

Alaska Board of Fisheries
Work Session
October 13-14, 2010, Kenai
Agenda Change Requests

- ACR 1** - Clarify sport fishing regulations for Indian River inside Sitka Historical Park to separate trout fishing from coho salmon fishing. (5 AAC 47.023(g))
- ACR 2** - Adopt by regulation a policy for the management of mixed stock fisheries.
- ACR 3** - Clarify restriction on use of shellfish for commercial purposes. (5 AAC 72.0xx, 5 AAC 77.0xx, 5 AAC 02.0xx)
- ACR 4** - Create a personal use/subsistence designated area for Dungeness crab in Excursion Inlet within District 14. (5 AAC 32.110)
- ACR 5** - Revise Chinook management plans on the Yukon River. (5 AAC 05.360)
- ACR 6** - Close the commercial Dungeness summer fishery in District 1 in Southeast Alaska. (5 AAC 32.110)
- ACR 7** - Increase the harvest limit for golden king crab in Registration Area O. (5 AAC 34.612)
- ACR 8** - Redefine closure areas in Anita Bay Terminal Harvest Area Management Plan. (5 AAC 33.383)
- ACR 9** - Clarify regulation on terminating a joint operation of dual permits in Bristol Bay. (5 AAC 06.333)

ACR #1

STATE IN DETAIL THE NATURE OF THE PROBLEM: Fishing regulations for Indian River, inside Totem Park (Sitka Historical Park) are confusing, causing fishing confrontations, and making enforcement of the sports fishing law and regulations difficult for Sitka Historical Park staff to monitor and manage. Difficult to separate trout fishermen from those illegally targeting coho salmon.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: To clarify and improve enforcement. When are sports fishermen “targeting” salmon in waters closed to salmon fishing?

or 2) Correct an error in regulation: Make the Indian River (inside the Sitka Historical Park only) fly fishing and “catch and release.”

or 3) correct an unforeseen effect of a regulation: Fish enforcement and Sitka Historical Park personnel are having problems separating trout fishermen from those targeting salmon.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: Nothing will change. The waters mentioned above are currently closed to salmon fishing. My request will simplify enforcement and help identify whether a fisherman is fishing for trout or targeting salmon.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. No allocative change is involved.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. The regulations for fishing inside the Sitka Historical Park are so confusing that I couldn’t even find the regulation using Google.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Each year we are experiencing confrontations between Sitka Historical Park enforcement, people targeting and fishing for salmon (illegally) and people fishing for trout legally.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). I’m a local sport fisherman. I have fished Indian River since 1986. Inside Sitka Historical Park I have never kept a fish. The Dolly Varden and steelhead should be protected.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. No, I have addressed this request with the supervisor at Totem Park.

Submitted By: David R. Rice

ACR #2

STATE IN DETAIL THE NATURE OF THE PROBLEM: Current Prince William Sound fisheries management practices are harming wild salmon stocks and causing consequent economic harm to commercial harvesters in Prince William Sound.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: AS 16.251(h). “The Board of Fisheries shall adopt by regulation a policy for the management of mixed stock fisheries. The policy shall provide for the management of mixed stock fisheries in a manner that is consistent with sustained yield of wild fish stocks.”

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation: Not applicable.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: The purpose of this ACR is ensure appointment of a committee, its recommendations, board approval of those recommendations, and subsequent impact on wild salmon stocks and Prince William Sound harvesters all occur a season earlier than they otherwise would have.

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

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. Not applicable. AS 16.05.300(a) permits the board to hold as many meetings as it considers necessary. AS 16.05.300(b) requires the board to hold at least annually a meeting in Prince William Sound.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Unless the Board of Fisheries advances its Prince William Sound meeting cycle and appoints a committee to review current management practices and recommend

mitigating measures, existing harm to wild salmon stocks and consequent economic harm to affected commercial harvesters in Prince William Sound will persist for an additional season.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). I participated in the Prince William Sound commercial salmon fishery as a limited entry permit holder.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. Not applicable.

Submitted By: Herbert T. Jensen

ACR # 3

STATE IN DETAIL THE NATURE OF THE PROBLEM: Charter boat operators and crew who pull their own sport, personal use, or subsistence shellfish pots and provide shellfish to paying clients are engaging in unlawful commercial fishing. Regulations in southeast Alaska clearly prohibit this practice. Regulations for areas outside of southeast Alaska, are not clearly stated that prohibit charter boats and lodges from setting and retrieving their own shellfish pots and supplying their customers with fresh shellfish. Therefore the illegal commercial use of sport, personal or subsistence caught shellfish is occurring and is difficult to enforce. This prohibition is needed on a statewide basis.

This agenda change request is to get the topic of commercial sale of sport, personal use, and subsistence caught shellfish before the board this cycle along with Proposal 315 which covers only king and Tanner crab. The intent of this ACR is to allow the board to consider all shellfish (king, Tanner, Dungeness, shrimp, and miscellaneous shellfish, in Southeast and Statewide), instead of considering king and Tanner statewide in the 2010/11 cycle and then the other species and Southeast in the 2011/12 cycle.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: If nothing is done, difficulties will continue with enforcement of illegal commercial sale of sport personal use and subsistence caught shellfish. Fishery management restrictions could result sooner because commercial activities inflate harvests.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation: Not applicable.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: It would apply to sport, personal use, and subsistence fisheries.

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

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.

5 AAC 75.0XX. New Section. 5 AAC 77.0XX. New Section. 5 AAC 02.0XX. New Section.

The owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services may not furnish to a client or guest of that enterprise, shellfish, unless the

- (1) shellfish has been taken with gear deployed and retrieved by the client or guest;
- (2) gear has been marked with the client's or guest's name and address, as specified in 5 AAC 75.035(1), 5 AAC 77.010(d), and 5 AAC 02.010 (e)(1) by the client.
- (3) shellfish is to be consumed by the client or guest or is consumed in the presence of the client or guest.

The captain and crew members of a charter vessel may not deploy, set, or retrieve their own gear in a sport shellfish fishery when that vessel is being chartered.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Miscellaneous shellfish regulations are not scheduled for consideration until the Board of Fisheries 2011/2012 meeting cycle. Proposal 315 puts the topic of illegal commercial use of sport, personal or subsistence caught King and Tanner crab before the board during the March 22-26, 2011 meeting. Acceptance of this agenda change request would provide the board the opportunity to consider a regulatory change that includes all shellfish resources and not just King and Tanner crab to allow for a comprehensive solution without having to take action in a piecemeal fashion over several meetings.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). Management and regulatory agency.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. Subject of prior board meetings. Clarity in the current regulations is missing.

Submitted By: Alaska Department of Public Safety

ACR #4

STATE IN DETAIL THE NATURE OF THE PROBLEM: Residents and property owners of Excursion Inlet within District 14 have reported that since 2002, they have experienced a generally degrading personal use and subsistence Dungeness crab fishery. They attribute this primarily to the actions of commercial crabbers who are increasingly dominating the fishery. Excursion Inlet residents and property owners have cited instances of commercial fishermen setting their gear on top of the personal or subsistence pots already fishing, picking pots, cutting buoy lines, and moving gear. The local enforcement officer has limited time and resources to address the many complaints, and incidents often go unreported for lack of effective enforcement options. On behalf of the Excursion Inlet community, the Haines Borough proposes a personal use and subsistence zone for Dungeness crab as a solution to a problem that is becoming more serious with confrontations and friction and one that threatens the opportunities for subsistence and personal use fishing within the Excursion Inlet community.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason Not applicable. This is not a conservation problem.

or 2) Correct an error in regulation: Not applicable. The regulation is not incorrect, per se, and was properly adopted.

or 3) correct an unforeseen effect of a regulation: Applicable. This request is to correct an effect that could not have been anticipated when the regulations were adopted.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: This Haines Borough request is directed at the impact on subsistence and personal use by the commercial crabbers. The State of Alaska recognizes that subsistence fishing is economically and culturally important for many Alaskan families and communities. The Excursion Inlet community believes their ability to subsistence fish for Dungeness crab has been seriously impacted by the commercial crabbers.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Again, this request is directed at the impact on subsistence and personal use by the commercial crabbers. One of the Board's specific allocation criteria when allocating between fisheries is: "the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption." AS 16.05.251(e)(3).

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 32.110, (Commercial) Fishing seasons for Registration Area A.

Create a personal use/subsistence zone for Dungeness crab fishing within District 14. Specifically the area located in Excursion Inlet between 58° 24.567'N, 135° 26.202'W and 58° 24.170'N, 135° 25.849'W

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. It could be heard in the regular cycle, and it is the Haines Borough's intention to submit a proposal for the next meeting cycle if this request for an agenda change is not accepted. However, the Haines Borough Assembly would like this issue to be addressed sooner, if possible, so that, if approved, the new regulations can take effect in the 2011 fishing season.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). The Haines Borough is the local government with Excursion Inlet within its jurisdiction. The Borough received a petition signed by 36 Excursion Inlet residents and property owners. The Haines Borough Assembly adopted the attached resolution in support of submitting this request.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. This request has not been considered previously as either a proposal or as an agenda change request.

Submitted By: Haines Borough, Mark Earnest, Borough Manager

ACR #5

STATE IN DETAIL THE NATURE OF THE PROBLEM: Loss of productivity, genetic integrity, older age classes of chinook salmon in the Yukon River which has resulted in not meeting the treaty obligation to Canada for three of the past four years. The Tanana River which is the largest producer in the drainage has not had a chinook commercial fishery for the past five years.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: The average weight of 1,002 chinook salmon sampled this year at the rapids was 10.9 lbs. and only 12.9% were females.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation: Not applicable.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: My request is for the board to evaluate the king salmon management plans. The plans need to ensure that more king salmon reach the spawning grounds and that the quality of escapement represents all age classes. As one of the BOF members that participated in the development of 5 AAC 39.222 Sustainable Salmon Fisheries, I feel strongly that this stock should be classified as a management concern. I repeat, the drainage that produces the most king salmon has not had a king directed fishery for the past 5 years.

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

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. All regulations that apply to chinook salmon in the Yukon River.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. We have failed our treaty obligation to Canada three of the past four years.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). Commercial fish processor, AC Vice Chair, EIRAC Vice Chair.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. At the AYK meetings for the past 20 years this problem has been considered and the actions taken have not worked.

Submitted By: Virgil Umphenour

ACR #6

STATE IN DETAIL THE NATURE OF THE PROBLEM: A summer commercial Dungeness crab fishery will cause irreparable harm to the crab population in District 1.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Not applicable.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation: The regulation that allows the fishery will reduce the Dungeness crab population to the point that the commercial and subsistence fisheries of the crab will end.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: If no one is able to harvest the crab because of a plummeting population the resource will be “allocated” to no one.

IF YOUR 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.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 32.110 Fishing Seasons for Registration Area A. Proposal 149 at the Petersburg BOF meeting in January 2009 matched the season description of Districts 1 and 2 with all other waters of registration Area A (allowing a summer commercial crab season).

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Time is of the essence. The longer this summer fishery is allowed to continue, the more long term harm will come to the Dungeness crab population in District 1.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). My family has been a user of this crab resource for five generations. I am also speaking as Mayor on behalf of the 14,000 residents of the Ketchikan Gateway Borough. The Borough Assembly has already approved resolutions encouraging the Board of Fisheries to rescind the action allowing the summer commercial Dungeness crab harvest in District 1 because summer soft shelled crab mortality will significantly damage the Dungeness population.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. An agenda change request was submitted for the October 2009 board meeting, but was not considered by the board.

Submitted By: Dave Kiffer

ACR #7

STATE IN DETAIL THE NATURE OF THE PROBLEM: In 2008 the Alaska Board of Fisheries adopted an increased harvest limit of 5% for the Aleutian Islands golden king crab fishery as shown in 5 AAC 34.612. It was to be in place until a stock assessment model was established by the department. The expectation was that the model would be in place within one or two years. The model has still not been finalized or approved and there is uncertainty about whether it will be approved in 2011. Due to the fishery performance, it is clear that the Aleutian Islands golden king crab fishery is in a robust condition and consideration by the board for

another quota increase is warranted while we continue to wait for the model to be established by the department.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Not applicable.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation: Criteria #3 is to correct an effect on a fishery that was unforeseen when a regulation was adopted. It was expected in 2008 that the model would be approved and in place within a short time. The delay in the model being approved and established is an unforeseen event and the effect on the fishery is that foregone harvest is occurring. Preliminary model estimates show that a substantially increased harvest limit could be set, but the model has not been formally adopted. It will likely be two to three seasons before the model will be fully established. This was unforeseen when the regulation setting the harvest limit was established by the board.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: The ACR is not an allocation request, rather a harvest limit increase for the entire fishery.

IF YOUR 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.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 34.612 – Harvest levels for golden king crab in Registration Area O.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. The Alaska Board of Fisheries will consider changes to the Bering Sea/Aleutian Islands crab fisheries at their March 2011 meeting. This is within the cycle for this issue. The reason that an ACR has been submitted is that the deadline for proposals had passed when the Crab Plan Team delayed the adoption of the stock assessment model in May 2010. This was unexpected and if the model had been adopted, the board would be addressing this at the March 2011 meeting. This issue needs to be addressed now, rather than waiting for two or three more years.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). I work with several harvesting vessels engaged in the Aleutian Islands golden king crab fishery, including the C/P Patricia Lee.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. The Alaska Board of Fisheries addressed this issue at the March 2008 meeting and approved a 5% increase in the harvest limit for this fishery. This was to be temporary until the stock assessment model was established by the department.

Submitted By: Linda Kozak

ACR #8

STATE IN DETAIL THE NATURE OF THE PROBLEM: When the Anita Bay Terminal Harvest Area (THA) was started, lines were put in place to protect the crab fishery. These lines in retrospect turned out to be overly restrictive. They allow king salmon to mill for up to 25 days out of reach of harvesters, resulting in almost total loss of value/quality.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Not applicable.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation: The restriction of area during this time has unforeseeably reduced fish quality and value.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: Changing the regulation would not change the fishing rotation schedule that is in place now. Better fish quality is a benefit to all user groups.

IF YOUR 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.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. Omit – 5 AAC 33.383(b)(1)(2)(3). Add – The waters of Anita Bay THA shall be closed west of a line from 56° 11.900' N – 132° 29.760' W to 56° 11.530' N – 132° 29.400' W from June 15 to July 10. (This line is a compromise to protect crab grounds and allow timely salmon harvest.)

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. One more year of lost revenue to both fishers and processors because of poor quality fish.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). Commercial fisherman.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. I am unsure of the exact meeting, the first fish were released in 1999-2000 – the terminal area and crab line proposals were most likely just prior to this time.

Submitted By: Chris Guggenbickler

ACR #9

STATE IN DETAIL THE NATURE OF THE PROBLEM: During its December 2009 Alaska Board of Fisheries meeting, the Commercial Fisheries Entry Commission (CFEC) presented to the board a need to capture information regarding dual permit use in Bristol Bay (5 AAC 06.333. *Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay*). During board discussions several scenarios were discussed regarding the termination status of dual permit vessels. However, in drafting the regulatory language, some scenarios specific to the termination of the joint operation were not captured. The current language requires that both parties in a dual permit partnership must register the termination, but it has become clear that this is not always workable (e.g., the two parties may disagree about the termination of the joint operation or one party may leave the fishery altogether without registering the termination). This may unnecessarily limit one or both parties in their movement(s) from district to district during the registration period. As a remedy, the language should state that either party may terminate the joint operation.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATE ABOVE. If any one or more of the three criteria set forth above is not applicable, state that it is not applicable.

1. Fishery conservation purpose or reason: No.

or 2) Correct an error in regulation: No.

or 3) correct an unforeseen effect of a regulation: Yes.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE. Not applicable.

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

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 06.333. *Requirements and specification for use of 200 fathoms of drift gillnet in Bristol Bay.*

(b) Before operating drift gillnet gear jointly under this section, both permit holders shall register with the department under 5 AAC 06.370 for the same district indicating the intent to jointly operate gear. The permit holders may not use a vessel for joint operations of drift gillnet gear unless that vessel is registered with the department under 5 AAC 06.370 for the same district as the permit holders. Termination of joint operation of drift gillnet gear under this section is not effective until **at least one of the** [BOTH] permit holders register the date and time of termination with the department in the manner specified for reregistration in 5 AAC 06.370(b).

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. To wait until 2013 to correct this issue could cause irreparable harm to fishermen using the dual permit system in that if one of the permit holders failed to terminate the arrangement then it could, in effect, eliminate the second permit holder from reregistering for another district and prohibit the second permit holder's participation the rest of the season. In addition, CFEC data records would be inaccurate.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user, sport fisherman, etc.). Alaska Department of Fish and Game.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. It has not.

SUBMITTED BY: Alaska Department of Fish and Game.
