

ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS AGENDA CHANGE REQUESTS

ALASKA BOARD OF FISHERIES MEETING SOLDOTNA, ALASKA

October 18–20, 2016



Regional Information Report 5J15-07

The following staff comments were prepared by the Alaska Department of Fish and Game (department) for use at the Alaska Board of Fisheries (board) meeting, October 18–20, 2016 in Soldotna, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

ABSTRACT

This document contains Alaska Department of Fish and Game staff comments on agenda change requests. These comments were prepared by the department for use at the Alaska Board of Fisheries meeting, October 21–22, in Anchorage, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

Key words: Alaska Board of Fisheries (board), Alaska Department of Fish and Game (department) staff comments, finfish, management, management plan, regulatory proposals, inriver, subsistence, personal use, sport, guided sport, commercial fisheries, biological escapement goal (BEG), sustainable escapement goal (SEG), optimal escapement goal (OEG).

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Acronyms and Abbreviations

The following acronyms and abbreviations are used without definition in this report by the Divisions of Commercial Fisheries, Sport Fish, and Subsistence. All others, including deviations from definitions listed below, are noted in the text at first mention, as well as in the titles or footnotes of tables, and in figures or figure captions.

Abundance Index	AI
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Annual Harvest Objective	AHO
Alaska Board of Fisheries	board
Alaska Department of Fish and Game	department
Aleutian Islands golden king crab	AIG
Amount Necessary for Subsistence	ANS
Biological Escapement Goal	BEG
Commercial Fisheries Entry Commission	CFEC
Customary and Traditional	C&T
Equal Quota Share	EQS
Fishery Management Plan	FMP
Guideline Harvest Level	GHL
Individual Fishing Quota	IFQ
National Marine Fishery Service	NMFS
Optimal Escapement Goal	OEG
River Mile	RM
Southern Southeast Inside Subdistrict	SSIS
Spawn on Kelp	SOK
Statewide Harvest Survey	SWHS
Sustainable Escapement Goal	SEG
Terminal Harvest Area	THA
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ACR 1 – Align regulations for sport fishing services and sport fishing guide services in salt water with those in statute and update freshwater guide registration and reporting regulations (5 AAC 75.075, 5 AAC 75.076, 5 AAC 75.077, and 5 AAC 75.085).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This ACR seeks to implement saltwater sport fishing business and guide license requirements for saltwater guides and operators consistent with statute.

PRESENT SITUATION: Current regulations require sport fishing businesses and guides operating in fresh water and salt water to be registered with the department. During the 2016 session, the Alaska Legislature adopted HB 41, which reestablished sport fishing business and guide license requirements for saltwater guides and operators (only) effective January 1, 2017. As a result, current sport fishing business and guide regulations are in conflict with statute as they do not include provisions to implement licensing as required in HB 41.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** Yes.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Yes.

ADDITIONAL INFORMATION: In February 1998, the board established statewide registration requirements for sport fishing businesses and guides and required sport fishing business owners to complete logbooks for saltwater charter vessels. In May 2004, the Alaska Legislature adopted HB 452 that established statewide licensing requirements for sport fishing guide business owners and sport fishing guides. The bill also established reporting requirements for all guided fishing trips, in both salt and fresh water and required that all vessels used in these guided fishing trips be registered with the department. In November 2004, the board amended the state regulations for sport fishing guide businesses and guides to implement the new statutes created by the Alaska Legislature.

The department has operated a program to register (1998–2004, 2015–2016) and/or license (2005–2014) both sport fishing guides and businesses, administer sport fishing saltwater (since 1998) and freshwater (since 2005) guide logbooks, and register sport fishing guide vessels (since 2005). The statutes (AS 16.05.260–16.05.299), established by adoption of HB 452, sunsetted effective January 1, 2015. During the 2016 legislative session, HB 41 was amended before adoption by the Alaska Legislature to only require licensing of sport fishing guides and businesses operating in salt water. The original version of HB 41 was similar to AS 16.05.260–16.05.299 prior to being amended.

PROPOSED BY: Alaska Department of Fish and Game

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

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: Increases the time sport fishing is closed in saltwater within 250 yards of Summer’s Bay Lake outlet stream, from August 16 to June 1, and establishes similar area and date closures for the area surrounding the Morris Cove Lake outlet stream. The request also seeks to reduce the bag limit for sockeye salmon from two fish per day to one per day. It is unclear if this would change the general bag limit for Unalaska Bay (currently 2 sockeye salmon) or create special regulations for an undefined area encompassing Summer Bay and Morris Cove.

PRESENT SITUATION: The current regulations for Summer Bay include a seasonal sport fishing closure of the entire freshwater drainage as well as the salt waters within 250 yards of the mouth of Summer Bay Creek from August 16th through December 31st to protect returning coho salmon. In addition, the outlet creek from Summer Bay Lake is closed to fishing year round to protect all species of salmon (coho, chum, sockeye, and pink salmon, as well as Dolly Varden, return to the drainage). No special regulations exist for Morris Cove and the entire drainage and beach is open to sport fishing year round. Bag limits for all Unalaska Bay salt and fresh waters are currently five salmon per day, of which no more than two may be sockeye salmon and two may be coho salmon.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: Some information is available on run size and timing for Summer Bay and Morris Cove sockeye salmon. Aerial and foot surveys are conducted by staff as time, weather and funding allow. A weir was operated from 1998 through 2001 on Summer Bay Creek during the sockeye salmon run. Weir counts for Summer Bay ranged from 2,641 to 5,388 and averaged 3,652 sockeye salmon, while survey counts during this same period ranged from 173 to 4,000 and averaged 1,191 sockeye salmon. This paired data showed that the surveys greatly underestimated sockeye salmon escapement compared to weir counts. From 2002–2007 (the six-year span surveys were conducted during the sockeye run after the weir project ended) surveys ranged from 44 to 8,900 and averaged 2,281 sockeye salmon. Survey counts for Morris Cove stream and lake range from zero to 300 sockeye.

Summer Bay Lake is a shallow lake separated from the ocean by a narrow beach berm. The lake and outlet creek are highly dynamic and significantly influenced by the tide, high winds, and surf common in the Aleutians. Morris Cove Lake, located about 1.8 mile to the northeast, is smaller in area and volume and supports less spawning habitat. The outlet creek for this lake is smaller and is also highly influenced by tidal and wind effects. Fish passage is likely only to occur during periods of flooding or exceptionally high tides due to the limited flow and the steep gradient of the outlet creek.

Sockeye salmon are currently harvested by snagging in the salt waters of Summer Bay. Snagging is legal in salt water in this area and anglers target schools of sockeye salmon as they swim along the beach towards the creek mouth. Effort in Summer Bay Lake is low and sport fishing is concentrated on the beach primarily during the month of July and into early August. The 250 yard seasonal closure starting on August 16th closes the entire beach at Summer Bay and Summer Bay Lake drainage to all sport fishing. Little harvest of sockeye or coho salmon occurs at Morris Cove. While specific estimates for the sport harvests at Morris Cove are unavailable, observed effort by department staff and resident anglers of Unalaska indicate that little effort occurs in this drainage or on the beach nearby.

Sport harvest estimates from the SWHS are available only for a few years for the greater Unalaska Bay area, though virtually all of the sockeye salmon harvest can be attributed to Summer Bay. There is very little sport fishing effort in Morris Cove or other drainages in Unalaska Bay. The only other sockeye salmon run in proximity to the City of Unalaska is the Unalaska Lake drainage but sport fishing for sockeye salmon is closed for the entire drainage. The proximity of Summer Bay and relatively large size of the run make it the largest sockeye salmon sport fishery in the Unalaska area and the most accessible for residents of Unalaska/Dutch Harbor, though available information suggests harvests are still relatively small. Sport harvest estimates for Unalaska Bay ranged from 70 to 289 fish over seven years from 1998 to 2007. Response rates in other years were too low to provide estimates from the SWHS, indicating low participation rates. Other harvests of sockeye salmon in Unalaska Bay occur primarily in the subsistence fishery, though there are occasionally commercial landings targeting pink salmon.

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

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

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This ACR seeks to reduce the subsistence sockeye salmon limit on Front Beach in Unalaska Bay to 10 sockeye salmon per permit holder and 10 additional sockeye salmon for each member of the same household.

PRESENT SITUATION: Current regulations allow subsistence permit holder to retain 25 salmon per household member in the Unalaska District with no species or area-specific restrictions.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** Unknown.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: Sockeye salmon escapement is not monitored in the Illiuliuk River drainage, and there is no escapement goal for this stock. Sockeye salmon escapement into Illiuliuk Lake is believed to be relatively low and Because of the lack of escapement information for Illiuliuk Lake it is unknown whether the current subsistence salmon limit presents a fishery conservation issue.

The number of subsistence salmon permits issued to Unalaska local community residents has increased from 81 permits issued in 1987 to an average of 212 permits issued from 2010-2014. Additionally, the number of permits issued to Alaska residents residing outside of Unalaska has increased from less than five permits issued per season prior to 2000 to an average of 18 permits issued per season from 2010-2014 (36 permits issued in 2013 and 29 in 2014). Average reported subsistence harvest in the Unalaska Lake vicinity, which includes Front Beach, from 2010-2014, was 219 sockeye.

The sport fishery bag limit for sockeye salmon in Unalaska Bay is two fish. SWHS estimates are not available for Front Beach, although it is likely that very few sockeye salmon are harvested by anglers in the Front Beach area. Estimated sockeye salmon sport fishery harvest in Unalaska Bay fresh and salt waters from 1996-2014 range from 0 to 986 fish and average 286 fish. The entire Illiuliuk drainage has been closed to sport fishing for sockeye salmon since 1998. Sockeye salmon are also taken in relatively small numbers during periodic commercial fishing periods targeting pink salmon in Unalaska Bay. No commercial salmon harvest has occurred in Unalaska Bay since 2011.

PROPOSED BY: Unalaska/Dutch Harbor Advisory Committee

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

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This ACR seeks to reduce fishing time in in the South Unimak and Shumagin Islands June commercial salmon fishery to reduce commercial king salmon harvest to historical levels. The ACR does not state what historical time period would be used to determine an appropriate king salmon harvest amount.

PRESENT SITUATION: Current regulations provide four 88-hour and one 64-hour fishing periods interspersed with 32-hour closures beginning at 6:00 a.m. June 7 and ending at 10:00 p.m. June 29, for set gillnet gear. The June schedule for seine and drift gillnet gear begins at 6:00 a.m. June 10 with four 88-hour fishing periods interspersed with 32-hour closures, with the final fishing period ending at 10:00 p.m. June 28. The South Unimak June fishery takes place in the Unimak District, Southwestern District, the East Pavlof Bay and West Pavlof Bay sections of the South Central District, and the Bechevin Bay Section of the Northwestern District. The Shumagin Islands June fishery takes place in the Shumagin Islands Section of the Southeastern District.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: The department currently does not have stock of origin information for king salmon taken in the South Unimak and Shumagin June commercial fishery. In 2016, the preliminary king salmon South Unimak and Shumagin Island June harvest (3,843 fish) was below the recent 10-year average (7,776 fish). None of the king salmon stocks within Area M are designated as a stock of concern.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee

ACR 5 – Change the opening date for seine gear in the Dutch Harbor food and bait herring fishery from July 15 to July 1 (5 AAC 27.610).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This ACR seeks to change the opening date for the Dutch Harbor food and bait herring fishery for seine gear from July 15 to July 1.

PRESENT SITUATION: Current regulations allow fishermen using gillnet gear to begin harvesting herring in the food and bait fishery on June 24 while fishermen using seine gear may start on July 15.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: In 2016 very few herring were present in the Unalaska or Akutan districts when the Dutch Harbor food and bait herring fishery opened to fishermen using seine gear on July 15. While a small quantity of herring was eventually harvested, the guideline harvest level was not achieved. It is unknown if herring transited through the Unalaska and Akutan islands area earlier in 2016, prior to the fishery opening; however, herring in Togiak, which are believed to be the primary stock comprising the Dutch Harbor food and bait fishery, did spawn nine days earlier than average in 2016, which was the earliest on record. It is also unknown if herring were present in the Dutch Harbor fishery area and remained offshore in deeper water where they were not vulnerable to the fleet.

PROPOSED BY: Melvin Larsen

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

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: Prohibit personal use dipnetting from a vessel having a motor greater than 50 HP and prohibit the use of Thunder Jet boats and/or ocean worthy craft.

PRESENT SITUATION: Waters of the Kenai River open to dipnetting from a boat are from ADF&G markers near the Kenai City Dock (approximately RM 1.9) upstream to the Warren Ames Bridge (approximately RM 5.2). In these waters salmon may not be taken from a boat powered by a two-stroke motor unless it is a direct fuel injected motor. Alaska State Parks boating regulations prohibit vessels with a total propshaft rating greater than 50 HP or overall size greater than 21 feet long and 106 inches wide from operating upstream of RM 4.2. The lower section of the fishery open to dipnetting from a boat, those waters downstream of RM 4.2 to the ADF&G markers near the Kenai City Dock, do not have horsepower or vessel size restrictions.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No
- b) **Does the agenda change request correct an error in regulation?** No
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No

ADDITIONAL INFORMATION: This request involves safety concerns within the Kenai River personal use dip net boat fishery. There are no fishery resource conservation issues with the Kenai River personal use dip net fishery in the area (RM 1.9 upstream to RM 4.2 – the area with no horsepower restriction) this agenda change request seeks to address. Horsepower and vessel design are not likely to have a significant impact on dipnetting success and restrictions would not affect the personal use harvest by a measurable amount. The board has considered vessel restrictions when it adopted the clean motor/four-stroke motor regulation in 2008 and during deliberation of proposals submitted at previous UCI board meetings.

PROPOSED BY: George W. Parks

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

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This agenda change request would remove the 45-mesh depth restriction for drift gillnets in the Central District of Upper Cook Inlet.

PRESENT SITUATION: As specified in 5 AAC 21.331. *Gillnet specifications and operations.* (c), a drift gillnet may not be more than 150 fathoms in length and 45 meshes in depth. These same length and depth specifications for drift gillnets have been in effect since statehood (1959).

The Central District drift gillnet fishery is managed following guidelines set forth in the *Central District Drift Gillnet Fishery Management Plan* (5 AAC 21.353). 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 department. 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.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: The Kenai River late-run sockeye salmon SEG, OEG, and inriver goals were met or exceeded in 2015 and 2016. In addition, the Kasilof River sockeye salmon BEG was exceeded in 2015 and met in 2016. All three sockeye salmon escapement goals in the Susitna River drainage were met or exceeded in 2015. Chelatna Lake escapement goal was likely exceeded in 2016; the weir washed out in 2016 before final counting was completed. Larson Lake did not achieve its escapement goal in 2016; restrictions were made to the sport fishery near Larson Lake in 2015 and 2016. Judd Lake weir was not operated in 2016 due to reductions in the department’s budgets. Fish Creek (Knik River drainage) sockeye salmon SEG was exceeded in 2015 and met in 2016.

The department received reports in 2015 and 2016 from commercial drift fisherman regarding difficulty catching sockeye salmon because they were swimming deeper than normal. This is not the first time the department has received reports like this. Deep swimming sockeye salmon have been reported in previous years. The board is meeting in February 2017 to consider proposals and discuss issues related to fisheries in UCI.

PROPOSED BY: Thomas Gilmartin

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

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: Add two weeks of additional fishing time for the AIG fleet by extending the season closure date to May 15.

PRESENT SITUATION: The AIG fisheries open by regulation on August 1 and close by regulation at 11:59 p.m. on April 30. The AIG fisheries were rationalized by NMFS prior to the 2005/2006 season and the stock is managed as two separate fisheries, east and west of 174° W long., with a separate TAC for each fishery. The TACs for both areas are further allocated by NMFS as 90% to IFQ fisheries and 10% to CDQ fisheries.

Fishing effort generally occurs from August to December in the eastern AIG fishery and from August through April in the western AIG fishery. Golden king crab molting and mating occurs year-round and there is no clearly defined biological season for this stock.

The eastern Aleutian Islands golden king crab fleet decreased from an average of 16 vessels prior to rationalization (1996/1997–2004/2005) to an average of four vessels post rationalization (2005/2006–2015/2016). In the western Aleutian Islands, fleet size decreased from an average of nine vessels prior to rationalization to three vessels post rationalization.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: Under the newly established crab rationalization program AIG season dates were modified by the board in March 2005 to provide maximum fishing opportunity (August 15 to May 15) for participants while allowing state and federal staff adequate time to assess fishery data after the fisheries close. In 2014, the board moved the season opening date forward from August 15 to August 1 in response to industry preference and similarly shifted the season closure date forward from May 15 to April 30 based on the department’s continued need to have adequate time to process data collected during the fishery.

Since the 1996/1997 season, the AIG fishery has been managed under a constant-catch harvest strategy. Until an AIG crab stock assessment model is established by the department and a harvest strategy is adopted by the board, harvest levels are set by regulation at 3.31 million pounds in the eastern Aleutian Islands and 2.98 million pounds in the western Aleutian Islands. Under this strategy the department may reduce regulatory harvest levels based on the best scientific information available, fishery performance measures, reliability of available estimates, uncertainty, and other factors necessary to avoid overfishing, and to maintain consistency with sustained yield principles. For the 2016/2017 season, the department decreased the regulatory harvest level in the western Aleutian Islands from 2.98 million pounds to 2.24 million pounds in response to declining fishery performance, high proportions of recruits in the retained catch, and decreases in average weight.

Regular stock assessment surveys for golden king crab in the Aleutian Islands do not occur and, although in development, a stock assessment model for Aleutian Islands golden king crab using fishery data has not been adopted for use in management. Beginning in 2014, the Aleutian King Crab Research Foundation and the department initiated development of cooperative framework to conduct stock assessment surveys during the open fishing season using commercial vessels with department staff on board. The eastern Aleutian Islands was surveyed in 2015 and 2016. A survey has not occurred in the western Aleutian Islands.

Fishing seasons are a Category 2 management measure under the *Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs* (FMP; FMP Section 8.2.5 Fishing Seasons). Category 2 management measures should be consistent with the criteria set out in the FMP and the National Standards.

PROPOSED BY: Aleutian King Crab Research Foundation

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

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This agenda change request would have the board request action by CFEC to allow herring purse seine permit holders the option to choose between seine and open pounds in the Sitka Sound sac roe herring fishery.

PRESENT SITUATION: Open pounds are not a legal gear type in the Sitka Sound herring fishery. CFEC regulation 20 AAC 05.230(a)(9) establishes Northern Southeast Alaska, Districts 9–16 including Sitka Sound, for Northern Southeast Alaska SOK pound fishery (L21A) permit holders. Under current regulations if an SOK fishery were established in Sitka Sound, only holders of L21A permits would be able to participate in that fishery. In order to establish a new Sitka Sound SOK pound fishery, CFEC must first exclude the waters of Sitka Sound to pound fishermen holding L21A permits.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: At the Southeast Alaska finfish meeting in February 2015, the board tabled Proposal 126 to allow open pounding of herring in the Sitka Sound sac roe herring fishery pending possible action by CFEC. The board requested that CFEC hold a hearing to explore allowing open pounding in Sitka Sound. CFEC generated a proposal to modify the Administrative Area for the Northern Southeast herring SOK pound fishery to exclude Sitka Sound. CFEC notified all permit holders in the fishery and held a hearing on November 6, 2015 to consider the proposed regulation change. The 61 comments received in writing, telephonically, and in person were overwhelmingly opposed to the CFEC proposal. Based on the comments received, CFEC took no action.

The board addressed Proposal 126 again at the March 2016 meeting and voted to take no action because they did not have the authority under the existing regulatory structure.

PROPOSED BY: Darrell Kapp

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

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: Allow holders of CFEC sablefish longline limited entry permits in SSEI to use either longline or pot gear and to extend the fishing season for sablefish longline gear in SSEI by allowing use of longline gear after pot gear permit holders have completed fishing operations.

PRESENT SITUATION: In the SSEI Subdistrict, both longline and pot gear are legal gear types for taking sablefish (5 AAC 28.130 (a)). The SSEI fishery has two separate fishing seasons in regulation (5 AAC 28.110 (a)(2)). The first season is open for longline gear only from 8:00 a.m., June 1, until 12:00 noon, August 15. The second season is open for pot gear only from 8:00 a.m., September 1, until 12:00 noon, November 15.

Both the SSEI longline and SSEI pot fishery are limited entry fisheries; the SSEI longline fishery (C61C) had a total of 20 issued permits in 2016 and the SSEI pot fishery (C91C) had 3 issued permits in 2016. The maximum number of entry permits for the SSEI Subarea has been established by CFEC in 20 AAC 05.320(e)(2), at 18 for the longline fishery, and at three for the pot fishery.

The SSEI fishery is managed on an EQS basis whereby each of the 23 permit holders are assigned an equal share of the AHO. The AHO is established using commercial fishery and survey catch per unit effort data, fishery and survey biological data (age, weight, length, and maturity), and stock status trends of sablefish populations in surrounding geographic areas. In 2016, the AHO for SSEI was 482,956 round pounds: a 10% reduction from the 2015 AHO. The lack of strong recruitment of sablefish in the Gulf of Alaska has likely contributed to geographic-wide trends in stock decline. The SSEI sablefish longline and pot fisheries are prosecuted as described in 5 AAC 28.170.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: In August 2016, the board met to consider a petition by Bill Connor seeking to amend regulations regarding season dates and gear conversion for the SSEI sablefish fishery. The board did not find the situation justified an emergency petition and acknowledged that killer whale predation was not desirable. The board encouraged the CFEC to consider a regulatory review on the merits of allowing SSEI sablefish longline permits to convert to pot gear.

Recent interest in converting from longline to pot gear in state and federal fisheries is in response to problems associated with whale depredation on longline gear. Pot gear is a legal gear type for directed harvest of sablefish in federally managed fisheries in the Bering Sea-Aleutian Islands and state managed fisheries in the Aleutian Islands, Prince William Sound, and SSEI.

Regulations allowing pot gear in federally managed fisheries in the Gulf of Alaska are expected to be implemented prior to the 2017 fishing season. Both sperm whales and killer whales are known to prey upon sablefish caught on longline gear; all reports from the SSEI sablefish fishery are associated with killer whale depredation. Whale interactions result in unreported mortality of sablefish, increased uncertainty in stock assessments, and reduced profitability for fishing operations.

During the SSEI longline survey, killer whales were noted during gear retrieval in 2010 (seven sets), 2014 (two sets), and 2016 (four sets). When there is strong evidence of whale depredation during the survey, entire sets or portions thereof are excluded from the survey catch analysis. Information on whale depredation events has not been consistently collected nor reported in department-issued logbooks. Based on informal interviews between SSEI permit holders and management staff, many fishermen indicated that whale interactions have been increasing over the last 10 years, most notably during the recent 5-year period.

The amount of unharvested SSEI longline sablefish quota by active permits peaked in 2013 at 62,383 round pounds or 12% of the quota assigned to active longline permits. Unharvested longline quota has declined to fewer than 16,000 pounds annually during the last two seasons (3% in 2015 and 4% in 2016). A majority of the SSEI sablefish landings occur during the first month of the longline season (June; range of 22–33 landings from 2013 to 2016), with approximately half as many landings occurring in July (range 9–17), and fewer than five landings have occurred in August since 2013. Landings by pot permits generally all occur during September, but have also occurred during the first week of October (2013) and in mid-October (2008).

PROPOSED BY: Bill Connor

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

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This agenda change request seeks to adjust the Kendrick Bay THA to reduce the harvest of sockeye salmon. It is unclear if the proposer is suggesting changes to time and/or area or whether the changes are intended for the Kendrick Bay THA or the common property purse seine fishery that occurs in lower Clarence Strait outside the Kendrick Bay THA in late June and early July.

PRESENT SITUATION: The Kendrick Bay THA is defined in the *Kendrick Bay Terminal Harvest Area Salmon Management Plan* and allows for the harvest of hatchery-produced chum salmon by the purse seine and troll fleets. The plan directs the department to manage the THA from June 15 through September 30, in consultation with the Southern Southeast Regional Aquaculture Association, unless closed earlier by emergency order. The Kendrick Bay THA includes the waters of Kendrick Bay and McLean Arm.

In addition, there is a purse seine fishery located outside and adjacent to the THA in waters of lower Clarence Strait within two miles of the Prince of Wales Island shore that occurs in late June and early July to target returning Kendrick Bay chum salmon. This fishery is not governed by the *Kendrick Bay Terminal Harvest Area Salmon Management Plan*.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: From 1994, when the Kendrick Bay THA was established, through 2016, sockeye salmon harvest by the purse seine fleet in the THA ranged from a low of 58 fish in 2004 to a high of 5,818 fish in 2010 with a 23-year mean of 1,700 sockeye salmon. From 2001, when the lower Clarence Strait commercial fishery was established, through 2016, sockeye salmon harvest ranged from a low of 104 fish in 2005 to a high of 16,644 fish in 2013 with a 16-year mean of 6,700 sockeye salmon. During the most recent 10-year period (2006–2015), returned subsistence permits reported sockeye salmon harvests by subsistence users in Karta Bay that ranged from a low of 60 fish in 2008 to a high of 2,836 fish in 2015 with a mean of 885 sockeye salmon. There is no formal sockeye salmon escapement goal for the Karta River. The department does conduct a yearly foot survey of one of the spawning systems of Karta River which gives a basic level of abundance that can be compared to past survey data.

In 2014, the department reduced the area for the commercial fishery in lower Clarence Strait by approximately one-half as a direct response to the large harvest of sockeye salmon in the 2013 fishery. The subsequent sockeye salmon harvests for 2014–2016 in the lower Clarence Strait commercial fishery were 6,564, 2,587, and 1,272 fish, respectively. The 2016 harvest was the lowest in the most recent 10-year period. In addition, the department monitors harvest of species other than the targeted chum salmon inseason and reduces fishing time if needed.

PROPOSED BY: Ron Leighton

ACR 12 – Provide emergency order authority to allow retention of king salmon from dip net and beach seine gear when subsistence fishing is restricted during times of king salmon conservation (5 AAC 01.220)(n)(3)(4).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: Allow retention of king salmon from dip net and beach seine gear when subsistence fishing is restricted during times of king salmon conservation.

PRESENT SITUATION:

Yukon River king salmon have maintained a stock of yield concern classification since 2001.

At the 2013 and 2016 Board of Fisheries meetings the board adopted provisions (n)(3) and (n)(4), respectively, of 5 AAC 01.220. *Lawful gear and gear specifications*. for the Yukon Area subsistence finfish fishery; these provisions allow the use of dip nets and beach seines during times of king salmon conservation, providing all king salmon are released to the water alive.

Additionally, at the 2013 Board of Fisheries meeting in Anchorage the board adopted provision (j)(1) of 5 AAC 05.360. *Yukon River King Salmon Management Plan.*; this provision prohibits opening any subsistence fishing periods in Districts 1 and 2 during the first pulse of king salmon.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: Dip nets and beach seines are less efficient gear than the more commonly used (and preferred) gillnets and fish wheels. The use of these selective gear types was introduced in 2013 to provide harvest opportunity on the available surplus of summer chum early in the season when conservation measures are necessary to protect king salmon while run size uncertainty is high.

The Canadian king salmon stock represents approximately half of the total Yukon River king salmon run. The long-term historical average Canadian king salmon run size (1989–1998) was approximately 147,000 king salmon, whereas the recent 5-yr average (2011–2015) is 62,000 king salmon. An IMEG of 42,500–55,000 king salmon was established by the Yukon River Panel for 2010–2016. During this period, the IMEG was met four times (2011, 2014–2016). While many Alaskan Yukon River tributary king salmon escapement goals have been met, efforts to meet Alaskan and Canadian escapement goals have necessitated severe restrictions on all summer season salmon fisheries since 2011. No king salmon-directed commercial fishery has occurred since 2007; additionally, the commercial sale of incidentally-caught king salmon has been prohibited since 2011. Commercial summer chum salmon fishing opportunities have also been limited due to concerns of incidental catch of king salmon. Significant subsistence fishing restrictions aimed at conserving king salmon were implemented from 2011–2016.

The average king salmon subsistence harvest in the Yukon River during years with few or no restrictions (2004–2008) is about 50,000 king salmon, whereas the recent (2011–2015) average is approximately 19,000 fish. While the run sizes in 2014 and 2015 were higher than expected, uncertainty early in the season warranted subsistence harvest restrictions and resulted in low subsistence harvests. The 2016 king salmon run was predicted to be similar to 2015 and

subsistence harvest opportunity was greatly increased relative to 2015. Though harvest estimates for 2016 are not yet available, it is anticipated that harvests were greater than 2015 but still well below the long-term average.

PROPOSED BY: Yukon Delta Fisheries Development Association