

**ALASKA DEPARTMENT OF FISH AND GAME**

**STAFF COMMENTS  
AGENDA CHANGE REQUESTS**

**ALASKA BOARD OF FISHERIES MEETING  
JUNEAU, ALASKA**

**October 15–16, 2014**



Regional Information Report No. 5J14-02

The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries (board) meeting, October 15–16, 2014 in Juneau, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

## ABSTRACT

This document contains Alaska Department of Fish and Game staff comments on agenda change requests. These comments were prepared by the department for use at the Alaska Board of Fisheries meeting, October 15–16, in Juneau, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

Key words: Alaska Board of Fisheries (board), Alaska Department of Fish and Game (department) staff comments, Agenda Change Request, finfish, management, management plan, regulatory proposals, inriver, subsistence, personal use, sport, guided sport, commercial fisheries.

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## Sport Fishery Statewide Provisions (1)

**ACR 27** – Modify statewide sport fishing business and guide license and reporting, and vessel registration requirements to be consistent with statutory authority under AS 16.05.251 after the repeal of AS 16.40.260 – AS 16.40.299.

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request seeks to continue those aspects of the current sport fishing business and guide licensing and reporting, and vessel registration program that clearly fall within the authority of the Board of Fisheries (board). It would do so by modifying the following regulations:

- 5 AAC 75.075. *Sport fishing services and sport fishing guide services; license requirements; regulation of activities.*
- 5 AAC 75.076. *Sport fishing services and sport fishing guides reporting requirements.*
- 5 AAC 75.077. *Sport fishing guide vessel registration requirements.*
- 5 AAC 75.085. *Guided sport ecotourism requirements.*
- 5 AAC 75.995. *Definitions.*

Modifications would: amend language from “license” to “register;” remove requirements that do not clearly fall within the board’s authority including references to fees and insurance requirements, and amend certain definitions and other provisions needed to continue the current program within the board’s authority. Specific suggested regulatory modifications are attached.

**PRESENT SITUATION:** Statutes requiring sport fishing business and guide licensing, reporting, and vessel registration (AS 16.40.260 – 16.40.299), enacted by the Alaska Legislature in 2004, will sunset effective January 1, 2015. At that time, a number of the statewide regulations adopted by the board in 2004 to implement these statutes will lack statutory authority and be unenforceable. As a result, significant elements of the current program will lack statutory authority.

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

- a) **Is there a fishery conservation purpose or reason?** One of the main objectives of the 1998 regulations and the 2004 enactment of AS 16.40.260 – 16.40.299 by the legislature with HB 452 was to establish reporting requirements for guided sport fisheries. Prior to those requirements the department had little specific data on salt- and freshwater guiding activities. The department has collected detailed data on guiding activities in salt water since 1998 and fresh water since 2005. Those data are used by the department, board, and other entities in pre- and inseason management, in development of regulations, and in other processes that conserve fish and fisheries. Adoption of the department’s suggested regulatory language or similar provisions will continue the data collection to provide the department, board, and other entities with detailed information on harvest and effort of guided sport fish anglers in fresh- and saltwater fisheries.

- b) **Does the agenda change request correct an error in regulation?** Some current regulations pertaining to sport fishing services and guides will refer to statutes no longer in effect and will fall outside of the board's authority and no longer be enforceable.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Not applicable.

**Consideration under 5 AAC 39.999(b):** National Marine Fisheries Service (NMFS) regulations concerning the charter halibut fishery contain references to charter licensing or registration, and contain logbook reporting requirements for halibut. Under the recently approved Catch Sharing Plan for Guided Sport and Commercial Halibut Fisheries in Alaska (50 CFR Parts 300 and 679), charter logbook data will be used as the primary data source to estimate halibut harvest each season effective 2014.

**ADDITIONAL INFORMATION:** The department will also request, at the October work session, that the board delegate to the department the authority to modify current regulations for the same purpose as this ACR.

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

**Title 5. Fish and Game.**

**Chapter 75. Statewide Provisions.**

**Article 4. Fishing Services and Sport Fishing Guides.**

5 AAC 75.075 is amended to read:

**5 AAC 75.075. Sport fishing services and sport fishing guide services; registration [LICENSE] requirements; regulation of activities.** (a) An owner of a business intending to conduct sport fishing services shall **register annually with** [OBTAIN A CURRENT ANNUAL SPORT FISHING OPERATOR LICENSE FROM] the department before the business conducts sport fishing services. To meet the **registration** [LICENSING] requirements of [AS 16.40.260 AND] this section, the owner shall complete and submit [, ALONG WITH THE APPLICABLE FEE PRESCRIBED IN AS 16.05.340(a),] a sport fishing operator **registration** [LICENSE APPLICATION] form provided by the department. The following information regarding the business conducting the sport fishing service must be provided on the sport fishing operator **registration** [LICENSE APPLICATION] form:

(1) the name, permanent residence address, local residence address, and mailing address of the owner;

(2) the name of the business;



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(3) **repealed** / / [THE ALASKA BUSINESS LICENSE NUMBER, ISSUED UNDER 12 AAC 12, AND EXPIRATION DATE OF THE BUSINESS LICENSE];

(4) **repealed** / / [THE BUSINESS' INSURANCE POLICY NUMBER, WITH THE COMPANY NAME AND EXPIRATION DATE, OF THE POLICY THAT MEETS THE INSURANCE REQUIREMENTS SPECIFIED IN AS 16.40.260];

(5) the areas in which the fishing services will be provided;

(6) **repealed** / / [ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT ON THE LICENSE APPLICATION FORM TO VERIFY THAT THE APPLICANT MEETS THE REQUIREMENTS OF AS 16.40.260].

(b) **The owner of a business that conducts sport fishing services**

**(1) may not directly provide sport fishing guide services to anglers unless the owner is also registered as a sport fishing guide under (c) of this section;**

**(2) may employ or contract with a person who is a sport fishing guide registered under (c) of this section to provide sport fishing guide services.**

(c) Before providing sport fishing guide services, **a person shall complete and submit to the department** [AND APPLICANT SHALL COMPLETE AND SUBMIT, ALONG WITH THE APPLICABLE FEE PRESCRIBED IN AS 16.05.340 (a),] a current annual sport fishing guide **registration** [LICENSE] form provided by the department. The following information

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regarding the applicant must be provided on the sport fishing guide **registration** [LICENSE] form:

(1) the name, permanent residence address, and mailing address of the applicant;

(2) **repealed** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ [A DECLARATION OF CITIZENSHIP];

(3) **repealed** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ [FIRST AID CARD INFORMATION];

(4) current Alaska sport fishing license number;

(5) **repealed** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ [IF OPERATING A VESSEL, THE CURRENT UNITED STATES COAST GUARD LICENSE INFORMATION];

(6) **repealed** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ [ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT ON THE LICENSE APPLICATION FORM TO VERIFY THAT THE APPLICANT MEETS THE REQUIREMENTS OF AS 16.40.270].

**(d)** [(c)] While engaged in providing sport fishing guide services, a sport fishing guide shall have readily available for inspection and shall display upon request of a local representative of the department or a peace officer of the state, and while on salt water or navigable fresh water within six hours after being on salt water a law enforcement representative of the National Marine Fisheries Service or a representative of the United States Coast Guard, the following:

(1) the sport fishing guide's current

(A) sport fishing guide **registration form validated by the department** [LICENSE]; and

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(B) applicable logbooks as required in 5 AAC 75.076(c) ;

(2) a copy of the current sport fishing operator **registration form** [LICENSE] of the sport fishing guide's employer, or, if the sport fishing guide is also a sport fishing operator, the guide's current sport fishing operator **registration form** [LICENSE];

(3) current sport fishing licenses, tags, stamps, or permits that are required to engage in the sport fishery for which the sport fishing guide services are provided;

(4) an identification card issued to the sport fishing guide by a state or federal agency that bears a photograph of the sport fishing guide;

(5) if on a vessel that provides sport fishing guide services in salt water, the sport fishing license and harvest record of each client on board the vessel.

**(e) A sport fishing guide may not aid in the commission of or permit a violation of AS 16.05 - AS 16.40 or a regulation adopted under AS 16.05 - AS 16.40 by a client of the sport fishing guide without**

**(1) attempting to prevent it, short of using force; and**

**(2) reporting the violation to the Department of Public Safety as soon as practicable.** (Eff. 4/18/86, Register 98; am 5/13/95, Register 134; am 4/23/98, Register 146; am 5/19/98, Register 146; am 2/10/2005, Register 173; am 1/1/2008, Register 184; am/readopt \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 16.05.251 [AS 16.40.270] [AS 16.40.280]

[AS 16.40.260]

5 AAC 75.076 is amended to read:

**5 AAC 75.076. Sport fishing services and sport fishing guides reporting requirements.** (a) A sport fishing guide shall obtain and complete a

(1) State of Alaska, Department of Fish and Game, Division of Sport Fish, 2015 [2014] *Saltwater Charter Logbook and Vessel Registration*, adopted by reference, if operating in salt waters;

(2) State of Alaska, Department of Fish and Game, Division of Sport Fish, 2015 [2014] *Freshwater Sport Fish Guide Logbook and Vessel Registration*, adopted by reference, if operating in fresh waters.

(b) A logbook requires information necessary for the management and conservation of fishery resources or the regulation of the guided sport fishing industry, including

(1) the division of motor vehicles boat registration number, issued under 2 AAC 70, or United States Coast Guard documentation number, of the vessels that are used to provide sport fishing guide services in fresh or salt waters;

(2) the locations where the sport fishing guide services were provided;

(3) the effort, catch, and harvest of sport fish by persons who are clients, owners, or employees of a business that conducts sport fishing services or a person who provides sport fishing guide services; and

(4) any other information the department determines is necessary for the management and conservation of the fishery resource or the regulation of the guided sport fishing industry.

(c) A sport fishing guide shall complete a logbook in the manner and at the location specified in the logbook and present the guide's logbook for inspection upon request from a

(1) local representative of the department;

(2) peace officer of the state; and

(3) law enforcement representative of the National Marine Fisheries Service or a representative of the United States Coast Guard while on salt water or navigable fresh water within six hours after being on salt water.

(d) A person may not make a false entry in the logbook required in (a) of this section.

(e) The holder of a sport fishing operator **registration issued under** [LICENSE ISSUED UNDER AS 16.40.260 AND] 5 AAC 75.075 is responsible for reporting logbook information and returning the completed logbook of each sport fishing guide it employs to the department in the manner and time frame specified in the logbook. (Eff. 5/19/98, Register 146; am 9/23/98, Register 147; am 5/15/99, Register 150; am 4/16/2000, Register 154; am 5/20/2000, Register 154; am 3/11/2001, Register 157; am 4/5/2002, Register 162; am 2/28/2003, Register 165; am

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3/25/2004, Register 169; am 2/10/2005, Register 173; am 5/19/2005, Register 174; am 5/26/2006, Register 178; am 8/12/2007, Register 183; am 1/1/2008, Register 184; am 4/25/2008, Register 186; am 5/23/2009, Register 190; am 6/20/2010, Register 194; am 4/28/2011, Register 198; am 4/1/2012, Register 201; am 3/7/2013, Register 205; am 4/9/2014, Register 210; am/readopt \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 16.05.251 [AS 16.40.280]

5 AAC 75.077 is amended to read:

**5 AAC 75.077. Sport fishing guide vessel registration requirements.** (a) Before being used to provide sport fishing guide services, a vessel must be registered annually with the department. A currently **registered** [LICENSED] sport fish business owner, or the owner's authorized agent, shall register each individual vessel operated by the business to provide sport fishing guide services by completing a form provided by the department. At the time of registration, the business owner, or the owner's authorized agent, must provide the current division of motor vehicles boat registration number, issued under 2 AAC 70, or the current United States Coast Guard vessel documentation number of each vessel being registered.

(b) A person may not engage in sport fishing guide services from a powered or unpowered vessel unless the vessel is registered under (a) of this section and displays a sport fishing guide vessel decal with a current annual sticker issued by the department as follows:

(1) upon initial registration of a vessel, two sport fishing guide vessel decals will be issued by the department for that vessel; one decal must be securely affixed on each side of the vessel and must be displayed in plain view at all times the vessel is engaged in sport fishing guide services;

(2) for the years following the year of initial registration of a vessel, two current year renewal stickers will be issued by the department for that vessel; one current year renewal sticker must be securely affixed on each decal over the previous year renewal sticker and must be displayed in plain view at all times the vessel is engaged in sport fish guide services.

(c) If a decal or current year renewal sticker is lost or damaged, a replacement must be obtained from the department and affixed and displayed as required in this section before engaging in sport fish guide services with the vessel.

(d) A float tube used to provide sport fish guide services is exempt from the registration and decal requirements of this section. For the purposes of this subsection, "float tube" means a tubular floating device designed to support one person in the water and propelled only by power from the arms or legs of the operator. (Eff. 2/10/2005, Register 173; am \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 16.05.251 AS 16.05.395

5 AAC 75.085 is amended to read:

**5 AAC 75.085. Guided sport ecotourism requirements.** Except as otherwise provided, guided sport ecotourism fishing may occur only as follows:

(1) a person conducting guided sport ecotourism fishing shall obtain an annual sport fishing operator **registration** [LICENSE] as specified in 5 AAC 75.075;

(2) a person holding a valid sport fishing guide **registration** [LICENSE REGISTERED] for the fishery must be present at all times when gear or fish are being handled;

(3) a person on board a vessel engaged in ecotourism fishing may handle gear or fish only if the person is a holder of a sport fishing license;

(4) all requirements of the applicable sport fishery apply, except that all participants must comply with rules relating to nonresidents regardless of residency;

(5) unless otherwise permitted, all fish taken must be immediately released unharmed;

(6) a sport fishing services operator or sport fishing guide must comply with applicable requirements for their industry. (Eff. 3/14/2008, Register 186; am/readopt \_\_\_/\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 16.05.251 [AS 16.40.260] [AS 16.40.270]



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5 AAC 75.995(a)(39) is amended to read:

(a) In addition to the definitions set out in AS 16.05.940, in 5 AAC 47 – 5 AAC 75,

...

(39) "client" means a person who is a member of a fishing party that engages or uses a person to provide sport fishing guide services and who is not a **registered** [LICENSED] sport fishing guide or sport fishing guide crewmember;

5 AAC 75.995(a)(41) is amended to read:

(41) "sport fishing guide" **means a person who is registered to provide sport fishing guide services to persons who are engaged in sport fishing** [HAS THE MEANING GIVEN IN AS 16.40.299];

5 AAC 75.995(a)(42) is amended to read:

(42) "sport fishing guide services"

**(A) means assistance, for compensation or with the intent to receive compensation, to a sport fisherman to take or to attempt to take fish by accompanying or physically directing the sport fisherman in sport fishing activities during any part of a sport fishing trip;**

**(B) does not include**

**(i) sport fishing services; or**

**(ii) services provided by an assistant, deckhand, or similar person who works directly under the supervision of and on the same vessel as a sport fishing guide [HAS THE MEANING GIVEN IN AS 16.40.299];**

5 AAC 75.995(a)(43) is amended to read:

(43) "sport fishing services"

**(A) means the indirect provision of assistance, for compensation or with the intent to receive compensation, to a person engaged in sport fishing in taking or attempting to take fish or shellfish by a business that employs a sport fishing guide to provide sport fishing guide services to the person during any portion of a sport fishing trip;**

**(B) does not include**

**(i) an activity for which a sport fishing guide registration is required; or**

**(ii) booking and other ancillary services provided by a tour broker or agent to a sport fishing services operator [HAS THE MEANING GIVEN IN AS 16.40.299];**

5 AAC 75.995(a)(49) is amended to read:

(49) "sport fishing guide crewmember" means a person who, for compensation or with intent to receive compensation for services during a day or any portion of a day, provides assistance to clients or a **registered** [LICENSED] sport fishing guide on board a sport fishing guide vessel;

5 AAC 75.995(b) is amended to read:

(b) In [AS 16.40.299 AND] this chapter, unless the context requires otherwise, "compensation"

(1) means direct or indirect payment, remuneration, and other benefits received in return for services, regardless of the source; in this paragraph, "benefits" includes

(A) wages and other employment benefits given directly or indirectly to an individual or organization; and

(B) dues, payments, fees, and other remuneration given directly or indirectly to a fishing club, business, organization, or individual who provides sport fishing guide services;

(2) does not include reimbursement for the actual daily expenses for fuel, food, or bait. (In effect before 1983; am 4/3/83, Register 85; am 4/28/84, Register 90; am 6/30/84,

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Register 90; am 4/18/86, Register 98; am 6/2/88, Register 106; am 7/30/89, Register 111; am 6/5/94, Register 130; am 5/13/95, Register 134; am 2/25/98, Register 145; am 4/23/98, Register 146; am 5/19/2001, Register 158; am 3/13/2004, Register 169; am 2/10/2005, Register 173; am 5/26/2006, Register 178; am 9/12/2008, Register 187; am 3/14/2009, Register 189; am 6/10/2010, Register 194; am 6/1/2013, Register 206; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 16.05.251

## **Cook Inlet Salmon Fisheries (9)**

**ACR 15** – Amend provisions within the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359 (e)(3)(A) and (B)) that restrict set gillnetting in the Upper Subdistrict to no more than 12 or 36 hours per week by allowing the department to manage the Kasilof and Kenai/East Foreland sections separately of each other.

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request seeks to modify provisions within the *Kenai River Late-Run King Salmon Management Plan* (5AAC 21.359 (e)(3)(A) and (B)) that restrict set gillnetting in the Upper Subdistrict to no more than 12 or 36 hours per week by allowing the department to manage the Kasilof and Kenai/East Foreland sections independent of each other. This would result in the department being able to apply the hourly restrictions to the Kasilof and Kenai/East Foreland sections individually rather than to both sections together.

**PRESENT SITUATION:** At the 2014 Alaska Board of Fisheries (board) meeting, the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359) was modified to include what is commonly referred to as “paired restrictions” between the inriver sport fishery and the Upper Subdistrict set gillnet fishery (ESSN). According to the modified plan (5AAC 21.359 (e)(3)(A) and (B)), if from July 1 through July 31, the projected inriver run of Kenai River late-run king salmon is less than 22,500 fish and the Kenai River sport fishery is restricted to no bait, the ESSN is restricted to no more than 36 hours of fishing time per week; if retention of king salmon is prohibited in the sport fishery, the ESSN fishery is restricted to no more than 12 hours of fishing time per week.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** The ESSN fishery occurs along approximately 60 miles of beach and targets sockeye salmon returning to both the Kenai and Kasilof rivers. Run timing differences between the two river systems and geographic scale can make abundance-based management with limited hours challenging because fish can build up in localized areas and not be distributed throughout the length of the fishery. Prior to 2014, the number of hours allowed in the ESSN fishery was regulated specifically by the *Kenai River Late-Run Sockeye Salmon Management Plan* 5 AAC 21.360 and the *Kasilof River Salmon Management Plan* 5 AAC 21.365. During the 2014 season, the ESSN fishery was restricted to 36 hours per week from July 1 through July 18 and was further restricted to 12 hours per week from July 19 through July 25,

in concert with no-bait and no-retention restrictions in the Kenai River king salmon sport fishery. These hourly restrictions were applied to the Kasilof, Kenai, and East Foreland sections as one management unit, regardless of which area actually fished.

**PROPOSED BY:** Christine Brandt

**ACR 16** – Amend provisions within the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359 (e)(3)(A)) that restrict set gillnetting in the Upper Subdistrict (ESSN) to no more than 36 hours per week by allowing the department to manage the Kasilof and Kenai/East Foreland sections separately of each other.

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request seeks to modify provisions within the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359 (e)(3)(A)) that restrict set gillnetting in the Upper Subdistrict to no more than 36 hours per week by allowing the department to manage the Kasilof and Kenai/East Foreland sections independent of each other. This would result in the department being able to apply the restricted number of hours provided for in the management plan to the Kasilof and Kenai/East Foreland sections individually rather than to all the sections together.

**PRESENT SITUATION:** At the 2014 Alaska Board of Fisheries (board) meeting, the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359) was modified to include what is commonly referred to as “paired restrictions” between the inriver sport fishery and the Upper Subdistrict set gillnet fishery. According to the modified plan (5 AAC 21.359 (e)(3)(A) and (B)), if from July 1 through July 31, the projected inriver run of Kenai River late-run king salmon is less than 22,500 fish and the Kenai River sport fishery is restricted to no bait, the ESSN is restricted to no more than 36 hours of fishing time per week.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.

**Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** The ESSN fishery occurs along approximately 60 miles of beach and targets sockeye salmon returning to both the Kenai and Kasilof rivers. Run timing differences between the two river systems and geographic scale can make abundance-based management with limited hours challenging because fish can build up in localized areas and not be distributed throughout the length of the fishery. Prior to 2014, the number of hours allowed in the ESSN fishery was regulated specifically by the *Kenai River Late-Run Sockeye Salmon Management Plan* 5 AAC 21.360 and the *Kasilof River Salmon Management Plan* 5 AAC 21.365. During the 2014 season, the ESSN fishery was restricted to 36 hours per week from July 1 through July 18, in concert with no-bait restrictions in the Kenai River king salmon sport fishery. These hourly restrictions were applied to the Kasilof, Kenai, and East Foreland sections as one management unit, regardless of which area actually fished.

**PROPOSED BY:** Chris Every

**ACR 18** – Eliminate restrictions in August to the Upper Subdistrict set gillnet commercial fishery by deleting provision (f) in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359(f)).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request seeks to delete provision (f) in the *Kenai River Late-Run King Salmon Management Plan*. This would revert management of the Upper Subdistrict set gillnet fishery in August back to provisions in 5 AAC 21.360 *Kenai River Late-Run Sockeye Salmon Management Plan*. In addition, the set gillnet fishery would be managed to achieve the sustainable escapement goal (SEG) of 15,000–30,000 late-run Kenai River king salmon.

**PRESENT SITUATION:** The current *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359) was adopted by the Alaska Board of Fisheries (board) at the Upper Cook Inlet finfish meeting in February 2014. Numerous changes were made to management plan during the meeting because of concerns for the conservation of late-run king salmon to the Kenai River. Included in the changes was provision (f), which states:

(f) From August 1 through, August 15, if the projected escapement of king salmon into the Kenai River is at least 16,500, but less than 22,500 fish, notwithstanding the provisions of 5 AAC 21.360(c)(1)(B), (2)(B), and (3)(B), the commissioner may open, by emergency order, the commercial set gillnet fishery in the Upper Subdistrict to no more than 36 hours of fishing time.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation purpose that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** The department managed the Upper Subdistrict commercial set gillnet fishery in August 2014 based on provision (f). The Kasilof and Kenai/East Forelands sections were opened on August 2 and 4 when Kenai River king salmon escapement was projected to exceed 16,500 fish. The Kasilof Section was closed after August 4 because the sockeye salmon harvest was less than one percent of the season’s total sockeye salmon harvest during the August 2 and August 4 fishing periods (one-percent rule). The Kenai/East Forelands sections were opened again on August 6 and subsequently closed because all 36 hours of allowed fishing time were utilized.

**PROPOSED BY:** Chris Every



**ACR 17** – This request seeks to modify the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359(e)) to allow up to four set gillnets per permit to be fished that do not exceed 105 fathoms in the aggregate, with no single net exceeding 35 fathoms in length, consistent with 5 AAC 21.331(d).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** Allow the use of up to four set gillnets per permit, none more than 35 fathoms in length, during periods where gear restrictions are in place in the Upper Subdistrict set gillnet fishery (ESSN) for king salmon conservation.

**PRESENT SITUATION:** In Cook Inlet, a set gillnet may not be longer than 35 fathoms in length and 45 meshes in depth (5 AAC 21.331). In the Upper Subdistrict, a set gillnet permit owner may operate no more than four set gillnets per permit, with no more than 105 fathoms of gear in the aggregate. There are a small number of set gillnet fishermen in the ESSN fishery that fish with 4 nets per permit that are shorter than 35 fathoms in length.

Beginning with the 2014 season, modifications to commercial set gillnet fishing gear were made via 5 AAC 21.359 *Kenai River Late-Run King Salmon Management Plan*. From July 1 through July 31, if the projected inriver run of late-run Kenai River king salmon is less than 22,500 fish and the use of bait is prohibited in the Kenai River sport fishery, the number of set gillnets operated in the Upper Subdistrict set gillnet fishery (ESSN) may be restricted to 1) three set gillnets that are each not more than 35 fathoms in 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, or 2) 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. The authority to modify gear in these specific instances was granted by the board as a conservation measure in response to low king salmon abundance entering the Kenai River.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation purpose that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** In 2014, the department opened the ESSN on Thursday, July 17, 2014 under the reduced gear restriction. The gear during the fishing period was restricted to either 1) three set gillnets that are each not more than 35 fathoms in length and up to 29 meshes in depth, or 2) two set gillnets that are each not more than 35 fathoms in length and up to 45 meshes in depth. The reduced gear was utilized because there were indications of sockeye salmon abundance throughout the ESSN; estimated cumulative passage of sockeye salmon in the

Kasilof River was above where the department wanted to be at this time of the season; and there were concerns for king salmon returning to the Kenai River. Therefore, in order to harvest Kenai and Kasilof sockeye salmon, fishing in the ESSN was warranted and gear was restricted in order to conserve king salmon.

**PROPOSED BY:** Joseph Person

**ACR 13** – Allow the commercial set gillnet fishery in the Kasilof Section to be opened within one-half mile of shore when the department is concerned with the conservation of king or sockeye salmon headed to the Kenai River (5 AAC 21.365(f)).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request seeks to allow the Kasilof Section to be opened within one-half mile of shore under the provision of 5 AAC 21.365(f) when the department is concerned with the conservation of Kenai River sockeye salmon and Kenai River king salmon.

**PRESENT SITUATION:** At the 2014 Alaska Board of Fisheries (board) meeting, the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359) was modified to include what is commonly referred to as “paired restrictions” between the inriver sport fishery and the Upper Subdistrict set gillnet fishery (ESSN). According to the modified plan (5AAC 21.359 (e)(3)(A) and (B)), if from July 1 through July 31, the projected inriver run of Kenai River late-run king salmon is less than 22,500 fish and the Kenai River sport fishery is restricted to no bait, the ESSN is restricted to fishing no more than 36 hours per week; if retention of king salmon is prohibited in the sport fishery, the ESSN fishery is restricted to fishing no more than 12 hours per week.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** During the 2014 season, due to low abundance of Kenai River late-run king salmon, the ESSN was restricted to no more than 36 hours of fishing time per week from July 1 through July 18 and was further restricted to no more than 12 hours of fishing time per week from July 19 through July 25, with both restrictive actions taken in concert with restrictions in the Kenai River king salmon sport fishery. The below average Kenai River king salmon run and above average Kasilof River sockeye salmon run resulted in the utilization of the set gillnet fishery in the Kasilof Section within one-half mile of shore for two 9-hour fishing periods and extensive use of the Kasilof River Special Harvest Area (KRSHA). Fishing time provided in the Kasilof Section within one-half mile of shore is counted toward the weekly hour restrictions, while use of the KRSHA is exempted from the weekly hour restrictions. When the ESSN was limited to no more than 12 hours of fishing time per week, use of the KRSHA was an important tool to reduce sockeye salmon passage into the Kasilof River. The ESSN was closed on July 24, in conjunction with the Kenai River being closed to sport fishing, leaving the KRSHA as the primary tool to control passage of sockeye salmon into the Kasilof River. The

department utilized the Kasilof River Special Harvest Area (KRSHA) extensively in 2014. From July 16 through August 2, the KRSHA was open for part or all of 17 different days.

**PROPOSED BY:** Christine Brandt

**ACR 14** – Restrict mesh size to no larger than 4¼ inches in the Kasilof Section set gillnet commercial fishery when the Kasilof River sockeye salmon escapement goal is being met or exceeded (5 AAC 21.331(b), 5 AAC 21.365).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request seeks to modify 5 AAC 21.331(b), and 5 AAC 21.365 to restrict mesh size to no larger than 4¼ inches in the Kasilof Section set gillnet commercial fishery if the Kasilof River sockeye salmon escapement goal is being met or exceeded. It would implement the mesh size restriction in the Kasilof Section set gillnet fishery permanently whenever the sockeye salmon minimum escapement goal was met.

**PRESENT SITUATION:** Commercial fisheries in Upper Cook Inlet (UCI) are currently limited to fishing gillnets, either set or drift, with a maximum mesh size of six inches. However, the *Cook Inlet Pink Salmon Management Plan* (5 AAC 21.354) limits gillnets to a mesh size not to exceed 4¾ inches. This plan allows for up to two fishing periods per year from August 11–15, in even years only, with each fishing period being allowed based on specific harvest and escapement criteria.

The Kasilof Section set gillnet fishery opens by regulation on or after June 25, with the possibility of opening as early as June 20 based upon 50,000 sockeye salmon being in the Kasilof River by that date. From the opening of the fishery through July 7, the fishery is managed per the *Kasilof River Salmon Management Plan* (5 AAC 21.365). The combined Kenai and East Foreland sections open by regulation on or after July 8.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** The Alaska Board of Fisheries met in February 2014 to consider proposals and discuss issues related to fisheries in UCI. No proposals restricting mesh size to 4¼ inches were submitted for the meeting.

**PROPOSED BY:** Chris Every

**ACR 20** – Modify how the one-percent rule in August is calculated for the Central District drift gillnet fishery in Upper Cook Inlet (5 AAC 21.353(e)).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request would change how the one-percent rule in August is calculated for the Central District drift gillnet fishery in Upper Cook Inlet. Specifically, the agenda change request would use a catch per unit effort (CPUE) statistic based on all salmon harvested instead of calculating the one-percent rule on the number of sockeye salmon harvested during a fishing period compared to the season’s total sockeye salmon harvest.

**PRESENT SITUATION:** At the 2014 Alaska Board of Fisheries (board) meeting, the board adopted provision (e) of the *Central District Drift Gillnet Fishery Management Plan* (5 AAC 21.353) that states:

- (e) From August 1 through August 15, there are no mandatory area restrictions to regular fishing periods, except that if the Upper Subdistrict set gill net fishery is closed under 5 AAC 21.310(b)(2)(C)(iii), or the department determines that less than one percent of the season's total drift gillnet sockeye salmon harvest has been taken per fishing period for two consecutive fishing periods in the drift gillnet fishery, regular fishing periods will be restricted to Drift Gillnet Areas 3 and 4. In this subsection, "fishing period" means a time period open to commercial fishing as measured by a 24-hour calendar day from 12:01 a.m. until 11:59 p.m.

In addition, the *Central District Drift Gillnet Fishery Management Plan* (5 AAC 21.353(a)(2)(D)) states that from August 11 through August 15, there are no mandatory area restrictions to regular periods, except that if the Upper Subdistrict set gillnet fishery is closed per the one-percent rule, regular fishing periods will be restricted to Drift Gillnet areas 3 and 4. The Upper Subdistrict set gillnet fishery closes no later than August 15, unless closed by emergency order (EO) after July 31, if the Alaska Department of Fish and Game (department) determines that less than one percent of the season’s total sockeye salmon harvest has been taken per fishing period for two consecutive fishing periods; from August 11 through August 15, the fishery is open for regular fishing periods only.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation purpose that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** In 2014, drift gillnet fishing was restricted to Drift Gillnet

Areas 3 and 4 beginning on August 11 in compliance with the *Central District Drift Gillnet Fishery Management Plan* based on the new regulation passed at the 2014 board meeting. Sockeye salmon harvest in the drift gillnet fishery on August 4 and August 7 were both less than one percent of the seasons total sockeye salmon harvest. Therefore, the drift gillnet fishery was restricted to Drift Gillnet Areas 3 and 4.

**PROPOSED BY:** Michael C. Hatten

**ACR 19** – Allow a person who owns two set gillnet permits to register and operate the permits in different registration areas in Cook Inlet (5 AAC 21.345).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request would allow a person who owns two set gillnet permits to register and operate the permits in different registration areas in Cook Inlet.

**PRESENT SITUATION:** Set gillnet permit holders in Cook Inlet must register for a registration area they intend to fish for the fishing season (5 AAC 21.345). Fishermen are not allowed to fish their permit(s) in more than one registration area. If a set gillnet permit holder registers in the Upper Subdistrict area (5 AAC 21.200(b)(2)), then he or she must purchase buoy sticker identification tags at the Alaska Department of Fish and Game office in Soldotna (5 AAC 21.334(c)(4)). Beginning with the 2014 season, the Alaska Board of Fisheries (board) modified 5 AAC 21.331. *Gillnet Specifications and Operations* (i) to state that dual Commercial Fisheries Entry Commission set gillnet permit holders in Upper Cook Inlet may operate an aggregate length of gear not to exceed 210 fathoms in length and 45 meshes in depth, except that in the Upper Subdistrict no more than 105 fathoms in length may be more than 29 meshes in depth.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation purpose that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** Area registration for set gillnets first went into effect in 1993 in order to prevent fishermen from moving into “hot” fishing areas at the peak of the season and then returning to their original area for the remainder of the season. At the time it was implemented, it was aimed primarily at reducing the influx of set gillnets into the Upper Subdistrict or to reduce the number of Upper Subdistrict fishermen from participating in the Northern District king salmon and Big River sockeye salmon fisheries. Set gillnet buoy sticker requirements were also instituted in 1993 to help enforcement of the legal limit of gear in the Upper Subdistrict. Prior to this requirement, people may have been fishing more nets than were legally allowed. The three registration areas for set gillnetting in Upper Cook Inlet are 1) Northern District, 2) Greater Cook Inlet, and 3) Upper Subdistrict.

**PROPOSED BY:** Chris Every



**ACR 21** – Establish a tier drawing and harvest limit in the Upper Cook Inlet (UCI) personal use salmon fisheries (5 AAC 77.540).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request seeks to limit participation in UCI personal use fisheries through a tier drawing system, and limit total harvest to 300,000 salmon as estimated at four unidentified check stations.

**PRESENT SITUATION:** UCI personal use salmon fishery permits are issued to Alaska residents with valid Alaska sport fishing licenses by vendors, and department offices located in Anchorage, Fairbanks, Palmer, Homer, and Soldotna. From 2009–2013 the number of permits issued for UCI personal use salmon fisheries ranged from 29,600–35,200. The annual salmon harvest is estimated post-season from permit data. UCI personal use salmon fisheries include dip net fisheries at Fish Creek, Kenai River, and Kasilof River; and a set gillnet fishery at the mouth of the Kasilof River. The recent five-year (2009–2013) average annual harvest of all salmon species taken under UCI personal use salmon fishery permits is 540,597 salmon.

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

- a) **Is there a fishery conservation purpose or reason?** The primary salmon species harvested in the UCI personal use salmon fisheries is sockeye salmon. Kenai, Kasilof, and Fish Creek sockeye salmon stocks are assessed annually and have consistently achieved escapement objectives.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The Alaska Board of Fisheries considers changes to the *Upper Cook Inlet Personal Use Salmon Fishery Management Plan* (plan) at each UCI meeting cycle. The board most recently addressed the plan at the February 2014 UCI meeting.

**ADDITIONAL INFORMATION:**

**PROPOSED BY:** Chris Every

## **Bering Sea Tanner and Norton Sound King Crab Fisheries (5)**

**ACR 1** – Reduce the size of exploitable legal male Tanner crab, from 5.5 inches to 5.0 inches carapace width, for the purpose of calculating total allowable catch in waters east of 166° W. longitude in the Bering Sea District (5 AAC 35.508 (g)(5)).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request would adjust the annual calculation in the regulatory harvest strategy for determining total allowable catch (TAC) of *C. bairdi* Tanner crab in the Bering Sea District east of 166° W. longitude. The harvest strategy calculates the TAC by applying a harvest rate to the biomass of exploitable legal males. The current harvest strategy defines the biomass of exploitable legal males to include only the biomass of male crab greater than or equal to 5.5 inches carapace width. This agenda change request would define the biomass of exploitable legal males to include the biomass of male crab greater than or equal to 5.0 inches carapace width.

**PRESENT SITUATION:** The Bering Sea District *C. bairdi* Tanner crab fishery is managed separately east and west of 166° W. longitude. The annual total allowable catch is allocated by National Marine Fisheries Service as 90% individual fishing quota (IFQ) and 10% community development quota (CDQ). The fishery east of 166° W longitude was opened for 5 of the 9 seasons since crab rationalization, during which an average of 25 vessels participated per season and the average annual harvest was 1.5 million pounds.

The legal size limit for *C. bairdi* Tanner crab in the Bering Sea District east of 166° W. longitude is 4.8 inches carapace width (5 AAC 35.520 (b)(1)(a)). The specification of 5.5 inches carapace width in the regulatory harvest strategy's definition of exploitable legal males is intended to be consistent with the industry preference for market size of crab. However, the size distribution of crab landed in the 2013/2014 season was consistent with an industry preference for market size of 5.0 inches. Given that the requested size of 5.0 inches is above the legal size limit (4.8 inches), this requested change is compatible with the existing regulatory harvest strategy.

The Bering Sea Tanner crab fishery is managed under the federal *Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs* (FMP). Harvest levels are a category two management measure under the FMP. In general, harvest levels are set to avoid overfishing and maximize socioeconomic benefits.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** The legal size limit for Bering Sea District *C. bairdi* Tanner crab in waters east of 166° W. longitude was revised to lower the legal size from 5.5 inches carapace width to 4.8 inches at the March 2011 board meeting. The size of crab pot escape rings for the Bering Sea was reduced by the board in March 2014 to reflect the industry preference for a Tanner crab market size of 5.0 inches carapace width and larger. The current pot escape requirements in the Bering Sea District for *C. bairdi* Tanner crab are at least one-third of one vertical surface of the pot composed of not less than six and one-half inch stretched mesh webbing or have no less than four circular escape rings of no less than four and one-half inches inside diameter installed in a manner on the vertical surface of the pot so that the bottom of a ring is no higher on the vertical surface than the first full mesh from the bottom of the pot.

**PROPOSED BY:** Alaska Bering Sea Crabbers

**ACR 2** – Change the *C. bairdi* Tanner crab regulatory fishing season closure date from March 31 to May 15 in waters west of 166° W. longitude of the Bering Sea District (5 AAC 35.510 (f)(1)).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** The regulatory fishing season in the Bering Sea District for *C. bairdi* Tanner crab is October 15 through March 31. This agenda change request would extend by six weeks the regulatory season closure in that portion of the Bering Sea District west of 166° W. longitude; the regulatory season closure in that portion of the Bering Sea District east of 166° W. longitude would remain at March 31.

**PRESENT SITUATION:** The Bering Sea District *C. bairdi* Tanner crab fishery is managed separately east and west of 166° W. longitude. The annual total allowable catch (TAC) is allocated by National Marine Fisheries Service as 90% individual fishing quota (IFQ) and 10% community development quota (CDQ).

The Bering Sea Tanner crab fishery is managed under the federal *Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs* (FMP). Under the FMP, fishing seasons are a category two management measure. Fishing seasons are set to protect crab during the mating/molting portion of their life cycle.

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

- a) **Is there a fishery conservation purpose or reason?** Changing the fishing season should not result in overfishing as the department is required, under the FMP, to remain below the federal overfishing level. Although fishery closure periods are intended to protect crab from fishing during the sensitive mating and molting period, the mating and molting period for *C. bairdi* Tanner crab in the Bering Sea west of 166° W. longitude is poorly understood.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- a) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** The *C. bairdi* Tanner crab season closing date of March 31 is the same throughout western Alaska (Kodiak, Chignik, South Alaska Peninsula, Aleutian Islands and Bering Sea).

**PROPOSED BY:** Alaska Bering Sea Crabbers

**ACR 3** – Increase the allowable level of incidental harvest of *C. bairdi* Tanner crab while directed fishing for Bristol Bay red king crab east of 166° W. longitude, from the current level of 5% up to the amount of *C. bairdi* individual fishing quota held by the vessel operator (5 AAC 35.506 (i)(2)).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request would increase the incidental allowable harvest of *C. bairdi* Tanner crab, above the current level of 5%.

**PRESENT SITUATION:** The annual total allowable catch (TAC) is allocated by National Marine Fisheries Service as 90% individual fishing quota (IFQ) and 10% community development quota (CDQ). The fishery east of 166° W. longitude was opened for 5 of the 9 seasons since crab rationalization, during which an average of 25 vessels participated per season and the average annual harvest was 1.5 million pounds.

Vessel operators are allowed to retain up to 5% *C. bairdi* Tanner crab of the weight of Bristol Bay red king crab on board the vessel and reported on an Alaska Department of Fish and Game (department) fish ticket while fishing for Bristol Bay red king crab.

The Bering Sea Tanner crab fishery is managed under the federal *Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs* (FMP). Under the FMP, bycatch limits are a category three management measure. The state may implement bycatch limits of crab in crab fisheries.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** The 3 inch tunnel height restriction specified for *C. bairdi* Tanner crab gear (5 AAC 35.525 (d)) and the closure of the Bristol Bay area east of 163° W. longitude to directed *C. bairdi* Tanner crab fishing (5 AAC 35.506 (i)(3)) are intended to reduce bycatch of Bristol Bay red king crab during directed *C. bairdi* Tanner crab fishing. Currently, under 5 AAC 35.506 (i)(2) a vessel holding IFQs for *C. bairdi* Tanner crab and fishing with red king crab gear in Bristol Bay east of 166° W. longitude is limited to a 5% incidental catch of *C. bairdi* Tanner crab. This agenda change request allows a vessel to directed fish for *C. bairdi* Tanner crab in Bristol Bay east of 166° W. longitude using red king crab gear until the *C. bairdi* Tanner crab IFQs held by the vessel are harvested. Directed fishing for *C. bairdi* Tanner crab in Bristol Bay east of 166° W. longitude using red king crab gear would likely lead to increased red

king crab bycatch. Participants in the rationalized red king crab fishery may participate in cooperatives and share or transfer quotas, allowing for the “stacking” of IFQs for *C. bairdi* Tanner crab from several vessels on one vessel. Changing the rate of incidental take of Tanner crab during the Bristol Bay red king crab season could increase the bycatch of red king crab. The department is required under the FMP to account for all sources of fishing mortality, thus increases in red king crab bycatch would affect the amount available for the directed red king crab fishery.

Low bycatch allowances prevent vessels from targeting Tanner crab with Bristol Bay red king crab gear. Based on observer pot sample data, estimated bycatch of legal Tanner crab to Bristol Bay red king crab has averaged 1% by weight since crab rationalization began, with 0.1% by weight retained Tanner crab to retained Bristol Bay red king crab.

The department does not monitor crab harvest by quota shares, therefore would not have the ability to track bycatch limits connected to IFQ shares.

**PROPOSED BY:** Alaska Bering Sea Crabbers

**ACR 4** – Develop a guideline harvest level for the Norton Sound red king crab winter commercial fishery (5 AAC 34.915 (a)(1)).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request (ACR) seeks to modify the Norton Sound commercial red king crab fishery harvest strategy by establishing a guideline harvest level (GHL) for this winter fishery. The ACR does not state what percentage of the total commercial harvest should be made available to the winter fishery.

**PRESENT SITUATION:** The Norton Sound through-the-ice-only commercial red king crab season is open by regulation from noon November 15 through noon May 15 (5 AAC 34.910.(f)(1)(B)). There is no GHL for the winter commercial fishery and fishing activity is limited by ice stability. In most years, the first commercial red king crab harvest occurs in late December and the majority of the commercial harvest is taken during the months of March and April.

From 2002 through 2011, the number of permit holders participating in the winter commercial fishery ranged from 1 to 13 with a 10-year average of seven permit holders and 8,656 pounds harvested. The range of pot lifts during that same 10-year period was from 75 to 1,848 with an average of 1,150. Since 2012, harvest and the number of permit holders participating in the winter commercial fishery have increased: 35 permit holders in 2012; 26 in 2013; and 21 in 2014. For comparison, only three other years in the 37-year history of the fishery have had more than 13 permit holders participating; 1978 (37), 1994 (25), and 1996 (42). Commercial harvests were 24,142 pounds, 62,179 pounds and 34,587 pounds in 2012, 2013 and 2014, respectively. Harvests were at a record high in 2013, the second highest in 2014 and the fourth highest in 2012. Although the 1,668 pot lifts in 2012 were within the range of the previous 10 years, the number of pot lifts in 2013 (6,093) and in 2014 (3,949) were more than triple and double the upper end of the range from 2002 through 2011.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** At the time when the Norton Sound red king crab harvest strategy was adopted, the summer season was the only significant harvest and, therefore, was the only fishery included in the harvest strategy. Since then, the winter red king crab harvest has increased and comprises a larger portion of the total harvest.

**ADDITIONAL INFORMATION:** Winter commercial harvests prior to 2012 were a relatively small portion of total Norton Sound red king crab removals and the winter commercial fishery

has not been managed inseason. Unlike the summer season commercial red king crab fishery there is no king crab harvest strategy established for the through-the-ice only commercial red king crab fishery.

The board found that all shellfish in the Bering Sea are customarily and traditionally taken or used for subsistence (5 AAC 02.608). The board has not made a finding of amounts reasonably necessary for subsistence in regulation.

**PROPOSED BY:** Adem Paul Boeckmann



**ACR 5** – Change the duration of the Norton Sound winter through-the-ice commercial king crab fishing season to be open by emergency order on or after January 15 and close April 30, unless extended by emergency order (5 AAC 34.910 *Fishing seasons for Registration Area Q*. (d)(2)).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request seeks to shorten the duration of the Norton Sound winter through-the-ice commercial king crab fishing season.

**PRESENT SITUATION:** The Norton Sound winter commercial red king crab season is open by regulation from November 15 to May 15, through the ice only. Historically, the fishery has not been managed intensively and, if there is ice to fish from, the fishery is essentially open until the season closes by regulation. In most years, the majority of red king crab winter commercial harvest is taken during the months of March and April, when nearshore ice conditions are most stable and legal male crab move near shore in preparation for the spring mating season.

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

- a) **Is there a fishery conservation purpose or reason?** Because of recent high levels of participation in the winter fishery, pot loss during times of unstable ice is expected to occur at levels greater than has likely occurred historically. Opening the fishery by emergency order on or after January 15 will reduce the chance of lost commercial gear during the early phase of ice formation. Similarly, moving the closure date up from May 15 to April 30 will require fishermen to remove their gear before the ice begins to deteriorate, thereby reducing the chance of lost pots at the end of season. Reducing pot loss will decrease king crab mortality due to ghost fishing.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Until recently, Norton Sound red king crab (NSRKC) legal biomass estimates have been assessed by the Crab Plan Team (CPT) of the North Pacific Fishery Management Council (NPFMC) in May with Allowable Biological Catch (ABC) and Over Fishing Level (OFL) adopted by the NPFMC in June. However, this schedule is anticipated to change so that NSRKC legal male biomass estimates are reviewed by the CPT in September with the intent of having the NPFMC adopt the ABC and OFL in February. Opening the season by emergency order on or after January 15 will ensure that winter fishery does not begin prior to ABC and OFL being adopted by the NPFMC.

**ADDITIONAL INFORMATION:** During the winter 2014 season, 105 commercial pots were reported lost; the majority of these pots were lost in January, well before the ice was stabilized, as well as near the regulatory closure date, when nearshore ice deteriorated from warm weather. From 2011–2013, an average of 30 pots was lost per year. Although crab pots are required to have biodegradable escape mechanisms, they still have the potential to ghost fish for crab and other marine organisms until the 30 thread cotton twine degrades and the pot mesh becomes

unpursed. Opening the fishery by emergency order on or after January 15 will reduce the chance of lost commercial gear during the early phase of ice formation. Moving the closure date from May 15 to April 30 will reduce the chance of lost pots as nearshore ice begins to melt.

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

### **Kuskokwim River Salmon Fisheries (3)**

**ACR 6** – Require four-inch mesh subsistence gillnets to be operated only as set gillnets in the Kuskokwim River during times of king salmon conservation (5 AAC 07.365 (d)(2) and 5 AAC 01.270 (m) and (n)).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request (ACR) seeks to restrict the operation of 4-inch mesh gillnets to set gillnet only, during times of king salmon conservation.

**PRESENT SITUATION:** Since 2010, the Kuskokwim River has experienced poor king salmon returns and average to above average sockeye and chum salmon returns. Total run estimates for Kuskokwim River king salmon in 2010, 2012, and 2013 are the three lowest on record. Escapements in 2010 and 2013 were below the Kuskokwim River drainagewide escapement goal that was established in 2013 and the majority of tributary escapement goals were not met in these years.

The 2014 Kuskokwim River king salmon run was expected to be similar to the 2013 run, which was the lowest on record. In anticipation of a low run, management actions closed the subsistence, commercial, and sport king salmon fisheries with the intent of reducing incidental harvest of king salmon to a level that would allow for achievement of escapement goals.

Long-standing regulations in the Kuskokwim Management Area allow for salmon to be taken for subsistence purposes by gillnet, beach seine, a hook and line attached to a rod or pole, hand line, or fish wheel. Gillnets are the primary gear type used in the Kuskokwim River subsistence salmon fishery. The aggregate length of set gillnets or drift gillnets may not exceed 50 fathoms in length. During times of king salmon conservation, subsistence gillnet mesh size may not exceed six inches.

In January 2013, the board adopted a provision to the *Kuskokwim River Salmon Management Plan* (management plan) that includes additional king salmon conservation measures allowing the department to restrict subsistence gillnet mesh size to four inches or less until sockeye and chum salmon abundance exceeds king salmon abundance, effectively closing the subsistence salmon fishery until sockeye and chum salmon are present in adequate abundance.

During subsistence salmon closures, fishermen may target whitefish and other non-salmon species with a four-inch or less mesh size gillnet, used as either a set or drift gillnet, that may not exceed 60 feet in length. In 2012 and 2014, the department closed the subsistence salmon fishery for 31 days and there were numerous reports of subsistence fishermen intentionally targeting king salmon by drifting four-inch mesh gillnets. Although targeting salmon is deemed illegal if the subsistence salmon fishery is closed by emergency order, it is difficult to enforce.

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

- a) **Is there a fishery conservation purpose or reason?** The practice of targeting king salmon with drift gillnets during times when king salmon conservation measures are in

place will continue to threaten the already depressed Kuskokwim River king salmon resource. The purpose of this ACR is to provide subsistence harvest opportunity for other fish species while protecting king salmon.

- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The high amount of effort that subsistence fishermen have expended to target king salmon with four-inch mesh gillnets was unforeseen.

**ADDITIONAL INFORMATION:** The action proposed by this ACR was submitted to the board as an emergency petition by the Kuskokwim River Salmon Management Working Group and deliberated on during the May 16, 2014 emergency teleconference. The board did not make a finding of an emergency at that time.

The use of 4-inch mesh gillnets was allowed during the 2014 fishing season, expressly to provide a subsistence fishing opportunity for whitefish. The department received numerous reports of subsistence fishermen targeting and successfully harvesting king salmon with 4-inch mesh gillnets. The department also received reports of fishermen instructing net manufacturers to “hang the mesh loose for salmon” and to use larger twine size when ordering new 4-inch mesh gillnets.

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

**ACR 7** – Change Kuskokwim River District 1 boundaries (5 AAC 07.200(a)).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request seeks to reduce the size of District 1 of the Kuskokwim River.

**PRESENT SITUATION:** The current description of District 1 (5 AAC 07.200(a)) is from the southernmost tip of Eek Island upstream to Bogus Creek, which encompasses approximately 155 miles of the river. District 1 is divided into two subdistricts: 1-A (above Bethel) and 1-B (below Bethel). Subdistrict 1-B is further divided into upper and lower sections that are separated by a line near the Kailiq River.

The current *Kuskokwim River Salmon Management Plan* (5 AAC 07.365) was adopted by the Alaska Board of Fisheries (board) at the Arctic-Yukon-Kuskokwim finfish meeting in January 2013. This management plan was a collaborative effort by the department and stakeholders in the Kuskokwim Area. There was extensive public input and discussion that aided in the development of this management plan. The management plan was adopted with the current descriptions of District 1 and Subdistricts 1-A and 1-B remaining unchanged since 2001.

The language found in the *Kuskokwim River Salmon Management Plan* specifies that its purpose is to provide guidelines for management of the Kuskokwim River salmon fisheries that result in the sustained yield of salmon stocks large enough to meet escapement goals, amounts reasonably necessary for subsistence, and to provide for nonsubsistence fisheries. The department uses the best available data, such as preseason and inseason run projections, test fishing indices, age and sex composition, harvest reports, passage escapement estimates, and recognized uncertainty, to assess run abundance for the purpose of implementing this plan. This plan provides specific management actions (liberalizations and restrictions) to subsistence, commercial, and sport fisheries in order to achieve escapement goals.

Subsistence fishing for king salmon in the Kuskokwim River has been managed very conservatively, including recent closures to subsistence fishing opportunity and restrictions on gear types and fishing time implemented in an effort to conserve king salmon and meet escapement goals.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** This agenda change request would reduce the size of District 1 to be approximately the same size as the lower section of Subdistrict 1-B (which encompasses approximately 61 miles of river), and make this the only area open to commercial fishing. This action would remove approximately 94 river miles from District 1. The Alaska Department of Fish and Game (department) does have emergency order authority to change area in order to manage the commercial salmon fishery under the current management plan.

Since 2010, the Kuskokwim River has experienced poor king salmon returns and average to above average sockeye and chum salmon returns. Total run estimates for Kuskokwim River king salmon in 2010, 2012, and 2013 are the three lowest on record. Escapements in 2010 and 2013 were below the Kuskokwim River drainagewide escapement goal that was established in 2013 and the majority of tributary escapement goals were not met in these years.

The 2014 Kuskokwim River king salmon run was expected to be similar to the 2013 run, which was the lowest on record. In anticipation of a low run, management actions closed the subsistence, commercial, and sport king salmon fisheries with the intent of reducing incidental harvest of king salmon to a level that would allow for achievement of escapement goals.

In 2013 and 2014, commercial salmon fishing was opened to target chum salmon after nearly all of the king salmon run had passed. Only Subdistrict 1-B was opened to commercial fishing in 2013 and 2014 and the processor elected to not purchase the few incidentally caught king salmon.

**PROPOSED BY:** Patrick M. Pavila

**ACR 8** – Subdivide Kuskokwim River king salmon amount reasonably necessary for subsistence (ANS) by geographic area and allocate Kuskokwim River king salmon subsistence harvest under a Tier II system (5 AAC 01.286(b) and 5 AAC 01.2xx NEW).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request asks the Alaska Board of Fisheries (board) to consider subdividing the ANS for Kuskokwim River king salmon into separate ranges for different sections of the river to more equitably distribute harvest opportunities, and to consider establishing a Tier II king salmon subsistence permit system, or explore alternative ways to address very limited harvest opportunity for subsistence uses of king salmon on the Kuskokwim River.

**PRESENT SITUATION:** The current Kuskokwim River king salmon ANS is 67,200–109,800 fish, which was revised at the 2013 Arctic-Yukon-Kuskokwim (AYK) Board of Fisheries meeting. Subsistence fishing permits are not required in the Kuskokwim Area. The total returns of Kuskokwim River king salmon in recent years have been historically low and king salmon escapement goals (also revised at the 2013 AYK board meeting) have not been met. Subsistence fishing for king salmon in the Kuskokwim River has been managed very conservatively since 2011, including gear restrictions and closures to subsistence fishing opportunity implemented in an effort to conserve king salmon and meet escapement goals. Limited or no subsistence fishing opportunity for king salmon has resulted in many Kuskokwim River households having to rely on other salmon species to make up for the lack of subsistence king salmon harvests. Estimated subsistence harvests of king salmon fell below the lower end of the ANS range for Kuskokwim River king salmon each year in the last four years: estimated harvest was 66,687 in 2010; 62,366 in 2011; 22,470 in 2012; and 47,380 in 2013. King salmon harvests in 2014 also will likely fall below the lower end of the ANS range.

During the same 2010–2013 period, Kuskokwim River subsistence harvests of chum and sockeye salmon were within the ANS ranges for those species, which the board has found to be 41,200–116,400 chum salmon and 32,200–58,700 sockeye salmon. These amounts were also revised at the 2013 board meeting. Subsistence harvests of coho salmon were just above the lower end of the ANS range, which is 27,400–57,600 fish, and fell below the ANS in 2013.

There has been no directed king salmon commercial fishery on the Kuskokwim River since 1987. Since 2011, sport fishing for king salmon in the Kuskokwim River drainage has been restricted or closed by emergency order.

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

- a) **Is there a fishery conservation purpose or reason?** Kuskokwim River king salmon conservation concerns have resulted in closures to commercial and sport fishing opportunities and severe restrictions and closures to subsistence king salmon fishing in recent years. Despite conservative management strategies, poor returns of king salmon have failed to meet escapement goals. Severe subsistence fishing restrictions have required many Kuskokwim River residents to shift their subsistence fishing efforts to other species in order to meet dietary needs for the winter.

- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** AS 16.05.330(c) states: “The Board of Fisheries and Board of Game may adopt regulations providing for the issuance and expiration of subsistence permits for areas, villages, communities, groups, or individuals as needed for authorizing, regulating, and monitoring the subsistence harvest of fish and game. The boards shall adopt these regulations when the subsistence preference requires a reduction in the harvest of fish stock or game population by nonsubsistence users.” The subsistence preference is found at AS 16.05.258 (b)(2)–(4). To date, the board has provided village or organization subsistence fishing opportunity only in the Glennallen Subdistrict of the Prince William Sound Area (5 AAC 01.630 (h)–(j)).

There are currently no fisheries managed under Tier II status in the State of Alaska. From 1999–2005, the Nome Subdistrict of the Norton Sound–Port Clarence Management Area chum salmon subsistence fishery was managed under a Tier II permit program.

In April 2014, the Federal Subsistence Board adopted a special action request to close federal public waters (i.e., the Yukon Delta National Wildlife Refuge) to king salmon harvest by all non-federally qualified subsistence users noting conservation concerns. Additionally, in June 2014, U.S. Fish and Wildlife Service implemented a cultural and social community permit program in an attempt to provide a limited subsistence king salmon fishing opportunity to 32 villages in the Kuskokwim Management Area, yielding an estimated harvest of 63 king salmon through three permits.

**PROPOSED BY:** Grant Fairbanks



## **Yukon River Salmon Fisheries (2)**

**ACR 9** – Allow drift gillnet subsistence fishing after July 15 in the upper section of Yukon River Subdistrict 4-A for the harvest of summer chum salmon (5 AAC 01.220 (e)(1)).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request seeks to allow drift gillnet subsistence fishing for summer chum salmon after July 15 in Yukon Area Subdistrict 4-A upstream from the mouth of Stink Creek.

**PRESENT SITUATION:** Regulations do allow drift gillnet subsistence fishing for king salmon in Yukon Area Subdistrict 4-A upstream from the mouth of Stink Creek from June 10 through July 14 and for fall chum salmon after August 2. Drift gillnet subsistence fishing in Yukon Area Subdistrict 4-A upstream from the mouth of Stink Creek is not allowed from July 15 through August 2. Subsistence fishermen in Subdistrict 4-A are allowed to use fish wheels and set gillnets restricted to 6 inch mesh or less to target summer chum salmon once the end of the king salmon run passes through the area.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Since 1998, the Yukon River has experienced below average to poor king salmon returns. In 2013 and 2014, subsistence fishing was restricted or closed throughout the Yukon River drainage until the king salmon run was nearly complete to protect king salmon. Subsistence fishermen in Subdistrict 4-A are allowed to use fish wheels and set gillnets restricted to 6 inch mesh or less to target summer chum salmon once the end of the king salmon run passes through the area. The use of drift gillnets for subsistence salmon fishing closes by regulation on July 14. In 2014, subsistence fishermen throughout Subdistrict 4-A reported that subsistence fishing with set gillnet gear was greatly impeded by high water level and large amounts of debris in the water.

**ADDITIONAL INFORMATION:** This request seeks the management flexibility to open drift gillnet fishing for summer chum salmon with gillnets restricted to 6 inch mesh or less later than defined in current regulation provided the end of the king salmon run has passed through the area.

**PROPOSED BY:** Fred W. Alexie Sr.

**ACR 10** – Allow subsistence fish wheel fishermen in the Yukon Area to retain king salmon when some harvest is justified based upon inseason run assessment (5 AAC 01.220(n)(2)).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This request seeks to allow fish wheel operators, during times of king conservation, to retain incidentally caught king salmon by emergency order when a small harvest is justified based upon inseason run assessment.

**PRESENT SITUATION:** In the Yukon Management Area during times of king salmon conservation, current subsistence regulations allow for king salmon to be retained by net gear when that gear is restricted to six-inch or less mesh gillnets but do not allow the retention of king salmon by fish wheel users. In 2014, gillnets restricted to six-inch or less mesh were allowed very late in the king salmon run once inseason run assessment data indicated a small incidental harvest was allowable. In recent years, the gillnet restriction to six-inch or less and fish wheels allowed for the directed harvest of summer chum salmon and other species, while reducing incidental king salmon harvest. There was an expectation that a small incidental harvest of king salmon would occur with six-inch or smaller gillnets and that incidental harvest was deemed acceptable based on inseason run assessment information in both years. Current regulations directed at the conservation of king salmon require all king salmon be released alive from fish wheels and there is no provision for retention of any king salmon. Additionally, the requirement to attend fish wheels at all times in order to release king salmon alive may not be necessary if retention of incidental king salmon caught is allowable.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** When regulations were adopted to allow six-inch mesh gillnets and live release of king salmon from fish wheels during times of king salmon conservation, the intent was to allow for harvest opportunity on summer chum salmon and other species while reducing harvest of king salmon. This strategy works effectively when chum salmon are abundant. However, even during years of low king salmon abundance when conservation measures are necessary, some harvest of king salmon may be allowed depending on inseason assessment data. Under current regulations, during times when king salmon conservation measures are in place and some harvest of king salmon is allowable, gillnet users restricted to six-inch mesh or less gear are allowed to retain incidentally-caught king salmon, while fish wheel users must release all king salmon alive. Existing regulations preclude fish wheel users from retaining king salmon when a small harvest is justified based upon inseason run assessment.

**ADDITIONAL INFORMATION:** When the current regulation was adopted, it was assumed it would be in effect during the main portion of the king salmon run. Afterwards, the 6-inch mesh restriction would end and fishing would resume with no restrictions. However, late in the run when few king salmon are present or in-between large groups of protected king salmon, and king salmon are not targeted with the 6-inch mesh gillnet restriction still in effect, there should be flexibility to allow fish wheel operators to retain the few king salmon encountered. The Yukon Management Area has had mostly complete king salmon subsistence closures in recent years and little fishing allowed with either gillnets or fish wheels. Subsistence king salmon fishing on the Yukon River has been heavily restricted in recent years and there has been little fishing opportunity with either gillnets or fish wheels.

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

## **Southeast Herring Fisheries (2)**

**ACR 22** – Limit the size of a closed herring pound as follows: a closed herring pound shall be no more than 10' X 20' X 30" [*note: should be 30'*] deep (5 AAC 27.130(e)(1)(B)and(C)).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request (ACR) seeks to reduce the amount of herring utilized in the Southeastern Alaska area herring spawn-on-kelp (SOK) fisheries by reducing the maximum allowable herring pound surface area and volume.

**PRESENT SITUATION:** Spawn-on-kelp pound size restrictions have undergone several changes over the past 20 years. In 1994, pounds were restricted to a total surface area of 400 square feet, and in 1997 a depth restriction of 30 feet was implemented. In 2006, the current pound size regulations were adopted that set the maximum surface area at 800 square feet and allowed pounds of differing sizes and depths as long as the surface area did not exceed 800 square feet and the volume did not exceed 12,000 cubic feet.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** The number of pounds utilized in the fisheries is dictated by the available quota, the associated kelp allocations, and effort. In general, as guideline harvest levels decrease, corresponding kelp allocations are intended to encourage multiple permit pounds and reduce the amount of herring utilized in the fishery.

Participation in both the Northern Southeast (NSE) and Southern Southeast Alaska (SSE) SOK fisheries has been variable since 2006. There are 167 active permits under limited entry in the SSE fishery, which includes Craig and Ernest Sound. The number of permits participating in the SSE fishery since 2006 has ranged from 52 to 137. There are 111 active permits in the NSE fishery, which includes Hoonah Sound and Tenakee. The number of permits participating in the NSE fishery since 2006 has ranged from 69 to 101. Ernest Sound has seen the largest increase in participation, increasing from minimal effort to 81 permits in 2013 and 129 permits in 2014. Many fishermen participate in both the NSE and SSE SOK fisheries and the recent increase in participation in Ernest Sound is largely attributed to the Hoonah Sound fishery being closed to closed pounds from 2012 through 2014. In 2012, the Hoonah Sound herring spawning stock returned at levels well below forecast and has remained at a depressed level since. The two

fisheries have overlapping spawn timing, and, prior to 2012, most SOK fishermen fished Hoonah Sound where the herring stock was larger, allowing for greater harvesting potential.

Since 2006, the number of pounds used in the Craig SOK fishery has ranged from 34 to 96 and averaged 64 pounds; in the Hoonah Sound SOK fishery the number of pounds has ranged from 75 to 101 and averaged 93 pounds. The participation in the Ernest Sound SOK fishery has been highly variable with the number of pounds ranging from 0 to 77 and averaging 24 pounds. The Tenakee fishery has only been open two years since 2006 with 45 and 33 pounds fished in each of those years.

The author of this ACR has submitted a similar proposal for consideration at the February 2015 Southeast and Yakutat Finfish board meeting.

**PROPOSED BY:** Larry Demmert

**ACR 23** – Eliminate single-permit closed pounds and/or reduce kelp allocations in the herring spawn on kelp in pounds fishery in 5 AAC 27.185(c), (d), and (e).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request seeks to reduce the amount of herring utilized in the Southeastern Alaska area spawn-on-kelp (SOK) fisheries by reducing the number of pounds on the grounds. This request would eliminate single-permit closed pounds in some areas and would change the kelp allocations to increase incentive for permit holders to use multiple-permit closed pounds in all areas.

**PRESENT SITUATION:** Kelp allocation schedules are set by regulation for individual areas depending on the guideline harvest level and the number of permits working a pound. The number of pounds utilized in the fisheries is determined by available quota, associated kelp allocations, and effort. In general, as guideline harvest levels decrease, corresponding kelp allocations are intended to encourage multiple permit pounds and reduce the amount of herring utilized in the fishery.

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

- a) **Is there a fishery conservation purpose or reason?** The current blade allocations for the Ernest Sound SOK fishery along with the total number of permits available in Southern Southeast (SSE) Alaska (167 permits) may allow for too many pounds and the potential for overharvest. The Tenakee Inlet SOK fishery is under the same set of regulations, but as part of the Northern Southeast (NSE) Alaska fishery, there are fewer permits (111 permits) available and the potential for overharvest is less. The Craig SOK fishery is under a different and more conservative set of kelp allocation regulations. The Hoonah Sound SOK fishery is under a third set of kelp allocation regulations.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** Participation in both the NSE and SSE SOK fisheries has been variable since 2006. There are 167 active permits under limited entry in the SSE fishery, which includes Craig and Ernest Sound. The number of permits participating in the SSE fishery since 2006 has ranged from 52 to 137. There are 111 active permits in the NSE fishery, which includes Hoonah Sound and Tenakee. The number of permits participating in the NSE fishery since 2006 has ranged from 69 to 101. Ernest Sound has seen the largest increase in participation, increasing from minimal effort to 81 permits in 2013 and 129 permits in 2014. Many fishermen participate in both the NSE and SSE SOK fisheries and the recent increase in participation in Ernest Sound is largely attributed to the Hoonah Sound fishery being closed to closed pounds from 2012 through 2014. In 2012, the Hoonah herring spawning stock returned at levels well below forecast and has remained at a depressed level since. The two fisheries have

overlapping spawn timing, and, prior to 2012, most SOK fishermen fished Hoonah Sound where the herring stock was larger, allowing for greater harvesting potential.

Since 2006, the number of pounds used in the Craig SOK fishery has ranged from 34 to 96 and averaged 64 pounds; in the Hoonah Sound SOK fishery the number of pounds has ranged from 75 to 101 and averaged 93 pounds. The participation in the Ernest Sound SOK fishery has been highly variable with the number of pounds ranging from 0 to 77 and averaging 24 pounds. The Tenakee fishery has only been open two years since 2006 with 45 and 33 pounds fished in each of those years.

The author of this agenda change request has submitted a similar proposal for consideration at the February 2015 Southeast and Yakutat Finfish board meeting.

**PROPOSED BY:** Larry Demmert

## State-Waters Pacific Cod Fisheries (2)

**ACR 24** – Increase the South Alaska Peninsula state-waters Pacific cod fishery guideline harvest level from 30% to 50% of the estimated total allowable harvest of Pacific cod for the federal Western Gulf of Alaska (WGOA) (5 AAC 28.577 (h)(1)).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request would increase the amount of Pacific cod available for harvest during the South Alaska Peninsula state-waters Pacific cod fishery. The state-waters guideline harvest level (GHL) would increase from 30% to 50% of the WGOA Pacific cod acceptable biological catch (ABC).

**PRESENT SITUATION:** The state-waters fishery is open to vessels 58 feet in overall length or less using pot and jig gear. Vessels are restricted to a maximum of 60 pots or five mechanical jigging machines. The state-waters season for pot vessels opens seven days following closure of the WGOA federal/parallel pot gear season or March 7, whichever is later. The state-waters season for jig vessels opens 48 hours after closure of the WGOA federal/parallel season for jig gear, or March 15.

Currently, 85% of the South Alaska Peninsula Pacific cod GHL is allocated to pot gear, while 15% of the GHL is allocated to jig gear. The South Alaska Peninsula Area state-waters GHL has been fully harvested most years since 2003. Since that time, annual harvest of Pacific cod inside state waters (combined state-waters and parallel fisheries) averaged 48% of the total WGOA Pacific cod ABC. In October 2013 the Alaska Board of Fisheries increased the South Alaska Peninsula Area Pacific cod GHL from 25% to 30% of the WGOA ABC.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** A redistribution of WGOA ABC to the state-waters fishery would result in a corresponding reduction in available quota for the WGOA federal/parallel Pacific cod fishery. Additional GHL in the state-waters fishery would likely extend the length of the state-waters season and provide additional harvest opportunity for vessels eligible to participate in the state-waters fishery.

The North Pacific Fishery Management Council (NPFMC) is currently evaluating new management options for reducing bycatch in federal groundfish trawl fisheries in the Central and Western Gulf of Alaska. Elements of the proposed trawl bycatch management plan include a



catch share program that would allocate Pacific cod catch rights to fishing cooperatives or individual fishing vessels. The earliest estimated implementation date for a trawl catch share program is 2017.

**PROPOSED BY:** Raymond E. Nutt

**ACR 25** – Increase the Dutch Harbor Subdistrict state-waters Pacific cod fishery guideline harvest level (GHL) from 3% to 6% of the estimated total allowable harvest of Pacific cod for the federal Bering Sea and Aleutian Islands Area (5 AAC 28.648 (e)(1)).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request (ACR) would increase the Dutch Harbor Subdistrict state-waters Pacific cod GHL. The 2014 state-waters GHL is based on 3% of the estimated total allowable harvest of Pacific cod for the federal Bering Sea and Aleutian Islands Area, and this ACR would result in a GHL based on 6% of the estimated total allowable harvest of Pacific cod for the federal Bering Sea and Aleutian Islands Area.

**PRESENT SITUATION:** The Dutch Harbor Subdistrict state-waters Pacific cod fishery is open to vessels 58 feet or less in overall length using pot gear, with a limit of 60 pots per vessel. The state-waters season opens 7 days following closure of the federal Bering Sea and Aleutian Islands hook-and-line and pot catcher vessel less than 60 feet sector.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** The Alaska Board of Fisheries established the Dutch Harbor Subdistrict state-waters Pacific cod fishery in October 2013, and the fishery opened in spring 2014. The 2014 GHL was 17,863,874 lb and the GHL was essentially achieved by May 27 with a harvest of 17,666,510 lb by 16 vessels, although the fishery was open from February 11 through September 1. Weekly harvest ranged from approximately 47,000 lb to 2.05 million lb, and averaged 1.10 million lb per week, with a maximum of 10 vessels per day participating. Harvest levels for state-waters Pacific cod fisheries are accounted for in the federal stock assessment process. State-waters Pacific cod harvest levels are subtracted from the federal acceptable biological catch (ABC).

Of the 16 vessels that participated in the Dutch Harbor Subdistrict state-waters Pacific cod fishery, five participated in an exclusive or super-exclusive registration area state-waters Pacific cod fishery in the Gulf of Alaska in 2013.

The North Pacific Fishery Management Council recommends allowable harvest levels for the upcoming year in December. If the state-waters fishery GHL increases there would be a concurrent reduction in the estimated total allowable harvest of Pacific cod for federal fishery sectors in the Bering Sea and Aleutian Islands Area.

**PROPOSED BY:** Ernie Weiss, Aleutian East Borough Natural Resource Director

## **General Provisions (1)**

**ACR 26** – Redefine the method used to determine maximum overall length of salmon purse seine vessels (5 AAC 39.117).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** This agenda change request (ACR) seeks to change the way maximum overall length of salmon purse seine vessels is determined so that the anchor roller is only excluded from the overall length measurement if it extends past the forward extremity of the vessel's hull.

**PRESENT SITUATION:** Currently anchor rollers are not included in the overall length measurement for salmon purse seine vessels (AS 16.05.835 (C)).

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** Provisions excluding anchor rollers from maximum overall length determination of salmon purse seine vessels are codified in Alaska Statute. This ACR is similar in nature to Proposal 202, addressing length of salmon purse seine vessels in Southeast Alaska, scheduled for the 2014/2015 Southeast and Yakutat Finfish board meeting.

**PROPOSED BY:** Leroy L. Cabana

## **Bristol Bay Salmon Fisheries (2)**

**ACR 11** – Change the Naknek-Kvichak District boundary line at Graveyard Point to include two historically fished set net sites (5AAC. 06.350).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** 5 AAC 06.350 Closed waters. (b)(1) would be amended to establish Global Positioning System (GPS) coordinates that correspond to the historical location of the upper Graveyard Point marker and factor in the significant shoreline erosion that is occurring.

**PRESENT SITUATION:** Two historically fished set net sites at Graveyard Point are outside of the Naknek-Kvichak District boundary line as established by GPS coordinates in 5 AAC 06.350 (b)(1).

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** This agenda change request (ACR) requests change to a regulation that defines a commercial fishing boundary line. The boundary line has been redefined in regulation at least two times in the past to address changes from latitude and longitude coordinates and regulatory markers to Loran C coordinates, then from Loran C coordinates to GPS coordinates. The original boundary marker location at Graveyard Point is not well defined so it is not possible to determine if an error occurred when this point was converted to GPS coordinates. Additionally, the point on the opposite shore, as defined in regulation, is approximately 1,000 feet inside the district relative to where the point was defined in the 1980 regulations.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** This ACR addresses an effect of a regulation that resulted in two set net sites that were previously in the commercial fishing district being placed in closed waters.

**ADDITIONAL INFORMATION:** 5 AAC 06.350(b)(1) has been amended several times in the past to address changes from regulatory markers with latitude and longitude coordinates to Loran C, and from Loran C to GPS coordinates as ways to define the Kvichak District boundary line at Graveyard Point. The intent was not to change the location of the boundary line; however changes in how the boundary line is defined unintentionally resulted in changing the location of the boundary line. In 1980, 5 AAC 06.350(b)(1) stated, “In Kvichak Bay the following waters are closed waters: northeast of a line from Graveyard Point to a point on the opposite shore at 58° 53’ 22” N. lat., 157° 04’ 16” W. long.” In 1992, 5 AAC 06.350(b)(1) was amended to read, “The following locations of Naknek-Kvichak District are closed to the taking of salmon: those water northeast of a line between ADF&G regulatory markers located near Graveyard Point at Loran C coordinates 9990-Y-32313.6 and 9990-Z-44965.7, and the northwest corner of the

Kvichak Section at Loran C coordinates 9990-Y-32311.7 and 9990-Z-4489.2.” In 2001 the current regulation of 5 AAC 06.350 (b)(1) was adopted and it states, “The following locations in the Naknek-Kvichak District are closed to the taking of salmon: those waters northeast of a line from an ADF&G regulatory marker located at 58° 52.07’ N. lat., 157° 00.89 W. long. near Graveyard Point to the ADF&G regulatory marker located at 58° 53.24’ N. lat., 157° 04.44’ W. long.”

**PROPOSED BY:** Armstrong Family (JoAnn, Armstrong, Curt Armstrong, Janet Armstrong Schlagel, Allison Tennyson, Rosanne Savo, and Nora Armstrong-Johnson.)

**ACR 12** – Bristol Bay sockeye salmon optimum escapement goals (Chapter 06 Bristol Bay Area).

**WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE:** In December 2012 the Alaska Board of Fisheries (board) agreed to receive input from industry on evaluation of optimum escapement goals (OEGs) for six Bristol Bay sockeye salmon stocks. This agreement was in response to proposed revisions to Bristol Bay sockeye salmon escapement goals by the Alaska Department of Fish and Game (Fair et al. 2012 *Review of salmon escapement goals in Bristol Bay, Alaska*, FMS No. 12-04). This agenda change request is intended to update the board on progress made by industry on evaluation of OEGs.

**PRESENT SITUATION:** The department agreed to postpone implementation of recommended escapement goals for six sockeye stocks until 2015, pending the results from an OEG analysis, which are expected prior to the 2015 season. The escapement goals will change in Bristol Bay in 2015 if the board does not take action.

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

- a) **Is there a fishery conservation purpose or reason?** The department is unaware of a fishery conservation issue that would be corrected by this agenda change request.
- b) **Does the agenda change request correct an error in regulation?** The department is unaware of an error in regulation that relates to this agenda change request.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** The department is unaware of any effects of this regulation that were unforeseen when it was adopted.

**ADDITIONAL INFORMATION:** This issue was considered in December 2012 and the board agreed to receive input from industry to evaluate escapement goals before 2015.

**PROPOSED BY:** Vince Webster