

Alaska Board of Fisheries
Work Session
October 18–20, 2016, Kenai/Soldotna
Agenda Change Requests

Statewide Sport Fishing Guide Licensing and Reporting (1)

ACR 1 – Align regulations for sport fishing services and sport fishing guide services in salt water with those in statute and update fresh water guide registration and reporting regulations (5 AAC 75.075, 5 AAC 75.076, 5 AAC 75.077, and 5 AAC 75.085).

Unalaska Bay Sport and Subsistence Salmon Fisheries (2)

ACR 2 – Increase the duration of the 250 yard sport fish closure around the mouth of the Summer Bay Lake outlet stream, decrease the sockeye salmon bag limit from two per day to one per day, and establish these same restrictions around the mouth of Morris Cove Lake outlet stream (5 AAC 65.020 and 5 AAC 65.051).

ACR 3 – Decrease the number of sockeye salmon that may be retained in the subsistence salmon fishery on Front Beach in the Unalaska Bay District to no more than 10 fish (5 AAC 01.380).

South Unimak and Shumagin Islands June Salmon Management Plan (1)

ACR 4 – Reduce fishing time allowed under the *South Unimak and Shumagin Islands June Salmon Management Plan*, to reduce commercial king salmon harvest to historical levels (5 AAC 09.365).

Dutch Harbor Food and Bait Herring Commercial Fishery (1)

ACR 5 – Change the opening date for seine gear in the Dutch Harbor Food and Bait Herring Fishery from July 15 to July 1 (5 AAC 27.610).

Kenai River Personal Use Salmon Fishery (1)

ACR 6 – Create vessel restrictions for the Kenai River personal use dipnet fishery (5 AAC 77.540).

Cook Inlet Drift Gillnet Specifications (1)

ACR 7 – Remove 45-mesh depth restriction for drift gillnets in the Upper Cook Inlet commercial salmon fishery (5 AAC 21.331).

Aleutian Islands Golden King Crab Commercial Fishery (1)

ACR 8 – Change Aleutian Islands golden king crab fishery season closure date from May 1 to May 15 (5 AAC 34.610).

Southeast Alaska Commercial Herring Fishery (1)

ACR 9 – Determine regulatory responsibility for allowing a new harvesting method in the Sitka Sound sac roe herring fishery.

Southern Southeast Inside Subdistrict Sablefish Commercial Fishery (1)

ACR 10 – Allow holders of Southern Southeast Inside Subdistrict sablefish fishery Commercial Fisheries Entry Commission limited entry longline permits to use pot gear and reopen the season for longline gear after September 25 (5 AAC 28.110, 5 AAC 28.130).

Kendrick Bay Terminal Harvest Area Salmon Management Plan (1)

ACR 11 – Amend the *Kendrick Bay Terminal Harvest Area Salmon Management Plan* to reduce harvest of local sockeye salmon stocks (5 AAC 33.377).

Yukon River Subsistence Salmon Fishery (1)

ACR 12 – Provide emergency order authority to allow retention of king salmon from dip net and beach seine gear when subsistence fishing is restricted during times of king salmon conservation (5 AAC 01.220).

ACR 1 – Align regulations for sport fishing services and sport fishing guide services in salt water with those in statute and update fresh water guide registration and reporting regulations (5 AAC 75.075, 5 AAC 75.076, 5 AAC 75.077, and 5 AAC 75.085).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 75.075, 5 AAC 75.076, 5 AAC 75.077, 5 AAC 75.085

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. During the 2016 session the Alaska Legislature passed HB 41, which reestablished sport fishing business and guide license requirements for salt water guides and operators (only). Current regulations require sport fishing businesses and guides operating in fresh and salt water to be registered with the department but do not include provisions to implement licensing as required in HB41. As a result, current sport fishing business and guide regulations are in conflict with statute.

WHAT SOLUTION DO YOU PREFER? If adopted, the new sport fishing guide licensing and reporting regulations would implement the licensing provisions in HB41 for businesses and guides that operate in salt water. The new regulations would incorporate the salt water business/guide licensing requirements and modify reporting requirements for fresh and salt water guiding activities. Minor changes would also be made to vessel registration requirements, guided ecotourism provisions, and regulatory definitions to conform with the requirements of HB41.

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

- a) **for a fishery conservation purpose or reason:** Not applicable.
- b) **to correct an error in regulation:** Current regulations are inconsistent with the licensing requirements adopted by the Alaska Legislature under HB41.
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** The adoption of HB41 was not unforeseen. However, its passage and final language remained unknown until April, 2016.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Regulations in 5 AAC 75 for sport fish guiding would be inconsistent with statute (AS 16.40.261 – AS 16.40.300) for sport fish guiding.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This is an administrative ACR.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Not applicable.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. The Alaska Department of Fish and Game manages the salt water sport fisheries (guided and unguided) within Alaska waters, with the exception of halibut, subject to the regulations established by the board.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. This ACR has not been considered before. However, the board addressed a similar situation in 2004 after the Alaska Legislature adopted HB452. Like HB41, HB452 established licensing requirements for sport fishing businesses and guides, albeit for the first time. During the October 2004 Board of Fisheries Work Session, the board accepted ACR 23 that proposed regulatory language for sport fish guide/operator licensing, reporting, and vessel registration (both fresh and salt water) statewide to implement HB452. Proposal 452 was, in turn, approved by the board during the November 2004 Lower Cook Inlet meeting.

SUBMITTED BY: Alaska Department of Fish and Game

ACR 2 – Increase the duration of the 250 yard sport fish closure around the mouth of the Summer Bay Lake outlet stream, decrease the sockeye salmon bag limit from two per day to one per day, and establish these same restrictions around the mouth of Morris Cove Lake outlet stream (5 AAC 65.020 and 5 AAC 65.051).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 65.051 (3) (B) and 5 ACC 65.020 (c)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. This ACR is based on the need for immediate conservation measures, due to increase of population in Unalaska area, the increase of sport fishers and the lack of current scientific data, on the Sockeye salmon resources of the Summers Bay and Morris Cove watersheds that we feel is effecting Sockeye salmon escapement to these two watersheds to spawn. We should also point out that the Unalaska ADFG office lack's Commercial, Subsistence or Sportfish salmon staff members and this area is also impacted by the lack of enforcement personal to enforce Alaska state salmon regulations.

WHAT SOLUTION DO YOU PREFER? The Unalaska Advisory Committee supports ACR that would move sport fishers for Sockeye salmon off the mouth of the Summers Bay and Morris Cove to at least 250 yards which is the regulation that is in place during the Coho salmon fishery later in the summer and fall (August 16 to December 31). The Unalaska AC feels that 250 yard closure for both Sockeye and Coho should date should be change to June 1 to December 31. We also feel that a reduction in the Sockeye bag limit should be changed from 2 and 2 in possession to 1 11er day and 1 in possession until more current escapement information is available.

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

- a) **for a fishery conservation purpose or reason:** Conservation measures are needed due to increase due to increase of population in Unalaska area, the increase of sport fishers and the lack of current scientific data, on the Sockeye salmon resources of the Summers Bay and Morris Cove watersheds that we feel is effecting Sockeye salmon escapement to these two watersheds.
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** he current regulations were put in place years ago before the growth in the community of Unalaska which has sparked the increase in fishing effort on rivers along the local road system.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? A continued serious decline on Sockeye salmon stock will continue that could affect the Sockeye resource for many years which could lead to long-term sp01tfish closures in the Slll11ffiers Bay and Morris Cove watersheds.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. Due to the fact that we are asking for conservation measure that will move sport fishers off the river mouths of Summers Bay and Morris Cove by 250 yards which will allow more Sockeye escapement into Summers Bay Lake and Morris Cove Lake to spawn.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. As you may or may not know the ADFG has very little information on this salmon resource in the Summers Bay and Morris Cove areas or for that matter other salmon stream resources on the Unalaska Island road system and other remote areas of Unalaska Island. The best estimate on the size of the Sockeye run at Summers Bay Lake we have heard is between 3000-5000 fish annually and that information is 15 years old. The past few years we have seen a large increase in the number of sport fishers in the Summers Bay Lake area fishing right up to the mouth of the river that is impacting escapement of Sockeye. Additionally, the lack of enforcement has led to a lack of adherence to bag and possession limits which is further impacting escapement in to both the Summers Bay Lake and Morris Cove.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. Unalaska Advisory Committee Member and sometime sport fisher in the Summers Bay area.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. Not to the best of my knowledge.

SUBMITTED BY: Unalaska/Dutch Harbor Fish and Game Advisory Committee

ACR 3 – Decrease the number of sockeye salmon that may be retained in the subsistence salmon fishery on Front Beach in the Unalaska Bay District to no more than 10 fish (5 AAC 01.380).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 01.380. Subsistence fishing permits. (b)(1)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. This ACR is based on the need for immediate conservation measures, on the declining sockeye salmon stocks returning into the Iliuliuk River and the Unalaska Lake watershed. Long-time Unalaska residents have noticed a significant decrease in returning salmon to the Iliuliuk River along with a significant increase in the number of subsistence fishers on Front Beach in Unalaska Bay, which is adjacent to the Iliuliuk Creek, in recent years. In addition, there is a lack of current scientific data or stream counts on returning salmon to the Iliuliuk River within the Unalaska Lake watershed.

WHAT SOLUTION DO YOU PREFER? 5 AAC 01.380. Subsistence fishing permits. (b)(1) the holder of a subsistence salmon fishing permit may take no more than 25 salmon, **of which no more than 10 sockeye may come from Front Beach in Unalaska Bay**, plus an additional 25 salmon **of which no more than 10 sockeye may come from Front Beach in Unalaska Bay** for each member of the same household whose name is listed on the permit;

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

- a) **for a fishery conservation purpose or reason:** for a fishery conservation purpose or reason: Conservation measures are needed in the Unalaska Bay Front Beach area due to the sharp decline of sockeye salmon. This area has seen an increased number of subsistence fishers targeting sockeye using gillnets on Front Beach. Due to conservation concerns, the Iliuliuk River was closed to sport fishing for sockeye year-round. The Iliuliuk River does not have a weir and no regular walking surveys take place, leading to a lack scientific data on the salmon resource returning to the Unalaska Lake watershed.
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** The current regulations were put in place long before the population growth in the community of Unalaska sparked an increase in both subsistence and sport fishing effort on local rivers along the road system.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? A continued decline of the sockeye salmon returning to the Iliuliuk River and Unalaska Lake watershed could result in the loss of the Iliuliuk River sockeye run and lead to long-term closures for subsistence harvests on Unalaska Bay Front Beach area.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. We are asking for conservation measures to reduce the take of sockeye from the Unalaska Lake watershed. By

reducing the bag limit on sockeye salmon on Front Beach, there will be more sockeye able to return to the Iliuliuk River and Unalaska Lake watershed which will help rebuild a serious declining stock of Sockeye salmon.

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. Unalaska Advisory Committee. Members of the AC, sometimes sport fish and subsistence fish on Unalaska Front beach.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. Not to the best of my knowledge.

SUBMITTED BY: Unalaska/Dutch Harbor Advisory Committee

ACR 4– Reduce fishing time allowed under the *South Unimak and Shumagin Islands June Salmon Management Plan*, to reduce commercial king salmon harvest to historical levels (5 AAC 09.365).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 09.365, South Unimak and Shumagin Islands June Salmon Management Plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Chinook harvest in the South Unimak and Shumagin Islands June fishery that impacts sustained yield and subsistence harvest of AYK and Norton Sound Chinook.

WHAT SOLUTION DO YOU PREFER? Amend 5 AAC 09.365, South Unimak and Shumagin Islands June Salmon Management Plan, to reduce fishing time as needed to reduce commercial Chinook salmon harvest to its historical levels.

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

1) **for a fishery conservation purpose or reason:** Limiting commercial harvest of Chinook in this fishery to its historic levels will contribute to the sustainable Chinook runs in the AYK and Norton Sound areas.

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

e) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**
N/A

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Continued overharvest of AYK and Norton Sound Chinook in violation of the Constitutional mandate for sustained yield and the statutory mandate for a subsistence preference.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. It is not predominately allocative as it does not request that any reduction in commercial harvest be reallocated to another user group. It could have an allocative component if it allows for additional subsistence harvest, however the Board is required to provide a subsistence priority under AS 16.05.258.

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. Interested citizen.

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 issued was considered at the February 2016 Alaska Peninsula / Aleutian Island / Chignik Finfish meeting in proposal 182 and as an emergency petition taken up at the March Statewide Finfish and Supplemental Issues meeting.

SUBMITTED BY: Fairbanks Fish and Game Advisory Committee

ACR 5 – Change the opening date for seine gear in the Dutch Harbor Food and Bait Herring Fishery from July 15 to July 1 (5 AAC 27.610).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 27.610(e)(2)(B)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Fishery managers in the Dutch Harbor Food & Bait Herring fishery need more flexibility to open the fishery earlier for purse seine gear in some years. This year the quota has not been harvested. It is believed that the herring went through the area sometime before the date when the fishery may open on July 15th, in fact, the Togiak herring fishery had its earliest opening on record this year. The date when managers can open the Dutch Harbor fishery by emergency order should be set 2 weeks earlier to July 1.

WHAT SOLUTION DO YOU PREFER? 5 AAC 27.610. Fishing seasons and periods for Alaska Peninsula-Aleutian Islands Area

(e) In the Unimak, Akutan, Unalaska, Umnak, and Adak Districts, herring may be taken only during fishing periods established by emergency order as follow:

(2) in the food and bait fishery,

(B) by purse seines, from. 12:00 noon ~~July 15~~ **July 1** through February 28.

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

f) **for a fishery conservation purpose or reason:** n/a

g) **to correct an error in regulation:** n/a

h) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**
It was unforeseen that the July 15th purse seine opening date would be too late to allow harvesters to catch the Dutch Harbor herring in some years.

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

- Purse seine fishermen may not have an opportunity to harvest the Dutch Harbor herring.
- ADFG may not be able to generate funds through a successful fishery
- Supplies of bait herring for pot gear and longline gear fishermen will be short, forcing these fishermen to pay more for less quality bait.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR does not allocate. This ACR would simply change the potential opening date of the fishery, to give all fishermen in the fishery a chance to harvest herring.

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. Herring fisherman

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. Unknown

SUBMITTED BY: Melvin Larsen

ACR 6 – Create vessel restrictions for the Kenai River personal use dipnet fishery (5 AAC 77.540).

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

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. I propose the Dipnet Fishery on the Kenai River be restricted to 50HP or less, and no Thunder Jet boats. I have done research and have discovered no one will take responsibility for policing the fishery. I have spoken with AK Park Rangers, AWT, USCG, Kenai Police chief and fire/rescue units. Safety is the reason these units don't want to be involved until something serious happens; for example, the Kenai Fire/Rescue responding to the three swampings and two collisions that occurred. The Peninsula Clarion reported five swampings. There were many others that were not reported.

WHAT SOLUTION DO YOU PREFER? I would like to see regulations put into place such as motors limited to 50HP, no Thunder Jet boats, and no ocean worthy crafts.

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

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

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

c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**
The major problem, and safety concern, is the high HP output, and large hull boats. Boats traditionally used in the dipnet fishery are jeopardized by the wake created by these boats. Due to the power potential and hull design of the jet boats it is not possible for them to travel upstream through the fishery without creating a large wake. The day my boat was partially swamped there were four jet boats travelling together. They caused problems for several boaters out there. At one time there were 175 boats fishing that area. The number of people utilizing this fishery has gone from 14,576 permits issued in 1996, to 34,920 permits issued in 2015.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? I believe someone will be seriously injured or even drown. At the very least they could lose their boat because the boat would be swamped. This is the concern of many people I have spoken with, including public safety personnel.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. People would still be able to dipnet from power boats.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. I am a personal use dipnetter.

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. Unknown, but has been reported to the Board many times.

SUBMITTED BY: George W. Parks

ACR 7 – Remove 45-mesh depth restriction for drift gillnets in the Upper Cook Inlet commercial salmon fishery (5 AAC 21.331).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 21.331(c)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Three consecutive seasons we can see the fish running deep on our fish finders. Out of reach of our 45 meshes in depth nets.

WHAT SOLUTION DO YOU PREFER? Remove the 45 mesh depth restriction

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

- a) **for a fishery conservation purpose or reason:** loss of cook inlet drift fisherman.
- b) **to correct an error in regulation:** Not applicable
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**
It was unforeseen that fish would start running deep in the inlet out of reach of 45 meshes in depth nets.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? One more bad salmon season and a lot of fisherman will be out of business.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. Not allocative at all.

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

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

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. Do not know.

SUBMITTED BY: Thomas J. Gilmartin

ACR 8 – Change Aleutian Islands golden king crab fishery season closure date from May 1 to May 15 (5 AAC 34.610).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
Change Aleutian Islands golden king crab fishery season closure date from May 1 to May 15 (5 AAC 34.610).

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. When the golden king crab season opening date was changed from August 15 to August 1, the closure was also moved two weeks earlier (from May 15 to April 30). Since that time, the fleet has entered into a cooperative survey program with the department. This survey work takes the boats between one and two weeks to complete. This essentially shortens their fishing season by up to two weeks. At the time the season closure date was changed, the survey work was still in the early development stage and no one realized it would reduce fishing time by that much.

WHAT SOLUTION DO YOU PREFER? The preferred solution is to move the season closure date back to May 15. The regulation would read 5 AAC 34.610 Fishing seasons for Registration Area O (b) Male golden king crab may be taken only as follows: (2) from 12:00 noon August 1 through 11:59 pm May 15.

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

- a) **for a fishery conservation purpose or reason:** Golden king crab are a data poor stock. The department conducted surveys of approximately 10% of the area in 1991, 1997, 2000, 2003, and 2006. No survey has been conducted since then because of inadequate funding. The department and the Aleutian king crab research Foundation have been working cooperatively to develop an annual survey carried out by the commercial vessels with ADF&G scientists on board. The first full survey of the eastern Aleutians occurred in the fall to 2015. The fleet and Department are working toward extending this survey into the western Aleutians. The information gained from this survey will be a critical piece of information for sustainable management of golden king crab. Besides, fuel, bait, and crew time, conducting this survey costs the vessels up to two weeks each of fishing time. Extending the season closure date back to May 15 will allow the vessels to carry out the survey and to have the necessary fishing time. The May 15 closure, itself, would pose no conservation issues.
- b) **to correct an error in regulation:** NA
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**
At the time the season closure date was changed, it was not known that the survey work would take each vessel up to two weeks to complete their share of the work, thus shortening their available fishing time by two weeks. The industry absorbs significant costs in fuel,

bait, and crew time to conduct the survey. Moving the season closure date back to May 15 would at least give them back their full amount of fishing time.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? This request is to make sure this issue can be considered at the regular king and tanner crab meeting in March 2017. It was not until after the regular proposal deadline that the Foundation members met to discuss the survey and realized the survey was requiring that much extra vessel time. If this problem is not solved, it reduces the time allowed for vessels to harvest their quota share. This could result in quota share not being harvested, boats not being able to participate in the survey because of lost fishing time in this, or other, fisheries, or boats losing other fishing opportunities.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This is a rationalized crab fishery. Each vessel has quota share allotted to it. Providing the extra two weeks of fishing time does not change the quota share balance in any way.

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

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

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. This ACR has not been considered before either as an ACR or a proposal. During the March 2014 king and Tanner crab meeting the Board considered and adopted a proposal for an earlier opening date. There was no proposal at that time for the earlier closure. The season closure date was changed by amendment of the proposal at the request of the department. Since the survey was in the early discussion stage, there was no consideration of the potential for lost fishing time.

SUBMITTED BY: Aleutian King Crab Research Foundation

ACR 9 – Determine regulatory responsibility for allowing a new harvesting method in the Sitka Sound sac roe herring fishery.

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

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. In the past year we brought forth a proposal to allow the Sitka Roe Herring Permittee the opportunity to harvest their herring resource using the alternative method of Open Pounds. The Board, with a letter to CFEC, requested CFEC change the areas that produce a conflict with the proposal. The Northern Spawn on Kelp area overlaps with the Sitka Roe Herring Purse Seine area. Once done, the Board may make a determination if the proposal put forth should be adopted.

CFEC held a hearing in Juneau, took public comments and determined they would not act to change the conflicting area. CFEC did say they would reconsider the Board request if asked again. We did not think our proposal would be decided by the CFEC and the process stopped, but that's what happened.

WHAT SOLUTION DO YOU PREFER? We need a determination of whom, The Board of Fish or the Commercial Fishery Entry Commission has the Statuary responsibility to decide if a change in Harvesting method in the Sitka roe herring fishery can take place. It seems the legal department of the Alaska Department of Fish and Game is also confused about the issue. We will send documents to the Board before the Oct. work session. If CFEC has the responsibility to determine if our proposal merits the change of areas, we need the Board to request the area change again. We did not argue our proposal in front of CFEC because we thought the Board of Fish was the appropriate form. We need this action to take place so we can put our proposal on the Board agenda.

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

- a) **for a fishery conservation purpose or reason:** We believe this proposal meets the fishery conservation rational because the proposed method of harvest does not kill any herring to produce a commercial herring roe product. We feel it to be a better harvest method by not killing the fish to harvest its eggs.
- b) **to correct an error in regulation:**
- 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? We would like a determination of the path forward that allows the Board of Fisheries to act upon our proposal. Is the Board of Fisheries the deciding party to our proposal or the CFEC? Maybe both? If we had an understanding of the authority that would grant our

proposal, we could argue our proposal in the upcoming SE proposal cycle or at the appropriate venue.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. The proposal is not an allocative proposal because the permit holders that utilize the Sitka herring resource now should continue to do so. By changing the CFEC overlapping areas the Northern Spawn on Kelp permittee should not have access. The resource is already fully utilized by the Sitka Seine Roe Herring permittee and the fishery has been reviewed again by CFEC to determine the proper limits.

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.

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

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. The proposal was considered in the last SE meeting cycle and in another meeting after the Board received the letter from CFEC rejecting the area change. The Department of Law said the Board could not act on the proposal.

SUBMITTED BY: Darrell Kapp

ACR 10 – Allow holders of Southern Southeast Inside Subdistrict sablefish fishery Commercial Fisheries Entry Commission limited entry longline permits to use pot gear and reopen the season for longline gear after September 25 (5 AAC 28.110, 5 AAC 28.130).

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

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. I would like the board of fish to change as an option the use of pots and or longline gear in the c61c southern sablefish. Since 2009 killer whale predation has steadily increased. The survey vessel the state of Alaska charters also has encountered whale predation. If unbiased information is needed to confirm this issue. This year is the second season I have not been able to harvest my total EQS, because of the whale predation on my longline gear. Several other longline permits have also been unable to harvest their EQS for the same issue. If left as is the longline fisheries will remove more sablefish from the biomass then is biologically healthy. This will in the Long term create a conservation issue to the resource by over harvest of sablefish and bycatch, example (rockfish, halibut, skates, etc.). The bycatch issue is the same issue the state is trying to solve in the trawl fisheries, here we can do it with pots.

WHAT SOLUTION DO YOU PREFER? Allow the option of the c61c fishery the use of pots as an option to longline gear. As this is an EQS fishery there is nothing to gain, except bycatch reduction and whale predation. Allow longline gear to be used in the fall after September 25th to the existing regulation closing date of November 15th. After September 25th in the c61c fishery at permit holders discretion the option of pots or longline gear may be used.

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

- a) **for a fishery conservation purpose or reason:** This is a conservation issue, first because of excessive sablefish removal and excessive bycatch of rockfish, halibut, and skates..
- b) **to correct an error in regulation:** This is not
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**
This is not

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Excess sablefish removals of rockfish, halibut, skates and mic species that will never be replaced extrapolating the loss of these fish and possibly future jobs.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This is an EQS fishery, were all permit holders receive the same amount of pounds.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. I am a permit holder in this fishery. I make part of my annual income from this fisheries I hire 4 crew persons who all depend upon the income.

We need this fishery to last in to perpetuity and we have the tools to do this now.

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. Yes as a proposal in 2014 I believe.

SUBMITTED BY: Bill Connor

ACR 11 – Amend the *Kendrick Bay Terminal Harvest Area Salmon Management Plan* to reduce harvest of local sockeye salmon stocks (5 AAC 33.377).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 33.377. District 2: Kendrick Bay Terminal Harvest Area Salmon Management Plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Karta Bay sockeye run was low and were entering the river with fresh net marks. The only net fishery open at this early in the season is the Kendrick Bay harvest area.

WHAT SOLUTION DO YOU PREFER? The terminal harvest area need to be adjusted to further reduce the sockeye harvests.

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

- a) **for a fishery conservation purpose or reason:** The sockeye returns to Karta Bay/river have not been adequate to meet the subsistence needs of Kasaan residents.
- b) **to correct an error in regulation:** The Kendrick Bay harvest management plan needs changes to further reduce the sockeye harvests which are not the targeted species.
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** The Kendrick Bay harvest management plan is designed to harvest the hatchery stocks, not the sockeye stocks. We recognize there will be some sockeye harvested but when we see fresh net marks on the few sockeye returning to Karta River we feel there is more to be done.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? The Karta Bay subsistence sockeye fishery has below average in recent years. This has made subsistence harvests of sockeye very difficult. We are concerned that the subsistence harvest will continue to not meet our needs.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. We are concerned with lack of subsistence harvests in the Karta Bay fishery. We are not trying to close the Kendrick Bay harvest area. We are requesting the reduction of sockeye returning to Karta Bay.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. This request is not allocative in nature but the Kendrick Bay harvest area fishery needs to be looked at in detail to address the sockeye concerns.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. The Karta Bay subsistence fishermen.

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. When the Kendrick Bay Terminal Harvest Area Salmon Management Plan was adopted and at any time it was amended.

SUBMITTED BY: Ron Leighton

ACR 12 – Provide emergency order authority to allow retention of king salmon from dip net and beach seine gear when subsistence fishing is restricted during times of king salmon conservation (5 AAC 01.220).

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

5 AAC 01.220 (n) Notwithstanding the provisions of (d), (e)(2), and (f)(2) of this section, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the fishing season in the Yukon Area and immediately reopen the season in that area during which one or more of the following gear limitations may be implemented:

(3) dip nets may be used; however, all king salmon caught with a dip net must be released to the water alive, unless retention of king salmon is specifically allowed by the Department under emergency order authority;

(4) a beach seine may be used; however, all king salmon caught with a beach seine must be released to the water alive unless retention of king salmon is specifically allowed by the Department under emergency order authority;

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

A harvestable surplus of king salmon within the Yukon River Drainage has occurred for 2014, 2015, and 2016. However, subsistence fishing for king salmon has been either closed or severely restricted since 2013. The very restricted use of gillnets to harvest chum salmon and incidental king salmon does not provide adequate opportunity for the subsistence users to harvest king salmon. However, for the years 2014, 2015 and 2016, post season analysis of king salmon run size and escapements indicate that there has been a substantial harvestable surplus of king salmon available for subsistence purposes within the drainage. Escapement into Canada has been substantially above the high end of the Interim Management Escapement Goal (IMEG). The current IMEG is 42,500-55,000 king salmon. Although escapement into the Yukon River in Canada was very low in 2013, 28,669 king salmon, more recent escapements have been substantially above the high end of the IMEG. The Escapement in 2014 was 63,331 king salmon and in 2015 a record 82,674 king salmon escaped into Canada. The 2015 level of escapement indicated that there was a probably 70,000 to 80,000 king salmon available for harvest within the Yukon River drainage. Although the 2016 king salmon escapement into Canada is not currently known, we expect it to be similar to or possibly greater than the 2014 escapement. Currently, over 72,000 king salmon have passed the Yukon River sonar site at Eagle. Harvests of king salmon above this sonar site has been minimal in recent years. It appears that the king salmon stock has rebounded in recent years to the point where a harvestable surplus is available. However, primarily because of uncertainty surrounding in-season run assessment, the subsistence harvest of king salmon for a large portion of the river and a large portion of the king salmon season has been eliminated.

WHAT SOLUTION DO YOU PREFER? 5 AAC 01.220 (n)

(3) dip nets may be used; however, all king salmon caught with a dip net must be released to the water alive, unless retention of king salmon is specifically allowed by the Department under emergency order authority;

(4) a beach seine may be used; however, all king salmon caught with a beach seine must be released to the water alive, unless retention of king salmon is specifically allowed by the Department under emergency order authority;

Allowing subsistence fishers to retain king salmon when fishing with dipnets and beach seines by emergency order, will allow a very small increase in the subsistence harvest of king salmon but will allow the subsistence fishers to harvest king salmon during the time when a directed gillnet fishery for chum salmon and king salmon is not allowed because of run uncertainty or the identification of a small harvestable surplus of king salmon.

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

- a) **for a fishery conservation purpose or reason:** not applicable
- b) **to correct an error in regulation:** We believe that there is an error in regulation because subsistence fisheries using dipnets and beach seines are prohibited from retaining king salmon even though a harvestable surplus of king salmon has been identified. The priority consumptive use of a resource is subsistence. If a harvestable surplus is identified, then the subsistence fishers should be able to harvest king salmon. By allowing retention of king salmon, through emergency order authority, would allow a very small harvest of king salmon prior to a directed chum salmon subsistence fishery where king salmon are incidentally caught.
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** This regulation was enacted in 2013 when the king salmon stocks of the Yukon River were very poor. At that time, king salmon escapements into Canada were not met in 5 of the 7 years from 2007-2013. At that time, conservation of king salmon was paramount. However, in order to harvest the abundant chum salmon for commercial, as well as subsistence, dipnets and beach seines were allowed, with the caveat that all king salmon caught were to be returned to the river alive. Although there was no harvestable surplus of king salmon identified in 2013, king salmon runs have somewhat rebounded and now a harvestable surplus exists. We believe that prosecution of the subsistence dipnet and beach seine fishery, with the stipulation that all king salmon must be returned to the river alive, when there exists a small or uncertain harvestable surplus was unforeseen. We believe that subsistence fishers, using dipnets and beach seines, should be able to retain king salmon when a surplus exists. Allowing retention of king salmon, through emergency order authority, would allow a small subsistence harvest of king salmon during the early portion of the run when ADF&G is unsure of the size of the harvestable surplus. Note that the use of dipnets and beach seines to harvest king salmon is extremely inefficient. In the directed commercial dipnet and beach seine summer chum salmon fishery, 435 fishermen, caught and released a total of 9,513 king salmon in 424 hours of commercial fishing in Districts 1 and 2. We believe that subsistence harvests using dipnets and beach seines would be

insignificant but would allow subsistence fishers a small harvest of king salmon earlier in the season. That catch rate is about 0.05 king salmon per fisherman per hour.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Although a harvestable surplus exists, there will be no opportunity to harvest king salmon by subsistence fishers using dipnet and beach seines during the early portion of the king salmon run. Subsistence fishers using dipnets beach seines will be forced to release king salmon back into the river alive even though a harvestable surplus exists. Very little to no harvest will continue to occur on the front part of the king salmon run. Harvests will continue to be focused on the latter portion of the run. Further, escapements will continue to exceed the high end of the IMEG in Canada and probably in tributary streams within the Alaskan portion of the Yukon River drainage. There is no reason to continue to prohibit the opportunity to harvest king salmon using dipnets and beach seines during subsistence fishing times.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. The requested change in the regulation is not allocative because it does not seek to redistribute harvest, I seeks to provide a little more opportunity when a harvestable surplus is identified.

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. Yukon Delta Fisheries Development Association is a CDQ group and has associated with Kwik'pak Fisheries which is the lone fish buyer in the Lower Yukon Area. YDFDA is an advocate for the commercial and subsistence fishers of the Yukon River drainage.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. This ACR has not been considered before.

SUBMITTED BY: Yukon Delta Fisheries Development Association (YDFDA)