

**Alaska Board of Fisheries**  
Work Session  
October 15-16, 2014, Juneau  
**Agenda Change Requests**

**Bering Sea Tanner and Norton Sound King Crab Fisheries (5)**

**ACR 1** – Reduce the size of exploitable legal male Tanner crab, from 5.5 inches to 5 inches carapace width, for purposes of calculating total allowable catch in waters east of 166° W longitude in the Bering Sea District (5 AAC 35.508 (g)(5)).

**ACR 2** – Change the *C. bairdi* Tanner crab regulatory fishing season closure date from March 31 to May 15 in waters west of 166° W longitude of the Bering Sea District (5 AAC 35.510 (f)(1)).

**ACR 3** – Increase the allowable level of incidental harvest of *C. bairdi* Tanner crab allowed while directed fishing for Bristol Bay red king crab east of 166° W longitude from the current level of 5%, up to the amount of *C. bairdi* individual fishing quota held by the vessel operator (5 AAC 35.506 (i)(2)).

**ACR 4** – Develop a guideline harvest level for the Norton Sound red king crab winter commercial fishery (5 AAC 34.915. (a)(1)).

**ACR 5** – Change the duration of the Norton Sound winter through-the-ice commercial king crab fishing season to be open by emergency order on or after January 15 and close April 30, unless extended by emergency order (5 AAC 34.910(d)(2)).

**Kuskokwim River Salmon Fisheries (3)**

**ACR 6** – Require four-inch mesh subsistence gillnets to be operated only as set gillnets in the Kuskokwim River during times of king salmon conservation. (5 AAC 07.365(d)(2)).

**ACR 7** – Change Kuskokwim River District 1 boundaries (5 AAC 07.200 (a)).

**ACR 8** – Subdivide Kuskokwim River king salmon ANS by geographic area and allocate Kuskokwim River king salmon subsistence harvest under a Tier II system (5 AAC 01.286. (b) and 5 AAC 01.2xx NEW).

**Yukon River Salmon Fisheries (2)**

**ACR 9** – Allow drift gillnet subsistence fishing after July 15 in the upper section of Yukon River Subdistrict 4A for the harvest of summer chum salmon (5 AAC 01.220. (e)(1)).

**ACR 10** – Allow subsistence fish wheel fishermen in the Yukon Area to retain king salmon when some harvest is justified based upon inseason run assessment (5 AAC 01.220(n)(2)).

**Bristol Bay Salmon Fisheries (2)**

**ACR 11**– Change the Naknek-Kvichak District boundary line at Graveyard Point to include two historically fished set net sites (5 AAC 06.350).

**ACR 12** – Bristol Bay sockeye salmon optimum escapement goals (Chapter 06 Bristol Bay Area).

**Cook Inlet Salmon Fisheries (9)**

**ACR 13** – Allow the commercial set gillnet fishery in the Kasilof Section to be opened within one-half mile of shore when the department is concerned with the conservation of king or sockeye salmon headed to the Kenai River (5 AAC 21.365(f)).

**ACR 14** – Restrict mesh size to no larger than 4¼ inches in the Kasilof Section set gillnet commercial fishery when the Kasilof River sockeye salmon escapement goal is being met or exceeded (5 AAC 21.331(b), 5 AAC 21.365).

**ACR 15** – Amend provisions within the *Kenai River Late-Run King Salmon Management Plan* that restrict set gillnetting in the Upper Subdistrict to no more than 12 or 36 hours per week by allowing the department to manage the Kasilof and Kenai/East Foreland sections separately of each other (5 AAC 21.359 (e)(3)(A) and (B)).

**ACR 16** – Amend provisions within the *Kenai River Late-Run King Salmon Management Plan* that restrict set gillnetting in the Upper Subdistrict to no more than 36 hours per week by allowing the department to manage the Kasilof and Kenai/East Foreland sections separately of each other (5AAC 21.359 (e)(3)(A)).

**ACR 17** – Modify the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359(e)) to allow up to four set gillnets per permit to be fished that do not exceed 105 fathoms in the aggregate, with no single net exceeding 35 fathoms in length, consistent with (5 AAC 21.331(d)).

**ACR 18** – Eliminate restrictions in August to the Upper Subdistrict set gillnet commercial fishery by deleting provision (f) in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359(f)).

**ACR 19** – Allow a person who owns two set gillnet permits to register and operate the permits in different registration areas in Cook Inlet (5 AAC 21.345).

**ACR 20** – Modify how the one percent rule in August is calculated for the Central District drift gillnet fishery in Upper Cook Inlet (5 AAC 21.353(e)).

**ACR 21** – Establish a tier drawing and limit harvest in the Upper Cook Inlet personal use salmon fishery (5 AAC 77.540).

**Southeast Herring Fisheries (2)**

**ACR 22** – Limit the size of a closed herring pound as follows: a closed herring pound shall be a no more than 10' X 20' X 30" (should be 30') deep (5 AAC 27.130(e)(1)(B)&(C)).

**ACR 23** – Eliminate single-permit closed pounds and/or reduce kelp allocations in the herring spawn on kelp in pounds fishery in (5 AAC 27.185(c), (d), and (e)).

**State-waters Pacific Cod Fisheries (2)**

**ACR 24** – Increase the South Alaska Peninsula state-waters Pacific cod fishery guideline harvest level from 30% to 50% of the estimated total allowable harvest of Pacific cod for the federal Western Gulf of Alaska (5 AAC 28.577 (h)(1)).

**ACR 25** – Increase the Dutch Harbor Subdistrict state-waters Pacific cod fishery guideline harvest level from 3% to 6% of the estimated total allowable harvest of Pacific cod for the federal Bering Sea and Aleutian Islands Area (5 AAC 28.648 (e)(1)).

**General Provisions (1)**

**ACR 26** – Redefine the method used to determine maximum overall length of salmon purse seine vessels (5 AAC 39.117).

**Sport Fishery Statewide Provisions (1)**

**ACR 27** – Modify statewide regulations to provide for the continuation of sport fishing business and guide registration and reporting and vessel registration requirements to be legally consistent with statutory requirements after the repeal of AS 16.40.260 – AS 16.40.299 (5 AAC 75.075; 5 AAC 75.076; 5 AAC 75.077; 5 AAC 75.995).

**ACR 1** – Reduce the size of exploitable legal male Tanner crab, from 5.5 inches to 5 inches carapace width, for purposes of calculating total allowable catch in waters east of 166° W longitude in the Bering Sea District (5 AAC 35.508 (g)(5)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
5 AAC 35.508(g)(5).

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** Under the current Bering Sea District C *Bairdi* Tanner Crab Harvest Strategy,  $C_{E,MSY}$  means the catch of biomass of male Tanner crab in the portion of the Bering Sea District east of 166° W. that are 140 millimeters (5.5 inches) or greater in carapace width, including lateral spines, resulting from fishing on the estimated mature male biomass at the estimated mean time of mating at the full-selection  $F_{MSY}$  rate (or proxy). While the commercial Tanner crab fishery had been closed since 2009 at the time this harvest strategy was adopted in 2011, industry was in support of this exploitable male size limit (self-imposed industry retained size limit) of 5.5 inches and its inclusion as one component of the ADF&G harvest strategy. However, recent changes in both the abundance and size-at-abundance of Tanner crab as well as the stock assessment methodology for Tanner crab have made the commercial sector aware of the potential lost yield (from an artificially reduced total allowable catch) realized under the current harvest strategy and definition of  $C_E$ . Lost yield results in forgone revenue for harvesters, processors, and communities, which was unforeseen at the time the Tanner crab harvest strategy was originally adopted.

**WHAT SOLUTION DO YOU PREFER?** 5 AAC 35.508(g)(5) should be amended to read: “ $C_{E,SMY}$ ” means the catch biomass of male *C. bairdi* Tanner crab in the portion of the Bering Sea east of 166° W. long., that are 127 millimeters (five inches) or greater in carapace width, including lateral spines, resulting from fishing on the estimated mature male biomass at the estimated mean time of mating at the full-selection  $F_{MSY}$  rate or a proxy for the  $F_{MSY}$  rate.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
As previously stated, at the time the current Tanner crab harvest strategy was adopted, industry supported an exploitable male size limit greater than the legal size limit as a way of reducing wastage by restricting harvest to those male crab considered acceptable to processors. Discussions between the harvesting and processing sectors resulted in processor acceptance of 5.0 inch Tanner crab from the Eastern Subdistrict for the 2013–2014 fishing season. The commercial sector will continue to harvest and processors will continue to accept the 5.0 inch Tanner crab into the 2014–2015 commercial fishing season and beyond. The above regulation change does not negate or diminish the original intent of the harvest strategy; however, at the time of its adoption, the

commercial industry did not anticipate fewer male crab achieving the original industry retention limit of 5.5 inches in the Eastern Subdistrict.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** If a change to the *C. Bairdi* Tanner Crab Harvest Strategy is not addressed as quickly as possible, commercial crab harvesters, processors, and associated communities will continue to forgo revenue due to lost yield (from an artificially reduced total allowable catch level) in the commercial fishery. In addition, as harvesters continue to retain 5.0 inch Tanner crab (and processors continue to accept them), the current ADF&G harvest strategy will no longer accurately reflect the reality of the fishery.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** A downward adjustment to the size definition of  $C_E$ , will not result in a decrease to any individual's quota share holdings of Tanner crab while simultaneously increasing the quota share holdings of another. The resulting increase in the Total Allowable Catch (TAC) from this downward adjustment will positively benefit all Tanner crab IFQ permit holders proportionally.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Science Advisor and Policy Analyst for the Alaska Bering Sea Crabbers, a 501c(5) non-profit seafood industry trade association.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This requested change to the *C. Bairdi* Tanner Crab Harvest Strategy was originally submitted to the Board of Fisheries as an emergency petition in March 2014 during the Statewide King and Tanner Crab (except Southeast/Yakutat) meeting.

**SUBMITTED BY:** Alaska Bering Sea Crabbers

**ACR 2** – Change the *C. bairdi* Tanner crab regulatory fishing season closure date from March 31 to May 15 in waters west of 166° W. longitude of the Bering Sea District (5 AAC 35.510(f)(1)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
5 AAC 35.510(f)(1).

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** As it is currently written in regulation, the season ending date for male *C bairdi* Tanner crab in the Bering Sea District is March 31. This date was originally established as a way to help protect molting and mating Tanner crab throughout the Eastern Subdistrict during the spring. Unfortunately, this date was based on information and data for Tanner crab as determined in the Gulf of Alaska and not the Bering Sea. In addition, this date also serves to protect red king crab, which also undergo molting and mating during the spring. Applying the March 31 season ending date to both the eastern (EBT) and western (WBT) populations of *C. bairdi* Tanner crab in the Eastern Subdistrict unnecessarily restricts commercial harvesters targeting western Tanner crab. In order to allow commercial crab harvesters the opportunity to target WBT in the best and most efficient manner possible, while simultaneously maintaining the protections for the red king crab further east, the season ending date for the Western *C. bairdi Tanner crab* (west of 166° W. long.) should be extended to mirror the *C. opilio* season ending date of May 15.

**WHAT SOLUTION DO YOU PREFER?** 5 AAC 35.510(f)(1) should be amended to read: “male *C. bairdi* Tanner crab east of 166° W. long., may be taken from 12:00 noon October 15 until 11:59 p.m. March 31 while male *C. bairdi* Tanner crab west of 166° W. long. may be taken from 12:00 noon October 15 until 11:59 p.m. May 15;”

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
Because the western *bairdi* Tanner crab fishery had been closed since the 2008/2009 fishing season, commercial harvesters targeting WBT were able to make several new fishery observations during the 2013/2014 season. Primarily, harvesters were having a difficult time finding western *bairdi* throughout the season. As the WBT season came to a close in March and harvesters were in the same geographic area to target *C. opilio* crab, these fishermen realized that the reason for the difficulties encountered earlier in the season was because WBT were still co-mingling with and found in significant concentrations with *C. opilio* crab; WBT were not separating and aggregating themselves by sex until much later into March and beyond. As a result of this late aggregating behavior, vessels targeting WBT prior to March were spending an unnecessary amount of time sorting and discarding incidental catch of *C. opilio* crab, which results in wasteful handling and discard mortality for this population. These recent fishery observations

now indicate that the March 31 season ending date for *C. bairdi* Tanner crab west of 166° W. long. Forces this fishery to operate in a dirty and inefficient manner.

In addition, applying the recommended season ending date to only the western population of Tanner crab preserves necessary protections to red king crab (as originally intended) by maintaining the current March 31 closure. Retaining the March 31 season ending date for WBT provides no realized benefit to the red king crab population found east of 166° W. longitude.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** If harvesters are unable to target WBT at the best time of the year when the crab have cleanly separated and aggregated (by sex) together, thereby resulting in minimal incidental catch of other species, needless handling and wasteful discarding of *C. opilio* will continue as commercial harvesters are forced to target their available WBT quota prior to unnecessarily premature season date.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** An extension to the western *C. bairdi* Tanner crab season date will not result in a change to the amount of Tanner crab IFQ issued annually nor will it result in a decrease to any individual's quota share holdings of Tanner crab while simultaneously increasing the quota share holdings of another.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Science Advisor and Policy Analyst for the Alaska Bering Sea Crabbers, a 501c(5) non-profit seafood industry trade association.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** N/A

**SUBMITTED BY:** Alaska Bering Sea Crabbers

**ACR 3** – Increase the allowable level of incidental harvest of *C. bairdi* Tanner crab allowed while directed fishing for Bristol Bay red king crab east of 166° W longitude from the current level of 5%, up to the amount of *C. bairdi* individual fishing quota held by the vessel operator (5 AAC 35.506 (i)(2)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
5 AAC 35.506(i)(2).

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** As currently outlined in regulation, vessel operators targeting Bristol Bay red king crab are only able to retain *C. bairdi* Tanner crab in an amount not to exceed five percent of the weight of Bristol Bay red king crab on board the vessel and reported on an ADF&G fish ticket. At the time this regulation was adopted, in conjunction with implementation of the Crab Rationalization program in 2005, as a way to accurately record effort and landings under an entirely new management regime, managers wanted to ensure that commercial vessel operators were using the appropriate gear type for the crab species they were targeting. The pot gear used (with specifications codified in regulation) to target red king crab is very different from the pot gear used to target Tanner crab. As such, managers have the ability to distinguish between and track the effort of vessels targeting Bristol Bay red king crab versus those targeting Tanner crab, irrespective of the fact these fisheries occur in an overlapping geographic area. But because of this geographic overlap, vessels targeting Bristol Bay red king crab often incidentally harvest Tanner crab as part of their normal fishing operations. If a vessel operator has an adequate amount of *C. biardi* Tanner crab individual fishing quota (IFQ) available, that operator should not be required by regulation to discard legal male Tanner crab regardless of the amount of Bristol Bay red king crab on board.

**WHAT SOLUTION DO YOU PREFER?** 5 AAC 35.506(i)(2) should be amended to read: “east of 166° W., as incidental harvest while the vessel operator is registered for the Bristol Bay red king crab fishery; a vessel operator that is registered to fish for Bristol Bay red king crab may also retain *C. bairdi* Tanner crab in an amount not to exceed the available amount of individual fishing quota (IFQ) for *C. bairdi* Tanner crab held by the vessel operator.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
At the time the current regulation was adopted, the Bristol Bay red king crab fishery historically averaged a five percent incidental harvest rate for Tanner crab. As fishing practices have evolved since implementation of the Crab Rationalization program, original concerns regarding the accurate collection of effort and landings data are no longer as significant as they initially may have been.



In addition, over the past couple of years, survey and stock assessment information have indicated significant growth in the Tanner crab population. With an increase in this population, it can reasonably be expected that vessel operators targeting Bristol Bay red king crab will encounter greater numbers of legal male Tanner crab on the grounds. Requiring these vessels to discard Tanner crab (that they would otherwise be able to legally retain with their available IFQ) forces unnecessary and extremely wasteful mortality to this population. And while vessels targeting Bristol Bay red king crab are likely to encounter increasing numbers of Tanner crab, these same vessels are not expected to encounter any increase in red king crab bycatch (females and immature males) since: 1) red king crab pots are specifically designed and engineered to allow for the escapement of these animals and 2) operators wouldn't be taking any more red king crab pot gear aboard their vessels than they are currently.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** If the current incidental harvest limit for Tanner crab is not removed from regulation as soon as possible, regulatory discards and associated mortality will increase, especially as the overlap between Tanner crab and Bristol Bay red king crab increases with a booming Tanner population and a red king crab population that migrates further offshore with increasing water temperatures.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** Removal of the five percent (by weight) incidental harvest limit for *C. biardi* Tanner crab in the Bristol Bay red king crab fishery will not result in a change to the amount of Tanner crab or red king crab IFQ issued annually. This change will not result in a decrease to any individual's quota share holdings of Tanner crab or red king crab while simultaneously increasing the quota share holdings (of either species) for another individual.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Science Advisor and Policy Analyst for the Alaska Bering Sea Crabbers, a 501c(5) non-profit seafood industry trade association.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** N/A

**SUBMITTED BY:** Alaska Bering Sea Crabbers

**ACR 4** – Develop a guideline harvest level for the Norton Sound red king crab winter commercial fishery (5 AAC 34.915 (a)(1)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.** 5 AAC 34.915. Norton Sound Section red king crab harvest strategy.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** Very high harvests in the Norton Sound winter through-the-ice commercial fishery have occurred since 2012. Based on harvest data provided by ADF&G, the winter commercial red king crab fishery had an average harvest of 8,820 pounds and was 5% of the combined winter and summer commercial harvest from 1990—2011 with an average number of pot lifts of 1,036. However, since 2012, the winter fishery has averaged 40,303 pounds, accounted for an average of 9% of the overall harvest, and the number of pot lifts has averaged 3,903. This surge in harvest and effort is the direct result of strong dock prices for red king crab. High levels of fishing effort and high harvests are expected to continue in future years. There is the potential for even higher harvests based on harvest and effort observed during the 2013 the 2014 winter seasons, despite challenging ice conditions limiting catches.

ADF&G must keep the overall combined Norton Sound king crab harvest (winter commercial + summer commercial + subsistence) below the Allowable Biological Catch (ABC) and Over Fishing Levels (OFL) adopted by the North Pacific Fishery Management Council. The sudden increase in winter commercial harvest underscores the need to include the winter fishery into Norton Sound red king crab harvest strategy regulations (5 AAC 34.915). Unlike the Norton Sound summer commercial red king crab fishery, the winter commercial through-the-ice fishery in Norton Sound does not have a prescribed harvest strategy and is not intensively monitored inseason. A winter guideline harvest level (GHL) had been unnecessary because pre-2012 harvest levels were negligible in comparison to the summer commercial fishery. This is clearly no longer the case.

I request that the board review allocative criteria between the summer and winter fisheries in light of this new information. These criteria could be incorporated into existing harvest strategy regulations to provide the department with guidance for setting winter and summer GHLs in future seasons.

**WHAT SOLUTION DO YOU PREFER? 5 AAC 34.915. Norton Sound Section red king crab harvest strategy.** (a) The department shall manage the Norton Sound Section summer and winter season red king crab fisher[Y]ies in accordance with 5AAC 34.080, as follows:

- (1) the threshold level of abundance of legal male red king crab biomass is 1.25 million pounds; the Norton Sound red king crab **winter and summer commercial** seasons may open only if analysis of preseason survey data indicates that the population of legal male red king crab exceeds this level;

**(A)if the winter and summer commercial seasons of red king crab are opened, X% of the guideline harvest level is allocated for the winter fishery**

**(B) any remaining winter fishery harvest allocation not utilized during the winter season may be utilized during the summer commercial season**

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
While this request is predominantly allocative in nature, it is based on new compelling information not available to the board or department when regulations governing the winter commercial fishery were originally adopted. Strong overseas markets for live king crab and high dock prices have led directly to record-breaking winter commercial harvests since 2012 and it is likely that this will continue into the future. Data provided by the department showed that crabbers made 4,000 pot lifts and harvested nearly 35,000 pounds of red king crab during the 2014 winter season in spite of poor ice conditions throughout Norton Sound. This suggests that winter harvests well in excess of the 2013 record harvest could happen in seasons with more stable ice conditions. I believe this new information warrants changes to 5 AAC 34.915 despite the allocative nature of this ACR. Currently, the department factors in the winter harvest when setting harvest rates for the summer fishery in order to keep the overall combined harvest (winter commercial + summer commercial + subsistence) within the ABC and under the OFL adopted by the North Pacific Fishery Management Council. This is not appropriate. In the absence of a prescribed strategy for setting winter GHs, the department is basically allocating harvest quota away from the summer GH to the winter commercial fishery in order to comply with federal regulations and keep the overall harvest below ABC and OFL.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** The department will continue to simply deduct the winter commercial harvest from the ABC prior to setting summer GHs. In doing so, the department is essentially making allocative decisions without any direction from the board.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** N/A

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** Strong overseas markets for live king crab and high dock prices have led directly to record-breaking winter commercial harvests since 2012 and this pattern of harvest is likely to continue into the future. Observations from the 2014 season (4,000 pot lifts and ~35,000 pounds harvested in spite of very poor ice conditions) suggest that winter harvests well in excess of the 2013 record harvest are possible in seasons when more stable ice conditions would allow more permit holders to participate. Altogether, this new information warrants changes to 5 AAC 34.915 despite the predominantly allocative nature of the proposal.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Winter and summer commercial crab fisherman.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** To my knowledge, this ACR has not been considered by the board before as either a proposal or ACR. Local ADF&G staff also did not think this proposal had been considered before by the board.

**SUBMITTED BY:** Adem Paul Boeckmann

**ACR 5** – Change the duration of the Norton Sound winter through-the-ice commercial king crab fishing season to be open by emergency order on or after January 15 and close April 30, unless extended by emergency order (5 AAC 34.910(d)(2)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

5 AAC 34.910. Fishing seasons for Registration Area Q.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM?**

The Norton Sound winter commercial red king crab season is open by regulation from November 15 to May 15, through-the-ice only. Historically, the fishery has not been monitored intensively and, if there is ice to fish from, the fishery is essentially open until the season closes by regulation. In most years, the majority of red king crab winter commercial harvest is taken during the months of March and April, when nearshore ice conditions are most stable and legal male crab move near shore in preparation for the spring mating season.

This change is necessary because of anticipated changes to the North Pacific Fishery Management Council's (NPFMC) Crab Plan Team (CPT) meeting schedule that will begin in fall 2014. Until recently, Norton Sound red king crab legal biomass estimates have been assessed by the CPT in May with Allowable Biological Catch (ABC) and Over Fishing Levels (OFL) adopted by the NPFMC in June. This schedule is anticipated to change so that Norton Sound red king crab legal male biomass estimates are reviewed by the CPT in September with the intent of having the NPFMC adopt the ABC and OFL in January or February. Determining the ABC and OFL levels in January or February would allow the Alaska Department of Fish and Game (department) to announce the summer commercial guideline harvest level months in advance so fishermen and seafood processors could have sufficient time to plan for the upcoming season. Conversely, however, this also means that the winter commercial harvest will count against the ABC prior to the summer season harvest and thus ABC must be known prior to prosecuting the winter commercial fishery.

Additionally, in years with unstable ice regimes, there have been significant numbers of pots lost due to high winds pushing pans of ice offshore. During the winter 2014 season, a minimum of 105 commercial pots were reported lost; the majority of these pots were lost in January, well before the ice was stabilized, as well as near the regulatory closure date, when nearshore ice begins to deteriorate from warm weather. From 2011–2013, the average was 30 pots lost per year. Although crab pots are required to have biodegradable escape mechanisms, they still have the potential to ghost fish for crab and other marine organisms until the 30 thread cotton twine degrades and the pot mesh becomes unpursed. The recent surge in exvessel price for red king crab has led to significant increases in fishery participation at the beginning and end of the season, when ice conditions are less predictable. Given the current high levels of participation in the winter fishery, pot loss is expected to increase. Opening the fishery by emergency order on or after January 15 will reduce the chance of lost commercial gear during the early phase of ice formation. Moving the closure date from May 15 to April 30 will reduce the chance of lost pots as nearshore ice begins to melt.

## WHAT SOLUTION DO YOU PREFER?

### 5 AAC 34.910. Fishing seasons for Registration Area Q.

(d) In the Norton Sound Section of the Northern District, male red king crab, male blue king crab, and male Hanasaki king crab may be taken only as follows:

...

(2) through the ice only, **during a fishing season established by emergency order to open on or after January 15 and close April 30, unless extended by emergency order [FROM 12:00 NOON NOVEMBER 15 THROUGH 12:00 NOON MAY 15]** (winter season).

## STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED BELOW.

- a) For a fishery conservation purpose or reason:** The majority of pot gear loss occurs in January and early February before nearshore ice is stabilized, and again near the regulatory closure date when warmer weather causes ice to deteriorate. Opening the fishery by emergency order on or after January 15 will reduce the chance of lost commercial gear during the early phase of ice formation when conditions are unpredictable. Similarly, moving the closure date up from May 15 to April 30 will require fishermen to remove their gear before the ice begins to deteriorate, thereby reducing the chance of lost pots at the end of season. Reducing pot loss will decrease king crab mortality due to ghost fishing.
- b) To correct an error in regulation:** Not applicable.
- c) To correct an effect on a fishery that was unforeseen when a regulation was adopted:** When 5 AAC 34.910 was adopted, harvest and effort levels in the winter fishery were much lower than the last two years. Although this request has a clear conservation purpose by reducing unintended fishing mortality on red king crab and other marine organisms because of lost pots, it has the dual function of amending existing season date regulations so that winter fishery commercial harvests do not occur until after the ABC is adopted by the NPFMC.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** If interest in the winter red king crab fishery remains high, the number of pots lost will likely increase, resulting in an unknown increase in king crab mortality in lost, ghost fishing pots. Additionally, current season dates and expected changes to the federal harvest specification process would allow commercial harvest of red king crab to occur before the ABC is set by the NPFMC, and before the subsequent determination of the Norton Sound red king crab guideline harvest level by the department. Amending how and when the season is opened and closed addresses this problem by ensuring that management of the winter commercial red king crab fishery season aligns with the expected changes to the timing of when ABC and OFL are adopted by the NPFMC.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** This ACR has a clear conservation goal to reduce the number of pots lost in the winter commercial fishery, thereby reducing fishing mortality from ghost pots fishing. However, this ACR is also related to changes in when Norton Sound red king crab legal male biomass estimates are reviewed and NPFMC adopts the ABC and OFL in January or February. Changing the season start date will ensure that winter fishery commercial harvests do not occur until after the ABC is adopted by the NPFMC. The impact of shortening the season to commercial users should be minimal in most years because the vast majority of winter commercial harvest occurs during the months of March and April.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** Not applicable.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** The Alaska Department of Fish and Game manages Norton Sound commercial king crab fisheries, subject to the regulations established by the board.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This ACR has not been considered before either as a proposal or ACR.

**Submitted By:** Alaska Department of Fish and Game

**ACR 6** – Require four-inch mesh subsistence gillnets to be operated only as set gillnets in the Kuskokwim River during times of king salmon conservation (5 AAC 07.365(d)(2)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
5 AAC 07.365(d)(2). Kuskokwim River Salmon Management Plan.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM?** Since 2010, the Kuskokwim River has experienced poor king salmon returns and average to above average sockeye and chum salmon returns. Total run estimates for Kuskokwim River king salmon in 2010, 2012, and 2013 are the three lowest on record. Escapements in 2010 and 2013 were below the Kuskokwim River drainagewide escapement goal that was established in 2013 and the majority of tributary escapement goals were not met in these years.

The 2014 Kuskokwim River king salmon run was expected to be similar to the 2013 run, which was the lowest on record. In anticipation of a low run, management actions closed the subsistence, commercial, and sport king salmon fisheries with the intent of reducing incidental harvest of king salmon to a level that would allow for achievement of escapement goals.

Long-standing regulations in the Kuskokwim Management Area allow for salmon to be taken for subsistence purposes by gillnet, beach seine, a hook and line attached to a rod or pole, hand line, or fish wheel. Gillnets are the primary gear type used in the Kuskokwim River subsistence salmon fishery. The aggregate length of set gillnets or drift gillnets may not exceed 50 fathoms in length. During times of king salmon conservation, subsistence gillnet mesh size may not exceed six inches.

In January 2013, the board adopted a new provision to the *Kuskokwim River Salmon Management Plan* (management plan) that includes additional king salmon conservation measures allowing the department to restrict subsistence gillnet mesh size to four inches or less until sockeye and chum salmon abundance exceeds king salmon abundance, effectively closing the subsistence salmon fishery until sockeye and chum salmon are present in adequate abundance.

During subsistence salmon closures, fishermen may target whitefish and other non-salmon species with a four-inch or less mesh size gillnet, used as either a set or drift gillnet, that may not exceed 60 feet in length. In 2012 and 2014, the department closed the subsistence salmon fishery for 31 days and there were reports of subsistence fishermen intentionally targeting king salmon by drifting four-inch mesh gillnets during the closures. Although targeting salmon is deemed illegal if the subsistence salmon fishery is closed by emergency order, it is difficult to enforce.

**WHAT SOLUTION DO YOU PREFER?**

**5 AAC 07.365. Kuskokwim River Salmon Management Plan. (d)(2)**



(A) the gillnet mesh size may not exceed four inches **and a gillnet may only be operated as a set gillnet** until sockeye and chum abundance exceeds the king salmon abundance;

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED BELOW.**

- a) **For a fishery conservation purpose or reason:** The practice of targeting king salmon with drift gillnets during times when king salmon conservation measures are in place will continue to threaten the already depressed Kuskokwim River king salmon resource. The purpose of this ACR is to provide subsistence harvest opportunity for other fish species while protecting king salmon.
- b) **To correct an error in regulation:** Not applicable.
- c) **To correct an effect on a fishery that was unforeseen when a regulation was adopted:** The high amount of effort that subsistence fishermen would target king salmon with four-inch mesh gillnets was unforeseen.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** Fishermen will continue to target king salmon by drifting with four-inch mesh gillnets which is in direct conflict with the intended use of that gear type during times of king salmon conservation.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** This ACR is not allocative because it would affect all participants in the subsistence fishery.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** Not applicable.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** The Alaska Department of Fish and Game manages Kuskokwim River salmon fisheries, subject to the regulations established by the board.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This regulation change was submitted to the board as an emergency petition by the Kuskokwim River Salmon Management Working Group and deliberated on during the May 16, 2014 emergency teleconference. The board did not make a finding of an emergency at that time.

**Submitted By:** Alaska Department of Fish and Game

*Note: The author of this ACR used an older Proposal Form and the questions do not line up. This ACR has been entered in the older format.*

**ACR 7** – Change Kuskokwim River District 1 boundaries (5 AAC 07.200 (a)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS?** To change commercial fishing boundaries on the Kuskokwim River. The new proposed boundaries for commercial fishing would be markers above Kialiq River to the mouth of Siniq River on the Eek, Alaska and markers above the Kialiq River to the mouth of the Ilqiviq River, with current boundaries, there isn't much fish escapement.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED?** There will be less salmon reaching spawning grounds as they will be caught by commercial fishermen from the mouth of the Kuskokwim to Tuluksak.

**WHAT SOLUTION DO YOU PREFER?** To open commercial fishing periods on at the mouth of the Kuskokwim River. The openings would be from markers above Kialiq River to the mouth of the Siniq River and Ilqiviq River.

**DOES YOUR PROPOSAL ADDRESS IMPROVING THE QUALITY OF THE RESOURCES HARVESTED OR PRODUCTS PRODUCED? IF SO, HOW?** If the commercial fishing periods are from the markers above Kialiq River to the mouths of Siniq River, more fish would escape and reach spawning grounds.

**WHO IS LIKELY TO BENEFIT IF YOUR SOLUTION IS ADOPTED?** Commercial and subsistence fishermen. Also fish companies as they would only get quality fish.

**WHO IS LIKELY TO SUFFER IF YOUR SOLUTION IS ADOPTED?** No one.

**List any other solutions you considered and why you rejected them.** We believe this proposed change on the Kuskokwim River commercial fishing boundaries is the best solution to solve the problem of salmon reaching spawning grounds. Subsistence fishing would be open and down the Kuskokwim River.

**SUBMITTED BY:** Patrick M. Pavila

**ACR 8** – Subdivide Kuskokwim River king salmon amount reasonably necessary for subsistence (ANS) by geographic area and allocate Kuskokwim River king salmon subsistence harvest under a Tier II system (5 AAC 01.286. (b) and 5 AAC 01.2xx NEW).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

5 AAC 01.286 *Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses*, and 5 AAC 1.2xx NEW.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** There is a lack of reasonable opportunity for the subsistence use of Chinook salmon in the Kuskokwim River drainage. Extremely low returns of Chinook salmon to the Kuskokwim River are a serious conservation concern. The minimum Amount Necessary for Subsistence (ANS) for Kuskokwim River Chinook salmon (67,200 to 109,800) has not been achieved for the last five years. 2014 data is not yet available but certainly fell well below the lower bound of the ANS range and possibly also below the record low harvest of 2012.

Kuskokwim River Chinook salmon stocks remain a major conservation concern. The 2014 Kuskokwim River Chinook salmon pre-season forecast provided by the ADF&G called for a very poor run, similar to the 2013 run: 94,000 king salmon (range 71,000–117,000). Based on the recent depressed runs, plus a projected low run for the 2014, the ADF&G was considering a very conservative king salmon harvesting schedule with extensive restrictions. The Kuskokwim Salmon Management Working Group (Working Group), at their April 3–4, 2014 meeting supported this approach, voting to support an unprecedented 40-day subsistence fishing closure beginning at the front of the run in order to try to achieve the tributary goals as well as the drainage-wide escapement goal currently in place. However, prior to the start of the 2014 Chinook run, the Federal Subsistence Board voted unanimously to assume management of the Chinook salmon fishery with the Yukon Delta NWR—where the vast majority of the harvest occurs—per the provisions of Title 8 of ANILCA. The U.S. Fish and Wildlife Service in-season manager managed the fishery very conservatively, essentially as agreed to previously by the Working Group. Management actions aimed at achieving escapement goals resulted in severely curtailed subsistence harvests. Despite these conservation actions, based on near-final tributary weir counts, it appears that even the lower bounds of the existing escapement goals will not be met for either the Kwethluk or the Kogrukuk Rivers—the two most productive monitored stocks in the watershed. The Tuluksak River stock remains severely depressed. The George River weir is the only system in the watershed which appears to have met or exceeded the lower bound of an existing escapement goal in 2014.

In recent years, when there has been moderate harvest opportunity, upriver users have complained that the distribution of harvest, and reasonable opportunity, has not been equitably shared throughout the drainage. In years when the surpluses have been extremely low, if it is very difficult for the fishery managers to allow fishing opportunity, has not been equitably shared throughout the drainage. In years when the surpluses have been extremely low, it is very difficult for the fishery managers to allow fishing opportunity to all subsistence users, without fear of harvesting too many fish and impacting escapement needs.

This ACR requests the board to consider subdividing the ANS for the Kuskokwim River into multiple amounts, or ranges, for different sections of the river and to consider the implementation of a Tier II fishery framework as outlined in AS 16.05.258(b)(4) or explore alternative ways to address very limited harvest opportunity for subsistence uses within the Kuskokwim River drainage.

**WHAT SOLUTION DO YOU PREFER?** The Alaska Board of Fisheries (BOF) is guided by statute to provide subsistence fishing opportunities among all qualified residents. Sometimes, however, the surplus available for harvest is less than the Amounts Necessary for Subsistence (ANS)—as formally established by the BOF—and the essential subsistence needs of all qualified subsistence harvesters needs cannot be met.

When surpluses are low to moderate and the ANS may be met, a single ANS for Kuskokwim River Chinook salmon does not always provide for an equitable distribution of harvest throughout the drainage. This number, or range, should be subdivided for different sections of the river drainage.

When available surpluses are very low and not able to provide a reasonable opportunity to meet all subsistence needs for Chinook salmon, the board should consider Tier II fisheries framework, as specified in AS 16.05.258(b)(4).

Under AS 16.05.258, when the available harvest is not sufficient to provide a reasonable opportunity for subsistence uses, the board shall establish a system that distinguishes among subsistence users, identifying those most dependent on a particular fish stock or wildlife population. Tier II gives priority to users based on: 1) customary dependence, 2) proximity to the stock population\*\* and 3) availability of alternative resources.

*AS 16.05.258(b)*

*(4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board **shall** (emphasis added)*

*(A) adopt regulations eliminating consumptive uses, other than subsistence uses;*

*(B) distinguish among subsistence users, through limitations based on*

*(i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;*

*(ii) the proximity of the domicile of the subsistence user to the stock population\*\*;*  
*and*

*(iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.*

*\*\*Court decisions may have invalidated the “proximity” criterion.*

If Tier II does not appear to be the most reasonable solution to conservation and allocation of Chinook on the Kuskokwim River, then I request that other management actions be considered, including, but not limited to: community/village quotas, individual permits, or changes to the management plans.

The Kuskokwim River Salmon Management Working Group should be called upon to assist the board with the development of a possible Tier II system, and/or to explore alternative ways to address the problem and provide recommendations back to the board, if this ACR is accepted. There is a considerable amount of detail to be developed with revised/subdivided ANS numbers and how those would work within a Tier II (or other) scheme can allocate limited subsistence harvest opportunity for Chinook salmon.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** The Kuskokwim River is clearly in a conservation crisis for Chinook salmon. The total returns in recent years have been extremely low and have resulted in the lowest observed escapements ever, in some years, and in the lowest available surpluses when escapement needs have been met. With all Alaska residents qualifying as subsistence users, it has been difficult for fishery managers to provide fishing opportunity for all users without impacting escapement needs.
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** It is possibly unforeseen that the Amount Necessary for Subsistence adopted by the board would provide for inequitable distribution of harvest opportunity at low to moderate available surpluses of Chinook salmon in the Kuskokwim River.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** The board may not be providing a reasonable opportunity when moderate surpluses of Chinook salmon exist, or fairly distributing a greatly reduced opportunity in very low abundance years to harvest Chinook salmon in the Kuskokwim River and may be in violation of AS 16.05.258(b)(4).

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** Conservation is the main intent of this ACR. While Tier II is, of course, an allocative tool, it also serves a strong conservation purpose because of the difficulty in controlling harvest to within a very small available surplus when fishing under Tier I (everyone) and the significant fishing power that represents. It also seeks to preserve the long-standing allocative balance within the drainage. There is significant concern from upriver residents that recent fishing restrictions for Chinook conservation have shifted this balance.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** In 2013, surpluses were weak and even the limited fishing opportunity provided still harvested too many Chinook salmon, resulting in the lowest-ever observed escapements in most of the Kuskokwim tributaries. There is also more recent subsistence harvest information, demonstrating a consistent failure to meet minimum amounts necessary for subsistence harvest, and a failure to provide reasonable opportunity.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** I reside in Bethel, Alaska and also at my homestead on the Holitna River. I fish as a subsistence user and also occasionally as a sport user in the Kuskokwim River drainage.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This was submitted earlier as a petition but had somehow fallen through the administrative cracks and did not go to the board for consideration.

**SUBMITTED BY:** Grant Fairbanks

**ACR 9** – Allow drift gillnet subsistence fishing after July 15 in the upper section of Yukon River Subdistrict 4A for the harvest of summer chum salmon (5 AAC 01.220 (e)(1)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

5 AAC 01.220. Lawful gear and gear specifications.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** Currently there is no opportunity for subsistence fishermen in the Subdistrict Y4A Upper to catch abundant summer chum from July 15 to August 2. There are few, if any, set net sites and there are often dangerous conditions on this section of the river from drift and storms during this period. When the majority of the Chinook go by during the early timing runs (more common with each passing year) there is a missed opportunity for fishermen to catch quality summer chum during this period with their six inch driftnets.

**WHAT SOLUTION DO YOU PREFER?** (e) In Districts 4, 5, and 6, salmon may not be taken for subsistence purposes by drift gillnets, except as follows:

(1) in Subdistricts 4-A upstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 10 through July 14, and chum salmon may be taken by drift gillnets after JULY 15;

(Note: This measure still subject to conservation measures for Chinook as needed.)

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** In 2014, subsistence fishermen from this area have restricted themselves from taking Chinook salmon as part of the conservation efforts for Chinook. They want to continue to do so. However, this makes them totally dependent upon chum salmon. They missed opportunities to fish chum once the final pulse of Chinook went by and before the fall regular openers applied. They want some regulatory relief to fully fish chum once the last pulse of Chinook have passed in early run years.
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** This fishery was dependent upon Chinook salmon that currently cannot be harvest for subsistence. Early run timing has prevented subsistence fishermen from getting adequate chum salmon as an alternative. Chum are plentiful and needed by these local fishers to provide food for families and to continue their customary and traditional use of salmon. Having flexibility to open for chum earlier than provided in current regulation during early Chinook runs is an important factor in providing sufficient chum for subsistence.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** There will continue to be no opportunity for the Department of Fish and

Game to allow for driftnet gear in this region when there is an overabundance of chum salmon available for harvest during this period.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** N/A

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** This is not allocative. Openers will continue to be managed by ADF&G to allow for both commercial and subsistence use, especially upriver. This ACR is to allow an earlier subsistence chum opener in years Chinook runs have an early timing in one particular area upriver.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Subsistence Fishermen.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** It is not known whether the proposal has ever been submitted, but it has been discussed during the Yukon River Drainage Fishermen Association summer teleconferences for the last four years. The local fishermen from the area have asked for some relief from their efforts to conserve Chinook salmon from the Yukon River.

**SUBMITTED BY:** Fred W. Alexie Sr.



**ACR 10** – Allow subsistence fish wheel fishermen in the Yukon Area to retain king salmon when some harvest is justified based upon inseason run assessment (5 AAC 01.220(n)(2)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

5 AAC 01.220. Lawful gear and gear specifications. (n)(2), new (D) section.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM?** Since 1998, the Yukon River has experienced below average to poor king salmon returns. Since 2009, the king salmon run has been managed very conservatively. In 2013 and 2014, subsistence, commercial, sport, and personal use king salmon fisheries were closed throughout the Yukon River drainage to protect king salmon so as to meet Alaskan escapement goals and Canadian border king salmon passage objectives.

The 2014 Yukon River king salmon run was expected to be similar to 2013, which was the lowest on record. Subsistence fishing was closed until the king salmon run was nearly complete and the intent was to dramatically reduce incidental harvest of king salmon to allow for achievement of escapement goals.

In the Yukon Management Area during times of king salmon conservation, current subsistence regulations allow for king salmon to be retained by net gear when that gear is restricted to six-inch or less mesh gillnets but do not allow the retention of king salmon by fish wheel users. Based on inseason run assessment in 2014, a small incidental king salmon harvest was allowable on the later portion of the run. Gillnets restricted to six-inch or less mesh were allowed very late in the king salmon run for the directed harvest of summer chum salmon and other species with the expectation that a small incidental harvest of king salmon would occur without concern for king salmon conservation. Current regulations directed at the conservation of king salmon require all king salmon be released alive from fish wheels and there is no provision for retention of any king salmon. Additionally, very late in the king salmon run, the requirement to attend fish wheels at all times in order to release king salmon alive may not be necessary if retention of incidental king salmon caught is allowable.

**WHAT SOLUTION DO YOU PREFER?**

5 AAC 01.220(n)(2)

**(D) if the commissioner determines that the inseason run assessment will allow for the retention of king salmon, notwithstanding (A)–(C) of this paragraph, the commissioner may establish in an emergency order issued under this paragraph that king salmon caught in a fish wheel may be retained;**

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED BELOW. If one or more of the three criteria set forth below is not applicable, state that it is not.**

a) For a fishery conservation purpose or reason: Not applicable.

**b) To correct an error in regulation:** Not applicable.

**c) To correct an effect on a fishery that was unforeseen when a regulation was adopted:**

When regulations were adopted to allow six-inch mesh gillnets and live release of king salmon from fish wheels during times of king salmon conservation, the intent was to allow for harvest opportunity on summer chum salmon and other species while reducing harvest of king salmon. This strategy works effectively during the main portion of the king salmon run and when chum salmon are abundant. However, even during years of low king salmon abundance when conservation measures are necessary, some harvest of king salmon may be allowed depending on annual run abundance. Under current regulations, during times when king salmon conservation measures are in place and some harvest of king salmon is allowable, gillnet users restricted to six-inch mesh or less gear are allowed to harvest king salmon, while fish wheel users must release all king salmon alive. The intent of this ACR is to correct an unforeseen effect of existing regulations that preclude fish wheel users from retaining king salmon when a small harvest is justified based upon inseason run assessment, particularly late in the king salmon run.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** During times of king salmon conservation when some subsistence harvest of king salmon is allowable, fish wheel users will continue to not be allowed to retain king salmon for subsistence uses.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** This ACR is not allocative because it would affect all participants in the subsistence fishery.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** Not applicable.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** The Alaska Department of Fish and Game manages Yukon River subsistence salmon fisheries, subject to the regulations established by the board.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This issue has not been considered by the board.

**Submitted By:** Alaska Department of Fish and Game

**ACR 11** – Change the Naknek-Kvichak District boundary line at Graveyard Point to include two historically fished set net sites (5AAC. 06.350).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
5 AAC 06.350(b)(1).

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** The current 5 AAC 06.350(b)(1) coordinates for upper Graveyard Point (58° 52.07' N. lat., 157° 00.89' W. long.) eliminate 1½ set net sites our family has long fished.

**WHAT SOLUTION DO YOU PREFER?** 5 AAC 06.350(b)(1) would be amended to establish coordinates that correspond to the historical location of the upper Graveyard Point marker and factor in the significant shoreline erosion that is occurring.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:**
- b) **to correct an error in regulation:** Please see submitter's comments PC 2 and PC 3 in the On-Time Comments.
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Please see submitter's comments PC 2 and PC 3 in the On-Time Comments.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** Next season we will be unable to fish our site established in 1980 and more importantly we will be unable to fish 25 fathoms of our dad's site which he had fished since 1954. Moreover, board clarification is needed soon to clarify the pending criminal charge.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** It is a set net site boundary issue.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Commercial fisherman since 1965.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** It has not.

**SUBMITTED BY:** Armstrong Family (JoAnn, Armstrong, Curt Armstrong, Janet Armstrong Schlagel, Allison Tennyson, Rosanne Savo, and Nora Armstrong-Johnson.)

**ACR 12** – Bristol Bay sockeye salmon optimum escapement goals (Chapter 06 Bristol Bay Area).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
Chapter 06 Bristol Bay Area.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** In December 2012 the Alaska Board of Fisheries (BOF) struck a committee to oversee the analysis of the *optimum escapement goals* (OEGs) for Bristol Bay sockeye salmon. OEG is a broad term that encompasses alternative fixed escapement goals and harvest policies that attempt to meet other objectives such as fixed harvest rates or catches. The BOF action was in response to proposed revisions to Bristol Bay sockeye salmon escapement goals by the Alaska Department of Fish and Game (ADF&G, 2012).

The Bristol Bay Economic Development Corporation (BBEDC) is committed to helping lead and to support an analysis of OEGs for Bristol Bay sockeye salmon. Some salmon processors in Bristol Bay and the driftnet fleet's Regional Seafood Development Association (BB-RSDA) have also pledged financial support to the OEG analysis. ADF&G agreed to postpone the implementation of recommended Biological Escapement Goals (BEGs) for six sockeye stocks until the 2015 season, pending the results from an OEG analysis, which are expected prior to the 2015 season.

### **1.1 Mission Statement for Board of Fisheries committee on Bristol Bay OEGs**

From the BOF record:

*“Purpose: ADF&G has agreed to suspend the adoption of various recommended sockeye salmon escapement goals for two years, meaning that the goal will go into effect for the 2015 salmon season. The recommended escapement goals being deferred are Ugashik, Egegik, Naknek, Wood, Igushik, and Nushagak River sockeye salmon. The Nushagak River SEG and OEG will change in 2013, but only to account for the sonar conversion from Bendix to DIDSON. This delay in implementation is intended to give the industry time to meet, discuss, and analyze economic information that would assist the Board in developing OEGs.*

*It is the intention of the Board that a committee be formed with board member Webster, an ADF&G designee, and a representative of BBSRI. The commercial fishing industry has pledged a commitment to integrate a professional scientist and an economist in the discussion.”*

**WHAT SOLUTION DO YOU PREFER?** I'm asking the BOF to adopt an OEG for some of the river systems in Bristol Bay or make regulation changes to give ADF&G guidance in managing for escapement goals based on the findings of the committee the BOF sanctioned in December 2012.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** The escapement goals will change in Bristol Bay in 2015 if the BOF does not take action.
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
N/A

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** The escapement goals will change in 2015.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** It does not ask for any changes be made in the allocation plans.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** I'm a commercial, sport, and subsistence fisherman in Bristol Bay.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This issue was considered in December 2012 and the BOF sanctioned a study be done and report back to them before the 2015 season.

**SUBMITTED BY:** Vince Webster

**ACR 13** – Allow the commercial set gillnet fishery in the Kasilof Section to be opened within one-half mile of shore when the department is concerned with the conservation of king or sockeye salmon headed to the Kenai River (5 AAC 21.365(f)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
5 AAC 21.365(f).

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** (f) it is the intent of the Board of Fisheries (board) that the Kasilof River Special Harvest Area (KRSHA) should rarely, if ever, be opened under this subsection and only for conservation reasons. This area is being used more than the board intended. The department has the ability to open the Kasilof District to ½ mile for conservation measures for the Kenai River sockeye and kings.

**WHAT SOLUTION DO YOU PREFER?** Open the Kasilof District to ½ mile when the department is concerned with conservation of king salmon or sockeye salmon headed to the Kenai River.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** The ratio of sockeye to king catch is higher in sockeye and less in kings when the ½ mile area is being utilized in the Kasilof district than in the KRSHA, making this an orderly fishery.
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Kasilof River sockeye have been reallocated to users that would not normally fish in this area and to a select few commercial fishermen. KRSHA is a discriminating fishery.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** KRSHA will continue to be a disruptive fishery to the personal use fishery, inriver fishery, as well as the commercial fishery.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** The intent of this subsection was not to be used in the method it is being done.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** Reallocates to historical commercial fishermen in the Kasilof District.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** I commercial fish in the Kasilof District.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** I do not believe that it has in the context.

**SUBMITTED BY:** Christine Brandt

**ACR 14** – Restrict mesh size to no larger than 4¼ inches in the Kasilof Section set gillnet commercial fishery when the Kasilof River sockeye salmon escapement goal is being met or exceeded (5 AAC 21.331(b), 5 AAC 21.365).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
(5 AAC 21.331(b) and 5 AAC 21.365)

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** When an opening is granted for the Kasilof section due to the Kasilof escapement goal being met or exceeded, a 4.25-inch mesh size needs to be established. These fish are small and a mesh size needs to be determined by the department to target size fish to match the reason for the opener.

**WHAT SOLUTION DO YOU PREFER?** When an opener is granted due to target the Kasilof River reds a mesh size needs to accompany the opener.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
We have not addressed the mesh size to target the fish we need to harvest.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** The effect of the openings will be improved with proper mesh size. The sooner we address this issue the better.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** N/A

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Commercial fisherman.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** N/A

**SUBMITTED BY:** Chris Every



**ACR 15** – Amend provisions within the *Kenai River Late-Run King Salmon Management Plan* that restrict set gillnetting in the Upper Subdistrict to no more than 12 or 36 hours per week by allowing the department to manage the Kasilof and Kenai/East Foreland sections separately of each other (5AAC 21.359 (e)(3)(A) and (B)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
5 AAC 21.359(e)(3)(A)(B).

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** Both the Kasilof and Kenai Districts are being managed under a 36 or 12 hours per week.

**WHAT SOLUTION DO YOU PREFER?** ...36 or 12 hours per week per area.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
Each of these systems should be managed separately. Sockeye do not enter the Kasilof River in the same manner as the Kenai River, therefore you cannot manage these rivers the same. Department should have the flexibility to manage them separately.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** The Kasilof River District will take the brunt of this regulation and will be over escaped.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** N/A

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Kasilof District commercial fisherman.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** Petition, March 2014.

**SUBMITTED BY:** Christine Brandt

**ACR 16** – Amend provisions within the *Kenai River Late-Run King Salmon Management Plan* that restrict set gillnetting in the Upper Subdistrict to no more than 36 hours per week by allowing the department to manage the Kasilof and Kenai/East Foreland sections separately of each other (5AAC 21.359 (e)(3)(A)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

5 AAC 21.359(e)(3)(A)

(A) if the use of bait is prohibited in the Kenai River sport fishery under (1)(A) of this subsection, commercial fishing periods are open for no more than 36 hours per week, with a 36-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday, during which the number of set gillnets operated may also be restricted to either

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** The Central District is 60 miles long, so if fishing time is warranted in the first twenty miles and they use 12 hours for an opener, that gives them 24 hours left for the calendar week. Those 12 hours should not be deducted from the 36 that the other 40 miles of that didn't fish.

**WHAT SOLUTION DO YOU PREFER?** Deduction of time should only go against a fishing district if that district fishes.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
I don't think the intent was for one area to fish and deduct hours from all beaches.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** Lost fishing opportunity for large portions of the eastside beaches.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** N/A

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Commercial fisherman.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** N/A

**SUBMITTED BY:** Chris Every

**ACR 17** – Modify the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359(e)) to allow up to four set gillnets per permit to be fished that do not exceed 105 fathoms in the aggregate, with no single net exceeding 35 fathoms in length, consistent with 5 AAC 21.331(d).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
5 AAC 21.359(e)

...

(3) in the Upper Subdistrict set gillnet commercial fishery, notwithstanding the provisions of 5 AAC 21.360(c)(1)(B), and (3)(B), based on the abundance of sockeye salmon returning to the Kenai and Kasilof Rivers,

(A) if the use of bait is prohibited in the Kenai River sport fishery under (1)(A) of this subsection, commercial fishing periods are open for no more than 36 hours per week with a 36-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday, during which the number of set gillnets may also be restricted to either,

(i) three set gillnets that are each not more than 35 fathoms in length and 29 meshes in depth or two set gillnets that are each not more than 35 fathoms in length and 45 meshes in depth; set gillnets used that are not more than 29 meshes in depth must be identified at the end of the gillnet with an attached buoy that is not less than nine and one-half inches in diameter; or

...

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** When the King Salmon Conservation Plan was introduced at the 2014 BOF meeting, it was the intention of the previous state paragraph of regulation to allow for fishing a full complement of 29 mesh deep nets during the first tier of step-downs. This is generally three 35 fathom gillnets as listed. However, there are provisions elsewhere in the regulations for breaking your gear group into “shorter nets” i.e.

5 AAC 21.331(d) A set gillnet may not be longer than 35 fathoms in length... ...A person may not operate more than four set gillnets with more than 105 fathoms of set gillnet in the aggregate...

There are fishermen in the Cook Inlet East Side set net fishery that utilize this option to fish four “short” nets rather than three 35 fathom nets. In the case where the king salmon management plan is instituted in this fashion, as was done this season, they were forced to take a further 25% gear reduction even when fishing “shallow” 29 mesh deep nets and fish only three of their “short” nets. This was clearly unintended when the board action was taken and is merely the result of poor wording of the RC/proposal that produced the new regulation. It appears unavoidable that in the further step-downs of the plan “short” net users will take a larger restriction than those who fish standard 35 fathom nets, but in the initial tier that exists solely to incentivize fishing shallow nets for king salmon conservation it seems appropriate that they be able to fish a full complement of gear like everyone else when making the sacrifice of fishing 29 mesh deep nets.

**WHAT SOLUTION DO YOU PREFER?** A simple change of the wording to line it up with the regulations for legal gear is all that is required. Something along the lines of:

5 AAC 21.359 (e)(3)(A)

(i) four set gillnets that are each not more than 35 fathoms in length with more than 105 fathoms in the aggregate and 29 meshes in depth or two set gillnets that are each not more than 35 fathoms in length and 45 meshes in depth; set gillnets used that are not more than 29 meshes in depth must be identified at the end of the gillnet with an attached blue buoy that is not less than nine and one-half inches in diameter; or

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** Does not match the legal descriptions for gear as laid out elsewhere in the regulation.
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
It was very clear during the attendance at the 2014 BOF meeting and during discussions with the board member who sponsored the RC that became this management plan that this was very much an unforeseen consequence of the language used. It happened solely because of unfamiliarity with the fishery and the fact that relatively few fishermen utilize the four short net provisions.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** It is almost certain that we will be in this King Salmon Management Plan for the next two seasons and fishermen who fish short nets will continue to be unfairly penalized even after taking the expenses and sacrifices in fishing effectiveness that converting to 29 mesh deep nets entails. It may discourage these people from making the switch to shallow nets and the assumed savings to Chinook harvest because of inability to reap the only incentive given for making that change.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** This is not allocative it affects a relatively small amount of fishermen and merely correct an oversight in regulatory language to put them back on an even footing with the rest of the fishery.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Unsurprisingly, I am an East Side set netter who fishes four “short” nets per permit and is willing to make the sacrifice to fish “shallow” 20 mesh deep nets in order to try and get more kings up the river. I was very saddened that after giving up 36% of the depth of my net I was also forced to leave one quarter of my locations empty on the best day of the season this year due to an oversight on regulatory wording.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** As much as I tried to get this issue considered at the 2014 BOF meeting, it was not. However, it is an amendment to a proposal passed at that meeting.

**SUBMITTED BY:** Joseph Person

**ACR 18** – Eliminate restrictions in August to the Upper Subdistrict set gillnet commercial fishery by deleting provision (f) in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359(f)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

5 AAC 21.359

Page 19, (A),(f) (f) from August 1 through August 15, if the projected escapement of king salmon into the Kenai River is at least 16,500, but less than 22,500 fish, notwithstanding the provisions of 5 AAC 21.360(c)(1)(B),(2)(B), and (3)(B), the commissioner may open, by emergency order, the commercial set gillnet fishery in the Upper Subdistrict to no more than 36 hours of fishing time.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** Remove (f) entirely from regulation, a king goal has already been established (15,000 to 30,000). No restriction necessary the goals have been met.

**WHAT SOLUTION DO YOU PREFER?** Have the 15,000 to 30,000 king goal throughout the entire season. This is the department's recommendation; let's stick with it for five to ten years and see what happens.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
More thought is needed when multiple goals are given to the department to manage by.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** Lost opportunity for fishermen on the years that SEG for reds and kings have been met.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** N/A

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Commercial fisherman.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** N/A

**SUBMITTED BY:** Chris Every



**ACR 19** – Allow a person who owns two set gillnet permits to register and operate the permits in different registration areas in Cook Inlet (5 AAC 21.345).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

5 AAC 39.115. Designation of salmon net registration area. A person who holds salmon net gear permits for more than one registration area listed in 5 AAC 39.120(d) shall designate upon a form provided by the Commercial Fisheries Entry Commission the single area in which he desires to salmon net fish in that year. The area so designated must be an area for which the person holds a valid salmon net permit.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** The board granted commercial fishermen the ability to hold two permits. I would like to have the ability to fish one permit on the east side and the other in another area of the Cook Inlet.

**WHAT SOLUTION DO YOU PREFER?** Dual permit holders would have to declare the locations of both permits prior to the season. They should not be restricted to one area.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
The regulation is registering the person and not the permits.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** For the people with dual permits they are being denied the opportunity to fish the way they think is most effective for their fishing operation.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** N/A

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Commercial fisherman.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** N/A

**SUBMITTED BY:** Chris Every

**ACR 20** – Modify how the one percent rule in August is calculated for the Central District drift gillnet fishery in Upper Cook Inlet (5 AAC 21.353(e)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
5 AAC 21.353(e). Central District Gillnet Fishery Management Plan.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** The current method of calculating “1% rule” for the drift fleet does not create an orderly fishery.

Please see submitter’s comments PC 1 in the On-Time Comments.

Introduction:

1. This ACR requests the Board of Fisheries (BOF) to change the method for calculating the “1% rule” as it applies to the drift fleet.
2. This ACR requests the BOF to use a vessel catch per unit effort (CPUE) method to calculate and apply the 1% regulation (5 AAC 21.353(e)) to the Central District Drift Gillnet Fishery Management Plan.

Justification:

We believe it is unreasonable for the BOF to expect 25± local fishermen to be able to harvest 1% in one day what 450± vessels harvested over the whole season. Twenty-five vessels just cannot catch 1% of the entire fleet’s harvest in one 12-hour opening.

The current Cook Inlet salmon harvest “1% rule” in August is flawed in many ways. The manner in which it’s calculated does not develop a fair and orderly fishery. The “1% rule” also creates a financial burden to our local fishermen who wish to continue fishing after the end of July. If in August, 25± drift boats do not harvest 1% of the June–July sockeye harvest when up to 475 drift boats are fishing, we are restricted to Areas 3 & 4. Whereas, the area-wide drift boat openings would provide a mixture of other salmon species: reds, pinks, chums and silvers.

**WHAT SOLUTION DO YOU PREFER?** Request calculating method.

The correct and fair calculation method of determining the August 1% rule:

A fair method of calculating the “1% rule” would be to use the actual ADF&G average total number of boat/permits fished in the August openings, versus the actual highest number of boat/permits that fished on any one given day during June & July to determine the ratio difference.

This is the correct way to calculate the 1% rule and should be modified if it remains in regulation:

Includes all species harvested:

- 28– Number of fishing periods in June and July
- 7,773 – Total number of deliveries in June and July

- 278 – Average number of fishing vessels in June and July (7,773 deliveries / 28 days)
- 1,978,300 – Total salmon harvested by the drift fleet

Salmon CPUE per vessel:

- $1,978,300 / 278$  (average vessels per fishing period) = 7,116 (1% = 71)

These calculations will change when more or less than  $25 \pm$  vessels scenario fish during the August openers.

Changing how the “1% rule” is calculated is reasonable. One cannot expect  $25 \pm$  vessels in one day to harvest 1% of what took  $470 \pm$  boats fishing 28 days to harvest.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
The new 2014 BOF “1% rule” prevented the drift fleet from harvesting chum, pinks, and sockeye salmon in August.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** Would like this issue heard now rather than in two years.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** Sockeye, chum, and pink salmon are allocated to the drift fleet. However, the “1% rule” severely limits our ability to catch/harvest the salmon stocks that are primarily for commercial harvests.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Commercial fisherman.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** 2014 UCI BOF.

**SUBMITTED BY:** Michael C. Hatten

**ACR 21** – Establish a tier drawing and limit harvest in the Upper Cook Inlet personal use salmon fishery (5 AAC 77.540).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
*5 AAC 77.540 Upper Cook Inlet Personal Use Salmon Fishery Management Plan.*

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** There is not anyone that I have found that doesn't think that this fishery needs some controls put on it. Let's start by implementing a tier drawing to control the growth of a now uncontrolled fishery.

**WHAT SOLUTION DO YOU PREFER?** A tier drawing for participants and a 300,000 fish limit to be counted at four check stations.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
I have spoken to ADF&G department heads that say that when dip netting was started that this was not the vision, it has grown out of control.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** The fishery has been out of control for years and I feel we all need to address to issue with earnest. We are pushing the can down the road.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** N/A

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Commercial fisherman.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** N/A

**SUBMITTED BY:** Chris Every

**ACR 22** – Limit the size of a closed herring pound as follows: a closed herring pound shall be a no more than 10' X 20' X 30" (should be 30') deep (5 AAC 27.130(e)(1)(B)&(C).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
5AAC 27.185.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** The large size herring pounds hold too much fish damaging the resource.

**WHAT SOLUTION DO YOU PREFER?** Herring pound size shall be a maximum of 10' X 20' X 30 " deep.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** Since the large pounds have been widely used, the herring resource is overharvested.
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
N/A

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** All roe on kelp areas may be overharvested or damaged.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** N/A

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Fished in fishery since 1992.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** No.

**SUBMITTED BY:** Larry Demmert

**ACR 23** – Eliminate single-permit closed pounds and/or reduce kelp allocations in the herring spawn on kelp in pounds fishery in (5 AAC 27.185(c), (d), and (e)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
5 AAC 27.185.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** Too large kelp allocation, results in overharvest.

The spawn on kelp fishery has been in decline for several years. It seems to tie into the large allocations of kelp and the change in size of pounds. The large kelp allocation causes fishers to stuff the pens too full of herring to get egg coverage on so many blades; the resulting dead loss is huge. I have seen pens sink of the weight of the dead herring.

**WHAT SOLUTION DO YOU PREFER?** Reduce kelp allocations.

The allocations could be as follows. 3B Craig Area, current kelp levels for single and double pens, make it a maximum of 2,400 blades in a pen if triple or higher. In Area 7 Ernest Sound, and 12A, Tenakee, no single pens, make the double pen similar to what singles are now and triple pens what the double allocation is with a maximum of 2,000 blades in a pound. In 13B, Hoonah Sound, no single pens, make double pens similar to Craig, and triple pens a maximum of 2,500 blades. These allocations can be negotiated at the meeting.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** Too much kelp causes overharvest of herring.
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
N/A

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** Herring will continue to be overharvested.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** No allocations.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** Proposer left question blank.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Proposer left question blank.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** Proposer left question blank.

**SUBMITTED BY:** Larry Demmert

**ACR 24** – Increase the South Alaska Peninsula state-waters Pacific cod fishery guideline harvest level from 30% to 50% of the estimated total allowable harvest of Pacific cod for the federal Western Gulf of Alaska (5 AAC 28.577 (h)(1)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

5 AAC 28.577(h) During a state-waters season, (1) the guideline harvest level for Pacific cod in the South Alaska Peninsula Area is 30 percent of the estimated total allowable harvest of Pacific cod for the federal Western Gulf of Alaska Area.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.**

While the North Pacific Fishery Management Council is working towards a solution to reduce bycatch of prohibited species in the groundfish fishery, including possibly allocating catch shares to federally permitted trawl vessels, the State Pacific cod guideline harvest level (GHL) for the South Alaska Peninsula continues to be much less than the amount of Pacific cod caught in state-waters. Over 50% of the Pacific cod in the WGOA is harvested in state-waters, yet the GHL is only set at 30% of their total allowable catch (TAC). If the NPFMC rationalizes the groundfish fishery, the state faces the possibility of a constitutional dilemma.

Alaska State Constitution Article 8 §15 'No Exclusive Right of Fishery' states: "No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the state. This section does not restrict the power of the state to limit entry into any fishery for the purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the state.

**WHAT SOLUTION DO YOU PREFER?** Propose raising the GHL to 50% of the estimate TAC for the South Alaska Peninsula.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** This ACR does meet this criteria. The state fishery is prosecuted using pot and jig gear, which results in lower bycatch rates than other gear types. Increasing the portion of Pacific cod caught using pots and jig gear will mean less bycatch of salmon and halibut in state-waters.
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** The proposed federal action to give exclusive right to fish to some trawlers in the Gulf of Alaska was not contemplated when the South Alaska Peninsula Pacific cod fishery was established, but was considered when the GHL was raised to 30%. Addressing this issue now will reduce bycatch, solve the constitutional issue and clear the way for the NPFMC to implement a rational GOA trawl bycatch management system.



**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** There are several possible consequences of not addressing this issue immediately: bycatch rates of halibut and salmon will continue at higher rates, the NPFMC will be forced to delay action of their proposed trawl bycatch management plan or the NPFMC will implement a plan that encroaches on the state's rights, and the board will be forced to address the exacerbated problem in two years.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** This ACR simply requests moving more Pacific cod into state control, which would continue to be allocated to both jig gear and pot gear at the current rate.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Commercial fisherman.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** Similar proposals (18, 19, 20, and 21) were submitted during the special Statewide Pacific Cod Board of Fisheries meeting, October 18–22, 2013.

**SUBMITTED BY:** Raymond E. Nutt

**ACR 25** – Increase the Dutch Harbor Subdistrict state-waters Pacific cod fishery guideline harvest level from 3% to 6% of the estimated total allowable harvest of Pacific cod for the federal Bering Sea and Aleutian Islands Area (5 AAC 28.648 (e)(1)).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

5 AAC 28.648(e) During a state-waters season, (1) the guideline harvest level for Pacific cod in the Dutch Harbor Subdistrict is three percent of the estimated total allowable harvest of Pacific cod for the federal Bering Sea and Aleutian Islands Area.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.**

When this fishery was established by the Board in 2013, it was not anticipated that it would be so successful. The fishery Guideline Harvest Level (GHL) was almost completely harvested and relieved pressure on state-water Pacific cod fisheries in the South Alaska Peninsula and Chignik Management Areas. The 58 foot and under vessel limitation and the 60 pot restriction are aligned with the goals to reduce bycatch and protect habitat using a slow harvest rate that ensures adequate reporting and analysis. The Pacific cod harvested in the fishery are good sized and fishing was great. Local vessels to prosecute the fishery are abundant and available; the new fishery has turned out to be a great asset for the state.

**WHAT SOLUTION DO YOU PREFER?** The guideline harvest level for Pacific cod in the Dutch Harbor Subdistrict is six percent of the estimated total allowable harvest of Pacific cod for the federal Bering Sea and Aleutian Islands Area.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** Expanding this pot gear fishery will reduce bycatch of prohibited species.
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** The success of this new fishery was unforeseen—the GHL was almost completely harvested, the fishing was good, the cod fish were good-sized—the fishery needs to be expanded.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** An excellent potential resource for the state and local fishermen and communities will be foregone, and more fish will continue to be harvested by outside vessels with higher bycatch rates.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** This ACR attempts to increase state control over state-water fishing, not for allocative purposes but to help stabilize local communities while affecting a cleaner fishery with less bycatch.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** Considering the success of this newly established fishery that was safely and fully prosecuted with good sized Pacific cod and minimal bycatch, while relieving pressure on other state Pacific cod fisheries on the South Alaska Peninsula and in Chignik, the board should consider expanding the fishery for the benefit of the local communities, especially in this critical period to reduce Chinook and halibut bycatch.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Fishing community advocate.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** Similar proposals, 35 and 36 were considered during the Statewide Pacific cod meeting October 2013, including RC 36 that suggested a stair-step increase to the GHF based on the success of the fishery.

**SUBMITTED BY:** Ernie Weiss, Aleutians East Borough Natural Resource Director

**ACR 26** – Redefine the method used to determine maximum overall length of salmon purse seine vessels (5 AAC 39.117).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
5 AAC 39.117. Vessel Length; bulbous bow.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** The current regulation limits Alaska purse seine vessels to a maximum length of 58 feet overall length, section C states overall length means the straight line length between the extremities of the vessel excluding anchor rollers. The problem is a few vessel owners have modified their vessels to place the anchor roller a few feet into the vessel from the bow and when trooper enforcement attempts to measure the overall length, the vessel owners insists the “overall length” must be measured from behind the anchor roller which in several cases is several feet from the pointy end of the vessel. Thus, they have rendered the 58 foot limit ineffective.

**WHAT SOLUTION DO YOU PREFER?** For an anchor roller to be excluded, the anchor roller must extend past the natural pointed end of the bow of a vessel.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** The 58 foot limit dates back to Alaska statehood and even back into federal control of Alaska salmon fisheries. The Board of Fisheries has on several occasions debated the 58 foot limit has always maintained the regulation; the intent of the regulation is to be able to be enforced by state trooper enforcement. The language of excluding anchor rollers was to allow for anchor rollers to extend past the natural pointed end of a purse seiner. This is simply a regulation wording correction.
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
N/A

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** Vessel owners will continue to use over length vessels in Alaska salmon fisheries, additionally more vessel owners will be encouraged to modify or build vessels exceeding the 58 foot limit by placing the anchor roller several feet into the vessel’s bow.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** The 58 foot limit simply remains the law it has been since statehood.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Commercial fisherman in Prince William Sound salmon purse seine fishery.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** N/A

**SUBMITTED BY:** Leroy L. Cabana

**ACR 27** – Modify statewide regulations to provide for the continuation of sport fishing business and guide registration and reporting and vessel registration requirements to be legally consistent with statutory requirements after the repeal of AS 16.40.260 – AS 16.40.299 (5 AAC 75.075; 5 AAC 75.076; 5 AAC 75.077; 5 AAC 75.995).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

*5 AAC 75.075. Sport fishing services and sport fishing guide services; license requirements; regulation of activities. 5 AAC 75.076. Sport fishing services and sport fishing guides reporting requirements. 5 AAC 75.077. Sport fishing guide vessel registration requirements. 5 AAC 75.995 Definitions.*

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM?** Statutes requiring sport fishing business and guide licensing, reporting, and vessel registration, which are found in AS 16.40.260 – 16.40.299 adopted by the Alaska Legislature in 2004, will sunset (delayed repeal) effective January 1, 2015. At that time, statewide regulations approved by the Board of Fisheries (board) in 2004 to implement these statutes may lack statutory authority and be unenforceable.

For background, in February 1998, the board established statewide registration requirements for sport fishing businesses and guides, and required sport fishing business owners and guides to complete logbooks for salt water charter vessels. In May 2004, the Alaska Legislature adopted a bill (HB 452) that established statewide licensing requirements for sport fishing guide business owners and sport fishing guides. The bill also established reporting requirements for all guided fishing trips, in both salt and fresh water, and required that all vessels used in these guided fishing trips be registered with the department. In November 2004, the board amended the statewide regulations for sport fishing guide businesses and guides to implement the new statutes created by the Alaska Legislature.

The department has operated a comprehensive program to register (1998-2004) and license (since 2005) sport fishing businesses and guides, administer sport fishing salt (since 1998) and fresh (since 2005) water guide logbooks, and register sport fishing guide vessels (since 2005). With the sunset of AS 16.05.260 – 16.05.299 effective January 1, 2015, significant aspects of the program may lack statutory authority.

**WHAT SOLUTION DO YOU PREFER?** Modify current regulations to provide for a continuation of those aspects of the current sport fishing business and guide licensing and reporting, and vessel registration program that clearly fall within the board's authority. Specific recommendations are to: amend language from "license" to "register;" remove requirements that do not clearly fall within the board's authority including references to fees and insurance requirements, and; amend certain definitions and other provisions needed to continue the current program within the board's authority. The department will provide specific substitute regulatory language that reflects these changes in advance of the board's October work session.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** One of the main objectives of the 1998 regulations and HB 452 was to establish reporting requirements for guided sport fisheries. Prior to those requirements the department had little specific data on salt and fresh water guiding activities anywhere in the state. The department has collected detailed data on guiding activities in salt water since 1998 and fresh water since 2005. Those data are used by the department, board, and other entities in pre- and inseason management, in development of regulations, and in other processes that conserve fish and fisheries. Adoption of the department's proposed regulatory language will continue the data collection to provide the department, board, and other entities with detailed information on harvest and effort of guided sport fish anglers in fresh- and salt-water fisheries.
- b) **to correct an error in regulation:** Some of the current regulations pertaining to sport fishing services and guides will refer to statutes that will no longer be in effect and may fall outside of the board's authority and no longer be enforceable.
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
Not applicable.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** The board dealt with statewide finfish issues during its 2012–13 meeting cycle. Statewide proposals are not scheduled to be taken up again until the 2015–16 cycle. If the board does not accept this ACR during the upcoming meeting cycle, potentially unauthorized and unenforceable regulations will remain on the books in 2015.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** This ACR would revert the sport fishing business and guide licensing program to a registration program and continue ongoing sport fishing business and guide reporting and vessel registration requirements. These changes are not allocative.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** Not applicable.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** The Alaska Department of Fish and Game.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This ACR has not been considered before. However, the department submitted an ACR for consideration at the October 2004 work session that requested the board implement the then-new provisions of HB 452. The board accepted the ACR and adopted the ensuing proposal at the November 2004 Lower Cook Inlet meeting.

**SUBMITTED BY:** Alaska Department of Fish and Game.