

Board of Fisheries November 15 – 18, 2010 Lower Cook Inlet meeting at the Alaska Islands & Oceans Center in Homer, Alaska

RC Index

RC 31

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RC 5

**Board of Fisheries
PO Box 115526
Juneau, AK 99811-5526**

Regarding proposed changes in 2010/2011

Proposals 2 & 3 – I SUPPORT for the following reasons:

It makes openings in the Lower Cook Inlet harvest area consistent with each other. Currently Kamishak District opens on June 1 and that works well for that district.

Opening the Eastern and Outer Districts on June 1 will allow fishermen to return to traditionally fished areas that have not been surveyed or fished in years, if there is adequate return. It would allow fishermen to timely harvest early run fish (males) and allow the fishermen to receive top dollar for those early caught fish.

Proposals 4, 5, 7, 8 I OPPOSE for the following reasons:

We don't need any conflict of different gear types in our area or the increased pressure on a delicately balanced return of fish. In some areas kings and cohos are entirely allocated to sport fishing and gillnetters would not be able to release live fish that are solely allocated to sport fishing. Allowing gillnetting in Lower Cook Inlet will adversely affect both commercial and sport fishing throughout the entire area.

If the Board approves any or all of Proposals 4, 5, 7, or 8, I request that the Board concurrently approve an amendment that allows commercial seining in Upper Cook Inlet.

In the mid 1990's this issue was brought up a Board of Fisheries meeting that I attended and at that time the Board put a "Finder" on this to quash the idea if it was ever brought up again.

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OCT 19 2010
SDF/ROE

Proposal 6 – I SUPPORT for the following reasons:

Any opportunity to re-open a viable traditional fishery is a good idea for ALL fishermen.

Proposal 10 – I support as Amended as below:

Closed waters. Amend paragraph (g)(1) to update the appropriate closed waters boundary line for commercial salmon fishing in Resurrection Bay of the Eastern District in the Lower Cook Inlet, as follows:

5 AAC 21.350. Closed waters.

(g) Eastern District

(1) waters of Resurrection Bay from the ADF&G markers which are 100 yards, on the south and north shores, from Tonsina Creek with ADF&G buoys approximately 100 yards east of the official markers.

(2) the area inside of the breakwater on the east side of the Alaska Railroad dock to the Monument at the south end of Ballaine Avenue.

I have several reasons for requesting an amended proposed longitude and latitude designation.

1. This area is fished mainly with small jitneys that do not have plotters on board. The proposed line is approximately 7 miles long and that makes it extremely hard to visualize this line.
2. Because this fishery is such a public area, with Resurrection Bay being heavily utilized by both sport fisherman and commercial fisherman, I believe it is far more appropriate to have official regulatory markers posted for all closed waters of Resurrection Bay. This will help with any possible conflict between sport and commercial fisherman regarding open and closed areas because it will be much easier for everyone to be able to easily, visually, determine any violations.

3. I challenge the department to name a specific instance of conflict between sport and commercial fisherman in the bay prior to the change to Lat Long in 1996. Traditionally, seiners have fished all of Resurrection Bay and we continue to fish amidst sport fishing boats on a daily basis (when we are ALLOWED to fish) all without conflict. The sport and even the big tour boats regularly sidle up to our sets to take pictures or trollers will weave their way between sets and hooks without conflict.

The quality of the resource harvested will increase dramatically when we are allowed to return to our traditionally fished runs and species. Everyone will benefit MORE from my amendment because the markers will be easily visible and will be policeable by anyone, public and enforcement personnel. No one is likely to suffer from my proposed amendment however all the commercial fishermen will suffer from the currently proposed regulation because none of the jitneys currently fishing Resurrection Bay have plotters onboard to determine a Lat/Long position.

Proposal 12 – I OPPOSE for the following reasons:

In 2009 CIAA did not “ask the BOF to recognize the benefits of their enhancement programs” as stated in the proposal - they asked for a bailout to replace grant moneys that dried up. CIAA asked for one year’s revenues from all fish harvested in Resurrection Bay but the BOF gave them TWO years of complete revenue from Resurrection Bay, idling all the local Seward commercial fisherman because the cost recovery efforts for that harvest were given, in both years, to Homer fishermen.

The new proposed plan would not “provide for a reasonable distribution of the harvest of sockeye salmon from enhancement projects among seine and set gillnet commercial fisheries...” as stated in the proposal because the plan puts the ever increasing needs of CIAA ahead of commercial fisherman, effectively putting all Lower Cook Inlet commercial fishermen out of business. This allocation of a public resource to benefit a single entity is in violation of the public trust to manage all resources to the benefit of all of the people of Alaska.

Lower Cook Inlet Seiners and Setnetters have NO control over the budgets, management practices, projects or other expenses of CIAA and the projects of CIAA range into the Upper Cook Inlet area as well as Lower Cook Inlet.

If the BOF desires to assist CIAA for another two years, I propose an amendment to the Trail Lakes Hatchery Sockeye Salmon Management plan which would close Upper Cook Inlet to commercial fishing and designate it as a “cost recovery” fishery and let the Upper Cook Inlet fishermen pay the CIAA budget shortfall, which is only fair as the financial burden for the past two years has fallen solely on the shoulders of the Lower Cook Inlet fishermen.

Lower Cook Inlet fishermen are being asked to relinquish their entire incomes for an organization that has shown limited success and multiple failures and two years was more than enough time to prove that this organization is not capable of being self-sustaining and it is time for it to be dissolved or to scale its programs back to what it can afford to do without financially impacting Lower Cook Inlet commercial fishermen.

What will happen of nothing is done? CIAA’s continual focus on terminal harvest fisheries is a dead end that sustains only itself and CIAA. If CIAA goes away, commercial fishermen will return to their traditionally fished grounds, which is the best course of action possible. In fact, CIAA’s “enhanced” fish are being assisted in survival in Bear Lake, to the detriment of the natural run! The planted fish, what are a naturally early run red, are being let through the weir and the natural Bear Lake run, which is a later returning run, are being killed and harvested for sale. This was NEVER the plan when aquaculture was proposed. Enhancement, not replacement, is viable if necessary, but replacement while killing the natural run is farming.

The proposal states that “Significant commercial, sport, and personal use harvest opportunities for sockeye and coho salmon will be lost.” This is untrue. If CIAA takes all the fish they plant PLUS the natural runs, it benefits only the organization. In fact, if CIAA is forced to stop their programs due to budget shortfalls, all commercial, sport and personal use fishermen will benefit because they won’t be

prevented from fishing in their traditional areas at times when natural runs are returning.

Will the quality of the resource harvested be improved? The proposal states that the proposal “..will allow CIAA to continue to harvest high grade fish for cost recovery.” In which statement they lose the point entirely, or show their true colors, because they are only concerned with fish they are recovering for their own ever-increasing budgetary needs. In fact, the quality of the fish will be enhanced when CIAA is out of the picture entirely, as proven by their success at Chenik Lake – which is flourishing now that CIAA has pulled out of the area and has left the natural run alone.

Who is likely to benefit? Only CIAA will benefit, as shown via the past two years, in which most Lower Cook Inlet Permit holders had to either give up fishing or buy permits to other areas in order to feed their families.

Who is likely to suffer? The proposal states that in the short term Resurrection Bay and Katchemak Bay fishermen will be harmed, but they have nothing to back this up. First of all, harming any fisherman any more than the **two years that they already have** is completely unacceptable. Secondly, there is no guarantee that CIAA won't continue to lose monies, revenues, grants and further, won't increase their budgets to benefit programs outside the boundaries of Lower Cook Inlet, all at the expense of only Lower Cook Inlet commercial fishermen.

Other solutions? Yes, let CIAA find funding elsewhere; reduce the programs to only those which qualify for grants; dissolve the organization completely.

Proposal 13 – I OPPOSE for the following reasons:

In no instance should any organization, outside of the State of Alaska, be allocated or allowed to control a fishery that impacts both commercial and sport fishing just to meet their objectives. CIAA does not have a stellar track record for management of any resource and to

completely cut off ANY river, to sport and commercial fishing, so that CIAA can meet arbitrary goals is against every fair use doctrine.

What would happen if CIAA decided that they needed brood stock from the Kenai River, or the Russian River? Would CIAA be allowed to manage those rivers and close them to all fishing?

This is so overreaching that it's unbelievable that it's even been proposed. I believe that it's a fair assessment of just how overreaching and self aggrandizing that CIAA has become – proposing putting themselves in direct conflict with commercial AND sport fishermen. I can't imagine what's next: they want all fish returning to any part of southcentral Alaska?

The issue, as stated in the proposal, has several important omissions. First, there is a NATURAL run of reds, silvers and even kings that funnel through the mouth of Resurrection River. The anecdotal evidence of 300% is a nice story, and sounds like a good scapegoat for a poor return, but it's not enough to give full control over a viable sport fishery to CIAA.

In no instance should an organization be allowed control of a fishery just to subvert Alaska Department of Fish and Game management and meet their own arbitrary goals.

What will happen if nothing is done? ADF&G will continue to monitor this fishery and manage it appropriately. CIAA may need to remove their involvement at Bear Lake and focus on other more viable projects.

Will the quality of the resource harvested be improved? No, there's no effect on the quality of the fish if they are harvested by either sport or commercial fishermen. There is adequate escapement in the lake and that's the final determination of the quality of the run, regardless of who harvests it.

Who is likely to benefit? Only CIAA will benefit.

Who is likely to suffer? All other fishermen, sport and commercial, will suffer. CIAA's intent to prevent all harvesting of

what they perceive to be “their” resource will result in zero harvest for all users.

Other solutions? Yes, let ADF&G manage the fishery to the benefit of all users.

Proposal 14 – I OPPOSE for the following reason:

The issue is that this terminal fishery, created by CIAA, benefits MAINLY personal use fisherman even though it was intended, as with all aquaculture, to support commercial fishing. No terminal fishery that requires constant maintenance by any agency is in the best long term interests of any fishery. CIAA should have focused on restoring natural runs that were impacted by the oil spill and other disasters.

What will happen of nothing is done? Hopefully CIAA will stop wasting money on this program.

Will the quality of the resource harvested be improved? There will be more ocean resources for all natural fish if this artificial, terminal, fishery goes away.

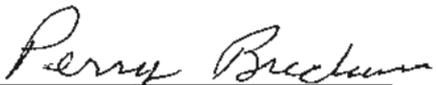
Who is likely to benefit? Only CIAA will benefit because, as we’ve seen in other areas where they are allowed “first use” to meet their budget needs, their budget will probably never allow for another personal use opening again.

Who is likely to suffer? CIAA’s intent to prevent all harvesting of what they perceive to be “their” resource until their budget needs are met will result in zero harvest for all fisherman, therefore all fishermen will suffer if this is approved.

Other solutions? Yes, let ADF&G manage the fishery to the benefit

CIAA has never profited from this fishery and neither do commercial fishermen. If CIAA stops stocking salmon in this area it will not have a significant impact on commercial fishermen.

We are Lower Cook Inlet Permit Holders:


Perry "Steve" Buchanan
PO Box 1306
Seward, AK 99664


Thomas A. Buchanan
PO Box 821
Seward, AK 99664

RC 6

Attn: Board of Fish **COMMENTS**
Boards Support Section, Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811-5526
Fax 907-465-6094

Regarding the 2010/2011 Proposed Changes in the Cook Inlet Finfish Regulations

PROPOSALS 2 & 3 – I SUPPORT for the following reasons:

It makes openings in the Lower Cook Inlet harvest area consistent with each other. Currently Kamishak District opens on June 1 and that works well for that district.

Opening the Eastern and Outer Districts on June 1 will encourage fishermen to return to traditionally fished areas that have not been surveyed or fished in years, if there is adequate return. It would allow fishermen to timely harvest early run fish (males) and allow the fishermen to receive top dollar for those early caught fish.

In addition, I would also expand the proposals to include opening the southern district to seining on this date as well,

PROPOSALS 4, 5, 7, & 8 – I OPPOSE for the following reasons:

We don't need any conflict of different gear types in our area or the increased pressure on a delicately balanced return of fish. In some areas kings and cohos are entirely allocated to sportfishing and gillnetters would not be able to release live fish that are solely allocated to sportfishing. Allowing gillnetting in Lower Cook Inlet will adversely affect both commercial and sport fishing throughout the entire area.

If the Board approves any or all of Proposals 4, 5, 7, or 8, I request that the Board concurrently approve an amendment that allows commercial seining in Upper Cook Inlet.

RECEIVED
JUN 13 2010

Attn: Board of Fish **COMMENTS**
Boards Support Section, Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811-5526

Regarding the 2010/2011 Proposed Changes in the Cook Inlet Finfish Regulations

PROPOSAL 12 – I OPPOSE for the following reasons:

If this is allowed it is very likely that there would be many years that commercial fisherman would not be allowed to fish, depending on fish returns and CIAA's budget shortfalls. It is grossly unfair to commercial fisherman to be locked out of the entire fishery, with absolutely no input or control over the projects, budgets or expenditures of CIAA. Fishermen are being asked to relinquish their entire incomes for an organization that has shown limited success and multiple failures.

CIAA has shut our traditional Kachemak Bay fishery in 2009 and 2010 for a

I am a Lower Cook Inlet Seine Permit Holder:

total cost
recovery catch
of 200 fish in
2009 and 1000
fish in 2010.

Signed,

Philip L. Brudie
Signature

Printed Name & Address:

Philip L. Brudie
PO Box 111
Homer, AK 99603

RC 7

Attn: BOF Comments
Boards Support Section
Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811-5526
Fax: 907-465-6094

RECEIVED
NOV 05 2010
BOARDS

Lower Cook Inlet Finfish

Proposals 2 & 3 – I support for the following reasons:

It makes openings in the Lower Cook Inlet harvest area consistent with each other. Currently Kamishak District opens on June 1 and that works well for that district.

Opening the Eastern and Outer Districts on June 1 will encourage fishermen to return to traditionally fished areas that have not been surveyed or fished in years, if there is adequate return. It would allow fishermen to timely harvest early run fish (males) and allow the fishermen to receive top dollar for those early caught fish.

Proposals 4, 5, 7, and 8 – I oppose for the following reasons:

As a Lower Cook Inlet Seine Permit holder these proposals will decrease the value of my Seine Permit.

We don't need any conflict of different gear types in the same area or the increased pressure on a balanced return of fish. In some areas kings and cohos are entirely allocated to sportfishing and gillnetters would not be able to release live fish that are not legal to harvest commercially.

As a Lower Cook Inlet Seine fishermen I can say that with limited fish runs it is already challenging to make a steady income in Lower Cook Inlet Seining. By allowing a huge group of drift fishermen into the area it would likely push the few remaining seiners out of business.

Proposal 6 – I Support for the following reasons

Currently the special harvest area outside Bruin Bay makes it so there is no area to catch Pinks and Chums entering Bruin Bay. This long stretch of beach just outside Bruin Bay is the best area to catch these returning fish.

The special harvest area for the Kirschner Lake is much larger than it needs to be. The Red Salmon that are being protected by the special harvest area often school up and stay very close to the waterfall. I rarely see them in any large numbers further than 200 yards from the terminus. The current special harvest area closes approximately 5 MILES of coastline to common property harvest.

There could be a special harvest area that could terminate up to 1 mile from the waterfall in all directions and that would protect the Red Salmon and at the same time allowing a fishing opportunity on the Pinks and Chums.

I am a Lower Cook Inlet Seine Permit Holder
Paul Roth
1011 Sycamore Creek Dr.
Jonesborough, TN 37659
(423) 741-8683

RC 8

P.O. Box 2011 • Adak, Alaska 99546
(907) 592-4513 • (907) 592-4500
Fax: (907) 592-4262

RECEIVED
NOV 09 2010
BOARDS

November 9th, 2010

ADF&G Board of Fisheries
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526
(907) 465-4110
(907) 465-6094 FAX

Dear Chairman Vince Webster,

At the October NPMFC meeting NMFS announced its intention to impose new Sea Lion RPA restrictions in the Aleutian Islands cod and mackerel fisheries beginning in January 2011 which will have devastating impacts on the community of Adak.

We request that the Board of Fish initiate an ACR to consider measures to help offset the social and economic impact on Adak.

We request support for modification by the Board of Fish of the Aleutian Islands District Pacific Cod Management Plan to continue to allow vessels under 60' to fish cod in state waters in the vicinity of Adak during the federal season based on the Sea Lion protection measures that have been in place as currently specified in 5AAC.28.647(g).

Amend the Aleutian Island District Cod Management Plan

NMFS has admitted that there is no decline in the Aleutian area east of 178 degrees, yet the RPA would reduce the available fishing area by 50%, concentrating and intensifying effort in the remaining open area.

The NMFS RPA pushes small vessels 10 miles offshore which is a safety concern.

NMFS has had a total closure of SSL Critical Habitat in place in this area for Pollock and Atka Mackerel for the last decade or more. As the current population growth of SSL demonstrates, allowing some opportunity for small vessels to operate in state waters during any time during which the federal fishery is open would not harm SSL.

Our request is for maintaining the existing state water open and closed area for vessels less than 60' at those times during which there is a parallel fishery between 175 degrees and 178 degrees longitude.

This would require that the Board of Fish initiate an Agenda Change Request based on its policy to consider measures to "correct an effect on a fishery that was unforeseen when a regulation was

adopted." Clearly the Board developed the AI Cod Management Plan before it could possibly foresee the results of the current Biological Opinion.

Once the Board schedules action the ACR, it would need to amend that portion of 5AAC.28.647 (paragraph b) dealing with the parallel fishery:

(b) Each year, the commissioner shall open and close, by emergency order, a parallel season in the Aleutian Islands District west of 170° W. long., to coincide with the initial federal season in the Bering Sea-Aleutian Islands Area. The commissioner shall open and close, by emergency order, the parallel season during which the use of the same gear allowed in the federal Bering Sea-Aleutian Islands Area Pacific cod season is permitted, unless that gear is prohibited under 5 AAC 28.050 or 5 AAC 28.629.

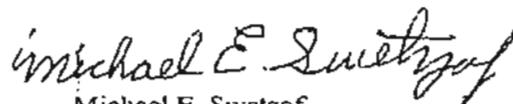
New language would need to be added that for the portion of the Aleutian District between 175° and 178° W. longitude a vessel under 60' LOA may fish in the areas as specified in paragraph (g):

(g) In the state waters season, all closure areas specified in the parallel season shall apply as specified by gear group in 50 C.F.R. 679, revised as of October 1, 2005, as modified by 71 Federal Register 36,694-36,714 (July 28, 2006).

The new language for the parallel fishery should also specify that the gear restriction applicable to the parallel fishery would mirror those of the state water fishery by season.

Thank you for your consideration of our request. These actions are critical to maintaining the viability of the community of Adak in the face of federal actions.

Sincerely


Michael E. Swetzof
Mayor



City of Adak

P.O. Box 2011 - Adak, Alaska 99546
(907) 592-4500 - Fax: (907) 592-4262

RECEIVED
OCT 25 2010
BOARDS

October 11, 2010

Governor Sean Parnell
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Parnell,

NMFS intention to impose new RPAs in the Aleutian Islands fisheries will have devastating impacts on the community of Adak.

We request that your administration support two measures to help offset the economic impact on Adak.

First, we request support for modification by the Board of Fish of the Aleutian Islands District Pacific Cod Management Plan to continue to allow vessels under 60' to fish cod in state waters in the vicinity of Adak during the federal season based on the Sea Lion protection measures that have been in place as currently specified in 5 AAC.28.647(g).

Second, we request support of a Commissioner's Permit to allow an exploratory fishery for Aleutian Island Red King Crab by up to three vessels under 60' using a maximum of 10 pots.

Amend the Aleutian Island District Cod Management Plan

NMFS has admitted that there is no decline in the Aleutian area east of 178°, yet the RPA would reduce the available fishing area by 50%, concentrating and intensifying effort in the remaining open area.

The NMFS RPA pushed small vessels 10 miles offshore which is a safety concern.

NMFS has had a total closure of SSL Critical Habitat in place in this area for Pollock and Atka Mackerel for the last decade or more. As the current population growth of SSL demonstrates, allowing some opportunity for small vessels to operate in state waters during any time during which the federal fishery is open would not harm SSL.

Our request is for maintaining the existing state water open and closed area for vessels less than 60' at those times during which there is a parallel fishery between 175° and 178° longitude.

This would require that the Board of Fish accept an Agenda Change Request (ACR) based on its policy to consider measures to "correct an effect on a fishery that was unforeseen when a regulation was adopted." Clearly the Board developed the AI Cod Management Plan before it could possibly foresee the results of the current Biological Opinion.

Once the Board schedules action the ACR, it would need to amend that portion of 5 AAC.28.647 (paragraph b) dealing with the parallel fishery:

Governor Parnell, Page 2

October 11, 2010

(b) Each year, the commissioner shall open and close, by emergency order, a parallel season in the Aleutian Islands District west of 170° W. long., to coincide with the initial federal season in the Bering Sea-Aleutian Islands Area. The commissioner shall open and close, by emergency order, the parallel season during which the use of the same gear allowed in the federal Bering Sea-Aleutian Islands Area Pacific cod season is permitted, unless that gear is prohibited under 5 AAC 28.050 or 5 AAC 28.629.

New language would need to be added that for the portion of the Aleutian District between 175° and 178° W. longitude a vessel under 60' LOA may fish in the areas as specified in paragraph (g):

(g) In the state waters season, all closure areas specified in the parallel season shall apply as specified by gear group in 50 C.F.R. 679, revised as of October 1, 2005, as modified by 71 Federal Register 36,694-36,714 (July 28, 2006).

The new language for the parallel fishery should also specify that the gear restriction applicable to the parallel fishery would mirror those of the state water fishery by season.

Provide a Commissioner's Permit for Red King Crab

There is no federal management plan for Aleutian Island Red King Crab between 172° and 179°. The state has the authority under 5 AAC 34.610 to grant Commissioner's Permits for vessels less than 90'.

Fishing seasons for Registration Area O

(a) The commissioner may open and close, by emergency order, a season for male red king crab beginning 12:00 noon, October 15 and ending no later than 11:59 p.m. February 15.

...

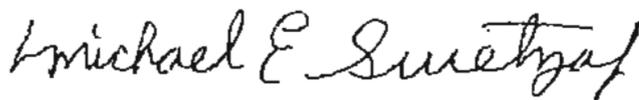
(d) During a fishing season opened under (a) of this section in the waters of Alaska between 172° W. long. and 179° W. long., the commissioner may issue a permit only to a vessel 90 feet or less in overall length to fish for red king crab.

The commercial fishery has been closed for decades. In the interim the decline of the sea otter population has allowed Red King Crab the opportunity to recover. Local vessels have encountered significant amounts of red king crab while subsistence fishing for crab, in the bays around Adak.

Our request is for a slow paced exploratory fishery which if successful could provide an alternative fishery to maintain employment in the processing plant on Adak. That goal can be best achieved with a 10 pot limit and a vessel size limit of 60'.

Thank you for your consideration of our request. These actions are critical to maintaining the viability of the community of Adak in the face of federal actions.

Sincerely,



Michael E. Swetzof
Mayor
City of Adak

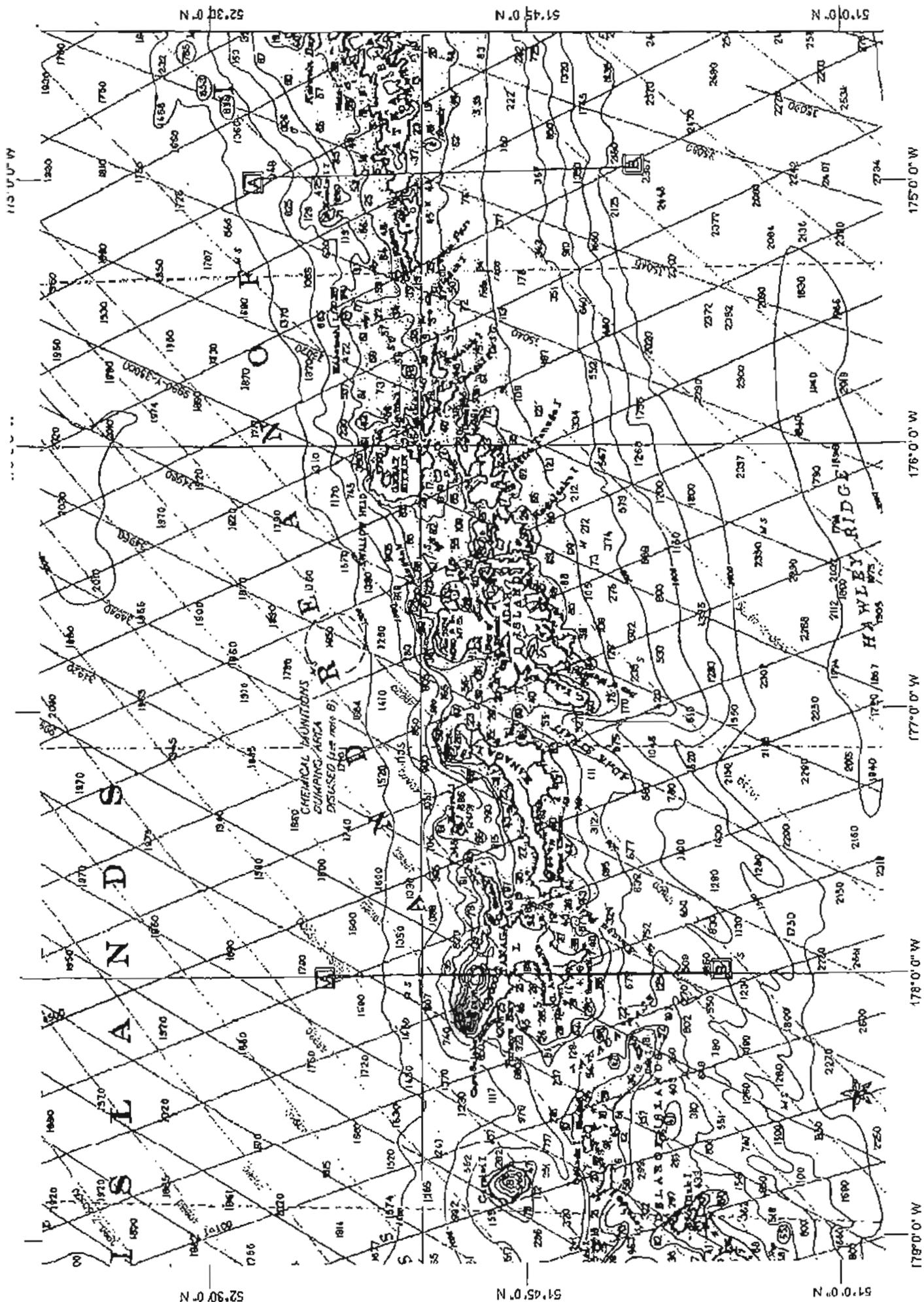


Chart Name: AMUKTA ISLAND TO ATTU ISLAND

Chart ID: 16012.1

Top Left: 52° 53' 32" N 179° 5' 58" W

Bottom Right: 50° 53' 40" N 174° 26' 21" W

Chart Name:

Chart ID:

Top Left:

Bottom Right:

Cod 2010 version

[http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=\[Group+!275+aac+28!2E647!27!3A\]/doc/{@1}/hits_only](http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=[Group+!275+aac+28!2E647!27!3A]/doc/{@1}/hits_only)

⌘ 5 AAC 28.647. Aleutian Islands District Pacific Cod Management Plan

⌘ (a) This management plan governs the harvest of Pacific cod in the Aleutian Islands District west of 170° W. long.

(b) Each year, the commissioner shall open and close, by emergency order, a parallel season in the Aleutian Islands District west of 170° W. long., to coincide with the initial federal season in the Bering Sea-Aleutian Islands Area. The commissioner shall open and close, by emergency order, the parallel season during which the use of the same gear allowed in the federal Bering Sea-Aleutian Islands Area Pacific cod season is permitted, unless that gear is prohibited under 5 AAC 28.050 or 5 AAC 28.629.

(c) The commissioner shall open, by emergency order, a state waters season in the Aleutian Islands District west of 170° W. long. four days after the initial Bering Sea-Aleutian Islands parallel season for the catcher-vessel trawl fishery is closed. The commissioner shall close, by emergency order, the state waters season opened under this subsection when the guideline harvest level is taken or on December 31, whichever occurs first. All parallel seasons are closed during the state waters season.

(d) During a state waters season,

(1) the guideline harvest level for Pacific cod in the Aleutian Islands District west of 170° W. long. is three percent of the estimated total allowable harvest of Pacific cod for the federal Bering Sea-Aleutian Islands Area; the guideline harvest level will be available for harvest as follows:

(A) a maximum of 70 percent of the guideline harvest level will be available for harvest in the state waters A season before June 10 as follows:

(i) if the state waters A season guideline harvest level has not been taken by April 1, when the federal catcher-vessel trawl fishery season opens, the commissioner will close, by emergency order, the state waters A season and immediately reopen a parallel season;

(ii) if the commissioner determines that an adequate state waters season A guideline harvest level is available after the federal catcher-vessel trawl fishery season closes, and before June 10, the commissioner may reopen, by emergency order, the state waters A season;

(B) a total of 30 percent of the guideline harvest level plus any unharvested amount from the state waters A season under (1)(A) of this subsection, up to a maximum of 70 percent,

will be rolled over on June 10 and available for harvest in the state waters B season; the guideline harvest level will be available as follows:

(i) if the state waters B season guideline harvest level has not been taken by September 1, when the federal catcher-vessel pot fishery season for vessels over 60 feet in overall length opens, the commissioner will close, by emergency order, the state waters B season and immediately reopen a parallel season;

(ii) if the commissioner determines that an adequate state waters season B guideline harvest level is available after the federal catcher-vessel pot fishery season for vessels over 60 feet in overall length closes, the commissioner may reopen, by emergency order the state waters B season;

(2) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, longline, non-pelagic trawl, and hand troll gear; groundfish pots may be longlined; each end of the groundfish pot longline must have a buoy attached and each buoy must be marked with the permanent ADF&G vessel plate number of the vessel operating the groundfish longlined pot gear and the letters "GFL" to designate the gear as longlined groundfish pot gear; the numbers and letters must be marked on the top one-half of the buoy in numbers and letters that are at least four inches high, one-half inch wide, and in a color that contrasts with the color of the buoy; the buoy markings must be visible on the buoy above the water surface when the buoy is attached to the longlined pot gear; for the purposes of this paragraph, "longlined" means more than one groundfish pot is attached to a stationary, buoyed, and anchored line;

(3) a vessel used to harvest Pacific cod during the

(A) state waters 'A' season with

(i) non-pelagic trawl gear may not be more than 100 feet in overall length;

(ii) mechanical jigging machines and longline gear may not be more than 58 feet in overall length;

(iii) pot gear may not be more than 125 feet in overall length;

(B) state waters 'B' season, from

(i) June 10 through July 31, may not be more than 60 feet in overall length for any gear type;

(ii) August 1 through December 31, may not be more than 125 feet in overall length if operating pot gear and not more than 60 feet in overall length for all other allowable gear types;

(4) a vessel operator may be concurrently registered to harvest Pacific cod with mechanical jigging machines and longline gear, but may not be concurrently registered to harvest Pacific cod with any other gear types;

(5) a vessel's gear registration may be changed during a state waters season to a different gear registration if the owner, or owner's agent, submits a written request for a change in registration by mail, facsimile, or in person, to the department office in Dutch Harbor, or other locations specified by the department for validation, and that registration has been validated by the department; a vessel may not fish outside of the designated registration area; a vessel may not change registration while unprocessed fish are on board the vessel;

(6) the provisions of 5 AAC 28.629(d) and (e) and 5 AAC 28.690 do not apply;

(7) a vessel may harvest up to 150,000 pounds of Pacific cod per day and may not have more than 150,000 pounds of unprocessed Pacific cod on board the vessel at any time; a vessel may not have on board the vessel more processed fish than the round weight equivalent of the fish reported on ADF&G fish tickets during the seasons specified in (1)(A) and (B) of this section; a validly registered vessel must report daily to the department the pounds of Pacific cod taken and on board the vessel;

(8) all Pacific cod taken must be retained; any overage of a limit specified in (7) of this subsection must be immediately reported to the department by the vessel operator; all proceeds from the sale of Pacific cod in excess of a limit specified in (7) of this subsection shall be immediately surrendered to the state.

(e) The Aleutian Islands District is a nonexclusive registration area for Pacific cod during a state waters season.

(f) The commissioner may, by emergency order, impose bycatch limitations and retention requirements based on conservation of the resource, to avoid waste of a bycatch species, to prevent over harvest of bycatch species, or to facilitate consistency of the regulations in an area where state and federal jurisdictions overlap.

(g) In the state waters season, all closure areas specified in the parallel season shall apply as specified by gear group in 50 C.F.R. 679, revised as of October 1, 2005, as modified by 71 Federal Register 36,694-36,714 (July 28, 2006).

(h) For the purposes of this section,

(1) "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers;

(2) "state waters A season" means the state waters season conducted from January 1 through June 9;

RC 9

Attn. Board of Fish Comments
Boards Support Section, Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811-5526
Fax 907-465-6094

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BOARDS

Regarding the 2010/2011 proposed changes in the Lower Cook Inlet Finfish Regulations

Proposals 2 and 3- I CAN SUPPORT THESE PROPOSALS IF ADF&G FEELS IT'S A BENEFIT TO THE FISHERY Lower Cook Inlet is a difficult area to survey by airplane. Having honest, reliable information is extremely important. How that can be encouraged and rewarded is a question that needs constant consideration.

Proposals 4,5,7,8- I OPPOSE THESE PROPOSALS Proposal 4 reads, "Provide for harvest of available salmon stocks currently not utilized by commercial harvesters and processors. There are a number of under-harvested salmon stocks that present an opportunity for harvest."

What salmon stocks are they talking about? Is there a new stock of salmon that can only be captured by Upper Cook Inlet gillnet permit holders, that only enter state waters in the Lower Cook Inlet districts mentioned in the proposal in the mentioned months, and that exit those districts on or around September 30 of each year never to be realized again? Is it possible that many of these, "under-harvested salmon stocks," will be caught in drift gillnets further to the north in the legal drift gillnet district or be captured by Lower Cook Inlet salmon seine and set net fisherman in terminal areas? Is it possible that Lower Inlet seine and set net fisherman will definitely be adversely affected, not, "Probably affected," as the proposal states?

It's nearly impossible to take these proposals seriously without sensing desperation bordering on stealing since Upper Cook Inlet salmon permit holders are not restricted from buying Lower Inlet salmon seine permits.

RECOMMENDATION: It's understandable that Upper Cook Inlet fisherman would want to avoid the conflict of politics in the Upper Inlet by distancing themselves from the area as much as possible, but let's get real. Disgruntled Upper Cook Inlet permit holders need to invest their time and efforts in developing their own resources instead of trying to steal the fishing area of others. A suggestion: Petition the Alaska state legislature to overturn the past decision outlawing salmon traps. Remind them that traps were outlawed in order to break monopolies that had been developed by large Seattle based salmon processors. In your case the permit holders would become shareholders. To start with, install a trap on each side of the Kenai River above the area used by personal use fisherman and place fish counters in them. Fish the traditional Upper Cook Inlet openings with traditional gear. When the harvesting of kings and silvers by the commercial fleet

reaches an unacceptable level (the most contentious issue on certain years involving the Kenai River fishery) then take the nets out of the water and close the exit doors on the traps. The traps will also very effectively regulate large surges of sockeye entering the river system that can threaten healthy escapement levels. Sort the kings and silvers out of the pens to be returned to the river for sport fisherman and put your time and energy into marketing of not only sockeye but pinks and chums as well. Don't tell me that what I'm talking about would be the end of a lifestyle. The past didn't just include net fishing, it included fish traps as well.

Proposal 6- I SUPPORT THIS PROPOSAL This proposal has the integrity to be honest about who will be affected. Cook Inlet Aquaculture Association will indeed be the most negatively affected. But I believe aquaculture programs must not be allowed to hinder the harvesting of wild stocks unless fisherman affected, in this case Lower Inlet seiners, vote to allow it by a super majority of permit holders who are actively fishing their permits.

Proposal 12- I OPPOSE THIS PROPOSAL The Trail Lakes Sockeye Salmon Management Plan discussed actually adversely limited Icicle Seafood's ability to secure cost recovery fisherman for Kachemak Bay the project. The reason is that there were no opportunities to harvest wild stocks in Kachemak Bay. Therefore most of the boats that normally compete for fish in Kachemak Bay went to other districts to fish. Cook Inlet Aquaculture had to pay more to ensure a cost recovery harvest in Tutka Bay as a result of the closure (I know because I won the bid for the 2009 year).

The Lower Inlet has a historical fishery on local stocks and fish transitioning through terminal areas in Kachemak Bay. This is not an intercept fishery. It's a terminal fishery. Lower Inlet salmon seine fishermen are restricted to terminal areas in Kachemak Bay, which could be a major intercept district if allowed. This is unlike other Alaska Peninsula salmon areas where traditional intercept fisheries target fish transitioning through their area at major intercept points. Lower Inlet fisherman do intercept some Upper Inlet sockeye in Kachemak Bay's terminal areas, but Upper Cook Inlet fisherman also intercept west side chum salmon that have swung too far north and are transitioning back to the south to enter terminal areas in Lower Cook's Kamishak District. This is a traditional part of each fishery.

What's traditional is generally respected as a part of a given fishery. It's traditional to fish in Kachemak Bay for local and traveling salmon. There were no opportunities to harvest these fish as a result of the closure as regulated by the Trail Lakes Sockeye Salmon Management Plan. The management plan we had in place for years, before the Trail Lakes Sockeye Salmon Management Plan with its sunset clause, kept commercial fisherman out of waters where there were concentrations of hatchery returns while allowing for harvest opportunities on local and transitioning wild stocks. Once cost recovery goals were met then the closed waters opened up. That management plan was acceptable to most of the commercial fisherman I know and was effective. It wasn't the plan that failed the system, wherein aquaculture didn't meet cost recovery goals, as much

as it was low stocking/run failures for several reasons including poor aquaculture decisions and management, seasonal oversight of cost recovery that could be improved upon, and an "ugly" cost recovery area (I'll explain further in Proposal 14) that discouraged meaningful cost recovery efforts.

RECOMMENDATION: CIAA should invest more effort in building relationships with Lower Inlet salmon seine fisherman they claim to benefit. It only diminishes their already fragile relationship with numerous seine permit holders to hinder or prevent traditional wild stock harvest opportunities. It would be a very different situation if CIAA had a track record of success but they actually have a track record that's begs one to consider that things may well not improve without major changes in the organization and years of rebuilding. Lower Inlet fishermen have a strong commitment to the concept of aquaculture. But though that commitment to the concept has remained relatively strong the commitment toward the current organization has diminished (from my perspective, it's diminished substantially). I could list a number of Lower Inlet permit holders, past and present, who've served as board members on CIAA and have left in frustration and lost hope. This goes back for many years. CIAA needs to protect what integrity they have by avoiding unnecessary confrontation and ensuring that the Lower Inlet Lakes project is attractive to potential cost recovery bidder boats instead of investing effort in ways that make it less attractive. An Amended Proposal 14 would be a good start.

Proposal 13- I SUPPORT THIS PROPOSAL What reasoning would allow for unlimited harvesting of a resource in a way or ways that cannot be adequately accounted for which have the potential to injure the long term sustainability of the fishery?

The only reason I can think of is to avoid confronting what will most likely be a politically sensitive issue, but that isn't a good reason.

What mindset can we expect will result from situations in which these harvests are allowed?

We can expect an entitlement mindset, and that's what we're getting. Trust me, I've observed it as a sport and personal use fisherman.

Let's not further encourage that mind set by avoiding the discomfort of confronting realities. Reality: Non-commercial fishermen have the potential to adversely affect a salmon system and/or salmon enhancement program.

Proposal 14- I SUPPORT AS AMENDED The amendment I could support, because I believe it's more acceptable, applicable, and fair, would read: "Snagging in China Poot Bay, Neptune Bay, and Tutka Bay Lagoon including the entrance channel, shall not be allowed until cost recovery and/or brood stock goals are met. These goals are established in aquaculture management plans that are a part of the public process. However, dip netting in China Poot Creek shall continue as allowed by regulation."

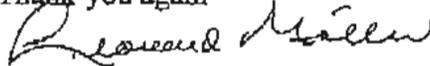
REASONS: Snagging in these areas has or can potentially hinder cost recovery and/or brood stock harvest efforts and either can or have diminished needed brood stock and/or revenue requirements. Tutka and Neptune Bay haven't been a major problem yet but the potential certainly exists. China Poot is a major problem. One cost recovery boat recovered a five gallon bucket of snagging hooks in one summers cost recovery season. This is only funny if you haven't experience it. That along with the problems associated with snaggers who feel that the resource belongs to them alone. Snagging near China Poot Creek is done in the very waters that are most effective for cost recovery. Most Lower Inlet seiners (potential cost recovery bidder boats), understandably, steer clear of this "ugly" situation.

Reason for allowing dipnetting to continue in China Poot Creek: These fish can't pass through the falls in China Poot Creek to spawn and are not part of a current management plan for brood take. They may as well be harvested by dip netters as long as participants don't interfere with cost recovery efforts.

Why include Tutka Bay Lagoon entrance channel: First, the channel is well defined by natural boundaries. Second, if snagging is discontinued in China Poot then the next area that will have the greatest concentration of sockeye is the entrance channel. There will be concentrations of sockeye in waters of Tutka Bay but the potential for success isn't as great because fish on the outside tend to be traveling instead of milling, as they do in the channel.

Thank-you for consideration of my views. I've been involved in CIAA cost recovery efforts in two years, both in Resurrection Bay and in Kachemak Bay. I was a CIAA board member for a several years. I've fished as a sport, personal use, and commercial fisherman or crewmember through out many of the 23 years of my residency in Alaska. I also am a Lower Cook Inlet salmon seine permit holder.

Thank-you again



Leonard Miller

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STATE OF ALASKA

DEPARTMENT OF FISH AND GAME BOARDS SUPPORT SECTION

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TO: Board of Fisheries Members

DATE: November 12, 2010

FROM: Jim Marcotte, Executive Director
Alaska Board of Fisheries
Department of Fish and Game

PHONE: 465-6095

RE: 2011/2012 Schedule



During the Board of Fisheries worksession last month, the board approved the following tentative dates and locations for meetings during the 2011/2012 cycle:

- Southeast Shellfish: January 18-24, 2012 in Ketchikan
- Southeast Finfish: February 21-March 1, 2012 in Petersburg

We investigated options for holding the Southeast Finfish in Petersburg and have not been able to find a suitable facility to accommodate the expected number of people. Petersburg has smaller meeting facilities and fewer lodging options than Ketchikan. However, Petersburg would be a viable option for the Shellfish meeting in January 2012. Therefore, the Boards Support Section recommends that the two meeting locations be reversed.

Here is a quick comparison of the Southeast Shellfish and Southeast Finfish meetings which took place in 2009.

	<u>2009 Shellfish</u>	<u>2009 Finfish</u>
Location:	Petersburg	Sitka
Dates:	Jan. 21-27, 2009	Feb. 17-26, 2009
Number of meeting days:	7	10
Number of proposals:	66	157
Number of written staff reports:	6	16
Number of oral staff reports:	6	16
On-time AC comments	8	15
On-time public comments	30	120
Records submitted during meeting:	63	301
Oral public testimony:	35	206

The following is the list of of factors identified by the board in March 2009 to use when determining the location for holding future meetings. The board intended that no single item be the sole determining guideline but rather the preponderance of the items be considered significant in final selection of a meeting site.

1. Whether the community has commercial jet or turbine service
2. Cellular phone service
3. High speed internet available
4. Adequate dining facilities/capacity for the Board of Fisheries, Fish and Game staff, and expected members of the public traveling from other communities
5. Adequate meeting room facility and associated staff requirements (i.e.: copy machine, etc.)
6. Relative comfort (temperature inside, tables/chairs, etc.)
7. Adequate ground transportation
8. Adequate hotel rooms and capacity of rooms for expected influx
9. Hospital
10. Relationship of community to Board of Fisheries topic of discussion
11. Costs to Department of Fish and Game
12. Travel time required
13. Economic and cultural importance to the location
14. Economic impact on stakeholder travel