

Alaska Board of Fisheries
Work Session
October 9–10, 2013, Girdwood
Agenda Change Requests

- ACR 1** – Modify groundfish possession and landing requirements to specify when groundfish bycatch levels are assessed on board a vessel. (5 AAC 28.070)
- ACR 2** – Implement a management plan for an open-access weathervane scallop fishery in waters of Alaska. (5 AAC 38.0XX)
- ACR 3** – Remove dip net size restrictions for the Yukon Area districts 1–3 commercial summer chum salmon fisheries. (5 AAC 05.362)
- ACR 4** – Establish monofilament purse seines as a new legal gear for the Yukon Area districts 1–3 commercial summer chum salmon fisheries. (5 AAC 39.170 and 5 AAC 05.362)
- ACR 5** – Eliminate all other consumptive uses of the Sitka Sound herring stock in order to provide reasonable subsistence opportunity. (5 AAC 27.160, 5 AAC 27.170, and 5 AAC 27.195)
- ACR 6** – Establish statewide regulation to allow use of dip net gear in place of commercial gillnet and seine gear for salmon stock conservation purposes. (5 AAC 39.2XX)
- ACR 7** – Define and allow use of a lead for commercial fish wheel gear. (5 AAC 05.333)
- ACR 8** – Implement a management plan for an open-access weathervane scallop fishery in waters of Alaska. (5 AAC 38.0XX)
- ACR 9** – Remove the exception allowing for a dead king salmon to be taken, but not retained, in the Yukon Area districts 1–3 dip net and beach seine commercial summer chum salmon fisheries. (5 AAC 05.362)
- ACR 10** – Remedy a navigational obstruction in Ugashik River set gillnet salmon fishery. (5 AAC 06.331)
- ACR 11** – Define commercial salmon fishing boundaries for the Outer Port Heiden, Ilnik, and Three Hills sections in the Northern District of Area M using GPS coordinates. (5 AAC 09.200, 5 AAC 09.350, and 5 AAC 09.369)
- ACR 12** – Modify the time period the Nushagak River single hook regulation is in effect from year-round to May 1–July 31. (5 AAC 67.022)
- ACR 13** – Modify Kuskokwim River salmon management plan for king salmon conservation. (5 AAC 01, 5 AAC 07, and 5 AAC 71)

ACR 14 – Modify the time period the Nushagak River single hook regulation is in effect from year-round to May 1–July 31. (5 AAC 67.022)

ACR 1 – Modify groundfish possession and landing requirements to specify when groundfish bycatch levels are assessed on board a vessel. (5 AAC 28.070)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
Alaska Administrative Code Number 5 AAC: 5 AAC 28.070. Groundfish possession and landing requirements.(b)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Under the current regulations, in the 2C halibut fishery for example, if the first fish brought on board the vessel was a species for which a 20 percent bycatch limit w/o full retention requirements, that fish needs to be immediately discarded, regardless of the condition or the commercial value, or the CFEC permit holder would be in violation. We believe that this regulation, as currently written, actually promotes wastage, is an unintended consequence and not the initial intent of the regulations. We do believe that the intent was to prevent intentional excessive bycatch of economically valuable species by limiting the bycatch to a percentage of the weight of the target species at the time of delivery.

Although we don't know of any specific problems associated with this regulation to the present time, our concerns are directed toward potential problems resulting from implementation of the NMFS restructured North Pacific Groundfish Observer Program for the small boat halibut and sablefish longline fisheries. With an increased number of observers being deployed on a larger number of vessels, and the potential for future implementation of electronic monitoring (EM) systems, situations could arise where an observer could report the above scenario as a violation, or the EM system would document the violation, and trigger enforcement action irrespective of the percent species composition at the time of delivery.

WHAT SOLUTION DO YOU PREFER? (b) ...The commissioner, by emergency order, may close a directed groundfish season and immediately reopen a season during which a CFEC permit holder may have on board **at the time of delivery** a bycatch level of another groundfish species, established by the commissioner and stated in the emergency order, of up to 20 percent. By weight, of the directed groundfish species on board the vessel **at the time of delivery**. Regarding a directed halibut fishery, the commissioner, by emergency order, may close and immediately reopen the fishing season for a bycatch groundfish species during which a CFEC halibut permit holder may have on board a bycatch level of that groundfish species, established by the commissioner and stated in the emergency order, of up to 20 percent, by weight, of the halibut on board the vessel **at the time of delivery**. If a CFEC permit holder has on board the permit holder's vessel fish taken in more than one directed fishery for which a bycatch level has been established under this subsection, each applicable bycatch level percentage is applied to the weight of the fish taken in the applicable directed fishery and the resulting amounts are added together to determine the total weight of the bycatch species that may be on board the vessel **at the time of delivery**.

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

- a) **for a fishery conservation purpose or reason:** We believe that this regulation, as currently written, actually promotes wastage by encouraging bycatch discards prior to any target species being landed. We do believe that the initial intent was to prevent intentional excessive bycatch of economically valuable species by limiting the bycatch to a percentage of the weight of the target species at the time of delivery. The recommended changes would eliminate unnecessary discards and make clear the actual intent of the regulation.
- b) **to correct an error in regulation:** The existing regulations may not have been in actual error at initial implementation, as the intent was likely understood at the time to be referring to the percent bycatch at the time of delivery. However, given that the small boat longline fleet will be under much more intense scrutiny under the 2013 Restructured North Pacific Groundfish Observer Program, as stated in the Problem section, the situation has changed and the regulation could be interpreted literally by an observer and reported for enforcement action.
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** See (b) of this section.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Unnecessary enforcement actions could result if this problem is not resolved prior to the next Statewide BOF meeting in 2016.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. The ACR does not have anything to do with allocation of any fishery resource by vessel size, type, target species, or user designation.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. Petersburg Vessel Owners Association is a commercial fisheries advocacy organization representing fishermen who participate in a variety of fisheries throughout the State of Alaska statewide with our foremost interest being the commercial halibut and sablefish fisheries.

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: Petersburg Vessel Owners Association

ACR 2 – Implement a management plan for an open-access weathervane scallop fishery in waters of Alaska. (5 AAC 38.0XX)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
Alaska Administrative Code Number 5 AAC: NEW

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Creation of a fisheries management plan for weathervane scallop in state waters. The current problem is that the statute that created a vessel-based limited entry system for state waters will sunset on December 31, 2013 and in order to conduct a state water scallop fishery, the department must create a management framework.

WHAT SOLUTION DO YOU PREFER?

State water weathervane scallop fishery management requirements:

1. **Eighty foot vessel length limit;** this corresponds to the initial issue 2BBV permits. Fishing fleet data, public testimony, ADF&G testimony, and CFEC action all support the premise that 80 feet is the proper limitation on vessel length for a state water scallop fishery. Such a limitation is consistent with state policy on size limitation in other fisheries, such as the Bristol Bay gillnet fishery's 32 foot limitation, and 58 foot limitation on seine vessels. This limitation on capacity creates greater opportunity for other participants in the state water fishery.

In the regulatory hearing for the vessel-based Ltd. Entry statute in 2004 CFEC Commissioner discusses the rationale for the 80 foot limitation.

“The motion to amend subsection (e) to allow the vessel length floor of 80 feet is also in response to public comment. Allowing the smaller qualifying vessels to substitute or transfer to a vessel of up to 80 feet would allow those vessels more opportunities in state waters. The size of the vessel would still limit the size of the dredge that the vessel could use.”

In 2004 CFEC posed the following questions to ADF&G: “would vessel length constraints attached to permits be a meaningful way to limit the expansion of fishing effort and capacity (premised on the original lengths of qualifying vessels)?”

ADF&G explained, “Vessel length and width, more than other factors such as horsepower, limit fishing capacity in the weathervane scallop fishery. Small vessels in the 58 to 78 feet LOA range that typically fish Cook Inlet with a single six foot dredge, potentially have the capacity to fish two dredges. However, due to vessel size constraints it would be very difficult for vessels in that size range to fish two 15 foot dredges, which is the maximum allowed in the Alaska Scallop Management Plan...” (From ADF&G 2/23/04 memo)

2. Ten foot maximum width of dredge and only one fishing unit on board. This will serve to slow fishery and insure minimization of bycatch of other species if get into a high bycatch area.
3. Maintain requirement for 100% observer coverage for vessels fishing a dredge larger than six feet. For vessels fishing on dredge six feet or less, observer placed on vessel at ADF&G discretion and expense similar to Cook Inlet Observer requirements.
4. Require continuous VMS as in existing federal/state fishery. [Stories are replete of large vessels taking “wide turns” into the state three mile limit area when fishing the federal line.]
5. Require preseason registration. This will allow area management biologist to determine the size of the fleet, so they will be able to determine the maximum number of permits for planning purposes, in the event that trip limits and intermittent open and closed fishing periods and other options need to be considered.
6. Require continuation of daily catch reporting to ADF&G.
7. Possibly require departure from port and fishing area destination before fishing.

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

- a) **for a fishery conservation purpose or reason:** This proposal meets the “fishery conservation purpose” requirement by establishing a management plan.
- b) **to correct an error in regulation:**
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? There will not be a state water scallop fishery in 2014.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. Creates an open access state water fishery open to all interested vessels less than 80 feet.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Not allocative at this time.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. Commercial 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. Not considered before.

SUBMITTED BY: Donald Lane

ACR 3 – Remove dip net size restrictions for the Yukon Area districts 1–3 commercial summer chum salmon fisheries. (5 AAC 05.362)

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

Alaska Administrative Code Number 5 AAC: 05.362 (k) (1) (A)

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

Dipnet specification for commercial fishing for summer chum salmon in Districts 1, 2, and 3 of the Yukon Area are restricted by ACC 5.467 (d) (24) to a maximum straight-line distance between any two points on the net frame, as measured through the net opening, to no more than five feet. Prior to 2013, dipnets have been used to harvest fish in mainly in personal use fisheries, where it may be necessary to restrict its size to spread the harvest out among users and/or to reduce net efficiency and/or user conflicts. However, we believe that the restriction on the size of the dipnet in a commercial fishery, in which the object is to selectively harvest large quantities of the target species, as summer chum salmon on the Yukon River, does not require a size restriction. We believe that it is unnecessary to reduce efficiency and there are no user conflicts because of the vast size of the area where commercial dip netting is allowed in each district. Because the dipnet is an extremely inefficient method to capture salmon commercially, we believe that it is necessary to allow the ingenuity and ability of the fishers to explore and experiment with different dip net sizes and designs to maximize chum salmon harvests while still able to release king salmon alive back into the river. While fishers may not need to substantially increase the diameter of the round dipnets, we believe that there is a distinct advantage to increasing the base, along with the height, of the triangle-shaped dipnets. Currently, the five foot restriction on the triangle-shaped dipnets results in a base length opening of approximately 47 inches, along with a relatively short height (36 inches) that precludes the efficient use of this specific dipnet gear. We also believe that since salmon tend to travel near the bottom of the river, this gear, if allowed to be larger, may result in an increased efficiency over the round dipnets because of increased contact with the bottom. Since the objective of the use of this gear to harvest chum salmon, while releasing king salmon to the river alive, we believe that these changes in gear specificity will result in larger catches of chum salmon, per unit effort, without any additional impact to the king salmon because the method of release would not change. Note that with continuous commercial fishing throughout the summer season, only 29% of the District 1 and 2 allocation was harvested

WHAT SOLUTION DO YOU PREFER? Remove the restriction on the size of dipnets. The new regulation would delete the reference to 5AAC 5.467 and allow dipnets to be of any size for commercial salmon fisheries for use specifically within the Districts 1, 2, and 3 of the Yukon Area. If, however, the BOF feels it is necessary to restrict dipnet size, we ask that the maximum straight line distance between any two points on the dipnet be increased to 96 inches. This would allow approximately 84 inch base on the triangle dipnets with a 60 inch rise to the handle.

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

- a) **for a fishery conservation purpose or reason:** This regulation was specifically enacted by the Alaska Board of Fisheries in 2013 to increase the harvest of the abundant summer chum salmon while minimizing or eliminating the king salmon mortality associated with

the summer chum salmon commercial fishery. The proposed change to the regulation addresses the conservation issue for both Yukon River king and summer chum salmon. While we believe that allowing dipnets of unspecified size on the Yukon River will result in a substantial increase in the number of chum salmon harvested, we also believe that it will allow the continued conservation of the king salmon resource. The increase in chum salmon harvest will reduce the threat of allowing too many chum salmon to spawn. Unpublished research (Sandone unpublished), which could be provided, indicates that the replacement point on the spawner-recruit curve for Yukon River summer chum salmon is approximately 2.1M salmon. In 2013, over 2.6M chum salmon, or approximately 84% of the total run, were allowed to spawn within the Yukon River drainage. Estimates of spawners in 2011 and 2012 were 1.9M and 2.1M, respectively. This many spawners will probably have negative impacts to the runs 4 and 5 years from now. The change in the dipnet size regulation may play some small part in reducing this threat in the future.

YDFDA and Kwik'pak fisheries have and continue to invest heavily in the summer chum salmon fishery and market development over the past few years. It would be unconscionable for these future runs to fail because of overescapement.

b) to correct an error in regulation: We believe because the regulation regarding the size of the dipnet was specifically designed for the use of this gear type in a personal use fishery where net efficiency and user conflict may need to be limited, the BOF may have failed to consider the implications of the restriction on the efficiency of this gear type in a commercial fishery, which seeks to maximize harvest while still conserving king salmon. We believe that an increase in the size of the dipnet will result in increased harvest while maintaining no impact to the king salmon run.

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

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? The total run of the summer chum salmon in 2013 was over 3.2M salmon. Allowing for a generous drainage-wide escapement target of 1.0M and an estimated subsistence harvest of 115K chum salmon results in a 2.0M salmon commercially harvestable surplus. The total allocation for the District 1 and 2 commercial fisheries was over 1.3M summer chum salmon. The summer chum salmon harvest in District 1 and 2 was approximately 379K salmon. Ex-vessel value of this harvest was \$1.7M. Harvest from other districts totaled approximately 106K. The total 2013 Yukon Area commercial harvest totaled 485K summer chum salmon. The total 2013 foregone harvest within the Yukon Area is therefore over 1.6M salmon with the major portion of this foregone harvest, 945K, occurring in Districts 1 and 2. Associated loss of revenue to District 1 and 2 fishers was approximately \$4.3M. If new regulations regarding new methods of selective harvest or improvement to existing methods are not considered, the huge amount of foregone commercial harvest of Yukon River summer chum salmon in Districts 1 and 2 will continue. This will no doubt result in continued loss revenue to fishers of the area and allow too many summer chum salmon to escape the fisheries to spawn. Because spawning numbers of summer chum salmon in excess of 2.1M are suspected to drive

the production rate below 1 return per spawner (Sandone unpublished data), future runs will probably be negatively affected by poor production from these broods.

Other positive factors of using dipnets may include the return of fishers and fishers' family to fish camp because of the daily commercial fishing activity and less social complaints from the area to government agencies.

2013 YUKON AREA SUMMER CHUM SALMON SYNOPSIS		
	Numbers	Proportion
Est. Total Summer Chum Run	3,200,886	1.000
Targeted Drainage Escapement	1,000,000	0.312
Est. Subsistence Harvest	115,000	0.036
Targeted Commercial Harvest	2,085,886	0.652
Est. Drainage-wide Escapement	2,600,307	0.812
District 1 and 2 Com. Allocation	1,324,538	0.414
Actual District 1, and 2 Harvest	379,143	0.118
Value of the District 1 & 2 Fishery	\$1,721,524	
District 1 and 2 Foregone Com Harvest	945,395	0.295
Foregone revenue to Dist 1 & 2 Fishers	\$4,292,626	
Other District Com. Harvests	106,436	0.033
Total Area Foregone Com Harvest	1,600,307	0.500

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR is not allocative because there is a huge unharvestable surplus of summer chum salmon that other districts either can't or don't want to harvest. However, we are only seeking methods to harvest the salmon that are allocated to District 1 and 2. While the Area-wide commercial harvest was approximately 486K, the Area-wide foregone commercial harvest is over 1.6M salmon. Further, in 2013, Districts 1 and 2 fishers harvested only 29% of the allocated harvest. Note that 36% of the District 1 and 70% of the District 2 harvest was primarily taken with dipnets with a very small portion taken with beach seines (BS/DP). In District 1, an additional 34% was taken by the smaller and shallower gillnet gear allowed by the BOF this past year. Further 928 king salmon were caught and released unharmed in the dipnet gear, while only 88 were caught and not sold in the 5.5 inch 30 mesh deep gillnet gear. Finally, although only 30% of the District 1 and 2 summer chum salmon harvest was taken with the traditional 6.0 inch/ 50 mesh deep nets, this gear also harvested 301 king salmon. The total number of kings caught but not sold, 389, was far less than the thousands harvested in previous years. This proposal seeks to alter a gear type so that more of the summer chum salmon allocation can be taken.

Summer Chum Salmon Harvest by gear and District, 2013.

Gear type	Chinook salmon		Summer Chum Salmon				
	Caught and Released	Caught but not sold	Number	Percent	Pounds	Average Weight	Percent Chinook
DISTRICT 1							
BS/DN	300	0	69,967	34%	422,886	6.0	0.4%
GN 5.5	0	88	74,452	36%	447,287	6.0	0.1%
GN 6.0	0	57	63,452	31%	406,858	6.4	0.1%
Totals	300	145	207,871	100%	1,277,031	6.1	0.2%
DISTRICT 2							
BS/DN	628	0	119,241	70%	693,176	5.8	0.5%
GN 5.5	0	0	0	0%	0	0.0	0.0%
GN 6.0	0	244	52,031	30%	325,158	6.2	0.5%
Totals	628	244	171,272	100%	1,018,334	5.9	0.5%
LOWER YUKON AREA SUBTOTAL							
BS/DN	928	0	189,208	50%	1,116,062	5.9	0.5%
GN 5.5	0	88	74,452	20%	447,287	6.0	0.1%
GN 6.0	0	301	115,483	30%	732,016	6.3	0.3%
Totals	928	389	379,143	100%	2,295,365	6.1	0.3%
DISTRICT 4							
FW	99	0	84,592	84%	390,259	4.6	0.1%
FW/GN	1	0	15,907	16%	77,459	4.9	0.0%
Totals	100	0	100,499	100%	467,718	4.7	0.1%
DISTRICT 6							
FW	97	0	5,937	100%	36,650	6.0	1.6%
Totals	97	0	5,937	100%	36,650	6.0	1.6%
UPPER YUKON AREA SUBTOTAL							
FW	196	0	90,529	85.1%	426,909	4.7	0.2%
FW/GN	1	0	15,907	14.9%	77,459	4.9	0.0%
Total	197	0	106,436	100.0%	504,368	4.7	0.2%

YUKON AREA GRAND TOTAL								
LOWER YUKON	928	389		379,143	78.1%	2,295,365	6.1	0.2%
UPPER YUKON	197	0		106,436	21.9%	504,368	4.7	0.2%
Total	1,125	389		485,579	100.0%	2,799,733	5.8	0.2%

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. CDQ Group; Commercial buyer and processor located in the Emmonak, Alaska

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 been considered before.

SUBMITTED BY: Yukon Delta Fisheries Development Association (YDFDA)

ACR 4 – Establish monofilament purse seines as a new legal gear for the Yukon Area districts 1–3 commercial summer chum salmon fisheries. (5 AAC 39.170 and 5 AAC 05.362)

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

Alaska Administrative Code Number **5 AAC 05.362. Yukon River Summer Chum Salmon**

Management Plan (k) (1) “NEW (C) purse seine gear, with mesh size that does not exceed three and one-half inches stretched measure

5 AAC 39.170. Monofilament purse seine web unlawful Except in the Lower Yukon Area, it is unlawful to use single- or multiple-strand monofilament purse seine web.

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

The Yukon River king salmon runs have declined to a point that during 2013 ADF&G requested that subsistence fishers reduce their normal subsistence harvest by 75%. During the 2013 season, severe subsistence restrictions were employed throughout the drainage to bolster king salmon escapements and to attempt to meet the agreed upon the minimum escapement of 42,500 king salmon in Canada plus the Canadian share of the TAC. Even with these unprecedented restrictions on subsistence fishing, only 2 escapements goals were achieved. King salmon escapements to all spawning tributaries within the drainage were substantially below average. Additionally, the Chinook salmon passage into Canada was approximately 31,000 fish, the worst since the Eagle sonar monitoring project was initiated in 2005. The 2013 total Yukon River king salmon run was most likely the worst on record.

In contrast, recent Yukon River summer chum salmon runs have been above average in run size. During the past few years, millions of commercially-harvestable summer chum salmon have passed through the Lower Yukon Area with very few being harvested because of the concern for the king salmon escapement. This foregone harvest has been substantial in recent years, more than 1.0M fish in both 2011 and 2012. Despite new commercial fishing gear allowed in 2013 by the BOF, including the use of dipnets, beach seines and shallower and smaller mesh size gillnets (5.5 stretch measure, 30 meshes deep), preliminary estimates indicate that at least 1.6M commercially available summer chum were passed onto the spawning grounds. This foregone harvest translates into a possible loss to the fishermen of over \$18M during the past three years. The actual value of the Yukon Area summer chum salmon harvest was approximately \$4M for the same 3-year period. In contrast, the value of the commercial harvests in the mid 1990s, when king salmon were commercially harvested, was approximately \$15M.

2013 YUKON AREA SUMMER CHUM SALMON SYNOPSIS		
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Est. Total Summer Chum Run	3,200,886	1.000
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Foregone revenue to Dist 1 & 2 Fishers	\$4,290,000	
Other District Com. Harvests	106,436	0.033
Total Area Foregone Com Harvest	1,600,307	0.500

Because of the concern for king salmon escapements and subsistence harvests, the commercial summer chum salmon fishery was severely curtailed starting in 2009. During 2011 and 2012, however, the Alaska Department of Fish and Game (ADF&G) tried very hard to manipulate the District 1 summer chum salmon commercial gillnet fishery with time and area closures to harvest the abundant chum salmon while minimizing the king salmon harvest. However, the use of gillnets to commercially harvest summer chum salmon was initiated only when most of the king salmon had passed out of the area. Although most of the commercial fishing occurred late in the run during these years, thousands of king salmon were still incidentally harvested with gillnets. This level of king salmon harvest was generally deemed unacceptable because of poor king salmon escapements, restrictions on subsistence fisheries, and the failure to meet the commitment to Canada. Additionally, since most of the run had passed through the Lower Yukon Area before commercial fishing commenced, summer chum salmon harvests were very small in relation to the available surplus and run sizes. Accordingly, in addition to the direct monetary loss to the fishermen, fish buyers and processors found it very difficult to maintain markets for summer chum salmon because of the uncertainty surrounding the fishery timing and harvests.

Last January, the Alaska Board of Fisheries (BOF) adopted new commercial fishing regulations for the Yukon River drainage designed to allow commercial fishing for summer chum salmon regardless of the king salmon run size. These new regulations were employed to allow for the commercial harvest of summer chum salmon even during times when subsistence fishing closures were implemented to protect king salmon. These new regulations gave ADF&G the authority to allow commercial fishing for chum salmon with dip nets and beach seines. Unlike gillnets, the

use of dipnets and beach seines allow the live release of king salmon when king conservation measures are necessary.

These new gear options were specifically intended to allow for additional summer chum directed commercial fishing opportunity while allowing for the release of incidentally caught king salmon. Harvest results indicate that these gear types, primarily dip nets, accounted for 34% of the harvest in District 1 and 70% in District 2 and 50% for District 1 and 2 combined. Additionally, 928 king salmon were caught and released with dipnet gear type. Subsequent fishing with the new gillnet gear, 5.5 inch mesh, 30 meshes deep gillnets, accounted for 36% of the District 1 harvest. This gear was not used in the District 2 fishery. Surprisingly, only 88 king salmon were harvested incidentally with this new gillnet gear in District 1. Finally, near the end of the summer chum run, the traditional 6 inch mesh, 50 mesh gillnet was allowed for 5 periods each District 1 and 2. This traditional gear type accounted for 31% and 30% of the District 1 and 2 summer chum salmon harvests, respectively. King salmon incidental harvest in this gear type totaled 301 salmon.

Summer Chum Salmon Harvest by gear and District, 2013.								
Chinook salmon				Summer Chum Salmon				
Gear type	Caught and Released	Caught but not sold		Number	Percent	Pounds	Average Weight	Percent Chinook
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DISTRICT 2								
BS/DN	628	0		119,241	70%	693,176	5.8	0.5%
GN 5.5	0	0		0	0%	0	0.0	0.0%
GN 6.0	0	244		52,031	30%	325,158	6.2	0.5%
Totals	628	244		171,272	100%	1,018,334	5.9	0.5%
LOWER YUKON AREA SUBTOTAL								
BS/DN	928	0		189,208	50%	1,116,062	5.9	0.5%
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GN 6.0	0	301		115,483	30%	732,016	6.3	0.3%
Totals	928	389		379,143	100%	2,295,365	6.1	0.3%

Beach seines were employed by only a very few fishers on very few occasions because of the lack of beach sites caused by the high water in the Lower Yukon Area during the spring and early summer of 2013.

Although dipnets and beach seines were allowed 12 hours a day for 15 and 17 consecutive days in District 1 and 2, respectively, the associated commercial exploitation rate was dismal. Both types of gillnet gear was employed late in the season when most of the summer chum and king salmon had already passed through the lower river.

Although the target drainage-wide commercial exploitation rate was over 65%, the actual drainage-wide exploitation rate was only 14%. While District 1 and District 2 harvested about 29% of their allocation, which translates into a commercial exploitation rate of 12%, the upper river harvested only about 14% of their allocation with an associated commercial exploitation rate of approximately 3%. Although the exploitation rate using these new gear types was dismal, their use did prevent a complete failure of the commercial summer chum salmon fishery. In addition to the obvious positive effects an increased harvest would have on the people of the area and the stocks of interest, other positive factors may have included the return of fishers and fishers' family to fish camp because of the daily commercial fishing activity, less social problems, and less complaints from the area to government agencies.

The fishing power of the Lower Yukon Area fleet, which consists of approximately 700 commercial permit holders, in conjunction with the very large capacity of the processors, are adequate to harvest and process the entire surplus of commercially-available Yukon River summer chum salmon. Although gillnets can efficiently take this large harvestable surplus, it is not being taken because king salmon are incidentally taken in the gillnet fishery. Although the dipnets are a very inefficient method of harvest and beach seines may not be usable in the spring and summer because of high water, these gear type accounted for 50% of the total Lower Yukon Area harvest in 2013. Note that an additional 20% was taken with the newly allowed 5.5 inch/30 mesh gillnets. However, despite nearly continuous fishing with dipnets, beach seines, and gillnets, only a small portion of the total harvestable surplus was taken. Therefore, we are continuing our efforts to test other selective gear types and develop and propose new regulations that will aid in the harvest of substantial quantities of summer chum while not affecting the king salmon population. Accordingly, the primary purpose of this proposed regulation is to allow a directed-summer chum salmon fishery using purse seine gear. We sincerely believe that purse seine gear will be used to more efficiently harvest summer chum with little to no risk to the king salmon population. Because this is a small boat fishery, boats rarely exceed 24 feet and are generally powered by 115 hp outboards, it is necessary to have the seine as light as possible for efficient operations. Therefore, we also request the BOF to allow the use of monofilament webbing for purse seines in the Lower Yukon Area. Further we request the BOF to allow two boats to operate a single seine for efficiency and safety reasons.

WHAT SOLUTION DO YOU PREFER? Add purse seines to the allowable gear types used to harvest summer chum salmon within Districts 1, 2, and 3 within the Yukon Area in times of king conservation and allow the seine web to be made from monofilament. Oregon state biologists have stated that the immediate fish mortality associated with purse seine capture is near 0, even after being held in the seine for over an hour (John North, Oregon Department of Fish and Wildlife, Columbia River Fisheries Manager, personal communication). Because we are proposing possibly the only in-river purse seine commercial fisheries in the state, we believe that the fishers should have the latitude to test the length and depth of the purse seine to determine the

optimal size in the Yukon River that harvests the abundant summer chum salmon without causing harm to the king salmon population.

Because seine webbing is very heavy and would no doubt decrease the efficiency of the purse seine we ask the board to lift the prohibition on monofilament seine webbing for purse seines operated in the Lower Yukon Area. Investigations into the reasons that monofilament webbing was prohibited yielded the following statement from ADF&G:

“My take on the mono prohibition is that it was put into place to limit gear efficiency¹, similar to length, depth, and mesh size restrictions. Monofilament mesh would tow through the water easier than seine web², would be significantly less visible to fish than seine web³, and would gill fish at a much higher rate than seine web⁴. If the mono mesh size was similar to current purse seine mesh standards, the mono nets may gill smaller non-targeted fish species⁴. There would also be a higher potential for entanglement of fish larger than targeted species, i.e. Chinook⁵. Bird and mammal entanglement would likely be higher when using mono web⁶.”

We believe that many of the reasons that monofilament was prohibited would be an argument for allowing monofilament webbing in purse seines used in the Lower Yukon Area. The below comments are in regard to the footnote numbers inserted in the above statement:

1. Efficiency in catching chum salmon is a desired advantage in the Lower Yukon Area summer chum salmon fishery;
2. monofilament gear does tow through the water easier than seine web. This also increases efficiency and is an advantage in this fishery;
3. having the seine less visible to fish is not applicable on the Yukon River because of the high turbidity of the water;
4. using maximum 3.5 inch mesh webbing would result in few fish being gilled. Additionally, Kwik’pak Fisheries stated that they would buy any gilled commercial fish species in the purse seine fishery that was not taken home for subsistence. This includes pink salmon and Bering cisco.
5. Further, we believe that with procedures developed in 2013 through testing of this gear, there would be little to no additional negative effect on the king salmon; and
6. Entanglement of birds and mammals is highly unlikely in the Lower Yukon Area.

We also request the BOF allow an auxiliary boat in addition to the seine vessel to operate the purse seine gear in a two-boat operation. In a two-boat operation, the seine boat and the auxiliary boat will be attached to each end of the purse seine. When the purse seine is being closed, both the cork line and the lead line that was attached to the auxiliary boat will be transferred to the seine vessel for final pursing of the net.

Testing of both monofilament and seine web purse seines was conducted in 2013, primarily during the fall season by YDFDA, with approval from ADF&G. Based upon this test fishery, YDFDA developed procedures that will allow the harvest of summer chum salmon with little or no impact to the king salmon population. Additionally, YDFDA videotaped several days of fishing with the goal to construct a training video so that fishers that intend to use a purse seine gear next year, if approved, will have a sense and a basis of how the gear should be fished so that kings can be released unharmed.

Specifically, we request the BOF to:

- add a new section under 5 AAC. (k) (1) “NEW (C) purse seine gear, with mesh size that does not exceed three and one-half inches stretched measure;
- Within the Lower Yukon Area, allow monofilament to be used for purse seine webbing.
- Allow purse seines to be operated by two boats, a seine vessel and an auxiliary boat.
- We also request the no additional restrictions on the use of power to purse the seine and haul the rings and leads into the seine boat be implemented.

Additionally, if necessary, we also request the BOF to add the phrase, *Except in the Lower Yukon Area* to the general prohibition on using monofilament webbing in purse seines, 5 AAC 39.170. Monofilament purse seine web unlawful .

If the BOF desires to limit the size of the purse seine we suggest that purse seines shall not exceed 100 fathoms in length and 150 meshed in depth.

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

- a) **for a fishery conservation purpose or reason:** The proposed change to the regulation addresses the conservation issue for both Yukon River king and summer chum salmon. We sincerely believe that allowing purse seines as legal gear to harvest summer chum salmon on the Yukon River will result in a substantial increase in the number of chum salmon harvested. Additionally, we believe that it will allow the continued conservation of the king salmon resource by live release of king salmon back into the river. Further, the increase in chum salmon harvest will reduce the threat of summer chum salmon overescapement. Unpublished research (Sandone unpublished), which could be provided, indicates that the replacement point on the spawner-recruit curve for Yukon River summer chum salmon is approximately 2.1M salmon. In 2013, over 2.6M chum salmon, or approximately 84% of the total run, were allowed to spawn within the Yukon River drainage. Estimates of spawners in 2011 and 2012 were 1.9M and 2.1M, respectively. This many spawners may have negative impacts to the runs 4 and 5 years from now. Allowing purse seine gear for the harvest of summer chum salmon during times of king salmon conservation may play a significant part in reducing this threat in the future. YDFDA and Kwik’pak fisheries have and continue to invest heavily in the summer chum salmon fishery and market development over the past few years. It would be unconscionable for these future runs to fail because of overescapement.
- b) **to correct an error in regulation:** Not applicable because there is no regulation concerning purse seines in the Yukon Area.
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Not applicable because there is no regulation concerning purse seines in the Yukon Area.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? The total run of the summer chum salmon in 2013 was over 3.2M

salmon. Allowing for a generous drainage-wide escapement target of 1.0M and an estimated subsistence harvest of 115K chum salmon results in a commercially harvestable surplus of over 2.0M summer chum salmon. The total allocation for the District 1 and 2 commercial fisheries was over 1.3M summer chum salmon, or 63.5% of the TAC. However, the summer chum salmon harvest in District 1 and 2 totaled only 379K salmon. Ex-vessel value of this harvest was \$1.7M. Harvest from other districts totaled approximately 106K salmon. The total 2013 Yukon Area commercial harvest totaled 486K summer chum salmon. The total 2013 foregone harvest within the Yukon Area is therefore over 1.6M salmon with the major portion of this foregone harvest, 945K salmon, resulting from the lack of the employment of efficient capture gear in Districts 1 and 2. Associated loss of revenue to District 1 and 2 fishers was approximately \$4.3M in 2013.

If new regulations regarding new methods of selective harvest or improvement to existing methods are not considered, the huge amount of foregone commercial harvest of Yukon River summer chum salmon in Districts 1 and 2 will continue into the future. This will no doubt result in continued loss revenue to fishers of the area and will allow too many summer chum salmon to escape the fisheries to spawn. Because spawning numbers of summer chum salmon in excess of 2.1M are suspected to drive the production rate below 1 return per spawner (Sandone unpublished data), future runs will probably be negatively affected by poor production from these broods. Poor future runs will result in reduced commercial harvest that will negatively affect not only the buyer processor and fishers of the region, but will probably also result in host of area economic and social problems.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR is not allocative because there is a huge unharvestable surplus of summer chum salmon that other districts either can't or don't want to harvest. We are only seeking methods to harvest the salmon that are allocated to District 1 and 2. This proposal seeks to allow purse seine as legal commercial gear in Districts 1, 2, and 3 so that a substantial portion of the allocation can be harvested with no or little additional negative effect to the king salmon population. It also seeks to eliminate the prohibition on using monofilament webbing for the purse seines in the Lower Yukon Area in order to increase the efficiency of the gear. Finally, this proposal seeks to allow a 2-boat operation in setting the purse seine, thus making it more efficient and possibly safer to use in a riverine environment.

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 buyer and processor located in Emmonak, Alaska.

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 been considered before.

SUBMITTED BY: Yukon Delta Fisheries Development Association (YDFDA)

ACR 5 – Eliminate all other consumptive uses of the Sitka Sound herring stock in order to provide reasonable subsistence opportunity. (5 AAC 27.160, 5 AAC 27.170, and 5 AAC 27.195)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 27.195

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. To secure my rights to a reasonable opportunity to engage in subsistence uses of herring in the Sitka Sound as guaranteed by the state subsistence preference law, principally codified at A.S. 16.05.258.

WHAT SOLUTION DO YOU PREFER? The corrective solution would be for the board to exercise its right to eliminate all other consumptive uses in order to provide a reasonable opportunity for subsistence uses of the Sitka Sound herring stock; as governed in AS 16.05.258 (b)(4)(A).

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

- a) **for a fishery conservation purpose or reason:** Because Alaska Department of Fish and Game has failed to accurately forecast the spawning biomass of herring in the Sitka Sound area the subsistence fishery has suffered greatly. ADF&G's current forecasting mode is not working. During the 2013 Sitka Sound Sac Roe fishery ADF&G took a 'precautionary 25% reduction' in the GHF and still failed to harvest the full quota. According to 5 AAC 99.010 (c) the board will exercise all practical options for restricting nonsubsistence harvest.
- b) **to correct an error in regulation:**
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Subsistence fishermen and the resource will continue to suffer.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This is a conservation concern not an allocative concern.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. I don't believe subsistence users have ever been given an allocation; therefore it isn't possible for this to be an allocative request.

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

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. Not to my knowledge.

SUBMITTED BY: Aaron Bean

ACR 6 – Establish statewide regulation to allow use of dip net gear in place of commercial gillnet and seine gear for salmon stock conservation purposes. (5 AAC 39.2XX)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
Statewide 5 AAC NEW.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Conservation of a weak stock such as Chinook salmon when there is a surplus of a strong stock such as sockeye, chum or coho. Excessive bycatch.

WHAT SOLUTION DO YOU PREFER? The department may close gillnet and seine fisheries and reopen them using dipnet gear with the non-targeted species with a conservation problem released unharmed and no sale of bycatch.

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

- a) **for a fishery conservation purpose or reason:** It was proven this works on the Yukon River this past summer. It should be considered for the Copper River Flats, Kenai, Kuskokwim, Unalakleet, Karluk and possibly other fisheries.
- 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? Fisheries will either be closed or have bycatch that may cause escapement goals to not be met.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. It allows a fishery, i.e. commercial, personal use or subsistence to take place when it would be otherwise be restricted or closed.

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. None.

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. Was considered and passed as a proposal for Yukon River in January.

SUBMITTED BY: Virgil Umphenour

ACR 7 – Define and allow use of a lead for commercial fish wheel gear. (5 AAC 05.333)

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

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. No definition of a lead for a commercial fish wheel.

WHAT SOLUTION DO YOU PREFER? Put a definition of a lead for a fish wheel in regulation for commercial fishing.

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:** It has been determined by the Department of Law that a commercial fish wheel cannot have a lead because it is not in regulation.
- 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? Commercial fish wheels will not be allowed to use leads.

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. Processor and buyer.

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: Virgil Umphenour

ACR 8 – Implement a management plan for an open-access weathervane scallop fishery in waters of Alaska. (5 AAC 38.0XX)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 38.0XX. State-Waters Weathervane Scallop Management Plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. The Commercial Fisheries Entry Commission (CFEC) limits participation in the weathervane scallop fishery in waters of Alaska under the vessel-based permit system AS 16.43.450–AS 16.43.520. The vessel-based permit system is scheduled to sunset December 30, 2013. National Marine Fisheries Service has a license limitation program (LLP) for weathervane scallop that limits participation in federal waters.

Beginning December 31, 2013, weathervane scallop fisheries in waters of Alaska will revert to an open-access fishery; federal waters will remain under the LLP program. This ACR requests the Alaska Board of Fisheries (board) to implement a management plan for an open-access weathervane scallop fishery in waters of Alaska.

WHAT SOLUTION DO YOU PREFER?

5 AAC 38.0XX. State-Waters Weathervane Scallop Management Plan. (a) In addition to the other requirements of 5 AAC 38 that apply to weathervane scallop, including the applicable provisions of 5 AAC 38.076, the provisions of the management plan in this section apply to the commercial taking of weathervane scallop in the state waters of Alaska in Scallop Registration Area D (Yakutat), Scallop Registration Area E (Prince William Sound), Scallop Registration Area K (Kodiak), and Scallop Registration Area O (Dutch Harbor).

(b) The weathervane scallop vessel registration year is April 1 through March 31.

(c) To participate in a state-waters weathervane scallop commercial fishery specified in (a) of this section, a vessel must be registered under (d) of this section by the preseason registration deadline specified in this subsection. The preseason registration deadline for the scallop vessel registration year is 5:00 p.m. April 1. The preseason registration applies only under this section and does not satisfy other registration requirements of 5 AAC 38.076.

(d) To preseason register a vessel, the vessel owner, or the vessel owner's authorized agent, must possess a valid CFEC interim-use permit for statewide scallop that includes the vessel's ADF&G license number. The vessel owner, or the vessel owner's authorized agent, shall submit a preseason registration form in person, or by mail, electronic mail, or facsimile transmission, to the designated department office in the area responsible for management of the fishery indicating the registration area or areas that the vessel is being preseason registering for by the deadline specified in (c) of this section. The form must include the vessel operator's

(1) CFEC interim-use permit number; and

(2) intent to participate in the commercial weathervane scallop fishery in the registration area in either the state waters only or the state waters and the federal waters of the exclusive economic zone.

(e) Based on the department's assessment of vessel effort, manageability, and available harvest in state waters, the commissioner may manage weathervane scallop in the state waters separately from weathervane scallop in the federal waters of the exclusive economic zone.

(f) If the commissioner determines that it is necessary for management and conservation purposes, the commissioner may require a vessel operator to register as provided by 5 AAC 38.076 for either the state waters of Alaska or the federal waters of the exclusive economic zone. The operator of a participating vessel may change registration only by notifying the designated department office in the area responsible for management of the fishery for which the vessel is currently registered. The vessel operator shall notify the department at least 12 hours before a change in registration under this subsection. Before changing registration and leaving the applicable waters, the vessel operator shall ensure that all harvested scallops are shucked and the harvest weight is reported to the department on a fish ticket.

(g) A registered vessel operator must report each day to the designated department office in the area responsible for management of the fishery any information that the commissioner determines is necessary for the management and conservation of the fishery.

(h) A vessel participating in the scallop fishery must have on board an activated vessel monitoring system (VMS) approved by the National Marine Fisheries Service.

(i) If the commissioner determines that a trip limit will contribute to conservation or promote an orderly fishery, the commissioner may close, by emergency order, the commercial weathervane fishery in a registration area, or portion of a registration area, and reopen the fishery during which a trip limit is in effect based on the guideline harvest level or remaining guideline harvest level divided by the number of vessels that are registered pre-season under (d) of this section.

(j) For the purposes of this section,

(1) the boundary between the state waters of Alaska and the adjacent federal waters of the exclusive economic zone in

(A) Scallop Registration Area D is the territorial sea boundary of Alaska as shown on *NOAA Chart #16016* (22nd Edition, August 2012), adopted by reference;

(B) Scallop Registration Area E is the territorial sea boundary of Alaska shown on *NOAA Chart #16723* (15th Edition, January 29, 2000), adopted by reference;

(C) Scallop Registration Area K is the territorial sea boundary of Alaska as shown on *NOAA Chart #16580* (14th Edition, January 2008), as revised as of November 2011 by the chartlet for Uyak Bay on Kodiak Island, adopted by reference;

(D) Scallop Registration Area O is the territorial sea boundary of Alaska as shown on *NOAA Chart #16011* (38th Edition, August 2012), adopted by reference;

(2) the designated department office in the area responsible for management of the fishery in

(A) Registration Area D is the department's office in Douglas or Yakutat;

(B) Registration Area E is the department's office in Cordova;

(C) Registration Area K is the department's office in Kodiak;

(D) Registration Area O is the department's office in Dutch Harbor.

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

- a) **for a fishery conservation purpose or reason:** Yes. Scallop beds are currently managed as a unit in both state and federal waters because effort is stable due to the vessel-based limited entry program in state waters and the LLP program in federal waters. Several weathervane scallop beds straddle the boundary separating waters of Alaska (0–3 nm) and federal waters (3–200 nm). With sunset of the state’s vessel-based program, the department may need to manage state-waters scallop separately from federal-waters scallop if effort increases in state-waters to ensure scallop beds are not overharvested. The management plan was developed by the department to provide the board and public an opportunity to deliberate on a weathervane scallop management plan for 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:** N/A.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? The next miscellaneous shellfish board meeting occurs in 2014/15 cycle; however, a management plan is needed for the 2014/15 scallop season.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This agenda change requests the board to implement a management plan to allow the department to manage weathervane scallops in state waters under open access.

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. The Alaska Department of Fish and Game manages weathervane scallop 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. Not previously considered.

SUBMITTED BY: Alaska Department of Fish and Game

ACR 9 – Remove the exception allowing for a dead king salmon to be taken, but not retained, in the Yukon Area districts 1–3 dip net and beach seine commercial summer chum salmon fisheries. (5 AAC 05.362)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 05.362. *Yukon River Summer Chum Salmon Management Plan.*

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. This regulation was adopted in January 2013. However, after this summer’s fishery, it was discovered that this regulation provided an unforeseen loophole that poses an enforcement problem. Under current regulations, some fishermen may illegally harvest king salmon while commercial fishing with beach seine and dip net gear, and claim to enforcement officers the king salmon were severely injured or killed when caught and they intend to forfeit these fish to the state. It is difficult, if not impossible, to implement requirements or processes that ensure any dead king salmon would always be forfeited to the state. Additionally, given observations from dip net fisheries in other areas of the state, as well as the results of the dip net and beach seine commercial activity in the Yukon River this season, it is highly unlikely for king salmon to incur severe injury or mortality when caught with beach seines or dip nets. Encouraging and enforcing the practice of returning king salmon immediately to the water unharmed can be best achieved by removing language that allows taking of king salmon. To continue commercial fishing for summer chum salmon with beach seine and dip net gear, regulations need to emphasize and ensure all king salmon are released alive.

WHAT SOLUTION DO YOU PREFER?

5 AAC 05.362(k)(2) all king salmon caught in dip net and beach seine gear must be **released** [RETURNED] immediately **and returned** to the water **unharmed** [ALIVE, EXCEPT THAT A DEAD KING SALMON MAY BE TAKEN BUT MAY NOT BE RETAINED; THE DEAD KING SALMON MUST BE RECORDED ON A FISH TICKET AND FORFEITED TO THE STATE].

Delete that portion of this regulation that states “...except that a dead king salmon may be taken but may not be retained; the dead king salmon must be recorded on a fish ticket and forfeited to the state.” This would make the regulation similar to subsistence fishing regulations in 5 AAC 01.220(n)(3) and would be consistent with other fisheries requiring live release of all king salmon caught in dip nets.

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

- a) **for a fishery conservation purpose or reason:** This change will specifically prohibit the taking of king salmon in dip net and beach seine gear. All king salmon will be returned to the water unharmed, which is necessary to conserve king salmon and assist in achieving escapement goals in the Yukon River.
- 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 was unforeseen that enforcement of this regulation would be difficult and that illegal harvest of king salmon might occur. This essentially nullified the original intent of the regulation: to protect king salmon while allowing for commercial harvest of chum salmon. It is highly unlikely for a king salmon to die when caught in a dip net or beach seine if proper care is taken in handling the gear.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? It will continue to be difficult to enforce release of king salmon unharmed in the dip net and beach seine commercial fishery. All king salmon incidentally harvested in the commercial dip net and beach seine fishery need to be released unharmed to provide for escapement and subsistence use.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. If adopted, this ACR will not change harvest allocations.

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. The Alaska Department of Fish and Game manages Yukon River commercial salmon fisheries, subject to the regulations established by the Alaska Board of Fisheries.

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 was adopted in January 2013.

SUBMITTED BY: Alaska Department of Fish and Game

ACR 10 – Remedy a navigational obstruction in Ugashik River set gillnet salmon fishery. (5 AAC 06.331)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 06.331(m)(8). Gillnet specifications and operations.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Regulation 5 AAC 06.331(m)(8), adopted in 2012, did not remedy navigational obstruction as intended and proved difficult to enforce. That regulation allowed set gillnet gear to be deployed up to 1,000 feet from shore in the Ugashik River. During the 2013 season, it became apparent that, in certain configurations, use of the full 1,000 feet continues to obstruct navigation in the Ugashik River. This stems from an unanticipated interpretation of the regulation. The 2012 regulation did not identify which bank was referenced for distance measures associated with anchoring and shoreward end of nets. This unintentionally allowed for net configurations closer to the west bank, spanning more of the channel. The regulation also unintentionally allowed gear deployment offshore of a permit holders' own gear, which served to further obstruct navigation.

WHAT SOLUTION DO YOU PREFER?

5 AAC 06.331(m)(8) in the Ugashik District, in that portion of the east bank of the Ugashik River from a point at 57° 30.74' N. lat., 157° 24.10' W. long. to 57° 32.27' N. lat., 157° 24.36' W. long., no part of a set gillnet may be more than 600 feet from the **east bank** 18-foot high tide mark[, EXCEPT THAT A SET GILLNET MAY EXTEND TO 1,000 FEET FROM THE HIGH TIDE MARK IF

(A) NOTWITHSTANDING THE PROVISIONS OF (i) OF THIS SECTION, THE SHOREWARD END OF THE SET GILLNET, IS AT LEAST 400 FEET FROM THE 18-FOOT HIGH TIDE MARK;

(B) THE ANCHORING DEVICES FOR THE SET GILLNET ARE NOT MORE THAN 100 FEET FROM THE SET GILLNET; AND

(C) THE SET GILLNET IS NOT ATTACHED TO A RUNNING LINE CONNECTED TO THE BEACH].

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 2012 regulation was in error in that it did not identify which bank of the river measurements were to be taken from and did not preclude setting nets seaward of a permit holders' own gear.
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** The 2012 regulation had the unforeseen effect of making the navigational hazard worse and proved difficult to enforce. The regulation proposed here addresses the navigational issue by providing a clear channel for vessel traffic, is highly enforceable, and is equitable for all permit holders in the Ugashik River.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? If not rectified, the problem of obstructed navigation caused by set gillnet gear will persist and the regulation remains difficult to enforce until the next opportunity to address it at the regular cycle Alaska Board of Fisheries (board) Bristol Bay Finfish meeting in December of 2015.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. This ACR seeks to correct a regulation that results in a navigation obstruction and make the regulation more enforceable.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. N/A.

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. The issue was originally considered as Proposal 18 at the 2012 Bristol Bay Finfish meeting in Naknek.

SUBMITTED BY: Alaska Department of Fish and Game

ACR 11 – Define commercial salmon fishing boundaries for the Outer Port Heiden, Ilnik, and Three Hills sections in the Northern District of Area M using GPS coordinates. (5 AAC 09.200, 5 AAC 09.350, and 5 AAC 09.369)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. Alaska Administrative Code 5 AAC 09.200.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. The failure to precisely define the outer boundaries of the Outer Port Heiden, Ilnik and Three Hills salmon fishing sections of Area M’s North Peninsula.

WHAT SOLUTION DO YOU PREFER? The outer salmon fishing boundaries would be described by GPS coordinates (latitude and longitude).

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:**
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**
Previously the outer boundaries of these salmon fishing areas followed the three nautical mile line which is clearly marked on navigational charts. Changes to those boundaries adopted by the Board of Fisheries last winter are not clearly defined and therefore haphazardly enforceable.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Confusion over where the boundaries are may encourage illegal fishing or improper citations, to the detriment of an orderly fishery, resulting in extra cost to the fishermen and the state.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. Clarifying the legal fishing areas will have no allocative impacts.

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 salmon fishers and effected community members.

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 discussed previously.

SUBMITTED BY: Pilot Point Village Council

ACR 12 – Modify the time period the Nushagak River single hook regulation is in effect from year-round to May 1–July 31. (5 AAC 67.022)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. Alaska Administrative Code Number 5 AAC: 67.022(g)(6).

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Regulation is single hook no bait for all year long and for all species and the whole Nushagak drainage.

WHAT SOLUTION DO YOU PREFER? Limit single hook and no bait for Chinook season only along the whole Nushagak drainage.

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

- a) **for a fishery conservation purpose or reason:** There are no species of concern at this time for the regulation change other than Chinook state wide.
- b) **to correct an error in regulation:** Limit time and area for Chinook and Chinook seasons only.
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Burden put on the non-sports and non-commercial users to the residents along the Nushagak drainage all season long. No one imagined it being all year and all species no public input from resident and users effected.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Residents will have to adopt a less effective method and means to continue subsisting for other species other than Chinook. Enforcement will have to resort to citing residents along the whole drainage.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. All other species for subsistence and personal use besides Chinook are not targeted and are not allocated as species of concern for such a drastic change.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. There is no species of concern to allocate to different users.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. Nushagak Advisory committee is comprised of all user groups.

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. December 2012 Bristol Bay meeting in Naknek any other action by the board was not published.

SUBMITTED BY: Nushagak Fish and Game Advisory Committee

ACR 13 – Modify Kuskokwim River salmon management plan for king salmon conservation.
(5 AAC 01, 5 AAC 07, and 5 AAC 71)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
Alaska Administrative Code Number 5 AAC: The subsistence, commercial and sport chapters for Kuskokwim River salmon fishery management, specifically for Chinook salmon conservation.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. In light of a repeated failure to meet previous tributary escapement goals, and amounts necessary for subsistence harvest; during the 2012/2013 board cycle, the department recommended a new, lower drainage-wide escapement goal for the Kuskokwim River Chinook salmon, and as part of that new goal, revised (and lower) individual tributary goals would be adopted in proportion to those tributaries historical contributions to total escapement. In-river users were assured by the department that the new goals would not jeopardize the Chinook salmon escapements, nor would the users likely suffer for fishery restrictions that they endured during the 2012 season. The 2013 season certainly played out differently. At the time of this ACR submission, it is likely that every tributary escapement goal for Chinook salmon in the Kuskokwim River drainage will be missed, and possibly will result in the lowest escapements ever observed for the most tributaries. Escapements in almost every tributary were the lowest, by far, on record and upriver subsistence users have loudly criticized that their subsistence opportunity was denied in fair proportion to that of the lower river users.

WHAT SOLUTION DO YOU PREFER? To date, several tribal councils have signed resolutions calling for further action to address the failure to achieve escapement and allocative objectives. The Kuskokwim River Working Group discussed these resolutions during a 8/27 teleconference, and with it, a variety of alternatives to address these dire conservation needs, while also attempting to achieve allocative parity throughout the drainage. These changes could include permits, gear, time and area restrictions....to name a few. If the board is willing to address this serious issue, stakeholders can attempt to bring forward additional, more detailed solutions at a regulatory meeting.

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

- a) **for a fishery conservation purpose or reason:** As state above, despite very significant fishery restrictions, it appears that every single tributary escapement goal for Kuskokwim River Chinook salmon failed to meet its escapement objective in 2013, and most at record low levels of escapement.
- 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:** It was expected that the changes to the escapement goal and the management plan for Kuskokwim River Chinook salmon adopted by the board in 2012/2013 would address the conservation concerns. However, they have not and the board needs to revisit the issue.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Escapement goals may not be met, and allocative disruptions are likely to occur.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. Conservation and meeting escapement goals are the main objective of this ACR, to the extent that any in-river harvest may be allowed in the near future, achieving allocative neutrality (in a historical context, throughout the drainage) is a secondary objective.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. In-season management by ADF&G in 2012 and particularly in 2013 may have resulted in a reallocation of fish from upper river users to lower river users. That will be a matter for the board to determine.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. Bering Sea Fishermen's Association has long advocated for the health of the fisheries of western Alaska for the benefit of all user groups.

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, this has not been considered.

SUBMITTED BY: Bering Sea Fishermen's Association

ACR 14 – Modify the time period the Nushagak River single hook regulation is in effect from year-round to May 1–July 31. (5 AAC 67.022)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. Alaska Administrative Code Number 5 AAC: 67.022(g)(6). Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Excessive sport gear restrictions on the entire Nushagak River drainage after closure of the Chinook salmon season July 31.

WHAT SOLUTION DO YOU PREFER? (g) In the Nushagak River drainage, excluding the Wood River drainage, and unless otherwise specified in 5 AAC 06.361 or 5 AAC 06.368, the following special provisions apply:

(6) only unbaited, single-hook, artificial lures may be used May 1 through July 31.

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

- a) **for a fishery conservation purpose or reason:** Outside of the May 1 to July 24/31 Chinook sport seasons on the Nushagak River this new regulation serves no biologically valid conservation purpose while eroding local public support for valid conservation measures.
- b) **to correct an error in regulation:**
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** The current regulation as adopted at the December BOF meeting December 2012 in King Salmon was designed to reduce impacts of the sport fishery for Chinook salmon but final language impacts all sport fishing in the drainage all year. While returns of Nushagak Chinook have been a concern, the current regulation imposes excessive sport gear restrictions for all species all year where conservation concerns are nonexistent, or sufficiently addressed thru other regulations – such as the Chinook season closure July 24 upstream of the Iowithla, (5 AAC 67.022(g)(2); middle Mulchatna restrictions to protect rainbow trout (5 AAC 67.022(g)(2), and the Upper Nushagak regulations to protect spawning Chinook (5 AAC 67.022(g)(3) – as well as other protective measures in 5 AAC 67.022(g)(4)

The post Chinook season sport fishery on the Nushagak River drainage downstream of Harris Creek is multi-species especially resident fish; is a much more local and consumptive fishery providing for low level subsistence needs; and is generally very low impact. This new prohibition of baited hooks and treble hooks in this time and area is much more sweeping than we believe was anticipated by the BOF; and unforeseen impact that goes far beyond what was necessary to protect Nushagak Chinook salmon –

the original goal of the proposal. I am concerned the BOF doesn't fully appreciate the negative impacts of the final language adopted December 2012.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? For seasons and species outside the Chinook salmon fishery, the current regulation has no significant conservation benefit. Retention of the current regulation is likely to create a demand for a rod and reel subsistence fishery and/or increased use of nets and other much higher impact subsistence methods to provide the needs of local users. Vigorous enforcement of current regulations around local communities will reduce public support for other useful regulations while producing no measureable conservation benefit. Lax enforcement of the current regulation will encourage a general disregard for all regulations, even the effective ones, that will lead to negative impacts for fish populations. Enforcing this regulation in the "off season" is a waste of state time and resources for no conservation benefit.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. Elimination of the current language will maintain the allocative balance that previously and harmoniously existed for many years. Prohibiting bait and requiring single hooks allocated catch and especially harvest away from local and modestly consumptive users to the strictly recreational and likely nonlocal users.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. I do not believe this request to be allocative.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. I'm a sport and subsistence user of the Nushagak drainage and reside in Dillingham.

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. The current language that I seek to change grew from BOF proposal 239 for the December 2013 Bristol Bay meeting. Prior to 12-2013 meeting, Nushagak AC strongly supported amending 239 to be effective only from May 1–July 31 Chinook salmon fishery on the Nushagak River.

SUBMITTED BY: Dan Dunaway