

PROPOSAL 49

5 AAC 24.370. Prince William Sound Management and Salmon Enhancement Allocation Plan. Amend the Prince William Sound Management and Salmon Enhancement Allocation Plan, as follows:

5 AAC 24.370. Prince William Sound Management and Salmon Enhancement Allocation Plan

(a) The purpose of the management and allocation plan contained in this section is to provide a fair and reasonable allocation of the harvest of enhanced salmon among the drift gillnet, seine, and set gillnet commercial fisheries, and to reduce conflicts between these user groups. It is the intent of the Board of Fisheries (board) to **maintain statutory mandates,[1] adopt an allocation plan giving clear direction to fishery managers and enhancement planners that will minimize effects on wild stocks, and recognizing that wild stock management has the highest priority in determining fishery openings. With these objectives in mind, it is also the intent of the board to**[2] allocate enhanced salmon stocks in the Prince William Sound Area to maintain the long-term historic balance between competing commercial users that has existed since statehood, while acknowledging developments in the fisheries that have occurred since this plan went into effect in 1991.

(j) In this section, "enhanced salmon stocks" means salmon produced by the Prince William Sound Aquaculture Corporation **that incorporates the following PNP Hatchery Act mandated obligations:**

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

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

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

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

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

(6) the department and board shall define and validate straying proportions "based on the best available scientific information" to sustain productivity, without adversely affecting, or jeopardizing sustained yield of wild naturally occurring salmon[8][9]

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

(8) Until the department and board have a policy of management that justifies and validates this reasonable segregation of straying proportions without jeopardizing wild stock sustained yield,[1] the CSP and genetics policy, the 2% rule will be adhered to within wild naturally occurring streams[10]

(9) when proportions of hatchery salmon straying are documented to exceed validated percentages, jeopardizing sustained yield of wild fish stocks, production shall be ramped down the following spring, from each Remote Release Site, hatchery or THA source incrementally until adverse affects cease[11],[12]

[1] 5AAC 39.222 Policy For The Management Of Sustainable Salmon Fisheries (c)(3)(F)

- [2] PWS Regional Comprehensive Salmon Plan Phase 3, Appendix 4, page 77
- [3] AS 16.05.730 Management of Wild and Enhanced Stocks of Fish.
- [4] PNP Hatchery Act legislative intent
- [5] PNP Hatchery Act legislative intent
- [6] AS 16.10.420. (10) Conditions of a Hatchery Permit
- [7] AS 16.10.480 (f) Contracts for the Operation of State Hatcheries
- [8] 5AAC 39.222 Policy For The Management Of Sustainable Salmon Fisheries (c)(1) (B),(D), (2)(D); (3)(B),(F)
- [9] PNP Hatchery Act legislative intent
- [10] 5AAC 39.222 Policy For The Management Of Sustainable Salmon Fisheries (c)(1) (B),(D); (2)(D); (3)(B)(F)
- [11] Intent of PNP Hatchery Act
- [12] Article VIII Section 3 and 4. Natural Resources, Common Use; Sustained Yield. Alaska Constitution

What is the issue you would like the board to address and why? Presently operations are not in compliance with enacted legislative mandates. Elevate statutory and constitutional intent into regulatory management and allocation plan to ensure directives remain engaged as intended to protect the public trust. Clarify, and illuminate the intent of the PWS Comprehensive Salmon Plan (CSP) by applying Appendix 4, page 77 and inserting intent of the PNP Hatchery Act statutory mandate obligations granted to recipients in exchange for the privilege to operate within the public trust to avoid confusion and misinterpretation from not understanding these significant obligations and responsibilities.

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

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