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**ACR 1**

Require set gillnet anchors and buoys to be removed from the water when not actively being fished (5 AAC 39.107).

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

5 AAC 39.107

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

Set gillnet gear, buoys, limiting buoys, anchors should be removed from the water if not actively fishing. Buoys and gear left in the water at sites not actively fishing during the season create hazards to navigation, entanglement issues for vessel and wild life, negatively impacts other gear types operating in the area.

**WHAT SOLUTION DO YOU PREFER?**

require Set Gillnet operators to remove gear from sites not actively fishing.

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

- a) for a fishery conservation purpose or reason
- b) to correct an error in regulation
- c) to correct an effect on a fishery that was unforeseen when a regulation was adopted

This ACR falls under both B) and C)

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

Three more years of drift fishing gear getting tangled up and potentially lost do to un-fished set gillnet sites. Potential for wildlife entanglements.

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

This ACR clarifies the area a set gillnet operation can impact other gear types, and when it can not. If a set gillnet site is not being actively fished, it should not have a negative impact on other gear types. This is not a allocative issue.

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

Commercial Fisherman.

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

N/A

**SUBMITTED BY:** Kevin Currier

## **ACR 2**

Reduce fishing time and repeal chum salmon harvest triggers in the South Unimak and Shumagin Islands June Salmon Management Plan (5 AAC 09.365).

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

5 AAC 09.365. South Unimak and Shumagin Islands June Salmon Management Plan as amended by the Alaska Board of Fisheries adoption of RC 190 on February 26, 2023.

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

The problem this petition seeks to address is to correct an unforeseen effect of changes to the South Unimak and Shumagin Islands June Salmon Management Plan, ("the Plan") adopted by the Alaska Board of Fisheries at the February 2023 Alaska Peninsula/ Chignik Board meeting. The Plan caused under-reporting of harvest of Coastal Western Alaska (CWAK) chum, while the chum stocks that the Plan intended to protect clearly remain in a critical condition across Western Alaska and the AYK (Arctic-Yukon-Kuskokwim) region in 2023.

The Alaska Peninsula/ Shumigan Islands (Area M) is managed by a 3-year Alaska Board of Fisheries (BOF) cycle instead of in-season escapement management as almost all other Alaska salmon fisheries are regulated. For this reason, the Fairbanks Fish and Game Advisory Committee (FAC), along with many other AYK stakeholders, is seeking consideration of an out-of-cycle Area M review, prior to the 2024 season, to address unforeseen consequences of a previous BOF action that could result in further negative impact on severely declined chum salmon stocks in Western Alaska.

The unforeseen consequences of setting harvest caps on non-targeted species that could trigger closures as well as the voluntary management between processors and seiners encouraged under-reporting of non-retention of non-targeted species.

These consequences were evident in the 2023 Area M June fishery where increased Alaska Wildlife Trooper presence within the June fishery revealed a high level of non-retention of non-targeted salmon within one sector, raising speculation on the level of under-reporting of harvest and the lack of observation on all sectors. It remains unclear what the level of under-reporting is in Area M fisheries, contributing additional risk to imperiled AYK chum salmon stocks

In addition, because the BOF February 2023 action allows a voluntary plan between processors and seiners to self-police that fishery, and because just a small level of increased Trooper activity illustrates that there is wide-spread non-retention in one sector, the question is raised regarding a management schematic that is fixed for three years and could result in significant further under-reporting.

In short, without increased observation and because of a voluntary plan, a 3-year management cycle prosecuted by a processor/seiner agreement has little incentive to provide full disclosures on harvest rates and species.

## BACKGROUND/ IMPACTED AREA

Coastal Western Alaska (CWAK) chum and king salmon have been in severe decline to the point of extirpation in some discrete stocks (Chena and Salcha Rivers, and Anvik River as example). That situation was not improved in 2023. This includes the Yukon River, Kuskokwim River, Unalakleet River and the Nushagak River. The predominant chum producing rivers are the Yukon and the Kuskokwim. The relationships between the intercept of chum in Area M and the declines of CWAK chum has not been adequately established to understand the social and ecological impacts of Area M fisheries on AYK salmon and subsistence communities.

## MANAGEMENT CHANGE 2023

At the February 2023 Alaska Peninsula finfish meeting, the BOF amended the South Unimak and Shumagin Islands June Salmon Management to reduce the commercial harvest of CWAK bound chum through: 1) a nominal (12%) reduction in fishing time 2) an unenforceable, voluntary agreement by processors and seiners to lower their chum harvests, and 3) tiered chum salmon caps on June 18 and June 23, which if exceeded, would result in reduced fishing time for the purse seine fleet. (The drift fleet not included in this agreement.)

## NEW INFORMATION: HARVEST AND CHUM CHUCKING

The Area M summer chum harvest considered incidental to the directed sockeye fishery was reported at just under 200,000 for the June South Unimak and Shumagin Islands fishery in 2023, as prosecuted by the seine, driftnet and setnet sectors. This is considerably lower than the 428,000 average between 2011 and 2020, and far less than the 2021 when 1.168 million chum were caught in the same time period.

While this may appear to be a commendable outcome, AYK stakeholders do not have confidence in the reporting and think this result may have been more accurate under the management schematic in Proposal #140 (or similar) to provide "windows" that gave far more time for chum passage through the area without the application of caps.

A factor that may have contributed significantly to the 2023 lower June fishery chum harvest is the practice of "chum chucking", or throwing non-targeted species overboard to avoid reaching cap triggers.

Chum caps encourage non-retention of non-target species: Chum chucking is likely a direct result of the voluntary plan and the fleet-wide chum harvest caps that were adopted at the February Area M Board of Fish meeting in RC190. Based on fish tickets, the first cap was 300,000 fish by June 18th and 450,000 by June 23rd.

With increased Alaska Wildlife Trooper presence on the fishing grounds in June 2023, 9 drift fishermen, as of this writing (August 14, 2023) have been cited for non-retention of fish, namely, chum and/or king chucking. A comparison of seasons between 2017 and 2022 showed no citations at all in the Alaska Peninsula. Lack of citations over such a long period of time indicates one of three things, (a) lack of sufficient trooper presence, (b) no penalty for known non-retention, (c) no evidence of non-retention of fish or other wrong-doing. Considering that other

fisheries in those same years have had a relatively high citation average, this discrepancy is consistent with the lack of sufficient trooper presence.

If the Alaska State Wildlife Troopers are able to observe a number of fishers illegally discarding chum salmon, it is reasonable to assume that a significantly higher number of fishers are discarding chum undetected. It might also be safe to assume there was a high mortality on these non-retained fish as their gills likely ripped. Therefore, they cannot be presumed to contribute to escapement in their home streams.

Even more, it is reflective of the general misgiving that AYK stakeholders have had on the monitoring of fishing practices in the June intercept fishery. Even though there was considerably increased trooper presence in 2023, the fishing area is very broad and only drift boats can be adequately observed from either drones, aircraft or line of sight. Seine catches were not observed when the fish were sorted. Therefore, the 9 citations to date may be a very small portion of the reality. The numbers of fish caught in these citations is not available. Nor would a sampling be done of wild to hatchery stock.

#### OVERALL ACCURACY IN REPORTING

All this contributes to the lack of confidence in the overall reporting of harvest. The question is *by what margin are figures likely to be under-reported? And, what are the ecological consequences to imperiled AYK salmon stocks from this under-reporting?*

#### WHAT SOLUTION DO YOU PREFER?

- (1) Conduct an out-of-cycle Area M Board of Fish review of 5 AAC 09.365. South Unimak and Shumagin Islands June Salmon Management Plan before the 2024 season
- (2) Change management to specific windows and delete caps, which incentivize under-reporting
- (3) Consider plan for observer coverage for both the drift and seine fleets as well as a observer coverage point of delivery and within the processing plant
- (4) Develop plan for securing run reconstruction numbers on the Kuskokwim River and increasing accuracy of numbers on the Yukon River
- (5) Increase genetic sampling area and response time on analyses
- (6) Consider new Area M management plan with annual review that is more in line with in-season management plans in the rest of Alaska

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

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

To reduce the intercept of chum and king salmon in Area M as a conservation measure to help rebuild severely depleted AYK stocks

##### **b) to correct an error in regulation**

Not applicable.

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

The BOF action in February 2023 incentivized the Area M fleet to practice non-retention of non-targeted fish, specifically, the illegal discard/ wanton waste of chum salmon in order to

ensure that the harvest of chum salmon did not exceed 300,000 fish by June 18, or exceed 450,000 fish by June 23, based on fish ticket information.

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

If an Area M out-of-cycle meeting is not conducted, no review or changes would be made until 2026. This could result in further and significant under-reporting of severely depleted AYK intercepted chum stocks.

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

BOF actions to reduce chum interception and allow passage of declining CWAK chum salmon necessary to meet escapement goals and provide for a harvestable surplus to meet subsistence needs in the AYK region is not an allocation. Meeting critical in-river escapement goals and subsistence use of CWAK salmon populations is a higher priority than commercial harvest of those same populations under the State of Alaska Constitution and Alaska statute. The boards must then adopt subsistence regulations that provide a reasonable opportunity for subsistence uses first before providing for other uses of any harvestable surplus of a fish stock or game population [AS 16.05.258 (b)]. This is referred to as the "subsistence priority."

This is a *conservation* issue as CWAK subsistence users are currently bearing the entire burden of conservation of threatened stocks.

This petition does not seek to re-allocate among commercial user groups. Chum intercepted in Area M are not contributing to other commercial fisheries but are either Asian hatchery fish or are contributing to CWAK wild stocks for subsistence harvest and/or to meet escapement goals.

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

The Fairbanks Fish and Game Advisory Committee (FAC) authored the original Proposal #140 for consideration at the February 2023 Area M meeting.

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

NA

**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.**

Portions of this ACR were considered under Proposal #140 at the February 2023 Alaska Peninsula Board meeting. That proposal was rejected in favor of RC190.

**SUBMITTED BY:** Fairbanks Fish and Game Advisory Committee





**ACR 3**

Reduce commercial salmon seine depth in the Southwestern and Unimak Districts of Registration Area M (5 AAC 09.332).

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

Modify language to 5 AAC 09.332. Seine specifications and operations.

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

Continued incidental interception of non-targeted salmon species of western origin during the June and July Area M seine fishery, specifically chum salmon bound for the Yukon and Kuskokwim rivers.

**WHAT SOLUTION DO YOU PREFER?**

**5 AAC 09.332. Seine specifications and operations.**

- (a) Purse seines or hand purse seines may not be less than 100 fathoms nor more than 250 fathoms in length. A purse seine or hand purse seine may not exceed 375 meshes in depth...

- 1. **Purse seines or hand purse seines operating in the Southwestern District and the Unimak District may not exceed 250 meshes in depth. Seine mesh may not be more than three and one-half inches, except that the first 25 meshes above the leadline may not be more than seven inches.**

- (b) ....

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

- a) for a fishery conservation purpose or reason
- b) to correct an error in regulation
- c) to correct an effect on a fishery that was unforeseen when a regulation was adopted

This would be for the conservation of non-target salmon species, such as Yukon and Kuskokwim bound chum and chinook salmon, which are at historically low numbers. At this point, even just a few more thousand fish getting into their natal streams will make a difference for the future of these salmon species.

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

There will be three more years of non-targeted salmon species caught in the process of this fishery, and those three years of having a few thousand less chum and chinook salmon on the spawning beds in the Yukon and Kuskokwim every year will be even more detrimental to the recovery of these salmon populations.

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

The request is not allocative. The Council is not advocating that another user benefit from this change in regulation.

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

The Council represents subsistence users in portions of the Yukon and Kuskokwim River Drainage.

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

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

The Council does not believe so.

**SUBMITTED BY:** Western Interior Regional Advisory Council

#### **ACR 4**

Repeal vessel specifications and operations that define Bristol Bay drift gillnet vessel length (5 AAC 06.341).

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

5 AAC 06.341.

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

5 AAC 06.341 is an outdated and unnecessarily cumbersome approach to stagnate competition and innovation, resulting in continuation of the production of vessels that lack common sense safety features. The anchor roller size stipulation is the perfect example. Why and what is the purpose of this regulation? A modern Bristol Bay commercial fishing vessel displaces over 32,000 pounds and requires a minimum 65 pound anchor for safety reasons. These anchors do not fit on a 8” anchor roller. Ladder rungs on the transom, again common sense, but under current regulation, are not permitted if they extend beyond the 32’ regulation, or provide flotation. Sections (2) through (7) of the above regulation restricts additional flotation. Why does the State of Alaska restrict flotation on only Bristol Bay commercial fishing vessels? Commercial fishing is dangerous enough as it is. If the state wishes to keep an archaic 32’ restrictive regulation in play, it should at the very least modify it to accommodate modern day vessels and safety concerns of those actively involved in the fishery.

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

This regulation should be abolished. If it is not abolished, it should be modified. If it is modified, the 32’ regulation should only include the length of the vessel and not incorporate any other appendage or accessory. Anchor rollers should not be regulated. Ladders and guards should not be included in the 32’ limit. Water jets are already regulated by the U.S. Coast Guard by how and where they can be located. They too should not be included in the 32’ rule if the state wishes to keep this regulation.

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

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

NA

##### **b) to correct an error in regulation**

This regulation stems from a 1940’s crane in Egegik that could only pick up a wood vessel up to 32’ in length. It serves no purpose now, and has been in question since the state took over the management of the fishery just after statehood.

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

The above ACR would correct an effect of the regulation. Bristol Bay vessels are now 15’ to 20’ wide. They carry systems that were not around when this regulation was written, such as raw water refrigeration and water jet propulsion. Bristol Bay commercial fishing vessels are heavy for 32’ and should be allowed every safety feature available while also not reducing the length of an already short vessel to comply with the outdated mandate.

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

Alaska State Troopers will be left to decide how and when to regulate burdensome specifications. By regulating safety features such as anchor rollers, ladders and flotation, not only “planing surface”. The State of Alaska also has exposure to potential lawsuits.

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

n/a

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

commercial fisherman

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

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

This ACR has been considered since 1980.

**SUBMITTED BY:** Kevin Currier

## **ACR 5**

Redefine Bristol Bay commercial salmon vessel specifications and operations (5 AAC 06.341).

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

Alaska Administrative Code Number 5 AAC: 5 AAC 06.341. Vessel specifications and operations.

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

The Bristol Bay vessel specifications are described in 5AAC 06.341 of the Alaska Administrative Code. The regulation limits drift gillnet vessels to 32 feet in overall length, with a few exceptions. The 32-foot length limitation to commercial fishing vessels in Bristol Bay was established in 1949 and there have been just a few descriptive changes of that length throughout the years. The current regulation and description have been in effect since 1991.

The regulation defines "overall length" as the straight-line measurement between the extremities of the vessel, but does not include fish drop-out baskets, anchor rollers, gillnet rollers, trim tabs, outrives or outrive guards. The regulation defines each of the items that are not included in the 32-foot measurement. In recent Alaska Wildlife Troopers (AWT) enforcement efforts many vessels that were measured were 32 feet in overall length, however A WT has noted multiple items that have been modified, added to, or repositioned on vessels beyond the 32-foot limit in the 32 years since the regulation was adopted.

- AWT has seen several anchor rollers that are longer than the allowed eight inches in length extending beyond the 32-foot length or are taller and wider than the allowed eight inches.
- Fish drop-out baskets have been modified significantly. Baskets are now being built out of large diameter aluminum tubing that is sealed and provides flotation when submerged under heavy loads. A fish drop-out basket may not provide flotation.
- Gillnet Rollers may extend beyond the 32-foot length, but the structure or mount the roller sits on are not authorized to extend beyond the 32-foot length. Vessels have extended their deck working space by building mounting structures off the stem of the vessel and moving the gillnet roller further back. These transom extensions of the hull beyond 32-foot overall length used to mount the gillnet roller on are not allowed per regulation.
- Outdrives are allowed to be beyond the 32-foot length, but they may not provide flotation or a planing surface. Traditionally jet outdrives were bolted directly to the stem. There are vessels now with an additional box built off the transom that the jet is mounted to. These boxes at times add flotation and planing surface. Additionally, there are vessels with hulls that are extended up to five feet long and three feet wide below their jet outdrives. This extension, unless part of the trim tab up to 18 inches, may not extend beyond 32-foot overall length.
- Outdrive guards have been built up with large diameter sealed aluminum tubing that traps air which provides flotation when submerged. Further, these have been made to extend the hull's planing surface and some have had aluminum decks added to them to provide a platform or

bench. If the vessel has an outdrive guard below the jet unit, it may not provide flotation or a planing surface, and must be of skeletal construction. The "trim tab" can be included below the jet unit but may not be more than 18 inches long beyond the transom.

- Trim tabs have been modified and many now are an extension of the hull, at times creating voids that provide flotation. Trim tabs have been seen that extend more than the allowable 18-inches beyond the transom.
- There are numerous other items that have been added to transoms or bows that are not allowed to be beyond the 32 feet in overall length measurement. Only the items mentioned in the regulation and defined are not included in the overall length measurement and may be beyond the 32-foot measurement.

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

We suggest that the current regulation found in 5AAC 06.341 which describes the overall vessel length and the specifics of what is allowed/not allowed be bifurcated into two separate sections. A new section titled 5AAC 06.340 would be created which would contain the overall vessel length limit of 32 feet, the second (5AAC 06.341) would contain the allowed devices that could extend beyond the 32-foot overall length.

We have outlined the guiding principles below that were used to formulate the draft regulation addressing the 32-foot vessel limit regulation. We put exceptions to items outside of 32-foot in two categories "flotation & planing surface" and "gingerbread" (non-competitive items placed aft of transom). Flotation and planing surface must remain consistent with current regulation as these items distinguish major competitiveness between vessels.

- 1) Do not make a currently legal vessel out of compliance.
- 2) Make the regulation easy to understand and enforce.
- 3) Keep all flotation within the 32-foot dimension.
- 4) Keep all planing surfaces within the 32-Foot plus 18" dimension.
- 5) Recognize anchors are larger now than when the 8"x8"x8" provision was originally established.
- 6) Provide an area aft of transom for "gingerbread items" and try not to identify allowable items as it is difficult to identify and enforce.
- 7) Recognize outdrive guard and fish dropout basket may be incorporated into one structure.

*5 AAC 06.340 [S AAC 06.341] Vessel specifications and operations*

*(New section)*

*(a) No vessel registered for salmon net fishing may be more than 32 feet in overall length.*

*(b) For the purposes of this section,*

*(1) "Overall length" \_ means the straight-line measurement between the extremities of the vessel, any portion that extends beyond the 32-foot overall length is defined in section 5 AAC 06.341;*

*5 AAC 06.341 Vessel specifications and operations*

*(New language replaces currant regulation in 5 AAC 06.341)*

*(a) Overall Length as defined in 5 AAC 06.340 does not include anchor, anchor rollers, fish drop-out baskets, gillnet rollers, trim tabs, other attachments and devices mounted aft of transom defined in section (b)(5), cooling systems, outdrives and outdrive guards;*

*(b) For the purposes of this section,*

*(1) "Anchor roller" \_ means a device used solely in aid of deploying and retrieving anchor gear, and does not provide any additional floatation, planing surface, seakeeping ability, deck space, winch or structural support to the vessel. An Anchor may extend beyond the 32-foot overall length in its retracted at rest position;*

*[Editor's note: The Oxford Dictionary defines "Seakeeping" as, "The ability of a vessel to withstand rough conditions at sea"]*

*(2) "Fish drop-out basket" \_ means a device used to prevent the loss of fish from a gillnet after the fish leaves the water and before it is brought on board the vessel. Any portion of a fish drop-out basket that is aft of provisions in (b)(5) of this section is of skeletal and non-metallic web construction. A fish drop-out basket does not provide any additional floatation, planing surface, storage area, structural support to a gillnet roller or the vessel;*

*(3) "gillnet roller" \_ means a device used in aid of deploying and retrieving drift net gear; A gillnet roller mount on the bow of a vessel may not extend forward of the 32-foot overall length and stern gillnet roller attachment mount may not extend aft of (18) inches from the 32-foot overall length. Gillnet roller or attachment mount may not provide deck space or storage area beyond the 32-foot overall length. A gillnet roller does not provide any additional floatation or planing surface to the vessel;*

*(4) "trim tabs" \_ means an extension of the bottom of a vessel, at the transom, which is no more than eighteen (18) inches aft of the 32-foot overall length. Jet reversing water flow ducting (scoop) is part of the trim tab and is no more than eighteen (18) inches aft of the 32-foot overall length. "Trim tabs" do not provide any increased floatation, and their function is to provide trim to a vessel while underway;*

*(5) "all other attachments and devices" \_ means attachments and devices mounted aft of the transom not to exceed eighteen (18) inches aft of the 32-foot overall length and may be on, above or below the trim tabs. These attachments and devices do not provide any storage area, additional floatation or planing surface to the vessel;*

*(6) "Coolant Systems" \_ means tubing or transom coolers used for refrigerated sea water systems or engines, · above or below the trim tab and does not extend beyond 18 inches aft of the 32- foot overall length.*



(7) "outdrive" \_ means part of the propulsion system of a vessel used for either steering or thrust; an outdrive does not provide any additional floatation or planing surface to the vessel;

(8) "outdrive guard" \_ means a device of skeletal construction used to protect the outdrive unit of a vessel. A fish drop-out basket of non-metallic web construction may be incorporated in the outdrive guard. Platforms may be incorporated within the area addressed in (b)(5) of this section. Platforms and benches are not permitted aft of the area addressed in (b)(5). An outdrive guard does not provide any additional floatation or planing surface and is not used for a storage area;

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

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

**b) to correct an error in regulation**

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

The current regulation was adopted in 1991, when many aspects of today's harvesting requirements were unforeseen. Over the last 32 years, the Bristol Bay drift fishery has seen significant changes in the fish handling requirements due to changing quality requirements and salmon markets. Today, all fish must be chilled (RSW or slush ice), floated, and handled much differently than in 1991. The equipment and rigging that drift boats require today to sell their product was unimaginable in 1991.

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

The Alaska State Troopers will continue to consume valuable and limited resources of theirs (and vessel owners) citing vessel owners for items added to vessels that are non-competitive in nature but essential to meet demands of the 21st century salmon market.

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

The guiding principles that were used (see response to #3) to formulate the draft regulation addressing the 32-foot vessel limit were put into two categories "flotation & planing surface" and "gingerbread" (non-competitive items placed aft of transom). Flotation and planning surface must remain consistent with current regulation as these items distinguish major competitiveness between vessels thus rendering this ACR non-allocative.

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

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

**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.**

Western Alaska Community Development Quota (CDQ) Organization for Bristol Bay.

**SUBMITTED BY:** Regional Fisheries Development Committee for BBEDC

## **ACR 6**

Increase maximum size of Bristol Bay drift gillnet vessel anchor rollers (5 AAC 06.341).

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

5 AAC 06.341 section (a) concerning Anchor Rollers

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

The "Anchor Roller" size allowance is too small for many of today's anchors.

Current regs allow the anchor roller to be 8" long x 8" high x 8" wide. The 8" length and 8" height do not allow for safe and proper deploying and retrieving of many anchors used today especially while using an anchor winch.

This proposal changes the length and the height of the anchor roller. It makes the allowance up to 14" long x 16" high, while leaving the width up to 8" wide.

Many boats today need larger anchors than in the past. They have bigger profiles and /or flying bridges causing more windage at anchor, while still remaining within the 32 ft length limit. Many of these boats use larger anchors than in the past to help prevent anchor dragging while anchored, and the larger anchors require larger anchor roller assemblies.

Most anchor rollers today also include a top safety guide, bar, or hoop (herein referred to as hoop) over the top to prevent the anchor line from "jumping" out of the roller while at anchor or while deploying and retrieving the anchor gear. This hoop located on top of the anchor roller assembly makes the anchor roller exceed the 8" height. The hoop is a safety requirement to prevent the anchor line or chain from possibly injuring someone or possibly knocking them off the bow if the line or chain jumps over and out of the anchor roller side plates while the hoop is not in place. Taller hoops are needed for the larger shanks/stocks of the anchors to clear the underside of the hoop as the anchor pivots over the roller during hauling and setting.

The anchor flukes are also longer on many of today's anchors. With the current 8" length of the roller assembly, the tips of the flukes can "dig" into the bow during retrieval (especially if using an anchor winch) causing damage or they can get hung up on the hull which can damage the boat as well as present a safety concern for the operator retrieving the anchor.

Many Bristol Bay boats already have anchor rollers and safety hoops far exceeding the currently allowed 8" dimensions. This proposal helps bring into alignment the regulations with today's common practices.

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

The amended regulation for section (a) would say in the second sentence:

"An anchor roller may not extend more than fourteen inches beyond the 32-foot overall length, and any portion that extends beyond the 32-foot overall length may not be more than eight inches in width or sixteen inches in height."

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

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

**b) to correct an error in regulation**

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

This addresses c) ...unforeseen when a regulation was adopted

It updates the allowed size of the anchor roller (which includes the safety hoop) to meet today's needs. The 8" dimension was applicable many years ago but anchors today are now larger and the regulations should reflect what is not only needed today, but what is being put into practice. This also serves to make the regulations more relevant.

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

The boats needing to use larger anchors to safely anchor their boats will continually have to try to deal with the out of date 8" rule, causing potential damage and safety issues during setting and hauling of the anchors. Or they may use anchor rollers larger than the 8" allowance which makes them out of compliance. It only makes sense to update things so the regulations are not being ignored in this regard as they are in many cases. Also more boats can choose to use larger anchors which lends to safer mooring.

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

This has nothing to do with harvesting fish, only the ease with which boats can safely deploy and retrieve anchors while not fishing.

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

Bristol Bay Commercial fisherman for 43 years

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

I do not believe so.

**SUBMITTED BY:** Harold Cook, Jr. (Individual)

## **ACR 7**

Increase maximum gillnet mesh size in the Yukon Area commercial salmon fishery (5 AAC 05.331).

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

5 AAC 05.331 Gillnet specifications and operations

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

Yukon Delta Fisheries Development Association (YDFDA) respectively requests that the Alaska Board of Fisheries (BOARD) accept an Agenda Change Request (ACR) to modify 5 AAC 05.331. Gillnet specifications and operations. to allow a maximum mesh size of seven-and-one-half inches throughout Yukon Area Districts 1 – 6. The rationale for this ACR is somewhat confusing because several errors and omissions as far back as 1985 have been made regarding the restriction of gillnet mesh size in the Yukon Area over the years. Accordingly, YDFDA will outline the critical changes in the regulations that have led to this confusion. However, to clarify these errors and omissions, YDFDA believes that the starting point is with the earliest published Alaska Finfish Regulations. Our search resulted in the 1979 Alaska Finfish Regulations, as the earliest available regulations for the Yukon District.

Up through 1985, Yukon District or Yukon Area regulations did not restrict the mesh size used during the early or king salmon fishing season. In other words, any mesh size could be used to harvest king salmon, no matter how large the mesh size. However, in the 1985 regulations, two changes and an omission occurred that directly, technically impacted mesh size regulations within the Yukon Area, and particularly in Districts 1, 2, and 3. In 1985, the regulations were changed to mandate that all fishing periods in Districts 1, 2, and 3 were to be established by EO, 5 AAC 05.320. FISHING PERIODS and that salmon may be taken only with gill nets of six-inch or smaller mesh during periods established by emergency order in Districts 1, 2, and 3 (5 AAC 05.331. GILLNET SPECIFICATIONS AND OPERATION(b),(c). The result of these changes technically eliminated the use of unrestricted mesh-size gillnets during the early or king salmon season but not in practice. This was not the intent of the BOARD. The true intent of the BOARD was to allow directed chum salmon fishing periods, with mesh size restricted to six inches or less during the early or king salmon season. We believe that the result of these regulations is in error because of omissions in the 1985 version of 5 AAC 05.320 FISHING PERIODS. Consider that directed king salmon periods with unrestricted gill net mesh size have been allowed on the Yukon River through from the early 1900s through 2007. Additionally, consider also that the BOARD passed a proposal in 2010 limiting the maximum mesh size in both Yukon Area commercial and subsistence salmon fisheries to seven-and-one-half inches. During the 2023 BOARD meeting, ADF&G submitted proposals that sought to condense, realign, and correct errors in the Yukon Area subsistence regulation, 5 AAC 01.220, and commercial 5 AAC 05.331, fishing regulations through Proposal 84 and 88, respectively. These proposals appeared to be housekeeping proposals but in effect exacerbated the errors and omissions made in the formulation of the 1985 regulation. Although the subsistence regulation, 5 AAC 01.220,

expressly states that, (1) a gillnet may not exceed seven and one-half-inch mesh size (5 AAC 01.220 (c)(1)), the commercial fishery regulation falls back to the 1985 language, 5 AAC 05.331 (c) salmon may be taken with gillnets of six-inch or smaller mesh during periods established by emergency order (5AAC 05.331 (c)). The 2023 Yukon Area commercial regulation 5 AAC 05.331, as written, was not the intent of the 1985 and 2007 BOARD. The 2010 BOARD passed the amended Proposal 90, which established a maximum mesh size of seven and one-half inches for both subsistence and commercial fishing. However, this change is only reflected in the current subsistence regulation, 5 AAC 01.220 (1). The commercial regulation, 5 AAC 05.331 remains wrong and does not reflect the intent of the 1985 and 2010 BOARDS and all the other BOARDS that deliberated on the numerous proposals from the public that sought to restrict the maximum mesh size of commercial and subsistence king-salmon-directed fisheries. All these proposals failed, except the BOARD-amended Proposal 90 in 2010. The following discussion outlines the error in 1985 and explains how this error persisted in regulation through 2023.

(attachment "Q:\Juneau\BDS\Common Files\Fish\Agenda Change Requests (by year)\ACRs 23-24\Originals\YDFDA Attachment.docx")

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

change the 5 AAC 05.331 to reflect that salmon may be taken only with gillnets of seven and one-half inches or smaller during periods established by emergency order.

This is what the 2010 BOARD passed and since no proposal has passed that changed this regulation, it should be presently in regulation

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

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

**b) to correct an error in regulation**

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

to correct two errors in regulation. One in 1985, the other in 2010 when the writers of the regulations did not follow the BOARDs intent. see attached document for details.

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

This error may persist into the future. Because there was an error in regulation the regulation should be changed immediately to reflect the BOARD's intent in 1985 and in 2010. The maximum mesh size of gillnets in the Yukon Area should be seven and one-half inches and not the six inches currently in regulation

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

It does not change anything but corrects an error made in the past. Although this error has been in regulation since 1985, in practice the actual management of the king salmon fisheries has been prosecuted with unrestricted mesh up through 2010 and with

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

Fish buyer in District 1 and 2, Member of the Community Development Quota Program of NOAA Fisheries

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

na

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

no

**SUBMITTED BY:** Ragnar Alstrom, Executive Director Yukon Delta Fisheries Development Association (YDFDA)

**ACR 8**

Restrict Copper River District commercial salmon fishing opportunity until a specified level of salmon sonar passage at Miles Lake has been achieved (5 AAC 24.XXX).

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

5 AAC New

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

Over harvest of the early return of salmon to the Upper Cooper River. During the past to years

**WHAT SOLUTION DO YOU PREFER?**

Restrict harvest of returning early run salmon until at least one ADF&G daily sonar management objective has been achieved. objectives.

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

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

**b) to correct an error in regulation**

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

a) conservation of Upper Copper River early run salmon is consistent with Alaska State Constitution Article 8, Section 4 Sustained Yield

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

Continued harvest of Upper Copper River salmon stocks would most likely impede their recovery to meeting escapement and harvest's objectives.

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

Every user group would comply with the regulations if adopted be the board.

Not allocate at all.

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

Alaska residents who gather fish stocks for personal use, feeding themselves and families and friends.

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



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

Not to AOC's knowledge

**SUBMITTED BY:** Alaska Outdoor Council

## **ACR 9**

Repeal the no bait regulation and allow the use of non-roe bait for salmon, other than king salmon (5 AAC 67.022).

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

5 AAC 67.022

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

In December of 2022, the Board of Fish adopted proposal 29 at the Bristol Bay Finfish meeting, which prohibits the retention of king salmon 20 inches or longer, and prohibits the use of all bait when sportfishing for any species on the Togiak River. While this established a framework to conserve and protect adult King Salmon, the action taken by the board on this proposal has severely limited the unique sportfishing opportunity that has been developed and implemented for Sockeye specifically, but also Chums, Pinks and Silver salmon. The all-out bait ban that is currently in effect, largely ignores the fact that 95 percent of the bait traditionally used on the Togiak for King Salmon has been cured salmon roe on a single hook, which is also the method with the highest mortality rate, and subsequently the method that has most negatively affected adult King salmon escapement in river over the last 20 years. Non roe bait has been successfully used in previous seasons to safely and responsibly target not only sockeye, but chums pinks and silvers as well, with no higher mortality than artificial lures on their own.

The Togiak River is not fed by glaciers but rather by a large lake like most Bristol Bay drainages. The difference being that the Togiak River has a different set of limitations when it comes to targeting sockeye by the most traditional Alaskan method – flossing or lining. With the river being fed by Togiak Lake, the water in the river has unbelievable clarity. This prevents the Togiak from having a traditional Kenai, Kasilof, or Russian river sockeye sport fishery in where flossing is the primary method of sport fisherman, because the water in the Togiak is not glacially stained like the aforementioned rivers. With the clear water, and inconsistent number of sockeyes moving along gravel bars due to commercial net schedules, you get very weary and hyper sensitive sockeye that will get spooked, and swim out around sportfishermen attempting to floss, making it a very difficult method to target sockeye, especially with inexperienced fishermen. The solution to this issue has taken many years to develop and is very effective at targeting Sockeye in a way where flossing or snagging is not needed, and allows the sockeye to willingly bite.

Before Alaska Administrative Code Number 5 AAC: 67.022 was implemented, Togiak sockeye were targeted in areas where they had begun to stage or slow down before spawning. They could be caught by fishing a maribou jig or fly, tipped with a small piece of prawn (shrimp) under a bobber. It turns out that sockeye will bite and will bite consistently with this combination. With the development of this method for sockeye during the 2020, 2021, and 2022 seasons – sportfishermen were able to target sockeye intentionally, harvest fish that were willing biters, and

not have to hook them against their will by means of flossing, which is really just glorified snagging.

With King numbers down on the Togiak, just like other systems in Bristol Bay, more focus was put on targeting sockeye with this method because they are abundant, willing biters with jig and prawns, and are amazing fighters. This as you might imagine, was a huge hit for Togiak River Lodge guests and many people rebooked trips just to target sockeye with this new method. Here were the benefits to this fishery –

- Sportfishermen could target an abundant species in an ethical and unique manner
- Most of our guests did not want to target King salmon with this sockeye fishery available to them, thus reducing the overall pressure on King salmon and promoting more escapement on down years
- Togiak King salmon do not generally hold in the same water as the sockeye that are being targeted with jig and prawns, thus creating nearly zero by-catch
- If a King salmon was hooked as by catch targeting sockeye with jig and prawns, the chance of mortality was extremely low because jigs are almost always hooked right in the mouth and not swallowed like roe is.
- Togiak King salmon are not aggressive towards prawns like Togiak sockeye are.

With the passing of Alaska Administrative Code Number 5 AAC: 67.022, our sport fishery for sockeye has been very negatively affected, and thus has severely reduced our business in late June and July. On the Togiak River, salmon roe as bait is the real issue with regard to King salmon conservation. Like most places in Alaska, Togiak king salmon will ingest salmon roe on single hooks when used as bait all the way into their stomachs 99% of the time, which in turn usually proves fatal to the fish. Allowing the use of non-roe bait, such as prawns to target sockeye would allow ample sportfishing opportunity, all the while not increasing the chances of King salmon bycatch or mortality, which was the original goal of Alaska Administrative Code Number 5 AAC: 67.022.

Lastly, There is almost zero overlap of Togiak King salmon and silver salmon ( ADFG, Area sport fishing reports Bristol Bay) so a bait ban on non roe-bait during August and September when the silvers are in the river, does not accomplish conservation for King salmon but does limit sportfishing opportunity for Togiak Silvers in mid-August and September.

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

### **5 AAC NEW**

4) In the Togiak River Drainage – Only unbaited, single hook, artificial lures or flies may be used to target King Salmon. The use of any roe is prohibited for any species of salmon, trout or char.

5) Bait Use – The use of any kind of roe, as bait is prohibited for all species. Non-roe bait may be used to wrap or tip artificial lures, or flies when targeting any species besides King Salmon.

6) King Salmon Limits *20 inches or longer: no retention allowed. Any king salmon 20 inches or longer must not be removed from the water and must be released immediately.* • *Less than 20 inches: 10 per day, 10 in possession*

7) Upstream of the confluence of Gechiak Creek and the Togiak River: • Closed year-round to fishing for king salmon.

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

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

**b) to correct an error in regulation**

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

Despite our best efforts in December of 2022, we feel strongly that there are many unforeseen effects on the sport fishery here on the Togiak due to Alaska Administrative Code Number 5 AAC: 67.022. As outlined above where we addressed the problem, the new regulation severely limits sport fishing opportunity for sockeye on the Togiak river, due to its unique requirements and methods. This ultimately has reduced our business in June and July significantly, which we feel the board did not anticipate or foresee. Additionally, it has had reduced sport fishing opportunity for Togiak Silver salmon in August, which do not have any overlap with Togiak Kings. Silvers in mid-August are more spread out and are easier to target at the beginning of the run with non-roe bait like prawns tipped on jigs/flyes or plugs (artificial lures) wrapped with tuna or sardine. The board, surely did not intend to limit the opportunity for Togiak silvers which have incredibly healthy runs and have no overlap with King salmon.

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

Sportfishing opportunity in general for both sockeye and silvers will be severely limited. Sportfishing operations will have reduced business in the months of June and July by not being able to target Sockeye, chums and pinks with non-roe bait, as well as early Togiak Silvers—which has minimal to zero impact on King salmon.

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

This ACR is not predominately Allocative, because it does not seek to overturn or alter in any way, the current restrictions on targeting or harvesting adult King Salmon, nor does it seek to increase daily/possession limits of any Species found within the Togiak River watershed. Our hope is to further refine the framework established with the passing of proposal 29, to protect and conserve adult King salmon, while continuing to allow for the safe, effective, and moral harvest of other abundant species of pacific salmon, with an emphasis on Sockeye and Silvers.

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

My brother and I own Togiak River Lodge, which is one of four sport fishing outfitters that operates on the Togiak river. Togiak River Lodge is the only permanent lodge on the river, and has been the most effected by 5 AAC: 67.022. The Togiak Sockeye fishery before the new

regulations was a staple for our business. It allowed us to take the focus off of the Kings before there were restrictions on them, and provided an incredibly unique opportunity for people who did not want to floss sockeye. Additionally, before 5 AAC: 67.022 we were able to target early Silvers in mid-August with prawn tipped jigs or sardines/tuna wrapped on plugs, when no remaining King salmon were in the lower river. Now we do not have that opportunity, which has shortened our silver season 5- 7 days. With the restrictions on bait during July and August, it has been a very big struggle for our business to keep rebooking guests for the same time periods we used too. We are looking at a 35- 40% reduction in bookings at this point.

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

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

This ACR has not been considered before.

**SUBMITTED BY:** Zackery and Jordan Larsen - Togiak River Lodge

## **ACR 10**

Provide guidance for specific king salmon sport fishery management actions while Nushagak River king salmon are a stock of concern (5 AAC 06.391).

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

5 AAC 06.391(e)

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

The newly created Nushagak-Mulchatna Chinook Management Plan was largely based on the extensive work of the King Salmon Working Group composed of commercial, sport, subsistence, and community representatives assembled after the 2018 Bristol Bay Board of Fisheries meeting. The Management Plan relied on testimony by ADF&G Sport Fish Division stating that little change to regulatory language was needed for conservation management purposes, as Emergency Order (EO) authorization would be used more proactively than in the past to conserve Chinook. This was not evident in practice during the 2023 season. There remain no specific guidelines pertaining to data used by management to determine any EO for Chinook conservation in the directed sport fishery.

For example, in 2022 an EO was issued July 5th and was effective July 7th to reduce the bag limits based on a sonar count of 41,250 Chinook, a projection of 54,332 and a final count of 44,434 Chinook. In 2023, an EO was effective on July 7th to reduce bag limits based on a sonar count of 27,761\*, a projection of 35,421, and a final count of 31,497. The EO for both years was issued July 11th and, effective July 13th, to restrict the directed Chinook sport fishery to catch and release. These dates were identical between both years, with a 30-35% decrease in the Chinook return strength in 2023. (\*= in season estimate that is closely accurate but not yet finalized).

Additional regulatory language and clarity is needed.

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

The Board of Fisheries should adopt regulatory language, with specific criteria, for guidance to maintain a higher level of consistency for Chinook conservation actions in the sport fishery.

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

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

**b) to correct an error in regulation**

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

A) ADF&G listed Nushagak Chinook as a stock of concern. Chinook conservation is a long-term priority requiring proactive steps and consistent attention from the ADF&G and Board of Fisheries.

B) The proposed ACR corrects the lack of regulatory language guiding management of the sport fishery in the absence of EO authority.

C) Corrects an unforeseen impact on a fishery when the regulation was adopted. A more proactive EO authority, than historically used, was determined to be the best future action. However, EOs issued in 2023 exhibited a lesser than what was likely expected by the Board.

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

No specific guidance or consistency is used in determining actions for the conservation of Chinook in the Chinook directed sport fishery. Triggers do not exist for when a reduction in bag and possession limit occurs or when stocks require an EO to mandate catch and release restrictions. The lack of specific criteria or guidelines under which to issue an EO lead to more subjective decisions. This results in a problem for Chinook conservation, transparency, and a consistent understanding of how Chinook are managed based on escapement.

This potentially subjective status for dates (particularly around national holidays and weekends), sonar counts, and escapement projections lead to inconsistency in conservation implementation as intended by the Board and likely leads to additional pressure on Chinook stocks from year-to-year.

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

This ACR is not allocative as it only addresses the lack of specific language and guidelines for the regulations and is in line with previous statements at the Board of Fisheries for how Chinook conservation within the directed sport fishery is/was intend

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

Bristol Bay Permit Holders

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

This Chinook conservation management plan was approved in March of 2023, but did not include the necessary regulatory language that this ACR requests. Relying wholly on EO authority to be more conservative and flexible, is not the best solution.

**SUBMITTED BY:** Tom Rollman; Nicholas Dowie

## **ACR 11**

Amend the *Southeast Alaska King Salmon Management Plan* to align with new methods to set catch limits adopted by the Pacific Salmon Commission (5 AAC 47.055).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** In February 2023, the Pacific Salmon Commission adopted a new method of calculating the Alaska all-gear catch limit of king salmon in Southeast Alaska. Based on this action, this ACR would remove references to the “Southeast Alaska Winter Troll fishery CPUE” and the “king salmon abundance index” currently referenced within 5 AAC 47.055 but maintain the tiered management structure and prescribed management actions based on the number of king salmon allocated to the sport fishery. In this way the fundamentals of the management plan remain unchanged while the now outdated language within the management plan is removed.

**PRESENT SITUATION:** The current king salmon management plan, which directs the management of the sport fishery in Southeast Alaska, references the now outdated method of calculating the Alaska all-gear catch limit and has created conflicting references within the management plan.

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

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** Yes, the current language of 5 AAC 47.055 no longer aligns with provisions of the Pacific Salmon Treaty.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Yes, the modifications made by Pacific Salmon Commission occurred after this management plan was amended in March of 2022.

**ADDITIONAL INFORMATION:** This ACR would not modify the management prescriptions for the sport fishery under each allocation range, change the number of management tiers, or modify the objectives of the management plan. The domestic allocation of king salmon described within 5 AAC 29.060 *Allocation of king salmon in the Southeastern Alaska-Yakutat Area*. would not be affected. This ACR is intended to create a more stable management plan which will continue to implement sport fish management actions based on the Alaska all-gear catch limit, and the resulting allocation to the sport fishery, regardless of the methodology used by the Pacific Salmon Commission to calculate it.

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



## **ACR 12**

Amend the *Southeast Alaska King Salmon Management Plan* to align with changes adopted by the Pacific Salmon Commission to maintain the troll and sport fishery allocations (5 AAC 47.055).

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

5 AAC 47.055 (SE Alaska Sport King Salmon Management Plan)

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

Unlike any other state-managed fishery in Alaska, the SE Alaska all-gear Chinook harvest limit is set by the international Pacific Salmon Commission. The commission's agreement that was in effect from 2019-2022, set the SE Alaska all-gear harvest limit into one of seven tiers based solely on the Catch-per-unit-effort (CPUE) in the previous winter's troll fishery. For the past 25 years, the hook-and-line portion of the SE Alaska harvest has been allocated 20% to sport and 80% to commercial troll. Thus, there were only seven possible sport harvest limits. Hence, the SE Sport Chinook Management Plan has seven possible management scenarios, one for each of these tiers.

Beginning in 2023, the Pacific Salmon Commission changed the process that they use to determine the SE all-gear harvest limit. They are now using a combination of three input variables and a 17 tier system, with 17 possible all-gear harvest limits. Hence there are also 17 possible value for the 20% portion that is allocated to the sport fishery. Thus, in order to maintain the 20%:80% ratio, the 7 tiers referenced in 5 AAC 47.055 should be updated to reflect the 17 possible sport harvest limits.

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

5 AAC 47.055 needs to be updated to reflect the changes to the manner in which the SE Alaska all-gear Chinook harvest limit (and hence the SE sport Chinook harvest limit) is determined so that the sport catch and troll catch remain in the historic 20%-80% ratio as established by the BoF in 1996.

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

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

**b) to correct an error in regulation**

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

In 2022 when the BoF last updated the SE Chinook Sport Management Plan, it was not anticipated that the 7 tier system for establishing the SE all-gear harvest limit (and consequently the SE sport harvest limit), would be replaced by a 17 tier system with multiple inputs.

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

If the SE Sport Chinook Management Plan remains unchanged, it will dictate that the 2024 sport Chinook harvest limit will be one of only 7 possible values, based solely on the winter CPUE. Thus, the sport harvest limit will not be 20% of the hook-and-line total. It may be larger or smaller than 20% depending upon the winter CPUE and which of the 17 tiers the abundance happens to be in.

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

The purpose of this ACR is to maintain the 20%-80% allocation between sport and commercial troll that has been the management objective since 1996.

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

I have been a sport king salmon fisherman since 1979 and have fished kings commercially since 2010.

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

This ACR is not intended to be allocative. Rather it's purpose is to maintain the historic 20%-80% allocation between sport and commercial troll.

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

The Pacific Salmon Commission's most recent change to the method of determining SE Alaska's all-gear Chinook quota occurred in 2023. Hence, there has been no previous proposal or ACR to change 5 AAC 47.055 to reflect this change.

**SUBMITTED BY:** Tad Fujioka

### **ACR 13**

Manage the SEAK king salmon sport fishery to not exceed the annual sport fishery harvest allocation (5 AAC 47.055).

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

5 AAC 47.055. Southeast Alaska King Salmon Management Plan

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

On March 20, 2022 at the BOF Meeting a signed agreement between ATA, SEAGO and Territorial Sportsmen was adopted. In the most recent update of January 2023 that agreement language was different and was adopted incorrectly under Register 244. The Southeast Alaska King Salmon Management Plan changed sport fishery management actions including as far as allowing a no in-season management regime. This incorrectly liberalizes the sport fishery Chinook harvest and is contrary to Alaska's Sustainable Fisheries Policy. Managing the sport fishery under a plan based on a language error has caused the sport fishery to significantly exceed its allocation in 2023 with the potential to continue to do so in the future.

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

The solution is to use the language in the signed agreement which states in the proposed 5AAC 47.055, b(2) *“allow uninterrupted sport fishing in salt waters for king salmon, **while not exceeding the sport fishery harvest ceiling;**”*

The phrase *“**sport fishery**”* was incorrectly dropped from 5AAC 47.055 in January 2023 as Registered 244. The incorrect language now reads; b(2) *“allow uninterrupted sport fishing in salt waters for king salmon, **while not exceeding the harvest ceiling;**”*

Inexplicably and contrary to the signed Agreement the phrase *“**sport fishery**”* was dropped from the Regulation and should be reinstated.

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

**a) for a fishery conservation purpose or reason:** Yes. This erroneous and not agreed on language change allows the sport sector to harvest Chinook without in-season management. Not having in-season management is contrary to Alaska's management policies. As stated in ADFG Commissioner Doug Vincent-Lang's press release of Jan 13, 2022;

*“The Alaska Department of Fish and Game (ADF&G) manages Southeast Alaska salmon fisheries consistent with the Pacific Salmon Treaty, Magnuson Stevens Fishery Conservation and Management Act, Endangered Species Act, Marine Mammal Protection Act, and State of Alaska policies and regulations such as the State's precautionary Policy for the Management of Sustainable Salmon Fisheries. **The ADF&G carefully monitors catches and escapements inseason** to make sure fisheries are in compliance with all of these policies including the terms of the Pacific Salmon Treaty and managed to sustain salmon populations into the future.”*

**b) to correct an error in regulation:** Yes. Two words were dropped from the negotiated regulation language which completely changed the agreed on meaning.

**c) to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Yes. This error makes the management of the SEAK sport fishery contrary to the International Pacific Salmon Treaty language, Alaska’s Sustainable Fisheries Policy, and Alaska’s long term practice of in-season management.

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

The sport fishery would likely exceed its allocation more often and by a greater amount, requiring reduced harvest in other Southeast Alaska king salmon fisheries.

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

This ACR is not allocative. The dropping of “sport fishery” from the regulation language (5AAC 47.055) was allocative and contrary to the negotiated language the regulation is claimed to be based on.

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

We are commercial trollers in southeast Alaska. In 2023 this mistaken language has reduced the ex-vessel combined income of the troll fleet by \$3,000,000.

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

Under 5AAC 47.055 existing language, the sport fishery would likely exceed its allocation more often and by a greater amount. In 2023 the SEAK sport harvest is forecast to exceed it’s harvest allocation by 15,000 Chinook or roughly 40%.

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

This ACR has not been considered before.

**SUBMITTED BY:** David Richey and Monique Wilkinson