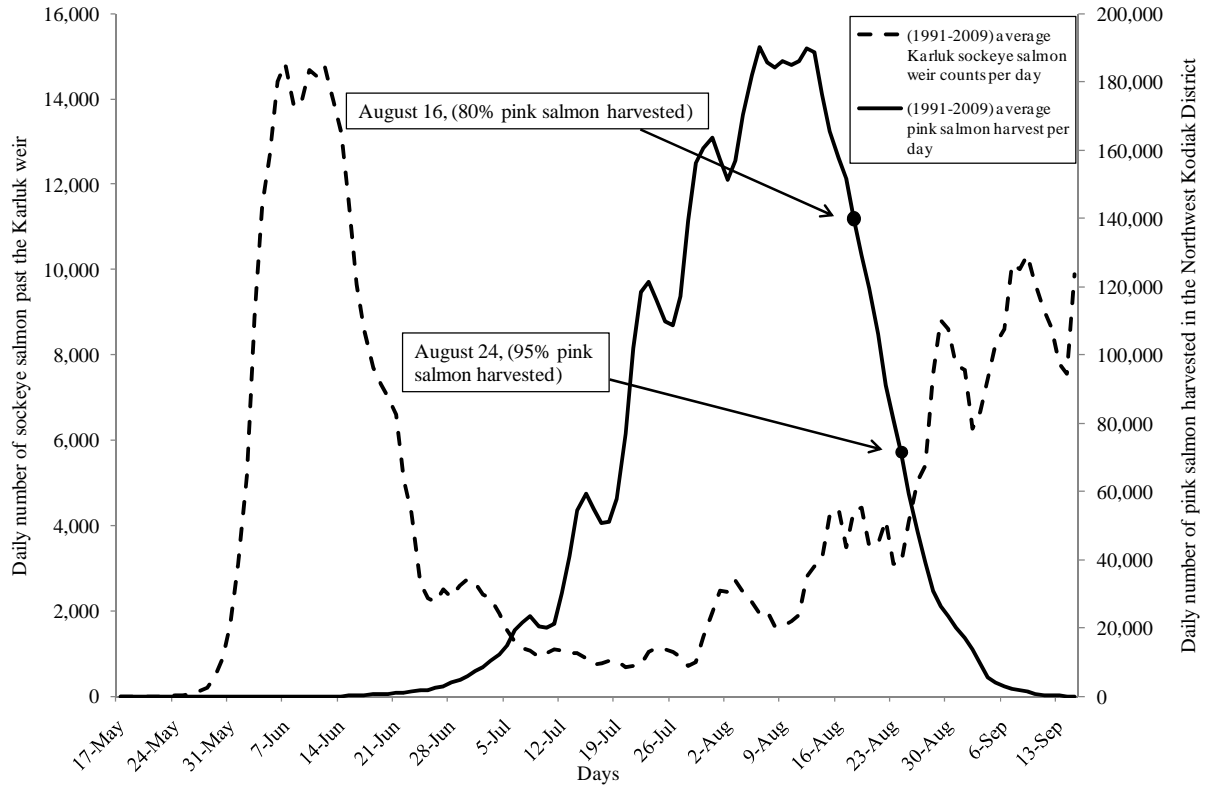


Figure 64-2.—Graph showing Northwest Kodiak District pink salmon harvest in relation to both Karluk Lake early-run and late-run sockeye salmon escapement.

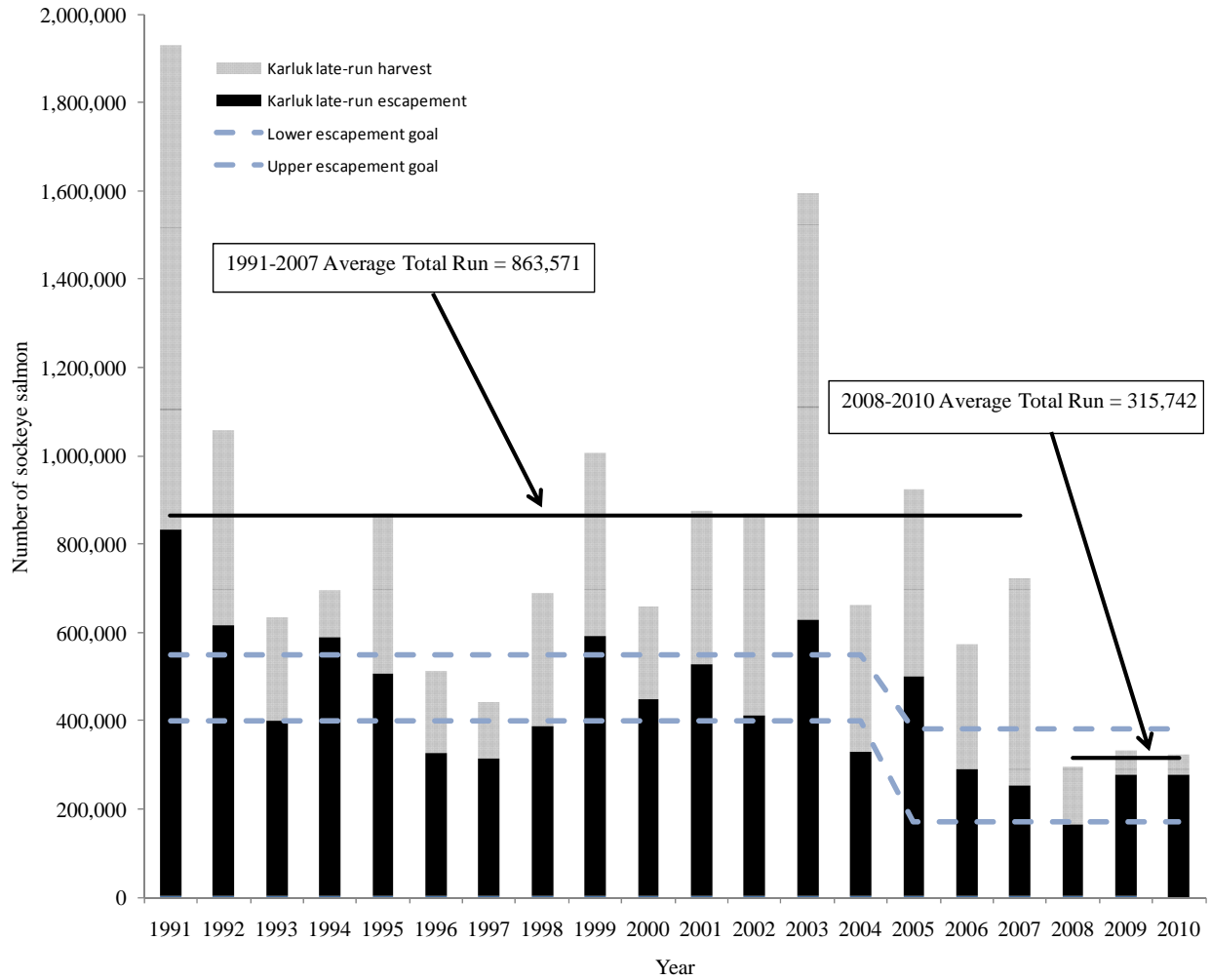


Figure 64-3.—Graph showing Karluk Lake sockeye salmon late-run total run since the management plan was put into effect in 1991.

PROPOSAL 65 – 5 AAC 18.362. Westside Kodiak Salmon Management Plan.

PROPOSED BY: Peter Danelski.

WHAT WOULD THE PROPOSAL DO? This proposal would allow for only set gillnet fishing time with a mesh size of no less than six inches in the Central and North Cape sections of the Northwest Kodiak District after August 15 (Figure 65-1) if Northwest Kodiak District coho salmon escapement goals are being met, but late-run sockeye salmon and/or Northwest Kodiak District pink salmon escapement goals are not meeting escapements. The proposal would mandate a 15,000 late-run sockeye and/or pink salmon cap. As written, the proposal would close the Central and North Cape sections if the harvest of pink and/or sockeye salmon reaches 15,000 fish. If there are concerns for both late-run sockeye and pink salmon runs, then the cap would be 15,000 sockeye and 15,000 pink salmon. While the late-run sockeye salmon stock is not specified, the implication and intent is most likely late-run sockeye salmon returning to the Karluk system. The six-inch gear would presumably allow the harvest of larger coho salmon while allowing the smaller pink and sockeye salmon to escape.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 18.362. *Westside Kodiak Salmon Management Plan* (b). The Central and North Cape Sections must be managed:

(4) from approximately August 16 through August 24, based on pink salmon returning to the Northwest Kodiak District and on late-run sockeye salmon returning to the Karluk system;

(5) from approximately August 25 through September 5, based on late-run sockeye salmon returning to the Karluk system;

(6) after approximately September 5, based on late-run sockeye salmon returning to the Karluk system and coho salmon returning to the Northwest Kodiak District;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The intent of this proposal is to allow fishing periods to continue in the Central and North Cape sections after August 15 if Northwest Kodiak District coho salmon escapements are being met, and Northwest Kodiak District pink salmon and/or on Karluk Lake late-run sockeye salmon escapements are not being met.

These additional fishing periods would be for set gillnet gear only, and only with set gillnet mesh size no less than six inches. Additional fishing periods would continue during this timeframe until a cumulative catch of 15,000 sockeye and/or pink salmon are harvested. As written, this proposal would not allow fishing with seine gear during this timeframe.

The current management plan, during the specified timeframe, allows for commercial salmon fishing with purse seine, beach seine and set gillnet gear. The management plan is designed to protect both Northwest Kodiak District pink salmon, and Karluk Lake late-run sockeye salmon escapement. Allowing for fishing periods during this timeframe based on Northwest Kodiak District coho salmon escapement would decrease the department's ability to control Karluk Lake late-run sockeye salmon and Northwest Kodiak District pink salmon escapements. As written,

this proposal would allow fishing with six-inch gillnet gear and would be based on coho salmon escapement goals.

While it is true that coho salmon harvest peaks in mid-August (Figure 65-2), coho salmon do not begin to enter into Northwest Kodiak District streams until early September. This proposal would change the intent of this management plan during this timeframe from protecting Northwest Kodiak District pink and Karluk Lake late-run sockeye salmon escapement to protecting Northwest Kodiak District coho salmon escapement. Furthermore, the department currently does not have any established coho salmon escapement goals in Northwest Kodiak District.

BACKGROUND: The *Westside Kodiak Salmon Management Plan* is the achievement of long-term management strategies which were initially implemented in 1971 and placed into regulation in 1990. Placing the management plan in regulation clarified the management strategy and helped maintain the biological integrity of local salmon stocks while alleviating allocative concerns of local fishermen.

The intent of this management plan is to harvest salmon bound to local systems in traditional fisheries. Due to the mixing of various local salmon stocks during the inshore migration, the plan is complex, but provides a predictable framework for the major sockeye, pink, chum, and coho salmon stocks from the west side of Kodiak. The plan is in effect for the entire salmon season and covers the Southwest and Northwest Kodiak districts, as well as the Southwest Afognak Section (Figure 65-1).

The management plan guides prosecution of early and late-run sockeye salmon fisheries, including those targeting the major systems of Ayakulik and Karluk Lakes, as well as local pink, chum, and coho salmon fisheries. The current management plan allows for commercial salmon fishing in the Northwest Kodiak District after September 5 based on Karluk Lake late-run sockeye salmon and Northwest District coho salmon escapement.

All of the major salmon streams of the Northwest Kodiak District have established coho salmon runs. However, the department currently has no Northwest Kodiak District coho salmon escapement goals. All coho salmon escapement monitoring in the Northwest Kodiak District is accomplished incidentally to pink and chum salmon escapement surveys. Due mainly to budget restrictions, Westside coho salmon escapement data are incomplete because of the lack of peak survey counts. However, coho salmon escapement in the Northwest Kodiak District seems to peak in late September to early October.

Although, coho salmon harvest peaks in mid August (Figure 65-2), it is proportionally very small compared to pink and sockeye salmon harvests (Figure 65-3). Furthermore, coho salmon catch per unit effort (CPUE) does not peak until mid-September (Figure 65-2). The current plan allows the department to manage both Karluk Lake late-run sockeye and Northwest District coho salmon during the appropriate timeframe.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. However, given the proposal's gear restrictions, the department is uncertain what would

be the actual incidental harvest of sockeye and pink salmon. While the proposal may alleviate some biological concerns by mandating both gear restrictions and harvest caps, the department is **OPPOSED** to harvesting any sockeye or pink salmon if runs are less than the lower escapement goal. The current plan allows managers to protect both Karluk Lake late-run sockeye salmon and Northwest Kodiak District pink salmon escapements. The department is also **OPPOSED** to creating unusually complicated and burdensome management plans. The department does not have the additional necessary resources to allocate increased monitoring of the Westside fishery.

COST ANALYSIS: Approval of this proposal could result in an additional direct cost for a private person to participate in this fishery. In order to participate in the proposed fishery, set gillnet permit holders would need to purchase six inch mesh gillnet gear.

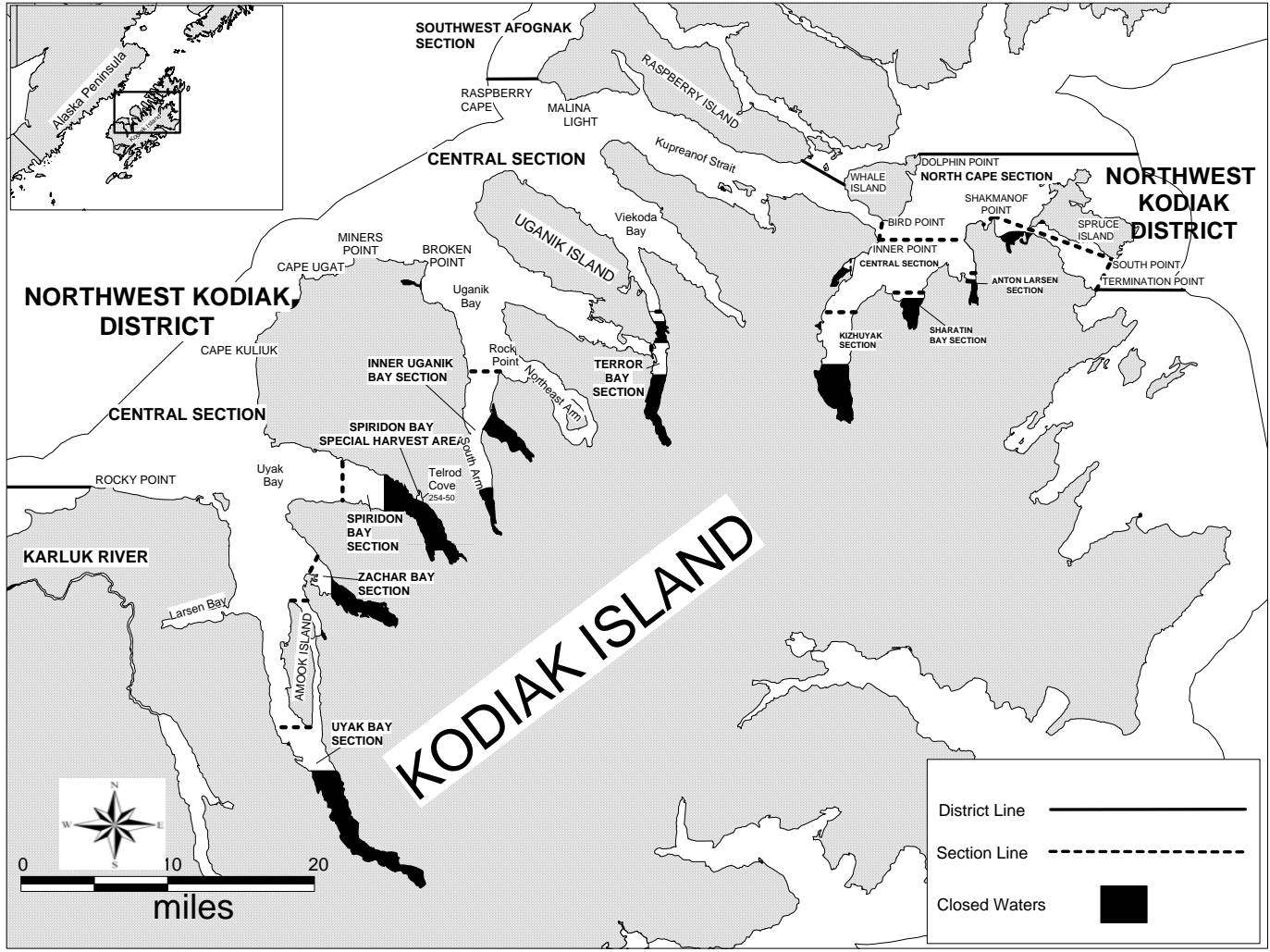


Figure 65-1.-Map of the Northwest Kodiak District identifying commercial salmon fishing sections.

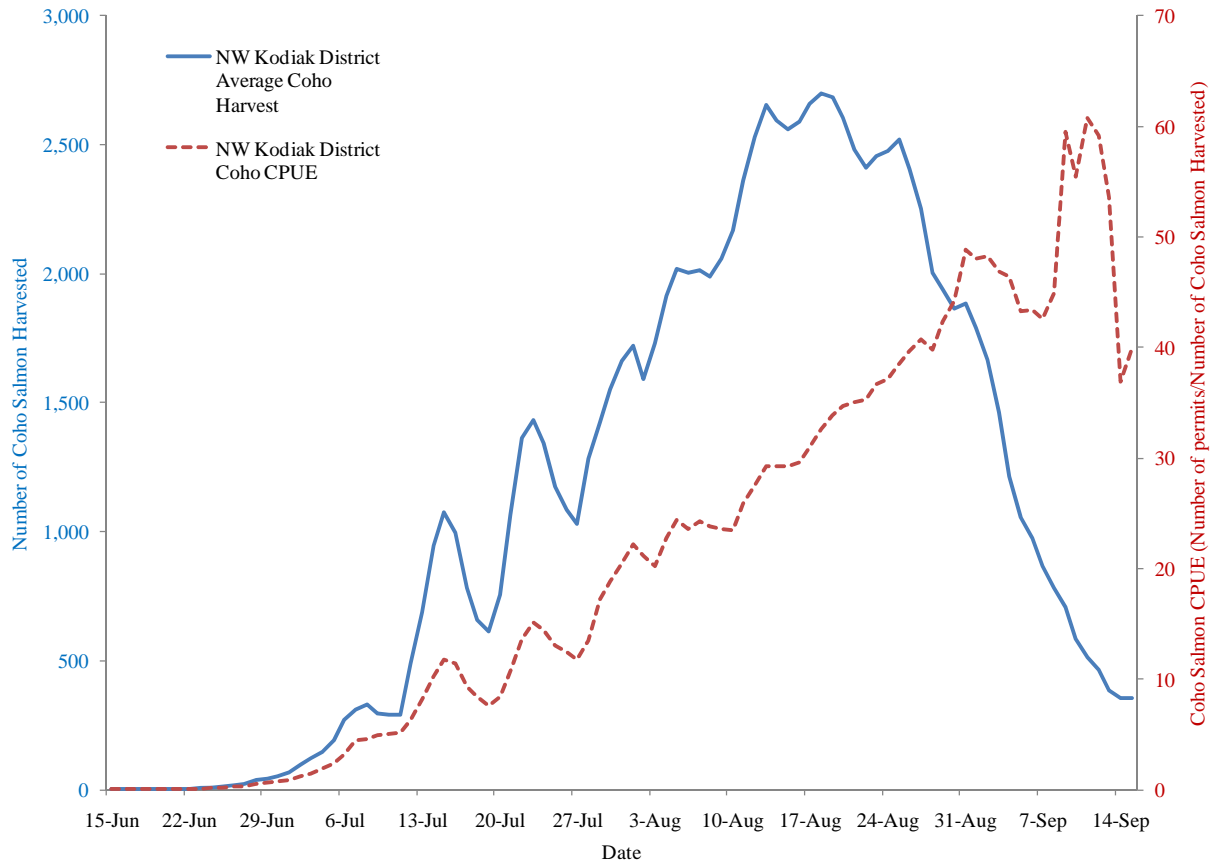


Figure 65-2.—Graph showing Northwest Kodiak District coho salmon harvest in relation to coho salmon CPUE.

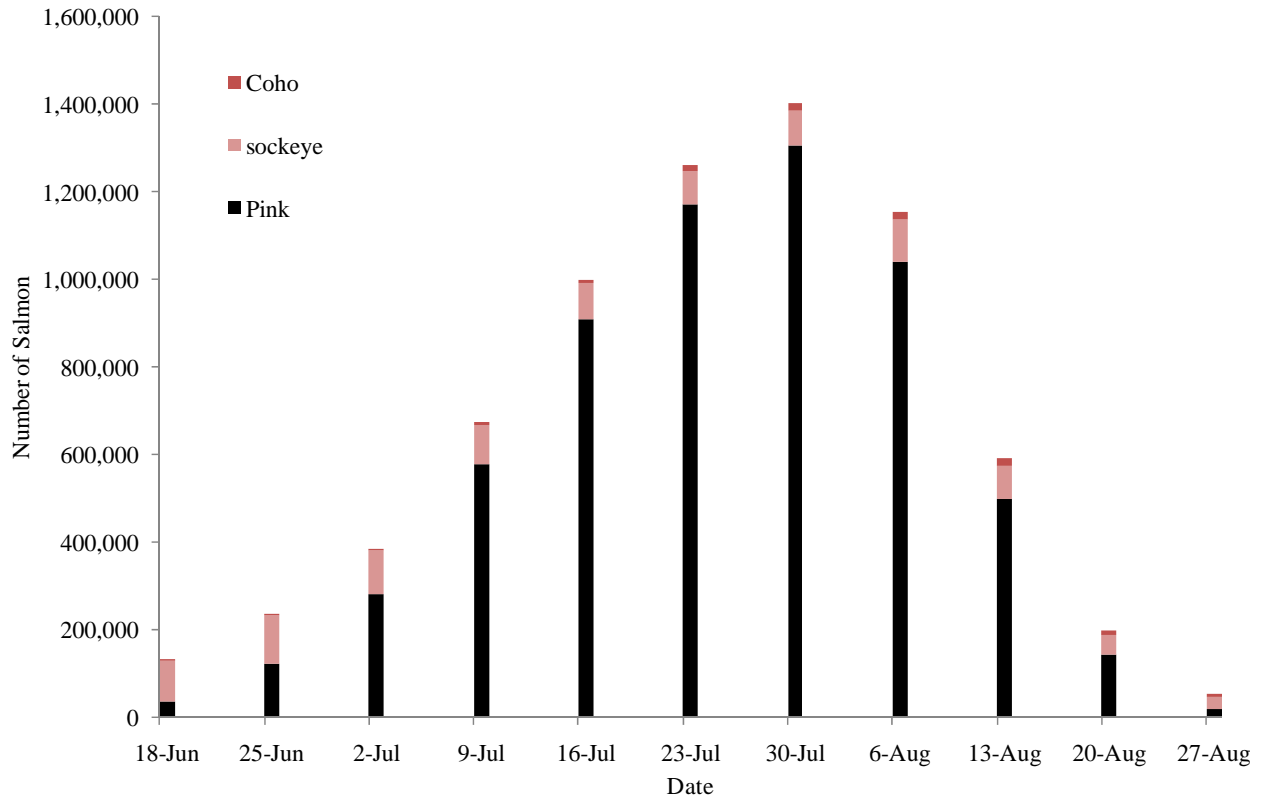


Figure 65-3.—Graph showing the weekly proportion of salmon harvested in the Northwest Kodiak District.

PROPOSAL 66 – 5 AAC 18.362. Westside Kodiak Salmon Management Plan.

PROPOSED BY: Peter Danelski.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would allow more fishing time in the Central and North Cape sections of the Northwest Kodiak District (Figure 66-1) if either Karluk Lake late-run sockeye salmon or Northwest Kodiak pink salmon escapement goals are not met.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 18.362. *Westside Kodiak Salmon Management Plan* (b)(4). The Central and North Cape Sections must be managed from approximately August 16 through August 24, based on pink salmon returning to the Northwest Kodiak District and on late-run sockeye salmon returning to the Karluk system;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would allow fishing periods to continue in the Central and North Cape sections of the Northwest Kodiak District, between approximately August 16 and August 24, if Northwest Kodiak District pink salmon escapements are being met and Karluk late-run sockeye salmon escapement is not. If adopted, it would also allow for fishing periods to continue if Karluk late-run sockeye salmon escapement is being met and Northwest Kodiak District pink salmon escapements are not.

The current plan allows the department to assure Karluk Lake late-run sockeye salmon and pink salmon escapement goals are being met. If this proposal were adopted, the commercial fishery would be closed only when both Karluk Lake late-run sockeye salmon and Northwest Kodiak District pink salmon escapements are not being met.

BACKGROUND: The *Westside Kodiak Salmon Management Plan* is the achievement of long-term management strategies which were initially implemented in 1971 and placed into regulation in 1990. Placing the management plan in regulation clarified the management strategy and helped maintain the biological integrity of local salmon stocks while alleviating allocative concerns of local fishermen.

The intent of this management plan is to harvest salmon bound to local systems in traditional fisheries. Due to the mixing of various local salmon stocks during the inshore migration, the plan is complex, but provides a predictable framework for the major sockeye, pink, chum, and coho salmon stocks from the west side of Kodiak. The plan is in effect for the entire salmon season and covers the Southwest and Northwest Kodiak districts, as well as the Southwest Afognak Section (Figure 66-1).

The management plan guides prosecution of early- and late-run sockeye salmon fisheries, including those targeting the major systems of Karluk Lake, Ayakulik River, and other minor sockeye salmon systems, as well as local pink, chum, and coho salmon fisheries. For the Northwest Kodiak District, the Central and North Cape sections are managed from June 1 through July 5 based on early-run sockeye salmon returning to Karluk Lake.

The pink salmon fishery opens on July 6 and the length of the initial weekly fishing periods are based on the current year's (wild stock) pink salmon forecast. During the peak pink salmon harvest period, from late July to mid-August (Figure 66-2), fishing periods are adjusted to match the actual strength of the pink salmon run.

During the August overlap period, from approximately August 16 through August 24, the Central and North Cape sections are opened and closed based on both Karluk Lake late-run sockeye and pink salmon returning to the major systems of the Northwest Kodiak District. By this time, 80% to 95% of the pink salmon have been harvested in the Northwest Kodiak District and Karluk late-run sockeye salmon escapement has begun to increase (Figure 66-2). From August 25 through September 5, the Central and North Cape sections are managed based on late-run sockeye salmon returning to Karluk Lake. After September 5, the fishery is managed both on late-run sockeye salmon returning to Karluk Lake and coho salmon returning to the major systems of the Northwest Kodiak District. This blended management has allowed for protection of both salmon present within the Northwest Kodiak District, as well as sockeye salmon returning to the Karluk Lake system.

From 2008 to 2010, weak runs of Karluk Lake late-run sockeye salmon have resulted in commercial salmon fishing restrictions on the west side of Kodiak during August and September. During the 17-year period before the decline in productivity (1991–2007), the Karluk Lake late-run average run was 863,571 sockeye salmon. From 2008 through 2010, the Karluk Lake late-run average run has only been 315,742 sockeye salmon (Figure 66-3). In 2008, managers allowed commercial salmon fishing during the August overlap period that contributed to the Karluk Lake late-run not reaching its minimum escapement goal of 170,000 sockeye salmon. The 2008 Karluk Lake late-run sockeye salmon escapement of 164,419 was the lowest escapement since the inception of the *Westside Management Plan* (Figure 66-3) and was the lowest on record since 1982.

Only three times since 1991 has commercial salmon fishing in the Central and North Cape sections been closed for the entire August overlap period. In 1992, the department kept the Northwest Kodiak District closed due to perceived weak late-run Karluk Lake sockeye salmon escapement even though Westside Kodiak pink salmon escapement was adequate. In 2009, poor Karluk Lake late-run escapement again caused the department keep the Northwest Kodiak District closed during August and early September, even though Northwest Kodiak District pink and coho salmon escapements were adequate. In 2010, both poor Karluk Lake late-run sockeye salmon escapement and weak pink salmon escapements resulted in a closure of the Northwest District during August and early September.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal based on biological concerns for Karluk late-run sockeye salmon escapement. The current plan allows managers to protect the Karluk late-run sockeye even if Northwest Kodiak District pink salmon escapements are adequate. The department is further **OPPOSED** to creating unusually complicated and burdensome management plans. The department does not have the additional necessary resources to allocate increased monitoring of the Westside fishery.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

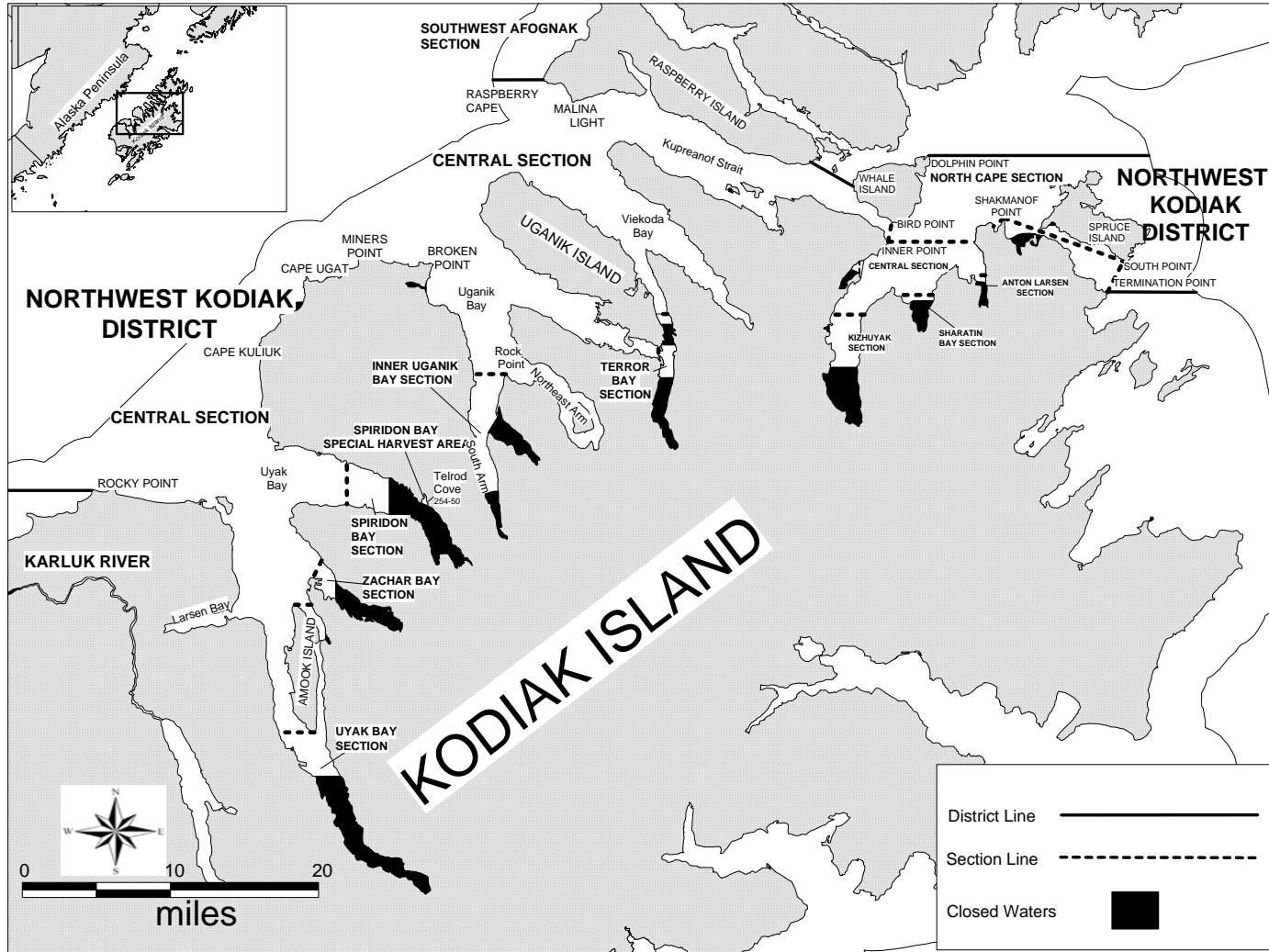


Figure 66-1.—Map of the Northwest Kodiak District identifying commercial salmon fishing sections and statistical areas.

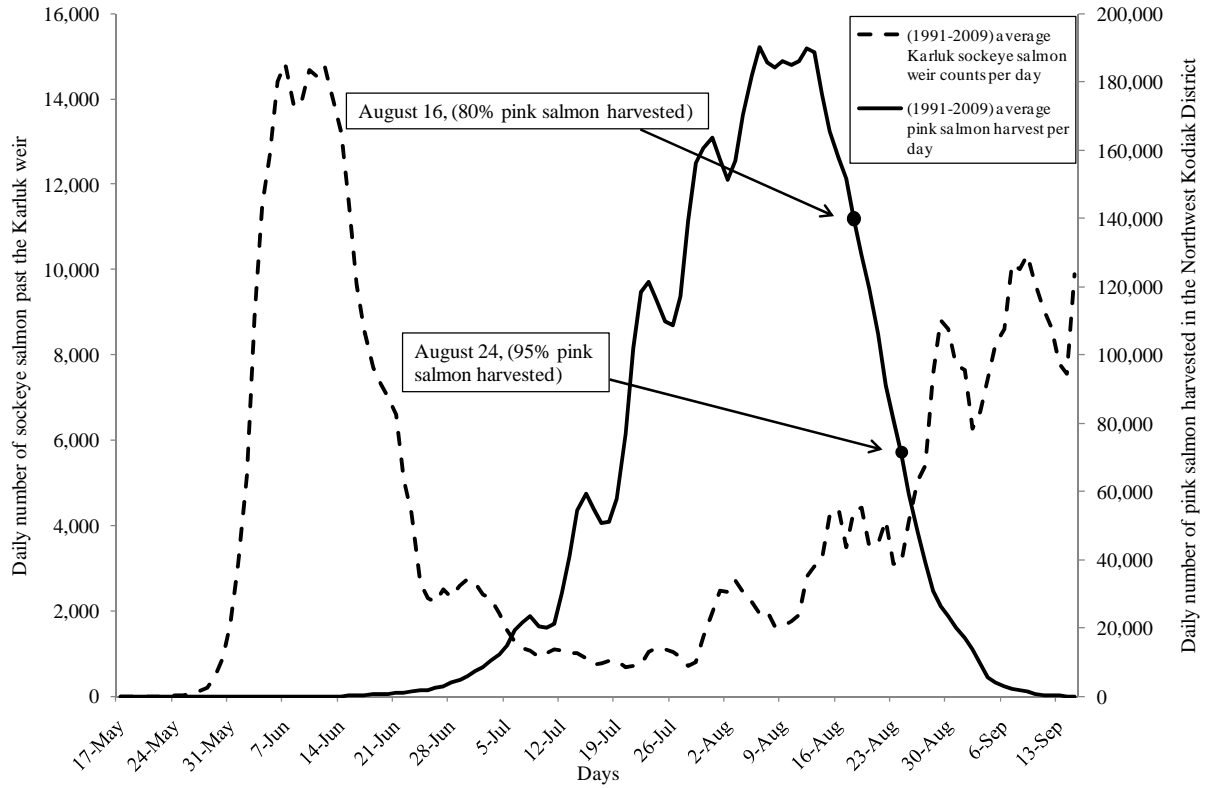


Figure 66-2.—Graph showing Northwest Kodiak District pink salmon harvest in relation to both Karluk Lake early-run and late-run sockeye salmon escapement.

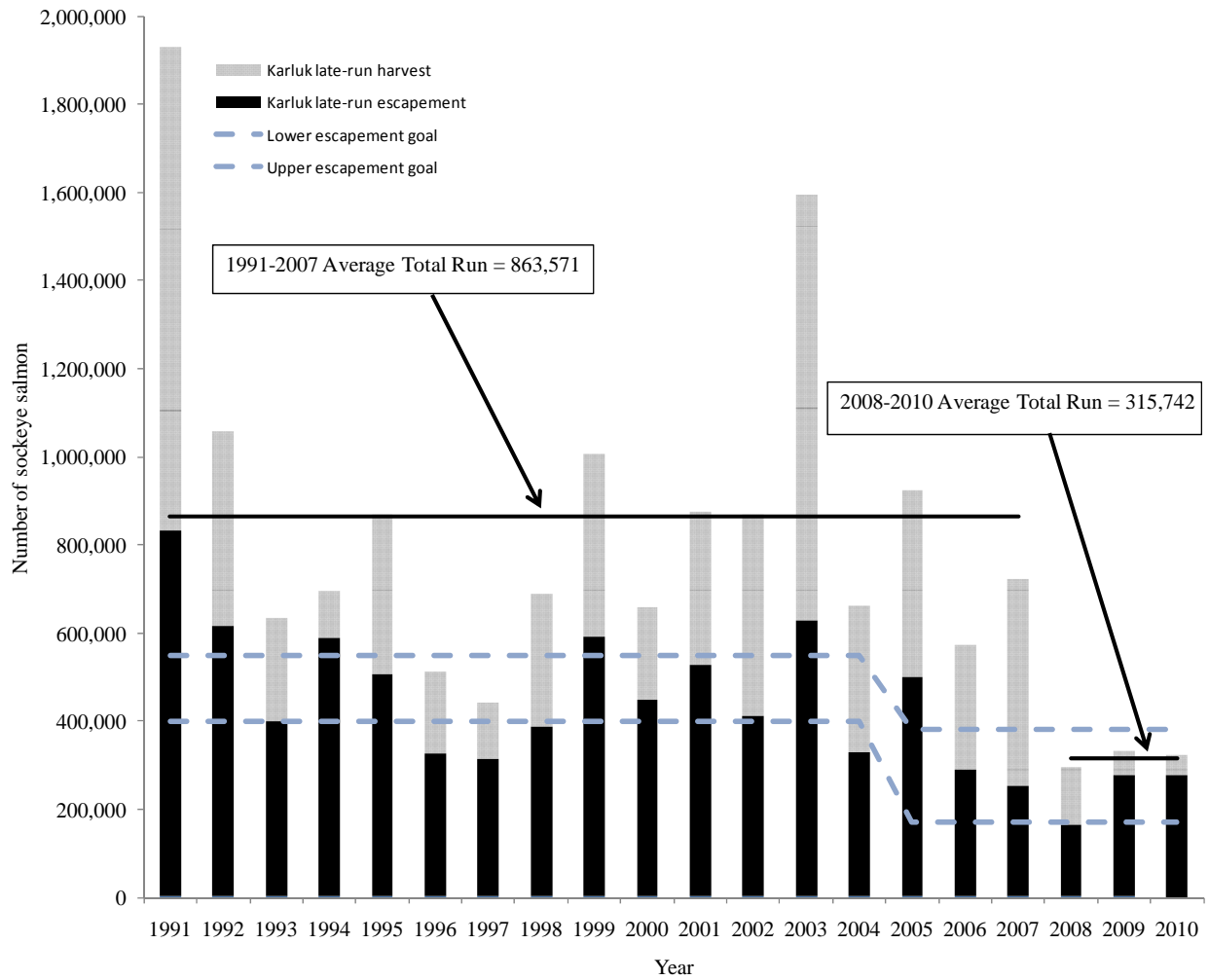


Figure 66-3.—Graph showing Karluk sockeye salmon late-run total run since the management plan was put into effect in 1991.

PROPOSAL 67 – 5 AAC 18.362. Westside Kodiak Salmon Management Plan.

PROPOSED BY: Alitak District Fishermen.

WHAT WOULD THE PROPOSAL DO? The intent of this proposal appears to tie the *Westside Kodiak Salmon Management Plan* to the minimum escapement goals in the major systems of Olga Bay. However, this proposal does not provide specific language that would provide management actions for managing both the Alitak District and the Westside Kodiak districts. The proposal lacks clarity as to how to accomplish that intent and therefore, it is unclear what this proposal would do.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 18.362. *Westside Kodiak Salmon Management Plan* (a). The goal of the *Westside Kodiak Management Plan* is to achieve escapement and harvest objectives of sockeye salmon returning to the Karluk, Ayakulik Lakes, and other Westside minor sockeye salmon systems, and of pink, chum, and coho salmon returning to systems in the Southwest Afognak, Central, North Cape, Anton Larsen Bay, Sheratin Bay, Kizhuyak Bay, Terror Bay, Inner Uganik Bay, Spiridon Bay, Zachar Bay, Uyak Bay, Outer Karluk, Inner Karluk, Sturgeon Bay, Halibut Bay, Outer Ayakulik, and Inner Ayakulik sections. It is the intent of the board that salmon bound to these systems be harvested, to the extent possible, by the traditional fisheries located in all 17 sections. The department shall manage the Northwest Kodiak and Southwest Kodiak districts and the Southwest Afognak Section in accordance with the guidelines set out in this plan;

The current *Westside Kodiak Management Plan* takes into account Olga Bay sockeye salmon stocks in three separate locations:

5 AAC 18.362 (b)(1). The Central and North Cape Sections must be managed from June 1 through approximately June 15, as mixed-stock fishery directed on early-run sockeye returning to Karluk, Ayakulik, and **Olga Bay systems**; the commissioner shall open, by emergency order, at least two commercial test fishing periods of 33 hours in length;

5 AAC 18.362 (d)(1). The Southwest Afognak Section must be managed from June 1 through approximately June 15, as mixed-stock fishery directed on early-run sockeye returning to Karluk, Ayakulik, and **Olga Bay systems**; the commissioner shall open, by emergency order, one commercial test fishing period of 33 hours in length;

5 AAC 18.362 (f)(1). The Sturgeon and Halibut Bay Sections must be managed from June 1 through approximately June 22, as mixed-stock fisheries directed on early-run sockeye salmon returning to Karluk, Ayakulik, and **Olga Bay systems**; the department shall not open any commercial fishing periods during this time;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The details of this proposal are unclear. There seems to be intent to restrict fishing periods in the Southwest and Northwest Kodiak districts, as well as the Southwest Afognak Section of the Afognak District (Figures 67-1 and 67-2), until the minimum escapement goals in the major sockeye salmon systems of Olga Bay are met. As written, this proposal would require the department to

manage the Westside Management Area without regard to Karluk, Ayakulik, and other Westside minor systems until the minimum escapement goals of the major sockeye systems of Olga Bay were met. The department would manage the westside Kodiak based on the early-run Upper Station optimal escapement goal (OEG), as well as the late-run Upper Station and the Frazer sockeye salmon escapement goals. It is not certain how the department would manage for the Karluk and Ayakulik escapements.

From June 1 through June 15, the *Westside Kodiak Salmon Management Plan* directs the department to manage the Central, North Cape, and Southwest Afognak sections as a mixed stock fishery directed on early-run sockeye salmon returning to Karluk, Ayakulik Lakes, and Olga Bay systems. This management plan also directs the department to not open the Sturgeon and Halibut Bay sections from June 1 through June 22 due to the mixing of Olga Bay and Westside Kodiak sockeye salmon stocks.

However, the overall goal of the *Westside Kodiak Salmon Management Plan* (5 AAC 18.362 (a)) is to achieve the escapement and harvest objectives of sockeye salmon returning to the Karluk, Ayakulik Lakes, and other Westside minor sockeye salmon systems, as well as pink, chum, and coho salmon returning to the major systems in the Southwest and Northwest Kodiak districts (Figures 67-1 and 67-2). In years when there are strong returns of either Karluk or Ayakulik Lake sockeye salmon, extended fishing time has been warranted on the Westside of Kodiak to control escapement.

Placing language in the overall goal of this management plan requiring the department to meet the minimum escapement goals in the major sockeye systems of Olga Bay would decrease the department's ability to control the escapement of Karluk and Ayakulik Lake sockeye salmon, as well as Southwest and Northwest district pink salmon. Furthermore, the department does not have the necessary tools to gauge the magnitude of Olga Bay stocks harvested on the west side of Kodiak and would not be able to make critical management decisions in a timely manner.

BACKGROUND: The *Westside Kodiak Salmon Management Plan* is the achievement of long-term management strategies which were initially implemented in 1971 and placed into regulation in 1990. Placing the management plan in regulation clarified the management strategy and helped maintain the biological integrity of local salmon stocks while alleviating allocative concerns of local fishermen.

The intent of this management plan is to harvest salmon bound to local systems in traditional fisheries. Due to the mixing of various local salmon stocks during the inshore migration, the plan is complex, but provides a predictable framework for the major sockeye, pink, chum, and coho salmon stocks found in Westside Kodiak management areas. The plan is in effect for the entire salmon season and covers the Southwest and Northwest Kodiak districts, as well as the Southwest Afognak Section (Figures 67-1 and 67-2).

This management plan guides early- and late-run sockeye salmon fisheries, including those targeting the major systems of Ayakulik and Karluk Lakes, and the minor systems of Little River, Uganik, and Malina. The *Westside Kodiak Management Plan* also guides local pink,

chum, and coho salmon fisheries of the Southwest Afognak Section and the Northwest and Southwest Kodiak districts.

The major sockeye salmon systems of the Westside of Kodiak are Karluk and Ayakulik lakes (Figures 67-1 and 67-2). The major sockeye salmon systems of Olga Bay are Frazer and Upper Station Lakes (Figure 67-3). While Karluk and Ayakulik are managed under the *Westside Kodiak Salmon Management Plan* (5 AAC 18.362), Frazer and Upper Station are managed under the *Alitak District Salmon Management Plan* (5 AAC 18.361).

Karluk Lake and Upper Station Lake early- and late-runs share similar run timing, but Karluk Lake is considerable larger (Figure 67-4). Ayakulik and Frazer are early-run stocks of comparable size (Figure 67-4), although Ayakulik is typically larger. It is commonly believed that the principal migration route for Karluk, Ayakulik, Frazer, and Upper Station sockeye salmon stocks is south along the west coast of Kodiak. However, there is no current stock composition data to indicate the actual percentage of each stock harvested in the Westside Kodiak management areas.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department does not have any recent Westside Kodiak commercial salmon harvest stock composition data. However, the department would be **OPPOSED** to any change to the *Westside Kodiak Salmon Management Plan* that would inhibit the department's ability to control the escapement of Northwest and Southwest Kodiak salmon stocks.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

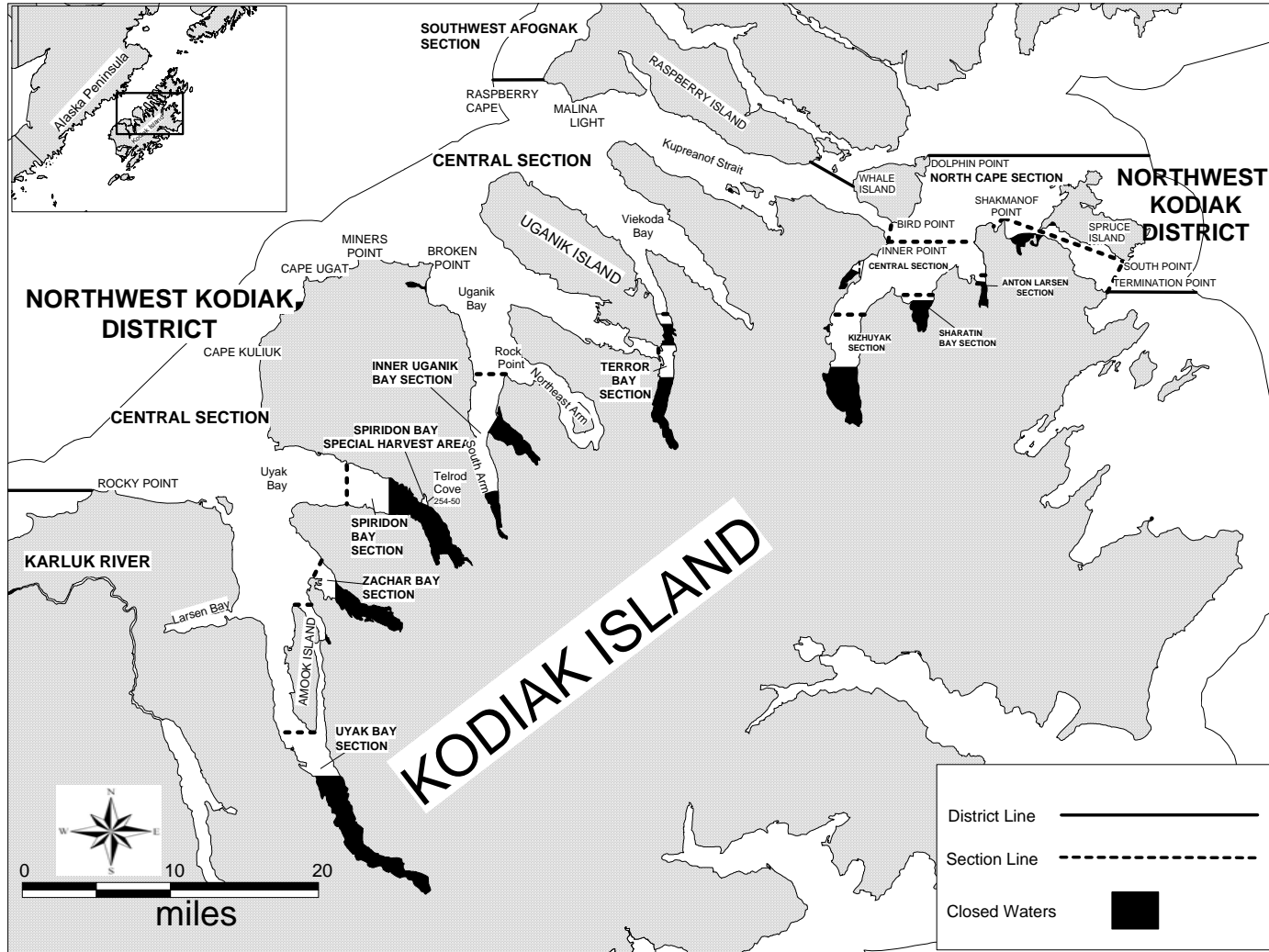


Figure 67-1.—Map of the Northwest Kodiak District identifying commercial salmon fishing sections and statistical areas.

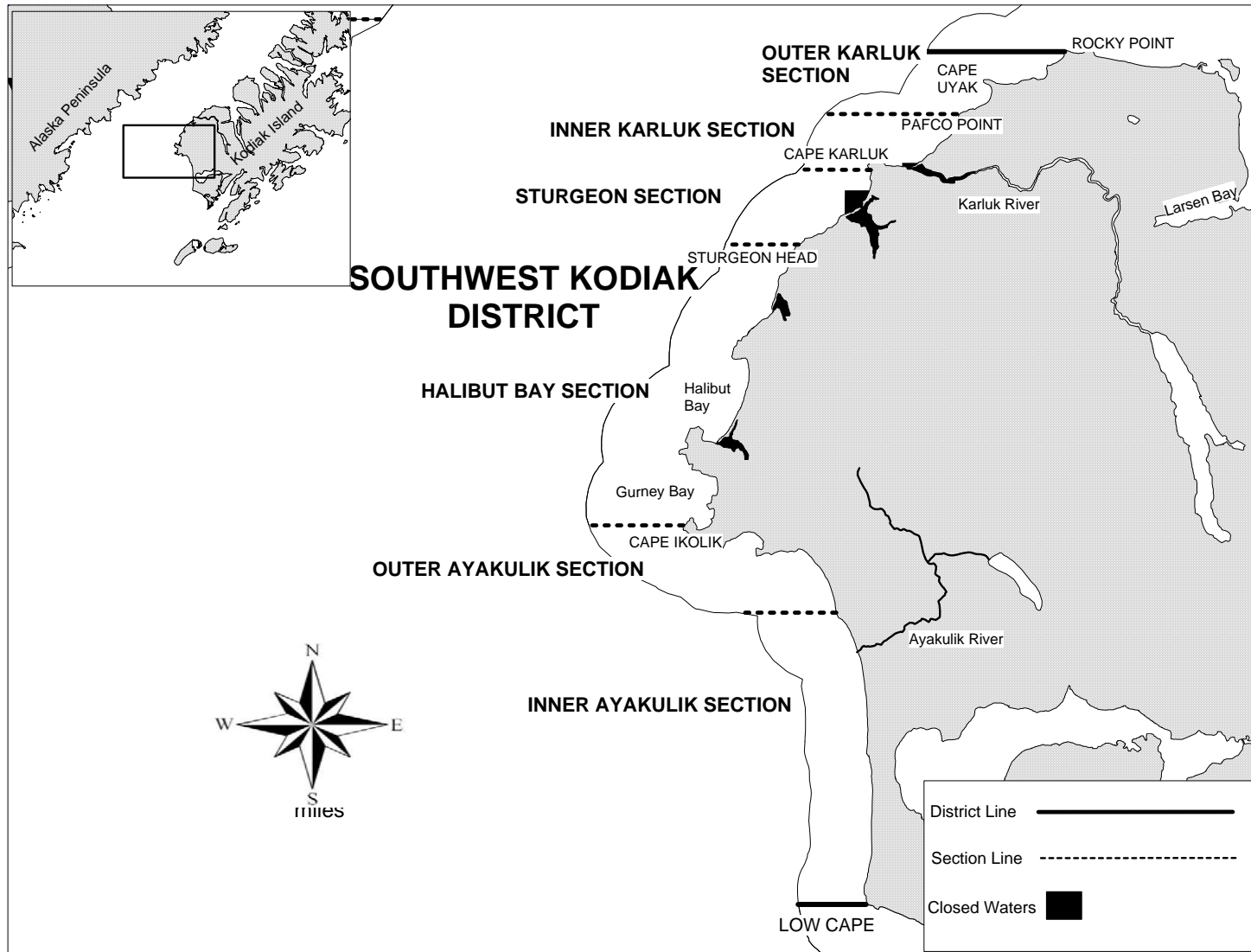


Figure 67-2.—Map of the Southwest Kodiak District identifying commercial salmon fishing sections and statistical areas.

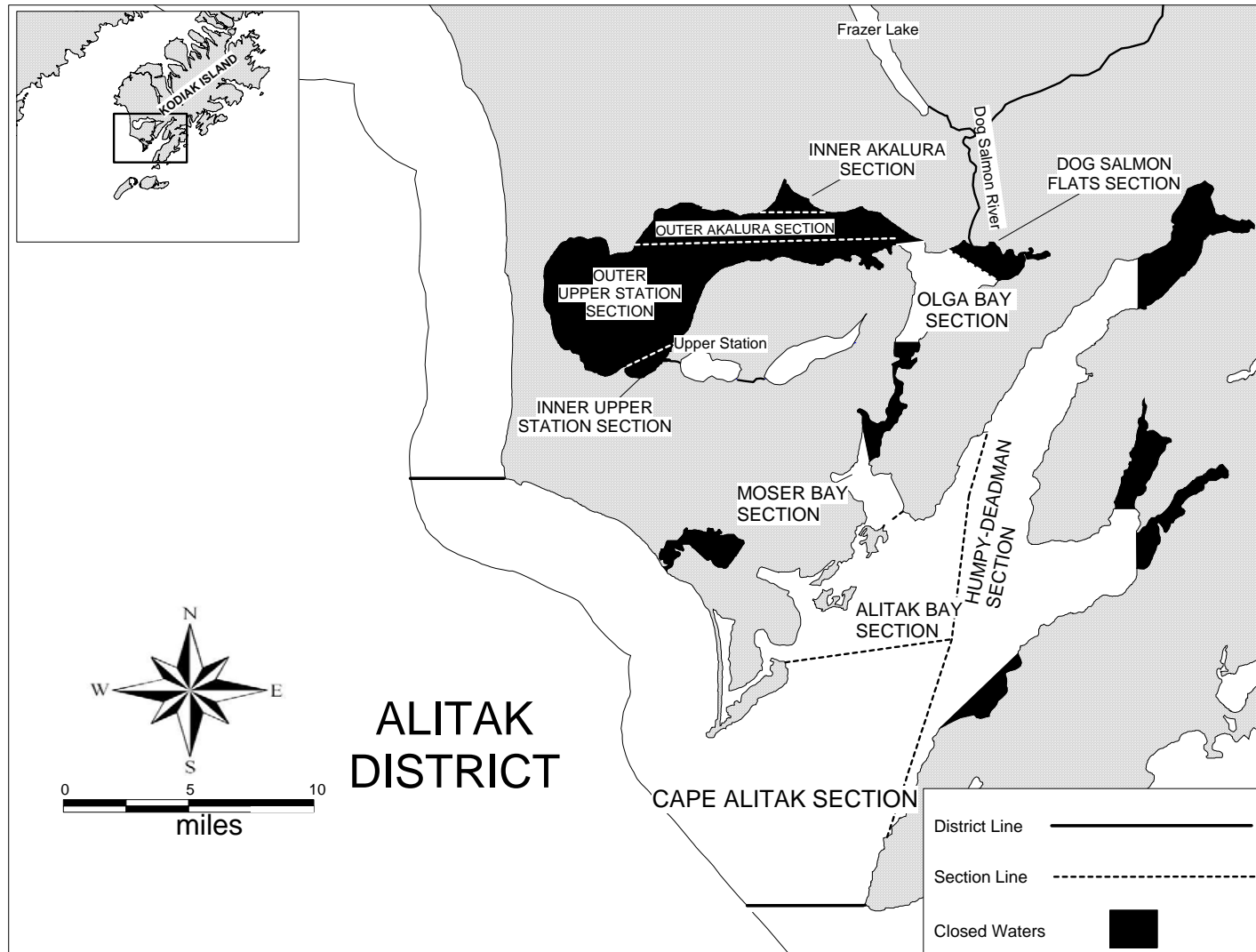


Figure 67-3.—Map of the Alitak District identifying commercial salmon fishing sections and major sockeye salmon stocks.

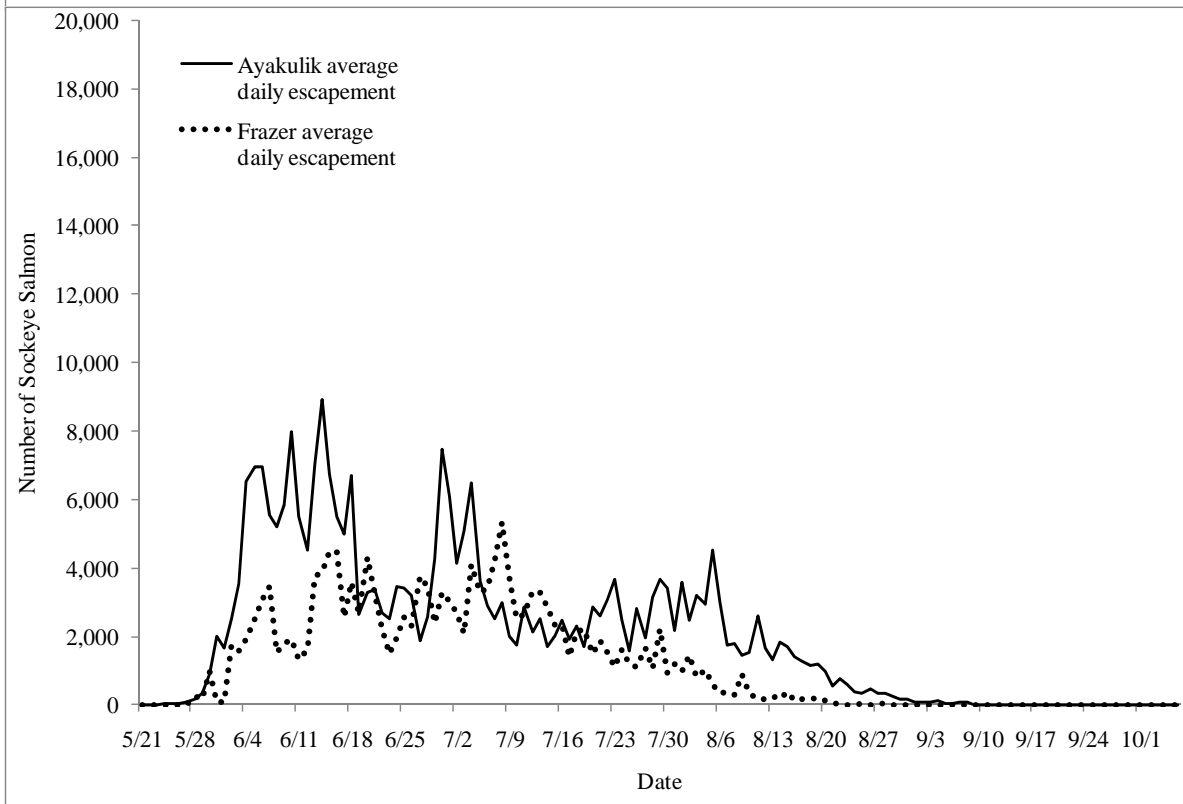
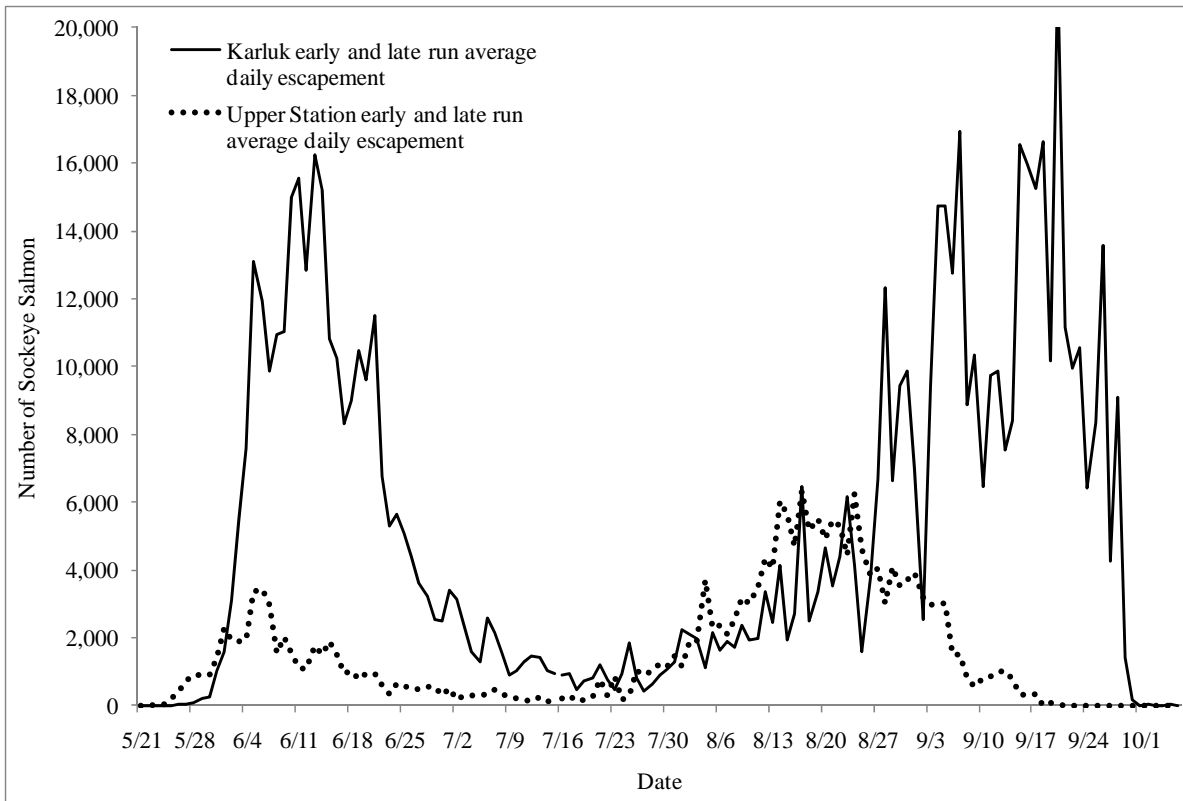


Figure 67-4.—Graphs of the of the average daily escapement of the four dominant sockeye salmon stocks of Kodiak, Karluk, Ayakulik, Frazer, and Upper Station lakes.

PROPOSAL 68 – 5 AAC 18.362. Westside Kodiak Salmon Management Plan.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the department to open the Inner Karluk Section of the Southwest Kodiak District earlier on years of large Karluk Lake early-run sockeye salmon runs.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 18.362. *Westside Kodiak Salmon Management Plan* (e). The Inner and Outer Karluk sections must be managed from June 1 through July 15, based on early-run sockeye salmon returning to the Karluk system; the commissioner may open, by emergency order, fishing periods in the Inner Karluk Section only if the department determines that the desired early-run escapement goal will be exceeded in the Outer Karluk Section, from June 16 through approximately July 15, the commissioner shall open fishing periods to occur at the same time as open fishing periods in the Central Section;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would change the current regulation to allow the Inner Karluk Section to open if the Karluk Lake early-run sockeye salmon escapement goal has been achieved. The current regulation language only allows the Inner Karluk Section to open if the Karluk Lake early-run sockeye salmon escapement goal has been exceeded. This would give the department more flexibility in managing the Inner Karluk Section and better control Karluk Lake early-run sockeye salmon escapement (Figure 68-1). The department could open the Inner Karluk Section when the escapement goal of 110,000 to 250,000 fish is determined to be achieved, instead of waiting until it is determined that the upper end of the goal will be exceeded.

Continually exceeding the Karluk Lake sockeye salmon upper escapement goal during the years 1999 to 2005 (Figure 68-2) likely produced a highly competitive rearing environment, taxing the forage base of Karluk Lake, and affecting the growth of Karluk Lake sockeye salmon. This has likely contributed to the poor Karluk Lake sockeye salmon runs from or during 2008 through 2010. Opening the Inner Karluk Section earlier will allow the department to better control Karluk Lake sockeye salmon escapement (Figure 68-1).

Proposed regulatory language as follows:

5 AAC 18.362. *Westside Kodiak Salmon Management Plan*.

(e) The Inner and Outer Karluk sections must be managed

(1) from June 1 through July 15, based on early-run sockeye salmon returning to the Karluk system; the commissioner may open, by emergency order, fishing periods in the Inner Karluk Section only if the department determines that the desired early-run escapement goal will be [EXCEEDED] **achieved**; in the Outer Karluk section, from June 16 through approximately July 15, the commissioner shall open fishing periods to occur at the same time as open fishing periods in the Central Section;

BACKGROUND: The *Westside Kodiak Salmon Management Plan* is the achievement of long-term management strategies which were initially implemented in 1971 and placed into regulation

in 1990. Placing the management plan in regulation clarified the management strategy and helped maintain the biological integrity of local salmon stocks while alleviating allocative concerns of local fishermen.

The intent of this management plan is to harvest salmon bound to local systems in traditional fisheries. Due to the mixing of various local salmon stocks during the inshore migration, the plan is complex, but provides a predictable framework for the major sockeye, pink, chum, and coho salmon stocks from the Westside of Kodiak. The plan is in effect for the entire salmon season and covers the Southwest and Northwest Kodiak districts, as well as the Southwest Afognak Section (Figures 68-1 and 68-3).

This management plan guides early and late-run sockeye salmon fisheries, including those targeting the major systems of Ayakulik and Karluk Lakes, and the minor systems of Little River, Uganik, and Malina Lakes. The *Westside Kodiak Management Plan* also guides local pink, chum, and coho salmon fisheries of the Southwest Afognak Section and the Northwest and Southwest Kodiak districts.

Salmon run strength and timing varies annually for the early-run sockeye salmon run to Karluk Lake and can change dramatically. Commercial fishing effort has declined, and commercial fisheries are now less effective at controlling escapement.

Before 2005, the Kodiak commercial salmon fishing season was open from June 5 through October 31. However, in practice, the earliest commercial fisheries opened later, usually on June 9. At the January 2005 board meeting, the commercial salmon fishing opening date for the KMA was changed from June 5 to June 1. From 1994 to 2005, the run timing into the Karluk system became increasingly earlier. In 1994, the early-run sockeye salmon lower goal was achieved by June 18 and by 2005, the early-run sockeye salmon lower goal was achieved by June 5. Beginning in 2006, the timing became later with the early-run sockeye salmon lower escapement goal being achieved by June 21, and in 2007, the lower goal was achieved by June 14 (Figure 68-4). Since 2008, the Karluk Lake early-run sockeye salmon escapements has failed to reach the minimum escapement goal of 110,000 salmon.

Fishing periods for the Inner Karluk Section are based on escapement objectives and announced inseason by emergency order. In years of low Karluk Lake early-run sockeye salmon abundance, the department provided little to no fishing time in the Inner Karluk Section. In years of high abundance more and longer fishing periods occurred. Currently, from June 1 through July 15, the Inner Karluk Section will not open unless the department determines that the desired early-run escapement goal will be exceeded. The inability to open the Inner Karluk Section until the early-run escapement goal has been exceeded led to continued overescapement of Karluk Lake sockeye salmon during the years 1999 to 2005 (Figures 68-2 and 68-5). This produced a highly competitive rearing environment, taxing the forage base of Karluk Lake, and affecting the growth of Karluk Lake sockeye salmon. This overescapement resulted in the poor Karluk Lake sockeye salmon runs in 2008 through 2010.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. Having the ability to opening the Inner Karluk Section earlier will allow the department to better

control Karluk Lake early-run sockeye salmon escapement and prevent the run from exceeding the upper escapement goal in years of strong returns.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

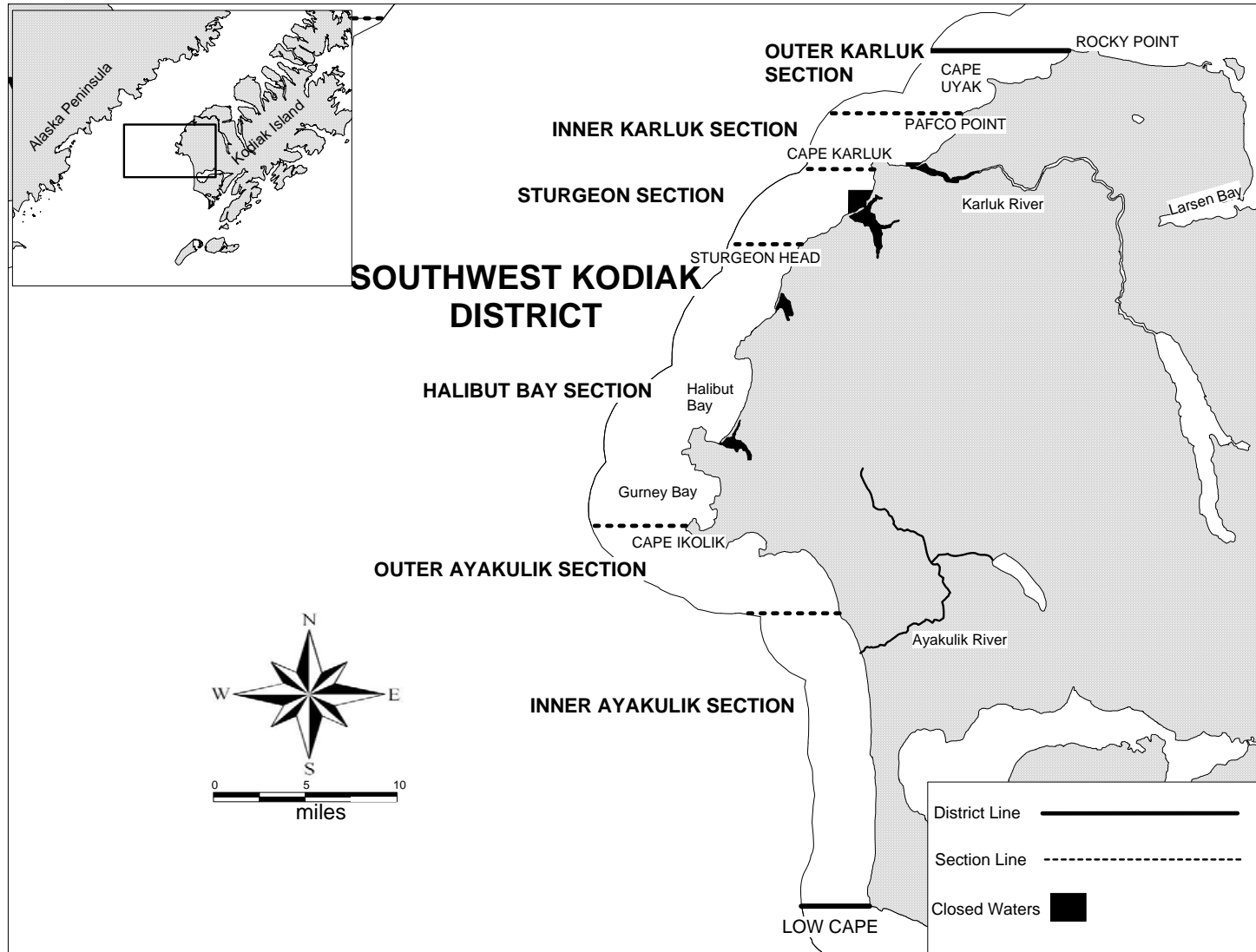


Figure 68-1.—Map of the Southwest Kodiak District identifying commercial salmon fishing sections.

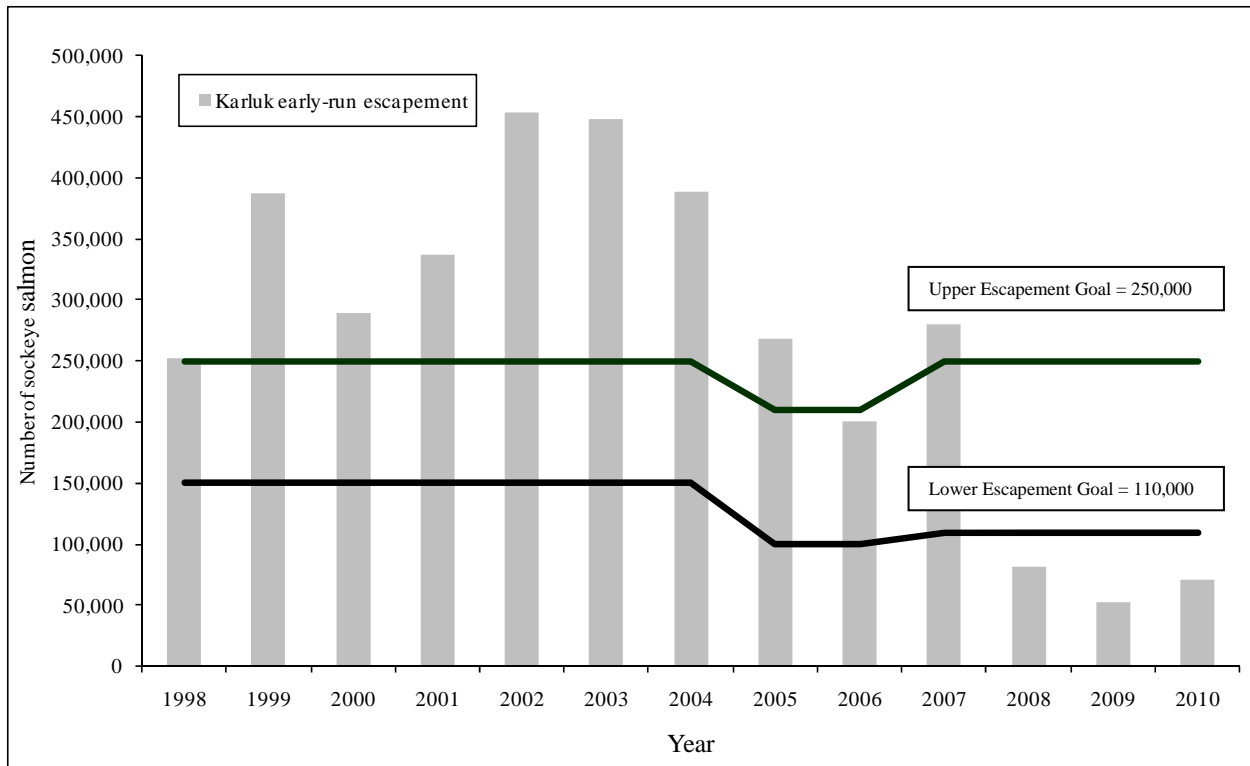


Figure 68-2.—Graph showing early-run sockeye salmon escapement to the Karluk Lake system through July 15 from 1998 to 2010.

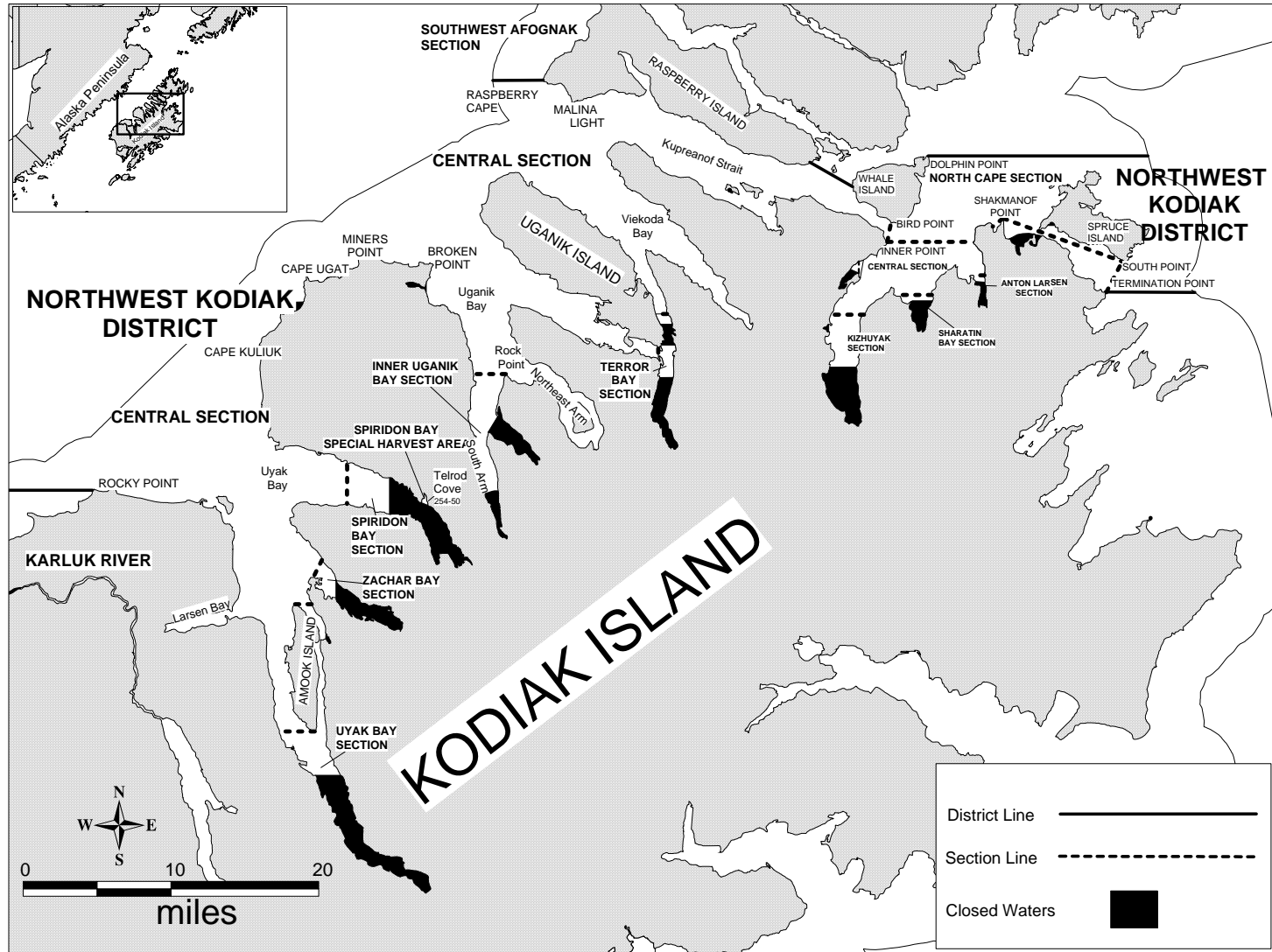


Figure 68-3.—Map of the Northwest Kodiak District identifying commercial salmon fishing sections.

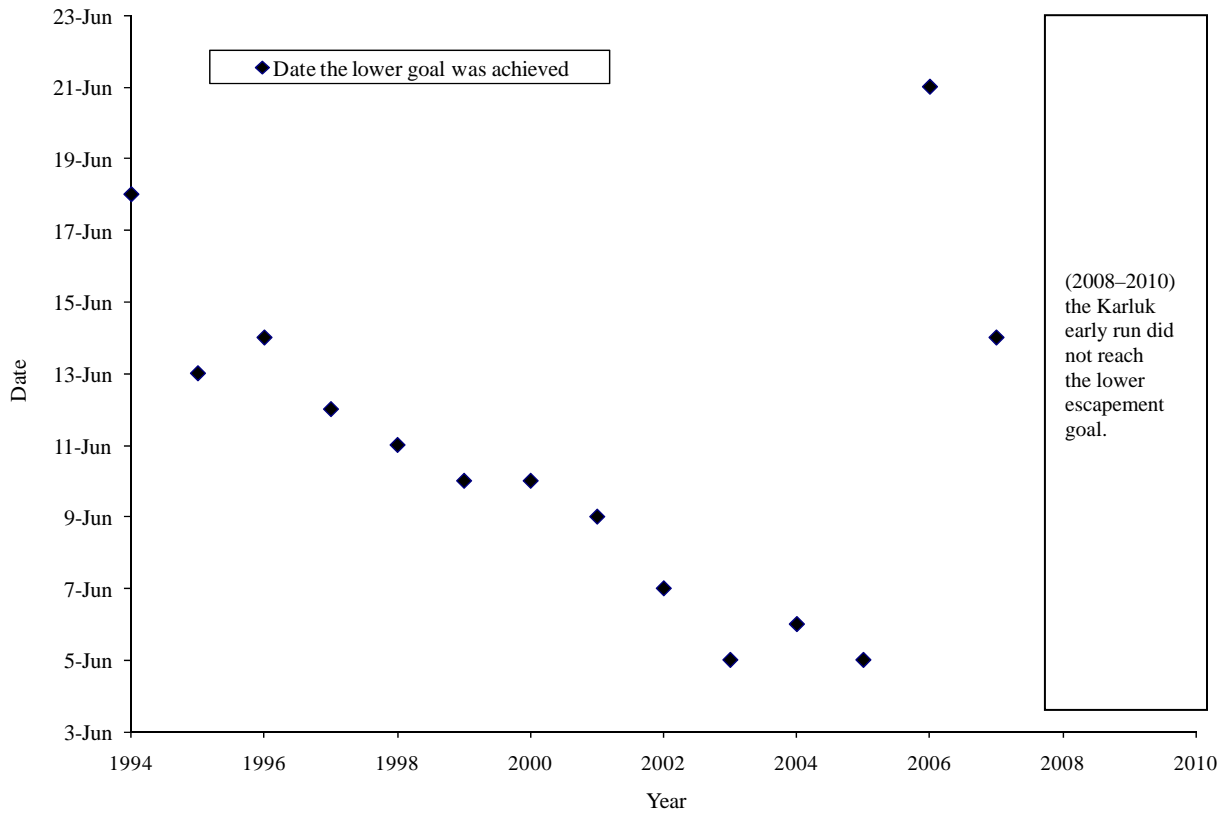


Figure 68-4.—Graph showing the date the early-run sockeye salmon lower escapement goal was achieved through the Karluk River weir.

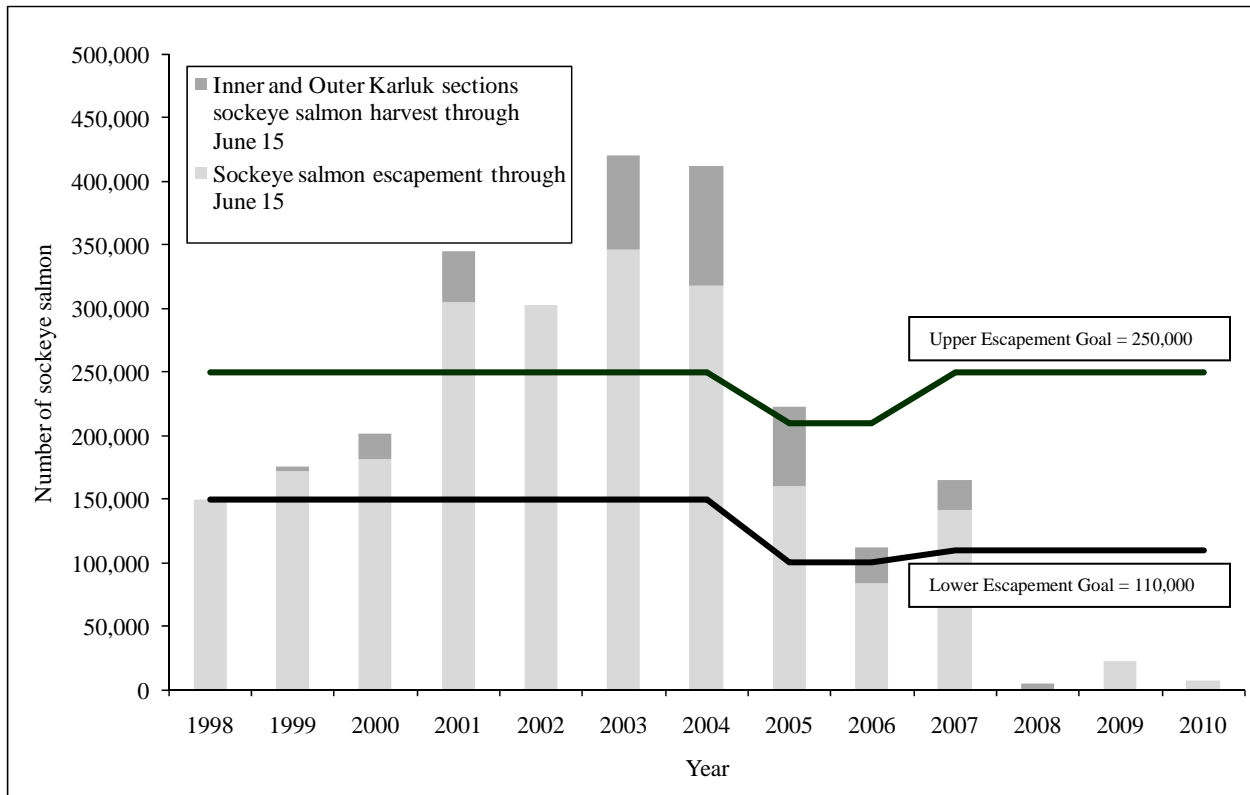


Figure 68-5.—Graph showing early-run sockeye salmon escapement to the Karluk system and the Inner and Outer Karluk sockeye salmon harvest through June 15 from 1998 to 2010.

PROPOSAL 69 – 5 AAC 29.XXX. Management of the Salmon Troll Fisheries in the Kodiak Area.

PROPOSED BY: Old Harbor Fisherman’s Association.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the use of power and/or hand troll gear as legal commercial salmon gear in the Kodiak Management Area (KMA). This proposal suggests that any Kodiak salmon Commercial Fisheries Entry Commission (CFEC) permit holder would be eligible to participate in this fishery, with a troll season extending only from August 1 to September 30, targeting coho salmon.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 29.010. *Management of the Summer Salmon Troll Fishery*. Description of Area for Salmon Trolling, states that a person may only operate troll gear in waters of the Southeast Alaska – Yakutat Area east of the longitude of Cape Suckling (144° W long). Regulation 5 AAC 18.330. *Gear* states that commercial salmon fishing gear is restricted to purse seine, beach seine, and set gillnet gear in the Kodiak Area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Power and/or hand trolling gear would be a legal gear type to commercially harvest salmon in the KMA from August 1 to September 30. It appears the authors of the proposal wish to limit this fishery to coho salmon only, although other salmon species will likely be harvested. It is unknown how many Kodiak Area salmon permit holders would take advantage of this opportunity, so the effect on salmon resources is uncertain. However, there are approximately 600 seine and gillnet permits in the Kodiak fishery. In recent years, nearly half of KMA salmon permits have not been active.

CFEC issues fishing permits for Alaska’s commercial salmon fisheries. To accommodate this proposal, CFEC would need to hold its own regulatory proceedings to determine whether the Kodiak area should be removed from the CFEC’s statewide salmon administrative area and made a separate area. Current CFEC troll permits are statewide permits, which could potentially be active in this fishery, as well as Southeast Alaska troll fisheries. Though the exact effects cannot be determined, it is likely that fishing pressure on local and nonlocal coho and Chinook salmon stocks would increase.

On a larger scale, instituting a commercial troll fishery west of Cape Suckling would have far-reaching effect. The United States and Canada formed the Pacific Salmon Commission (PSC) in 1985. While much of its concern is directed at Chinook salmon stocks that migrate through northern Gulf of Alaska waters, there is also concern for other salmon species. Representatives of the United States and Canada signed a Pacific Salmon Treaty. Chapter 7, General Obligations, states that neither party shall initiate new intercepting fisheries nor conduct or redirect fisheries in a manner that intentionally increases interceptions. The North Pacific Fishery Management Council (NPFMC) and the National Marine Fisheries Service (NMFS) salmon fisheries management plan for the Gulf of Alaska recognizes that regulations for Alaska salmon fisheries are made by the Board of Fisheries, but also states that regulations should be consistent with state and federal laws and with negotiated agreements of the PSC. Further, the

federal salmon fisheries management plan defers management of commercial troll fisheries to the state and the PSC.

The KMA is directly in the path of Pacific salmon that seasonally migrate through the Gulf of Alaska. Nonlocal stocks of coho salmon are likely present, but their origin, migratory timing, abundance, and residence time are not known with any degree of certainty. It is likely that initiation of a troll fishery in the Kodiak Area would be considered as a possible new or redirected fishery that could lead to increased interceptions.

BACKGROUND: Trolling was once a legal method of commercially harvesting salmon in Kodiak fisheries, but since 1965, only purse seines, beach seines, and set gillnets have been legal gear. Kodiak salmon fisheries became limited entry in 1975, and only these gear types were institutionalized at that time. Kodiak Area salmon harvest strategies and management plans have been developed around gear types and gear levels put in place at that time.

There are approximately 175 streams in the Kodiak Area that are known to produce coho salmon. Escapement objectives have been set for several systems, but the ability of the department to monitor coho salmon escapements is limited. Many systems are small, most are remote, and escapements are primarily estimated by aerial survey. Salmon-counting weirs are present on a few coho systems in the Kodiak Area, but the season during which escapement is estimated ends before peak escapement of coho salmon (coho may still be migrating into area streams in November, or later).

The potential production of wild stock coho salmon in the Kodiak Area is minimally estimated at almost 400,000 fish annually. The Kitoi Bay Hatchery also produces coho salmon, with an average annual contribution to commercial fisheries of about 148,746 fish (2000 to 2009). In addition to the hatchery contribution the annual Kodiak Area commercial harvest of coho salmon averages approximately 96,148 fish (2000 to 2009). Local coho salmon are present in the Kodiak Area during the time period of interest in this proposal (August 1 to September 30). Currently, coho salmon are taken incidentally in directed pink salmon and late-run sockeye salmon fisheries, and are targeted in late-season fisheries (beginning August 1, but primarily occurring after September 5). The department does not have any Kodiak commercial salmon harvest stock composition data for coho salmon.

There have been several attempts in the past to institute a troll fishery in Kodiak. In 1982, a proposal submitted by Southeast Alaska troll permit holders failed to pass because the board felt that there was enough existing gear to harvest available stocks. In 2005, the board tabled a similar proposal and expressed concern over the effects on the sport fishery, the fully utilized Chinook fishery, and the possible interception of Cook Inlet stocks. At the same time, the department expressed concerns over the uncertainty of such a fishery on local and non local stocks, and the effects of this proposal with regard to the Pacific Salmon Treaty. In 2007, the CFEC stated it would need to hold its own regulatory proceedings to determine whether Kodiak should be removed from the statewide troll salmon administrative area and made into its own separate area. In 2008, this proposal failed to pass and the board expressed concern over creating a new mixed stock fishery, the incidental harvest of king salmon, and the catch of non local stocks.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department is **OPPOSED** to the biological aspects of this proposal until such time as the potential increase in gear and effort, the uncertainty of effects of introducing a new fishery on local and nonlocal stocks, and the complexity of the effects of this proposal with regard to the Pacific Salmon Treaty are more fully explored and addressed.

COST ANALYSIS: Adoption of this proposal could result in an additional cost for a private person to participate should a commercial salmon permit holder choose to switch to troll gear.

PROPOSAL 70 – 5 AAC 39.107(d). Operation of Gear.

PROPOSED BY: Rick Ellingson.

WHAT WOULD THE PROPOSAL DO? The intent of this proposal is unclear; however, the proposer appears to be requesting a regulatory change in the statewide General Provision, 5 AAC 39.107, by liberalizing the current participation in a stationary gear fishery by changing the requirement of permit holders to stay close to their gear under the statewide regulation. The proposer discussed requiring the permit holder to remain in the district during a fishing period.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 39.107. *Operation of Gear*

(d) A person who holds a limited entry permit or an interim use permit for stationary fishing gear must be physically present at a beach or riparian fishing site during the operation of net gear or other stationary gear at the site, except when the permit holder is at or traveling to or from the location of:

(1) a sale of fish caught in the gear; or

(2) other stationary gear of the permit holder. For purposes of this subsection fishing site includes any structure used in providing shelter in support of operation of net gear or other stationary gear.

(e) A person who holds a CFEC permit for the operation of stationary net gear or fish wheels shall be within a reasonable distance of the gear when at a point of sale or at the location of other stationary gear of that permit holder. A "reasonable distance" means a distance that ensures that the CFEC permit holder retains competent supervision of the gear.

11 AAC 12.340 *Definitions* (16). Stationary gear means gear set from or retrieved to the shore above mean low tide, or operated on the shore between mean low and high tide, including set gillnets and beach seines;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The effects of this proposal are unclear. The proposer did provide language which would allow the stationary gear permit holder to remain in the district in which the stationary gear is fishing. In effect this would allow a permit holder to leave the stationary gear unattended for an indeterminate amount of time; the permit holder would be required to pull their gear at the end of a fishing period. The permit holder would be required to remain in the district during the operation of the stationary gear.

BACKGROUND: Since statehood, there have been statutes in place that required an individual to purchase a specific gear license and register to fish in a particular management area. Further, the operation of fishing gear was limited to these licensed individuals, and they were required to personally operate or assist in the operation of the fishing gear.

The statewide regulation 5 AAC 39.107 first appeared in regulation in 1980. At that time, the subsection concerning the legal location and activities of a permit holder during fishing periods was not specific to set gillnet, or stationary gear. These early regulations stated that an interim or entry permit holder had to be physically present during operation of the gear, and must operate, assist, or supervise the operation of, some portion of the immediate fishing operation.

In 1982, state statute 16.05.253 made exceptions for the holder of an interim or entry permit for stationary fishing gear, allowing the permit holder to be at or travelling to or from the location of (1) a sale of fish caught in the gear, or (2) other stationary gear of the permit holder. Also, a “fishing site” was defined to include any structure used for providing shelter in support of the operation of the net gear or other stationary gear.

In 1983, exceptions were made to 5 AAC 39.107 to allow salmon set gillnet gear to be unattended in the Kotzebue-Northern, Norton Sound-Port Clarence, Yukon, and Kuskokwim areas.

In 1986, the reference to these specific area exceptions was removed from 5 AAC 39.107. Instead, the regulation stated that a person who holds an entry permit for the operation of stationary net gear must be within a reasonable distance of the gear when at a point of sale or at the location of other stationary gear of that permit holder. “Reasonable distance” was defined to mean a distance that ensures that the permit holder retains competent supervision of the gear.

In 2002, a proposal (proposal 94) was considered by the board that would allow Kodiak Management Area set gillnet permit holders to leave their fishing site for up to eleven out of every twelve hours during open fishing periods. Examples of activities necessary to accomplish during extended fishery openings included berry picking, firewood gathering, equipment repair, procuring supplies, or transacting other business. The department opposed this proposal due to concerns that long absences from the fishing site would defeat the concept of competent supervision of the stationary gear. The department did suggest that redefining 5 AAC 39.107(d), specifically “fishing site” might help meet the intent of this proposal. This proposal was not adopted by the board.

Kodiak office of Alaska Wildlife Troopers (AWT) was not able to find a record of a CFEC permit holder being cited for not attending their stationary gear. Kodiak AWT have always used discretion when determining if a CFEC permit holder is within a reasonable distance from their stationary gear.

DEPARTMENT COMMENTS: The department would be **OPPOSED** to the suggested language that would require the permit holder to remain in the district. It would make enforcement of this regulation nearly impossible. If this proposal was adopted as suggested, AWT would find it difficult to locate a CFEC permit holder due to the large areas involved. The current regulation is enforceable and gives CFEC permit holders the freedom to travel to other stationary fishing gear and travel to sell their fish.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in a fishery.

PROPOSAL 71 – 5 AAC 18.331(j). Gillnet Specifications and Operation.

PROPOSED BY: Richard G. Blanc.

WHAT WOULD THE PROPOSAL DO? This proposal, if adopted, would eliminate a sunset provision in the current regulations and allow a set gillnet fisherman to own and operate two Commercial Fisheries Entry Commission (CFEC) permits after December 31, 2010.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 18.331. *Gillnet Specifications and Operation (J)*. A CFEC permit holder who holds two Kodiak set net CFEC permits may operate no more than four set gillnets, with no more than 300 fathoms of set gillnet gear in aggregate. No single gillnet may be more than 150 fathoms in length. Both permit holder's five-digit CFEC permit serial numbers followed by the letter "D" to identify the gillnet as a dual set gillnet must be located on the identification buoy and the site markers required under 5 AAC 39.280. *Identification of Stationary Fishing Gear*. At least one cork every 10 fathoms along the cork line must be plainly and legibly marked with both CFEC numbers of the CFEC permit holder. All identifiers must be displayed in a manner that are plainly visible and unobscured and have permanent symbols in a color that contrasts with the background. The provisions of this subsection do not apply after December 31, 2010.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Kodiak Management Area (KMA) set gillnet permit holders would be allowed to hold two set gillnet permits after December 31, 2010, the date this provision was scheduled to sunset in the current regulation.

BACKGROUND: During the 2006 legislative cycle, HB 251 was passed and gave the board the authority to allow one person the ability to own and operate more than one CFEC permit within the same fishery. Specific language of the current statute is as follows:

Section 1. AS 16.05.251 *Regulations of the Board of Fisheries*

(i) notwithstanding AS 16.43.140.(c)(5), the board may adopt, at a regularly scheduled meeting at which the board considers regulatory proposals for management of a specific salmon fishery, a regulation to allow a person who holds two entry permits for that salmon fishery an additional fishing opportunity appropriate for that particular fishery.

However, under Article 2 Entry Permit System Sec. 16.43.140. *Permit required*.

(c) A person may hold more than one interim-use or entry permit issued or transferred under this chapter only for the following purposes:

- (1) fishing more than one type of gear;
- (2) fishing in more than one administrative area;
- (3) harvesting particular species for which separate interim-use or entry permits are issued;

(4) if authorized by regulations of the commission, fishing an entire unit of gear in a fishery in which the commission has issued entry permits for less than a unit of gear under AS 16.43.270 (d); under this paragraph, a person may not hold more than two entry permits for a fishery; however, the person may not

(A) fish more than one unit of gear in the fishery; or

(B) acquire a second entry permit for the fishery after the person has acquired an entry permit that authorizes the use of an entire unit of gear in the fishery;

(5) consolidation of the fishing fleet for a salmon fishery; however, a person may hold not more than two entry permits for a salmon fishery under this paragraph, but the person who holds two entry permits for a salmon fishery may not engage in fishing under the second entry permit.

In January 2008, the board adopted a new regulation (5 AAC 18.331(j)) authorizing KMA set gillnet permit holders to own and fish two CFEC permits, with a sunset provision that made the provision invalid after December 31, 2010. Since this regulation was adopted, 22 permit holders held dual permits in 2008, 32 in 2009, and 38 in 2010.

Since the adoption of this regulation in 2008, the department has not collected accurate effort statistics from the fish ticket data in the KMA set gillnet fishery. The current fish ticket does not document the number of dual permit holders fishing both sets of gear.

In 2008 and 2009, dual permit holders were only issued one card that could be used to imprint on a fish ticket and represent both limited entry permits. In 2010, dual permit holders were issued two cards, either of which could be used to imprint on a fish ticket. This inconsistency in how cards were issued, along with the department not documenting the use of multiple permits on one delivery of fish, has caused the permit participation statistics to be distorted. The number of set gillnet permits with records of deliveries declined from 157 in 2007, to 148 in 2008, and declined further to 132 in 2009, then increased to 158 in 2010 (Table 71-1). The department cannot accurately characterize the effect this regulation has had on the fishery.

Kodiak salmon set gillnet permits have increased in value slightly during the last three years as has the value of fish (Figure 71-1).

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The department does not believe there are biological concerns with salmon stocks due to dual permits. If this proposal is adopted, the department will explore ways to more accurately document the amount of gear fished by dual set gillnet permit holders.

COST ANALYSIS: Adoption of this proposal could result in an additional cost for a private person to participate, should a commercial salmon permit holder choose to purchase an additional permit and operate multiple gillnet sites.

Table 71-1.—Number of salmon set gillnet permits available and fished in the Kodiak Management Area, 1996 to 2010.

Year	Set Gillnet Permits	
	Available	Fished
1996	189	172
1997	188	174
1998	188	171
1999	188	173
2000	188	173
2001	188	172
2002	188	93
2003	188	161
2004	188	164
2005	188	165
2006	188	153
2007	188	157
2008 ^a	188	148
2009 ^a	188	132
2010 ^b	188	158
Average 2000-2009	188	152

^a Dual permit holders were given only one card to make deliveries on during these years.

^b Dual permit holders were given two cards and could (but did not have to) delivery fish on both cards, whether or not they fished two sets of gear.

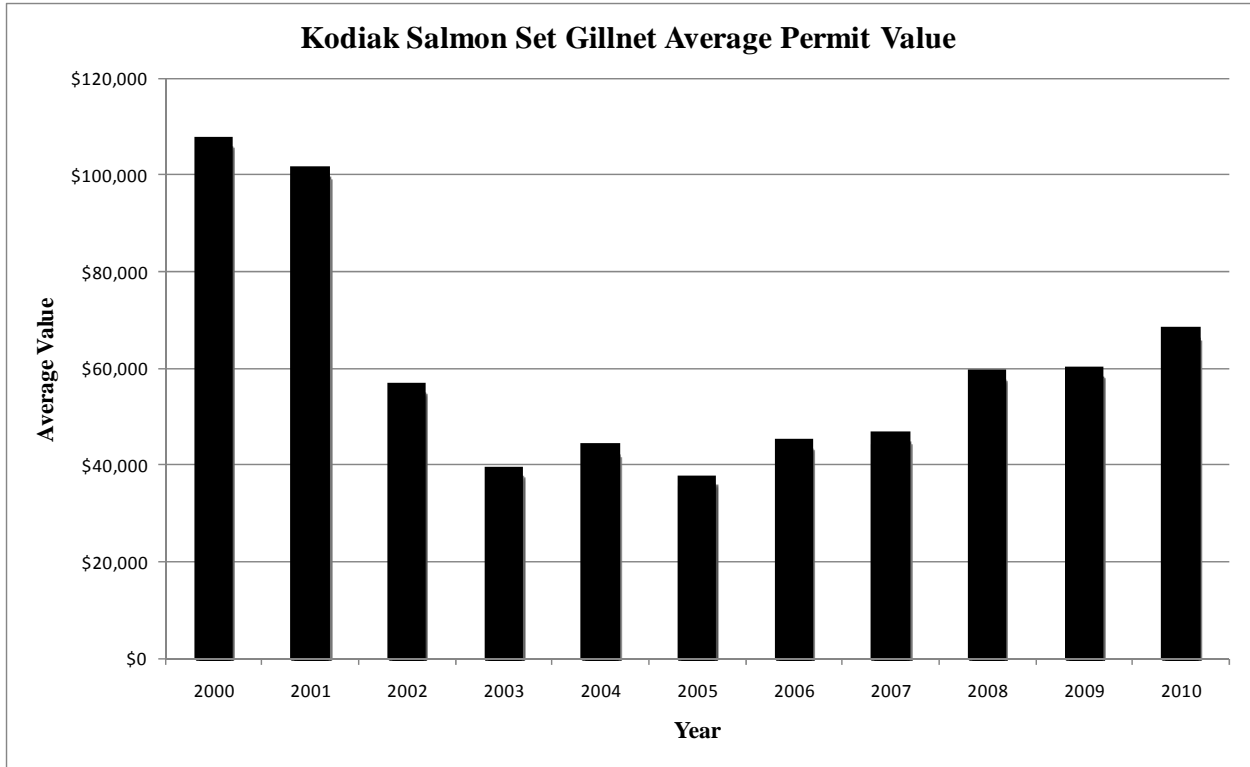


Figure 71-1.—Annual average value, in dollars of Kodiak Management Area salmon set gillnet permits sold.

PROPOSAL 72 – 5 AAC 40.085. Kodiak Regional Aquaculture Association Special Harvest Areas.

PROPOSED BY: Kodiak Regional Aquaculture Association.

WHAT WOULD THE PROPOSAL DO? This proposal would create a special harvest area (SHA) within the Northeast Kodiak District near Pillar Creek.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 40.005. *General (c)*. Where hatchery returns enter a segregated location near the release site and can be harvested without significantly affecting wild stocks, a special harvest area may be designated by regulation adopted by the board, within the hatchery permit or by emergency orders issued by the commissioner.

5 AAC 18.367. *Eastside Kodiak Management Plan (b)(4)*. The Monashka/Mill Bay Section shall remain closed until July 6; from July 6 through August 24, fishing opportunities shall be based on the abundance of local and mixed Kodiak pink salmon; from August 25 through September 5, fishing opportunities shall be based on the abundance of local pink and coho salmon; after September 5, fishing opportunities shall be based on the abundance of local coho salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? An SHA would be created near Pillar Creek, allowing the Kodiak Regional Aquaculture Association (KRAA) to harvest hatchery-produced coho salmon to facilitate cost recovery opportunities. Commercial harvest opportunity in this area could be lost when the SHA is closed to facilitate cost recovery broodstock operations.

Harvest opportunity in this area could also be increased during years of weak local coho salmon returns, but strong hatchery coho salmon returns. Because the SHA would be adjacent to wild stock anadromous salmon streams, the department would be required to dictate the timing of cost recovery opportunities in order to protect the wild stock salmon.

BACKGROUND: The proposed SHA would be within the Monashka/Mill Bay Section of the Northeast Kodiak District with purse and beach seine being the only allowable gear types (Figure 72-1). Current closed waters at Pillar Creek are waters within 500 yards of the stream terminus.

Pillar Creek and Monashka Creek support wild runs of pink and coho salmon within the Monashka/Mill Bay Section. Since 2000, average escapements at Pillar Creek have been approximately 10,000 pink salmon and 150 coho salmon. Monashka Creek escapements have averaged approximately 5,000 pink salmon and 170 coho salmon since 2000.

KRAA produces coho salmon at Pillar Creek Hatchery that are primarily stocked in Kodiak road system streams and lakes to enhance mainly sport and subsistence fisheries. It is not stated how many additional coho would be released at Pillar Creek, but it would likely increase harvest opportunities for commercial, sport, or subsistence fishermen.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. This proposal may result in allocative issues between the KRAA, commercial, sport, and subsistence fishermen. The department would have biological concerns with regards to the wild stock salmon within and adjacent to the proposed SHA and would use emergency order authority to allow cost recovery fisheries based on the assessment of the affected wild stocks.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

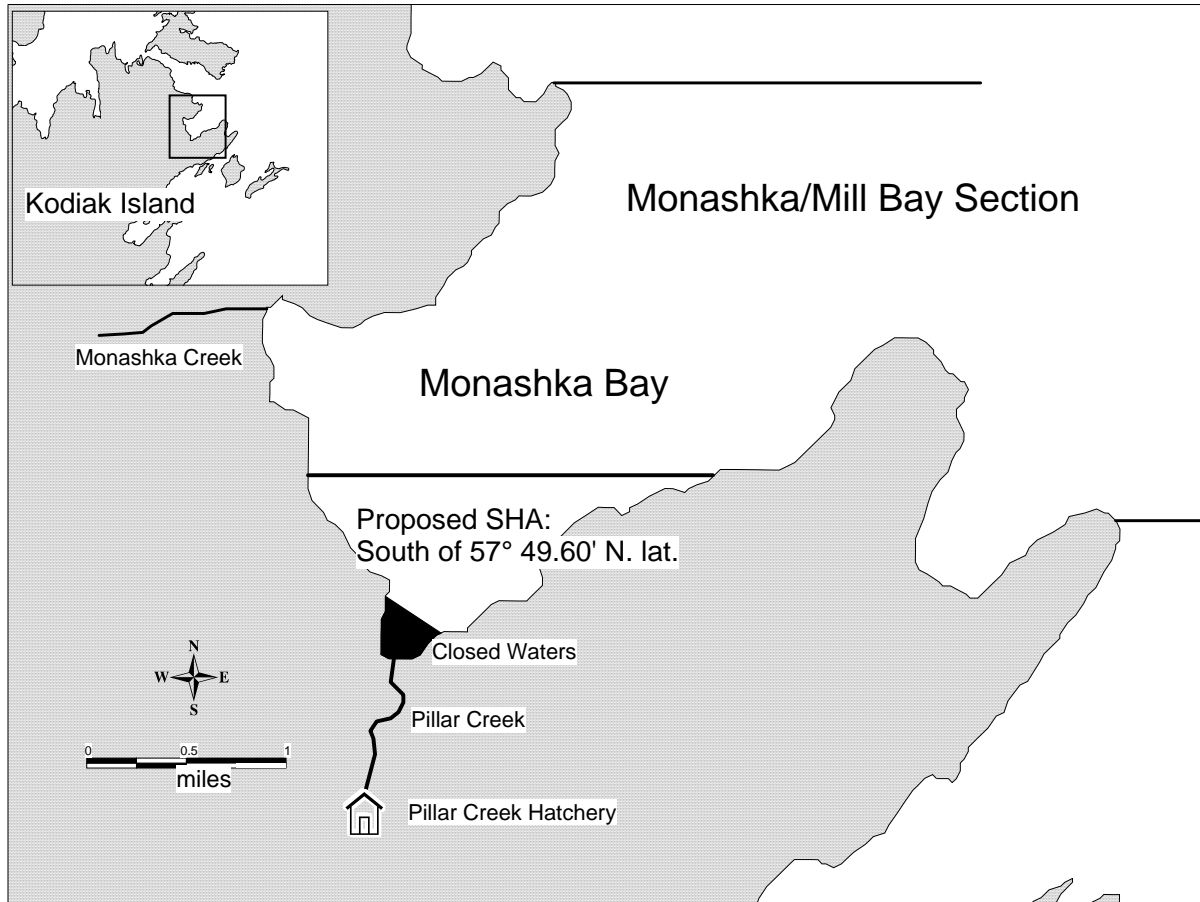


Figure 72-1.–Proposed Pillar Creek Special Harvest Area.

PROPOSAL 73 – 5 AAC 40.085. Kodiak Regional Aquaculture Association Special Harvest Areas.

PROPOSED BY: Kodiak Regional Aquaculture Association.

WHAT WOULD THE PROPOSAL DO? This proposal would create a special harvest area (SHA) within the Northwest Kodiak District at Dry Spruce Bay.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 40.005. *General (c)*. Where hatchery returns enter a segregated location near the release site and can be harvested without significantly affecting wild stocks, a special harvest area may be designated by regulation adopted by the board, within the hatchery permit or by emergency orders issued by the commissioner.

Management of the Central Section of the Northwest Kodiak District is complex and based on several different salmon stocks throughout the season. Under the *Westside Kodiak Salmon Management Plan*, 5 AAC 18.632 (b) The Central and North Cape Sections must be managed

- (1) from June 1 through approximately June 15, as a mixed-stock fishery directed on early-run sockeye salmon returning to Karluk, Ayakulik, and Olga Bay systems; the commissioner shall open, by emergency order, at least two commercial test fishing periods of 33 hours in length;
- (2) from approximately June 16 through July 5, based on early-run sockeye salmon returning to the Karluk system;
- (3) from approximately July 6 through August 15, based on pink salmon returning to the major pink salmon systems in the Northwest Kodiak District;
- (4) from approximately August 16 through August 24, based on pink salmon returning to the Northwest Kodiak District and on late-run sockeye salmon returning to the Karluk system;
- (5) from approximately August 25 through September 5, based on late-run sockeye salmon returning to the Karluk system; and
- (6) after approximately September 5, based on late-run sockeye salmon returning to the Karluk system and coho salmon returning to the Northwest Kodiak District.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? An SHA would be created at Dry Spruce Bay allowing the KRAA to increase the release of hatchery-produced salmon to facilitate cost recovery opportunities, enhance common property commercial fisheries, and increase sport and subsistence opportunities. The proposed SHA would not be expected to have an impact on management of the Central Section. Gear conflicts would be expected if all legal commercial gear types were allowed to fish in the proposed SHA.

BACKGROUND: The proposed SHA would be in the Central Section of the Northwest Kodiak District in Dry Spruce Bay (Fig. 73-1). Legal commercial gear for the Central Section includes set gillnet, purse seine, and beach seine.

KRAA does not currently release fish in Dry Spruce Bay and the stream at the head of the bay is not listed as anadromous. This would be a potential release site for salmon produced at either Kitoi Bay Hatchery or Pillar Creek Hatchery. It is unclear what species of salmon or how many would be released, but harvest opportunities for commercial, sport, or subsistence fishermen would likely increase. Known commercial, sport, and subsistence fishing effort in the proposed SHA is very light.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The department does not have conservation concerns with this proposal; however, there may be gear conflicts. This proposal may result in allocative issues between the KRAA, commercial, sport, and subsistence fishermen.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

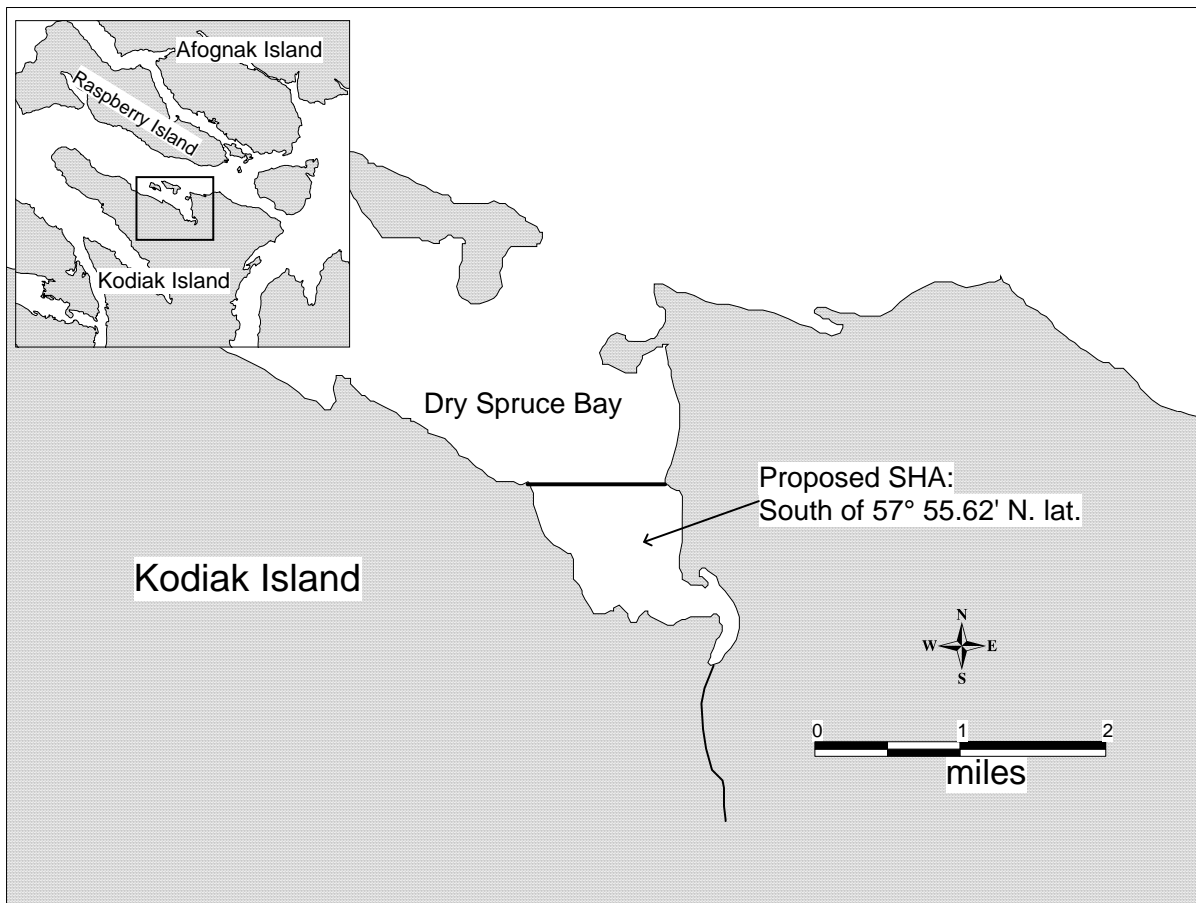


Figure.73-1.–Proposed Dry Spruce Bay SHA.

PROPOSAL 74 – 5 AAC 18.361(b). Alitak District Salmon Management Plan.

PROPOSED BY: Richard G. Blanc.

WHAT WOULD THE PROPOSAL DO? It would require the department close the fishery in the Cape Alitak, Alitak Bay, Moser Bay and Olga Bay sections of the Alitak District for a minimum of 69 consecutive hours in each 240-hour period.

Note: The author of this proposal omitted a portion of the last sentence in subsection (b) which the department presumed was a mistake when preparing its comments on the issue. The words omitted were “to apply to each section as each section closes, unless the department determines that the sockeye salmon escapement goals will be achieved for the Frazer and Upper Station sockeye salmon runs”. Also, based on verbal communication with the author, the department presumes that a typographical error was made in the language proposed to substitute for “10 days” with 240 hours not 24 hours.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 18.361. *Alitak District Salmon Management Plan.*

(b) In the Cape Alitak, Humpy-Deadman, Alitak Bay, Moser Bay, and Olga Bay Sections (Figure 74-1), from June 1 through June 13 the commissioner may open, by emergency order, a 33 hour commercial test fishing period beginning at 12:00 noon. From the conclusion of the commercial test fishing period through September 15, there shall be a minimum closure of 69 consecutive hours in every 10-day period, to apply to each section as each section closes, unless the department determines that the sockeye salmon escapement goals will be achieved for the Frazer and Upper Station sockeye salmon runs.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the department would manage the fishery based on the same biological criteria for Alitak District salmon stocks that are the basis of current fisheries management. If the department determined that escapement objectives for target species would be met, then commercial fishing time could be allowed, up to 171 consecutive hours, followed by a minimum of a 69-hour closure to be applied to each section individually. Fishery opening times and the length of fishing periods would be the same for the Cape Alitak, Alitak Bay, Moser Bay, and Olga Bay sections.

Currently, the management plan mandates a 69-hour closure in every 10-day period to be applied to each section individually. Managers have interpreted the 10-day period as 10 calendar days, with the first day being considered the day of the opening. This proposal would enable the department to allow up to 171 hours of fishing time. When interpreting the current regulation using calendar days, only 6.1 consecutive days (147 hours) of fishing time could be allowed (Figure 74-2). The difference in these management strategies has allocative effects.

BACKGROUND: Proposals were submitted to the January 1999 board meeting to modify the *Alitak District Management Plan* (ADMP) to protect the “genetic diversity” of the district salmon systems and increase the sockeye salmon harvest for Olga Bay fishermen to historical percentages, through an allocation plan. The board amended the management plan to restrict the use of very long or continuous fishing periods. The board mandated that there be a minimum of

2.6 days of fishery closure during every 10-day period. It was hoped that the 2.6-day closure windows would allow for pulses of escapement to reach the major and minor systems in Olga Bay and increase the Olga Bay fishermen's sockeye salmon harvest percentage without placing a strict allocative plan in regulation.

At the January 2002 board meeting, changes to the management plan included a combination of allocation guideline percentages, with additional fishing time for Olga and Moser Bays. The gillnet-only Olga-Moser Bay Section was divided into the Alitak Bay, Moser Bay, and Olga Bay sections. Differential opening times for fishing periods were established for these three gillnet areas and the seine-only Cape Alitak Section. Allocation guidelines for the sockeye salmon harvest from these four areas through September 15 were specified in regulation for determining the effectiveness of the differential opening times in allocating harvest opportunities; these guidelines were expressly not an inseason management requirement. These allocation guidelines were presented as ranges for the season total harvest of early- and late-run sockeye salmon by each of the four groups: Olga Bay gillnet, Moser Bay gillnet, Alitak Bay gillnet, and Cape Alitak purse seine fishermen. Different fishery opening times for each section were placed in regulation to give additional fishing time to the Olga and Moser Bay gillnet fishermen.

At the March 2003 board meeting, some modifications of the ADMP were adopted, which reduced the amount of additional fishing time given to Olga Bay and Moser Bay fishermen, and provided the Cape Alitak Section seine fisheries equal fishing opportunity with Alitak Bay Section set gillnet fisheries.

The ADMP was modified again during the January 2005 board meeting by rescinding the allocative guideline objectives and reinstating equal fishing time between sections and gear type. Staggered openings between sections remained in effect except that the Cape Alitak Section (seine only area) was changed to opening 24 hours after the Olga Bay Section. No changes were made to the ADMP at the board meeting in January 2008. The current version of the ADMP has been in effect for the 2005 through 2010 Kodiak Management Area commercial salmon fishing seasons.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal due to the allocative nature of the requested regulatory changes. The department has no biological concerns with this proposal

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

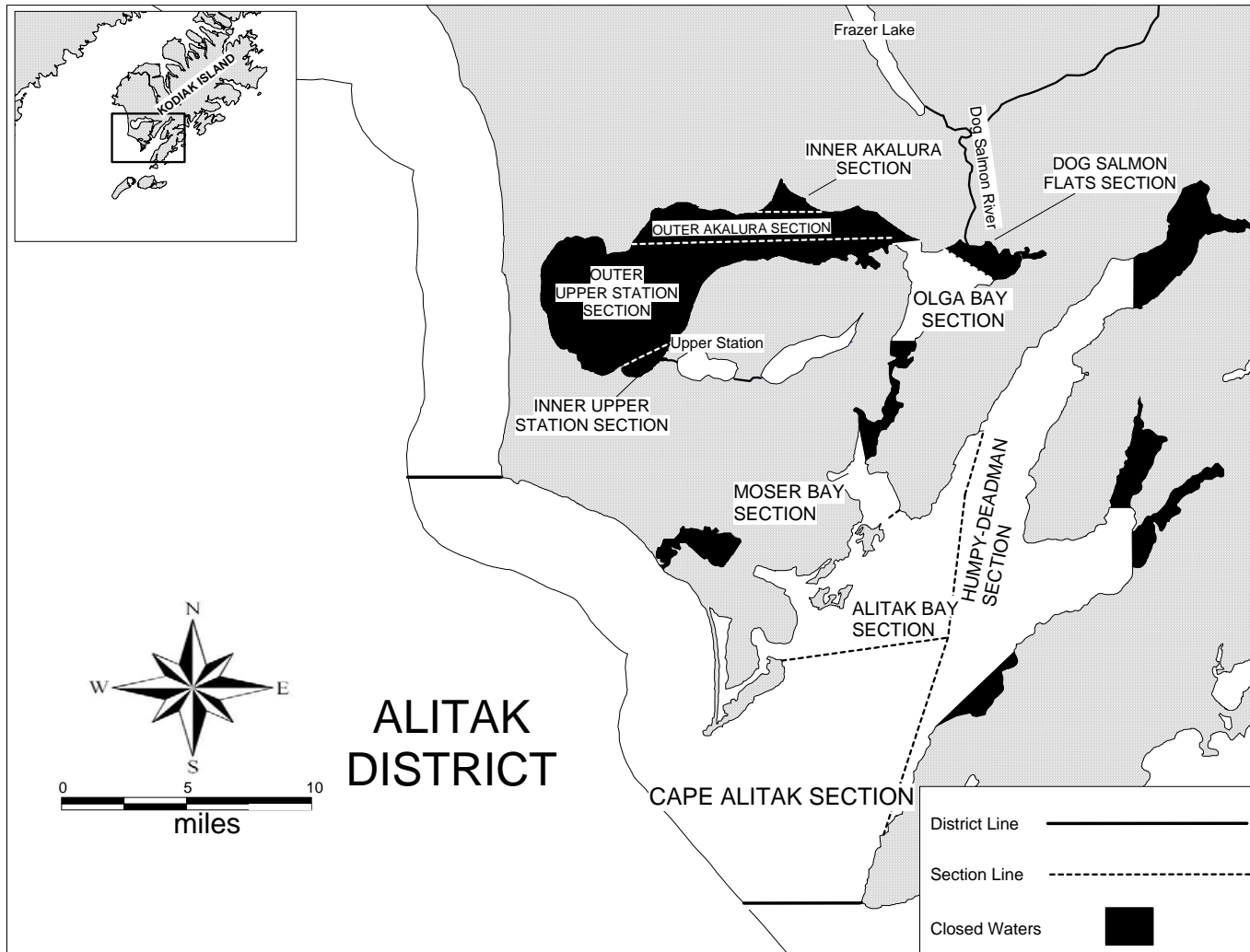


Figure 74-1.-Map of the Alitak District identifying commercial salmon fishing sections and major sockeye salmon stocks.

PROPOSAL 75 – 5 AAC 18.367. Eastside Kodiak Salmon Management Plan.

PROPOSED BY: Ouzinkie Native Corporation.

WHAT WOULD THE PROPOSAL DO? The proposed mechanisms and specifics of the proposal are not clear, however, it appears the general intent is to conserve king salmon by fishery restrictions. The proposal seeks changes to the *Eastside Kodiak Salmon Management Plan* to curtail king salmon harvest in the Mainland District (which is managed under the *Mainland District Salmon Management Plan*). However, within the explanation, the proposer then mentions the prohibition of retaining king salmon in the Kodiak Management Area (KMA), exclusive of the Mainland District. That language suggests a closure to the all of the KMA districts, except for the Mainland District, to retention of king salmon until the Karluk and Ayakulik river systems have met their minimum king salmon escapement goals or until July 6.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 18.367. *Eastside Kodiak Salmon Management Plan*. The *Eastside Kodiak Salmon Management Plan* directs the department to manage the commercial salmon fishery of the Eastside Kodiak and Northeast Kodiak districts of the KMA under a specific set of management considerations, none of which include consideration of Karluk or Ayakulik river king salmon stocks.

As written, this proposal would affect the following KMA management plans:

- 5 AAC 18.361. *Alitak District Salmon Management Plan*
- 5 AAC 18.362. *Westside Kodiak Salmon Management Plan*
- 5 AAC 18.365. *Eastside Afognak Salmon Management Plan*
- 5 AAC 18.366. *Spiridon Bay Sockeye Salmon Management Plan*
- 5 AAC 18.367. *Eastside Kodiak Salmon Management Plan*
- 5 AAC 18.368. *North Afognak/Shuyak Island Salmon Management Plan*

However, the proposer placed the proposed language within the *Eastside Kodiak Salmon Management Plan*.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The details of this proposal are unclear. There seems to be intent to conserve king salmon returning to the Karluk and Ayakulik rivers by modifying the *Eastside Kodiak Salmon Management Plan*. However, as written, the entire KMA, excluding the Mainland District, would have a king salmon nonretention provision until the lower escapement goals are met in both systems.

BACKGROUND: King salmon have historically been incidentally harvested in the KMA commercial salmon fishery, but have not been specifically targeted by permit holders. King salmon escapements in the Ayakulik and Karluk rivers fluctuated dramatically with relatively smaller numbers in the 1960s and 1970s but increased in the 1980s and 1990s. In recent years king salmon runs have declined (2006, 2008, and 2009 for the Ayakulik River and 2007 through 2010 for the Karluk River) and escapement goals have not been achieved (Figures 75-1 and 75-2). Currently, the Karluk River king salmon stock is a candidate for stock of concern status.

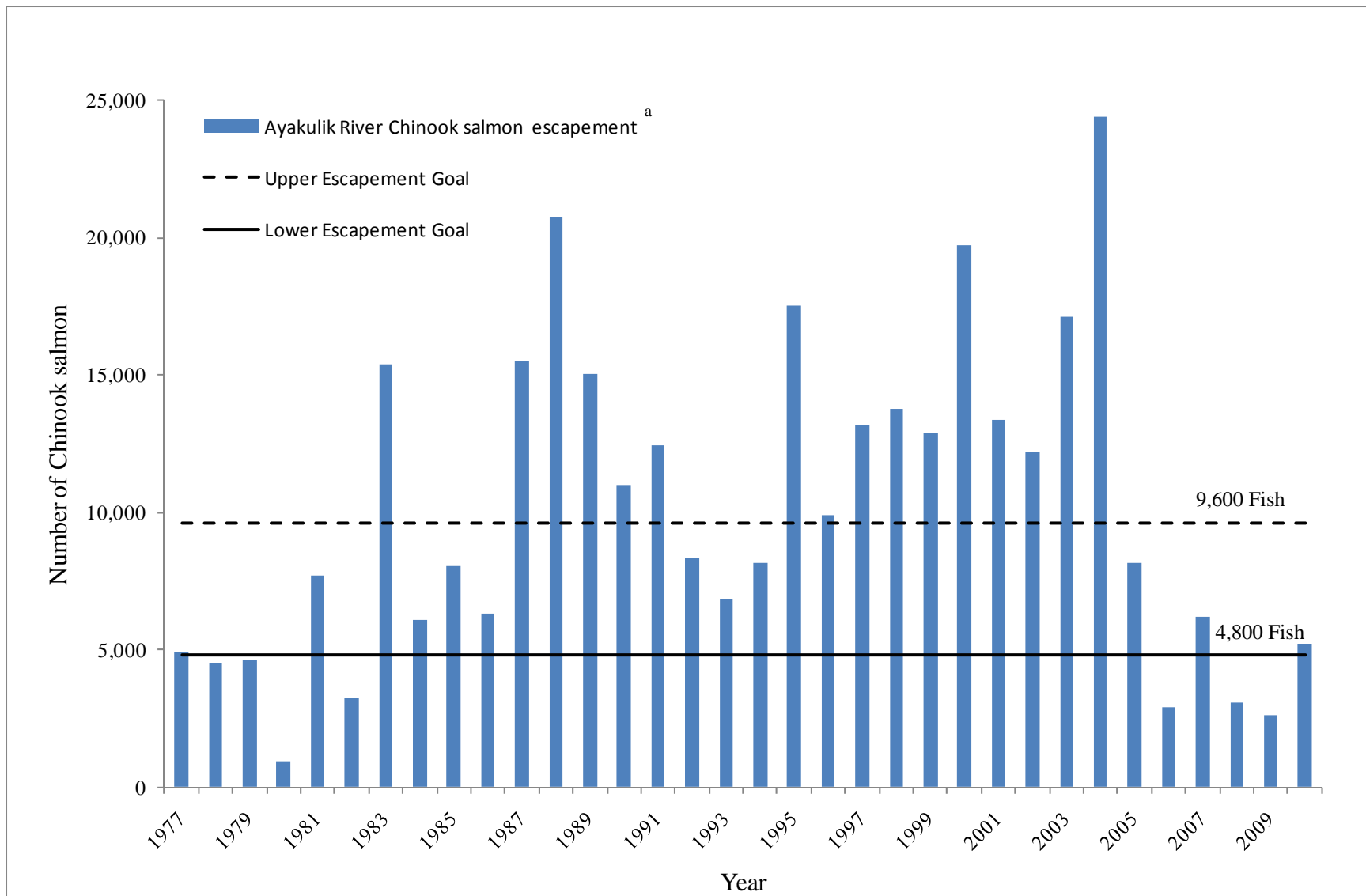
In early 2005, the board adopted 5 AAC 18.395. which authorized the department to use emergency order authority to require king salmon 28 inches or longer in length to be returned to the water unharmed from the salmon fishery in the Inner Karluk, Outer Karluk, Inner Ayakulik, or Outer Ayakulik, sections of the Southwest Kodiak District in years when king salmon

escapement goals in either the Ayakulik or Karluk rivers are not otherwise likely to be achieved (Figure 75-3).

Since then, the department has required non-retention of large king salmon in the Inner Karluk Section in the years 2005, 2006, and 2007, in the Outer Karluk Section in the years 2005, through 2008, and in the Outer Ayakulik Section, in 2009 and 2010. From 2008-2010 the Karluk early-run sockeye salmon returns were weak and the Inner Karluk Section did not open to any commercial salmon fishing periods.

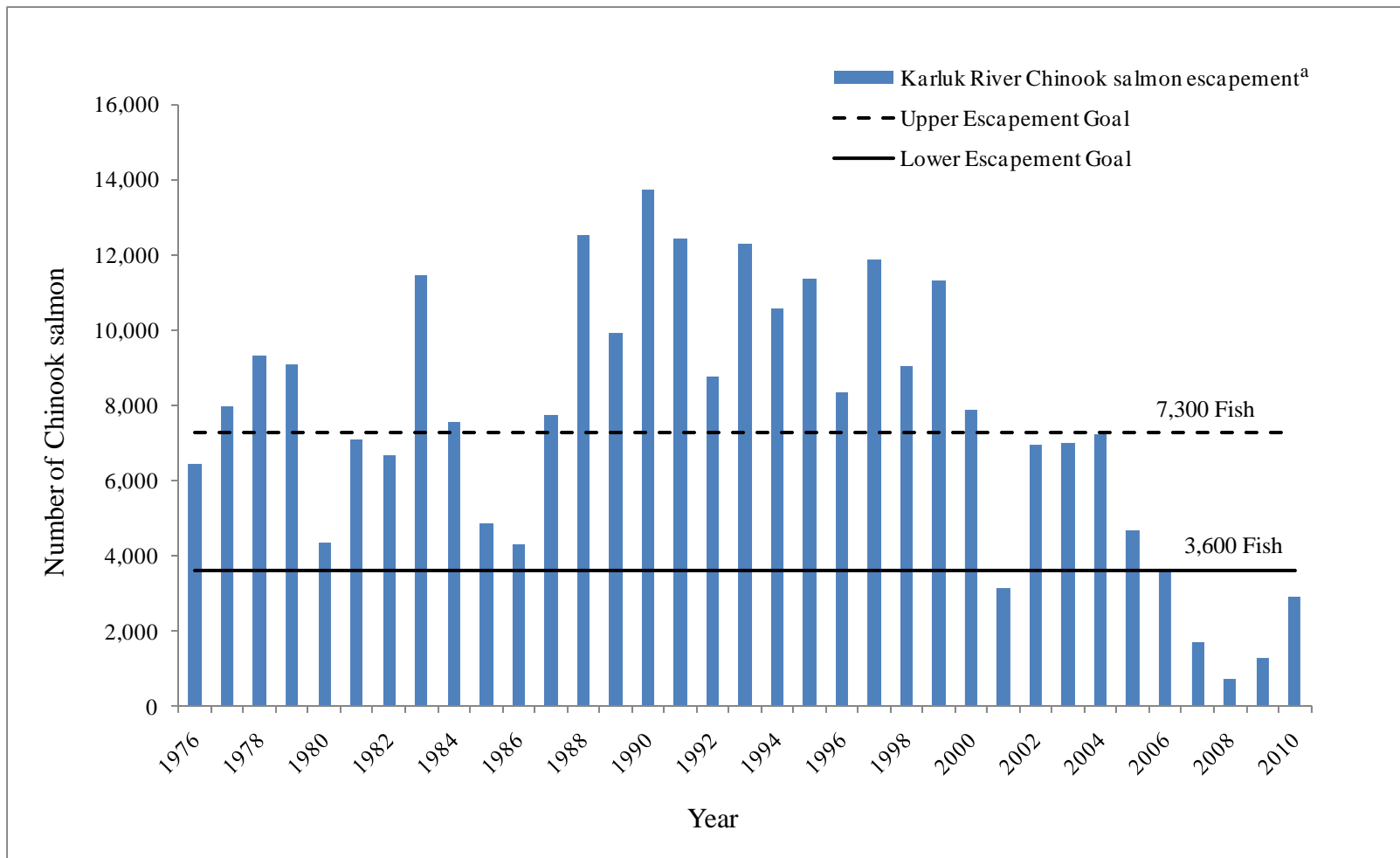
DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal as written because the details are unclear and potentially ineffective in achieving the goal of rebuilding the Ayakulik River and Karluk River king salmon runs. Current regulations to conserve king salmon in management units in close proximity to spawning streams are more effective in achieving escapements in these two rivers than imposing non-retention in all KMA districts. The department does not have a king salmon stock identification program in place and cannot differentiate stocks within the KMA. At its October 2010 work session, the board designated Karluk king salmon as a stock of concern. The department will submit an Action Plan at the Kodiak board meeting in January 2011 for consideration and action by the board.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.



^a Escapement is weir count minus the recreational harvest that occurs above the weir.

Figure 75-1.—Ayakulik River Chinook salmon escapement, 1977 through 2010.



^a Escapement is weir count minus the recreational harvest that occurs above the weir.

Figure 75-2.—Karluk River Chinook salmon escapement, 1976 through 2010.

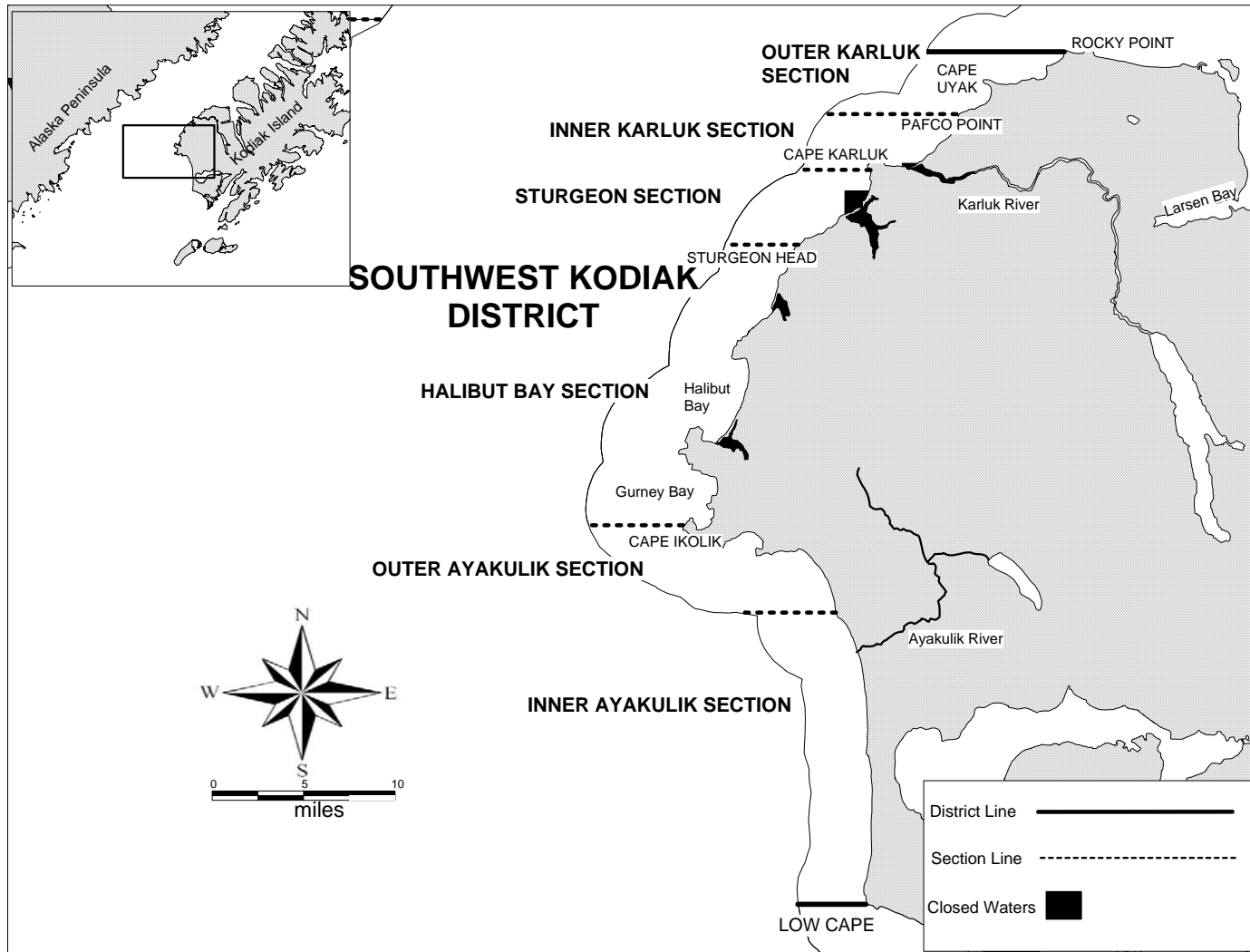


Figure 75-3.—The management sections of the Southwest Kodiak District.

PROPOSAL 76 – 5 AAC 18.368. North Afognak/Shuyak Island Salmon Management Plan.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would amend the *North Afognak/Shuyak Island Salmon Management Plan* to eliminate language referencing coho salmon escapement goals in Pauls Creek.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 18.368. *North Afognak/Shuyak Island Salmon Management Plan* (f) in the Pauls Bay Section, from June 1 through July 5, fishing opportunities shall be based on sockeye salmon returning to Pauls Bay. From July 6 through August 1, fishing opportunities shall be based on the abundance of local and mixed Kodiak pink salmon and sockeye salmon bound to Pauls Bay. After August 1, fishing opportunities shall be based on the abundance of local coho salmon. The department shall manage the Pauls Creek coho salmon escapement based on interim escapement goals, as determined by the department. When interim escapement goals are exceeded, the commissioner may reduce, by emergency order, the closed waters described in 5 AAC 18.350(a) (6)(D).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would eliminate language referencing coho salmon escapement goals for Pauls Creek.

Proposed regulatory language as follows:

5 AAC 18.368. *North Afognak/Shuyak Island Salmon Management Plan*

(f) In the Pauls Bay Section, from June 1 through July 5, fishing opportunities shall be based on sockeye salmon returning to Pauls Bay. From July 6 through August 1, fishing opportunities shall be based on the abundance of local and mixed Kodiak pink salmon and sockeye salmon bound to Pauls Bay. After August 1, fishing opportunities shall be based on the abundance of local coho salmon. [THE DEPARTMENT SHALL MANAGE THE PAULS CREEK COHO SALMON ESCAPEMENT BASED ON INTERIM ESCAPEMENT GOALS, AS DETERMINED BY THE DEPARTMENT. WHEN INTERIM ESCAPEMENT GOALS ARE EXCEEDED, THE COMMISSIONER MAY REDUCE, BY EMERGENCY ORDER, THE CLOSED WATERS DESCRIBED IN 5 AAC 18.350(A) (6)(D).]

BACKGROUND: 5 AAC 18.368. *North Afognak/Shuyak Island Salmon Management Plan* references coho salmon interim escapement goals for Pauls Lake; however these escapement goals were eliminated during the 2004 review of salmon escapement goals in the Kodiak Management Area. This recommendation was based on the fact that reliable escapement estimates were no longer available without a weir. The last year a weir was operated at Pauls Bay was in 2004 and due to budget constraints, a weir is not expected to be operated in the future (Figure 76-1). Without a weir and an escapement goal, the department cannot manage for interim escapement goals.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. This proposal makes the department's current management of the Pauls Bay fishery in line with the regulations. The department considers this a housekeeping measure.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

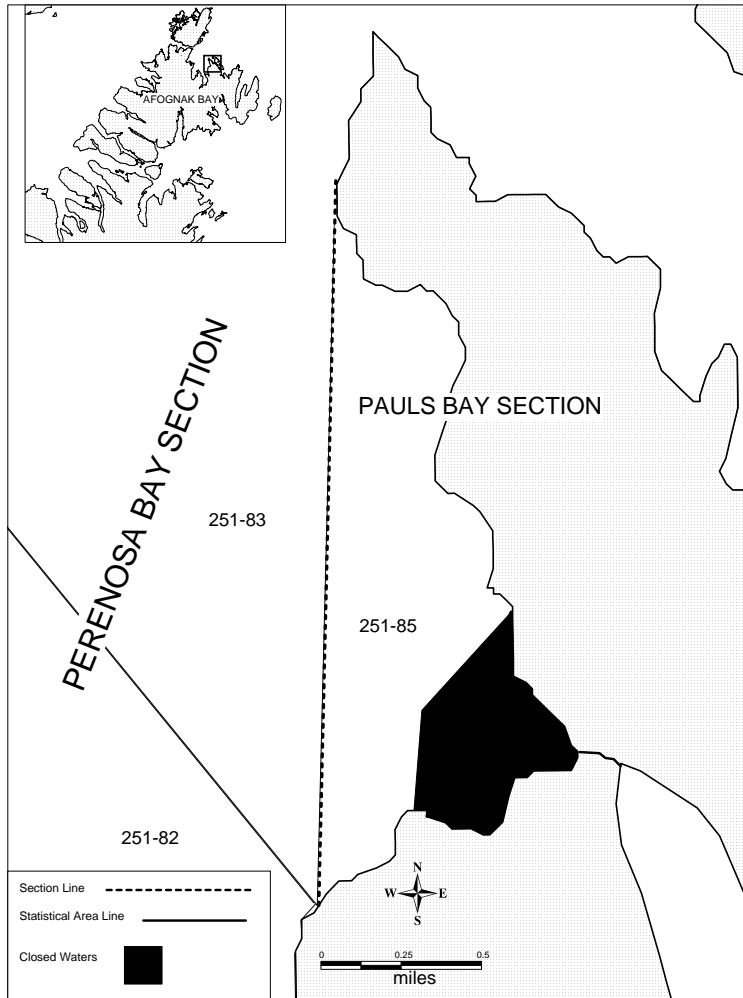


Figure76-1.-Map depicting the Pauls Bay Section of the Afognak District.

PROPOSAL 77 – 5 AAC 18.350. Closed Waters.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal will make slight changes to the closed waters descriptions in regulation to more accurately reflect the location of markers as measured by the Global Positioning System (GPS) and depicted on the ADF&G Kodiak Management Area (KMA) Salmon Statistical Chart.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 18.350. *Closed Waters.* (a) salmon may not be taken in the following waters:

(5)(J) Natalia Bay Lagoon: in the lagoon inside of 153°19.20 W. long.

(6)(K)(ii) Whitey's Hole (includes stream No. 251-705): east of 152° 27.28 W. long.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would change the description of the closed waters in Natalia Bay Lagoon and Whitey's Hole (Figures 77-1 and 77-2) to more closely match the actual location of existing markers and correct an error to the stream number at Whitey's Hole. This proposal would also correct the omission of a description of closed waters at Marka Bay in the regulations that is depicted on the current ADF&G Kodiak Area Salmon Statistical Chart and also with actual markers in place (Figure 77-3).

The proposed regulatory language would be as follows:

5 AAC 18.350. Closed Waters.

(a)(5)(J) Natalia Bay Lagoon: in the lagoon inside of **a line from 57°05.49' N. lat., 153°19.30' W. long., to 57° 05.42' N. lat., 153° 19.19' W. long.** [153°19.20 W. LONG.]

(a)(6)(K)(ii) Whitey's Hole (includes stream No. 251-**702** [705]): **south of 58°34.74' N. lat.;** [EAST OF 152° 27.28 W. LONG.]

(a)(6)(O) **Marka Bay: All waters near the terminus of stream number 252-343: west of 152°39.42' W. long.**

BACKGROUND: Department personnel conduct a review of the placement and condition of stream markers to aid in the prosecution of the commercial salmon fishery in the KMA. Many of the regulatory descriptions of closed waters were written before the existence of GPS technology. This proposal will align the regulations to more accurately reflect the actual historical locations of markers. The proposed alignments will not significantly increase or decrease the fishing area and will not disenfranchise current permit holders.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. The department considers this housekeeping in nature.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

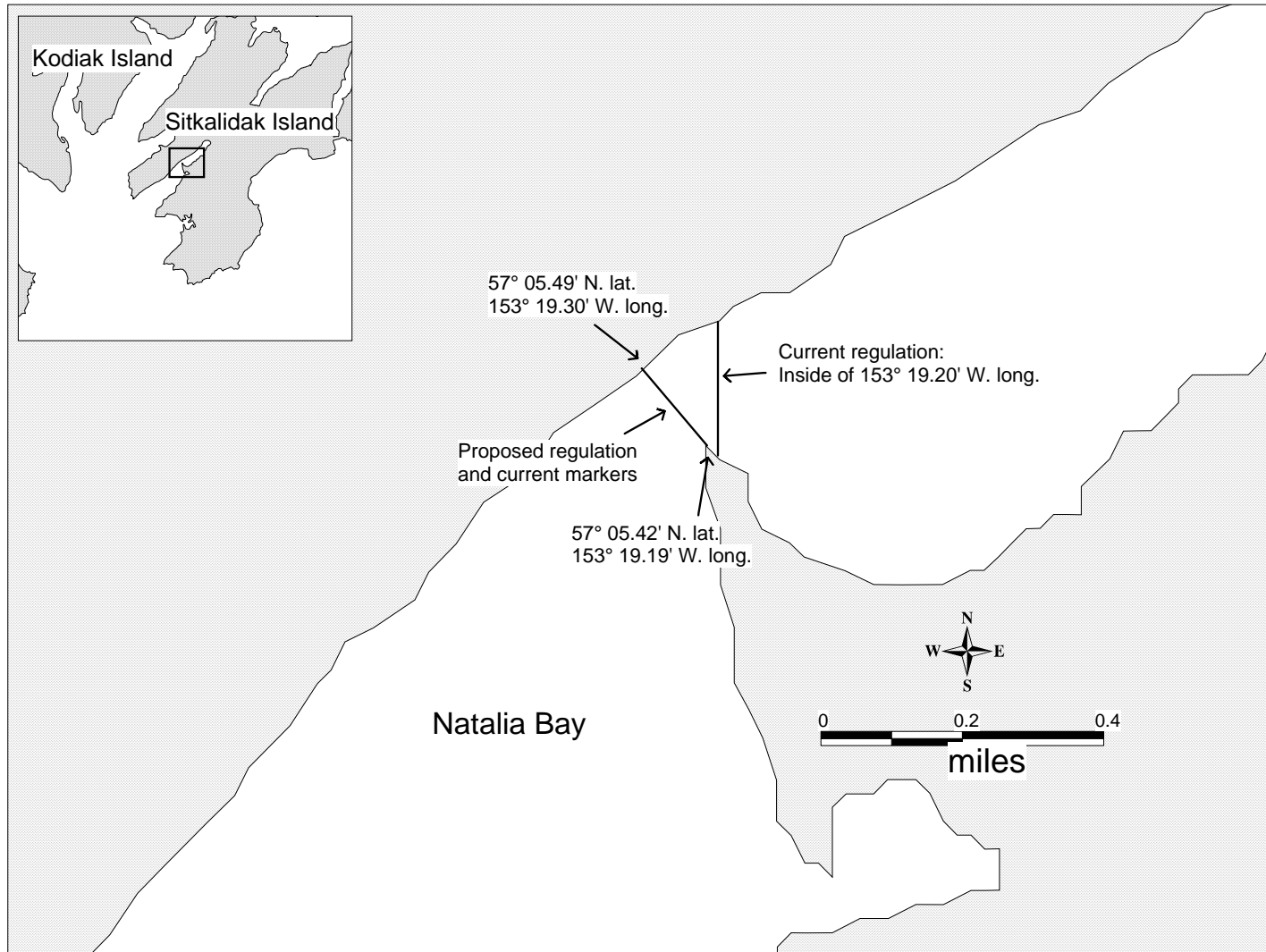


Figure 77-1.—Current and proposed closed waters boundaries in regulation, Natalia Bay.



Figure 77-2.—Current and proposed closed water boundaries in regulation, Whitey's Hole.

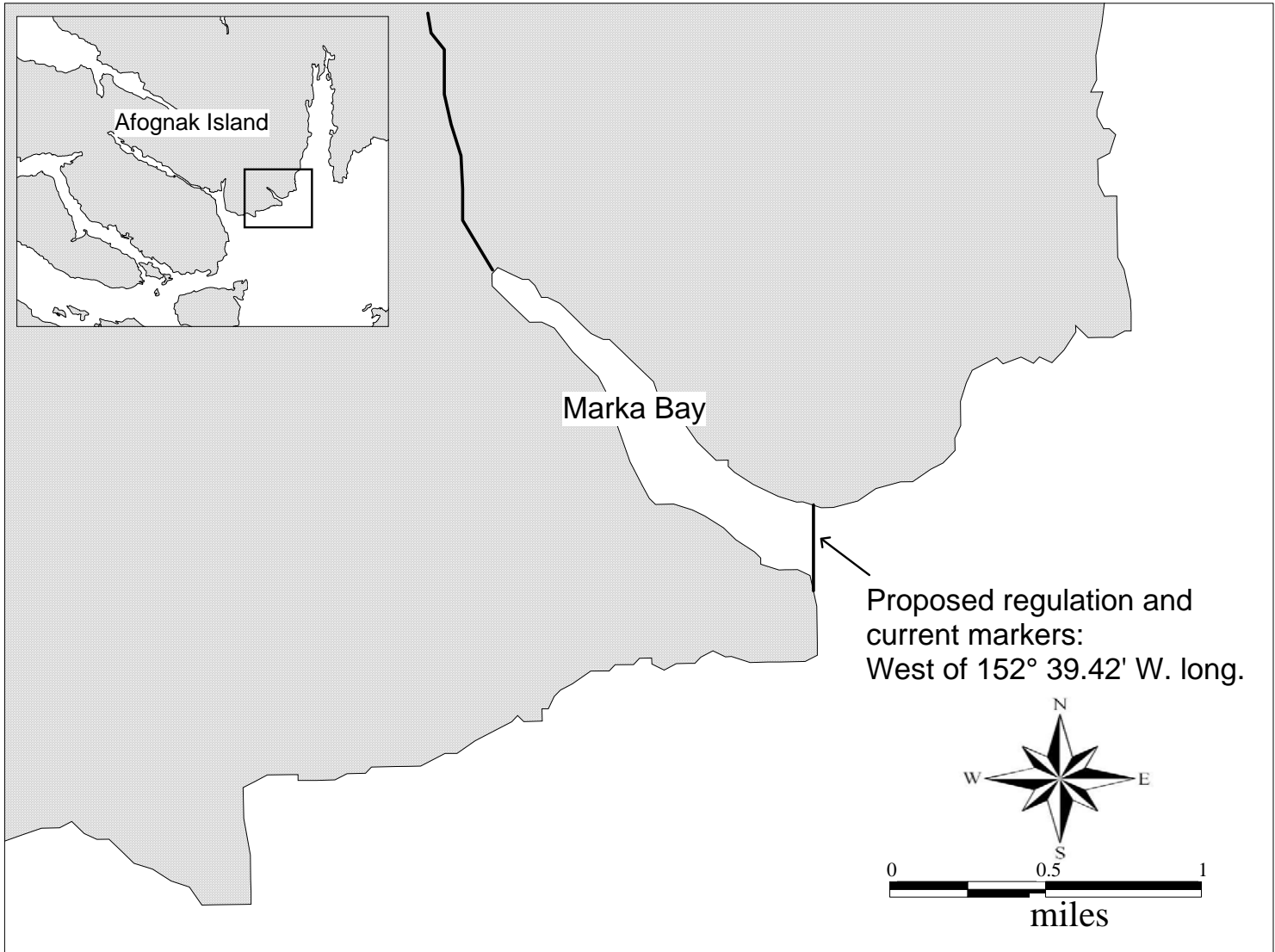


Figure 77-3.—Proposed closed water regulatory boundary and current marker positions.

PROPOSAL 78 – 5 AAC 18.361. Alitak District Salmon Management Plan.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would amend the *Alitak District Salmon Management Plan* to include language clarifying the early-run Upper Station optimal escapement goal (OEG) of 25,000 sockeye salmon.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 18.361. *Alitak District Salmon Management Plan* (a)(3) The department shall manage the commercial salmon fishery in the Alitak District in accordance with the management plan set out in this section. The goal of the management plan is to achieve escapement and harvest objectives of salmon stocks returning to the Humpy-Deadman Section, and the Horse Marine, Frazer, Akalura, and Upper Station systems. It is the intent of the board that the early Upper Station sockeye salmon run be managed for sustained yield by an escapement goal of 25,000 fish, until the department completes a sustained yield analysis.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would clarify the existing Upper Station early-run escapement goal in regulation as an OEG.

Proposed regulatory language as follows:

5 AAC 18.361 *Alitak District Salmon Management Plan.*

- (a)The department shall manage the commercial salmon fishery in the Alitak District:
- 3) The early Upper Station sockeye salmon run be managed for sustained yield by an **optimal** escapement goal of 25,000 fish.[UNTIL THE DEPARTMENT COMPLETES A SUSTAINED YIELD ANALYSIS.]

BACKGROUND: The board adopted this OEG in 1999. Currently, the regulation language is no longer applicable. The department completed a sustained yield analysis in 1999 and determined that 25,000 fish would be a reasonable and conservative escapement goal to sustain the early-run Upper Station run.

Deleting the existing language and inserting the goal as an OEG clarifies the goal as sustainable and puts the OEG clearly in regulation. This change reduces confusion between the OEG and the sustainable escapement goal (SEG), which is higher.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. The department considers this housekeeping in nature.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.