

## ALASKA DEPARTMENT OF FISH AND GAME

### STAFF COMMENTS ON AGENDA CHANGE REQUESTS FOR

### ALASKA BOARD OF FISHERIES MEETING ANCHORAGE, ALASKA

October 20–21, 2021



Regional Information Report No. 2A21-02

The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries (board) meeting, October 20–21, 2021 in Anchorage, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.



***REGIONAL INFORMATION REPORT 2A21-02***

**ALASKA DEPARTMENT OF FISH AND GAME**

**STAFF COMMENTS ON  
AGENDA CHANGE REQUESTS  
FOR**

**ALASKA BOARD OF FISHERIES MEETING  
ANCHORAGE, ALASKA**

**OCTOBER 20–21, 2021**

by  
Alaska Department of Fish and Game

Alaska Department of Fish and Game  
Division of Sport Fish, Research and Technical Services  
333 Raspberry Road, Anchorage, AK 99518–1565

September 2021

## ABSTRACT

This document contains Alaska Department of Fish and Game staff comments on agenda change requests. These comments were prepared by the department for use at the Alaska Board of Fisheries meeting, October 20–21, 2021 in Anchorage, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

Keywords: Alaska Board of Fisheries (board), Alaska Department of Fish and Game (department) staff comments, finfish, salmon, herring, groundfish, management, management plan, agenda change request (ACR), regulatory proposal, inriver, subsistence, personal use, sport, guided sport, commercial fisheries, biological escapement goal (BEG), sustainable escapement goal (SEG), optimal escapement goal (OEG), stock of concern (SOC)

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## Statewide (2)

**ACR 1 – Include pots as lawful gear for commercial halibut fishing (5 AAC 28.051, 5 AAC 39.145).**

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** Allow holders of halibut individual fishing quota (IFQ) or community development quota (CDQ) to retain halibut from pot gear.

**PRESENT SITUATION:** Under state regulations halibut may only be taken by hand troll, mechanical jigging machines, dinglebar troll, and longline gear (5 AAC 28.051).

### **STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:**

- a) **Is there a fishery conservation purpose or reason?** Not applicable.
- b) **Does the agenda change request correct an error in regulation?** Not applicable.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Yes. State regulations are currently inconsistent with new federal and IPHC regulations for allowable gear types and pots were not legal gear in the commercial halibut fishery when the regulation was adopted.

**ADDITIONAL INFORMATION:** The International Pacific Halibut Commission (IPHC) and National Marine Fisheries Service (NMFS) manage fishing for Pacific halibut through regulations established under the authority of the Halibut Act. In 2018, IPHC recommended, and the U.S. approved, regulations to authorize the retention of halibut by vessels using pot gear throughout Alaska. In 2020, the Secretary of Commerce approved a final rule to amend federal regulations to require vessel operators using pot gear and holding sufficient halibut individual fishing quota or community development quota to retain legal-sized halibut in the Bering Sea/Aleutian Islands IFQ or CDQ halibut or sablefish fisheries, as recommended by the North Pacific Fishery Management Council and the IPHC.

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

**ACR 2 – Allow importation of live oysters from the Pacific Coast of North America for research purposes. (5 AAC 41.070).**

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** Allow live oysters from the Pacific Coast of North America to be imported, transported, or possessed for aquaculture purposes, including research, under terms of a permit issued by the department.

**PRESENT SITUATION:** Currently oysters may only be imported, transported, and possessed for aquatic farm purposes, under the terms of a stock acquisition permit, because research is not clearly defined as “aquaculture purposes”. Aquaculture purposes is not defined in either statute (AS 16.40.199) or regulation (5 AAC 41.400), while aquatic farm is defined in statute (AS 16.40.199).

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:**

- a) **Is there a fishery conservation purpose or reason?** Not applicable.
- b) **Does the agenda change request correct an error in regulation?** Not applicable.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Yes. The prohibition on importation of live oysters for research purposes, an oversight when the regulation was written, will hamper growth of the aquaculture industry in Alaska.

**ADDITIONAL INFORMATION:** The Alaska Governor’s Mariculture Task Force set a goal to grow a \$100 million mariculture industry in 20 years. In May 2021, the Mariculture Task Force issued its final report to Governor Dunleavy and noted their successor organizations the Alaska Mariculture Alliance and the Mariculture Research and Training Center (MRTC) have been formed and are prepared to begin work on the task force’s recommendations. The MRTC’s main function is to secure funding and support research proposals for the increased productivity of Alaska’s mariculture industry and allowing importation of oysters for research purposes will promote achieving these goals.

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



## **Kuskokwim (1)**

**ACR 3 – Extend Kuskokwim River subsistence salmon fishing permit sunset date one year (5 AAC 01.280).**

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This would modify the current regulatory sunset date of December 31, 2021 and extend it until December 31, 2022.

**PRESENT SITUATION:** The department has the authority to implement a subsistence salmon permit and harvest report system in the upper Kuskokwim River drainage during times of king salmon conservation. If the sunset date is not extended the permit system will expire and the board will not have an opportunity to determine whether it should remain in effect. If the permit system expires the department will be unable to implement the subsistence permit in the 2022 fishing season for the purpose of king salmon conservation.

### **STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:**

- a. **Is there a fishery conservation purpose or reason?** Yes. During times of king salmon conservation, the department may issue an emergency order implementing the subsistence permit to limit king salmon subsistence harvest. Subsistence permit holders may fish continuously until the household limit of 10 king salmon is reached. Permit holders may retain all other salmon and nonsalmon species captured which contributes to subsistence needs.
- b. **Does the agenda change request correct an error in regulation?** No.
- c. **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Yes. The expiration date was set to coincide with the 2022 Arctic-Yukon-Kuskokwim (AYK) finfish board meeting so the board could determine whether the subsistence permit system should remain in effect. It was unforeseen that the COVID-19 global pandemic would shift the 2022 AYK finfish meeting to 2023.

**ADDITIONAL INFORMATION:** The board met in Anchorage from March 20–24, 2017 to discuss proposals relating to subsistence fishing permits within the Kuskokwim River. The board adopted Proposal 276, establishing a limited permit system in Kuskokwim River waters from the Yukon Delta National Wildlife Refuge boundary at Aniak upstream to the headwaters of the Kuskokwim River. The proposal included a sunset date of December 31, 2021.

The COVID-19 global pandemic shifted the regular AYK board meeting schedule to 2023. Therefore, this permit system will expire prior to the regular board meeting, eliminating the permit system as a management option during years of low king salmon abundance. The permit provides a means to limit and track harvest when the harvestable surplus of king salmon does not warrant unrestricted fishing. If subsistence permits and harvest reporting are not available as a management tool, management actions may need to be more conservative further reducing subsistence fishing opportunity to ensure king salmon escapement goals are achieved.

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

## Bristol Bay (2)

**ACR 4 – Extend Bristol Bay Herring Management Plan sunset dates for one year (5 AAC 27.865).**

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** Provide the Alaska Board of Fisheries (board) an opportunity to consider allocations controlled by sunset dates in the *Bristol Bay Herring Management Plan* (plan), commensurate with postponement of the Bristol Bay board meeting (from 2021 to 2022).

**PRESENT SITUATION:** The current plan has a “sunset provision” as follows:  
5 AAC 27.865(b)

(5) after the herring spawn-on-kelp harvest and the Dutch Harbor food and bait fishery have been subtracted, the remaining harvestable surplus is allocated to the Togiak District herring fishery; the department shall manage for a removal of 30 percent of that surplus by the gillnet fleet and 70 percent by the purse seine fleet, except that the allocations in this subsection shall be 20 percent by the gillnet fleet and 80 percent by purse seine fleet through December 31, ~~2022~~[2021];

(8) through December 31, ~~2022~~[2021], if the department's inseason projection of the Togiak District gillnet harvest is less than the guideline harvest level, the commissioner may reallocate 50 percent of the remaining gillnet guideline harvest level to the Togiak District purse seine fleet.

### **STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:**

- a) **Is there a fishery conservation purpose or reason?** Not applicable.
- b) **Does the agenda change request correct an error in regulation?** Not applicable.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The COVID-19 global pandemic shifted the normal Bristol Bay finfish board meeting schedule to 2022. Therefore, plan provisions will expire prior to the regular board meeting. In adopting the sunset provisions, the board intended to revisit them during the regularly scheduled meeting. This ACR is submitted to provide the board an opportunity to evaluate these sunset provisions before they expire, as originally intended.

**ADDITIONAL INFORMATION:** In 2018 the board adopted Proposal 46 increasing the allocation of harvestable surplus Togiak sac roe herring to the purse seine fleet (80 percent of harvestable surplus) and reducing the gillnet fleet allocation (20 percent of harvestable surplus). In addition, the proposal allowed up to 50 percent of the unharvested gillnet fishery allocation to be reallocated to the purse seine fleet. This was done to provide more opportunity to utilize the annual herring guideline harvest level. Proposal 46 included a sunset date of December 31, 2021.

The department does not have a specific recommendation on whether the board should allow the allocations adopted in Proposal 46 to sunset, extend them with a new sunset date, or make them permanent.

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

**ACR 5 – Remove the allocations between the drift and set gillnet gear in the *Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan* (5 AAC 06.364).**

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This ACR seeks to remove the allocation percentages between set and drift gillnet gear groups.

**PRESENT SITUATION:** The regulatory allocation in the Naknek-Kvichak District is 84% drift and 16% set gillnet, broken into set gillnet percentages of 8% Naknek set gillnet and 8% Kvichak set gillnet. The allocation percentage for Kvichak set gillnet has been above the 8% allocation. For the 2021 season, the allocation percentage was 75% drift gillnet, 13% Naknek set gillnet, and 12% Kvichak set gillnet.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:**

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

**ADDITIONAL INFORMATION:** The primary management objective for the Alaska Department of Fish and Game (department) is to manage for escapements within the escapement goal ranges. The secondary objective is to manage for harvest allocations as specified by the Alaska Board of Fisheries (board) in management and allocation plans.

Harvest in the Naknek-Kvichak District was approximately 8.1 million sockeye salmon in 2021. This harvest was 75% drift gillnet, 13% Naknek set gillnet, and 12% Kvichak set gillnet.

The 2021 escapement to the Kvichak River was 4.7 million sockeye salmon, within the lower half of the sustainable escapement goal (SEG) range of 2 million to 10 million sockeye salmon. Escapement to the Naknek River was 2.8 million sockeye salmon, above the escapement goal range of 800,000 - 2 million. From 2018 – 2021, the Kvichak River escapement was within the SEG range, while the Naknek River SEG range was exceeded each year despite liberal fishing time for both drift and set gillnet gear groups.

Several factors complicate achieving allocations specified in the management plan. Drift gillnet permit holders can fish any of five districts in Bristol Bay within a year, while set gillnet permit holders tend to fish the same site annually. Since 2017, the Nushagak District has had three record high sockeye salmon runs, causing most drift gillnetters to fish in the Nushagak District. This greatly reduces the number of drift gillnet vessels fishing in the Naknek-Kvichak District, while the number of set gillnet operations remains relatively constant. The reduced effort by only one gear type has made it difficult to control the harvest ratios, as well as making it hard to not exceed the Naknek River SEG range despite near maximum fishing time allowed for both gear groups in the Naknek Section. A further complication is that the Kvichak River has later run timing than the

Naknek River, and recent runs have been lower relative to the escapement goal. In 2018 and 2019, the Kvichak Section set gillnet fishery was closed, while Naknek Section drift and set gillnet fisheries were open to fishing. In these years the Naknek River exceeded the upper bound of the SEG range, while managers struggled to achieve the lower bound of the Kvichak River SEG range.

In 2021, the Naknek River was projected to exceed the SEG range nearly the entire season, while the Kvichak River was projected within the lower half of the SEG range. The department allowed both gear groups to fish every tide from June 29 through the rest of the season. Prior to meeting the Kvichak River SEG range, drift gillnet fishing was restricted to the Naknek Section to ensure adequate escapement into the Kvichak River, while still trying to control Naknek River escapement. Because of differential run dynamics, drift gillnet gear was used to target Naknek River fish, while conserving some Kvichak River fish. The entire Naknek-Kvichak District was open to drift gillnets on July 7 and fished every tide in the entire district for the remainder of the season.

**PROPOSED BY:** Randolph Alvarez.

## Alaska Peninsula (2)

**ACR 6 – Modify the South Unimak and Shumagin Islands June Salmon Management Plan and the Post-June Management Plan for the South Alaska Peninsula (5 AAC 09.365, 5 AAC 09.366).**

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** The ACR does not propose a specific request to the board regarding regulatory changes to the management plans. The following language is provided in the ACR.

Immediate Action is needed by the Alaska Board of Fisheries to address unforeseen fishery and escapement failures for sockeye salmon in the Chignik Drainage. In the case of this immediate conservation emergency, the first step is one that only the Alaska Board of Fisheries can take and that is to further restrict all harvesters of Chignik bound sockeye. Long-term solutions to most salmon management challenges may ultimately require multiple elements including management changes, assessment improvements and possibly habitat modifications.

**PRESENT SITUATION:** The *South Unimak and Shumagin Islands June Salmon Management Plan* (5 AAC 09.365) is in effect from June 6 through June 28 (5 AAC 09.365). The South Unimak June fishery includes the following: Unimak District as described in 5 AAC 09.200(c), the Bechevin Bay Section as described in 5 AAC 09.200(b)(2), the Southwestern District as described in 5 AAC 09.200(d), and the West Pavlof Bay and East Pavlof Bay Sections of the South Central District as described in 5 AAC 09.200(e)(1) and (2). The Shumagin Islands fishery includes the Shumagin Islands Section of the Southeastern District as described in 5 AAC 09.200(f)(3).

Commercial fishing periods for the *South Unimak and Shumagin Islands June Salmon Management Plan* (5 AAC 09.365) begin on June 6 at 6:00 a.m. and close at 10:00 p.m. on June 8, a 64-hour fishing period for set gillnet gear only. Beginning at 6:00 a.m. June 10, commercial fishing by all gear types is allowed for an 88-hour fishing period which will end at 10:00 p.m. on June 13. This fishing period is followed by a closure of 32 hours for all gear types. The commercial salmon fishery is reopened for three more 88-hour fishing periods, each followed by closures of 32 hours. The final commercial fishing period in June ends at 10:00 p.m. on June 28.

In addition to the scheduled fishing periods during the month of June, the harvest of sockeye salmon in the Western Alaska Salmon Stock Identification Program (WASSIP) described “Dolgoi Island area” is monitored through fish ticket information. Once the harvest of sockeye salmon reaches 191,000 fish, the waters of the West Pavlof Bay Section south of Black Point and the waters of the Volcano Bay Section close to commercial salmon fishing for the remainder of the June fisheries.

To assess the abundance of immature salmon and reduce incidental harvest, the department conducts a purse seine test fishery in the Shumagin Islands Section in early July before the post-June fishery begins. If 100 or more immature salmon, per set, are present, the commercial fishery will be closed to purse seine gear in an area to be determined by the department (5 AAC 09.366(i)). For the purpose of this management plan, “immature salmon, per set, are present” is defined as the number of immature king, sockeye, coho, and chum salmon that are observed to be gilled in the

seine web (5 AAC 09.366(i)). Test fishing is standardized to purse seine gear conducting two 20-minute sets at Popof Head, Middle Set, and Red Bluff located on Popof Island.

Commercial salmon fishing opportunities during the month of July consist of one 33-hour fishing period, followed by a 63-hour closure, followed by six 36-hour fishing periods, separated by 60-hour closures (5 AAC 09.366(d)). The first post-June fishing period begins on July 6, pending the results from the immature salmon test fishery. July fishing periods begin at 6:00 a.m. on July 6, and end on July 31 at 6:00 p.m. (5 AAC 09.366(d); 9).

In addition to the scheduled fishing periods during the month of July, the harvest of sockeye salmon in the “Dolgoi Island area” is monitored through fish ticket information from the opening of the commercial salmon season through July 25. Once the harvest of sockeye salmon reaches 191,000 fish, based on fish tickets, the waters of the West Pavlof Bay Section south of Black Point and the waters of the Volcano Bay Section close until July 26.

From August 1 through August 31, fishing periods in the South Alaska Peninsula is based on the strength of local sockeye, coho, pink, and chum salmon runs and from September 1 through October 31, fishing periods are based primarily on coho salmon abundance, although late pink and chum salmon run strength may be considered when determining fishing time. Fishing effort typically declines during the fall fishery.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:**

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

**ADDITIONAL INFORMATION:** During the February 2019 Alaska Peninsula, Aleutian Islands, and Chignik meeting, the Alaska Board of Fisheries (board) made changes to the *South Unimak and Shumagin Islands June Salmon Management Plan* (5AAC 09.365) by amending subsection (d) that establishes the June fishing schedule to align fishing times for all gear types. Additionally, the board added a new subsection to the *South Unimak and Shumagin Islands June Salmon Management Plan* (5 AAC 09.365(g)) to close the “Dolgoi Island area” to purse seine gear in June.

**SUBMITTED BY:** Chignik Intertribal Coalition.

**ACR 7 – Modify commercial salmon fisheries opening dates and times in the *South Unimak and Shumagin Islands June Salmon Management Plan*, and the *Post-June Salmon Management Plan for the South Alaska Peninsula* (5 AAC 09.365, 5 AAC 09.366).**

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** Notwithstanding (1)(A) and (2)(A), beginning June 15 durations of commercial fishing periods authorized under 5 AAC 09.365(d), in the Shumagin Islands Section and the Dolgoi Islands Area (defined in (f) of 5 AAC 09.365) will be as follows until the department expects the mid-point of the Chignik early-run escapement to be met or Chignik has its first salmon opening:

All Gear Types:

June 15, 6:00 a.m. until June 16, 10:00 p.m.	Duration: 40 hours
June 20, 6:00 a.m. until June 21, 10:00 p.m.	Duration: 40 hours
June 25, 6:00 a.m. until June 26, 10:00 p.m.	Duration: 40 hours

Post-June Shumagin Islands Section and South Unimak

Notwithstanding 5 AAC 09.366(d), July 6 through July 31 commercial fishing periods in the Shumagin Islands Section and the Dolgoi Islands Area (defined in (j) of 5 AAC 09.366) will be as follows until the department expects the mid-point of the Chignik early-run escapement to be met or Chignik has its first salmon opening:

All Gear Types:

July 6, 6:00 a.m. until midnight	Duration: 18 hours
July 10, 6:00 a.m. until midnight	Duration: 18 hours
July 14, 6:00 a.m. until midnight	Duration: 18 hours
July 18, 6:00 a.m. until midnight	Duration: 18 hours
July 22, 6:00 a.m. until midnight	Duration: 18 hours
July 26, 6:00 a.m. until midnight	Duration: 18 hours
July 30, 6:00 a.m. until midnight	Duration: 18 hours.

**PRESENT SITUATION:** The *South Unimak and Shumagin Islands June Salmon Management Plan* (5 AAC 09.365) is in effect from June 6 through June 28 (5 AAC 09.365). The South Unimak June fishery includes the following: Unimak District as described in 5 AAC 09.200(c), the Bechevin Bay Section as described in 5 AAC 09.200(b)(2), the Southwestern District as described in 5 AAC 09.200(d), and the West Pavlof Bay and East Pavlof Bay Sections of the South Central District as described in 5 AAC 09.200(e)(1) and (2). The Shumagin Islands fishery includes the Shumagin Islands Section of the Southeastern District as described in 5 AAC 09.200(f)(3).

Commercial fishing periods for the *South Unimak and Shumagin Islands June Salmon Management Plan* (5 AAC 09.365) begin on June 6 at 6:00 a.m. and close at 10:00 p.m. on June 8, a 64-hour fishing period for set gillnet gear only. Beginning at 6:00 a.m. June 10, commercial fishing by all gear types is allowed for an 88-hour fishing period which will end at 10:00 p.m. on June 13. This fishing period is followed by a closure of 32 hours for all gear types. The commercial salmon fishery is reopened for three more 88-hour fishing periods, each followed by closures of 32 hours. The final commercial fishing period in June ends at 10:00 p.m. on June 28.

In addition to the scheduled fishing periods during the month of June, the harvest of sockeye salmon in the Western Alaska Salmon Stock Identification Program (WASSIP) described “Dolgoi Island area” is monitored through fish ticket information. Once the harvest of sockeye salmon reaches 191,000 fish, the waters of the West Pavlof Bay Section south of Black Point and the waters of the Volcano Bay Section close to commercial salmon fishing for the remainder of the June fisheries.

To assess the abundance of immature salmon and reduce incidental harvest, the department conducts a purse seine test fishery in the Shumagin Islands Section in early July before the post-June fishery begins. If 100 or more immature salmon, per set, are present, the commercial fishery will be closed to purse seine gear in an area to be determined by the department (5 AAC 09.366(i)). For the purpose of this management plan, “immature salmon, per set, are present” is defined as the number of immature king, sockeye, coho, and chum salmon that are observed to be gilled in the seine web (5 AAC 09.366(i)). Test fishing is standardized to purse seine gear conducting two 20-minute sets at Popof Head, Middle Set, and Red Bluff located on Popof Island.

Commercial salmon fishing opportunities during the month of July consist of one 33-hour fishing period, followed by a 63-hour closure, followed by six 36-hour fishing periods, separated by 60-hour closures (5 AAC 09.366(d)). The first post-June fishing period begins on July 6, pending the results from the immature salmon test fishery. July fishing periods begin at 6:00 a.m. on July 6, and end on July 31 at 6:00 p.m. (5 AAC 09.366(d); 9).

In addition to the scheduled fishing periods during the month of July, the harvest of sockeye salmon in the “Dolgoi Island area” is monitored through fish ticket information from the opening of the commercial salmon season through July 25. Once the harvest of sockeye salmon reaches 191,000 fish, based on fish tickets, the waters of the West Pavlof Bay Section south of Black Point and the waters of the Volcano Bay Section close until July 26.

From August 1 through August 31, fishing periods in the South Alaska Peninsula is based on the strength of local sockeye, coho, pink, and chum salmon runs and from September 1 through October 31, fishing periods are based primarily on coho salmon abundance, although late pink and chum salmon run strength may be considered when determining fishing time. Fishing effort typically declines during the fall fishery.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:**

**Is there a fishery conservation purpose or reason?** No.

**Does the agenda change request correct an error in regulation?** No.

**Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

**ADDITIONAL INFORMATION:** During the February 2019 Alaska Peninsula, Aleutian Islands, and Chignik meeting, the Alaska Board of Fisheries (board) made changes to the *South*



*Unimak and Shumagin Islands June Salmon Management Plan (5AAC 09.365)* by amending subsection (d) that establishes the June fishing schedule to align fishing times for all gear types. Additionally, the board added a new subsection to the *South Unimak and Shumagin Islands June Salmon Management Plan (5 AAC 09.365(g))* to close the “Dolgoi Island area” to purse seine gear in June.

**SUBMITTED BY:** Don Bumpus.

## Upper Cook Inlet (6)

**ACR 8 – Modify commercial salmon set gillnet gear in the Upper Cook Inlet fishery (5 AAC 21.359 and 5 AAC 39.105).**

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This ACR seeks to replace a complete closure of the Upper Subdistrict set gillnet fishery (ESSN) by allowing the use of set gillnets up to 45 meshed deep and “flagged” in orientation, in the Upper Subdistrict, when Kenai River late-run king salmon escapement is projected to be less than 15,000 large fish. The ACR also seeks to define a “flagged” set gillnet.

**PRESENT SITUATION:** ESSN is managed primarily under provisions found in 5 AAC 21.360 *Kenai River Late-Run Sockeye Salmon Management Plan (KRLRSMP)*, and 5 AAC 21.365 *Kasilof River Salmon Management Plan (KRSMP)*. However, if Kenai River late-run king salmon escapement is projected to be below the Optimal Escapement Goal (OEG) of 15,000 – 30,000 large king salmon, the ESSN is restricted per paired restrictions provisions found in 5 AAC 21.359 *Kenai River Late-Run King Salmon Management Plan (KRLRKMP)*.

From June 20 to August 15, if the projected escapement of large Kenai River late-run king salmon is less than 15,000 large king salmon, the department shall close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In addition, the retention of king salmon in the Kenai River personal use fishery is prohibited.

The current regulatory definition of a set gillnet is a gillnet that has been intentionally set, staked, anchored, or otherwise fixed (5AAC 39.105 (d) (2)). No definition for a “flagged gillnet” exists in regulation.

### **STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:**

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

**ADDITIONAL INFORMATION:** Prior to 2014, the only paired restriction was to close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In 2014, the Alaska Board of Fisheries (board) modified the *Kenai River Late-Run King Salmon Management Plan* to include step-down restrictions in sport, commercial and personal use fisheries during periods of low Kenai River king salmon abundance.

In February 2020 the board made changes to several management plans that regulate sockeye salmon commercial harvest in the ESSN during times of low king salmon abundance. Additionally, in October 2020, four ACRs were submitted to the board to change ESSN fishery regulations and allow some increased harvest opportunity of sockeye salmon in that fishery during low abundance of king salmon; all of which failed to be accepted. This ACR seeks change stipulation(s) in UCI salmon management plans to modify the paired restriction that closes ESSN when the Kenai River late-run king salmon escapement is projected to be below the OEG. .

The ESSN commercial salmon fishery occurs along approximately 60 miles of beach from Ninilchik to Boulder Point. The fishery harvests sockeye, coho and king salmon that primarily return to both the Kenai and Kasilof rivers. The ESSN regulatory fishing area is within 1.5 miles of shore (“shore” is defined in regulation as the mean highwater mark for this fishery). For salmon conservation, the management plans have restrictive management options to focus harvest on Kenai and/or Kasilof sockeye salmon through limitations to fishing area down to within one-half mile of shore (for Kasilof section only) or down to within 600 feet of shore (for all Upper Subdistrict areas). Additionally, when fishing in the Kasilof Section within one-half mile of shore, the hours used count toward the maximum number of hours that the entire ESSN fishery may be open. Fishing hours used within 600 feet of shore are exempt from weekly hour limitations in the ESSN fishery found in the management plans.

Although all Kasilof Section set gillnetters can fish when restricted to 0.5 miles from shore, not all ESSN fishery sites are able to fish during openings limited to within 600 feet of shore. The topography of some sites leaves much of the area within 600 feet of shore with no water at most tide levels. As such these sites are exposed mudflats out to 600 feet for most of the open fishing time, and the water may never be deep enough for effective set gillnetting during an opening limited to 600 feet from shore in some sites. Additionally, some ESSN set gillnetters do not have shore-based sites and they fish only in offshore areas beyond 600 feet. As such these offshore set gillnetters cannot fish at all when openings are limited to within 600 feet of shore.

In 2020 the National Marine Fisheries Service determined that the federal EZZ waters of UCI will be closed to commercial drift gillnet fishing beginning in 2022. The driftnet fishery is the only fishery operating in these waters. Drift gillnet fishing in Area 1 is regulated under the Central District Drift Gillnet Fishery Management Plan. It is unknown to what extent harvest in the drift gillnet fishery may change because of this decision since it is impossible to determine how the fishery will respond to the closed waters. It is also important to note that fishing in Area 1 is already currently restricted under the CDDGFMP, especially after July 15 due to conservation concerns with northern bound fish. While commercial salmon harvest patterns are expected to change, whether fish unharvested in the EEZ go unharvested elsewhere is hard to quantitatively predict.

**PROPOSED BY:** Russel Clark.

**ACR 9 – Modify commercial salmon set gillnet fishery in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359).**

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This seeks to change the Kenai River king salmon optimum escapement goal (OEG) from 15,000 – 30,000 to 13,500 – 30,000 large king salmon, and repeal the mandatory closure to set gillnets in the Upper Subdistrict by allowing the use of set gillnets in the Upper Subdistrict, restricted to within one-half miles of mean high tide mark, when Kenai River late-run king salmon escapement is projected to be less than 13,500 large fish, and the sustainable escapement goal (SEG) for Kenai River late-run sockeye salmon and Kasilof River sockeye salmon biological escapement goal (BEG) are projected to be exceeded. The ACR does not propose specific direction to the board regarding regulations when the Kenai River and Kasilof River sockeye salmon escapement goals are projected to be met.

**PRESENT SITUATION:** The Upper Subdistrict set gillnet fishery (ESSN) is managed primarily under provisions found in 5 AAC 21.360 *Kenai River Late-Run Sockeye Salmon Management Plan* (KRLRSMP), and 5 AAC 21.365 *Kasilof River Salmon Management Plan* (KRSMP). However, if Kenai River late-run king salmon escapement is projected to be below the (OEG of 15,000 – 30,000 large king salmon, the ESSN is restricted per paired restrictions provisions found in 5 AAC 21.359 *Kenai River Late-Run King Salmon Management Plan* (KLLRKMP).

From June 20 to August 15, if the projected escapement of large Kenai River late-run king salmon is less than 15,000 large king salmon, the department shall close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In addition, the retention of king salmon in the Kenai River personal use fishery is prohibited.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:**

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

**ADDITIONAL INFORMATION:** Prior to 2014, the only paired restriction was to close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In 2014, the Alaska Board of Fisheries (board) modified the *Kenai River Late-Run King Salmon Management Plan* to include

step-down restrictions in sport, commercial and personal use fisheries during periods of low Kenai River king salmon abundance.

In February 2020 the board made changes to several management plans that regulate sockeye salmon commercial harvest in the ESSN during times of low king salmon abundance. Additionally, in October 2020, four ACRs were submitted to the board to change ESSN fishery regulations and allow some increased harvest opportunity of sockeye salmon in that fishery during low abundance of king salmon; all of which failed to be accepted. This ACR seeks change stipulation(s) in UCI salmon management plans to modify the paired restriction that closes the ESSN when the Kenai River late-run king salmon escapement is projected to be below the OEG. .

The ESSN commercial salmon fishery occurs along approximately 60 miles of beach from Ninilchik to Boulder Point. The fishery harvests sockeye, coho and king salmon that primarily return to both the Kenai and Kasilof rivers. The ESSN regulatory fishing area is within 1.5 miles of shore (“shore” is defined in regulation as the mean highwater mark for this fishery). For salmon conservation, the management plans have restrictive management options to focus harvest on Kenai and/or Kasilof sockeye salmon through limitations to fishing area down to within one-half mile of shore (for Kasilof section only) or down to within 600 feet of shore (for all Upper Subdistrict areas). Additionally, when fishing in the Kasilof Section within one-half mile of shore, the hours used count toward the maximum number of hours that the entire ESSN fishery may be open. Fishing hours used within 600 feet of shore are exempt from weekly hour limitations in the ESSN fishery found in the management plans.

Although all Kasilof section set gillnetters can fish when restricted to 0.5 miles from shore, not all ESSN fishery sites are able to fish during openings limited to within 600 feet of shore. The topography of some sites leaves much of the area within 600 feet of shore with no water at most tide levels. As such these sites are exposed mudflats out to 600 feet for most of the open fishing time, and the water may never be deep enough for effective set gillnetting during an opening limited to 600 feet from shore in some sites. Additionally, some ESSN set gillnetters do not have shore-based sites and they fish only in offshore areas beyond 600 feet. As such these offshore set gillnetters cannot fish at all when openings are limited to within 600 feet of shore.

In 2020 the National Marine Fisheries Service determined that the federal EZZ waters of UCI will be closed to commercial drift gillnet fishing beginning in 2022. The driftnet fishery is the only fishery operating in these waters. Drift gillnet fishing in Area 1 is regulated under the Central District Drift Gillnet Fishery Management Plan. It is unknown to what extent harvest in the drift gillnet fishery may change because of this decision since it is impossible to determine how the fishery will respond to the closed waters. It is also important to note that fishing in Area 1 is already currently restricted under the CDDGFMP, especially after July 15 due to conservation concerns with northern bound fish. While commercial salmon harvest patterns are expected to change, whether fish unharvested in the EEZ go unharvested elsewhere is hard to quantitatively predict.

**PROPOSED BY:** Joel Donner.

**ACR 10 – Modify commercial salmon set gillnet fishery in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359).**

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This seeks to repeal the mandatory closure to set gillnets in the Upper Subdistrict by allowing the use of set gillnets in the Upper Subdistrict, restricted to within 600 feet of mean high tide mark, when Kenai River late-run king salmon escapement is projected to be less than 15,000 large fish, and the SEG for Kenai River late-run sockeye salmon and Kasilof River sockeye salmon BEG are projected to be met or exceeded.

**PRESENT SITUATION:** The Upper Subdistrict set gillnet fishery (ESSN) is managed primarily under provisions found in 5 AAC 21.360 *Kenai River Late-Run Sockeye Salmon Management Plan* (KRLRSMP), and 5 AAC 21.365 *Kasilof River Salmon Management Plan* (KRSMP). However, if Kenai River late-run king salmon escapement is projected to be below the Optimal Escapement Goal (OEG) of 15,000 – 30,000 large king salmon, the ESSN is restricted per paired restrictions provisions found in 5 AAC 21.359 *Kenai River Late-Run King Salmon Management Plan* (KRLRKMP).

From June 20 to August 15, if the projected escapement of large Kenai River late-run king salmon is less than 15,000 large king salmon, the department shall close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In addition, the retention of king salmon in the Kenai River personal use fishery is prohibited.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:**

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

**ADDITIONAL INFORMATION:** Prior to 2014, the only paired restriction was to close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In 2014, the Alaska Board of Fisheries (board) modified the *Kenai River Late-Run King Salmon Management Plan* to include step-down restrictions in sport, commercial and personal use fisheries during periods of low Kenai River king salmon abundance.

In February 2020 the board made changes to several management plans that regulate sockeye salmon commercial harvest in the ESSN during times of low king salmon abundance. Additionally, in October 2020, four ACRs were submitted to the board to change ESSN fishery regulations and

allow some increased harvest opportunity of sockeye salmon in that fishery during low abundance of king salmon; all of which failed to be accepted. This ACR seeks change stipulation(s) in UCI salmon management plans to modify the paired restriction that closes the ESSN when the Kenai River late-run king salmon escapement is projected to be below the OEG. .

The ESSN commercial salmon fishery occurs along approximately 60 miles of beach from Ninilchik to Boulder Point. The fishery harvests sockeye, coho and king salmon that primarily return to both the Kenai and Kasilof rivers. The ESSN regulatory fishing area is within 1.5 miles of shore (“shore” is defined in regulation as the mean highwater mark for this fishery). For salmon conservation, the management plans have restrictive management options to focus harvest on Kenai and/or Kasilof sockeye salmon through limitations to fishing area down to within one-half mile of shore (for Kasilof section only) or down to within 600 feet of shore (for all Upper Subdistrict areas). Additionally, when fishing in the Kasilof Section within one-half mile of shore, the hours used count toward the maximum number of hours that the entire ESSN fishery may be open. Fishing hours used within 600 feet of shore are exempt from weekly hour limitations in the ESSN fishery found in the management plans.

Although all Kasilof section set gillnetters can fish when restricted to 0.5 miles from shore, not all ESSN fishery sites are able to fish during openings limited to within 600 feet of shore. The topography of some sites leaves much of the area within 600 feet of shore with no water at most tide levels. As such these sites are exposed mudflats out to 600 feet for most of the open fishing time, and the water may never be deep enough for effective set gillnetting during an opening limited to 600 feet from shore in some sites. Additionally, some ESSN set gillnetters do not have shore-based sites and they fish only in offshore areas beyond 600 feet. As such these offshore set gillnetters cannot fish at all when openings are limited to within 600 feet of shore.

In 2020 the National Marine Fisheries Service determined that the federal EEZ waters of UCI will be closed to commercial drift gillnet fishing beginning in 2022. The driftnet fishery is the only fishery operating in these waters. Drift gillnet fishing in Area 1 is regulated under the Central District Drift Gillnet Fishery Management Plan. It is unknown to what extent harvest in the drift gillnet fishery may change because of this decision since it is impossible to determine how the fishery will respond to the closed waters. It is also important to note that fishing in Area 1 is already currently restricted under the CDDGFMP, especially after July 15 due to conservation concerns with northern bound fish. While commercial salmon harvest patterns are expected to change, whether fish unharvested in the EEZ go unharvested elsewhere is hard to quantitatively predict.

**PROPOSED BY:** Travis Every.

**ACR 11 – Remove provisions on 29 mesh gear in the *Kenai River Late-run King Salmon Management Plan* (5 AAC 21.359).**

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This seeks to remove set gillnet 29 mesh depth restrictions when commercial fishing is limited to achieve the Kenai River late-run king salmon optimal escapement goal (OEG).

**PRESENT SITUATION:** The Upper Subdistrict set gillnet fishery is managed primarily under provisions found in 5 AAC 21.360 *Kenai River Late-Run Sockeye Salmon Management Plan* (KRLRSMP), and 5 AAC 21.365 *Kasilof River Salmon Management Plan* (KRSMP). However, if Kenai River late-run king salmon escapement is projected to be below the OEG, the Upper Subdistrict fishery is restricted per paired restrictions provisions found in 5 AAC 21.359 *Kenai River Late-Run King Salmon Management Plan* (KRLRKMP).

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:**

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

**ADDITIONAL INFORMATION:** Prior to 2014, the only paired restriction was to close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In 2014, the Alaska Board of Fisheries (board) modified the *Kenai River Late-Run King Salmon Management Plan* to include step-down restrictions in sport, commercial and personal use fisheries during periods of low Kenai River king salmon abundance.

In February 2020 the Alaska Board of Fisheries (board) made changes to several management plans that regulate sockeye salmon commercial harvest in the ESSN during times of low king salmon abundance. Additionally, in October 2020, four ACRs were submitted to the board to change ESSN fishery regulation and allow some increased harvest of sockeye salmon in that fishery during low abundance of king salmon; all of which failed to be accepted. This ACR seeks change stipulation(s) in UCI salmon management plans to modify the paired restriction that closes the ESSN when the Kenai River late-run king salmon escapement is projected to be below the OEG. .

The ESSN commercial salmon fishery occurs along approximately 60 miles of beach from Ninilchik to Boulder Point. The fishery harvests sockeye, coho and king salmon that primarily return to both the Kenai and Kasilof rivers. The ESSN regulatory fishing area is within 1.5 miles of shore (“shore” is defined in regulation as the mean highwater mark for this fishery). For salmon conservation, the management plans have restrictive management options to focus harvest on Kenai and/or Kasilof sockeye salmon through limitations to fishing area down to within one-half



mile of shore (for Kasilof section only) or down to within 600 feet of shore (for all Upper Subdistrict areas). Additionally, when fishing in the Kasilof Section within one-half mile of shore, the hours used count toward the maximum number of hours that the entire ESSN fishery may be open. Fishing hours used within 600 feet of shore are exempt from weekly hour limitations in the ESSN fishery found in the management plans.

Although all Kasilof section set gillnetters can fish when restricted to 0.5 miles from shore, not all ESSN fishery sites are able to fish during openings limited to within 600 feet of shore. The topography of some sites leaves much of the area within 600 feet of shore with no water at most tide levels. As such these sites are exposed mudflats out to 600 feet for most of the open fishing time, and the water may never be deep enough for effective set gillnetting during an opening limited to 600 feet from shore in some sites. Additionally, some ESSN set gillnetters do not have shore-based sites and they fish only in offshore areas beyond 600 feet. As such these offshore set gillnetters cannot fish at all when openings are limited to within 600 feet of shore.

In 2020 the National Marine Fisheries Service determined that the federal EZZ waters of UCI will be closed to commercial drift gillnet fishing beginning in 2022. The driftnet fishery is the only fishery operating in these waters. Drift gillnet fishing in Area 1 is regulated under the Central District Drift Gillnet Fishery Management Plan. It is unknown to what extent harvest in the drift gillnet fishery may change because of this decision since it is impossible to determine how the fishery will respond to the closed waters. It is also important to note that fishing in Area 1 is already currently restricted under the CDDGFMP, especially after July 15 due to conservation concerns with northern bound fish. While commercial salmon harvest patterns are expected to change, whether fish unharvested in the EEZ go unharvested elsewhere is hard to quantitatively predict.

**PROPOSED BY:** Jeff Beaudoin.

**ACR 12 – Modify commercial salmon set gillnet fishery in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359).**

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This seeks to remove the closure of the Upper Subdistrict set gillnet fishery (ESSN) when Kenai River late-run king salmon escapement is projected to be less than 15,000 large fish and delay implementing restrictions to the ESSN fishery until sport fishing restrictions are implemented on or after July 1.

**PRESENT SITUATION:** ESSN is managed primarily under provisions found in 5 AAC 21.360 *Kenai River Late-Run Sockeye Salmon Management Plan* (KRLRSMP), and 5 AAC 21.365 *Kasilof River Salmon Management Plan* (KRSMP). However, if Kenai River late-run king salmon escapement is projected to be below the Optimal Escapement Goal (OEG) of 15,000 – 30,000 large king salmon, the ESSN is restricted per paired restrictions provisions found in 5 AAC 21.359 *Kenai River Late-Run King Salmon Management Plan* (KRLRKMP).

From June 20 to August 15, if the projected escapement of large Kenai River late-run king salmon is less than 15,000 large king salmon, the department shall close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In addition, the retention of king salmon in the Kenai River personal use fishery is prohibited.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:**

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

**ADDITIONAL INFORMATION:** Prior to 2014, the only paired restriction was to close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In 2014, the Alaska Board of Fisheries (board) modified the *Kenai River Late-Run King Salmon Management Plan* to include step-down restrictions in sport, commercial and personal use fisheries during periods of low Kenai River king salmon abundance.

In February 2020 the board made changes to several management plans that regulate sockeye salmon commercial harvest in the ESSN during times of low king salmon abundance. Additionally, in October 2020, four ACRs were submitted to the board to change ESSN fishery regulations and allow some increased harvest opportunity of sockeye salmon in that fishery during low abundance

of king salmon; all of which failed to be accepted. This ACR seeks change stipulation(s) in UCI salmon management plans to modify the paired restriction that closes the ESSN when the Kenai River late-run king salmon escapement is projected to be below the OEG. .

The ESSN commercial salmon fishery occurs along approximately 60 miles of beach from Ninilchik to Boulder Point. The fishery harvests sockeye, coho and king salmon that primarily return to both the Kenai and Kasilof rivers. The ESSN regulatory fishing area is within 1.5 miles of shore (“shore” is defined in regulation as the mean highwater mark for this fishery). For salmon conservation, the management plans have restrictive management options to focus harvest on Kenai and/or Kasilof sockeye salmon through limitations to fishing area down to within one-half mile of shore (for Kasilof section only) or down to within 600 feet of shore (for all Upper Subdistrict areas). Additionally, when fishing in the Kasilof Section within one-half mile of shore, the hours used count toward the maximum number of hours that the entire ESSN fishery may be open. Fishing hours used within 600 feet of shore are exempt from weekly hour limitations in the ESSN fishery found in the management plans.

In 2020 the National Marine Fisheries Service determined that the federal EEZ waters of UCI will be closed to commercial drift gillnet fishing beginning in 2022. The driftnet fishery is the only fishery operating in these waters. Drift gillnet fishing in Area 1 is regulated under the Central District Drift Gillnet Fishery Management Plan. It is unknown to what extent harvest in the drift gillnet fishery may change because of this decision since it is impossible to determine how the fishery will respond to the closed waters. It is also important to note that fishing in Area 1 is already currently restricted under the CDDGFMP, especially after July 15 due to conservation concerns with northern bound fish. While commercial salmon harvest patterns are expected to change, whether fish unharvested in the EEZ go unharvested elsewhere is hard to quantitatively predict.

**PROPOSED BY:** Paul Shadura II.

**ACR 13 – Modify the *Kasilof River Salmon Management Plan* (5 AAC 21.365).**

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This seeks to modify the *Kasilof River Salmon Management Plan* (KRSMP) to clarify the legal definition of the Kasilof River Special Harvest Area. In addition, this ACR seeks for the board to provide clarity to the department on the use of the KRSMP and the Kasilof River Special Harvest Area when projections of Kenai River late-run king salmon escapement is less than 15,000 fish.

**PRESENT SITUATION:** The Upper Subdistrict set gillnet fishery (ESSN) is managed primarily under provisions found in 5 AAC 21.360 *Kenai River Late-Run Sockeye Salmon Management Plan* (KRLRSMP), and 5 AAC 21.365 *Kasilof River Salmon Management Plan* (KRSMP). However, if Kenai River late-run king salmon escapement is projected to be below the Optimal Escapement Goal (OEG) of 15,000 – 30,000 large king salmon, the ESSN is restricted per paired restrictions provisions found in 5 AAC 21.359 the *Kenai River Late-Run King Salmon Management Plan* (KRLRKMP).

From June 20 to August 15, if the projected escapement of large Kenai River late-run king salmon is less than 15,000 large king salmon, the department shall close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In addition, the retention of king salmon in the Kenai River personal use fishery is prohibited.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:**

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

**ADDITIONAL INFORMATION:** Prior to 2014, the only paired restriction was to close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In 2014, the Alaska Board of Fisheries (board) modified the *Kenai River Late-Run King Salmon Management Plan* to include step-down restrictions in sport, commercial and personal use fisheries during periods of low Kenai River king salmon abundance.

In February 2020 the board made changes to several management plans that regulate sockeye salmon commercial harvest in the ESSN fishery in the ESSN fishery during times of low king

salmon abundance. Additionally, in October 2020, four ACRs were submitted to the board to change ESSN fishery regulations and allow some increased harvest opportunity of sockeye salmon in that fishery during low abundance of king salmon; all of which failed to be accepted. This ACR seeks change stipulation(s) in UCI salmon management plans to modify the paired restriction that closes the ESSN when the Kenai River late-run king salmon escapement is projected to be below the OEG. .

The ESSN commercial salmon fishery occurs along approximately 60 miles of beach from Ninilchik to Boulder Point. The fishery harvests sockeye, coho and king salmon that primarily return to both the Kenai and Kasilof rivers. The ESSN regulatory fishing area is within 1.5 miles of shore (“shore” is defined in regulation as the mean highwater mark for this fishery). For salmon conservation, the management plans have restrictive management options to focus harvest on Kenai and/or Kasilof sockeye salmon through limitations to fishing area down to within one-half mile of shore (for Kasilof section only) or down to within 600 feet of shore (for all Upper Subdistrict areas). Additionally, when fishing in the Kasilof Section within one-half mile of shore, the hours used count toward the maximum number of hours that the entire ESSN fishery may be open. Fishing hours used within 600 feet of shore are exempt from weekly hour limitations in the ESSN fishery found in the management plans.

Although all Kasilof section set gillnetters can fish when restricted to 0.5 miles from shore, not all ESSN fishery sites are able to fish during openings limited to within 600 feet of shore. The topography of some sites leaves much of the area within 600 feet of shore with no water at most tide levels. As such these sites are exposed mudflats out to 600 feet for most of the open fishing time, and the water may never be deep enough for effective set gillnetting during an opening limited to 600 feet from shore in some sites. Additionally, some ESSN set gillnetters do not have shore-based sites and they fish only in offshore areas beyond 600 feet. As such these offshore set gillnetters cannot fish at all when openings are limited to within 600 feet of shore.

In 2020 the National Marine Fisheries Service determined that the federal EZZ waters of UCI will be closed to commercial drift gillnet fishing beginning in 2022. The driftnet fishery is the only fishery operating in these waters. Drift gillnet fishing in Area 1 is regulated under the Central District Drift Gillnet Fishery Management Plan. It is unknown to what extent harvest in the drift gillnet fishery may change because of this decision since it is impossible to determine how the fishery will respond to the closed waters. It is also important to note that fishing in Area 1 is already currently restricted under the CDDGFMP, especially after July 15 due to conservation concerns with northern bound fish. While commercial salmon harvest patterns are expected to change, whether fish unharvested in the EEZ go unharvested elsewhere is hard to quantitatively predict.

**PROPOSED BY:** South K-Beach Independent Fishermen’s Association (SOKI).

**ACR 14 – Modify commercial salmon set gillnet fishery in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359).**

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This seeks to modify the *Kasilof River Salmon Management Plan* to address loss of sockeye salmon yield. No specific regulatory recommendations are provided in the ACR.

**PRESENT SITUATION:** The Upper Subdistrict set gillnet fishery (ESSN) is managed primarily under provisions found in 5 AAC 21.360 *Kenai River Late-Run Sockeye Salmon Management Plan* (KRLRSMP), and 5 AAC 21.365 *Kasilof River Salmon Management Plan* (KRSMP). However, if Kenai River late-run king salmon escapement is projected to be below the Optimal Escapement Goal (OEG) of 15,000 – 30,000 large king salmon, the ESSN is restricted per paired restrictions provisions found in 5 AAC 21.359 *Kenai River Late-Run King Salmon Management Plan* (KRLRKMP).

From June 20 to August 15, if the projected escapement of large Kenai River late-run king salmon is less than 15,000 large king salmon, the department shall close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In addition, the retention of king salmon in the Kenai River personal use fishery is prohibited.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:**

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

**ADDITIONAL INFORMATION:** Prior to 2014, the only paired restriction was to close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In 2014, the Alaska Board of Fisheries (board) modified the *Kenai River Late-Run King Salmon Management Plan* to include step-down restrictions in sport, commercial and personal use fisheries during periods of low Kenai River king salmon abundance.

In February 2020 the board made changes to several management plans that regulate sockeye salmon commercial harvest in the ESSN fishery during times of low king salmon abundance. Additionally, in October 2020, four ACRs were submitted to the board to change ESSN fishery regulations and allow some increased harvest opportunity of sockeye salmon in that fishery during low abundance of king salmon; all of which failed to be accepted. This ACR seeks change stipulation(s) in UCI salmon management plans to modify the paired restriction that closes the

ESSN when the Kenai River late-run king salmon escapement is projected to be below the OEG.

The ESSN commercial salmon fishery occurs along approximately 60 miles of beach from Ninilchik to Boulder Point. The fishery harvests sockeye, coho and king salmon that primarily return to both the Kenai and Kasilof rivers. The ESSN regulatory fishing area is within 1.5 miles of shore (“shore” is defined in regulation as the mean highwater mark for this fishery). For salmon conservation, the management plans have restrictive management options to focus harvest on Kenai and/or Kasilof sockeye salmon through limitations to fishing area down to within one-half mile of shore (for Kasilof section only) or down to within 600 feet of shore (for all Upper Subdistrict areas). Additionally, when fishing in the Kasilof Section within one-half mile of shore, the hours used count toward the maximum number of hours that the entire ESSN fishery may be open. Fishing hours used within 600 feet of shore are exempt from weekly hour limitations in the ESSN fishery found in the management plans.

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**PROPOSED BY:** Jeff Beaudoin.