

Commercial (24 proposals)

Aquatic Plants (1 proposal)

PROPOSAL 21

5 AAC 37.200. Seasons; and 5 AAC 37.300. Harvesting requirements for macrocystis kelp.

Allow commercial harvest of aquatic plants in Cook Inlet, as follows:

5 AAC 37.200 is amended to read:

(c) Aquatic plants may be taken only as follows:

(1) Area H (Cook Inlet): from January 1 through December 31 unless closed by emergency order and only under the conditions of a permit issued by the commissioner, or the commissioner's authorized representative.

5 AAC 37.330 is authored and reads:

5 AAC 37.330. Commissioner's permits for aquatic plants in Registration Area H.

(a) Aquatic plants that have been naturally dislodged from the substrate and are located at or above the daily high tide line may be taken only under the conditions of a permit issued by the commissioner, or the commissioner's authorized representative.

(b) The permit required in this section

(1) may specify season dates;

(2) may specify areas of aquatic plant collection by district or by geographic location;

(3) may specify the total quantity that can be collected by the permit holder;

(4) may require completion of a written report by the permit holder submitted to the Homer ADF&G office within 30 days of harvest that includes dates of harvest, clear photographs of collected aquatic plants, and estimates of wet weight of collected plants;

(5) may include other conditions provided by regulation or that the commissioner determines are necessary for conservation and management purposes.

What is the issue you would like the board to address and why? Historically there has been interest in the small scale harvest of aquatic plants, (seaweed, kelp, etc.) for use in a variety of commercial products in the lower Cook Inlet area. Since the mid-1970s beached kelp has been collected in Anchor Point for use in a potting soil mix which is sold statewide. This proposal seeks to add regulatory language that defines the process stakeholders must follow in order to commercially harvest aquatic plants in Cook Inlet.

My family has been picking up washed up seaweed from the beach since the early 60, s for garden fertilizer, later, my father developed a formula to utilize fish waste, seaweed and peat for a composting process. That finished compost is the main ingredient used to manufacture two potting soils that is distributed throughout Alaska. This has become the center piece to a \$500,000- gross agriculture business that employs 10 people and supports many other home and agriculture enterprises. Without the seaweed ingredient, none of this would be possible.

The issue is multifaceted. First, Fish and Game does not know production rates of seaweed and what keeps it sustainable. They do not know what roll dead washed up seaweed plays in that sustainability. Another issue is what is commercial or home use and what amounts are those. For instance, I will collect 6 small pickups and it is called commercial, but my neighbor will collect

10 pickups for his berry patch and that is called home use. Another may just collect a bucket full for his flower patch.

Who needs a permit and who doesn't? And for what purpose. Does anyone get grandfathered in or who decides by what criteria, amounts, geographic area or timing. Parameters would be based on what data. Will permits be personality driven since the proposal may specify many requirements. Permits and their variations in my estimation, place an undue burden on a small business and on home gardeners, some of which are becoming commercial.

Anecdotally, from a lifetime of collecting seaweed, I have to say the volume of seaweed washed up on the beach is increasing by a lot, probably due to climate change, so I see our collective beach seaweed gathering having no negative impact on the production of seaweed.

I would like to attend your meeting and to be able to discuss the issue with the board and be available for questions. At this time, I believe that out of all the folks who collect seaweed from the beach, I have been the only one who has been required to get a permit for this activity.

PROPOSED BY: Al Poindexter (HQ-F19-001)

Salmon Hatcheries and Special Harvest Areas (7 proposals)

PROPOSAL 22

5 AAC 40.XXX. Private Nonprofit Salmon Hatcheries.

Limit the number of each salmon species harvested in cost recovery fisheries, as follows:

Request that the BOF adopt a regulation to cap or otherwise numerically limit for each salmon species the amount of hatchery-produced fish returning to a hatchery that a hatchery operator may harvest for so-called "cost recovery" purposes.

What is the issue you would like the board to address and why? When hatcheries were originally established under the auspices of ADF&G, the hatcheries' capital and operating costs were financed with State funds. State employees managed the hatcheries. These employees were under no obligation or pressure to produce a certain amount of fish or to sell hatchery fish to generate revenues for hatchery operations.

Eventually the Legislature enacted statutes that permitted private nonprofit corporations to take over the State hatcheries, subject to ADF&G's oversight. ADF&G performed this oversight by requiring the approval of an annual management plan and issuance of a permit to the private corporation. The new statutes expressly allowed the corporations to harvest and sell fish (including their eggs) returning to the hatchery for so-called "cost recovery" purposes. Harvesting returning fish for cost recovery has, however, led to unintended, adverse consequences.

An overriding problem is that hatcheries naturally have concentrated their efforts on pink salmon because they are easiest to rear successfully and thus when harvested upon their return to the hatchery will ensure some measure of cost recovery. But this in turn has resulted in the high seas and inshore Alaskan waters becoming flooded with hatchery-bred pink salmon that compete for

food and habitat with wild species of salmon, the adverse consequences of which are just now becoming well known to ADF&G and the BOF (see reports by Rogge, et al.).

Moreover, there is increasing evidence of hatchery-bred pink salmon returning to Alaskan waters only to stray to non-natal streams, where they may genetically intermix and threaten wild stocks, or cause the spread of disease into wild stocks. These adverse consequences directly conflict with ADF&G’s Genetic Policy for wild salmon stocks as well as with the goals and standards for the protection of wild fish stocks set out in Alaska statutes and ADF&G/BOF regulations.

Initially, a hatchery’s need or desire to produce and thereafter harvest large numbers of pink salmon for cost recovery was restrained by hatchery annual management plans. These plans established relatively tight limits on cost recovery harvests in order to make hatchery fish available for harvest in the common fishery. For example, the 1994 Basic Management Plan for Cook Inlet Aquaculture Association’s Tutka Bay Lagoon Hatchery in lower Cook Inlet included the objective that the hatchery produce 5 million adults and “produce revenues from the harvest and sale of returning fish that are at least equal to the costs of hatchery operation and operate efficiently so that at least 2/3 of the fish are harvestable by common property fisheries.” Id. p. 1, sec 1.3 Objectives (emphasis added).

Over the ensuing years, however, the language of this Objective was weakened. The most recent plan, the 2018 Annual Management Plan, indicated that of the 1,735,850 adult pink salmon expected to return to the hatchery, up to 317,000 would be needed for brood stock and escapement and the “remaining fish will be available for common property and cost recovery harvests.” Id. p. 2, Section 1.2.4. Since no harvest report is available for 2018, it is unknown how many fish were left for the common fishery after cost recovery. In the intermediate years after 1994, however, published reports show that Cook Inlet Aquaculture Association harvested most of the returning pink salmon for cost recovery and only negligible numbers were left for the common fishery. In other words, the hatchery’s pursuit of cost recovery has meant that the common fishery has largely been shut out of the harvest of returning hatchery fish.

In sum, while applicable statutes may allow hatcheries to harvest returning salmon for cost recovery purposes, there is a need for the BOF to establish by regulation some cap or other numerical limit on the percentage of returning fish, species by species, that a hatchery may harvest for cost recovery purposes. A limit is needed in order to eliminate the unintended adverse consequences of hatcheries producing too many pink salmon solely for the purposes of fulfilling its revenue targets and to otherwise serve the overall statutory goal of hatcheries, which is to restore and enhance depleted fish populations for the common fisheries.

PROPOSED BY: Mike Frank (EF-F19-124)

PROPOSAL 23

5 AAC 40.005. General.

Suspend, revoke, or alter the Tutka Bay hatchery permit to reduce capacity, as follows:

The Tutka Bay Lagoon Hatchery permit has failed to comply with the conditions and terms of the permit and requires

1. an audit and to be placed on notice for Alteration, Suspension, or Revocation of the Permit (AS 16.10.430).
2. lower capacity to 20,000,000 to fit the carrying capacity of this lagoon

Twenty seven years is beyond a reasonable period to allow this boondoggle to continue putting fisherman in debt with a continual future promise.

What is the issue you would like the board to address and why? The 1992 arbitrarily permitted capacity of 125,000,000 pink salmon eggs in a State facility contracted by CIAA is mismatched with the carrying capacity of the functioning ecosystem. This egg capacity failed to consider allotted water capacity, water quality, ecosystem functioning, public access, allocation of users and a realistic cost analysis of funding capability.

It also failed to consider the management authority on the land the hatchery occupies. This has caused grave conflict.

The Tutka Hatchery is not suited to the multiple jurisdictions of authority of laws, policies, goals and Management Plans requiring compliance. All of these are being ignored creating grave conflict with local residents, between agencies and the fisherman themselves.

CIAA is attempting to force multiple agencies to comply with their business plan, as an entitlement, costing the state in time energy and money. This has gone on for years in Kachemak Bay when this hatchery reopened, a continuation of conflict from Resurrection Bay's concerns.

The motive of a "small efficient rehabilitation incubation facility" to contribute to depressed salmon stocks as originally allowed in this State park and Critical Habitat Area is completely opposite from what has morphed into an industrial capacity incessantly expanding cost recovery salmon ranch designed for revenue that provides little public benefit.

This facility is contaminating this area with long term records showing revenue generation goes to the aquaculture association, an exclusive use with feeble access for the common property fisheries. This hatchery is located in Kachemak Bay State Park so there is no room for CIAA to expand anywhere close by. CIAA has bullied the park and wasted valuable time, money, and energy strong arming park authorities and the park board to break the law in a constitutional Special Purpose Site. This Site, a State Park and Critical Habitat Area is reserved from the public domain for the people of the state of Alaska.

It is time for CIAA to lower their capacity or remove their equipment to the Port Graham Hatchery which they own. The hatchery has exceeded its carrying capacity to function at the arbitrary number of 125,000,000 in the Lagoon. It is an infrastructure that takes millions from the General Fund yet has not contributed adequately to the common property fishery for 27 years.

This lagoon has become heavily contaminated and there are major problems with dissolved oxygen as they try to force what is only damaging the essential habitat more. Instead of lowering their

capacity they push to spread this contamination further into the Park without first cleaning up the mess they have made in the lagoon. This will not be allowed to happen.

The hatchery has a physical capacity for barely 80,000,000. But the arbitrary 125,000,000 is forced to fit as they try to mimic hatcheries in PWS that have 25 times the surface area. Even at 50,000,000 they have had major problems with oxygen and silt in the water and major straying of 75% in the head of Tutka Head End Creeks, creating a glut of fish to contaminate and suffocate anadromous waters of the State of Alaska.

Tutka Bay and Lagoon was once a very prolific crab shrimp and herring habitat. The Tutka Hatchery releases of hatchery fish purposely onto these preferred zooplankton of our future fisheries. Standing stocks of preferred crab and shrimp larvae as fodder for a pink salmon ranch is not consistent with the management authority of these designated areas.

When this hatchery closed in 2004 the area breathed a sigh of relief from the predator pit removed and the Dungeness crab and tanner crab began to rebound into substantial numbers when ADFG did a survey. Is this a coincidence?

Tutka Bay is a silled fjord recognized for its high productivity located in the essential habitats of a: constitutional Special Purpose Site; legislatively designated Kachemak Bay Critical Habitat Area' State Park lands and waters; NOAA Habitat Focus Area; and National Estuarine Reserve. Art VIII Sec 7; AS 38.04.070; AS 41.21.131; AS 41.21.990; AS 16.20.590; AS 16.21.500; AS 16.20.580; AS 16.05.020; AS 16.05.050; AS 16.05.255; AS 16.20.520; AS 16.20.530; 5 AAC 95.610

The ADFG Habitat Management Atlas and CHA Management Plan designated Tutka Bay as a Dungeness crab reproductive concentration area, shrimp spawning concentration area, clam concentration area, and herring spawning concentration area.

The constitutional and statutory mandates on these waters provide the strongest resource conservation protection afforded by legislative action from the State of Alaska. However all statutes, regulations, policies and goals have been disregarded by this industrial hatchery being placed here. This noncompliance must cease.

PROPOSED BY: Jeffrey Lee (EF-F19-096)

PROPOSAL 24

5 AAC 21.372. Tutka Bay Lagoon Salmon Hatchery Management Plan.

Eliminate the Tutka Bay Lagoon Special Harvest Area, as follows:

Amend 5 AAC 21.372. To Remove the Tutka Bay Special Harvest Area.

[TUTKA BAY LAGOON SPECIAL HARVEST AREA: THE MARINE WATERS OF TUTKA BAY SUBDISTRICT IN THE SOUTHERN DISTRICT SOUTHEAST AND SHOREWARD OF A LINE FROM 59_ 30.23' N. LAT., 151_ 28.23' W. LONG. TO 59_ 28.63' N. LAT., 151_ 30.37' W. LONG., INCLUDING TUTKA BAY LAGOON;]

What is the issue you would like the board to address and why? Tutka Bay is a silled fjord recognized for its high productivity located in the essential habitats of a: constitutional Special Purpose Site; legislatively designated Kachemak Bay Critical Habitat Area' State Park lands and waters; NOAA Habitat Focus Area; and National Estuarine Reserve. Art VIII Sec 7; AS 38.04.070; AS 41.21.131; AS 41.21.990; AS 16.20.590; AS 16.21.500; AS 16.20.580; AS 16.05.020; AS 16.05.050; AS 16.05.255; AS 16.20.520: AS 16.20.530; 5 AAC 95.610

It is inappropriate and against all law to have a Special Harvest Area that removes open access for an exclusive use in Tutka Bay. This is prohibited in Kachemak Bay State Park.

REASON:

Cost Recovery Hatchery activity runs contrary to the original intent of the hatchery which was rehabilitation of depressed salmon fishery. Pinks are not depressed. Pinks are also not preferred. These hatchery fish are being wasted.

This Bay must remain open to traditional fishing during regular fishing days to eliminate this glut of fish that for years simply build up die and float unharvested as wanton waste while waiting for the cost recovery boat to maybe come in to harvest fish. The glut and congestion into the lagoon gets so packed fish back out of there and stray into the anadromous waters at the head of Tutka Bay. These wild streams are being contaminated with high levels of Hatchery straying. Up to 75% was documented in 2015 from a release of half the permitted capacity at Tutka Bay Hatchery. This is caused by congestion. Pinks cannot hold their eggs. Please remove this SHA out of the Kachemak Bay State Park and Critical Habitat Area for open access

PROPOSED BY: Jeffrey Lee (EF-F19-098)

PROPOSAL 25

5 AAC 21.350. Closed waters.

Close waters of Tutka Bay southeast of 59 degrees 26.50' N. lat., as follows:

The anadromous waters at the head of Tutka Bay need to be placed in closed water status.

Under (d) Southern District: ADD:

(4) waters of Tutka Bay southeast of 59 degrees 26.50' N. lat.;

What is the issue you would like the board to address and why? Closed waters status is required as in neighboring bays, to protect the shallow bench at the head of Tutka Bay for rearing and spawning crustaceans and anadromous fish in essential habitats in marine, estuarine, and freshwater ecosystems. The Head of Tutka Bay is a very productive shallow rare vegetated salt marsh delta and rearing grounds for many crustaceans and larval fishes.

Lead lines from seine nets up in these shallow headwaters, as well as along the coastlines, scrape the bottom of the essential habitat where species of rearing young and aquatic vegetation used as predator avoidance get damaged.

Tutka Bay is a silled fjord of shallows and deeps recognized for its high productivity located in the essential habitats of legislatively designated (LDA) Kachemak Bay Critical Habitat Area, State Park lands and waters; NOAA Habitat Focus Area; and The National Estuarine Reserve. Art VIII Sec 7; AS 38.04.070; AS 41.21.131; AS 41.21.990; AS 16.20.590; AS 16.21.500; AS 16.20.580; AS 16.05.020; AS 16.05.050; AS 16.05.255; AS 16.20.520; AS 16.20.530; 5 AAC 95.610

The portfolio of salmon systems at the head of Tutka bay is significant to the LDA Park and CHA waters. This watershed has a number of anadromous streams where coho, chum and pink have been observed from multiple observers since the 1950's and documented in the AWC catalogue since 1975.

Anadromous waters catalog codes of Tutka Head End, and Southern Glacier Creeks flow into this shallow bench proposed as closed waters southeast of **59 degrees 26.50' N. lat.:**

- 241-16-10136 chums pink dolly's
- 241-16-10120 pink dolly's
- 241-16-10130-2010 chum coho pinks dolly's
- 241-16-10130-2031 chum pink dolly's
- 241-16-10130 chum coho, pink dolly's

PROPOSED BY: Nancy Hillstrand (EF-F19-100)

PROPOSAL 26

5 AAC 21.350. Closed waters.

Close waters near the head of Tutka Bay to commercial salmon fishing, as follows:

Request that the BOF adopt a regulation to return the current closed to commercial fishing boundary line at the head of Tutka Bay in Cook Inlet (within the ADF&G-mapped Tutka Hatchery Special Harvest Area 241-07 and set out in 5 AAC 21.350), to its prior location, which was roughly on a west-east line from latitude 59 25 140 N longitude 151 19 480 W, the location of an old ADF&G closed to commercial fishing boundary sign.

What is the issue you would like the board to address and why? A number of years ago the closed to commercial fishing boundary line was moved about a mile south to shallower waters at the head of Tutka Bay in Kachemak Bay State Park The current boundary is problematical for a number of reasons.

In low precipitation years, the streams coming into the head of the bay have such low water that spawning salmon (mainly wild pinks and some wild chums and silvers) will ride the low tide out of the streams and congregate in shallower waters, returning to the spawning beds in the streams as the rising tide permits. When in shallower waters the salmon are very easy to seine, especially near the big waterfall at the southeast head of the bay, roughly latitude 59 25.281 N longitude 151 18.123 W. A seiner at the right time and place could easily wipe out the entire wild salmon escapement stock of some of these streams.

In addition, because the fishable waters at the head of the bay are shallow, seine nets can easily drag and degrade the substrate, damaging salmon spawning areas and other fauna species. Anecdotally, there is one report of a seiner saying that he inadvertently netted Dungeness crab while fishing for pink salmon at the head of the bay.

For these reasons, the commercial fishing boundary should be returned to its old location or to a location at least ½ mile or more from the head of Tutka Bay.

PROPOSED BY: Mike Frank (EF-F19-123)

PROPOSAL 27

5 AAC 21.372. Tutka Bay Lagoon Salmon Hatchery Management Plan.

Eliminate the Halibut Cove Lagoon Special Harvest Area, as follows:

Amend to modify the Tutka Bay Lagoon Hatchery Management Plan to delete the Halibut Cove Subdistrict Special Harvest Area (SHA) and its geographic coordinates out of this plan for commercial enhancement and cost recovery.

[HALIBUT COVE LAGOON SPECIAL HARVEST AREA: THE MARINE WATERS OF HALIBUT COVE SUBDISTRICT EAST OF 151°11.90'W LONG, INCLUDING ALL MARINE WATERS OF HALIBUT COVE LAGOON]

What is the issue you would like the board to address and why? *The SHA used for cost recovery commercial hatchery uses in Halibut Cove Lagoon is in Park waters fully allocated by statutory park uses.*

Coastal lagoons rank among the most productive ecosystems on earth. Halibut Cove Lagoon is a rare geologic formation located in a legislatively designated scenic state park "where major values are in their geologic faunal and floral characteristics... for public enjoyment... consistent with...natural values." AS 41.21.990. This lagoon is known as a nursery and reproductive area for preferred very valuable species like spot shrimp and crab.

Halibut Cove Lagoon (HCL), at 544 acres has a maximum depth of 230 feet, and is located south side of Kachemak Bay from Homer. The outlet to HCL is a narrow and shallow channel that experiences slow flushing and only minimal turnover not conducive to magnitude salmon rearing of a monoculture. Access in and out of the lagoon with commercial fishing vessels is tide dependent and can be problematic.* The limited small experimental releases of commercial hatchery salmon ceased in 1992. Requests for further remote releases have been denied by Park authorities because of the above reasons and to protect the park's nearby significant stock from straying.

Consistent with park statutes, depending on food web interactions, chinook salmon using Dingell Johnson sport fish funds, have been stocked for recreational users for 40 years, annually averaging 95,000 smolt. For reference, this is less than .0007% of the commercial releases at the Tutka

Lagoon Hatchery. However, interactions with other species will occur in productive nursery habitat even with these small releases. These chinook are intercepted by commercial harvesters.

*2013 ADFG LCI Finfish Annual Management Plan

PROPOSED BY: Nancy Hillstrand (EF-F19-094)

PROPOSAL 28

5 AAC 21.373. Trail Lakes Hatchery Salmon Hatchery Management Plan.

Redefine the China Poot and Hazel Lake Special Harvest Area as two separate and discrete Special Harvest Areas, as follows:

5 AAC 21.373 is amended to read:

...

(b) The Trail Lakes Hatchery special harvest areas are as follows:

(2) China Poot [AND HAZEL LAKE] Special Harvest Area: the marine waters of China Poot Bay Subdistrict in the Southern District inshore of, and enclosed by, a line [CONNECTING 59_ 34.66' N. LAT., 151_ 19.27' W. LONG., THEN TO 59_ 35.08' N. LAT., 151_ 19.77' W. LONG., THEN TO 59_ 33.09' N. LAT., 151_ 25.22' W. LONG., AND THEN TO 59_ 32.84' N. LAT., 151_ 24.90' W. LONG.] **from a point at the base of China Poot Spit at 59° 33.42' N. lat., 151° 21.70' W. long., to a point offshore at, 59° 34.11' N. lat., 151° 22.45' W. long. to a point at, 59° 35.08' N. lat., 151° 19.77' W. long. to Moosehead Point located at 59° 34.66' N. lat., 151° 19.27' W. long.;**

...

(5) Hazel Lake Special Harvest Area: the marine waters of the China Poot Bay Subdistrict in the Southern District inshore of, and enclosed by, a line that connects the following points: from 59° 32.84' N. lat., 151° 24.90' W. long. to a point offshore at, 59° 33.09' N. lat., 151° 25.22' W. long. to a point at, 59° 34.11' N. lat., 151° 22.45' W. long. to a point at the base of China Poot Spit at, 59° 33.42' N. lat., 151° 21.70' W. long.

What is the issue you would like the board to address and why? China Poot Lake and Hazel Lake are both terminal hatchery sockeye salmon returns that are managed separately. Dividing the current single special harvest area (SHA) into two smaller SHAs will reduce regulatory complexity and provide a clearer definition to stakeholders regarding how these two areas are geographically defined.

PROPOSED BY: Alaska Department of Fish and Game. (HQ-F19-163)

Fishing Districts, Closed Waters, Seasons and Seine Specifications (8 proposals)

PROPOSAL 29

21.200. Fishing districts, subdistricts, and sections.

Move the outer boundary line of the Rocky Bay subdistrict further from shore, as follows:

5 AAC 21.200 (g) (4) Rocky Bay Subdistrict.

5 AAC 21.200. Fishing districts, subdistricts, and sections.

(g) (4) Rocky Bay Subdistrict: all waters north of a line from

59° 14.05'N. lat., 151° 26.70'W. long., to

59° 13.70'N. lat., 151° 26.70'W. long., to

59° 13.00'N. lat., 151° 24.00'W. long., to

59° 12.77'N. lat., 151° 19.30'W. long.

What is the issue you would like the board to address and why? The outer boundary line of Rocky Bay subdistrict is too close to shore. The fish school up near the boundary line and are often outside of the boundary in the middle of the bay. Moving the line to the proposed coordinates will move it less than 1 mile from its current location. This will allow these fish to be harvested during open periods.

Nobody will be harmed by accepting this proposal.

PROPOSED BY: Cook Inlet Seiners Association

(EF-F19-055)

PROPOSAL 30

5 AAC 21.310. Fishing seasons.

Allow the Kamishak Bay District commercial salmon fishery to be opened prior to June 1 by emergency order, as follows:

5 AAC 21.310(b)(5).

(5) Kamishak Bay District: from June 1 until closed by emergency order; **or earlier by emergency order**

What is the issue you would like the board to address and why? Currently 5 AAC 21.310 Fishing Seasons (b) (5) Kamishak Bay District: from June 1 until closed by emergency order. There are significant sockeye returns in the Kamishak District (Mikfit Lake) that begin in late May and peak in mid-June. Allowing managers flexibility to open the Kamishak District salmon season earlier than June 1 by emergency order may improve harvest of this resource.

PROPOSED BY: Cook Inlet Seiners Association

(EF-F19-072)

PROPOSAL 31

5 AAC 21.350. Closed waters.

Allow commercial fishing along the beach outside of Ursus Cove Lagoon, as follows:

5 AAC 21.350 (d) (5) waters of Ursus Cove west of **153°46.35'W** [A LINE FROM 59° 32.43'N. LAT., 153°46.06"W TO 59° 31.20'N. LAT., 153°45.74"W]

What is the issue you would like the board to address and why? The closed fishing area in regulation should be moved to allow commercial fishing on the beach outside of Ursus Cove

Lagoon. Seining along the bluffs is not possible due to reefs and rocks. This beach is a clean place to set a seine. Moving this line will allow fishing on the outside beach but not inside the lagoon. Historically there had been a regulatory marker on the spit near the entrance to the lagoon and fishing was allowed along the beach. Sometime in the 1990's the regulatory marker was moved to the bluff at the end of the beach and fishing along the beach was no longer allowed. Since this regulatory marker movement there has not been a significant harvest of chums from Ursus Cove Subdistrict.

Allowing fishing along this beach could increase the harvest potential for this system and help prevent over escapement. This will allow an easier and safer place to fish in Ursus Cove subdistrict.

PROPOSED BY: Cook Inlet Seiners Association (EF-F19-090)

PROPOSAL 32

5 AAC 21.350. Closed waters.

Repeal closed waters in China Poot Bay, as follows:

5 AAC 21.350(d)(2) [REPEALED]

What is the issue you would like the board to address and why? The existing China Poot closure provides protection for a small run of pink salmon destined for China Poot Creek which is a pink salmon index stream. CIAA stocks sockeye fry in Leisure Lake which generates a sport, personal use and commercial fishery during the month of July in China Poot Lagoon and stream. The closure area effectively eliminates the best area for CIAA cost recovery and commercial harvesting. The current closure forces the commercial fleet and cost recovery boats to operate in conflict with sport snaggers and dipnetters near the creek mouth. As a result, CIAA has failed year after year to achieve the cost recovery goal to support this program. ADFG should manage the area by emergency order to minimize conflicts yet still allow CIAA to achieve its cost recovery goal. The elimination of this closure will make this possible.

PROPOSED BY: Cook Inlet Seiners Association (HQ-F19-003)

PROPOSAL 33

5 AAC 21.350. Closed waters.

Close the area within a one-mile radius of the end of the Homer Spit to commercial salmon fishing, as follows:

5 AAC 21.350 Closed waters.(a) Commercial purse seining shall not be permitted in any of the waters listed in this section.

(d) Southern District

(9) waters within one nautical mile of Coal Point at 59 36.00'N latitude, 151 24.50'W longitude.

What is the issue you would like the board to address and why? This proposal would amend waters closed to commercial salmon fishing in the Southern District of the Cook Inlet Area to include an area within a one-mile radius from the end of the Homer Spit (Coal Point).

The reasons are twofold; improve management of our recreational sport fisheries and increase boater safety. Because of the high value of Chinook Salmon, it's been observed in recent years that commercial purse seiners are targeting Chinook Salmon in close proximity to the terminus of the Homer Spit nearby the Nick Dudiak Fishing Lagoon (aka The Fishing Hole). The lagoon is a very popular recreational sport fishery for both locals and visitors alike. Chinook Salmon return mid-May to early July followed by a run of Silvers mid-July to mid-September.

Closing a one-mile radius around the end of Homer Spit to commercial purse seining would prevent the intentional interception of hatchery Chinook and Silver salmon. The second reason is safety. Floating purse seine nets in close proximity of the busy Homer Harbor entrance present a clear hazard to navigation.

PROPOSED BY: Cook Inlet Recreational Fishermen/Todd Jacobson (HQ-F19-025)

PROPOSAL 34

5 AAC 21.332. Seine specifications and operation.

Reduce the maximum length of seine gear in the Cook Inlet Area to 150 fathoms, as follows:

SOLUTION:

5 AAC 21.332 Seine specifications and operations (a) Purse seines, hand seines, hand purse seines, and beach seines may not be less than 90 fathoms in length and 100 meshes in depth, nor more than [250] **150** fathoms in length and 325 meshes in depth.

5 AAC 21.369. Lower Cook Inlet Seine Fishery Management Plan

When the Board of Fisheries authorized the use of power purse seines in the Cook Inlet salmon fishery, the board was concerned that the more efficient gear might allow the fleet to increase its harvest of Upper Cook Inlet salmon stocks. The department shall manage the seine fleet so that its efforts are directed on Lower Cook Inlet salmon stocks. The board recognizes that some incidental catch of Upper Cook Inlet salmon stocks will occur while the seine fishery is managed for Lower Cook Inlet salmon stocks.

What is the issue you would like the board to address and why? ISSUE:

Length of Cook Inlet Seine Nets intercepting and increasing harvest of Upper Cook Inlet Sockeye as 5 AAC 21.369 anticipated. 250 fathoms is too long they closes off entire bays.

PROPOSED BY: Kristi McLean (EF-F19-109)

PROPOSAL 35

5 AAC 21.332. Seine specifications and operations.

Increase the maximum purse seine gear depth in the Cook Inlet Area from 325 to 335 meshes deep, as follows:

- (a) Purse seines, hand purse seines, and beach seines may not be less than 90 fathoms in length and 100 meshes in depth or more than 250 fathoms in length and [325]_335 meshes in depth. Detachable or loose leads are not permitted.
- (b) A seine vessel may tow another seine vessel as long as each vessel has no more than one legal limit of gear on board.
- (c) A purse seine vessel is considered to have ceased fishing when both ends of the seine are fast to the vessel.

What is the issue you would like the board to address and why? Increase depth of a legal purse seine from 325 meshes deep to 335 meshes deep to allow for a 5 meshdeep border strip along the corkline and ribline.

Salmon seine specifications for LCI need to be updated so modern and efficient seine construction techniques can be used by net builders.

Modern Purse seines are typically hung with a piece of 5 mesh deep border strip along the corkline and ribline. If a seine is hung with commonly available materials it is faster and more cost effective to construct. Common strip depths are 25, 50, 100, and 200 mesh deep strips. This proposal would allow 5 mesh border strips to be used without altering a commonly available depth strip. Border strips also provide a means to quickly and effectively repair a seine in the event of a tear in the seine body web by insulating the corkline and ribline hangings from damage. PWS seine regulations have been updated to allow these border strips

PROPOSED BY: Cook Inlet Seiners Association (EF-F19-113)

PROPOSAL 36

5 AAC 21.xxx. New section.

Prohibit the retention of king salmon over 28” in length in the commercial purse seine fishery in the Southern District, as follows:

Closing the Southern District to retention of Chinook salmon over 28” in length by commercial purse seine permit holders,

5 AAC 21.392 Landing of king salmon

a. Unless otherwise specified, king salmon over 28” in length may not be retained by purse seine permit holders in the Southern District. King salmon which are taken must be returned to the water without injury.

What is the issue you would like the board to address and why? This proposal would prohibit the retention and sale of king salmon over 28” in length by commercial purse seiner permit holders fishing within the Southern District Reasons include:

- (1) To prevent commercial purse seiners from targeting King Salmon and the intentional interception of returning hatchery and feeder kings in Kachemak Bay;

- (2) To insure King Salmon stocks within Kachemak Bay are managed and available for recreational fisherman;
- (3) Due to the high value of King Salmon, it has been observed in recent years that multiple commercial purse seiners are targeting King Salmon within Kachemak Bay. Fish tickets and mandatory reporting do not necessarily reflect the accuracy of the landings.
- (4) We know the vast majority of King Salmon within Kachemak Bay originate from hatchery stocks. The hatcheries are funded with sportfish dollars acquired from Dingell-Johnson Act funds, sale of sportfish licenses, etc. These salmon were paid for by recreational fishermen for the purpose of being harvested by recreational fishermen. Many areas throughout the State of Alaska, Kachemak Bay being one exception, prohibit the retention and sale of King Salmon by commercial purse seiners. Note the following regulations:
 - a. 5 AAC 21.376
 - b. 5 AAC 18.395
 - c. Kodiak Commercial Salmon Fishery Announcement #01 For Emergency Order #4-FS-K-01-18 stating ‘Kodiak Area (including the Mainland District) beginning noon Saturday, June 9, until further notice, Chinook (king) salmon 28 inches or greater in length may not be retained by purse seine gear in the commercial fishery and must be returned to the water unharmed.’
 - d. Southeast Alaska purse seine and drift gillnet fisheries chinook salmon management restrictions: Summary of intended management actions for commercial net fisheries in 2018, which states ‘Other than within Terminal Harvest Areas that have returns of hatchery produced Chinook salmon, the purse seine fishery will be prohibited from retaining Chinook salmon over 28" in length for the 2018 season.’

PROPOSED BY: Cook Inlet Recreational Fishermen/Todd Jacobson (HQ-F19-026)

King Salmon Management Plans (2 proposals)

**This proposal will be heard at the LCI, Kodiak, and UCI meetings, and deliberated at the UCI meeting.*

PROPOSAL 37

5 AAC 18.XXX. New section.

Create a king salmon management plan with paired restrictions in Kodiak and Cook Inlet commercial fisheries, as follows:

Solution:

During low king salmon abundance Kodiak commercial fisheries in and Cook Inlet will be managed under a single comprehensive king salmon conservation plan which functions to conserve kings in both locations.

What is the issue you would like the board to address and why? We need paired king salmon retention restrictions for Cook Inlet and Kodiak island commercial fisheries. Cook Inlet is experiencing or projected to experience king salmon retention restrictions. The ADF&G is currently attempting to manage Cook Inlet king salmon as if they are not the same kings migrating past Kodiak Island. This mismanagement has resulted in Kodiak area commercial fisheries

retaining kings while Cook Inlet fisheries are not able to retain kings. This is illogical fisheries management with Cook Inlet attempting to preserve what Kodiak is slaughtering. When Cook Inlet kings are less abundant Kodiak and Cook Inlet commercial fisheries should be jointly managed to conserve kings. Currently Kodiak commercial gill nets activate within the first week of June while Cook Inlet fisheries are closed to king retention during low king abundance. These fisheries should be jointly managed to conserve kings during low king abundance.

PROPOSED BY: Donald Johnson (EF-F19-013)

**This proposal will be heard at the LCI and UCI meetings, and deliberated at the UCI meeting.*

PROPOSAL 38

5 AAC 21.XXX. New section.

Create a king salmon management plan with paired restrictions in Upper and Lower Cook Inlet commercial fisheries, as follows:

During low king salmon abundance commercial fisheries in Lower Cook Inlet and Upper Cook Inlet will be managed under a single comprehensive king salmon conservation plan which functions to conserve kings in both locations.

What is the issue you would like the board to address and why? We need paired king salmon retention restrictions for Lower Cook Inlet, LCI and Upper Cook Inlet, UCI when UCI is experiencing or projected to experience king salmon no retention restrictions. The adfg is currently attempting to manage UCI and LCI king salmon like they are different king runs when they are in fact the same kings. This mismanagement has resulted in some areas being open for king retention while others are closed, when both areas are fishing the same kings. When Cook Inlet kings are less abundant, both UCI and LCI should be managed together to conserve kings and not with area specific retention.

PROPOSED BY: Donald Johnson (EF-F19-012)

Groundfish and Herring (6 proposals)

**This proposal will be heard at the LCI and Kodiak meetings, and deliberated at the Kodiak meeting.*

PROPOSAL 39

5 AAC 28.005. Registration areas established.

Exempt vessels using jig gear from exclusive and superexclusive groundfish registration restrictions, as follows:

Simply exempt vessels using jig gear from the exclusive and super exclusive registration requirements.

What is the issue you would like the board to address and why? Remove the exclusive and super exclusive designations for all state waters cod registration areas for vessels using jig gear.

This would alleviate some of stranded GHL and permit vessels to take cod in different areas as conditions warrant.

PROPOSED BY: Gregory Gabriel (EF-F19-082)

PROPOSAL 40

5 AAC 28.306. Cook Inlet Area registration.

Add specific registration requirements for Cook Inlet Area groundfish fisheries, as follows:

5 AAC 28.306 is amended to read:

...

(x) In the Cook Inlet Area, prior to operating a vessel in a directed fishery for lingcod and pelagic shelf rockfish, sablefish, Pacific cod during a parallel season, or Pacific cod during a state-waters season as described in 5 AAC 28.367, the vessel operator or authorized agent must obtain a fishery-specific registration for that vessel.

What is the issue you would like the board to address and why? This proposal seeks to implement fishery-specific registration requirements for Cook Inlet Registration Area (CI) groundfish fisheries not currently specified in regulation. Some requirements of area registration are described under statewide regulation 5 AAC 28.020, including that a registration must be obtained before a vessel operates gear within a registration area and specifies the conditions that invalidate a registration. In the CI, there are fishery-specific registration requirements listed for sablefish under 5 AAC 28.360. However, aside from describing exclusivity for gear types in the Pacific cod state-waters season, there are no clear requirements for registration in the Pacific cod, lingcod, pelagic shelf rockfish, or sablefish fisheries described under 5 AAC 28.306. This has caused some confusion for CI fishermen registered in a nonexclusive parallel Pacific cod season to consider themselves also registered for the nonexclusive directed lingcod and pelagic shelf rockfish fishery. Although the *CI Pacific Cod Management Plan*, 5 AAC 28.367(e)(2)(C), states that registration is required for the state-waters season, specifying registration requirements for each CI groundfish fishery and identifying these registration requirements in CI regulations would provide clarity. A similar regulation was adopted by the board at the Prince William Sound meeting in December 2017.

PROPOSED BY: Alaska Department of Fish and Game. (HQ-F19-162)

PROPOSAL 41

5 AAC 28.360. Cook Inlet Sablefish Management Plan.

Clarify possession and landing requirements for the state-managed sablefish fishery in the Cook Inlet Area, as follows:

5 AAC 28.360 is amended to read:

...

(x) In accordance with 5 AAC 28.070 (c), a vessel retaining sablefish in federal waters may not fish in state waters of the Cook Inlet Area on the same trip.

What is the issue you would like the board to address and why? This proposal seeks to clarify possession and landing requirements of sablefish in the Cook Inlet Area. In state waters of the Cook Inlet Area, sablefish may only be retained during an open directed sablefish season (opens July 15) on board a vessel that is registered to participate in the state-managed Cook Inlet sablefish fishery (5 AAC 28.360 (a)). Retaining sablefish as bycatch is not allowed and the fishery is managed to a guideline harvest level (GHL). As provided in 5 AAC 28.070 (c)(2), a CFEC permit holder, while taking fish in an area or having taken fish in an area during the same trip, may not have on board an aggregate amount of a groundfish species that exceeds the amount allowed by regulation for that area, regardless of where the groundfish were taken. Therefore, a vessel may not fish in both federal and state waters on the same trip when retaining sablefish at any point during that trip, regardless of fishing order. The issue is when vessels participating concurrently in federally managed Individual Fishing Quota (IFQ) halibut and IFQ sablefish fisheries in federal waters also fish inside state waters during that trip and either sablefish are harvested out of season, vessels participate inside state waters without being registered, or harvest location of sablefish is misreported. During an IFQ halibut trip, vessels may cross the 3 nmi state waters boundary line, and fish both state waters and federal waters; however, vessels retaining sablefish in federal waters may not also fish inside state waters on that trip. Even when sablefish harvest did not occur inside state waters, this has been an enforcement issue and also a management issue as vessel operators often report all harvest by splitting it between the statistical areas (state and federal waters) without specifying the location where sablefish were taken (e.g. federal waters). In addition to violating 5 AAC 28.070 (c)(2), inaccurate reporting on fish tickets violates 5 AAC 39.130 (c)(8) and indicates that sablefish harvested in federal waters were retained illegally in state waters. Adding the proposed regulatory language under the Cook Inlet Sablefish Management Plan would provide clarity and reduce confusion for the public and department staff and also aid enforcement.

PROPOSED BY: Alaska Department of Fish and Game. (HQ-F19-161)

PROPOSAL 42

5 AAC 28.367. Cook Inlet Pacific Cod Management Plan.

Clarify possession and landing requirements for the parallel Pacific cod fishery in the Cook Inlet Area, as follows:

5 AAC 28.367 is amended to read:

...

(x) In accordance with 5 AAC 28.020 (b)(1), a vessel participating in a parallel Pacific cod season in the Cook Inlet Area, must remain within the Cook Inlet Area during that trip.

What is the issue you would like the board to address and why? This proposal seeks to clarify possession and landing requirements as a condition of registration for the Cook Inlet parallel Pacific cod fishery. Vessels participating in the Pacific cod fishery within the Cook Inlet Area may fish in both state and federal waters on the same trip if they meet federal requirements. However, vessels may only be registered for one registration area at a time as provided in 5 AAC 28.020 (b)(1) and are required to register for the Cook Inlet Area parallel Pacific cod fishery. Therefore, if a vessel participates inside state waters during the parallel Pacific cod fishery, the vessel must remain in the

registration area for that trip. If the vessel were to fish in the adjacent Prince William Sound Area during that trip, for example, the vessel registration for the Cook Inlet Area parallel Pacific cod fishery would be invalidated and the vessel would no longer be in compliance of registration requirements. Clarifying allowable fishing activity in regulation under 5 AAC 28.367 would reduce confusion for the public regarding Cook Inlet Area requirements.

PROPOSED BY: Alaska Department of Fish and Game. (HQ-F19-160)

PROPOSAL 43

5 AAC 28.371. Landing Requirements for Cook Inlet Area.

Add a 6-hour prior notice of landing requirement for the Cook Inlet Area directed lingcod fishery, as follows:

5 AAC 28.371 is amended to read:

...

(x) At least six hours before landing lingcod, an operator of a vessel participating in the Cook Inlet Area lingcod fishery must notify the department by telephone, to a telephone number specified in writing by the department on the registration forms at the time of registration, the following information:

- (1) vessel name and ADF&G number;**
- (2) date and location of landing, and estimated time of arrival;**
- (3) name of fish buyer or processor;**
- (4) estimated number of pounds of lingcod on board the vessel.**

What is the issue you would like the board to address and why? This proposal seeks to implement PNOL requirements for the CI directed lingcod fishery to facilitate biological assessment, improve inseason management, and aid enforcement. There is no prior notice of landing (PNOL) regulatory requirement for vessels participating in the Cook Inlet Area (CI) directed lingcod fishery. Biological sampling of the lingcod and rockfish bycatch harvested during the fishery is coordinated out of Homer and a majority of deliveries occur in Seward. Staff must travel by state vehicle from Homer to Seward in order to meet landings, which takes approximately 4 hours for the drive alone. Offloading happens quickly and the opportunity to sample landings can easily be missed if there is no notification beforehand. Therefore, having a PNOL in place for this fishery would assist in achieving sampling goals. Additionally, a PNOL requirement allows Alaska Wildlife Troopers to be notified about upcoming deliveries, providing a coordinated enforcement opportunity. Similar regulations were adopted by the board for both the CI sablefish and directed rockfish fisheries in 2016, and the requirement also exists for the Prince William Sound Area sablefish fishery; landings during all of those fisheries frequently occur in Seward and are covered by the same Homer staff as CI lingcod landings. Having PNOLs in place for all of these groundfish fisheries maintains consistency between regulations and also could potentially result in higher productivity and efficiency for the Central Region sampling program as it may allow for more deliveries to be covered during a single sampling trip. There is overlap of participants between the CI directed lingcod and rockfish fisheries and vessels are able to comply with the PNOL requirements for the rockfish fishery. Therefore, it would be expected that vessels would also be able to comply with the same requirement for the CI lingcod fishery.

**This proposal will be heard at the LCI and Kodiak meetings, and deliberated at the Kodiak meeting.*

PROPOSAL 44

5 AAC 27.465. Kamishak Bay District Herring Management Plan.

Amend the *Kamishak Bay District Herring Management Plan* to remove restrictions to the Shelikof Strait food and bait herring fishery, as follows:

Draft Language: 5 AAC 27.465. Kamishak Bay District Herring Management Plan.

(a) The purpose of the Kamishak Bay District herring management plan under this section is to promote and maintain the viability of the herring stock in the Kamishak Bay District and stabilize the commercial fishery targeting the herring stock by using conservative management strategies that support a biologically sound and sustainable commercial fishery. This management plan describes the management strategies used to set and implement the guideline harvest levels for the Kamishak Bay sac roe fishery.

(b) The management year for Kamishak Bay herring stock is July 1 through June 30.

(c) The guideline harvest level for the following spring Kamishak Bay sac roe fishery will be based on the projected biomass as determined by the most recent aerial surveys, age class composition, historical mortality, recruitment trends, and other relevant data that is collected by the department.

(d) The maximum allowable exploitation rate for the Kamishak Bay herring stock is 15 percent of the spawning biomass. The department will determine the exploitation rate based on the age class structure of the forecasted biomass, the degree of biomass uncertainty as measured by the adequacy of the recent years' aerial survey conditions and coverage, and the following guidelines:

(1) if the projected spawning biomass is 24,000 short tons or more, the department will establish a guideline harvest level of herring based on a exploitation rate between zero and 15 percent:

(2) if the projected spawning biomass is at least 14,000 short tons, but less than 24,000 short tons, the department will establish a guideline harvest level of herring based on an exploitation rate between zero and 12.5 percent;

(3) if the projected spawning biomass is at least 6,000 short tons, but less than 14,000 short tons, the department will establish a guideline harvest level of herring based on an exploitation rate between zero and 10 percent;

(4) if the projected spawning biomass is less than the minimum threshold of 6,000 short tons, the Kamishak Bay sac roe fishery will be closed.

(e) The management strategy for Kamishak Bay sac roe fishery is to target older age classes of herring, and to limit the exploitation rate of recruit age herring, which are fish age five and younger, to 10 percent or less. In order to provide maximum protection to recruit age herring, a further reduction on the exploitation rate set out in (d) of this section, or a complete closure of the affected fisheries may be implemented in the biomass projection, or in season test fishing, indicates a higher percentage of fish are recruit age herring.

What is the issue you would like the board to address and why? The Kodiak Area Food and Bait Fishery's North Shelikof section cannot presently open because it is regulated by the Kamishak Bay District herring management plan. The Kamishak Management Plan presently closes the North Shelikof section when the spawning biomass in Kamishak is below 6,000 tons. The Kamishak section has not been surveyed in several years, and the surveyed biomass of herring in the North Shelikof section has been much larger than 6,000 tons. The Kodiak Food and Bait fishery should be managed on its own recent stock assessment. This would allow this, sustainable fishery, to provide food and bait herring throughout the state.

PROPOSED BY: Sam Mutch

(EF-F19-024)
