

ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS ON SUBSISTENCE, PERSONAL USE, SPORT, AND COMMERCIAL FINFISH REGULATORY PROPOSALS FOR THE BRISTOL BAY AREA

ALASKA BOARD OF FISHERIES MEETING ANCHORAGE, ALASKA

DECEMBER 1–8, 2009



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The following staff comments were prepared by the Alaska Department of Fish and Game (department) for use at the Alaska Board of Fisheries (board) meeting, December 1–8, 2009 in Anchorage, Alaska and are prepared to assist the public and board. The stated staff comments should be considered preliminary and subject to change, if or when new information becomes available. Final department positions will be formulated after review of written and oral testimony presented to the board.

ABSTRACT

This document contains Alaska Department of Fish and Game (department) staff comments on subsistence, personal use, sport, and commercial finfish regulatory proposals for the Bristol Bay area. These comments were prepared by the department for use at the Alaska Board of Fisheries (board) meeting, December 1–8, 2009 in Anchorage, Alaska to assist the public and board. The stated staff comments should be considered preliminary and subject to change, if or when new information becomes available. Final department positions will be formulated after review of written and oral testimony presented to the board.

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

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SUMMARY OF DEPARTMENT POSITIONS ON 2009 BRISTOL BAY PROPOSALS

Committee A

Proposal #	Department Position	Issue
1	N	Allow subsistence drift gillnets in Nushagak, Igushik, Snake, and Wood Rivers.
2	N	Allow subsistence drift gillnets in Nushagak River, June 1–September 30.
3	N	Allow 25 fathoms of set gillnet in the Wood and Nushagak Rivers.
4	S	Change herring allocation for gillnet and seine.
5	N	Eliminate reallocation of spawn on kelp quota.
6	N	Allocate unharvested spawn on kelp quota to food and bait.
7	S	Define Egg Island sub section
8	O	Prohibit fishing below the bridge on Brooks River.
9	O	Close sport fishing within quarter mile of Klutak, Iowithla, and Koggiling creeks.
10	S	Revise regulations regarding Alagnak River closure
11	S	Correct regulatory error regarding sport fishing for king salmon in Big Creek.
12	S	Correct regulatory error regarding bag and possession limits for king salmon

Committee B

Proposal #	Department Position	Issue
14	N	Require removal of all setnet gear during drift gillnet openings.
15	N	Eliminate 32 foot limit on vessels in Bristol Bay drift gillnet fishery.
16	N	Allow multiple permit use.
17	N	Allow multiple permit use
18	N	Allow multiple permit use.
19	N	Allow multiple permit use.
20	N	Allow one person to own two permits and use 200 fathom nets.
21	N	Allow use of 300 fathoms of gear with two stacked permits
22	N	When NRSHA Mgmt Plan is in effect, gear is limited to 150 fathoms
23	N	Eliminate use of 200 fathom drift gillnets in Togiak District
24	N	Eliminate permit stacking
25	O/N	Once registered, permit holder must remain there until escapement goal is met
26	N	Eliminate super exclusive status of Togiak District
27	N	Eliminate 48-hour transfer for gear type in the same district
28	N	Eliminate 48-hour transfer for gear type in the same SHA
29	O/N	Allow Area T permit in Alaska Peninsula Area, January 1–December 31
30	S/N	Allow Area T permit in Alaska Peninsula Area, January 1–December 31
31	O/N	Allow fishing in General District

SUMMARY OF DEPARTMENT POSITIONS ON 2009 BRISTOL BAY PROPOSALS (Continued)

Committee C

Proposal #	Department Position	Issue
32	S/N	Allow 35 fathom set gillnet in NRSHA
33	N	Require removal of all setnet gear during drift gillnet periods in NRSHA
34	N	Change NRSHA allocation to 84% drift and 16% set gillnet
35	N	Change ARSHA allocation to 84% drift and 16% set gillnet
36	N	Change ARSHA allocation to 84% drift and 16% set gillnet
37	O/N	Allow concurrent openings for drift and set gillnet with offset start times
38	O/N	Suspend allocation when fleet is less than 400 vessels or under limits
39	N	Require removal of all set gillnet gear when closed to fishing
40	N	Delete sunset clause for the dude fishing regulation
41	N	Extend fishing season for dude fishery
42	N	Open WRSHA when Wood River escapement is projected over 700,000
43	N	Allow June drift periods in WRSHA if escapement is over 100,000
44	O	Modify southern boundary of Naknek-Kvichak District
45	S	Modify Snake River Section boundary
46	S	Modify fishing periods for Kulukak Section
47	N	Change landing requirements in Nushagak District
48	N	Modify fishing periods in the Ugashik District

Committee D

Proposal #	Department Position	Issue
13	NP	Establish a fish refuge in Bristol Bay

Note:

N = Neutral

S = Support

O = Oppose

O/N = Oppose but Neutral on Allocative Aspects

NP = No Position

O/S = Support but Neutral on Allocative Aspects

**COMMITTEE A: SPORT, SUBSISTENCE, HERRING
(12 PROPOSALS)**

Subsistence (3 proposals)

PROPOSAL 1 – 5 AAC 01.320. Lawful gear and gear specifications.

PROPOSED BY: Hans Nicholson.

WHAT WOULD THE PROPOSAL DO? The proposal would allow subsistence fishing for salmon with drift gillnets in Nushagak, Igushik, Snake, and Wood rivers. Drift gillnets would not exceed 25 fathoms in length and 29 meshes in depth; vessel length would not exceed 24 feet.

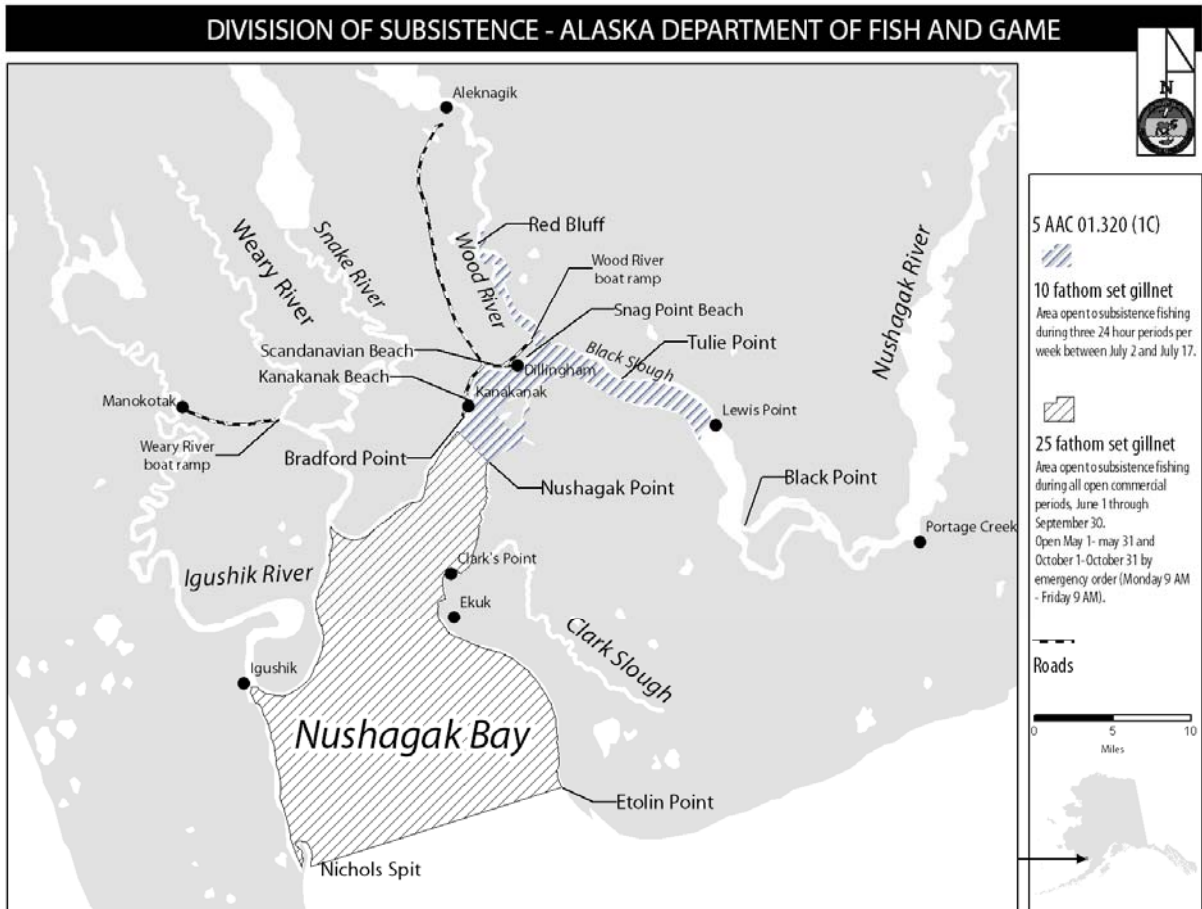
WHAT ARE THE CURRENT REGULATIONS? Current regulations for the Bristol Bay Management Area (5AAC 01.320) prohibit the use of drift gillnets for subsistence salmon fishing outside the boundaries of any commercial fishing district, with 2 exceptions. In a portion of the Togiak River, drift gillnets up to 10 fathoms in length may be used (5 AAC 01.320 (1)). In Iliamna Lake, Six Mile Lake, and Lake Clark gillnets or beach seines may be used (5 AAC 01.320 (7)).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Subsistence fishing for salmon with drift gillnets, in addition to set gillnets, would be allowed in the Nushagak, Igushik, Snake, and Wood rivers.

BACKGROUND: Legal gear for subsistence salmon fishing in the Nushagak, Igushik, Snake, and Wood rivers has been limited to set gillnets since prior to 1980. While most subsistence harvests are accomplished with set gillnets, drift gillnets have been used to harvest salmon in the Nushagak River for decades. Research conducted by the Division of Subsistence in June 2009 found that drift gill nets provide benefits to subsistence fishers that cannot be achieved fishing with set gillnets alone. These include:

- The use of drift gillnets allows for greater control over the timing and quantity of salmon harvests, which contributes to the efficiency of the preservation process.
- Drift gillnets allow for greater control of species selection, allowing fishers to reach harvest goals of Chinook salmon, the primary species targeted, when the run becomes mixed with sockeye and chum salmon.
- Drift gillnets provide greater access to fishing locations throughout the river. This is particularly important when the effectiveness of set gillnets is compromised by the distance of fish from the shore. Local fishers have observed recent changes in the river channels that have routed salmon farther from shore and also report that warmer water temperatures and lower water levels influence how far salmon swim from the shore.
- Drift gillnets allow people to achieve their harvest goals for salmon in a shorter period of time than by using set gillnets. This is important because, more so than in the past, people often work during the summer and their fishing opportunities

are limited to after work or weekends. Because of work, fewer people stay at fish camps, such as Lewis Point on the lower Nushagak River, and instead travel long distances from Nushagak River villages in single day in order to harvest high quality salmon.



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

COST ANALYSIS: The department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The board has found that salmon within Bristol Bay Area, as described in 5 AAC 01.300, are customarily and traditionally used for subsistence (5 AAC 01.336).
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? The board has established a range of 157,000 – 172,171 salmon (5 AAC 01.336) as the amount reasonably necessary for subsistence uses of salmon in the Bristol Bay Area, including 55,000 – 65,000 Kvichak River drainage sockeye salmon (excluding Alagnak River stocks).
5. Do the regulations provide a reasonable opportunity for subsistence use? This is a board determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

PROPOSAL 2 – 5 AAC 01.310. Fishing seasons and periods.

PROPOSED BY: Nushagak AC.

WHAT WOULD THE PROPOSAL DO? Allow subsistence drift gillnets in the Nushagak River, June 1-September 30 as follows: Subsistence drift gill netting for salmon will be permitted on the Nushagak River system below Harris Creek and on the lower Nuyukuk River below Arrow Creek.

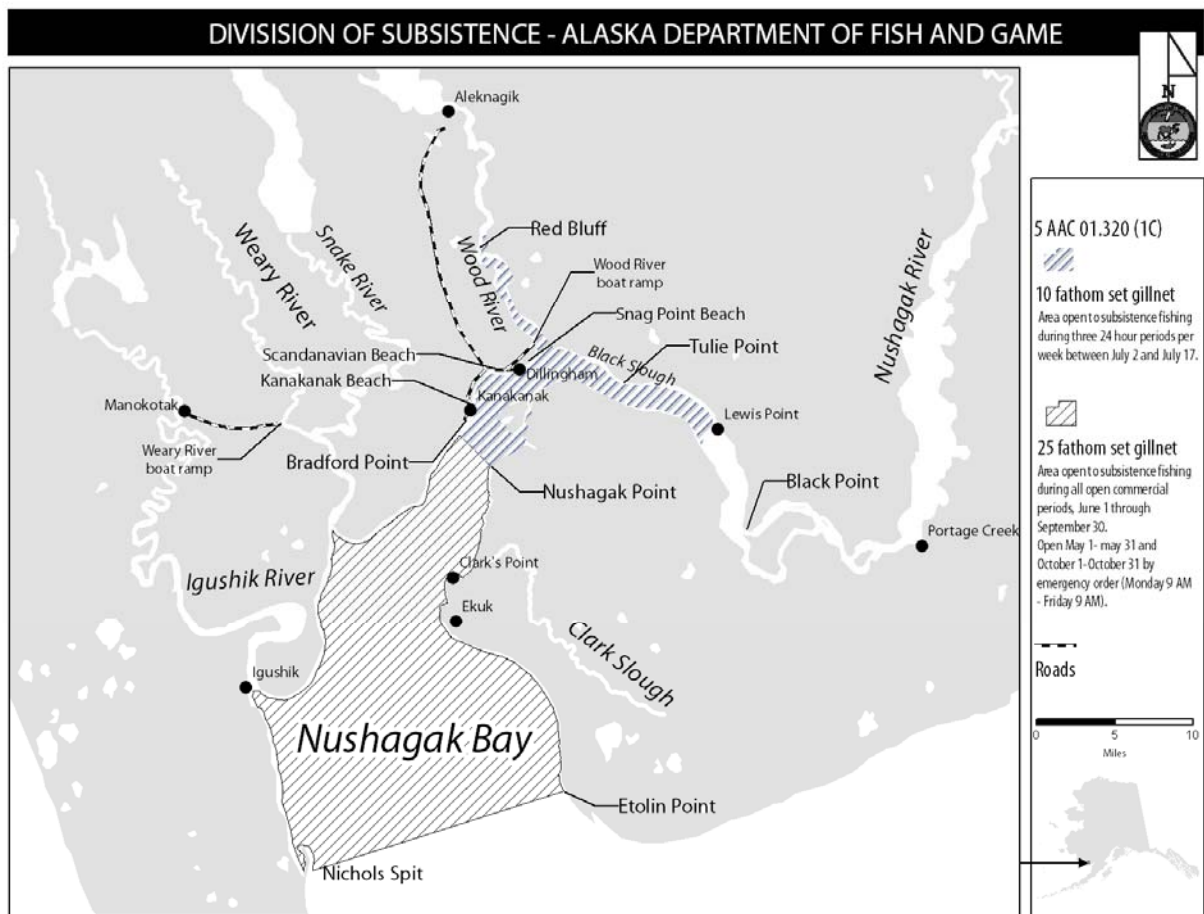
- From June 1 – September 30.
- Using king or red salmon net 25 fathoms in length or less.
- Skiff length to equal 25 feet or less.

WHAT ARE THE CURRENT REGULATIONS? Current regulations for the Bristol Bay Management Area (5AAC 01.320) prohibit the use of drift gillnets for subsistence salmon fishing outside the boundaries of any commercial fishing district, with 2 exceptions. In a portion of the Togiak River, drift gillnets up to 10 fathoms in length may be used (5 AAC 01.320 (1)). In Iliamna Lake, Six Mile Lake, and Lake Clark, gillnets up to 25 fathoms in length may be used as set gillnets, drift gillnets, or seines (5 AAC 01.320 (7)).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Subsistence fishing for salmon with drift gillnets, in addition to set gillnets, would be allowed in the Nushagak River.

BACKGROUND: Legal gear for subsistence salmon fishing in the Nushagak, Igushik, Snake, and Wood rivers has been limited to set gillnets since prior to 1980. While most subsistence harvests are accomplished with set gillnets, drift gillnets have been used to harvest salmon in the Nushagak River for decades. Research conducted by the Division of Subsistence in June 2009 found that drift gill nets provide benefits to subsistence fishers that cannot be achieved fishing with set gillnets alone. These include:

- The use of drift gillnets allows for greater control over the timing and quantity of salmon harvests, which contributes to the efficiency of the preservation process.
- Drift gillnets allow for greater control of species selection, allowing fishers to reach harvest goals of Chinook salmon, the primary species targeted, when the run becomes mixed with sockeye and chum salmon.
- Drift gillnets provide greater access to fishing locations throughout the river. This is particularly important when the effectiveness of set gillnets is compromised by the distance of fish from the shore. Local fishers have observed recent changes in the river channels that have routed salmon farther from shore and also report that warmer water temperatures and lower water levels influence how far salmon swim from the shore.
- Drift gillnets allow people to achieve their harvest goals for salmon in a shorter period of time than by using setnets. This is important because, more so than in the past, people often work during the summer and their fishing opportunities are limited to after work or weekends. Because of work, fewer people stay at fish camps, such as Lewis Point on the lower Nushagak River, and instead travel long distances from Nushagak River villages in single day in order to harvest high quality salmon.



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

COST ANALYSIS: The department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The Board has found that salmon within Bristol Bay Area, as described in 5 AAC 01.300, are customarily and traditionally used for subsistence (5 AAC 01.336).
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The board has established a range of 157,000 – 172,171 salmon (5 AAC 01.336) as the amount reasonably necessary for subsistence uses of salmon in the Bristol Bay Area. This includes 55,000 – 65,000 Kvichak River drainage sockeye salmon; this does not include salmon stocks in the Alagnak River.
5. Do the regulations provide a reasonable opportunity for subsistence use? This is a board determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

PROPOSAL 3 – 5 AAC 01.320. Lawful gear and gear specifications.

PROPOSED BY: Hans Nicholson.

WHAT WOULD THE PROPOSAL DO? Allow 25 fathoms of set gillnet in the Wood and Nushagak rivers upstream from the confluence of the Wood and Nushagak rivers.

WHAT ARE THE CURRENT REGULATIONS? Under current subsistence regulations set gillnets may not exceed 10 fathoms in length within the Nushagak Commercial District and the Dillingham beaches (5 AAC 01.320 (b) (c) (1) (2) (B) (C)). This area includes all waters upstream of a line between an ADF&G regulatory marker located two statute miles south of Bradford Point and an ADF&G regulatory marker at Nushagak Point, to an ADF&G regulatory marker located at Red Bluff on the west shore of Wood River, and to an ADF&G regulatory marker located at Lewis Point on the north shore of the Nushagak River (5 AAC 01.320 (c) (C)). Upstream from this areas set gillnets may not exceed 25 fathoms in length.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Allow the use of 25 fathoms of set gillnet in the Wood and Nushagak rivers upstream from their confluence.

BACKGROUND: In 2000, at the Bristol Bay meeting the board adopted a regulation reducing the length of subsistence nets in a portion of the Nushagak District in the Wood and lower Nushagak rivers from 25 fathoms to 10 fathoms. Additionally, the board adopted a regulation which reduced the amount of fishing time in these areas from seven days a week to three days a week from July 2 to 17. These regulations were adopted because of concern that some subsistence fishers were not checking their nets frequently enough and fish were being wasted.

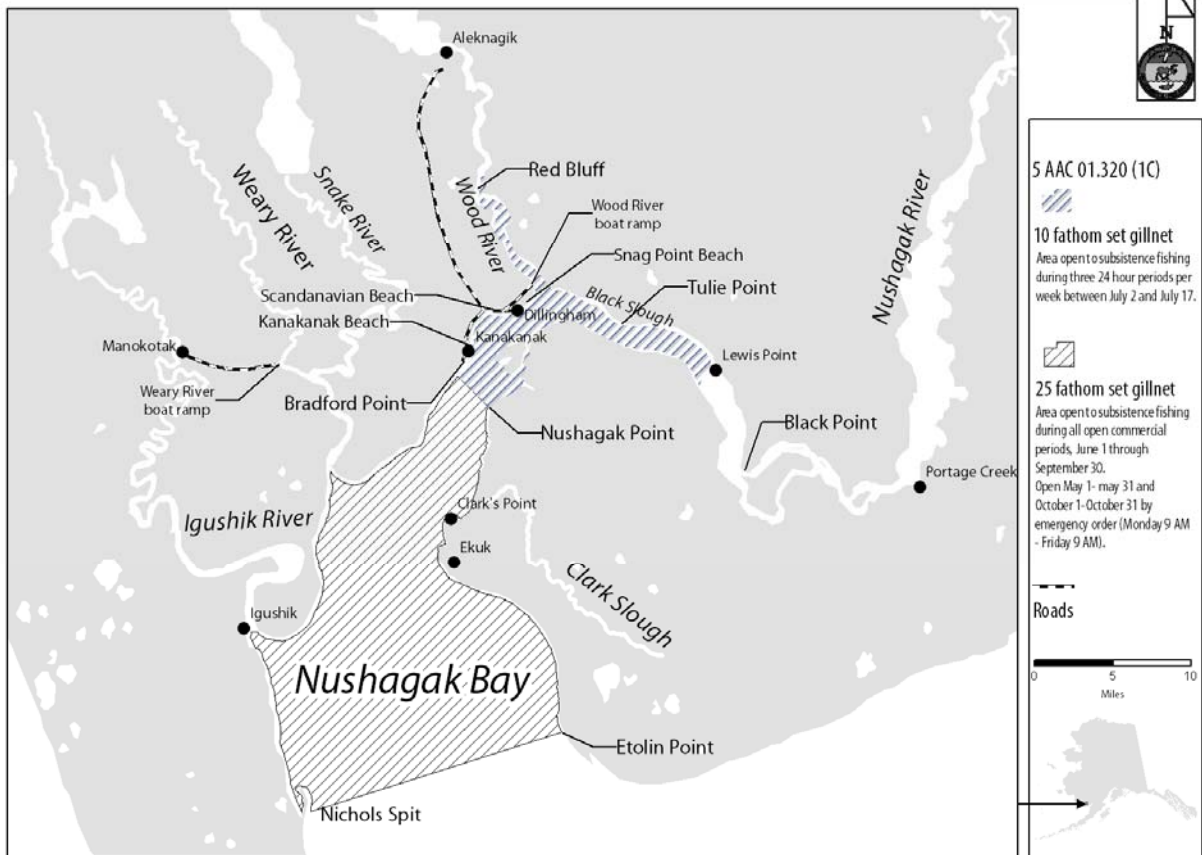
The area considered in this proposal is the northern shoreline at the confluence of the Wood and Nushagak Rivers east to Black Slough and referred to locally as “across from Dagnet.” From Dillingham and Aleknagik the area is only accessible by skiff. Fishing sites in this area have been used by the same families for many years and local fishers consider the confluence of the Wood and Nushagak rivers to be a good place to harvest Chinook salmon when they first return in late May and early June.

In the past, the most common fishing pattern was for fishers to set their 25 fathom nets on the incoming tide, stay with the net until they had harvested the amount of salmon they wanted, and then pull their nets. Fishing with 25 fathoms of net, as opposed to a 10 fathom net, was considered desirable because additional gear in the water extended the distance from shore that could be fished and provided an opportunity to catch fish more efficiently in a shorter period of time. This allowed fishers to harvest the optimum number of fish needed to fill a smokehouse as early in the season as possible before the arrival of the blowflies and to get the fish put away before commercial fishing started. Filling a smokehouse with one catch of fish is more efficient because all of the fish complete the drying and smoking process at the same time.

The Wood and Nushagak rivers in the area addressed in this proposal are sufficiently wide, approximately $\frac{3}{4}$ to $1\frac{1}{2}$ miles, that 25 fathoms of net would not cause obstruction problems. Side streams that are narrower would be subject to the regulation which states that a gillnet may not obstruct more than one-half the width of a stream and any channel or side channel of a stream (5 AAC 01.320 (e)).

Although in some cases bad weather may prevent a net set in this area from being checked, regulations that limit fishing between July 2 and 17 to three 24 hour periods in a week (5 AAC 01.310 (d)) would inhibit fishers from leaving their nets out during the closed periods.

DIVISION OF SUBSISTENCE - ALASKA DEPARTMENT OF FISH AND GAME



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

COST ANALYSIS: The department does not believe that the approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a non-subsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The board has found that salmon within Bristol Bay Area, as described in 5 AAC 01.300, are customarily and traditionally used for subsistence (5 AAC 01.336).
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The board has established a range of 157,000 – 172,171 salmon (5 AAC 01.336) as the amount reasonably necessary for subsistence uses of salmon in the Bristol Bay Area, including 55,000 – 65,000 Kvichak River drainage sockeye salmon (excluding Alagnak River stocks).

5. Do the regulations provide a reasonable opportunity for subsistence use? This is a board determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

Herring (4 proposals)

PROPOSAL 4 - 5 AAC 27.831. Gillnet specifications and operations for Bristol Bay Area.

PROPOSED BY: Hans Nicholson.

WHAT WOULD THE PROPOSAL DO? This proposal would increase the allowable length of herring gillnets from a total of 50 fathoms to 100 fathoms, either from a single gillnet or the total aggregate length.

WHAT ARE THE CURRENT REGULATIONS? Currently, the total allowable length of herring gillnets, either from a single gillnet or the total aggregate length, is 50 fathoms. The department has the discretion to increase the allowable length to 100 fathoms by emergency order.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the department would no longer have to increase legal gear requirements by emergency order. Additionally, herring gillnetters could better prepare for the season by knowing what length of net will be allowed prior to the season.

BACKGROUND: Since 2004, participation in the Togiak District herring gillnet fishery has been approximately 40 permit holders. In an effort to accomplish allocation objectives between purse seine and gillnet participants during these years of low participation, an emergency order has been used to increase the legal length of gillnets. Market conditions indicate industry participation will continue to be low and the use of 100 fathoms of gillnet will continue to be necessary in order to accomplish allocation objectives.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. The change would improve industry and permit holder preparedness.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 5 - 5 AAC 27.810 to 27.865. Bristol Bay herring fishery.

PROPOSED BY: Sidney A. Nelson.

WHAT WOULD THE PROPOSAL DO? This proposal seeks to create a pound fishery for herring spawn on kelp with the Togiak District spawn-on-kelp quota.

WHAT ARE THE CURRENT REGULATIONS? Currently, the Togiak District herring fishery is exploited at the rate of 20% with 1,500 tons allocated to the Togiak District spawn-on-kelp fishery, 7% of the remaining available harvest allocated to the Dutch Harbor food and bait fishery, and the remainder to the Togiak District sac roe herring fishery. Additionally, if there is an unharvested portion of the Togiak District spawn-on-kelp fishery, 50% of that unharvested allocation can be reallocated to the Togiak District sac roe herring fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would reallocate the Togiak District spawn-on-kelp quota to a new pound fishery.

BACKGROUND: The Togiak District herring harvestable surplus is fully allocated between the Togiak sac roe fishery, the Togiak spawn-on-kelp fishery, and the Dutch Harbor food and bait fishery. Since 2004, the Togiak spawn-on-kelp fishery has not been prosecuted because of a lack of market. It is unlikely that it will be prosecuted in the near future, but not impossible. Pound fisheries exist in other parts of the state, but the large kelp typically used in those areas does not grow abundantly in the Togiak area. It is unclear what substrate would be used in a pound fishery.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. However, research in Prince William Sound herring pounds indicated the stress of pounding herring caused the expression of Viral Hemorrhagic Septicemia (VHS). Additionally, the virus particles were found in water around the pound and could be spread to herring outside the pounds. VHS has been correlated with declines in abundance in Prince William Sound herring.

COST ANALYSIS: The department does believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery. Pound fisheries require a great deal of capital for startup and since suitable substrate is not abundant locally, it may be costly to import.

PROPOSAL 6 - 5 AAC 27.865(b)(7). Bristol Bay Herring Management Plan.

PROPOSED BY: Daniel F. Veerhusen.

WHAT WOULD THE PROPOSAL DO? As written, this proposal is unclear, but assuming that the proponent meant the Togiak District spawn-on-kelp fishery rather than Unimak District herring spawn-on-kelp fishery, the intent of the proposal is clarified. Under that assumption, the proposal would reallocate the unused portion of the Togiak District spawn-on-kelp quota to the Dutch Harbor food and bait fishery.

WHAT ARE THE CURRENT REGULATIONS? Currently, the Togiak District herring fishery is exploited at the rate of 20% with 1,500 tons allocated to the Togiak District spawn-on-kelp fishery, 7% of the remaining available harvest allocated to the Dutch Harbor food and bait fishery, and the remainder to the Togiak District sac roe herring fishery. Additionally, if there is an unharvested portion of the Togiak District spawn-on-kelp fishery, 50% of that unharvested allocation can be reallocated to the Togiak sac roe herring fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would reallocate 50% of the unharvested portion of the Togiak District herring spawn-on-kelp quota to the Dutch Harbor food and bait fishery. The other 50% would potentially be available for reallocation to the Togiak District sac roe herring fishery.

BACKGROUND: The Togiak District herring biomass is fully allocated between the Togiak District sac roe fishery, the Togiak District spawn-on-kelp fishery, and the Dutch Harbor food and bait fishery. Since 2003, the Togiak District spawn-on-kelp fishery has not been prosecuted because of a lack of market. It is unlikely that it will be prosecuted in the future, but not impossible. Although the provision to reallocate the unharvested spawn-on-kelp quota is available, it has only been utilized once. Since 2007, the sac roe fishery has not been able to harvest the entire sac roe quota.

Dutch Harbor Herring Food and Bait Fishery allocations and harvest, in tons, 1999-2008.

<u>Year</u>	<u>Allocation</u>	<u>Harvest</u>
1999	2,082	2,437
2000	1,728	2,014
2001	1,572	1,437
2002	1,578	2,799
2003	1,662	1,487
2004	1,899	1,255
2005	1,365	1,159
2006	1,715	954
2007	1,779	1,254
2008	1,722	1,575

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

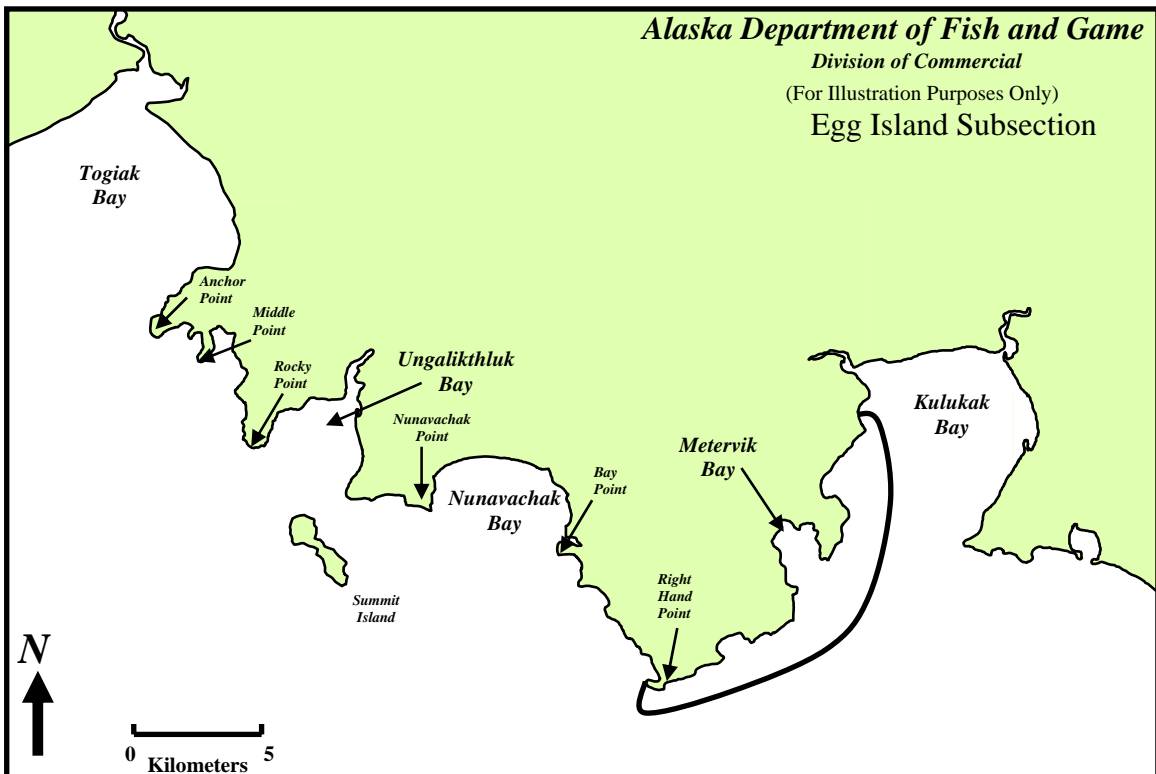
COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional cost for a private person to participate in this fishery.

PROPOSAL 7 - 5 AAC 27.805. Description of Bristol Bay Area districts and sections.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would define the coordinates of the Egg Island Subsection in the Kulukak Section of Togiak District for the Togiak District herring gillnet fishery.

WHAT ARE THE CURRENT REGULATIONS? Currently, the regulations define 6 sections for the Togiak District herring fishery. No subsections are currently defined.



WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, users would be able to program their GPS navigation systems with the open gillnet fishing area coordinates prior to the season.

BACKGROUND: Prior to 2003, the department described this area using a ‘one mile from shore’ description. This was problematic because of the irregular shoreline and at the request of fishermen, a GPS coordinate line was created and named the Egg Island Section. Since 2003, the Egg Island Section has been defined and opened by emergency order for the herring gillnet fishery.

DEPARTMENT COMMENTS: The department submitted this proposal and **SUPPORTS** it. The Egg Island Subsection has worked well to prosecute the herring gillnet fishery since 2003. Since the area will continue to be used, fishermen would benefit by having this area defined in regulation.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

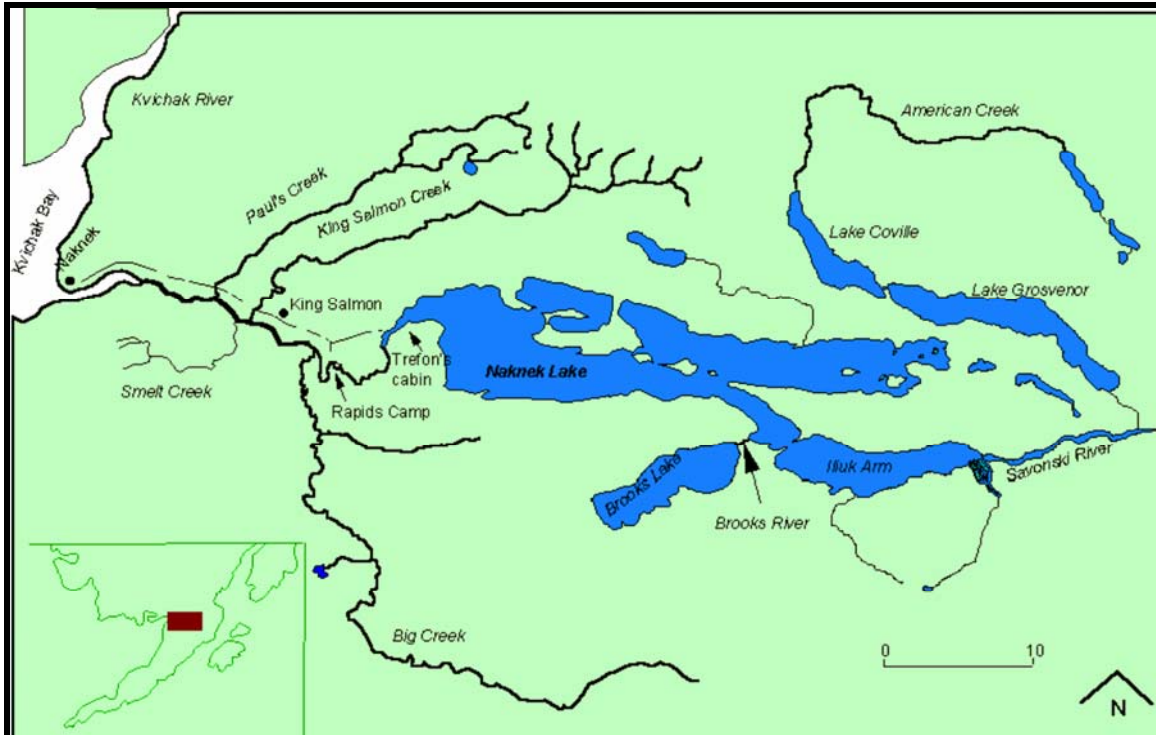
Sport (5 proposals)

PROPOSAL 8 - 5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

PROPOSED BY: King Salmon Village Tribe.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal will change all sport fishing regulations on Brooks River and American Creek to the regulations currently in place on Savonoski River.

WHAT ARE THE CURRENT REGULATIONS? Currently Brooks River is closed to all sport fishing from April 10 through June 7 to protect spawning rainbow trout and from June 8 through October 31 no retention of rainbow trout is allowed. From November 1 through April 9, the bag and possession limit for rainbow trout is 5 per day, 5 in possession less than 18 inches in length, except that from the outlet of Brooks Lake downstream to the bridge at Brooks Camp, no fish of any species may be possessed or retained year around. Brooks River is also restricted to unbaited, single-hook, artificial flies from June 8 through October 31. The bag and possession limits for other species in Brooks River below the bridge are the regional limits for Bristol Bay fresh waters.



In American Creek, from June 8 through October 31, no retention of rainbow trout is allowed. From November 1 through June 7, the bag limit for rainbow trout is 5 per day, 5 in possession, only 1 over 20 inches. The bag and possession limits and seasons for other species in American Creek are the general seasons and limits for Bristol Bay fresh waters.

The regulations for Savonoski River are the regional seasons and limits for Bristol Bay fresh waters, except the bag limit for rainbow trout is 1 per day, 1 in possession, no size limit from June 8 through October 31 and 5 per day, 5 in possession, only 1 over 20 inches from November 1 through June 7. Savonoski River drainage has no restrictions on sport fishing gear.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Adoption of this proposal would allow the harvest of rainbow trout in American Creek year around. It would also allow the harvest of all fish species in Brooks River from the outlet at Brooks Lake downstream to the bridge at Brooks Camp year around, while eliminating all sport fishing opportunity in Brooks River downstream of the bridge. The rainbow trout spawning closure from April 10 to June 7 and the gear restriction of unbaited, single-hook, artificial flies would be eliminated.

BACKGROUND: During the 1979 Board of Fisheries meeting, a sport fishing closure from April 10 to June 7 for the Brooks River drainage and Naknek Lake within a ¼ mile radius of the outlet of Brooks River to protect spawning rainbow trout was adopted. In 2006 this regulation was modified so that only flowing and non-flowing waters within a ¼ mile of inlet and outlet streams are closed to sport fishing from April 10 to June 7.

In 1990 the *Southwest Alaska Rainbow Trout Management Plan* was developed which mandates conservative wild stock management of rainbow trout in southwest Alaska while providing a diversity of sport fishing opportunities with special regulations. With the development of the plan, both Brooks River and American Creek became catch and release for rainbow trout from June 8 to October 31 and Brooks River became unbaited, single-hook, artificial fly.

In 1997, Brooks River from the outlet of Brooks Lake to the bridge at Brooks Camp was closed to the harvest of sport caught fish as a safety precaution to minimize bear encounters with anglers. The river below the bridge remains open to the harvest of species other than rainbow trout.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Current regulations at Brooks River and American Creek were adopted after extensive discussions with the board and are consistent with the *Southwest Alaska Rainbow Trout Management Plan*. The Brooks River regulation of no retention of fish above the bridge was adopted in response to safety concerns with bear/human interactions. Additionally, current regulations already provide opportunity to harvest species, other than rainbow trout, in American Creek and in Brooks River below the bridge.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in the fishery.

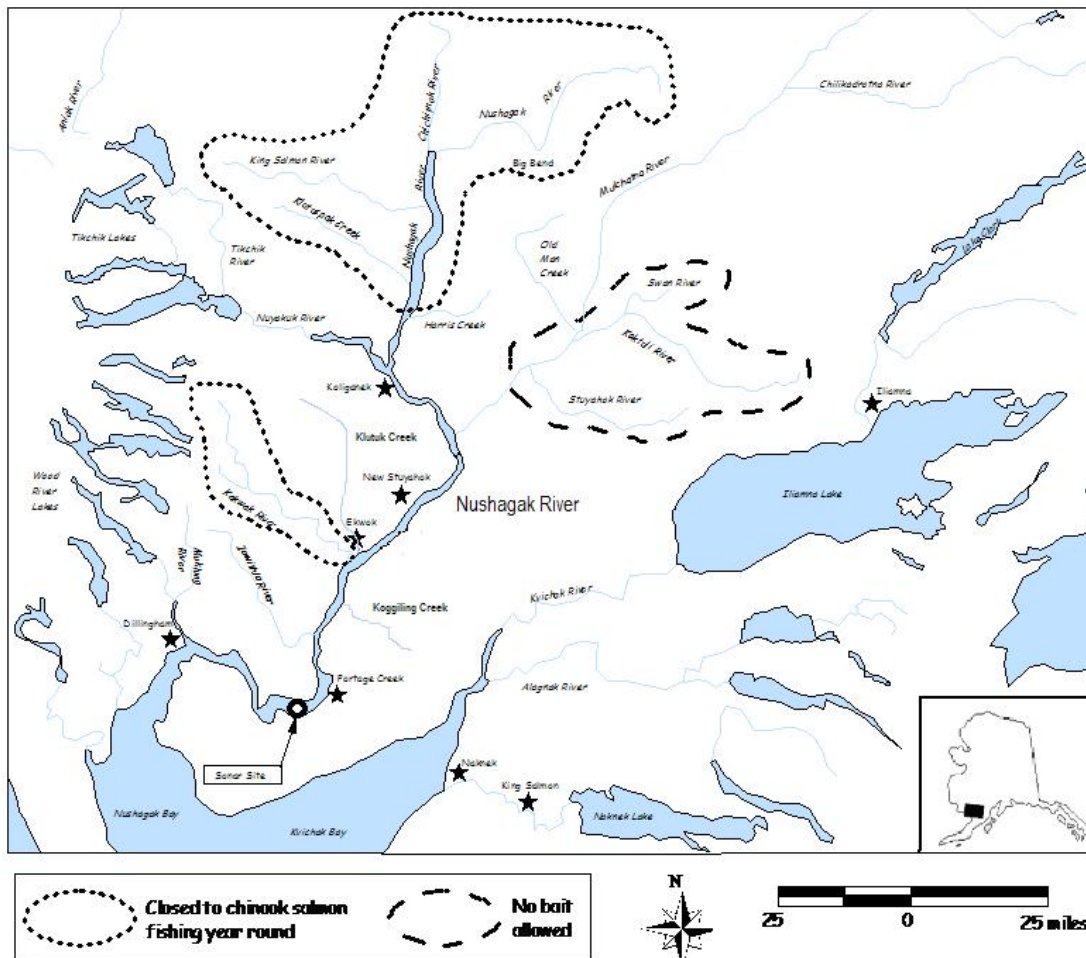
PROPOSAL 9 - 5 AAC 67.022(g). Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

PROPOSED BY: Nushagak Advisory Council.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would close sport fishing in the Nushagak River within ¼ mile of it's confluence with Iowithla River and Klutak and Koggiling creeks year round.

WHAT ARE THE CURRENT REGULATIONS? The Nushagak River drainage downstream from its confluence with Iowithla River is open May 1 through July 31 to the harvest of king salmon with a limit of 2 per day, 2 in possession 20" or longer, only 1 over 28". From its confluence with Iowithla River, upstream to Harris Creek, including Iowithla River is open May 1 through July 24 to the harvest of king salmon with the same bag and possession limit. There is a yearly limit of 4 king salmon over 20" from the entire Nushagak River drainage. Limits for king salmon less than 20" are 5 per day, 5 in possession. In addition, Kokwok River drainage and all waters within ¼ mile of its confluence with Nushagak River and Nushagak River above its confluence with Harris Creek are closed to king salmon fishing year-around.

Management of Nushagak River king salmon fisheries is governed by the *Nushagak-Mulchatna King Salmon Management Plan* (5 AAC 06.361) which was adopted by the Alaska Board of Fisheries (board) in January of 1992 and amended in January of 1995, November of 1997, January of 2001, December of 2003, and December of 2006. The purpose of this management plan is to ensure biological spawning escapement requirements of king salmon into the Nushagak – Mulchatna drainage. A king salmon sport fishery guideline harvest level of 5,000 fish has been established by the plan when the inriver return is projected to be less than 75,000 fish. Additionally, the sport fishery closes if escapement projections fall below 40,000 fish. During each year the plan has been in place, the king salmon spawning escapement has exceeded 40,000 fish.



Sport fishing for salmon (excluding king salmon) in Nushagak River is open the entire year with a bag and possession limit of 5. The current regulations for rainbow trout in Nushagak River downstream of its confluence with Harris Creek are: June 8 through October 31, bag and possession limit of 2, only 1 over 20” and November 1 through June 7, bag and possession limit of 5, only 1 over 20”. The bag and possession limits and seasons for all other resident species are the regional seasons and limits for Bristol Bay fresh waters.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Adoption of this proposal would eliminate all sport fishing opportunity in Nushagak River within ¼ mile of Iowithla River and Klutak and Koggiling creeks. Sport fishing for all species would remain open in the three tributaries.

BACKGROUND: The *Nushagak-Mulchatna King Salmon Management Plan* (5 AAC 06.361) addresses allocation of Nushagak king salmon stocks among commercial, sport, and subsistence users. King salmon escapement and the sport fishery is managed inseason based on sonar counts. The escapement-based management mandated by the plan gives the department the ability to restrict the king salmon sport fishery if escapement projections do not meet desired levels for the Nushagak River drainage.

In addition to the sonar, aerial escapement counts have been conducted since 1967 in eight tributaries of the Nushagak River drainage that support significant numbers of king salmon. Of the three tributaries in this proposal, only Iowithla River has been included in the aerial surveys and it has had an average escapement of approximately 1,000 fish. Klutak and Koggiling creeks have not been used as index streams for these surveys.

Based on sonar counts, king, sockeye, and chum salmon stocks have consistently met or exceeded escapement goals in recent years; therefore, there is no biological concern regarding these species in the Nushagak River drainage. Coho salmon escapement is not enumerated; however, based on catch and harvest numbers, there have been no concerns regarding coho salmon in recent years. There is no recent escapement information for salmon in the three tributaries the proposal addresses; however, drainagewide escapements indicate that there is currently no biological concern for salmon in the Nushagak River drainage. In addition, sport fishing effort levels have remained relatively stable in recent years.

There is no stock status information regarding other salmon and resident species in Iowithla River or Klutak and Koggiling creeks.

Sport fishing effort in angler-days from the Nushagak and Mulchatna Rivers of Bristol Bay Alaska, 2003-2008.

Drainage	2003	2004	2005	2006	2007	03-07 Avg	2008
Nushagak	16,834	18,869	17,841	15,302	16,970	17,163	14,936
Mulchatna	3,706	2,218	3,071	3,930	3,084	3,202	1,524
Total	20,540	21,087	20,912	19,232	20,054	20,365	16,460

Source: Estimates from the Statewide Harvest Survey database, Walker et al. 2003; and Jennings et al. 2004, 2006 a-b, In prep a and b.

Historic aerial escapement counts of chinook salmon in selected streams in the Wood, Nushagak and Mulchatna River drainages, 1986 to 2009.

Year	Wood R.	Nushagak and Mulchatna drainages								Total
	Muklung River	Iowithla River	Kokwok River	King				Nushagak River ^a	Mulchatna River ^b	
				Klutispak River	Salmon River	Stuyahok River	Koktuli River			
1986	230	270		170	380	520	290	380 ^c	260 ^d	2,270
1987	160	140		340	570	280	440	390 ^c	270 ^d	2,430
1988	430	550		780	1,380	2,040	2,580	1,800	710	9,840
1989						190 ^c	240 ^c			430
1990 ^e	60	120		340	900	830	3,390	630	800	7,010
1995	210	170	75	630	3,150	660	2,230			6,915
1996 ^e										
1997 ^f	1,240	640		1,190	8,900	1,460	6,220	21,818	1,496	41,724
1998	150 ^g	^g	150 ^g	2,620	5,510	550 ^g	720	8,390	180 ^g	18,120
1999	95	450	145	1,545	6,825	645	2,075	6,467		18,152
2000 ^h										
2001 ⁱ										
2002 ^h										
2003 ^h										
2004 ^h										
2005				1,450	3,120	1,130	3,200	7,175		16,075
2006 ^h										
2007				331	1,060	540	1,044	2,160		5,135
2008 ^h										
2009 ^h										
Mean	762	988	183	907	3,015	2,153	3,828	3,845	1,694	16,612

^a Nushagak River from the outlet of the Nuyakuk R. to outlet of King Salmon River (to Big Bend in '97).
^b Mulchatna River from outlet of Mosquito Creek to outlet of Koktuli River (to outlet of Stuyahok R. in '97)
^c Minimal estimate - very poor survey conditions.
^d These numbers are proportional estimates rather than aerial live counts; estimates are based on the mean proportion of fish counted in these areas during year in which aerial coverage was complete.
^e No surveys were conducted from 1991 through 1994, 1996, 2000-2003, or 2006.
^f Survey conditions in 1997 excellent, water very clear and very low.
^g Surveys conducted 8/11/98, well past peak of spawning; Iowithla River not surveyed. Remaining surveys conducted 7/29/98, before peak of spawning.
^h No surveys were conducted.
ⁱ Surveys conducted 8/10 through 8/14/2001, far past peak of spawning and are a poor indication of abundance and therefore omitted from the table. Total count was 3,833.

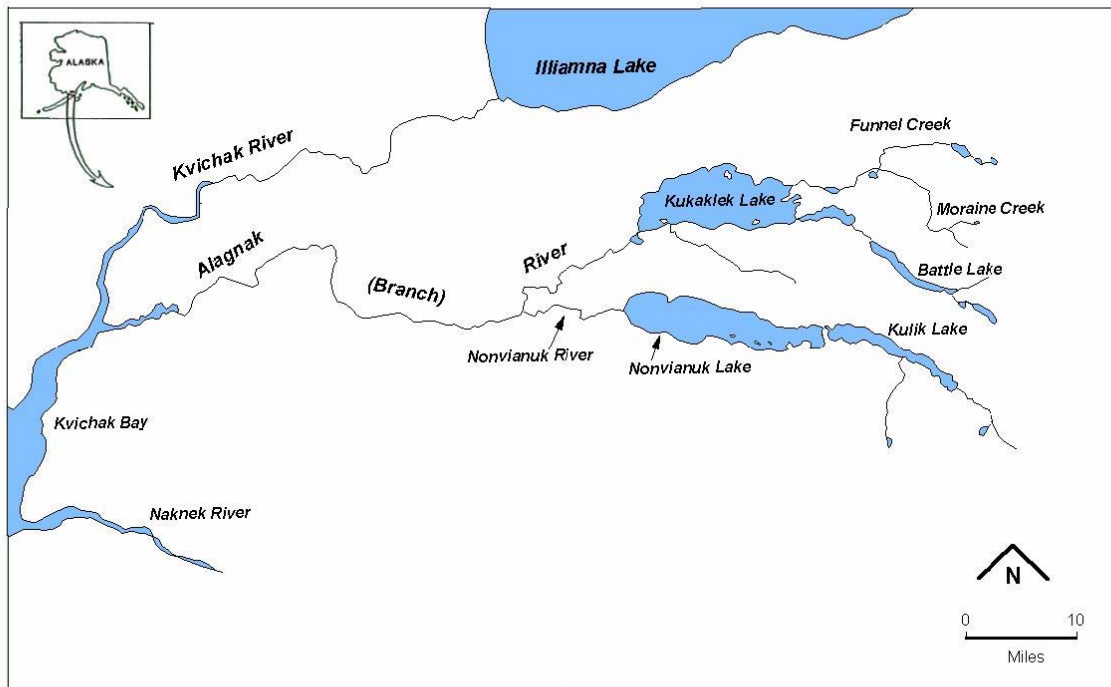
DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The proposed regulation would unnecessarily reduce sport fishing opportunity in the Nushagak River drainage. Based on recent inriver returns, the department believes that current regulations allow escapement goals to be achieved.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in the fishery.

PROPOSAL 10 - 5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

PROPOSED BY: King Salmon Village Tribe.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would allow sport fishing in all lakes in the Alagnak River drainage year round, while all flowing waters, including lake waters within a half mile of all inlet and outlet streams in the drainage, would remain closed to sport fishing from April 10 through June 7. In waters where retention is allowed, current regional bag and possession limits would apply.



WHAT ARE THE CURRENT REGULATIONS? The Alagnak River drainage is closed to all sport fishing from April 10 through June 7. This closure includes all lakes, the largest of which are Kukaklek, Nonvianuk, Kulik, and Battle lakes. From June 8 through October 31, rainbow trout may not be possessed or retained in the Alagnak River drainage. From November 1 through April 9, the bag and possession limit for rainbow trout is 5 fish, none of which may be over 18 inches in length.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Adoption of this proposal would provide the opportunity to sport fish in lakes in the Alagnak River drainage, excluding lake waters within a half mile radius of inlet and outlet streams year round while still protecting spawning rainbow trout in the flowing waters of the drainage.

BACKGROUND: Since 1996, the entire Alagnak River drainage has been closed to sport fishing from April 10 through June 7 to protect spawning rainbow trout. Since

2001, the Alagnak River drainage rainbow trout regulations have been: from June 8 through October 31, rainbow trout may not be possessed or retained, and from November 1 through April 9, the daily bag and possession limit for rainbow trout is five fish, of which only one may be over 18 inches long. Rainbow trout spawn in many of the flowing waters of the Alagnak River drainage, including Alagnak, Nonvianuk, and Kulik rivers, and Moraine Creek; however, no lake spawning of rainbow trout has been documented in the Alagnak River drainage or any other drainage in Bristol Bay.

Effort, catch and harvest of rainbow trout, lake trout and Arctic Char from Kukaklek Lake 1999-2008.

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	99-08
<u>Kukaklek Lake</u>											
Effort (angler-days)	24	170	N/A	26	30	N/A	N/A	111	N/A	34	65.8
Rainbow Trout											
Catch	192	108	N/A	64	332	N/A	N/A	51	N/A	55	133.7
Harvest	0	0	N/A	0	0	N/A	N/A	0	N/A	0	0
Lake Trout											
Catch	24	18	N/A	0	0	N/A	N/A	17	N/A	0	9.8
Harvest	0	0	N/A	0	0	N/A	N/A	0	N/A	0	0
Arctic Char											
Catch	0	0	N/A	0	0	N/A	N/A	32	N/A	0	5.3
Harvest	0	0	N/A	0	0	N/A	N/A	0	N/A	0	0
<u>Nonvianuk Lake</u>											
Effort (angler-days)	220	95	429	N/A	15	N/A	195	57	31	122	145.5
Rainbow Trout											
Catch	34	878	391	N/A	111	N/A	1037	593	21	521	448.3
Harvest	0	0	0	N/A	0	N/A	0	0	0	0	0
Lake Trout											
Catch	106	134	241	N/A	0	N/A	0	66	0	25	71.5
Harvest	26	0	0	N/A	0	N/A	0	0	0	0	3.3
Arctic Char											
Catch	11	0	33	N/A	50	N/A	94	0	0	0	23.5
Harvest	11	0	0	N/A	0	N/A	0	0	0	0	1.4
<u>Battle Lake</u>											
Effort (angler-days)	16	N/A	N/A	N/A	522	N/A	N/A	N/A	18	N/A	185.3
Rainbow Trout											
Catch	147	N/A	N/A	N/A	1,376	N/A	N/A	N/A	0	N/A	507.7
Harvest	0	N/A	N/A	N/A	0	N/A	N/A	N/A	0	N/A	0
Lake Trout											
Catch	0	N/A	N/A	N/A	15	N/A	N/A	N/A	26	N/A	13.7
Harvest	0	N/A	N/A	N/A	0	N/A	N/A	N/A	0	N/A	0
Arctic Char											
Catch	0	N/A	N/A	N/A	99	N/A	N/A	N/A	0	N/A	33.0
Harvest	0	N/A	N/A	N/A	0	N/A	N/A	N/A	0	N/A	0
<u>Kulik Lake</u>											
Effort (angler-days)	152	490	217	311	74	111	188	214	143	17	191.7
Rainbow Trout											
Catch	705	1,920	1,291	1,781	553	368	552	1,121	81	331	870.3
Harvest	0	0	0	0	0	0	0	0	0	0	0
Lake Trout											
Catch	44	301	165	94	15	326	108	0	199	0	125.2
Harvest	44	0	0	0	0	0	0	0	0	0	4.4
Arctic Char											
Catch	23	355	331	0	298	0	0	690	0	0	169.7
Harvest	0	71	0	0	0	0	0	0	0	0	7.1

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. The current regulation unnecessarily restricts sport fishing opportunity in the lakes of the Alagnak River drainage. The intent of the current regulation was to protect spawning rainbow trout. However, no lake spawning of rainbow trout has been documented in the Alagnak River drainage. Therefore, protection will be provided with the continued closure of all flowing waters, including waters in lakes within a half mile radius from inlet and outlet streams in the Alagnak River drainage.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in the fishery.

PROPOSAL 11 - 5 AAC 67.022(d)(11). Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would correct an administrative error in the Alaska Fish and Game Laws and Regulations Annotated book.

WHAT ARE THE CURRENT REGULATIONS? 67.022(d)(11) the Big Creek drainage upstream of an ADF&G regulatory marker located approximately one-half mile upstream of its confluence with the Naknek River (Peon Hole) is closed to sport fishing for king salmon; king salmon may not be possessed or retained; all king salmon must be immediately released; a person may not remove a king salmon from the water before releasing the fish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Adoption of this proposal would correct an administrative error in the codified regulations by making sport fishing catch and release only for king salmon upstream of an ADF&G regulatory marker in Big Creek. Additionally, by deleting redundant wording, the regulation would be simplified for fishery managers, enforcement staff, and the angling public.

BACKGROUND: Since 2001, sport fishing for king salmon has been catch and release only upstream of an ADF&G regulatory marker in Big Creek. However, in the codified regulations the regulation was incorrectly printed as closed to sport fishing for king salmon.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in the fishery.

PROPOSAL 12 - 5 AAC 67.020(2). Bag limits, possession limits, and size limits for Bristol Bay Area; and 5 AAC 67.022(D)(2). Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal would correct two transcription errors in the Alaska Fish and Game Laws and Regulations Annotated book.

WHAT ARE THE CURRENT REGULATIONS?

5AAC 67.020(2) king salmon (salt waters) 3 per day, 3 in possession, of which only 1 fish may be 28 inches or greater in length;

5AAC 67.022(d)(2) In all flowing waters of the Naknek River drainage, from March 1 through November 14, only unbaited, single-hook, artificial lures may be used;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? Adoption of this proposal would correct two transcription errors in the codified regulations by changing the bag limit for king salmon in Bristol Bay salt waters to 3 per day, 3 in possession, of which only 2 fish may be 28 inches or greater in length, and by deleting the single hook requirement for all flowing waters of the Naknek River drainage from March 1 through November 14. The codified regulations would then correctly describe actions approved by the board..

BACKGROUND: When the codified regulations were converted from a matrix format to a text format in the 2001-2002 edition, a transcription error incorrectly defined these regulations.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in the fishery.

**COMMITTEE B: GEAR, REGISTRATION, AND BOUNDARIES
(18 PROPOSALS)**

Fishing Gear Specifications and Operations (1 proposal)

PROPOSAL 14 – 5 AAC 06.335. Minimum distance between units of gear.

PROPOSED BY: Todd Granger.

WHAT WOULD THE PROPOSAL DO? This proposal would require the removal of all set gillnet gear from the water during drift gillnet only commercial fishing periods. This applies to all districts when fishing to balance allocations between the two gear groups.

WHAT ARE THE CURRENT REGULATIONS? The current regulations provide for the removal of the set gillnet when drift gillnet only fishing periods are allowed. An exception to this is in the Naknek River Special Harvest Area (NRSHA), where only buoys and anchors are allowed to remain in the water during drift gillnet periods. This change was made in the NRSHA because allowing set gillnet gear to remain in the water hampered the ability of the drift gillnet fleet to fish near shore. As a result, the ability to manage the escapement into the Naknek River was impacted.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted, commercial set gillnet permit holders would have to remove all gear, buoys, anchors, and running lines, during drift gillnet only fishing periods and when the period is specifically targeted at balancing allocation.

BACKGROUND: The author of this proposal references AS 16.10.055 *Interference with commercial fishing gear* as the regulation supporting the need for adopting this proposal. The regulation cited deals with interference or damage to the fishing gear of another permit holder. The presumption, in this case, is that drift gillnet permit holders can cause damage to gear associated with operating a set gillnet and not the actual set gillnet, which is not operational during a drift gillnet only period. Vessel operators are responsible for the safe operation of those vessels, which includes avoiding obstacles while operating fishing gear. This proposal should be under 5 AAC 06.331 *Gillnet Specifications and Operations*.

In most cases, allowing drift gillnet users unhindered access to the areas occupied by set gillnet users (i.e., waters near the beach) in order to control escapement is not necessary.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in a direct cost for a private person to participate in this fishery.

Vessels (1 proposal)

PROPOSAL 15 – 5 AAC 06.341. Vessel specifications and operations.

PROPOSED BY: Erick Sabo.

WHAT WOULD THE PROPOSAL DO? This proposal would repeal regulations limiting the length of drift gillnet vessels in Bristol Bay to 32 feet.

WHAT ARE THE CURRENT REGULATIONS? The current regulation limits drift gillnet vessel length to 32 feet.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, vessels longer than 32 feet would be legal in the Bristol Bay drift gillnet fishery.

BACKGROUND: The legal vessel length in the Bristol Bay drift gillnet fishery has been 32 feet since 1949 though there have been some descriptive changes of that length over time. The current regulation and description has been in effect since 1991. Justifications in favor of changing or removing the 32-foot limit include increased safety with larger vessels, greater economic efficiency because of larger holding capacity, and improved product quality with the increased size allowing installation of refrigeration systems or increased capacity for icing/cooling of fish. It should be noted that allowing vessel size to increase may set up a disparity between fishermen that can afford to acquire a larger vessel and those that cannot. Since larger vessels may have a competitive advantage, fishermen with fewer monetary resources may be disadvantaged.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Permit Stacking (9 proposals)

PROPOSAL 16 – 5 AAC 06.331. Gillnet specifications and operations.

PROPOSED BY: Vince Webster.

WHAT WOULD THE PROPOSAL DO? This proposal would allow an individual that owns two set gillnet permits to operate two units of legal gear and an individual that owns two drift gillnet permits to operate 200 fathoms of drift gillnet gear according to 5 AAC 06.333.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow the ownership of more than one permit of either gear type, but stipulate that only a single set gillnet permit may be operated by an individual with no more than 50 fathoms of gear and two nets. The use/operation of more than one drift gillnet permit is governed by 5 AAC 06.333 *Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay*. Drift gillnet permit holders are limited to no more than 150 fathoms of gear per vessel unless two permit holders are on board the vessel and it is marked accordingly, in which case, 200 fathoms of gear may be used. Vessels must display a “D” (for dual) on the boat as part of the ADF&G vessel permit number when operating under the two permit rule. In special harvest areas (SHAs) different regulations apply for the allowable length and total number of nets. Regulations governing minimum distance between gear, maximum distance from shore, allocation between groups, etc. vary by district.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted an individual that owns two set gillnet permits would be allowed to operate two units of legal set gillnet gear with an aggregate length of 100 fathoms. Additionally, an individual that owns two drift gillnet permits would be able to operate 200 fathoms of drift gillnet gear.

BACKGROUND: This proposal was submitted at the December 2006 board meeting and was directed to the restructuring committee. The legal limit of gear for drift gillnet vessels was 150 fathoms for over 20 years until 2003 when a proposal was adopted allowing the use of 200 fathoms of gear when two permit holders were on the same vessel and the vessel was marked accordingly. There is no provision for operating two set gillnet permits. In 2006, HB 251 was passed that enabled the board to make regulations regarding the use of two permits.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 17 – 5 AAC 06.331. Gillnet specifications and operations.

PROPOSED BY: Dylan Braund and Tom Rollman Jr.

WHAT WOULD THE PROPOSAL DO? This proposal would allow an individual that owns two set gillnet permits to operate two legal units of set gillnet gear with up to 100 fathoms of gear in no more than four gillnets, with no single gillnet longer than 50 fathoms. Site and buoys must be marked with both CFEC permit numbers and with “D” (for dual) and CFEC permit numbers must be on one in every 10 corks.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow the ownership of more than one set gillnet permit, but they cannot be fished concurrently. A set gillnet permit may be operated by an individual with no more than 50 fathoms of gear and two nets. However, in special harvest areas (SHAs) different regulations may apply for the allowable length and total number of nets. In addition, minimum distances between nets and maximum distance offshore are stipulated and vary by district.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, an individual that owns two set gillnet permits would be allowed to operate two legal units of gear.

BACKGROUND: When commercial fishing went to a limited entry system in 1974, an individual could only own one permit. In 2003, a regulation was passed that allowed an individual to own multiple permits as long as they were not fished in the same year. In 2006, HB 251 was passed enabling the board to make regulations regarding the use of two permits.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 18 – 5 AAC 06.331. Gillnet specifications and operations.

PROPOSED BY: Eric M. Beeman.

WHAT WOULD THE PROPOSAL DO? This proposal would allow an individual that owns two set gillnet permits to operate up to two legal units of set gillnet gear with up to 100 fathoms of gear in no more than four gillnets, with no single gillnet longer than 50 fathoms. Site and buoys must be marked with both CFEC permit numbers and with “D” (for dual) and CFEC permit numbers must be on one in every 10 corks.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow the ownership of more than one set gillnet permit, but they cannot be fished concurrently. A set gillnet permit may be operated by an individual with no more than 50 fathoms of gear and two nets. However, in special harvest areas (SHAs) different regulations may apply for the allowable length and total number of nets. In addition, minimum distances between nets, and maximum distance offshore are stipulated and vary by district.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted, an individual that owns two set gillnet permits would be allowed to operate two legal units of gear.

BACKGROUND: When commercial fishing went to a limited entry system in 1974, an individual could only own one permit. In 2003, a regulation was passed that allowed an individual to own multiple permits as long as they were not fished in the same year. In 2006, HB 251 was passed that enabled the board to make regulations regarding the use of two permits.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 19 – 5 AAC 06.331. Gillnet specifications and operations.

PROPOSED BY: Kim Rice.

WHAT WOULD THE PROPOSAL DO? This proposal would allow an individual that owns more than one set gillnet permit to operate more than one legal unit of set gillnet gear.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow the ownership of more than one set gillnet permit but they cannot be fished concurrently. A set gillnet permit may be operated by an individual, with no more than 50 fathoms of gear and two nets. However, in special harvest areas (SHAs) different regulations may apply for the allowable length and total number of nets. In addition, minimum distances between nets, and maximum distance offshore are stipulated and vary by district.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted an individual that owns more than one set gillnet permit would be able to operate more than one unit of gear.

BACKGROUND: When commercial fishing went to a limited entry system in 1974, an individual could only own one permit. In 2003, a regulation was passed that allowed an individual to own multiple permits as long as they were not fished in the same year. In 2006, HB 251 was passed that enabled the board to make regulations regarding the use of two permits.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 20 - 5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay.

PROPOSED BY: Charles W. Treinen.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the owner of two Bristol Bay drift gillnet permits to fish and operate 200 fathoms of drift gillnet gear from a single vessel.

WHAT ARE THE CURRENT REGULATIONS? Permit holders may own more than one permit, but they may not fish them concurrently. Current regulation limits the length of drift gillnet gear to no more than 150 fathoms per vessel unless two permit holders are on board the vessel and it is marked accordingly, in which case, 200 fathoms of gear may be used.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow an additional 50 fathoms of gear to be used when an individual that owns two current drift gillnet permits operates them from the same vessel.

BACKGROUND: The legal limit of gear for drift gillnet vessels was 150 fathoms for over 20 years. In 2003, a proposal was adopted that allowed the use of 200 fathoms of gear when two permit holders were on the same vessel and the vessel was marked accordingly.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 21 - 5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay.

PROPOSED BY: Todd Granger.

WHAT WOULD THE PROPOSAL DO? This proposal would allow a vessel with two drift gillnet permit holders concurrently fishing from it to fish up to 300 fathoms of drift gillnet gear.

WHAT ARE THE CURRENT REGULATIONS? Permit holders may own more than one permit but they may not fish them concurrently. Current regulation limits the length of drift gillnet gear to no more than 150 fathoms per vessel unless two permit holders are

on board the vessel and it is marked accordingly, in which case, 200 fathoms of gear may be used.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow an additional 100 fathoms of drift gillnet gear to be used when two permit holders were fishing from a single vessel.

BACKGROUND: The legal limit of gear for drift gillnet vessels was 150 fathoms for over 20 years. In 2003, a proposal was adopted that allowed the use of 200 fathoms of gear when two permit holders were on the same vessel and the vessel was marked accordingly.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 22 - 5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay.

PROPOSED BY: Nushagak Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This proposal would limit all vessels to 150 fathoms of drift gillnet gear in Bristol Bay when the Naknek River Sockeye Salmon Special Harvest Area Management Plan (5 AAC 06.360) is in effect.

WHAT ARE THE CURRENT REGULATIONS? Current regulation limits the length of drift gillnet gear to no more than 150 fathoms per vessel unless two permit holders are on board the vessel and it is marked accordingly, in which case, 200 fathoms of gear may be used.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow only one compliment of drift gillnet gear per vessel, no matter how many permit holders were fishing from that vessel, when the Naknek River Special Harvest Area is open to commercial fishing.

BACKGROUND: The legal limit of gear for drift gillnet vessels was 150 fathoms for over 20 years. In 2003, a proposal was adopted that allowed the use of 200 fathoms of gear when two permit holders were on the same vessel and the vessel was marked accordingly.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. This proposal could result in confusion if NRSWA is put into effect during a

drift gillnet fishing period in another district. In that event, dual permit vessels fishing 200 fathoms of gear would have to cease fishing or risk being cited.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 23 - 5 AAC 06.331. Gillnet specifications and operations.

PROPOSED BY: Traditional Council of Togiak and Togiak AC.

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate permit stacking that allows the use of 200 fathom drift gillnets in Togiak District.

WHAT ARE THE CURRENT REGULATIONS? Current regulation throughout Bristol Bay limits the length of drift gillnet gear to no more than 150 fathoms per vessel unless two permit holders are on board the vessel and it is marked accordingly, in which case, 200 fathoms of gear may be used.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted, two permit holders could not use 200 fathoms of drift gillnet gear on one vessel in Togiak District. The legal length of drift gillnet gear would be 150 fathoms per vessel in Togiak District.

BACKGROUND: At the 2003 board meeting, regulation 5 AAC 06.333 *Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay* was adopted, allowing the use of 200 fathoms of drift gillnet gear from one vessel with two Bristol Bay drift gillnet permit holders aboard. Since 2004, dual permit use has been allowed in all districts in Bristol Bay. In 2009, one dual permit was registered to fish in Togiak District.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 24 - 5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay.

PROPOSED BY: Sidney A. Nelsen.

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate the use of an additional 50 fathoms of drift gillnet gear when two permit holders are fishing from a single vessel.

WHAT ARE THE CURRENT REGULATIONS? Permit holders may own more than one permit, but they may not fish them concurrently. Current regulation limits the length of drift gillnet gear to no more than 150 fathoms per vessel unless two permit holders are on board the vessel and it is marked accordingly, in which case, 200 fathoms of gear may be used.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow only one compliment of drift gillnet gear per vessel. There would be no advantage for two drift gillnet permit holders to fish from a single vessel. Current dual permit fishermen would need to decide if they will continue fishing from the same vessel but with less gear, acquire a fishing vessel if they do not currently own one and separate the permits, or one of the permits would become idle. Adoption of this proposal may in fact increase the amount of gear and number of vessels in Bristol Bay.

BACKGROUND: The legal limit of gear for drift gillnet vessels was 150 fathoms for over 20 years. In 2003, a proposal was adopted that allowed the use of 200 fathoms of gear when two permit holders were on the same vessel and the vessel was marked accordingly.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Registration and Reregistration (6 proposals)

PROPOSAL 25 - 5 AAC 06.370. Registration and reregistration.

PROPOSED BY: King Salmon Village Tribe.

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate the requirement for permit holders to register in a district from June 1 to a date certain between June 23 and June 30 to be set by the board. It would guarantee a fixed schedule of fishing in all districts of five (5) to seven (7) days per week between June 1 and the date certain. After the date certain, permit holders would be required to register for and stay in the district of their choice until the escapement goal in the district they want to transfer to is achieved. At that point, they could transfer without a 48-hour waiting period.

WHAT ARE THE CURRENT REGULATIONS? Currently, from June 1 to July 17, any permit holder must register for a Bristol Bay district prior to fishing and may transfer to any other district (except into and out of Togiak District) at any time with a 48-hour waiting period. The 48-hour waiting period may be waived after the mid-range SEG goal in all rivers of a district has been achieved, but permit holders must still transfer. The transfer regulation applies to both the permit and the vessel.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted, permit holders would not have to register until later in the season, but would then have to register and remain in a district until at least one other district reached the midpoint of the escapement goal range for all of the rivers in that district. Additionally, this proposal would guarantee fishing time of between five to seven days per week in all districts from June 1 until a date certain during the last week of June.

BACKGROUND: The district registration and reregistration regulations have long been a part of the Bristol Bay fishery. They are not needed for biological reasons and the department is ambivalent about them. Most districts in Bristol Bay are managed with a set weekly fishing schedule early in the season with up to four days of fishing time. Nushagak District supports a significant run of Chinook salmon and is always managed by emergency order to optimally manage that resource.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department is **OPPOSED** to limiting management flexibility by requiring a fixed fishing schedule of five to seven days weekly from June 1 into the last week of June. In some districts, management by emergency order to achieve escapement goals for sockeye and Chinook salmon is necessary well before the last week of June. While the department is ambivalent about the registration and transfer requirements, locking permit holders into a district from a date certain in the last week of June to a date when midpoint SEG goals are met poses a risk of lost harvest opportunity due to an inability to move permit holders among districts in response to variations in run strength.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 26 - 5 AAC 06.370(k)(1)(2). Registration and reregistration.

PROPOSED BY: Todd Granger.

WHAT WOULD THE PROPOSAL DO? This proposal would allow permit holders to transfer into and out of Togiak District in the same manner that is currently allowed in other districts.

WHAT ARE THE CURRENT REGULATIONS? Currently, permit holders registered in Togiak District prior to July 17 cannot transfer to another Bristol Bay district until July 24. Conversely, permit holders registered in other districts prior to July 17 may not transfer into Togiak District until July 24. These requirements are waived on July 21 if Togiak River escapement is projected to exceed 150,000 sockeye salmon before July 24.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, permit holders in all districts could transfer into and out of Togiak District without waiting until July 21 or July 24. Transfer into and out of Togiak District would occur in the same way as is currently done in other districts.

BACKGROUND: At the 1997 meeting, the board adopted the exclusive regulations prohibiting transfer into and out of Togiak District until late July.

Togiak District registered permit holders, 2000-2009.

Year	Drift	Set	Total
2000	41	66	107
2001	78	77	155
2002	74	61	135
2003	94	77	171
2004	75	75	150
2005	60	76	136
2006	54	81	135
2007	51	40	91
2008	52	73	125
2009	52	62	114

Five-year peak run timing averages from harvest data, by district, 2005-2009.

Egegik	Nushagak	Naknek- Kvichak	Ugashik	Togiak
July 5	July 5	July 8	July 9	July 17

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 27 – 5 AAC 06.370(d). Registration and reregistration.

PROPOSED BY: Roland Briggs.

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate reregistration of gear type and the 48-hour transfer period between gear types within the same district during the allocation period of June 1-July17.

WHAT ARE THE CURRENT REGULATIONS? Currently an individual that holds both set and drift gillnet permits may not fish the permits concurrently and must notify the department that they wish to switch from one gear type to another. They must wait 48-hours following notification before fishing with the other gear type, but are allowed to continue fishing with the current gear type during the 48-hour waiting period. After 9:00 AM July 17 permit holders are allowed to transfer freely between gear types without notifying the department and without a waiting period except in Ugashik District and Naknek River and Egegik River special harvest areas under certain circumstances where the registration and reregistration period can be extended by emergency order.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted, permit holders owning drift and set gillnet permits would be able to move freely between gear types without waiting or notification during the allocation period of June 1- July 17. Free transfer during the allocation period could create problems with attaining allocation targets set by the board and has a potential for abuse by a permit holder fishing both gear types simultaneously. This would be illegal, but difficult to enforce.

BACKGROUND: An identical proposal considered at the December 2006 board meeting failed.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department is not opposed to reducing the waiting period for switching between gear types, but is concerned that without any waiting period, a permit holder could fish both gear types at the same time.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 28 - 5 AAC 06.370(d). Registration and reregistration.

PROPOSED BY: Roland Briggs.

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate reregistration of gear type and the 48-hour transfer period between gear types within the same special harvest area during the allocation period of June 1 - July17.

WHAT ARE THE CURRENT REGULATIONS? Currently an individual that holds both set and drift gillnet permits may not fish the permits concurrently and must notify the department that they wish to switch from one gear type to another. They must wait

48-hours following notification before fishing with the other gear type, but are allowed to continue fishing with the current gear type during the 48-hour waiting period. After 9:00 AM July 17 permit holders are allowed to transfer freely between gear types without notifying the department and without a waiting period except in Ugashik District and Naknek River and Egegik River special harvest areas under certain circumstances where the registration and reregistration period can be extended by emergency order.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, permit holders owning drift and set gillnet permits would be able to move freely between gear types without waiting or notification during the allocation period of June 1 - July 17 within special harvest areas. Free transfer during the allocation period could create problems with attaining allocation targets set by the board and has a potential for abuse by a permit holder fishing both gear types simultaneously. This would be illegal, but difficult to enforce.

BACKGROUND: A similar proposal considered at the December 2006 board meeting failed.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department is not opposed to reducing the waiting period for switching between gear types, but is concerned that without any waiting period, a permit holder could fish both gear types at the same time.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 29 - 5 AAC 39.120(d). Registration of Commercial Fishing Vessels.

PROPOSED BY: Roland Briggs.

WHAT WOULD THE PROPOSAL DO? This proposal, if adopted, would allow Area T (Bristol Bay) vessels to fish during the open season in the inner portion of Cinder River Section (Cinder River Lagoon) and within Inner Port Heiden Section from May through September. It would also allow Area T vessels to fish the entire Ilnik Section beginning August 1, as well as Outer Port Heiden Section from June 20 to July 31. The proposal does not change locations or dates that Area M (Alaska Peninsula) permit holders can fish.

WHAT ARE THE CURRENT REGULATIONS? Currently, under *Registration of Commercial Fishing Vessels*, 5 AAC 39.120 (d), Area T vessels are allowed to fish in Cinder River Lagoon and Inner Port Heiden Section from January 1 through June 30. From August 1 to December 31, Area T vessels are also allowed to fish in the Ilnik Lagoon portion of Ilnik Section, the entire Cinder River Section and Inner Port Heiden

Section. Additionally, under 5 AAC 09.310, *Fishing Seasons (a)(1)*, both Area M and T permit holders must adhere to season closures within Cinder River Section as follows:

- (A) from May 1 through September 30 within the lagoon into which the Cinder River drains, and
- (B) from August 1 through September 30 throughout this Section

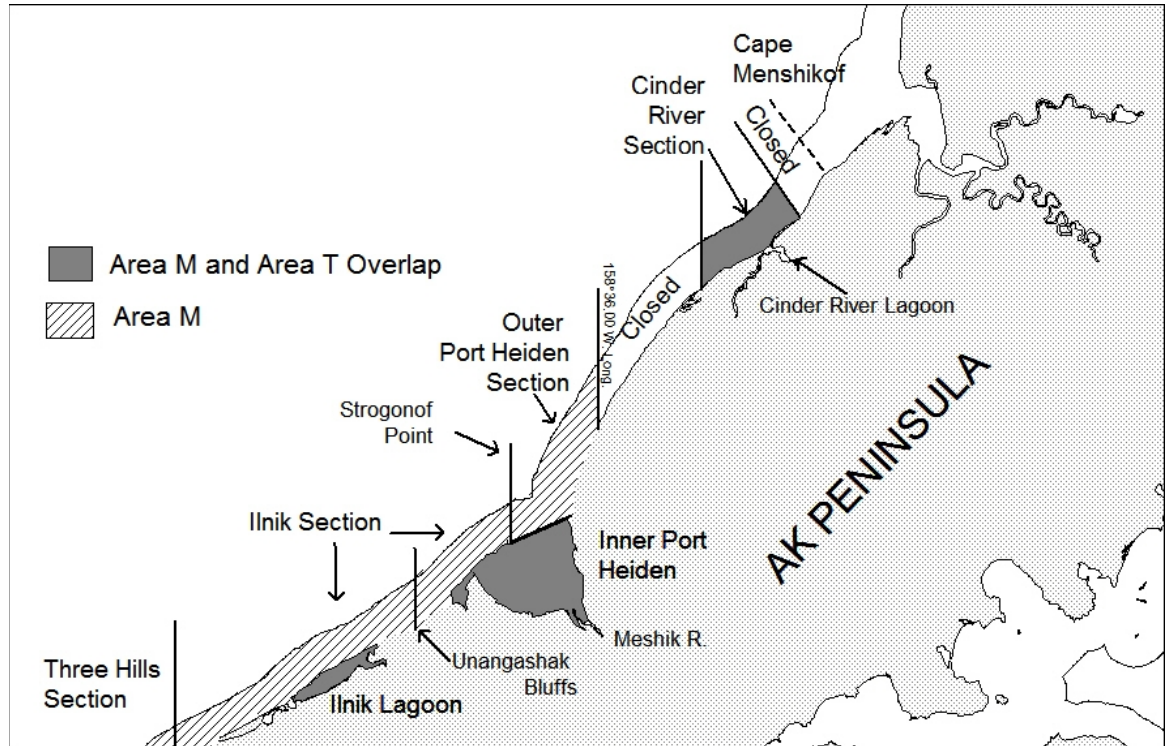


Figure 1.-Map of part of the North Alaska Peninsula from Three Hills Section to Cape Menshikof, with Area M and Area T overlap areas shown.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow Area T permit holders to fish year-round in the inner portion of Cinder River Section and in Inner Port Heiden Section, as well as Outer Port Heiden Section during open commercial fishing periods, and also in the entire Ilnik Section from August 1 to December 31 (Table 1). However, if this proposal were adopted, only Cinder River Lagoon and Inner Port Heiden Section would be open to Area T permit holders in July since by regulation, 5 AAC 09.310 (a)(1)(A), the outer portion of Cinder River Section does not open until August 1. The requested changes in this proposal do not make any changes to any part of regulation 5 AAC 09.310. *Fishing Seasons*.

The proposed changes would result in additional fishing time for Area T permit holders in three distinct areas

1. That portion of Cinder River Section located inside the lagoon and Inner Port Heiden Section during July;
2. Outer Port Heiden Section during open fishing seasons (June 20-July 31); and
3. The entire Ilnik Section from August 1-September 30.

Table 1.- Current regulations and proposed changes from proposal 29 to the Area T and Area M overlap .

Current Regulations			Proposed Regulations for Proposal 29	
Open Dates				Open Dates
Section	Area M	Area T	Section	Area T
Inner portion of Cinder River Section	May 1-Sep 30 within lagoon	Jan 1-June 30 and Aug 1-Dec 31	Inner portion of Cinder River Section	Jan 1-Dec 31
Entire Cinder River Section	Aug 1-Sep 30	Aug 1-Dec 31	Outer portion of Cinder River Section	Aug 1-Dec 31
Inner Port Heiden	May 1-Sep 30	Jan 1-June 30 and Aug 1-Dec 31	Inner Port Heiden	Jan 1-Dec 31
Outer Port Heiden	June 20-July 31	Not open to Area T permit holders	Outer Port Heiden	Jan 1-Dec 31
Outer portion of Ilnik Section	June 20-Sep 30	Not open to Area T permit holders	Outer portion of Ilnik Section	Aug 1-Dec 31
Ilnik Lagoon	May 1-Sep 30	Aug 1-Dec 31	Ilnik Lagoon	Aug 1-Dec 31

BACKGROUND: Area T (Bristol Bay) permit holders are allowed to fish during certain times in some waters of Area M (Alaska Peninsula). The Area M and Area T overlap area consists of Cinder River Section, Inner Port Heiden Section, and Ilnik Lagoon (Figure 1). The overlap area was created shortly after statehood with the intent to allow Bristol Bay fishermen, primarily those residents of Port Heiden and Pilot Point, opportunity to fish close to home before and after the Bristol Bay salmon fishery. Permit holders registered for the Bristol Bay Area historically fished for Chinook and coho salmon in Inner Port Heiden Section and occasionally, in Ilnik Lagoon for coho salmon. Pilot Point area permit holders registered for the Bristol Bay Area were given the opportunity to fish in Cinder River Section for Chinook and coho salmon, which they historically have done, and still participate in Bristol Bay sockeye salmon fisheries. The overlap area allows all Area T permit holders opportunity to fish within portions of the Alaska Peninsula Management Area.

During every month except July, Area T permit holders are allowed to fish during the open season in Inner Port Heiden and Cinder River sections. Area T permit holders are also allowed to fish inside Ilnik Lagoon during August and September. Prior to 1990, Area T permit holders were allowed to fish in the entire Ilnik Section during August and September. In 1986, Area T fishermen started operating in Ilnik and Outer Port Heiden sections. In 1990, the Alaska Board of Fisheries (board) eliminated Area T fishermen from Ilnik Section (except inside Ilnik Lagoon) and closed Outer Port Heiden Section to all commercial salmon fishing operations by both Area M and Area T fishermen due to concern over potential interception of coho salmon during August and September bound for Inner Port Heiden (Meshik River). In 2007, the board opened a portion of Outer Port Heiden Section to Area M drift gillnet fishermen to harvest sockeye salmon bound for

Meshik River. Currently, by regulation Outer Port Heiden Section is open from June 20 until July 31. Area T fishermen are not allowed to fish in Outer Port Heiden Section.

Ilnik Section is managed on the basis of Bear River sockeye salmon from August 1-15, and Ilnik Lagoon bound coho salmon after August 15. Although, Ilnik Section is managed for coho salmon after August 15, coho salmon are rarely targeted and are caught incidentally to sockeye salmon. After August 1, all local sockeye salmon runs are over except the late-Bear River run, which is just beginning. In most years, the existing Area M fleet harvests all available late-Bear River sockeye salmon. Additional vessels competing for a limited resource will likely increase conflict between Area T and Area M user groups.

There are 1,863 drift gillnet and 982 set gillnet permit holders fishing in Bristol Bay and if this proposal were adopted, all of these would be permitted to fish in certain areas of the Alaska Peninsula. The department recognizes it is unlikely all available Area T permits would fish in Area M; however, it is likely some Area T vessels would take advantage of fishing Outer Port Heiden Section and extending their commercial fishing season by fishing in Ilnik Section in August. Additional effort in Outer Port Heiden and Ilnik sections would likely create a resource conflict.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. However, the department **OPPOSES** the parts of this proposal that could dramatically increase the number of boats fishing in some locations of Area M, specifically Outer Port Heiden and Ilnik sections. If adopted, this proposal would allow all drift gillnet vessels from Area T to fish in Outer Port Heiden Section, and also allow Area T drift and set gillnet permit holders to fish in the entire Ilnik Section beginning in August. Effort targeting local sockeye salmon stocks in these sections currently harvests the available surplus and a substantial increase in the number of boats will complicate management of the fishery. If adopted, this proposal would increase effort targeting Meshik River and late Bear River sockeye salmon and coho salmon runs of the North Peninsula.

This proposal may create complications with the Commercial Fisheries Entry Commission (CFEC) Limited Entry Act and would need to be consistent with the purposes of the Limited Entry Act. If the board adopts this proposal, CFEC would require a separate CFEC regulatory proceeding to determine if the new net registration area conforms to the intent of the Limited Entry Act and whether or not the proposed changes would have a substantial negative impact on existing entitlements in a limited entry fishery.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 30 - 5 AAC 39.120(d). Registration of Commercial Fishing Vessels.

PROPOSED BY: Roland Briggs.

WHAT WOULD THE PROPOSAL DO? This proposal would change regulation 5 AAC 39.120(d) to allow Bristol Bay (Area T) permit holders to fish in Cinder River and Inner Port Heiden sections of the Alaska Peninsula Area from January 1 to December 31.

WHAT ARE THE CURRENT REGULATIONS? Currently, Area T vessels are allowed to fish (5 AAC 39.120 (d)) in Cinder River and Inner Port Heiden sections from January 1 through June 30 and from August 1 to December 31, and in the Ilnik Lagoon portion of Ilnik Section from August 1 through December 31.

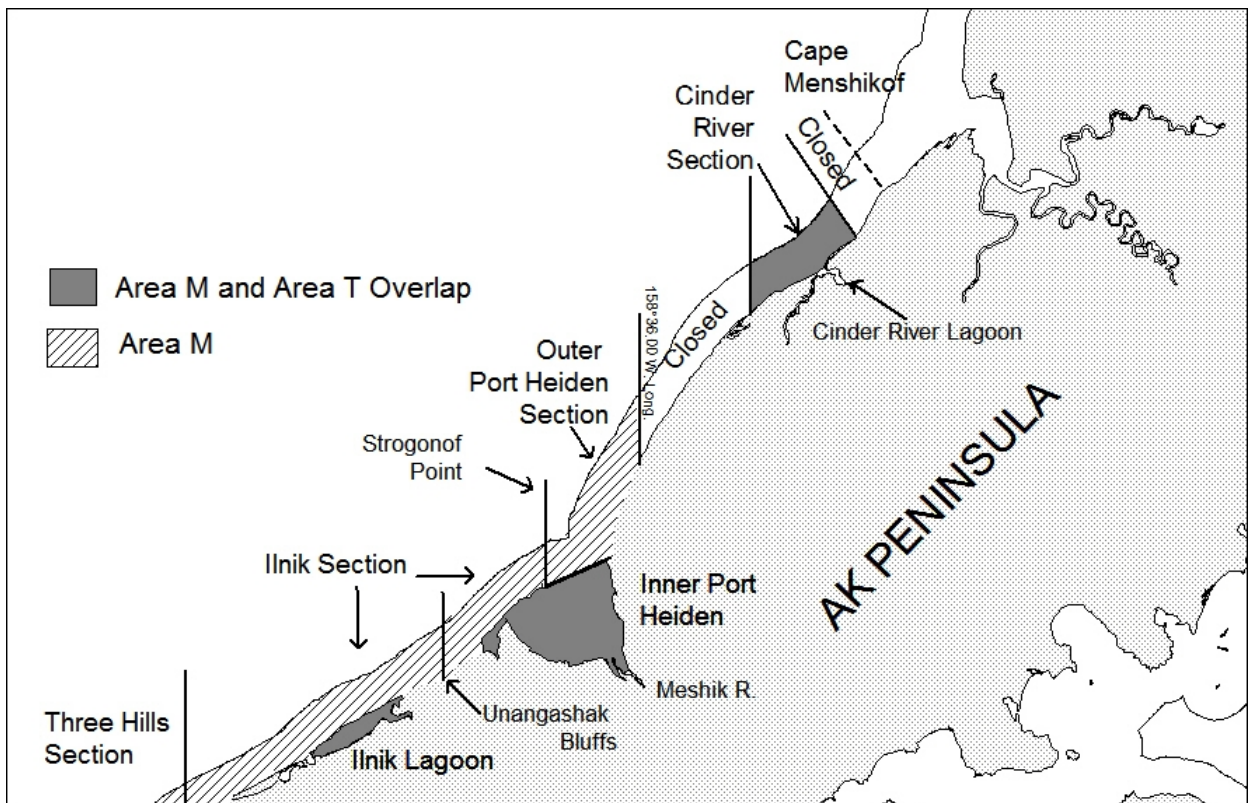


Figure 2.-Map of part of the North Alaska Peninsula from the Three Hills Section to Cape Menshikof.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would change the language in regulation 5 AAC 39.120 (d) (*Registration of Commercial Fishing Vessels*), which outlines the Area M and Area T overlap, and dates Area T vessels are allowed in the overlap. It does not make changes to regulation 5 AAC 09.310. *Fishing Seasons* (a) which define the date range that commercial salmon fishing is allowed in all Northern District sections, including those affected by the overlap area.

This proposal would change the language of 5 AAC 39.120 (d) to allow Area T permit holders to fish in Inner Port Heiden and Cinder River sections during the month of July. However, if this proposal was accepted, only Cinder River Lagoon and Inner Port Heiden Section would be open to both Area M and T permit holders in July by regulation 5 AAC 09.310 (a)(1)(A) and (2)(A). The outer portion of Cinder River Section does not open until August 1 (5 AAC 09.310 (a)(1)(B)).

Although this proposal would allow Area T permit holders to fish in Cinder River Section year round, regulation 5 AAC 09.310. *Fishing Seasons* (1)(A) only allows commercial fishing from May 1 to September 30 in Cinder River Lagoon and from August 1 to December 31 throughout the section (Table 1).

Table 1.- Current regulations and proposed changes from proposal 30 to the Area T and Area M overlap .

Current Regulations			Proposed Regulations for Prop 30	
Section	Open Dates		Section	Open Dates
	Area M	Area T		Area T
Inner portion of Cinder River Section	May 1-Sep 30 within lagoon	Jan 1-June 30 and Aug 1-Dec 31	Cinder River	Jan 1-Dec 31
Entire Cinder River Section	Aug 1-Sep 30	Aug 1-Dec 31	Inner Port Heiden	Jan 1-Dec 31
Inner Port Heiden	May 1-Sep 30	Jan 1-June 30 and Aug 1-Dec 31	Ilnik Lagoon	Aug 1-Dec 31
Outer Port Heiden	June 20-July 31	Not open to Area T permit holders		
Outer portion of Ilnik	June 20-Sep 30	Not open to Area T permit holders		
Ilnik Lagoon	May 1-Sep 30	Aug 1-Dec 31		

BACKGROUND: Area T (Bristol Bay) permit holders are allowed to fish during certain times in some waters of Area M (Alaska Peninsula). The Area M and Area T overlap area consists of Cinder River Section, Inner Port Heiden Section, and Ilnik Lagoon (Figure 2). The overlap area was created shortly after statehood to allow Bristol Bay fishermen, primarily those residents of Port Heiden and Pilot Point, opportunity to fish close to home before and after the Bristol Bay salmon fishery. Permit holders registered for Bristol Bay Area historically fished for Chinook and coho salmon in Inner Port Heiden Section and occasionally, in Ilnik Lagoon for coho salmon. Pilot Point area permit holders registered for the Bristol Bay Area were given opportunity to fish in Cinder River Section for Chinook and coho salmon, which they historically have done, and still participate in Bristol Bay sockeye salmon fisheries. The overlap area allows all Area T permit holders opportunity to fish within portions of Alaska Peninsula Management Area.

During every month except July, Area T permit holders are allowed to fish during the open season in Inner Port Heiden and Cinder River sections. Area T permit holders are also allowed to fish inside Ilnik Lagoon from August through September. Prior to 1990, Area T permit holders were allowed to fish in the entire Ilnik Section during August and September. In 1986, Area T fishermen started operating in Ilnik and Outer Port Heiden sections. In 1990, the Alaska Board of Fisheries (board) eliminated Area T fishermen from Ilnik Section (except inside Ilnik Lagoon) and closed Outer Port Heiden Section to all commercial salmon fishing operations by both Area M and Area T fishermen due to concern over potential interception of coho salmon bound for Inner Port Heiden (Meshik River) during August and September. In 2007, the board opened a portion of Outer Port Heiden Section to harvest sockeye salmon bound for Meshik River. Currently, by regulation Outer Port Heiden Section can open from June 20 until July 31. Area T fishermen are not allowed to fish in the Outer Port Heiden Section. During June, in some years, Area T fishermen residing in the village of Port Heiden have participated in Chinook and sockeye salmon fisheries in Inner Port Heiden Section, although 2006 was the last year this occurred.

Area T permit holders (primarily local Port Heiden fishermen) have targeted Chinook and sockeye salmon in Inner Port Heiden Section during May and June. This fishery has had little or no effort from Area M permit holders. Use of Outer Port Heiden Section has been effective at controlling escapement into Meshik River. Allowing significant effort to also fish within Inner Port Heiden Section in July may reduce fishing time in Outer Port Heiden Section.

This proposal allows Bristol Bay permit holders to fish during the entire season in Cinder River and Inner Port Heiden sections. Currently, Area T permit holders are not permitted to fish in Cinder River and Inner Port Heiden sections during July when traditionally they would be fishing in the Bristol Bay Management Area. Presently, the inner portion of Cinder River Section (Cinder River Lagoon) is open to commercial salmon fishing 2½ days per week, yet little or no fishing has occurred for a variety of reasons that include remoteness of location and difficulty fishing in Cinder River Lagoon.

The 2005-2009 average escapement into Cinder River was about 90,000 sockeye salmon. The sustainable escapement goal (SEG) for Cinder River is 12,000 to 48,000 sockeye salmon. In addition, from 2005-2009, Mud Creek, a tributary which flows into Cinder River Lagoon, has averaged an additional 35,000 sockeye salmon escapement, bringing Cinder River system escapement to roughly 125,000 sockeye salmon per year.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal, but the department **SUPPORTS** the opportunity to harvest salmon bound for Cinder River. However, these proposed changes may not be an effective way to harvest Cinder River salmon runs. Run timing of Cinder River Chinook and sockeye salmon stocks has typically peaked and is declining by mid July. Furthermore, there are difficulties fishing in Cinder River Lagoon and the logistical challenges of getting harvested fish to markets have limited fishing effort in the lagoon. Currently, the inner portion of Cinder River Section is already open to commercial

salmon fishing on a weekly basis to Area M and Area T permits during June, and to Area M permits during June and July, and little or no fishing effort occurs during these times. To date, weekly fishing periods (2 ½ days per week) in the Cinder River Lagoon portion of the Cinder River Section has not proven to be effective at harvesting the Cinder River salmon runs. To effectively do so, it would be necessary to provide opportunity to harvest Cinder River salmon runs in the outer portion of the section.

This proposal may create some complications with the Commercial Fisheries Entry Commission (CFEC) Limited Entry Act and would need to be consistent with the purposes of the Limited Entry Act. If the board adopts this proposal, CFEC would require a separate CFEC regulatory proceeding to determine if the new net registration area conforms to the intent of the Limited Entry Act and whether or not the proposed changes would have a substantial negative impact on existing entitlements in a limited entry fishery.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

General District (1 proposal)

PROPOSAL 31 - 5 AAC 06.356. General District Salmon Management Plan.

PROPOSED BY: Todd Granger.

WHAT WOULD THE PROPOSAL DO? This proposal would allow drift gillnet fishing in the General District from June 1 until June 30 by emergency order.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow fishing in terminal Bristol Bay districts associated with major river systems according to management plans. Each system is managed to achieve a spawning escapement goal within an established range. In addition, the department attempts to manage harvest by gear group to achieve allocation targets established by the board, which vary by district. 5 AAC 06.356 *General District Salmon Management Plan* was adopted in 2004 specifically to provide additional harvest opportunity for an expected large run. The plan had a sunset clause and expired in December 2004.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted the General District would be reinstated, but redefined as described in the proposal. Management would be based on a total allowable catch of 20% of the preseason forecast and would open only to drift gillnet permit holders who must register in a regular district prior to fishing. General District harvest would be allocated based on proportion of effort registered in regular districts. Harvest allocated to a given district based on this proposal becomes part of the allocation for the drift gillnet

fleet in that district. Mesh size, amount of gear, and transfer restrictions would also be in regulation.

BACKGROUND: In 2004, a relatively large preseason forecast prompted the board to adopt a plan allowing for use of the General District to help “provide additional harvest opportunity.” The plan had a sunset date of December 31, 2004. Subsequently, the department submitted an Agenda Change Request asking the board to re-evaluate the plan in 2005; two proposals to incorporate the annual use of the General District came before the board in December, 2006; and an Emergency Petition to allow fishing in southern sections of the General District was submitted in March, 2008. The board declined to allow use of a General District in each case. In 2006, 2007, 2008, and 2009 harvests larger than that of 2004 were realized without use of the General District.

The framing regulation for management of commercial salmon fisheries in Bristol Bay is the *Bristol Bay Commercial Set and Drift Gillnet Management and Allocation Plan* (5 AAC 06.355). Within the plan the board has directed the department to manage fisheries within Bristol Bay to achieve spawning escapements in the major systems in Bristol Bay, allow harvest of salmon in excess of spawning needs, achieve escapements from all segments of the run to preserve genetic diversity, allocate harvest among gear groups by district, distribute fish within districts by use of time and area, and reduce intensive line fisheries and harvest of stocks bound for other districts. The board directs that the department shall accomplish these goals through the use of existing management plans. Management and allocation plans have been developed for Naknek/ Kvichak District (5 AAC 06.364), Egegik District (5 AAC 06.365), Ugashik District (5 AAC 06.366), and Nushagak District (5 AAC 06.367).

In addition, Kvichak River has experienced lower than expected sockeye salmon production since the late 1990s and the Kvichak River sockeye salmon stock has been classified as a stock of concern since 2000. 5 AAC 06.360 *Naknek River Sockeye Salmon Special Harvest Area Management Plan* was developed to ensure escapement into Kvichak River. This plan defines reduced areas within Kvichak Bay and provides benchmarks and trigger points for action which include reduction of fishing area or time in other districts under certain circumstances (Egegik, 5 AAC 06.359 and Ugashik, 5 AAC 06.366). This plan was invoked every year between 1999 and 2007. All management and allocation plans and special harvest area management plans have been vetted through an arduous and sometimes divisive public board process.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal, but is **OPPOSED** to the concept of a General District because of the non-terminal nature of the fishery and resulting implications to management of terminal districts.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**COMMITTEE C: MANAGEMENT PLANS
(17 PROPOSALS)**

Naknek River Special Harvest Area Management Plan (3 proposals)

PROPOSAL 32 – 5 AAC 06.360(d). Naknek River Sockeye Salmon Special Harvest Area Management Plan.

PROPOSED BY: Donald Mack.

WHAT WOULD THE PROPOSAL DO? This proposal would increase the current length of set gillnet gear from 25 fathoms to 35 fathoms when fishing in the Naknek River Special Harvest Area (NRSHA).

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow no more than 25 fathoms of set gillnet to be used to take salmon in NRSHA.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would allow set gillnet permit holders the option of fishing with up to 35 fathoms of drift gillnet in NRSHA.

BACKGROUND: NRSHA has been open for some portion of the season each year to set gillnet fishing from 2000 to 2007. In nearly each of those years, sockeye salmon escapement approached or exceeded the upper end of the OEG range of 2.0 million sockeye.

<u>Year</u>	<u>Escapement</u>	
2000	1,375,488	
2001	1,830,360	
2002	1,263,918	
2003	1,831,170	
2004	1,939,374	
2005	2,744,622	
2006	1,953,228	
2007	2,945,304	
2008	2,416,782	NRSHA was not opened in 2008
2009	1,169,466	NRSHA was not opened in 2009

The sockeye salmon sustainable escapement goal (SEG) range for Naknek River is 800,000 to 1,400,000. However, when NRSHA is open, an optimum escapement goal (OEG), established during the January 2001 board meeting, raises the upper limit to 2,000,000 sockeye salmon. Recent large runs to Naknek River have resulted in the upper end of the OEG being exceeded in 2005 and 2007, despite nearly continuous fishing. This is partially a result of the fishery being restricted to the much reduced area of the NRSHA for the majority of those fishing seasons. During the 2005 and 2007 seasons,

processor harvest restrictions to both set and drift gillnet gear also contributed to the large escapements. The current allocation plan for NRSHA is based on a ratio of fishing periods (three drift to one set gillnet period), rather than percent of harvest. The gear types are fished separately.

This proposal was submitted as ACR 114 at the October 2007 board work session and failed 3-4. It was again taken up during the October 2008 board work session as ACR 1 and was accepted and assigned to the March 2009 meeting. At that time, after considerable discussion, it was tabled until the December 2009 Bristol Bay meeting.

At the March 2006 meeting, the board adopted proposal 391 allowing drift gillnet permit holders to increase their gear length from 50 fathoms to 75 fathoms when fishing in the NRSHA.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department **SUPPORTS** the use of additional gear in the NRSHA, which may help to limit escapement to some extent.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 33 – 5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan.

PROPOSED BY: Bristol Bay Driftnetters Association.

WHAT WOULD THE PROPOSAL DO? This proposal would require the removal of all set gillnet gear during drift gillnet periods in Naknek River Special Harvest Area (NRSHA) including all buoys, anchors, and running lines.

WHAT ARE THE CURRENT REGULATIONS? All set gillnet running lines must be removed from the water during drift gillnet fishing periods.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal will require set gillnet permit holders to remove all running lines, buoys, and anchors from NRSHA prior to a drift gillnet fishing period. They would not be required to remove anchors used to tether a skiff and the buoy used to locate that anchor when not fishing.

BACKGROUND: This proposal was submitted to the board as ACR 36 at the October 2005 board work session. It was accepted and assigned to the March 2006 board meeting as Proposal 392. This proposal was modified and adopted, requiring set gillnet running lines to be removed from the water after a fishing period in NRSHA. During the December 2006 Bristol Bay board meeting, Proposal 65 was amended and adopted

requiring running lines to be removed from the water during drift gillnet fishing periods in NRSHA.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 34 – 5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan.

PROPOSED BY: Bristol Bay Driftnetters Association.

WHAT WOULD THE PROPOSAL DO? This proposal would allocate 84% of the catch in Naknek River Special Harvest Area (NRSHA) to the drift gillnet gear group with the remaining 16% allocated to the set gillnet gear group.

WHAT ARE THE CURRENT REGULATIONS? On or after June 27, when the department projects that the sockeye salmon escapement into Naknek River will exceed 800,000 fish and the Kvichak River sockeye salmon escapement is projected to be one or more days behind the historical escapement curve, NRSHA may open to drift and set gillnet gear. The drift gillnet and set gillnet fisheries will fish separately, with a seasonal ratio of three drift gillnet fishing periods to every one set gillnet fishing period.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would increase the fishing time for drift gillnet gear to nearly five drift gillnet periods for every one set gillnet period.

BACKGROUND: The allocation plan for the NRSHA from 1998 to 2003 was alternating tides between drift and set gillnets. In 2004, the allocation changed to 84% drift and 16% set gillnet. In 2006, the allocation was again changed to the current three drift gillnet periods to one set gillnet period. The harvest percentages are as follows:

Year	Percentages		
	NRSHA Drift	NRSHA Set	
2000	80	20	alternated tides
2001	74	26	alternated tides
2002	64	36	alternated tides
2003	65	35	alternated tides
2004	88	12	84/16
2005	81	19	84/16
2006	80	20	84/16
2007	80	20	3/1 drift to set
2008	Not Open		
2009	Not Open		

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Alagnak River Special Harvest Area Management Plan (2 proposals)

PROPOSAL 35 – 5 AAC 06.373. Alagnak River Sockeye Salmon Special Harvest Area Management Plan.

PROPOSED BY: Kurt Johnson.

WHAT WOULD THE PROPOSAL DO? This proposal would allocate 84% of the harvest in Alagnak River Special Harvest Area (ARSHA) to the drift gillnet permit holders with the remaining 16% allocated to set gillnet permit holders. When the minimum escapement goal of 320,000 sockeye salmon has been met, both gear groups may fish at the same time in order to achieve the allocation percentages.

WHAT ARE THE CURRENT REGULATIONS? When Naknek-Kvichak District is closed due to a poor sockeye salmon run to Kvichak River and a strong run is occurring in Alagnak River, a commercial set and drift gillnet fishery at the mouth of Alagnak River is allowed. During the first four periods, there is equal fishing time for both gear groups on an alternating schedule. If one gear group harvests greater than 50% more than

the other gear group, alternating fishing periods are no longer required and the department may allow the gear group with the greatest harvest additional periods.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would provide for a predominantly drift gillnet fishery in the ARSHA. In addition, it could potentially increase Chinook salmon harvest in the fishery. Drift gillnets would primarily be deployed in the main channel of ARSHA where Chinook salmon tend to migrate.

BACKGROUND: The Kvichak River sockeye salmon stock has been listed as a stock of concern since 2000. During the years when Naknek-Kvichak District has been closed to conserve Kvichak River sockeye salmon stocks, large escapements to Alagnak River have occurred. The following table lists Alagnak River sockeye salmon escapements since 2001.

<u>Year</u>	<u>Escapement</u>
2001	615,162
2002	766,962
2003	3,676,146
2004	5,396,592
2005	4,219,026
2006	1,773,966
2007	2,466,414
2008	2,180,502
2009	970,818

The board created ARSHA during the March 2005 meeting and allowed only set gillnet gear to be used. In 2005, ARSHA was open from July 3 until July 15, fishing a portion of each tide. The harvest from that fishery was 260,000 sockeye. During the March 2006 board meeting, drift gillnet gear was allowed in ARSHA. In 2006, drift gillnet gear fished the first two periods for a combined total harvest of 10,000 sockeye. The set gillnet gear group fished the next two tides for a combined total harvest of 24,000 sockeye. With over double the catch of the drift gillnet fleet, the next seven periods were restricted to set gillnet gear. Only 47,000 sockeye were harvested in ARSHA in 2006. In 2007, no harvest from the drift gillnet fleet was reported until several days after the fishing periods. With no reported drift gillnet harvest, the remaining periods were restricted to set gillnet gear until the fishery closed on July 8. A total of 10,000 sockeye were harvested in ARSHA in 2007.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 36 – 5 AAC 06.373. Alagnak River Sockeye Salmon Special Harvest Area Management Plan.

PROPOSED BY: Bristol Bay Driftnetters Association.

WHAT WOULD THE PROPOSAL DO? This proposal would allocate 84% of the harvest in Alagnak River Special Harvest Area (ARSHA) to the drift gillnet permit holders with the remaining 16% allocated to set gillnet permit holders. When the minimum escapement goal of 320,000 sockeye has been met, both gear groups may fish at the same time in order to achieve the allocation percentages.

WHAT ARE THE CURRENT REGULATIONS? When Naknek-Kvichak District is closed due to a poor sockeye salmon run to Kvichak River and a strong run is occurring in Alagnak River, a commercial set and drift gillnet fishery at the mouth of Alagnak River is allowed. During the first four periods, there is equal fishing time for both gear groups on an alternating schedule. If one gear group harvests greater than 50% more than the other gear group, alternating fishing periods are no longer required and the department may allow the gear group with the greatest harvest additional periods.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the proposal would provide for a predominantly drift gillnet fishery in the ARSHA. In addition, it could potentially increase Chinook salmon harvest in the fishery.

BACKGROUND: The Kvichak River sockeye salmon stock has been listed as a stock of concern since 2000. During the years when the Naknek-Kvichak District has been closed to conserve Kvichak River sockeye salmon stocks, large escapements to Alagnak River have occurred. The following table lists Alagnak River sockeye salmon escapements since 2001.

<u>Year</u>	<u>Escapement</u>
2001	615,162
2002	766,962
2003	3,676,146
2004	5,396,592
2005	4,219,026
2006	1,773,966
2007	2,466,414
2008	2,180,502
2009	970,818

The board created ARSHA during the March 2005 meeting and allowed only set gillnet gear to be used. In 2005, ARSHA was open from July 3 until July 15, fishing a portion of each tide. The harvest from that fishery was 260,000 sockeye. During the March 2006 board meeting, drift gillnet gear was allowed in ARSHA. In 2006, drift gillnet gear fished the first two periods for a combined total harvest of 10,000 sockeye. The set

gillnet gear group fished the next two tides for a combined total harvest of 24,000 sockeye. With over double the catch of the drift gillnet fleet, the next seven periods were restricted to set gillnet gear. Only 47,000 sockeye were harvested in the ARSHA in 2006. In 2007, no harvest from the drift gillnet fleet was reported until several days after the fishing periods. With no reported drift gillnet harvest, the remaining periods were restricted to set gillnet gear until the fishery closed on July 8. A total of 10,000 sockeye were harvested in ARSHA in 2007.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Egegik District Management and Allocation Plan (3 proposals)

PROPOSAL 37 - 5 AAC 06.365. Egegik District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.

PROPOSED BY: Kim Rice.

WHAT WOULD THE PROPOSAL DO? If adopted, the proposal would require set and drift gillnet gear groups to fish concurrently with a maximum 30 minute offset between the two groups in Egegik District.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 06.355 *Bristol Bay Commercial Set and Drift Gillnet Sockeye Salmon Management and Allocation Plan* directs the department to manage to achieve allocations between gear groups “to the extent practicable” using management plans for individual districts developed for that purpose. The framework for use of time and area by district is described within this plan. 5 AAC 06.365 *Egegik District Commercial Set and Drift Gillnet Sockeye Salmon Management and Allocation Plan* clearly defines escapement and genetic representation as top priorities and then provides the department with direction to address allocation between gear groups. Section (d)(1) specifically directs that gear openings may be established at different times to obtain set and drift gillnet allocations. The allocation specified in the plan is 86% drift gillnet and 14% set gillnet.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, fishing would be conducted concurrently for set and drift gillnet groups for the purposes of attaining the allocation goals.

BACKGROUND: The table below summarizes allocation before and after adoption of the gear allocation goals:

Set Gillnet Catch Pre Allocation Plan

Set Gillnet Catch Post Allocation Plan

June 1 to July 17

June 1 to July 17

	SGN Catch	Total Catch	SGN %	Esc.		SGN Catch	Total Catch	SGN %	Esc.
1985	519,314	7,331,473	7.08	1,095,204	1998	453,969	3,372,539	13.46	1,110,882
1986	484,999	4,749,748	10.21	1,151,750	1999	1,100,584	7,917,418	13.90	1,727,772
1987	485,542	5,154,984	9.42	1,273,553	2000	1,092,297	6,943,352	15.73	1,032,138
1988	597,209	6,285,084	9.50	1,599,161	2001	417,537	2,812,539	14.85	968,862
1989	872,372	8,558,183	10.19	1,611,566	2002	698,359	4,513,089	15.47	1,036,092
1990	789,470	9,840,991	8.02	2,191,362	2003	449,870	2,216,987	20.29	1,152,030
1991	536,752	6,482,095	8.28	2,786,880	2004	1,473,239	9,833,019	14.98	1,291,014
1992	1,299,775	15,326,451	8.48	1,945,332	2005	1,416,885	7,906,283	17.92	1,621,584
1993	1,488,811	21,361,222	6.97	1,516,980	2006	1,075,771	6,680,335	16.10	1,465,158
1994	688,319	9,870,735	6.97	1,894,932	2007	983,355	6,211,095	15.83	1,432,500
1995	1,312,322	13,794,187	9.51	1,281,678	2008	1,120,804	7,285,416	15.38	1,259,568
1996	1,034,309	10,601,240	9.76	1,075,596	2009*	1,661,252	11,376,768	14.60	1,146,276
1997	908,137	7,299,121	12.44	1,103,964					
Avg.	847,487	9,742,732	8.99	1,579,074	Avg.	995,327	6,422,403	15.71	1,270,323

* preliminary

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. However, the department is **OPPOSED** to the aspects of this proposal that limit the flexibility of managers to address inseason conditions, which is necessary to achieve escapement and allocation goals.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 38 - 5 AAC 06.365. Egegik District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.

PROPOSED BY: Kim Rice.

WHAT WOULD THE PROPOSAL DO? The proposal would suspend the allocation plan if less than 400 drift gillnet permits were registered in Egegik District or processors impose catch limits on the fishery. Set and drift gillnet openings would be concurrent with up to 30 minutes of offset and based on the schedule currently used to determine openings for the set gillnet gear group.

WHAT ARE THE CURRENT REGULATIONS? 5 AAC 06.355 *Bristol Bay Commercial Set and Drift Gillnet Sockeye Salmon Management and Allocation Plan* directs the department to manage to achieve allocations between gear groups “to the extent practicable” using management plans for individual districts developed for that purpose. The framework for use of “time and area” by district is described within this

plan. 5 AAC 06.365(d)(1) states that gear openings may be established at different times to obtain set and drift gillnet allocations.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted, the allocation plan would be suspended if fishermen were placed on limits or district registration fell below 400 drift gillnet permits. Openings for both gear groups would occur concurrently and would be based on the tide schedule currently used to determine openings for the set gillnet gear group.

BACKGROUND: Management of the districts within Bristol Bay is responsive to the progress of escapement relative to historical run timing curves. If escapement is progressing at a satisfactory rate when compared to historical information, commercial fishing opportunity is warranted and if escapement is lagging a more conservative approach is employed. If escapement continues to progress ahead of historical information, fishing time is increased for both gear groups, within the regulatory framework, until escapement is brought under control or maximum time is allowed. If necessary, fishing two tides daily with both gear groups can be effective in controlling escapement with drift gillnet participation as low as 250 boats.

In practice, if catch limits are imposed by processors, managing the escapement becomes the priority and catch allocation plans are secondary. In some circumstances, this is essentially a suspension of the allocation plan. As a result, in order to provide maximum opportunity to utilize any fish surplus to escapement, management response is generally to liberalize fishing time.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. However, the department is **OPPOSED** to the aspects of this proposal that limit the flexibility of managers to address inseason conditions, which is necessary to achieve escapement and allocation goals.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 39 - 5 AAC 06.365. Egegik District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.

PROPOSED BY: Larry Christensen.

WHAT WOULD THE PROPOSAL DO? If adopted, this proposal would require the removal of all set gillnet gear including anchors, running lines and buoys from waters in Egegik District during set gillnet closures.

WHAT ARE THE CURRENT REGULATIONS? The current regulations require the removal of just the set gillnet when drift gillnet only periods are allowed. An exception to

this is in Naknek River Special Harvest Area (NRSHA) where only buoys and anchors are allowed to remain in the water during drift gillnet only periods. This change was made in NRSHA because set gillnet running lines hampered the ability of the drift gillnet fleet to fish near shore. As a result the ability to manage the escapement while fishing in the restricted area of the NRSHA was reduced.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted, commercial set gillnet fishermen would have to remove all gear, buoys, anchors, and running lines, during set gillnet closures.

BACKGROUND: An identical proposal was considered at the December 2006 board meeting and not adopted. The author of this proposal references AS 16.10.055 *Interference with Commercial Fishing Gear* as the regulation supporting the need for adopting this proposal. The regulation cited deals with interference or damage to the fishing gear of another permit holder. The presumption in this case is that drift gillnetters can cause damage to gear associated with operating a set gillnet and not the actual set gillnet. Vessel operators are responsible for the safe operation of those vessels, which includes avoiding obstacles while operating fishing gear. In most cases, the need to allow drift gillnetters unhindered access to the areas occupied by set gillnetters (i.e., waters near the beach) in order to control escapement is not necessary.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. The removal of all set gillnet gear from the water during set gillnet closures is not necessary for the management of this fishery.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Nushagak District (2 proposals)

PROPOSAL 40 - 5 AAC 06.390. Special drift gillnet commercial fishing periods in the Nushagak District.

PROPOSED BY: Fritz Johnson.

WHAT WOULD THE PROPOSAL DO? This proposal would remove the sunset provision from the current regulation allowing special drift gillnet fishing periods in Nushagak District.

WHAT ARE THE CURRENT REGULATIONS? The regulation allows special drift gillnet periods in Nushagak District to occur between July 1 and September 30 in a designated area outside the regular district and close to the Dillingham small boat harbor. Without board action, this regulation will be removed effective December 31, 2009.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow for continued special drift gillnet fishing periods in Nushagak District beyond December 31, 2009.

BACKGROUND: In December 2006, the board adopted a proposal allowing special drift gillnet periods in Nushagak District that would be marketed for tourists. The regulation was adopted on a test basis with a sunset date of December 31, 2009. This area is opened on request and has been opened under this provision once in the last three years.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 41 - 5 AAC 06.390. Special drift gillnet commercial fishing periods in the Nushagak District.

PROPOSED BY: Fritz Johnson.

WHAT WOULD THE PROPOSAL DO? This proposal would change the time period during which special drift gillnet periods are allowed in Nushagak District from July 1 through September 30 to June 1 through September 30.

WHAT ARE THE CURRENT REGULATIONS? The regulation allows special drift gillnet periods in Nushagak District between July 1 and September 30 in a designated area outside the regular district and close to the Dillingham small boat harbor. Without board action, this regulation will be removed effective December 31, 2009.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, the special drift gillnet periods in Nushagak District could be allowed between June 1 and September 30.

BACKGROUND: In December 2006, the board adopted a proposal allowing special drift gillnet periods in Nushagak District that would be marketed for tourists. The regulation was allowed on a test basis with a sunset date of December 31, 2009. The fishing season of July 1 through September 30 was determined with the proponent's input. This area is opened on request and has been opened under this provision once in the last three years.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The department would have some concerns about the harvest of Chinook salmon in early June under this proposal, but with appropriate restrictions those concerns could be addressed.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Wood River Special Harvest Area Management Plan (2 proposals)

PROPOSAL 42 - 5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan.

PROPOSED BY: Tom Rollman Jr. and Dylan Braund.

WHAT WOULD THE PROPOSAL DO? This proposal would allow Wood River Special Harvest Area (WRSHA) to be opened for the gear type that is behind in allocation when the department projects the lower end of the SEG range (700,000) will be exceeded.

WHAT ARE THE CURRENT REGULATIONS? Currently, WRSHA may only be opened when the sockeye salmon forecast for Wood River is more than three times the Nushagak River forecast and the Nushagak River escapement is projected to be below either the lower end SEG goal of 340,000 if the Nushagak sockeye forecast is greater than 1 million, or below the OEG of 235,000 if the Nushagak forecast is less than 1 million. In addition, WRSHA is managed to achieve the harvest percentages of 26% set gillnet and 74% drift gillnet specified in the allocation plan. The WRSHA allocation is separate from the Nushagak District allocation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted, fishing effort could be dispersed over additional area and the exploitation rate on sockeye salmon returning to Wood River would be increased when the escapement into Wood River was projected above the lower end of the escapement goal range. This may allow the gear type that is behind in harvest allocation to achieve its allocation goal and harvest fish in excess of escapement needs.

BACKGROUND: In 2001, the board adopted regulations that specified when WRSHA could be opened. The board also specifically excluded fishing concurrently in WRSHA and Nushagak District. In four of the nine years since the management plan changed, the escapement in Wood River has exceeded the upper end of the SEG range.

Commercial sockeye salmon catch, in percent, by gear type, Nushagak District, 2001-2009.

Year	Nushagak			WRSHA		Wood River Escapement
	Drift	Setnet Sec.		Drift	Set	
		Nush.	Igushik			
2001	77	18	5			1,458,732
2002	77	22	1	67	33	1,283,682
2003	83	15	2			1,459,782
2004	84	15	1			1,543,342
2005	84	14	2			1,496,550
2006	87	11	2			4,008,102
2007	80	17	3			1,528,086
2008	79	16	5			1,724,676
2009	76	20	4			1,319,232
Allocation	74	20	6	74	26	

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 43 - 5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan.

PROPOSED BY: Rod Williams.

WHAT WOULD THE PROPOSAL DO? This proposal would allow Wood River Special Harvest Area (WRSHA) to be opened for drift gillnet fishing only between June 20 and June 30 when Nushagak River Chinook salmon escapement is behind the expected escapement curve, and Wood River sockeye salmon escapement has exceeded 100,000.

WHAT ARE THE CURRENT REGULATIONS? Currently, WRSHA may only be opened when the sockeye salmon forecast for Wood River is more than three times the Nushagak River forecast and Nushagak River escapement is projecting below either the lower end of the SEG range of 340,000 if the Nushagak sockeye salmon forecast is greater than 1 million or below the lower end of the OEG range of 235,000 if the Nushagak River sockeye salmon forecast is less than 1 million. In addition, WRSHA is managed to achieve the harvest percentages of 26% set gillnet and 74% drift gillnet specified in the allocation plan. WRSHA allocation is separate from Nushagak District allocation. Currently, the only tools for protecting Chinook salmon are a mesh size

restriction of 5.5 inches or smaller and, when the Nushagak River Chinook salmon escapement is projected to be less than 40,000, the directed sockeye salmon fishery in Nushagak District remains closed until the Wood River sockeye escapement exceeds 100,000.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted, it would allow for harvest of Wood River sockeye salmon while offering additional protection for Nushagak River Chinook salmon when the run is late or weak.

BACKGROUND: WRSHA was created in 1996 to allow harvest of Wood River sockeye salmon while protecting Nushagak River coho salmon. The purpose of the WRSHA was expanded in 1997 to allow harvest of Wood River sockeye salmon while protecting Nushagak River sockeye salmon. The harvest of Chinook salmon in the Nushagak District sockeye salmon fishery has ranged from 18,000 – 50,000 between 2000 and 2009. Chinook salmon harvest by period is greatest during early season directed sockeye salmon openings prior to and immediately after the midpoint of Chinook salmon run timing. The average midpoint of Chinook salmon escapement since the department began using sonar to enumerate Chinook salmon in the early 1980's is June 26. The table below uses 2007 as an example; 2007 is the first year since 2000 that the inriver goal for Chinook salmon escapement of 75,000 was not achieved. The Chinook salmon harvest from June 25 – 30, 2007 was approximately 27,000 while the sockeye salmon harvest during the same period was approximately 2.2 million.

Table 12. Commercial salmon catch by date and species, in numbers of fish, Nushagak District, Bristol Bay, 2007.

Date	Hours fished		Deliveries	Sockeye	Chinook
	Nushagak	Igushik			
6/24	0/8	0/13	0	45,402	449
6/25	3/14.5	0/8	418	216,803	4,754
6/26	12/24	0/8	835	308,579	8,973
6/27	17/24	0/8	844	482,839	6,893
6/28	13/21	0/8	982	348,428	3,522
6/29	5/23.5	0/8	416	335,797	1,134
6/30	15/24	0/8	987	499,597	2,072
7/1	15/24	0/10.5	969	639,423	1,495
7/2	6/21.5	0/11.5	597	207,570	1,613
7/3	10/21	0/11	806	655,512	2,227
7/4	8/24	0/24	1,118	710,104	2,900
7/5	3.5/19	0/24	259	251,009	959
7/6	10/24	0/24	643	480,218	837
7/7	13.5/24	3/24	727	417,888	2,004
7/8	15.5/24	15.5/24	687	427,992	1,378
7/9	14/24	14/24	692	370,025	1,597
7/10	17/24	17/24	675	392,008	1,160
7/11	16/24	16/24	617	333,486	1,072
7/12	17/24	17/24	459	250,001	727
7/13	17/24	17/24	412	128,917	411
7/14	17/24	17/24	257	113,349	436
7/15	18/24	18/24	263	103,053	381
7/16	24/24	24/24	263	105,670	390
7/17	24/24	24/24	206	51,530	254

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Fishing Districts, Fishing Periods, Landing Requirements (5 proposals)

PROPOSAL 44 - 5 AAC 06.200. Fishing districts, subdistricts and sections.

PROPOSED BY: Warren Gibbons.

WHAT WOULD THE PROPOSAL DO? This proposal would change the southeast corner of Kvichak Section to a coordinate not defined by the proponent.

WHAT ARE THE CURRENT REGULATIONS? The current regulations define Kvichak Section as all waters of Naknek-Kvichak District north and west of a line from 58 38.50' N. lat., 157 22.23' W. long. to the outer end of Libbyville Dock at 58 46.76' N. lat., 157 03.57' W. long., then along the dock to the shore. Naknek Section is all remaining waters of Naknek-Kvichak District.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, a new point would need to be identified in place of a long-standing and widely-recognized section boundary. All drift gillnet permit holders would then need to make changes to their current GPS systems.

BACKGROUND: During the November, 1997 meeting, the board changed the southeast corner of Kvichak Section from 58 38.30' N. lat., 157 22.14' W. long. to 58 38.50' N. lat., 157 22.23' W. long. in response to a change in the global reference frame used for GPS coordinates from 1972 Datum to 1984 Datum. This southeast corner has never lined up on the south boundary line of Naknek-Kvichak District. Prior to 1997, the southeast corner of Kvichak Section was approximately 400 feet south of the district boundary line and from 1997 to the present, it has been approximately 400 feet north of the line. At this time, if a commercial drift gillnet permit holder has the following three coordinates programmed into their GPS: 1) the Johnson Hill coordinate 58 36.77' N., 157 15.82' W. long. (the east side of the south boundary line of Naknek/Kvichak District), 2) 58 38.50' N. lat. 157 22.23' W. long., and 3) the outer end of Libbyville Dock at 58 46.76' N. lat 157 03.57' W. long., they will be fishing in the legal waters of Naknek Section.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. The proposed solution would cause confusion by changing a long-standing and widely-accepted section boundary. However, to clarify the Naknek Section boundary, the department recommends the following description in regulation: 5AAC 06.200 (b) (2) Naknek Section: all waters of Kvichak Bay north and east of a line from 58 36.77' N. lat., 157 15.82' W. long. to 58 38.50' N. lat., 157 22.23' W. long. to the outer end of Libbyville Dock at 58 46.76' N. lat., 157 03.57' W. long., then along the dock to shore.

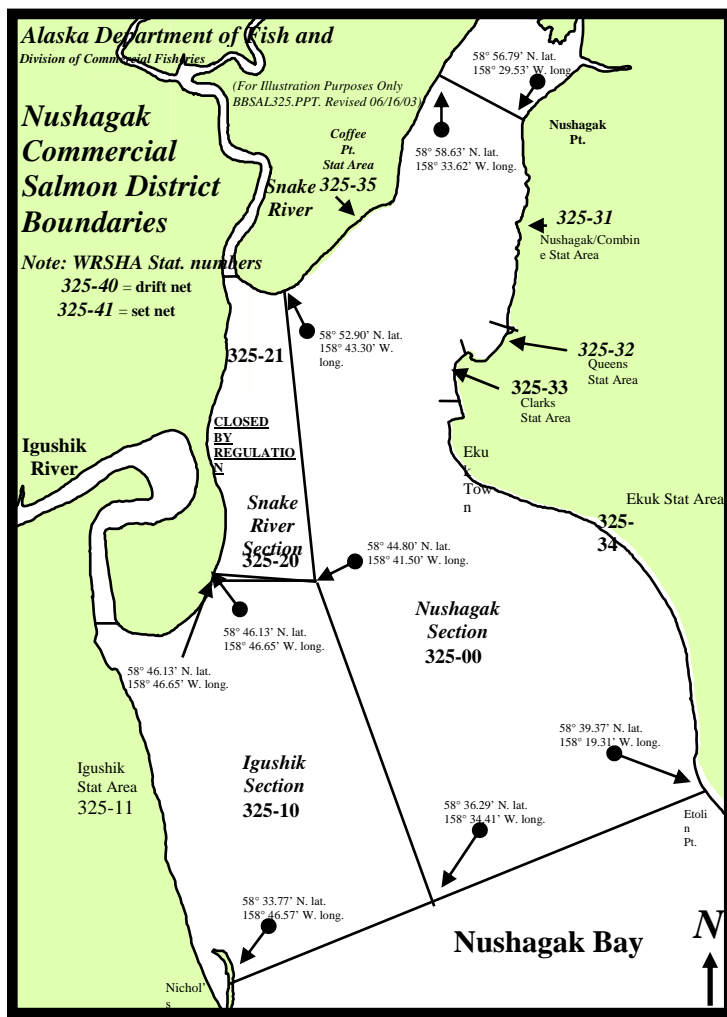
COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 45 - 5 AAC 06.200(a)(2). Fishing districts, subdistricts, and sections.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would define the south boundary line of Snake River Section with the same coordinates as the north boundary line of Igushik River Section.

WHAT ARE THE CURRENT REGULATIONS? Currently, the south line of Snake River Section is different than the north line of Igushik River Section by a small distance and the two sections overlap.



WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would correct an error in the boundary definitions. Under current definitions, it is possible to be in both Snake River Section, which is closed by regulation, and Igushik River Section at the same time.

BACKGROUND: When boundary definitions were converted from LORAN C to latitude and longitude coordinates, there was an error that created this overlap. The map below indicates the area of overlap. The proposal would redefine the Snake River Section south line to be the same as the Igushik River Section north line.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 46 - 5 AAC 06.320. Fishing periods.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This proposal would change the weekly fishing schedule, June 1 through September 30 in Kulukak Section of Togiak District to 9:00 AM Monday through 9:00 PM Wednesday.

WHAT ARE THE CURRENT REGULATIONS? Currently, the weekly fishing schedule allows fishing 9:00 AM Monday through 9:00 AM Thursday.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted, the department would be less likely to alter the Kulukak Section weekly fishing schedule by emergency order as it has for at least the last 10 years. Permit holders would also have a better idea what the fishing schedule is likely to be prior to the season.

BACKGROUND: For over a decade, the Kulukak Section weekly schedule has been reduced, closing earlier than 9:00 a.m. Thursday. Kulukak Section encompasses a bay that drains the Kulukak and Kanik Rivers, two small systems that lack enumeration projects. Close attention is paid to harvest and effort in Kulukak Section to protect discrete salmon stocks, prevent excessive early season Chinook salmon fishing, and reduce the potential interception of salmon bound for Togiak River.

DEPARTMENT COMMENTS: The department submitted this proposal and **SUPPORTS** it. Reducing the fishing schedule in Kulukak Section will make increased protection of these discrete salmon stocks the default management step, rather than a necessary weekly emergency order.

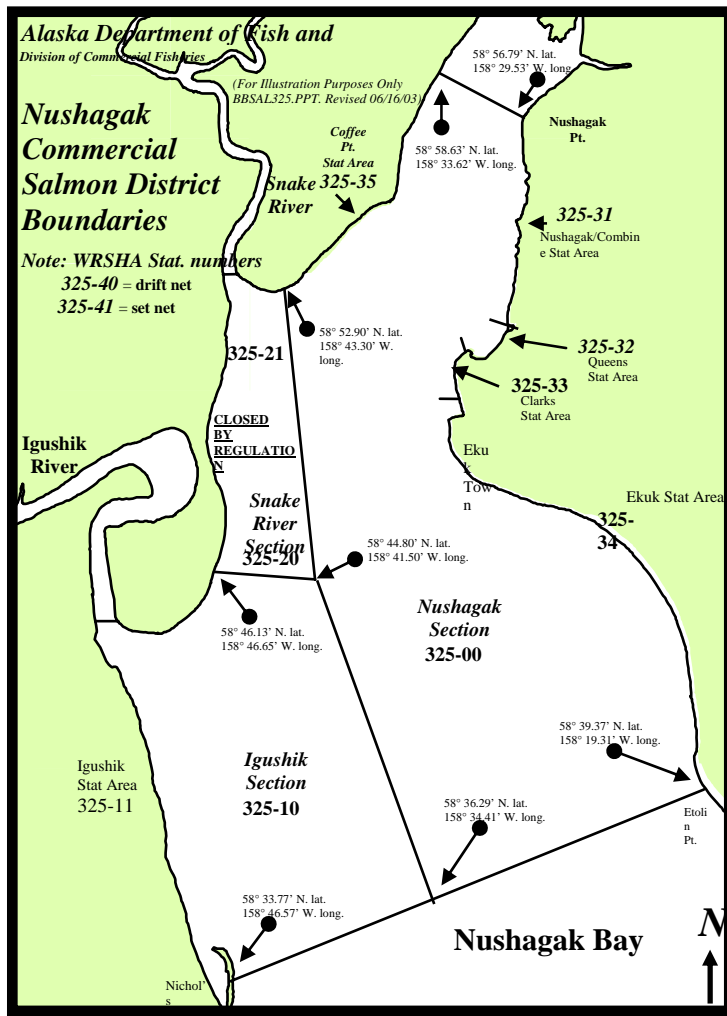
COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 47 - 5 AAC 06.375(a). Landing requirements.

PROPOSED BY: Nushagak AC.

WHAT WOULD THE PROPOSAL DO? Adoption of this proposal will make it illegal to have salmon on board a commercial fishing vessel when that vessel is more than ½ mile inside Snake River Section of Nushagak District.

WHAT ARE THE CURRENT REGULATIONS? Currently, it is illegal for a commercial fishing vessel to have salmon on board if that vessel is more than 1 mile outside of a commercial fishing district. Snake River Section of Nushagak District is closed by regulation.



WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would make it illegal to be more than ½ mile inside Snake River Section with fish on board a commercial fishing vessel. For enforcement purposes this would allow

for a case to be made without actually witnessing someone fishing in the closed waters of Snake River Section.

BACKGROUND: Snake River Section has been closed by regulation for at least 10 years but since it is part of Nushagak District the restrictions on having fish on board a commercial fishing vessel outside of a district do not apply to that area. The map below indicates Snake River Section, which is approximately 3 miles wide.

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

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional cost for a private person to participate in this fishery.

PROPOSAL 48 - 5 AAC 06.320. Fishing Periods.

PROPOSED BY: Roland Briggs.

WHAT WOULD THE PROPOSAL DO? The proposal would alter the fishing schedule after July 17 in Ugashik District from 9:00 AM Monday to 9:00 AM Friday to 9:00 AM Thursday to 9:00 AM Monday. Additionally, fishermen would not be allowed to deliver fish in Ugashik District if they had delivered fish in Egegik, Naknek-Kvichak, or Nushagak districts in the same week.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow fishing after 9:00 AM July 17 on 4-day per week schedule from 9:00 AM Mondays to 9:00 AM Fridays (the fall fishing “schedule”). No limitations exist for transfer between districts within Bristol Bay after July 17 if the fall fishing schedule is in effect. The department may extend emergency order fishing periods after July 17 for Ugashik District, in which case transfer and notification regulations in 5 AAC 06.370 *Registration and reregistration* would remain in effect.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal is adopted, Ugashik District would be on 4-day per week schedule that would begin at 9:00 AM Thursday and end 9:00 AM Monday after 9:00 AM July 17. Egegik, Naknek-Kvichak, and Nushagak districts would fish the current 9:00 AM Monday to 9:00 AM Friday schedule. Movement from Egegik, Naknek-Kvichak, or Nushagak districts to Ugashik District in the same week would be restricted.

BACKGROUND: Markets are tenuous during the fall fishing season. Some fishermen choose to airfreight fish to fresh markets and some air carrier schedules do not coincide with fishing schedules. Adopting this proposal would require extension of the current registration/reregistration period.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department does not have the resources to administer an extension of the registration and reregistration program.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

**COMMITTEE D: BRISTOL BAY FISH REFUGE
(1 PROPOSAL)**

PROPOSAL 13 - 5 AAC 75.XXX.

PROPOSED BY: Leader Creek Fisheries LLC, Norman VanVactor and John Lowrance; Naknek Family Fisheries, Izetta Chambers; Alaska Sportsman’s Lodge and Alaska Sportman’s Bear Trail Lodge, Brian Kraft; and Curyung Tribal Council, Chief Tom Tilden.

WHAT WOULD THE PROPOSAL DO? This proposal is non-regulatory. It does not ask the Alaska Board of Fisheries (board) to exercise its regulatory authority under AS 16.05.251(a)(1); rather, it seeks a recommendation from the board via a resolution to the Alaska State Legislature to establish a refuge area that includes the Kvichak and Nushagak river drainages.

WHAT ARE THE CURRENT REGULATIONS? There is no regulation establishing a fish reserve area, refuge, or sanctuary in the waters of the Bristol Bay Area under AS 16.05.251. The Alaska Legislature has, in AS 28.05.140(f), established a Bristol Bay Fisheries Reserve limiting oil and gas development as follows:

The submerged and shoreland lying north of 57 degrees, 30 minutes, North latitude and east of 159 degrees, 49 minutes, West longitude within the Bristol Bay drainage are designated as the Bristol Bay Fisheries Reserve. With the Bristol Bay Fisheries Reserve, a surface entry permit to develop and oil or gas lease or an exploration license under AS 38.05.131 – 38.05.134 may not be issued on state owned or controlled land until the legislature by appropriate resolution specifically finds that the entry will not constitute danger to the fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? A recommendation would go forward from the board to the legislature. The legislature would have to draft the language establishing a reserve and setting parameters for the allowed uses within the reserve. The effect of the legislature creating a fish refuge will depend on the resulting legislation. If the legislature established a fish refuge similar to Special Areas currently in statute, ADF&G permitting authority would apply for certain activities unless the legislature provided otherwise.

BACKGROUND: AS 16.05.251 (a) authorizes the board to “adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedures Act) for (1) setting apart fish reserve areas, refuges, and sanctuaries in the waters of the state over which it has jurisdiction, subject to the approval of the legislature;” The board has not yet utilized its authority under AS 16.05.251 (a)(1). The Department of Law has provided advice on the board’s implementation of this authority in an informal opinion dated August 16, 1995. The recommended approach is that the board, if it is inclined to

establish a fish reserve area, refuge, or sanctuary, adopt a draft regulation that is then forwarded to the legislature for either (1) approval and remand to the board for final adoption, or (2) direct enactment by the legislature as statute.

The legislature has created 32 State Game Refuges, State Game Sanctuaries, and Fish and Game Critical Habitat Areas under AS 16.20, Articles 1, 2 and 5. Associated statutes describe the areas and their purpose and contain provisions that directly authorize or restrict land use, access, and activities. The statutes also provide direction to Department of Natural Resources, ADF&G, and other agencies. Statutes for many of the 32 Special Areas, for example, require ADF&G to adopt a management plan.

Regulations found in 5 AAC 95.400 – 5 AAC 95.999 describe activities for which ADF&G permits are required, provide application procedures to the public, and provide permitting procedures and standards to ADF&G. These regulations also incorporate existing Special Area management plans by reference, and, for two State Game Refuges, specifically authorize or restrict use activities.

The Board of Game approved regulations in 5 AAC 92.063-066. These regulations contain permit provisions for access to the three State Game Sanctuaries.

DEPARTMENT COMMENTS: The department has **NO POSITION** on whether the board should approve this non-regulatory proposal to make a recommendation to the Legislature.

COST ANALYSIS: The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in a fishery.