

**Alaska Board of Fisheries**  
Work Session  
October 25-26, 2022 | Anchorage, AK

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**Dungeness Crab (2)**

**ACR 1**

Implement a pot limit for the North Peninsula commercial Dungeness Crab Fishery (5 AAC 32.425).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**  
5 AAC 32.425

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

There is currently no pot limit for the North Peninsula Dungeness crab fishery Area J.

**WHAT SOLUTION DO YOU PREFER?**

Apply a 500 pot limit per registered vessel, 10,000 pot cap for fishery.

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

**for a fishery conservation purpose or reason:** I feel that the species is at risk of being over harvested, especially with the increase of participating vessels.

**to correct an error in regulation:**

**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?**

Possible over harvest of the Dungeness Crab species.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

Pot limit will be applied to all vessels, small/big.

**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.**

Commercial fisherman. Participated 2014, 2015, 2016, 2020, 2021, 2022.

**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.**

First time

**SUBMITTED BY:** Diego Castillo.

## **ACR 2**

Reduce harvest thresholds in the *Southeastern Alaska Area Dungeness Crab Fisheries Management Plan* (5 AAC 32.146).

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

5 AAC 32.146 *Southeastern Alaska Area Dungeness Crab Fisheries Management Plan*

In the absence of adequate stock assessment, the department shall manage the Dungeness crab fishery in Registration Area A (Southeastern Alaska) using a precautionary approach. When stocks are assessed to be low, the department shall, subject to the commissioner's authority under 5 AAC 32.035, reduce the harvest of legal Dungeness crab and reduce the handling of nonlegal, light, and soft-shell Dungeness crab by complying with the following:

(1) No later than 14 days after the start of the summer Dungeness crab fishing season specified in 5 AAC 32.110, the department shall establish a projection of harvest thresholds for the season;

(2) if the department projects that the entire season's catch of legal Dungeness crab will be

(A) 1.5 million pounds or less, the department will close the summer Dungeness crab fishing season no sooner than 21 days after the season opened, and the fall Dungeness crab fishing season specified in 5 AAC 32.110 will not open;

(B) more than 1.5 million pounds, but less than 2.25 million pounds, the department will close the summer Dungeness crab fishing season no sooner than 28 days after the season opened, and the fall Dungeness crab fishing season will be open for 30 days;

(C) more than 2.25 million pounds, the summer and fall Dungeness crab fishing season will occur as specified in 5 AAC 32.110;

(3) if the department determines that harvest projections fail to meet the threshold for a season as described in (2)(C) of this section due to soft-shelled crabs early in the summer Dungeness crab fishing season, the department may open the fall Dungeness crab fishing season as specified in 5 AAC 32.110

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

In the 22 years since this regulation took effect the loss of area that produces crab has reduced the catch rate to the point where we are going to have a hard time making the threshold pounds in the first seven days of fishing more and more often, as happened this year. In the past 22 years we have lost large areas of District 6, Peril Strait, Icy Strait, Chatham Strait, and Keku Strait. Yet the threshold pounds have not changed.

### **WHAT SOLUTION DO YOU PREFER?**

I would request to lower the threshold numbers by 40 percent. To read as follows:

5AAC 32.146 *Southeastern Alaska Area Dungeness Crab Fisheries Management Plan* – In the absence of adequate stock assessment the department shall manage the Dungeness crab fishery in

Registration Area A (Southeastern Alaska) using a precautionary approach. When stocks are assessed to be low, the department shall, subject to the commissioner's authority under 5 AAC 32.035, reduce the harvest of legal Dungeness crab and reduce the handling of nonlegal, light, and soft-shell Dungeness crab by complying with the following:

(1) no later than 14 days after the start of the summer Dungeness crab fishing season specified in 5 AAC 32.110, the department shall establish a projection of harvest thresholds for the season;

(2) if the department projects that the entire season's catch of legal Dungeness crab will be

(A) [1.5 MILLION POUNDS] .9 million pounds or less, the department will close the summer Dungeness crab fishing season no sooner than 21 days after the season opened, and the fall Dungeness crab fishing season specified in 5 AAC 32.110 will not open;

(B) more than [1.5 MILLION POUNDS] .9 million pounds, but less than [2.25 MILLION POUNDS] 1.35 million pounds, the department will close the summer Dungeness crab fishing season no sooner than 28 days after the season opened, and the fall Dungeness crab fishing season will be open for 30 days;

(C) more than [2.25 MILLION POUNDS] 1.35 million pounds, the summer and fall Dungeness crab fishing seasons will occur as specified in 5 AAC 32.110;

(3) if the department determines that harvest projections fail to meet the threshold for a season as described in (2)(C) of this section due to soft-shelled crabs early in the summer Dungeness crab fishing season, the department may open the fall Dungeness crab fishing season as specified in 5 AAC 32.110.

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

**for a fishery conservation purpose or reason:**

**to correct an error in regulation:**

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** When this regulation was adopted in 2000 no one could have foreseen the large area of productive grounds that would have been lost by 2022.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

We have a good chance of losing significant fishing time before the next regular cycle meeting.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

It just allows a fishery to continue as it normally does.

**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.**

I have been fishing Dungeness crab commercially for the past 20 years.

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

It has not.

**SUBMITTED BY:** Lee Gilpin

## **Salmon Troll Fishery (1)**

### **ACR 3**

Reduce legal length for king salmon in Districts 12 and 13 during the spring troll fishery (5 AAC 29.140).

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

5 AAC 29.140 (a) Unless otherwise specified in this chapter, king salmon taken and retained must measure at least 28 inches from tip of snout to tip of tail (in its natural open position) or 23 inches from the midpoint of the clethral arch to the tip of the tail. Undersized king salmon that are taken must be returned to the water unharmed. A person may not mutilate or otherwise disfigure a king salmon in any manner that would prevent the determination of the minimum size restriction specified in this section.

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

Recent hatchery Chinook returns to NSRAA release sites in the Sitka area are increasingly comprised of Chinook that have spent only 2 years in saltwater instead of the traditional 3 or 4 years. In the 1980's 2-ocean jacks made up less than 20% of the Chinook return, but in recent years they are the majority of the NSRAA return. About 15% of 2-ocean kings are less than the 28" overall length minimum size limit in the spring troll fishery. Trollers who catch one of these fish are not allowed to sell them and have to release them; but kings under 28" can be kept if caught in nearby gillnet and seine fisheries. Trollers are unable to fully take advantage of the opportunities that NSRAA is providing due to the out-dated 28" overall length minimum size limit.

#### **WHAT SOLUTION DO YOU PREFER?**

While the simple solution would be to just reduce the current 28" overall length minimum, the minimum size limit helps to protect immature Chinook that will not spawn that year by allowing them to grow bigger. A simple reduction of the overall size limit would increase the harvest of these immature fish with undesirable results.

Fortunately, there is a better alternative. Maturation changes the body shape of salmon. Mature jacks have a "square" tail with only a minimal "fork" whereas immature kings have a deeply forked tail. Hence, an immature king that is 28" overall will be about 26-1/2" from the snout to the fork of the tail, whereas a 28" mature king will be about 27-1/2" from snout to fork. Hence, if the current 28" overall minimum size was replaced with 26-1/2" fork length minimum, it would not result in any additional immature kings being kept, but would allow trollers to retain most of the jacks that they currently have release.

Hence, we propose that **Notwithstanding 5 AAC 29.140(a), king salmon taken and retained in Districts 12 or 13 during the Spring troll fishery described in 5 AAC 29.090 must measure at least 26-1/2" from tip of snout to fork of tail or 21-1/2" from the midpoint of the clethral arch to the fork of the tail.**

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



**for a fishery conservation purpose or reason:** N/A

**to correct an error in regulation:** N/A

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** When the 28" overall length minimum size limit was established in the 1970's, mature king salmon were generally older than returning Chinook are now. In that era, returning Chinook had typically spent 3-5 years in the ocean. Only a small fraction of returning kings were 2-ocean jacks. In more recent years, mature king salmon of many stocks have been returning to at younger ages. Rather than comprising the small proportion of the return they once did, two-ocean fish have made up the majority of recent NSRAA returns. This greatly increases the need for a regulation that allows the harvest of a greater proportion of jacks.

Jacks are typically slightly larger than their immature 2-ocean siblings. The 28" minimum length was historically selected to allow for the harvest of most of the jacks while ensuring the release of most of the immature 2-ocean feeders.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Spring trollers in the Sitka area will have several more seasons during which they will be required to release some jack Chinook that otherwise could have been harvested without any threat to the king salmon resource.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

Chinook of the size that is the subject of this change are already allowed to be retained by gillnetters and seiners.

**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.**

Eric is the longest-serving of the current Troll representatives on the NSRAA board. NSRAA as an organization would like to see a higher proportion of the Chinook that return be harvested. Tad and Eric both routinely participate in the spring troll fisheries that this proposal would apply to.

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

During the last SE Shellfish/finfish meeting March 2022 in Anchorage, the Sitka AC recommended that this change be taken up as an amendment to a different proposal. However, the BoF did not take any action on the Sitka AC's suggested amendment during the March 2022 meeting. To the best of our recollection from over a combined six+ decades of service on Southeast ACs, this particular concept has not been formally submitted as a proposal or an ACR.

**SUBMITTED BY:** Tad Fujioka and Eric Jordan

**Prince William Sound Groundfish (7)**

**ACR 4**

Extend the Prince William Sound state waters sablefish fishing season (5 AAC 28.210).

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

5 AAC 28.210. Fishing seasons for Prince William Sound Area

(b) Sablefish may be taken in the Inside District from April 15 through August 31. There is no open season for commercial sablefish fishing in the Outside District.

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

Current season timing excludes many participants in PWS Salmon fisheries from participating in the PWS sablefish fishery. With the new invention of slinky pots orca depredation has been thwarted. As fisherman continue to transition to pot fishing, season dates can be expanded to allow more opportunity for those who also participate in other fisheries.

**WHAT SOLUTION DO YOU PREFER?**

Change Prince William Sound Inside District sablefish season opening and closing date as follows:

5 AAC 28.210. Fishing seasons for Prince William Sound Area

...

(b) Sablefish may be taken in the Inside District from [APRIL 15 THROUGH AUGUST 31] **April 1 through October 31**. There is no open season for commercial sablefish fishing in the Outside District.

...

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

**for a fishery conservation purpose or reason:** Expanding the season can help reduce sablefish shaking at the rail on vessels targeting halibut.

**to correct an error in regulation:**

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** It was unforeseen that slinky pots would become so popular and effective against orca depredation as they had not been invented when this regulation was adopted.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Season dates will continue as is, excluding many fisherman who would otherwise like to participate. Also, halibut fisherman will continue to shake sablefish that could have been legally landed on a state card, if the season was open.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

This fishery is limited entry, with GHL divided among permits. This proposal would merely allow fisherman a longer season to conduct their harvest.

**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.**

I participate in the PWS sablefish fishery using slinky pots.

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

This idea was considered at the December 2014 meeting in Cordova, however it was rejected because that proposal only increased the season length for one gear type, and there was not concurrence between gear type user groups. This ACR would extend the season for all gear types.

**SUBMITTED BY:** Kenneth Jones

## **ACR 5**

Repeal prohibition on retaining sablefish caught in the federal fishery while participating in the Prince William Sound sablefish fishery during the same trip (5 AAC 28.272).

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

5 AAC 28.272 Sablefish harvest, possession, and landing requirements for Prince William Sound Area

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

Conflict with federal regulations that require the retention of sablefish when you are halibut fishing in federal waters prevents a fisherman from efficiently harvesting their halibut and creating additional expense to have to travel and unload between areas.

This would make the Prince William Sound regulations be consistent with the Eastern Gulf of Alaska.

The issue this regulation change was trying to address should be addressed with education of the fishermen and processors on how to fill out the e-landing ticket so the sablefish shows up only in the areas where they were caught and not pro-rated out across all statistical areas fished by the targeted species.

### **WHAT SOLUTION DO YOU PREFER?**

(a) Before commercial fishing for sablefish in another registration area, the operator of a vessel registered to take sablefish in the Prince William Sound Area must land all sablefish taken and submit a copy of the completed fish ticket for the landed fish to the department.

(b) The operator of a fishing vessel may not take sablefish in the Prince William Sound Area while sablefish taken in another registration area are on board the vessel.

(c) In the Prince William Sound Area, the holder of a CFEC limited entry permit or interim-use permit to take sablefish may not take more than the annual amount specified by the department. The department will determine the annual amount as follows:

(1) the annual amount will be the sum of one-half of the annual harvest objective divided by the number of permit holders registered to fish in the commercial sablefish fishery and one-half of the annual harvest objective multiplied by the average percentage of the harvest taken by the vessel category for which the CFEC permit was issued, as specified in 20 AAC 05.779, and divided by the number of permit holders registered to fish sablefish with the permits of that vessel category;

(2) the average percentages of harvest for the vessel categories described in (1) of this subsection are as follows:

{A} combined categories A, vessels with a length of 90 feet, and B, vessels with a maximum overall length of 60 feet: 18.53 percent;

{B} category C, vessels with a maximum overall length of 50 feet: 70.33 percent;

{C} category D, vessels with a maximum overall length of 35 feet: 11.14 percent.

(d) When participating in the commercial sablefish fishery in the Prince William Sound Area, the holder of a CFEC limited entry permit or interim-use permit must retain for inspection on board the vessel a copy of each completed fish ticket issued to the permit holder during the current annual season.

(e) At least six hours before landing sablefish, a CFEC permit holder must notify the department by telephone, to a telephone number specified in writing by the department on the registration forms at the time of registration, the following information:

- (1) location of landing, and estimated time of arrival;
- (2) name of buyer or processor;
- (3) estimated number of pounds of sablefish on board the vessel;
- (4) whether the catch is dressed fish or in the round.

(f) An operator of a vessel participating in the Prince William Sound Area commercial sablefish fishery shall obtain sablefish log sheets provided by the department. The vessel operator must have the log sheets on board the vessel at all times and must submit to the department no later than seven days following delivery completed log sheets that correspond with each ADF& G sablefish fish ticket.

(1) A log sheet under this section must:

- (A) include the date, the specific location of harvest by latitude and longitude, the number of hooks fished or the number of pots fished, the average depth, and the time gear is deployed and hauled, for each set;
- (B) include for the target species, and for each bycatch species, the number of fish retained and discarded for each set;
- (C) be updated not later than 11 :59 p.m. local time on the day after the day of operation; and
- (D) be made available to a local representative of the department upon request.

(2) A person may not make a false entry in a log sheet described in this section.

(g) [ AN OPERATOR OF A VESSEL RETAINING SABLEFISH IN FEDERAL WATERS MAY NOT OPERATE GEAR IN STATE WATERS OF THE PRINCE WILLIAM SOUND AREA DURING THE SAME TRIP.]

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

**for a fishery conservation purpose or reason:**

**to correct an error in regulation:**

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** The original proposal on the surface appeared to be a PWS sablefish issue but the affect is on the halibut fishery participants and the proposal's effect became a back door method to manage and regulate the halibut fishery. The Board did not discuss the federal regulations (50 CFR 679.7 and in particular (f)l 1) as and the interaction of the state, federal sablefish and halibut fishing regulations, nor was this proposal highlighted in federal arenas where the participants that were affected participate in the public process made aware of this proposal. When the board addressed this issue and discussed cost, the statement made on the record was that this proposal would not increase the cost for an individual to participate in the fishery, this is true only if you are looking at the PWS

sablefish fishery participant and not the halibut fishermen which were the fishery participants most affected by the proposal. That statement might be true for the PWS limited entry sablefish fishery but for the halibut & sablefish IFQ fishery, they are incurring additional costs to the federal halibut and sablefish fishermen by having to make smaller trips and return to the buyer constantly to prevent mixing of fish when past regulations and suggested regulatory language makes it clear it is illegal to keep sablefish from the state and federal sablefish fishery at the same time.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Fishermen will incur additional costs and inefficiencies in their operation as it restricts harvesters from moving around to prosecute the federal halibut fishery and/or avoid unsafe fishing conditions due to weather. Fishermen will also have differing sets of regulations and boundary lines for retention between PWS and Eastern Gulf of Alaska and the federal IFQ fisheries for Halibut and Sablefish, creating confusion and a conflict of IPHC boundaries for harvesting and retaining halibut.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

The fishermen affected by this regulation participate in the federal halibut & sablefish IFQ fisheries where federal allocations are pre-determined by area. This proposal does not change the individual's harvest limits or where they can fish therefore this request is not allocative. However, if allowed to remain as written it will add confusion, inefficiencies and additional costs.

**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.**

Commercial fisher and processor

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

Proposal #4, December 2021 Board meeting

**SUBMITTED BY:** Rhonda Hubbard

*ACR 6 has been revised to correct an error made when formatting submissions for publication*

## **ACR 6**

Change gear type allocations in the *Prince William Sound Pacific Cod Management Plan* and repeal provisions allowing the mechanical jig, hand troll, and pot gear allocation to step-up/step-down annually for the state-waters season (5 AAC 28.267).

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

5 AAC 28.267. Prince William Sound Pacific Cod Management Plan

(e) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Prince William Sound Area is 25 percent of the estimated total allowable harvest of Pacific cod for the federal Eastern Gulf of Alaska Area; mechanical jigging machine and hand troll gear and groundfish pot gear is allocated 15 percent of the guideline harvest level and longline gear is allocated 85 percent of the guideline harvest level, except that if.

(A) the guideline harvest level allocated to the mechanical jigging machine and hand troll gear and groundfish pot gear is taken in any calendar year, the mechanical jigging machine and hand troll gear and groundfish pot gear allocation will increase by five percent beginning the following calendar year to a maximum of 30 percent of the guideline harvest level and the longline allocation will decrease by a corresponding five percent the following calendar year to a minimum of 70 percent of the guideline harvest level; and

(B) the guideline harvest level allocated to the mechanical jigging machine and hand troll gear and groundfish pot gear is not taken in any calendar year, the mechanical jigging machine and hand troll gear and groundfish pot gear allocation will decrease by five percent beginning the following calendar year to a minimum of 15 percent of the guideline harvest level and the longline allocation will increase by a corresponding five percent the following calendar year to a maximum of 85 percent of the guideline harvest level;

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

Current regulation does not protect entry level jig fisheries properly by combining gear type allocations.

### **WHAT SOLUTION DO YOU PREFER?**

5 AAC 28.267. Prince William Sound Pacific Cod Management Plan

(e) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Prince William Sound Area is 25 percent of the estimated total allowable harvest of Pacific cod for the federal Eastern Gulf of Alaska Area; mechanical jigging machine and hand troll gear **is allocated 5 percent of the guideline harvest level**, groundfish pot gear is allocated [15 PERCENT] **47.5 percent** of the guideline harvest level and longline gear is allocated [85 PERCENT] **47.5 percent** of the guideline harvest level  
[,EXCEPT THAT IF

(A) THE GUIDELINE HARVEST LEVEL ALLOCATED TO THE MECHANICAL JIGGING MACHINE AND HAND TROLL GEAR AND GROUND FISH POT GEAR IS TAKEN IN ANY CALENDAR YEAR, THE MECHANICAL JIGGING MACHINE AND HAND TROLL GEAR AND GROUND FISH POT GEAR ALLOCATION WILL INCREASE BY FIVE PERCENT BEGINNING THE FOLLOWING CALENDAR YEAR TO A MAXIMUM OF 30 PERCENT OF THE GUIDELINE HARVEST LEVEL AND THE LONGLINE ALLOCATION WILL DECREASE BY A CORRESPONDING FIVE PERCENT THE FOLLOWING CALENDAR YEAR TO A MINIMUM OF 70 PERCENT OF THE GUIDELINE HARVEST LEVEL; AND

(B) THE GUIDELINE HARVEST LEVEL ALLOCATED TO THE MECHANICAL JIGGING MACHINE AND HAND TROLL GEAR AND GROUND FISH POT GEAR IS NOT TAKEN IN ANY CALENDAR YEAR, THE MECHANICAL JIGGING MACHINE AND HAND TROLL GEAR AND GROUND FISH POT GEAR ALLOCATION WILL DECREASE BY FIVE PERCENT BEGINNING THE FOLLOWING CALENDAR YEAR TO A MINIMUM OF 15 PERCENT OF THE GUIDELINE HARVEST LEVEL AND THE LONGLINE ALLOCATION WILL INCREASE BY A CORRESPONDING FIVE PERCENT THE FOLLOWING CALENDAR YEAR TO A MAXIMUM OF 85 PERCENT OF THE GUIDELINE HARVEST LEVEL;]

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

**for a fishery conservation purpose or reason:** Halibut and Rockfish bycatch in the pcod fishery can be reduced if more of the fishery is conducted using slinky pots. Fisherman looking to fish a cleaner gear type should be celebrated and encouraged, current allocation plan dis-incentivizes a cleaner fishing gear type.

**to correct an error in regulation:**

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Slinky pots were not invented when this regulation was adopted. Also slinky pots were not used on a wide scale in Alaska sablefish fisheries until after the close of the proposal deadline.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Fishery allocations will continue as is, which will cause fishery closure for jig fisheries if longline pots are allowed, and allocation not separated.

**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.**

Slinky pots were not invented when this regulation was adopted. Also slinky pots were not used on a wide scale in Alaskan fisheries like they are today until after the close of the proposal deadline. Transitioning more of the quota and more vessels to slinky pot longline



fishing can curb rockfish bycatch currently seen in the hook and line fishery. Also, raising pot allocation and protecting jig allocation will help to encourage more entrants into the slinky pot longline fishery, providing local economies with a much needed feasible shoulder season fishery. Many current hook and line participants are already transitioning to slinky pot gear for federal and PWS sablefish harvest.

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

I am a participant in the PWS Sablefish longline pot fishery, I previously jig fished in PWS, and have harvested ground fish on hook and line in prince William sound. I am interested in utilizing my slinky pots to harvest pcod in prince William sound.

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

The current regulation was adopted during the 2014 meeting, I took part in those committee discussions and at the time pot fishing was not on the radar whatsoever due to the demanding vessel requirements of traditional pot gear.

**SUBMITTED BY:** Kenneth Jones

## **ACR 7**

Increase pot limit in the Prince William Sound state waters Pacific cod fishery (5 AAC 28.267).

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

5 AAC 28.267. Prince William Sound Pacific Cod Management Plan

(e) During a state-waters season,

(3) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, hand troll gear, and longline gear, as follows:

(A) except as provided in (g) of this section, no more than 60 groundfish pots may be operated from a vessel registered to fish for Pacific cod;

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

Longline pots are substantially smaller than traditional single pots. In order to make the fishery feasible for vessels participating using longline gear, the pot limit will need to be re-evaluated.

### **WHAT SOLUTION DO YOU PREFER?**

5 AAC 28.267. Prince William Sound Pacific Cod Management Plan

(e) During a state-waters season,

(3) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, hand troll gear, and longline gear, as follows:

(A) except as provided in (g) of this section, no more than [60 GROUND FISH POTS] **300 groundfish pots** may be operated from a vessel registered to fish for Pacific cod;

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

**for a fishery conservation purpose or reason:**

**to correct an error in regulation:**

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Slinky pots were not invented when this regulation was adopted. Also slinky pots were not used on a wide scale in Alaska sablefish fisheries until after the close of the proposal deadline.

### **WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Fishery participation likely will not occur with fishery limited to 60 ground fish pots.

### **STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

Currently fishery allocation goes unharvested due to lack of interest in traditional single pot method. Currently the hook and line gear type has no hook limits or skate limits. Allowing pots to become a feasible and attractive fishery for participants will help to curb bycatch of non target species.

**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.**

I am an interested new entrant, I participate in the PWS Sablefish fishery utilizing slinky pots.

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

I do not think this has been considered before.

**SUBMITTED BY:** Kenneth Jones

## **ACR 8**

Allow groundfish pots to be longlined in the Prince William Sound Area (5 AAC 28.230).

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

5 AAC 28.230. Lawful gear for Prince William Sound Area

(c) A groundfish pot may not be attached to a line connected to another groundfish pot, except that in the Prince William Sound sablefish fishery groundfish pots may be connected if each end of the buoy line is marked as specified in (d) of this section.

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

Currently, long lining of ground fish pots is prohibited, except for in the PWS sablefish fishery. With the advent of the “slinky” pot, this regulation is now outdated. There currently is a 15% allocation of the PWS cod quota that goes unharvested due to lack of interest in traditional single pot fishing. The use of slinky pots would allow existing and new entrants to participate in harvesting the pot allocation by long lining of pots.

### **WHAT SOLUTION DO YOU PREFER?**

5 AAC 28.230. Lawful gear for Prince William Sound Area

(c) A groundfish pot [MAY NOT] **may** be attached to a line connected to another groundfish pot, **including in** the Prince William Sound sablefish fishery, groundfish pots may be connected if each end of the buoy line is marked as specified in (d) of this section.

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

**for a fishery conservation purpose or reason:** Halibut and Rockfish bycatch in the pcod fishery can be reduced if more of the fishery is conducted using slinky pots. Fisherman looking to fish a cleaner gear type should be celebrated and encouraged, current management plan prohibits and dis-incentivizes a new invented cleaner fishing gear type.

**to correct an error in regulation:**

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Slinky pots did not exist when this regulation was adopted, likewise they did not exist or had not been tested before the deadline for in cycle proposals.

### **WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

The resource will continue to be under utilized, and quotas left on the table using pot gear in Prince William Sound due to lack of interested vessels in single pot fishing.

### **STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

This proposal is not allocative because it only addresses legal gear type for an already existing allocation group and fishery that goes unharvested each season.

**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.**

I am a prospective new entrant in this fishery, I participate in the PWS Sablefish fishery using these new slinky pots, and am interested in pursuing the Pcod quota that is currently going unharvested. I have also jig fished and hook and line fished for cod in Prince William sound in the past.

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

I do not believe this concept has been considered before.

**SUBMITTED BY:** Kenneth Jones

## **ACR 9**

Adopt gear marking requirements for longlined pot gear in the Prince William Sound Area (5 AAC 28.230).

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

5 AAC 28.230. Lawful gear for Prince William Sound Area

(d) At least one buoy on each groundfish pot must be legibly marked with the permanent ADF&G vessel license plate number of the vessel operating the gear. The buoy may bear only a single number - that of the vessel operating the gear. The number must be placed on the top one-third of the buoy in numerals at least four inches high, one-half inch wide, and in a color that contrasts with the color of the buoy. The buoy markings must be visible on the buoy above the water surface when the buoy is attached to the groundfish pot.

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

This regulation does not include marking requirements specifically for longline pots. This can lead to participant confusion on the grounds if longline pots are not marked differently from traditional single pot, or from hook and line longline gear. Smaller vessels cannot always pull up a larger pot string, and proper marking can help participants avoid setting to close and tangling up with pot strings. Federal regulations can be used as a template for how to mark ground fish pot gear.

### **WHAT SOLUTION DO YOU PREFER?**

(d) At least one buoy on each groundfish pot must be legibly marked with the permanent ADF&G vessel license plate number of the vessel operating the gear. The buoy may bear only a single number - that of the vessel operating the gear. The number must be placed on the top one-third of the buoy in numerals at least four inches high, one-half inch wide, and in a color that contrasts with the color of the buoy. The buoy markings must be visible on the buoy above the water surface when the buoy is attached to the groundfish pot. **Each end of a set of longline pot gear must have attached a cluster of four or more marker buoys, a flag mounted on a pole, and a radar reflector. One hard buoy in the buoy cluster must be marked with the capital letters "LP" in addition to the Alaska Department of Fish & Game vessel registration number.**

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

**for a fishery conservation purpose or reason:**

**to correct an error in regulation:**

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Longline pots were not utilized when this regulation was adopted.

### **WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

The fishery will continue with no regulation required different markings for longline pot gear in prince William sound.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

This is merely meant to help resolve any confusion for fishery participants about what gear other vessels are deploying, with the ultimate goal of reducing potential gear entanglements between gear types. It could also help to prevent gear loss which will protect the resource.

**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.**

I am an active participant in the PWS Sablefish fishery utilizing longline pots.

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

I do not believe this has been considered before.

**SUBMITTED BY:** Kenneth Jones

## **ACR 10**

Reduce waters closed to commercial fishing for groundfish with pot gear in Prince William Sound (5 AAC 28.250).

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

5 AAC 28.250. Closed waters in Prince William Sound Area

(a) Groundfish may not be taken with pots in the waters enclosed by lines from Point Whitsed to Point Bentinck, from Cape Hinchinbrook Light to Seal Rocks Light to Zaikof Point at 60° 18.48' N. lat., 146° 55.10' W. long., and from a point at 60° 11' N. lat., 147° 20' W. long. on the northwest side of Montague Island, north to a point at 60° 30' N. lat., 147° 20' W. long., then east to a point at 60° 30' N. lat., 147° 00' W. long., then northeast to Knowles Head at 60° 41' N. lat., 146° 37.50' W. long., except that groundfish may be taken with pot.

(1) within Orca Bay, east of 146° 37.50' W. long., excluding the waters of Port Gravina north of a line from Gravina Point to Red Head at 60° 40.25' N. lat., 146° 30.22' W. long.;

(2) in waters not more than 75 fathoms deep within waters enclosed by a line from Johnstone Point Light to Montague Point at 60° 23' N. lat., 147° 06' W. long., to Middle Point at 60° 20.50' N. lat., 147° W. long. to Schooner Rock Light (Zaikof Point) to Cape Hinchinbrook Light.

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

This will correct the action previously taken that closed one gear type out of waters of some of the most productive pcod grounds in prince William sound. This regulation was passed under the guise of protecting juvenile tanner crab, however with new slinky pot technology crab bycatch is no longer a large issue. If anything, allowing more harvest potential in this area will help crab stocks by reducing predatory pcod biomass.

### **WHAT SOLUTION DO YOU PREFER?**

5 AAC 28.250. Closed waters in Prince William Sound Area

[(a) GROUND FISH MAY NOT BE TAKEN WITH POTS IN THE WATERS ENCLOSED BY LINES FROM POINT WHITSHED TO POINT BENTINCK, FROM CAPE HINCHINBROOK LIGHT TO SEAL ROCKS LIGHT TO ZAIKOF POINT AT 60° 18.48' N. LAT., 146° 55.10' W. LONG., AND FROM A POINT AT 60° 11' N. LAT., 147° 20' W. LONG. ON THE NORTHWEST SIDE OF MONTAGUE ISLAND, NORTH TO A POINT AT 60° 30' N. LAT., 147° 20' W. LONG., THEN EAST TO A POINT AT 60° 30' N. LAT., 147° 00' W. LONG., THEN NORTHEAST TO KNOWLES HEAD AT 60° 41' N. LAT., 146° 37.50' W. LONG., EXCEPT THAT GROUND FISH MAY BE TAKEN WITH POT.

(1) WITHIN ORCA BAY, EAST OF 146° 37.50' W. LONG., EXCLUDING THE WATERS OF PORT GRAVINA NORTH OF A LINE FROM GRAVINA POINT TO RED HEAD AT 60° 40.25' N. LAT., 146° 30.22' W. LONG.;

(2) IN WATERS NOT MORE THAN 75 FATHOMS DEEP WITHIN WATERS ENCLOSED BY A LINE FROM JOHNSTONE POINT LIGHT TO MONTAGUE POINT AT 60° 23' N. LAT., 147° 06' W. LONG., TO MIDDLE POINT AT 60° 20.50' N. LAT., 147° W. LONG. TO SCHOONER ROCK LIGHT (ZAIKOF POINT) TO CAPE HINCHINBROOK LIGHT.]

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



**For a fishery conservation purpose or reason:**

**to correct an error in regulation:**

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** This closure area has made the pot fishery in Prince William Sound untenable, while granting one gear type access to the best production grounds in the management area.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Pot fisherman will continue to be at a disadvantage to hook and line fisherman when it comes to fishing grounds available to them.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

Re-opens area that has been closed to pot gear.

**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.**

I am an active participant in many PWS ground fish fisheries, including longline pots for sablefish. I am interested in utilizing slinky pots to harvest pcod in prince William sound.

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

I do not believe it has been considered before.

**SUBMITTED BY:** Kenneth Jones

## **Upper Cook Inlet Salmon (10)**

### **ACR 11**

Eliminate ‘paired restrictions’ in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359).

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

5 AAC 21.359 Kenai River Late-Run King Salmon Management Plan

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

The Board of Fisheries needs to address the continued biological and economic issues that have resulted from the adoption of the modifications to this plan. In the past 3 years this plan has resulted in exceeding the Kasilof River Biological Escapement Goal (BEG) by several thousands of sockeye which WILL result in returns of lesser sockeye. In the past, when the Kasilof has escaped approximately 500,000 sockeye less than a total run of 500,000 returned. Not just the escapement but the TOTAL return. The Kasilof has one of the very few BEG’s in the state. This is attributable to the events where the Kasilof has went over the established escapement goal. This is not a sustainable management policy and would appear to violate all the sound principles of fisheries management that is the hallmark of the Alaska Department of Fish and Game (ADF&G). The Kasilof section of the Cook Inlet East Side Set Net (ESSN) fishery comprise 66% or 2/3 of the setnet permit holders (440) who participate in this fishery. The Kasilof bound sockeye are a main component of the historical harvest for these setnet families, small businesses that many have been in this area for over a century. Genetics data shows a very low harvest of large Kenai River bound king salmon in the three statistical areas of this section (Ninilchik, Cohoe and South Kalifornsky Beach (South K-Bch.)). South K-Bch. harvest statistics have shown that the historical harvest is primarily Kasilof bound stocks of salmon. It is the mainstay of this fishery and requires access to the resource entering this area to remain viable. We ardently request the board to review the statements we have made here with the ADF&G and in an open meeting. Our fishery is an early fishery in that middle June is as much as important to us as is the third week in July. We seek assistance in finding solutions to relieve the continued declarations of disasters that our entire fishery has filed for and is in the process of distribution (2012, 2018,2020, 2021 & 2022). What is most egregious is that our target species of sockeye and pink salmon are in abundance and there is no known biological issues of sustainability with any Kasilof River king salmon. We would suggest that the Board consider options of time, area as well as methods and means to allow relief for this specific fishery. We do understand our normal meeting cycle is in the 2023/2024 winter schedule We do not believe that our fishery can wait another year without dire consequences. We would suggest that the Board adopt our ACR and hold a hearing at its earliest convenience. If the Board agree to a solution, it could be established as an “emergency relief regulation” that would sunset at the beginning of the 2024 regularly scheduled Upper Cook Inlet meeting. We would remind the board that the 2024 meeting will be four years from the last cycled meeting in 2020.

### **WHAT SOLUTION DO YOU PREFER?**

Delete all “paired restrictions” in 5 AAC 21.359. Manage the commercial fisheries in a separate section with specific adjustments to take into consideration sections and statistical areas of the ESSN fishery. Open the Kasilof River Special Harvest Area when projections of Kasilof bound

sockeye exceed the BEG. Establish in regulation that no closure to the ESSN fishery can be ordered until the estimate of 50% of the projected king goal can be established.

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

**for a fishery conservation purpose or reason: YES**

**to correct an error in regulation: YES**

**to correct an effect on a fishery that was unforeseen when a regulation was adopted: YES**

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

The fishery will continue to be distressed and the community will continue to suffer. The economic viability of the fishery will be in jeopardy.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

This is not allocative as it is the ESSN fishery that is being entirely excluded from the resource opportunity while other resource stakeholders have continued access to the same fisheries resources that we are being excluded from.

**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.**

Commercial Fishing community group.

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

**SUBMITTED BY:** Paul Shadura – South K-Beach Independent Fishermen’s Association (SOKI)

## **ACR 12**

Make numerous changes to management of the king salmon sport fishery and Upper Subdistrict commercial set gillnet fishery in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359).

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

5 AAC 21.359 Kenai River Late-Run King Salmon Management Plan

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

The Alaska Board of Fisheries (BOF) amended 5 AAC 21.359 Kenai River Late-Run King Salmon Management Plan at the 2020 UCI Board of Fisheries meeting to require a mandatory closure of the Upper Subdistrict set gillnet (ESSN) fishery if the Kenai River king salmon Optimum Escapement Goal (OEG) of 15,000 was not projected to be achieved and the Kenai River king salmon sport fishery was closed. In every year since 5 AAC 21.359 was amended as described above—2020, 2021 and 2022— The ESSN has been the only user group in Upper Cook Inlet to be closed entirely, resulting in economic hardship to ESSN fishers, and sockeye salmon exceeding escapement goals at unforeseen levels in the Kenai and Kasilof rivers. After each ESSN closure, the incidental harvest of king salmon continued by other user groups continuing to fish for other salmon species.

The board provided no options in the amended management plan for dealing with massive sockeye salmon escapements into the Kenai and Kasilof Rivers, outside of 5 AAC 21.363(e), which the commissioner has refused to use, stating multiple times that the BOF instructed him to close the ESSN fishery, period. The Kasilof River Biological Escapement Goal (BEG) for sockeye salmon is 140,000-320,000. In 2022, the Kasilof sockeye escapement was 971,604. In 2021, The Kenai River Inriver Goal for sockeye was 1,100,000-1,400,000. In 2021, 2,441,825 sockeyes passed the counter. As a result, future yields in both rivers will undoubtedly see significant reductions. The Kasilof River, in particular, will without doubt drop below a one-to-one return based on ADF&G data. Despite these devastating, unforeseen impacts, ADF&G has not used its emergency order authority to provide fishing time in the ESSN fishery to slow these large harvestable surpluses of sockeye salmon consecutively returning to both the Kenai and Kasilof rivers. In essence, millions of sockeye went unharvested in the past three years.

### **WHAT SOLUTION DO YOU PREFER?**

#### **5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan**

**(b) In the commercial set gillnet fishery in the Upper Subdistrict of the Central District,** the department shall manage the late run of Kenai River king salmon to achieve [AN OPTIMAL ESCAPEMENT GOAL OF 15,000-30,000] **the sustainable escapement goal of 13,500 — 27,000** king salmon 75 cm mid eye to tail fork and longer as described in this section.

**(c) In the sport fishery,**

**(1) the department shall manage the late run of Kenai River king salmon to achieve an optimal escapement goal of 15,000 — 30,000 king salmon 75 cm mid eye to tail fork and longer as described in this section.**

**[(1)] (2) if the optimal escapement goal is projected to be exceeded, the commissioner**

**may, by emergency order, extend the sport fishing season up to seven days during the first week of August;**

**[(2)] (3) from July 1 through July 31, a person may not use more than one single hook in the Kenai River downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake;**

**[(3)] (4) that portion of the Kenai River downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake is open to unguided sport fishing from a non-motorized vessel on Mondays in July; for purposes of this paragraph, a non-motorized vessel is one that does not have a motor on board.**

(d) If the projected late-run king salmon escapement is less than 15,000 king salmon

75 cm mid eye to tail fork and longer, the department shall

(1) close the sport fisheries in the Kenai River and in the salt waters of Cook Inlet north of the latitude of Bluff Point to the taking of king salmon;

(2) close 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 of the Kenai Peninsula shoreline south of the Kenai River; and

[(3) CLOSE THE COMMERCIAL SET GILLNET FISHERY IN THE UPPER SUBDISTRICT OF THE CENTRAL DISTRICT.]

**(e)if the projected late-run king salmon escapement is less than 13,500 king salmon 75cm mid eye to tail fork and longer,** the department may close the commercial set gillnet fishery in the Upper Subdistrict of the Central District.

**1. close the Kenai River Coho sport fishery**

**2. close the Kenai River personal use fishery**

[E](f) In order to achieve the optimal escapement goal and provide reasonable harvest opportunity, the commissioner may, by emergency order, establish fishing seasons as follows:

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

**for a fishery conservation purpose or reason:**

**to correct an error in regulation:** When the board modified the Kenai River Late-Run King Salmon Management plan to require a mandatory closure of the ESSN fishery when the king salmon OEG was not projected to be achieved, they were not fully aware of important details that would occur after the plan was amended.

First, the board did not know the Commissioner would not use his emergency order to protect future yields of sockeye salmon, as he has authority to do under 5AAC 21.363(e). Three years of back to back to back sockeye salmon escapements in the Kasilof River of 971,604, 521,859 and 545,654 shows there will be little to no yield. (see attached data)

Second, the Policy for mixed stock fisheries states that the Board shall address the burden of

conservation. Management actions to achieve conservation objectives will be shared fairly among users. The ESSN fishery is the only targeted sockeye salmon user group that is completely shut down from harvesting abundant sockeye salmon. Every other user group gets liberalized even though incidental king salmon are harvested in these fisheries. In 2021 the Dipnet fishery recorded 50 Kings harvested. In 2022, the ESSN was closed down after harvesting only 32 large Kenai River Late Run King salmon. We contend there is far more error in the Kenai River king salmon sonar program than 32 large king salmon harvested in the ESSN fishery. If this minute number of king salmon matters this much, then we would expect closures in EVERY fishery that might harvest a Kenai River large king salmon.

myADF&G 

## Cook Inlet Personal Use Fisheries Salmon Fishery Harvest and Effort Estimates

**Overview** | **Permits and Regulations** | **Harvest / Effort**

**Contact**

Sockeye | Chinook | Coho | Pink | Chum | All Species

Days Fished | Permits Issued

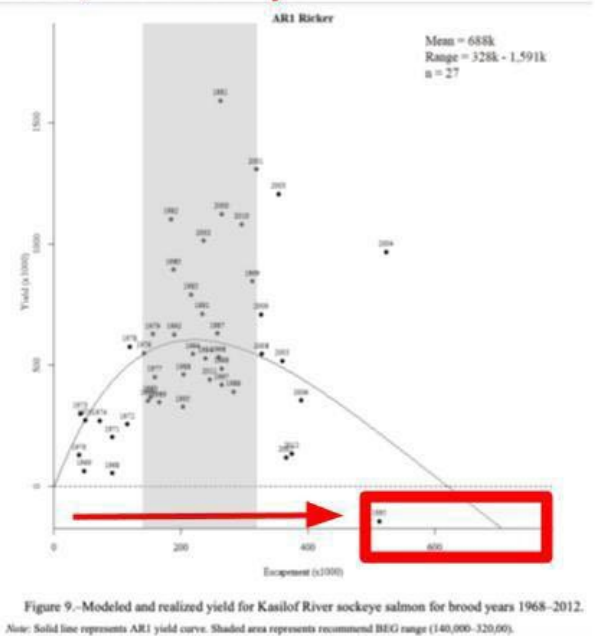
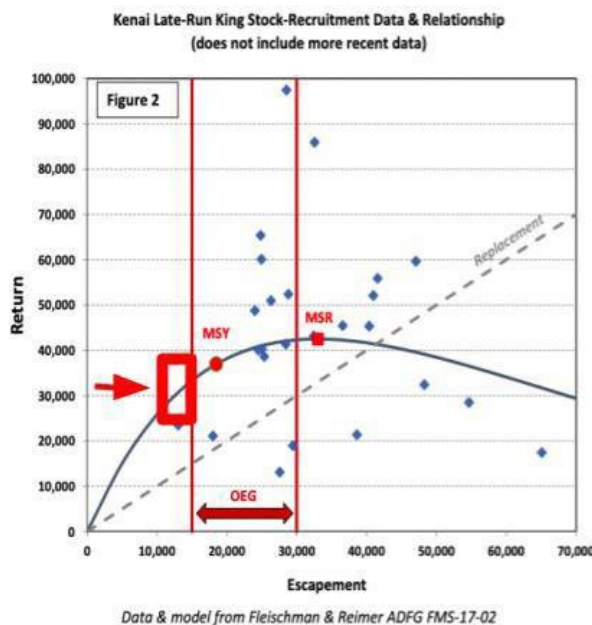
| Chinook Salmon Harvest |                    |                       |                       |                     |
|------------------------|--------------------|-----------------------|-----------------------|---------------------|
| YEAR                   | Fish Creek Dip Net | Kasilof River Gillnet | Kasilof River Dip Net | Kenai River Dip Net |
| 2021                   | 3                  | 94                    | 9                     | 50                  |
| 2020                   | 7                  | 70                    | 12                    | 23                  |
| 2019                   | 2                  | 131                   | 3                     | 30                  |
| 2018                   | 5                  | 120                   | 6                     | 7                   |
| 2017                   | 1                  | 118                   | 14                    | 1,194               |
| 2016                   | 0                  | 141                   | 26                    | 638                 |
| 2015                   | 0                  | 61                    | 0                     | 66                  |
| 2014                   | 0                  | 50                    | 0                     | 0                   |
| 2013                   | 0                  | 46                    | 18                    | 11                  |

Source: ADFG Cook Inlet Personal Use Webpage.

Third, we have been adamantly opposed to paired restrictions because balancing an inriver targeted king salmon fishery and a targeted sockeye commercial fishery is nearly impossible. These paired restrictions are not equitable or paired and have resulted in tens of millions of dollars in forgone harvest and economic value of sockeye salmon in the ESSN fishery resulting in negative impacts to the economies of the Kenai Peninsula and the State of Alaska. The department has multiple harvest tools to greatly reduce the harvest of king salmon while providing an opportunity to harvest surplus sockeye salmon. Specifically, the 600-foot fishery has a 0.04% harvest rate on Kenai River late run king salmon, but was not used one time in the 2022 season.

Finally, management plans and goals are adjusted over time to sustain and/or improve future returns, NOT to decimate and destroy fisheries for no resource gain. The numerous extensive changes and restrictions to the ESSN fishery within the Kenai River Late Run King Salmon Management Plan since 2012 have not resulted in a greater abundance of large fish in the Kenai River, but it has imposed severe economic devastation on 440 Alaskan small businesses.

### Yield Trade-Off Late run King Salmon SEG vs OEG Kasilof River Yields above 500,000 Sockeye



Source: Information provided to the Alaska Board of Fisheries

Source: Fishery Manuscript No. 20.-02 Pg. 42 Review of Salmon at the 2022 Statewide Finfish Meeting by KRSA in RC 96 Escapement Goals in Upper Cook Inlet, Alaska 2019

**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?**

Waiting until the 2024 UCI board meeting to modify the mandatory closure of the ESSN fishery will more than likely result in yet another year of significant over-escapement of sockeye in the Kenai and Kasilof rivers. This will only further diminish future yields of sockeye and add to the economic strain to the ESSN and the state of Alaska.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

Department of Fish and Game Commissioner Doug Vincent- Lang has suggested ESSN fisherman submit an ACR to have the board of fisheries direct him in how to manage large sockeye escapements to the Kenai and Kasilof Rivers during times of low Kenai River king salmon abundance.

**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.**

The Kenai Peninsula Fishermen’s Association (KPFA), is a non-profit 501(c) (6) commercial fisheries advocacy trade group representing Cook Inlet (CI) fishing families since 1954. KPFA’s mission is “**Ensuring the Sustainability of Our Fishery Resources.**” Our goal is to continue to strengthen our fishing community and to promote the economic stability of the Cook Inlet Setnet Fishery.

KPFA primarily represents salmon setnet permit holders on the East Side of Cook Inlet. The geographical area of the fishery reaches from the south at Ninilchik to Boulder Point in the north, spanning more than 60 miles along Cook Inlet's Eastside. The salmon harvested by the East Side Setnet Fishery originate almost exclusively in the Kasilof and Kenai River systems.

Some 440 limited entry permit holders, each one a small businessperson, fish for salmon in this area and are primarily Alaska residents. Eighty-six percent of the permit holders are Alaska residents, and eighty percent of those Alaskans live locally on the Kenai Peninsula.

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

In an attempt to fix the Kenai River Late Run King Salmon Management Plan, several different variants of emergency petitions/ACR’s/proposals have been submitted.

**SUBMITTED BY:** Lisa Gabriel – Kenai Peninsula Fishermen’s Association

### **ACR 13**

Repeal provisions of the *Kenai River Late-Run King Salmon Management Plan* that restrict the Upper Subdistrict set gillnet when the Kenai River late-run king salmon optimal escapement goal is projected to not be met and when preseason restrictions are implemented for the Kenai River late-run king salmon sport fishery (5 AAC 21.359).

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

5 AAC 21.359 Kenai River Late-Run King Salmon Management Plan

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

Closing of the ESSN fishery when the unattainable escapement of 15,000-king salmon OEG will not be achieved. The implementation of paired restrictions has resulted in a failure of harvesting surplus salmon stocks bound for the Kenai and Kasilof Rivers in 2021 and 2022. If the management plan is not modified prior to the 2023 fishing season, continued escapements that will exceed the Maximum Sustained Yield (MSY) will occur.

### **WHAT SOLUTION DO YOU PREFER?**

Changes to regulatory language as specified;

(d) If the projected late-run king salmon escapement is less than 15,000 king salmon 75 cm mid eye to tail fork and longer, the department shall

[(3) CLOSE THE COMMERCIAL SET GILLNET FISHERY IN THE UPPER SUBDISTRICT OF THE CENTRAL DISTRICT.]

(e) In order to achieve the optimal escapement goal and provide reasonable harvest opportunity, the commissioner may, by emergency order, establish fishing seasons as follows:

(3) in the Upper Subdistrict set gillnet commercial fishery, notwithstanding the provisions of 5 AAC 21.360(c)(1)(B), (2)(B), and (3)(B), based on the abundance of sockeye salmon returning to the Kenai and Kasilof Rivers,

[(D) IF PRESEASON RESTRICTIONS ARE ISSUED FOR THE LATE-RUN KENAI RIVER KING SALMON SPORT FISHERY, THEN ALL UPPER SUBDISTRICT SET GILLNET FISHERIES ARE RESTRICTED;]

(F) Upper Subdistrict set gillnet commercial fishing periods that are limited under this section may be limited to fishing within 600 feet of the mean high tide mark and are exempt from hour and gear limitations [IDENTIFIED UNDER (E)(3)(A) - (E) OF THIS SECTION;]

(h) The provisions of (d)(3) or (e)(3)(G) of this section do not apply to provisions of the Kasilof River Salmon Management Plan contained in 5 AAC 21.365(f) that pertain to the Kasilof Special Harvest Area. The provisions of (e)(3)(A) - (C) of this section ***shall not*** apply to provisions of the Kasilof River Salmon Management Plan contained in 5 AAC 21.365(f) that pertain to the Kasilof River Special Harvest Area.

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

**for a fishery conservation purpose or reason:** Yes, the actions requested will aid in achieving the biological escapement goals for the late run Kenai king and maintaining Maximum Sustained Yields (MSY) for all other harvestable and abundant stocks of salmon within the Upper Subdistrict of the Central District of Cook Inlet. The next Cook Inlet (CI) board cycled meeting will not occur until 2024 which will result in an extraordinary burden on the optimization of the ESSN permits within CI (CFEC).

**to correct an error in regulation:** The Department did not allow peer reviewed documentation or analysis of the confidence in the long-range king salmon large king escapement goal in 2020. Current returns indicate a sustainable pattern of large late-run king on an average escapement of 11,500 kings.

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Yes, the Alaska Board of Fisheries (BOF) could not have foreseen the massive over escapement and the massive loss of a harvestable resource opportunities at the time that they passed revisions to this management plan in 2020. A risk versus benefit determination was not presented to the board for them to deliberate on nor was the public able to comment on this ‘missing’ assessment.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

ESSN fishermen and the seafood processing sector in CI will continue to see sharp declines in productivity and profitability. Returning runs of all species of salmon will become extremely inconsistent and unstable. Sustainability will be jeopardized, and the local economy will continue to decline. Social issues will create more cost to the State as those in the seafood industry will seek assistance from the community.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

Nothing in this ACR could be considered allocative in that surplus harvestable stocks of salmon are being underutilized and wasted.

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

This is not allocative in that this ACR seeks to improve the concepts of Sustained Yields or Maximum Sustained Yields which improve the access to resources equally amongst all residents of the State.

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

I am an Alaskan and a resource stakeholder.

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

The concepts of this ACR are not new. However, the suggested language changes are a result of a failed management system that benefits one user group over another under the guise of conservation.

**SUBMITTED BY:** Paul Shadura II

**ACR 14**

Repeal several restrictions on the Upper Subdistrict set gillnet fishery in the Kenai River Late-Run King Salmon Management Plan (5 AAC 21.359).

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

5 AAC 21.359 (e) (3)(A), (B), (C), (D), (F) and (G) (i)

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

(3) (A), (B), (C) and (D) A “continuous closure per week beginning between 7:00p.m. Thursday and 7:00p.m. Friday.” This closure of the Upper Subdistrict set gill net commercial fishery has no basis in science. Why these days? Why set by regulation, and not by the biologists watching the runs? Since there is no science involved in this arbitrary closure, it is in direct conflict with the Mission Statement Guiding Principles: “Maintain the highest standards of scientific integrity”

**WHAT SOLUTION DO YOU PREFER?** Delete this unscientific regulation.

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

**for a fishery conservation purpose or reason:**

**to correct an error in regulation:** This has to be an error in regulation since it’s in direct conflict with the Mission Statement Guiding Principles.

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** If the sockeye run hits during this arbitrary closure, the biologists cannot adjust the fishing openings. They have no latitude.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Again, the run could hit, and the set gill net fishery will suffer economic harm.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

This is not allocating from one user group to another. I want to delete an unscientific regulation that hamstring the biologists.

**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.**

Commercial fisherman on Salamatof Beach, Nikiski, 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**

I don't know if it has been considered before.

**SUBMITTED BY:** Karen McGahan

## **ACR 15**

When the Kenai River late-run king salmon optimal escapement goal is projected to not be met allow commercial fishing for salmon with set gillnet gear in the Upper Subdistrict with a prohibition on retention of king salmon (5AAC 21.359).

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

5 AAC 21.359 (d) If the projected late-run king salmon escapement is less than 15,000 king salmon 75 cm mid eye to tail fork and longer, the department shall

...

(3) close the commercial set gillnet fishery in the Upper Subdistrict of the Central District.

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

The set gill net fishery of the upper subdistrict of the Central District was closed entirely, after 2 early fishing periods, before the sockeye run arrived, to fishing any species of salmon. This caused an economic disaster, and is directly in conflict with the Mission Statement of ADF&G's primary goals. "and the use and development of these resources are in the best interest of the economy and well-being of the people of the state."

### **WHAT SOLUTION DO YOU PREFER?**

Delete 5AAC: 21.359 (d) (3) and restrict only to the taking of king salmon.

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

#### **for a fishery conservation purpose or reason:**

**to correct an error in regulation:** Since 5AAC 21.363 (6) states "the burden conservation shall, to the extent practicable, be shared among all user groups", 5AAC:21.359 (d) (3) must be an error in regulation.

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** 5AAC:21.359 (d) (3) is in direct conflict with the Mission Statement, as stated above, and in conflict with 5AAC21.363 (3) (A), (C) (4) (A) (B), and (6), I hope that the result of the complete closure of the set gill net fishery of the upper subdistrict of Upper Cook Inlet, and the resulting economic disaster, due entirely to management, when there was an excellent sockeye run, was unforeseen when this regulation was adopted.

### **WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

The biologists will have no latitude to use their expertise to manage the sockeye run for the set gill net fishery in the upper subdistrict, and another economic disaster for these Alaskan fishermen will result.

### **STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

The complete closure of the set gill net upper subdistrict to all species of salmon goes against the other regulations stated above and goes against the Mission Statement. I am not asking

for any fish to be taken from any other user group and allocated to this group. I'm asking for an error in regulation to be corrected.

**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.**

I am a commercial fisherman on Salamatof Beach, Nikiski, 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**

I don't know if this proposal has been considered before.

**SUBMITTED BY:** Karen McGahan



## **ACR 16**

Repeal restrictions on set gillnet gear in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359).

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

5 AAC 21.359 (e) (3)

(G) if commercial fishing is limited under (e)(3) of this section, the operation of setnets operated by a CFEC permit holder shall be restricted to:

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

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

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

There have been no scientific studies regarding the advantage or disadvantage of using 29 mesh gear. Where are the scientific studies regarding this regulation? Have any been done? Where did the BOF come up with this regulation? Was it just a suggestion from someone? Again, this is a conflict with the Mission Statement Guiding Principles: "Maintain the highest standards of scientific integrity and provide the most accurate and current information possible." If there is no scientific basis for this regulation, it should not be implemented.

### **WHAT SOLUTION DO YOU PREFER? Delete 5AAC:21.359 (e) (3) (G)**

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

#### **for a fishery conservation purpose or reason:**

**to correct an error in regulation:** No scientific studies to my knowledge led to this regulation. It must be an error.

#### **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?**

Again, the East Side Set Netters are having gear reduced with no scientific basis.

### **STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

Deleting this regulation does not allocate fish.

**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.**

Commercial fisherman on Salamatof Beach, Nikiski, 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**

I do not know if the board has addressed this before.

**SUBMITTED BY:** Karen McGahan

**ACR 17**

Repeal provisions exempting the Upper Subdistrict set gillnet fishery operated within 600 feet of the mean high tide mark from hour and gear limitations in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359).

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

5 AAC 21.359 (e) (3)

(F) Upper Subdistrict set gillnet commercial fishing periods that are limited under this section may be limited to fishing within 600 feet of the mean high tide mark and are exempt from hour and gear limitations identified under (e)(3)(A) - (E) of this section;

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

This regulation allocating within a fishery. This is illegal.

**WHAT SOLUTION DO YOU PREFER?**

Delete this illegal regulation.

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

**for a fishery conservation purpose or reason:**

**to correct an error in regulation:** It is illegal to allocate within a fishery.

**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 continue to be an irregularity.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

I'm not suggesting anything allocative. The regulation is allocating within a fishery.

**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.**

Commercial fisherman, Salamatof Beach, Nikiski, 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**

I do not know.

**SUBMITTED BY:** Karen McGahan

## **ACR 18**

Provide greater flexibility in set gillnet configuration when set gillnet gear is restricted under the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359).

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

5 AAC 21.359(e)(3)(G)(i and ii)

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

When gear restrictions are in place on the setnet fishery under 21.359(e)(3)(G)(i or ii) in the Kenai River Late Run King Salmon Management plan and the more restrictive gear option is used (All of 2022 and 2021, and most of 2020), no allowance is being made for operations that utilize net lengths shorter than 35 fathoms. It reads "up to two set gillnets that are each not more than 35 fathoms in length and 29 meshes in depth..." Compare this to the immediately preceding section 21.359(e)(3)(G)(i) where it reads "up to 4 set gillnets that are each not more than 35 fathoms in length, 105 fathoms in aggregate length, and 29 meshes in depth..." (Read as: Three 35 fathom nets or 4 shorter nets with the same aggregate length.) The issue here is that while it is true that the majority of participants in the fishery fish "standard" 35 fathom long nets there is in fact regulatory allowance in the general gear definitions to break your 105 fathoms of aggregate length into 4 shorter nets and 35 fathoms is in fact just the maximum legal length of a net. (See 5AAC 21.331(d)). I do not believe there was any intention when restricting gear to 70 fathoms per permit in the King Salmon Plan to disproportionately harm people who fished shorter nets. For very many practical reasons it is extremely difficult to make either nets or locations longer especially in this current age of heavily restrictive management and financial uncertainty in the fishery. It is much easier to shorten them slightly. I would like to see uniformity throughout the language in this section regulating to aggregate length of gear.

### **WHAT SOLUTION DO YOU PREFER?**

"up to three set gillnets that are each not more than 35 fathoms in length, 70 fathoms in aggregate length, and 29 meshes in depth"

I am exactly copying the language in section (i) for 105 fathoms and adapting it to 70. If in fact the board finds this language confusing (historically it has) then I am perfectly open to them updating the terminology/phrasing. (ie. Merely say "70 fathoms aggregate length of gear not more than 29 meshes in depth")

I also am inserting the exact same language in the second half of section (i) immediately preceding. The intent here is to represent the historical ability to fish shorter nets with the same aggregate length as 35 fathom nets. In the case where the regulation restricts to a singular 35 fathom net, my experience in the fishery dictates that it would not really be feasible to break this up and as a result I have left that situation unchanged. I would like to emphasize that this does nothing but let people fish their 70 fathoms of gear within their current operational setups. It does not add any amount of legal gear to the fishery. It is the exact same.

5 AAC: 21.359(e)(3)(G)

...

(i) up to four set gillnets that are each not more than 35 fathoms in length, 105 fathoms in aggregate length, and 29 meshes in depth, **up to three set gillnets that are each not more than 35 fathoms in length, 70 fathoms in aggregate length, and 45 meshes in depth** [OR TWO SET GILLNETS THAT ARE EACH NOT MORE THAN 35 FATHOMS IN LENGTH AND 45 MESHES IN DEPTH]; set gillnets used that are not more than 29 meshes in depth must be identified at the end of the gillnet with an attached blue buoy that is not less than nine and one-half inches in diameter; or

(ii) **up to three set gillnets that are each not more than 35 fathoms in length, 70 fathoms in aggregate length, and 29 meshes in depth** [UP TO TWO SET GILLNETS THAT ARE EACH NOT MORE THAN 35 FATHOMS IN LENGTH AND 29 MESHES IN DEPTH] or one set gillnet that is not more than 35 fathoms in length and 45 meshes in depth; set gillnets used that are not more than 29 meshes in depth must be identified at the end of the gillnet with an attached blue buoy that is not less than nine and one-half inches in diameter.

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

**for a fishery conservation purpose or reason:**

**to correct an error in regulation:** The regulations are inconsistent when referring to aggregate length or number of nets.

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** When the board originally passed these clauses, they were unaware of the impacts it would have on people that fished shorter nets than 35 fathoms primarily because they did not even know they existed and were unfamiliar with the provisions for fishing shorter nets in the regulations.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Presuming that management in 2023 looks like it has in 2020, 2021, and 2022, Fisherman who fish shorter nets will be disproportionately restricted for another season during a time period where the fishery is already so heavily restricted and causing great hardship. Since it is pretty basic, straight forward, and uncontroversial, I am very confident that this would be passed by the board during the next regular cycle but in light of the difficulties faced by our fishery I am asking that it be dealt with ahead of time.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

There is no allocation. The state has long determined three 35 fathom nets to have the same harvesting power as four shorter nets with an aggregate length of 105 fathoms. 70 fathoms is no different.

**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.**

I am a fisherman in the Upper Cook Inlet East Side Set Gillnet Fishery.

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

At the 2017 meeting I submitted a proposal to address this issue in regards to the 105 fathoms of 29 mesh gear restriction level. (The first half of (i)) The board passed it without serious issue, however since at that point in time the 70 fathom restrictions had never been used. Both the board and I overlooked that the same situation would apply. Because of the delay due to the pandemic, there has not been a regular cycle meeting since this restriction to 70 fathoms was first used in summer of 2020.

**SUBMITTED BY:** Joseph Person

## **ACR 19**

Provide additional commercial fishing opportunity with set gillnet gear in the Kasilof Section and Kasilof River Special Harvest Area (5 AAC 21.359 and 5 AAC 21.365).

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

5 AAC 21.359 Kenai River Late-Run King Salmon Management Plan and 5 AAC 21.365 Kasilof River Salmon Management Plan

On July 24, 2021, SOKI submitted an emergency petition that was placed on the Board of Fisheries agenda on a teleconferenced meeting held on August 02, 2021. The petition was not discussed as it was tabled referring to the action taken on a preceding petition. SOKI received a letter from the Department of Fish and Game dated August 10, 2021, which stated, "...require a full closure of the set net fishery if in-river fishing on late-run Kenai River king salmon was closed ...". The board: "...took no action on your petition which was effectively a denial."

SOKI believes that both regulations are incongruent and requests the board to review and discuss on record the intent of these regulations on current escapement goals.

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

SOKI will be re-submitting a copy of the emergency petition as an RC. Individual points are presented here from the submission and may be used for references on this ACR.

Current escapement estimates (08.26.22);

Kenai River sockeye – 1,567,750 {209% over the Lower Bound of the Sustainable Escapement Goal (SEG). This year the sockeye escapement counter was shut down on 08.16.22., for several of the last years, the counter was off after August 28th. This resulted in 12 days of counts that were negated from the final escapement. We would request the board to get an updated estimate to how many more sockeye would have passed the sonar in this time frame.}

Kasilof River sockeye – 971,604 {694% over the established Lower Bound of the Biological Escapement Goal (BEG). This year the sockeye escapement counter was shut down on 08.15.22., for several of the last years, the counter was off after August 22nd. This resulted in 7 days of counts that were negated from the final escapement. We would request the board to get an updated estimate to how many more sockeye would have passed the sonar in this time frame.}

Kenai Late-Run king – 13,952 {103% of the Lower Bound of the Sustainable Escapement Goal (SEG). This total escapement estimate of all late-run kings would be 19,533 at an enumeration rate of 40% of kings under 34 inches or 75 cm METF or 22,323 at an undersized rate of 60% of the total return. The Board should note that before the large king goal was established the minimum all king goal was around 17,500 to 22,500.}

We remain concerned that the Kasilof River continues to be managed to exceed the BEG and OEG of sockeye.

The Kasilof River Salmon Management Plan (KRSMP) specifies that the use of the plan to achieve conservation goals for “king salmon escapement goals” by the provisions in the Kasilof River Special Harvest Area (KRSHA) directs managers to “reduce in duration”, “mandatory closures” to “meet escapement goals” and “other management plans”. The new language in the Kenai River Late-Run King Salmon Management Plan (KRLRKSMP) allows exemptions in the KRSHA but implies hourly restrictions and a mandated window. This is a contradiction in directives and would further hinder the final opportunity to maintain escapements within the goal and further restrict the commissioner from his statute authority to “achieve escapement goals for the management plans as the primary management objective”. The Biological Escapement Goal (BEG) is the primary mandate in the Kasilof unless the Kenai River Late-Run Sockeye has not projected to achieve its minimum in-river escapement.

The KRLRKSMP demands, “close the commercial set gillnet fishery in Upper Subdistrict” and ignores all other management plans or tools that would limit efficiencies in the fishery. We believe that this again is a contradiction under the long-standing guidelines established within the Upper Cook Inlet Salmon Management Plan (UCISMP). The Kenai king plan defines “intent” to “ensure an adequate escapement” but nowhere is there a definition of this term (adequate escapement) in 5 AAC 39.222 Policy for the management of sustainable salmon fisheries (SSFP). We request the Board to define this term in regulation. The Department is constitutionally tasked with achieving “sustainable” goals as their primary objective.

#### **WHAT SOLUTION DO YOU PREFER?**

Specifically, we are requesting that the Alaska Board of Fisheries (BOF) give clarity and direction to the Alaska Department of Fish and Game (ADF&G) through the Commissioners authority to make in-season changes utilizing his Emergency Orders (EO) powers to implement the provisions referred to in the Kasilof River Salmon Management Plan (KRSMP) and the Kasilof River Special Harvest Area (KRSHA) when projections of the Kenai Late-Run kings are projected to have a “final escapement” under an OEG of 15,000.

We ask the Board to clarify the legal definition of the Kasilof River Special Harvest Area (KRSHA). The Department has always historically been advised by past DNR legal advisors to the Board that the Terminal Harvest areas of the Central and Northern Districts are normally closed waters as defined in “Closed waters” in regulation. The KRSHA has listed coordinates that specify the boundaries and unlike the “Fishing districts, subdistricts and sections” the Upper Subdistricts defines open waters as to where the gillnet fisheries can operate in as “open waters”. This area is separate an apart from all other fisheries in Cook Inlet in that when opened by EO only, this area is not restricted by setnet area registration and is considered open to any CFEC setnet permit holder in the SO4H area. Therefore, not an “exclusive” East Side Set Net (ESSN) prescribed fishery. Not subject to closures under 5 AAC 21.359.

We would encourage the board to discuss intent language that would give direction to the Alaska Department of Fish and Game and to the Commissioner to utilize the Kasilof Section more aggressively to maintain the Kasilof River sockeye escapements within the Biological Escapement Goals as established by the Department and codified by the Board. Action taken in 2020 by the Board amended the plan to provide for an earlier opening date of June 20th when 30,000 sockeye are projected. The Department makes their pre-season projections and restricts the Kasilof Section



accordingly. The Department then makes an “in-season” assessment on or around July 14-17 (quarter point). It is SOKI’s request that within this time frame that all allowable hours be utilized including the immediate time frame after the Friday 36-hour window to maximize the harvest of sockeye.

In the event of a less than achievable Kenai Late-Run Kenai king escapement goal after the determination date other step-down provisions that restrict time, area, method and means as prescribed within current Kasilof River Salmon Management Plan (KRSMP) would be implemented.

Specifically;

1) Immediately, open the set gillnet fishery within the ½ mile area within the Kasilof Section of the Central District for 36 hours per week for regular fishing periods; days, and dates to be determined by the Department until August 15th.

2) Immediately, open the set gillnet fishery in the 600 ft area of the Kasilof Section for 12 hour or more weekly fishing periods until August 15th.

3) Immediately, by emergency authority, open the closed area in the Cook Inlet set gillnet fishery in the KRSHA (Terminal Area) for fishing periods until August 15th.

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

**for a fishery conservation purpose or reason: YES**

The requested actions are for the “controlled utilization of the resources”. Maintain salmon stocks within the recommended escapement goals per the 5AAC 39.222 Policy for the Management of SSF.

**to correct an error in regulation: YES**

Current regulations did not address escapement goals of these magnitudes or the negative effects to the resource stakeholders or to the local and Alaskan economy. Contradictions in escapement goals between management plans create confusion amongst traditional harvesters and fisheries managers.

**to correct an effect on a fishery that was unforeseen when a regulation was adopted: YES**

In 2020, 2021 and again in 2022, the trend to exceed the sockeye escapement goals have been excessive. The 2020 Upper Cook Inlet Regulatory meeting did not present information on the expected over-escarpment of the goals. In fact, the Department and Board discussed adopting revised salmon escapement goals which established minimum and maximum ranges. The board and the public did not have an adequate opportunity to comment on projections of these proportions.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Continued economic damage to the existing and historical fisheries dependent on the healthy and vibrant returns of sockeye and pink salmon. Individual fishing families, salmon processing and associated businesses will suffer irreparable harm.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

We do not believe that this is predominately allocative as each of the returns are abundant and there is no specific need to restrict access or opportunity amongst or within user groups. However, ESSN fishers have been restricted from access to their traditional harvest and have no opportunity to harvest “alternative” stocks that are abundantly available to other individuals or user groups. We would note to the board that the late run Kenai king is not a stock of concern and is in not in jeopardy of a conservation concern as defined in 5 AAC 39.222 (SSFP).

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

With our explanation we do not feel that this is a substantially allocative proposal although some may revel in the systematic destruction of the ESSN fishery.

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

The South K-Beach Independent Fishermen’s Association (SOKI) is an ad-hoc community group who commercial set gillnet in the Kasilof Section of the Central District of Cook Inlet.

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

The basis for this ACR was from an emergency petition submitted by SOKI 07.24.21

**SUBMITTED BY:** Paul Shadura II – South K-Beach Independent Fishermen’s Association (SOKI)

## **ACR 20**

Define a new gear type: ‘flagged set gillnet’ and allow commercial fishing for salmon in the Upper Subdistrict with flagged gillnets when the Kenai River late-run king salmon optimal escapement goal is projected to not be met (5 AAC 21.359).

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

5 AAC 21.359 (d)(3); Add 5 AAC 39.105 (x)

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

When all user groups are closed to harvesting kings, the Central District East Side Setnetters are the only user group that is completely closed to the harvest of sockeye. This is a disaster for the Cook Inlet Commercial Fishing Industry.

### **WHAT SOLUTION DO YOU PREFER?**

5 AAC 21.359 (d)(3) Close the commercial gillnet fishery in the Upper Subdistrict of the Central District **except that open periods may be allowed with set gillnets up to 45 meshes deep that are flagged, with buoys that are a minimum of 600 feet apart.**

### **5 AAC 39.105 (NEW)**

A flagged set gillnet is a gillnet that has only been intentionally set, staked, anchored or otherwise fixed at one end and will flow freely with the current. Flagged nets often occur during regular setnet fishing when one anchor line breaks loose and the setnet subsequently “flags” with the current. Many fishermen have observed that the flagged net still catches sockeye, coho, pink, and chum although in greatly reduced numbers. Kings are not caught because the mesh size is too small for large kings and the flagged net fishes without a bag in it that may trap a king. I personally have fished two permits with six flagged nets, first northern sites from the mouth of the Kenai River from ½ mile to 1 mile from shore during the 2019 season before it was closed early. This area has a high concentration of Kenai Kings and I fished flagged nets there in order to NOT catch kings. With six flagged nets fishing 45 mesh deep, 5¼” mesh I never caught a king. However, I still caught enough sockeye to make it profitable for me and my crew. Currently there is no tool available to the Board of Fishery that allows East Side Setnetters to continue to harvest sockeye, coho, chum, and pink salmon after completely closing king fishing down. This has become a disaster for many commercial fishing families, the community, the Cook Inlet commercial fishing industry, and perhaps the biological well being of our salmon habitat. “Flagged” nets is a tool the Board may use after closing the regular season for East Side setnetters due to the King Management plan.

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

**for a fishery conservation purpose or reason:** Flagged nets do not catch kings. They flow with the current and kings do not get trapped in a bagged net. Flagged nets target only sockeye, coho, pink, and chum due to mesh size.

**to correct an error in regulation:** Flagged nets may be used as a tool to enable a traditional fishery to harvest sockeye without harvesting kings during a closure. Flagged nets catch fewer sockeye but catching fewer is better than catching none.

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** All user groups are allowed to fish sockeye when king harvests are closed except East Side Setnetters. This tool allows East Side Setnetters to harvest sockeye during King closures.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

There may be continued closures of the East Side Setnet fishing seasons resulting in economic distress to fishermen, the community, and overescapement of the Kenai and Kasilof Rivers.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

This ACR corrects a regulation that has become allocative by denying a traditional user group access to harvesting ANY salmon when King harvesting has been closed. This ACR allows ALL user groups to fish sockeye during closure.

**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.**

I am an East Side Setnet fisherman of over 20 years that has been economically affected by the early closures of our Sockeye seasons.

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

This has never been considered.

**SUBMITTED BY:** Russell Clark