

**Alaska Board of Fisheries**  
Work Session  
October 15-16, 2018 | Anchorage, AK

**AGENDA CHANGE REQUESTS**

*Hatcheries (2)*

**ACR 1**

Prohibit Valdez Fisheries Development Association from incubating, rearing, and releasing pink salmon resulting from additional egg take capacity permitted in 2018 and cap egg take capacity at the level permitted in 2017 (5 AAC 24.366).

**ACR 2**

Cap statewide private non-profit salmon hatchery egg take capacity at 75% of the level permitted in 2000 (5 AAC 40.XXX).

*Aleutian Islands King Crab Fishery (1)*

**ACR 3**

Adopt a new harvest strategy for Aleutian Islands golden king crab that relies on annual stock assessment model outputs to set total allowable catch and stock status determination criteria (5 AAC 34.612).

*Westward Area Dungeness Crab Fishery (1)*

**ACR 4**

Change requirement to operate commercial Dungeness crab pot gear from once every 14 days to once every 30 days in Registration Area J (5 AAC 32.415).

*Cook Inlet Area Salmon Fisheries (3)*

**ACR 5**

Prohibit fishing in the waters of the Homer Spit Marine Terminal barge basin (5 AAC 58.022).

**ACR 6**

Provide the department emergency order authority to utilize time, area, methods and means or possession limits to restrict Kenai and Kasilof river personal use fisheries and require daily reporting of harvest in these fisheries (5 AAC 77.540, 5 AAC 21.360).

**ACR 7**

Open and close the commercial set gillnet fishery within 600 feet of the North Kalifornsky Beach area independent of fishing time restrictions described in various management plans (5 AAC 21.310).

*Copper River Area Salmon Fisheries (1)*

**ACR 8**

Prohibit operation of dipnet gear from a boat to harvest salmon for subsistence purposes in the Glennallen Subdistrict (5 AAC 01.620).

*Southeast Alaska Area (2)*

**ACR 9**

Align regulations within the Southeast Alaska King Salmon Management Plan with provisions of the Pacific Salmon Treaty annex (5 AAC 47.055).

**ACR 10**

Close Sitka Sound commercial sac roe herring fishery until regional herring stock status improves, additional research on herring is conducted, and the amount necessary for subsistence is met in at least three consecutive years (5 AAC 27.110 and 5 AAC 27.160).

*Statewide Sport Fishing Guide Licensing and Reporting (1)*

**ACR 11**

Align regulations for sport fishing services and sport fishing guide services in fresh and salt water and update guide registration and reporting regulations (5 AAC 75.075, 5 AAC 75.076, 5 AAC 75.085, 5 AAC 75.995).

*Joint Board Agenda Change Requests (1)*

**JB ACR 1**

Consider whether the Chitina Subdistrict should be classified as a nonsubsistence area.

## **ACR 1**

Prohibit Valdez Fisheries Development Association from incubating, rearing, and releasing pink salmon resulting from additional egg take capacity permitted in 2018 and cap egg take capacity at the level permitted in 2017 (5 AAC 24.366).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.** Alaska Administrative Code Number AS 44.62 – Authorizes Board of Fisheries to amend terms of permit relating to the source and number of salmon eggs.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** The magnitude of releases of hatchery produced pink salmon in Prince William Sound (PWS) poses a threat to wild stocks of salmon in the Gulf of Alaska. Further expansion of pink salmon production by PWS hatcheries increases the risk to wild salmon. This is contrary to the Alaska Sustainable Salmon Policy. As evidence, we cite the very high rates of inter-regional straying of hatchery pink salmon into Lower Cook Inlet, and scientific research studies and agency reports that document the adverse impacts on wild salmon and other wildlife from increased food competition in the North Pacific Ocean, where there are record high salmon abundance levels and an increasingly variable ocean environment. The next schedule meeting of the BOF is in October 2018, well after the planned additional egg take of 20 million for increased PWS hatchery pink salmon production occurs this summer. The BOF must act at its earliest opportunity to address this risk to wild salmon.

**WHAT SOLUTION DO YOU PREFER?** The preferred solution is for the Alaska Board of Fisheries to deny the Solomon Gulch Hatchery the further incubation, rearing and release of the pink salmon resulting from additional egg take of 20 million in 2018 and beyond.

The Board of Fisheries may, after the issuance of a permit by the commissioner, amend by regulation adopted in accordance with AS 44.62 (Administrative Procedure Act), the terms of the permit relating to the source and number of salmon eggs.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- a) **for a fishery conservation purpose or reason:** for a fishery conservation purpose or reason: *There is an unacceptable level of straying of pink salmon produced by Prince William Sound hatcheries to areas outside of PWS, in particular Lower Cook Inlet.*

Pink salmon that showed up in streams across Lower Cook Inlet in 2017 weren't all local stocks — in some streams, up to 70 percent were releases from PWS hatcheries. PWS hatchery marked fish were present in every Lower Cook Inlet stream sampled. In Fritz Creek, 70 percent of the 96-fish sampled were from PWS hatcheries. In Beluga Slough, 56 percent of the 288-fish sampled were from PWS. In Dogfish Lagoon Creeks, Barabara Creek and Sadie Cove, hatchery pink salmon from the Solomon Gulch Hatchery in PWS composed 34.4, 14.2 and 12.5 percent respectively, of fish sampled. Overall, PWS hatchery pink salmon comprised 15 percent of the pink salmon escapement in LCI in 2017.

*Massive releases of pink salmon released from hatcheries located in Prince William Sound appear to be jeopardizing marine survival of wild stocks of sockeye and Chinook salmon bound for the rivers and streams flowing into the North Gulf Coast of Alaska.*

Recent scientific publications (building on past published reports and internal ADFG reviews) have provided cause for great concern over the biological impacts associated with continued release of very large numbers of hatchery salmon into the North Pacific Ocean, including the Bering Sea and the Gulf of Alaska.

Should the Board accept this Agenda Change Request and schedule a hearing on the subject for the Statewide Finfish Meeting in March of 2019 the stock composition of pink salmon sampled on the spawning grounds in Lower Cook Inlet during 2018 will be available. With the 2018 commercial harvest of pink salmon running well above what was expected this year it is highly likely that a significant proportion of the catch and subsequent spawning population will be fish of PWS hatchery origin once again. This will be NEW INFORMATION available at the time of the hearing and further establishes a CONSERVATION PURPOSE for this agenda change request.

Additional information supporting a conservation purpose for this agenda change request:

- 1) Hatchery permits are required for the construction and/or operation of a private non-profit salmon hatchery in Alaska. Hatchery permits specify the species and number of salmon that can be incubated at the hatchery, as well as the number released, release sites, broodstock sources, and other conditions of operation. b) BOF authority as it relates to hatcheries. AS Sec. 16.10.440
- 2) The Board of Fisheries may, after the issuance of a permit by the commissioner, amend by regulation adopted in accordance with AS 44.62 (Administrative Procedure Act), the terms of the permit relating to the source and number of salmon eggs.
- 3) The Joint Protocol on Salmon Enhancement (#2002-FB-215) entered into by the Alaska Board of Fisheries and the Alaska Department of Fish and Game (ADFG) on June 28, 2002 establishes a framework design to inform the public and coordinate department and board interaction on certain aspects of salmon hatchery policy and regulation.
- 4) The State of Alaska law mandates that hatcheries shall operate without adversely affecting natural stocks of fish - 5 AAC 39.222. Policy for management of sustainable salmon fisheries. (c) (1) (D) effects and interactions of introduced or enhanced salmon stocks on wild salmon stocks should be assessed; wild salmon stocks and fisheries on those stocks should be protected from adverse impacts from artificial propagation and enhancement efforts.
- 5) The total number of pink salmon eggs that were taken for rearing in PWS hatcheries in 2016 was 740 million. That same year, 643 million pink salmon fry of hatchery-origin were released into PWS.
- 6) PWS fishermen have the highest hatchery fish catches. In 2017, 45 million salmon returned to the five hatcheries in PWS, accounting for 87 percent of the total salmon harvest. Ninety-three percent of pink salmon were hatchery-origin, and 68 percent of chum salmon were hatchery origin. In all, PWS hatchery harvest added up to 62 percent of the total with a dockside value of \$64 million.

**b) to correct an error in regulation:**

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

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** The issues related to Board of Fisheries participation in review of hatchery management plans for Private Non-Profit Hatcheries is not included in any of the three-regular cycle calls for proposals. The only ways that this issue can come before the Board are the Emergency Petition process, acceptance of an Agenda Change Request from the public or a Board generated agenda item.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** Pink salmon of Prince William Sound hatchery origin are harvested primarily in the commercial purse seine fishery taking place within Prince William Sound. Pink salmon of Prince William Sound hatchery origin that stray into Lower Cook Inlet are harvested primarily in the commercial purse seine fishery in that area. Nothing about this agenda change request affects the harvest of hatchery produce pink salmon in any area.

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

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Kenai River Sportfishing Association (KRSA) is dedicated to ensuring the sustainability of the world's premier sportfishing river – the Kenai. We are a nonpartisan, nonprofit fishery-conservation organization that works to ensure the long-term health and sustainability of fish resources in the Kenai River and elsewhere in Alaska, through advocacy of sport and personal-use fisheries and the promotion of science-based fish management.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** The issue at the heart of this agenda change request is whether the expansion of hatchery production of pink salmon by the Private Non-profit hatcheries in Prince William Sound is in the best interest of the wild stocks of salmon or if the sheer magnitude of the hatchery releases and the documented straying poses a clear and present threat to other stocks and species. These issues have never been heard by the Alaska Board of Fisheries. It has not been considered as either a proposal or as the result of acceptance of an Agenda Change Request. The issues at the heart of this agenda change request were recently found by the Board to not meet the criteria for a finding of emergency. Acceptance of an Agenda Change Request does not require a finding of emergency, only that a fishery conservation purpose or reason exists.

**SUBMITTED BY:** Kenai River Sportfishing Association

## **ACR 2**

Cap statewide private non-profit salmon hatchery egg take capacity at 75% of the level permitted in 2000 (5 AAC 40.XXX).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. AS 44.62 BOF has authority to amend private non-profit (PNP) hatchery egg takes for production**

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** The BOF was going to address a proposal from the Elfin Cove AC to reduce PNP hatchery production. The PNP managers met with the Governor and promised to reduce production by 25%. The Commissioner and Director of Commercial Fisheries promised there would be no more increases by PNP hatcheries. This was done at the BOF meeting in January-February of 2001. Starting in 2003 both SE and PWS PNPs started increasing production of pink and chum salmon.

**WHAT SOLUTION DO YOU PREFER?** The BOF would hold the PNP hatchery production to the 2000 level and decrease it by 25% of that level.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- d) **for a fishery conservation purpose or reason:** Yes. See KRSA ACR
- e) **to correct an error in regulation:** No.
- f) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** No.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** There is only the protocol FB-215-2002 that addresses the issue and it has been ignored.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

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

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** I was one of two BOF members that negotiated the hatchery protocol with ADF&G.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.**

**SUBMITTED BY:** Virgil Umphenour

### **ACR 3**

Adopt a new harvest strategy for Aleutian Islands golden king crab that relies on annual stock assessment model outputs to set total allowable catch and stock status determination criteria (5 AAC 34.612).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.** 5 AAC 34.612. Harvest Levels for Golden King Crab in Registration Area O.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** The existing regulation establishes a fixed harvest rate for golden king crab “until the Aleutian Islands golden king crab stock assessment model and a state regulatory harvest strategy are established...” The regulatory harvest limits or total allowable catch (TAC) were initially set in the mid-1990s. The North Pacific Fishery Management Council’s Crab Plan Team recommended, and Scientific and Statistical Committee formally adopted a new stock assessment model in 2017 and used it for the first time to set the federal overfishing level (OFL) and acceptable biological catch (ABC) for the 2017/2018 fishing season. Consistent with the current regulation, this action prompted the Alaska Department of Fish and Game to begin development of a new harvest strategy that uses outputs from the stock assessment model to set annual TACs that will better reflect the condition of the stock and conform with the federal ABC and OFL harvest control rules.

**WHAT SOLUTION DO YOU PREFER?** Adopt a new regulatory harvest strategy based on annual stock assessment model outputs that allows the department to raise or lower TACs according to changes in status of the golden king crab stock. The department is currently working with industry to develop a harvest strategy for consideration by the Alaska Board of Fisheries (board) during the 2018/2019 meeting cycle. Preliminary elements of the new harvest strategy include using outputs from the model to establish minimum biomass levels necessary for a fishery to occur, formulating a range of annual exploitation rates that are responsive to stock condition and consistent with harvest strategies for other regional crab stocks, and setting a limit on the proportion of legal crab that could be harvested in any given year.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

**a) for a fishery conservation purpose or reason:** The current regulation limits the department’s flexibility to set appropriate TACs based on the observed condition of the stock. From 2016/17 to 2018/19, the department has lowered regulatory TACs based on conservation concerns. While the department has authority to set a TAC below the regulatory limit, best available science is not being used to effect these changes. Therefore, the existing regulatory TACs may not provide for adequate conservation of the resource. Adopting a new harvest strategy to set TACs will ensure that the process used to manage the fishery is consistent with the board’s policy on King and Tanner crab resource management.

**b) to correct an error in regulation:** Not applicable.

**c) to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Not applicable.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** The fishery will be managed with a harvest strategy that does not use best available science.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** Aleutian Islands golden king crab is a rationalized commercial fishery. Adopting a new harvest strategy does not change any allocation of quota share to participants.

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

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** The Alaska Department of Fish and Game manages subsistence, commercial, and sport fisheries for king and Tanner crab in the Bering Sea and Aleutian Islands, subject to the regulations established by the board.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** The board accepted this same request as ACR 2 in 2017. During a subsequent board meeting in March 2018, the department and industry notified the board that while underway, final analysis for the new harvest strategy was not yet complete. The board took interim action that provided some flexibility to the existing regulation but did not take specific action to adopt a new harvest strategy consistent with ACR 2. At that time, department staff notified the board that final analysis would be available for final action during the 2018/2019 board cycle.

**SUBMITTED BY:** Alaska Department of Fish and Game

#### **ACR 4**

Change requirement to operate commercial Dungeness crab pot gear from once every 14 days to once every 30 days in Registration Area J (5 AAC 32.415).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.** 5 AAC 32.415. Operation of pot gear for Registration Area J.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** This new regulation (adopted March 2018) states that commercial Dungeness crab pots in Registration Area J need to be removed from the water once every 14 days. This time period is too restrictive; due to factors such as weather, number of pots used by fishermen, and distance to the fishing grounds, it's not possible to turn all your gear in a 14-day period.

**WHAT SOLUTION DO YOU PREFER?** We think that 30 days would give us adequate time to turn all our gear and also accomplish the department's goal of reducing the number of abandoned pots.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

**g) for a fishery conservation purpose or reason:**

**h) to correct an error in regulation:**

**i) to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
This is the first season that this regulation has been in effect and while we agree with the intent of this regulation and support the department's efforts to reduce the volume of abandoned gear, it has become clear to us that 14 days is not enough time to get through all of our gear. Instead of struggling to comply with this regulation for the next 3 seasons, we are requesting that the board accept this ACR and address this issue out of cycle.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** Registration Area J Dungeness crab fishermen will continue to be unable to comply with this regulation due to the 14-day time period being too restrictive. Well-intentioned fishermen will find themselves in violation due to factors beyond their control (e.g., weather, mechanical breakdown, etc.).

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** It would affect all Registration Area J Dungeness crab fisherman equally.

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

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** We are Dungeness crab fisherman with long histories of participating in the Kodiak Area

fishery. The Kodiak Dungeness crab fleet is small and the undersigned represent the majority of active participants in the fishery during recent years.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** No, a 30-day time period has not been considered before. This regulation came from Proposal 209 which proposed a 14-day time period (adopted at the March 2018 Miscellaneous Shellfish board meeting).

**SUBMITTED BY:** Randy Blondin, Brian Blondin, Jeff Allen, Pete Hannah

## **ACR 5**

Prohibit fishing in the waters of the Homer Spit Marine Terminal barge basin (5 AAC 58.022).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.** 5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet — Resurrection Bay Saltwater Area.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** There is currently extensive sport fishing effort in the barge basin of the Homer Spit Marine Terminal. This is an active freight landing area and is extremely unsafe for recreational users. Furthermore, there is no legal access to the barge basin by land in the first place, but the fact that it is open to fishing encourages trespass. As a man made and maintained body of water, current understanding is that the Homer Spit Properties LLC has ownership of all land included in the basin, including tidal lands and the basin bottom. Thus fishing from shore or an anchored boat is already trespassing. However, the last two years have seen a large increase of sport fishermen fishing in the basin for hatchery silvers released off the spit by ADF&G during July and August. Extensive time and effort has been spent talking to fishermen, informing them it was private property, and asking them to not fish there. These efforts have been unsuccessful in large part due to an incorrect general impression that the basin is “navigable water” and in the public domain. Compounding the problem is the fact that perceived regulations allow for snagging in the barge basin while the Nick Dudiak Fishing Lagoon just down the road prohibits snagging. As a result many fishermen prefer to trespass and fish in the barge basin over utilizing the nearby fishing lagoon. As many as 40 shore fishermen and 12 boats have been present at a given time this summer. There have been multiple occasions of boats interfering with tug and barge operations; or people, often with children, being in the path of heavy equipment during offload and yard operations. This is a commercial property where barges and landing craft regularly come into the basin, have very limited maneuvering space, and sometimes have dangerous cargo. There is regular use of heavy equipment, handling of freight, and occasionally explosives and other hazardous materials. It is simply not an appropriate location for recreational fishing.

**WHAT SOLUTION DO YOU PREFER?** Close the Homer Spit Marine Terminal barge basin to all sport fishing.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

**j) for a fishery conservation purpose or reason:**

**k) to correct an error in regulation:**

**l) to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
It was impossible for the board to foresee the impact that general Kachemak Bay saltwater sport fishing regulations would one day have on sport fishing within the commercial barge basin. The size of the problem has increased drastically in the last two years and does not appear likely to improve without regulatory changes.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** There will be an additional year of this problem. The current situation offers considerable risk to the public who attempt to fish in the basin; and incurs a great amount of cost in man-hours asking people to leave and liability due to the public presence on a commercial property for the Homer Spit Marine Terminal.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** It has no allocative impacts at all. Ample fishing opportunity exists on the Homer Spit for these fish. Fishermen can fish either in the Nick Dudiak Fishing Lagoon or any of the outside beaches. The channel immediately outside the barge basin would remain open and offers good fishing at appropriate tide stages.

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

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Manager of the property in question.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This issue has never come before the Board of Fish to our awareness.

**SUBMITTED BY:** Homer Spit Properties LLC

## **ACR 6**

Provide the department emergency order authority to utilize time, area, methods and means or possession limits to restrict Kenai and Kasilof river personal use fisheries and require daily reporting of harvest in these fisheries (5 AAC 77.540, 5 AAC 21.360).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.** 5 AAC 77.540, 77.547, 21.363, 21.360

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** Department should regulate and give guidance to fisheries managers in season to allow a reasonable opportunity to harvest Personal Use salmon in the Kenai and Kasilof Rivers with a realistic expectation that does not jeopardize the sustainability of the sockeye salmon resource and adheres to the precautionary principles that the department implements in the commercial and sport fisheries. Currently, the only management tools in the Kenai River is to extend the fishery to 24 hours or to close completely. Managers should be able to implement further "step down" measures adopted in 5 AAC 77.540 (c) (1) that will utilize; time, area, methods and means or possession limits to mirror the entry patterns of returning Kenai River sockeye stock and final escapement projections. Managers have very few tools to assess in-river harvests of PU or Sport caught salmon and are restricted to managing for a static number (OEG) that does not allow a reasonable precaution for conservation of the stocks and hinders other user by disproportionate burden sharing for sustainability. Closures in the PU fishery or sport fishery this year in the Kenai River may not have been necessary if other "step down" or "slowdown" measures/tools had been used. In season managers are not able to reasonably assess the success rates of individual PU and sport fishers in lesser sockeye return years and have only static plans in place that do not reflect actual catch or harvest when less concentrations of sockeye are entering or in the Kenai River. Managers should have more in season verifications or surveys to be used to allow a more orderly harvest or conservation measures for all users.

**WHAT SOLUTION DO YOU PREFER?** Language should reflect guidelines that for sockeye runs of less than 2.3 million to the Kenai River restrictions to; time, area, methods/means or possession limits. Areas could be further condensed, or boat fisheries could be restricted in time and area, bank fisheries could be restricted in time or area, numbers of fish allowed per day may be reduced. Verification of catch/harvest rates by PU or Sport fishers could be more immediate by an electronic system, similar to the commercial fisheries e-tickets or some other online reporting mechanism that would allow more expedient and efficient in season management of returning sockeye salmon stocks.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- m) **for a fishery conservation purpose or reason:** This proposal is a place holder for the Board of Fisheries to further their guidance in season for conservation purposes in what is now an inflexible and unequitable management plan.
- n) **to correct an error in regulation:**

- o) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
The PU fishery was originally implemented to allow Alaska residents a "reasonable opportunity" and a "realistic expectation" to harvest salmon when abundant stocks are present. The current language on low productivity years on Kenai River sockeye returns have given this user group a de-facto priority over other users on sockeye runs of less than 2.3 million.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** Continued reduction of reasonable fishing opportunities for other users and a continued unequitable conservation burden sharing amongst all user groups. Managers will still manage to a static management plan with no consideration for other "step-down" measures or tools to implement sustainability mandates while still offering access to abundance stocks in the present and future.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** This proposal seeks to allow managers to have less concern about allocative issues and allows them to manage under sustained yield and development mandates.

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

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** We are primarily Alaskan residents who believe opportunity should be afforded the highest regard by following the principles or "high sustained yields".

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** There has been minor changes to the CI PU plan that have not reflected changes in run timing and changing biological conditions.

**SUBMITTED BY:** Paul Shadura

## **ACR 7**

Open and close the commercial set gillnet fishery within 600 feet of the North Kalifornsky Beach area independent of fishing time restrictions described in various management plans (5 AAC 21.310).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.** 5 AAC 21.310. Fishing seasons.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** The issue in this ACR is that if the 600 ft set net fishery is used on North Kalifornsky Beach (NKB), the hours fished shall not be subject to the time limitations in 5 AAC 21.359(e)(3) and 5 AAC 21.360.

**WHAT SOLUTION DO YOU PREFER?** Hours fished on NKB in the 600 ft set net fishery would not be subject to time limitations in 5 AAC 21.359(e)(3) and 5 AAC 21.360.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

p) **for a fishery conservation purpose or reason:**

q) **to correct an error in regulation:**

r) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**  
As the BOF did not give clear direction about this issue, ADF&G interpreted during the 2018 salmon season that hours fished in the NKB 600 ft fishery the hours would count against the entire Kenai Section.

This fishery was to be used to harvest Kasilof bound stocks that are abundant on NKB beaches. There are 29 beach nets that can fish this area, it was never the intent to hurt other fishermen in the Kenai Section by having these hours count against the whole section.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** The NKB fishery will be precluded from fishing Kasilof stocks that historically have been a large part of our sockeye harvest prior to BOF changes in 1999, without impacting the entire Kenai Section. The Kasilof River will continually exceed its BEG and in 2018 exceeded the OEG. Going over the goals resulted in the opening of the Kasilof River Special Harvest Area in 2018.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** If this issue is not addressed, then the current interpretation by ADF&G were these hours fished on NKB counts toward the entire Kenai section, is allocative. This proposal wants to do away with that allocative injustice.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** N/A

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** I am a commercial setnetter On NKB. I have fished NKB since 1971.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** Action was taken at the 2017 BOF to open NKB to harvest Kasilof stocks within 600 ft on NKB. It passed the BOF 7-0. Hours in this fishery were not addressed at that time. It was the intent of the proposer, myself, to mirror some of the elements that are in the Kasilof River Salmon Management plan, specifically dealing with the 600 ft fishery in the Kasilof Section. Hours fished in the Kasilof 600 ft fishery do not count toward hours available in 5 AAC 21.359(e)(3) and 5 AAC 21.360.

**SUBMITTED BY:** Gary Hollier

## **ACR 8**

Prohibit operation of dipnet gear from a boat to harvest salmon for subsistence purposes in the Glennallen Subdistrict (5 AAC 01.620).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.** 5 AAC 01.620. Lawful gear and gear specifications.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** Dipnetting from a boat on the Copper River is not a customary and traditional method or practice. Chitina Subdistrict Personal Use fisheries have created an efficient method of harvesting schools of salmon that are held up in pockets along the Copper River. Dipnetting from boats in the Glennallen Subdistrict does not meet the criteria for a customary and traditional fishery. The Ahtna people did not dipnet from boats.

Dipnetting from boats with the state subsistence fishery opens 80 miles of river (nearly 10 times the Chitina Subdistrict) to unlimited participation with a very large limit (nearly 10 times the personal use limit). This is a loophole that will continue to be exploited and grow. In 2018 this resulted in forcing closure of the state subsistence fishery and therefore forced closures of all other fisheries when some could have been opened in a restricted and monitored manner.

It was very apparent that many new fishers were expanding the use of the Glennallen Subdistrict. We have observed boats fishing near traditional fish wheels causing damage with boat wakes and user conflicts. Many reports of stolen fish from wheels by new fishers running the river with boats in Chitina, Copper Center, Tazlina, Gulkana and even up as far as Chistochina. This has been an increasing trend that can be expected to continue.

New information and concern is a conservation concern for Sockeye returns to spawning grounds. According to ADFG, Miles Lake Sonar Weir cumulative fish counts for 2018 was 697,310. Last year it was 723,426. Both years Sockeye runs and strength have been low, next year's fish count is expected to be another low year run for Sockeye. Kings runs were good this year, however that was probably due to commercial fisheries mandatory closure this past summer. Next year, we may have King Salmon conservation concern, too.

We cannot wait for 2 years for the Alaska Board of Fisheries to take action.

**WHAT SOLUTION DO YOU PREFER?** 5 AAC 01.620 (k). Dip netting from a boat in the State subsistence fishery in the Glennallen Subdistrict is unlawful.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

- s) **for a fishery conservation purpose or reason:** Dip netting from a boat is an efficient method way of harvesting too many sockeye and kings in the Copper River. The ability of unlimited personal use fishers to switch fisheries makes it impossible to regulate the fishery without closing or restricting the state subsistence fishery.

- t) **to correct an error in regulation:** When the C&T determination was made for the Glennallen Subdistrict, dipnetting from boats was not considered customary and traditional. It was a difference in the Chitina Subdistrict and why it was determined to be a personal use fishery and not customary and traditional.
  
- u) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Dip netting in the Copper River began with dip nets being used by hand in the Copper River, now it is being used along with a boat to harvest kings and salmon. This evolving method of dip netting has allowed subsistence and personal use fishermen an advantage of harvesting salmon in pockets of water along the Copper River and increasing their harvest of salmon.

Because of the unlimited nature of the State subsistence fishery due to McDowell, there is no way to slow harvest by closing personal use. Dipnetters from boats merely switch fisheries and was actually encouraged this year by department announcements. A large unlimited user base can easily overharvest the resource. Limits set for the Glennallen Subdistrict anticipate a fixed and known number of fishing sites. Dipnetting from boats with the state subsistence fishery opens 80 miles of river (nearly 10 times the Chitina Subdistrict) to unlimited participation with a very large limit (nearly 10 times the personal use limit}. This is a loophole that will continue to be exploited and grow. In 2018 this resulted in forcing closure of the state subsistence fishery and therefore forced closures of all other fisheries when some could have been opened in a restricted and monitored manner.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** Low number of Sockeyes will continue to be the norm on the Copper River. King Salmon population will diminish with this practice of harvesting salmon. King Salmon will not reach spawning grounds. More and more closures of the state subsistence fishery will occur and other user groups will be forced by statute and regulation to remain closed when the fishery could be managed better. Too much non-traditional fishing power in the state subsistence fishery makes the whole system unmanageable. This hurts all user groups and puts the resource at a very high and unnecessary risk of overharvest.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** The allocation plan is set by the board and managed by in season managers. A new and non-traditional and highly effective method of harvest in the state subsistence fishery basically forces all allocation to the subsistence fishery. Once the state subsistence fishery is restricted, all other user groups must remain closed regardless of the run strength or allocations set by the board. This proposal makes it possible to manage the allocations set by the board. It does not propose any changes to allocation.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** See #6 above, this proposal does not make any allocation changes.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Ahtna people are primarily state and federal subsistence users operating fish wheels. In the

past a large proportion of the customary and traditional Ahtna fishery was conducted by dipnet from shore or spruce pole stands connected to the shore.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This proposal was submitted at a prior board cycle on the Copper River and was voted down.

**SUBMITTED BY:** Ahtna Tene Nene'

## **ACR 9**

Align regulations within the Southeast Alaska King Salmon Management Plan with provisions of the Pacific Salmon Treaty annex (5 AAC 47.055).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.** 5 AAC 47.055. Southeast Alaska King Salmon Management Plan

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** The Southeast Alaska King Salmon Management Plan triggers sport fishery management actions that limit harvest to the sport fishery harvest limit allocation. In August 2018, the Pacific Salmon Commission reached agreement to renew various fishery arrangements under the Pacific Salmon Treaty (PST) for the next ten years (2019-2028). One significant change is the creation of seven harvest limit tiers that replace the existing harvest limit ranges and result in a one to seven percent reduction in the existing harvest limit of king salmon in the Southeast Alaska fisheries. Since the renewed 2019-2028 PST agreement reduces the harvest limit at specified abundance indices, managing the sport fishery under the current plan would likely cause the sport fishery to exceed its allocation more often and by a greater amount.

**WHAT SOLUTION DO YOU PREFER?** Management prescriptions within the current plan would be aligned with the seven harvest limit tiers established under the renewed 2019-2028 PST.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

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

**b) to correct an error in regulation:** Yes. The management prescriptions under the current plan are based on harvest limit ranges established under the 2009-2018 PST and not the seven harvest limit tiers set under the renewed 2019-2028 PST.

**c) to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Not applicable.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** The sport fishery would likely exceed its allocation more often and by a greater amount requiring reduced harvest in other Southeast Alaska king salmon fisheries.

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

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** Under the existing plan, the sport fishery would likely exceed its allocation more often and by a greater amount than under the seven harvest limit tiers established under the renewed 2019-2028 PST.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** The Alaska Department of Fish and Game manages Southeast Alaska king salmon fisheries, subject to the regulations established by the board.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This ACR has not been considered before.

**SUBMITTED BY:** Alaska Department of Fish and Game

## **ACR 10**

Close Sitka Sound commercial sac roe herring fishery until regional herring stock status improves, additional research on herring is conducted, and the amount necessary for subsistence is met in at least three consecutive years (5 AAC 27.110 and 5 AAC 27.160).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.** 5 AAC 27.160(g).

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** Subsistence availability of roe on kelp and roe on branch has collapsed in Southeast Alaska in recent decades for reasons that are poorly understood but which likely include overfishing by the sac-roë seine and gillnet fisheries and may further include changes to ocean habitat carrying capacity, ocean acidification, and global warming. Subsistence needs have not been met in 8 out of the last 10 years. Despite high effort, this year did not even approach the ANS.

Commercial sac-roë herring fisheries, in combination with other ocean conditions which have not been sufficiently studied, have regularly heralded a global and regional pattern of herring stock collapse wherever this management paradigm has been adopted.

**WHAT SOLUTION DO YOU PREFER?** Commercial fisheries for herring sac roe will be closed in Sitka Sound until: a) regional stocks have shown signs of rebound; b) herring genetics, movement and migration patterns, and the impacts of intensive disturbance in herring spawning grounds are better understood; c) subsistence needs have been met at the current ANS in at least 3 consecutive years

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

v) **for a fishery conservation purpose or reason:** Halibut, salmon, and lingcod all depend on herring. Current concerns for salmon (particularly king) stocks in Southeast Alaska, coupled with recent failures in the herring fishery, show an urgent fishery conservation rationale for closing the fishery. Current usage of herring is wasteful, dangerous, and unsustainable. We must ensure the long-term survival and rebound of herring populations, and allow herring to fully serve the ecosystem niche that they have occupied for millennia.

w) **to correct an error in regulation:**

x) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** When the regulation was originally adopted, it did not acknowledge longstanding indigenous/traditional ecological knowledge about herring. That knowledge recognizes that herring are vulnerable to disturbance during spawning. Further, given the global and regional history of collapse of sac-roë herring fisheries, there is little justification for the belief that harvest of herring for sac-roë is ecologically appropriate.

Since the Board last met around this issue in January 2018, the subsistence and commercial fisheries both had significant harvest failures in 2018, despite extensive effort by both, demanding reconsideration of this fishery.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** The pattern of collapse of other herring stocks in the region, for instance in Lynn Canal in the early '80s, demonstrates that herring populations can decline precipitously and with little warning. Given the commercial and subsistence failures of recent years, there is reasonable concern that this could occur in Sitka. Indeed, it has happened in nearly all places that this management paradigm has been enacted.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** This ACR is not predominantly allocative, and is not about granting one user group access to fish rather than another; rather, it regards concerns with conservation and subsistence resulting from the current management paradigm.

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

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** Citizens / Subsistence Users

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This ACR has not been considered before as written, though a number of previous proposals targeting the wastefulness and ecological inappropriateness of the sac roe herring fishery have been reviewed by the Board of Fish; locals have long been concerned about this fishery.

**SUBMITTED BY:** Louise Brady and Peter Bradley

## **ACR 11**

Align regulations for sport fishing services and sport fishing guide services in fresh and salt water and update guide registration and reporting regulations (5 AAC 75.075, 5 AAC 75.076, 5 AAC 75.085, 5 AAC 75.995).

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.** 5 AAC 75.075. Sport fishing services and sport fishing guide services; salt water license and fresh water registration requirements; regulation of activities; 5 AAC 75.076. Sport fishing guide and operator reporting requirements; 5 AAC 75.085. Guided sport ecotourism requirements; and 5 AAC 75.995. Definitions.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.** During the 2016 session the Alaska Legislature passed HB 41, which reestablished sport fishing business and guide license requirements for salt water guides and operators (only). These statutes are set to repeal January 1, 2019 and there was no legislation during the last session to extend the saltwater guide license requirements. As a result, effective January 1, 2019, the current saltwater sport fishing business and guide regulations will conflict with statute. After the statutes sunset, the board will no longer have the authority to require licensing of salt water sport fish guides and operators, or other requirements including insurance, business license, or first aid certification.

**WHAT SOLUTION DO YOU PREFER?** Amend the existing sport fishing business and guide regulations to require sport fishing business and guide registration for both fresh and salt water guiding activities as were in regulation prior to January 1, 2017.

**STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED ABOVE.**

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

**b) to correct an error in regulation:** Current regulations for salt water sport fishing guides and operators are inconsistent with the statutes that sunset January 1, 2019.

**c) to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Not applicable.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** Regulations in 5 AAC 75 for sport fish guiding in salt water would be inconsistent with statute (AS 16.40.261 – AS 16.40.300) that will sunset January 1, 2019.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.** This is an administrative ACR.

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

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.** The Alaska Department of Fish and Game manages the fresh and salt water sport fisheries (guided and unguided) within Alaska waters, with the exception of halibut, subject to the regulations established by the board.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This ACR has not been considered before. However, the department submitted an ACR for consideration at the October 2004 work session that requested the board implement the then-new provisions of HB 452. The board accepted the ACR and adopted the ensuing proposal at the November 2004 Lower Cook Inlet meeting. Similarly, the department submitted an ACR for consideration at the October 2016 work session that requested the board implement the provisions of HB 41. The board accepted the ACR and adopted the ensuing proposal at the November 2016 Lower Cook Inlet meeting.

**SUBMITTED BY:** Alaska Department of Fish and Game

## **JB ACR 1**

Consider whether the Chitina Subdistrict should be classified as a nonsubsistence area.

### **CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

77.591. Copper River Personal Use Dip Net Salmon Fishery Management Plan.

### **WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.**

This is an ACR for the Joint Boards. This is an error in the regulatory process. The action the BOF has taken on the CPF was not in compliance with AS 16.05.258(c) and 5 AAC 96.910(2). The BOF did not meet jointly with the BOG to discuss the possibility of a CPF non-subsistence area. The statute states the joint boards “shall” identify by regulation.... And the regulation states the BOF and the BOG acting jointly. We propose the Joint Boards add the CPF area to the agenda.

Is the area described in regulation as the CPF a non-subsistence area?

**WHAT SOLUTION DO YOU PREFER?** The BOF has created a non-subsistence area without the BOG acting jointly with the BOF. One of those areas is the Chitina sub district personal use dip net fishery (CPF).

The CPF does not allow a subsistence take/opportunity within the CPF described area that has no subsistence priority. The BOF does not make subsistence regulations within the CPF described area.

AS 16.05.258(c) states; “The boards, acting jointly, shall identify by regulation the boundaries of non-subsistence areas”. 5 AAC 96.910(2) also defines what a joint board is and states: "joint board means the Board of Fisheries and the Board of Game acting jointly.” The CPF is not found in 5 AAC 99.015 Joint Board non-subsistence areas. We feel the BOF did not comply with the statute. Also 5 AAC 99.016 Activities permitted in a non-subsistence area, describes the CPF as a non-subsistence area. Again, because no subsistence opportunity exists in the CPF described area, it is a non-subsistence area.

CPF area may be the only place in the state that lies outside a recognized non-subsistence area (99.015) and does not allow a subsistence opportunity. Other personal use fisheries that lie outside a non-subsistence area allow subsistence opportunity. An example of this is in the personal use fishery in the Naknek River. 5 AAC 77.285. Naknek River Personal Use Sockeye Salmon Fishery Management Plan

(a) The department shall allow the taking of salmon by dip nets and gillnets in the Naknek River from its terminus upstream to ADF&G regulatory markers located near Savonski from when the department has estimated that 900,000 sockeye salmon are in the river through July 25.

(b) During the open season, salmon may be taken by dip nets seven days per week and by gillnets during open subsistence salmon fishing periods for the Naknek River.

**SUBMITTED BY:** Fairbanks Fish and Game Advisory Committee