

Commercial Finfish

Copper River King Salmon Management Plan

PROPOSAL 41

5 AAC 24.361. Copper River King Salmon Management Plan.

Repeal mandatory closed waters from the Copper River King Salmon Management Plan, as follows:

Repeal mandatory inside commercial closures for any statistical week from regulation. Repeal mandatory commercial salmon fishery inside waters closures in the Copper River King Salmon Management Plan, as follows:

Draft regulatory language:

5 AAC 24.361. Copper River King Salmon Management Plan.

(b) **Repealed xx/xx/20.** [IN THE COMMERCIAL FISHERY, DURING THE STATISTICAL WEEKS 20 AND 21, THE COMMISSIONER MAY NOT OPEN MORE THAN ONE 12-HOUR FISHING PERIOD WITHIN THE INSIDE CLOSURE AREA OF THE COPPER RIVER DISTRICT DESCRIBED IN 5 AAC 24.350(1)(B).]

What is the issue you would like the board to address and why? Alaska Department of Fish and Game (ADFG) has the authority to manage fisheries and has demonstrated its ability to do so effectively; therefore, mandatory closures are unnecessary. There has been an upward trend in the Copper River Chinook run in recent years further making mandatory closures unnecessary. ADFG has opposed mandatory closures on sport fisheries as these closures are mandated even when the circumstances of a current year’s run strength and timing do not require them. This proposal does not suggest eliminating the inside closure tool as it is warranted, but rather suggests the elimination of this mandatory language.

PROPOSED BY: Cordova District Fishermen United (HQ-F20-018)

Enhancement

PROPOSAL 42

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

Amend the set gillnet group exvessel value percentage trigger point in the *Prince William Sound Management and Salmon Enhancement Allocation Plan*, as follows:

5 AAC 24.730 Prince William Sound Management and Salmon Enhancement Plan (f):

If the set gillnet gear group catches **4.25 percent** [FIVE PERCENT] or more of the previous five-year average ex-vessel value of the total common property fishery for enhanced salmon as calculated by the department under (c) of this section, the year following this calculation beginning July 10, the commissioner shall by emergency order, open set gillnet fishing periods totaling no more than 36 hours per week.

If the set gillnet trigger was moved to 4.25 percent it would create equality between the user groups by making the triggers an equal percentage.

What is the issue you would like the board to address and why? This plan should be fair and just too all user groups in Area E fisheries, but as it is currently the triggers for the gear groups are unequally represented.

As of the current regulation, the set gillnet gear group allocation is 4% of total Prince William Sound Aquaculture Corporation (PWSAC) component of the common property fishery. This is calculated by the department on a five-year average and the balancing trigger is set at 5% or more for the department to execute management tools to balance allocation. Whereas the drift and seine fleet triggers are triggered at less than 45 percent of the previous five-year ex-vessel average.

As the regulation is currently, set gillnet gear group is allowed to go over their allocation percentage by 25% of their total allocation before the trigger takes place; whereas seine and drift gillnet are allowed to go over only 6% before their trigger takes place.

The purpose of this proposal is to maintain parity between the user groups of the Area E fishery.

PROPOSED BY: Darin Gilman (EF-F20-130)

PROPOSAL 43

5 AAC 24.370. Prince William Sound management and salmon enhancement allocation plan.

Repeal the definition of enhanced salmon stocks, as follows:

Remove the language in 5 AAC 24.370. PRINCE WILLIAM SOUND MANAGEMENT AND SALMON ENHANCEMENT ALLOCATION PLAN. Under

[(J) IN THIS SECTION, "ENHANCED SALMON STOCKS" MEANS SALMON PRODUCED BY THE PRINCE WILLIAM SOUND AQUACULTURE CORPORATION"]

The management plan has been in effect for 15 years. A BOF committee to a review the plan with stakeholder involvement to see if the plan can be improved in trying to meet its purpose "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 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". Any proposed changes would go through the BOF process at the 2023 BOF meeting.

What is the issue you would like the board to address and why? 5 AAC 24.370. Prince William Sound management and salmon enhancement allocation plan. The plan should include the value of all the enhanced salmon produced in the Copper River/Prince William Sound region (Area E). The value of enhanced salmon production from Valdez Fisheries Development Association's Solomon Gulch Hatchery is not included in the allocation management plan. The construction of the Solomon Gulch Hatchery is financed by funds from the State of Alaska and continues to use

state financing. The original hatchery operation permit included chum production intended for the drift gillnet fleet which never was accomplished.

5 AAC 33.364. Southeastern Alaska Area Enhanced Salmon Allocation Management Plan includes the value of all enhanced salmon produced in the Southeastern Alaska region from two regional hatchery associations and multiple non-profit corporations involving over 15 different hatcheries.

Both 5 AAC 24.370. and 5 AAC 33.364. stated goals are to provide a fair and reasonable allocation of the harvest of enhanced salmon among the commercial fisheries.

State of Alaska enhanced salmon allocations should be based on the same criteria for all areas. Which should include all enhanced salmon as the starting point.

There cannot be a fair and reasonable enhanced salmon allocation when a large percentage of the enhanced salmon resource is not included in the plan. What is the difference between a hatchery built by the State of Alaska, PWSAC, VFDA and the 15 plus hatcheries located in SE Alaska? They all used public funds for their construction and startup operations. Both PWSAC and VFDA continue to use public funds for improvements and increase production. But VFDA use of public funds and increases in production only benefits one commercial fishery.

If all enhanced salmon value produced in Prince William Sound is not included in the Prince William Sound Enhanced Salmon Allocation Plan, then the seine fishery will continue to receive a disproportionate and increasing share of the enhanced salmon value.

This proposal does not propose to reallocate VFDA enhanced salmon to other commercial salmon user groups, but to only include the value of all enhanced salmon into the regional plan so all PWS common property fisheries can benefit from the value of VFDA enhanced salmon production.

PROPOSED BY: Michael Bowen (EF-F20-048)

PROPOSAL 44

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

Amend allocation corrective action criteria for set gillnet gear under the *Prince William Sound Management and Salmon Enhancement Allocation Plan*, as follows:

5 AAC 24.730 Prince William Sound Management and Salmon Enhancement Plan under (f):

If the set gillnet gear group catches 5 percent or more of the previous five-year average ex-vessel value of the total common property fishery for enhanced salmon as calculated by the department under (c) of this section, the year following this calculation beginning July 10, the commissioner shall, by emergency order, open set gillnet fishing periods totaling no more than **the first 36 hours per week** [36 HOURS PER WEEK].

What is the issue you would like the board to address and why? This plan should be fair and just to all user groups in Area E fisheries, but as it is currently, the regulation is ineffective for reducing the allocation percentage of the set gillnet fleet.

From 2005 to 2019, the set gillnet fleet has been over their 4% allocation for twelve of the fifteen years and over the 5% trigger for eight of those years. The regulation as it is now is being misinterpreted by ADF&G and allowing maximum opportunity for the set gillnet fleet by giving them the most beneficial 36 hours a week, fully optimizing “cleanups”, as we call them. The purpose of this regulation was to limit harvest on the set gillnet fleet and maintain parity between user groups of Area E. This is not happening with the current regulation.

PROPOSED BY: Darin Gilman (EF-F20-132)

PROPOSAL 45

5 AAC 24.367. Main Bay Salmon Hatchery Harvest Management Plan.

Increase minimum operation distance between set and drift gillnet gear in the Main Bay Subdistrict, as follows:

No portion of a drift gillnet may be operated within 30 fathoms of a set gillnet, except in the zone outside of the offshore end of the set gillnet.

What is the issue you would like the board to address and why? We are requesting a change in the distance between gear to restore the original intent of the Board and to increase the safety and reduce the gear conflict in the Main Bay Subdistrict Terminal Harvest Area. With recent management changes due to wild stock concerns and Main Bay Hatchery return shortfalls, the conflict in Main Bay has escalated to a point of pure chaos, especially in the waters inside the THA during build up openers.

We are requesting this change to reinforce the intent of the current regulations that were established in 1984 BOF meetings when the Main Bay Salmon Hatchery Harvest Plan was established (5 AAC 24.367). At this point, the setnet fleet gave up access to all open waters outside of 50 fathoms within the THA and all waters outside of 100 fathoms in the rest of the Main Bay Subdistrict. In exchange, setnetters are allowed to fish their gear 50 fathoms apart inside the THA, while the distance between set and drift gear was set at 25 fathoms. These regulations were placed with the assumption that drift gear would not be able to be legally set between set nets 50 fathoms apart. This has not been the case, as drift gillnet permit holders continually claim that they can legally set between setnets and hold their position within a couple fathoms. Illegally, they essentially become setnetters with the added ability to maneuver their 150 fathom net that runs between setnets back to the beach.

To resolve a similar issue in 1996, the Board of Fish took action on a proposal submitted by the Alaska Wildlife Troopers to increase the distance between setnet and drift gear in the Crafton Island Subdistrict from 50 fathoms to 60 fathoms, while the required distance between setnets remained at 100 fathoms (5AAC 24.335). Prior to this change, drifters were attempting to fish a

perfect line between setnets 100 fathoms apart. Board of Fish took action to eliminate this ambiguity in regulation and reduce the gear conflict in the Crafton Island Subdistrict.

The action taken in 1996 set the precedent of what the original intent of the regulations were and essentially restored a safe and orderly fishery in the Crafton Island Subdistrict.

Subsequent to the Board approving the increased distance between set and drift gillnets, there has been no increase in the percentage of total catch for the setnet gear group and no imbalance created in allocation between set and drift gillnet harvest district wide.

We request the same be done to reinforce the current regulations in the Main Bay Subdistrict THA. We are proposing to increase the minimum legal distance between set and drift gear to 30 fathoms in the Main Bay THA, while maintaining the current legal distance between setnets at 50 fathoms in the Main Bay THA. This action will eliminate the majority of the gear conflict in the Main Bay Subdistrict THA and would provide law enforcement clarity to efficiently regulate these high conflict build up openers.

As an association, we have proposed this change in three separate Board of Fish Meetings with no success due to perceived allocation issues. However, the original intent of the Board was not to allow drift gillnets to fish between legally spaced setnets spaced 50 fathoms apart within the Main Bay Terminal Harvest Area. The actual outcomes in the fishery are chaos and compromised safety. Therefore, it is imperative the Board look to previously approved (1996) regulation to resolve the ongoing conflict. There are no valid arguments, allocative or otherwise, that prevent the Board from enacting this proposed regulation change. We look to the current Board to rely on the precedent established in 1996 to enact this proposed regulation that will bring this fishery a safe and easily enforced resolution of the current ongoing conflict.

PROPOSED BY: Prince William Sound Setnetters' Association (EF-F20-028)

PROPOSAL 46

5 AAC 24.331. Gillnet specifications and operations.

Repeal limitations on use of deep gillnet gear, as follows:

5 AAC 24.331. Gillnet specifications and operations

(b) Eshamy, Coghill, and Unakwik Districts:

(6) **Repealed** [before the first Monday in July, unless modified by emergency order, in the Coghill, Unakwik, and Eshamy Districts and the Port Chalmers Subdistrict, gillnets with a mesh size of less than eight inches may not be more than 60 meshes in depth and gillnets with a mesh size of eight inches or greater may not be more than 40 meshes in depth;]

What is the issue you would like the board to address and why? Remove the regulation limiting the use of gillnets deeper the 60 meshes before the first Monday of July.

This regulation has been in part to blame for millions of lbs of chum salmon going dark and degrading in quality and value before harvest. In trying to manage both the wild Coghill sockeye run and the Esther chum hatchery return run overlap the department often is unable to give long enough duration openers to harvest excess chum salmon without impacting wild sockeye escapement. 60 mesh gillnets are much less efficient at harvesting chums as chum salmon tend to dive deeper than sockeye. Allowing the use of deep nets earlier in the season would increase the number of chums caught per hour of fishing time relative to sockeye.

PROPOSED BY: Ezekiel Brown

(EF-F20-135)

PROPOSAL 47

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

Amend *Prince William Sound Management and Salmon Enhancement Allocation Plan* to provide management guidance for reducing Coghill District harvest of salmon stocks bound for other districts, as follows:

Add the words; (5) Coghill District: Prior to July 21, the department shall manage to reduce the harvest of stocks bound for other districts

What is the issue you would like the board to address and why? The gillnet group harvest large numbers of salmon in the Coghill District, both wild and enhanced, bound for other areas, in conjunction with the enhanced Chum and wild Sockeye fishery prior to July 21. The intercepted enhanced fish are predominately Pink salmon bound for the Valdez Hatchery which is not part of the PWS Enhanced Salmon Allocation Plan. The wild fish intercepted are Chum and Pink salmon predominately bound for the Northwest District and the Northern District, both of which are exclusive Seine areas. The wild interception occurs at a time that Seine fishery managers are looking for adequate escapement necessary to commence fishing opportunity for the Seine Fleet.

PROPOSED BY: Northwest and Alaska Seine Association

(EF-F20-113)

PROPOSAL 48

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

Amend *Prince William Sound Management and Salmon Enhancement Allocation Plan* to provide management guidance for reducing Eshamy District harvest of salmon stocks bound for other districts, as follows:

Add the words; (4) the Eshamy District gillnet Fisheries shall be managed with fishing periods opened and closed by emergency order based on the surplus of wild and enhanced salmon stocks returning to the district, **and reduce the harvest of stocks bound for other districts**

What is the issue you would like the board to address and why? The Gillnet group harvest large numbers of salmon in the Eshamy District, both wild and enhanced, bound for other areas,

in conjunction with the enhanced Sockeye fishery prior to July 21. The intercepted enhanced fish are Pink salmon bound for the Valdez hatchery which is not part of the PWS Enhanced Salmon Allocation Plan and Chum salmon bound for the AFK hatchery which is an exclusive Seine fishery. Port Chalmers Chums and Ester Chums are also intercepted in the Eshamy District prior to July 21 and they can be, at times, exclusive Seine fish. The Eshamy District has no wild chum systems and little or no Pink salmon systems yet every year there are large numbers of both species intercepted in the Eshamy District prior to July 21. The majority of these wild Chum and Pink salmon, based on index stream escapement numbers are likely bound for the Northwest and Northern Districts, exclusive Seine areas.

This interception occurs at a time Seine fishery managers are looking for adequate escapement necessary to commence fishing opportunity for the Seine fleet.

PROPOSED BY: Northwest and Alaska Seine Association (EF-F20-118)

PROPOSAL 49

5 AAC 24.370. Prince William Sound Management and 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 Section3 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.

(EF-F20-105)

PROPOSAL 50

5 AAC 24.365. Armin F. Koernig Salmon Hatchery Management Plan.

Amend the *Armin F. Koernig Salmon Hatchery Management Plan* to reduce straying of hatchery-produced salmon, as follows:

(a) **Fish stocks in the state shall be managed consistent with sustained yield of wild fish stocks.**^[1] The department, in consultation with the hatchery operator, shall manage the Point Elrington and Port San Juan Subdistricts to achieve the Prince William Sound Aquaculture Corporation's escapement goal for the Armin F. Koernig salmon hatchery. **Management to achieve an adequate return of fish to enhancement projects for brood stock shall be consistent with sustained yield of wild fish stocks.**^[2]

(b) The Armin F. Koernig Hatchery Terminal Harvest Area consists of the waters of Sawmill Bay (Evans Island) north and west of a line from 60°03.63' N. lat., 147°59.45' W. long., to 60°02.63' N. lat., 148°01.70' W. long., excluding the Armin F. Koernig Hatchery Special Harvest Area.

(c) The Armin F. Koernig Hatchery Special Harvest Area consists of the waters of Sawmill Bay (Evans Island) west of 148°01.95' W. long.

(d) Notwithstanding 5 AAC 24.320 and 5 AAC 24.330 and except as otherwise provided by emergency order issued under AS 16.05.060 , a person holding a permit under AS 16.10.400 for the Armin F. Koernig Hatchery, and an agent, contractor, or employee of that person who is authorized under 5 AAC 40.005(g) , may harvest salmon within the Armin F. Koernig Hatchery Special Harvest Area from 6:00 a.m. July 7 through 6:00 p.m. September 15 using purse seines, hand purse seines and beach seines.

(e) **Armin F. Koernig Salmon Hatchery has legislative responsibility to incorporate the following PNP Hatchery Act mandated obligations:**

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

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

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

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

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

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]

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

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 2% rule will be adhered to within wild naturally occurring streams^[10]

when proportions of hatchery salmon straying exceed validated percentages, jeopardizing sustained yield of wild fish stock, 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] AS 16.05.730 (a) Management of Wild and enhanced Stocks of Fish
- [2] AS 16.05.730 (b) Management of Wild and enhanced Stocks of Fish
- [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? AS 16.10 375 Regional Salmon Plans was the beginning "to designate regions of the state for the purpose of salmon production". Salmon Production to aid our at that time failing runs.

The AHRP results presented by ADFG at the Hatchery Committee meeting, showed that hatchery fish Relative Reproductive Success (RRS), averaged 0.42, less than half, of natural wild stocks reproductive production a value of 1.0 in wild streams. Straying is jeopardizing production and sustained yield of wild fish populations.

The Armin F. Koernig AFK Salmon Hatchery is one of the prime offenders making up the majority of the facilities creating unacceptable inter-regional hatchery straying from PWS into LCI wild significant stocks. Of the hatchery facilities in PWS, AFK made up almost 40% in 2014 ; 30% of facilities were AFK in 2015; and again almost 40% in 2016.

This is unacceptable to the public trust and the laws to protect wild fish in the state of Alaska. In one Significant Stock alone, Barabara Creek, 92.6% were hatchery fish, 87.4% were PWS hatchery fish from 250 miles away with 31% documented through reading otoliths coming from this AFK hatchery. This is not reasonable segregation and is against the law.

This pattern necessitates that production at this hatchery be ramped down by at least 10%-20% increments each year, until this straying ceases. While it is understood that straying varies year to year and system by system it is time to create a framework of phased reduction, to address the variables and recognize and admit the damage we are exerting as wild populations getting homogenized into lower productivity. Lower Productivity, the opposite of the very reason for designating regions to rehabilitate our ailing fisheries.

PROPOSED BY: Pioneer Alaskan Fisheries Inc. (EF-F20-129)

PROPOSAL 51

5 AAC 24.363. Cannery Creek Salmon Hatchery Management Plan.

Amend the *Cannery Creek Salmon Hatchery Management Plan* to reduce straying of hatchery-produced salmon, as follows:

5 AAC 24.363. Cannery Creek Salmon Hatchery Management Plan

(a) Fish stocks in the state shall be managed consistent with sustained yield of wild fish stocks.[1] The department, in consultation with the hatchery operator, shall manage the Cannery Creek Subdistrict to achieve the Prince William Sound Aquaculture Corporation's escapement goal for the Cannery Creek Salmon Hatchery. **Management to achieve an adequate return of fish to enhancement projects for brood stock shall be consistent with sustained yield of wild fish stocks.**[2]

(e) Cannery Creek Salmon Hatchery has legislative responsibility to incorporate 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 2% rule will be adhered to within wild naturally occurring streams**[10]

(9) when proportions of hatchery salmon straying exceed validated percentages, jeopardizing sustained yield of wild fish stock, 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] AS 16.05.730 (a) Management of Wild and enhanced Stocks of Fish

[2] AS 16.05.730 (b) Management of Wild and enhanced Stocks of Fish

[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? AS 16.10 375 Regional Salmon Plans was the beginning "to designate regions of the state for the purpose of salmon production". Salmon Production to aid our at that time failing runs.

The AHRP results presented by ADFG at the Hatchery Committee meeting, showed that hatchery fish Relative Reproductive Success (RRS), averaged 0.42, less than half, of natural wild stocks reproductive production a value of 1.0 in wild streams. Straying is jeopardizing production and sustained yield of wild fish populations.

The Cannery Creek CCH Salmon Hatchery is one of the prime offenders making up a majority of the facilities creating unacceptable inter-regional hatchery straying from PWS into LCI wild significant stocks. Of the hatchery facilities in PWS, CCH made up almost 26% in 2014 ; 20% of facilities were CCH in 2015; and 25% in 2016.

This is unacceptable to the public trust and the laws to protect wild fish in the state of Alaska. In one Significant Stock alone, Barabara Creek, 92.6% were hatchery fish, 87.4% were PWS hatchery fish from 250 miles away with 25% documented through reading otoliths coming from this CCH hatchery. This is not reasonable segregation and is against the law.

This pattern necessitates that production at this hatchery be ramped down by at least 10%-20% increments each year, until this straying ceases. While it is understood that straying varies year to year and system by system it is time to create a framework of phased reduction, to address the variables and recognize and admit the damage we are exerting as wild populations getting homogenized into lower productivity. Lower Productivity, the opposite of the very reason for designating regions to rehabilitate our ailing fisheries to raise salmon productivity not lower it.

PROPOSED BY: Pioneer Alaskan Fisheries Inc. (EF-F20-131)

PROPOSAL 52

5 AAC 24.366. Solomon Gulch Salmon Hatchery Management Plan.

Amend the *Solomon Gulch Salmon Hatchery Management Plan* to reduce straying of hatchery-produced salmon, as follows:

5 AAC 24.366 - Solomon Gulch Salmon Hatchery Management Plan

(a) Fish stocks in the state shall be managed consistent with sustained yield of wild fish stocks.[1] The department, in consultation with the hatchery operator, shall manage the Valdez

Narrows Subdistrict to achieve the corporation's pink salmon escapement goal for the Solomon Gulch salmon hatchery. The department may manage those waters of Valdez Arm south to the latitude of Rocky Point to assist in the achievement of the corporation's pink salmon escapement goal for the hatchery. **Management to achieve an adequate return of fish to enhancement projects for brood stock shall be consistent with sustained yield of wild fish stocks.**[2]

...

(e) **Solomon Gulch Salmon Hatchery has legislative responsibility to incorporate 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 2% rule will be adhered to within wild naturally occurring streams**[10]

(9) when proportions of hatchery salmon straying exceed validated percentages, jeopardizing sustained yield of wild fish stock, 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] AS 16.05.730 (a) Management of Wild and enhanced Stocks of Fish

[2] AS 16.05.730 (b) Management of Wild and enhanced Stocks of Fish

[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? Straying is jeopardizing production and sustained yield of wild fish populations.

AS 16.10 375 Regional Salmon Plans was the beginning "to designate regions of the state for the purpose of salmon production". Salmon Production to aid our at that time failing runs.

The AHRP results presented by ADFG at the Hatchery Committee meeting, showed that hatchery fish Relative Reproductive Success (RRS), averaged 0.42, less than half, of natural wild stocks reproductive production a value of 1.0 in wild streams.

The Solomon Gulch SGH Salmon Hatchery is one of the prime offenders making up a majority of the facilities creating unacceptable inter-regional hatchery straying from PWS into LCI wild significant stocks. Of the hatchery facilities in PWS, SGH made up only 3% in 2014 ; but 40% of the facilities were SGH in 2015; and 30% in 2016.

This is unacceptable to the public trust and the laws to protect wild fish in the state of Alaska. This is not reasonable segregation and is against the law.

This pattern necessitates that production at this hatchery be ramped down by at least 10%-20% increments each year, until this straying ceases. While it is understood that straying varies year to year and system by system it is time to create a framework of phased reduction, to address the variables and recognize and admit the damage we are exerting as wild populations are getting homogenized into lower productivity. Lower Productivity, the opposite of the very reason for designating regions to rehabilitate our ailing fisheries to raise salmon productivity not lower it.

PROPOSED BY: Pioneer Alaskan Fisheries Inc. (EF-F20-134)

PROPOSAL 53

5 AAC 24.368. Wally Noerenberg (Esther Island) Hatchery Management Plan.

Amend the *Wally Noerenberg (Esther Island) Hatchery Management Plan* to reduce straying of hatchery-produced salmon, as follows:

5 AAC 24.368. Wally Noerenberg (Esther Island) Hatchery Management Plan

(a) **Fish stocks in the state shall be managed consistent with sustained yield of wild fish stocks.**[1]The department, in consultation with the hatchery operator, shall manage the Esther Subdistrict and the Perry Island Subdistrict to achieve the corporation's escapement goal for the Wally Noerenberg (Esther Island) salmon hatchery. **Management to achieve an adequate return of fish to enhancement projects for brood stock shall be consistent with sustained yield of wild fish stocks.**[2]

....

(e) Wally Noerenberg (Ester Island) has legislative responsibility to incorporate the following PNP Hatchery Act mandated obligations to reduce pressure on wild populations:

(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 2% rule will be adhered to within wild naturally occurring streams[10]

(9) when proportions of hatchery salmon straying exceed validated percentages, jeopardizing sustained yield of wild fish stock, 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] AS 16.05.730 (a) Management of Wild and enhanced Stocks of Fish

[2] AS 16.05.730 (b) Management of Wild and enhanced Stocks of Fish

[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? AS 16.10 375 Regional Salmon Plans was the beginning to designate regions of the state for the purpose of salmon production. Salmon Production to aid our at that time failing runs.

The AHRP results presented by ADFG at the Hatchery Committee meeting, showed the Relative Reproductive Success (RRS) averaged 0.42, less than half, of natural stocks reproductive production of hatchery fish in wild streams. Straying is jeopardizing production and sustained yield of wild fish populations.

The Wally Noerenberg WNH (Ester Island) Salmon Hatchery is one of the facilities creating unacceptable inter-regional hatchery straying from PWS into LCI wild significant stocks. Of the facilities in 2014 AFK made up almost 32% ; 15% of facilities were AFK in 2015; and 8% in 2016. You can see the variation within years.

This is unacceptable to the public trust and the laws to protect wild fish in the state of Alaska. Inter-regional straying is not condoned in the Genetics Policy.

In one Significant Stock alone, Barabara Creek, 92.6% were hatchery fish, 87.4% were PWS hatchery fish from 250 miles away with 24% documented through reading otoliths coming from this WNH hatchery. This is not reasonable segregation and is against the law.

This pattern necessitates that production at this hatchery be ramped down by at least 10%-20% increments each year, until this straying ceases. While it is understood that straying varies year to year and system by system it is time to create a framework of phased reduction, and recognize and admit the damage we are exerting as wild populations are getting homogenized into lower productivity opposite the very reason for hatcheries.

PROPOSED BY: Pioneer Alaskan Fisheries Inc. (EF-F20-137)

PROPOSAL 54

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

Amend the Prince William Sound Management and Salmon Enhancement Allocation Plan to specify hatchery chum salmon production, as follows:

Reduce hatchery production to 24% of the year 2000 production as promised in 2000.

What is the issue you would like the board to address and why? Over production of chum salmon by the private not for profit hatcheries. In January 2001, the hatchery managers promised the Governor and the BOF that they would reduce hatchery production of chum salmon by 24% and never increase it again - reference Joint Protocol on Salmon Enhancement #2002-FB-215. This promise has not been kept.

If this problem is not solved, Alaska's wild salmon stocks bound for Alaskan rivers, and Alaskan residents will be subject to unfair competition with hatchery fish. The recovery of wild chum

salmon stocks will be delayed or reversed. The Alaskan fishermen dependent for their subsistence needs on these wild stocks will continue to have their needs not met; the in-river commercial fisheries, that many rural Alaskan communities are economically dependent upon, will be curtailed or closed. Without healthy and robust Alaskan wild salmon runs, the economy and cultural foundation of a majority of the Alaskan communities will collapse.

PROPOSED BY: Virgil Umphenour (EF-F20-112)

PROPOSAL 55

5 AAC 40.1XX. New section.

Amend private-non-profit hatchery permits to decrease allowable hatchery production, as follows:

The Board of Fisheries would hold the private-non-profit (PNP) hatchery production to the 2000 level and decrease it by 25% of that level.

What is the issue you would like the board to address and why? There is an over-production of hatchery pink salmon that threatens wild Alaska stocks.

The magnitude of releases of hatchery produced pink salmon in Prince William Sound (PWS) poses a threat to wild stocks of salmon in the Gulf of Alaska. Further expansion of pink salmon production by PWS hatcheries increases the risk to wild salmon. This is contrary to the Alaska Sustainable Salmon Policy. As evidence, we cite the very high rates of inter-regional straying of hatchery pink salmon into Lower Cook Inlet, and scientific research studies and agency reports that document the adverse impacts on wild salmon and other wildlife from increased food competition in the North Pacific Ocean, where there are record high salmon abundance levels and an increasingly variable ocean environment.

Recent scientific publications (building on past published reports and internal ADFG reviews) have provided cause for great concern over the biological impacts associated with continued release of very large numbers of hatchery salmon into the North Pacific Ocean, including the Bering Sea and the Gulf of Alaska.

AS 44.62 – Authorizes Board of Fisheries to amend terms of permit relating to the source and number of salmon eggs.

PROPOSED BY: Virgil Umphenour (EF-F20-140)

Gear, Seasons, Closed Waters

PROPOSAL 56

5 AAC 24.3XX. New section.

Create requirements and specifications for use of 250 fathoms of seine gear in Prince William Sound, as follows:

Create a new regulation:

5 AAC 24.333: Requirements and specifications for use of 250 fathom 450 mesh seines in Prince William sound.

(a) Two Prince William sound salmon seine CFEC permit holders may concurrently fish from the same vessel and jointly operate a seine up to 450 meshes deep with a lead and seine aggregate length of up to 250fa under this section.

(b) Before operating jointly under this section, both permit holders shall register with the department indicating the intent to jointly operate gear. Termination of joint operation of seine gear under this section is not effective until at least one of the permit holders register the date and time of termination with the department.

(c) When two Prince William sound salmon seine CFEC permit holders fish from the same vessel and jointly operate under this section, the vessel must display its ADF&G permanent license plate number followed by the letter "D" to identify the vessel as a dual permit vessel. The letter "D" must be removed or covered when the vessel is operating with only one seine permit CFEC permit holder on board the vessel. The identification number and letters must be displayed (1) in letters and numerals 12 inches high with lines at least one inch wide; (2) in a color that contrasts with the background; (3) on both sides of the hull; and (4) in a manner that is plainly visible at all times when the vessel is being operated. (d) When two permit holders jointly operate gear under this section, each permit holder is responsible for ensuring that the entire unit of gear is operated in a lawful manner.

Amend 5 AAC 24.332. Seine specifications and operations.

(a) Except for **as provided by 5 AAC 24.333 and** the first five fathoms in length of the purse seine, a purse seine may not be less than 200 meshes or more than 335 meshes in depth, or less than 125 fathoms or more than 225 fathoms in length, hung measure, or with mesh size greater than four inches stretched measure, except that the first 25 meshes immediately above or below the lead line may be a chafing strip with a mesh size no larger than seven and one-half inches stretched measure. Leads deeper than the seine or exceeding 75 fathoms in length, or leads with mesh size between four inches and six and one quarter inches may not be used, except as specified in 5 AAC 39.260(f) for a cork line border strip and lead line chafing strip. The aggregate of seine and lead may not be more than 225 fathoms in length.

What is the issue you would like the board to address and why? Allow stacking of Prince William sound seine permits similar to what has been successfully done in Bristol bay.

The Prince William sound seine fleet has grown substantial in both the number of active permits and the size and capabilities of vessels in the last 20 years. The recent downturn in pink salmon prices since their high in 2013 and the large variability of the pink salmon returns in Prince William Sound leaves the permit holders teetering on the brink of another collapse in permit value like was seen in the 1990s when permit value went from a high of \$272,333 in 1990 to \$35,300 in 1994. Something needs to be done to address this extreme volatility in permit values before it happens again to a whole new generation.

Permit stacking is a good solution. In times of small runs or low prices more permits will be stacked instead of unfished creating value for all permit holders and preventing their value from collapsing completely. Most importantly when comparing permit stacking to a buyback like was done in southeast permit stacking does not increase the difficulty for new entrants into the fishery. Permit stacking instead creates another path to ownership for deckhands who can buy a permit and stack it on the boat they crew on until they can afford to buy their own operation.

The dual permit seine length of 250fa and depth of 450 meshes was used as it is the same as southeast's seine regulations.

PROPOSED BY: Ezekiel Brown (EF-F20-133)

PROPOSAL 57

5 AAC 24.3XX. New section.

Create requirements and specifications for use of 250 fathoms of seine gear in Prince William Sound, as follows:

5 AAC 54.332 (ADD) **except as specified in 5 AAC (NEW CODE #).**

5 AAC (NEW CODE #) Requirements and specifications for use of a 250 fathom seine in Prince William Sound.

- a) 2 CFEC permits present on and registered to the same vessel may operate 250 fathoms of seine.**
- b) all other specifications in 5AAC.54.332 remain in effect**
- c) the additional 25 fathoms shall have cork colors other than white or yellow.**

What is the issue you would like the board to address and why? The seine fishery in Prince William Sound is over capitalized and overcrowded. It is common for openings to be very restricted in area. Lineups can and do reach over 100 boats giving a primary set every third day. There are two major factors contributing to the current situation; a) fish prices aren't keeping up with the increasing operating costs, fuel, insurance, repairs, supplies etc. b) management is different now than in the 70's and 80's when full participation was the norm. It was standard for the majority of the sound to be open on a regular schedule of 5 days per week, Monday thru Friday, allowing boats to spread out. Presently 2-4 openings with a duration of 12-14 hours each with restricted area is the norm. I believe this solution would help ease congestion and provide incentive for new entrants to partner up with existing participants and for existing participants to purchase a second permit. I also believe this would encourage existing two permit holders to retain those permits.

PROPOSED BY: Rob Nelson (EF-F20-022)

PROPOSAL 58

5 AAC 24.365. Armin F. Koernig Salmon Hatchery Management Plan.

Amend the *Armin F. Koernig Salmon Hatchery Management Plan* to provide daily fishing periods, as follows:

5 AAC 24.370 (2) (A). Remove the words, [AND WHERE, TO THE EXTENT PRACTICAL, THE DEPARTMENT SHALL MANAGE TO REDUCE THE HARVEST OF STOCKS BOUND FOR OTHER DISTRICTS;]

Return the AFK enhanced chum salmon fishery to a schedule of daily fishing periods.

What is the issue you would like the board to address and why? The words, "and where, to the extent practical, the department shall manage to reduce the harvest of stocks bound for other districts; were added at the request of the Gillnet fleet due to some harvest of Sockeye salmon in conjunction with the harvest of Chum salmon destined for the Armin F Koernig hatchery Terminal and Special Harvest Areas. This Sockeye harvest has always occurred, and continues to even with the Departments efforts. Historically the AFK caught percentage of Sockeyes bound for other areas has been between 1.51% in 2010, and 11% in 2015, with a ten year average of 4.94%. The reduced time and area management protocol the department has adopted due to these added words has caused great harm, both to the Fishermen and their equipment, and the financial outcome of the distribution of the catch. Fishing in compressed time frames on buildups of fish has resulted in damaged boats and a wider gap between the haves and have nots.

These Sockeye salmon caught by the Seine fleet do not constitute an absolute win for the Seine gear group. The PWS Enhancement Allocation Plan takes them into account when determining fishing area opportunities.

PROPOSED BY: Northwest and Alaska Seine Association (EF-F20-108)

PROPOSAL 59

5 AAC 24.350. Closed waters.

Reduce waters closed to commercial salmon fishing, as follows:

The closed area in this proposal is defined in both the closed waters of the Eastern and Southeastern districts. Unit 3(A) would be modified as follows while Unit 11(E) would be removed.

5 AAC 24.350 Closed waters

(3) Eastern District

(A) Simpson Bay, north of 60° 38.00' N. lat. [ORCA INLET AND NELSON BAY SOUTH AND EAST OF A LINE FROM SALMO POINT TO SHEPARD POINT, AND ALL OF ORCA INLET SOUTHEAST OF HAWKINS ISLAND]

...

(11) Southeastern District

(E) [HAWKINS CUTOFF-ORCA INLET AREA: SOUTH OF A LINE FROM 60° 27.86' LAT., 146° 19.72' W. LONG. TO 60° 27.65' N. LAT., 146° 21.39' W. LONG., AND ORCA INLET AND NELSON BAY SOUTH AND EAST OF A LINE FROM SALMO POINT TO SHEPARD POINT, AND ALL OF ORCA INLET SOUTHEAST OF HAWKINS ISLAND;]

What is the issue you would like the board to address and why? Due to expansive closed waters in Orca Inlet, harvestable surpluses of pink and chum salmon in the area have not been utilized in a fishery. Strong returns to streams within this area have been observed in recent years.

PROPOSED BY: Cordova District Fishermen United (HQ-F20-021)

PROPOSAL 60

5 AAC 24.350. Closed waters.

Update closed waters defined in regulation by incorporating GPS locations to replace closed waters areas historically defined by physical markers, as follows:

5 AAC 24.350 is amended to read:

(3) Eastern District:

(A) Simpson Bay, north of 60° 38.00' N. lat., Orca Inlet and Nelson Bay south and east of a line from Salmo Point to Shepard Point, and all of Orca Inlet southeast of Hawkins Island;

(B) Sheep Bay: north of a line from 60° 41.99' N. lat., 145° 56.11' W. long. to 60° 41.17' N. lat., 145° 55.87' W. long., **and east of a line from 60° 40.08' N. lat., 145° 58.61' W. long. to 60° 39.45' N. lat., 145° 58.88' W. long.;**

(C) Plateau Creek: south of a line from 60° 42.60' N. lat., 146° 08.28' W. long. to 60° 42.67' N. lat., 146° 07.80' W. long.;

(D) [(C)] Comfort Cove: east of a line from 60° 42.96' N. lat., 146° 05.67' W. long. to 60° 42.70' N. lat., 146° 05.78' W. long.;

(E) [(D)] Olsen Bay: north of 60° 44.06' N. lat.;

(F) [(E)] Beartrap Bay: east of a line from 60° 44.86' N. lat., 145° 59.64' W. long. to 60° 44.60' N. lat., 145° 59.86' W. long.; [60° 44.55' N. LAT., 145° 59.62' W. LONG.;

(G) Port Gravina: north of 60° 46.30' N. lat.;

(H) [(F)] St. Matthews Bay: east of a line at 146° 18.09' W. long., and within 500 yards of the northwestern shore, north of 60° 45.36' N. lat.;

(I) Snug Corner Cove: south of a line from 60° 43.51' N. lat., 146° 38.51' W. long. to 60° 43.82' N. lat., 146° 38.00' W. long.;

(J) [(G)] Two Moon Bay: south of a line from 60° 44.74' N. lat., 146° 30.15' W. long. to 60° 44.63' N. lat., 146° 30.93' W. long.; **and south of a line from 60° 44.25' N. lat., 146° 34.42' W. long. and 60° 44.23' N. lat., 146° 35.10' W. long.;**

(K) [(H)] Irish Cove: south of a line from 60° 46.13' N. lat., 146° 26.84' W. long. to 60° 46.06' N. lat., 146° 26.62' W. long.;

(L) [(I)] Whalen Bay: east of a line from 60° 49.23' N. lat., 146° 15.17' W. long. to 60° 48.59' N. lat., 146° 16.02' W. long.;

(M) Fidalgo River Delta: North of a line from 60° 51.77' N. lat., 146° 34.42' W. long. to 60° 51.75' N. lat., 146° 10.19' W. long.;

(N) Sunny River Delta: North of a line from 60° 51.99' N. lat., 146° 13.82' W. long. to 60° 51.85' N. lat., 146° 16.13' W. long.;

(O) Fidalgo Bay: East of a line from 60° 50.93' N. lat., 146° 8.05' W. long. to 60° 50.20' N. lat., 146° 7.03' W. long.;

(P) Short Creek: north of a line from 60° 50.99' N. lat., 146° 16.85' W. long. to 60° 51.12' N. lat., 146° 16.00' W. long., and west of a line from 60° 51.16' N. lat., 146° 15.93' W. long. and 60° 51.35' N. lat., 146° 16.10' W. long.;

(Q) [(J)] Fish Bay: north of 60° 48.92' N. lat.;

(R) Banzer Creek: within the bay east of a line from 60° 48.56' N. lat., 146° 33.53' W. long. to 60° 49.11' N. lat., 146° 33.85' W. long.;

(S) [(K)] Landlocked Bay: within the bay east of a line in the narrows from 60° 51.13' N. lat., 146° 34.05' W. long. to 60° 51.42' N. lat., 146° 34.12' W. long.;

(T) [(L)] Galena Bay: east of a line from 60° 55.64' N. lat., 146° 38.16' W. long. to 60° 56.41' N. lat., 146° 36.22' W. long., and within 1,000 yards of the north shore between 60° 57.13' N. lat., 146° 38.83' W. long. and 60° 56.81' N. lat., 146° 36.55' W. long.;

(U) [(M)] Jack Bay: south and east of a line from 61° 01.76' N. lat., 146° 34.52' W. long. to 61° 01.01' N. lat., 146° 34.34' W. long., and within 1,000 yards of the terminus of all other salmon streams of the bay;

(V) [(N)] Mineral Creek Delta, Gold Creek, and Kadis Creek: north of a line from 61° 07.45' N. lat., 146° 23.75' W. long. to 61° 07.45' N. lat., 146° 29.80' W. long.;

(W) [(O)] Head of Port Valdez: waters east of a line from a point west of the Valdez boat harbor at 61° 07.47' N. lat., 146° 22.67' W. long. to a point on the south shore at 61° 05.13' N. lat., 146° 17.82' W. long.;

(X) [(P)] Allison Creek, Sawmill Creek, and the Alyeska Safety Zone: within 200 yards of the shore from Allison Point at 61° 05.16' N. lat., 146° 20.72' W. long. to a point west of Sawmill Creek at 61° 04.81' N. lat., 146° 27.32' W. long.;

(Y) [(Q)] Sawmill Bay, Valdez Arm: north of 61° 03.14' N. lat. in the northern arm of the bay and west of a line from 61° 03.14' N. lat., 146° 47.41' W. long. to 61° 02.74' N. lat., 146° 47.27' W. long. in the western arm of the bay;

(4) Northern District:

(A) Long Bay: north of a line from 60° 59.09' N. lat., 147° 14.52' W. long. to 60° 58.97' N. lat., 147° 13.17' W. long., north of a line from 60° 59.24' N. lat., 147° 16.35' W. long. to 60° 59.26' N. lat., 147° 16.59' W. long., north of a line from 60° 59.14' N. lat., 147° 16.93' W. long. to 60° 59.03' N. lat., 147° 17.32' W. long., and west of a line from 60° 58.46' N. lat., 147° 16.52' W. long. to 60° 57.52' N. lat., 147° 16.56' W. long.;

(B) Granite Bay: east of a line from 60° 55.35' N. lat., 147° 24.24' W. long. to 60° 55.26' N. lat., 147° 24.19' W. long.;

(C) Cedar Bay: north of 60° 58.00' N. lat.;

(D) [(B)] Eaglek Bay: north of 60° 53.46' N. lat.;

(E) [(C)] Wells Bay: east of a line from 61° 00.59' N. lat., 147° 25.59' W. long. to 61° 00.16' N. lat., 147° 25.48' W. long., and north of a line from 61° 00.17' N. lat., 147° 28.88' W. long. to 61° 00.11' N. lat., 147° 29.31' W. long.;

(F) [(D)] Siwash Bay: west of a line from 60° 57.48' N. lat., 147° 39.73' W. long. to 60° 56.97' N. lat., 147° 39.52' W. long.;

(G) [(E)] Jonah Bay: west of a line from 61° 00.82' N. lat., 147° 38.63' W. long. to 60° 56.96' N. lat., 147° 38.51' W. long.;

(H) [(F)] Unakwik Inlet: within 1,000 yards of the terminus of all salmon streams north of 60° 51.97' N. lat.;

(I) Derickson Bay: west of a line from 60° 52.18' N. lat., 147° 48.43' W. long. to 60° 51.88' N. lat., 147° 48.48' W. long.;

(J) Schoppe Bay: east of 147° 39.55' W. long.;

(5) Unakwik District:

(A) Unakwik Inlet: [IN UNAKWIK INLET] within 1,000 yards of the terminus of all salmon streams [IN THE DISTRICT] south of 61° 04.97' N. lat.;

(B) Miners Bay: east of a line from 61° 03.80' N. lat., 147° 30.27' W. long. to 61° 04.32' N. lat., 147° 29.94' W. long.;

(6) Coghill District:

(A) Esther Passage: east of a line from 60° 51.49' N. lat., 147° 54.65' W. long. to 60° 52.36' N. lat., 147° 54.85' W. long.; **and east of a line from 60° 54.20' N. lat., 147° 56.91' W. long. to 60° 53.83' N. lat., 147° 56.63' W. long.;**

(B) Golden River: east of a line from 60° 57.76' N. lat., 148° 00.82' W. long. to 60° 58.76' N. lat., 147° 59.59' W. long.;

(C) Coghill River: north of a line from 61° 04.06' N. lat., 147° 57.01' W. long. to 61° 03.33' N. lat., 147° 55.62' W. long.; [(B) College Fiord: within 500 yards of the terminus of Coghill River and within the cove immediately north of the Coghill River mouth;]

(D) Barry Arm: north of a line from 61° 00.62' N. lat., 148° 05.61' W. long. to 61° 02.31' N. lat., 148° 07.00' W. long.;

(E) Harrison Lagoon: west of a line from 60° 59.37' N. lat., 148° 11.00' W. long. to 60° 58.14' N. lat., 148° 11.43' W. long.;

(F) Hobo Bay: north of a line from 60° 57.14' N. lat., 148° 13.13' W. long. to 60° 56.76' N. lat., 148° 14.02' W. long.;

(G) Bettles Bay: north and west of a line from 60° 56.42' N. lat., 148° 17.82' W. long. to 60° 56.76' N. lat., 148° 16.69' W. long.;

(H) Hummer Bay: north of a line from 60° 53.43' N. lat., 148° 17.42' W. long. to 60° 53.24' N. lat., 148° 18.31' W. long.;

(I) Pirate Cove: west of a line from 60° 52.54' N. lat., 148° 17.68' W. long. to 60° 52.07' N. lat., 148° 17.62' W. long.;

(J) Pigot Bay: west of a line from 60° 51.02' N. lat., 148° 20.97' W. long. to 60° 49.94' N. lat., 148° 21.92' W. long.;

(7) Northwestern District:

(A) Logging Camp Bay: north of a line from 60° 49.36' N. lat., 148° 25.29' W. long. to 60° 49.79' N. lat., 148° 26.22' W. long.;

(B) [(A)] Blackstone Bay: south of a line from 60° 45.95' N. lat., 148° 29.56' W. long. to 60° 45.81' N. lat., 148° 26.61' W. long.;

(C) [(B)] Passage Canal (Shotgun Cove): south of a line from 60° 48.11' N. lat., 148° 33.08' W. long. to 60° 47.90' N. lat., 148° 32.09' W. long.;

(D) [(C)] Cochrane Bay: southwest of a line from 60° 39.61' N. lat., 148° 25.41' W. long. to 60° 38.11' N. lat., 148° 24.57' W. long., west of a line from 60° 43.76' N. lat., 148° 22.52' W. long. to 60° 41.45' N. lat., 148° 23.09' W. long., **east of a line from 60° 39.96' N.**

lat., 148° 21.67' W. long. to 60° 39.33' N. lat., 148° 22.27' W. long., and Surprise Cove west of a line from 60° 45.89' N. lat., 148° 22.02' W. long. to 60° 45.12' N. lat., 148° 22.31' W. long.;

(E) [(D)] Long Bay (Culross Passage): west of a line from 60° 41.87' N. lat., 148° 15.74' W. long. to 60° 41.61' N. lat., 148° 15.52' W. long.;

(F) [(E)] Port Nellie Juan (Mink Creek): northwest of a line from 60° 35.66' N. lat., 148° 13.82' W. long. to 60° 34.56' N. lat., 148° 16.47' W. long.; and north of a line from 60° 33.61' N. lat., 148° 17.79' W. long. to 60° 33.90' N. lat., 148° 17.34' W. long.;

(G) [(F)] East Finger Inlet: north of 60° 32.51' N. lat.;

(H) [(G)] West Finger Inlet: north of a line from 60° 34.16' N. lat., 148° 27.02' W. long. to 60° 34.11' N. lat., 148° 26.21' W. long.;

(I) Kings Bay: south of a line from 60° 28.27' N. lat., 148° 41.50' W. long. to 60° 27.81' N. lat., 148° 37.94' W. long.;

(J) Greystone Bay: south of a line from 60° 31.53' N. lat., 148° 26.16' W. long. to 60° 31.00' N. lat., 148° 25.58' W. long.;

(K) McClure Bay: south of a line from 60° 30.24' N. lat., 148° 10.56' W. long. to 60° 30.29' N. lat., 148° 9.61' W. long.;

(8) Eshamy District:

(A) Eshamy Bay and its tributary waters: waters within the Eshamy Lagoon and its tributaries and within 100 yards outside the narrows at the entrance of Eshamy Lagoon;

(B) Gumboot Creek: within 750 yards of the terminus of Gumboot Creek on the northern shore of Eshamy Bay;

(9) Southwestern District:

(A) Dangerous Passage: within 1,000 yards of all salmon streams in Dangerous Passage between 148° 08.87' W. long. and 148° 02.62' W. long.;

(B) Ewan Bay: west of 148° 08.35' W. long.;

(C) Paddy Bay: north of a line from 60° 23.97' N. lat., 148° 06.07' W. long. to 60° 23.91' N. lat., 148° 04.91' W. long.;

(D) Jackpot Bay: north and west of a line from 60° 20.74' N. lat., 148° 13.18' W. long. to 60° 20.52' N. lat., 148° 13.41' W. long.;

(E) Whale Bay: south of 60° 14.16' N. lat.;

(F) Port Bainbridge: north of a line from 60° 09.72' N. lat., 148° 19.96' W. long. to 60° 09.68' N. lat., 148° 20.56' W. long.;

(G) Hogg Bay: north of a line from 60° 05.10' N. lat., 148° 12.05' W. long. to 60° 04.94' N. lat., 148° 11.75' W. long., and east of a line from 60° 04.32' N. lat., 148° 11.47' W. long. to 60° 04.01' N. lat., 148° 11.62' W. long.

(H) Bainbridge Island: within the bay south of a line from 60° 07.58' N. lat., 148° 06.83' W. long. to 60° 07.80' N. lat., 148° 06.31' W. long.;

(I) Ikuta Bay: south of a line from 60° 06.58' N. lat., 148° 00.80' W. long. to 60° 06.60' N. lat., 148° 00.12' W. long.;

(J) Mummy Bay: north of a line from 60° 13.75' N. lat., 147° 49.12' W. long. to 60° 13.31' N. lat., 147° 48.57' W. long.;

(K) Thumb Bay: south and east of a line from 60° 12.83' N. lat., 147° 48.82' W. long. to 60° 12.61' N. lat., 147° 49.52' W. long.;

(L) Hogan Bay: north of 60° 12.00' N. lat.;

(M) Snug Harbor: west of 147° 45.55' W. long.;

(10) Montague District:

(A) Zaikof Bay: south of 60° 16.86' N. lat., and within 1,000 yards of the southeastern shore of the bay from a point at 60° 17.94' N. lat., 147° 00.15' W. long. to a line at 60° 16.86' N. lat.;

(B) Rocky Bay: west of a line from a point at 60° 21.30' N. lat., 147° 06.66' W. long. to a point at 60° 20.54' N. lat., 147° 05.61' W. long.;

(C) Stockdale Harbor: east of a line from a point at 60° 19.56' N. lat., 147° 12.02' W. long. to a point at 60° 18.26' N. lat., 147° 11.72' W. long.;

(D) Port Chalmers: within a line from a point at 60° 16.97' N. lat., 147° 12.62' W. long. to a point at 60° 16.06' N. lat., 147° 12.63' W. long., from a point at 60° 15.37' N. lat., 147° 12.31' W. long. to a point at 60° 14.16' N. lat., 147° 14.42' W. long., and from a point at 60° 13.86' N. lat., 147° 14.77' W. long. to a point at 60° 13.56' N. lat., 147° 16.82' W. long.;

(E) Hanning Bay: east of a line from a point at 59° 58.93' N. lat., 147° 41.46' W. long. to a point at 59° 57.15' N. lat., 147° 42.99' W. long.;

(F) MacLeod Harbor: east of a line from a point at 59° 53.26' N. lat., 147° 46.12' W. long. to a point at 59° 52.46' N. lat., 147° 46.52' W. long.;

(G) Montague Strait: within 500 yards of the northwestern shore of Montague Island from 60° 04.61' N. lat., 147° 28.82' W. long. to 60° 03.13' N. lat., 147° 33.17' W. long., and from 60° 02.10' N. lat., 147° 34.28' W. long. to 59° 59.94' N. lat., 147° 40.57' W. long.;

(H) Green Island: west of a line from 60° 18.19' N. lat., 147° 23.51' W. long. to 60° 18.19' N. lat., 147° 21.02' W. long., and east of a line from 60° 16.37' N. lat., 147° 26.51' W. long. to 60° 16.99' N. lat., 147° 26.07' W. long.;

(11) Southeastern District:

(A) Port Etches: east of a line from 60° 21.09' N. lat., 146° 33.94' W. long. to 60° 20.06' N. lat., 146° 32.72' W. long., and south of a line from 60° 19.71' N. lat., 146° 34.11' W. long. to 60° 19.01' N. lat., 146° 35.62' W. long.;

(B) Constantine Harbor: within the harbor from 60° 21.25' N. lat., 146° 36.29' W. long. to 60° 21.04' N. lat., 146° 37.10' W. long.;

(C) Deer Cove, Hinchinbrook Island: east of a line from 60° 23.35' N. lat., 146° 43.58' W. long. to 60° 23.81' N. lat., 146° 42.73' W. long.;

(D) Juania Cove, Hinchinbrook Island: east of a line from 60° 24.07' N. lat., 146° 42.73' W. long. to 60° 24.70' N. lat., 146° 42.30' W. long.;

(E) [(C)] Shelter Bay, Hinchinbrook Island: east of a line from 60° 26.31' N. lat., 146° 40.12' W. long. to 60° 25.66' N. lat., 146° 40.02' W. long.;

(F) [(D)] Anderson Bay: south of a line from 60° 28.24' N. lat., 146° 30.78' W. long. to 60° 28.42' N. lat., 146° 31.20' W. long.;

(G) Double Bay: south of a line from 60° 28.03' N. lat., 146° 29.11' W. long. to 60° 28.26' N. lat., 146° 28.55' W. long., and south of a line from 60° 28.25' N. lat., 146° 27.71' W. long. to 60° 28.02' N. lat., 146° 26.61' W. long.;

(H) [(E)] Hawkins Cutoff-Orca Inlet Area: south of a line from 60° 27.86' N. lat., 146° 19.72' W. long. to 60° 27.65' N. lat., 146° 21.39' W. long., and Orca Inlet and Nelson Bay south and east of a line from Salmo Point to Shepard Point, and all of Orca Inlet southeast of Hawkins Island;

(I) [(F)] Canoe Passage: south of a line from 60° 31.18' N. lat., 146° 07.43' W. long. to 60° 31.13' N. lat., 146° 07.07' W. long.;

(J) Windy Bay: south of a line from 60° 33.89' N. lat., 145° 57.69' W. long. to 60° 33.71' N. lat., 145° 58.64' W. long.;

(12) in other streams or rivers: within 500 yards of the terminus of the stream or river or as posted as specified in 5 AAC 39.290.

...

What is the issue you would like the board to address and why? Currently many closed water areas in Prince William Sound are identified by physical markers and are not defined in regulation. The department maintained closed waters markers in these areas for decades, but the maintenance of these markers ended in 2005 due to budget cuts. Most of these markers identify closed waters associated with anadromous stream mouths. These painted plywood markers have been gradually disappearing since the end of the maintenance program. Without these markers, and no GPS coordinates, closed water locations are unclear to stakeholders and difficult to enforce. This proposal replaces locations historically defined by these markers with GPS coordinates.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F20-132)
