

Salmon Hatcheries and Special Harvest Areas (7 proposals)

PROPOSAL 22

5 AAC 40.XXX. Private Nonprofit Salmon Hatcheries.

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

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

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

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

An overriding problem is that hatcheries naturally have concentrated their efforts on pink salmon because they are easiest to rear successfully and thus when harvested upon their return to the hatchery will ensure some measure of cost recovery. But this in turn has resulted in the high seas and inshore Alaskan waters becoming flooded with hatchery-bred pink salmon that compete for food and habitat with wild species of salmon, the adverse consequences of which are just now becoming well known to ADF&G and the BOF (see reports by Rogge, et al.).

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

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

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

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

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

PROPOSAL 23

5 AAC 40.005. General.

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

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

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

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

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

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

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

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

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

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

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

This lagoon has become heavily contaminated and there are major problems with dissolved oxygen as they try to force what is only damaging the essential habitat more. Instead of lowering their capacity they push to spread this contamination further into the Park without first cleaning up the mess they have made in the lagoon. This will not be allowed to happen.

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

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

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

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

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

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

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

PROPOSAL 24

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

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

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

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

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

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

REASON:

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

This Bay must remain open to traditional fishing during regular fishing days to eliminate this glut of fish that for years simply build up die and float unharvested as wanton waste while waiting for

the cost recovery boat to maybe come in to harvest fish. The glut and congestion into the lagoon gets so packed fish back out of there and stray into the anadromous waters at the head of Tutka Bay. These wild streams are being contaminated with high levels of Hatchery straying. Up to 75% was documented in 2015 from a release of half the permitted capacity at Tutka Bay Hatchery. This is caused by congestion. Pinks cannot hold their eggs. Please remove this SHA out of the Kachemak Bay State Park and Critical Habitat Area for open access

PROPOSED BY: Jeffrey Lee

(EF-F19-098)

PROPOSAL 25

5 AAC 21.350. Closed waters.

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

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

Under (d) Southern District: ADD:

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

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

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

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

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

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

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

PROPOSED BY: Nancy Hillstrand

(EF-F19-100)

PROPOSAL 26

5 AAC 21.350. Closed waters.

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

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

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

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

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

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

PROPOSED BY: Mike Frank

(EF-F19-123)

PROPOSAL 27

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

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

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

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

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

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

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

Consistent with park statutes, depending on food web interactions, chinook salmon using Dingell Johnson sport fish funds, have been stocked for recreational users for 40 years, annually averaging 95,000 smolt. For reference, this is less than .0007% of the commercial releases at the Tutka Lagoon Hatchery. However, interactions with other species will occur in productive nursery habitat even with these small releases. These chinook are intercepted by commercial harvesters.

*2013 ADFG LCI Finfish Annual Management Plan

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

PROPOSAL 28

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

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

5 AAC 21.373 is amended to read:

...

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

(2) China Poot [AND HAZEL LAKE] Special Harvest Area: the marine waters of China Poot Bay Subdistrict in the Southern District inshore of, and enclosed by, a line [CONNECTING 59_34.66' N. LAT., 151_19.27' W. LONG., THEN TO 59_35.08' N. LAT.,

151_ 19.77' W. LONG., THEN TO 59_ 33.09' N. LAT., 151_ 25.22' W. LONG., AND THEN TO 59_ 32.84' N. LAT., 151_ 24.90' W. LONG.] from a point at the base of China Poot Spit at 59° 33.42' N. lat., 151° 21.70' W. long., to a point offshore at, 59° 34.11' N. lat., 151° 22.45' W. long. to a point at, 59° 35.08' N. lat., 151° 19.77' W. long. to Moosehead Point located at 59° 34.66' N. lat., 151° 19.27' W. long.;

...

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

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

PROPOSED BY: Alaska Department of Fish and Game.

(HQ-F19-163)
