

**PROPOSAL B - 5 AAC 39.XXX. Retention of fish taken in commercial fisheries.** Create a new regulation as follows:

People who commercial fish may retain fish for their own noncommercial use from their lawfully taken commercial catch.

[5 AAC 01.021. RETENTION OF FISH TAKEN IN COMMERCIAL FISHERIES. PEOPLE WHO COMMERCIAL FISH MAY RETAIN FISH FOR THEIR OWN USE FROM THEIR LAWFULLY TAKEN COMMERCIAL CATCH.]

**PROBLEM:** In some regions of the state, it is reported that the retention of a legally-caught commercial fish for own use are being sold for profit. The original purpose of this activity was to supplement subsistence and personal use needs. At the October 2003 work session, the department requested that the board address a proposal that defines “own use” on a statewide basis. Removing the language from the subsistence section of the regulations (5 AAC 01) and inserting it into the statewide provisions (5 AAC 39) will help clarify the board’s intent.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Regulatory language may remain unclear about the board’s intent for retention of commercially-caught fish.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?**

**WHO IS LIKELY TO SUFFER?**

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Alaska Board of Fisheries (HQ-03-F-205)

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**PROPOSAL 253 (Previously ACR3) - 5 AAC 29.070. General fishing seasons and periods.**

Amend this regulation as follows:

(a) The seasons for the salmon troll fishery are the following: (1) Winter season from October 1 through April 30 [14] (A) If the GHL is harvested before April 30 the winter season ends the day the GHL is harvested, except that the winter season cannot end prior to April 14;

(2) summer season from [APRIL 15] May 1 through September 30 (A) per (a)(1)(A) of this section, the summer season may start on any date from April 15 through April 30.

(b) The department shall manage the chinook salmon troll fishery to provide for: (1) a winter fishery during the period beginning October 11 through April 30 [14] as specified in Sect. (a)(1)(A), and 5 AAC 29.080;

(2) spring fisheries during the period [BEGINNING APRIL 15 THROUGH JUNE 30] May 1 through June 30, as specified in 5 AAC 29.090 (A) per (a)(1)(A) of this section, spring fisheries during the period April 15 through June 30.

**PROBLEM:** Under some circumstances, current regulations may prevent normal conduct of the spring troll fisheries in late April.

There are two troll seasons by regulation -- winter (Oct. 1-Apr. 30) and summer (May 1-Sept. 30), but actually three distinct troll fisheries. Since the late 1980s, spring fisheries have been

allowed from April 15 through June 30 under 5 AAC 29.090. The spring fishery has always been provided for under the summer season. Since the spring fisheries have been in effect, the winter season has been open until the summer season officially begins.

The new regulations implementing the April 30 closure date had not yet been codified, so the department was able to open the spring fishery in April as it has in the past. However, should the winter fishery close early again, the new regulations will not allow the department to open the spring fisheries until May 1 when the summer season officially begins. This could result in a two-week gap between the winter and spring fisheries.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** During the 2003 Board of Fisheries meeting the winter fishery closure date was changed from April 14 to April 30 and the summer opening to May 1. However, the winter troll fishery was closed on April 12, 2003 -- earlier than ever before. This event could have left the spring fishery in limbo.

Spring openings were established to help trollers access Alaska hatchery chinook, which are not counted against the Pacific Salmon Treaty quota, and are being raised to mitigate past and ongoing losses under the Pacific Salmon Treaty. Alaska hatchery chinook return in the spring, so loss of any fishing time in April could have a detrimental impact on our ability to access these fish.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** During the February 2003 Board of Fisheries meeting, board members and trollers spent a considerable amount of time discussing and modifying regulations to help trollers access more Alaska hatchery chinook. The intent of the board to allow greater hatchery harvest seems very clear. This matter of opening dates is simply a matter of an unforeseen circumstance that needs to be corrected prior to next season.

**WHO IS LIKELY TO SUFFER?** This proposal is only based on the trollers' portion of the Pacific Salmon Treaty quota and Alaska hatchery chinook, most of which are produced for the Southeast troll fleet and paid for by the regional aquaculture associations, which are owned by commercial fishermen. ATA is not requesting any modification to harvest sharing between trollers or other users.

The winter troll fishery is presently capped and the spring troll fisheries have specific rules in place to control the catch of non-Alaska hatchery fish that count against the Pacific Salmon Treaty quota.

By enacting ATA's agenda change request, there would be no significant change in allocation beyond the normal catch variation amongst the various troll fisheries, which occurs every year and is already anticipated by the board, the department, and the troll fleet. The department actively manages the troll fleet to stay within its seasonal allocation. This proposal would not change that process.

**OTHER SOLUTIONS CONSIDERED?** The Board of Fisheries has never taken up this specific problem in any format at any meeting as it did not exist prior to the 2003 fishing season. The next regularly scheduled Board of Fisheries meeting in Southeast will be in 2006. With the new regulations now codified as law, it is possible that the troll fishery will be disrupted prior to the next Southeast board meeting. Closing the spring troll fisheries would be contrary to much of

the work that was done by the board at the 2003 meeting to secure additional troll harvest in the spring, when ex-vessel prices are often higher.

**PROPOSED BY:** Alaska Trollers Association (HQ-03-F-206)

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**PROPOSAL 254 (Previously ACR21) - 5 AAC 34.128. Operation of other gear in Registration Area A; and 5 AAC 35.128. Operation of other gear in Registration Area A.**  
Amend these regulations as follows:

Create a new subsection dealing with dual permit holders fishing concurrently.

**PROBLEM:** The Board of Fisheries at the 2002 statewide king and Tanner crab board meeting charged the department and the Southeast Alaska King and Tanner Task Force (KTTF) to work together and develop a Tanner crab management plan for Southeast Alaska for the next board cycle. The board allowed additional time to refine a management plan and associated regulations that will work to reduce fishing pressure in “core areas,” reduce handling of females and sublegal males, and develop the time and tools to allow for inseason management while maintaining the concurrent golden king crab season. Due to the nature of the concurrent Tanner and golden king crab fisheries, a regulation is necessary to provide the flexibility to try options that reduce pressure in the core fishing areas for Tanner crab and take in account the complexities of managing dual permit holders and permit holders registered or licensed for one fishery only.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** By adopting this new regulation we are trying to minimize the effects on golden king crab fishermen and Tanner crab fishermen.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** We believe this request helps clarify and prevents this issue from becoming allocative.

**WHO IS LIKELY TO SUFFER?** The intent of this regulation is to prevent decisions from becoming allocative.

**OTHER SOLUTIONS CONSIDERED?** We need an opportunity to develop and discard options that do not successfully work as part of a management plan or do not meet the objectives before submitting a Tanner crab management proposal to the Board of Fisheries as directed by the charge to the department and the KTTF.

**PROPOSED BY:** Southeast Alaska King and Tanner Task Force (HQ-03-F-207)

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