

**ALASKA BOARD OF FISHERIES
AGENDA CHANGE REQUEST PROPOSALS
2014/2015**

PROPOSAL 268 – 5 AAC 35.508. Bering Sea District *C. bairdi* Tanner crab harvest strategy. Reduce the size of exploitable legal male Tanner crab, from 5.5 to 5.0 inches carapace width, for calculating total allowable catch in waters east of 166° W long. in the Bering Sea District, as follows:

5 AAC 35.508(e)(1) is amended to read:

(1) that portion of the Bering Sea District east of 166° W long. may not exceed 50 percent of the estimated biomass of male *C. bairdi* Tanner crab, that are **127 millimeters (five inches)** [140 MILLIMETERS (FIVE AND ONE-HALF INCHES)] or greater in carapace width, including the lateral spines, discounted by fishery selectivity, that would survive in the absence of fishing mortality until the estimated mean time of mating; and

5 AAC 35.508(g)(5) is amended to read:

(5) “ $C_{E,FMSY}$ ” means the catch biomass of male *C. bairdi* Tanner crab in the portion of the Bering Sea District east of 166° W long. that are **127 millimeters (five inches)** [140 MILLIMETERS (FIVE AND ONE-HALF INCHES)] or greater in carapace width, including the lateral spines, resulting from fishing on the estimated mature male biomass at the estimated mean time of mating at the full-selection $FMSY$ rate or a proxy for the $FMSY$ rate;

What is the issue you would like the board to address and why? The legal size limit for Bering Sea District *C. bairdi* Tanner crab east of 166° W long. was revised from 5.5 inches to 4.8 inches at the March 2011 Alaska Board of Fisheries meeting. Tanner crab pot escape rings and pot mesh size were reduced by the board in March 2014 to reflect industry preference for market size of 5.0 inches. The size distribution of Tanner crab landed during the 2013/14 season was consistent with industry preference of 5.0 inches and larger.

PROPOSED BY: Alaska Bering Sea Crabbers *(Formerly ACR 1)*

PROPOSAL 269 – 5 AAC 34.915. Norton Sound Section red king crab harvest strategy. Amend the Norton Sound Section red king crab harvest strategy to develop a guideline harvest level for the winter and summer commercial seasons, as follows:

5 AAC 34.915. Norton Sound Section red king crab harvest strategy. (a) The department shall manage the Norton Sound Section summer **and winter** red king crab **fisheries** [FISHERY] in accordance with 5 AAC 34.080 and 5 AAC 34.910, as follows:

(1) the threshold level of abundance of legal male red king crab biomass is 1.25 million pounds; the Norton Sound red king crab **winter and summer commercial seasons**

[SEASON] may open only if analysis of preseason survey data indicates that the population of legal male red king crab exceeds this level;

(A) if the winter and summer commercial seasons for red king crab are opened, X percent of the guideline harvest level is allocated for the winter fishery; and

(B) any remaining winter fishery harvest allocation not taken during the winter season may be taken during the summer commercial season;

What is the issue you would like the board to address and why? Prior to the 2012/13 season, the winter commercial harvest averaged 8,820 pounds per year, which had little effect on the overall harvest. However, the annual winter king crab commercial harvest has averaged 40,303 pounds since 2012. The federal management plan for the Norton Sound red king crab fishery requires that the Alaska Department of Fish and Game must keep the overall combined Norton Sound red king crab harvest (winter commercial plus summer commercial plus subsistence) below the Allowable Biological Catch and Over Fishing Level. Currently, the winter commercial through-the-ice red king crab fishery does not have a harvest strategy in regulation. High prices for crab may result in increasing effort and harvests during the winter commercial season and result in a lower GHL for the summer commercial crab season.

PROPOSED BY: Adem Paul Boeckmann *(formerly ACR 4)*

PROPOSAL 270 – 5 AAC 34.910. Fishing seasons for Registration Area Q. Change the duration of the Norton Sound winter through-the-ice commercial king crab fishery, as follows:

5 AAC 34.910(d)(2) is amended to read:

5 AAC 34.910. Fishing seasons for Registration Area Q.

...

(d) In the Norton Sound Section of the Northern District, male red king crab, male blue king crab, and male Hanasaki king crab may be taken only as follows:

...

(2) through the ice only, **during a fishing season established by emergency order to open on or after January 15 and close April 30, unless extended by emergency order [FROM 12:00 NOON NOVEMBER 15 THROUGH 12:00 NOON MAY 15] (winter season).**

What is the issue you would like the board to address and why? This proposal would reduce the length of the winter through-the-ice commercial fishing season. Shortening the winter commercial season will likely reduce crab pot loss during early season ice formation and late season ice deterioration thereby reducing king crab mortality due to ghost fishing. In addition, current season dates and expected changes to the federal harvest specification process will allow commercial

harvest of red king crab before the Allowable Biological Catch is set by the North Pacific Fishery Management Council, and before the department's determination of the Norton Sound red king crab guideline harvest level.

PROPOSED BY: Alaska Department of Fish and Game *(formerly ACR 5)*

PROPOSAL 271 – 5 AAC 07.365. Kuskokwim River Salmon Management Plan. Require four-inch mesh subsistence gillnets to be operated only as set gillnets in the Kuskokwim River during times of king salmon conservation, as follows:

5 AAC 07.365 (d)(2)(A) is amended to read:

5 AAC 07.365. Kuskokwim River Salmon Management Plan. (d)(2).

(A) the gillnet mesh size may not exceed four inches **and a gillnet may only be operated as a set gillnet** until sockeye and chum abundance exceeds the king salmon abundance;

What is the issue you would like the board to address and why? In January 2013, the Alaska Board of Fisheries adopted a new provision to the Kuskokwim River Salmon Management Plan that includes additional king salmon conservation measures allowing the department to restrict subsistence gillnet mesh size to four inches or less until sockeye and chum salmon abundance exceeds king salmon abundance, effectively closing the subsistence salmon fishery until sockeye and chum salmon are present in adequate abundance.

During subsistence salmon fishing closures, fishermen may target whitefish and other non-salmon species with a four-inch or less mesh size gillnet, used as either a set or drift gillnet, that may not exceed 60 feet in length. In 2012 and 2014, the department closed the subsistence salmon fishery for up to 31 days and there were reports of subsistence fishermen intentionally targeting king salmon by drifting four-inch mesh gillnets during the closures. The practice of targeting king salmon with drift gillnets during times when king salmon conservation measures are in place will continue to threaten the already diminished Kuskokwim River king salmon resource.

PROPOSED BY: Alaska Department of Fish and Game *(formerly ACR 6)*

PROPOSAL 272 – 5 AAC 01.270. Lawful gear and gear specifications and operation and 5 AAC 07.365. Kuskokwim River Salmon Management Plan. Provide the Commissioner of the Alaska Department of Fish and Game emergency order authority to restrict gillnet length and other allowable gear during times necessary to conserve king salmon in the Kuskokwim River drainage, as follows:

5 AAC 01.270(n) is amended to read:

5 AAC 01.270. Lawful gear and gear specifications and operation.

(n) Notwithstanding (b) and (j) of this section, during times when the commissioner determines it to be necessary for the conservation of king salmon, the commissioner, by emergency order, may close the fishing season in any portion of the Kuskokwim Area and immediately reopen the season in that portion during which **one or more of** the following gear limitations **may be implemented** [APPLY]:

(1) **for gillnets:**

(A) a gillnet mesh size may not exceed six inches;

(B) a gillnet mesh size may not exceed four inches;

(C) a gillnet may not exceed the length specified by the commissioner in the emergency order, except that a longer gillnet may be used if no more than the specified length of the gillnet is in a fishing condition and the remainder of the gillnet is tied up or secured so that it is not in the water in a fishing condition;

(2) for fish wheels:

(A) a fish wheel used to take fish must be equipped with a livebox that is constructed so that it contains no less than 45 cubic feet of water volume while it is in operation;

(B) the livebox of a fish wheel must be checked at least once every six hours while the fish wheel is in operation, and all king salmon in the livebox must be returned alive to the water;

(3) for beach seine gear: any king salmon taken in beach seine gear must be **released immediately and returned to the water unharmed** [RETURNED ALIVE TO THE WATER];

(4) for dip nets: a person may fish for salmon with a dip net, as defined in 5 AAC 39.105, and all king salmon caught in a dip net must be released immediately and returned to the water unharmed.

5 AAC 07.365(d)(2) is repealed and readopted to read:

5 AAC 07.365. Kuskokwim River Salmon Management Plan.

(d) In the subsistence fishery, in the Kuskokwim River drainage, in the waters of the mainstem of the river and other salmon spawning tributaries, unless otherwise specified by the department,

...

(2) the commissioner may implement one or more of the gear limitations as described in 5 AAC 01.270(n) during times the commissioner determines it to be necessary for the conservation of king salmon;

What is the issue you would like the board to address and why? At the October 2014 work session, the Alaska Board of Fisheries adopted Agenda Change Request (ACR) 8 regarding the Kuskokwim River king salmon subsistence fishery. The Alaska Board of Fisheries focused this ACR on potential regulatory actions that could be implemented during the 2015 fishing season to address changes to subsistence gear specifications to provide for conservation of Kuskokwim River king salmon, which are declining in abundance. This draft regulatory language would provide the department with additional management flexibility to implement a suite of gear specification options for the purpose of reducing king salmon harvest during various portions of the run. The proposed regulatory changes provide the department with emergency order authority to restrict gillnet gear length while specifying allowable gillnet mesh size, and to allow a combination of shorter gillnets, fishwheels, and dipnets, or restrict to only one gear type. In combination with the department's discretionary time and area authority, the additional flexibility provided by these regulatory changes would enhance the department's ability to conserve king salmon while providing subsistence harvest opportunity.

PROPOSED BY: Proposal 272 represents an Alaska Board of Fisheries modification of ACR 8 which was originally submitted by Grant Fairbanks *(formerly ACR 8)*

PROPOSAL 273 – 5 AAC 01.220. Lawful gear and gear specifications. Allow drift gillnet subsistence fishing after July 15 in the upper section of Yukon River Subdistrict 4-A for the harvest of summer chum salmon as follows:

5 AAC 01.220. Lawful gear and gear specifications.

(e) In Districts 4, 5, and 6, salmon may not be taken for subsistence purposes by drift gillnets, except as follows:

- (1) In Subdistrict 4-A upstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 10 through July 14, and chum salmon may be taken by drift gillnets after **July 15** [AUGUST 2];

What is the issue you would like the board to address and why? Currently there is no opportunity for subsistence fishermen in Subdistrict 4-A upstream from the mouth of Stink

Creek to catch abundant summer chum salmon from July 15 to August 2. There are few, if any, set net sites and there are often dangerous conditions on this section of the river from river debris and storms during this time period. Fishermen miss the opportunity to catch summer chum salmon with six inch mesh driftnets in years with early king salmon run timing after the majority of king salmon go by. This proposal seeks the management flexibility to open drift gillnet fishing for chum salmon with gillnets restricted to 6 inch mesh or less earlier than defined in current regulation provided the end of the king salmon run has passed through the area.

PROPOSED BY: Fred W. Alexie Sr. *(formerly ACR 9)*

PROPOSAL 274 – 5 AAC 01.220. Lawful gear and gear specifications. Allow subsistence fish wheel fishermen in the Yukon Area to retain king salmon when some harvest is justified based upon inseason run assessment, as follows:

5 AAC 01.220. Lawful gear and gear specification.

(n)(2) for fish wheels:

(D) if the commissioner determines that the inseason run assessment will allow for the retention of king salmon, notwithstanding (A)–(C) of this paragraph, the commissioner may establish in an emergency order issued under this paragraph that king salmon caught in a fish wheel may be retained;

What is the issue you would like the board to address and why? In the Yukon Management Area during times of king salmon conservation, current subsistence regulations allow for king salmon to be retained by net gear when that gear is restricted to six-inch or less mesh gillnets but do not allow the retention of king salmon by fish wheel users. Inseason run assessment in 2013 indicated a small incidental harvest of king salmon was allowable and fishing with gillnets restricted to six-inches or less mesh and fish wheels was allowed for short periods of time in between protected groups of king salmon moving through the river. In 2014, gillnets restricted to six-inch or less mesh were allowed very late in the king salmon run once inseason run assessment data indicated a small incidental harvest of king salmon was allowable. In both years, gillnets restricted to six-inch or less and fish wheels were allowed for the directed harvest of summer chum salmon and other species, while reducing incidental king salmon harvest. There was an expectation that a small incidental harvest of king salmon would occur with six-inch or smaller gillnets and that incidental harvest was deemed acceptable based on inseason run assessment information in both years. Current regulations directed at the conservation of king salmon require all king salmon be released alive from fish wheels and there is no provision for retention of any king salmon. Additionally, the requirement to attend fish wheels at all times in order to release king salmon alive would not be necessary if retention of incidental king salmon caught is allowable.

PROPOSED BY: Alaska Department of Fish and Game *(formerly ACR 10)*

PROPOSAL 275 – 5 AAC 06.350. Closed waters. Change the Naknek-Kvichak District boundary line at Graveyard Point as follows: **5 AAC 06.350(b)(1)** would be amended to establish coordinates that correspond to the historical location of the upper Graveyard Point marker and factor in the significant shoreline erosion that is occurring.

What is the issue you would like the board to address and why? The current **5 AAC 06.350(b)(1)** coordinates for upper Graveyard Point (58° 52.07' N. lat., 157° 00.89' W. long.) eliminate 1½ set net sites our family has long fished. Next season we will be unable to fish our site established in 1980 and more importantly we will be unable to fish 25 fathoms of our dad's site which he had fished since 1954. Moreover, board clarification is needed soon to clarify the pending criminal charge.

PROPOSED BY: Armstrong Family (JoAnn Armstrong, Curt Armstrong, Janet Armstrong Schlagel, Allison Tennyson, Rosanne Savo, and Nora Armstrong-Johnson) *(formerly ACR 11)*

PROPOSAL 276 – 5 AAC 39.117. Vessel length; bulbous bow. Redefine the method used to determine maximum overall length of salmon purse seine vessels, as follows:

5 AAC 39.117 (a) Notwithstanding any other provision in 5 AAC 01 – 5 AAC 39, the addition of a bulbous bow may cause a vessel, other than a vessel engaged in the Bering Sea hair crab fishery, to exceed an established vessel overall length limitation. Only that portion of the vessel comprising the bulbous bow may cause the vessel to exceed a vessel overall length limitation.

....

(c) Anchor rollers extending beyond the forward extremity of the bow are not included in the determination of the overall length of a salmon seine vessel as specified in AS 16.05.835 or a regulation of the Board of Fisheries, however when anchor rollers are inset into the bow, or placed behind the bow, the determination of overall length is made using the forward extremity of the bow.

(d) For the purposes of this section and as used in AS 16.05.835 (c), “anchor roller” means a device used solely in aid of deploying and retrieving anchor gear, and does not provide any additional flotation, planing surface, deck surface, or structural support to the vessel. The anchor roller may not extend more than 12 inches beyond the overall length restriction for the vessel.

What is the issue you would like the board to address and why?

The current regulation limits Alaska purse seine vessels to a maximum length of 58 feet overall length. Section C states overall length means the straight line length between the extremities of the vessel excluding anchor rollers. The problem is a few vessel owners have modified their vessels to place the anchor roller a few feet into the vessel from the bow and when trooper enforcement attempts to measure the overall length, the vessel owners insists the “overall length” must be

measured from behind the anchor roller which in several cases is several feet from the pointy end of the vessel. Thus, they have rendered the 58 foot limit ineffective.

PROPOSED BY: Leroy L. Cabana

(Formerly ACR 26)
