

RC 28

November 11, 2007

Dear Board Chairman and Members,

I own and operate a 58 foot trawler based out of Sand Point, Alaska, and I am supporting the proposal to limit the state water cod fishery to under 60 feet.

I started going to Adak in the winter of 2002. The first couple of years the Bering Sea cod quota was never caught so we were able to fish for at least two months inside state waters. With more A.F.A. co-op boats switching from pollock and competing for cod, the Bering Sea cod quota is being caught earlier each year.

I have no problem competing, but most, if not all of the larger boats that were fishing in the state water fishery last year have other fisheries that are rationalized. They have guaranteed fisheries and can afford the risk of going all the way to Adak. We were alongside a boat waiting to unload and the skipper told me, "as soon as we are done with this we need to go back and finish our pollock".

I am dependant on gulf ground fish, and the "B" season pollock that I would participate in was being caught while I was in Adak. It is not a level playing field anymore, and the N.P.M.C. is no where near making things fair. I would appreciate the state recognizing this and make an attempt to give us non-rationalized, small boat operators some relief. With the anticipated reduction in the Bering Sea cod quota and more competition I am not certain that I will risk the trip out to Adak this year under the present scenario.

Thank you for considering this proposal.

Sincerely,



Tom Evich  
Owner/Operator  
F/V Karen Evich

Russell Pritchett 11/13/07 RC 20  
# 397

ALASKA DEPARTMENT OF FISH AND GAME



DIVISION OF COMMERCIAL FISHERIES

MEMORANDUM

LCI RC 29

TO: John Hilsinger  
Director  
Commercial Fisheries Division  
Headquarters - Juneau

DATE: September 28, 2007  
PHONE: (907) 486-1842  
FAX: (907) 486-1824

FROM: Wayne Donaldson  
Regional Management Biologist  
Commercial Fisheries Division  
Region IV - Kodiak

SUBJECT: Aleutian state-waters  
Pacific cod fishery

Petition A

This memo provides staff assessment of the petition from Clem Tillion submitted to the Alaska Board of Fisheries (BOF) on September 11, 2007, to consider emergency action, out of cycle. The petition asks the BOF to further restrict vessel size in the Aleutian Islands District state-waters Pacific cod fishery. The Aleutian Islands District state-waters Pacific cod fishery is managed according to 5 AAC 28.647. In this memorandum vessel length refers to overall vessel length.

**Emergency Proposal Criteria**

The BOF may consider this petition out-of-cycle if it finds that it satisfies criteria under the Joint Board Petition Policy (5 AAC 96.625).

Within the Joint Board Petition Policy, paragraph (f) specifies that "it is the policy of the boards that a petition will be denied...unless the problem outlined in the petition justifies a finding of emergency." Further, "an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action..."

The petition requests to limit vessel size to no more than 60 feet for all gear types currently allowed in the fishery: non-pelagic trawl, mechanical jig, longline and pot. Given that the petition does not address any unforeseen or unexpected resource situation involved, the petition does not appear to satisfy these criteria for a finding of emergency.

## The Issue at Hand

The petition requests to reduce the maximum vessel size limit to 60 feet for all permitted gear types because the duration of the A season is too short, and to encourage shore-based deliveries and processing.

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

The state-waters guideline harvest level is apportioned 70% to the A season and 30% to the B season (Table 1). The state-waters fishery A season opens after the initial catcher-vessel trawl sector parallel/federal Pacific cod season is closed, and remains open until the A season GHL is attained, or no later than June 9. Beginning June 10, the state-waters B season opens. There are no harvest allocations by gear type.

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

During 2007, the state-waters A season opened to commercial fishing for Pacific cod on March 16, 2007, and closed on March 23, a 7-day fishery. The harvest was 8,229,931 pounds of Pacific cod taken by 27 vessels, although 29 vessels registered for the fishery. Three floating-processor vessels and two shore-based processors participated. No catcher processor vessels (CPs) participated in 2007 whereas six CPs participated in the 2006 A season. Average fishing vessel size was 89' overall length during 2007 (Table 2).

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

During 2007, a daily and trip harvest-limit of 150,000 pounds applied to each vessel. During 2006, the daily harvest-limit was 150,000 pounds, with a vessel trip harvest-limit of 300,000 pounds. The vessel size limits and daily harvest-limit during 2007 were not effective in slowing the pace of the 2007 harvest compared to the 2006 fishery and overages of the daily and trip limits occurred in both seasons. The 2006 fishery lasted 9 days whereas the 2007 fishery lasted 7 days. Fishery catches indicate that most trawl vessels in the fleet, including those less than 60 feet, are capable of catching and holding onboard quantities of Pacific cod very near to or exceeding the current daily harvest limit.

Reducing the vessel size limit is not likely to be effective in substantially slowing the pace of the harvest because even small trawl vessels are capable of reaching the daily harvest-limit. A daily

harvest-limit of 75,000 to 100,000 pounds would provide for a more manageable fishery and would likely produce a higher quality product by slowing the daily harvest rate. ]

### Summary

The petition requests emergency consideration to limit vessel size in the state-waters Pacific cod fishery in the Aleutian Islands west of 170° W longitude. The Board of Fisheries developed the current vessel size limits at their October 2006 meeting.

Based on the harvest statistics from the 2006 A season and the 2007 A season whereby the guideline harvest level was fully achieved, there does not appear to be any unfamiliar, unforeseen, or unexpected resource situation. The A season fishery is very short, but has thus far been manageable, and the A season GHL has been achieved. The petition does not appear to satisfy criteria for a finding of emergency under the Joint Board Petition Policy.

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

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

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

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

*Rod Whitehead*

*F/V Larisa M*

P.O. Box 2048  
Adak, AK 99546

RC 30

November 13, 2007

Dear Mr. Mel Morris & The Board of Fisheries:

My name is Rod Whitehead. I have lived full-time in Alaska since 1965. My current residence is Adak, Alaska. Since 2003, I have resided in Adak with my wife and five children.

As the owner/operator of a 56' aluminum longliner, I am personally aware of some of the fishing issues in this area. As an Adak city councilman, I have seen firsthand the devastation a small community can face by changes in big business. We recently lost almost all our crab landing taxes with the crab rationalization program. This, unfortunately, was a loss of nearly half our city's operating budget. That was a hard pill to swallow. We are still struggling with this loss.

I totally support proposal 397. Small boats are what build a community. Adak is Alaska's newest community, and we need a fishery for these small boats. With the current system, the larger vessels come in and catch the majority of the allotment in very little time. If most of the State quota gets caught in seven days during the trawl season that helps very little in building Alaska's economy. The larger vessels harvest quickly and move on.

Small boats, on the other hand, keep employees busy working at the processing plants for long periods of time. Small boats need services. They buy their fuel locally. They buy groceries locally-lots of groceries when you have a crew and five kids at home to feed-just ask me. They eat at local restaurants; they fly crew in and out. The biggest thing is that small boat captains and their crew often move to town to be close to their fishing grounds. Now they have increased the population of the town.

I really do not need to go on. This is the model that has already supported and built most of Alaska's coastal communities, and as you already know, this is the right choice for Alaska. I support proposal 397. Thank you for your time.

Sincerely,



RC 31

RC 31

**5 AAC 39.XXX. Salmon Seine Vessel Length.** (a) Unless otherwise specified in 5 AAC 01 - 5 AAC 38, a salmon seine vessel may not be longer than 58 feet in overall length as described in AS16.05.835, except that the addition of a bulbous bow may cause the vessel to exceed 58 feet in overall length. Only that portion of the vessel comprising the bulbous bow may cause the vessel to exceed 58 feet in overall length.

(b) For the purposes of this section, a bulbous bow means a bulbous extension of the bow below or predominately below the water line of a vessel, that is designed to increase stability or fuel efficiency, and which does not contain storage space or equipment that can be accessed from within the vessel.

RC 32

## KENAI AREA FISHERMAN'S COALITION

PO Box 375 Kenai, Ak. 99611 \* (907) 283-1054 \* [dwimar@gci.net](mailto:dwimar@gci.net)

Board of Fisheries  
ADF&G / Board Support  
P.O. Box 115526  
Juneau, Alaska. 99811-5526

Nov. 3, 2007

Dear Chairman Morris,

In preparation for the upcoming 08 UCI Board of Fish (BOF) meeting, Kenai Area Fisherman's Coalition would like to express our concerns about the BOF process and preparation materials for that meeting. Our concerns revolve around the following; 1) timeliness of Department reports; 2) the advisory committee process; 3) omission of data and reports from the Department; 4) committee process and 5) deliberations and new material submissions.

Our group is largely made up of retired fisheries scientists and our value to the BOF and advisory boards is based on our ability to analyze data, provide feedback to the ADF&G and assist in clarifying reports and information. Our effectiveness in assisting the BOF relies on adequate time for review.

In meetings with Commissioner Lloyd and Department directors we were informed that the reports would be completed by Dec. 1, 2007 and at the latest 30 days prior to the BOF meeting. We have recently been advised that most of the reports would not be available prior to mid-January. This is unacceptable to our group, and we assume to other groups involved in finding solutions to Upper Cook Inlet fishery issues.

The advisory committee process is seriously compromised by this lack of data. They will be making recommendations without factual data to base decisions on. In fact, some of the advisory committees are meeting right now and have no data before them. How can the advisory committees make good recommendations when Department staff is not in full agreement on the data? Discussions are on-going on the impacts of large escapements, the status of Susitna River sockeye, the harvest of Susitna River fish in the commercial fisheries, the status of escapement goals, the legal ramifications of making windows a priority over all escapement goals, and ADF&G comments on the proposals.

We are concerned that the reports listed by ADF&G for presentation to the BOF are not complete. We noticed that ADF&G has no report scheduled for the status of stocks in UCI, especially coho salmon; no report on the status of habitat degradation in the Kenai River from recreational use, including the personal use fishery (this is required in regulation); and no report on the findings of the starvation investigation of Kenai River sockeye salmon juveniles.

Our organization is very concerned about the committee process and flow of information to all of the BOF members. It is our experience that significant information is presented at the committee level and yet this information is rarely transmitted to the full BOF. Written reports are not complete and there is no tape record of the meetings to validate what is in the written committee reports.

We also have observed committee members misstate what the committee said or omit data that the committee had before it in their presentations. Therefore, we would like the BOF to meet in full on the important UCI issues and solve them via deliberation before the committees meet. These include: 1) proposals that deal with escapement goals and whether they will be a priority for UCI management and 2) proposals that restrict the flexibility of ADF&G in management of the fisheries (fixed windows and time limitations) – these proposals would reduce the adaptive management flexibility of ADF&G.

The last area of concern has to do with last minute proposals or compromises that are brought before the Board during the deliberation process. This occurred in both the 2002 and 2005 meetings. It allowed for select special interest groups to get their most precious issues passed into regulation without having to go through the proposal/comment and committee process.

In 2002 it was the Kenai River Sport Fishing Association's (KRSA), Kenai River early run Chinook catch and release regulation change that was subsequently overturned because of public outcry.

In 2005 KRSA and United Cook Inlet Drift Association (specific to drift gill net regulations and consequences only) brought a brand new proposal to the BOF during the meeting that authorized a re-allocation of hundreds of thousands of sockeye salmon, lowered the escapement goals in the Yentna River, raised the Kenai escapement goal by 50,000 and established a presumptive 36 hour window on a segment of the commercial set net fishermen. This was done without any advisory committee review or public comment. The proposal was brought to the BOF and passed in less than 30 minutes. This was an unethical action on part of the BOF and compromised the sense of any public process for that meeting.

We realize that there will be some alterations to regulations or proposals toward the end of the deliberation process. However, we would request that the BOF hold in abeyance (at least 24 hours) any new regulation generated by the BOF that is significantly different from the published proposals. During this 24 hours period we would request that ADF&G staff review the proposal for management concerns and the BOF allow the public to submit comments on the proposal via the RC process prior to any action by the BOF.

We hope you will give these matters careful consideration. Thank you for your consideration in these matters.



We will be in attendance at the Lower Cook Inlet meeting if you would like to discuss these concerns in more detail.

Dwight Kramer, KAFC Chairman

Cc: Denby Lloyd, Commissioner of ADF&G  
John Hilsinger, COMFISH Director  
Charles Swanton, Sport Fish Director  
Jim Marcotte, Director of Board Support  
Gov. Sarah Palin, Office of the Governor  
Tom Wagoner, Alaska State Senate

RC 33

Letter to board of Fish

Re: proposal #21

From: Tim McDonald interested citizen , Seward, AK

Dear Ladies & Gentlmen of the Board of Fish,

I do support single hook fishing in the resurrection river estuary, the run is enhanced by smolt release and we are one of the most accesable fishing spots in Alaska. My business happens to be located next to the said estuary and I provide parking and other services to the fishermen. The red salmon run commenced on May 3<sup>rd</sup> and ended by approx june 7<sup>th</sup> of this year as far as fish entering the stream and river system, am sure they stayed in the system some time after that. Perhaps at a later time the dates for an open single hook fishery can be modified to more closely follow the season. Thank you for the opportunity to be heard.

Regards,

*Tim McDonald*

Tim McDonald

10-30-07

ATTEN: Sherry Wright  
Southcentral COMM. coordinator

RC34

**Table 13.-Contribution statistics from coded-wire tagged Chinook salmon recovered in the early-run Central Cook Inlet marine recreational fisheries north of Bluff Point, 1996-2002.**

Year	Harvest	Number Examined	Number of Tags Decoded	Harvest Explained	Cook Inlet Hatchery		Deep Creek	Other Cook Inlet Wild	Non-Cook Inlet
					Other	Ninilchik			
1996	4,702	1,470	24	543 (11.5%)	13 (0.3%)	<sup>a</sup> 183 (3.9%)		<sup>a</sup>	348 (7.4%)
1997	5,646	2,442	49	687 (12.2%)	137 (2.4%)	<sup>a</sup> 167 (3.0%)	149 (2.6%)	<sup>a</sup>	234 (4.1%)
1998	5,783	2,789	60	1,270 (22.0%)	61 (1.1%)	54 (0.9%)	281 (4.9%)		874 (15.1%)
1999	4,907	2,019	60	607 (12.4%)	137 (2.8%)	73 (1.5%)	155 (3.2%)		241 (4.9%)
2000	4,773	1,839	66	603 (12.6%)	181 (3.8%)	63 (1.3%)	77 (1.6%)		282 (5.9%)
2001	3,671	1,552	78	815 (22.2%)	159 (4.3%)	45 (1.2%)		<sup>a</sup>	611 (16.6%)
2002	3,368	1,609	32	396 (11.8%)	42 (1.2%)	9 (0.3%)		<sup>a</sup>	345 (10.2%)
Mean				703 (14.9%)	104 (2.3%)	85 (1.7%)	166 (3.1%)		419 (9.2%)

Sources: 1996 - modified from McKinley 1999.  
 1997, 1998 - R. Begich, ADF&G SF, Soldotna, personal communication.  
 1999-2001 - Begich *In prep* a.  
 2002 - R. Begich, ADF&G SF, Soldotna, personal communication.

<sup>a</sup> Not all age classes represented.

**Table 16.- Summary of stock origin contribution statistics, estimates of maturity, non-spawning and spawning chinook harvested in the early-run Central Cook Inlet marine recreational fisheries north of Bluff Point, 1996-2002.**

Year	Total Harvest	Estimated Fraction		Total Number Stock Origin Explained	Stock Origin Unexplained						
		Non-spawners <sup>a</sup>	Spawners		Total Number	Estimated Number of Non-spawners	Estimated Number of Spawners	Total Non-spawners	%	Total Spawner	%
1996	4,702	0.21	0.79	543	4,159	873	3,286	1,221	0.26	3,481	0.74
1997	5,646	0.23	0.77	687	4,959	1,141	3,818	1,375	0.24	4,271	0.76
1998	5,783	0.45	0.55	1,270	4,513	2,031	2,482	2,905	0.50	2,878	0.50
1999	4,907	0.21	0.79	607	4,300	903	3,397	1,144	0.23	3,763	0.77
2000	4,773	0.39	0.61	603	4,170	1,626	2,544	1,908	0.40	2,865	0.60
2001	3,671	0.49	0.51	815	2,856	1,399	1,457	2,010	0.55	1,661	0.45
2002	3,368	0.52	0.48	396	2,972	1,545	1,427	1,890	0.56	1,478	0.44
Mean	4,693	0.36	0.64	703	3,990	1,360	2,630	1,779	0.39	2,914	0.61

<sup>a</sup>From Table 14.

**ALASKA BOARD OF FISHERIES  
COMMITTEE REPORT**

**COMMITTEE A – Lower Cook Inlet King Salmon  
November 14, 2007**

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**Board Committee Members:**

1. Jeremiah Campbell, Chair
2. Bonnie Williams
3. Howard Delo

**Alaska Department of Fish and Game Staff Members:**

- |                    |                     |
|--------------------|---------------------|
| 1. Nicky Szarzi    | 8. Charlie Swanton  |
| 2. Carol Kerkvliet | 9. Dan Bosch        |
| 3. Tom Vania       | 10. Rob Bentz       |
| 4. Mike Booz       | 11. Lee Hammarstrom |
| 5. Ted Otis        | 12. Sherry Wright   |
| 6. Scott Meyer     | 13. Jim Hasbrouck   |
| 7. Ethan Ford      | 14. Al Cain         |

**Advisory Committee Members:**

1. Marvin Peters, Homer AC
2. Steve Vanek, Ninilchik AC
3. Diane Dubuc, Seward AC
4. Aaron Bloomquest, Anchorage AC

**Public Panel Members:**

1. Lynn Whitmore, Self
2. Tom Hagberg, South Peninsula Sportsman Association
3. Gary Sinnhuber, Self
4. Gary Fandrei, Cook Inlet Aquaculture
5. Jim Gladish, Self
6. Rod Campbell, USFWS-OSM
7. Jim Stubbs, Self

This committee met November 14 at 830 a.m.

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**PROPOSALS BEFORE THE COMMITTEE WERE: (15 Total)**

Lower Cook Inlet King Salmon Sport Fisheries; (1,2,3,4,5,6,7,8,9,10,11,12); Seward rockfish, youth only, and Resurrection River fisheries, (19, 20, 21).

DRAFT

**PROPOSAL 1 - 5 AAC 56.122 (a)(2)(E) and (a)(5)(D). If adopted, this proposal would open Anchor River king salmon fishery 6 days a week from May 25 to June 25 excluding Mondays.**

**Staff Reports:** RC 4, 12, 34

**Staff Comments:** RC 2

**Dept. of Law Comments:** none

**AC Reports:** AC 1, 4, 5, 6, 12

**Public Comment:** PC 1, 4, 7, 9, 11

**Record Comments:** RC 7, 16

**Department Background:**

Committee addressed proposals 1, 2 and 3 jointly. The Anchor River supports the largest run of king salmon within the Lower Cook Inlet Management Area (LCIMA). The king salmon sport fishery in the Anchor River has been heavily restricted throughout its history including fishery openings only on 3-day weekends in late May and June. King salmon escapement to the Anchor River has ranged from 8,945 in 2006 to 12,016 in 2004. The Anchor River king salmon stock can support more harvest based on the proposed SEG threshold. The difference between the average escapement from 2004-2006 and the proposed escapement threshold is 5,685.

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

**Pro's**

- **Currently, low exploitation rate allows for additional opportunity**
- **Provide more fishing opportunity**

DRAFT

- **Liberalization of fishery would restore fishery prior to the 1996 restrictions.**
- **Additional day to the regulatory weekends would increase harvest.**

**Con's**

- **Unknown effect of proxy fishery**
- **Increased steelhead catch and release mortality with increased fishing opportunity**
- **Uncertainty in long term escapement data**
- **Reduced number of days that river is not fished (rest days)**
- **Mid-week additional day would exclude families, non-locals and working class from participating**
- **Additional opportunity may attract other freshwater guides**
- **Doubling fishing time may double harvest which would be unsustainable**
- **Perceived flesh quality differences with early run harvested fish due to muddy water**
- **Additional weekend will significantly increase total harvest.**

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***POSITIONS AND RECOMMENDATIONS***

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**Department position:** Opposed as written. Supports addition of a fourth day to the five existing regulatory weekends.

**Public Panel Recommendation:** Consensus to oppose as written. Consensus to support the addition of sixth weekend. No consensus for extra day.

**Board Committee Recommendation:** No Consensus

**Substitute Language:**

DRAFT

**PROPOSAL 2 - 5 AAC 56.122 (2). If adopted, this proposal will open Anchor River king salmon fishery 5 days per week.**

**Staff Reports:** RC 4, 12, 34

**Staff Comments:** RC 2

**Dept. of Law Comments:** none

**AC Reports:** AC 1, 4, 5, 6, 12

**Public Comment:** PC 1, 4, 7, 9, 11

**Record Comments:** RC 7, 16

**Department Background:**

Committee addressed proposals 1, 2 and 3 jointly. The Anchor River supports the largest run of king salmon within the Lower Cook Inlet Management Area (LCIMA). The king salmon sport fishery in the Anchor River has been heavily restricted throughout its history including fishery openings only on 3-day weekends in late May and June. King salmon escapement to the Anchor River has ranged from 8,945 in 2006 to 12,016 in 2004. The Anchor River king salmon stock can support more harvest based on the proposed SEG threshold. The difference between the average escapement from 2004-2006 and the proposed escapement threshold is 5,685.

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

**Pros**

- **Currently, low exploitation rate allows for additional opportunity**
- **Provide more fishing opportunity**
- **Liberalization of fishery would restore fishery prior the 1996 restrictions.**
- **Additional day to the five existing regulatory weekends would increase harvest.**



DRAFT

**Cons**

- **Unknown effect of proxy fishery**
- **Increased steelhead catch and release mortality with increased fishing opportunity**
- **Uncertainty in long term escapement data**
- **Reduced number of days that river is not fished (rest days)**
- **Mid-week additional day would exclude families, non-locals and working class from participating**
- **Additional opportunity may attract other freshwater guides**
- **Doubling fishing time may double harvest which would be unsustainable**
- **Perceived flesh quality differences with early run harvested fish due to muddy water**
- **Additional weekend will significantly increase total harvest.**

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***POSITIONS AND RECOMMENDATIONS***

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**Department position:** Opposed as written. Supports addition of a fourth day to the regulatory weekends.

**Public Panel Recommendation:** Consensus to oppose as written. Consensus to support the addition of sixth weekend. No consensus for extra day.

**Board Committee Recommendation:** No Action

**Substitute Language:**

DRAFT

**PROPOSAL 3 -5 AAC 56.122(a)(2). If adopted, this proposal would modify king salmon season opening date on the Anchor River to start on Saturday of Memorial Day weekend.**

**Staff Reports:** RC 4, 12, 34

**Staff Comments:** RC 2

**Dept. of Law Comments:** none

**AC Reports:** AC 1, 4, 5, 6, 12

**Public Comment:** PC 1, 4, 7, 9, 11

**Record Comments:** RC 7, 16

**Department Background:**

Committee addressed proposals 1, 2 and 3 jointly. The Anchor River supports the largest run of king salmon within the Lower Cook Inlet Management Area (LCIMA). The king salmon sport fishery in the Anchor River has been heavily restricted throughout its history including fishery openings only on 3-day weekends in late May and June. King salmon escapement to the Anchor River has ranged from 8,945 in 2006 to 12,016 in 2004. The Anchor River king salmon stock can support more harvest based on the proposed SEG threshold. The difference between the average escapement from 2004-2006 and the proposed escapement threshold is 5,685.

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

**Pro's**

- **Currently, low exploitation rate allows for additional opportunity**
- **Provide more fishing opportunity**
- **Liberalization of fishery would restore fishery prior to the 1996 restrictions.**

DRAFT

• **Additional day to the regulatory weekends would increase harvest.**  
**Con's**

- **Unknown effect of proxy fishery**
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- **Uncertainty in long term escapement data**
- **Reduced number of days that river is not fished (rest days)**
- **Mid-week additional day would exclude families, non-locals and working class from participating**
- **Additional opportunity may attract other freshwater guides**
- **Doubling fishing time may double harvest which would be unsustainable**
- **Perceived flesh quality differences with early run harvested fish due to muddy water**
- **Additional weekend will significantly increase total harvest.**

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***POSITIONS AND RECOMMENDATIONS***

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**Department position:** Opposed as written. Supports addition of a fourth day to the five existing regulatory weekends.

**Public Panel Recommendation:** Consensus to oppose as written. Consensus to support the addition of sixth weekend. No consensus for extra day.

**Board Committee Recommendation:** No Action

**Substitute Language:**

DRAFT

**PROPOSAL 4 - 5 AAC 56.122 (a)(2)(E) and (a)(5)(D) If adopted, this proposal would increase the annual limit for king salmon on the Anchor River and Deep Creek from 2 to 5.**

**Staff Reports:** RC 4, 12, 34

**Staff Comments:** RC 2

**Dept. of Law Comments:** none

**AC Reports:** AC 1, 4, 5, 6, and 12

**Public Comment:** PC 1, 4, 7, 9, and 11

**Record Comments:** RC 7, 16

**Department Background:**

The Anchor River supports the largest run of king salmon within the Lower Cook Inlet Management Area (LCIMA). The king salmon sport fishery in the Anchor River has been heavily restricted throughout its history including fishery openings only on 3-day weekends in late May and June. King salmon escapement to the Anchor River has ranged from 8,945 in 2006 to 12,016 in 2004. The Anchor River king salmon stock can support more harvest based on the proposed SEG threshold. The difference between the average escapement from 2004-2006 and the proposed escapement threshold is 5,685.

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

The increase in harvest of Anchor River king salmon due to increasing the annual limit to five fish could be sustained by the stock. A similar increase in harvest of king salmon from Deep Creek might not be sustainable.

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**Pro's**

- **Allows people to harvest surplus king salmon**
- **Minimal effect to total harvest since few anglers harvest more than one.**

**Con's**

- **Not a cautious approach to harvest management**
- **People will fish longer or more days**
- **Potential for more crowded fishing conditions**
- **Detrimental to Deep Creek stock**

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***POSITIONS AND RECOMMENDATIONS***

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**Department position:** Neutral to allocative aspects and oppose to increasing Deep Creek annual limit.

**Public Panel Recommendation:** Consensus to support annual limit of five fish on Anchor River. Consensus to oppose annual limit of five fish on Deep Creek.

**Board Committee Recommendation:** No Consensus

**Substitute Language:**

DRAFT

**PROPOSAL 5 -5 AAC 56.122 (a)(2)(E) and (a)(5)(D). If adopted, this proposal would allow catch and release fishing after retaining a king salmon on the Anchor River and Deep Creek.**

**Staff Reports:** RC 4, 12, and 34

**Staff Comments:** RC 2

**Dept. of Law Comments:** none

**AC Reports:** AC 1, 4, 5, 6, and 12

**Public Comment:** PC 1, 4, 7, 9, and 11

**Record Comments:** RC 7, 16

**Department Background:**

The Anchor River supports the largest run of king salmon within the Lower Cook Inlet Management Area (LCIMA). The king salmon sport fishery in the Anchor River has been heavily restricted throughout its history including fishery openings only on 3-day weekends in late May and June. King salmon escapement to the Anchor River has ranged from 8,945 in 2006 to 12,016 in 2004. The Anchor River king salmon stock can support more harvest based on the proposed SEG threshold. The difference between the average escapement from 2004-2006 and the proposed escapement threshold is 5,685.

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

**Pro's**

- **Would return to earlier regulation prior to the 1996 restrictions.**
- **Provides fishing opportunity to anglers who quickly harvest king salmon.**

**Con's**

- **May increase crowding in an already crowded fishery**
- **Unknown increase in catch and release mortality**

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***POSITIONS AND RECOMMENDATIONS***

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**Department position:** Opposed

**Public Panel Recommendation:** Consensus to oppose

**Board Committee Recommendation:** Consensus to oppose

**Substitute Language:**

DRAFT

**PROPOSAL 6 5 AAC 58.055 (d). If adopted, this proposal would reduce the conservation corridor dates in the Early-Run King Salmon Special Harvest Area around the Anchor River from July 1 to June 25.**

**Staff Reports:** RC 4, 12, and 34

**Staff Comments:** RC 2

**Dept. of Law Comments:** none

**AC Reports:** AC 1, 4, 5, 6, and 12

**Public Comment:** PC 1, 4, 7, 9, and 11

**Record Comments:** RC 7, 16

**Department Background:**

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

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

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



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**Pro's**

- **Provides additional fishing with little impact to Lower Cook Inlet stocks.**
- **Provides opportunity for anglers to target Kenai River king salmon**

**Con's**

- **Increased regulation complexity for Cook Inlet saltwater**
- **Change all saltwater special harvest area regulations to end June 25 or July 1**
- **Difficultly with enforcement**
- **Allocative issue with other user groups (Kenai River king salmon anglers).**
- **Earlier start may overlap with in-river regulatory opening.**

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***POSITIONS AND RECOMMENDATIONS***

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**Department position:** Neutral

**Public Panel Recommendation:** No Consensus

**Board Committee Recommendation:** Consensus to oppose

**Substitute Language:**

DRAFT

**PROPOSAL 7-5 AAC 58.055 (d)(3) If adopted, this proposal would reduce closed area at mouth of Anchor River from 4 miles to 2 miles in the Early-Run King Salmon Special Harvest Area.**

**Staff Reports:** RC 4, 12, and 34

**Staff Comments:** RC 2

**Dept. of Law Comments:** none

**AC Reports:** AC 1, 4, 5, 6, and 12

**Public Comment:** PC 1, 4, 7, 9, and 11

**Record Comments:** RC 7, 16

**Department Background:**

Proposals 7, 8 and 9 were discussed jointly. The Board of Fisheries passed the Upper Cook Inlet Marine Early Run King Salmon Management Plan in 1996. The plan was intended to stabilize the growing king salmon fishery on fully utilized mixed stocks in the nearshore marine waters from Ninilchik to Bluff Point and to prevent overexploitation of stocks thought to be intercepted in the fishery which were experiencing below average returns including Deep Creek and the Anchor River as well as the Kenai River and some northern Cook Inlet tributaries. Record harvests were occurring in the Anchor River and Deep Creek concurrently with below average escapements. Besides creating the management plan, the Board restricted the freshwater king salmon fisheries in the Anchor River and Deep Creek as an additional conservation measure. The plan increased the closed area around the mouth of the Anchor River from 1 mile north and south to 2 miles north and south. The marine waters within one mile of stream mouths, including the Anchor River, Deep Creek and the Ninilchik River, have been closed from January 1-July 1 since 1979.

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

A department study to estimate the contribution of coded-wire tagged king salmon stocks to the marine fishery was conducted from 1996-2002 and found that the marine fishery between Bluff Point and Deep Creek harvests a mixture of king salmon stocks from Cook Inlet and the western United States. Cook Inlet stocks dominate the harvest but non-local stocks make up a significant proportion of the harvest in some years. No single Cook

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Inlet stock dominates the harvest but rather many Cook Inlet stocks contribute. Deep Creek king salmon and Ninilchik River hatchery-produced king salmon were the only local stocks that were implanted with coded wire tags and were found to contribute less than 300 and 200 fish, respectively, to the annual marine harvest in the years of the study that all year classes of the two stocks were tagged. The marine harvest of Anchor River king salmon is likely slightly higher, but of a similar small magnitude, compared to the harvest from Deep Creek. Cook Inlet stocks were found to dominate the harvest taken within 3/4 mile from shore and non-local stocks dominated the harvest from beyond 3/4 mile of shore.

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

**Pro's**

- **Spreads out saltwater fishing pressure**
- **Liberalization should be shared equally between freshwater and saltwater fisheries**
- **Saltwater fishery will not impact local stocks**
- **Provide fishing opportunity to harvest additional Anchor River king salmon in saltwater**

**Con's**

- **Would decrease the number of king salmon in lower Cook Inlet streams**
- **Might impact freshwater anglers success**
- **Too many regulation changes would prohibit assessment liberalization**
- **Freshwater fishery more restrictive than saltwater fishery**

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***POSITIONS AND RECOMMENDATIONS***

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**Department position:** Neutral

**Public Panel Recommendation:** No Consensus

**Board Committee Recommendation:** Consensus to support

**Substitute Language:**

DRAFT

**PROPOSAL 8 -5 AAC 58.055 (d)(1) & (3) If adopted, this would proposal reduce closed area at mouth of Anchor River and Deep Creek in the Early-Run King Salmon Special Harvest Area.**

**Staff Reports:** RC 4, 12, and 34

**Staff Comments:** RC 2

**Dept. of Law Comments:** none

**AC Reports:** AC 1, 4, 5, 6, and 12

**Public Comment:** PC 1, 4, 7, 9, and 11

**Record Comments:** RC 7, 16

**Department Background:**

Proposals 7, 8 and 9 were discussed jointly. The Board of Fisheries passed the Upper Cook Inlet Marine Early Run King Salmon Management Plan in 1996. The plan was intended to stabilize the growing king salmon fishery on fully utilized mixed stocks in the nearshore marine waters from Ninilchik to Bluff Point and to prevent overexploitation of stocks thought to be intercepted in the fishery which were experiencing below average returns including Deep Creek and the Anchor River as well as the Kenai River and some northern Cook Inlet tributaries. Record harvests were occurring in the Anchor River and Deep Creek concurrently with below average escapements. Besides creating the management plan, the Board restricted the freshwater king salmon fisheries in the Anchor River and Deep Creek as an additional conservation measure. The plan increased the closed area around the mouth of the Anchor River from 1 mile north and south to 2 miles north and south. The marine waters within one mile of stream mouths, including the Anchor River, Deep Creek and the Ninilchik River, have been closed from January 1-July 1 since 1979.

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

A department study to estimate the contribution of coded-wire tagged king salmon stocks to the marine fishery was conducted from 1996-2002 and found that the marine fishery between Bluff Point and Deep Creek harvests a mixture of king salmon stocks from Cook Inlet and the western United States. Cook Inlet stocks dominate the harvest but non-local stocks make up a significant proportion of the harvest in some years. No single Cook Inlet stock dominates the harvest but rather many Cook Inlet stocks contribute. Deep

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Creek king salmon and Ninilchik River hatchery-produced king salmon were the only local stocks that were implanted with coded wire tags and were found to contribute less than 300 and 200 fish, respectively, to the annual marine harvest in the years of the study that all year classes of the two stocks were tagged. The marine harvest of Anchor River king salmon is likely slightly higher, but of a similar small magnitude, compared to the harvest from Deep Creek. Cook Inlet stocks were found to dominate the harvest taken within 3/4 mile from shore and non-local stocks dominated the harvest from beyond 3/4 mile of shore.

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

### Pro's

- **Spreads out saltwater fishing pressure**
- **Liberalization should be shared equally between freshwater and saltwater fisheries**
- **Saltwater fishery will not impact local stocks**
- **Provide fishing opportunity to harvest additional Anchor River king salmon in saltwater**

### Con's

- **Would decrease the number of king salmon in lower Cook Inlet streams**
- **Might impact freshwater anglers success**
- **Too many regulation changes would prohibit assessment liberalization**
- **Freshwater fishery more restrictive than saltwater fishery**

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## ***POSITIONS AND RECOMMENDATIONS***

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**Department position:** Neutral

**Public Panel Recommendation:** No Consensus

**Board Committee Recommendation:** No Action

**Substitute Language:**

DRAFT

**PROPOSAL 9 - 5 AAC 58.055 (d)(1) and (3). Reduce closed area at mouth of Anchor River and Deep Creek in the Early-Run King Salmon Special Harvest Area**  
**Staff Reports: RC 4, 12, and 34**

**Staff Comments: RC 2**

**Dept. of Law Comments: none**

**AC Reports: AC 1, 4, 5, 6, and 12**

**Public Comment: PC 1, 4, 7, 9, and 11**

**Record Comments: RC 7, 16**

**Department Background:**

Proposals 7, 8 and 9 were discussed jointly. The Board of Fisheries passed the Upper Cook Inlet Marine Early Run King Salmon Management Plan in 1996. The plan was intended to stabilize the growing king salmon fishery on fully utilized mixed stocks in the nearshore marine waters from Ninilchik to Bluff Point and to prevent overexploitation of stocks thought to be intercepted in the fishery which were experiencing below average returns including Deep Creek and the Anchor River as well as the Kenai River and some northern Cook Inlet tributaries. Record harvests were occurring in the Anchor River and Deep Creek concurrently with below average escapements. Besides creating the management plan, the Board restricted the freshwater king salmon fisheries in the Anchor River and Deep Creek as an additional conservation measure. The plan increased the closed area around the mouth of the Anchor River from 1 mile north and south to 2 miles north and south. The marine waters within one mile of stream mouths, including the Anchor River, Deep Creek and the Ninilchik River, have been closed from January 1-July 1 since 1979.

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

A department study to estimate the contribution of coded-wire tagged king salmon stocks to the marine fishery was conducted from 1996-2002 and found that the marine fishery between Bluff Point and Deep Creek harvests a mixture of king salmon stocks from Cook Inlet and the western United States. Cook Inlet stocks dominate the harvest but non-local stocks make up a significant proportion of the harvest in some years. No single Cook Inlet stock dominates the harvest but rather many Cook Inlet stocks contribute. Deep Creek king salmon and Ninilchik River hatchery-produced king salmon were the only

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local stocks that were implanted with coded wire tags and were found to contribute less than 300 and 200 fish, respectively, to the annual marine harvest in the years of the study that all year classes of the two stocks were tagged. The marine harvest of Anchor River king salmon is likely slightly higher, but of a similar small magnitude, compared to the harvest from Deep Creek. Cook Inlet stocks were found to dominate the harvest taken within 3/4 mile from shore and non-local stocks dominated the harvest from beyond 3/4 mile of shore.

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

**Pro's**

- **Spreads out saltwater fishing pressure**
- **Liberalization should be shared equally between freshwater and saltwater fisheries**
- **Saltwater fishery will not impact local stocks**
- **Provide fishing opportunity to harvest additional Anchor River king salmon in saltwater**

**Con's**

- **Would decrease the number of king salmon in lower Cook Inlet streams**
- **Might impact freshwater anglers success**
- **Too many regulation changes would prohibit assessment liberalization**
- **Freshwater fishery more restrictive than saltwater fishery**

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***POSITIONS AND RECOMMENDATIONS***

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**Department position:** Neutral

**Public Panel Recommendation:** No Consensus

**Board Committee Recommendation:** No Action

**Substitute Language:**

DRAFT

**PROPOSAL 10 -5 AAC 56.122(6). If adopted, this proposal would allow fishing for hatchery king salmon in the Ninilchik River 7 days per week from Saturday of Memorial Day weekend through December 31.**

**Staff Reports:** RC 4, 12, and 34

**Staff Comments:** RC 2

**Dept. of Law Comments:** none

**AC Reports:** AC 1, 4, 5, 6, and 12

**Public Comment:** PC 1, 4, 7, 9, 10 and 11

**Record Comments:** RC 7, 16

**Department Background:**

Proposals 10 and 11 were discussed jointly. King salmon have been stocked in the Ninilchik River since 1988 to provide additional harvest opportunity for sport anglers. Wild and hatchery-produced Ninilchik River king salmon escapement has been monitored at a weir operated during part of the king salmon run in July and early August used to artificially spawn fish for stocking. The weir is located approximately 4 miles upstream from the mouth. The Ninilchik River king salmon Sustainable Escapement Goal (SEG) is an index of escapement based upon counts of wild fish released upstream of the weir during July 3 to July 31 from 1999-2007. The SEG range of 550-1,300 has been met each year during that period except in 2007. The 2007 wild king salmon escapement was 545 fish; 5 fish below the goal.

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

The Ninilchik River sport fishery regulations have been liberalized each year since 2001 to increase the harvest of hatchery-produced fish. In 2001-2004 and 2006-2007 the fishery was extended by emergency order for the harvest of hatchery-produced king salmon. In 2005, the BOF increased the bag limit to two king salmon, both of which



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

**Pro's**

- **Reduce crowding during regulatory weekend openings**
- **Provides additional fishing opportunity without impacting wild king salmon stock**
- **Would stimulate local economy**
- **Harvest surplus hatchery king salmon**

**Con's**

- **Increases steelhead catch**
- **Increases catch and release mortality on wild king salmon**
- **Increases use with written regulation over emergency order**
- **Would become tourist fishery**
- **After July 15 most king salmon are too mature for harvest**
- **Failed to reach SEG in 2007**
- **Need to sort through many wild king salmon to harvest hatchery salmon**
- **Increased effort would degrade riparian area**
- **Might influence angling community to fish other locations**
- **Increase the illegal take of wild king salmon**
- **Decreased fishing quality**
- **Might be fishing during periods when hatchery fish are not available for harvest**
- **Prevents build up of king salmon for regulatory weekend openings**

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***POSITIONS AND RECOMMENDATIONS***

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**Department position:** Support

**Public Panel Recommendation:** No Consensus

**Board Committee Recommendation:** No Consensus

**Substitute Language:**

DRAFT

**PROPOSAL 11- 5 AAC 56.122(a) (6). If adopted, this proposal would allow harvest of hatchery king salmon 7 days per week on Ninilchik River from Saturday of Memorial Day weekend through July 15.**

**Staff Reports:** RC 4, 12, and 34

**Staff Comments:** RC 2

**Dept. of Law Comments:** none

**AC Reports:** AC 1, 4, 5, 6, and 12

**Public Comment:** PC 1, 4, 7, 9, 10 and 11

**Record Comments:** RC 7, 16

**Department Background:**

Proposals 10 and 11 were discussed jointly. King salmon have been stocked in the Ninilchik River since 1988 to provide additional harvest opportunity for sport anglers. Wild and hatchery-produced Ninilchik River king salmon escapement has been monitored at a weir operated during part of the king salmon run in July and early August used to artificially spawn fish for stocking. The weir is located approximately 4 miles upstream from the mouth. The Ninilchik River king salmon Sustainable Escapement Goal (SEG) is an index of escapement based upon counts of wild fish released upstream of the weir during July 3 to July 31 from 1999-2007. The SEG range of 550-1,300 has been met each year during that period except in 2007. The 2007 wild king salmon escapement was 545 fish; 5 fish below the goal.

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

The Ninilchik River sport fishery regulations have been liberalized each year since 2001 to increase the harvest of hatchery-produced fish. In 2001-2004 and 2006-2007 the fishery was extended by emergency order for the harvest of hatchery-produced king salmon. In 2005, the BOF increased the bag limit to two king salmon, both of which

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

**Pro's**

- **Reduce crowding during regulatory weekend openings**
- **Provides additional fishing opportunity without impacting wild king salmon stock**
- **Would stimulate local economy**
- **Harvest surplus hatchery king salmon**

**Con's**

- **Increases steelhead catch**
- **Increases catch and release mortality on wild king salmon**
- **Increases use with written regulation over emergency order**
- **Would become tourist fishery**
- **After July 15 most king salmon are too mature for harvest**
- **Failed to reach SEG in 2007**
- **Need to sort through many wild king salmon to harvest hatchery salmon**
- **Increased effort would degrade riparian area**
- **Might influence angling community to fish other locations**
- **Increase the illegal take of wild king salmon**
- **Decreased fishing quality**
- **Might be fishing during periods when hatchery fish are not available for harvest**
- **Prevents build up of king salmon for regulatory weekend openings**

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***POSITIONS AND RECOMMENDATIONS***

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**Department position:** Support

**Public Panel Recommendation:** No Consensus

**Board Committee Recommendation:** No Action

**Substitute Language:**

DRAFT

**PROPOSAL 12- 5 AAC 56.122(a)(6)**. If adopted, this proposal would reduce hatchery king salmon daily bag limit on Ninilchik River from 2 to 1.

**Staff Reports:** RC 4, 12, and 34

**Staff Comments:** RC 2

**Dept. of Law Comments:** none

**AC Reports:** AC 1, 4, 5, 6, and 12

**Public Comment:** PC 1, 4, 7, 9, 10 and 11

**Record Comments:** RC 7, 16

**Department Background:**

Proposals 10 and 11 were discussed jointly. King salmon have been stocked in the Ninilchik River since 1988 to provide additional harvest opportunity for sport anglers. Wild and hatchery-produced Ninilchik River king salmon escapement has been monitored at a weir operated during part of the king salmon run in July and early August used to artificially spawn fish for stocking. The weir is located approximately 4 miles upstream from the mouth. The Ninilchik River king salmon Sustainable Escapement Goal (SEG) is an index of escapement based upon counts of wild fish released upstream of the weir during July 3 to July 31 from 1999-2007. The SEG range of 550-1,300 has been met each year during that period except in 2007. The 2007 wild king salmon escapement was 545 fish; 5 fish below the goal.

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

The Ninilchik River sport fishery regulations have been liberalized each year since 2001 to increase the harvest of hatchery-produced fish. In 2001-2004 and 2006-2007 the fishery was extended by emergency order for the harvest of hatchery-produced king salmon. In 2005, the BOF increased the bag limit to two king salmon, both of which could be hatchery fish but only one could be wild. The lowest number of hatchery-

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

**Pro's**

- **Would reduce the number of anglers**
- **Decrease catch and release of wild king salmon to harvest hatchery king salmon**

**Con's**

- **Would limit the harvest of hatchery fish**

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***POSITIONS AND RECOMMENDATIONS***

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**Department position:** Opposed

**Public Panel Recommendation:** No consensus

**Board Committee Recommendation:** Consensus to Oppose

**Substitute Language:**

DRAFT

**PROPOSAL 19- 5 AAC 58.022.** If adoption, this proposal would reduce daily possession limit of rockfish between Gore Point to Cape Puget.

**Staff Reports:** None

**Staff Comments:** RC 12

**Dept. of Law Comments:** None

**AC Reports:** AC 1

**Public Comment:** None

**Record Comments:** RC 2, 3,12

**Department Background:**

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

**Pro's**

- **More charter operators targeting pelagic rockfish**
- **May reduce hook and release mortality**
- **May reduce surface mortality**
- **May become more targeted with changes with changes in moratorium halibut regulations**
- **More cautious regulation for unknown future of fishery**

**Con's**

- **No biological reason for regulation change**
- **Must retain portion of proposal could increase harvest of pelagic rockfish**
- **Regulation change would fail to produce a detectable change in harvest due to high fluctuation in harvest**
- **Regulations would differ from current Prince William Sound management area**

**POSITIONS AND RECOMMENDATIONS**

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**Department position:** Opposed

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**Public Panel Recommendation:** Consensus to support with a daily bag limit of 4 rockfish which one can be non-pelagic. Possession limit will become two bag limits.

**Board Committee Recommendation:** Consensus to support with substitute language.

**Substitute Language:**

DRAFT

**PROPOSAL 20- 5 AAC 58.022. If adopted, this proposal would establish a youth only fishery in the Seward lagoon area.**

**Staff Reports:** None

**Staff Comments:** RC 12

**Dept. of Law Comments:** None

**AC Reports:** AC 1

**Public Comment:** None

**Record Comments:** RC 13

**Department Background:**

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

The BOF only recently obtained the legislative authority to create Youth-Only fisheries. These fisheries are designed to allow young anglers, aged 15 and younger, an opportunity to fish without having to compete with the more skilled adult anglers. Youth-Only salmon fisheries are now in regulation on Campbell Creek in Anchorage for king salmon, at the Nick Dudiak Fishing Lagoon in Homer for both king and coho salmon, and at First Lake in Seward for stocked trout. These fisheries are successful family oriented events.

**Pro's**

- **Event would draw kids to fishing in Seward**
- **Introduces future generations to fishing**
- **Two-fish bag limit may spread harvest for more kids.**
- **Currently no kid's only fishery for salmon in Seward**

**Con's**

- **None**



DRAFT

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***POSITIONS AND RECOMMENDATIONS***

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**Department position:** Support

**Public Panel Recommendation:** Consensus to support

**Board Committee Recommendation:** Consensus to support substitute language.

**Substitute Language:** Establish a children's only fishery in the ditch leading to the Seward Lagoon and the Seward Lagoon to run two weekends for kings and two weekends for coho. The fishery would be limited to a single artificial hook. Bait and bobber fishing would be allowed. Snagging would not be allowed. The fishery would occur the third weekend in June and the second weekend in July for king salmon and the last weekend in August and the first weekend in September for coho salmon. The limit for king and coho salmon would be two per day, two in possession.

DRAFT

**PROPOSAL 21- 5 AAC 56.122. If adopted, this proposal would open sockeye salmon fishing in the Resurrection River.**

**Staff Reports:** None

**Staff Comments:** RC 12

**Dept. of Law Comments:** None

**AC Reports:** AC 1

**Public Comment:** None

**Record Comments:** RC 5, 22, 33, and 37

**Department Background:**

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

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

**Pro's**

- **Spread out current sockeye fishery into freshwater**
- **Creates freshwater fishing opportunity**
- **May reduce poaching**

**Con's**

DRAFT

- **Opening freshwater to the harvest of sockeye salmon may prevent Cook Inlet Aquaculture in meeting freshwater and saltwater cost recovery goals.**
- **Allocative issue between sport and cost recovery for Cook Inlet Aquaculture**
- **Adds complexity of managing stock**
- **Opening date might influence the escapement needs**

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***POSITIONS AND RECOMMENDATIONS***

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**Department position:** Neutral

**Public Panel Recommendation:** No Consensus

**Board Committee Recommendation:** Consensus to support.

**Substitute Language:**

**COMMITTEE B Miscellaneous Groundfish and Other Topics**

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## Board Committee Members:

1. John Jensen\* Chair
2. Larry Edfelt
3. Vince Webster

## Alaska Department of Fish and Game Staff Members:

- |                       |                   |
|-----------------------|-------------------|
| 1. Jim Fall           | 7. Herman Savikko |
| 2. Elizabeth Andrews  | 9. Ken Goldman    |
| 3. Charlie Trowbridge | 10. Scott Meyers  |
| 4. Forrest Bowers     | 11. Patti Nelson  |
| 5. Krista Milani      | 12. Al Cain       |
| 6. Tracy Lingnau      | 13. Kerri Tonkin  |

## Federal Staff:

1. Melanie Brown, NMFS
2. Bill Wilson, NPFMC

## Advisory Committee Members:

1. Marvin Peters, Homer AC
2. Aaron Bloomquist, Anchorage AC

## Public Panel Members:

- |                     |                             |
|---------------------|-----------------------------|
| 1. Mike Alfieri     | Prop 379                    |
| 2. Art Nelson       | Coastal Village Region Fund |
| 3. Mike Hyde        | American Seafoods           |
| 4. John Moller      | Mofish 379                  |
| 5. Gary Cobban, Jr  | New Venture Fisheries LLC   |
| 6. Clem Tillion     | Aleut East Corp             |
| 7. Martin Morin     | F/V Katmai P Cod            |
| 8. Dan Gunn         | F/V Sea Venture             |
| 9. Brent Paine      | United Catcher Boats        |
| 10. Dave Fraser     | Adak Fisheries              |
| 11. Pete Schumberg  | F/V Equinox                 |
| 12. Jay Bowlden     | VLax Fisheries              |
| 13. Charles Burrece | Independent Cod Trawlers    |
| 14. Steve Aarvik    | Independent Cod Trawlers    |
| 15. Dave Benson     | Trident Seafoods            |
| 16. Jody Cook       |                             |

Federal Subsistence Representative: None

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Committee B; November 14, 2007 8:30 am to 2:15 pmPROPOSALS BEFORE THE COMMITTEE WERE: 22, 392, 395 through 400

**Proposal 22 - 5 AAC 01.570 Lawful gear and specifications.** Allow the retention of rockfish and lingcod when harvested with gear that is legal in other subsistence fisheries.

Staff Reports: None

Staff Comments: RC 2, pp 37-38

Dept. of Law Comments: RC 1 Tab Dept. of Law

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: None

Narrative of Support and Opposition: No public comments

**Support**

None

**Oppose**

- People fishing for halibut with long lines do not catch lingcod and rarely catch rock fish.
- This would encourage targeting rock fish and lingcod with halibut fishing gear
- Homer and Anchorage AC representatives were opposed

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***POSITIONS AND RECOMMENDATIONS***

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ADF&G Position: Support

Public Panel Recommendation: No consensus

Board Committee Recommendation: No consensus

Substitute Language: None

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

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

Staff Reports: RC 4, tab 4

Staff Comments: RC 3, pp 3-6, RC 8

Dept. of Law Comments: RC 1 Tab Dept. of Law

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: (as of close of committee 2:15 Nov. 14, 2007)  
6, 8, 10, 15

Narrative of Support and Opposition:

**Support**

- Locals buy licenses for salmon fishing, not for harvesting clams. Most likely, harvests of clams have occurred for quite a while. This proposal would make it legal for locals to harvest clams and mussels under subsistence regulations.
- Harvests of most other shellfish are minor.

**Oppose**

Anchorage AC representative opposed.

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***POSITIONS AND RECOMMENDATIONS***

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ADF&G Position: Neutral

Public Panel Recommendation: No consensus

Board Committee Recommendation: No consensus

Substitute Language: None

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

This proposal, generated by the BOF at the 2007 work session, would modify walleye pollock harvest trip limits and define daily trip limits in state waters between 144° W. long. and 170° W. long.

Staff Reports: RC 4

Staff Comments: RC 3

Dept. of Law Comments: RC 1 Tab Dept. of Law

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: (as of close of committee 2:15 Nov. 14, 2007)  
6, 10, 15

Narrative of Support and Opposition:

**Support**

- Ensure state regulations match federal requirements for enforcement. (NMFS)
- There are always problems with state regulations not mirroring federal regulations. The regulations should mirror each other concerning season open and closures.

**Oppose**

None

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***POSITIONS AND RECOMMENDATIONS***

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ADF&G Position: Support with amendment

Public Panel Recommendation: Consensus to support

Board Committee Recommendation: Consensus to support

Substitute Language:

**5 AAC 28.073. Trip limits for commercial Pollock vessels.** In the state waters between 140° W. long. and 170° W. long. a person may not harvest, off-load, or retain on board a catcher vessel, during a calendar day, more than 300,000 pounds of unprocessed pollock, or retain on board a tender vessel, during a calendar day, more than 600,000 pounds of unprocessed pollock, harvested in the state waters adjacent to the federal waters of the Western, Central, and a portion of the Eastern Gulf of Alaska Area described in 50 CFR 6.7.9. Figure 1.

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

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

Staff Reports: Not applicable

Staff Comments: RC 3

Dept. of Law Comments: None

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: (as of close of committee 2:15 Nov. 14, 2007)  
6, 10, 15, 25, 26, 27

Narrative of Support and Opposition:

**NMFS Comments**

- Pod and pollock are highly regulated in concerns with Steller Sea Lions (SSL). There is a small pollock fishery in Aleutian Islands. The North Pacific Fisheries Council is taking another look at the SSL protection measures. The NMFS wants to avoid a “likely to adversely affect determination” and subsequent Section 7 consultation.
- NMFS would have to do assessment on SSL to see if the fishery would affect SSL in 2008. It is thought that there may be some adverse effects on SSL. If so, then NMFS would have to look at the biological aspects and decide if jeopardy of SSL would occur. If there were adverse effects on SSL, NMFS would have to come up with mitigation measures. If there is no fishery in 2008 then maybe it could go into a council process which is looking at changes to make to fishery to protect economic development and SSL.
- The proposal lacks observer and VMS requirements and no data can be collected.
- Because of area, NMFS have the area closed up to 20nmi and they don't think any level set would be appropriate. Any GHL could cause a finding of jeopardy.

**Support**

- NMFS is concerned about SSL. The exempted fishery permit (EFP) fishery for 2007 resulted in low harvest levels. There was a decrease in SSL counts in the area. SSL eat mostly Atka mackerel and some pollock and Pacific cod. Pollock make up 7% to 12% of the diet. EFP shows low abundance of pollock to sustain 3,000mt harvest. Two years of hydroacoustic surveys. No biomass study.
- There is a potential for environmental group litigation. The BOF should be cautious in its approach.
- Communities are worried about pushing the NPFC for too much fish because it could adversely affect other communities by either a reallocation or closure of fisheries in other areas.
- The SSL mitigation could be slowed down, then fishery actions would be delayed.



- Historically, there was a finding of jeopardy concerning SSL and the NMFS closed everything.
- Do not want to jeopardize all fisheries for a small pollock fishery. This would affect everyone.

### **Oppose**

- There was opposition to a fishery that is for vessels only for 60 foot and under.
- It is thought that the wording of the regulations that “hardwire” 3,000mt GHL is strange. The commissioner should have the ability to set a smaller GHL level for the fishery. Does not want to repeal fishery, just give commissioner the ability to make a smaller GHL. If not that, make the pollock fishery a percentage of the federal TAC like Pacific cod.
- How much state management do we want to give to NMFS? Wants to take as much as possible without tripping a jeopardy finding concerning SSL. The council process is too slow to establish changes in SSL. A smaller amount of pollock might not cause a jeopardy finding. Not sure how much Pacific ocean perch (POP) harvest would occur as bycatch. There is a lot of POP bycatch during EFP. Wants BOF to come as close as possible with reasonable harvest.
- The smaller boats (<58 ft) appreciate more fishery options. This will also draw more vessels to these areas for fishing. It will also add strength to community development.
- Many vessels under 58 feet have FFP permits and have VMS on all the time. The processing plant has observer coverage so the fishery would be monitored.
- Pollock was promised to Aleut Corporation (50%) to vessels less than 60 feet, but it’s a hollow promise. This portion went no where so it was brought to the BOF to get state season. In 2011, there will be changes to fisheries due to SSL mitigation committee in council process. Should be reasonable to have small fishery in state waters. Maybe allow vessels to “test tow” their gear during this fishery. Small boats would be frozen out of the federal fisheries so they need a state fishery for compensation.
- Doesn’t think that NMFS will find jeopardy if guideline harvest level (GHL) is small.

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### ***POSITIONS AND RECOMMENDATIONS***

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ADF&G Position: Supports (the repeal)

Public Panel Recommendation: No consensus

Board Committee Recommendation: Support with amendment to repeal

Substitute Language: None

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

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

Staff Reports: Not applicable

Staff Comments: RC 3, RC 39

Dept. of Law Comments: None

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: (as of close of committee 2:15 Nov. 14, 2007)  
6, 10, 15, 17, 18, 19, 20, 23, 24, 28, 29, 30, 38, 39

Narrative of Support and Opposition:

- ADOL - The board cannot allocate within a fishery (e.g., vessel size).
- ADOL (law)-BOF can regulate vessel size (method and means) but CANNOT make allocations by vessel length.

Narrative of Support and Opposition:

**The board committee wanted to discuss trip limit options even though it was not included in the legal notice to the public for this meeting.**

- Might not be economically viable for vessels.
- Perhaps a limit for several days. Maybe vessel can be given a week for a certain amount of fish; that way vessels won't be effected economically and can work around weather.
- In favor of trip limits to slow pace of fishery.
- Could be intermediate solution with 100,000 pound for two days.
- Could have stand down day between trips.

**Support**

- It is thought the season length would be affected (longer) if it was limited to smaller vessels.
- It is not cost effective for small vessels the way the season is currently regulated.
- The historical catch of 3% was derived from state water harvests from boats under 60 feet. It is felt that it is not fair because larger vessels are participating in fishery that was based on historical small fleet harvests.
- Because of the availability of floating processors from St. Paul, the entire fleet is now free to go to Adak and fish, causing the harvest to occur quicker and may not be boats from Alaska.
- Aleuts wanted small boat fleet in Adak. They can catch the quota.
- Better to have communities that are self sufficient, not encourage Seattle boats to come out and fish. Smaller boats mean an Alaskan fishery with Alaskan vessels.

- Adak lost their crab fisheries already and is economically struggling. Also, it's not expected that Adak will process as much Pacific cod in future years as larger catcher/processor vessels come out to fish.
- Small vessels can range widely during the state waters fishery.
- If you leave it as is, the under 58 footers will be knocked out because they can't compete and will be sent back to Sand Point and King Cove.
- Most have limited license permit (LLPs) in the AI and won't be displaced; they can go fish in federal waters. Little boats may not have that option.
- In comparison, small vessels fishing in the Gulf of Alaska are taking the quota close to shore and delivering shore-side. Works well for communities. Thinks BOF intended same sort of fishery for Adak Pacific cod.
- It's a substitute for losing pollock fishery.
- This would not only help Adak but Atka as well.
- Longer season means you are more likely to have a resident fishing fleet.
- There is a lot of shelter for smaller vessels to hide for safety. It can be safe fishery for small vessels if they can bring it in slow. If smaller vessels bring it in slower the plant can utilize more of the Pacific cod and the product will be better.
- Trip limits alone will not solve the problem.

### **Oppose**

- Larger vessels have history of fishing in AI state waters and will get thrown out of fishery. These vessels have invested a lot of time and money into the fishery.
- The fishery was to provide economic opportunity to Adak; significant cod is going to Adak with the current regulations and much of the harvest was from vessels over 60 feet.
- Might not be feasible to fish out there with small vessels only due to weather.
- There are larger vessels that are owned by local fishers and they would be pushed out of a fishery that is a local fishery.
- There is a safety issue with small vessels. No one is safe out there due to weather and it would be worse with smaller vessels.
- The fishery might work well to change daily and trip limits ranging from 50,000 to 100,000 pounds. Dept law-BOF can't change trip limits during this meeting. The BOF would need to make it a finding of emergency to change or advertise for a regulation change at the January 2008.
- Reject current proposal and then change trip limits in future.
- Not all big vessels have LLPs. Some can only fish in state waters, the same situation as the small vessels.
- Not all small vessels that have participated are Alaskan residents either and not all big vessels are non-residents. Proposal doesn't necessarily mean the fishery would be kept by Alaskans. Lots of non-Alaskans would still be fishing.
- If this passes the allocation is all going to Adak fisheries because no other plants will be able to take the Pacific cod.

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### ***POSITIONS AND RECOMMENDATIONS***

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ADF&G Position:    Neutral

Public Panel Recommendation: No consensus

Board Committee Recommendation: Consensus to oppose

Substitute Language: None

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

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

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

Staff Reports: Not applicable

Staff Comments: RC 3, RC 39

Dept. of Law Comments: None

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: (as of close of committee 2:15 Nov. 14, 2007)  
6, 10, 15, 18, 19, 20, 39

Narrative of Support and Opposition:

**Support**

- Pot gear is very clean gear. Almost no bycatch. State should encourage pot gear. It's a high quality product when using pots.
- There is huge bycatch in summer with trawl gear. Summer is a perfect time for pot fishery. Would be nice to have fishery starting April 1. It's an insignificant amount of fish and shouldn't affect the SSL. Otherwise have to wait until 2011 for SSL mitigation committee to make changes.
- Pacific cod is very important to Adak. No crab or Pollock due to federal rationalization programs.
- Less time between seasons means more residents.

**Oppose**

- NMFS-Concerned about 70/30 split change due to SSL.
- All fishing is cleaner in AI, bycatch for trawlers is significantly lower. Higher mortality for halibut in pots than trawl. Crab bycatch is the same between pots and trawls.
- A-season is cleanest fishery in the world.

- Maybe keep a 70/30 split but make it allocated by gear type. The Dept. of Law stated that this is within the board's authority.

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***POSITIONS AND RECOMMENDATIONS***

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ADF&G Position:      Opposed to changing the season harvest allocation  
                                 Neutral on the change in gear-sector

Public Panel Recommendation: No consensus

Board Committee Recommendation: Consensus to oppose as written

Substitute Language: None

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

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

Staff Reports: Not applicable

Staff Comments: RC 3, RC 39

Dept. of Law Comments: RC 1 Tab Dept. of Law

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: (as of close of committee 2:15 Nov. 14, 2007)  
6, 10, 15, 18, 19, 20, 39

Narrative of Support and Opposition:

**Support**

- The 75-85 pound Pacific cod cannot get into pot gear. Fishermen see larger fish in their trawl gear. Enlarging the tunnel eye in pot gear will allow bigger fish.
- Large cod has higher market value.
- It is not fair that gear regulations are locked in just because of history of the fishery.
- Someone could easily change gear to fish AI state and other fisheries.

**Oppose**

- Trawlers get bigger fish because they fish deeper. Larger fish can get into pot gear at deeper depths, but there are less fish. Pot vessels choose to fish where water is shallower, there are more fish however they are smaller.

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***POSITIONS AND RECOMMENDATIONS***

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ADF&G Position: Opposed

Public Panel Recommendation: No consensus

Board Committee Recommendation: Consensus to oppose

Substitute Language: None

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

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

Staff Reports: Not applicable

Staff Comments: RC 3

Dept. of Law Comments: RC 1 Tab Dept. of Law

AC Reports: RC 1, Advisory Committee Comment Tab

Timely Public Comment: RC 1, Public Comment Tab

Record Comments: (as of close of committee 2:15 Nov. 14, 2007)  
6, 10, 15, 31

Narrative of Support and Opposition:

**Support**

- Bulbous bow increases fuel economy. It's a green issue, vessel is much more efficient.
- Bulbous bow adds to safety as well. Don't take brunt of waves head on.

**Oppose**

- Shouldn't change definition because it could get quite big. It is an add-on and should be treated as such.
- Bulbous bows can be unsafe if the boat is not trimmed correctly.

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***POSITIONS AND RECOMMENDATIONS***

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ADF&G Position: Neutral

Public Panel Recommendation: No consensus

Board Committee Recommendation: Consensus to support with substitute language with RC 31.

Substitute Language: None



# COMMITTEE A

21A

## 5 AAC 21.375. Bear Lake Management Plan

(a) Any restrictions, in board policies dated before the effective date of this section, on the maximum number of indigenous Bear Lake sockeye salmon spawners are rescinded. The department shall establish an escapement goal for Bear Lake sockeye salmon stocks and shall manage all contributing fisheries to meet this goal.

(b) Enhancement activities related to either indigenous Bear Lake sockeye salmon stocks or transplanted sockeye salmon stocks must consider the impact on continuing enhancement of Bear Lake coho salmon. It is the intent of the Board of Fisheries that

(1) any enhancement of sockeye salmon must not cause a net loss of coho salmon smolt production from Bear Lake;

(2) any enhancement of sockeye salmon in Bear Lake must maintain the early run timing of the indigenous stocks;

(3) the prime objective of any Bear Lake sockeye salmon enhancement must be to provide the opportunity for a commercially viable sockeye salmon fishery prosecuted with minimal conflict with the recreational fishery.

(c) In Resurrection Bay, the department shall manage the commercial harvest of the enhanced Bear Lake sockeye salmon harvestable surplus to achieve an allocation of 50 percent to the commercial seine fleet and 50 percent to the Trail Lakes Hatchery for cost recovery in Resurrection Bay. For the purposes of this subsection, Resurrection Bay consists of those waters in the Eastern District enclosed by a line from Aialik Cape at 59° 42.33' N. lat., 149° 31.50' W. long. to a point approximately one mile south of Aialik Cape at 59° 41.33' N. lat., 149° 31.50' W. long., then northeast to a point approximately one mile south of Cape Resurrection at 59° 51.03' N. lat., 149° 17' W. long., then north to a point on Cape Resurrection at 59° 52.03' N. lat., 149° 17' W. long.

# COMMITTEE A

21B

Table . Historical catch and escapement of sockeye salmon ("early run") at Bear Lake in the Eastern District of Lower Cook Inlet, 1991 - 2007.

Year	Commercial Seine Fishery		Hatchery Cost	Total	Escapement	Total Adult Return
	# of Permits	Harvest	Recovery Harvest	Combined Harvest	plus Broodstock	
1991					748	748
1992					1,921	1,921
1993	*	*	*	1,654	5,033	6,687
1994	*	987	8,051	9,038	8,592	17,630
1995	18	23,655	20,930	44,585	8,328	52,913
1996	17	35,944	7,944	43,888	8,004	51,892
1997	9	8,933	10,056	18,989	7,945	26,934
1998	*	1,229	21,000	22,229	8,431	30,660
1999	11	22,630	8,600	31,230	7,814	39,044
2000	13	19,145	1,670	20,815	11,904	32,719
2001	*	2,629	400	3,029	12,801	15,830
2002	7	13,447	2,729	16,176	12,473	28,649
2003	10	7,341	3,011	10,352	13,233	23,585
2004	8	16,645	0	16,645	11,923	28,568
2005	15	19,018	37,654	56,672	13,407	70,079
2006	13	27,793	34,655	62,448	12,398	74,846
2007	11	15,407	8,966	24,373	12,841	37,214
All Years Average	9	14,320	11,132	25,529	9,282	31,740

\* To comply with AS 16.05.815 CONFIDENTIAL NATURE OF CERTAIN REPORTS AND RECORDS, effort data has been masked where fewer than four vessels or permits fished in a given area.

2005-07 Average	13	20,739	27,092	47,831	12,882	60,713
% of Total Harvest		43.4%	56.6%			

# COMMITTEE A

21C

Table . Hatchery harvest of Bear Lake ("early run") sockeye salmon at the Bear Creek weir, showing sold vs. donated catch, 1993 - 2007.

Year	Hatchery Harvest		Total Hatchery Harvest
	Sold	Donated	
1993	1,653	0	1,653
1994	8,051	0	8,051
1995	20,930	0	20,930
1996	7,944	0	7,944
1997	10,056	0	10,056
1998	21,000	0	21,000
1999	8,600	0	8,600
2000	1,670	0	1,670
2001	330	70	400
2002	1,940	789	2,729
2003	2,713	298	3,011
2004	0	0	0
2005	30,353	1,302	31,655
2006	29,867	784	30,651
2007	6,470	271	6,741
All Years			
Average	10,105	234	10,339

# COMMITTEE A

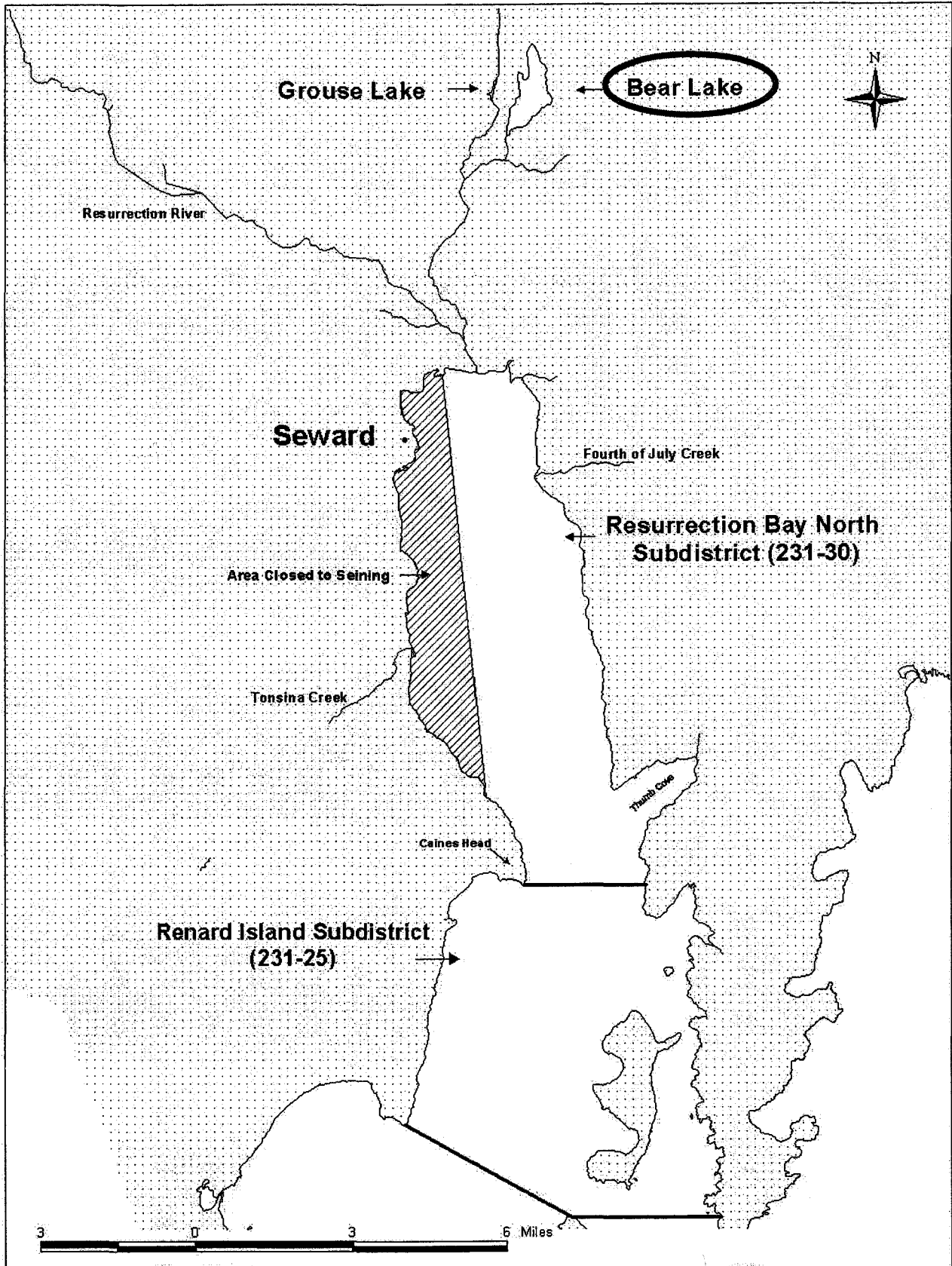
21D

Table . Historical sockeye salmon broodstock collection,  
at Bear Lake in Resurrection Bay, 1998-2007.

<u>Year</u>	<u>Sockeye Broodstock</u>
1998	1,944
1999	1,470
2000	3,665
2001	4,200
2002	4,063
2003	3,735
2004	3,862
2005	3,122
2006	4,060
2007	4,420
<u>Average</u>	<u>3,454</u>

# COMMITTEE A

21E



**PRITCHETT & JACOBSON, P.S.**

ATTORNEYS AT LAW

—  
RUSSELL W. PRITCHETT  
MEG J. JACOBSON870 DEMOCRAT STREET  
BELLINGHAM, WASHINGTON 98229  
(360) 647-1238  
FAX (360) 671-5352  
E-MAIL: PandJ@nas.com

November 14, 2007

## MEMORANDUM

From : Russell W. Pritchett

Subject: Proposal 397 - Proposal to reduce maximum vessel size to 60 feet in the Aleutian Islands District Pacific cod fisheries

In State of Alaska v. Grunert, 139 P.3d 1226 (Alaska 2006) ("Grunert II"), the Supreme Court struck down an allocation of a percentage of Chignik sockeye salmon to a cooperative, to the exclusion of participants in the open Chignik salmon purse seine fishery.

The Supreme Court held as follows:

"If the cooperative fishery and the open fishery use the same type of gear, an allocation of resources to the cooperative would entail an impermissible allocation within a single fishery."

Similarly, with respect to Proposal 397, fishermen using the same type of gear would receive an allocation if their vessels were under 60 feet, but would not receive an allocation if their vessels were over 60 feet. Under Grunert II this would also appear to be an impermissible allocation within a single fishery, subject to legal challenge.

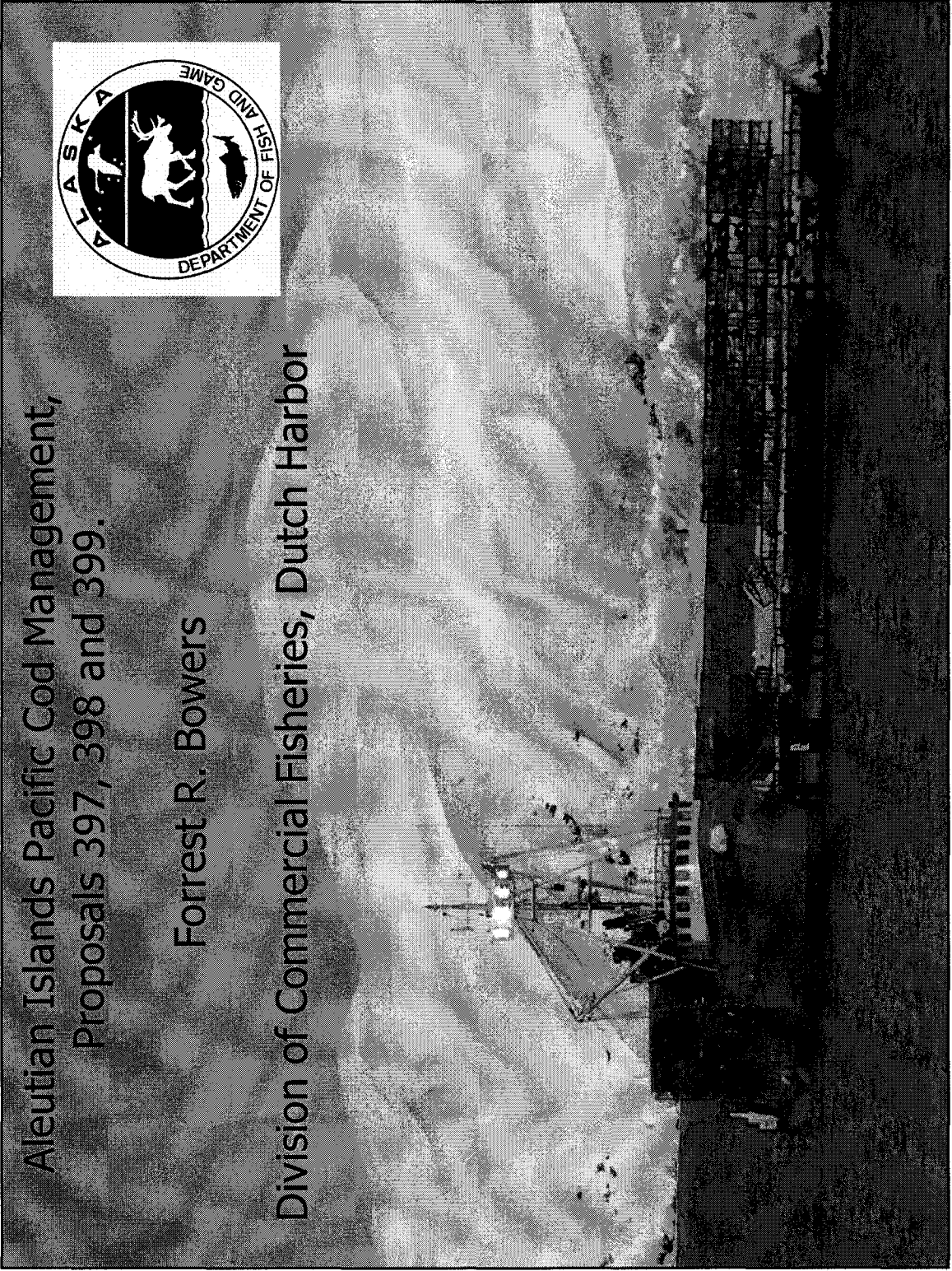
RC #39

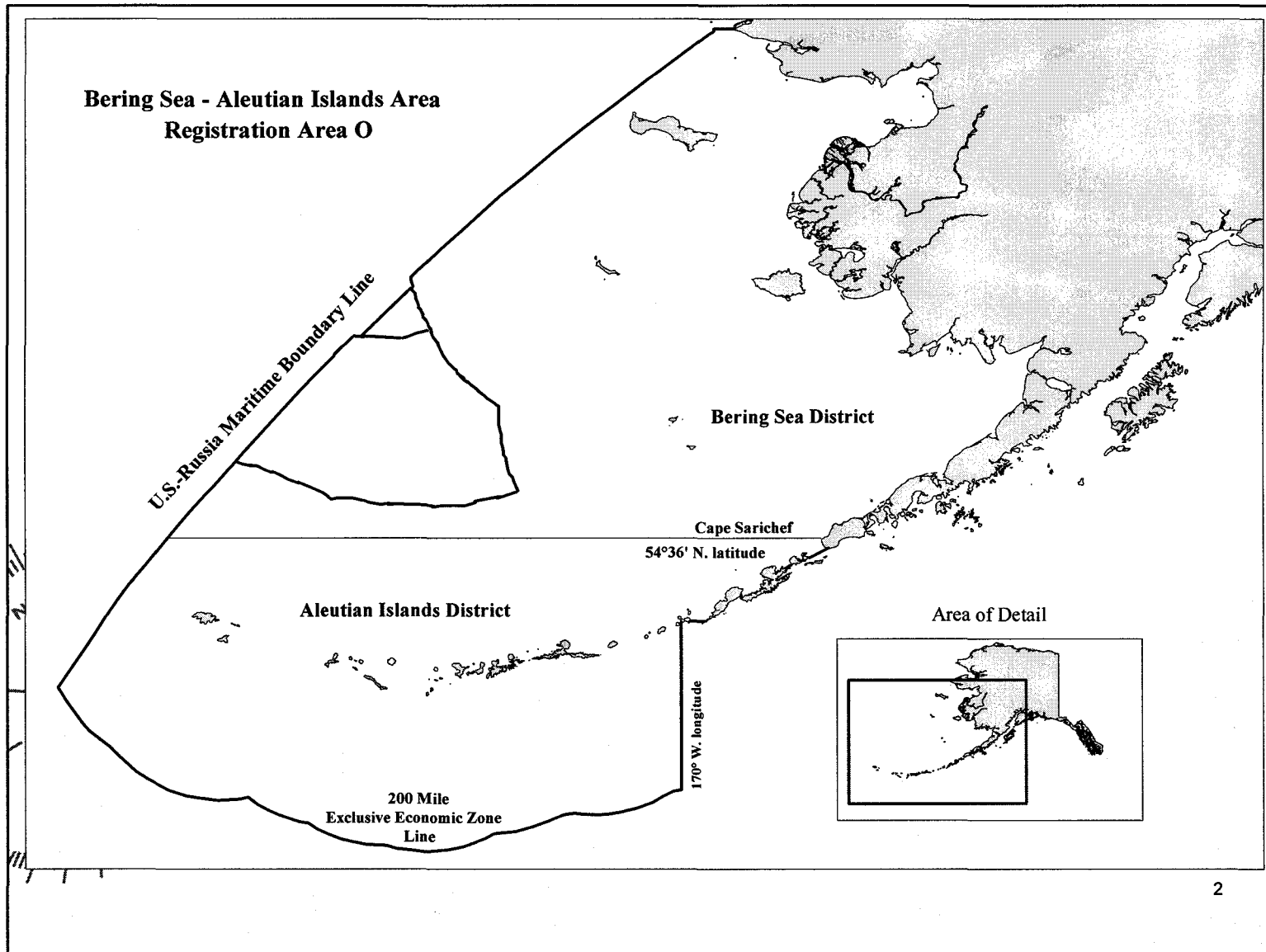
RC39

Aleutian Islands Pacific Cod Management,  
Proposals 397, 398 and 399.

Forrest R. Bowers

Division of Commercial Fisheries, Dutch Harbor







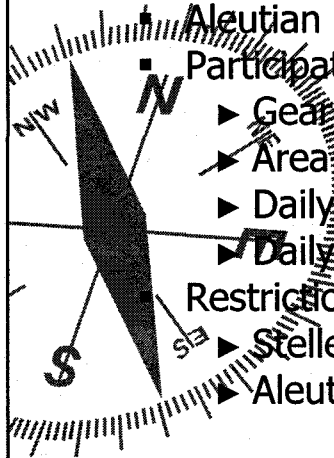
## Pacific Cod Fisheries in State Waters

### ▶ *Parallel Fishery*

- Open concurrent to federal fishery
  - ▶ Same total allowable catch and gear types as federal fishery
  - ▶ Open prior to state-waters fishery
- Adak Vessel Length and Gear Restriction Zones apply

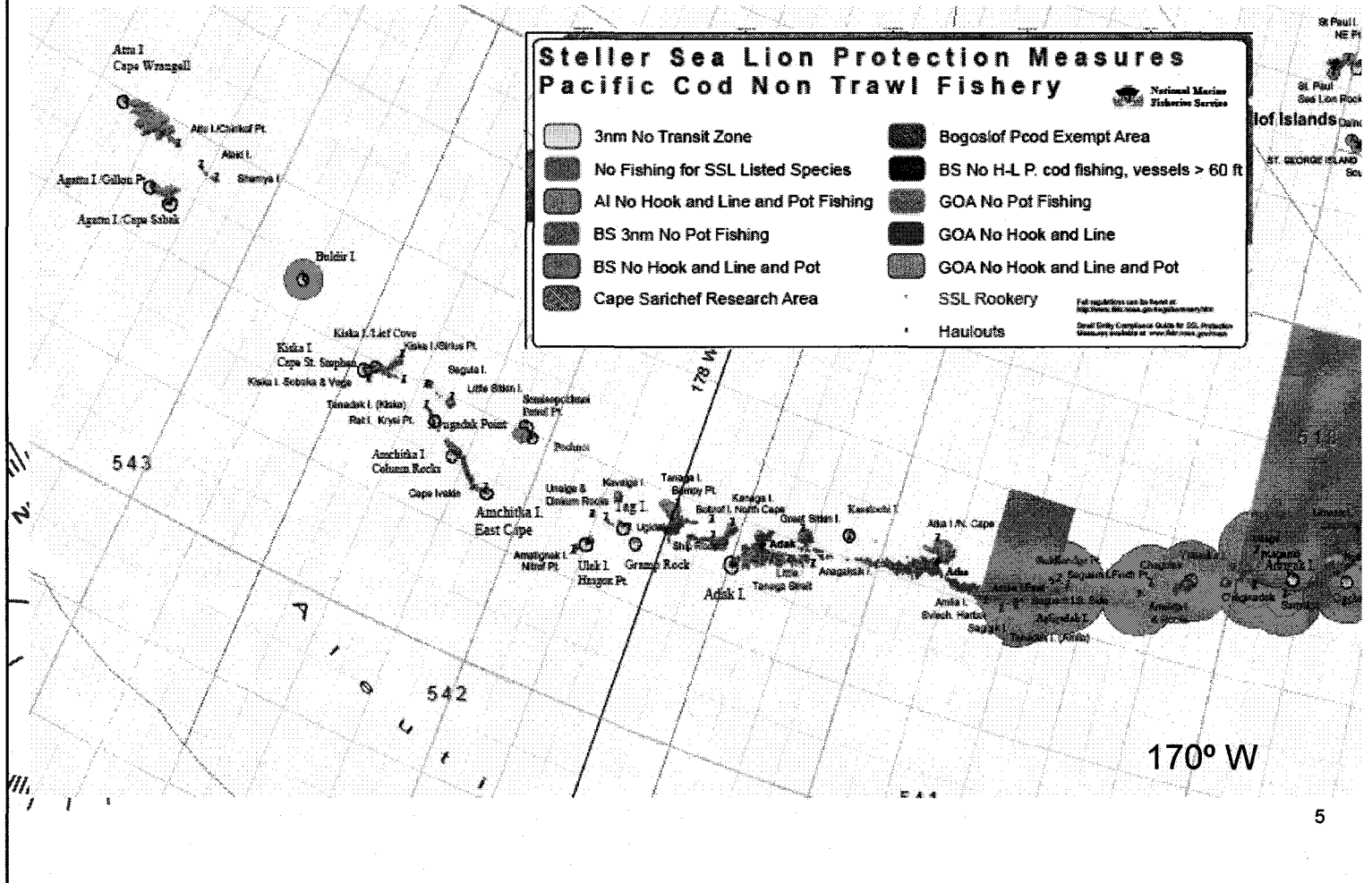
### ▶ *State-waters fishery*

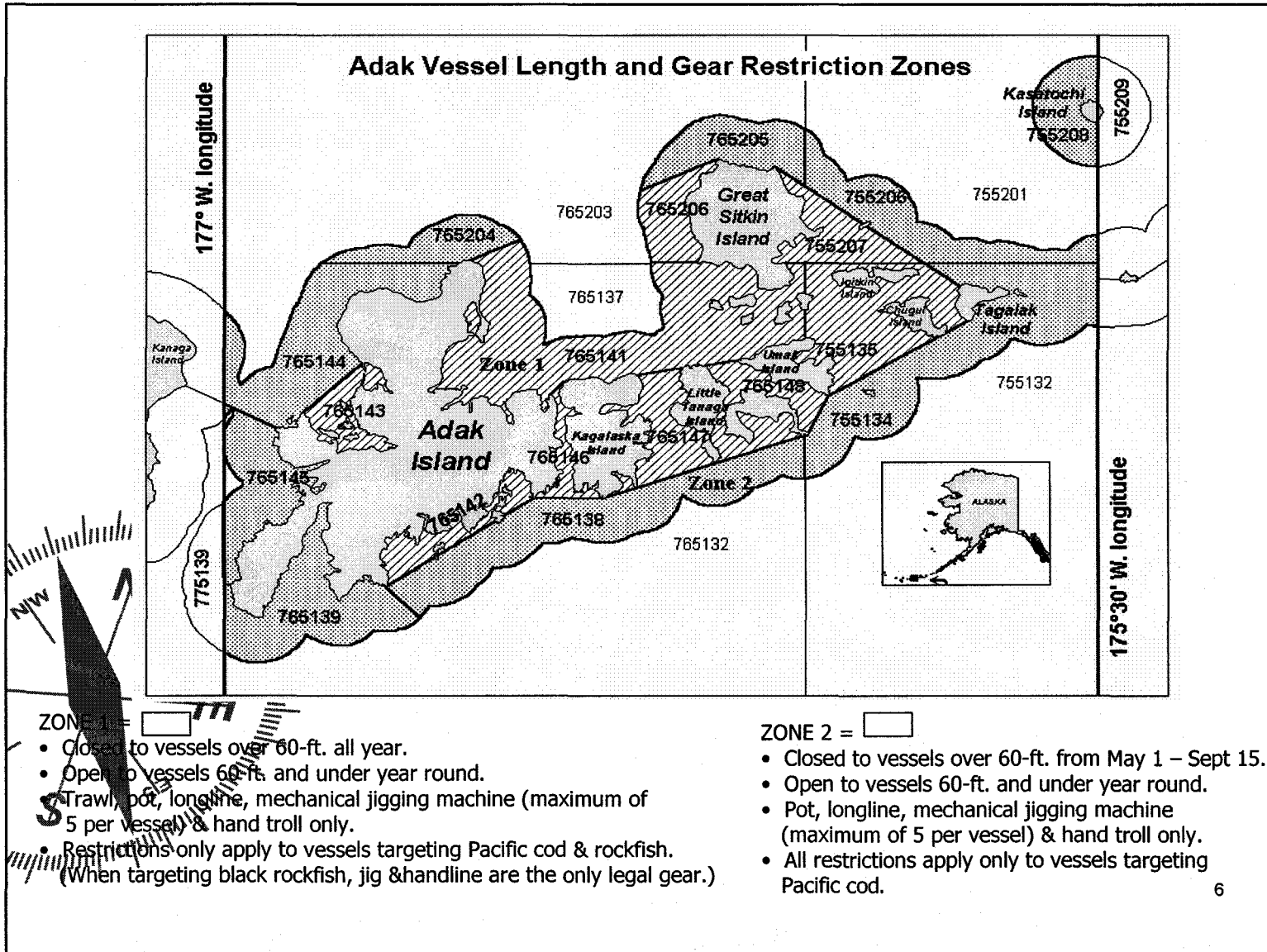
- Non exclusive fishery for Pacific cod
- Aleutian Islands District (west of 170°W long)
- Participation requirements:
  - ▶ Gear-specific vessel size limits established in October 2006
  - ▶ Area-specific registration
  - ▶ Daily catch reporting by catcher vessels and processors
  - ▶ Daily harvest and trip limits
- Restrictions:
  - ▶ Steller sea lion closures and no-transit areas remain in effect
  - ▶ Aleutian Islands Coral Garden and Habitat Protection areas closed



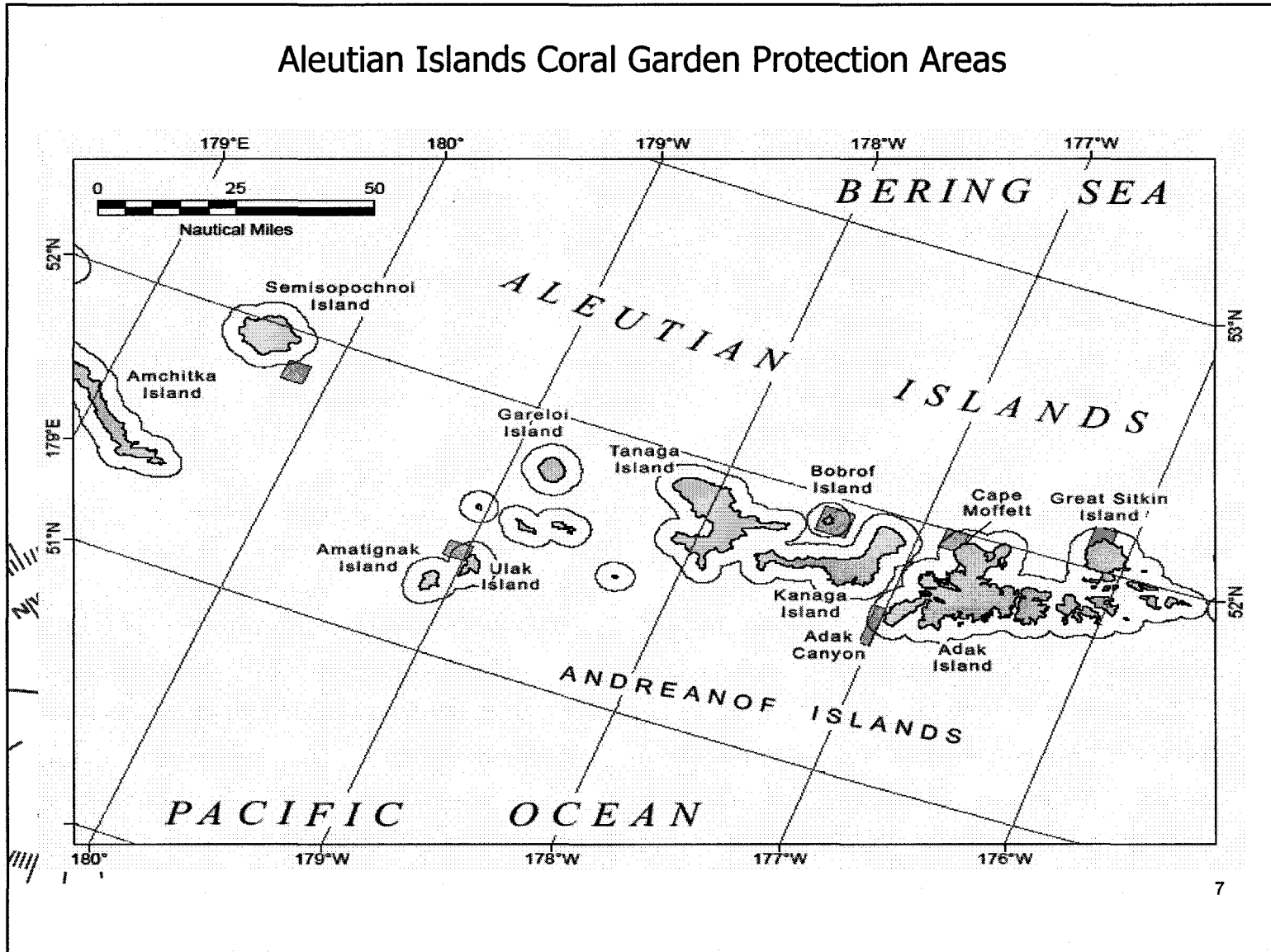


## Steller Sea Lion Protection Areas for Pacific Cod Non Trawl Fisheries

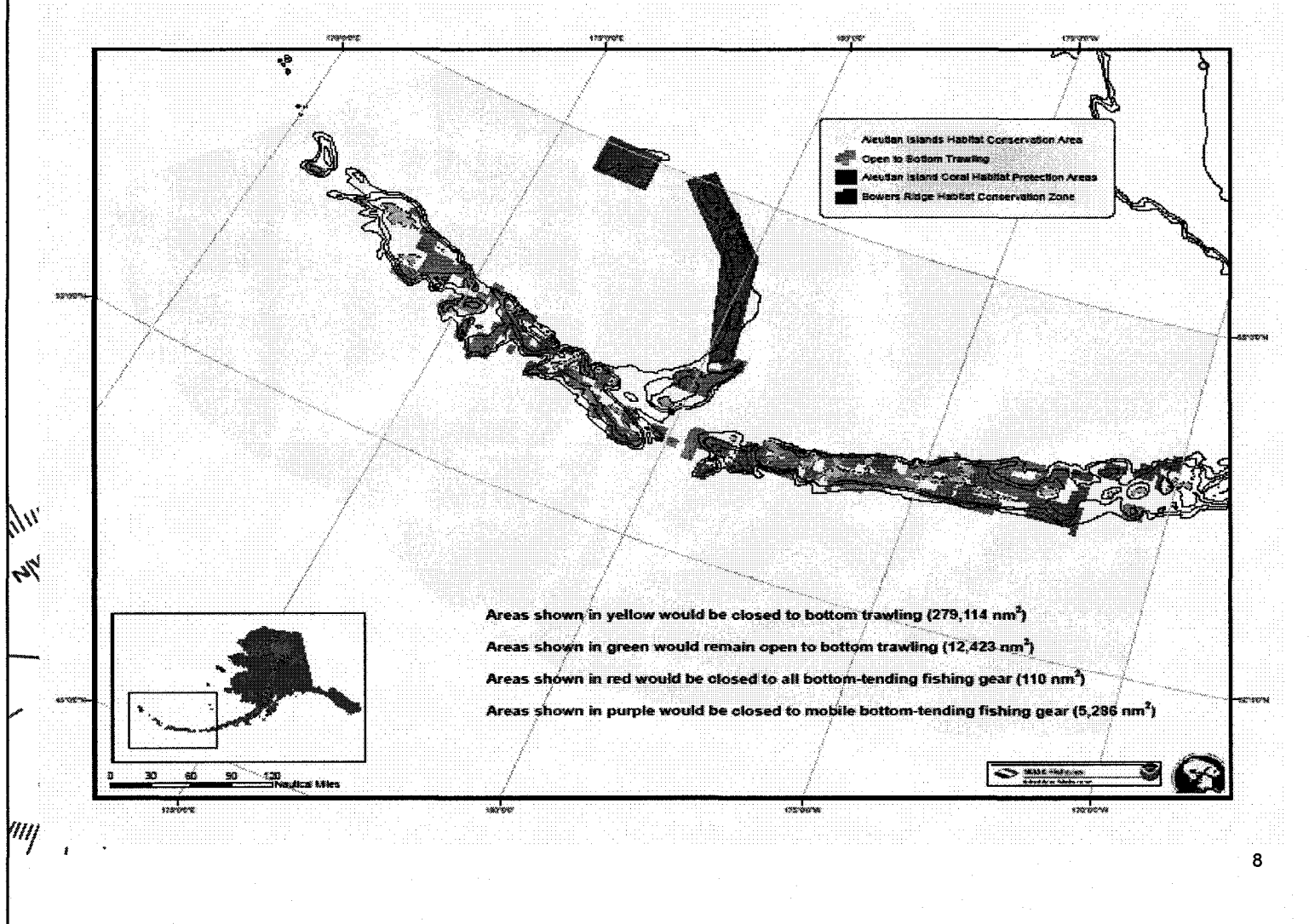




# Aleutian Islands Coral Garden Protection Areas

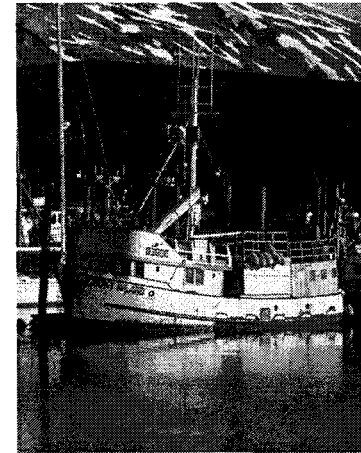
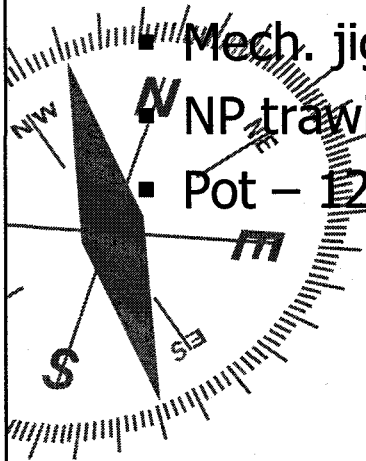


# Aleutian Islands Habitat Conservation Area, effective July 28, 2006



# State-waters Pacific cod season

- ▶ 2007 Guideline Harvest Level 11,640,288 pounds
  - Based on 3% of federal BSAI Pacific cod ABC
  - Seasonal apportionment 70/30 split before and after June 10
- ▶ Allowable gear types:
  - Mech. jig, longline – 58' OAL limit
  - NP trawl – 100' OAL limit
  - Pot – 125' OAL limit



# A Season

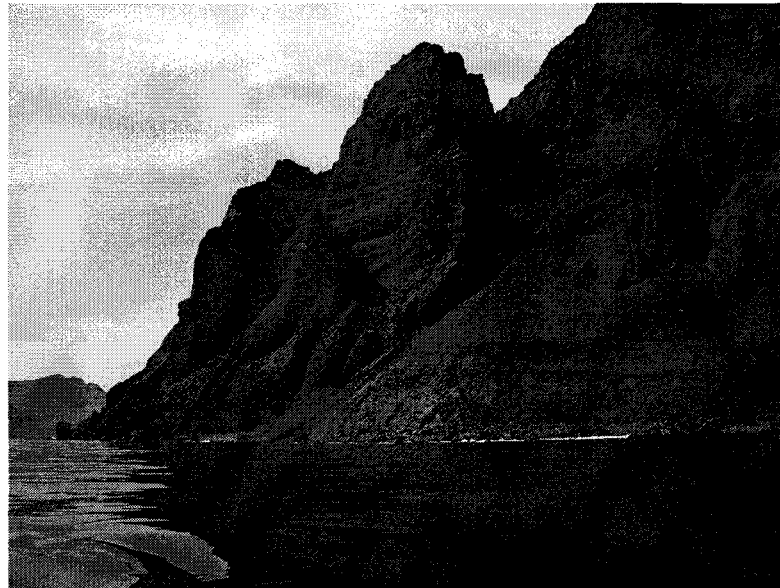
- ▶ Fishery opened March 16, 2007.
- ▶ 27 harvesting vessels made landings, 5 processors participated.
- ▶ Increase of one vessel from 2006 and loss of 5 processors.
- ▶ Guideline Harvest Level was 8,148,202 pounds round weight (70% of initial GHL).
- ▶ Fishery closed March 23, 2007 with 8,229,931 pounds harvested.





2007 Aleutian Islands state-waters  
Pacific cod A season daily harvest.

Report period ending	Pounds Harvested
March 16	660,579
March 17	1,134,554
March 18	707,528
March 19	1,877,695
March 20	1,123,329
March 21	772,478
March 22	956,258
March 23	997,510
<b>\$ Total</b>	<b>8,229,931</b>

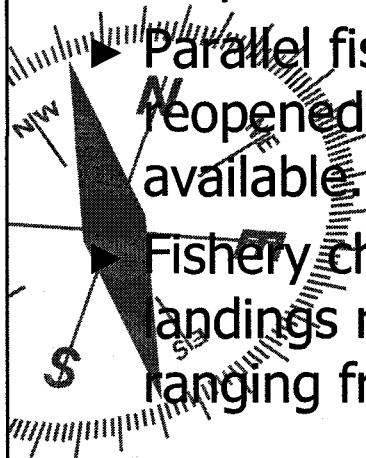


## Aleutian Islands state-waters Pacific cod fishery A season fleet composition.

Year	Vessel Type	Number participating	Average OAL
2006	Trawl catcher <= 58'	3	58'
	Trawl catcher > 58'	16	104'
	Pot catcher	1	92'
	Trawl catcher-processor	1	296'
	Longline catcher-processor	5	152'
	Total	26	115'
2007	Trawl catcher <= 58'	7	58'
	Trawl catcher > 58'	13	91'
	Pot catcher	7	113'
	Total	27	89'

# B Season

- ▶ B Season opened on June 10, 2007.
- ▶ B Season GHLL = 3,410,357 pounds (81,729 pounds deducted due to exceeding A season GHLL).
- ▶ 10 vessels participated compared to five in 2006.
- ▶ Fishery closed on August 31, 2007 and immediately reopened under parallel rules.
- ▶ Parallel fishery closed on September 28 and B season reopened on October 1 with 1,267,047 pounds available.
- ▶ Fishery characterized by low effort levels and smaller landings relative to A season with weekly landings ranging from 44,000 pounds to 380,000 pounds.



## Aleutian Islands state-waters Pacific cod fishery B season fleet composition.

Year	Vessel Type	Number participating	Average OAL
2006	Pot catcher > 58'	2	98'
	Longline catcher	3	54'
	Total	5	71'
2007	Pot catcher-processor	2	114'
	Longline catcher	7	52'
	Pot catcher > 58'	1	58'
	Total	10	65'

## 2007 Pacific Cod Federal Seasons for BSAI with state seasons overlaid.

Fishery	Timing of fisheries in 2007											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Pacific Cod (Parallel CV $\geq$ 60' HAL)												
Pacific Cod (Parallel CP $\geq$ 60' HAL)												
Pacific Cod (Parallel CV $\geq$ 60' Pot)												
Pacific Cod (Parallel CP $\geq$ 60' Pot)												
Pacific Cod (Parallel CV Trawl)												
Pacific Cod (Parallel CP Trawl)												
Pacific Cod (Parallel Jig)												
Pacific Cod (Parallel $<$ 60' HAL)												
Pacific Cod (Parallel $<$ 60' Pot)												

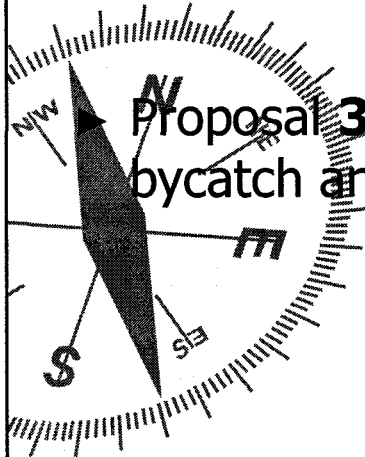
While hook and line (HAL) gear sector opens June 10, there is no incidental harvest of Halibut available until August 15, therefore no fishing may occur.

March 16-23 and June 10-September 1 Aleutian Islands State Pacific Cod fishery is open and closes Parallel fishery.

- On October 1 the Aleutian Islands State Pacific Cod fishery reopened and Parallel fishing closed.

# Department Comments

- ▶ Proposal **397** - **Neutral** on allocative aspects of reducing vessel size limits.
- ▶ Proposal **398** - **Opposed** to changing seasonal harvest apportionment for Steller sea lion conservation reasons.
- ▶ Proposal **399** - **Opposed** due to potential for increased bycatch and inconsistency with other pot gear regulations.



**ARGUMENTS IN THE DEFENSE OF PROP. #21  
SUBMITTED BY THE SEWARD AC**

RC  
40

**The perceived problem that CIAA has with proposal # 21 is that their efforts to recover brood stock may be compromised if a fresh water sockeye fishery in the Resurrection Bay drainages is revitalized.**

**CIAA refers to 5AAC21-375, the Bear Lake Management Plan to support the argument that Bear Lake sockeye exist for the primary objective of providing an opportunity for a commercially viable sockeye source. Management of Bear Lake commercial sockeye harvestable surplus achieves a 50-50 split between seiners and CIAA.**

**Once hatchery fish are released, they become common property. These fish are no longer the sole property of CIAA.**

**Estimates for the time needed for sockeye to migrate from the salt water to the Bear Lake weir is between 4 & 14 days. There is maximum escapement for two days a week when the seiners are shut down. The seine fishery opens in late May. The June 15 starting date of the proposed in-river fishery will allow ample time for brood stock to move up river.**

**The Department is empowered to issue an EO to close the in-river fishery if concerns about brood stock recovery arise.**

**Hatchery releases by CIAA for 2007 were 2,437,100 sockeye fry and 618,900 sockeye smolt.**

**The snag fishery in the estuary allows an opportunity for people to retain enough fish for their personal use. The in-river fishery will be a sporting endeavor, not a consumptive fishery. We believe many locals will participate in this fishery.**

**The re-opening of the coho fishery in the lower Resurrection River through Proposal #28 in the last LCI meeting cycle has been a success story. It is a very low pressure fishery. Harvest estimates are 200 to 300 coho. Local enforcement states poaching has decreased by having legitimate anglers on the river. Trespass issues have not arisen. We believe the sockeye fishery will parallel the coho fishery. A large harvest will probably not occur. These fish will be harder than coho to catch in the fresh water.**

**The proposed in-river sockeye fishery will provide fishing opportunity with little negative impact on the resource.**

# STATE OF ALASKA

SARAH PALIN, GOVERNOR

## DEPARTMENT OF FISH AND GAME

*Boards Support Section*

P.O. BOX 115526  
JUNEAU, AK 99811-5526  
PHONE: (907) 465-4110  
FAX: (907) 465-6094

RC41

**DATE:** November 14, 2007

**TO:** Jim Marcotte, Executive Director  
Board of Fisheries

**FROM:** Kristy Tibbles, Executive Director   
Board of Game

**RE:** Call for Joint Board Meeting on Unit 13 Nonsubsistence Area

---

At the conclusion of the November 10-12, 2007 Region V Board of Game meeting in Bethel, the board voted 5-2 to call for a Joint Board of Fisheries and Game meeting to be held at the end of February 2008. The purpose of the meeting is to address a Board of Game generated proposal to create a new Joint Board nonsubsistence area in a portion of Game Management Unit 13.

The Board of Game is preparing a draft proposal for a nonsubsistence area with new boundaries such as the Denali Highway as the northern boundary and the west bank of the Gulkana River as the eastern boundary. The board is also requesting the Department of Fish and Game provide socioeconomic and harvest data on the proposed nonsubsistence area.



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

Prohibit the use of weighted hooks, hooks that follow weights, and bobbers that follow hooks or weights during time that snagging is prohibited in the Nick Dudiak Fishing Lagoon (Fishing Lagoon).

**Staff Reports:** RC 4, Tab 2

**Staff Comments:** RC 2

**Dept. of Law Comments:** none

**AC Reports:** None

**Public Comment:** None

**Record Comments:** None

**Narrative of Pro's and Cons**

Want to reduce use of gear that results in snagging fish. The gear is a hook followed by a bobber or weight. The angler waits for a fish to run into the line then sets the hook. The hook is supposed to snag into the side of the fish mouth but often snags elsewhere in the fish. Use of this gear has become increasingly popular. Gear that results in snagging is supplied and supported by local sport shops because they show anglers how to rig up gear. Committee and public panel members supported a regulation that would be specific to the Nick Dudiak Fishing Lagoon.

**Pro's**

- Prohibit use of gear that results in fish being snagged
- Reduce opportunity for anglers to keep snagged fish
- Will reduce harassment of fish by hooking them elsewhere than in the mouth.
- Will increase the number of fish that bite because the fish won't be harassed.
- Will decrease snagging behaviors and passing them on to kids.

**Con's**

- Anglers may think of some other way around the regulations

**Substitute Language:**

**5 AAC 58.030(d) (1).** During periods closed to snagging, the use of weighted hooks or weights or flotation devices that follow a hook or hooks are prohibited.

RC43

We appose Proposal 397.

The main issue surrounding this proposal centered around the rate of harvest and length of season during the the A season State Water Fishery.

The B season is a long season harvested throughout the district.

To slow the rate of harvest and lengthen the duration of the season the Board should consider adjusting the harvest rate for vessels during the A season.

The follwing would accomplish this when changed in the current the current Cod management plan.

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

Amend (d)(7) to read:

**(d)(7) Within any two-calendar-day period, a vessel may harvest up to 100,000 pounds of Pacific cod and may retain on board the vessel only 100,000 pounds of unprocessed Pacific cod during that two-day period;** a vessel may not have on board more processed fish than the round weight equivalent of the fish reported on ADF&G fish tickets during the seasons specified in (1)(A) and (B) of this section; a validly registered vessel must report daily to the department the pounds of Pacific cod on board the vessel;

Proposed By:

Daniel Gunn F/V Sea Venture  
Jay Bowlden J. Lax Fisheries  
Gary Cobbin F/V New Venture  
Martin Morin F/V Katmai  
Gunnar Lexfoss F/V Kodiak

---

Re: #396 –

RC 44

Quotes from the "**State of Alaska Seafood Economic Strategies**"

Prepared for the: State of Alaska - Office of the Governor, December 2006

- **Therefore, it makes sense to base a seafood economic strategy on the principle that: The State of Alaska will make the investment in its seafood industry necessary to obtain maximum return for Alaskans over time.**
- **"Measure "maximum benefit" at the community level. The most important indicator of how well a public resource is being managed is the health of communities."**
- **"In many coastal communities in Alaska, commercial fishing is one of the only economic activities that brings new money into the community..In addition, locals can become alienated from the fishery at their doorstep, without the right or ability to participate."**
- **"Fewer access rights for Alaskans not only means that they benefit less from the most profitable fisheries, but that they are unable to exploit fully the more marginal fisheries that otherwise would lend themselves to local participation".**
- **"All of this suggests that it is mainly in Alaska communities (and not in individuals or companies) that the locus of impact for fisheries policy must be measured."**
- **"In the long run, the goal of stronger communities is central to maximum benefit, and measuring community progress is critical to realizing that progress."**

---

**As the Board debates modifications to the Aleutian Island statewater fishery, please consider the how you want this fishery to develop over the next decade.**

This is a new fishery created by the BOF in February 2006. No one has "historic rights" or "long term dependence" on the statewater fishery. Design this fishery with the future in mind.

Atka and Adak are the two communities in the Aleutian Island management areas adjacent to the resource at their doorstep, but whose residents have been largely excluded from participation in the federal fisheries.

Catcher/processors and at-sea processors belong in the federal fisheries, not in statewater fisheries.

**Shoreside deliveries by catcher vessels maximize the benefits of a statewater fishery to these Aleutian Island communities.**

Submitted by dave fraser, Adak Fisheries

Coastal Villages Region Fund represents 20 western Alaska communities (almost 8,000 Alaska residents) near the Skokwim River delta and has made significant investment into the Bering Sea fisheries. CVRF's largest investment lies in American Seafoods, which operates the KATIE ANN as a mothership and the FORUM STAR as a trawl catcher vessel State-water Aleutian Islands (AI) cod fishery. Both the KATIE ANN and the FORUM STAR have significant historical participation in the AI cod fishery.

CVRF residents benefit both indirectly and directly from our AI cod fishery participation. Revenues derived from this fishery go toward economic development projects in the CVRF region and in 2007, more than 20 Alaskans worked on the KATIE ANN during cod operations, a significant portion of that being western Alaska residents.

It was suggested during the Committee "B" meeting that the daily trip limit be modified as an alternative to limiting vessel size. While the Board seems to lack the public notice to consider such a change at this meeting, I understand that a 100,000 pound limit over a 48-hour period may be considered in the future.

While modifying trip limits may not explicitly limit participation in the fishery as would limiting vessel size, the practical effect will most likely be the same. Different vessels have different operational costs and break-points for profitability. Obviously, a vessel will no longer participate in a fishery if the regulations become so burdensome and/or limiting to where it becomes an unprofitable venture.

While the KATIE ANN has already been precluded (by BOF action) from harvesting in the 2007 AI State waters cod fishery, the FORUM STAR, a 96' catcher vessel which has been participating in the fishery (and is also 50% owned by western Alaskans) will most likely be precluded if such a modification to the trip limits is adopted.

During public testimony and again during the Committee B meeting, it was stated that limiting vessel size to under 60' would essentially reallocate most, if not all, of the AI State waters cod fishery to the sole processor in Adak. A significant reduction to the trip limit regulations will likely have the same net effect. Is this what the Board wants to do? Eliminate or significantly reduce competition among harvesters and, more importantly, processors? The sole processing plant at Adak, Adak Fisheries, probably receives somewhere around 65-75 percent of the cod harvest during the State waters fishery...much of this from vessels over 60' who will likely be shut-out.

A number of people were troubled by the nature in which the Board accepted this issue at the October worksession. The issue purely allocative, and clearly did not meet the emergency petition criteria so instead the Board generated its own proposal. While this is within the Board's authority, it reflects negatively on the process. I believe the Board has received a few letters from stakeholders on this matter. If the Board is going to consider another approach to the same general issue it will again force stakeholders, *at considerable time and expense*, to come to another BOF meeting and hash out Aleutian Islands cod allocation.

**The Board is considering regulatory changes that will explicitly or effectively preclude our Alaska-owned vessels with a long history from participating in the AI cod fishery.** All of this for potential benefits to Adak and a small-boat fleet that may not be Alaskan and may not take up residence in Adak, as the authors of the proposal desire.

RC46

Comments to Alaska Board of Fisheries  
Committee A Report (RC35)  
11/15/07

As a public panel member for Committee A, I, Gary Sinnhuber feel obligated to add some comments to the report, concerning proposals 10 and 11.

When looking at the "pro's versus con's", on paper it may look like the "con's" outweigh the "pro's". But, I don't believe this is the case. The "pro's" are very compelling, and the "con's" are somewhat repetitive. Five of the comments under the "con's" are related to the impact on the wild stocks. Fish & Game has already shown by their exhaustive data, that this proposal would not significantly impact the wild stocks.

As a local sport fishermen for 20 years, and now a fresh water "walk and wade" guide for the past 9 years, I fish the Niniilchik River, or take guests fishing for King Salmon, whenever the river is open. I highly regard and respect this river, and I don't want to see any regulations or practices that would negatively affect the fishing experience.

I see very little mishandling of fish by other fishermen. In fact, other than the three regulatory "wild" weekends, I don't see many people fishing on the other days of the week. Many, many days, we would see no one else on the river for hours.

I don't believe that bank erosion would be impacted by this proposal, and my catch and release numbers for Steelhead caught in June, as reported to Fish & Game in our fresh water logs show an insignificant impact.

Yes, we do catch and release wild Kings, while fishing for the hatchery Kings, but we release the wild Kings the correct way, unharmed in the water. This practice is very similar to the catch and releasing of Kings on the Anchor River and Deep Creek, where many fishermen "sort" fish in order to find just the right fish to keep.

Fish & Game has done a good job of keeping the Niniilchik River a viable fishery, and I applaud their efforts. I respectfully ask that you support this proposal.

If the Board cannot come to a consensus to support this proposal as written, perhaps one of the alternatives mentioned below, may be considered as a compromise, or last resort, rather than rejecting it altogether. These alternatives are listed from most desirable to least desirable, as far as the intent of the proposal is concerned.

1.) Allow fishing for 5 days a week until after the last regulatory "wild" weekend, at which time the river would remain open for 7 days a week, as in the proposal.

2.) Allow the three regulatory "wild" weekends without any additional fishing time during the week. After the last regulatory weekend, then open the Niniilchik River for 7 days a week, as in the proposal.

3.) Allow fishing for 5 days a week, instead of 7 days a week, as in the proposal.

Thank you for your consideration.

  
Gary Sinnhuber  
Homer

**SUBSTITUTE LANGUAGE FOR PROPOSAL 4**  
**SUBMITTED BY JEREMIAH CAMPBELL – Board Member**

RC 47

**5 AAC 56.122. Special provisions and localized exceptions to the seasons; bag, possession, and size limits; in the Kenai Peninsula Area.**

(2) in the Anchor River drainage, except the Bridge Creek reservoir,

(E) sport fishing is open for king salmon from its mouth upstream to the junction of the North and South Forks only on the weekend, and the Monday following that weekend, before Memorial Day weekend and the following four weekends and the Monday following each of those weekends; for king salmon 20 inches or greater in length, the bag and possession limit is one fish; **annual limit of five** [A PERSON MAY NOT RETAIN MORE THAN MORE THAN TWO] king salmon 20 inches or greater in length each year [FROM THE ANCHOR RIVER AND DEEP CREEK COMBINED]; a person who takes and retains a king salmon 20 inches or greater in length from either Deep Creek or the Anchor River may not sport fish in either drainage for the rest of that day; a king salmon 20 inches or greater in length that is removed from the water must be retained and becomes a part of the bag limit of the person originally hooking it; a person may not remove a king salmon from the water before releasing the fish;

(A) Deep Creek drainage

(iv) is open to sport fishing for king salmon from its mouth upstream to ADF&G regulatory markers located two miles upstream only on Memorial Day weekend and the following two weekends and the Monday following each of those weekends; bag and possession limit for king salmon 20 inches or greater in length is one fish, a person may not retain more than two king salmon 20 inches or greater in length each year from [THE ANCHOR RIVER AND] Deep Creek [COMBINED]; a person who takes and retains a king salmon 20 inches or greater in length from either Deep Creek or the Anchor River may not sport fish for any species of finfish in either drainage for the rest of that day; a king salmon 20 inches or greater in length that is removed from the water must be retained and becomes a part of the bag limit of the person originally hooking it; a person may not remove a king salmon from the water before releasing the fish;

**Intent substitute language for proposal 397:**

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

Amend (d)(7) to read:

(d)(7) during any two calendar day period a person may not harvest or retain on board a vessel more than 100,000 pounds of unprocessed Pacific cod, or off-load more than one time; a vessel may not have on board the vessel more processed fish than the round weight equivalent of the fish reported on ADF&G fish tickets during the seasons specified in (1)(A) and (B) of this section; a validly registered vessel must report daily to the department the pounds of Pacific cod taken and on board the vessel;

New paragraph:

(d)(9) the vessel operator must land the Pacific cod on board the vessel at a processing plant that has observer coverage where the catch may be observed by an observer.

Submitted by:  
Independent Cod Trawlers  
Charles Burrece  
Steve Aarvik

1982 WL 43775 (Alaska A.G.)  
Office of the Attorney General  
State of Alaska

RC 48

File No. 366-223-83

December 8, 1982

Quorum for Joint Boards of Fisheries & Game Meetings

Milstead Zahn  
Executive Director  
Board of Fisheries and Game  
Department of Fish and Game  
Juneau

Your October 14, 1982 memorandum asked this office for an interpretation of the proper meaning of AS 16.05.320, regarding the quorum for joint board meetings of the Boards of Fisheries and Game.

In summary, although the statute is ambiguous, we conclude, based on principles of statutory construction, that the joint boards may transact business with four members of each board present. In order to carry a joint motion, regulation, or resolution, at least four members from each board must approve the action. These conclusions are addressed in more detail below.

1. Joint Boards of Fisheries and Game.

The concept of joint fisheries and game board meetings originated in a 1975 amendment to Title 16, Alaska Statutes (Ch. 206, SLA 1975). The 1975 legislative enactment divided the former twelve member Board of Fish and Game into two separate boards, and provided for the two boards to meet jointly 'to resolve any conflicts in regulations of the boards and to consider matters . . . which require the consideration of both boards.' § 10 Ch. 206 SLA 1975, codified as AS 16.05.315. This opportunity to meet jointly is discretionary ('the boards . . . may hold a joint meeting . . .'), and is for the limited purposes of resolving regulatory conflicts and considering matters requiring the scrutiny of both boards.

2. Quorum-Individual Boards.

At the same time the legislature provided for joint board meetings, it also amended AS 16.05.320, the law providing for board quorums. Ch. 206, SLA 1975 (Free Conference Committee Substitute for Senate Bill 131, codified as AS 16.05.320.) [FN1] The statute, as amended, provides in full text:

AS 16.05.320. Quorum. A majority of the members of a board constitutes a quorum for the transaction of business, for the performance of any duty, and for the exercise of any power. However, a majority of the full board membership is required to carry all motions, regulations and resolutions. A majority of the members of the boards of fisheries and game constitutes a quorum for the transaction of business in a joint board meeting. A majority of the membership of the boards is required to carry all joint motions, regulations and resolutions of the boards. [FN2]

The first two sentences describe the quorum and voting requirements for the two separate boards. Although the sentences are not explicit, it appears from them that the legislature intended to draw a distinction between general business transactions by the board members in the first sentence, and actions requiring a majority vote of the full board membership in the second sentence. The first sentence provides that a majority of the board membership (i.e. four members) must be present in order to transact business. [FN3] If the business does not require a formal motion (e.g. consensus vote) a simple majority of that quorum (i.e. three) will suffice. The second sentence provides that a majority of the total membership of a board (i.e. four) must not only be present, but



must vote together to approve motions, regulations and resolutions. Thus, the legislature has given the the boards two kinds of responsibilities: general business on the one hand, and motions, regulations, and resolutions on the other. The law requires a different majority vote for each of these two types of responsibility.

### 3. Quorum-Joint Boards.

The second two sentences of AS 16.05.320 address a quorum when the boards are in joint session. [FN4] They are ambiguous and susceptible to more than one interpretation. In the first sentence, establishing the quorum, the phrase 'A majority of the members of the boards of fisheries and game' could mean: (1) a majority of the aggregate membership of the two boards (one half plus one of fourteen, which is eight), which could be comprised, for example, of seven fisheries board members and one game board member, or (2) a majority of the membership of each board, which is also eight, but must include at least four board members from each board.

We believe that the latter interpretation is preferable, because it is more logical when reading the statutes regarding the boards' functions as a whole. In general, all sections of a statute are to be construed together so that all have meaning and no section conflicts with another. Matter of Hutchinson's Estate, 577 P.2d 1074 (Alaska 1978). In addition, where a statute is ambiguous, a court will construe it in a manner that is most consistent with the overall objective of the legislation. Kenai Peninsula Borough v. Andrus, 436 F. Supp. 288 (D. Alaska 1977), aff'd 612 F.2d 1210 (9th Cir. 1977), aff'd Watt v. Alaska, 101 S.Ct. 1673 (1981).

Our conclusion follows from the fact that the boards' opportunity to meet jointly is a discretionary function, designed to resolve conflicts in regulations and to discuss matters of mutual concern. If a quorum could consist of any combination of fisheries and game board members, this function could be effectively defeated, particularly if one board is inadequately represented. Whenever possible, courts will give statutes a construction to avoid strained or absurd consequences. State v. Taylor, 638 P.2d 630 (Wash. App. 1982).

The final sentence of the statute (relating to joint motions, regulations, and resolutions) is also ambiguous. This sentence could mean: (1) that a majority of the aggregate membership of the joint boards must approve the action, and the eight votes could consist, for example, of seven members of the game board and one fisheries board member, or (2) that at least four members of the fisheries board and four members of the game board must approve a motion, regulation, or resolution. For the same reasons discussed above, and for those additionally discussed below, we believe the latter is the proper construction.

Since 1959, the legislature evidently demanded a majority of the full membership of the Board of Fish and Game to carry any 'motions, regulations and resolutions' (§ 10, Chapter 94 SLA 1959). [FN5] Obviously, regulations are matters of importance that necessitate consideration by as many members as possible. Reading the statute as a whole, we believe that the legislature intended to parallel, in the joint board quorum statute, the requirements for individual board voting. Thus, where the boards are acting in joint session, at least four members of each board must approve regulations, motions and resolutions.

We find further support for the above analysis from the fact that and the Boards of Fisheries and Game, since 1975, have consistently interpreted the quorum statute to require a majority vote of each full board membership to adopt regulations. Although a court will not defer to an agency's interpretation of a quorum statute such as this, because it does not involve the particular expertise of the agency, Commercial Fisheries Entry Commission v. Templeton, 598 P.2d 77 (Alaska 1979), the court will give some credence to a consistent, long-standing interpretation or practice by an agency. Kenai

Peninsula Borough v. Andrus, 436 F. Supp. 288 (D. Alaska 1977), aff'd 612 F.2d 1210 (9th Cir. 1977), aff'd Watt v. Alaska, 101 Sup. Ct. 1673 (1981).

In summary, a quorum for the transaction of business by the Joint Boards of Fisheries and Game is four members of each board. In order to take action (other than by motion), therefore, a majority of those present and voting, i.e. three members of each board, must agree. In order to carry motions, regulations and resolutions, at least four members of each board must approve.

If you have further questions regarding this interpretation of the quorum, please do not hesitate to contact this office.

Norman C. Gorsuch  
Attorney General

Sarah Elizabeth McCracken  
Assistant Attorney General  
Anchorage AGO

[FN1] 'Quorum' is defined in Webster's Third New International Dictionary, p. 1868 (1971) in relevant part as 'the number of the members of an organized body (as a legislature, court, or board of directors) that when duly assembled is legally competent to transact business in the absence of the other members . . .' See also H. Robert, Roberts Rules of Order § 43, p. 85 (1967).

[FN2] The first two sentences of this statute are virtually identical to the original quorum statute adopted in 1959 for the (then) single Board of Fish and Game (§ 10, Ch. 94, SLA 1959). The 1975 legislation (Ch. 206, SLA 1975) simply changed 'the Board' to 'a board' in the first sentence, and deleted 'of 12 members' following 'full board membership' in the second sentence.

[FN3] AS 16.05.221 establishes the Board of Game and the Board of Fisheries, each as a seven-member board.

[FN4] As discussed above, the legislature added these latter two sentences in 1975 (§ 11, Ch. 206, SLA 1975). The language originated in Senate Bill 131, sponsored by Senators Bradley, Willis, Orsini, and Rodey, and was not amended in any of the legislative committees or either house of the legislature.

[FN5] Although legislative analyses of bills that were not passed in a legislative session have minimal, if any, weight in statutory construction, an analysis in the Senate Journal Supplement, February 20, 1975, of Senate Bill 193 is of interest in confirming the conclusions we have reached above. Senate Bill 193 proposed a comprehensive amendment to the statutes relating to the Board of Fish and Game and the Department of Fish and Game. Included in the bill was a section amending the provisions for the board quorum. The bill would have provided that in addition to motions, regulations and resolutions, a majority of the full board membership was also required to approve any delegations of authority or appointment or removal of a commissioner. The analysis in the Senate Journal Supplement No. 5 February 20, 1975, p. 10 states:

The bill amends existing law which requires that a majority of the members which are present may transact business not otherwise mentioned, and that a majority of the full membership of the board is required only for motions, resolutions, and regulations. The majority-of-the-membership requirement would be amended to include delegations of authority and the appointment and removal of a commissioner, since these are matters of sufficient importance to necessitate consideration by as many members as possible.

1982 WL 43775 (Alaska A.G.)

END OF DOCUMENT

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Board of Fisheries Lower Cook Inlet at Land's End Resort in Homer, Alaska  
November 13 – 15, 2007

RC 49

Public Testimony Sign Up

Name	Representing	Subject / Related RC, PC or AC
1. <u>X</u> Jim Gladish	Self	Anchor R. saltwater boundary
2. X Dwight Kramer	Kenai Area Fishermans's Coalition	LCI proposals RC 16
3. X Drew Sparlin	UCIDA	Prop 16
4. X Jim Stubbs	Self	Prop 10 – 12
5. X Nikolai Yakunin	Self	Comm B proposals
6. X Gary Fandrei	CIAA	Prop 16 & 21
7. X Tom Hagberg	S. Peninsula Sportsman Assn	Anchor River kings
8. X Martin Morin	Self	Prop 397 oppose
9. X Jody Cook	Self	Prop 397
10. X Charles Burrece	Self	Prop 397 & 398
11. X Steve Vanek	Self	Ninilchik & Resurrection R.
12. X Steve Aarvik	Self	Prop 397 oppose
13. X Gary Cobban, Jr	Self	Prop 396, 398-399
14. X Sam Cotton	Aleutians E. Borough	Prop 395
15. <u>X</u> Dave Fraser	Adak Fisheries	Prop 396 – 399
16. X Clem Tillion	Aleut Enterprise Corp	Prop 396 – 399
17. X Beaver Nelson	Self	Prop 16
18. X John Muller	Self	Prop 397-399
19. X Lynn Whitmore	Self	LCI king salmon
20. X George Matz	Self	Anchor R. opening
21. X Mike Alfieri	Self	Prop 397
22. X Brent Paine	United Catcher Boats	Prop 397
23. X Tom Manos	Self	Prop 397 Support
24. X Art Nelson	Coastal Villages Region Fund	AI cod RC 23
25. X Daniel Gunn	Self	Prop 397 – 399 RC 18
26. <u>X</u> Peter Schonberg	Self	Prop 397
27. <del>2<sup>nd</sup> Jeff Beaudoin</del>	Self	Prop 1
28. X Gary Sinnhuber	Self	King salmon / Homer Spit Lagoon

Board of Fisheries Lower Cook Inlet at Land's End Resort in Homer, Alaska  
November 13 – 15, 2007

Public Testimony Sign Up

Name	Representing	Subject / Related RC, PC or AC
29. X Mike Long	Self	Prop 397
30. X Nick Varney	Self	Prop 13 & 15
31. X Russell Pritchett	Ind. Cod Trawler's Assoc.	Prop 397 RC 29
32. X Steve Vanek	Central Peninsula AC	LCI proposal comments
33. X Marvin Peters	Self & Homer AC	LCI proposal comments
34. X Aaron Bloomquist	Anchorage AC	LCI proposal comments
35. X Dianne Dubuc	Seward AC	LCI proposal comments

**OPTION for Amount Reasonably Necessary for Subsistence (ANS) amounts finding,  
Subsistence Shellfish, Cook Inlet**  
Prepared by ADF&G (11-15-07)

The following findings would pertain to that portion of the Cook Inlet Area outside the Anchorage-Matsu-Kenai Nonsubsistence Area described in 5AAC 00.015(a)(3)

1. Hardshell clams:

- (A) that portion from Jacolof Bay to Point Pogibshi: 850 to 1,275 gallons  
(6,800 to 10,200 lbs round weight);
- (B) remainder of area with C&T uses, 350 to 525 gallons  
(2,800 to 4,200 lbs round weight)

2. Shellfish other than hardshell clams, crab, and shrimp: 4,500 to 6,500 lbs usable weight.

Explanation:

- a. Develops 2 separate findings for hardshell clams—one for the most accessible area and one for the remaining area.

The upper end of the range for hardshell clams for area (A) is the average annual estimated harvests in Jacolof and Kasitsna bays from 2004 through 2006 by Alaska residents based on the Division of Sport Fish Statewide Harvest Survey (SWHS). The lower end of the range for (A) is the average harvests in Jacolof and Kasitsna bays by Alaska residents minus the average of the standard error for the harvest estimate for each bay for 2004 through 2006, based on the SWHS.

This assumes that most harvests by Seldovia residents reported in household surveys conducted by the Division of Subsistence are included in the SWHS estimate for Jacolof and Kasitsna bays (or occur in other locations not part of this ANS finding); harvests by Nanwalek and Port Graham are not included in the SWHS and that most take place in areas other than Jacolof and Kasitsna bays.

- b. For the hardshell clam ANS in area (B), the upper end of the range is the sum of the average annual harvests of hardshell clams by residents of Nanwalek and Port Graham based on harvest surveys conducted by the Division of Subsistence. The lower end of the range is the average of the lower end of the 95% confidence intervals for hardshell clam harvests by Nanwalek and Port Graham residents based on household surveys.
- c. The upper end of the range for other shellfish is the sum of the average annual harvests based on household surveys for Nanwalek, Port Graham, and Seldovia; the lower end of the range is the sum of the average for each community of the lower end of the 95% confidence intervals for those harvests. These ranges exclude hardshell clams, for which a separate finding is made, and exclude crab and shrimp, for which no harvestable surplus exists.

**Substitute language, Proposal 392**

5 AAC 02.310 is repealed and readopted to read:

**5 AAC 02.310. Subsistence Shellfish Fishery.** (a) Unless otherwise specified in 5 AAC 02, shellfish may be taken from January through December in the Cook Inlet Area as specified in 5 AAC 02.010(a), except in the nonsubsistence area described in 5 AAC 99.015(a)(3).

(b) In the subsistence taking of clams

(1) there is no closed season;

(2) there are no bag, possession, or size limits for clams, except that

(A) littleneck clams is 1,000 clams with the minimum size of 1.5 inches in length; and

(B) butter clams is 700 clams with the minimum size is 2.5 inches in length.

(c) Clams may only be taken under the authority of a subsistence permit.

5 AAC 02.311 is repealed and readopted to read:

**5 AAC 02.311. Customary and Traditional Subsistence Uses of Shellfish Stocks.** (a) The Alaska Board of Fisheries finds that the shellfish stocks in that portion of the Cook Inlet Management Area outside the nonsubsistence area defined in 5 AAC 99.015(a)(3) are customarily and traditionally taken or used for subsistence purposes.

(b) The board finds that the following amounts of shellfish are reasonably necessary for subsistence uses

(1) in that portion of the area defined in (a) from Jacolof Bay to Point Pogibshi: 850 to 1,275 gallons of hardshell clams (6,800 to 10,200 lbs round weight);

(2) in the remainder of the area defined in (a), 350 to 525 gallons of hardshell clams (2,800 to 4,200 lbs round weight);

(3) in the area defined in (a), 4,500 to 6,500 lbs usable weight of shellfish other than hardshell clams, crab, and shrimp.

**Existing regulations:**

**5 AAC 02.315. Subsistence Dungeness Crab Fishery.** No person may take Dungeness crab.

**5 AAC 02.320. Subsistence King Crab Fishery.** No person may take king crab.

**New regulations that would need to be considered:**

**5 ACC 02.XXX. Subsistence Tanner Crab Fishery.** No person may take Tanner crab.

**5 AAC 02.XXX. Subsistence Shrimp Fishery.** No person may take shrimp.

## **A Better Plan for Proposal 10 Submitted by Anchorage AC**

### 1. The Plan

Season opens Memorial weekend with the current regulations of the two following weekends and the Mondays following each of those weekends.

The river opens to 7 days per week on July 1 – December 31 for hatchery kings only.

2. The majority of the users want a more conservative approach than the proposal provides. We are not asking for more, but rather a more manageable, controlled, conservative, quality fishery.

3. The public panel (Committee A) had more cons than pros.

The pros statement of opportunity without impacting wild king salmon stocks is more than offset by the cons statements of increased wild salmon mortality by fishers sorting through kings to try and land a hatchery king. Also, illegal taking of wild kings and fishing when the percentage of hatchery kings are at their lowest point is a major concern.

In 2007, under the department's plan, fishing was increased to 7 days per week, instead of 3 days per week and the lower end of the SEG was not met. This is of great concern to us.

Residents of Ninilchik are opposed to 7 days per week.

Pros statement of stimulating the local economy is false. The majority of the fishermen have moved to the Anchor River because of no weekend openers. Ninilchik has fewer people in town during June than in the past.

Log #	Submitted by	Topic
1	Boards Support	BOF Workbook
2	ADF&G	Staff comments Prop 1 - 22
3	ADF&G	Staff comments Prop 392 – 400
4	ADF&G	Department Reports
5	Tim McDonald	Prop 21 comments
6	SE AK Fisherman's Alliance	Oppose Board generated proposals re: process
7	Robert Ditton	Prop 1- 9
8	ADF&G Subsistence	Prop 392 C&T
9	ADF&G	Tour Fishing Committee Report
10	United Fishermen of AK	Board generated proposals comments
11	AFN	JB Proposal 38
12	ADF&G	LCI Deliberation Material
13	ADF&G / Boards	King Career Center students comment on Prop 20
14	UFA	Restructuring Proposals comments
15	Juneau/Douglas AC	Board Generated proposal comments
16	Kenai Area Fisherman's Coalition	Proposal comments
17	James Pennington	Adak vessel size
18	Daniel Gunn	Prop 397 oppose
19	Edward Shiashnikoff	Prop 397 – 398 oppose
20	Martin Morin	Prop 397 oppose
21	Jim Stubbs	Prop 10 amendments
22	AK State Troopers	Prop 21 support
23	Coastal Villages Region Fund	Prop 397 oppose
24	Gunnar Laxfoss	Prop 397 oppose
25	David Fraser	Prop 396 stellar sea lion
26	David Fraser	Prop 396 pollock
27	David Fraser	Consultation on AI state Pollock
28	Tom Evich	Support limit of vessel size
29	Russell Pritchett	Prop 397 – RC 20 from Pet A
30	John Muller	Prop 397 support
31	John Jensen	Salmon Seine vessel length
32	Jim Marcotte	Kenai Area Fisherman's Coalition Nov 3 letter
33	Dianne Dubuc	Tim McDonald re Prop 21
34	ADF&G	Marine code wire tag data
35	ADF&G	Committee A report
36	ADF&G	Committee B report
37	ADF&G	Prop 21
38	Russell Pritchett	Prop 397 comments
39	ADF&G	Dept comments Prop 397 – 399
40	Dianne Dubuc	Prop 21 support
41	ADF&G	JB meeting
42	ADF&G	Prop 13 discussion
43	Daniel Gunn	Prop 397 oppose





The North Pacific Fisheries Management Council has been in the process of examining ways to reduce salmon bycatch in the Bering Sea Fisheries. Bycatch levels of Chinook salmon have increased significantly in recent years, with bycatch levels possibly exceeding 120,000 chinook in the 2007 fisheries. Chum salmon bycatch levels had also increased dramatically in most of the last few years, approaching almost 700,000 in 2005 but, fortunately dropping off in the past two years with the 2007 bycatch likely to be under 100,000 chum salmon.

At the Council's last meeting, in October, a motion was made that asked the Council's salmon bycatch workgroup (which had already held a number of meetings on the subject) to examine alternatives for hard caps in greater detail. Also in this motion, they added a seat to the workgroup for a representative from the Board of Fisheries.

Among the alternatives and options being considered:

1. Continuation and modification of the Voluntary Rolling Hot Spot (VRHS) system. This initiative was initiated by the various sectors in the Pollock fishery, where most of the salmon bycatch occurs, and provides, via contractual agreements, binding closures on a week-to week basis based on near-real time monitoring of bycatch levels and also based on each fishery cooperative's bycatch performance. When a "hot spot" is identified, it is closed to the fleet. Cooperatives with higher bycatch rates are closed out of these areas for a longer duration than those with better bycatch performance.
2. Trigger-based area closures. This is similar to older salmon bycatch protections that had been adopted by the Council. When a certain level of salmon bycatch occurs, area(s) where bycatch occurs at a higher rate are closed for a set period of time, usually for the remainder of each fishing season or for the rest of the fishing year. While these regulations are still "on the books" there proved to be too inflexible, and at times bycatch levels would be worse outside the closure areas than that inside the areas after they had closed. The Council has allowed Pollock fishing cooperatives to be exempt from these rigid closures if they are participating in the VRHS system.
3. Hard caps. This approach has not been tried by the Council before, but the concept involves a level of bycatch that, when exceeded, shuts down fishing operations. A number of alternatives are under considerations, including allocating hard caps out among sectors or cooperatives.

I attended the most recent meeting of the workgroup, held in Anchorage on November 2. There was no significant agreement among stakeholders regarding aspects of the hard caps, however each group agreed to submit their "pros and cons" to the approach for the Council's consideration at their next meeting in December. At

this time it is unclear exactly where this will go, however, there seems to be a genuine interest in trying to craft a workable solution that will help reduce salmon bycatch while, at the same time, attempting to minimize the impacts to the Pollock fishery. While no further meetings of the workgroup are planned at this time, it is possible that the Council will continue to utilize the workgroup for further input as they continue to refine their alternatives and options.

# STATE OF ALASKA

SARAH PALIN, GOVERNOR

**DEPARTMENT OF FISH AND GAME**  
*Boards Support Section*

P.O. BOX 115526  
JUNEAU, AK 99811-5526  
PHONE: (907) 465-4110  
FAX: (907) 465-6094

RC 55

**DATE:** November 15, 2007

**TO:** Jim Marcotte, Executive Director  
Board of Fisheries

**FROM:** Kristy Tibbles, Executive Director  
Board of Game

**RE:** Joint Board Meeting on Unit 13 Nonsubsistence Area

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This memo is to clarify the request by the Board of Game for a Joint Board meeting to be held in February for the purpose of reviewing a new proposal to create a nonsubsistence area in Game Management Unit 13. The Joint Board would then decide whether to schedule a subsequent meeting to take regulatory action on the proposal and to solicit public comment. The expectation for the Department of Fish and Game would be to provide the socioeconomic and harvest data on the proposed nonsubsistence area at the subsequent meeting, not at the February meeting.

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME BOARD OF FISHERIES

SARAH PALIN, GOVERNOR

ADF&G  
P.O. BOX 115526  
JUNEAU, AK 998011-5526  
PHONE: (907) 465-4110  
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Mr. Mark Vinsel, Executive Director  
United Fishermen of Alaska  
211 Fourth Street, Suite 110  
Juneau, AK 99811

RC 56

November 14, 2007

Dear Mr. Vinsel,

Thank you for your letter of November 10, expressing your disappointment regarding the lack of Board of fisheries action on Proposals 15, 21, and 39, heard at the Dillingham Meeting.

I can understand your frustration with the process and your desire to proceed with positive action on these proposals. I am sure you can appreciate the fact that we are charting new waters. Typically, proposals for which no action could be taken, were rejected for lack of Board authority. The restructuring process has been developed over the past year and a basic approach has been adopted.

Within the next thirty days, the sponsors of proposals will be receiving a request from the Executive Director, Boards Support, to provide additional information to help guide the Board committee in their effort to develop a roadmap for the proposals.

Also, within the next thirty days the Board of Fisheries committee will teleconference to schedule a meeting of the full restructuring committee. The agenda for that meeting will be to further define Board of Fisheries authority and suggested actions relative to all the restructuring proposals received to date.

The next step will be for the proposals to be scheduled to regular meetings of the Board of Fisheries within the next six months. At those meetings the full Board will accept public testimony, review in committee and deliberate the merits, or lack there of, as well as determine if the roadmap provides a reasonable opportunity to meet the legal/practical challenges of adoption.

Should a proposal be considered worthy of further review, it will be tabled to the Board committee for processing. The Board committee will meet with the appropriate entities during which written public comments will be accepted.

Once the Board committee and all participating entities have developed a clear agreement as to how a proposal can be adopted, that proposal will likely be scheduled for an in-cycle meeting of the Board of Fisheries. Then, should the proposal be adopted by the Board of Fisheries, it will be adopted pending

positive action by all other involved entities. Once those entities have completed all actions to satisfy adoption of the proposal, it will be written into regulation.

While it's impossible to insure that any of the proposals will ever become regulations, without a thorough restructuring process, it is certain that none could have even been considered. As always your input and support will be appreciated.

Regards,

Mel Morris

cc John Jensen, Chair, Board of Fisheries Restructuring Committee  
Larry Edfelt, Board of Fisheries Restructuring Committee  
Jeremiah Campbell, Board of Fisheries Restructuring Committee  
Jim Marcotte, Executive Director

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME BOARD OF FISHERIES

SARAH PALIN, GOVERNOR

ADF&G  
P.O. BOX 115526  
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November 15, 2007

Mr. Eric Olson  
Chairman  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501

RC 57

Dear Mr. Olson:

The Alaska Board of Fisheries (BOF) is considering a proposal to rescind the State waters pollock fishery in the Aleutian Islands (AI). As you know, the Board approved this fishery for 2007 and 2008, with the GHL for the 2007 partly fishery contingent on approval by the Council of an Exempted Fishing Permit (EFP) for 3000 mt. Since the EFP was approved for 2007, the State fishery did not occur. As currently authorized, the fishery is scheduled to occur again in 2008, but the National Marine Fisheries Service (NMFS) has requested that the BOF rescind the authorization for the fishery based on pollock stock conservation and SSL issues.

Therefore, the Board has developed a Board-generated proposal, Proposal 396, to consider rescinding authorization for this fishery, and the BOF deliberated this issue at its meeting in Homer on November 13-15, 2007. During its November meeting, the BOF received testimony from the public that acknowledged the NMFS concerns over a 3000 mt fishery in 2008, but suggested that perhaps a smaller quota could still have economic benefits and at the same time avoid pollock stock conservation issues and avoid SSL concerns.

The BOF is sympathetic to the public comments received, and has reviewed a suggested alternative fishing strategy for AI pollock that may have merit. This alternative fishery is outlined in the attached report. The BOF is sensitive to the SSL issues involved, and wishes to avoid any action that could result in a jeopardy decision from NMFS. But the BOF also is concerned over the continuing lack of authorization for a pollock fishery in the AI region, and hopes that this alternative might be a satisfactory compromise. The attached discussion paper recommends a GHL of 454 MT to be harvested in the A season with the fishing season starting on March 1, 2008 and the fishing activity restricted to Kanga Sound.

We recognize that the Council's Steller Sea Lion Mitigation Committee is working to develop a set of recommendations for change in SSL protection measures, but we also recognize that this process may not conclude for several years. In the mean time, the BOF would like to implement some fishery measures that would benefit the AI region as soon as possible.

Therefore, the BOF asks that the Council request NMFS to evaluate a modified AI State waters pollock fishery based on the information presented to the BOF as described in the attached document. We ask that this occur on an informal level at this time, and if the result of this informal review requires that a formal consultation occur, the BOF asks that the consultation process stop at that point. We do not wish to complicate or otherwise sidetrack the Council's ongoing FMP level consultation by diverting resources to a formal consultation process.

We request that the Council take up this issue at its December 2007 meeting and in turn request that NMFS prioritize an analysis of the attached proposal. We look forward to continued cooperation between the BOF and the Council in managing marine fisheries in both state and Federal waters.

Sincerely,

Mel Morris  
Board of Fisheries, Chairman



## Discussion paper - prepared by dave fraser

### Consultation on Aleutian Island Statewater Pollock

NMFS Protected Resources may be asked for an opinion on whether the 3000 metric ton pollock state water fishery between 174° W and 178° W longitude will result in Jeopardy or Adverse Modification of Steller sea lion (SSL) Critical Habitat.

The answer to the question rests in part upon an analysis of whether there is competitive limitation of SSL foraging success.

Competition that limits SSL foraging success for pollock in the Aleutian Islands (west of 170° W longitude) would require the existence of overlap in multiple dimensions.

1. Is the fishery target species (pollock) an important SSL prey species in the region?
2. Will fishery removals of pollock substantially reduce overall prey biomass?
3. Are the fishery removals of pollock the same sizes consumed by SSL?
4. Does the fishery occur in the same depths as SSL foraging depths?
5. Is the fishery's spatial distribution the same as the SSL foraging spatial distribution?

For competitive limitation to occur, it is necessary for overlap to take place in more than one dimension. For example, if there was an unlimited biomass of pollock and it rarely occurred in the diet of SSL, overlap in sizes consumed or overlap in depths of foraging and fishing would be of little importance. Similarly, if the spatial distribution didn't overlap, then overlap in depth would be of little importance.

The answers to the five questions are unlikely to be simple "yes/no" answers. Degree of overlap needs to be considered in each of the dimensions. Logically, small degrees of overlap are less of a concern than large degrees of overlap.

This discussion paper looks at each of the five questions.

#### Is the fishery target species (pollock) an important SSL prey species in the region?

Two major studies have been conducted on SSL scat in the AI, one covering 1990-1998 (Sinclair and Zeppelin 2002), and the other covering 1999-2005 (NMFS 2006b)

The 1990-1998 study found 15 other prey species in SSL scat in the Central/Western Aleutians (Region IV) in winter with equal or greater frequency of occurrence than pollock.

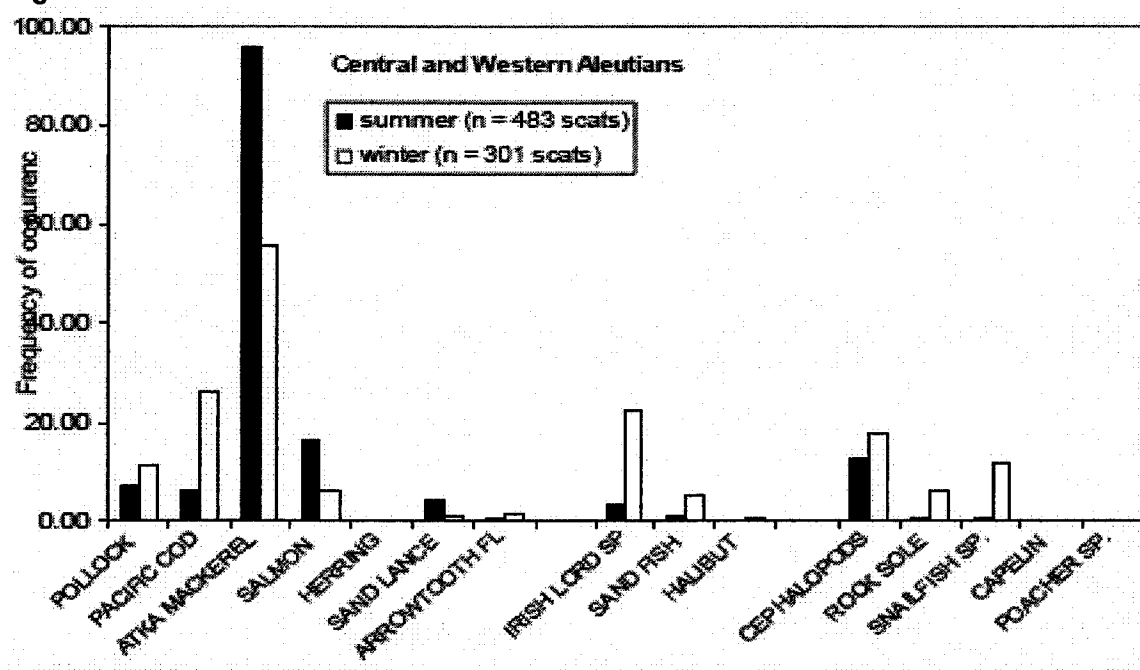
The following tables are condensed from Table 2 in Sinclair and Zeppelin and from Table 3.21 in the draft BiOp.

Table 1

from Sinclair and Zeppelin 2002		from NMFS 2006b	
Prey Species	FO in Scat	Prey Species	FO in Scat
Atka Mackerel	64.9%	Atka Mackerel	55.0%
Pacific cod	16.9%	Pacific cod	26.0%
Salmon,	23.6%	Irish Lords,	23.0%
Rock Greenlings,	21.6%	Cephalopods,	18.0%
Irish Lords,	12.8%	Snailfish,	12.0%
Snailfish,	11.5%	<b>Pollock</b>	<b>12.0%</b>
Cephalopods,	11.5%	Salmon,	6.0%
Kelp Greenlings,	4.1%	Rocksole,	6.0%
Other Greenlings,	3.4%	Arrowtooth	1.0%
Other flatfish	3.4%	Rock Greenlings,	na
Rockfishes,	3.4%	Kelp Greenlings,	na
Lumpsuckers,	2.7%	Other Greenlings,	na
Gunnels,	2.7%	Other flatfish	na
Rocksole,	2.7%	Rockfishes,	na
Arrowtooth	2.7%	Lumpsuckers,	na
<b>Pollock</b>	<b>2.7%</b>	Gunnels,	na

The following figure is take from the Central/Western Aleutian Island portion of figure 3.20 in the September 7, 2006 draft Biological Opinion.

Figure 1



Will fishery removals of pollock substantially reduce overall prey biomass?

Pollock is a relatively minor diet item for SSL in the AI. As shown in the scat data, at least fifteen other species are also present in the SSL diet.

Aleutian Island biomass estimates are available from the SAFE documents for some alternative prey species. However, for many of the prey species in the above table there are no biomass estimates available for the AI.

The combined AI biomass of 3 prey species for which separate estimates are available (Atka mackerel, P. cod, and POP) sum to roughly one million metric tons.

AI pollock biomass estimates are presented in the table below:

**Table 2**

Aleutian Island Pollock Biomass	
AI Pollock 2007 biomass (model 1 2006 SAFE)	141,000 tons
AI Pollock 2007 biomass (model 2A 2006 SAFE)	363,000 tons
AI Pollock biomass (2006 bottom trawl survey)	94,000 tons
AI Pollock 2007 ABC	44,500 tons
AI Pollock 2007 TAC	19,000 tons
Pollock statewater GHL	3,000 tons

The statewater GHL accounts for between 1% to 3% of the estimated pollock age 3+ biomass. This is far less than 1% of the overall biomass of prey species for which AI biomass estimates are available, and even less when other prey species are considered.

Are the fishery removals of pollock the same sizes consumed by SSL?

A paper by Zeppelin et al. 2004, presents a comparison of pollock and Atka mackerel sizes consumed by SSL and taken in commercial fisheries. The mean size of pollock consumed by SSL was shown to be 39.3 centimeters in that study. The mean size of pollock harvested by the commercial fishery was approximately 50 centimeters. The study estimated that there was a 56% overlap in the sizes of pollock harvested in the commercial fishery compared to those consumed by SSL.

This estimate of overlap does not reflect the overlap in the Aleutian Islands. Few, if any, of the pollock taken by the commercial fishery were harvested in the Aleutian Islands. This is due to the overwhelming dominance of Bering Sea hauls in the observer data base and that the directed pollock fishery was closed beginning in 1999.

The size composition of pollock in commercial harvests in the AI tends to have a much higher mean size than the pollock harvested in the Bering Sea or Gulf of Alaska. During the 2006 Aleutian Island Cooperative Acoustic Survey Study, size data was collected by

Steve Barbeaux from the pollock harvested. The mean size of pollock in the AICASS study was approximately 58 centimeters. The overlap for commercial pollock fisheries in the Aleutian Islands is substantially less than that presented in Zeppelin et al 2004.

The draft Biological Opinion presents a figure 3.21 taken from Zeppelin et al. 2004, portraying the overlap in sizes of pollock consumed by fisheries. The figure is presented below together with a graph of the pollock harvested in the 2006 AICASS study.

Figure 2

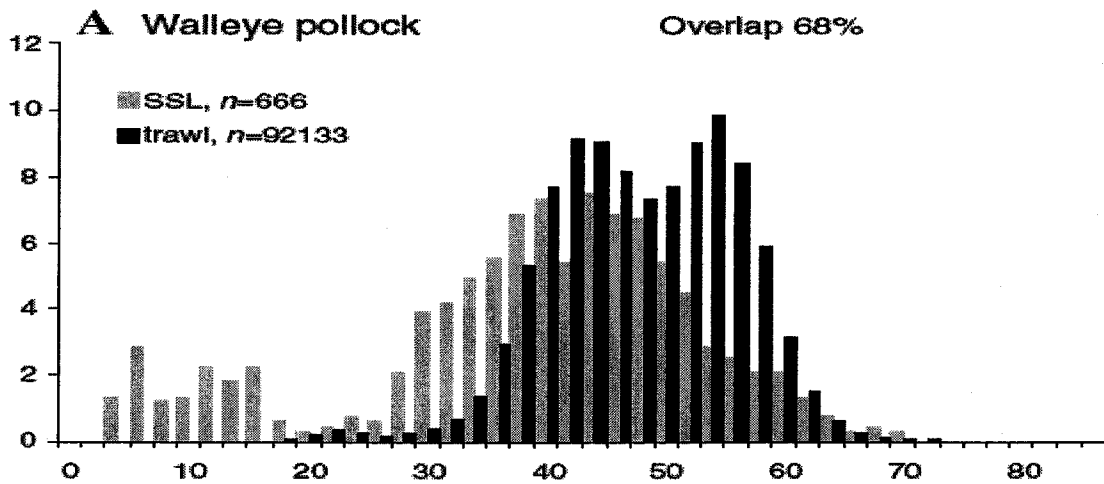
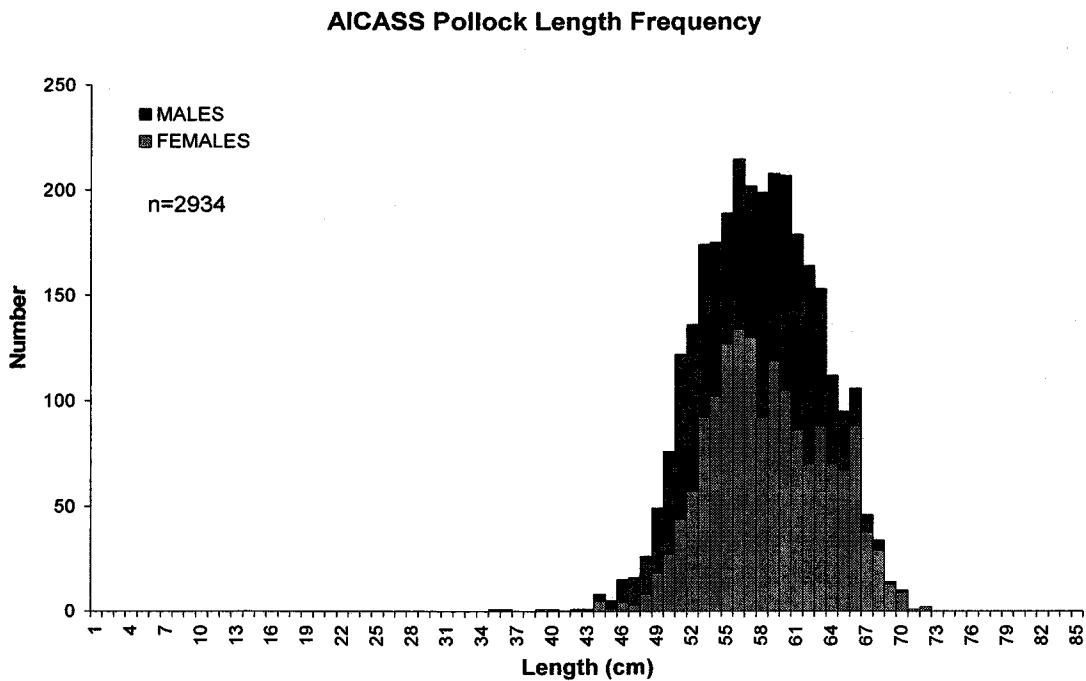


Figure 3



Does the fishery occur in the same depths as SSL foraging depths?

The draft Biological Opinion (Sept. 7<sup>th</sup>, 2006) presents summary data on SSL dive depths from several studies in table 3.13.

**Table 3**

<b>Steller Sea Lion Dive Depths for Dives Greater than 4 Meters - from table 3.13, draft BiOp 9/7/06</b>	
Mean dive depth in winter of adult female SSL (Alaska)	24 meters
Mean dive depth in summer of adult female SSL (Russia)	53 meters
Mean dive depths of juvenile SSL (4 studies)	13 to 39 meters
Mean Maximum dive depth of juvenile SSL (Washington)	144 meters
Mean Maximum dive depth of juvenile SSL (Alaska)	63 meters
Maximum dive depth in winter of adult female SSL (Alaska)	>250 meters
Percentage of dives deeper than 155 meters by adult female SSL in winter	4%
Percentage of Pollock trawls deeper than 200 meters in Kanaga Sound	80%

While the summary table only presents mean and mean maximum dive depths, some of the underlying papers provide dive data by depth bins which allows further examination of the degree of overlap between commercial fishing depths and SSL dive depths.

SSL dive information from two studies - "Diving Behaviour of Adult Female Steller Sea Lions in the Kuril Islands, Russia," Loughlin, 1998, (Table 3, page 28) and "ADF&G Wildlife Technical Bulletin No. 13," May 1996, (Table 2, pg. 144) - was used to examine potential overlap between SSL foraging depths and commercial pollock fishing depths in the Aleutian Islands.

The data on SSL dives depths from these studies was used to plot the cumulative proportion of dives deeper than a given depth.

An examination of NMFS observer program data (provided by Ren Narita at ASFC) for 4800 hauls in the Aleutian Island pollock fishery between 1990 and 1998 found less than 5% of pollock trawl hauls shallower than 150 meters

Two subsets of these hauls were plotted for the areas where most harvest under the EFP is expected - one in the Kanaga Sound area and one in the Atka Island/North Cape area. Less than 5% of the hauls in the Atka area were shallower than 150 meters, and more than 50% were deeper than 350 meters (figure 4). The Kanaga area was used to plot the cumulative proportion of trawl hauls for pollock shallower than a given depth in that area (figure 5).

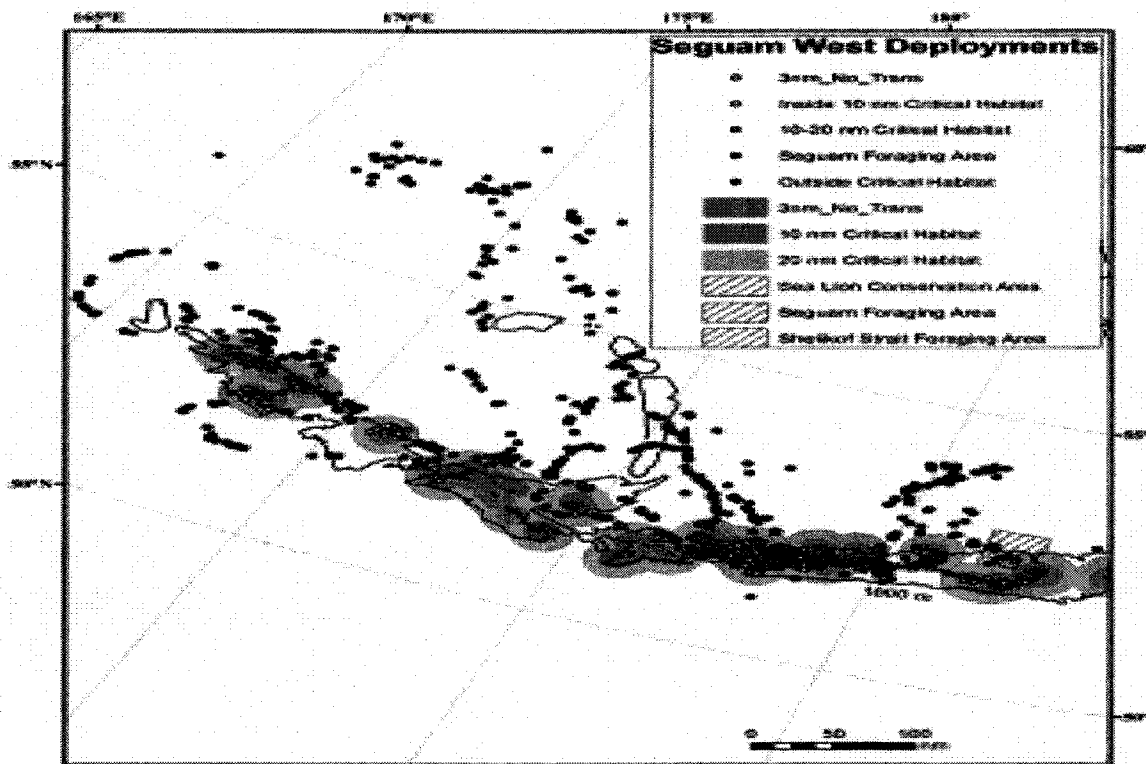
The plots of SSL dives and trawl hauls cross at approximately 150 meters. About 5% of SSL dives (excluding dives less than 4 meters) exceeded 150 meters, while less than 10% of Aleutian Island pollock hauls in Kanaga Sound were shallower than 150 meters.

Is the fishery's spatial distribution the same as the SSL foraging spatial distribution?

The best source of information on SSL foraging distribution is the satellite telemetry data. In February of 2000, four SSL were tagged at Seguam Pass. In April 2005 fifteen SSL were tagged in the Adak area. The data from these two sets of deployments are available to be viewed on line.

The draft Biological Opinion (September 7<sup>th</sup> 2006) presents an overview map (figure 3.19) of the data from all of these deployments. Given the scale of the map in the figure it is difficult to draw many inferences. However it is clear that at least some SSL spend a significant amount of time outside the 1000 meter isobath, well beyond the continental shelf.

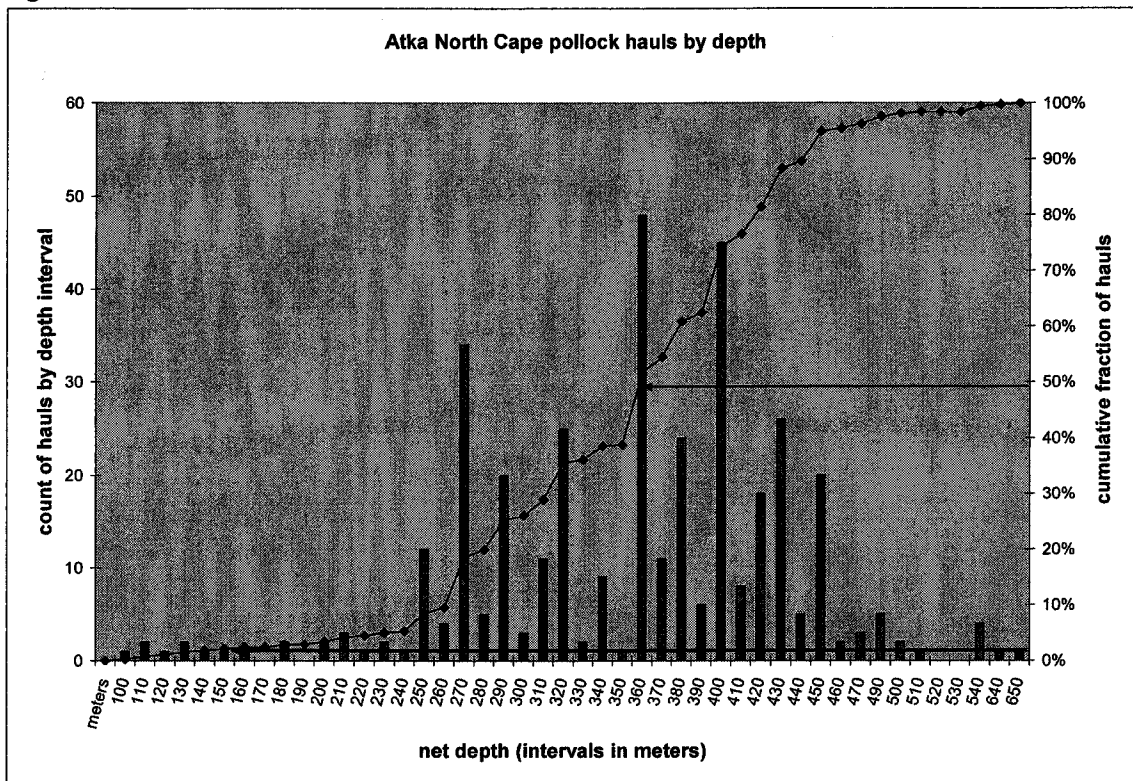
Figure 6



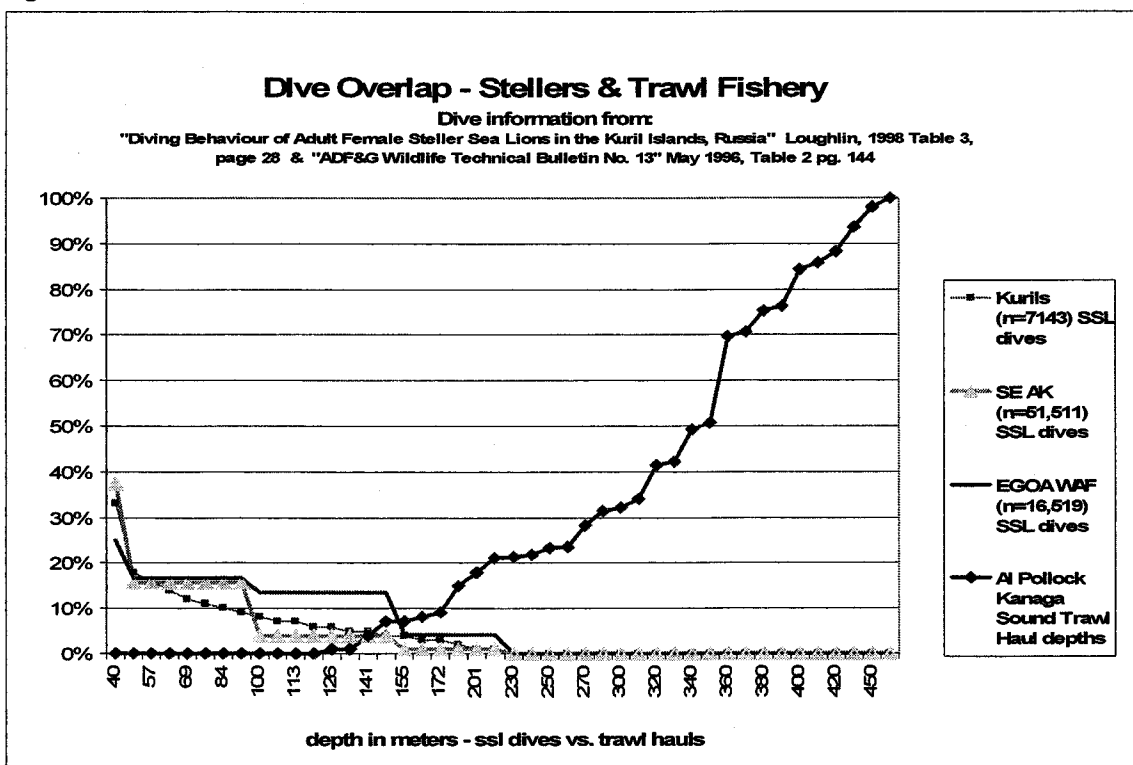
As Bowen, et al, (September 2001) noted, "Data on SSL dive depth would be more useful if they were linked to bathymetry such that one could then estimate the fraction of benthic habitat available to different age and sex-classes."

In the final report by Bowen, et al, the authors discussed the use of satellite telemetry data. The panel stated (pg.35), "It should also be recognized that the appropriate sampling unit in these studies is the individual."

**Figure 4**



**Figure 5**



With the GIS tools available from the "Alaska Ecosystem Program Telemetry Research Page" (<http://nmml.afsc.noaa.gov/AlaskaEcosystems/sslhome/satellite/default.htm>) it is possible to view the 19 Aleutian Island satellite tag deployments individually and to "zoom in" to a fine local scale.

GIS maps of the Seguam Pass deployments are at:

<http://afscmaps.akctr.noaa.gov/website/seg2000feb/viewer.htm>

GIS maps of the Adak deployments are at:

<http://afscmaps.akctr.noaa.gov/website/eal2005apr/viewer.htm>

By looking at fine scale maps it becomes clear that the vast majority of satellite "hits" occur inside the 100 meter isobath. (*Unfortunately, the image capture function of ArcView software didn't seem to work - the reader will have to go on line and "zoom in" on the various deployments to view the area covered by the EFP in discreet segments.*) This is consistent with the dive data presented in the several studies referenced in the draft Biological Opinion (September 7<sup>th</sup>, 2006) indicating that the vast majority of dives are shallower than 100 meters.

Figure 7, (from Halflinger and fraser, 2001) below traces the movement of SSLID74, an 11 month old male pup, during period from 5/28 to 6/10. It is an example of a foraging trip well beyond the continental shelf.

During this time he wanders offshore far past the continental shelf break, then circles back to the west, making landfall at the west end of Atka Island, then he follows closely along the shoreline heading east for a few days, and finally heads back out past the shelf break again. He shows no interest in the portion of the shelf between 100 and 200 meters where commercial groundfish are targeted. Rather he appears to be foraging where the more likely prey is salmon, mictophids, and squid.

There is no indication of spatial overlap or temporal overlap with the cod and Pollock fishery which are winter fisheries, since this animal doesn't begin going offshore until summer.

The same animal is shown in figure 8 (also below) during the winter months from March through May when it rarely goes beyond the 100 meter isobath

This image in figure 8 zooms in on SSLID74, the male pup from figure 7, at Seguam Island. All at-sea locations from the time of tagging (2/29/2000) for the next 2 months (until 5/4/200) are contained in this image, and only one location during that period is significantly outside 3 miles.



Given the narrow shelf in the Aleutian Islands, spatial separation between SSL foraging locations and commercial pollock fishing activity may not be dramatic when measured in miles. However, when "data on SSL dive depth" is "linked to bathymetry" and examined by "individual," as suggested by Bowen, et al, it become clear that there is significant 3 dimensional spatial separation that is tied to bathymetry.

### Conclusion

The picture that emerges from consideration of the data related to the multiple dimensions of overlap is not one that suggests competition with pollock fishing in the Aleutian Islands limits SSL foraging success.

In contrast to the conclusions of Sinclair and Zeppelin, which may be valid in the context of the Bering Sea or Gulf of Alaska, there is nothing in the Aleutian Island data that suggests spawning aggregations of pollock are an important target species for Aleutian Island SSL. Rather it appears that dispersed pollock form a minor opportunistic component of the prey field in the Aleutians (west of 170° W longitude). The fishery is separated in space both vertically (depth) and horizontally (distance from shore and bathymetry). Finally, to the minor degree that pollock are part of a much larger SSL prey field, the sizes of pollock harvested by the fishery are significantly larger than those consumed by SSL.

Each of the five dimensions of overlap examined show a very limited degree of overlap. Taken together, it is difficult to imagine that pollock fishery in the Aleutian Islands harvesting the full TAC, let alone 3000 metric tons, occurring 3 miles or more from listed SSL sites would result in either Jeopardy or Adverse Modification of SSL Critical Habitat.

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## Responses to Steller Sea Lion Mitigation Committee Questions on BOF Proposal # 396 – AI State Water Pollock

Prepared by dave fraser – Adak Fisheries

The BOF decision under proposal #396 is whether to close the state water fishery or leave it open. Alternatively the BOF might reduce the 3,000 ton catch limit and further restrict where and when fishing could occur. The BOF could consider a GHL for just Kanaga Sound, based on a 14.27% exploitation rate applied to the 7,956 tons survey biomass for that block which would produce a local GHL of about 1135 tons.

Last year NMFS did an EA and Biological Opinion on an EFP for harvest of up to 3,000 tons in the area from 173-179 longitude. The EFP allowed fishing in the portions of statewater between 174-178 longitude that would be open in the fishery addressed by proposal #396.

That Biological Opinion addressed most of the questions posed by the SSLMC and found no jeopardy or adverse modification, so long as harvest was limited to 1000 tons in any one degree of longitude.

### Notes on Board of Fish Proposal #396 and SSLMC “Objectives Questions”

#### 1. Continue to avoid jeopardy and adverse modification.

- Is there additional fishing effort inside of SSL critical habitat?

Absent the statewater fishery, there is currently no directed pollock fishery inside AI SSLCH.

- Does the proposal provide trade-offs that reduce the total negative effects to SSL?
- Does the proposal open a substantial amount of critical habitat?

No.

The proposal only allows pollock fishing between 174 to 178 longitude inside that portion of state water that is not inside 3 miles from a haulout or 20 miles of a rookery. Given the bathymetry in that area, only a very small percent of the open area of state water would actually be subject to any pollock fishing. NMFS staff (Steve Lewis) could do a GIS analysis of the intersection of fishable depths, state water and SSL CH, which would probably show that less the 1% of AI SSL CH would be open to pollock fishing.

- Does proposal indirectly provide protection to additional sites?
- Does proposal indirectly affect nearby SSL sites?

There are SSL sites in the region. The affects were described in the NMFS EA and Biological Opinion on the 2007 EFP fishery.

- Does proposal affect important research site? (e.g. Chiswell)
- Does proposal offer additional measures to control fishing rate or effort?

Yes.

Fishing is limited to vessels 58' or less. There is also a limit on total removals (3000 tons) that is substantially less than the AI pollock ABC (19,000 tons). However, the statewater GHL does not contain the sub-area limitation that was included in the 2007 EFP.

The BOF could further reduce the amount of the state water GHL based on the 2007 survey of Kanaga Sound.

The preliminary results of the survey indicate roughly 7,956 tons of pollock biomass in Kanaga Sound. The draft stock assessment indicates total AI pollock biomass of 197,280 tons and an ABC of 28,160 tons which equates to an exploitation rate of about 14.27%.

The BOF could consider a GHL for just Kanaga Sound based on a 14.27% exploitation rate applied to the 7,956 tons survey biomass for that block which would produce a local GHL of about 1135 tons. This would be consistent with the Biological Opinion produced for the 2007 EFP fishery.

One further precautionary step would be to limit the statewater GHL to 40% of the 1135 tons for the A season, *OR 454 MT.*

- Does the proposal reduce the no-fishing time between end of year (December) and first of year (January) fisheries at a critical time for SSL?

The proposal does not open the statewater pollock fishery until March 1<sup>st</sup>. It expands the winter closure.

- Does the proposal affect the number of fishing days required to harvest the quota?

No.

The AI pollock TAC is currently un-harvestable given the total closure of SSL CH. Allowing a small GHL in a limited portion of statewater will not result in the TAC being attained.

## **2. Encourage development of a sound experimental design for monitoring.**

NA

## **3. Minimize adverse social and economic impacts.**

- Does the proposal provide economic benefits?

Yes.

Little, if any, AI pollock will be harvested under federal regulations until modifications are made to the total closure of SSL CH. Any pollock harvested in a statewater fishery provides economic benefit that would not otherwise be provided. These benefits would accrue to the participating harvesters, to the processing plant and to the community of Adak.

Beyond that direct value of a small amount of harvest from a statewater pollock fishery, this would be the 1<sup>st</sup> opportunity for 58' boats to test their equipment against AI pollock fishing conditions which differ substantially from what they are familiar with in the WGOA.

Because the sizes of AI pollock are substantially larger than what is typical in the Bering Sea the processing plant invested in specially designed processing machines last year to handle the larger sized pollock. This equipment did not perform as well as hoped and has been modified by the manufacturer. A small statewater fishery would provide an opportunity to further test and refine the equipment.

- What is the impact upon harvesting and/or processing efficiency?

Harvesters with small (<60') vessels would have an opportunity to catch pollock.

- Does the proposal have any effects on other fisheries?

No.

- Will the proposed action be further affected by recent or pending council actions?

No – except to the extent it provides a limited fishery that would be superceded when the new Biological Opinion is completed and SSL mitigation measures are restructured.

#### **4. Minimize bycatch of PSC and other groundfish.**

- Does the proposal potentially create bycatch issues in other SSL prey species?
- Does the proposal potentially create bycatch issues in PSC species?

No bycatch impacts are likely to occur. (see 2007 EFP EA/Biop)

#### **5. Promote safety at sea.**

- Does the proposal reduce or increase safety for the fleet?

State waters are much safer for small vessels than the area outside CH, 20 miles from SSL sites.

#### **6. Minimize adverse impacts to threatened and endangered species in the BSAI and GOA**

A state water pollock fishery in the AI is unlikely to impact any other endangered species. (see 2007 EFP EA/Biop)

## Preliminary Report on 2007 AI EFP Survey, a Synopsis

NMFS is preparing an analysis of the 2007 AI EFP pollock survey to be presented to the Council in December. All of the information in this synopsis is preliminary.

The 1<sup>st</sup> leg of the survey began mid March with two vessels (the Muir Milach doing hydro-acoustic transects and the Intrepid Explorer doing verification hauls). The vessels spent just over a week. The area surveyed began at 173.00 degrees and ended at 179.00 degrees.

The Intrepid Explorer had to withdraw from the survey after the 1<sup>st</sup> leg of the survey. On the 2<sup>nd</sup> leg of the survey beginning in mid-April the Muir Milach did both hydro-acoustics and verification tows.

Between the two vessels, they devoted about 3 weeks of vessel time to the two legs of the survey.

The following table is summary of survey verification hauls.

VESSEL	DATE	OTC - kilograms	TYPE	LAT	LONG	Start Time	Block
<b>Leg 1</b>							
Intrepid Explorer	3/14/2007	510.2	verification	5207.6	17603.0	1630	D
Intrepid Explorer	3/15/2007	1.8	verification	5215.4	17507.1	1503	C
Intrepid Explorer	3/15/2007	768.9	verification	5214.5	17453.2	1854	B
Intrepid Explorer	3/15/2007	401.4	verification	5218.7	17444.4	2123	B
Intrepid Explorer	3/16/2007	854.8	verification	5226.8	17347.5	1339	A
Intrepid Explorer	3/16/2007	291.8	verification	5225.1	17343.1	1749	A
Intrepid Explorer	3/16/2007	332.1	verification	5217.6	17332.6	2127	A
Intrepid Explorer	3/17/2007	19.8	verification	5218.3	17449.7	915	B
Intrepid Explorer	3/17/2007	175.5	verification	5204.9	17615.3	2016	D
Intrepid Explorer	3/18/2007	350.9	verification	5158.1	17703.1	833	E
Intrepid Explorer	3/18/2007	213.6	verification	5151.5	17716.7	1224	E
Intrepid Explorer	3/19/2007	379.2	verification	5149.9	17724.2	124	E
Intrepid Explorer	3/19/2007	174.1	verification	5148.7	17732.3	929	E
Intrepid Explorer	3/19/2007	396.8	verification	5155.0	17736.7	2221	E
Intrepid Explorer	3/20/2007	11.1	verification	5154.9	17748.6	106	E
Intrepid Explorer	3/20/2007	44.9	verification	5139.2	17826.0	1407	F
Intrepid Explorer	3/20/2007	54.6	verification	5140.0	17832.3	1844	F
<b>Leg 2</b>							
Muir Milach	4/15/2007	336.85	verification	5153.1	17728.8	1212	E
Muir Milach	4/15/2007	358.06	verification	5151.4	17717.2	1844	E
Muir Milach	4/16/2007	1057.84	verification	5202.7	17619.8	1100	D
Muir Milach	4/17/2007	752.99	verification	5218.2	17446.4	345	B
Muir Milach	4/17/2007	1814.4	verification	5226.8	17347.6	2415	A

The cost of the survey was to be funded with "compensation" fishing by the survey vessels. However, with the loss of the Intrepid Explorer from the survey, it was necessary to recruit a third vessel for the compensation fishing. The maximum catch limit for the compensation fishing was 3000 tons of groundfish, with a maximum of 1000 tons to be harvested in any one degree block.

During the compensation fishing the Bristol Explorer had a generator failure which forced them to withdraw from the project. They were replaced by the Northwest Explorer.

The following table is a summary of the compensation hauls:

VESSEL	DATE	OTC - tons	TYPE	LAT	LONG	Start Time	Block
Bristol Explorer	3/16/2007	72.96	compensation	5219.0	17447.0	1	B
Bristol Explorer	3/16/2007	102.15	compensation	5216.0	17449.0	315	B
Bristol Explorer	3/18/2007	66.33	compensation	5213.0	17458.0	43	B
Bristol Explorer	3/18/2007	61.22	compensation	5219.0	17446.0	1658	B
Bristol Explorer	3/19/2007	112.24	compensation	5219.0	17445.0	12	B
Bristol Explorer	3/19/2007	107.14	compensation	5219.0	17446.0	432	B
Bristol Explorer	3/22/2007	102.58	compensation	5217.0	17448.0	1	B
Bristol Explorer	3/22/2007	97.92	compensation	5219.0	17445.0	303	B
Bristol Explorer	3/22/2007	116.57	compensation	5216.0	17451.0	700	B
Bristol Explorer	3/25/2007	9.44	compensation	5154.0	17733.0	131	E
Bristol Explorer	3/25/2007	0.94	compensation	5154.0	17734.0	543	E
Muir Milach	3/27/2007	28.53	compensation	5215.1	17451.8	600	B
Muir Milach	3/27/2007	33.28	compensation	5218.6	17456.3	800	B
Muir Milach	3/27/2007	47.55	compensation	5218.0	17446.8	1130	B
Northwest Explorer	4/5/2007	30.87	compensation	5159.0	17621.0	825	D
Northwest Explorer	4/6/2007	0.77	compensation	5216.0	17344.0	320	A
Northwest Explorer	4/6/2007	38.59	compensation	5217.0	17303.0	1055	A
Northwest Explorer	4/6/2007	84.89	compensation	5216.0	17311.0	1305	A
Northwest Explorer	4/6/2007	84.89	compensation	5216.0	17303.0	1555	A
Northwest Explorer	4/6/2007	69.46	compensation	5217.0	17318.0	1945	A

There were 20 commercial hauls resulting in an average haul size of over 50 tons per haul.

The following table presents a preliminary summary of species composition of all samples (including both survey verification hauls and targeted compensation fishing):

Verification Hauls Sample Weights	kilograms	percent
Total	15,163	100.00%
Pollock	10,549	69.57%
POP	4,301	28.37%
Other	312	2.06%

All the catch from the verification hauls (approximately 9.3 tons) was discarded. All of the catch from the compensation fishing was delivered to Adak.



The following table presents the fish ticket data for pollock delivered to Adak under the EFP:

<b>AI EFP SURVEY COMPENSATION CATCH BY DELIVERY</b>						
<b>Date</b>	<b>Vessel</b>	<b>Fish Ticket #</b>	<b>Lbs Pollock</b>	<b>Lbs POP (including at sea discard)</b>	<b>Total Lbs</b>	<b>% POP</b>
3/16/2007	Bristol Explorer	E07014811	349,226	36,799	386,025	10%
3/19/2007	Bristol Explorer	E07015063	729,371	35,471	764,842	5%
3/23/2007	Bristol Explorer	E07015476	656,152	42,867	699,019	6%
3/25/2007	Bristol Explorer	E07015671	22,899	0	22,899	0%
3/26/2007	Muir Milach	E07015782	105,239	3,361	108,600	3%
3/27/2007	Muir Milach	E07015992	203,408	37,695	241,103	16%
4/7/2007	N W Explorer	E07017001	512,335	167,792	680,127	25%

<b>Compensation Catch Summary</b>	
<b>total tons pollock</b>	1,170 tons
<b>total tons ( from OTC)</b>	1,268 tons
<b>Incidental (POP, etc.)</b>	98 tons
<b>average POP bycatch rate</b>	8%

While the survey was completed successfully, the compensation fishery did not work out well for the participants. A variety of factors contributed to this outcome.

One of the major factors was a result of having to recruit additional vessels during the compensation fishery. The pre-season agreement was that the proceeds from the fishery were to be divided based on number of days a vessel participated in either the survey or the compensation fishery. Unfortunately this worked as a direct disincentive for the replacement vessel. The Northwest Explorer caught 20% of the compensation fish in during a single trip, almost all of which was caught during a little over 12 hours. However, given the other vessels had 40 days into the project, the Northwest Explorer received little benefit from continuing to fish and chose not to continue fishing.

NMFS's 9/17 letter to The Board of Fish states "EFP fishery participants were unable to find enough pollock to meet the 3000 mt limit." Though vessels did face a challenge avoiding POP, the pollock CPUE's encountered by the vessels in the compensation fishery were not the reason that the full 3000 tons were not harvested.

The problems of the economic disincentives built into the pooled compensation, were exacerbated by logistical problems working around the cod season and the loss of participating vessels. There were further problems related to dealing with POP bycatch in the processing plant and as well as problems with newly installed processing equipment designed to handle the larger average pollock that are encountered in the AI pollock fishery.

**Miscellaneous Business**

Alaska Board of Fisheries

October 13-15, 2007

Lower Cook Inlet and Supplemental Issues - Anchorage

Board of Game request for Joint Board meeting (RC41, RC55)	[Marcotte]
Report from Tour Fishing Committee (RC9)	[Edfelt]
Bycatch working group update (RC54)	[Webster]
PWS meeting location	[Marcotte]
Letter to UFA (RC41, RC56)	[Morris]
Letter to Council (RC57)	[Morris]

Adjourn