

Alaska Board of Fisheries
Work Session
October 4-5, 2011, Anchorage
Agenda Change Requests

- ACR 1** - Return Kodiak Area bag limits for rockfish back to pre-2011 limits, of 10 rockfish daily with 20 in possession; no size limit. (5 AAC 65.022(7)).
- ACR 2** - Close sport fishing for king salmon in the Black River and tributaries in the Yukon River drainage. (5 AAC 73.010)
- ACR 3** - Request Board to adopt statewide definition of anchor rollers into regulation. (5 AAC 39.105(x))
- ACR 4** - Close sport fishing for king salmon in the Black River and tributaries in the Yukon River drainage. (5 AAC 73.010)
- ACR 5** - Correct errors in regulation from 2011 Upper Cook Inlet meeting. (5 AAC 21.353)
- ACR 6** - Amend the maximum allowable harvest in Norton Sound red king crab fishery to align with revised harvest rates based on recent population model. (5 AAC 34.915)
- ACR 7** - Amend pot limits based on new guideline harvest levels in Registration Area J Tanner crab fishery. (5 AAC 35.525(c)(1))
- ACR 8** - Amend various aspects of the management plan for Kenai River late-run king salmon to achieve the biological escapement goal. (5 AAC 21.359)
- ACR 9** - Increase total allowable catch in the Aleutian Islands golden king crab fishery due to lack of adoption of new stock assessment model by crab plan team. (5 AAC 34.612)
- ACR 10**-Amend registration requirements in Bristol Bay salmon fishery to include electronic submission of registration and reregistration via the web. (5 AAC 06.370)

ACR #1

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The regulation recently passed by the BOF in Kodiak, lowering the rockfish bag limit from 10 to five fish – two of which can be non-pelagic and one of which can be a yelloweye – unnecessarily restricts recreational anglers in the entire Kodiak management area. There was never any discussion at the local ADF&G Advisory Committee or the BOF Subcommittee A (Groundfish and Sport fish) of a proposal or alternative that would have addressed only the specific area of concern, Chiniak Bay (Area 525-733).

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: ADF&G bottomfish sport fish charter Area 525-733 (Chiniak Bay Area) has been experiencing an increase in black rockfish harvest. This area's rockfish harvest should be specifically addressed in regulation.

or 2) Correct an error in regulation: The ne Kodiak rockfish bag limit unnecessarily restricts Kodiak recreational anglers in the entire area with non biological justification.

or 3) correct an unforeseen effect of a regulation: The new bag limit reduces bag and possession limits unnecessarily, restricting the entire Kodiak area rather than specifically addressing the area of concern.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: There are no specific sportfish allocations for Kodiak area recreational fisheries. There are no perceived conflicts with other 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 is non-allocative.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. The new 2010 rockfish daily and possession sportfish bag limits.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Sport fishermen and women coming to Kodiak need to know we have special opportunities to offer in order to justify the added expense of coming to Kodiak.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). KACO's mission statement mandates us to "preserve, protect and promote sportfishing opportunities on Kodiak Island".

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. Yes, it was considered before; at the Kodiak January 2011 BOF meeting (proposal 82 – 5 AAC 64.022).

Submitted By: Dave Jones, President KACO

ACR #2

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Proposal: Black River and its tributaries are closed to Sport Fishing for Chinook salmon. Chinook salmon are being fished for sport on the spawning grounds on the Salmon Fork of the Black River. Because of its scenery, opportunity for wildlife viewing, and wilderness characteristics, the Salmon Fork of Black River has become attractive to recreational floaters, who access the river by airplane usually through outfitters. July is a popular time for these float trips because Chinook salmon are in the river spawning, and are easily fished due to the shallow, clear water. The entire length of the Salmon Fork has been documented as spawning habitat for Chinook 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: Yukon River system fish populations have been reduced approximately 50% from pre-1998 levels and Treaty obligations for escapement into Canada have not been met for the past three years. The Salmon Fork stock's spawning grounds extend into Canada. This population is vulnerable to further decreases if fish are taken while on the spawning grounds.

or 2) Correct an error in regulation: Non applicable.

or 3) correct an unforeseen effect of a regulation: Sportfishing in a river where there is not a spawning closure enacted by the Board of Fisheries is not illegal. Since the spawning grounds on this portion of the Black River, like much of rural Alaska, have not been delineated by the Department of Fish and Game, casting for King Salmon takes place legally.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: If no one is able to harvest King Salmon from the Black River because of a decline in the resource, the resource will be allocated to no one. The Draanjik Gwichin of the area have already elected to not harvest these fish as they go by Chalkyitsik each July, in hopes that stocks will rebuild and someday allow for a subsistence harvest.

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

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. Bag, possession, and size limits, general regulations for all waters of the Yukon River drainage: King Salmon 3 daily if 20 inches or longer; 2 daily if 28 inches or longer, with a provision for up to 10 a day if smaller than 20 inches. Proposal: Black River and its tributaries are closed to Sport Fishing for Chinook salmon.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Time is of the essence due to current ability of sportfishers to harvest large numbers of the low population of Chinook salmon in the Salmon Fork of the Black River.

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 Black River Working Group represents the interests of subsistence users, tribal members, conservation groups, and local residents in the eastern Yukon Flats region.

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 before.

Submitted By: Black River Working Group

ACR #3

STATE IN DETAIL THE NATURE OF THE PROBLEM: During summer months of 2011, reports were received by the Alaska Department of Public Safety that commercial purse seine fishing vessels longer than the allowable overall length were being used to take salmon. The Alaska Legislature has limited the allowable length of purse seine vessels in Alaska to 58 feet in overall length (AS 16.05.835).

The Alaska Legislature defines “overall length” as the straight line length between the extremities of the vessel, excluding anchor rollers. The term “anchor roller” is not defined on a statewide basis. This was not a problem in the past since compliance with vessel length was universal and everyone understood what an “anchor roller” was.

During the summer months of 2011, it was found that vessels of more than 58 feet in overall length had been modified by removing a section of the bow (in one case, several feet of vessel hull length), and then bolting the bow section back on. The owner then considered this hull

section to be an “anchor roller.” This is clearly unlawful, but, lacking a clear definition of “anchor roller” on a statewide basis, there has been some dispute.

A similar situation occurred in Bristol Bay several years ago when owners of drift gillnet vessels that exceeded the allowable 32 feet in length began to remove sections of bow, bolt them back on, and call them “anchor rollers.” The Board of Fisheries responded by approving a sufficiently clarifying definition of “anchor roller” that applied to Bristol Bay [5AAC 06.341(b)(1)]. Enforcement then proceeded in an orderly way and the public was well notified as to what an “anchor roller” really was.

This ACR is primarily to correct an error (omission) in regulation by providing a definition for the term “anchor roller;” this definition would apply to all vessels statewide for which a statutory maximum length has been established by the legislature.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW:

1) Fishery conservation purpose or reason: Adoption of this ACR supports the fishery conservation purposes considered by the Alaska Legislature when it limited the overall length of purse seine vessels to 58 feet.

or 2) Correct an error in regulation: Adoption of this ACR corrects an error in regulation by supplying a statewide definition essential to efficient enforcement of the statute limiting the length of purse seine vessels fishing in Alaska.

or 3) Correct an unforeseen effect of a regulation: Adoption of this ACR corrects the unforeseen effect of the lack of regulatory definition of the term “anchor roller” and the unforeseen practice of persons removing the bow section from larger vessels, then bolting them back on and calling them “anchor rollers.”

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: This ACR introduces no new allocative aspects to the legislative limitation of the maximum length of purse seine vessels. It simply supports efficient enforcement of this limitation in light of a new and unlawful interpretation, and clearly notifies the public what an “anchor roller” is.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE: This ACR changes no allocation aspects of any fishery.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD: The current Alaska Statute regulating purse seine vessel length is:

AS Sec. 16.05.835. Maximum length of salmon seine and certain hair crab vessels.

(a) Unless the Board of Fisheries has provided by regulation for the use of a longer vessel in a salmon seine fishery, a salmon seine vessel may not be longer than 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels.

(b) A vessel engaged in the Bering Sea hair crab fishery within five miles of the shore may not be longer than 58 feet overall length.

(c) In this section, "overall length" means the straight line length between the extremities of the vessel excluding anchor rollers.

It is proposed that the Board of Fisheries adopt a definition of "anchor roller" in statewide commercial fishing regulations, in order to ensure orderly enforcement and clear public understanding. The proposed definition would be:

5AAC 39.975(XX) "anchor roller" means a device used solely in aid of deploying and retrieving anchor gear, and does not provide any additional flotation, planing surface, sea keeping ability, buoyancy, deck space, or structural support to the vessel;

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE: This new interpretation of bolt-on bow sections as "anchor rollers" occurred in the purse seine fleet for the first time in 2011. The Board's next consideration of statewide finfish proposals will occur in the 2012/2013 cycle, which would delay implementation during the 2012 fishing season. A clear definition of "anchor roller" is needed at this time.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST: Alaska Department of Public Safety.

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 on a statewide basis.

SUBMITTED BY: Alaska Department of Public Safety

ACR #4

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. King Salmon are being fished for sport on the spawning ground of the Salmon Fork of the Black River, primarily by parties flown in by outfitter services.

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: Fishery conservation purpose or reason: Yukon River system fish populations have been reduced approximately 50% from pre-1998 levels and Treaty obligations for escapement into Canada have not been met for the past three years.

or 2) Correct an error in regulation: Non applicable.

or 3) correct an unforeseen effect of a regulation: Sportfishing in a river where there is not a spawning closure enacted by the Board of Fisheries is not illegal. Since the spawning grounds on this portion of the Black River, like much of rural Alaska, have not been delineated by the Department of Fish and Game, casting for King Salmon takes place legally.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: If no one is able to harvest King Salmon from the Black River because of a decline in the resource, the resource will be allocated to no one. The Draanjik Gwich'in of the area have already elected to not harvest these fish as they go by each July, in hopes that stocks will rebuild and someday allow for a harvest.

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

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. Bag, possession, and size limits – general regulations for all waters of the Yukon River drainage:

King Salmon 3 daily if 20' or longer; 2 daily if 28" or longer, with a provision for up to 10 a day if smaller than 20".

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Time is of the essence due to current ability of sportfishers to harvest large numbers of the low population of King Salmon in the Salmon Fork of the Black River.

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 Eastern Interior Alaska Subsistence Regional Advisory Council represents the interests of subsistence users and others in the region.

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 before.

Submitted By: Eastern Interior Alaska Subsistence Regional Advisory Council

ACR #5

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Revisions to the Central District Drift Gillnet Fishery Management Plan [5 AAC 21.353] adopted by the Board of Fisheries at the 2011 Upper Cook Inlet meeting were not correctly incorporated into the codified version of the plan subsequently issued by the Alaska Department of Fish and Game. The Board adopted regulatory changes to the Drift Management Plan during the February/March 2011 meeting. KRSA and MSBRSC co-authored the proposal which prompted the Board to address this issue. The primary focus of those changes was to move Susitna sockeye salmon and northern bound coho salmon to the rivers and streams of Northern Cook Inlet. This was accomplished by reducing the mixed stock nature of the drift fishery in the Central District of Upper Cook Inlet on the Northern District stocks while providing more opportunity as a terminal fishery on Kenai and Kasilof sockeye in the Central District. The Board was motivated to take this action because Susitna sockeye salmon have been designated a stock of yield concern since 2008 and northern coho have been in such short supply that bag and possession limits have been reduced for over a decade. The Drift fleet when configured as an intercept fishery can be the primary harvester of these Northern District stocks.

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: Errors in regulation are of such magnitude so as to threaten a fish resource designated as a stock of concern. Susitna River Sockeye Salmon were designated as a Stock of Yield Concern in 2008 and this designation was affirmed again in October 2010. Errors increase the fishing power of the Drift Gillnet Fishery and have the potential to significantly increase harvest of sockeye and coho stocks that the Board sought to protect. As codified, the plan provides no significant benefit to northern stocks.

or 2) Correct an error in regulation: This ACR is expressly to correct an error in regulation. The Board affirmed in June that the codified language was in error and sought to correct the errors by emergency action. A temporary restraining order issued by the Superior Court upon petition by drift gillnet fishery participants was based on procedural justification – the court took no issue with the substance of the regulation. Errors in codified regulations are readily apparent when compared with written and recorded material from the 2011 Upper Cook Inlet board meeting including: a) a BOF finding 2011-266-FB which was approved by a vote of 7-0 and signed by Board Chair Webster on March 26, 2011; b) Pertinent RC's and Proposals including RC 164, RC 200, Proposal A (board generated) and Proposal 126; and, d) Audio tapes of the BOF deliberation of the Drift Plan over the three day period February 28, March 1 and March 2, 2011.

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

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: This ACR request is not predominately allocative in nature since it seeks only to have the Board correct errors that occurred in the codification process. Although the Board's changes in the Drift Fishery Management Plan did result in potential allocative changes, these effects were fully addressed at the 2011 Board Meeting. At that time the Board also took pains to offset potential allocation effects of reduced fishing time in area 1 or area 2 by adding back additional fishing time in the expanded corridor. The primary objective was not to change allocation to the drift net fishery but to change the stock composition of the harvest by moving effort to more terminal areas to concentrate on the abundant Kenai and Kasilof sockeye stocks. The Board also recognized existing authority for the Department to open additional drift corridor fisheries independent of concurrent set net openers in order to offset effects of area 1 restrictions on the drift fishery harvest share.

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

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. Three significant errors exist in the newly codified regulations (highlighted in yellow as follows):

- 1) The first error incorrectly utilizes the expanded corridor in both regular fishing periods during July 9-15 rather than only during the first regular period and additional corridor-only fishing periods as the Board specified.

5 AAC 21.353 (a)(2)(A)(ii) which as now codified reads:

“fishing during the second regular fishing period is restricted to the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1.”

This section should read:

“fishing during the second regular fishing period is restricted to the Kenai and Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1.”

- 2) The second error incorrectly utilizes the expanded corridor in an additional fishing period allowed during July 9-15 when the Kenai sockeye late run exceeds 2.3 million.

5 AAC 21.353 (a)(2)(A)(iii) which as now codified reads:

“at run strengths greater than 2,300,000 sockeye salmon to the Kenai River, the commissioner may, by emergency order, open one additional 12-hour fishing period in the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1.”

This section should read:

“at run strengths greater than 2,300,000 sockeye salmon to the Kenai River, the commissioner may, by emergency order, open one additional 12-hour fishing period in the Kenai and Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1.”

- 3) The third error incorrectly allows for the use both of the expanded corridor and Area 1 during the weekly restricted regular period between July 16 and July 31 when the Kenai sockeye run

is between 2.3 and 4.6 million. The Board directed that this restricted period be fished in the expanded corridor or drift Area 1, not both.

5 AAC 21.353 (a)(2)(B)(ii) which as now codified reads:

“at run strengths of 2,300,000 – 4,600,000 sockeye salmon to the Kenai River, fishing during one regular 12-hour fishing period per week will be restricted to either the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict or Drift Gillnet Area 1, or both.”

This section should read:

“at run strengths of 2,300,000 – 4,600,000 sockeye salmon to the Kenai River, fishing during one regular 12-hour fishing period per week will be restricted to either or both the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict or Drift Gillnet Area 1.”

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. This matter was heard during the regular cycle in 2011 where it was subject to the full weight of testimony, review and consideration of the Board of Fisheries Process. This ACR does not ask for a reconsideration of the issue. It asks only that errors in regulation be corrected and that the Board’s true intent be codified. Failure to address these errors at this time will pose a significant conservation risk to Susitna sockeye, subvert the integrity of the Board of Fisheries process, and damage the credibility of the regulatory agency.

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 Kenai River Sportfishing Association and the Mat-Su Mayor’s Blue Ribbon Sportsmen’s Committee represent sport and personal use fishery interests consistent with conservation and wise stewardship of sustainable fish resources and related habitats.

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 addresses proposals that were adopted with revision into regulation at the 2011 Board of Fisheries meeting for Upper Cook Inlet.

Submitted By: Kenai River Sportfishing Association (KRSA), Matanuska-Susitna Borough Mayor’s Blue Ribbon Sportsmen’s Committee (MSBRSC)

ACR #6

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. A recent review of Norton Sound red king crab population models has resulted in the conclusion that the model has consistently overestimated the legal male biomass by approximately 40%. Thus, under current regulations, the Norton Sound red king crab harvest will be reduced about 40%, not due to an actual decline in population, but because of a reworked population model that

is no longer in tune with the regulations. This level of harvest reduction will be devastating to commercial fishermen and buyers. The new model indicates the population to have had a harvest rate of 12 to 18% over much of the past decade. Harvest under the current regulatory maximum rate of 10% would be less than 125,000 pounds, down for a harvest that hovered near 400,000 pounds for the past decade. This ACR seeks to increase the maximum allowable harvest rate to align with revised harvest rates observed under the new model.

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: No.

or 2) Correct an error in regulation: No.

or 3) correct an unforeseen effect of a regulation: Yes. The current regulation has been in place since the Norton Sound red king crab management model has been in place, since 1998. Managers worked to keep harvests within the ranges set in regulation based upon the old model's determination of stock size. The new model is considerable more conservative and the present regulation will have the effect of holding harvests well below their sustainable levels. This will have the effect of dramatically reducing the economic viability of the fishery for both the fishermen and the market. The best fix is to update the harvest strategy in regulation prior to the next fishing season.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: This ACR addresses a significant reduction in commercial harvest, not allocations between fisheries. Approval of the request will result in less disruption.

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

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

5 AAC 34.915. Norton Sound Section Red King Crab Harvest Strategy (a)(1). The threshold level of abundance of legal male red king crab biomass is 1.0 million pounds; the Norton Sound red king crab season may open only if analysis of the preseason survey data indicates that the biomass of legal male red king crab exceeds this level;

(2) if the Norton Sound red king crab season is open under (1) of this subsection and the legal male red king crab biomass is less than 2.0 million pounds, the biomass of legal male red king crab available for harvest will be 5% of the legal male red king crab abundance;

(3) if the Norton Sound red king crab season is open under (1) of this subsection and the legal male red king crab biomass is greater than 2.0 million pounds, the harvest rate will

progressively rise from 15% at a legal male RKC biomass of 2.0 million pounds to 20% at the legal male red king crab biomass of 4.0 million pounds;

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. The new population model became public in April 2011 roughly a month before the 2011 management plan was announced. The Norton Sound commercial fishery is in double jeopardy with the current situation. The model has reduced the biomass calculation by 40%. Second, with the current management strategy, the threshold where the harvest rate is halved is well within the historic range of legal male biomass variation. A harvest reduction to 30% of recent harvests will gravely impact both fishermen, buyers, and the Norton Sound king crab market for several years until it could be brought before the BOF during a regular cycle. Biologically, the population is stable and the possibility of draconian reduction cannot be supported for conservation reasons. Therefore, this issue must be taken up prior to the next 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.). I am the director of Fisheries Research and Development of Norton Sound Economic Development Corporation, the parent company of the primary crab buyer, Norton Sound Seafood Products. I am also the retired commercial fisheries area manager for Northwestern Alaska.

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.

Submitted By: Charles Lean

ACR #7

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Current regulation 5 AAC 35.525(c)(1)(A-D) allows an increasing number of pots per vessel in the Kodiak Tanner Crab Fishery. Experience from the harvest rate the fleet achieved in the January 2011 season demonstrates that an increase when the GLH exceeds 2,000,000 pounds is not prudent management of the resource.

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: With an increase in vessels anticipated in January 2012 and pots per vessel the fishery daily harvest rate will make management and processing of the resource problematic. It will increase the probability of exceeding the GHL.

or 2) Correct an error in regulation: N/A.

or 3) correct an unforeseen effect of a regulation: It was not anticipated that the daily harvest rate would be as high as was demonstrated this past season.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: All vessels will be able to deploy the same number of pots regardless of what the limit is. Vessels capable of carrying more than 20 pots usually deploy larger pots and are capable of fishing in weather smaller vessels are limited by maintaining a capability advantage. With the weather bold start and a day time fishing only the playing field is leveled regardless of vessel size or pot limit.

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

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 35.525(c)(1)(A-D). I propose that the management plan allow pots limits as below:

- (A) Less than 4,000,000 pounds, an aggregate of no more than 20 pots may be operated form a validly registered tanner crab vessel;
- (B) At least 4,000,000 pounds but less than 5,000,000 pounds, an aggregate of no more than 30 pots may be operated form a validly registered tanner crab vessel;
- (C) At least 5,000,000 pounds but less than 7,000,000 pounds, an aggregate of no more than 40 pots may be operated from a validly registered tanner crab vessel;
- (D) At least 7,000,000 pounds, an aggregate of no more than 60 pots may be operated from a validly registered tanner crab vessel;

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. A proposal was not submitted to address pot limits, as the potential problem was not identified until after the January 2011 tanner crab 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 and my son hold a commercial tanner crab permit for vessels up to 120 ft and 60gy respectively.

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. RC 12 submitted in the form of a letter to the BOF at the March 2011 Shellfish Meeting.

Submitted By: Stosh Anderson

ACR #8

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. KRSA learned on Sunday, August 7, 2011 while reading the justification accompanying Emergency Order #41 that the late-run of king salmon in the Kenai River will likely fall short of the minimum end of its spawning escapement goal range (SEG of 17,800 – 35,700) in 2011. More importantly, the justification indicated that the goal was likely missed in 2009 and 2010 as well, making 2011 the third consecutive year. This is NEW INFORMATION and, if correct, this important stock of fish is in a dangerous state of decline and must receive additional protection. Alaska's Policy for Management of Sustainable Salmon Fisheries mandates wild salmon stocks be maintained at levels of resource productivity that assure sustained yield. Late-run Kenai River king salmon are an incredibly important stock of fish. Because of the complex and interrelated nature of the mixed stock fisheries of Upper Cook Inlet and the potential allocative nature of any change in management this issue is most appropriately addressed by the Alaska Board of Fisheries.

KRSA seeks the following three general outcomes should the Board accept this agenda change request:

- ◆ The sustained yield of this vitally important stock of fish should be maintained at acceptably healthy levels to support the fisheries dependent upon late-run Kenai River king salmon. To accomplish this outcome escapement objectives must be achieved.
- ◆ The management plan governing the fisheries for late-run Kenai River king salmon should be amended in such a manner that the uncertainty associated with the ability of the Alaska Department of Fish and Game (ADFG) to estimate in-river return is recognized in the language of the plan. Specifically the plan should not articulate very specific numerical trigger points when the assessment program is unable to recognize those same specific points.
- ◆ The burden of conservation be shared more equitably between the sport, personal-use and commercial set net fisheries during times when yields are estimated to be low or when achievement of the escapement objective is in doubt.

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 abundance of late-run king salmon of Kenai River origin is a fraction of what was observed on average during the past three decades and according to the justification for Emergency Order #41, which closed for the season the commercial set net fishery on the beaches of the Upper Subdistrict of the Central District of Upper Cook Inlet, this important stock of king salmon has very likely failed to achieve its spawning escapement goal for the past three years. This is NEW INFORMATION and establishes a CONSERVATION PURPOSE for this agenda change request.

or 2) Correct an error in regulation: N/A.

or 3) correct an unforeseen effect of a regulation: The Alaska Board of Fisheries has adopted into regulation a management plan for the late-run of Kenai River king salmon that specifies escapement objectives and abundance driven trigger points for management actions, such as prohibition on the use of bait, restriction to catch-and-release, and closure of both the in-river sport fishery and commercial set net fishery.

Despite the expenditure of more than \$500,000 annually attempting to assess the abundance and stock status of king salmon in the Kenai River, ADFG is no longer able to estimate within a suitable degree of certainty the in-river abundance and thus unable to fulfill the State's sustained yield mandate by carrying out the stipulations in the Management Plan. At the February/March 2011 meeting of the Alaska Board of Fisheries, ADFG described the difficulties they experience with respect to implementing the management plan for late-run king salmon in the Kenai River, but at no time did ADFG disclose the almost total inability to estimate the number of king salmon entering the Kenai River that was observed during the prosecution of the 2011 fisheries. The unfortunate situation experienced in 2011 was certainly UNFORESEEN when the regulation was adopted and also UNFORESEEN when most recently reviewed.

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

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: The sustained yield of this stock of king salmon is in serious jeopardy. The management plan governing this fishery must be reevaluated to address the current realities prior to the 2012 season. ADFG's stock assessment capability must improve before we expose this valuable resource to a fishery. Although a rehearing of 5 AAC 21.359 could result in shifts in allocation of the burden of conservation, KRSA argues that the need to review is COMPELLING.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. The new information is the end-of-season confusion on the part of ADFG over whether or not the obligation to meet the escapement goal for king salmon should "influence" the prosecution of the commercial fishery for sockeye salmon on the beaches of the Upper Subdistrict of the Central District of Upper Cook Inlet. Emergency Order # 38 authorized commercial fishing on the beaches adjacent to the mouth of the Kenai River from 11 a.m. Saturday, August 6 continuously through 7 a.m. Monday, August 8 with no mention of a concern over achieving the escapement goal for late-run king salmon. Then on Sunday, August 7 Emergency Order #41 closed the commercial set net fishery for the season stating the likely failure to meet the spawning objective for king salmon.

KRSA asks, "how the acknowledged imprecision around estimating in-river return of late-run king salmon could suddenly be resolved to the point where ADFG could know that the spawning

objective would likely be achieved at the time they issued E.O. #38 but then just 48 hours later use the likely failure to meet the objective as justification for closure?"This confusion or lack of clarity in the management plans and their implementation contributes significantly to the jeopardy in which we find late-run king salmon of Kenai River origin.

At the time of this writing, ADFG has yet to provide the public with a season end (2011) estimate of escapement. Preliminary analysis of data derived from the use of Didson sonar provides an addition estimate of in-river return that also indicates that the lower end of the spawning escapement goal range was not attained.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. KRSA requests that the Alaska Board of Fisheries amend their 2011/2012 agenda to accommodate a hearing of 5 AAC 21.359 Kenai River Late-Run King Salmon Management Plan.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. The sustained yield of late-run Kenai River king salmon is in serious jeopardy if indeed ADFG's statement in EO #41 is correct that the return the late-run of king salmon in the Kenai River has likely fallen short of the minimum end of its spawning escapement goal range for the third consecutive year. The management plan governing this fishery must be reevaluated to address the current realities prior to the 2012 season. ADFG's stock assessment capability must improve before we expose this valuable resource to a fishery. See response to question #2 for more information.

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

STATE WHETHER THIS 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. Proposed revisions to 5 AAC 21.359 Kenai River Late-Run King Salmon Management Plan are considered on a regularly basis during the triennial Board of Fisheries Upper Cook Inlet meetings; however, never before has ADFG indicated that the late-run Kenai River king salmon did not attain minimum escapement, much less for the third consecutive year.

Submitted By: KRSA

ACR #9

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. 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 ever be accepted as a stock assessment tool.

Due to the fishery performance, it is clear that the Aleutian Islands golden king crab fishery is in a robust condition. Consideration by the Board for another quota increase is warranted while we continue to wait for the model to be approved by the Crab Plan Team and North Pacific Fishery Management Council's Scientific and Statistical Committee, which hopefully would then be followed by a harvest strategy developed by the department and approved by the Board. Another option would be for the Board to direct the department to create a harvest strategy based on CPUE and observer data, rather than depending on the adoption of a model for this to occur.

This issue has been discussed for five years or more with industry requesting the department to consider conditions which would allow for an adjustment of the total allowable catch levels for the golden king crab fisheries in the Aleutian Islands.

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: N/A.

or 2) Correct an error in regulation: N/A.

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

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.

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. After the Crab Plan Team failed to adopt the model in 2010, an Agenda Change Request was submitted to the Board, but was rejected because the department made it clear that the Crab Plan Team and SSC would likely approve the model prior to the 2011 season. It was expected that the department would then begin developing a harvest strategy for

the Board to review and approve. This did not occur and the model will be under further review at a workshop in 2012, with no assurance that it will be accepted next year. In fact, since this is a Tier 5 un-surveyed stock, there is some concern that the model will never be approved.

As stated earlier, this issue has been a source of discussion for over five years. When the Board last addressed the total allowable catch levels for this fishery, everyone expected the model and harvest strategy approval process to be completed with a year or two at most.

The industry and public continue to lose year after year by having the total allowable catch set at an arbitrarily low number. Further delays in addressing this issue should not occur.

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. The Board further reviewed an Agenda Change Request in 2010 for consideration during the 2010/2011 cycle, but rejected that request based in part on assurances from the department that the model would likely be approved in May 2011.

Submitted By: Linda Kozak

ACR #10

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The department is moving forward with plans to allow commercial salmon CFEC permit holders in Bristol Bay to complete initial district registration on the department's website. In order to accomplish this, the regulation requiring initial registration be done by submitting a completed registration form to the department office in Dillingham or King Salmon must be amended to include the option to register on the website.

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 06.370. Registration and reregistration.

(a)(1) initial district registration is accomplished by completing a registration form provided by the department and returning the completed form to the department office in Dillingham or King Salmon **or electronically on the department's website;**

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Waiting until the 2012 Bristol Bay board meeting would delay implementation of this change by one fishing season. Electronic registration provides more flexibility to permit holders but also will streamline the processing of district registration and allow dissemination of that information to the public much faster than what is currently possible when manually entering registration forms. Electronic registration reduces the burden of handling paper registration cards by ADFG staff, reduces errors by permit holders, records every action pertaining to each permit, and provides immediate feedback regarding issues with the permit holders legal status (eg. vessel fees, permit fees, t-sticker, district registration).

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.