

Alaska Board of Fisheries
Work Session
October 9-11, 2012, Anchorage
Agenda Change Requests

- ACR 1** - Designate Pacific herring as a forage fish under the provisions of the Forage Fish Management Plan. (5 AAC 27; 5 AAC 39.212)
- ACR 2** - Change the weather delay criteria for opening the Chignik District Tanner crab fishery from small craft advisory to gale force wind warning. (5 AAC 35.510(b)(2))
- ACR 3** - Establish times when a commercial set gillnet permit holder in the Lower Yukon Area may use dip net and beach seine gear to commercially harvest chum salmon during the summer season, including specifications and operations provisions for dip net and beach seine gear. (5 AAC 05.330(a); 5 AAC 05.362)
- ACR 4** - Modify the Kenai River Late-run King Salmon Management Plan in the Cook Inlet Area, including review and revision of current escapement goals, the time period the management plan is effective, burden of conservation between user groups, and priority of certain escapement goals. (5 AAC 21.359)
- ACR 5** - Allow commercial salmon seine net depth in the Alaska Peninsula Area to be measured in feet and inches which would allow additional webbing to be attached beyond the current restriction of 350 meshes of 3.5 inch and 25 meshes at 7 inches. (5 AAC 09.332)
- ACR 6** - Modify the area in the Kenai River where a person may take salmon with a personal use dip net from shore. (5 AAC 77.540(c)(1)(D))
- ACR 7** - Change the vessel size limit for the Registration Area O (Aleutian Islands Area) red king crab fishery, in state waters from 172° W. long. to 179° W. long., from 90 feet or less in overall length to less than 60 feet in overall length. (5 AAC 34.610(d))
- ACR 8** - Establish a pot limit of 10 pots per vessel fishing for red king crab near Adak Island in Registration Area O (Aleutian Islands Area). (5 AAC 34.625(x))
- ACR 9** - Modify the waters in the Tsiu River in the Yakutat Area that are closed to commercial salmon fishing to facilitate an orderly fishery for the commercial and sport fisheries. (5 AAC 30.350(a)(12))
- ACR 10**- Direct the Department of Fish and Game provide a status of king salmon stocks and recommend that early-run Kenai River king salmon be declared a stock of concern at an unspecified level. (5 AAC 39.222; 5 AAC 57.160)
- ACR 11** –Modify the Central District Drift Gillnet Fishery Management Plan in the Cook Inlet Area, including restrictions to the drift gillnet fleet, conditions for additional fishing time from July 16-31, addressing the 4.6 million fish trigger, and establishing that

minimum escapement goals take priority on exceeding the upper end of other salmon species escapement goals. (5 AAC 21.353)

ACR 12 –Change the weather delay criteria for opening the Chignik District Tanner crab fishery from small craft advisory to gale force wind warning. (5 AAC 35.510(b)(2))

ACR 13 –Remove superexclusive and exclusive vessel registration for state-waters Pacific cod fisheries in the Prince William Sound, Cook Inlet, Kodiak, Chignik, and South Alaska Peninsula management areas. (5 AAC 28.267; 5 AAC 28.367; 5 AAC 28.467; 5 AAC 28.537; 5 AAC 28.577)

ACR 14 –Allow a selective gear comprised of a seine lead that directs salmon into a live box be used by a set gillnet permit holder in the waters along the east coast in the Central District in the Cook Inlet Area, including gear specifications and operations standards. (5 AAC 21.330(b)(3)(C))

ACR 15 –Change the Board of Fisheries’ meeting schedule to move Pacific cod issues in the Alaska Peninsula – Aleutian Islands areas so as not to conflict with the commercial fisheries. (5 AAC 96.600)

ACR 16 –Change the opening date of the commercial Tanner crab season in the South Peninsula District of Registration Area J (Westward) from January 15 to January 3. (5 AAC 35.510(c)(1))

ACR 17 –Amend Kenai River Late-Run and Kenai River and Kasilof River Early-run management plans to reflect new escapement goals to be adopted prior to the 2013 fishing season. (5 AAC 21.359; 5 AAC 57.160)

ACR 18 –Require the Department of Fish and Game forward identifying and permit information to the Department of Public Safety regarding an individual who fails to return a personal use salmon fishing permit after the season in the Upper Cook Inlet personal use salmon fishery and not issue a personal use salmon fishing permit to that individual during the next calendar year. (5 AAC 77.015(d); 5 AAC 77.540(a)(3))

ACR 19 –Include “salmon stream terminus” in the closed waters regulation as the reference point from which to measure the 500-yard salmon stream closure. Sever all regulatory terms and legal descriptions associated with the Anadromous Waters Catalog (AWC) from the enforcement of closed waters for commercial salmon fishing. (5 AAC 39.290; 5 AAC 39.975; 5 AAC 95.011)

ACR 20 –Establish a specific date in the Kenai River Late-Run King Salmon Management Plan in the Cook Inlet Area, when the project inriver run is less than 17,800 king salmon, during which certain established conservation measures are taken. (5 AAC 21.359(b)(3))

ACR 21 - Clarify the commissioner of fish and game’s inseason management authority to preclude and to mitigate an “economic disaster and allow alternative means to harvest surplus salmon stocks. (5 AAC 39.XXX)

ACR 1 - Designate Pacific herring as a forage fish under the provisions of the Forage Fish Management Plan. (5 AAC 27; 5 AAC 39.212)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”. 5 AAC 39.212. Forage Fish Management Plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The problem with the existing administrative code is it does not include all forage fish that are indigenous to the waters of Alaska. Undoubtedly, Pacific Herring *Clupea pallasii* are a keystone species in Alaska and the board recognizes that abundant populations of forage fish are necessary to sustain healthy populations of commercially important species of salmon, groundfish, halibut, and shellfish.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say?

The amended regulation would say: 5 AAC 39.212. Forage Fish Management Plan.

(a) This management plan governs the commercial harvesting of forage fish species in the waters of Alaska.

(b) The board finds that forage fish perform a critical role in the complex marine ecosystem by providing the transfer of energy from the primary and secondary producers to higher trophic levels. The higher trophic levels include many commercially important fish and shellfish species. Forage fish also serve as important prey species for marine mammals and seabirds.

(c) The board finds that abundant populations of forage fish are necessary to sustain healthy populations of commercially important species of salmon, groundfish, halibut, and shellfish.

(d) A vessel fishing in a directed groundfish fishery may retain a maximum allowable bycatch of forage fish equal to no more than two percent of the round weight or round weight equivalent of the groundfish on board the vessel.

(f) For the purposes of this section, “forage fish” means the following species of fish:

- (1) Family Osmeridae (capelin, eulachon, and other smelts);
- (2) Family Myctophidae (lanternfishes);
- (3) Family Bathylagidae (deep-sea smelt);
- (4) Family Ammodtidea (Pacific sand lance);
- (5) Family Trichodontidae (Pacific sandfish);
- (6) Family Pholidae (gunnells);
- (7) Family Stichaeidae (pricklebacks, warbonnets, eelblennys, cockscombs, and shannys);
- (8) Family Gonostomatidae (bristlemouths, lightfishes, and anglemouths);

- (9) Family Clupeidae (Pacific Herring);
- (10) Species of the Order Euphausiacea (krill).

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

a) For a fishery conservation purpose or reason: As stated in the existing statute the board already finds that forage fish perform a critical role in the complex marine ecosystem by providing the transfer of energy from the primary and secondary producers to higher trophic levels. The higher trophic levels include many commercially important fish and shellfish species. Forage fish also serve as important prey species for marine mammals and seabirds. The board further recognizes abundant populations of forage fish are necessary to sustain healthy populations of commercially important species of salmon, groundfish, halibut, and shellfish.

b) To correct an error in regulation: The current regulation does not list all forage fish.

c) To correct an effect on a fishery that was unforeseen when a regulation was adopted: According to re-evaluation of the length-weight relationship of Pacific Halibut (Courcelles 2011), the International Pacific Halibut Commission (IPHC) acknowledges that from the 1970s to present; Pacific halibut (*Hippoglossus stenolepis*) in both U.S. and Canadian waters have experienced a reduction in length-at-age. A change in the quality of prey is thought to be a potential reason for the observed trend in length-weight relationship.

The role herring play in the marine food chain provides is an important reason as to why the current regulation needs to be amended.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? The gross failure of the Age Structured Analysis model to accurately predict Sitka Sound's herring biomass combined with the inability of fishery managers to recognize this failure in-season may have significantly compromised the health of the Sitka Sounds Herring stock. In my opinion, history show the commercial harvest of Pacific Herring in Southeast Alaska have had an adverse effect on the Herring populations. According to ADF&G, the following is a list of the Herring seining Sac Roe fisheries and their status:

- Tenakee Inlet (closed)
- Lynn Canal (closed)
- Seymour Canal (closed)
- Hobart Bay (closed)
- West Behm Canal (closed)
- Kah Shakes/Cat Island (closed)
- Sitka Sound (open)

Sitka's Sac Roe Quota set at approximately 56,000,000 pounds. Approximately only half of this quota was harvested this year, and over all subsistence needs were not met.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR is not allocative, because it is addressing allocation issues; its address conservation issues.

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 (e.g., commercial fisherman, subsistence user, sport angler, etc.). I am a subsistence user and my needs have not been met for the past three out of the past four years.

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 that I am aware of.

Submitted By: Aaron Bean

ACR 2 - Change the weather delay criteria for opening the Chignik District Tanner crab fishery from small craft advisory to gale force wind warning. (5 AAC 35.510(b)(2))

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter "5 AAC NEW". 5 AAC 35.510(b)(2)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. We would like to change the opening start date fishing condition of the Chignik Tanner crab fishery from less than small craft advisory to Gale Warning to match the other areas (Kodiak and Sand Point).

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say?

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

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 current opening date regulation of small craft creates an unforeseen condition due to the fact that the Chignik area rarely sees wind conditions of small craft or less in the month of January.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Because there is no cycle in 2012 to address this issue and the next cycle would be in 2014 and that is too far away. This issue needs to be addressed ASAP.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. It's just changing the opening weather condition from small craft or less to Gale Warning.

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 (e.g., commercial fisherman, subsistence user, sport angler, etc.). Commercial fisherman in the Chignik 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. No.

Submitted By: Alfredo S. Abou Eid

ACR 3 - Establish times when a commercial set gillnet permit holder in the Lower Yukon Area may use dip net and beach seine gear to commercially harvest chum salmon during the summer season, including specifications and operations provisions for dip net and beach seine gear. (5 AAC 05.330(a); 5 AAC 05.362)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter "5 AAC NEW".

5 AAC 05.362. Yukon River Summer Chum Salmon Management Plan

NEW SUB SECTION: to allow Lower Yukon Area commercial gillnet permit holders to use dip nets and beach seines to commercially harvest summer chum salmon during the summer season.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues.

The Chinook salmon run size is currently at a level where Alaskan subsistence and Canadian aboriginal needs have not been fully satisfied in the past few years. Despite low Chinook salmon runs, there have been annual surpluses of summer chum salmon, in excess of escapement requirements and subsistence needs, available for commercial harvest. Additionally, there has been a renewed market interest in summer chum salmon with relatively high prices paid to the commercial fishers. However, because of the concern for the Chinook salmon escapement and the Agreement-specified commitment to Canada, much of the summer chum salmon harvestable surplus goes unharvested. This foregone harvest has been substantial in recent years, more than 1.0M fish both in 2011 and 2012. Using the price paid per pound to fishers in the lower Yukon Area in 2011 and 2012, this foregone harvest translates into a possible loss to the fishermen of over \$10M. Directly associated with this loss of income is loss in processing jobs in the community, reduced participation in subsistence activities by community members, reduced revenue for village stores and services, and further dependency on the social welfare system.

Indirectly, the loss of this harvest affects all services associated with the fishing industry from freight services to fishery-related jobs in Anchorage.

During the summer season, the Yukon Chinook salmon and summer chum salmon runs overlap. Usually, the Chinook salmon run is earlier than the summer chum salmon run but the degree of overlap between the two runs is variable from year to year. Based on the mid-50% of the run, defined by the first and third quartile day, the degree of overlap varied from nearly complete overlap in 1998, 1999, 2010, and 2012 to minimal overlap in 2003. To minimize both the incidental harvest of Chinook salmon and Canadian-origin Chinook salmon, a basic management strategy was developed in 2010 to allow directed, commercial summer chum salmon fishery openings only after the third quartile day of the Chinook salmon run had passed through the fishery area (Steve Hayes, ADF&G, Anchorage, personal communication). However, in some years, by the time most of the Chinook salmon have migrated through the lower river, so have the chum salmon. There has been very few years where the timing difference of the two salmon species would have allowed a substantial harvest of summer chum salmon while incidentally taking an acceptable level of Chinook salmon.

In a region heavily affected by declining Chinook salmon runs and limited opportunities for income from commercial fishing, new gear and fishing methods that would target summer chum salmon while minimizing negative impacts on Chinook salmon are essential.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say?

5 AAC 05.362. Yukon River Summer Chum Salmon Management Plan

NEW SUB SECTION: to allow Lower Yukon Area commercial gillnet permit holders to use dip nets and beach seines to commercially harvest summer chum salmon.

During times of Chinook conservation, we specifically request that the Alaska Board of Fisheries allow the use of dip nets and beach seines to commercially harvest summer chum salmon when gillnets with a maximum mesh size of 6.0 inches could not be used. We envision this fishery with dip nets and beach seines to occur throughout the summer chum salmon run when the incidental harvest of Chinook salmon would be unacceptably high using 6.0 inch maximum mesh size gillnets. This request for a new gear type is similar to the current regulation that provides for the use of beach seine gear in 5 AAC 05.368 Anvik River Chum Salmon Fishery Management Plan.

Information regarding the utility of dip nets and beach seines in a commercial fishery is either unavailable or undocumented. However, a personal-use fishery for sockeye in the lower Kenai River harvests tens of thousands of sockeye salmon using dipnets from boats and shore. Additionally, beach seines have been successfully used in the Anvik River to harvest summer chum salmon and residents employ beach seine gear in Norton Sound to harvest salmon for subsistence purpose. We believe that dip nets and beach seines could be used to commercially harvest the abundant summer chum salmon in the Lower Yukon Area.

Based on results from a test dipnet fishery conducted in Districts 1 and 2 during the 2012 summer season, very few Chinook salmon were captured and the few that were captured were

returned to the water unharmed. Also based on results from this test fishery, catches of summer chum varied with the number of summer chum in the river. Catch rates during times of medium abundance of summer chum salmon approached 40 summer chum salmon per hour per dipnet. Two or 4 dipnets were usually operated from a single boat, based on the size of the boat. The fish buyer in Emmonak has stated that an average catch threshold of approximately 16.5 summer chum salmon per hour would probably make the operation of this new gear type commercially viable. Current test fishing with beach seines hold promise to be an efficient gear type to commercially harvest summer chum while allowing the release of any kings captured. We suspect that successful use of the beach seines to harvest summer chum salmon in the Lower Yukon Area is just a matter of trial and error. The use of this gear in addition to the dip nets could offer the fishers possible alternatives than not fishing at all.

We also ask the BOF not to restrict dip nets in size (diameter or base length), net bag length, or the use of leads. It appears from the test dip net fishery operated in 2012 that a mesh size of 4.0 or 4.5 inches or less is preferred. We noted in our test fishery that 5.0 inch mesh gilled many summer chum salmon and extracting them from the net was time consuming. We also ask the BOF not to restrict the beach seine in terms of length or depth of net or use. This proposed commercial fishery needs the latitude to discover what works and what doesn't. Putting restrictions on the dip nets and beach seines would be counter-productive because there is no reason to limit the number and/or distribution of the summer chum salmon catch as long as it remains within the established Guideline Harvest Level. Please note that dip nets and probably beach seines are not nearly as efficient as a 50 fathom gillnet. Therefore, fishers should not be encumbered with regulations that will impede experimentation with this new gear. Fishers need to experiment so that they may discover the most efficient variation of the gear and the most efficient use of the gear. Additionally, the main purpose of this ACR is to harvest the abundant summer chum salmon without harming Chinook salmon. Therefore, most methods involving a dip nets and beach seines should be allowed as long as the harm to Chinook salmon is minimized or is virtually not existent. Use of this gear type would allow fishermen to fish throughout the summer chum salmon run, regardless of the run size and relative presence of Chinook salmon.

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

This ACR meets criteria 1 and 3. It does not meet criteria 2, as there is no error in regulation.

a) For a fishery conservation purpose or reason: This ACR meets Criteria 1, *for a fishery conservation purpose or reason* because adoption of this ACR would allow harvest of summer chum salmon while not harvesting or causing harm to Chinook salmon. In recent years, subsistence fisheries have been severely restricted to allow Chinook salmon to escape the fisheries in an attempt to satisfy Alaskan tributary escapement requirements and the agreed upon border passage of Chinook salmon into Canada. The continued concern for the Chinook salmon has also severely affected the directed summer chum salmon fishery because of the associated unacceptable incidental catch of Chinook salmon. Recent action by the BOF gave ADF&G the Emergency Order Authority to prohibit the sale of incidentally-caught Chinook salmon so that fishers would not target the much more valuable Chinook salmon. Although this authority was used in 2009, 2011, and 2012, the continued concern for Chinook salmon has all but eliminated

the commercial summer chum salmon fishery. Even with all the restrictions to subsistence and commercial fishers, the Canadian border passage target has not been achieved in 3 of the last 5 years and is anticipated not to be met in 2012. Because it appears that every king salmon counts, the acceptable level of incidentally-caught Chinook salmon in the summer chum salmon fishery has continued to decline. The use of dip nets and beach seines as commercial fishing gear in the Lower Yukon Area, although not as efficient as gillnets, may provide unrestricted commercial opportunity as long as the harvestable surplus of summer chum persists. If successful, the dip net and beach seine fisheries will allow unrestricted access to the summer chum salmon resource while conserving Chinook salmon. We believe that Chinook salmon mortality would be nearly non-existent.

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:

This ACR meets Criteria 3, *to correct an effect on a fishery that was unforeseen when a regulation was adopted*, because the current extreme conservation efforts directed at the Chinook salmon run that would severely restrict and nearly eliminate the commercial harvest of summer chum salmon was totally unforeseen. When current commercial regulations were adopted Chinook and summer chum runs were strong. Both were harvested in separate commercial fisheries; Chinook salmon were targeted by the fishery that employed unrestricted mesh size gillnets; summer chum salmon were targeted after the Chinook salmon season with gillnets restricted to a mesh size of 6 inch or smaller. The precipitous decline in the Chinook salmon run that would also negatively affect the summer chum salmon directed fishery was unforeseen. The persistent, poor Chinook salmon runs necessitate a change in regulation that will allow gear that either minimizes the incidental harvest to acceptable levels or allows the use of gear that facilitates no retention of Chinook salmon. Chinook salmon captured in dip nets and beach seines can be easily released unharmed. Although dip nets and beach seines are legal gear for subsistence salmon fishing, they are not legal gear for commercial fishing in the Lower Yukon Area

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Commercial fishers will not be able to harvest the abundant summer chum salmon surplus. Fishermen and processors will suffer because of the lack of summer chum harvest. Jobs in the community, as well in processing facilities in Anchorage, will be lost. Fishers will lose income and processors will lose markets and market share. Additionally, summer chum salmon in excess of required escapement needs will be allowed to spawn, reducing the productivity of the stock. Recent analysis indicates that escapements above 1.8M may result in production below 1 return per spawner.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This proposed new fishery is not allocative because there are guideline harvest ranges associated with each Yukon Area District and Sub district. We are not requesting a different allocation to the commercial harvest. We are proposing a fishery with new gear so that the allocation can be taken without harvesting Chinook salmon.

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 (e.g., commercial fisherman, subsistence user, sport angler, etc.). Processor.

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 ACR has not been considered before.

Submitted By: Jack Schultheis, General Manager, Kwik'pak Fisheries

ACR 4 - Modify the Kenai River Late-run King Salmon Management Plan in the Cook Inlet Area, including review and revision of current escapement goals, the time period the management plan is effective, burden of conservation between user groups, and priority of certain escapement goals. (5 AAC 21.359)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter "5 AAC NEW". KRSA requests that the Alaska Board of Fisheries amend their 2012/2013 agenda to accommodate a hearing of 5 AAC 21.359 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. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Record low abundance of late-run king salmon of Kenai River origin combined with changes in the manner used by the Alaska Department of Fish and Game (ADFG) to estimate abundance of late-run king salmon have rendered 5 AAC 21.359 Kenai River Late-Run King Salmon Management Plan inoperative and obsolete. Late-run Kenai River king salmon are an incredibly important stock of fish. Alaska's Policy for Management of Sustainable Salmon Fisheries mandates wild salmon stocks be maintained at levels of resource productivity that assure sustained yield. The existing plan does not assure the long term sustainability of the stock nor does the current language of the plan provide for the orderly conduct of traditional fisheries under current conditions.

The current management plan for late-run Kenai River king salmon was developed during an extended period of large king salmon returns and does not include effective provisions for management in low run years. The 2012 return of late-run Kenai River king salmon will likely be the smallest on record, achieving the minimum goal of 17,800 spawning fish only by virtue of almost total closure of the sport, personal use and commercial set net fisheries that traditionally harvest these fish. The low return realized in 2012 falls on the heels of other low returns observed in 2009, 2010 and 2011. The 2013 return is also expected to be low based on this year's

numbers; hence, this issue cannot wait for the next scheduled 2014 Upper Cook Inlet (UCI) Board of Fisheries (BOF) meeting.

NEW INFORMATION since the last UCI BOF meeting indicates that management under the current plan failed to provide for minimum escapements specified in the plan in recent years. At the last UCI meeting in 2011, the Board was advised by ADFG that split beam sonar signal interpretations based on “echo length standard deviation” or ELSD would replace the prior method based on “target strength” or TS, which was providing sonar estimates biased high by an unknown amount due to “sockeye contamination.” ADFG felt that the ELSD method could be used to correct apparent biases in the TS sonar estimates, and therefore provide an accurate accounting of fish numbers. However, since that meeting, the ELSD method was subsequently rejected by ADFG due to continuing concerns of sockeye contamination and replaced with Didson sonar estimates and related abundance assessment indices, starting in 2010.

Application of the current technology used by ADFG to estimate late-run Kenai River king salmon abundance in 2012 leads to the conclusion that minimum escapement levels were likely not achieved during 2009, 2010 and 2011. Thus according to ADFG fishery data, this important stock of fish has barely met or has failed to meet its minimum escapement goal for four straight years, a strong indication that late-run Kenai River king salmon are in a dangerous state of decline and must receive additional protection.

The necessary management decisions taken by ADFG to meet the minimum escapement goal for late-run Kenai River king salmon resulted in extreme changes of fish allocation among fisheries. Because of the complex and interrelated nature of the UCI mixed stock fisheries and the potential allocative nature of any change in management of king salmon under low run conditions, this issue is most appropriately addressed by the BOF.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? KRSA seeks the following general outcomes should the BOF accept this agenda change request:

- The sustained yield of this vitally important stock of fish should be maintained at acceptably healthy levels to support the fisheries dependent upon late-run Kenai River king salmon. To accomplish this outcome escapement objectives must be defined in terms of the current assessment tools and must be achieved. However, the problem is that the escapement goals established in the current management plan are based on the obsolete split beam sonar counting method. Therefore the escapement goals need to be reviewed and revised as appropriate by the BOF to accommodate changes to Didson and/or other indices currently employed by ADFG.
- The current management plan only covers the time period July 1-July 31 while in 2012 an estimated one-third of the total run returned after July 31. To provide for sustained yield it is critical that the management plan fully cover the time period encompassing the length of the run and not just July 1-July 31.

- The management plan governing the fisheries for late-run Kenai River king salmon should be amended in such a manner that effectively addresses challenges posed by the unprecedented low abundance of late-run king salmon. Total closure of the sport, personal use and commercial set net fisheries must be the tool of last resort but KRSA questions whether all fishing opportunity for sport or commercial fisheries should be lost when only marginal or deminimis savings of fish will likely be realized.
- The burden of conservation must be more equitably shared between the sport, personal use and commercial set net fisheries particularly when restrictions are implemented, yields are estimated to be low or when achievement of the escapement objective is in doubt. Specifically, ADFG needs tools to step up and step down the fishing power of the commercial set net fishery in an effort to minimize the incidental harvest of late-run kings in that fishery and pair these tools with the ones currently used in the sport fishery. The on/off switch strategy for the commercial set net fishery now practiced is not constructive for fish or users in years of low abundance.

Clarification is needed to the effect that meeting the minimum late-run Kenai River king salmon escapement goal takes precedence over not exceeding the upper end of the Kenai or Kasilof sockeye in-river or optimum escapement goals, respectively.

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

- a) **For a fishery conservation purpose or reason:** The abundance of late-run king salmon of Kenai River origin is a fraction of what was observed on average during the past three decades. The 2012 run is likely the smallest on record. Although the minimum escapement objective is thought to have been achieved in 2012 this accomplishment occurred only because of near total closure of all fisheries that harvest significant numbers of these fish. Furthermore, using the abundance assessment techniques applied by ADFG in 2012 to the 2009-2011 data leads to the conclusion that this important stock of king salmon has been barely at or significantly below the minimum spawning escapement goal of 17,800 fish for the past four years.

b)

RECENT LATE-RUN KENAI KING SALMON NUMBERS

Year	Sonar Type	Sonar Count	Harvest above Sonar	Escapement
2009	Target Strength	25,688	8,530 ^a	17,158
2010	Didson	17,795	4,800 ^b	12,995
2011	Didson	20,212	5,800 ^b	14,412
2012	Didson	18,340 ^c	150 ^b	18,190

^aADFG Fishery Management Report No. 10-51. Includes catch-and-release mortality.

^b Calculated by using 90 percent of the SWHS survey for total in-river sport harvest as in 2009.

^c As of August 10, 2012

This is NEW INFORMATION and establishes a CONSERVATION PURPOSE for this agenda change request.

At the last BOF work session in October 2011, ADFG introduced a paper detailing conversion of current in-season abundance assessment data into what they called “target strength” or TS currency, with TS being the sonar assessment tool used to estimate abundance prior to the failure of that technique on the Kenai. The conclusion provided in the paper was that escapement in 2011 was likely equivalent to about 27,000 “target strength” fish with a confidence interval around that estimate of 9,000 – 51,000 fish. This conclusion came as a shock to many of the participants in the fishery who were widely skeptical of the conversion back to the obsolete TS-currency. In 2012 for the bi-weekly summaries of late-run Kenai River king salmon fish counts, ADFG data tables abandon TS-currency based data altogether, and instead use only Didson sonar estimates and related abundance assessment indices.

b) To correct an error in regulation: An “error” in regulation exists as a result of the current management plan covering only the time period July 1 – July 31 when the late-run of Kenai River king salmon is present in the marine waters of UCI and in the Kenai River from late June through August.

A second “error” in regulation stems from the fact that the BOF has adopted into regulation a management plan for late-run Kenai River king salmon that specifies numerical escapement objectives and other abundance driven trigger points for management actions, such as prohibition on the use of bait, restriction to catch-and-release, prohibition of retention of king salmon in the personal use fishery, and total closure of both the in-river sport fishery and the commercial set net fishery. However, ADFG is currently not able to estimate the in-river return within a suitable degree of certainty to fulfill the State’s sustained yield mandate or carry out the specific stipulations detailed in the late-run Kenai River king salmon management plan.

A third “error” in regulation exists because, now obvious, omissions in 5 AAC 21.359 leave ADFG in the position of having to allocate opportunity among beneficial users by deciding when and by whom small numbers of late-run king salmon may be killed even while escapement objectives are still in question. Examples of this observed during 2012 include the pre-season closure of 60 percent of the area in the river open to sport fishing and the pre-season prohibition on the use of bait in the late-run Kenai River king salmon sport fishery, while in the only regular opener in June fished by the commercial set net fishery (the other regular opener was closed) over 100 late-run kings were harvested. Later, only one regular opener of the commercial set net fishery was allowed during July and during that period more kings were killed than during the entire sport fishery in July, which was open to harvest through July 10 and catch-and-release through July 19 (estimated harvest and CR mortality less than 150). In August ADFG prohibited the use of bait in the Kenai sport fishery during the first few days of the month then rescinded this restriction and also opened the commercial set net fishery. By the end of its truncated season, the commercial set net fishery still had harvested more king salmon in 2012 than the combined harvests of both the commercial drift fleet, which fished practically non-stop in its July fishery, and the in-river sport fishery, with its step-down restrictions and closure. These statistics reveal the mismatch of management tools available to ADFG to minimize harvests of king salmon in the sport and commercial set net fisheries and point to an ERROR IN REGULATION

c) To correct an effect on a fishery that was unforeseen when a regulation was adopted:

Although, in concept, the Kenai River Late-Run King Salmon Management Plan speaks to management at very low levels of abundance, the reality of ADFG carrying out that task, particularly while also managing for large returns of late-run sockeye salmon to both the Kenai and Kasilof Rivers, was clearly UNFORESEEN or at least unappreciated at the time the regulation was adopted.

At the February/March 2011 UCI BOF meeting and again at the October 2011 BOF work session, ADFG described the difficulties they experience with respect to implementing the management plan for late-run king salmon in the Kenai River, yet on each occasion the Department stated that they could implement the existing plan and that the existing plan would provide both for sustained yield and orderly fisheries. 2012 illustrates that this is clearly not the case. When ADFG did allow commercial set net fishing in August, rather than state that the escapement objective for late-run king salmon in the Kenai River was assured, their statement was far more ambiguous and “based on the Didson sonar indices, the risk of not achieving adequate escapement is low.” The unfortunate situation experienced in 2012 was certainly UNFORESEEN when the regulation was adopted and also UNFORESEEN when most recently reviewed.

Alaska’s Policy for the Management of Sustainable Salmon Fisheries directs the BOF to assure that management programs and decision-making procedures are able to clearly distinguish and effectively deal with biological and allocative issues. This is CLEARLY not the case with late-run Kenai River king salmon at this time.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? The sustained yield of late-run Kenai River king salmon is in serious jeopardy as are the fisheries that depend upon adequate numbers of late-run kings. The 2012 run was likely the smallest on record and the return the late-run of king salmon in the Kenai River has likely barely met or significantly fallen short of the minimum end of its spawning escapement goal range for the past four years. The economy of the region was deeply hurt by the near total closure of the in-river sport and commercial set net fisheries that harvest late-run king salmon. The management plan governing this fishery must be reevaluated to address the current realities prior to the 2013 season. See response to question #2 for more information.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. The sustained yield of this stock of king salmon is in serious jeopardy. Escapement objectives have likely not been achieved or achieved only through unprecedented restrictive action on all fisheries. The BOF must examine all “tools” used to manage all fisheries and, if possible, develop new tools that allow for continued opportunity and minimization of king salmon mortality. The management plan governing this fishery must be reevaluated to address the current realities prior to the 2013 season. ADFG’s stock assessment capability must be incorporated in the design of a new management plan. Although a rehearing of 5 AAC 21.359 could result in shifts in allocation of the burden of conservation, KRSA argues that the need to review is COMPELLING.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. The new information is barely meeting or significantly missing

the minimum escapement objectives for late-run king salmon in the Kenai River in 2009-2012. In addition, new information is certainly available describing the devastatingly negative impacts on fisheries dependent upon adequate numbers of late-run king salmon of Kenai River origin.

The confusion or lack of clarity in the management plan and its implementation contributes significantly to the jeopardy in which we find late-run king salmon of Kenai River origin.

At the time of this writing, ADFG has not yet provided the public with a final season end (2012) estimate of escapement. Preliminary analysis of data derived from the use of Didson sonar provides an estimate of in-river return that combined with harvest estimates indicates the 2012 run was the smallest on record.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR (e.g., commercial fisherman, subsistence user, sport angler, etc.). KRSA represents sport and personal use fishery interests consistent with conservation and wise stewardship of sustainable fish resources and related habitats.

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. Proposed revisions to 5 AAC 21.359 Kenai River Late-Run King Salmon Management Plan are considered on a regularly basis during the triennial UCI BOF meetings and were discussed at the October 2011 BOF work session; however, 2012 brought the smallest return on record and never before has ADFG indicated that the late-run Kenai River king salmon barely met or likely failed to meet minimum escapement objectives for the past four years. Never in history has there been total closure of the sport, personal use and commercial set net fisheries that harvest these prized fish.

Submitted By: Kenai River Sportfishing Association

ACR 5 - Allow commercial salmon seine net depth in the Alaska Peninsula Area to be measured in feet and inches which would allow additional webbing to be attached beyond the current restriction of 350 meshes of 3.5 inch and 25 meshes at 7 inches. (5 AAC 09.332)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter "5 AAC NEW".

5 AAC 09.332. Seine specifications and operations.

- A. Purse seines or hand purse seines may not be less than 100 fathoms nor more than 250 fathoms in length. A purse seine or hand purse seine may not exceed 375 meshes in depth. Seine mesh may not be more than three and one-half inches, except that the first 25 meshes above the lead line may not be more than 7 inches.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues.

Current regulation describes the allowable depth of a purse seine for the South Alaska Peninsula salmon fishery as 350 each 3.5 inch meshes plus 25 each 7 inches meshes. Fishermen who recently purchased nets that were built with Indian web have experienced shrinkage that traditional American web does not exhibit. These fishermen are not allowed to modify their nets to equal depth of other fisherman's nets by simply adding a strip of web, because the seine depth regulation is based on number of meshes. This regulation assumes all nets will retain same hanging depth over time. Nets made of Indian web do not retain the same hanging depths over time, thereby disadvantaging fishermen who have purchased these new Indian web nets.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? Prefer the Department regulation to describe the seine depth in equivalent terms using feet and inches. "Seine depth shall be 350 each 3.5 inch meshes plus 25 each 7 inch meshes or equaling 1225 inches of 3.5 inch plus 175 inches of 7 inch web for a total web depth of 1400 inches."

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

a) **For a fishery conservation purpose or reason:** N/A.

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:** This change will correct the unforeseen consequence of unequal net depths depending on manufacture of net by allowing fishermen to add web to nets that have contracted due to shrinkage.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Some fishermen, who purchased nets made of Indian web will be disadvantaged by net depth if they cannot purchase a new purse seine that costs approximately \$25,000.00.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR only attempts to clarify a regulation describing purse seine depth that could potentially disenfranchise a particular fishery user group, salmon fishermen who unknowingly purchased inferior purse seines. This request is not directly or indirectly allocative.

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 (e.g., commercial fisherman, subsistence user, sport angler, etc.). Commercial fisherman in the South Alaska Peninsula salmon fishery.

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 sure if a similar proposal or ACR has been considered by the Board.

Submitted By: Corey Wilson, Justin Wilson, Alvin Newman

ACR 6 - Modify the area in the Kenai River where a person may take salmon with a personal use dip net from shore. (5 AAC 77.540(c)(1)(D))

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”. 5AAC 77.540(c)(1)(D)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Current location of the Kenai Dipnet fishery is in an area that is not regulated to engine type or size causing excessive wake that could damage the river banks and habitat as well as pollution that could impact the fishery in the future.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? From shore, in the area from ADF&G regulatory markers located on the Cook Inlet beaches outside the terminus of the river upstream to the downstream side of Cunningham Park to the Warren Ames Bridge.

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

a) For a fishery conservation purpose or reason: To preserve the banks of the Kenai River by reducing the dipnetting traffic to an area where four stroke motors only can be used and limited in horse power. This will reduce traffic and reduce speed and wake and further preserve the fishery.

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? This problem will continue to grow and impact the river's water quality and continue to erode the river banks.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR changes location of a personal use fishery that would allow current motor size and type to take affect to further preserve the fishery.

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 (e.g., commercial fisherman, subsistence user, sport angler, etc.).

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. Not to my knowledge

Submitted By: Thomas G. Strother

ACR 7 - Change the vessel size limit for the Registration Area O (Aleutian Islands Area) red king crab fishery, in state waters from 172° W. long. to 179° W. long., from 90 feet or less in overall length to less than 60 feet in overall length. (5 AAC 34.610(d))

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter "5 AAC NEW". 5 AAC 34.610. Area O.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The local fleet is Alaska limit under 60 feet and with the opening of the fish plant on Adak Island a pot fishery has developed in the area that has done very well during the winter months. The area between 172A W. long and 179A W. long was not included in the North Pacific Fisheries Management Council's Crab Rationalization program and will be conducted in State waters only. The 90ft limit was put in at a time vessels would have had to run 400 miles to deliver in Dutch. No crab fishery ever opened in the area so no large vessel ever fished Red King Crab in the area thus no large boats will be displaced. The pot cod season has proved smaller boats can fish the area in safety.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? Limit any Red King Fishery in State waters between 172 W. long and 172 W. long to vessels under 60ft.

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

a) For a fishery conservation purpose or reason: The crab fishery east of 172 W. already is restricted to under 60ft.

b) To correct an error in regulation: At the time the 90ft size was put in the plants at Atka and Adak were unable to buy crab.

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? In the summer of 2005 the killer whale developed a liking for sea otter and in effect removed the stock not in protected in lagoons. The net result was a return of pods of Red King Crab. The fishermen of the area are in hopes of a small fishery in the very near future.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. No open fishery at present.

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 (e.g., commercial fisherman, subsistence user, sport angler, etc.). Rep. Aleut Enterprise Corporation.

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.

Submitted By: Aleut Enterprise Corporation – c/o Clem Tillion

ACR 8 - Establish a pot limit of 10 pots per vessel fishing for red king crab near Adak Island in Registration Area O (Aleutian Islands Area). (5 AAC 34.625(x))

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”. 5 AAC 34.610. Regulation Area O.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Pods of Red King Crab are showing up in several bays near Adak the volume is at present unknown. As Alaska Air has regular service we would like to spread the season over a longer time to take advantage of the fresh market and small boat fleet is on site they could work it in with other fisheries.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? Set a pot limit of not over 10 per boat per day per boat.

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

- a) **For a fishery conservation purpose or reason:** It is a new fishery, suggest we take it slow.
- 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:**
No fishery at present.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Lose of time for a new state fishery.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. N/A.

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 (e.g., commercial fisherman, subsistence user, sport angler, etc.). Commercial Adak 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 in the Aleutians.

Submitted By: Aleut Enterprise Corporation – c/o Clem Tillion

ACR 9 - Modify the waters in the Tsiu River in the Yakutat Area that are closed to commercial salmon fishing to facilitate an orderly fishery for the commercial and sport fisheries. (5 AAC 30.350(a)(12))

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”. 5 AAC 30.350(12)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Orderly prosecution of both the sport and commercial fishery for coho salmon can no longer occur in the Tsiu River. There is a critical need for the Alaska Board of Fisheries to review the regulations governing both sport and commercial fishing in the Tsiu River and subsequently adopt into regulation a comprehensive strategy governing both fisheries. The compelling need for regulatory relief comes as a result of continual changes in the channel morphology of the Tsiu River. These shifts in river course have enabled the commercial setnet fishery to take place in areas previously inaccessible to the gear. These same areas have historically been utilized by the sport fishery. It is no longer possible for the two fisheries to occur simultaneously without significant overlap in space and significant conflict.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? I am proposing to change the area open to commercial harvesting on the Tsiu River as follows:

Amend 5 AAC 30.350(12) as follows:

5 AAC 30.350(12) Tsiu River, Upstream of ADF&G marker located downstream of Duck Camp Island and [an area to be determined by the Alaska Board of Fisheries.] The location of the marker will likely need to be adjusted on an annual basis but the purpose for location of the marker should be to provide for spatial segregation of the sport and setnet fisheries while providing a reasonable opportunity for both.

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

a) For a fishery conservation purpose or reason: N/A.

b) To correct an error in regulation: 5 AAC 30.350(12) has existed in regulation for many years. The mouth of the river has moved approximately six miles over those years. The constantly shifting sands annually close one channel and open another. Over the course of the last 15 years the area above the established ADF&G marker has completely filled in and the area downstream of the marker is the longest it has ever been. We suggest that the adoption of a regulation relying on placement of a static marker located on a reach of river where the channel location shifts significantly from year to year establishes an argument for the existence of an “error” in regulation.

c) To correct an effect on a fishery that was unforeseen when a regulation was adopted:

5 AAC 30.350(12) has existed in regulation for many years. At the time that this regulation was adopted it was unforeseen that the channel of the Tsiu River would shift to the extent that it has. Also unforeseen at the time that this regulation was adopted was the evolution of gear used to provide transport for the commercial fishery. The newer high horsepower jet drive outboard motors now utilized by commercial setnet participants have dramatically improved their ability to move about and within the entire reach of the Tsiu River. With today's 90 HP jet drive outboard motors powering boats commercial setnet fishermen can gain access to the entire fishable area of the Tsiu River. Commercial setnet fishermen first lay a net, then proceed to utilize the shallow draft capability of the jet boat to herd coho salmon into the net, pick the net, and move on to the next hole in a matter of 15 minutes. When you have five or six boats and 12-15 nets zig zaging all over and scrambling to get all they can during the opener the participants in the sport fishery literally get pushed aside and then conflicts arise. There is nowhere for sport anglers to relocate to that is a refuge from the commercial setnet fishery and the jet boat rodeo. It is now common for participants in the sport fishery to just stand there and take it when a net is anchored literally at their feet, told by the commercial fishermen to get out of the way, then a high powered jet boat roars in circles right where the sport anglers were casting a pole just minutes before. Due to the change in river morphology and adoption of newer technology, this is a completely new and unforeseen situation that did not occur when the regulation was adopted.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? There will continue to be a disorderly fishery, unnecessary, escalating conflicts between user groups will continue and the full economic, social and recreational value of the sport fishery will not be realized.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR does not ask that fish be allocated or reallocated. This ACR asks that a reasonable opportunity to conduct safe, orderly and successful fisheries be established for both the sport and commercial setnet fishery. This ACR asks that space be set aside for the sport fishery. This ACR does not suggest that the commercial setnet fishermen catch a smaller proportion of the harvestable surplus of coho salmon of Tsiu River origin. A review of historical harvest statistics suggest that this is a reasonable approach. Fifty years ago the commercial harvesters had one mile of river; 25 years ago they had about three miles; and today there is five miles. So this proposal is not taking away area that the commercial setnet fishery traditionally fished. Plus, if you look at the catch numbers you will notice that no matter what the length of the river the catch was consistently the same. In 2010, a dry year, they were restricted to just one mile and had the second largest catch of all time. Yes, the river can change and be shorter than today's current length. But with the EO authority in this fishery the boundary markers can be moved if extreme or unusual conditions warrant. From the viewpoint of the sport fishery...the area that was traditionally and historically available to sport fishing above the ADF&G marker has filled in with sand leaving no place to go to get away from the commercial activities. To assert that establishing a boundary separating the sport and commercial fisheries on an annual basis is taking something away from commercial users and allocating it to the sport users is a stretch. It is fixing a regulation that is flawed by the existence of a circumstance unforeseen when the regulation was adopted. And is actually getting the fishery back to the way it historically and

traditionally operated. If this ACR is considered and the suggested remedy is adopted, then the situation will be better with ADF&G annually establishing the gear boundaries.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. The request does not seek a reallocation of fish between fisheries, but instead seeks to establish orderly fisheries by establishment of separated areas based on gear type in which to prosecute orderly fisheries in a safe manner. The current situation is not orderly and sport anglers are subject to unwanted, unnecessary health and safety hazards.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR (e.g., commercial fisherman, subsistence user, sport angler, etc.). The Tsiu River Coalition is a group of participants in the sport fishery on the Tsiu River that includes sport fish lodge owners, sport fishing guides, air taxi representatives, and sport fishing clients of these commercial sport fish services and non-guided resident and non-resident sport anglers.

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. Proposal #301 was considered by the Board of Fisheries at the Ketchikan meeting in March of 2012. Proposal #301 asked for a marker to be located downstream of Duck Camp Island in an effort to spatially separate the sport fishery from the commercial setnet fishery. A review of the record will show that the Board fully appreciated the problem that exists at the mouth of the Tsiu River. Proposal #301 was initially adopted by a 4-3 vote, then, based on “new” information provided after both public testimony and the committee process, #301 was reconsidered and subsequently failed by a 3-4 vote. There was a long debate among the board members and, I believe, it is fair to say that significant concern existed but a suitable solution seemed out of reach at the time. The lack of a suitable solution has not helped reduce the conflict that occurs throughout the coho season on the Tsui. Commercial fishermen using jet boats continue to herd coho salmon into nets set where sport anglers historically fished. There is no longer a reach of the river where sport fishing can occur without interfering with or being interfered with by the commercial setnet fishery. The situation constitutes a continuing health and safety issue of participants in the sport fishery.

Submitted By: Tsiu River Coalition

ACR 10 - Direct the Department of Fish and Game provide a status of king salmon stocks and recommend that early-run Kenai River king salmon be declared a stock of concern at an unspecified level. (5 AAC 39.222; 5 AAC 57.160)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”. None... This request is in reference to SSFP; 5 AAC 39.222, which directs the department to provide the BOF, at regular meetings, with reports on the status of salmon stocks and identify any salmon stocks that present a concern related to yield, management, or conservation.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues.

The Kenai River Early Run Chinook (ER) populations have been in a precipitous decline since 2006. The causes for such a rapid decline are largely unknown, however, we believe that it is absolutely necessary to consider all aspects of management options to have the best chance of stock recovery and a “stock of concern” status may be a necessary conservation option.

Department data illustrates that these stocks have declined by about 70% since 2006 compared to previous historical values. This assertion is hard to quantify, however, since ADF&G is transitioning from the old split-beam sonar system to the new Didson system. They have little confidence in historical sonar counts and insufficient data to evaluate the Didson counts by comparison. This quandary brings into question their assumptions of escapement and productivity used in managing this fishery. However, other indexes of abundance also indicate a significant decline in ER numbers. Everyone seems to concur that this decline is due in part to marine survival being lower, however, we feel that the decline is also due to harvest patterns in-river. Fishing on mainstem spawning fish in July, insufficient spawning area protections, and over-harvest of the population because of biased high sonar counts are some other contributing factors.

One long-standing historical index that offers a more consistent evaluation might be the Cumulative Net Apportioned Sonar Estimates in recent years compared to historical values. This value is determined by running a drift gill net at various stages across the river near the sonar site twelve times a day. The season totals are then scrutinized for variables in water conditions, strengths of the Sockeye run, etc. and then compared to past split-beam equivalency values to determine the apportionment. ADF&G data (attached) illustrates that since 2006 the highest apportionment value was 4,822 Kings, with only 2,774 in 2012. Also note that the sport harvest still has to be deducted from these values to determine an escapement figure. Using these values could mean that we have not met the minimum OEG escapement goal of 5,300 in any of the last five years.

There are two other quantifiable indicators that cooperate this decline. Since 2006, USF&W has operated a weir on the Funny River to determine early run strengths into that tributary. In 2006 2,779 ER Kings were counted. Counts since have steadily declined to only around 870 in 2012. This illustrates about a 70% decline in the last 6 years. ADF&G also established a weir on Slikok Creek in 2008. Historical foot counts from 1990 – 2004 averaged 165 Kings with some years exceeding 300. Since 2008 the counts have averaged around 46 fish. In 2012 the count was 30 with only 10 females and we can expect bear predation to reduce this number significantly. These values represent about an 80% decline since 2004.

It should be mentioned that these 2012 Funny River and Slikok Creek weir counts were very low but they could have been worse if it weren't for the in-season harvest restrictions put in place by the department.

In conclusion, the Kenai River Early Run Chinook require management protection to help facilitate their recovery. We have to do all we can in-river to assist in such a recovery and listing this run as a “stock of concern” may be a valuable management option that we need to consider.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? We are requesting the board to direct the department to provide a complete stock assessment, analysis and recommendation as it pertains to a possible “stock of concern” status (either yield or conservation) of the Kenai River Early Run Chinook stocks. Additionally, we would support a special meeting in 2013 to discuss UCI Chinook issues and to consider the stock of concern option for the Kenai River early run Chinook and the possible implementation of other regulatory changes necessary to correct the decline in these ER stocks.

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

a) For a fishery conservation purpose or reason: The Kenai River Early Run Chinook stocks are in decline and conservation applications offered by a “stock of concern” status may be a necessary management tool to provide more conservation to facilitate a recovery.

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: N/A.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? The board may not have a complete stock assessment and information pertaining to a “stock of concern” consideration. We believe this stock may not have made minimum escapements for the last 5 years and if 2013 is another failure then a stock of concern status should be a consideration. If the board waits until the 2014 UCI meeting to entertain stock of concern considerations it may be too late to expect the department to provide a complete analysis of the issue.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. If it is deemed that a “stock of concern” status is necessary for recovery of these stock then all user groups would share in the burden of recovery management strategies.

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 (e.g., commercial fisherman, subsistence user, sport angler, etc.). KAFC is a private angler sport fishing group that is interested in conservation of our resources so that we have sustainable fishery populations for current and future generations to enjoy. We believe in science based and adaptive management of our resources.

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 “stock of concern” status has not been considered before for Kenai River Early Run Chinook stocks.

Submitted By: Kenai Area Fisherman’s Coalition (KAFC)

ACR 11 - Modify the Central District Drift Gillnet Fishery Management Plan in the Cook Inlet Area, including restrictions to the drift gillnet fleet, conditions for additional fishing time from July 16-31, addressing the 4.6 million fish trigger, and establishing that minimum escapement goals take priority on exceeding the upper end of other salmon species escapement goals. (5 AAC 21.353)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”. MSBFWC asks that the Alaska Board of Fisheries amend their 2011/2012 agenda to accommodate a hearing of 5 AAC 21.353, the Central District Drift Gillnet Fishery Management Plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues.

Coho salmon returns to the Little Susitna River (one of the historically largest coho sport fisheries in the state) have failed to make the minimum 10,100 fish escapement level for four consecutive years (2009: 9523; 2010: 9182; 2011: 4826 and 2012: 3144 as of August 20). This failure to make minimum escapement qualifies Little Susitna coho to be declared a Stock of Management Concern under 5AAC 39.222, Policy for Management of Sustainable Salmon Fisheries. Fish Creek coho numbers are sufficiently low (419 fish as of August 20) to where the Department of Fish and Game (ADF&G) has declared that minimum numbers historically seen in this system will not be attained this season. As a result of the weak returns for both the Little Susitna and Fish Creek, the Sport Fish Division issued an emergency order closing all Knik Arm waters to coho fishing effective August 17 for the remainder of the season. This is the second year in a row where the Little Susitna system (shut down earlier on August 10) was closed to coho fishing during the season.

ADF&G only maintains weirs to enumerate coho returning to the Northern District in three locations: Little Susitna, Fish Creek, and the Deshka River. Deshka coho counts as of August 20 show only 5690 fish through the weir. Given that the only definitive counts of coho for the Northern District all show very weak coho return numbers, a prudent person might assume coho returns across the board in the Northern District are in serious jeopardy.

Inriver users and Northern District set net fishermen appropriately had little or no opportunity to harvest northern-bound coho salmon because of weak returns and timely restrictions and closures by ADF&G to conserve the resource for broodstock, yet the Central District commercial driftnet fishery was allowed extra fishing time and in areas normally closed by the management plan to

harvest returning Kenai and Kasilof sockeye stocks. These stocks mix with the Northern District-bound coho stocks, resulting in interception of northern-bound coho.

Evaluation of the Little Susitna River's coho stocking program during the 1900's revealed commercial exploitation rates ranging from 44 to 69% with an average annual harvest rate of 57%. The drift fishery was consistently, by far, the major harvester of stocked Little Susitna River coho.

5 AAC 21.353, the Central District Drift Gillnet Fishery Management Plan, states that, "The purpose of this management plan is to ensure adequate escapement of salmon into the Northern District drainages and to provide management guidelines to the state. The department *shall* manage the commercial drift gillnet fishery to minimize the harvest of Northern District and Kenai River coho salmon in order to provide sport and guided sport fishermen a reasonable opportunity to harvest these salmon stocks over the entire run, as measured by the frequency of inriver restrictions."

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? The MSBFWC would ask the Alaska Board of Fisheries (BOF) for the following corrective actions if this ACR is accepted:

- In order to comply with the stated intentions of 5 AAC 21.353, further area restrictions need to be implemented during the July 16 to July 31 period to allow northern-bound stocks to move through the Central District drift gillnet fishery and into their Northern District natal streams.
- Any additional fishing time allowed during this same July 16 to July 31 timeframe because of returning Kenai River sockeye run strength triggers should also be addressed in the form of limited area or time restrictions. The 4.6 million trigger requires special review and re-consideration.

Wording needs to be incorporated into the management plan specifically stating that meeting the minimum escapement goal of a salmon stock is the number one priority of management and *shall* take precedence over exceeding the upper end of another species or stock's escapement goal. This is especially critical for salmon stocks declared stocks of concern by the BOF.

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

a) For a fishery conservation purpose or reason: The fact that the Little Susitna River coho stock qualifies as a stock of concern, with escapements not even reaching half the minimum number for the past two years should indicate a significant conservation concern for a system which consistently ranked as the second largest freshwater coho sport fisheries in the state until only a few years ago.

b) To correct an error in regulation: When the BOF made changes to 5 AAC 21.353 at the 2011 Upper Cook Inlet (UCI) meeting, a combination of department error in writing the

regulations compared to board intent and court actions that summer effectively negated the implementation of the changes passed at the meeting for the 2011 season. Coho returns to the Little Susitna for 2011 were 4826 coho – less than half the minimum required. These errors were eventually corrected by the department, but the coho returns are still poor.

c) To correct an effect on a fishery that was unforeseen when a regulation was adopted: When the changes were made by the BOF to 5 AAC 21.353 in 2011, nobody could foresee the need to shut down the Eastside setnetters in 2012 to protect the weak Kenai late-run king salmon returns. With an entire commercial gear group sitting on the beach and a returning run of sockeye salmon expected to be greater than 4.6 million fish by ADF&G, the drift fleet was fished extra time and in areas outside the management plan specifications to harvest the fish. The extra area included in ADF&G's news release #18 for fishing on July 21 couldn't have come at a worse time for the northern-bound coho stocks. A harvest of 10,921 coho occurred during this date. In hindsight, there seems to be some question as to whether the sockeye run strength actually exceeded the 4.6 million trigger point, but nevertheless, this number was not known when the expanded area fishing period was granted. The existing drift gillnet management plan no longer assures the long term sustainability of the Little Susitna coho stock nor does the current language of the plan provide for the orderly conduct of traditional fisheries.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? As stated above, delaying hearing this ACR until the regular cycle of the 2014 UCI board meeting could have a significant negative impact on the health of the Little Susitna River coho stock. This coho population has failed to make even half the minimum escapement number for the past two years. Allowing the continuation of such depressed returns (by failure to take action to protect a qualified stock of concern) would not be acceptable sustainable fisheries management.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. Data from the past two years when the drift fleet was restricted to fishing in the expanded corridor indicates that the fleet has managed to catch significant numbers of fish with little or no lost income. Moving additional northern-bound salmon through the Central District drift fishery at this point has become a conservation concern in an attempt to rebuild salmon stocks which have been showing a downward trend in numbers over the past few years. The MSBFWC does not see this ACR as an allocative document but rather as an attempt to address significant salmon conservation concerns in the Northern District. The use of the expanded corridor has already demonstrated that the drift fleet can still fish and catch significant numbers of sockeye while substantially reducing the harvest rate on coho. The fish caught in the corridor also appear to predominantly be the intended target stocks of the drift fleet, namely Kenai and Kasilof 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. The MSBFWC does not view this ACR as allocative. However, if the BOF feels that it is, in fact, sufficiently allocative in nature, then we ask that the BOF consider the fact that the Little Susitna River coho stock now meets all the qualifications to be listed as a stock of concern. That is new information. The unprecedented closure of the

Eastside setnet fishery to protect the Kenai late-run king salmon run resulted in the department using the drift fleet outside the management plan to harvest Kenai and Kasilof sockeyes. This additional use of the drift fleet has significantly impacted northern-bound coho because of the mixed stock nature of the two species return timing. This unprecedented closure of one gear group and the expanded use of the other gear group is new information.

Adjustments to the drift gillnet management plan need to be made in light of these new information situations which have developed since 2011. Waiting for the regular 2014 UCI meeting to make these adjustments could prove to be catastrophic to the Northern District coho populations.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR (e.g., commercial fisherman, subsistence user, sport angler, etc.). The MSBFWC is a borough government agency permanently established by the Matanuska-Susitna Borough Assembly to advise the Borough Assembly, the Alaska Board of Fisheries, and the Alaska Board of Game on matters pertaining to the health, conservation, and economic impacts of fish and wildlife populations within the borough.

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. At the UCI meeting in 2011, the BOF made substantive changes to 5 AAC 21.353 in an effort to move more northern-bound fish through the Central District drift gillnet fishery and into their natal streams in the Northern District. The changes made then were expected to pulse more fish through to the north. However, legal wrangling, initial errors in the regulative interpretation of board intent and unprecedented commercial management practices have all combined over the past two years with continuing poor coho returns to the Little Susitna River to indicate the immediate need to further refine 5 AAC 21.353 to address not only these unforeseen situations but also how to manage the Little Susitna coho population in light of its qualification as a stock of concern. It is also noteworthy that coho based conservation adjustments to 5AAC 21.353 will also benefit Susitna-bound sockeye salmon, which have been classified as a Stock of Yield Concern since 2008. All three weir based escapement goals for this stock have never been achieved annually since implementation in 2009. Yields from this stock have also failed to improve.

Submitted By: Matanuska-Susitna Borough Fish and Wildlife Commission (MSBFWC)

ACR 12 - Change the weather delay criteria for opening the Chignik District Tanner crab fishery from small craft advisory to gale force wind warning. (5 AAC 35.510(b)(2))

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”. 5 AAC 35.510(b)(2).

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Weather delay is much more restrictive as implemented than anyone thought it would be. The result in 2012 was a significant decrease in safety and also the local fleet was put at a significant competitive disadvantage.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? Weather delay in Chignik should be the same as in the South Peninsula (Sand Point) – Gale warning. Simply substituting “Gale Warning” wherever “Small Craft Advisory” appears will solve the problem.

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

a) **For a fishery conservation purpose or reason:** N/A.

b) **To correct an error in regulation:** Not sure.

c) **To correct an effect on a fishery that was unforeseen when a regulation was adopted:** There may or may not have been an error in regulation but there certainly was an unforeseen effect of implementing the regulation calling for a small craft weather delay. I submitted proposal 89 (March 2011 meeting) calling for weather delay and I can tell you that the result was nothing like what I had in mind. During committee meetings the ADF&G staff did not want to deal with wind speed (e.g. 30 mph) but wanted either Gale or Small Craft warnings. Likewise, staff did not want to deal with weather or weather forecasts in the immediate Chignik area but wanted larger standard areas. Further, what came out of committee did not take into account, for example, that wave height and icing conditions also can trigger a small craft advisory and that frequent wind gusts as low as 23 knots could trigger a small craft advisory. When all these things are taken together the result is a regulation that is worse than useless and will virtually always simply delay the season by ten days and then you go fishing no matter how bad the weather.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Chignik fishermen may well have to fish in extremely dangerous weather and also suffer unnecessarily competitive disadvantages compared to larger and safer non-local vessels – the exact opposite of the intent of the March 2011 proposal 89.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. It is not an allocation issue but is predominately a safety issue and an attempt to level the playing field when it comes to really dangerous weather for Chignik combination fishing vessels which tend to be smaller vessels.

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 (e.g., commercial fisherman, subsistence user, sport angler, etc.). Commercial Tanner crab 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. Proposal 89 at the March 2011 meeting.

Submitted By: Don Bumpus

ACR 13 - Remove superexclusive and exclusive vessel registration for state-waters Pacific cod fisheries in the Prince William Sound, Cook Inlet, Kodiak, Chignik, and South Alaska Peninsula management areas. (5 AAC 28.267; 5 AAC 28.367; 5 AAC 28.467; 5 AAC 28.537; 5 AAC 28.577)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”. 5 AAC 28.206(a); 5 AAC 28.267(f) Prince William Sound; 5 AAC 28.306; 5 AAC 28.367(f) Cook Inlet; 5 AAC 406(1); 5 AAC 28.467(i) Kodiak; 5 AAC 28.506; 5 AAC 28.537(i) Chignik; 5 AAC 28.556(a); 5 AAC 28.577(i) South Peninsula Cod Management Plans.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Currently, there is unharvested Pacific cod GHL in the state water jig fisheries in Prince William Sound, Cook Inlet, and Chignik. This problem may be exacerbated by the “step-up” provisions in the federal jig fishery sector allocation and softening cod prices. The unharvested GHL in the PWS management area lead to opening that state water fishery to the longline fleet in an effort to meet the GHL harvest. In Cook Inlet, there have been efforts by the pot sector to gain access to this unharvested jig allocation.

Meanwhile, the jig fleet fishing Kodiak and South Peninsula areas are harvesting their allocation, then idled for the remainder of the viable fishing season. This is due to the exclusive and super-exclusive area registration requirements for jig vessels fishing Pacific cod in these management areas.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? The Board of Fisheries should remove the exclusive and super-exclusive area registrations for the jig sector in the state waters fisheries.

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

a) For a fishery conservation purpose or reason: To increase the likelihood that the state Pacific cod jig GHL will be harvested, and to preserve that allocation to the jig fleet.

b) To correct an error in regulation:

c) To correct an effect on a fishery that was unforeseen when a regulation was adopted: The idling of the Kodiak and South Peninsula jig fleets, while unharvested jig allocation in other areas of the state are rolled over to other sectors or goes unharvested.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? This problem may be exacerbated by the increasing federal quota, and continued difficulty establishing a reverse parallel fishery enabling the jig sector to harvest state GHL in federal waters.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. The state Pacific cod GHL is already allocated to the jig fleet, and in some areas goes unharvested, or rolled over to other sectors. This measure preserves existing allocation, and merely provides a mechanism to increase the likelihood that the entire state Pacific cod jig GHL will be harvested.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Should the Board find this ACR to be allocative, the step-up increase in federal jig sector allocation provides new information warranting an examination of the state jig registration areas.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR (e.g., commercial fisherman, subsistence user, sport angler, etc.). I am a commercial fisherman, and new entrant into the Pacific cod jig fishery. During the early months of the fishery, the weather in Cook Inlet and Prince William Sound is oftentimes too dangerous to fish in a small vessel due to icing conditions. I fished the Kodiak area, which closed in May. I live in Kenai, and my boat was idled until salmon season. Meanwhile, the PWS and Cook Inlet jig allocation remains on the table. If the goal of the jig fishery is to provide a year-round, entry level fishery, then access to unharvested GHL in other areas is one way to meet that goal.

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: Gregory R. Gabriel, Jr.

ACR 14 - Allow a selective gear comprised of a seine lead that directs salmon into a live box be used by a set gillnet permit holder in the waters along the east coast in the Central District in the Cook Inlet Area, including gear specifications and operations standards. (5 AAC 21.330(b)(3)(C))

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”. 5 AAC 21.330. GEAR.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. 2012 Disaster for Upper subdistrict setnets/king salmon conservation.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? 5 AAC 21.330(b) Set gillnets or Selective Harvest Modules* may be used only in the following locations: (3) Central District (C) waters along the east coast in the Central District.

*By Selective Harvest Module (SHM) I mean seine leads directing salmon to a live box. Design would incorporate features of reef nets and floating traps. Seine lead ends would be limited to 210 feet apart, the same as setnets. Each SHM would require a permit approved by F&G. The design is not specifically herein defined because flexibility is needed to develop a method that will accomplish the goal of retaining sockeye and releasing kings. F&G would need to approve plans submitted to them and also do a physical inspection of the constructed SHM. Construction would likely cost the applicant several thousand dollars and it is therefore unlikely that a flood of SHMs would appear in 2012. A Limited Entry Setnet Permit would be required for fishing the SHM. Their use would be optional. Setnets would continue to be used unless closed for conservation purposes. SHMs could be fished simultaneous with setnets, except each SHM would be considered one 35 fathom net, thus a fisher would reduce the amount of setnet used proportionate to the number of SHMs used.

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

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 decoupling of drift and setnet use combined with king salmon conservation has had unforeseen and catastrophic effects.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Setnetters will lose a year before they can start to work on a radical method of harvesting sockeye while passing king salmon through their fishery, unharmed.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. Selective Harvest Modules are intended for king salmon conservation only. They would allow traditional harvest shares of sockeye, but allocate king salmon to escapement.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. King salmon returns need unprecedented conservation restrictions to achieve escapement goals in 2012.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR (e.g., commercial fisherman, subsistence user, sport angler, etc.). I have commercial fished in the setnet fishery since 1962.

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 never been considered before.

Submitted By: Brent Johnson

ACR 15 - Change the Board of Fisheries' meeting schedule to move Pacific cod issues in the Alaska Peninsula – Aleutian Islands areas so as not to conflict with the commercial fisheries. (5 AAC 96.600)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”. 5 AAC 96.600. Meetings – triennial meeting cycle.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The Board of Fisheries Alaska Peninsula / Aleutian Islands finfish meeting and the timing of the discussion of Pacific cod issues at the AP/AI meeting are in direct conflict with WGOA Pacific Cod fisheries. Fishermen must choose between fishery participation or Board of Fisheries public participation. This choice will result in a loss of fishing time or lack of participation in the board public process. A lack of involvement in the board process could result in decisions, uninformed by the main user group, that may harm the fishery or user group.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? The Pacific cod fishermen of the Aleutians East Borough prefer the Alaska Peninsula / Aleutian Islands finfish meeting to be held in December. AEB fishermen would like to modify the triennial meeting cycle: Switch the December Bristol Bay finfish meeting with the AP/AI finfish meeting in February/March.

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

a) For a fishery conservation purpose or reason: N/A.

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 change will correct the unforeseen consequence of forcing fishermen to choose between making a living and participating in the board process. Alaska Peninsula / Aleutian Islands finfish meeting is scheduled during a main Pacific cod fishing season in the area.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Commercial fishermen for Pacific cod in the Western Gulf of Alaska will be forced to choose between fishing during the main season or participating in the board process, resulting in either lost fishing time or lack of stakeholder participation at the Alaska Peninsula / Aleutian Islands finfish meeting.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR only attempts to correct a problem with the board triennial meeting cycle scheduling that potentially disenfranchises a particular fishery user group, Pacific cod fishermen in the WGOA. This request is not directly or indirectly allocative.

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 (e.g., commercial fisherman, subsistence user, sport angler, etc.). Advocate for Aleutians East Borough commercial and subsistence fishermen. (Natural Resources Director).

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 if a similar proposal or ACR has been considered by the board.

Submitted By: Ernie Weiss

ACR 16 - Change the opening date of the commercial Tanner crab season in the South Peninsula District of Registration Area J (Westward) from January 15 to January 3. (5 AAC 35.510(c)(1))

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter "5 AAC NEW". 5 AAC 35.510(c)(1).

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues.

The January 15 opening date of the area M tanner season should be January 3. The new 2012 sector splits during the WGOA federal/parallel P-cod season for pots was 38% as compared to prior years of over 50% actual harvest. The importance of crab fishing history for limited entry plus the no pot fishing 14 days prior reg. in the tanner season forces pot vessels to forgo the new reduced P-cod harvest until after tanner. A January 3 tanner crab opening would potentially allow pot vessels, wanting to fish tanner crab, an additional 12 days of opportunity to participate in the federal WGOA P-cod fishery.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? The January 15 opening date of the area M tanner season should be January 3.

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

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 new 2012 federal WGOA sector split was instated after the January 15 state tanner opening was set. The reduction in federal pot share coupled with the January 15 state tanner opening has had the unforeseen effect of reducing the opportunity, of pot vessels fishing the state tanner season, to harvest the already reduced P-cod federal sector split share.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? In 2012 the lose of opportunity to participate in the new federal WGOA pot sector split P-cod fishery because of the January 15 opening date for Area M tanner crab fishery impacted the livelihoods of a large portion of our areas fishermen. Our advisory committee felt that immediate change in the opening date of the tanner crab fishery was necessary for 2013 rather than waiting for the regular cycle.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. The new sector split in the federal P-cod effected the pot vessels in our coastal community more than was anticipated, especially when considering the 14 day delay of the January 15 tanner crab opening after the January 1 federal P-cod opening. Before the sector splits the January 15 crab opening still allowed pot boats a larger than 38% harvest of P-cod.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR (e.g., commercial fisherman, subsistence user, sport angler, etc.). The advisory committee represents all user groups, but in this case the commercial fishermen are the users that support the agenda change request.

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. To our knowledge this request has not been considered before.

Submitted By: King Cove Advisory Committee

ACR 17 - Amend Kenai River Late-Run and Kenai River and Kasilof River Early-run management plans to reflect new escapement goals to be adopted prior to the 2013 fishing season. (5 AAC 21.359; 5 AAC 57.160)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter "5 AAC NEW". 5 AAC 21.359. *Kenai River Late-Run King Salmon Management Plan*. 5 AAC 57.160. *Kenai River and Kasilof River Early-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. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The department is working to develop a new transitional DIDSON-based escapement goal for use in managing the early- and late-run Kenai River king salmon fisheries in 2013. The *Kenai River Late-Run King Salmon Management Plan* specifically directs the department to manage the late run to achieve an escapement goal of 17,800-35,700 king salmon and prescribes management measures to do so. The new DIDSON-based escapement goal will likely be different than the goal stated in the late-run plan. The *Kenai River and Kasilof River Early-run King Salmon Management Plan* refers to the optimal escapement goal (OEG) but does not state it. The department requests that the Alaska Board of Fisheries (board) amend these plans to reference the new escapement goal(s).

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? Amend these management plans so regulatory language reflects new escapement goals to be adopted prior to the 2013 fishing season.

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

a) **For a fishery conservation purpose or reason:** Not applicable.

b) To correct an error in regulation: The escapement goal stated in the *Kenai River Late-Run King Salmon Management Plan* regulations will likely not reflect the new transitional DIDSON-based escapement goal.

The *Policy for the management of sustainable salmon fisheries* (5 AAC 39.222. (f)(25)) states that an OEG will be adopted as a regulation by the board. The *Kenai River and Kasilof River Early-run King Salmon Management Plan* references, but does not state, the OEG in regulation.

c) To correct an effect on a fishery that was unforeseen when a regulation was adopted: Since the time management plans were adopted for Kenai River king salmon, the department has transitioned to new sonar technology, combined with other sources of information, specific to gauging king salmon abundance. New goals and management objectives are needed to provide the department, board, and public with numbers specific to methodology currently being used. At the 2011 Upper Cook Inlet Board meeting, the department stated that it intended to work toward developing a new Kenai River king salmon escapement goal for implementation at or after the 2014 Upper Cook Inlet Board meeting. However, the capability is now available to develop a transitional goal in advance of the 2014 meeting.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? The new transitional DIDSON-based goal will likely be different than the escapement goal established in regulation. The Alaska Department of Fish and Game intends to change the escapement goal for both early and late runs prior to the 2013 fishing season and desires regulatory language to reflect these changes. Escapement goals that conflict with regulations present potential for confusion.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. If adopted, this agenda change request (ACR) will replace old escapement goals and management objectives with reference to new goals based on new sonar technology. It is not intended to change management measures established in the plans.

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 (e.g., commercial fisherman, subsistence user, sport angler, etc.). The Alaska Department of Fish and Game manages the Kenai River king salmon sport, commercial and personal use fisheries, 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. The board did receive a similar ACR for the *Kenai River Late-Run King Salmon Management Plan* at the 2011 Work Session.

Submitted By: Alaska Department of Fish and Game

ACR 18 - Require the Department of Fish and Game forward identifying and permit information to the Department of Public Safety regarding an individual who fails to return a personal use salmon fishing permit after the season in the Upper Cook Inlet personal use salmon fishery and not issue a personal use salmon fishing permit to that individual during the next calendar year. (5 AAC 77.015(d); 5 AAC 77.540(a)(3))

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”. 5 AAC 77.540(a)(3). Upper Cook Inlet Personal Use Fishery Management Plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. In 2011, approximately 7,300 Upper Cook Inlet personal use permits were never returned to the department, even after two mail-out reminders to do so. (See attached Table). This fishery is dangerous it is so crowded. Perhaps if F&W and ADF&G prosecuted this illegal activity the fishery would be less crowded. Since 1996 F&G has stated they have not written one ticket for not returning PU permits as required. Is there another fishery with this kind of abuse?

Fate of Personal Use fishing permits after TWO reminders, 1996 to 2011:

YEAR	Permits Issued	Permits Returned	Permits NOT Returned	Percent Not Returned
1996	14,576	13,452	1,124	8%
1997	14,919	13,756	1,163	8%
1998	15,535	13,190	2,345	15%
1999	17,197	14,216	2,981	17%
2000	16,107	13,582	2,525	16%
2001	16,915	14,398	2,517	15%
2002	17,568	14,284	3,284	19%
2003	19,110	15,726	3,384	18%
2004	21,910	17,748	4,162	19%
2005	21,905	19,081	2,824	13%
2006	18,563	16,532	2,031	11%
2007	23,046	20,312	2,734	12%
2008	23,722	20,259	3,463	15%
2009	29,619	25,029	4,590	15%
2010	31,590	25,222	6,368	20%
2011	34,515	27,181	7,334	21%

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? 5 AAC 77.540(a)(3) shall be amended to read, “shall return the permit to the department by the date specified on the permit; if the permit holder fails to return their permit by the date specified by the department, the department will provide the name, address, and other permit information to the Department of Public Safety for

prosecution.” In addition, all adult members from that household are not allowed to receive a Personal Use permit for the next calendar year. Why is it that personal use fishermen don’t have to comply with the is regulation, even after two reminders to do so. It’s not right and it should be changed.

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

a) For a fishery conservation purpose or reason: YES.

b) To correct an error in regulation: YES.

c) To correct an effect on a fishery that was unforeseen when a regulation was adopted: YES. The board never foresaw that ADF&G and DPS would look the other way when it comes to enforcing this regulation. It has not been brought to the board’s attention that these departments are blatantly and willfully ignoring their responsibilities. Perhaps strengthening the regulation by adding the terms, “the Department of Fish and Game WILL provide the names and address of personal use permit holders who fail to return their permits by the date required to DPS for prosecution” will resolve this egregious issue.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Personal use fishermen will continue to ignore the regulation to return their permits and the Department of Fish and Game will continue to “guess” at the amount of salmon they harvested and the fishery will be overcrowded.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. Requiring an existing regulation to be enforced has nothing to do with allocation. This change would not impact the number of fish caught, it would jut help ensure that regulations are being followed.

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 (e.g., commercial fisherman, subsistence user, sport angler, etc.). Dip netter.

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. No.

Submitted By: Brandie Ware

ACR 19 - Include “salmon stream terminus” in the closed waters regulation as the reference point from which to measure the 500-yard salmon stream closure. Sever all regulatory terms and legal descriptions associated with the Anadromous Waters Catalog (AWC) from the enforcement of closed waters for commercial salmon fishing. (5 AAC 39.290; 5 AAC 39.975; 5 AAC 95.011)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”. 5 AAC 39.290. Closed waters; 5 AAC 39.975. Definitions; and 5 AAC 95.011. Waters important to anadromous fish.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Regulations regarding commercial fishing closures associated with salmon streams lack clarity for enforcement.

The definition of salmon stream in 5 AAC 39.975(10), *Definitions*, does not match the definition in the Anadromous Waters Catalog (AWC) developed under AS 16.05.871(a), *Protection of fish and game*, and adopted as a regulation by reference at 5 AAC 95.011, *Waters important to anadromous fish*.

Salmon stream terminus needs to be referenced in 5 AAC 39.290(a), *Closed waters*, to clarify how the 500-yard stream closure is measured. Stream mouths are identified as a single point in the AWC. If the 500-yard salmon stream closure is measured from a point and not the terminus, many streams would be inadequately protected. This confusion and lack of clarity makes compliance and enforcement more difficult.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? The department has identified the following items to be addressed:

- 1) Clarify salmon stream terminus and the associated 500-yard closure. Currently in 5 AAC 39.290(a). *Closed Waters. Commercial fishing for salmon is prohibited at all times within the streams and rivers of Alaska and within 500 yards of any salmon stream...* This description does not provide clear direction of how to measure the 500-yard closure. “Salmon stream” should be changed to, “salmon stream terminus,” to reflect the defined term in 5 AAC 39.975. *Definitions. (14) “salmon stream terminus” means a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water.* The 500-yard closure would be measured from all points along the line describing a salmon stream terminus.
- 2) Clarify that legal descriptions of stream mouths and terminology describing salmon streams in the AWC, 5 AAC 95.011. *Waters important to anadromous fish*, do not apply to enforcement of 5 AAC 39.290. *Closed waters*.

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

a) For a fishery conservation purpose or reason: No.

b) To correct an error in regulation: Yes. The regulations regarding waters closed to commercial salmon fishing associated with salmon streams lack clarity for enforcement because the definitions of a salmon stream are inconsistent and stream mouths are not clearly defined.

c) To correct an effect on a fishery that was unforeseen when a regulation was adopted: No.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? The regulatory definitions used to afford protections to salmon streams are inconsistent and lack clarity for enforcement purposes. These errors in regulation came to the attention of the department during the summer of 2012, after the BOF proposal deadline. The regular cycle Statewide Finfish BOF meeting is scheduled for March 19-24, 2013 and the next opportunity is not until 2016. Enforcement of salmon stream closed waters may be impaired if this issue is not addressed.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. Not applicable.

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 (e.g., commercial fisherman, subsistence user, sport angler, etc.). Alaska Department of Fish and Game (ADF&G).

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. It has not.

Submitted By: Alaska Department of Fish and Game

ACR 20 - Establish a specific date in the Kenai River Late-Run King Salmon Management Plan in the Cook Inlet Area, when the project inriver run is less than 17,800 king salmon, during which certain established conservation measures are taken. (5 AAC 21.359(b)(3))

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter "5 AAC NEW". 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan (b)(3).

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Management Plan in this provision does not have a specific range of dates that would guide the department in utilizing this provision. Original intent language and board deliberations did not intend to implement this provision until after the in season assessment date that would incorporate the last week in July. Considering the high probability of a considerable amount of Chinook returns entering the system within the time period of July 24th through August 15th it may not be necessary to implement “severe restrictions for all user groups earlier within the season.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? Section would add language in (b)(3) after July 24th, if the projected inriver return is less than 17,800, the department shall (A)(B)(C).

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

a) For a fishery conservation purpose or reason: Conservation of a weak stock return could be implemented in a more orderly predictable manner with less burden on the community.

b) To correct an error in regulation: An error occurred as is evident in the specific dates established within other provisions of the plan that were not incorporated within this regulation. Confusion on when to implement these restrictions caused the department to implement “severe restrictions” prior to 40% of the harvest returning.

c) To correct an effect on a fishery that was unforeseen when a regulation was adopted: An unforeseen or an unintended consequence occurred when a date was not specified.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? An unnecessary burden on the user groups who are targeting other species of salmon.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This change would assist managers with conducting orderly fisheries and conservation for all user groups.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. This is not allocative but more congruent to managing for Optimal Sustained Yields.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR (e.g., commercial fisherman, subsistence user, sport angler, etc.). I am an Alaskan resident and resource user.

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 not been submitted before as this is the first time that this provision has been actuated without using a specific date of implementation.

Submitted By: Christina Shadura

ACR 21 - Clarify the commissioner of fish and game’s inseason management authority to preclude and to mitigate an “economic disaster and allow alternative means to harvest surplus salmon stocks. (5 AAC 39.XXX)

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”. 5 AAC 39.2XX. Application of fishery management plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. As is described in AS 16.05.060 and within 5 AAC 21.363(e), the problem is that when 5 AAC 21.359(b)(3)(c) was implemented and created severe restrictions the Commissioner did not have clear authority to implement in season mitigation efforts by utilizing in season management authority. We are asking the board to clarify the authority of the department to alter; time, area, methods and means to allow alternate means to harvest of surplus stocks.

WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? Clarify the Commissioner’s authority to preclude and to mitigate and “economic disaster”.

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

All three criterions apply to this change.

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:

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? A continued exclusion of harvest opportunity to a historical user group.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This change would assist managers with conducting orderly fisheries and conservation for all user groups.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. This is not allocative but more congruent to managing for Optimal Sustained Yields.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR (e.g., commercial fisherman, subsistence user, sport angler, etc.). I am an Alaskan resident and resource user.

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 has been submitted as a petition twice in the month of July 2012 and the board or the department did not comment, debate or respond to the contents. Board support issued a response with recommendations to submit an ACR.

Submitted By: Paul Shadura
