

**Alaska Department of Fish and Game
Staff Comments on Agenda Change Requests
Alaska Board of Fisheries Work Session
October 13–14, 2010
Kenai, Alaska**



Alaska Department of Fish and Game
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ACR 1 - Clarify sport fishing regulations for Indian River inside Sitka Historical Park to separate trout fishing from coho salmon fishing. (5 AAC 47.023(g))

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

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

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

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

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

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

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

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

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

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

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

Submitted By: David R. Rice.

ADF&G STAFF COMMENT ON ACR 1

PRESENT SITUATION: Indian River downstream of the Sawmill Creek Bridge (within the Sitka National Historical Park) is closed to sport fishing for pink, chum, coho, and sockeye salmon. Indian River is open to king salmon fishing to provide anglers the opportunity to harvest hatchery released king salmon. The Indian River steelhead, cutthroat trout, and Dolly Varden sport fisheries are managed under regional regulations.

In Indian River sport fishing may be conducted only by the use of a single line attached to not more than one plug, spoon, spinner, or series of spinners, or two flies, or two hooks. The use of bait is allowed September 15 through November 15 and prohibited for the remainder of the year.

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This request seeks to limit anglers to fly-fishing gear only, and prohibit the retention of all fish in a one-half mile section of Indian River from the Sawmill Creek Road Bridge downstream to salt water. This section of stream flows through the Sitka National Historical Park.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- 1) **Is there a pressing fishery conservation purpose or reason?** No.
- 2) **Does the agenda change request correct an error in regulation?** No.
- 3) **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: There are no biological or conservation reasons for limiting anglers to fly-fishing gear only and prohibiting retention of all fish in this relatively short section of Indian River.

With the exception of the freshwater king salmon fishery being opened in 2006, the sport fishing regulations for the section of Indian River within the Sitka National Historical Park have remained unchanged since 1992.

Although regulations prohibiting fishing for some species while allowing harvest for others in the same waters adds to the complexity of enforcement, they are enforceable. Similar regulatory situations have been enforced successfully by the Alaska Wildlife Troopers statewide and the federal enforcement officers that patrol the Sitka National Historical Park.

PROPOSED BY: David Rice.

ACR 2 - Adopt by regulation a policy for the management of mixed stock fisheries.

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

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

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

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

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

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

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

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

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Unless the Board of Fisheries advances its Prince William Sound meeting cycle and appoints a committee to review current management practices and recommend mitigating measures, existing harm to wild salmon stocks and consequent economic harm to affected commercial harvesters in Prince William Sound will persist for an additional season.

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

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

Submitted By: Herbert T. Jensen.

ADF&G STAFF COMMENT ON ACR 2

PRESENT SITUATION: Currently the board meets once every three years in Prince William Sound. In consideration of all proposals, the board applies 5 AAC 39.220. *Policy for the Management of Mixed Stock Salmon Fisheries*, during deliberations and discussion.

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This ACR would require the board or a committee appointed by the board to meet every year in Prince William Sound and to adopt a policy for the management of mixed stock fisheries.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- 1) **Is there a pressing fishery conservation purpose or reason?** No.
- 2) **Does the agenda change request correct an error in regulation?** No.
- 3) **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: Since 1990, the board has employed a 3-year meeting cycle for each area in order to better serve the public. Committees have been appointed by the board and have met as needed, primarily to deal with allocation issues in Prince William Sound.

There is currently in regulation a policy for the management of mixed stock salmon fisheries (5 AAC 39.220. *Policy for the management of mixed stock salmon fisheries*).

PROPOSED BY: Herbert T. Jensen.

ACR 3 - Clarify restriction on use of shellfish for commercial purposes. (5 AAC 72.0xx, 5 AAC 77.0xx, 5 AAC 02.0xx)

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

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

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

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

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

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

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

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

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

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

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

- (1) shellfish has been taken with gear deployed and retrieved by the client or guest;

(2) gear has been marked with the client's or guest's name and address, as specified in 5 AAC 75.035(1), 5 AAC 77.010(d), and 5 AAC 02.010 (e)(1) by the client.

(3) shellfish is to be consumed by the client or guest or is consumed in the presence of the client or guest.

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

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

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

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

Submitted By: Alaska Department of Public Safety.

ADF&G STAFF COMMENT ON ACR 3

PRESENT SITUATION: Commercial operations, such as lodges, charter boat operators and crew, who pull their own sport, personal use, or subsistence shellfish pots and provide shellfish to paying clients are engaging in unlawful commercial fishing. Regulations 5 AAC 02.199 and 5 AAC 02.499 clearly prohibit this practice in subsistence shellfish fisheries in Southeast Alaska and Kodiak; 5 AAC 47.036 and 5 AAC 77.699 further prohibit this activity in personal use and sport shellfish fisheries in Southeast Alaska. Regulations for areas outside of Southeast Alaska and Kodiak do not clearly state that charter boats and lodges are prohibited from setting and retrieving their noncommercial shellfish pots and supplying their customers with fresh shellfish. Therefore, the illegal commercial use of sport, personal use, or subsistence-caught shellfish is occurring and is difficult to enforce. This prohibition is needed on a statewide basis.

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: The intent of this ACR is to allow the board to consider shellfish regulations for king, Tanner, and Dungeness crabs, shrimp, and miscellaneous shellfish statewide instead of considering king and Tanner crabs statewide in the 2010/11 cycle and then the other shellfish species in the 2011/12 cycle.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- 1) **Is there a pressing fishery conservation purpose or reason?** No.
- 2) **Does the agenda change request correct an error in regulation?** Yes. This ACR corrects an error by adding clarity to regulations addressing the use of subsistence, personal use, and sport harvested shellfish. When the board passed regulations in southeast Alaska and Kodiak prohibiting the use of shellfish harvested in noncommercial fisheries to benefit commercial operations, it stated its intent regarding the use of those resources. This ACR would apply that intent and clarify regulations statewide for all shellfish species.
- 3) **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: Miscellaneous shellfish regulations are not scheduled for consideration until the Board of Fisheries' 2011/2012 meeting cycle. Proposal 315 is scheduled for the March 22-26, 2011 statewide king and Tanner crab meeting to address the illegal commercial use of sport, personal use, and subsistence-caught king and Tanner crabs. Acceptance of this ACR would provide the board the opportunity to consider regulatory change that includes all shellfish resources and not just king and Tanner crabs. This would allow for a comprehensive solution with regulatory consistency statewide without having to take action over several meetings.

PROPOSED BY: Alaska Department of Public Safety.

ACR 4 - Create a personal use/subsistence designated area for Dungeness crab in Excursion Inlet within District 14. (5 AAC 32.110)

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

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

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

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

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

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

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

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

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

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

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

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

Submitted By: Haines Borough, Mark Earnest, Borough Manager.

ADF&G STAFF COMMENT ON ACR 4

PRESENT SITUATION: Excursion Inlet is located in District 14. Statistical area 114-80 is Excursion Inlet proper. Commercial fishing seasons in this district open as specified in 5 AAC 32.110. *Fishing Seasons for Registration Area A* in accordance with the *Southeastern Alaska Area Dungeness Crab Fisheries Management Plan* (5 AAC 32.146) which provides for truncated season length if the total regional harvest projection falls below specific levels. During the 2010 season, the District 14 commercial summer Dungeness crab season opened by regulation from noon June 15 through 11:59 p.m. August 15. The fall season is scheduled to open at noon October 1 and close at 11:59 p.m. November 30. The commercial fishing season length has not been altered because of reduced harvest projections since the management plan was adopted in 2000.

Most of District 14, including Excursion Inlet, has a customary and traditional use finding (5 AAC 02.108(a)(3)(A)) for Dungeness crab. The current bag and possession limit is 20 male crabs per person. There is no closed season for those fishing under subsistence regulations.

The sport Dungeness crab fishery in the waters of District 14 is open year round with bag and possession limits of three male Dungeness crabs and male Tanner crabs in combination.

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: ACR 4 seeks to adopt an exclusive personal use and subsistence zone for Dungeness crabs in Excursion Inlet. The proponent mentions escalating interactions between commercial and personal use/subsistence fishing gear. It is not clear whether the proponent intends to include or exclude sport Dungeness fishing from the proposed personal use and subsistence zone.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- 1) **Is there a pressing fishery conservation purpose or reason?** No.
- 2) **Does the agenda change request correct an error in regulation?** No.
- 3) **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: Dungeness crab harvest in statistical area 114-80 has averaged 5,425 lbs per season over the past ten full seasons. The department manages the commercial Southeast Alaska Dungeness fishery according to 5 AAC 32.146. The *Southeast Alaska Dungeness Crab Management Plan* states that in the absence of stock assessment data, the department shall manage the Dungeness crab fishery using a precautionary approach. This approach obliges the department to assess the health of the stocks by projecting the full season's harvest based on the harvest in the first week of the fishery no later than 14 days after the start of the summer fishery, and further obliges the department to take management action, by shortening the season, to reduce the harvest of legal Dungeness crabs and reduce the handling of non-legal and "light" or "soft" crabs if the estimate falls below either the 1.5 million pound or 2.25 million pound thresholds. In 2010, the full season harvest estimate exceeded the 2.25 million pound threshold, which provided for full summer and fall seasons.

Adoption of measures to establish a commercial closed area within Excursion Inlet will result in allocative adjustments for participants in the Dungeness crab fisheries.

PROPOSED BY: Haines Borough, Mark Earnest, Borough Manager.

ACR 5 - Revise Chinook management plans on the Yukon River. (5 AAC 05.360)

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

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

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

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

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

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

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

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

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

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

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

Submitted By: Virgil Umphenour.

ADF&G STAFF COMMENT ON ACR 5

PRESENT SITUATION: Consistent with the *Yukon River King Salmon Management Plan*, several management measures have been implemented to address low run sizes in recent years. Fishing restrictions were necessary during poor runs and have caused a dramatic decline in commercial harvests since 1998 and decreased subsistence harvests from 2008–2010. The average yield for the years 2006–2010 is substantially less than the historical baseline 1989–1998 average yield. No directed commercial fishery occurred in 2008–2010; subsistence and sport fishing restrictions were also implemented. While run sizes have been generally low in the recent 5-year period, there have been some runs of sufficient size to provide for subsistence uses and escapement needs.

The Alaska Board of Fisheries (board) thoroughly reviewed Yukon River fishing regulations in January, 2010, including detailed discussion specific to management strategies in the *Yukon River King Salmon Management Plan* and stock of concern status. The board continued the stock of yield concern designation for Yukon River king salmon. The addition of stock status information from the 2010 season does not change the recommendation by the department based on the definitions for stocks of concern in the *Policy for the Management of Sustainable Salmon Fisheries* (SSFP). King salmon escapement goals were generally met throughout the Alaska portion of the Yukon River drainage during the past five years, 2006–2010, although the agreed-to Canadian Yukon River mainstem escapement goal has only been achieved in two of the last five years (2006 and 2009).

Several regulations affecting king salmon were adopted at the January 2010 board meeting. The department was provided with emergency order authority to open non-king salmon directed commercial fishing periods where king salmon could be retained, but not sold, if there are riverwide restrictions to subsistence fishing for king salmon. The board provided the department with emergency order authority so that it may close subsistence salmon fishing periods in the Yukon River in the event that preseason forecasts or inseason assessments indicate an insufficient abundance of king salmon to meet escapement objectives on specific components of the run.

Additionally, a proposal to limit commercial and subsistence gillnets to 6-inch mesh size in the entire Yukon River drainage was amended to restrict gillnets to a maximum mesh size of 7.5-inches. This regulation will go into effect in 2011. This change in mesh size will reduce exploitation on the largest and oldest component of the Yukon River king salmon run to achieve escapements that are more representative of the age and size class structure of the overall run. Anticipated benefits include improved productivity and yield by increasing the number of larger and older individuals on the spawning grounds.

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This proposal requests the board to evaluate the *Yukon River King Salmon Management Plan* and to ensure that more king salmon reach the spawning grounds and that the quality of escapement represents all age classes. However, there are no specific regulation changes requested.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- 1) **Is there a pressing fishery conservation purpose or reason?** No.
- 2) **Does the agenda change request correct an error in regulation?** No.
- 3) **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: Fishery management strategies implemented in 2010 were based upon a joint U.S./Canada conservative run projection, which indicated subsistence fishing restrictions would be unnecessary. Thus, new regulations adopted in 2010 allowing for rolling subsistence closures to protect specific pulses of king salmon and prohibiting sale of incidental commercially-caught king salmon were not utilized. However, the run was weaker than expected. Subsequently, preseason planning for 2011 will address shortcomings in 2010 by utilizing the intensive public process already in place through U.S./Canada Yukon River Panel meetings and an annual preseason fishermen's meeting in Alaska. The department has the tools necessary to manage the Yukon River king salmon fishery conservatively. It is likely that the preseason outlook for the next two years will be strongly influenced by the poor runs in 2008 and 2010. Through discussion with the public, new regulations adopted by the board in 2010 will likely be implemented as a more conservative management approach. Note that effects from the maximum mesh size restriction may not be realized for many years.

PROPOSED BY: Virgil Umphenour.

ACR 6 - Close the commercial Dungeness summer fishery in District 1 in Southeast Alaska. (5 AAC 32.110)

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

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

1) Fishery conservation purpose or reason: Not applicable.

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

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

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

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. This request is not allocative.

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

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

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

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

Submitted By: Dave Kiffer.

ADF&G STAFF COMMENT ON ACR 6

PRESENT SITUATION: For the 2010 season the District 1 commercial summer Dungeness crab season was opened by regulation from noon June 15 through 11:59 p.m. August 15. The fall season will open at noon October 1 and close at 11:59 p.m. on November 30. Fishing seasons in this district in future years will be open as specified in 5 AAC 32.110. *Fishing Seasons for Registration Area A* in accordance with the *Southeastern Alaska Area Dungeness Crab Fisheries Management Plan* (5 AAC 32.146) which provides for truncated season length if the total regional harvest projection falls below specific levels. The season length has not been altered because of reduced harvest projections since the management plan was adopted in 2000.

A portion of District 1 has a customary and traditional use finding (5 AAC 02.108(a)(3)(D)) for Dungeness crabs. The current bag and possession limit is 20 male crabs per person. There is no closed season for those fishing under subsistence regulations. Portions of District 1 are included in the Ketchikan non-subsistence area as defined in 5 AAC 99.015(a)(1).

The personal use Dungeness crab fishery in the waters of District 1 that do not have a positive customary and traditional use finding is open year round, and there are daily bag and possession limits of 20 male crabs.

The sport Dungeness crab fishery in the waters of District 1 is open year round, and there are bag and possession limits of three male Dungeness crabs and male Tanner crabs in combination.

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: ACR 6 seeks to repeal the season modification adopted by the Board of Fisheries (board) in January 2009 and close the summer season (June 15 – August 15) in District 1.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- 1) **Is there a pressing fishery conservation purpose or reason?** No. The department has historically opposed summer commercial Dungeness crab fisheries due to concerns related to handling mortality of soft-shelled crabs. Because there has not been a survey in this area the extent of handling mortality is unknown.
- 2) **Does the agenda change request correct an error in regulation?** No.
- 3) **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 January 2009, the board adopted changes to 5 AAC 32.110. *Fishing Seasons for Registration Area A* which changed the Dungeness crab commercial fishing season description for districts 1 and 2. This action aligned the seasons for districts 1 and 2 to match the season description for nearly all of the remainder of Southeast Alaska: a summer season from June 15 through August 15 and a fall season from October 1 through November 30. This action effectively eliminated the winter season (December 1 through February 28) previously described for districts 1 and 2.

In 2009, the board received an agenda change request (ACR 5) seeking to close the summer commercial fishery in District 2. That ACR was considered during the October 2009 work session, at which time the board chose to consider this issue during the March 2010 statewide meeting (proposal 195). An amended version of proposal 195 was adopted, which resulted in closure of the summer commercial Dungeness crab season in District 2 and a return to the fall/winter season that had been in place prior to the action taken during the January 2009 meeting.

The board built a sunset date into regulation (5 AAC 32.110(1)) for the season description change for districts 1 and 2. This sunset date is February 29, 2012. In the absence of further regulatory change, the District 1 commercial season length will revert to a fall/winter season as provided prior to 2009.

The department manages the Southeast Alaska Dungeness crab fishery according to 5 AAC 32.146, the *Southeast Alaska Dungeness Crab Management Plan*, which states that in the absence of stock assessment data the department shall manage the Dungeness crab fishery using a precautionary approach. This approach obliges the department to assess the health of the stocks by projecting the full season's harvest based on the harvest in the first week of the fishery no later than 14 days after the start of the summer fishery, and further obliges the department to take management action, by shortening the season, to reduce the harvest of legal Dungeness crabs and reduce the handling of non-legal and "light" or "soft" crabs if the estimate falls below either the 1.5 million pound or 2.25 million pound thresholds. In 2010, the full season harvest estimate exceeded the 2.25 million pound threshold which provided for full summer and fall seasons.

PROPOSED BY: Dave Kiffer.

ACR 7 - Increase the harvest limit for golden king crab in Registration Area O. (5 AAC 34.612)

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

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

1) Fishery conservation purpose or reason: Not applicable.

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

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

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

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. This request is not allocative.

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

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. The Alaska Board of Fisheries will consider changes to the Bering Sea/Aleutian Islands crab fisheries at their March 2011 meeting. This is within the cycle for this issue. The reason that an ACR has been submitted is that the deadline for proposals had passed when the Crab Plan Team delayed the adoption of the stock assessment model in May 2010.

This was unexpected and if the model had been adopted, the board would be addressing this at the March 2011 meeting. This issue needs to be addressed now, rather than waiting for two or three more years.

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

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

Submitted By: Linda Kozak.

ADF&G STAFF COMMENT ON ACR 7

PRESENT SITUATION: The federal *Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs* (FMP) establishes a cooperative structure deferring management of Bering Sea and Aleutian Islands king and Tanner crab fisheries to the State of Alaska with federal oversight. Harvest levels or total allowable catch (TAC) are designated as an FMP category 2 management measure, meaning that harvest levels may be set by the state within constraints of certain federal laws and regulations.

In March 2008, the Alaska Board of Fisheries (board) adopted a constant catch harvest strategy regulation for the Aleutian Islands golden king crab (AIG) fishery (*5 AAC 34.612. Harvest Levels for Golden King Crab in Registration Area O*). This harvest level regulation replaced a constant catch harvest policy originally developed by the department and was used to set harvest levels for the 1998/99 through the 2007/08 fishing seasons. Separate regulatory harvest levels are implemented for AIG east (3.15 million pounds) and west of 174° W longitude (2.835 million pounds). The new regulation creates harvest levels that are 5 percent greater than those derived from the department's harvest policy and states that regulatory harvest levels for AIG will remain fixed in 5 AAC 34.612 until a stock assessment model is established by the department.

The department initiated work on an AIG stock assessment model several years ago and the model is nearing completion. The North Pacific Fishery Management Council's Crab Plan Team (CPT) will review this model in May 2011 and may, at that time, choose to employ the model in establishing the AIG federal overfishing level for the 2011/12 fishing season.

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This agenda change request seeks to increase the AIG fishery TAC by an unspecified amount.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- 1) **Is there a pressing fishery conservation purpose or reason?** No.
- 2) **Does the agenda change request correct an error in regulation?** No.
- 3) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No. Under the regulation establishing harvest levels in the AIG fishery, those harvest levels remain in place until the stock assessment model is ready for use by the department.

ADDITIONAL INFORMATION: The department is in the final stages of developing a population dynamics model for the AIG fishery. Department stock assessment models typically undergo a lengthy internal review, as well as an external review by the CPT. The review process may result in comments requiring substantial model revisions before the model is deemed adequate for use. When work began on the AIG model, no timeline for completion was established and the iterative nature of the review process makes it difficult to project a completion date. If the AIG model is endorsed by the department and the CPT in May 2011, the department could develop a new harvest strategy based on the model. The board would need to take action adopting this harvest strategy into regulation before it could be implemented by the department.

PROPOSED BY: Linda Kozak.

ACR 8 - Redefine closure areas in Anita Bay Terminal Harvest Area Management Plan. (5 AAC 33.383)

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

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

1) Fishery conservation purpose or reason: Not applicable.

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

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

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

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. This request is not allocative.

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

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

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

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

Submitted By: Chris Guggenbickler.

ADF&G STAFF COMMENT ON ACR 8

PRESENT SITUATION: Anita Bay is a release site for enhanced Chinook, chum, and coho salmon produced by the Southern Southeast Regional Aquaculture Association, Inc. (SSRAA). Harvest of returning salmon to the Anita Bay Terminal Harvest Area (THA) is managed according to 5 AAC 33.383, *District 7: Anita Bay Terminal Harvest Area Salmon Management Plan*. Under this plan, there is a seasonal closure from June 15–July 10 in some waters in order to protect the Dungeness crab fishery from interference by commercial net and troll gear. The crab fishery preceded the use of the bay as a remote release site for hatchery produced salmon.

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: The agenda change request would repeal the closed waters provisions of the salmon management plan in order to provide greater opportunity to harvest returning Chinook salmon, but would still protect some waters at the head of the bay to provide for the Dungeness crab fishery.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- 1) **Is there a pressing fishery conservation purpose or reason?** No.
- 2) **Does the agenda change request correct an error in regulation?** No.
- 3) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No. Some loss of fish quality, and associated value, is to be expected as the season progresses in any terminal harvest area. Although the existing regulations for the Anita Bay THA might lead to a greater loss of quality and value compared to other areas due to the extent of the waters closed to commercial net fishing during the Dungeness crab season, such quality issues were known when the regulation was adopted.

ADDITIONAL INFORMATION: In 2010, from June 15 through July 10, during the time closed waters were in effect, Anita Bay THA Chinook salmon harvests were 3,438 fish, or 48,873 pounds, valued at \$115,500. After July 10, Anita Bay Chinook salmon harvests were 2,264 fish, or 35,733 pounds valued at \$33,740. The average price per pound from June 15 through July 10 was \$2.36, compared to \$0.94 per pound after July 10. However, data from fish tickets show that from June 15 through July 10 there was a steadily decreasing price per pound, from around \$4.00 per pound to around \$1.20 per pound.

Any changes to this regulation will result in allocative adjustments in the open fishing areas for both commercial Dungeness crab fishermen and participants in the Anita Bay THA salmon fisheries.

PROPOSED BY: Chris Guggenbickler.

ACR 9 - Clarify regulation on terminating a joint operation of dual permits in Bristol Bay. (5 AAC 06.333)

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

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

1. Fishery conservation purpose or reason: No.

or 2) Correct an error in regulation: No.

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

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

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

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

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

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

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

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

SUBMITTED BY: Alaska Department of Fish and Game.

ADF&G STAFF COMMENT ON ACR 9

PRESENT SITUATION: Before operating drift gillnet gear jointly in Bristol Bay, both permit holders must register with the department. In order to terminate joint operation, both permit holders must register the date and time of termination with the department.

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This ACR would allow either permit holder in a joint operation of drift gillnet gear to register the termination of that operation.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- 1) **Is there a pressing fishery conservation purpose or reason?** No.
- 2) **Does the agenda change request correct an error in regulation?** No.
- 3) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Yes. There are several unforeseen scenarios that have come to light in which one or both parties may not be available or willing to register the termination of joint operation. If the partnership could not be terminated due to the absence or unwillingness of one or both parties, movement(s) of one or both parties from district to district during the registration period may unnecessarily be limited. In addition, information as to when joint operations terminate could be lost, which would impair the state's ability to monitor and evaluate this regulatory tool.

ADDITIONAL INFORMATION: At the December 2009 board meeting, during discussion of proposal 25, substitute language was submitted by the department and the Commercial Fisheries Entry Commission, and subsequently adopted, to facilitate the tracking of dual permit use in

Bristol Bay. During the 2010 fishing season, some dual permit operations experienced difficulty terminating joint operation according to regulation because of the requirement that both permit holders must register the date and time of termination. The objective of tracking dual permit use and termination can be better accomplished by allowing either party in a dual permit partnership to terminate the joint operation.

PROPOSED BY: Alaska Department of Fish and Game.