

Boards Support Section
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Alaska Department of Fish and Game
Doug Vincent-Lang, Commissioner
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Non-Regulatory Proposals and In-cycle ACRs

1. List of non-regulatory proposals
 - a. Action plans / Stocks of Concern
 - i. Alaska Trollers Association, EF-F20-057
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 - c. Other
 - i. Franklin James, Sr., EF-F20-042
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2. In-cycle ACRs
 - a. Walter Jack, Southeast Dungeness crab closed waters
 - b. Mark Henkel, Aleutian Islands Commercial King crab

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PROPOSAL XXX

5 AAC 29.070. General fishing seasons and periods.

Modify Unuk River King Salmon Stock Status and Action Plan to close the winter troll fishery in areas of Southeast and Yakutat on April 30 instead of March 15, as follows:

Restore the previous April 30 closure date to winter trolling in outside districts and any other districts where stocks of concern historically comprised a very low proportion of the catch during the end of the winter season.

What is the issue you would like the board to address and why? As part of the Unuk River Stock of Concern plan adopted during the 2018 SE/Yakutat meeting, the closure date of the winter commercial troll fishery was moved from April 30 to March 15 throughout the entirety of Southeast and Yakutat. This closure has greatly reduced the winter troll catch. In 2018-2020 only 13,225 winter kings were caught, down from 48,950 in the three years prior. Winter kings bring the highest prices of the entire year – the 2020 winter catch averaged \$133 apiece. The early closure has meant the loss of millions of dollars in reduced the value taken specifically by trollers who are Alaska residents- in particular those living in rural communities. Due in part to a midnight tsunami evacuation during the night prior to the deliberations, the Board of Fisheries did not have sufficient time to evaluate the relative conservation benefits of closing different portions of the region at the time of the 2018 meeting.

In comparison to most inside waters, the primary outside winter troll grounds are over 170 miles from the rivers that have early Chinook runs. Coded wire tag data shows that the proportion of the late winter king harvest from outside waters that are from the Unuk River specifically, or SEAK wild stocks more generally is very low.

PROPOSED BY: Alaska Trollers Association

(EF-F20-057)

PROPOSAL XXX

5 AAC Unuk River King Salmon Stock Status and Action Plan.

Lead-in language:

Restore a small portion of the commercial troll fleet’s historic, winter opportunity by extending the king salmon closure date in the Unuk River King Salmon Action Plan, by two weeks, region wide. The plan’s new language would read, **“Notwithstanding any remaining seasonal guideline harvest level, the winter troll fishery will be closed by EO in all waters of Southeast Alaska/Yakutat on March 31.”**

What is the issue you would like the board to address and why? King salmon conservation measures are critical to protecting depressed stocks, but historic data shows that the state’s late-winter, commercial troll closure went too far. That has meant an unwarranted loss of opportunity to catch kings in winter when they are most valuable.

Since the 2018 season, king salmon conservation measures have dramatically reduced winter and spring fishing for trollers. This includes closure of the last month-and-a-half of the winter troll season, March 16th – April 30th. That period traditionally yielded the bulk of the winter season catch and safer weather for fishing. However, for the past two years of closures, the fleet has managed to harvest less than one third of the previous 10-year average winter fishery catch. This is despite evidence that, at least for the last two weeks in March, Unuk kings made up less than one-half-of-one percent of the catch.

Alaska trollers are strongly in favor of data-driven conservation but we do not want to lose fishing time when it is not warranted. If no change is made, trollers will unnecessarily lose opportunity, or risk going out in bad weather. The data indicates that the winter fishery could continue to the end of March without jeopardizing the stocks in question.

PROPOSED BY: Mark Roberts

(EF-F20-063)

PROPOSAL XXX

5 AAC 00.000. Regulation language goes here.

Insert lead-in language here (“more fish, as follows:”)

Change the action plan to reflect instead:

Using emergency order authority, do not open section 11-C to drift gillnetting **before July 20th**.

What is the issue you would like the board to address and why? Within the Chilkat and King Salmon River Chinook salmon Action Plan in the Purse Seine & Drift Gillnet Fisheries Option B section, there is an inconsistency that should be corrected. The Plan bullet points are:

- Using emergency order authority, do not open section 11-C to drift gillnetting.
- Using emergency order authority, impose night closures between 10:00 pm and 4:00 am in Subdistrict 111-31, and Section 11-C if open.

These two statements are contradictory and unclear whether 11-C can be opened for the drift gillnet fishery. By amending the sentence to not open the fishery before July 20, the King Salmon River Chinook salmon should be past the 11-C shoreline. An alternative would be to use a statistical week instead of a date.

PROPOSED BY: Southeast Alaska Fishermen’s Alliance

(HQ-F20-096)

PROPOSAL XXX

5 AAC 39.222.

Insert lead-in language here ("more fish, as follows:")

Territorial Sportsmen, Inc. (TSI) proposes that the Board of Fisheries, pursuant to 5 AAC 39.222 declare the Taku king salmon stock a "Stock of Concern." This would direct the Department to develop an action plan for the recovery of this critical stock.

What is the issue you would like the board to address and why? The Territorial Sportsmen, Inc. of Juneau Alaska proposes that the Board of Fisheries designate the Taku king salmon stock as a "Stock of Concern" and direct the Department of Fish and Game to develop an Action Plan for the recovery of this stock.

It could be argued that this proposal is not a regulation. However, there is no other process provided to allow for the official designation of a stock of concern. TSI has carefully followed the procedures available to push for this action and our efforts have been thwarted due to the fact that our proposal was out of cycle.

The Taku king salmon stock has been severely depressed since 2011 and for six of the eight years from 2013 through 2019 the escapement has been below the minimum escapement goal for the Taku. The forecast for 2020 is for a total run of 12,400 large fish which means that the Taku king salmon stock will have been below the minimum escapement goal (19,000) for 5 consecutive years (See attached ADF&G information). This means this stock meets the Board "Policy for the Management of Sustainable Salmon Fisheries" requirement for listing this stock as a "Stock of Concern".

The Territorial Sportsmen, Inc. has proposed this action every year since the last meeting in Sitka in 2018. It has been rejected by the Department and the Board of Fisheries for being "Out of Cycle" and unnecessary. We are concerned that failure to address this action at the 2021 "on cycle" meeting in SE will result in another three years of "out of cycle" excuses for not listing this stock. 5 AAC 39.222 Policy for the management of sustainable salmon fisheries states:

- "Chronic inability" means the continuing or anticipated inability to meet escapement thresholds over a four to five year period, which is approximately the generation time of most salmon species;
- "Conservation concern" means concern arising from a chronic inability, despite the use of specific management measures, to maintain escapement for a stock above a sustained escapement threshold; a conservation concern is more severe than a management concern.

The Department of Fish and Game proposed and the Board of Fisheries adopted the proposal to list the Chilkat and Unuk Rivers as stocks of concern in 2018. According to the Department records, neither of these rivers had more than 3 consecutive years below the minimum escapement level. Clearly the Taku stocks have long passed any minimum criteria for listing. Not listing this stock which clearly meets the criteria for listing means the policy is more of a political tool rather than a conservation tool.

The 2020 total run forecasts for the Situk, Chilkat and Unuk and terminal run forecasts for the Taku and Stikine Chinook salmon stocks are now final. These forecasts are based off of sibling models, each using the most recent 9 years of brood year age at return and run data along with 5 years of performance-based hindcasts. Specifically:

The Situk River total run forecast is 850 large fish (SE=607), which is slightly above the mid-point of the escapement goal range of 450 to 1,050.

The Chilkat River total run forecast is 1,550 large fish (SE= 553), which with zero harvest, is below the lower bound of the escapement goal range of 1,750 to 3,500.

The Unuk River total run forecast is 2,050 large fish (SE = 430), which with zero harvest, is slightly above the escapement goal range of 1,800 to 3,800.

The Taku River terminal run forecast is 12,400 large fish (SE= 3,681), which is well below the escapement goal range of 19,000 to 36,000.

The Stikine River terminal run forecast is 13,350 large fish (SE = 3,999), which is slightly below the escapement goal range of 14,000 to 28,000.

PROPOSED BY: Territorial Sportsmen, Inc.

(HQ-F20-120)

PROPOSAL XXX
5 AAC .

Instruct the Department to discontinue the use of trawl surveys as the primary survey tool to assess Tanner stocks in Area E. Instruct the department to resurrect their historical pot survey or come up with a similar pot survey program to assess Tanner stocks in PWS.

What is the issue you would like the board to address and why? Starting in the late 70's the department began using a pot survey to assess Tanner crab abundance levels in PWS. This program was carried out until 1990. At this time the Trawl survey was implemented and after only one year of overlap the pot survey was discontinued and the Trawl survey became the only tool to assess biomass. When we gave up the pot survey we gave up years of data that could be directly correlated to commercial catch. For thirty years the department put all their trust in the biomass estimates that were being generated by this trawl survey. In 2017 when we finally pots back in the water for the first time in three decades it was immediately apparent that the current abundance estimates provided by the trawl were horribly inaccurate and the direct cause for 30 years of fishery closure for the communities of PWS.

ADFG has devised a new harvest strategy that is going to call for an increase in trawl surveys. We need to learn from our mistakes and not repeat them. In 2017 the trawl survey produced only 85 legal male crab after 42 miles of linear tows in an area of high crab density. We understand that the trawl survey may be an effective management tool in other areas of the state but it has been a proven failure here.

PROPOSED BY: Robert Linville (EF-F20-124)

PROPOSAL XXX

5 AAC 01.647. Regulation language goes here.

Insert lead-in language here (“more fish, as follows:”)

The abundance model used as part of the Copper River salmon management plan must collect and use data from [a number to be determined by the Board] specific spawning-bed indicator streams to verify that actual spawning escapement is being met.

What is the issue you would like the board to address and why? Many Copper Basin residents with intensive local knowledge of salmon ecology have raised concerns about the health of Copper River salmon stocks. The Gulkana Hatchery has not had enough brood-stock to meet its egg-take goals since 2014. Although overall escapement levels have been reasonable in the Copper drainage, not enough empirical data is collected in the upper river to verify the health of the overall system. The availability of data from spawning streams has declined further since the loss of the Long Lake Weir, and a gap in funding for the Tanada Weir during the 2019 year. As of 2019, data from specific tributaries were mostly limited to aerial surveys. Aerial surveys are very time-sensitive (i.e. they must be conducted near the height of spawning season on a given stream), and can easily be disrupted by bad weather, especially since they are conducted by the ADF&G Commercial Fisheries area manager based in Cordova.

It is very important that a regular program be established for monitoring key indicator streams within the Copper River system, and that management consider the data from these systems provide. Otherwise, stocks in more sensitive streams could be endangered, even while the Miles Lake sonar indicates healthy abundance numbers.

PROPOSED BY: Faye Ewan

(HQ-F20-040)

PROPOSAL XXX

5 AAC 35.308. Regulation language goes here.

Insert lead-in language here (“more fish, as follows:”)

On an annual basis the Department shall devise test fisheries to assess crab stocks in Area E. The purpose of these fisheries shall be to gather data.

What is the issue you would like the board to address and why? The Department has used the force of flawed regulations to forbid crab fisheries in Area E for over 30 years. It further compounds its errors through its inadequate method of gathering data. The first line of 5 AAC 35.308 reads as follows: "if adequate data are available". The Department, since the re-opening of commercial crab fishing in Area E, has consistently used inadequate and inaccurate methods to assess crab stocks.

PROPOSED BY: Warren Chappell and Robert Smith

(HQ-F20-078)

PROPOSAL XXX

5 AAC 35.308. Regulation language goes here.

Insert lead-in language here (“more fish, as follows:”)

In order to make adequate data available to accurately assess crab stocks, the Department shall in close consultation and with the approval of local advisory committees, devise test fisheries.

What is the issue you would like the board to address and why? The Department has used the force of flawed regulations to forbid crab fisheries in Area E for over 30 years. It further compounds its errors through its inadequate method of gathering data. The first line of 5 AAC 35.308 reads as follows: "if adequate data are available".

The Department, since the re-opening of commercial crab fishing in Area E, has consistently used inadequate and inaccurate methods to assess crab stocks.

PROPOSED BY: Warren Chappell and Robert Smith

(HQ-F20-080)

PROPOSAL XXX
5 AAC .

We do not want to any changes in Halibut catches and please do not lower the amount of hooks we use.

For Reds, I have been fishing since 1949; weather dictates when the reds will arrive, when they are late, the Fish & Game should know why they are late, they should extend the season.

What is the issue you would like the board to address and why? Subsistence: I really do not want to see any cutbacks for our natives in Southeastern Alaska; poor management in our fisheries, it always seems to hurt our people. The laws for them are always strict, and getting worse, and soon they will want us to buy our subsistence seafood's from the cold-storage.

PROPOSED BY: Franklin H. James, Sr./Shakan Kwaan Tlingit Nation (EF-F20-042)

PROPOSAL XXX
5 AAC .

There will be no changes in the amount of hooks we use on our halibut skate.

There will be no change in the amount of halibut we could catch per-day.

Sockeye salmon we catch per-day, will not be lowered, and if the reds are late, the Fish & Game should extend the season.

Winter bait fishery around Ketchikan, Craig, Klawock should be close for at least 10 years.

Native seaweed should never be opened for commercial harvest; that was one of our foods that is important to all our native people and should be left only for home use.

What is the issue you would like the board to address and why? Subsistence & Personal use:

HALIBUT: requesting no changes or reducing the amount of hooks a native uses

HALIBUT: requesting no changes in the amount of halibut natives could catch per-day.

SOCKEYE (RED) SALMON: we do not want to see our reds catch for home use lowered, It is already too low, and getting too costly for us to catch. Sometimes we make 3 or 4 trips out to the red streams, and they are not yet in the area yet, we as fisherman know, the weather will dictate how the salmon will travel and when they will arrive; if late, the Fish & Game should extend the season.

WINTER BAIT HERRING FISHERY: the winter bait fishery killed off all the herring around Ketchikan, and you could see for yourself, where is the big herring spawns we use to have, we want to see the see the winter bait fishery stopped around Ketchikan, Craig & Klawock. The herring are trying to come back, let them come back.

NATIVE SEAWEED: our natives do not want any of our native seaweed open for commercial harvest, we believe our seaweed is one of our most staples, most everything that was once ours have been taken away, leave our seaweed alone.

PROPOSED BY: F. Harvey James, Jr. et al

(EF-F20-043)

PROPOSAL XXX

5 AAC

Lead-in language:

Change # 1 under core services from : Manage the state’s sport fisheries for sustained yield and angler satisfaction

To: Manage the states sport fisheries for sustained yield ; [TO HELP INSURE MEETING MINIMUM BIOLOGICAL ESCAPEMENT GOALS] ; and angler satisfaction.

What is the issue you would like the board to address and why? Change the mission statement for sportfish- under core services to try and avoid another problem like the coho fishery on the Copper River Delta fall of 2019

PROPOSED BY: Copper River/Prince William Sound Fish & Game Advisory Committee
(EF-F20-074)

PROPOSAL XXX

5 AAC

Lead-in language:

ADF&G to issue non-duplicable licenses and/or locking tags for species of fish with annual limits. The department or an licensing agent of the department will issue a non-duplicable license and/or locking tag for species of fish with annual limits.

What is the issue you would like the board to address and why? Currently ADF&G has stopped issuing non-duplicable licenses. A person now purchases a ADF&G license on the internet, or at an approved licensing vendor. The license is then printed on standard white printer paper. The person can choose to print out numerous copies of a single license.

The issue that has arisen, is a non-resident can purchase a sport fishing license and print out numerous copies of the license. They can go sport fishing and retain a species with a set annual limit. They mark the fish on their harvest report of their sport fishing license, which they printed numerous copies of. When their annual limit has been reached, the person now can start retaining additional fish and mark them on the harvest report of their additional licenses. When this person is contacted by law enforcement, they appear to be legal as they have a valid license which they printed out at their home, and they recorded the species on their harvest report that day which has an annual limit. However they do not choose to show law enforcement their other licenses which they have previously retained additional fish on.

The solution is for ADF&G to return to a non-duplicable issued license. The other option is a locking tag requirement for species of fish with annual limits. A locking tag would counteract those who retain species of fish with annual limits with duplicated licenses. These tags are produced commercially and Alaska already requires a similar locking tag for big game species.

PROPOSED BY: The East Prince of Wales Fish & Game Advisory Committee (EF-F20-095)

PROPOSAL XXX

5 AAC 33.XXX. New section.

Lead-in language:

5 AAC 33.XXX. Salmon hatcheries unlawful
In the Southeastern Alaska Area,
(a) releasing salmon from hatcheries is unlawful

The Board should also request the Commissioner to revoke/suspend issuing permits for salmon hatcheries statewide. The Commissioner has the authority to revoke or suspend hatchery permits under 5 AAC 41.030 (Permit issuance, suspension, denial, or revocation).

What is the issue you would like the board to address and why? Salmon hatcheries in Southeast Alaska are being operated in violation of the “sustained yield principal” for natural/wild resources that is mandated in Article VIII of Alaska’s Constitution and multiple Administrative Codes (i.e., 5 AAC 39.220, 39.222, 39.223, and 41.030). Forty-plus years into Alaska’s modern hatchery era, it is clear that the sustaining and rebuilding of wild runs is impossible in the face of continued hatchery releases. Where do we have hatchery releases and not declining or depressed salmon, herring, or eulachon? The intent of Alaska’s “ocean ranching” hatchery program is to rehabilitate and enhance wild salmon resources (from historical overfishing). Hatcheries are to supplement not supplant wild fish. However, it is ecologically impossible for hatchery fish not to supplant wild fish much less supplement them. Hatcheries have no place in sustainable salmon management.

The production and productivity of wild salmon has been directly compromised by the industrial-scale releases of hatchery Chum, Pink, Coho, Chinook, and Sockeye salmon in the area and into the ocean. The growth and survival of “ocean ranched” hatchery salmon is in direct competition with the growth and survival of wild fish. Salmon production is ultimately limited by the environment’s carrying capacity and only wild salmon help to sustain the natural marine-terrestrial-marine nutrient cycle productivity by returning to spawn and die in thousands of natal streams. Thus, hatchery salmon are both supplanting and eroding wild salmon production. Coastwide, we observe declining and depressed wild runs of salmon, herring, and eulachon wherever there are production releases of hatchery salmon. Hatchery releases must be restricted or eliminated to sustain the health and productivity of wild fish.

In Southeast Alaska, the total wild and hatchery salmon harvests have been in decline since hatchery releases exceeded about 450 million fish in the 1990s. Total commercial harvests in 2018 and 2019 were approaching to the mid-1970s, need-to-rebuild, levels. Over 550 million fish are now released from hatcheries in Southeast Alaska and hatchery planners and operators are continually planning for larger releases of larger fish in additional release sites. Alaskan hatchery releases represent about a third of the 4.5 billion “ocean ranched” salmon now released each year into the North Pacific. The hatchery releases of chum salmon in Southeast Alaska, pink and chum salmon in Prince William Sound, and pink salmon in Kodiak are a large share of the hatchery releases but releases of Coho salmon, Chinook salmon, and Sockeye salmon are also of significant numerical and ecologic importance in these areas too.

The total production of plants and animals is always limited by habitat capacity more than reproductive capacity (numbers of seeds or young). Agriculturally, we know that crop yield is ultimately limited more by the size of the field and the productivity of the soil than the number of seeds planted. We know that maximizing the yield is best done by fertilization and not by planting more and more seeds. We know that planting too many seeds will crowd the plants and lower the yield. The same is true with aquaculture/ocean ranching. There is a finite, but climate-ocean variable, carrying capacity in the ocean for salmon to grow and survive. Wild and hatchery salmon are in direct competition for this niche. Competition for space and food in the early marine niche is certainly intense. Wild fish can fill the ocean's carrying capacity and maximize returns but we have allowed, and encouraged, hatchery operators to supplant natural production with hatchery releases. In fact, we have allowed, and encouraged, hatchery operators to employ whatever rearing and release strategies they can afford to help give their releases a survival advantage over wild fish. This is usually to release them larger than their wild counterparts. How is this a wild stock priority?

Agriculturally, again, the farmer knows he must remove whatever is naturally growing on his field (trees, bushes, grasses, etc) before planting. The ocean is already a "field" full of fish. There is not, and will never be, a big open niche for hatchery fish. When hatchery fish survive, wild fish die. Nevertheless, what happens naturally *is* the positive result of millions and billions of experiments in the competition and cooperation among biota in the biosphere. We can't make more fish than we could have naturally and a big, unnatural, and unintended, consequence of hatchery fish is that they are lowering the productivity of marine and terrestrial environments. Wild salmon invest in the natural marine-terrestrial-marine nutrient cycle by spawning and dying in thousands of natal streams. In contrast, nearly all the hatchery adults are caught, and should be, and their marine derived nutrients are removed from the nutrient cycle. This "nutrient mining" by hatchery fish gradually erodes the productivity of estuarine, coastal, and oceanic habitats and lowers the productivity for all biota in the biosphere. Releases of hatchery salmon into lakes and streams also mines nutrients from the watersheds. We have allowed billions of hatchery fish to elbow their way into the ecosystem potluck without bringing a dish.

The many unnatural parts of the business of hatcheries – from unnatural selection, to unnatural rearing, to unnatural straying, to unnatural releases, to unnatural predation, to unnatural harvesting – all compromises the fitness, biodiversity, and sustainability of wild salmon. It is not hatchery production but wild reduction. Wild fish are affected, negatively affected, wherever they share habitats with hatchery releases. There might be a niche for hatchery releases if we destroy habitats that salmon need to migrate, spawn, and rear in, or if we grossly overfish, but this not our management intent or even sustainable. Of all the harvest pressure, climate change, and funding challenges we face in managing wild salmon, at least we have full control over the number of fish released from hatcheries. If a fraction of the millions of dollars spent on hatchery releases was spent on the basic stock assessment and management of wild runs we would have more salmon today and a management program to sustain them. Looking at all the hatchery programs, and release efforts, that have come and gone since 1971 should have us questioning the wisdom of hatchery investments – a "do better than what happens naturally" investment we've been spending in the region since 1891 – with no evidence of actually, sustainably, boosting salmon production. Commercial gear groups (seine, gillnet, troll) should note that hatcheries often take the largest share of the salmon harvest. The proportion of the run now taken by this newest and largest "user"

group is comparable to the proportion of the wild salmon run that is allowed to spawn and rejuvenate the watersheds.

It is time for the “scientific method”. Years ago, many assumed that hatcheries would help rebuild and enhance Alaska’s wild salmon runs. Now, after observing declining and depressed runs of wild salmon, herring, and eulachon wherever we have industrial-scale hatchery releases (Columbia River, Puget Sound, Fraser River, Georgia Strait, Southeastern Alaska, Prince William Sound, South Central, Kodiak) we must toss the “hatcheries are good” assumption. Especially since returns of hatchery fish are now declining too. For example, in Chatham Strait, after forty-plus years of industrial-scale hatchery releases from Hidden Falls Hatchery what do we have? Thirty-plus years of declining returns of hatchery Chum, Coho, and Chinook Salmon and drastic declines in wild salmon stocks throughout the area. Meanwhile, the hatchery is still interested and permitted to maintain release levels as if the carrying capacity is unlimited and wild resources are unaffected. Likewise, industrial-scale releases of Chum, Coho and Chinook Salmon at Neets Bay Hatchery remain high despite declining hatchery returns and the collapse of nearby stocks of Unuk eulachon and Chinook Salmon, McDonald Sockeye Salmon, and West Behm Canal herring. Speaking of herring, the decline below fishable levels of herring stocks in Prince William Sound, Lynn Canal, Revillagigedo Channel, and Sitka Sound all followed the buildup of production hatchery releases in those areas. And, speaking of Chinook Salmon, our hatcheries have been releasing more and more, bigger and fatter, Chinook salmon for decades despite declining returns and harvests of wild and hatchery fish. The same is true for Coho Salmon. Southern Southeast Regional Aquaculture Association, Northern Southeast Regional Aquaculture Association, and Douglas Island Pink and Chum have all had concerns meeting brood stock and cost recovery goals in recent years despite decades of industrial-scale hatchery releases. Again, where are there industrial-scale hatchery releases and not declining runs of eulachon, herring, and salmon? Where are their sustainable returns of hatchery salmon?

Our industrial-scale “ocean ranching” hatchery releases exceed (overshoot) carrying capacity thresholds and contribute to highly variable survivals and returns of both wild and hatchery salmon. Poor survivals of wild salmon results in low returns and low escapements and years of fishery restrictions to rebuilt escapements and returns. A hatchery-induced death spiral we must avoid. It takes wild fish to make fish because wild fish are dying for more. Again, the sustaining and rebuilding of wild runs is impossible in the face of continued hatchery releases.

Closing salmon hatcheries in Southeastern Alaska would set an example for closing hatcheries statewide and elsewhere. Closing salmon hatcheries will greatly simplify regulations and management of salmon fisheries throughout the region. “Housekeeping” proposals at future Board meetings to repeal all the hatchery allocation and management plans will cut about a third of the regulation verbiage. There will no longer be the incentive to resolve allocation issues with promises of hatchery fish nor the challenges and expense of managing for and around hatchery fish. Most importantly, we will be better able to manage natural resources on a sustained yield basis, and for a wild stock priority, as mandated by Alaska’s Constitution and Statutes.

PROPOSED BY: Ben Van Alen

(EF-F20-122)

PROPOSAL XXX

5 AAC 77.591.

Lead-in language:

5 AAC 77.591 Copper River Personal Use Dip Net Salmon Fishery (I)

Chitina Subdistrict personal use dip net fishery bag limit is defined as maximum number of salmon of any one salmon species a permit may take. This means if a permit has taken the bag limit under the Copper River personal use dip net fishery the permit issued to the household may not take additional salmon under other personal use fisheries.

What is the issue you would like the board to address and why? The Copper River personal use dip net salmon fishery bag limit currently is 25 salmon for the head of household and 10 salmon for each dependent of the permit holder, except that only one king salmon may be retained per household. Under this regulation it does not address how the bag limit is impacted from other personal use fisheries in the state. For example if one were to catch 25 salmon in a different personal use fishery it would not apply towards their bag limit for the Copper River personal use fishery. Referencing the hunting regulation 5 AAC 92.130 (a) a person may not exceed the total of the statewide take of that species if it already equals or exceeds the bag limit for that species in the unit or portion of a unit. As the regulation is currently there is nothing stopping a Copper River personal use fisherman to exceed his bag limit between other personal use fisheries in the state.

PROPOSED BY: Darin Gilman

(EF-F20-136)

PROPOSAL XXX

5 AAC 01.010. Regulation language goes here.

Insert lead-in language here (“more fish, as follows:”)

5 AAC 01.010. Methods, means, and general provisions (a) Unless otherwise provided in this chapter, the following are legal types of gear for personal use fishing:

- (1) gear specified in 5 AAC 39.105;
- (2) jigging gear, which consists of a line or lines with lures or baited hooks that are operated during periods of ice cover from holes cut in the ice, or from shore ice referred to in 5 AAC 01.220(1), and which are drawn through the water by hand

(3) pole and line

What is the issue you would like the board to address and why? Enable the use of a fishing pole for personal use harvest. Other more effective harvest means are allowed. This would make harvest easier for those harvesting alone.

PROPOSED BY: Ketchikan Fish and Game Advisory Committee

(HQ-F20-045)

PROPOSAL XXX

5 AAC 00.000. Regulation language goes here.

Insert lead-in language here (“more fish, as follows:”)

A subsistence use permit for king salmon with a daily harvest limit of three fish per household applies to members of federally recognized tribes in Southeast Alaska, regardless of rural status.

What is the issue you would like the board to address and why? King salmon long have been a resource that indigenous people use in southeast Alaska. It is a part of their identity as a people. However, there are Ketchikan Indian Community tribal citizens who cannot get access to this resource as they do not reside in a “rural” area. We feel that most of not all communities in southeast Alaska should be considered rural when it comes to harvest rights for subsistence caught king salmon.

PROPOSED BY: Ketchikan Indian Community

(HQ-F20-054)

AGENDA CHANGE REQUEST FORM
ALASKA BOARD OF FISHERIES

The Board of Fisheries (board) reviews each state managed fishery under its authority once every three years in what is referred to as the board’s “three-year cycle”. Each year the board takes up regulatory subjects from a consistent set of regions and species, repeating every three years. Regulatory subjects in the current meeting cycle are referred to as “in-cycle” subjects.

The board recognizes there are times when “out-of-cycle” subjects require more immediate attention and created the “agenda change request” (ACR) process to allow consideration of these subjects. The board solicits ACRs 60 days prior to its fall work session. Accepted ACRs are scheduled at a subsequent meeting during the current meeting cycle. More on the board’s long-term meeting cycle is [here](#).

For the 2020/2021 meeting cycle, the following regulatory regions, species and uses are “in-cycle” including:

- Prince William Sound Finfish and Shellfish species, all uses.
- Southeast and Yakutat Finfish and Shellfish species, all uses.
- All Shellfish in all other regions, all uses.

The deadline for ACRs is August 13, 2020. ACRs received regarding in-cycle subjects will not be accepted as they are effectively proposals that missed the April 2020 deadline.

The board accept requests to change its schedule under certain guidelines set forth in 5 AAC 39.999.

The board will accept these agenda change requests (ACRs) only:

- 1) for a fishery conservation purpose or reason; or
- 2) to correct an error in regulation; or
- 3) to correct an effect on a fishery that was unforeseen when a regulation was adopted.

The board will not accept an ACR that is predominantly allocative in nature in the absence of new compelling information, as determined by the board [5 AAC 39.999 (a) (2)].

Please answer all questions to the best of your ability.

1) CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”.

Alaska Administrative Code Number 5 AAC: 5AAC NEW

2) WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues.

Closure of Commercial Shellfish crabbing in all bays in Southeast Alaska. Especially, in the Mitchell Bay and its environs and Favorite Bay area’s where the resource was brought there by Alaska Fish & Game to give for subsistence use only. And, considering the “Food Security” situation due to the Pandemic we are experiencing throughout the world, we need the resource protected in our bays for subsistence use only. We need an emergency closure of the SE Alaska bays to commercial crabbing and to set for subsistence use only.

3) WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say?

All the Southeast Alaska Bays are closed to commercial crabbing and open for subsistence uses only per Title 8 of the Alaska National Interest Lands Conservation Act (ANICLA).

4) STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED BELOW. If one or more of the three criteria set forth below is not applicable, state that it is not.

a) for a fishery conservation purpose or reason:

ANILCA Title 8 States: §802. It is hereby declared to be the policy of Congress that--

(1) consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for each unit established, designated, or expanded by or pursuant to [Titles II](#) through [VII](#) of this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so;

b) to correct an error in regulation:

To allow commercial crabbing in surrounding bay area's in SE Alaska is not consistent with ANILCA Title 8 which allows rural subsistence as authorized by Congress of the United States for conservation and rural preference.

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

ANILCA was not factored into the decision making in the past.

5) WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?

The Dungeness crab for subsistence use will no longer be available to native and nonnatives living in the rural communities. Especially, during these times of pandemic to allow for "Food Security."

6) STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

It is not consistent with Title 8 of ANILCA and the unforeseen Pandemic that has effected the entire world.

7) 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

8) STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR (e.g., commercial fisherman, subsistence user, sport angler, etc.)

Subsistence user

9) 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. Do not know if it has been acted on before.

Submitted by:

NAME Walter Jack
Individual or Group

Angoon, Alaska
Address **City, State** **Zip**

N/A
Home Phone **Cell Phone** **Email**

SIGNATURE: Walter Jack DATE: August 5, 2020

Note: Addresses and telephone numbers will not be published.

Mail, fax, or e-mail this completed form to:
Alaska Board of Fisheries
P.O. Box 115526
Juneau, AK 99811-5526

Fax: 907-465-6094

E-mail: dfg.bof.comments@alaska.gov

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Please answer all questions to the best of your ability.

1) CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”.

5 AAC: 5 AAC 34.610. Fishing seasons for Registration Area O (2) from 12:00 noon August 1 through 11:59 p.m. April 30, except that the commissioner may, by emergency order, open the season on or after July 15 to accommodate surveys and stock assessment.

2) WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues.

5 AAC 34.610 allows the department to open the season prior to August 1 via Emergency Order to better facilitate the completion of stock assessment surveys in the eastern and western Aleutian Islands. In 2019, there was support amongst all fishery participants for a July 15th start to ensure continued completion of the eastern Aleutian Islands survey and incentivize participation in the new western Aleutian Islands survey. However, after the 2019-2020 season, a participant in the

western Aleutian Islands fishery decided to no longer favor the July 15th start date in opposition to the remainder of the fleet. The vessel is claiming grounds pre-emption and allocative issues if the department were to open the season early in opposition to their desires, even though other vessels have made a concerted effort to avoid this vessel's preferred fishing areas. To preclude other vessels from the option of an earlier regulatory start date based on preference to start at the historical season opening discounts the importance of the industry cooperative survey CPUE and the potential benefit to all stakeholders. For the other western Aleutian Islands vessels, the extra two weeks is essential to ensure there is ample time to complete the survey and efficiently harvest crab quotas before the season closure; this is particularly evident in years with larger TACs, and further exacerbated by the logistics to cover both districts with 4 rather than 5 vessels. Those who fish in the Western Aleutians can no longer deliver at Adak, so must travel long distances to deliver to Unalaska.

Adjusting the season start date for Aleutian Islands golden king crab (AIGKC) fishery would improve safety conditions, pre-season planning, season logistics and efficiencies, and also add to the substantial strategic effort to improve management of AIGKC accomplished over the last several years. The strategy has focused on two primary but related management and research items; 1) to couple an updated AIGKC assessment model with a revised AIGKC harvest control rule (BOF adoption March 2019), and 2) provide continuing support to a AIGKC pot survey conducted during the fishery by stakeholders in collaboration with the Department (2015-2019, ongoing).

The first two seasonal iterations of the model and HCR following BOF adoption in March 2019, have highlighted that management outcomes are sensitive to the primary data inputs into the model, the fishery length frequencies and standardized commercial fishery CPUE indices. The survey has been designed to be an important and independent CPUE data source to address this. While the data collected to date from the AIGKC industry pot survey has yet to be incorporated into the assessment it has proven to be an important reference point to evaluate status of seasonal CPUE. The survey to date has been completed between a pre-season coordination between the Department and stakeholders through the Aleutian King Crab Research Foundation (AKCRF). Over the first five years of the survey, there have been a number of adjustments to get plans in order, complete the surveys, and to cover both districts. This has generally involved the coordination amongst the small fleet (5 vessels) to decide who will cover which stations, on which fishing grounds, within which district. To date, the industry survey has been completed for 5 seasons in the Eastern District and 2 seasons in the Western District. The Department places trained observers on each vessel during survey trips throughout the season in addition to standard observers. Survey logistics and seasonal review have shown that depending on the number of additional survey stations, it takes an additional 10-14 days of fishing to complete the standard seasonal fishing plus the survey stations.

Vessel safety is another concern that is impacted by a shorter season. This is especially the case with one boat - a smaller vessel that works exclusively in the eastern Aleutian Islands. This vessel participates in the survey and catches a large portion of the eastern Aleutian Islands quota. The extra two weeks is needed for this vessel to avoid deteriorating weather conditions in December. Logistical and safety challenges arising from a later start date jeopardize the long-term viability of stock assessment surveys in the Aleutian Islands. This will effectively limit management decisions to model outputs based on fishery dependent data (CPUE and length compositions) which could increase the uncertainty of seasonal management. If the model relies solely on fishery dependent data, it could generate overly optimistic or inaccurately pessimistic assessments of the stock's health. Hence, the need for the fishery independent data collected via the surveys. Therefore, there

are sound conservation reasons for ensuring the fleet has the incentive to continue stock assessment surveys.

3) WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say?

5 AAC: 5 AAC 34.610. Fishing seasons for Registration Area O (2) from 12:00 noon **July 15** [AUGUST 1] through 11:59 p.m. April 30 [EXCEPT THAT THE COMMISSIONER MAY, BY EMERGENCY ORDER, OPEN THE SEASON ON OR AFTER JULY 15] to accommodate surveys and stock assessment.

4) STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED BELOW. If one or more of the three criteria set forth below is not applicable, state that it is not.

a) for a fishery conservation purpose or reason:

Establishing a hard season start date of July 15 provides the department with clear guidance to open the fishery to accommodate surveys necessary for reliable stock assessments of the golden king crab resource. Stock assessment model estimates of golden king crab MMB based on both fishery dependent and fishery independent data inputs ensures the department will have the best scientific information available to manage the fishery consistent with sustained yield principles. The current Emergency Order establishes a contingent season start (one date or the other, two weeks apart), which requires coordination with quota allocation/issuance. Setting a firm, earlier start date eliminates the added complexity of coordination with NOAA for allocating quotas in a timely manner at one or the other of two dates. If NOAA can count on July 15, that could remove one of the many logistical impediments to coordinating the cooperative survey.

b) to correct an error in regulation: N/A

c) to correct an effect on a fishery that was unforeseen when a regulation was adopted: The Emergency Order has allowed for the early start if all economic data reports (EDRs) and BSAI crab rationalization cost recovery fees are paid by the start date. However, unforeseen logistical issues of coordinating at the earlier date were not fully understood at the time the board promulgated the current regulation. As a consequence, there have been delays for the early start due to the coordination time required for quota issuance based on uncertainty about the contingent start date.

5) WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?

If the season start date continues to be August 1st prior to the next cycle, it could mean a loss of multiple years of survey data. In the absence of survey data, the department will revert to managing the fishery entirely on commercial fishery CPUE and size composition data within the existing model. The survey pot data is needed to fully monitor the composition, shell condition, recruitment, and abundance and to provide an overall better reflection of stock status.

6) STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

Each vessel participating in the Golden King Crab fishery has its own allocation of quota, so there is no competition to harvest crab before anyone else. In addition, the Aleutians are divided by mutual agreement into areas, each fished exclusively by one vessel, so there are no area allocation issues.

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

8) STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR (e.g., commercial fisherman, subsistence user, sport angler, etc.)

Quota Share Holders, Vessel Owners, Commercial Fishermen

9) 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.

Submitted by:

NAME Mark Henkel, owner F/V Erla-N

Individual or Group

Address Lynnwood, WA
City, State **Zip**

Home Phone **Work Phone** **Email**

SIGNATURE:  **DATE:** 8/13/2020

Note: Addresses and telephone numbers will not be published.

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