

Alaska Board of Fisheries
Work Session
October 21–22, 2015, Anchorage
Supplemental Agenda Change Requests

The following agenda change requests were initially precluded after missing the listed deadline time on the required date of submission. They were accepted upon reconsideration.

ACR 16 – Amend the *Kasilof River Salmon Management Plan* to allow commercial fishing with set gillnet gear within 600 feet of the high tide mark in the Kasilof Section, and within the Kasilof Section, consider the area within 600 feet of the beach part of the Kasilof River Special Harvest Area (5 AAC 21.365).

ACR 17 – Amend regulations to define statistical area boundaries in the Upper Subdistrict of the Cook Inlet Area (5 AAC 21.200, 5 AAC 21.310, and 5AAC 21.330).

ACR 18 – Amend the *Kenai River Late-Run King Salmon Management Plan* to allow commercial fishing with set gillnet gear in the Upper Subdistrict up to 36 hours per week in both the Kasilof and Kenai/East Foreland sections separately (5 AAC 21.359).

ACR 16 – Amend the *Kasilof River Salmon Management Plan* to allow commercial fishing with set gillnet gear within 600 feet of the high tide mark in the Kasilof Section, and within the Kasilof Section, consider the area within 600 feet of the beach part of the Kasilof River Special Harvest Area (5 AAC 21.365).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
(5 AAC 21.365(c)(3)(f))

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Under the restrictions mandated in 5 AAC 21.359(e)(3)(A) the use of the 600 foot area in lieu of the KRSHA terminal area would appear to be outside of the policies and directives in the Kasilof River Salmon Management Plan. We believe that the 600 foot zone should be part of the KRSHA plan and that the hours used should not be counted against a 36-hour restriction in place for the entire ESSN fishery. If used on a regular basis, control of the escapement of Kasilof bound sockeye could be of benefit to escapement goals and objectives without violating the policy described in (a) of this regulation. ...It is the intent of the Board of Fisheries that the Kasilof River salmon be harvested in the fisheries that have historically harvested them, including the methods, means, times, and locations of those fisheries. ... Further use of the Kasilof Terminal area has created a “new” fishery where 10% of the participants who harvest 90% of the sockeye in the KRSHA have established locations on the jurisdictional outside boundaries in any strong armed manner or with intimidation that allows them take control.

WHAT SOLUTION DO YOU PREFER? 5 AAC 21.365(c)(3) ...if the commissioner determines that further restrictions are necessary to aid in achieving the lower end of the Kenai River sockeye and king salmon escapement goal(s), the commissioner may, in an emergency order under this paragraph, further restrict fishing to within 600 feet of the mean high tide mark in the Kasilof Section, hours allowed under this provision will be considered part of the KRSHA as stated within (f) of this section:

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

- a) **for a fishery conservation purpose or reason:** Conservation of depressed stocks.
- b) **to correct an error in regulation:** Within (f) of this regulation ...Before the commissioner opens the KRSHA, it is the board’s intent that additional fishing time be allowed in the remainder of the Kasilof Section first, ...When the board adopted changes to 5 AAC 21.359 they could not have been expected to know of all the negative changes or restrictions to other management plans. This is a contradiction to the purpose of the Kasilof Management Plan and the KRSHA. The department was given flexibility to manage fisheries outside of the Terminal area and continues to overescape the Kasilof River sockeye without being able to use the traditional areas to harvest. The 600 foot zone has proven to have minimal effects on Kenai bound king salmon.
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Use of the KRSHA created a new non-historical fishery with unforeseen effects yet to be determined.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR seeks to clarify the policies and provisions in two management plans while still adhering to conservation goals.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. I am an Alaskan resident and appreciate access to surplus harvesting opportunities.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. This proposal was discussed in the 2014 Upper Cook Inlet board meeting but was not adopted as a wait and see approach. The department used this provision this year (2015) and now has new data to present. This tool could have been used earlier in the season with promising results prior to the need to open the KRSHA normal area.

SUBMITTED BY: Paul Shadura

ACR 17 – Amend regulations to define statistical area boundaries in the Upper Subdistrict of the Cook Inlet Area (5 AAC 21.200, 5 AAC 21.310, and 5AAC 21.330).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 21.200(b), 5 AAC 21.310(b) (2) (C), 5 AAC 21.330(b) (3) (C),

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Statistical areas for the ESSN fishery are not defined in regulation, only referenced. There is no compelling regulatory language that requires a permit holder to comply with reporting the proper statistical area on a fish ticket. 5 AAC 21.310 (b) (2) (C) (iii) requires the Alaska Department of Fish and Game to determine a one percent participation threshold and relies on fish tickets to determine statistical area fished. Those fishing in the Kasilof Section may report in the Kenai Section or in the Kasilof Section with no accountability. Statistical areas 244 31.244 – 32.244 – 4 and 244 42 have coordinates listed in various sections. 244 – 21 and 244 22 describe the Clam Gulch road as the division line but it is not defined in regulation. Placing the actual ESSN statistical areas in regulation in Article 2 fishing districts, subdistricts, and sections would clarify boundaries for management purposes and require compliance in reporting on fish tickets for adherence to individual sections one percent regulation.

WHAT SOLUTION DO YOU PREFER? Language would substantiate the statistical area by coordinates in regulation.

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

- a) **for a fishery conservation purpose or reason:** Rule is in place for allocative reasons.
- b) **to correct an error in regulation:** This corrects an error in regulation that does not require accurate and accountable reporting for compliance with a regulatory rule. Information derived from the department may be inaccurate and triggers unwarranted restrictions.
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** We do not believe that this was a foreseen issue as the assumptions may have been that the statistical areas were already defined in regulation.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Continued non-compliance with existing rules resulting in more non-warranted restrictive regulatory actions. Potential loss of an important tool for directed harvest of surplus stocks of salmon.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This proposal seeks to correct a regulatory compliance issue for more precise management actions.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Not allocative. Oversight and to correct regulation.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. I am an Alaskan resident and appreciate access to surplus harvesting opportunities.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. None that I am aware of although the discussion of statistical areas have been a subject of discussion from time to time.

SUBMITTED BY: Paul Shadura

ACR 18 – Amend the *Kenai River Late-Run King Salmon Management Plan* to allow commercial fishing with set gillnet gear in the Upper Subdistrict up to 36 hours per week in both the Kasilof and Kenai/East Foreland sections separately (5 AAC 21.359).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 21.359 (e)(3)(A) Kenai River Late-Run King Salmon Management Plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Managing 49.85 effective statute miles of ESSN fishing areas in a 36-hour weekly restriction without consideration for high productivity within the Kenai or Kasilof Sections.

WHAT SOLUTION DO YOU PREFER? (e)(3)(A) if the use of bait is prohibited in the Kenai River sport fishery under (1)(A) of this subsection, commercial fishing periods **in the Kenai and Kasilof sections may be managed independently based on abundance and** are open for no more than 36 hours per week **within each section**, with a continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday, during which the numbers of set gillnets operated may be restricted to either...

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

- a) **for a fishery conservation purpose or reason:** Yes, this proposal allows fisheries managers more tools for “surgical” openings based on perceived abundance managed within the constraints of “time” and “area”. Conserving one resource if necessary while maximizing the harvest of surplus stocks of salmon.
- b) **to correct an error in regulation:** We believe that the Board of Fisheries did not realize the full complications of their actions at that time and were reluctant to change the regulation without further department input. Now that we have two fishing season to view the results we believe that managers and some BOF members are willing to amend this regulation.
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** In the 36-hour restriction with two distinct runs to manage for it may have been difficult for board members to understand the complications to manage for individual goals in a real time basis.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Continued high use of the Kasilof Terminal area while further restricting the economic viability of each sections historic participants.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This is not an allocative proposal as it does not change the overall restriction in time but seeks to manage the areas more efficiently.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. I am an Alaskan resident and appreciate access to surplus harvesting opportunities.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. This proposal has been offered in petition form twice and as an ACR once.

SUBMITTED BY: Paul Shadura