

RE: DRIFT NET FISHERY MANAGEMENT PLAN REVISIONS

February 28, 2011 – July 9 to 15 Discussion

1:16 pm – Consideration of action plans for Committee as a whole beginning with Board-generated proposal RC 164.

1:31 pm – Board expresses intent to restrict period during July 9-15

2:27 pm – Return to the record to take up RC 200 which is a revised version of RC 64 for July 9-15.

2:40 pm – RC 200 accepted as substitute language for RC 164.

2:42 pm – confirmed that RC 200 deals only with July 9-15 period

2:50 pm – discussion of (A)(ii) with reference to proposal 126.

2:55 pm – Webster: intent is to only restrict the first of two periods in July 9-15.

2:58 pm – affirmation that remaining drift net plan elements of proposal 126 to be considered in Committee B.

3:04: pm

Johnstone: If we vote on RC 200 are we just voting on the matters we've discussed and not the rest of RC 200 that we haven't discussed.

Webster: Yes, we can discuss it but there's not changes. Mr. Fox can you explain exactly what our board generated proposal does right now?

3:05:30 pm – Fox explanation:

Fox: This RC 200 closes the area 1 during the July 9 period and adds an expanded corridor during that timeframe. Also allows additional time in the expanded corridor between the next, up to the next regular period. The second regular period there is no changes. There are also no changes to the rest of the plan unless you make them later during other proposals. We would just keep adding anything you change or add into it. Also then in 21.200 we defined the new expanded corridor areas. You are free to add to them or detract from them any you want.

Webster: Thank you, does that answer your question concern Mr Johnstone.

Johnstone: Yes as long as we're not restricted from discussing and making decisions on the rest of the proposed changes.

Webster: Mr. Nelson.

Nelson: Mr. Chairman, a little bit of a clarification. Whenever you vote on a proposal, all you are voting on is as its expressed. It doesn't mean that the part you haven't amended you've somehow readopted or reaffirmed. It just means you've voted to make this change. You haven't done anything to the status of the rest of the regulation.

Webster: Thank you

3:07:06 pm

Smith: Appreciates Mr. Nelson's comment... (Understands just changing part))

Brown: I'm generally one to try to speed things along and stuff and I run to fast and but I'm especially the bottom half of this page. It takes serious. There are tiny but significant changes from 126. I have to be honest, when I first saw the 164, I just kinda skimmed through it and said that the same as 126. Only when I looked at it very closely I saw things like changing 1 to 2 and 12 hours and district. When you read it very carefully it is directly related to 126. We just got out today the committee report from 126, we haven't had time for public comment, we haven't had to get RC's in on it. Before I can be comfortably vote on these changes here, I want to know how the public responds to the committee report on B. I think its premature to discuss this without as much as much public input as we could have had. I know that the action plan has been out but I'm not sure everyone realized how different it was from the very similar text we had in proposal 126.

Webster: The rest of RC 200 that differs from proposals 126. The reason it differs is because what's left in this proposal is status quo. It's the same. We're not making changes. Tomorrow when we get into 126, we'll address changing any other part of that. I'm, as Mr. Nelson said, we're only making changes. Nothing keeps us from tomorrow making further changes.

3:10:00 pm

Johnstone: Mr. Chairman, given what Mr. Nelson said and given what the understanding is, I can go along with that and deal with just the issue of whether or not we're going to limit the fleet, take them out of 1, whether the second period will be as the status quo, and whether or not we're going to adopted the expanded corridor.

Webster: Thank you, other Board members. Mr. Kluberton

Kluberton: Thank you Mr. Chairman. I'd just like to point out that the way I interpret where we stand regard to the distinction between RC 200 and proposal 126, is that there's fundamentally a line in 126 when we begin talking about subsection beginning with B from July 16 through July 31. In that timeframe, we're beginning to segue into talking about coho intercept. Above that line going up the page, the ground we've covered so far in the action plan up until we get to what was ii and is now iii, is one paragraph, at run strengths greater than 2 million sockeye blah blah blah, that is fundamentally oriented to sockeye protection, northern district sockeye protection. So I'm comfortable, to me that is an arbitrary choice. The Board can stop and consider we've done what we want to do under the stock of concern section of the program here and then come back and revisit this. To me, I could argue it either way. I'm happy moving ahead. It seems it would be germane to this discussion to pick that next section up what was ii and is now iii. I certainly respect the opinion of the Board to move ahead and pick it up when we do 126. Based on what Board Member Brown mentioned about getting the additional benefit of the publics review of the committee minutes or committee report on committee B, I'll defer to that and just leave it here. I just want to point out that this is a little more germane to the section from July 16 to 31. Lets hold off on getting the additional value of public review and pick it up at another time.

3:12:20 pm - Webster explanation of July 9-15 action

Webster: Thank you, any comments on justification for this? Myself, I, we do have a stock of concern. It was determined 3 years ago by the Board that the Susitna sockeye salmon was a stock of concern, for yield. We heard a report on that from the Department - They still support at this time to continue to stay a stock of concern. I think we've heard a lot of different testimonies, you can read the numbers, the escapement goals, we've heard didson and weirs. In the past they didn't know what the escapement was. Basically, its one thing to have a method to determine escapement and know how accurate it is. You can have a consistent record - at least you know you are consistently wrong. With the old system, they don't even know if they are consistently wrong. That's why they can't tell us the escapement goal, what the return per spawner actually is. It was so out of whack that it wasn't giving them any useful information. We've got areas up there, some of them healthy, some of them not. I feel that we do need to get some, some salmon up north. We've got a commercial user group up there that's been restricted in this fishery. They bore the burden of conservation the most in the commercial fleet. I think this is a yield concern. I think we need to try to get some relief up to those guys. So there's many methods of trying to do that. You know, we can chop up area 1. There was a lot of discussion of how to redistrict, what the time periods could be. There is many ways to do that.

3:15:05 pm

This Board generated proposal has chosen to take one period between the 9th and 15th and restrict it to the drift fleet where that area, that period, is in a mixed stock fishery for that northern bound fish that are going through and to terminalize it during this period. *It also allows the drift fleet to harvest the Kenai and Kasilof fish that may get by, that may have went by that they sacrificed. It gives them the opportunity to harvest those in the expanded area. Can they catch them all? Maybe, maybe not. But it will give them some opportunity to do that. I'm going to be supporting this because I think it does address the stock of concern up north and I think we need to do something. Whether its right or wrong, I'm hoping in 3 years the Department will have an opportunity to take genetic samples on the line of the expanded fishery and give us a better feel of what the makeup of that interception would be on the expanded district. 3 years from now, we may want to pull that line back further. I'm not saying this is going to be set forever. I'm saying I'm willing to do this with uncertainty hoping with today's technology we can get some more DNA sampling and in 3 years, this will come back before us and I can make a better informed decision based on the best available information at that time. I'm making, I'm basing my vote here, my support here, on the best available information that we have before us at this time as the sustainable fishery policy states and, you know, it addresses conservation concerns. It says when we're in doubt we should bear on the side of caution, of conservation. So that's why I'm supporting this. Other Board members?*

3:17:20 pm

Johnstone: OK, thank you Mr. Chairman Looking at the SSFP, the question would be have the following factors be considered in formulating management plans... (justification)

3:22:00 pm

Brown: If we do pass this top half on RC 200, it would impose additional cost...

Jensen: I'm going to be voting in opposition of this proposal...

Smith: I'm going to be voting in favor of this proposal...

Johnstone: This is clearly allocative...

3:26:30 pm

Kluberton: I'd like to reference comments of other Board members that spoke in support of this proposal...

3:29:00 pm

Morris: Most of what I would care to add to this has been said in one form or another but I'd like to reference my colleague's comments and mention that part of the SSFP includes...

Brown: An issue that we are all dealing with is that mantra of achieving MSY...

Johnstone: (speaks to greater effort required in the expanded corridor)

3:32:48 pm – Question called on adoption of RC 200

(Roll call vote, motioned passed 6- 1, Jensen opposed)

Note: The Board clearly adopted the expanded corridor for only the first regular period and the additional fishing time during the July 9-15 timeframe as per RC 200. This action was as explained by Mr. Fox at 3:05:30 and affirmed by Mr. Johnstone at 3:10:00. RC was adopted by a vote of 6-1 at 3:42 pm. There was subsequent discussion and explanations of this action during the next two days but at no point did the Board take a formal action to modify the language adopted in RC 200 for the July 9-15 timeframe.

March 1, 2011 – July 16-31 Discussion

10:24 am – Committee B deliberation begins, proposal #126 to record

10:30 am – Discussion of plan purpose revision

10:41 am – Show of hands by Board for incorporating proposed purpose for further consideration (4 votes)

10:41:18 am - Discussion of past action taken for July 9-15, supersedes this section of proposal

Brown: The next section, beginning on page 106 of the orange book, where we start with bold face, underlined B and go all the way down to additional periods may be authorized independent of upper-sub-district set gill net fishery. We've dealt with that in an action plan. Much of our discussion yesterday was about closing one period between June 9...July 9 and July 15. The expanded corridor and that passed. So as I understand it, we can delete this entire section from this proposal and what we did with the action plan yesterday will become regulation. Is that correct, Mr. Chair?

Webster: Yes. So, what we need to see here is, is there any objection on removing this part because we've already dealt with it.

Brown: Again, it is just from the bold letter B in parenthesis down to the bold type sub-district set-net gill fishery. That's all been dealt with in the action plan.

Webster: So, I see no objections in deleting that? So that parts deleted. Mr. Brown.

Brown: Thank you! Now we've got to discuss, what another part of the proposal and it begins in the orange book cap B in parentheses from July 16-31. This is an abundance based rules, to try to, again, get the main purpose of this the proposal, to get cohos in the northern district. Now, I'm going to read it with the numbers that are currently in the orange book. Recognizing we just heard, passed a RC213, we accepted that changed all these numbers based upon the Didson counts. OK? One reason I asked the question that these new numbers, do they equate identically to the old numbers just by a scale factor so we don't have to go through all the adjustments. So that, rather than calculate the numbers now, I'm going to read the old numbers, accepting that this will take account of the new didson numbers. Does that make sense, Mr. Chair?

Webster: Yes, it does. Is that clear to staff?

Fox: Yes, Mr. Chair.

Webster: OK, Mr. Brown.

10:43:30 am – July 16-31 at run strengths less than 2 (2.3) million Kenai sockeye

11:24 am – Use of expanded corridor for July 16-31 at runs under 2 million

Brown: Thank you, Mr. Chair. I have to make a couple comments. First, I think that I would prefer to just put it in the expanded corridor, for no other reason than to say we'd have simple regulations. We've already put the expanded corridor in the July 9th and 15th area. If we put it in the July 16 to 31 I think it would be easier for people to understand it. But I also have to comment on Mr. Jensen's back-of-the-envelope calculations on lost income.

There are two things. One, we don't know how many fish will be lost to the drift fleet. They're not going to lose 100 percent, so these calculations are an overestimate. The other thing is, the reason we would be doing this would be to move fish in the northern district. Those are valuable fish too. And I won't—I could probably do back-of-the-envelope calculations on those too, but I won't. I'll just say that the tradeoff isn't nearly as dramatic as it's being made out to be. And also, we need to think of this as a dynamic optimization problem. We need to have a flow of fish to the northern district over several years, and if we get one or two good years, that might be fine. They might reestablish and might come back and they—the streams that are, I can't use the term stock of concern, but they—the streams that we're concerned about might get enough fish so that we're less concerned about them, it might open up opportunities for the thousands of people that live in that area. So we need to be careful before throwing out economic calculations that are only—that aren't containing all of the information. Mr. Chair.

11:40:00 am – Discussion of RC 216 (review of commercial landings from drift harvests in the expanded corridor)

11:50:06 am – Brown amendment to apply expanded corridor for July 16-31

Webster: I think let's move on off of this and as suggested let's get into what that expanded corridor is going to look like. Can that—is that in here already, or do we need to discuss that? Mr. Brown.

Brown: No, Mr. Chair, it's not in proposal 126. My recommendation, in fact I would move this, that we use for all of our discussion of 126, we use the same expanded corridor we used in our action plan last night. Mr. Chair.

Webster: Thank you. Any objection to that? Seeing none, so be it. So, Mr. Kluberton.

Here, the board decides to use the expanded corridor for all periods in July 16-31. This does not apply to July 9-15 because the Board previously decided that Feb 28 language for July 9-15 superseded language for the same period in proposal 126.

Kluberton: Thank you, Mr. Chairman. I just—it's not so much a question, I just want to make an observation that, I think I touched on it yesterday, we're right here in this part of the meeting at the very heart of the most complex issue we're faced with in upper Cook Inlet. And as we've got a mixed-stock fishery, this is the place we have to try to do something. If we do nothing, we learn nothing. Just looking at, again, it's a limited amount of numbers, it's the best available science we've got. We've got numbers from 2002 on coho, we've got number in 2010 on coho—not a lot of R-squared in those two figures, but it's enough to cause some concern. Given uncertainty, acting conservatively—again, if we do nothing, we learn nothing—I'm favoring the approach of a light hand, but do something and watch the metrics come out at the next Board cycle and see what we've learned. So I think probably the most readily available tool to us in that regard would be to use the expanded corridor, take your thought and expand on it, just using a single period of closure and see what that looks like in three years. That gives us something to measure from. If we do nothing, we learn nothing. Take an action. Maybe we take the slightest action we can and see if we can't learn from that. Thank you.

Webster: Thank you. I guess we could—Mr. Brown, how do you want to go from here?

11:52 am – Wrap up of discussion regarding July 9-15 for runs under 2 (2.3) million

Brown: Um, I—Just trying to read people's facial expressions. I'm not very good at it, given I need a new glasses prescription. I'm guessing that most people have come to a decision on how they would vote on that particular item, expanded corridor and one closure, and I think it'd be nice to get a show of hands and see if the Board is ready to move on to 2(ii).

Webster: Okay, as I've stated, I can't support as written, I could possibly support it if we gave them one opening, but as it's written I can't support it. So, other Board members? Mr. Jensen.

Jensen: Thank you Mr. Chair. I can't support it in any form. I think the restrictions and stuff we did in 2008 haven't had a chance to come to fruition, we haven't gone through a lifecycle of most of the salmon to see how that's turning out, and I can't support any closure of area 1. Mr. Chair.

Webster: Thank you. Anybody—show of hands. Support for as it's written?

Johnstone: Excuse me—further comment, you allowed a comment from Mr. Jensen—may I give a short comment?

Webster: Go ahead, Mr. Johnstone.

Johnstone: I want to note, based on Mr. Fox's statement that the likelihood of this occurring is, looks like about 15 percent. And if we do have run strengths of less than 2 million sockeye I think we need to consider some restrictions, because there's going to be some problems. I could support it either way, I would—with the expanded drift area—I could support it to take them out of area 1 and put them in the expanded corridor for both fishing periods or for one. And I'm not sure how you're going to take a vote. Are you going to take a vote on one and then—I mean two—and then take a vote on one.

Webster: Yes, Mr. Morris.

Morris: Mr. Chairman. I wasn't totally sure what your position was, but I understand that you might consider it if there was an expanded corridor in one opening there and the second opening would be in district 1, is that your thinking?

Webster: Right. I think this particular—if we make it one, this particular one should be a floater to be used as discretion. As Mr. Fox stated, they may already be restricted, and they may have had a 10-day closure not fishing at all, and then all of a sudden an abundance shows up—you know, why not let them use that opening. If we put it solid then they wouldn't even have an opportunity to use it. So that's my thinking.

Morris: Well, I agree with you.

Webster: Okay, I guess it's—Mr. Kluberton.

Kluberton: Thank you. Could we maybe get a show of hands on support for a single floating closure in the expanded area and see how that is shaping up?

Webster: We can do that. Who would support a single floating opener?

Brown: And an expanded—

Webster: And an expanded corridor. We got support for that, so that's what's before us. Let's move on. Mr. Brown.

Board supports restriction of a single period from July 16-31 to the expanded corridor at run strengths under 2 million

11:55:45 am – Discussion of runs of 2-4 million for July 16-31

Brown: Oh, that was fun. Uh, now remember, this is an abundance-based management, and we've taken some slight restrictions on runs of less than 2 million, now we're looking at on runs— (ii), on run strengths of 2-4-million sockeye in the Kenai River, fishing during one regular 12-hour period per week will be restricted to either or both of the Kenai and Kasilof sections of the upper district, or drift gillnet area 1. Okay, so this is a run of 2-4 million. Remember, we adjusted those numbers with Didson, but I'll just call it 2-4 million. One 12-hour period per week will be restricted to either or both of the—I'm going to say this is the expanded corridor—or drift gillnet 1. Any comments from my colleagues?

Webster: Board members? Mr. Jensen.

Jensen: Again, Mr. Chair, I'm not going to be supporting any more restrictions.

Webster: Thank you. Other Board members? Okay, Mr. Kluberton.

Kluberton: Thank you, Chairman. Again, in the spirit of exploring the guts of a mixed-stock fishery, now we're in the center of the bell curve. We have an expanded area, fundamentally what we're doing here is trying to allow, if I have this right, we're going to take one period and hold them into area 1 and the expanded corridor, which gives them a little bit further north, closer in. The only thing we're doing, we're pulling them out of area 2, which is further to the north, giving those fish that are making it through a little better head start getting to the northern district. In the spirit of sharing abundance, sharing restrictions, again, we have to do something in a mixed-stock fishery scenario to pay credence to those other fisheries in the upper Cook Inlet. So I'd be inclined to support this one.

Webster: Question for staff: can you explain how it's managed now and what this would do?

Fox: Yes, Mr. Chairman. Currently, in runs of 2-4 million, you fish drift gillnet area 1, and drift gillnet area 2, and the Kenai/Kasilof sections for—two periods are restricted to those areas, drift gillnet area 1, area 2, Kenai and Kasilof sections, or some subset of them. What this proposal does, is it says for one of those delete area 2, and for the next one it's unrestricted.

Webster: So, for one of those periods area 2 is deleted, the other period area 2 is—it's normal.

Fox: No, area 2 goes away. It's unrestricted period.

Webster: So where would they go—

Fox: District-wide. Everything. Fishing everywhere.

Webster: Every—when you say everywhere, you're talking about the black line all the way to the bottom?

Fox: The black line above the area 2, the one that's about—

Webster: One goes from shore to shore—

Fox: Correct. This one here.

Webster: Right.

Fox: All the way down to the Anchor Point line, all of that's open.

Webster: Okay. So one period—and they're allowed to do that now?

Fox: No, right now two periods are restricted to area 1, area 2, plus the corridor between July 16th and 31st. This proposal would say one of them is restricted to area 1 only plus the Kenai/Kasilof sections, so you lose area 2, area 2 goes away completely, and then the next period is district-wide.

Webster: So, the second period you get on the—what is that, the west side of Kerrigan Island—that's basically—

Johnstone [whispering]: Kalgin.

Fox: Yes, you get everything. West side of Kalgin Island and that area up above area 2 to the forelands there, to Boulder Point is also open. Mr. Johnstone.

Johnstone: Perhaps Mr. Fox could give us a—I don't mean to ask for additional workload, but I think these numbers are appropriate, and hopefully they're available. Maybe we get some numbers of what the harvest is in area 2 during these periods.

Fox: The entire reason we're struggling with this, Mr. Chairman, is the first of these restrictions started in 1997, and it was Kenai/Kasilof section before July 15th. Then in '99 we added, but by 2005 we—because of problems we experienced with processing capacity, especially with runs between 2 and 4, we took the Kenai/Kasilof restriction between July 9th and 15th. Either one of those two periods was restricted, but just to the corridor. In order to facilitate better processing capacity, we created area 1, which is about half the Inlet, and fished it for two periods. So one restriction we turned into two because of processing capacity. So, each and every year we've changed it, and we don't have any specific numbers that you're asking for now. They're going to be, like, one year or two years. We don't have an area 2 all by itself. We have some area 1s, we have lots of corridors. We have also lots of district-wide, but we don't have—when we fish more than one area we can't do a subset of what area 1 is and what area 2 is.

Webster: Thank you. Mr. Johnstone.

Johnstone: Well, I accept that and if we don't have the information, we don't have the information. But I think perhaps common logic would suggest that fish harvested in area 2 are—can go almost all the way up to the end of the district, that it's likely that there are a greater percentage of fish going north, and perhaps it's particularly cohos going into the Kenai River and there may be additional sockeye going up that far as well. If we take the fleet out of area 2 for the one period and put them in an expanded corridor, and then for the other period they get a district-wide fishery, it sounds to me like we're protecting fish going north and still giving ample opportunity to harvest the fish in the district. Mr. Chairman.

12:02:40 pm – Clarification of use of expanded corridor for July 16-31 time period

Webster: Thank you. I just heard you say expanded corridor; as this is written it's not putting them in the expanded corridor, it's putting them in the existing corridor, is that correct?

Fox: Correct.

Johnstone: Mr. Chairman, I thought we'd already decided that we would use the expanded corridor for all these—I thought that's what we did earlier.

Brown: That was my intent with my amendment.

Webster: Oh, okay, my mistake. So we talking now for all purposes, everything we're talking about in here, is expanded corridor. Okay. Department of Law.

Mitchell: Mr. Chairman, just a point of procedural clarification—the motion was on the floor, I didn't hear a vote for it, so I guess just to make a clear record, if that was adopted by unanimous consent—

Brown: It was.

Webster: It was adopted by unanimous consent.

Mitchell: Thank you.

Webster: Or, without objection—there was no objection. So, thank you for that clarification. Mr. Johnstone. Mr. Morris.

Morris: Thank you, Mr. Chairman. Having been on the 2005 Board, I believe that's when we adopted the area 2 if I'm not mistaken—is that right, Fox? Wasn't it 2005?

Fox: Yes, Mr. Chairman, I think you are correct.

Morris: And I think much of the discussion at that time was to provide opportunity for fish to get to the northern districts, and—so I don't see that as being inconsistent with this proposal. Mr. Chairman.

Webster: Thank you. So, Mr. Brown, are we ready to...

12:04 pm – ii revision carried forward to be included in proposal consideration (2-4 million, July 16-31)

Brown: I—as I stare at people's faces, I think we're ready to go with this. I think Mr. Kluberton's comments were especially profound and certainly convinced me. I'm going to favor (ii).

Webster: So, for (ii), can I see a show of hands for who supports (ii)? I see one, two, three, four. Mr. Brown.

Brown: (iii): At run strengths of less than 4 million sockeye salmon in the Kenai River, the commissioner may, by emergency order, open additional fishing periods in the Kenai and Kasilof sections of the upper subdistrict, and additional periods may be authorized independent of the upper subdistrict set gillnet fishery. Um, what this is doing is separating drift gillnet from set gillnet and, correct me if I'm wrong Mr. Chair, but I believe we've already done that in the action plan.

Webster: Department? Is that your—

Fox: We already have this authority. I'm not sure if you reauthorized it in the action plan or not, but we already have this authority.

Webster: So is—Does—Mr. Johnstone.

Johnstone: I believe, and I could be mistaken, that we authorized that under part B for the July 9th through July 15th area, and there'd be no reason not to for the July 16th to July 31st area, since the department has—already the same reasons would apply, Mr. Chairman.

Webster: So there's no—this would just be removed then. Is there any objection? Because they already have authority to do it and they...

Brown: That would be fine with me, if they do have the authority.

12:06 pm – Proposal 126 (iii) dropped from proposal because Dept already has authority to open only in the corridor

Webster: Is there any objection, just removing this? Seeing none, Mr. Brown.

Brown: Part (iv). This is one we're going to have to debate, I'm sure. At run strengths greater than 4 million sockeye salmon in the Kenai River there will be no mandatory restrictions during regular fishing periods. Uh, it's only in there because we changed the numbering. (iv) is in boldface type, but the actual content's not changed. So I'm guessing that we will accept this without any disagreement.

Kluberton: Well, it's moot 'cause we—we didn't do number (iii). We already have that ability, we just decided not to use the language added at number (iii), so that language stays number (iii).

Brown: Correct, that's correct. So there's no change.

Webster: So, there's no objection to just removing that.

Johnstone: Renumbered. It actually stays as (iii).

Webster: Right.

Brown: Um, my turn?

Webster: Yes, Mr. Brown.

Brown: Mr. Chair, I'm—I suspect we're going to have quite a discussion on part C, the next section here, and I know we'll have a lot of discussion on the EO authority on page 107, and I—my recommendation is we do that after lunch.

Webster: Yeah, let's take a lunch break and come back at 1:30.

12:07 pm – adjourn for lunch.

1:29 pm – back from lunch.

Webster: We're back on record. It's 1:30. This afternoon, we got six of seven Board members present. When we took a break, we was deliberating proposal 126. Mr. Brown, what's next?

Brown: Well, we're in the middle of 126, and we're down to (C) in parentheses at the bottom of page—

Webster: A correction: there's seven of seven Board members present. Mr. Brown.

Brown: Okay, let's see. We've gotten through the guts of 126, we're down to part C on the bottom of page 106, and then we had some verbiage on page 107. As more I've been thinking about it and talking to other Board members, I think it might behoove us to skip over those two sections, omit them from our discussion, and take a vote on what we did before lunch.

Webster: Can I get the department to explain what this part would do first, before we do that?

Johnstone: C?

Webster: C. C and D, yeah. C and D together.

Fox: Capital C would basically push drifters over into drift gillnet areas 3 and 4, which is on the lower west side. Mr. Shields will get that up here for you in just a second. Currently from the 16th of August, this area, the eastside set gillnet fishery, closes and drifters get moved over to drift gillnet area 3 and 4. So this would be about a week earlier. The drift gillnet fisher would be restricted to drift gillnet area 3, which is within 5 miles of shore basically, on the west side, and the lower southwest corner of the central district. We'll get you a page here in just a second. Was that clear? This is just for drift gillnetting, not—

Webster: Yes.

Fox: Page 71 has a map in the staff comment book.

Webster: Thank you. Can you explain just a little bit on C of the next page? On page 107 of the—within 48 hours, restricting the—can you explain what that would do?

Fox: It's currently under the upper Cook Inlet salmon management plan, and it's also I think in other smaller management plans. There's a stipulation that if we're going to exceed the escapement goal, the commissioner has EO authority to ig—not ignore, but supersede regulations such as windows, emergency order limitations, closed areas could be opened, those kinds of things to manage for the escapement goal. This would put a stipulation on it that you'd have to project within 48 hours you will exceed that escapement goal. Currently, we can project, depending on the time frame of the year—you know if we have 70 or 80 percent of the escapement goal already in by July 17th, we're pretty sure where we're going, but it would be maybe July 25th, 27th before we actually exceed that goal. So, the projection is pretty hard to deal with. By the time you project it, depending on when that occurs in the season, you could depart widely from the escapement goal.

Webster: So, are you saying that the 48 hour isn't practical?

Fox: Yes.

1:34 pm – Part C and D sections of proposal 126 omitted from further consideration.

Webster: Hearing that, you know—how we massage this proposal thus far, I'm not 100 percent in support of every item that's in there, but these other two points would definitely be a killing point for me. I would entertain a motion to just delete these two from this proposal and I could possibly support this proposal. Mr. Johnstone.

Johnstone: Mr. Chairman, I so move—I move that we vote on 5 AAC 21.353 on the informal votes we've taken down to capital C, and from capital C down we do not consider them and take no action on those, and just vote on it as down to C.

Webster: Do I hear a second?

Kluberton (?): Second.

Webster: With objection?

Brown: Without objection.

Webster: Any objection? Seeing none, so be it. Mr. Brown.

Brown: Well, I think we've spent most of the morning on this. I—as I look at this, this is a serious proposal, perhaps the most elaborate that I've voted on in my three years on the Board. It bothers me that a number of people are going to lose income, but what I hope is that we'll save a lot of fish. I hope that we take these actions, we'll get more fish in the northern district, be caught by the northern district set netters, it will help those people. I hope it'll be more fish up northern district to restore coho fishery up there. When there are difficult times, you have difficult measures, and I believe this does it. I think in our discussion we came with an important compromise. We omitted parts that weren't necessary to achieve the end, and took a lot of work, but I'm going to support this proposal, Mr. Chairman.

Smith: Mr. Chairman, if I might—

Webster: Mr. Smith.

Smith: Can we just get a little clarity exactly what it is we have in front of us right now? I just want to make sure, Mr. Chairman, that we all understand exactly what we're voting on.

Webster: Thank you. Mr. Marcotte.

1:37 pm – Marcotte summary of action currently before the Board relative to amended proposal 126

Marcotte: Thank you, Mr. Chairman. What you may want to do is refer to the original proposal wording in the proposal book, or in your Board book, but that—through a series of either informal amendments or that last one that was without objection—through that series of amendments, what the Board's done is, it's kept the first paragraph, small letter (a) with the new—it's the bold underlined wording there. So we'd keep that, so that would be indeed a change, the purpose statement at the beginning of that section. Under that next section, in paragraph small (b), it would delete that from the bolded b on down to the language that says subdistrict gillnet fishery. So it would delete that section. And then under capital B, that next paragraph, it would keep that section but change it to a single period instead of the wording that's in print there, that says two regular periods; it would keep it a single period as a floating period. And then under—yeah, okay, that's under paragraph little (i) and then (ii) paragraph, it would keep that. And then under the triple (iii) paragraph, it would remove that wording that's bold and underlined. And then the Board also expressed that the intent is to use the updated escapement numbers that you adopted under your proposal E, which was that RC1—excuse me, RC213, using the Didson numbers, even though the numbers here show the old numbers, but the intent is to use the new Didson numbers throughout. And then also the Board's intent was to use the

expanded corridor that came from proposal A, which was the RC200 that the Board adopted yesterday. So that's—oh, yeah I guess the [loud cough] two aspect on paragraph C would not make the change as proposed there, paragraph C and D. And then also, at the very end of the—under paragraph, lowercase (c) it would not make that change either.

Webster: Thank you. Other Board members? Mr. Kluberton.

1:39 pm

Kluberton: Thank you, Mr. Chairman. I wanted to follow up a little bit on some comments I made earlier about management of mixed-stock salmon fisheries, and reviewing the policy for management of mixed-stock salmon fisheries. And the first thing I'd like to point out is that to a pretty large extent what we've been working on in proposal 126 is a logical extension to the actions we took yesterday regarding the stocks of concern on northern district sockeye salmon. We, later on in this proposal 126, took a couple actions to try to work with some coho stocks that appear to be in decline, we have to work that out and see what happens. But, looking at the policy from management mixed-stock salmon fisheries, in applying this policy, conservation of wild salmon stocks consistent with sustained yield shall be accorded the highest priority, and I think given mixed-stock we are doing our due diligence to look at the full breadth of the fisheries involved. We're supposed to be consistent with the subsistence preference and I think we paid close attention to that with what we did with Tyonek and the areas over there yesterday on the stocks-of-concern decisions. We're also—it's pointed out in the policy for management of mixed-stock fisheries, the Board recognized that precise sharing of conservation among fisheries is dependant on the amount of stock-specific information available, and that we'll be working, and I think we have worked—it's not perfect, but with the information we have available we've tried to use what we had and round up what we didn't have through the course of our conversations today. Also says that the Board's preference in assigning conservation burdens is through the application of specific fishery management plans set out in the regulations. This is obviously the one regulation that's at the heart of trying to iron out the mixed-stock fishery in the upper Cook Inlet. So, again, I'll point out that most stocks are fully allocated, it's—these are the decisions that we've got to consider, it's—there's going to be give and there's going to be take. This is a painful one, but I think we've done everything we can possibly do to adhere to this policy. Thank you.

Webster: Thank you. As you stated, this is an allocated proposal. Mr. Johnstone.

Johnstone: I'll take a stab at allocation criteria, Mr. Chairman. The history of this commercial fishery we're dealing with has changed over time. It's gone back and forth. We've been in and out of corridors, we've been in and out of expanded corridors. The fisheries have taken place all over the district, and depending on the needs at the time, it's displaced fishermen from time to time. In recent history, they've been fishing a little different than what we're going to be putting in regulation now, but they have fished corridors before. There are alternative fishery resources when they're restricted in some areas here, they will have alternative areas to go fish, so there are alternative fishery resources—they may not be as productive in some areas, but in bearing the burden here to allow fish to go up north, they're sharing in the burden to some extent. The ones—the fishers up north who have been fishing for many years, they've been sharing the burden of not getting so many fish. They've been the ones who have been hit. This hopefully will balance it out somewhat. This

is an important fishery, for the economy of not only the area around Kenai/Soldotna/Homer, but it's an important fishery for the Mat Valley and the area around Anchorage as well. It's an important fishery economically for the State. There's a lot of money generated by the commercial fishery, and to the extent there will be an adverse impact, that's regrettable but hopefully the consequences of this will be an enhancement of fisheries elsewhere that will participate in providing an economic engine for the State. This fishery does provide recreational opportunities whether we restrict it this way or not, or don't restrict it, or—whatever we do here is not going to really reduce recreational opportunities for residents and non-residents. It's an important fishery to provide residents the opportunity to obtain fish for personal family consumption. I think we're not going to take away from that. I think we may enhance that for the fisheries up north. I don't think we're going to be—do it to the detriment of the fisheries in the districts we're affecting. Mr. Chairman.

Webster: Thank you. Mr. Brown.

1:44 pm

Brown: Thank you, Mr. Chair. Regrettably, if we pass this proposal it will impose costs on people engaged in fishery. When we take drifters out of area 1, and allow them to fish in the enhanced corridor it may—they may spend more money on diesel fuel and gas, there may be more time getting to and from, so it will be costly. I'm aware of that. I wish it weren't the case, but the fish come first. These measures, hopefully they'll be short-term costs with significantly larger long-term benefits. We'll get more fish up north and larger runs of fish for everyone in the future. Mr. Chair.

Webster: Thank you. Other Board members?

Regnart: Mr. Chair?

Webster: Mr. Regnart.

Regnart: Thank you. I just wanted to—there's one point of clarification, and I just wanted to make sure that we're on the same page as the Board. And that was under (B), in the plan, when we talked about the single floating restriction between the 16th and the 31st. As Mr. Fox discussed, if we're closed into that time period, in our minds that constitutes the restriction. Now if that's not what the Board's intent is, then we'd want to make sure that the language clearly defined that that floating holiday [laughter]—definitely not a holiday—that floating restriction would still be in place even if we were closed for, say, the first week of that time period.

Webster: It was my intent that—actually it's—it reverses. There's only one opening during that period, and that's floating. And if you come through a 6,8,10-day closure, you can have that one open, so that... Mr. Fox. How would you do it, the way you think it's written right now.

Fox: Perhaps you're thinking glass half empty/half full or whatever—

Webster: Yes.

Fox: —but if, right now you're saying one period between the 9th and 16th—or, excuse me, the 16th and 31st—is restricted out of area 1. The other one would be unrestricted is how we read it.

Webster: Right.

Fox: If one of those two were closed, say we fished the first one then a closure was necessary, or the opposite—if we had a closure of an area more than area 1 we would've figured the bill was paid and would not institute a second.

Webster: Right. That's how—that's my intent.

Fox: That's how we do it now.

Webster: Right. Is that clear to everyone? Mr. Johnstone.

Johnstone: I'm not sure if it is clear or not to me. The way I view that is that in run strengths of less than 2 million sockeye salmon under the proposal we're going to vote on here, the department may open up one fishing period during that time, July 16th through July 31st, in Kasilof sections and drift gillnet area 1, that would be the expanded corridor and drift gillnet area 1. For the other period, the fishery could be opened up only in the expanded corridor, no other place. Is that how you read it Mr. Fox?

Fox: Yes, the—what Mr. Regnart was trying to clarify is that if we closed a period completely, even if it was for Crescent River sockeye, drift fishery is closed that day, on July 16th, say, then we feel we have satisfied this.

Johnstone: Right. And then—

Fox: That's what we wanted to clarify, that we then wouldn't put a second restriction in. It would just be regular periods as they occur.

Johnstone: You would've satisfied this restriction and then you could open it up in the corridor and drift area 1, that would be the only places you could open it up though.

Fox: For one other period—

Johnstone: Right.

Fox: —but the others would be district-wide.

Johnstone: Right. I understand.

Webster: Mr. Smith.

Smith: Thank you. But if you're operating on your closures from the get-go, then what you're suggesting is that should the run fall back, you wanted to have a—I guess I'm having a hard time understanding this as well. If the run came back and it got a little better than you originally anticipated, and you wanted to—that you started under closures, bumps back up, then you want to have another opening.

Fox: We often close to pulse fish into the river.

Smith: Okay.

Fox: So, under these run strengths, say we didn't just restrict it to the Kenai/Kasilof section, we closed the entire Inlet—after that, we wouldn't be implementing any restrictions for your

plan; we may do them because we need additional fish, but we would've satisfied (b) of this plan with the total closure, not Kenai/Kasilof only.

1:49:00 pm

Smith: Right.

Fox: Seems like a small departure, but it will be a major point someday.

Webster: Everybody clear? Department, are you clear?

Fox: Completely.

Webster: Okay. Mr. Brown.

Brown: I was going to call the question.

Webster: Any other—any other comments? Mr. Jensen.

Jensen: Yeah, I'd like to make one more, Mr. Chair. What we're doing here, in my mind is way too punitive for the savings we want to get, and I've been following that—the whole thing we've been going through here—I've been voicing my opinion. Granted, we need to provide some more fish for sustainability up there it seems like—I haven't seen enough glaring evidence, but—I'm going to be voting against this, Mr. Chair.

Webster: Thank you. Other Board members? Mr. Morris.

Morris: Thank you, Mr. Chairman. Yeah, I tend to agree with Mr. Jensen, but I don't think we have the data to really tell us what happened in the past three years since we made it a stock of concern in the Yentna, Little Susitna. And the only thing—about the only thing we do know is that it's still a stock of concern and we need to get some fish up there. I'm not really happy with all of the actions that we're taking and I personally believe that some of them may turn out differently than we're hoping for, but I think it's a fairly small percentage of the fishery that's going to be totally affected. I know that the addition of the expanded corridor will probably make substantial difference because fishing in the corridor normally doesn't yield many results. I'm reluctantly going to support this. Mr. Chairman.

Webster: Thank you. The question's been heard. Captain Cain, errors or omissions?

Cain: No, Mr. Chairman.

Webster: Mr. Nelson?

Mitchell: Mr. Chairman—

Webster: Mr. Mitchell.

Mitchell: —I did hear the reference to these allocation policy, but I did not hear express reference to the sustainable salmon fisheries policy. If I overlooked that, I apologize, but I think it would be helpful if that hasn't been made, to go through those criteria.

Webster: Mr. Kluberton?

Kluberton: Yeah, I—My earlier comments were to the mixed-stock fishery policy, but I'm happy to speak to the sustainable salmon fisheries policy, and again I believe we're at the heart of this. We're working generally within the auspices of a stock of concern status, so we're definitely exercising a precautionary approach, probably the most stringent precautionary

approach a Board could ever impose. We've considered the uncertainty of the data, we wish we had more, we're working from the best information we could glean out of what we've heard. We've definitely considered fishing impacts to a large degree—abundance trends are being monitored and will ongoingly be monitored under the action plans. We've—let's see, management plan is definitely based on the principles and criteria, we're right at the heart of the management plan here—this is nothing ancillary, we're right in the guts of it. I think we're—yeah, we are, considering avoidance of potentially irreversible changes, we're doing all we can to avoid—to indentify undesirable outcomes, the most undesirable outcome being the loss of stocks. The conservation concern—again, it's a yield concern, which we think probably implies a conservation concern could come up next. There's been discussion through the meeting—there were parties interested in trying to elevate this to a management concern, so we're heading that off. I think we have acted within the auspices of the sustainable salmon fisheries policy.

Webster: Thank you. Mr. Johnstone.

1:54 pm

Johnstone: I'd like to reference my comment made earlier on part (b), the July 9th through July 15th portion of this, which applied to the stock of concern for the Yentna/Susitna. Part B, large B, dealing with July 16th through July 31st does pass salmon up as well, as well as coho, and I want to adopt my reference to the small part (b) to the sustainable salmon fisheries policy, the remarks I made, like to adopt by reference member Kluberton's as well. Mr. Chairman.

Webster: Yes, I also agree with you guys' assessments on sustainable salmon fisheries policy, and all my comments—actually, all my comments have always—I base all my opinions on sustainable salmon fisheries policy, even if it wasn't specifically mentioned those that apply, is because of sustainable salmon fisheries policy. Does that satisfy your...

Mitchell: It does. Thank you, Mr. Chairman.

Webster: Thank you. Errors and omissions, department?

Fox: No, Mr. Chair.

Webster: Roll call vote, please.

Marcotte: Proposal 126 as amended: Webster?

1:55 pm – Vote on amended proposal 126 carried 6-1 (Jensen opposed)

March 2, 2011 – Additional Clarifications

8:31 am – Webster: clarification of Board intent in passing amended proposal 126 re: use of expanded corridor for 2.3-4.6 million runs from July 16-31.

Webster: We're back on record, its 8:31 this morning, March 2, we then tried to recess. We just completed committee B. There may or may not have been a little misunderstanding on the, what the intent of the board was when we passed 126. I just want to, right off the bat, have the Department to explain to us between July 16 and 31, what your definition of extended, how that work with between runs of 2 million and 4 million and the use of the expanded corridor. That is the misunderstanding that the department had yesterday, or that I think the department had yesterday.

Fox: Mr. Chairman, the way this reads, one regular fishing period will be restricted to either or both the expanded Kenai and expanded Kasilof areas. And drift gill net area 1. Drift gill net area 2 is now gone. Additional fishing time, you haven't given us direction. In the previous section, you told us additional time was in the expanded corridors.

Webster: And it was my understanding and talking with other board members that the additional EO time would be in the expanded corridor. We, I think we made that clear. We thought we made that clear yesterday but obviously you didn't think we made that clear. But is that clear to you now?

Fox: Yes sir.

Webster: And also, you may under extraordinary circumstances, if the run comes in at 10 million, possibly EO, go back out to area 1. But you know it is our intent that your extra EO period is only for expanded corridor, not the area 1.

Fox: Except for as you said, for extraordinary circumstances.

Webster: Yes. Is that...Mr. Brown.

Brown: I think I understand now, but when Mr. Fox read that section there, he said one regular 12 hour fishing period, I think he left out per week. That is in there. One, run strings of sockeye salmon fishing during one regular 12 hour fish period PER week will be restricted.

Fox: That it was my understanding but reading the language, it is not per week it is per period. One period.

Mr. Brown: 12 hour fishing periods per week.

Webster: Between run strengths of 2 and 4 million?

Brown: Yes.

Webster: Mr. Johnstone

Johnstone: That was my understanding as well. And I'm not sure I understood what Mr. Fox said. Did you say that was your understanding but that's not how it reads?

Fox: I didn't actually have the language in front of me when you were voting. We actually typed up language during that break. And I was just going off the notes I made in my book. But in this language, there isn't per week, it is one period.

Johnstone: *What was your understanding, is my question. When we were discussing this and voting on it. One per week or one period?*

Fox: *The proposal 126 has one period per week. At some point I'm not sure if there was a motion. Mr. Marcotte would have to help you on that. My notes are not that thorough.*

Johnstone: *Mr. Chairman, my recollection is that we voted on it using the words "one" and "per week", instead of "two" and then we left out the "AND" and we left out "S" and we left out "AND 2." That was my recollection, that the restriction to one per week would be in the expanded corridor.*

Webster: *Between run strengths of 2 to 4*

Johnstone: *yes*

Webster: *Is that every other board members recollection? If so, then, you understand exactly our intent then.*

Fox: *That is per week.*

Webster: *Yes.*

Fox: *So 2 periods?*

Webster: *Between 2 and 4 million. And the expanded corridor. Basically between the 9th and the 16th, the old corridor is the new corridor. That's, do understand that?*

Note: Webster's characterization of the corridor use between the 9th and the 16th is confusing. This discussion has been entirely in the context of the added EO authority, not including the 2nd regular period. This statement, taken out of context, could explain the error of including the expanded corridor in the 2nd regular period for July 9-15.

8:36:00 am

Fox: *Your desire is our command, sir.*

Webster: *And knowing that we're not saying you have to fish every period. But those EO authorities will be in the expanded corridor, not the existing corridor.*

Fox: *Yes sir.*

Webster: *Based on abundance. OK, is everybody happy with what...is everybody clear now?*

Brown: *Yes.*

Webster: *Is the department clear?*

Fox: *Yes sir.*

Webster: *OK. I think we've billed a record at least of what the true intent of the board was. Mr. Johnstone.*

8:35:30 am – clarification of specific language for (B)(i) as applying to expanded corridor with closure of area 1.

Johnstone: *Just to build that a little further. There was a provision that was offered by the author under subsection, small case "c" that would, if was adopted in regulation, if it was legally adopted in regulation, would have done exactly what you said your intent was. That*

is to, if you decided that there was, projections were going to exceed the upper end of the goal, and you needed to do additional fishing, that you would be restricted to doing it in the new expanded corridor. And that's why we decided not to vote on that because you expressed your intention that that's exactly what you would do. Mr. Chairman.

8:37:12 am

Webster: Thank you. And also, under, for reasons of conservation for the northern district, you could if you wanted to, EO back to the original corridor. That corridor is still left in regulation, the definition of it is.

Fox: Yes sir, it is still there.

Chairman: OK, with that, we'll move on to Committee C. Mr. Morris.