

**ALASKA DEPARTMENT OF FISH AND GAME**

**Staff Comments on Agenda Change Requests**

**Board of Fisheries Work Session**

**Anchorage, Alaska**

**October 13 – October 14, 2005**



These staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries work session, scheduled for October 13 – 14, 2005, in Girdwood, Alaska. The comments are designed to assist the public and board. The stated staff comments should be considered preliminary and subject to change, if or when new information becomes available.

**Editor's note:** The 2005-2006 staff comments on agenda change requests (ACR's) are found directly in back of the individual ACR included here for informational purposes.

**TABLE OF CONTENTS**  
**AGENDA CHANGE REQUESTS**  
**2005-2006 BOARD OF FISHERIES CYCLE**

<b>ACR PG. #:</b>	<b>Staff comment PG. #</b>	<b>Subject Matter:</b>
<b>1:</b>	3	5 Yukon River king salmon gillnet depth
<b>2:</b>	7	8 Naknek River SHA allocation
<b>3:</b>	9	10 NRSHA drift gear
<b>4:</b>	11	12 Naknek/Kvichak gear allocation
<b>5:</b>	13	15 statewide handicraft regulation
<b>6:</b>	16	17 motors on Goodnews Bay River
<b>7:</b>	18	19 ND Cook Inlet ease restrictions on setnet fishery
<b>8:</b>	20	21 ND Cook Inlet management east –west side
<b>9:</b>	22	23 Yentna River
<b>10:</b>	25	27 Rainbow Trout Kenai River below Skilak Lake
<b>11:</b>	29	31 NRSHA drift allocation
<b>12:</b>	32	33 Susitna River low escapements
<b>13:</b>	35	37 Packers Creek, Cook Inlet
<b>14:</b>	38	39 Chignik salmon fishery
<b>15:</b>	40	42 Packers Creek, Cook Inlet
<b>16:</b>	43	45 Eliminate proxy halibut fishing
<b>17:</b>	46	47 Kenai River sonar goal level
<b>18:</b>	48	49 Overage provisions CDQ crab fisheries
<b>19:</b>	50	51 ND Cook Inlet king salmon fishing periods
<b>20:</b>	52	54 Yentna River
<b>21:</b>	56	57 ND Cook Inlet coho fishery
<b>22:</b>	58	59 Alitak District/Olga Bay
<b>23:</b>	60	62 Yentna River
<b>24:</b>	64	66 Central Dist. Cook Inlet Mngt. plan
<b>25:</b>	67	69 Upper Cook Inlet define fishing period
<b>26:</b>	70	72 Kasilof River management plan
<b>27:</b>	73	74 Naknek River SHA gear issues
<b>28:</b>	75	77 Yentna River
<b>29:</b>	79	81 Fish Creek, Cook Inlet
<b>30:</b>	82	84 ND Cook Inlet chum salmon fishery
<b>31:</b>	85	86 Kenai River dipnet fishery
<b>32:</b>	87	88 PU fishery in Upper Cook Inlet
<b>33:</b>	89	90 Modify TAC for Eastern Subdistrict bairdi crab
<b>34:</b>	91	93 Kenai River late run sockeye escapement goal
<b>35:</b>	94	96 Kasilof River management plan
<b>36:</b>	97	99 Naknek/Kvichak setnet gear issue
<b>37:</b>	100	102 NRSHA gear issue
<b>38:</b>	103	104 South Unimak-Shumagin Islands mngt plan
<b>39:</b>	105	106 Kvichak River
<b>40:</b>	107	108 Kvichak-Ugashik Rivers management plan
<b>41:</b>	109	110 Alagnak River gear issue
<b>42:</b>	111	113 Alagnak River SHA
<b>43:</b>	114	115 Alagnak River SHA
<b>44:</b>	116	117 NRSHA marker issue
<b>45:</b>	118	119 NRSHA gear issue

**ACR # 1**

**STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues.**

Deeper nets are having a detrimental affect on the stock composition and quality of escapements for Yukon River chinook salmon and tend to target the larger female chinook salmon. There have been continued poor returns of Yukon River salmon in most years since 1998. This has led to conservation concerns on the spawning grounds bringing into question the sustained yield principle used in state management. These poorer returns are also not allowing subsistence users a reasonable opportunity to harvest their subsistence salmon needs. In addition, there appears to be a heightened infection rate of Ichthyophonus on the larger chinook salmon migrating through the river.

The use of the deeper drift gillnets has and will continue to change the composition of the chinook stocks harvested. Stationary set gillnet and fish wheel gear likely harvest more local chinook salmon stocks, while the mobile drift gillnet gear will most likely harvest more Canadian-origin chinook salmon stocks. This observation is common traditional ecological knowledge along the drainage. Drift gillnet gear increases the harvest of Canadian-bound chinook salmon. Allowing the use of greater than 35 mesh depth nets would be inconsistent with the conservation of natural and healthy populations of fish. For these reasons above as well as those given in opposition to last year's federal proposal FP05-04, to extend the subsistence chinook drift gillnet fishery into districts 4B and 4C, are the exact same reasons to implement a depth net restriction for both commercial and subsistence uses.

Test fish wheels and net monitoring projects' break point for recording a large chinook salmon is 655mm in length from the center of the fish eye to the fork of the tail. Fish less than 655mm in length are considered small fish. For the average fisher this translates to a 28 inch fish or greater are considered large fish for management purposes. Published monitoring data from these projects list 655mm fish to be 14 pounds or larger in weight. Ichthyophonus studies on chinook salmon in the Tanana and Rampart Rapids area weighed and measured the fish collected. The 655mm fish collected weighed seven to eight pounds. This confirms what fishers in the middle and upper Yukon River have noted that the returning chinook salmon are getting smaller and conservation measures are needed to protect the larger fish that in turns protects the genetic integrity of the Yukon River chinook salmon stocks.

The Eastern Interior RAC is keenly aware passage of this proposal would place restrictions on subsistence uses but the conservation concern of the genetic impacts of deeper nets on the larger female chinook salmon needs to be addressed now in order to protect the Yukon River chinook salmon runs for subsistence needs in the future.

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

**1) Fishery conservation purpose or reason:** Deeper nets target the larger female chinook salmon and have a detrimental affect on the Yukon River chinook salmon stock composition. Deeper drift gillnet gear increases the harvest of Canadian-bound fish and other stocks returning to their natal streams in the upper Yukon River and Tanana River areas. The reasons the Department of Fish and Game used in opposition to extend the drift gillnet fishery in districts 4B and 4C on federal waters validate the need for timely action to protect the returning larger size salmon and to protect the stock composition. Changes in the environment as well as other ocean survivability issues associated with these stocks of concern require immediate action.

**or 2) Correct an error in regulation:**

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

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This request is a conservation concern that timely action is needed to provide protection to the genetic diversity and quality of the chinook salmon within the Yukon and Tanana River drainages. Passage of this request would allow larger fish and the larger female fish to migrate upstream and help rebuild the stocks to their former healthy levels. It would provide for a more reasonable opportunity for all fishers across the drainage. The concentration of returning salmon in the lower portions of the river will continue to allow fishers in those districts reasonable opportunity to meet their needs with shorter depth gillnets.

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

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

5 AAC.05 331. Gillnet specifications and operations. (f) Gillnets with greater than six-inch mesh may not be more than 60 meshes in depth. Gillnets with six-inch or smaller mesh may not be more than 70 meshes in depth. Beginning January 1, 1996, this subsection only applies in Districts 4-6. (g) Beginning January 1, 1996, in the Districts 1-3, (1) gillnets with greater than six inch mesh may not be more than 45 meshes in depth; (2) gillnets with six-inches or smaller mesh may not be more than 50 meshes in depth

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** Local Yukon River fishers are reporting smaller size fish and fishery monitoring projects show that the quality of the chinook salmon escapement for the Yukon River is not improving and is decreasing. The example already given is the Tozitna River monitoring project. Conservation measures are needed now in order to maintain the genetic integrity of the Yukon River chinook salmon that face increasing ocean competition from hatchery raised fish, commercial bycatch and climatic changes.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** The Eastern Interior Subsistence Regional Advisory Council was established to be a meaningful forum to address subsistence needs on federal waters and lands. Our involvement with this fishery is solely because of conservation concerns and to satisfy the subsistence priority in federal regulations while recognizing the subsistence priority in state regulations.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This change request has not been submitted as a proposal or an agenda change request by this RAC. The Eastern Interior RAC did submit an emergency petition request in November 2004. The Board of Fisheries did review the petition and denied it. The continuing conservation concern on the change in the genetic makeup of the fish, fishermen reporting inseason the smaller size of fish caught, the impacts Ichthyophonous on the returning chinook salmon, and the reduction of the quality of escapement, compels the RAC to request this issue be taken out of cycle.

**Additional information:** This agenda change request was passed as part of the public meeting of the Eastern Interior Subsistence Regional Advisory Council during its March 2005 public meeting in Fairbanks, Alaska.

**Submitted By:** Eastern Interior Subsistence Regional Advisory Council

**AGENDA CHANGE REQUEST: 1.**

**PRESENT SITUATION:** Commercial gillnets with greater than six-inch mesh may not be more than 60 meshes in depth and gillnets with six-inch or smaller mesh may not be more than 70 meshes in depth in Districts 4-6. Beginning in 1996, in Districts 1-3, commercial gillnets with greater than six inch mesh may not be more than 45 meshes in depth and gillnets with six-inches or smaller mesh may not be more than 50 meshes in depth. There are no depth restrictions for subsistence gillnets.

Although poor runs occurred from 1998-2000, the Yukon River king salmon stocks are not classed as either a conservation concern or a management concern. There is no question that the Yukon Chinook salmon stock is managed on sustained yield principles. In all years, except for the very poor Chinook salmon run in 2000, there has been reasonable opportunity for subsistence fishers to meet amounts necessary for subsistence. A majority of escapement goals have been met or exceeded since 2000. Specifically, the agreed to escapement objective for the Canadian mainstem has been met every year since 2000 with 2001, 2003 and 2005 being the three highest spawning escapement estimates on record. Escapement goals in the Chena and Salcha rivers have been met or exceeded annually since 2000 with the upper end of the goals doubled in the Chena River in 2003 and in the Salcha River in 2001, 2003 and 2004. A decline in the proportion of 7-year-old king salmon was observed in the commercial harvest in the mid-1980s, but this proportion has been increasing since the mid-1990s. An analysis of king salmon age, sex, and length from selected tributaries by USFWS Office of Subsistence Management indicated that there has been a small decrease in large spawning fish in most tributaries and a marginal decrease in the average length of older age-1.4 and age – 1.5 fish in several tributaries. No clear time trends were found in proportions of either female or older king salmon. At this time it is not possible to determine whether size-selective harvests or variation in environment or a combination of factors is the cause for these trends. Studies of the incidence of Ichthyophonus in Yukon River king salmon are ongoing. Presently, while females appear to be infected at a slightly higher rate than males, there appears to be no identifiable impact on spawning success.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to decrease the depth of subsistence and commercial salmon gillnets in the Yukon River drainage.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No. Escapement goals have generally been met or exceeded (often substantially) since 2000. However, there has been a small decrease in large spawning king salmon in most tributaries analyzed and fewer 7-year-old king salmon have been represented in the commercial harvest since the mid-1980s. This decrease may or may not be related to harvest, as environmental conditions can play a major role in determining age class composition of the run and return.

2. **Does the proposal correct an error in regulation?** No.

3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.

4. **Is this proposal predominately allocative in nature?** No, however there could be reallocation between some areas of the river due to local fishing conditions and between gillnet and fish wheel harvest.

**5. Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The depth of gillnets fished in the Yukon River is a major issue and the public will want to thoroughly discuss this issue. The Alaska Board of Fisheries cycle for AYK Region will come up after the next fishing season (2006-2007). Although this request may relate to conservation of a portion of returning Yukon River king salmon, the stock is not classed as either a conservation concern or management concern. Its status as a yield concern will be evaluated prior to the next regular meeting.

**PROPOSED BY:** Eastern Interior Subsistence Regional Advisory Council

**ACR # 2**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues.

The inability of the drift fleet to attain the allocation of sockeye in the Naknek River Special Harvest Area. Part of this problem is that the drift fleet does not have the same amount of area to fish because of the setnet buoys that extend out to 500 feet on both sides of the river.

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

1) **Fishery conservation purpose or reason:** Not applicable.

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

or 3) **correct an unforeseen effect of a regulation:** Difficulty in the drift fleet to keep up with the allocation, resulting in the setnetters having to wait.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** It does not change the allocation percentages. It would help maintain the allocation quota thus allowing both gear groups to fish on a more equitable schedule during the peak of the run.

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

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

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** Setnetters are having to wait two to three days during the middle of the season. The Naknek River escapement has been from 50 to 100 percent more than is needed, resulting in lost economic value to fishermen and to the borough through fish taxes.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** I have a Bristol Bay drift permit.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** Yes, the last Bristol Bay cycle.

**Submitted By:** Randy Alvarez

**AGENDA CHANGE REQUEST: 2.**

**PRESENT SITUATION:** When fishing in the Naknek River Special Harvest Area (NRSHA), the commercial sockeye catch is allocated between drift and set gillnet users 84% / 16% respectively. Also while fishing in the NRSHA, the Naknek River has an OEG of 800,000 to 2,000,000 sockeye. In addition, fishing periods are set so only one gear group fishes at a time. When the set gill net fleet is not fishing, all set gillnet gear associated with fishing within 500 feet of shore can remain in the water. With running lines and buoys spaced 150 feet apart it restricts the drift fleet from fishing the shoreline. Sockeye migrating within this area pass through the fishery adding to the escapement and also taking additional periods with the drift fleet to catch their allocation of sockeye.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** Remove set gillnet buoys that are within 500 feet of shore when not fishing.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** Yes.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The catch, allocation percentages and escapement for the Naknek River during the 2004 and 2005 season:

	2004	2005
Catch	4.7 million	6.7 million
Allocation (Drift/Set)	81% / 19%	81% / 19%
Escapement	1.9 million	2.7 million

**PROPOSED BY:** Randy Alvarez

**ACR # 3**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Difficulty of the drift fleet to harvest fish as efficiently and rapidly as the setnetters in the Naknek River Special Harvest Area which results in the setnetters waiting for the drift fleet to catch up. Also 50 to 100 percent more escapement than needed occurs, causing lost economic value.

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

1) **Fishery conservation purpose or reason:** Not applicable.

or 2) **Correct an error in regulation:** When the allocation between drifters and setnetters was put into effect, it was based on historical average catches. Moving into the Naknek River SHA shortened the amount of gear allowed. The percentage of gear was not the same between gear groups when in river resulting in the drift fleet having to catch up to the allocation. Example: Historically, 50 fathoms for setnet and 150 fathoms for drift; inriver equals 25 fathomsfor set and 50 for drift.

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

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** It does not change the allocation. It makes it easier for the drift fleet to catch fish resulting in less time. The setnetters do not have to wait too long between openings resulting in more evenly distributed fishing time.

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

**CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.** Amend the drift gear from 50 fathoms allowed to 75 fathoms; as it is in the Wood River SHA. This should have been done when the allocation was instituted to keep harvest percentages the same as in the past.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** Setnetters are having to wait two to three days during the middle of the season and the Naknek River escapement has been getting from 50 to 100 percent more than is needed. This results in lost economic value to fishermen and to the borough through fish taxes.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** I have a Bristol Bay drift permit.

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

**Submitted By:** Randy Alvarez

**AGENDA CHANGE REQUEST: 3.**

**PRESENT SITUATION:** Since 2000, a significant amount of time has been spent fishing the Naknek River Special Harvest Area (NRSHA). In 2001, an OEG was placed on the Naknek River when fishing in the NRSHA of 800,000 to 2.0 million (up from the BEG of 800,000 to 1.4 million). During the 2005 season, every tide was fished from June 25 until July 11 while in the NRSHA yet the OEG was exceeded, and in 2004 it was nearly exceeded (1.9 million sockeye) again with aggressive fishing. At this time, commercial drift permit holders are restricted to 50 fathoms of gear in the NRSHA. In the Wood River Special Harvest area the maximum amount of gear for the drift fleet is 75 fathoms per vessel.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** Increase the maximum amount of gear for drift gillnet users from 50 fathoms to 75 fathoms in the NRSHA.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** No, there is already an allocation plan for the fishery, however the intent of this change would affect both users groups. With the additional gear, the drift fleet would harvest more fish, reaching their allocative percentage quicker, decreasing the time the set net fleet waits between their periods.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** None.

**PROPOSED BY:** Randy Alvarez

**ACR # 4**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Allocations in the Naknek/Kvichak and Naknek SHA do not take the number of permits fishing into account.

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

**1) Fishery conservation purpose or reason:**

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** The current allocations were developed based on high drift boat averages in the district, current boats fishing are much lower—approximately 800 at the time the allocations were based as compared to 200-300 boats currently.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** I do not propose changing the allocation percentage, simply factoring in a ratio to the calculation. If only twelve boats are fishing in the district the setnet fishermen would never get a chance to fish.

**IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** See number 3) above. Also when the allocation was developed the number of drift boats remained relatively constant year after year. However, as can be seen in years where the Kvichak does not come in, the number of boats drops drastically.

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

5 AAC 06.364(b). Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** During the 2005 season, setnet fishermen sat on the beach for over six tides during the peak of the run waiting for drift fishermen to catch up. We would like to prevent a similar situation from occurring in 2006.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** I am a commercial fisherman and a direct marketer of my salmon. My family has fished in Bristol Bay for the past 51 years. We have six setnet permits and two drift permits.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** No, this ratio idea has not been previously considered.

**Submitted By:** Reid Tenkley

**AGENDA CHANGE REQUEST: 4.**

**PRESENT SITUATION:** When fishing in the Naknek River Special Harvest Area (NRSHA), the catch is distributed 84% drift gillnet 16% set gillnet. The current plan has been in effect since 2004 season.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** The allocation plan would be based on the number of drift permit holders fishing the NRSHA.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Yes, it would change the current allocation plan.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** Allocation plan prior to 2004 was by alternating periods between user groups.

The number of permits fishing in the NRSHA based on fish ticket information:

	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
Drift net	479	485	338	466	406
Set net	237	237	230	241	214

**PROPOSED BY:** Reid Tenkley

**ACR # 5**

**STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues.**

In response to an inquiry from the public, the Department of Fish and Game was advised by the Department of Law on April 12, 2005 that 5 AAC 01.010(d) prohibits the selling of subsistence-taken fish and their parts, and that this prohibition includes handicrafts. This interpretation would also apply to subsistence shellfish (5 AAC 02.010(b)). Under state statute (AS 16.05.940(32)) “the making and selling of handicraft articles out of the non-edible by-products of fish and wildlife taken for personal or family consumption” is part of the definition of “subsistence use.” Manufacturing and selling handicraft items, such as dolls, decorative mukluks, baskets, and bags, made from and/or incorporating the skin and non-edible byproducts of fish or shellfish is a traditional activity in much of Alaska, part of a cottage-industry of craft production and sale. It is highly unlikely that any practitioners of these crafts are aware that the state now considers this an illegal activity. Presently, with some exceptions, the manufacture and sale of handicrafts from wildlife (game) is allowed (5 AAC 92.200). The Department of Law advised that in order to allow the sale of traditional handicrafts made from the parts of subsistence-taken fish, an explicit exception similar to that provided in the game regulations is needed. The Department of Law also recommended that the Board of Fisheries adopt a definition of “handicraft” similar to that found in 5 AAC 92.990(57) for game.

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

**1) Fishery conservation purpose or reason:** Not applicable.

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

**or 3) correct an unforeseen effect of a regulation:** Manufacture and sale of handicraft items made from the skin or nonedible by-products of fish taken for subsistence purposes is part of a cottage industry of craft production and sale in Alaska that is recognized as traditional under Alaska statute but that under a recent interpretation by the Department of Law is illegal under current regulations. This creates a conflict between the provision within state statute to provide opportunities for traditional uses of fish and the current regulation that prohibits a traditional use.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** All Alaskans may participate in subsistence fisheries. We do not foresee any increases in subsistence harvests resulting from passage of the proposed regulation that would require reallocation of fishery resources.

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

**CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 01.010. Methods, Means, and General Provisions; 5 AAC 02.010. Methods, Means, and General Restrictions; and 5 AAC 39.975. Definitions. Proposed changes are as follows:**

5 AAC 01.010. Methods, Means, and General Provisions

(d) It is unlawful to buy or sell subsistence-taken fish, their parts, or their eggs, unless otherwise specified in this chapter, except that it is lawful to sell handicrafts made out of the skin or nonedible by-products of fish taken for personal or family consumption.

5 AAC 02.010. Methods, Means, and General Provisions

(b) It is unlawful to buy or sell subsistence-taken shellfish, their parts, or their eggs, unless otherwise specified in this chapter, except that it is lawful to sell handicrafts made out of nonedible by-products of shellfish taken for personal or family consumption.

5 AAC 39.975 Definitions

(XX) “handicraft” means a finished product in which the shape or appearance of the natural material has been substantially changed by skillful use of the hands, such as by sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** The Call for Proposals for the 2005/2006 meeting cycle did not include statewide finfish or statewide shellfish. The deadline for submission of proposals for the 2005/2006 (April 8, 2005) had passed before the department was notified by the Department of Law that sale of handicraft items made from the skin or nonedible by-products of subsistence-taken fish or shellfish is not legal. Because sale of such items is common and traditional, the regulations should be changed as soon as possible.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** The department manages the state’s subsistence fisheries and provides the Board of Fisheries with information about subsistence uses of fish stocks.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** There has not been prior consideration of this request.

**Submitted By:** Alaska Department of Fish and Game

**AGENDA CHANGE REQUEST: 5.**

**PRESENT SITUATION:** The sale of handicrafts made from the skin or non-edible byproducts of subsistence-harvested fish and shellfish is prohibited under 5 AAC 01.010(d) and 5 AAC 02.010(b).

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposed change would amend 5 AAC 01.010(d) and 5 AAC 02.010(b) to allow the sale of handicrafts made from the skin and non-edible byproducts of subsistence-harvested fish. It will also add a definition of “handicraft” to 5 AAC 39.975, modeled after the definition found in the Alaska hunting regulations

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** Yes. See the summary in the agenda change request.
4. **Is this proposal predominately allocative in nature?** No
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** This is a department agenda change request and is supported by the department. For background, see the agenda change request itself.

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

**ACR # 6**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Restrict the use of high power outboard motor and jet drive outboard units in the Goodnews Bay River which would prevent future boating accidents in the Goodnews Bay waters.

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

**1) Fishery conservation purpose or reason:** The proposed controlled use area would improve the quality of salmon species and would further contribute toward the increase of salmon and big game in the proposed area. Improvement of salmon quality and the increase of big game species would enhance opportunity for the future use of fish and wildlife resources by other user groups such as sport and recreation.

**or 2) Correct an error in regulation:**

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

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** The reason why we are submitting this proposal is to protect fish and habitat.

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

**CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.** Proposed regulation would read: Goodnews Bay River Controlled Use Area downstream of North, Middle and South forks, included all streams accessible by skiff powered by outboard motor all the way to the confluence of Goodnews Bay River lake(s).

The area is closed to the use of any boat equipped with inboard and outboard motors with an aggregate in excess of manufacturer's rating of 40 horsepower for taking of salmon, rainbow trout, or big game, including transportation of any fisherman or big game hunters, their gear, and/or parts of fish and big game from June 15 through November 1.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** Emergency need, due to high number of boats running up and down the river, often at high speeds in the narrow meandering shallow rivers or on the very narrow and deep waters.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** Concerned tribal leaders of Goodnews Bay, most of whom use the river for subsistence use.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** Similar proposal was submitted between 2000 and 2003.

**Submitted By:** Native Village of Goodnews Bay

**AGENDA CHANGE REQUEST: 6.**

**PRESENT SITUATION:** There are currently no outboard motor restrictions on any of the rivers within the lower Kuskokwim River Drainage or Kuskokwim Bay streams.

The Department over the course of the last several years has not received any reports or documented any degradation of anadromous salmon spawning or rearing habitat due to outboard/jet drive boats within the Goodnews River drainage. There have been no reports of deleterious effects upon riparian vegetation due to boat wakes or other boat traffic.

The salmon escapements for king, sockeye, chum and coho salmon have been average to better than average over the last 5-7 years. If escapements are used as indicators of quality of spawning and rearing habitat, then there does not appear to be a problem regarding habitat degradation. Each of the aforementioned salmon species escapements in 2005 exceeded the upper end of the SEG's for the Goodnews River. In most cases the king, sockeye and coho salmon escapements have met or exceeded the lower end of the SEG range over the last 5-7 years further attesting to the overall health of this system and the attendant salmon spawning and rearing habitat.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposed change would create a controlled use area encompassing the North, Middle and South forks of the Goodnews River and would restrict outboard/jet boats to 40hp or less from June 15 through November 1.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** A similar agenda change request was submitted to the Board of Fisheries for the Kwethluk River during 2000-2001 and was denied. During 2003, proposal 143 was submitted to the Board to prohibit boats with greater than 40hp outboard/jet motors on the Akulikutak and Kwethluk Rivers and was rejected by the Board during the January 2004 meeting. In both cases the lack of supporting information relative to habitat degradation or conservation of the salmon resource were cited.

**PROPOSED BY:** Native Village of Goodnews Bay

**ACR # 7**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The Northern District set gillnet fishery was restricted beginning in the early 1990s because of poor king salmon returns after the flood of 1986. All other fisheries are being liberalized except the set gillnet fishery. I am requesting the fishery be allowed for each Monday until June 24 like it was before it was restricted to three periods in 2002. It makes no sense to have a harvest cap and no means of attaining the cap.

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

**1) Fishery conservation purpose or reason:**

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** It corrects an unforeseen effect because the fishery has been restricted when harvests are well below the harvest cap of 12,500 and nearly all escapement goals are being exceeded, some by wide margins.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This proposal is not allocative because the king salmon escapement goals are being exceeded each year and the sport fishery has been liberalized by emergency order. To not act is being allocative towards inriver users for no real benefit. There are already kings surplus to escapement needs.

**IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** I do not see this as allocative I see it as wise use of an abundant resource. When these stocks were depressed we did not object to restrictions to get the needed escapements, it is time to remove these restrictions and allow an equitable distribution of these abundant stocks.

**CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.**  
5 AAC 21.368. The Northern District King Salmon Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** Two more years will be lost. This proposal should have passed in 2005. You do not see record returns every year—to waste two more years would be a crime.

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

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This was a proposal that failed to be considered in 2005. The sport fishery was liberalized almost before fish arrived and the season extended but nothing is being done for the commercial fishery.

**Submitted By:** Randy W. Charles

**AGENDA CHANGE REQUEST: 7.**

**PRESENT SITUATION:** This fishery opens for three commercial fishing periods, with the first period beginning on the first Monday on or after May 25. The area from the Theodore River to the Susitna River is open to fishing the second regular Monday period only. Fishing periods are from 7:00 a.m. to 7:00 p.m. on Mondays only and the harvest may not exceed 12,500 king salmon per year. Legal gear is a single 35 fathom net with a 1,200 foot separation between nets, double the normal distance.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to remove the three period restrictions. All other provisions of the plan would remain the same.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** No. Escapement goals are generally being met or exceeded and the harvest cap of 12,500 is not being exceeded.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** This fishery was created in 1986 and effort peaked in 1992, with 125 permit holders participating in the fishery. In 1993, regulations were passed requiring set gillnetters to register prior to fishing for one of three areas in UCI – either the Northern District, the west side of Cook Inlet, or the Upper Subdistrict of the Central District. Once registered for any one of these areas, you may not fish in another area until the following year. This regulation resulted in a dramatic decline in effort in the Northern District king salmon fishery, with approximately 30 permit holders now fishing. Harvests have also declined steadily from nearly 14,000 in 1986 to less than 1,000 in 2003. Prior to 2002 the fishery operated each Monday from the start of the season until June 24. Since then, in one of those four years, the fishery was open for 4 periods and for three periods in all other years. In 2002 the fishery was restricted to no more than three Monday periods.

**PROPOSED BY:** Randy W. Charles

*Identical ACRs were submitted by each individual listed at the bottom of the proposal. The submissions are reproduced here as one ACR for publishing purposes*

**ACR # 8**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. I would like to change the management of the Northern District to manage the eastside differently than the westside. Currently all of the Northern District is managed for the Yentna River escapement goal. There are many problems in the Susitna River system that do not exist on the eastside systems in Turnagain Arm.

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

**1) Fishery conservation purpose or reason:**

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** Back when the Northern District management plan was created the Susitna stocks were used as an index for all unmonitored Northern District stocks. Because of the problems in the Susitna drainage, the Yentna index is no longer valid and harvestable surpluses in many eastside streams are being underutilized.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** Because these stocks are underutilized there are harvestable surpluses to escapement needs. The east side of the Northern District is currently on a regular period schedule of two fishing periods per week, but because of problems in the Susitna River we are being closed by emergency order for one to five periods each year since 1990. Because the problems are affecting the Susitna River side only there are no allocation impacts because these stocks have already been allocated to the set gillnet fishery in the Northern District. Currently no one else is harvesting these fish so allowing a two-day per week fishery should be of little consequence to anyone.

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

**CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.**  
5 AAC 21.358. The Northern District Salmon Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** To wait two more years with the kind of restrictions we are facing will likely bankrupt many of the set gillnet operations in the Northern District.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** Northern District east sideset gillnet.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** Has never been considered as far as I know.

**Submitted By:** Betty Gilcrist, Susan Oakley, and Tom Rollman

**AGENDA CHANGE REQUEST:** 8.

**PRESENT SITUATION:** Currently the entire Northern District is managed for the escapement goal into the Yentna River. In recent years there have been no exceptions to this management scheme, and the entire Northern District is open, restricted to one or two nets instead of three or closed.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to manage the Northern District similar to the Central District in that the east and west sides would be managed for different objectives.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** None.

**PROPOSED BY:** Betty Gilcrist, Susan Oakley and Tom Rolman

**ACR # 9**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. I am requesting that during its 2005-2006 meeting cycle, the board considers regulation changes adopting a management plan.

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

**1) Fishery conservation purpose or reason:** The department has failed to obtain the Yentna River sockeye salmon escapement goal during four out of the past five years and the problem seems to be escalating.

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

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

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This agenda request seeks to provide adequate sockeye salmon escapements to the Yentna River, Susitna River and all other Northern District stream drainages as measured by the department.

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

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

Please consider all applicable Upper Cook Inlet commercial, sport and personal use regulations and management plans.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** Despite present inseason.

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

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

**Submitted By:** Representative Vic Kohring

**AGENDA CHANGE REQUEST: 9.**

**PRESENT SITUATION:** In the last 10 years, the sockeye salmon escapement goal into the Yentna River has been exceeded twice, within the range twice, and under the goal six times, with one of those years under by less than 1,000 fish. In the last 5 years, the Yentna River sockeye salmon escapement goal has exceeded the upper end once (2003) and been below the escapement goal four times.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to have Yentna River sockeye salmon designated as a stock of concern under the *Sustainable Salmon Fisheries Policy*. In addition it seeks a rewrite the Kenai River Late-Run Salmon Management Plan to be more precautionary and ensure meeting the Yentna River escapement goal.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** Possibly. (see additional information)
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Possibly.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The department does not believe the sustainability of the Yentna River sockeye salmon stock, as defined by the *Sustainable Salmon Fisheries Policy*, is jeopardized despite the failure to reach escapement goals in four of the last five years. Under, 5 AAC 39.222, the *Sustainable Salmon Fisheries Policy*, sustained yield means an average annual yield that results from a level of salmon escapement that can be maintained on a continuing basis; a wide range of average annual yield levels is sustainable; a wide range of annual escapement levels can produce sustained yields. However, the department is treating the persistently low escapements to the Yentna River as a serious issue. This issue is being addressed in the immediate term by placing restrictions on fisheries that harvest this stock; and in the longer term by a suite of research programs intended to: 1) answer key questions regarding the productivity of the stock and 2) conduct genetic studies intended to improve our knowledge of where and how many sockeye from this stock are harvested.

Currently, the Yentna River escapement goal is a sustainable escapement goal (SEG). An SEG is a level of escapement the is known to provide for sustained yield over a 5 to 10 year period and is used in situations where a biological escapement goal (BEG) cannot be estimated due to the absence of a stock specific catch estimate.

In 2005, the department implemented a more conservative fishing schedule with the drift fleet than was allowed in regulation to conserve Northern District, including Yentna River sockeye, stocks. Restrictions to the drift fleet included both: 1) areas where Yentna sockeye salmon were thought to be; and 2) not exercising a third commercial opening that was allowed by the management plan. In addition the Northern District set gillnet fishery was closed for 5 regular fishing periods from July 21 through August 4.

Given the recent pattern of low sockeye escapements to the Susitna, the department is working to resolve two uncertainties regarding this stock. The first uncertainty is our understanding of stock structure, and the harvest of these stocks in the mixed stock fishery. A comprehensive study will include processing current genetic material to develop a DNA genetic baseline. Sockeye salmon caught in the drift and set gill net fisheries of Upper Cook Inlet will continue to be sampled and DNA analysis will be conducted to determine river of origin. The second uncertainty concerns the overall sockeye escapement into the Susitna River. We currently have sonar on the Yentna River but it is uncertain if this is representative of the Susitna River. A mark-recapture and radio telemetry study will provide an estimate of sockeye escapement in the Susitna to compare with the existing sonar and allow the identification of all potential spawning areas in the drainage.

The information from these studies is expected to be available to the board at the next regular cycle meeting. This information will help determine if stock specific fishing strategies could be developed for Upper Cook Inlet, as well as guide the implementation of any such fishing strategies to better assure achievement of the Yentna River sockeye salmon escapement goal.

**PROPOSED BY:** Representative Vic Kohring

**ACR # 10**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The rainbow trout fishery in the Kenai River below Skilak Lake is in jeopardy because of the recent regulation changes that allow for anglers to target Dolly Varden trout in an area and time where and when rainbow trout are spawning. The area below Skilak Lake downstream to the confluence of the Killey and the Kenai rivers has historically been closed to fishing in the spring to protect spawning rainbow trout. Regulation changes passed at the 2005 board meetings now allow anglers to target Dolly Varden trout in this area. During the first spring under these new regulations, a new fishery emerged which consists of many anglers targeting the once protected spawning rainbow trout under the pretense of fishing for Dolly Varden. Many anglers were seen removing caught rainbow trout from the water for lengthy photographing sessions. The rainbow trout that are being targeted are in their spawning phase and are weak and highly susceptible to angler caused mortality.

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

**1) Fishery conservation purpose or reason:** Changing the regulations back to keeping the area of the Kenai River from the outlet to Skilak Lake down to the confluence of the Killey and Kenai rivers closed to all fishing while during the timeframe that the rainbow trout in this area are spawning will eliminate handling mortality caused by anglers intentionally and illegally targeting rainbow trout in an area closed to protect rainbow trout while they are in venerable state of spawning. The 1996 board decision to seasonally close this area to all sport fishing was established to protect spawning coho salmon. A by-product of this closure protected spawning rainbow trout identical to the effects as the seasonal spawning closure regulations that prohibit all sport fishing in the Upper Kenai River upstream of Skilak Lake. Continuation of mortality caused by anglers during the spawning season may negatively impact the rainbow trout population in the area of the Kenai River from the outlet of Skilak Lake downstream to the confluence of the Kenai and Killey rivers.

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** The adoption of the current regulations that allow for anglers to sport fish for Dolly Varden trout in the Kenai River below Skilak Lake in the area and time of year that rainbow trout spawn has introduced an unforeseen developing new fishery that introduces an unknown level of mortality in the rainbow trout population in that area. This new fishery consists of guided and unguided anglers targeting spawning rainbow trout in this area while claiming to be fishing for Dolly Varden trout. The fishing tackle used to target rainbow and Dolly Varden trout is identical and enforcement regulations to protect the rainbow trout is not possible. This illegal fishery targeting rainbow trout during a spawning closure will continue to grow as more anglers find out about this new sport fishing opportunity. Additionally, the mortality of venerable rainbow trout caught and released in this area during the spawning season may impact the overall quality of the rainbow trout sport fishery by reducing the availability and opportunity to target larger fish in the population.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** It is not predominantly allocative in that this ACR is being submitted to close a fishery that has been closed for many years. Both guided and unguided anglers participated in this fishery during the spring of 2004.

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

**CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.** 5 AAC 56.023(a)(4)(D) and 5 AAC 56.023(a)(5)(B). Seasons; bag, possession, and size limits; and special provisions for the Kenai River drainage.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** The next regular cycle is in three years and the impacts of anglers targeting rainbow trout during the time of year when they are most venerable to handling mortality might cause measurable damage to the population as this fishery becomes more popular over the next two summers prior to the next regular cycle meeting.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** I am a long-time sport fisherman who is concerned about the long-term future of the Kenai River rainbow trout populations.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This is the first time this issue will be considered as an ACR. The proposal(s) that changed the regulations that protect rainbow trout in the Kenai River were adopted at the January 2005 board meeting in Anchorage. Information about the Kenai River rainbow and Dolly Varden trout populations was discussed at that meeting.

**Submitted By:** George King

**AGENDA CHANGE REQUEST: 10.**

**PRESENT SITUATION:** Current regulations (5 AAC 56.023(4)(A)) state that Arctic Char/Dolly Varden may be taken from January 1 – December 31, in all flowing waters from the mouth of the Kenai River upstream to Skilak Lake, and the waters of Skilak Lake, except the waters within a one-half mile radius of the Kenai River inlet; bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; Arctic Char/Dolly Varden caught that are 18 inches or greater in length must be released immediately. In those same waters, from May 2 – June 10 there is a spawning closure for rainbow trout during which sport fishing for rainbow trout is prohibited. This regulation was adopted by the Board of Fisheries in January 2005.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** The proposal seeks to close the waters of the Kenai River from the outlet of Skilak Lake downstream to the mouth of the Upper Killey River to all fishing during the May 2 – June 10 spawning closure for rainbow trout.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No. The potential impact this regulation might have on the Kenai River rainbow trout fisheries was discussed at length by the BOF at the 2005 meeting. The Board recognized the growing Dolly Varden fishery that is occurring during the spawning closure for rainbow trout. The Board also heard testimony from the public that fishermen are targeting rainbow trout that are congregating during this spawning closure under the guise of fishing for Dolly Varden. The Board was also aware that because the gear type used to fish for rainbow trout and Dolly Varden are the same, the spring rainbow trout spawning closure is unenforceable
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** Based upon current harvest patterns, current abundance levels, and restrictive bag limits for rainbow trout, the regulations adopted in 2005 provide for a sustainable rainbow trout fishery. If harvest patterns rainbow trout change, and/or effort increases dramatically, then management of this fishery may need to be look at again.

The department does not have any new abundance information that wasn't presented at the January 2005 meeting. Research to estimate the abundance of rainbow trout in the Middle Kenai River was undertaken during 1987 and 1999. Research findings show that the abundance of rainbow trout in this area increased over time. In the Middle River the population was estimated to be 1,750 rainbow trout in 1986 and increased to 7,882 rainbow trout by 1999.

Angler participation in rainbow trout fishing measured by catch of rainbow trout in the Upper and Middle Kenai River has increased greatly since 1990. In the Upper River catch averaged 14,519 from 1984 through 1994 and increased to an average of 54,266 from 1995 through 2002. The reported catch for 2003 the most recent year available was 54,552 rainbow trout. Similarly catch in the Middle River has

escalated from less than ten thousand fish per year during the 1980's to a reported catch of 41,204 during 2003.

**PROPOSED BY:** George King.

**ACR # 11**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The application of the Naknek/Kvichak in-district allocation to the Naknek River Special Harvest Area has created a hardship upon setnet fishermen. Setnet fishermen had approximately half as many fishing periods in this emergency fishery as the drift fishermen with only one during the peak July 4 through 6. The one was an evening tide on July 6. Drift had five openings during this peak period. The number of drift permits operating was about the same as the setnets. Allocation should not exist in this fishery.

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

1) **Fishery conservation purpose or reason:** Not applicable.

or 2) **Correct an error in regulation:** The Naknek/Kvichak District set/drift allocation was wrongly applied to the Naknek River Special Harvest Area.

or 3) **correct an unforeseen effect of a regulation:** The Naknek River SHA is an emergency fishery used only when the Kvichak River is in biological crisis. Prior to the 2004 application of allocation to the Naknek River SHA an “alternating opening by gear type system” was used giving more equitable access between gear groups. The use of allocation has created economic hardship for setnet fishermen.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** The original intent of the board and stakeholders when allocation was applied to Bristol Bay was to not apply allocation to the Naknek River SHA because of it being an emergency fishery. The intent was to provide a fishery giving much needed relief to fishers of the Naknek/Kvichak district. Asking setnet fishers to move to another district is not feasible. The Naknek River SHA may be the only option for most, due to the nature of the gear group using skiffs, making travel to other districts impossible or unsafe.

**IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** Removal of the 2004 application of allocation between set and drift gear types would correct an allocation issue created by the implementation of the 84 percent drift to 16 percent set allocation in the Naknek River SHA.

Originally the Naknek River SHA did not fall under district allocation for a number of reasons:

- 1) The Naknek River SHA was established as an emergency fishery to harvest Naknek fish when the Kvichak River was in biological crisis.
- 2) Approximately one-third of the number of boats that participate in the Naknek/Kvichak District fish the Naknek River SHA resulting in a different drift net to setnet ratio. The 2005 season saw 243 boats at the peak time, July 4 through July 6. The latter part of June until July 2 had under 200 boats participating, some openings only 130 boats during that period. Allocation in the district itself was based upon 700 to 1,000 boats participating.
- 3) Setnetters are displaced from their state leased fishing sites.
- 4) An 8 percent Naknek/8 percent Kvichak allocation would be almost impossible to attain. Access to the better sites at the mouth of the Naknek River SHA is not equal. The logistics of moving from the Kvichak to the Naknek River SHA when an opening is announced hinders Kvichak setnetters access to those sites.

- 5) Drift fishermen are more readily able to transfer and fish other districts. To move a camp, find a reasonable site and the danger of traveling to other districts in a loaded skiff prevent setnetters from doing this.
- 6) The setnetter is much more dependent upon the Naknek River SHA economically because of this inability to move.
- 7) The high percentage of area residents and Alaska resident participation among setnetters: 70 percent of Bristol Bay setnetters are Alaska residents with 50 percent of that number being regional residents.

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

5 AAC 06.360(c). Naknek River Sockeye Salmon Special Harvest Area Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.**

The fragile market and economic conditions created by allocation with the Naknek River SHA cause hardship upon setnet fishermen. Setnet fishermen will be forced to operate at a loss if relying upon the Naknek River SHA only. A 2005 disaster was averted only because both the Naknek and Kvichak sockeye runs came in stronger than projected. If setnetters are required to rely solely on their allocation in the Naknek River SHA, economic disaster is imminent. More equitable access to the fish through the use of separate and alternating openings by gear group will help relieve the situation.

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

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** The board was asked to take the issue up at the October 2004 work session. More data is now available from the department.

**Submitted By:** Kvichak Setnetters' Association

**AGENDA CHANGE REQUEST: 11.**

**PRESENT SITUATION:** When fishing in the Naknek River Special Harvest Area (NRSHA), the catch is distributed between the drift and gillnet users 84% / 16% respectively. The current plan has been in effect since 2004 season.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** Go back to the allocation plan prior to the 2003 BOF meeting. Fishing periods were alternated between the two gear groups tide by tide, never fishing at the same time.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Yes, it would change the current allocation plan.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The number of permits fishing in the NRSHA based on fish ticket information and the catch percentages in parenthesis:

	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005<sup>a</sup></u>	
Drift net	479	485 (74)	338 (65)		466 (65)	406 (81)	(81)
Set net	237	237 (26)	230 (35)		241 (35)	214 (19)	(19)

**PROPOSED BY:** Kvichak Setnetter's Association

**ACR # 12**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Board actions on late-run Kenai sockeye, Northern District salmon, and coho in Cook Inlet at the January 2005 meeting dangerously impacted the Susitna sockeye and coho runs. Further, chum and pink runs are almost to the point of insignificance in the river systems adding to the emergency situation. The fish are not returning to the rivers in sustainable numbers.

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

**1) Fishery conservation purpose or reason:** The inexcusable all-time low sockeye escapement of 36,000 Yentna fish cannot be repeated without jeopardizing all future inriver mixed stocks forever.

**or 2) Correct an error in regulation:** The board has erred.

**or 3) correct an unforeseen effect of a regulation:** The board must recognize the cause and effect actions on late-run Kenai sockeye, Northern District salmon, and coho in Cook Inlet has had on Susitna stocks and remedy them before 2006.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This situation the board has created has caused a biological emergency. The Susitna escapements have not been met five of the last seven years. This year was the weakest runs of all five species I have witnessed in 30 years. My concern is for the future of the entire fishery. The commercial fisherman should share this concern.

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

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

The Upper Cook Inlet Salmon Management Plan and any other regulation that the board's action may have adversely effected.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** There will be a serious state of "fishery emergency" for all northern and Susitna bound stocks if the board does not act to prevent a repeat of this year's events in the commercial harvest.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** I have lived (river front property) and worked Cook Inlet and the rivers as a tender operator, barge owner, boat builder, AC member (19 years), fish wheel owner (Yentna), fish guide, successful litigant in a fish case, photographer, and husband and father of four fishermen for 30 years.

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

**Submitted By:** Tom Payton

**AGENDA CHANGE REQUEST: 12.**

**PRESENT SITUATION:** Yentna River/Susitna River sockeye are caught primarily in the Central District drift gillnet fishery and in the Northern District set gillnet fishery. A small percentage are also likely caught in other set gillnet fisheries in the Central District. For management purposes the Drift fishery and Northern District set gillnet fisheries are managed to meet the escapement goal. Other users that may be managed for this goal would include inriver fisheries in the Yentna River. The Northern District Salmon Management Plan directs the department to manage Northern District salmon Stocks based on the abundance of Yentna River sockeye salmon and the escapement goal for the Yentna River, or other salmon abundance indices as it deems appropriate. The current escapement goal in the Yentna River is 90,000 to 160,000 sockeye. In addition in runs of over 4 million sockeye salmon to the Kenai River, there is an OEG in the Yentna River of 75,000 to 180,000 sockeye.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** Increase escapements of sockeye, pink, chum and coho salmon. The proposal does not speak to specifics on what the problem was only that the board erred in changing the plans. Also does not specify what actions are necessary.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** In 2005 the department implemented a much more conservative fishing schedule with the drift fleet than was prescribed in regulation to conserve Northern District stocks. The two period restrictions from July 9-15 were restricted south of Kalgin Island as per the plan. A third additional period allowed by the department south of Kalgin Island was not allowed. In late July, the Kenai River sockeye run in 2005 was projected to be over four million, which allowed additional fishing time and negated a closed window of 24 hours under the current management plan. However restrictions on the drift fleet during this time period were implemented. For the regular period on July 21 the northern 50 miles of the Central District was closed to drift gillnets. For the regular period on July 25 the northern 25 miles of the Central District was closed. For the fishing periods on July 28, 30 and August 1 fishing was restricted south of a line from Collier's Dock to Kalgin Island. In addition the Northern District set gillnet fishery was closed for 5 regular fishing periods from July 21 through August 4.

For the last 15 seasons the Northern District set gillnet fishery has been closed for one or more periods, except in 2000, and the drift gillnet fishery has been restricted each year for one or more periods to attempt to meet this escapement goal. The number and severity of closures and restrictions in both fisheries is increasing each year. Actions taken in the drift fishery may not be observed or realized until 10 to 14 days later and actions taken in the Northern District may not be realized for 7 to 10 days. Once the effects of the first actions are observed it is generally too late to take further corrective actions. The return from 2005 is returning from an escapement near the upper end of the escapement range of 133,000.

**PROPOSED BY:** Tom Payton

**ACR # 13**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Redescribe the closed water at Packers Creek using a series of points (GPS) to eliminate the unenforceable and confusing one-mile closure that is currently in regulation.

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

**1) Fishery conservation purpose or reason:**

**or 2) Correct an error in regulation:** The regulation currently in place, a one-mile closure from the terminus of Packers Creek, was first adopted in the 1920s. In 1999 the regulation was amended to include the one-mile closure but also incorporated the latitude and longitude of the markers. In addition, the 1999 amendment corrected a problem that exists as you move offshore from the marker on the north side of the creek. In 2005 the board returned the closed waters to a one-mile closure which rekindled the closed waters problems as you move offshore on the north side of the creek.

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

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This ACR is an attempt to settle a problem that has recurred many times since 1998 with respect to closed waters in this area. In 2005 the board passed a proposal that returned the closed waters description to one-mile from Packers Creek, intending to return the marker to its “traditional” location. In early June 2005 the marker was remeasured and remained in its original location at 60° 26.42’ N. Lat. and 151° 53.32’ W. Long., which the department believes is its traditional location. The intent of this ACR is to settle a closed waters dispute to allow “traditional” setnet locations to be fished without opening new area or redistributing the catch in any way.

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

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

5 AAC 21.350. Closed Waters.

(b)(6) Packers Creek—the area near the terminus encompassed by the following series of points is closed to commercial fishing:

1. South marker at 60° 26.11’, 151° 55.66’
2. 60° 25.33’, 151° 55.00’
3. 60° 25.31’, 151° 52.68’
4. 60° 26.42’, 151° 51.71’
5. North marker at 60° 26.42’, 151° 53.32’

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** It will continue to be a problem for two years.

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

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** Yes in 1999 and 2005.

**Submitted By:** Alaska Department of Fish and Game

**AGENDA CHANGE REQUEST:** 13.

**PRESENT SITUATION:** Prior to statehood, the closed water markers at Packers Creek were placed one statute mile from the terminus of Packers Creek. As a result of the department moving this marker in 1998, the fisherman who fished in the disputed area submitted an agenda change request in 1999. The BOF accepted this ACR and took regulatory action and left the one mile closure in place with an exclusion from the marker placed at 60 degrees 26.42 minutes N. Lat., 151 degrees 53.32 minutes W. Long. extending 90 degrees from shore. This essentially returned the closed water marker to the location it had occupied prior to the department moving the marker in 1998 and likely where it had resided since prior to statehood. In 2005 the board removed the exclusion from regulation which has rekindled the problem with respect to the one-mile closure.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to delineate the closed waters around Packers Creek with a series of five points of latitude and longitude which would be more clear and easier to understand for all.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** Yes. Because of the current closed waters of one mile and the point of land to the north of the creek, the closed waters are not equidistant on both sides of the creek. The closed water area on the north side of the creek is also very difficult to define and may be unenforceable as you move off shore from the beach. Although this was addressed at the BOF meeting in 2005, after several field trips, it became obvious during the 2005 season that the adopted regulation was not clear and as stated earlier, possibly unenforceable.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** None.

**PROPOSED BY:** ADF&G

**ACR # 14**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The board unwittingly usurped Limited Entry law by allocating the salmon harvest between Area L permit holders. In early 2005, the Alaska Supreme court ruled this to be unconstitutional. We request that 5 AAC 15.359 remain repealed relative to all allocation aspects. An allocation would be a taking of harvest opportunity from traditional competitive fishers and be unjust contrary to limited entry provisions/intent.

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

**1) Fishery conservation purpose or reason:**

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** Pursuant with the intent of limited entry, all Area L salmon limited entry permit holders will be provided equal harvest opportunity. Specifically in the Chignik Management Area, there shall be no allocation or any other special harvest assignment to any individual permit holder or group of permit holders.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** The ACR is requesting no allocation where it has been imposed in error.

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

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

5 AAC 15.359. Chignik Area cooperative purse seine salmon fishery management plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.**

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

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

**Submitted By:** Chignik Fishermen United

**AGENDA CHANGE REQUEST:** 14.

**PRESENT SITUATION:** Changes were made to the Chignik Area cooperative purse seine salmon fishery management plan during an Alaska Board of Fisheries May 4, 2005 emergency teleconference (5 AAC 15.358). A Supreme Court decision stated that the intent of the Limited Entry Act is that permit holders actively participate in the fishery for which a permit is held. The board's action during the teleconference was to bring the Chignik cooperative fishery into compliance with the Supreme Court ruling. The board reauthorized the cooperative fishery with a provision that cooperative permit holders must make at least ten deliveries in 2005. Subsequent court decisions have found even these amendments to the cooperative fishery invalid, after the 2005 fishery.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** Possible Limited Entry Act conflicts with the amended cooperative fishery management plan, 5 AAC 15.358, by repealing all allocation aspects of the regulation.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No, the cooperative management plan will be ineffective at the end of the 2005 season (October 31, 2005) and the board has scheduled a meeting to discuss the plan.
4. **Is this proposal predominately allocative in nature?** Yes.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** Given that the board will address the Chignik Area cooperative salmon fishery management plan (5 AAC 15.358) in its entirety during a regularly scheduled BOF meeting on November 15-16, 2005, the board may wish to take no action on this request at this time.

**PROPOSED BY:** Chignik Fishermen United

**ACR # 15**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. In the Upper Cook Inlet meeting of the Board of Fisheries in Anchorage, January 2005, the board took up the issue of the closed waters around Packers Creek on Kalgin Island. The board unanimously voted to place the marker one mile from the creek, in the traditional location, at the corner of the homestead, beside the old fish trap.

The board left a clear record of its intent. They voted with reference to written department comments which stated that the effect of adopting the proposal would be to eliminate six set net sites, north of the creek, which were in dispute. The committee recommendation was to place the marker in its traditional location because it had been improperly moved. Further, the board adopted language that was used when the department interpreted that language to place the marker at the fish trap location. Nevertheless, the department, who advocated against the issue, chose to interpret the record to mean that the board intended to take no action. In short, the department has overruled the board.

In addition, an application was filed to the board to reconsider. The board rejected the appeal. Apparently, the department granted the appeal.

The board should take whatever action is necessary to insure the integrity of the process by ensuring the enforcement of the board's intent. The marker on the north side of the creek should be placed in the traditional location as established by the national archive and historical record, beside the old fish trap, at the corner of the homestead. To the south, the one-mile closure continues to need to be enforced. The clear intent of the board should be enforced.

The board should pass a resolution of intent that the marker on the north side of the creek will be placed at the corner of the homestead, by the old fish trap.

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

**1) Fishery conservation purpose or reason:**

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** The agenda change request is to correct an error in application of a regulation.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This is an issue of social justice concerning the integrity of the board process. If the department can overturn the board, then there is no reason for a board. The integrity of the process must be upheld.

**IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** This proposal is not primarily allocative. It is primarily about the efficacy of the board process.

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

Packers Creek's closed waters in Cook Inlet.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** This involves a matter of social justice, it should be dealt with immediately. Justice delayed is justice denied. Furthermore, because this board has invested significant time in resolving this issue, the final resolution should come from this board.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** I own land on Kalgin Island and I set net on Kalgin Island.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** Yes, this issue was decided in the Board of Fisheries meeting in January 2005. The board decided that the six set net sites should be closed down and that the mile should be enforced. The department refuses to implement the board's intent.

Additionally I anticipate that the department will argue that due to the Kalgin Island Management Plan, Kalgin Island is limited to only 12 hours of extra fishing time per week and that nets operating within the conservation zone help to prevent over escapement. Nevertheless, the board should enforce its intent and reestablish enforcement of the traditional closed water area around Packers Creek. Further, the board may consider amending the Kalgin Island Management Plan to allow 24 hours of extra fishing time per week to distribute fishing opportunity throughout the island community.

**Submitted By:** David Chessik

**AGENDA CHANGE REQUEST: 15.**

**PRESENT SITUATION:** Prior to statehood, the closed water markers at Packers Creek were placed one statute mile from the terminus of Packers Creek. As a result of the department moving this marker in 1998, the fisherman who fished in the disputed area submitted an agenda change request in 1999. The BOF accepted this ACR and took regulatory action and left the one mile closure in place with an exclusion from the marker placed at 60 degrees 26.42 minutes N. Lat., 151 degrees 53.32 minutes W. Long. extending 90 degrees (east) from shore. This essentially returned the closed water marker to the location it had occupied prior to the department moving the marker in 1998 and likely where it had resided since prior to statehood. In 2005 the board removed the exclusion from regulation which has rekindled the problem with respect to the one-mile closure. Currently the regulation 5 AAC 21.350 Closed Waters defines closed waters as “within one statute mile of the terminus of Packers Creek. In 2005, the department re-measured this marker again and did not move it from the location that it was in.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to move the marker from its present position to the site of the old trap marker of 1959.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** In federal days, 1959, just prior to statehood there were five salmon traps around Kalgin Island. Each had closed waters area around the trap that prevented set gillnets from fishing within a specified distance from the trap. In 4 cases the specified distance closed was within 1000 feet of the trap marker. In the last case at Packers Creek there was a 300 foot closed area on each side of the trap marker. In the federal regulations from 1959 the areas open to set gillnets include the area from 60 degrees 26 minutes and 43 seconds N. Lat. 151 degrees 53 minutes and 12 seconds W. Long. to 60 degrees 21 minutes and 45 seconds N. Lat. 152 degrees 4 minutes and 3 seconds W. Long.. This is the area from 300 feet south of the trap marker the author is referencing to the south end of the island. While the department is unsure of where the exact location of this north stream closure marker was in 1959, it is certain it is well south of the location this Agenda Change Request seeks.

**PROPOSED BY:** David Chesik

**ACR # 16**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. State and federal regulations regarding proxy fishing for halibut are in direct conflict. The Board of Fisheries adopted regulations in 1994 that provide for proxy fishing for halibut in subsistence, personal use, and sport fisheries. Federal regulations do not provide for proxy fishing for any user group.

Halibut are managed by the federal government and regulations for all types of halibut fishing are established by the International Pacific Halibut Commission (IPHC). Federal regulations supercede state regulations. Even though proxy fishing for halibut has occurred in Alaska waters for ten years (1994-2004), this year (2005) federal enforcement staff have stated that they will cite fishermen for proxy fishing for halibut, even though fishermen have all of the state proxy forms, licenses, etc. properly filled out and on their person.

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

**1) Fishery conservation purpose or reason:**

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** The existing state proxy regulations for halibut are in direct conflict with federal regulations, which supersede state regulations. Proxy fishermen can be cited for a federal violation even though they have complied with all state regulations.

The proposed solution to this unforeseen effect is to prohibit proxy fishing for halibut by all user groups; then state regulations will be consistent with federal regulations. Proxy fishing for all other species will not be amended.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** Prohibiting proxy fishing for halibut will not allocate halibut to another user group. This prohibition would restrict subsistence, personal use, and sport fishermen to taking only two halibut per day, instead of four.

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

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

5 AAC 01.011. Subsistence finfish proxy fishing.

5 AAC 75.011. Sport proxy fishing.

5 AAC 77.016. Personal use proxy fishing.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** The next statewide finfish board meeting is not scheduled until the 2006/2007 board cycle. Fishermen could potentially proxy fish for halibut for another year or more and risk being cited for violating federal halibut regulations.

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

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** No, the board has not heard of this regulatory conflict before.

**Submitted By:** Alaska Department of Fish and Game

**AGENDA CHANGE REQUEST: 16.**

**PRESENT SITUATION:** Current state regulations provide for proxy fishing for all species of fish, including halibut, in subsistence (5 AAC 01.011), personal use (5 AAC 77.016), and sport fisheries (5 AAC 75.011). The Board of Fisheries adopted these state regulations in 1994.

The federal government manages halibut and the International Pacific Halibut Commission (IPHC) establishes regulations for all types of halibut fishing. Federal regulations do not provide for proxy fishing by any user group. Federal regulations supercede state regulations.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** The proposal seeks to amend the current state proxy regulations for subsistence, personal use, and sport fisheries to prohibit harvest of halibut by proxy. This will make state and federal regulations consistent and anglers will not longer be at risk of being cited by federal enforcement agents for having halibut in excess to the daily/possession limits.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** Yes. The fact that federal regulations did not allow proxy fishing for halibut was overlooked when the Board adopted the proxy regulations in 1994. Anglers who are proxy fishing for halibut have been cited by federal enforcement agents even though the anglers had all of the state proxy forms properly filled out and on their person.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The state proxy regulations were in effect for ten years before it became apparent that these regulations were in conflict with federal regulations. Starting in 2004, federal enforcement agents were made aware of this conflict and began to actively enforce their regulations, which did not allow for proxy fishing for halibut.

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

**ACR # 17**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Under 5 AAC 21.360(c)(1)(A) reduce the lower sonar goal back to the original 600,000 that was in place prior to the 2005 board meeting.

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

**1) Fishery conservation purpose or reason:**

**or 2) Correct an error in regulation:** This was fixed in the 2002 board meeting when a proposal was adopted lowering the bag limit in run strengths of less than 2 million from six fish to three fish which it is currently. In 2002 the board was given the choice of a three fish bag limit or 650,000 as the lower end of the goal and the board chose the three fish limit which fixed the problem.

**or 3) correct an unforeseen effect of a regulation:** This also corrects a problem that was unforeseen because the department did not submit a proposal to raise this goal. Instead back room discussions ensued with absolutely no public input or debate. In 2002 the department stated that this 50,000 fish could lead to long closures of all fisheries. At that time the board decided the best fix was to reduce the bag limit in under 2 million returns.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** It is not allocative at all since it lessens the need for closures by all involved.

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

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

Kenai River Late-Run Sockeye Salmon Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** The next two years may be poor returns to the Kenai River so delaying these changes could cause serious closures of all fisheries which is not necessary.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** Sport and personal use fishermen.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** Yes as already stated the department is trying to raise the lower goal to fix a problem that was already fixed at a previous meeting in 2002. In 2002 they testified that a reduction from a six fish limit to a three fish limit was sufficient. Since that time no poor returns have come back to suggest otherwise.

**Submitted By:** Ruben Nyce

**AGENDA CHANGE REQUEST:** 17.

**PRESENT SITUATION:** The department has an SEG for late-run Kenai River sockeye salmon at 500,000 to 800,000 spawners. The board established a regulatory OEG of 500,000 to 1,000,000 for this run. At run strengths less than 2 million, the department is directed to manage for an in-river return goal of 650,000 to 850,000 sockeye salmon past the sonar counter at river mile 19. Prior to 2005 BOF meeting, at run strengths less than 2 million, the inriver goal was 600,000 to 850,000 sockeye salmon.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to return the lower end of the in-river sonar goal from 650,000 to 600,000.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Yes.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The recreational fishery had a daily bag limit of 3 sockeye until 1996 when it was increased to 6 sockeye. Prior to 1996, the bag limit was increased to six only when the upper end of the goal (800,000 fish) was exceeded. In both 2000 and 2001 in-river passage estimates were very near the 600,000 level, resulting in long term closures within the commercial fishery and restrictions in the recreational fishery in an attempt to reach the lower end of the OEG of 500,000 sockeye. In 2002 board lowered the bag limit to three sockeye salmon and allowed the bag limit to be increased by emergency order to six fish when the total Kenai River sockeye salmon run was projected to exceed 2 million fish and the final spawning escapement was projected to exceed 500,000 fish. With a sonar goal of 600,000 salmon, that would leave 100,000 fish that could be harvested in the sport fishery above the sonar counter at river mile 19. Since 1996, the sport harvest above the sonar site has ranged from approximately 147,000 to 253,000 sockeye salmon..

**PROPOSED BY:** Ruben Nyce

**ACR # 18**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The crab rationalization regulations did not address overage provisions for CDQ fisheries. The same provision should apply to both CDQ and non-CDQ fisheries.

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

1) **Fishery conservation purpose or reason:** Not applicable.

or 2) **Correct an error in regulation:** This may be the most appropriate criteria since almost all the regulations adopted by the board previously treated CDQ and non-CDQ the same in terms of regulatory requirements and observer coverage.

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

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This proposal does not propose changing any allocations previously adopted by the board.

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

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

No regulation will be changed, we are asking that the same regulation for overages that apply to the general fishery apply to the CDQ as well.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** Any delay in this regulation being implemented could result in the state and CDQ expending unnecessary time and money on very small overages.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** Bristol Bay Economic Development Corporation participates in the CDQ crab fisheries as well as having an ownership interest in crab vessels and quota.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** To our knowledge this has not been submitted as a proposal, at least with regard to CDQ.

**Submitted By:** Bristol Bay Economic Development Corporation

**AGENDA CHANGE REQUEST:** 18.

**PRESENT SITUATION:** The Federal Fishery Management Plan for Bering Sea and Aleutian Islands king and Tanner crab delegates management of Community Development Quota (CDQ) crab fisheries to the state of Alaska. The Bering Sea-Aleutian Islands King and Tanner Crab Community Development Quota Fisheries Management Plan (5 AAC 39.690) allows for harvest of CDQ crab under the terms of a commissioner's permit. The state CDQ management plan requires that the department calculate each CDQ fishery allocation, in pounds, based on the federal CDQ allocation rate and the Total Allowable Catch (TAC). In addition, the department calculates from the CDQ fishery allocation the pounds available to each CDQ group. CDQ groups are required to manage their fishing activities to not exceed their group's quota. Overages of quota result in forfeiture of the excess crab, and occasionally a violation. Transfer of CDQ crab between groups may occur before and during fishing activity, but the department has not allowed transfer after the harvest has already occurred.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This agenda change request asks that the Alaska Board of Fisheries implement a 3% overage provision for vessels that land CDQ crab.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** Regulations adopted to implement quota share fisheries for Bering Sea and Aleutian Islands king and Tanner crab allow for concurrent harvest of CDQ and Individual Fishing Quota (IFQ), or Adak Community Allocation crab. Concurrent fishing for IFQ and CDQ crab should allow fishers to harvest crab with greater flexibility during longer duration fishing seasons and should provide vessel operators time to better track their individual harvests.

Federal IFQ regulations require overages of up to 3% of the last trip to be forfeited. Overages greater than 3% of the last trip will result in forfeiture of the overage and additional monetary fine. There is no overage provision for CDQ crab fisheries. Overages in the CDQ crab fisheries are rare and have never exceeded 3% of the individual CDQ group allocation by species. CDQ groups have exceeded their individual allocation of a species only 8 times between 1998 and 2004. Five of these overages were greater than 3% of the quota remaining at the last delivery with the maximum overage being 17% of the last trip.

**PROPOSED BY:** Bristol Bay Economic Development Corporation

**ACR # 19**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. At the January 2005 meeting, the board changed the Northern District King Salmon Management Plan to allow 12-hour instead of 6-hour fishing periods to provide additional opportunity for setnetters to harvest additional king salmon. The increase in hours did not result in a substantial increase in harvests. This request is for additional fishing days for Northern District setnetters to harvest king salmon.

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

**1) Fishery conservation purpose or reason:**

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** At the January 2005 board meeting, it was not known how going from 6- to 12-hour periods would affect the overall harvest of king salmon. In 2005, the 12-hour fishing periods did not result in a significant increase in king salmon harvests in the Northern District.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** The Northern District King Salmon Management Plan has a harvest cap of 12,500 king salmon. The Northern District is not approaching that cap. King salmon stocks are generally healthy (e.g., king salmon returns to the Deshka River have exceeded the BEG of 13,000 – 28,000 for the past seven years, sport fishing has been liberalized (see EO 2-KS-2-03-05) and the Northern District setnetters have harvested well below (e.g., under 30 percent) of the 12,500 cap).

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

**CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.**  
5 AAC 21.366. Northern District King Salmon Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** To wait two more years for the opportunity to harvest additional fish will result in financial burden for setnetters given the extensive closures for sockeye in 2005 (e.g., five continuous closures resulting in no fishing in the Northern District from July 19 to August 7).

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** The Northern District Set Netters Association of Cook Inlet represents the commercial fishers in the Northern District of Upper Cook Inlet.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** The board had a proposal for additional fishing periods at the January 2005 meeting.

**Submitted By:** Northern District Set Netters Association of Cook Inlet

**AGENDA CHANGE REQUEST:** 19.

**PRESENT SITUATION:** This fishery opens for three commercial fishing periods, with the first period beginning on the first Monday on or after May 25. The area from the Theodore River to the Susitna River is open to fishing the second regular Monday period only. Fishing periods are from 7:00 a.m. to 7:00 p.m. on Mondays only and the harvest may not exceed 12,500 king salmon per year and the season ends June 24<sup>th</sup>. Allowed gear has been reduced to one 35 fathom net rather than three; minimum distance between nets is extended to 1,200 feet rather than 600 feet; fishing time is reduced to 12 hours per week rather than 24 hours; and no permit holder may set a net seaward of another permit holder.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to add days to the fishery but does not specify how or when that would occur. It can be accomplished either by removing the three period limit and fish Mondays until June 24 or adding fishing time on some other day of the week.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Not in years when escapement goals are being exceeded, however in poor returns it could be allocative.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The Northern District King Salmon Management Plan was first adopted in 1986. In 2002, a limit of 3 periods was put in place and the fishery opened on Mondays after May 25 instead of June 1. During the 1990s, when Chinook runs were at lower levels, likely due to the flood in 1986, the fishery was limited to one or two periods by E.O. Since that time, as stocks have rebounded, the fishery has been open for all scheduled periods. Restrictions to fishing around the Theodore and Chuitna Rivers were implemented in 1997 in response to low escapements in those streams. This area is now open for a single period. Escapement goals have been changed to a range and have been consistently met or exceeded in recent years. Recent harvests have been less than 2000 Chinook salmon, far below the current harvest cap, with the 2005 harvest being approximately 3,000 king salmon in a year with a good run.

**PROPOSED BY:** Northern District Set Gill-netters Assoc.

**ACR # 20**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. At the January 2005 meeting the board made a Central District Drift Gillnet Fishery Management Plan (5 AAC 21.353) that:

- a) opened the Central District drift fishery earlier (e.g., third Monday in June or June 19 whichever is later, instead of June 25);
- b) changed the July 9-15 restriction to the Central District drift gillnet fleet from one of the two periods having to be in Kenai/Kasilof corridor and one inlet-wide, and modified to two periods south of Kalgin Island (Drift Gillnet Area 1);
- c) changed the management of the CD drift fleet in the July 16-31 timeframe (e.g., the previous plan restricted the drift fleet to two consecutive periods either in the Kenai/Kasilof corridor or, depending on the size of the Kenai run and if all sockeye salmon escapement goals were met, to the Kenai/Kasilof corridor and south of Kalgin Island, whereas the new plan enlarged the area open to fishing).

The board passed this three-part liberalization of the Central District drift fishery with unknown exploitation effects of Northern District bound salmon stocks.

After one season (2005) of this modified management of the Central District drift fishery, the Yentna River only managed to meet 41 percent of its minimum BEG (e.g., 2005 escapement is 35,859 in a system that the department set the inriver goal to be 90,000 to 160,000).

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

**1) Fishery conservation purpose or reason:**

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** The effect of opening the Central District drift season earlier, fishing two Central District drift periods south of Kalgin Island versus one period in the corridor and one inlet-wide period, and expanding the Central District drift fishing area open in the July 16 through 31 time period was unforeseen in January 2005 and resulted in significantly contributing to the Yentna/Susitna system not meeting its escapement goal.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** The Yentna River escapement goal is 90,000 to 160,000. The 2005 escapement was 36,859.

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

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

5 AAC 21.320. Weekly fishing periods.

5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** It is necessary to address the failure of Yentna River escapement immediately and not wait for two more years.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** The Northern District Set Netters Association of Cook Inlet represents the commercial fishers in the Northern District of Upper Cook Inlet.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** The ACR is a result of changes the board made in January 2005.

**Submitted By:** Northern District Set Netters Association of Cook Inlet

**AGENDA CHANGE REQUEST: 20.**

**PRESENT SITUATION:** The fishing season will open the third Monday in June or June 19, whichever is later, and from July 9 through July 15, fishing during the two regular fishing periods is restricted to the Kenai and Kasilof Sections and Drift Gillnet Area 1. At run strengths greater than 2,000,000 sockeye salmon to the Kenai River, the commissioner may, by emergency order, open one additional 12-hour fishing period in the Kenai and Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1.

From July 16 through July 31, at run strengths of less than 2,000,000 sockeye salmon to the Kenai River, fishing during the two regular 12-hour fishing periods is restricted to the Kenai and Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1. At run strengths of 2,000,000 to 4,000,000 sockeye salmon to the Kenai River, fishing during the two regular 12-hour fishing periods is restricted to the Kenai and Kasilof Sections of the Upper Subdistrict and Drift Gillnet Areas 1 and 2. At run strengths greater than 4,000,000 sockeye salmon to the Kenai River, there will be no mandatory restrictions during regular fishing periods;

From August 11 until closed by emergency order, drift gillnet Areas 3 and 4 are open for fishing during regular fishing periods.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to remove three liberalizations the board made to the drift fishery at the 2005 BOF meeting. See below under additional information that few of these liberalization's were actually used in 2005.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Yes.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** In order to harvest surplus fish bound to either the Kenai or Kasilof Rivers while reducing the harvest rate on Northern District bound fish the department instituted the use of the "three mile corridor" during most additional fishing periods. This "three mile corridor" was changed to the present Kenai and Kasilof Sections in 1996. In the middle 1980's the escapement to the Yentna River began to falter and the department began restricting regular periods to aid in achieving the Yentna escapement goal. The department determined that in most years, the most effective time to implement such a restriction in the drift gillnet fishery was between the 10<sup>th</sup> and 15<sup>th</sup> of July. The department implemented this restriction by emergency order based on the best available information regarding run timing and run strength each year beginning in 1990. In 1999, the restriction was placed into regulation in the Northern District Salmon Management Plan and fixed in time between the dates of July 9<sup>th</sup> through July 15<sup>th</sup>. In 2005 this single restriction was changed to two restrictions south of the southern tip of Kalgin Island and a third weekly period south of the island was also allowed. The restriction was implemented in the beginning to reduce the exploitation rate on Northern District stocks.

The board first adopted the Northern District Coho Salmon Management Plan in 1996 to minimize harvest of Susitna River coho salmon and further limit the commercial harvest of coho bound for freshwater streams and rivers of the Northern District. Under this plan, the drift gillnet fishery was limited to the Kenai and Kasilof Sections of the Upper Subdistrict on the first regular fishing period after July 25<sup>th</sup>. A second restricted period in late July was added in 1999 so that the drift gillnet fishery is restricted for one regular fishing period on, or immediately before, July 25<sup>th</sup> and the first regular fishing period after July 25<sup>th</sup>. In 2002, this was modified to two consecutive restrictions to the Kenai and Kasilof Sections and south of Kalgin Island between July 16 and July 31. In 2005 these restrictions were changed to 2 periods south of the island in returns to the Kenai under two million sockeye, in returns of 2-4 million the area was increased to include the area east of the island and in returns of over 4 million sockeye to the Kenai River there are no mandatory restrictions.

In 2005, the department implemented a much more conservative fishing schedule with the drift fleet than prescribed in regulation to conserve Northern District stocks. The two regular weekly periods from July 9-15 were restricted south of Kalgin Island as per the plan. In 2005, the harvest from these two new early periods was 11,439 sockeye. A third fishing period allowed under the current management plan south of Kalgin Island was not allowed. Although the Kenai River sockeye salmon run was over four million sockeye salmon, which allowed additional fishing time under the current management plan, restrictions to the drift fleet during this time period were implemented. For the regular period on July 21, the northern 50 miles of the Central District was closed to drift gillnets. For the regular period on July 25 the northern 25 miles of the Central District was closed. For the fishing periods on July 28, 30 and August 1 fishing was restricted south of a line from Collier's Dock to Kalgin Island. In addition the Northern District set gillnet fishery was closed for 5 regular fishing periods from July 21 through August 4.

**PROPOSED BY:** Northern District Set Gill-netters Assoc.

**ACR # 21**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The Upper Cook Inlet Salmon Management Plan used to allow the department, by emergency order, to allow Northern District setnetters to fish on Wednesdays after August 15. During the coho conservation concerns in the 1990s, the board removed this flexibility. The coho stocks are strong and the Northern District fishers would like this fishing opportunity returned.

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

**1) Fishery conservation purpose or reason:**

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** When the regulation removing the department's ability to give extra fishing periods to the Northern District was adopted, there was a conservation concern for coho. There is no longer that conservation concern for northern coho and the regulation was not changed back to its original language.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** Coho returns are generally healthy.

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

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

5 AAC 21.358. Northern District Salmon Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** To wait two more years for the opportunity to harvest additional fish will result in a financial burden for setnetters given the extensive closures for sockeye in 2005 (e.g., five continuous closures resulting in no fishing in the Northern District from July 19 to August 7).

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** The Northern District Set Netters Association of Cook Inlet represents the commercial fishers in the Northern District of Upper Cook Inlet.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** Do not believe the board considered returning the department's ability to grant additional coho periods to Northern District setnetters.

**Submitted By:** Northern District Set Netters Association of Cook Inlet

**AGENDA CHANGE REQUEST:** 21.

**PRESENT SITUATION:** Current regulations do not allow additional time after August 15 in the Northern District. In addition, additional fishing periods are prohibited in the Northern District at any time when coho are the most abundant species harvested.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** Allow additional fishing periods for coho salmon.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Yes
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The removal of Wednesday fishing periods after August 15 for the Northern District set gillnet fishermen was a result of the introduction of the Urban Coho Stocking program in the Northern Cook Inlet area. The action was taken to decrease the commercial harvest of coho salmon stocked for recreational uses.

**PROPOSED BY:** Northern District Set Gill-netters Assoc.

**ACR # 22**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Regulation changes by the board in 2004-2005 in the Alitak District Salmon Management Plan (5 AAC 18.361(a)(c)and(d)) have reduced catches in the Olga Bay section by 5 percent overall (Kodiak department office 2004 – 12.7 percent and 2005 – 7.2 percent) which is a 41 percent reduction in catch by the average permit holder in one season.

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

**1) Fishery conservation purpose or reason:**

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** The changes in the Alitak management plan in one season has severely impacted the catch of the Olga Bay Section which was unforeseen. Catches have been reduced 41 percent in one year.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** The agenda change request is made only to gain relief from the devastating economic consequences that the board's regulation changes in 2004/2005 cycle have impacted upon Olga Bay.

**IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** The catch percentage by each section in the Alitak Bay area dramatically illustrates the precipitous drop in the Olga Bay Section from the summer of 2004 12.2 percent to 2005 7.2 percent. These figures are from the department in Kodiak.

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

5 AAC 18.361(a)(c)and(d). Alitak District salmon management plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** The Olga Bay setnet fishery will not be able to survive if relief is not given from regulations that have reduced individual catches by 41 percent in one year.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** I own and operate a set gillnet operation in Olga Bay on Kodiak Island.

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

**Submitted By:** James Pryor

**AGENDA CHANGE REQUEST:** 22.

**PRESENT SITUATION:** Changes were made to the Alitak District salmon management plan during an Alaska Board of Fisheries January, 2005 meeting (5 AAC 18.361). The board's action during the meeting was to modify section lines in the Alitak and Moser Bay Sections, to modify fishing time in various sections to achieve escapements and harvest objectives of salmon stocks returning to the Humpy-Deadman Section, and the Horse Marine, Frazer, Akalura, and Upper Station systems, and to modify fishing times between sections (equal fishing time with staggered openings and closures).

**WHAT THE PROPOSAL SEEKS TO CHANGE:** Possible reduced harvests upon Olga Bay Section fishermen due to the amended Alitak District Salmon Management Plan, 5 AAC 18.361.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Yes.
5. **Does the department have new information with respect to the allocative nature of this proposal?** Yes, the department information referenced in the agenda change request did not include some late season harvest data. Preliminary harvest results indicate that the Olga Bay Section sockeye salmon harvest in 2005 was 7.74% of the Alitak District sockeye salmon harvest (the Olga Bay Section 2004 harvest was 11.72% and the 2003 harvest 11.90%).

**ADDITIONAL INFORMATION:** None.

**PROPOSED BY:** James Pryor

**ACR # 23**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. I request the board, during the 2005-2006 meeting cycle, consider regulation changes, amending the Northern District Salmon Management Plan, adopting a Yentna River Sockeye Salmon Management Plan, or providing management direction to assist the department in obtaining the Yentna River sockeye salmon escapement goal.

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

**1) Fishery conservation purpose or reason:** The department has failed to obtain the Yentna River sockeye salmon escapement goal during four out of the past five years (2001, 2002, 2004, 2005). In addition, this problem appears to be escalating as the 2005 escapement was the lowest on record for the 25 years since the department started using the Yentna River sockeye salmon escapement goal.

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

**or 3) correct an unforeseen effect of a regulation:** During the 2005 Upper Cook Inlet meeting the board changed the pattern of commercial fishing in Upper Cook Inlet to provide a more steady and predictable flow of sockeye and king salmon into the Kenai River. While newly adopted regulations accomplished this goal, I believe the board did not foresee this same pattern of commercial fishing would also result in the lowest Yentna River sockeye salmon escapement on record and the lowest escapement of Fish Creek sockeye salmon in 27 years. In response, department managers completely closed the Northern District setnet fishery from July 19 through August 7, closed the Susitna River drainage sport fishery to retention of sockeye salmon after July 23, prohibited all retention of sport-caught Fish Creek sockeye, and never opened the Fish Creek personal use fishery.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This agenda change request seeks to provide adequate sockeye salmon escapements to the Yentna River, Susitna River, and other Northern District stream drainages as measured by the department established and board adopted Yentna River sockeye salmon escapement goal range. All Upper Cook Inlet harvesters of Yentna River or Northern District bound sockeye salmon should be required to share the conservation burden in proportion to their harvest of Yentna River or northern-bound sockeye salmon.

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

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

5 AAC 21.358. Northern District Salmon Management Plan. Provisions need to be placed in this plan to implement more precautionary fishing practices during early- and mid-July. In addition, if the Yentna River sonar count of sockeye salmon starts falling behind what is needed to meet minimum escapement goal range numbers specific actions must be written into the plan to reduce harvests of Yentna or northern bound sockeye salmon by all user groups in proportion to their harvests of those fish. Please also consider all additional applicable Upper Cook Inlet commercial, sport, personal use, and subsistence fishing regulations and management plans.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** As mentioned earlier despite present inseason emergency commercial and sport

fishing restrictions, the Yentna River sockeye salmon escapement goal has not been met in four out of the past five years. Five years represents an entire life cycle of Yentna River sockeye salmon, so in four out of the next five years (with less than adequate parent spawners) there is high probability that sockeye salmon escapements to the Yentna River and other Northern District streams will continue to decline, or at the very least, remain below adequate numbers unless something is done to address this problem now.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** I am a sport fishing guide operating on the Little Susitna River and Susitna River drainage. In addition, I am a long-time member of the Matanuska Valley Advisory Committee.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** Underescapement and/or allocation of Yentna River sockeye and northern-bound salmon stocks has been a primary concern of the Matanuska Valley Advisory Committee for many board cycles and the committee has written numerous proposals in hopes of correcting this problem. However, as mentioned earlier, the problem only seems to be escalating with 2005 being the poorest Yentna River sockeye salmon return on record and the 2005 Fish Creek sockeye salmon escapement (the only other sockeye goal in the Northern District) was the lowest in 27 years.

**Submitted By:** Andrew N. Couch

**AGENDA CHANGE REQUEST: 23.**

**PRESENT SITUATION:** In the last 10 years, the sockeye salmon escapement goal into the Yentna River has been exceeded twice, within the range twice, and under the goal six times, with one of those years under by less than 1,000 fish. In the last 5 years, the Yentna River sockeye salmon escapement goal has exceeded the upper end once (2003) and been below the escapement goal four times.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to have Yentna River sockeye salmon designated as a stock of concern under the *Sustainable Salmon Fisheries Policy*. In addition it seeks a rewrite the Kenai River Late-Run Salmon Management Plan to be more precautionary and ensure meeting the Yentna River escapement goal.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** Possibly. (see additional information)
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Possibly.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The department does not believe the sustainability of the Yentna River sockeye salmon stock, as defined by the *Sustainable Salmon Fisheries Policy*, is jeopardized despite the failure to reach escapement goals in four of the last five years. Under, 5 AAC 39.222, the *Sustainable Salmon Fisheries Policy*, sustained yield means an average annual yield that results from a level of salmon escapement that can be maintained on a continuing basis; a wide range of average annual yield levels is sustainable; a wide range of annual escapement levels can produce sustained yields. However, the department is treating the persistently low escapements to the Yentna River as a serious issue. This issue is being addressed in the immediate term by placing restrictions on fisheries that harvest this stock; and in the longer term by a suite of research programs intended to: 1) answer key questions regarding the productivity of the stock and 2) conduct genetic studies intended to improve our knowledge of where and how many sockeye from this stock are harvested.

Currently, the Yentna River escapement goal is a sustainable escapement goal (SEG). An SEG is a level of escapement the is known to provide for sustained yield over a 5 to 10 year period and is used in situations where a biological escapement goal (BEG) cannot be estimated due to the absence of a stock specific catch estimate.

In 2005, the department implemented a more conservative fishing schedule with the drift fleet than was allowed in regulation to conserve Northern District, including Yentna River sockeye, stocks. Restrictions to the drift fleet included both: 1) areas where Yentna sockeye salmon were thought to be; and 2) not exercising a third commercial opening that was allowed by the management plan. In addition the Northern District set gillnet fishery was closed for 5 regular fishing periods from July 21 through August 4.

Given the recent pattern of low sockeye escapements to the Susitna, the department is working to resolve two uncertainties regarding this stock. The first uncertainty is our understanding of stock structure, and the harvest of these stocks in the mixed stock fishery. A comprehensive study will include processing current genetic material to develop a DNA genetic baseline. Sockeye salmon caught in the drift and set gill net fisheries of Upper Cook Inlet will continue to be sampled and DNA analysis will be conducted to determine river of origin. The second uncertainty concerns the overall sockeye escapement into the Susitna River. We currently have sonar on the Yentna River but it is uncertain if this is representative of the Susitna River. A mark-recapture and radio telemetry study will provide an estimate of sockeye escapement in the Susitna to compare with the existing sonar and allow the identification of all potential spawning areas in the drainage.

The information from these studies is expected to be available to the board at the next regular cycle meeting. This information will help determine if stock specific fishing strategies could be developed for Upper Cook Inlet, as well as guide the implementation of any such fishing strategies to better assure achievement of the Yentna River sockeye salmon escapement goal.

**PROPOSED BY:** Andrew Couch

**ACR # 24**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. There is an error in the regulatory language as it pertains to the open fishing season for the drift fleet as published in the codified regulations under 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan. In its present form drift fishing is allowed starting from June 19 and may continue from July 9 through July 15 (paragraph A); July 16 through July 31 (paragraph B); and August 11 until closed by emergency order (paragraph C). As written there is a hiatus where there is no direction as to how and when to fish the drift fleet. The argument could be made that 5 AAC 21.310 covers that period of time (August 1 through August 10). However, the document which formed the basis of the board action on this topic clearly references July 16 through August 10. There was a typing error on a chart included in that packet referencing July 16 through July 31. However, that was brought to the attention of the board on record and was recognized by the board as a typo; the written language of the plan which references the correct date and references to the maps allowed to stand.

In summary there appears to be an error in the dates associated with the drift gillnet management plan since there is an unexplained hiatus within the plan.

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

**1) Fishery conservation purpose or reason:**

**or 2) Correct an error in regulation:** This ACR is intended to correct an error in the regulations.

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

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** Allocative elements associated with this issue have already been addressed when the Central District Drift Gillnet Fishery Management Plan was adopted. Therefore we seek no shift in the allocative priority among users, we simply want to see the correct dates in regulation.

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

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

This ACR is intended to correct an error in the regulations by making the following change:

5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan. (a) The department shall manage the Central District commercial drift gillnet fishery as follows:

...

(B) from July 16 through **August 10** (JULY 31),

(i) at run strengths of less than 2,000,000 sockeye salmon to the Kenai River, fishing during the two regular 12-hour fishing periods is restricted to the Kenai and Kasilof sections of the Upper Subdistrict and Drift Gillnet Area 1;

(ii) at run strengths of 2,000,000 to 4,000,000 sockeye salmon to the Kenai River, fishing during the two regular 12-hour fishing periods is restricted to the Kenai and Kasilof sections of the Upper Subdistrict and Drift Gillnet Areas 1 and 2;

(iii) at run strengths greater than 4,000,000 sockeye salmon to the Kenai River, there will be no mandatory restrictions during regular fishing periods;

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** The fishing public and the department look to the board to provide clear and scientifically-based management plans. Those plans provide the department direction on how to manage fisheries with conservation and allocation in mind. They afford the public some measure of predictability on how the fisheries will be managed so they may be able to best benefit from them. Errors such as the one this ACR is attempting to address add confusion to the management system. This is more of an administrative housekeeping issue. However, this ACR is submitted to afford the board a formal opportunity to make the correction.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** Kenai River Sportfishing Association (KRSA) is an organization dedicated to conservation and habitat protection and rehabilitation. KRSA serves the interests of inriver sport and personal use fishermen and operates under the principle of open public access to public resources within the biological limits necessary to conserve the stocks.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This ACR has not been brought before the board in the past and is simply offered to allow the board to make what amounts to an administrative correction to the regulations.

**Submitted By:** Kenai River Sportfishing Association

**AGENDA CHANGE REQUEST:** 24.

**PRESENT SITUATION:** The present situation in regulation is that from the start of the season around June 19, the drift fishery is allowed 2 regular periods per week as described under 5 AAC 21.353(1). Under section (2) of the same regulation the restricted regular periods are delineated while unrestricted periods are not.

**5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.** (a) The department shall manage the Central District commercial drift gillnet fishery as follows:

...

(B) from July 16 through July 31,

(i) at run strengths of less than 2,000,000 sockeye salmon to the Kenai River, fishing during the two regular 12-hour fishing periods is restricted to the Kenai and Kasilof sections of the Upper Subdistrict and Drift Gillnet Area 1;

(ii) at run strengths of 2,000,000 to 4,000,000 sockeye salmon to the Kenai River, fishing during the two regular 12-hour fishing periods is restricted to the Kenai and Kasilof sections of the Upper Subdistrict and Drift Gillnet Areas 1 and 2;

(iii) at run strengths greater than 4,000,000 sockeye salmon to the Kenai River, there will be no mandatory restrictions during regular fishing periods;

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to have the two restrictions that could occur between July 16 and July 31 to occur from July 16 and August 10.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** Possibly.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Possibly.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** In RC 140 of the 2005 Upper Cook Inlet BOF meeting, the first, third, and seventh pages list these restrictions as occurring between July 16 and August 10 while the attached matrix on page five indicates July 16-31.

**PROPOSED BY:** Kenai River Sport Fishing Assoc.

**ACR # 25**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. There is an error in the regulations addressing the transition from sockeye management to coho management in the commercial setnet fishery in Upper Cook Inlet.

During the January 2005 Upper Cook Inlet finfish meeting the department and members of the various user groups arrived at an approach to define when the department would transition from sockeye salmon management to coho salmon management. Although numerous approaches were discussed, the one that was eventually agreed upon was to define the termination of the commercial sockeye season to be when the commercial catch was 1 percent or less of the cumulative season total for two consecutive commercial fishing periods. This agreement was part of a complex set of negotiations and collaborative efforts among users. The board took action on this approach and adopted it into regulation. Following that action the department took steps intended to “clarify” the regulation and the result is the language we presently have in 5 AAC 21.310(b)(2)(C)(iii). This provision now contains language that was inserted during the editing process that, if followed to the letter, subverts the intent of the board when it passed this regulation in January 2005. The inserted language redefines a fishing period to include “a time period open to commercial fishing without closure.” Under this inserted language this could include several days rather than the daily periods upon which the 1 percent trigger was selected. There is no record that the language in question was ever formally acted upon by the board (RC or amendment to the proposal by a board member during deliberations) and although intended to help clarify the regulation the added language has the opposite effect.

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

**1) Fishery conservation purpose or reason:**

**or 2) Correct an error in regulation:** This ACR seeks to correct an error in regulation. As the regulation currently appears in the codified regulations it is not in the form that was passed by the board in January 2005. Absent any formal record of how the inserted language was placed into the codified regulations (RC or amendment to the proposal by a board member during deliberations) and the fact that the strict interpretation of the current language results in making this board action moot, we believe the wording should be corrected. The new language must be consistent with the intent and spirit of the regulation when passed by the board in January of 2005 and be clearly understood by the department and the public.

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

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** The allocative nature of this regulation has already been dealt with by the board at the January 2005 meeting. The fact the board took action on this regulation and passed the wording they did reflects the board’s position on this issue. We seek only to correct an error in the wording found in the current regulation which prevents the use of this direction inseason.

**IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** We do not believe the correction to the regulation we seek is allocative. The allocative decisions have already been made at the prior board meeting.

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

5 AAC 21.310(b)(2)(C)(iii) reads: Kenai, Kasilof, and East Forelands Sections:

the season will close August 10, unless closed earlier by emergency order after July 31, after the department determines that less than 1 percent of the season's total sockeye harvest has been taken per fishing period for two consecutive fishing periods; for the purposes of this sub-subparagraph, "fishing period" means a time period open to commercial fishing without closure;

Recommended substitute language that reflects the board's intent would read:

The season **shall** [WILL] close August 10, unless closed earlier by emergency order after July 31, after the department determines that less than 1 percent of the season's total sockeye harvest has been taken per fishing period for two consecutive fishing periods; for purposes of this sub-subparagraph, "fishing period" means a time period open to commercial fishing without closure **per calendar day**;

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** The correction we seek allows the full package of regulatory changes approved by the board in January 2005 to be implemented. The collective changes were a product of extensive participation by the users and involved give and take on all sides. Correcting the wording in this regulation so that the intent may be implemented is an important part of the compromises reached among the users at the previous meeting. To allow this error to stand is a disservice to the board process and to those who participate in it and will continue to allow the prior board action and intent to be subverted. The incorrect language has already affected how fishing periods were set after August 1 in 2005. Prior to that date, fishing periods were typically limited to portions of the day when fishing conditions were optimal. After that date, fisheries were opened around the clock with the result being no interruptions that would require consideration of the 1 percent trigger. Daily sockeye harvests after August 1 were sufficiently large in 2005 that a 1 percent trigger would not have been reached. This correction might affect 2006 management.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** Kenai River Sportfishing Association (KRSA) is an organization dedicated to conservation and habitat protection and rehabilitation. KRSA serves the interest of inriver sport and personal use fishermen and operates under the principle of open public access to public resources within the biological limits necessary to conserve the stocks.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This ACR seeks to correct language that was inserted following board action on the issue. We seek to only address the editorial error that exists. To the extent the topic has been discussed and resolved by the board in January 2005, we do not seek to rehash any of that discussion.

**Submitted By:** Kenai River Sportfishing Association

**AGENDA CHANGE REQUEST: 25.**

**PRESENT SITUATION:** Current regulations are for the Upper Subdistrict set gillnet fishery read “Kenai, Kasilof, and East Forelands Sections: the season will close August 10, unless closed earlier by emergency order after July 31, after the department determines that less than one percent of the season’s total sockeye harvest has been taken per fishing period for two consecutive fishing periods; for purposes of this sub-subparagraph, “fishing period” means a time period open to commercial fishing without closure”.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to define a fishing period by day.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Yes.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** In its deliberations the board was clear in defining a fishing period and this was clarified on the record, with other members agreeing, including the committee chairman (recorded file BOF\_1-26-05 5-14\_01c503ca7e161260) that it was not by day but by a period.

**PROPOSED BY:** Kenai River Sport Fishing Assoc.

**ACR # 26**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Kasilof sockeye inriver goals were exceeded in 2005 for the ninth time in the last 10 years. In 2005 the department elected to step outside the Kasilof River Salmon Management Plan in the first year after revisions were made at the 2005 board meeting to address this problem. It is clear that the current management plan is not adequate to guide management actions for large returns. The regulatory plan should provide clear direction to the department in how to proceed with management. In the case of the Kasilof River Sockeye Salmon Management Plan, the recent history of managing outside the plan is sufficient evidence to indicate the plan in its present form is deficient.

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

**1) Fishery conservation purpose or reason:** This ACR is intended to address conservation issues concerning Kasilof king salmon (criterion one) and primarily criterion three to correct an effect on a fishery that was unforeseen by the board at the last meeting.

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** See 1) above.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** Allocative elements associated with this issue have already been addressed when the Kasilof management plan was adopted. Therefore we seek no shift in the allocative priority among users, we simply want to see a management plan that can be implemented rather than having one the department sets aside.

**IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** To the extent there will be allocative issues involved, the board is compelled to address the deficiencies within the existing plan because the existing one is routinely being set aside by the department.

**CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.**  
5 AAC 21.365. Kasilof River Salmon Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** The fishing public and the department look to the board to provide clear and scientifically-based management plans. Those plans provide the department with direction on how to manage fisheries with conservation and allocation in mind. They afford the public some measure of predictability on how the fisheries will be managed so they may be able to best benefit from them. In the absence of a plan, or in this case where the plan is routinely set aside, these elements are left behind and the interests of conservation and those of the public are not served.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** Kenai River Sportfishing Association (KRSA) is an organization dedicated to conservation and habitat protection and rehabilitation. KRSA serves the interests of inriver sport and personal use fishermen and operates under the principle of open public access to public resources within the biological limits necessary to conserve the stocks.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** The department elected to not present the board with any proposals to address deficiencies within the existing Kasilof plan during the last board cycle. Proposals forwarded by other groups were not supported by the department and were subsequently not acted upon by the board. It appears now, however, there is a consensus position that this plan should be revised in a manner that allows the department to manage within the plan over a variety of run strengths.

**Submitted By:** Kenai River Sportfishing Association

**AGENDA CHANGE REQUEST:** 26.

**PRESENT SITUATION:** The Kasilof Section is managed for Kasilof stocks with both set and drift gillnets. The set gillnet season can open as early as June 20 and for drifting the season can open as early as June 19. The biological escapement goal is 150,000 to 250,000 sockeye salmon and the OEG is 150,000 – 300,000 sockeye salmon. Achieving the lower end of the Kenai River sockeye salmon escapement goal takes priority over not exceeding the upper end of the Kasilof River OEG. From the start of the season through July 7 the set gillnet fishery is restricted to 2 regular periods, up to 48 hours of additional time and a mandated 48 hour closure. Beginning July 8 the Kasilof Section is managed in conjunction with the Kenai and East Forelands Sections. During this time frame the fishery is managed as follows: with runs of sockeye salmon under 2 million to the Kenai River, two regular 12 hour periods plus 24 hours of additional time per week. With runs between 2-4 million salmon two regular 12 hour periods plus 51 hours of additional time per week with a 24 and a 36 hour closed period each week. In runs over 4 million sockeye salmon, two regular 12 hour periods plus 84 hours of additional time per week with a 36 hour closed period each week. In addition, if the Kenai return is less than 2 million sockeye salmon, and after July 15 the Kasilof escapement is projected to exceed 300,000 fish, an additional 24 hours of fishing time within ½ mile is allowed.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** Not specified.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** Under the current management plan, during large runs (1 million or more) of sockeye salmon returning to the Kasilof River, it is difficult to achieve the escapement goal.

**PROPOSED BY:** Kenai River Sport Fishing Assoc.

**ACR # 27**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. When the drift fleet was in the Naknek River Special Harvest Area in 2005, the Naknek River OEG was exceeded. If the setnet fishermen would remove their running lines, it would allow the drift boars to fish next to the beach.

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

**1) Fishery conservation purpose or reason:** The upper end of the Naknek River escapement goal is being exceeded.

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

**or 3) correct an unforeseen effect of a regulation:** Less boats in the Naknek River Special Harvest Area.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** There is an allocation plan in the Naknek River SHA. It is set at 84 percent drift and 16 percent set.

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

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

5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan. Have the setnet fishermen remove their running lines within 500 feet of the beach when they are not fishing.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** Department plans to fish in the Naknek River SHA in 2006. The board does not address Bristol Bay until 2007.

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

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** The last Bristol Bay meeting the board addressed removing all setnet gear. I am asking that running lines only be removed.

**Submitted By:** Vince Webster

**AGENDA CHANGE REQUEST: 27.**

**PRESENT SITUATION:** When fishing in the Naknek River Special Harvest Area (NRSHA), the commercial sockeye catch is allocated between drift and set gillnet users 84% / 16% respectively. Also while fishing in the NRSHA, the Naknek River has an OEG of 800,000 to 2,000,000 sockeye. In addition, fishing periods are set so only one gear group fishes at a time. When the set gill net fleet is not fishing, all set gillnet gear associated with fishing within 500 feet of shore can remain in the water. With running lines and buoys spaced 150 feet apart it restricts the drift fleet from fishing the shoreline. Sockeye migrating within this area pass through the fishery adding to the escapement and also taking additional periods with the drift fleet to catch their allocation of sockeye.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** When fishing in the NRSHA, set gillnet running lines must be removed from the water when not fishing.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** Yes.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The catch, allocation percentages and escapement for the Naknek River during the 2004 and 2005 season:

	2004	2005
Catch	4.7 million	6.1 million
Allocation (Drift/Set)	81% / 19%	81% / 19%
Escapement	1.9 million	2.7 million

**PROPOSED BY:** Vince Webster

**ACR # 28**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The Yentna River sockeye salmon escapement has been missed five out of the last seven years. The escapements were missed in 1999, 2001, 2002, 2004 and 2005. This demonstrates the Yentna River's chronic inability to meet established escapement goals and qualifies it for "stock of concern" status under the Sustainable Salmon Fisheries Policy.

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

**1) Fishery conservation purpose or reason:** The Yentna River is the yard stick for the entire Susitna River system and the Northern District, as the escapement represents 50 percent of the entire Susitna River drainage and 25 percent of the remaining Northern District returns. The sustainable salmon policy states that if an escapement goal is missed four to five years in close succession, that a chronic inability to meet escapement goals has been demonstrated. If escapement goals continue to be missed, irreparable damage will be done to future salmon returns. Immediate action is required to prevent future reoccurrence of missed escapement goals.

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** Recent changes to Cook Inlet commercial fishing regulations removed time and area restriction on the drift fleet and lowered the Yentna River escapement goal from 90,000 to 75,000 when a 4 million harvest was forecast. These changes removed protective measures that are in place, caused over-fishing by commercial fishermen, and have led to a failure to meet management strategy requirements set forth in the Sustainable Salmon Fisheries Policy listed in 5 AAC 39.222(1)(G)(2)(A)-(H).

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This is a conservation issue, not an allocative issue. The Sustainable Salmon Fisheries Policy lays out the requirements for escapements and habitat requirements needed for a successful salmon management program. There is plenty of data to support that if you do not have enough salmon returning to spawn, the wild runs can be lost forever.

It is very important that we manage our salmon properly. Returning salmon stocks are a main food source for resident fish and wildlife species in and around all freshwater streams, and the needs of consumptive users were not met in and around the Susitna River in 2005. If you do not have dead fish on the bank, you do not have enough return.

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

**CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.**  
5 AAC 21.360. Kenai River Late-Run Salmon Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** The Yentna River is the barometer for the entire Northern District and it will be two years before this problem will be addressed in cycle. This issue cannot wait that long. Any such delay will have disastrous effects on the sockeye salmon returns to the entire Susitna River drainage,

since the Yentna River returns make up 50 percent of the Susitna River returns and 25 percent of all of the Northern District returns. When it is sick, the entire system is sick.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** Our members include personal, subsistence, consumptive, sport, guides and guided users of our fish resource. The health of all fish runs in our area and throughout the state are very important to our members and the valley residents that we represent.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** We do not think this issue has been addressed previously.

**Submitted By:** Matanuska Valley Advisory Committee

**AGENDA CHANGE REQUEST: 28.**

**PRESENT SITUATION:** In the last 10 years, the sockeye salmon escapement goal into the Yentna River has been exceeded twice, within the range twice, and under the goal six times, with one of those years under by less than 1,000 fish. In the last 5 years, the Yentna River sockeye salmon escapement goal has exceeded the upper end once (2003) and been below the escapement goal four times.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to have Yentna River sockeye salmon designated as a stock of concern under the *Sustainable Salmon Fisheries Policy*. In addition it seeks a rewrite the Kenai River Late-Run Salmon Management Plan to be more precautionary and ensure meeting the Yentna River escapement goal.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** Possibly. (see additional information)
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Possibly.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The department does not believe the sustainability of the Yentna River sockeye salmon stock, as defined by the *Sustainable Salmon Fisheries Policy*, is jeopardized despite the failure to reach escapement goals in four of the last five years. Under, 5 AAC 39.222, the *Sustainable Salmon Fisheries Policy*, sustained yield means an average annual yield that results from a level of salmon escapement that can be maintained on a continuing basis; a wide range of average annual yield levels is sustainable; a wide range of annual escapement levels can produce sustained yields. However, the department is treating the persistently low escapements to the Yentna River as a serious issue. This issue is being addressed in the immediate term by placing restrictions on fisheries that harvest this stock; and in the longer term by a suite of research programs intended to: 1) answer key questions regarding the productivity of the stock and 2) conduct genetic studies intended to improve our knowledge of where and how many sockeye from this stock are harvested.

Currently, the Yentna River escapement goal is a sustainable escapement goal (SEG). An SEG is a level of escapement the is known to provide for sustained yield over a 5 to 10 year period and is used in situations where a biological escapement goal (BEG) cannot be estimated due to the absence of a stock specific catch estimate.

In 2005, the department implemented a more conservative fishing schedule with the drift fleet than was allowed in regulation to conserve Northern District, including Yentna River sockeye, stocks. Restrictions to the drift fleet included both: 1) areas where Yentna sockeye salmon were thought to be; and 2) not exercising a third commercial opening that was allowed by the management plan. In addition the Northern District set gillnet fishery was closed for 5 regular fishing periods from July 21 through August 4.

Given the recent pattern of low sockeye escapements to the Susitna, the department is working to resolve two uncertainties regarding this stock. The first uncertainty is our understanding of stock structure, and the harvest of these stocks in the mixed stock fishery. A comprehensive study will include processing current genetic material to develop a DNA genetic baseline. Sockeye salmon caught in the drift and set gill net fisheries of Upper Cook Inlet will continue to be sampled and DNA analysis will be conducted to determine river of origin. The second uncertainty concerns the overall sockeye escapement into the Susitna River. We currently have sonar on the Yentna River but it is uncertain if this is representative of the Susitna River. A mark-recapture and radio telemetry study will provide an estimate of sockeye escapement in the Susitna to compare with the existing sonar and allow the identification of all potential spawning areas in the drainage.

The information from these studies is expected to be available to the board at the next regular cycle meeting. This information will help determine if stock specific fishing strategies could be developed for Upper Cook Inlet, as well as guide the implementation of any such fishing strategies to better assure achievement of the Yentna River sockeye salmon escapement goal.

**PROPOSED BY:** Matanuska Valley Advisory Committee

**ACR # 29**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The Fish Creek sockeye salmon escapement has been missed five out of the last eight years. The escapements were missed in 1998, 1999, 2000, 2001, 2002, and 2005 (incidentally 2005 was the worst return in 27 years). Fish Creek was on a stock of concern status due to poor returns until it was taken off at the January 2005 board meeting, due in part because of the fact that they lowered the escapement from 50,000 sockeye to 20,000 at that meeting.

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

**1) Fishery conservation purpose or reason:** The sustainable salmon policy states that if an escapement goal is missed four to five years in close succession to each other, that a chronic inability to meet escapement goals has been demonstrated. Continued missed escapements can cause irreparable damages to Fish Creek and may cause damage to other salmon returns in the Knik Arm.

**or 2) Correct an error in regulation:** Not Applicable

**or 3) correct an unforeseen effect of a regulation:** Removing Fish Creek from a stock of concern status prematurely, after meeting only two consecutive annual escapements, in our opinion was ill-advised. Also, recent changes to Cook Inlet commercial fishing regulations that removed time and area restrictions on the drift fleet and lowered the escapement goal for the Yentna River when a four million fish harvest is forecast, most likely also contributed directly to much lower returns in 2005 than forecast.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** Recent changes to Cook Inlet commercial fishing regulations that removed time and area restriction on the drift fleet and lowered the Yentna River escapement goal from 90,000 to 75,000 when a 4 million harvest was forecast, removed protective measures that are in place. They also caused over-fishing by commercial fishermen and led to a failure to meet management strategy requirements set forth in the Sustainable Salmon Fisheries Policy listed in 5 AAC 39.222(1)(G)(2)(A)-(H).

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

**CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.**  
5 AAC 21.360. Kenai River Late-Run Salmon Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** It will be two years before this problem can be addressed at the next scheduled Cook Inlet meeting and it cannot wait. Any delay will have disastrous effects on the sockeye salmon returns to the entire Big Lake and Fish Creek drainage. Fish Creek is an indicator of the health of other sockeye salmon streams in the Knik Arm. Many of these are still recovering from low returns of the past and have not fully recovered.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** Our members include personal, subsistence, consumptive, sport guides and guided users of our fish resource. The health of all fish runs in our area and throughout the state, are very important to our members and the valley residents that we represent.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** Fish Creek was removed from a stock of management concern at the January 2005 board meeting. However, the escapement goals have not been met and it still qualifies for stock of concern status.

**Submitted By:** Matanuska Valley Advisory Committee

**AGENDA CHANGE REQUEST:** 29.

**PRESENT SITUATION:** The sustainable escapement goal range for Fish Creek is 20,000 to 70,000 sockeye. In the last five years, this goal was exceeded 2 times, within the range 2 times and below in 2005.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to classify the Fish Creek sockeye salmon as a stock of concern.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** This system does not meet the criteria for a stock of concern at any level. The escapement goal in Fish Creek was 50,000 sockeye from 1982 until 2001. That 50,000 goal did not conform to the escapement goal policy and the department was never able to determine how it was derived. When hatchery stocks were removed and the escapement method for determining escapement goals in Cook Inlet was applied to the resultant data, the sustainable escapement goal range was established from 20,000 to 70,000 sockeye. Using the SEG range of 20,000 – 70,000 (+ 5,000 broodstock), established in 2002, the observed escapements over the past five years were above, below or within the SEG range. Therefore, a yield concern does not exist for Fish Creek sockeye.

**PROPOSED BY:** Matanuska Valley Advisory Committee

**ACR # 30**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Cook Inlet chum salmon numbers appear to be in a downward spiral. Harvest records have shown a steady decline from over one million fish in 1986 to 68,224 in 2005—the lowest on record. Chum salmon used to be one of the major fish harvested in Cook Inlet. There have never been any studies conducted to determine the true extent of the impact of the chum salmon run on upper Cook Inlet since it is not a prized resource. With so many unanswered questions, the precautionary principle should be used to place a stock of management concern status on the Northern District chum salmon.

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

**1) Fishery conservation purpose or reason:** The chum salmon harvest has declined steadily for the past two decades. Anecdotal data from residents in the Susitna River drainage shows a shocking decline in the numbers of chum salmon returning to the streams in and around the Northern District. They do not feel pike are the cause because pike do not inhabit the same waters. Studies have never been done to determine the entire extent of the chum salmon environment. At one point they were the largest returning species to the Northern District. A finding of a stock of management concern is warranted for chum salmon.

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** Recent changes to Cook Inlet commercial fishing regulations removed time and area restriction on the drift fleet and lowered the Yentna River escapement goal from 90,000 to 75,000 when a 4 million harvest was forecast. These changes removed protective measures that are in place, caused over-fishing by commercial fishermen, and has led to a failure to meet management strategy requirements set forth in the Sustainable Salmon Fisheries Policy listed in 5 AAC 39.222(1)(G)(2)(A)-(H).

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This issue is one of conservation, not allocation. There is plenty of data to support that if you do not have enough salmon returning to spawn, the wild runs can be lost forever. It is very important that we manage our salmon properly. Returning salmon stocks are a main food source for resident fish and wildlife species in and around all freshwater streams. If you do not have dead fish on the bank, you do not have enough return.

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

**CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.**  
5 AAC 21.360. Kenai River Late-Run Salmon Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** It will be two years before this problem can be addressed and it cannot wait. Any such delay will have disastrous effects on the chum salmon returns to the entire Northern District. When a species is sick, the entire system is sick. In this case, what has happened to the chum salmon is an example of what can happen when the Sustainable Salmon Fisheries Policy is not followed. A weak stock is being over-fished and there are no management strategies for this species.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** Our members include personal, subsistence, consumptive, sport and guides and guided users of our fish resource. The health of all fish runs in our area and throughout the state are very important to our members and the valley residents that we represent. The fact that there is little or no data concerning chum salmon proves that immediate change is needed.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** To the best of our knowledge, there has never been a request for a stock of management concern for chum salmon. However, there have been requests for escapement goals and management plans.

**Submitted By:** Matanuska Valley Advisory Committee

**AGENDA CHANGE REQUEST:** 30.

**PRESENT SITUATION:** For those systems where the department can reliably index chum escapements there is no chronic inability to meet escapement goals and there is no declining trend in any of the monitored systems. Chum salmon harvests in the commercial fishery have declined dramatically since 1986. Most of this decline is the result of a mixture of management actions for other species and stocks and regulatory changes designed to reduce the chum harvest.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to designate Cook Inlet chum salmon stocks as a stock of concern.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** In 2002 there were several proposals to name all Cook Inlet chum salmon stocks as a stock of concern based on reduced yields. There are very few monitored systems in the Cook Inlet Area with consistent and reliable escapement data. There is only one escapement goal for chum salmon. Just prior to the 2002 meeting the Clearwater Creek escapement goal was just reviewed and a range established at 4,000 to 8,000 fish according to the departments new SEG Standard Method. In the last 10 years, this goal has been exceeded 4 times, within 3 times, and below 3 times (by less than 500 fish in two of these three years). There is no apparent decreasing trend in escapements over time with the two largest escapements occurring in 2000 and 2001. In addition we explored all options for evaluating the health of UCI chum stocks at two BOF regular cycle meetings in 1996 and 1999. The consensus at that time was that while chum returns have declined since the flood of 1986 there was no continued downward trend and recent returns have likely improved. In addition it was concluded that harvests alone were a poor indicator of the health of chum salmon stocks because regulatory changes have taken place designed to significantly reduce chum salmon harvests (>40% reduction in drift gillnet time in the Central District).

In 2000 and 2001 a mark recapture study was conducted to estimate the total return of pinks, chums and coho salmon to Upper Cook Inlet and the commercial harvest exploitation rate. The exploitation rate for chum salmon was approximately 6 percent, which is extremely low compared to most commercial fisheries. The total chum return was estimated at 3.64 million in 2002. Therefore, the Cook Inlet chum salmon is not a stock of concern.

**PROPOSED BY:** Matanuska Valley Advisory Committee

**ACR # 31**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The dipnet fishery occurs below the counter in the Kenai River.

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

**1) Fishery conservation purpose or reason:**

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** When the run into the Kenai River is low the dipnet fishery will catch fish that never will be counted, thus preventing a commercial fishery.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** The intent of limited entry was to provide for a professional commercial fishery. The dipnet fishery is a new fishery established on a totally allocated fishery and is not supposed to impact existing fisheries.

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

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

The starting date of the dipnet fishery. The dipnet fishery on the Kenai River should begin only after 500,000 sockeye have passed the counter during years when the run is projected to be 2 million or less.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** If the Kenai crashes in 2006 and the run is 2 million or less, and dipnetters are allowed to begin on a date specific, the commercial fishery may not start. Personal use fisheries are not supposed to impact established fisheries.

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

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** No, not to my knowledge.

**Submitted By:** Steve Vanek

**AGENDA CHANGE REQUEST:** 31.

**PRESENT SITUATION:** The Kenai River Late-Run Sockeye Salmon Management Plan (5 AAC 21.360(g)) states that subject to the requirement of achieving the lower end of the optimal escapement goal, the department shall provide for a personal use dip net fishery in the lower Kenai River as specified in 5 AAC 77.540.

The Upper Cook Inlet Personal Use Salmon Fishery Management Plan (5 AAC 77.540 (c)(1)(A)) states that the personal use dip net fishery in the Kenai River is open from July 10 through July 31, seven days per week, from 6:00 a.m. to 11:00 p.m. The commissioner may extend, by emergency order, the personal use fishery to 24-hours per day if the department determines that the abundance of the Kenai River late-run sockeye salmon is greater than two million fish.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** The proposal seeks to base the opening date of the Kenai River personal use dip net fishery on an inriver passage estimate of 500,000 sockeye salmon during years when the Kenai River sockeye salmon run is projected to be less than 2 million fish.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Yes.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The department uses it's emergency order authority to modify the Kenai River personal use dip net fishery to meet the optimal escapement goal of 500,000 to 1,000,000 late-run sockeye salmon.

**PROPOSED BY:** Steve Vanek

**ACR # 32**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The personal use fishery in Upper Cook Inlet presents a conservation threat to meeting escapement goals.

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

**1) Fishery conservation purpose or reason:** The personal use fishery is the only harvesting group that is not directly linked to run strengths and escapement goals.

**or 2) Correct an error in regulation:**

**or 3) correct an unforeseen effect of a regulation:** At the time the personal use fishery was established it was anticipated that less than 80,000 fish would be harvested, not the 300,000+ we now experience. This 300,000+ personal use harvest could be the cause of not meeting escapement (conservation) goals.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** In the next two years, the returns to the Kenai River are predicted to be less than 2 million. All other user groups have conservation restrictions in place to ensure escapement goals. The personal use fishery should have daily, weekly limits that ensure escapement (conservation) goals.

**IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** The PU fishery should share the conservation burden just like all other user groups. The PU fishery by regulation is only allowed in places and times when resource abundance will allow a harvest without jeopardizing the sustained yield of a stock.

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

5 AAC 77.628. Personal use salmon fishery.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** 2006 and 2007 sockeye returns to the Kenai River are forecast to be less than 2 million.

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

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** I do not know if this exact issue has been raised before the board.

**Submitted By:** Roland R. Maw

**AGENDA CHANGE REQUEST:** 32.

**PRESENT SITUATION:** The Kenai River Late-Run Sockeye Salmon Management Plan (5 AAC 21.360(g)) states that subject to the requirement of achieving the lower end of the optimal escapement goal, the department shall provide for a personal use dip net fishery in the lower Kenai River as specified in 5 AAC 77.540.

The Upper Cook Inlet Personal Use Salmon Fishery Management Plan (5 AAC 77.540 (c)(1)(A)) states that the personal use dip net fishery in the Kenai River is open from July 10 through July 31, seven days per week, from 6:00 a.m. to 11:00 p.m. The commissioner may extend, by emergency order, the personal use fishery to 24-hours per day if the department determines that the abundance of the Kenai River late-run sockeye salmon is greater than two million fish.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** The proposal seeks to link management of the Kenai River personal use dip net fishery to run strengths and escapement goals.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The department uses it's emergency order authority to modify the Kenai River personal use dip net fishery to meet the optimal escapement goal of 500,000 to 1,000,000 late-run sockeye salmon.

**PROPOSED BY:** Roland R. Maw

**ACR # 33**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The board adopted a very conservative harvest strategy, including a minimum GH (TAC) of 4,000,000 pounds for the bairdi rebuilding plan and harvest strategy in a portion of the Eastern Subdistrict, east of 166 West in the Bering Sea District in March 1999. The minimum GH was established in part to minimize impacts from conditions of large fleet size and the open access fishery. The status of the stocks has improved and bycatch and related fishery impacts will be minimized as a result of reduced fleet size with the newly implemented rationalized cooperative fisheries management program that will allow bairdi to be retained as bycatch in the concurrent king crab and bairdi fishery (Eastern Subdistrict), and as bycatch in the concurrent snow crab and bairdi fishery (Western Subdistrict). A preliminary review of the harvest strategy components and regulations indicate that the board has the authority to modify the minimum TAC for Eastern subdistrict bairdi without the need for the NPFMC to develop an amendment to the FMP.

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

1) **Fishery conservation purpose or reason:** Not applicable.

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

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

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This proposal will benefit fishermen, Western Alaska CDQ groups, processors and other affected coastal communities and it is not allocative in nature.

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

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

5 AAC 35.508(d). Eastern subdistrict *C bairdi* Tanner crab harvest strategy.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** There could be extensive foregone economic opportunities as a result of a resource situation where a biologically allowable resource harvest would be precluded by a delayed regulatory action and such delay could be significantly burdensome to the industry because the resource would be unavailable in the future.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** BS/AI king and Tanner crab fisheries, boat owner/operator, 19 years.

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

**Submitted By:** Bill Widing

**AGENDA CHANGE REQUEST:** 33.

**PRESENT SITUATION:** The Bering Sea Tanner crab stock is considered overfished and a rebuilding plan was adopted in 1999. One component of the rebuilding plan is a state harvest strategy first adopted by the Alaska Board of Fisheries (BOF) in 1999 and modified several times since then, most recently in March 2005.

The Bering Sea Tanner crab harvest strategy (5 AAC 35.508(d)) specifies that in the Bering Sea District east of 166° W. long. a minimum total allowable catch (TAC) of 4.0 million pounds must be met prior to opening the commercial fishery. There is no minimum TAC west of 166° W. long. The minimum TAC of 4.0 million pounds was designed to allow the department to manage the fishery inseason to a targeted harvest level.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This agenda change request asks the BOF to modify the minimum TAC for Bering Sea Tanner crab in light of newly implemented individual fishing quotas (IFQ) for BSAI crab.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** Yes.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** New regulations implementing IFQ fisheries for several BSAI crab species, including Tanner crab, should reduce fleet size and increase the time period when Tanner crab are harvested. The Tanner crab minimum TAC of 4 million pounds may not be necessary for inseason management.

One of the precautionary measures built into the harvest strategy for Bering Sea Tanner crab specifies that when the fishery is reopened after having been closed to fishing in the preceding season due to low stock abundance, the TAC in that season will be reduced by one-half the calculated value. Eliminating a minimum TAC from the harvest strategy would make the harvest strategy less precautionary. TACs are an FMP category 2 management measure.

**PROPOSED BY:** Bill Widing, F/V Amatuli.

**ACR # 34**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. At the January 2005 board meeting, the minimum inriver goal for Kenai River late-run sockeye salmon was raised from 600,000 to 650,000 for run strengths of less than 2 million fish. The 2006 projected return is less than 2 million (approximately 1.5 million preliminary estimate at this time). Restrictions to commercial, personal use, and inriver sport fisheries during the 2006 season will likely occur due to this change (increase) from 600,000 fish past river mile 19 (sonar site). This will have a direct effect on Kenai River sockeye salmon fisheries (commercial/sport).

In 2002, the board addressed this fisheries management objective (the minimum inriver goal range on run strengths of less than 2 million fish) by reducing the inriver fishery bag limit from six fish per day to three fish per day. The addition of 50,000 fish to the minimum goal will in all likelihood cause unnecessary restrictions and/or closures to the various fisheries during the 2006 season. The prior minimum inriver goal of 600,000 fish was in regulation to address this issue (minimize fishery closures inseason and manage the sockeye fishery to established escapement goal range).

Finally, the change the board made to the inriver goal for late-run sockeye salmon in the Kenai River was never addressed within the committee process during the 2005 regular cycle meeting, nor was it brought up for discussion before the full board as a recommendation from a committee. This provision affects management and prior allocation within fisheries but a proposal was never submitted asking for this change; thereby, a full public process could not occur prior or during the 2005 regular cycle meeting. This ACR requests the board to reconsider the action taken.

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

**1) Fishery conservation purpose or reason:** Yes, achieving the minimum escapement goal of 500,000 fish will likely increase under a 600,000 inriver sonar estimate and remain consistent with harvest levels established on run strengths under 2 million sockeye salmon.

**or 2) Correct an error in regulation:** Yes, the increased inriver harvest estimate above river mile 19 (above sonar site) from 100,000 sockeye to 150,000 fish was not a specific recommendation made by the department. New information cannot support the 50,000 fish increase under a three-fish daily bag limit on runs under 2 million fish.

**or 3) correct an unforeseen effect of a regulation:** Yes, unnecessary fishery restrictions will in all likelihood occur during the 2006 season.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** Restrictions to commercial fisheries will occur to achieve the minimum escapement goal established. If commercial fisheries are closed by emergency order, inriver fisheries will also close earlier in season. The additional 50,000 fish was incorrectly represented under a three-fish bag limit and it will only increase the likelihood of closing the inriver fishery inseason. An increased allocation to the inriver sport fishery harvest was calculated using a six-fish bag limit instead of a three-fish daily bag limit on runs under 2 million fish. Kenai River late-run sockeye salmon stocks are managed primarily for commercial uses based on abundance. This ACR simply asks the board to correct this error or miscalculation on harvest levels above river mile 19, which was presented to the board informally, not a written recommendation by the department.

**IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** Harvest levels were miscalculated and based only on six-fish bag limit years—not under the current three-fish daily bag limit on runs under 2 million (Kenai River late-run sockeye returns). This request is not predominately allocative, but a correction on allocation.

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

5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan...(c)(1) at run strengths of less than 2,000,000 sockeye salmon, (A) the department shall manage for an inriver goal range of **600,000** [650,000] – 850,000 sockeye past the sonar counter at river mile 19.

Note: this ACR requests a change in the inriver goal range to 600,000 – 850,000 sockeye salmon past the sonar counter at river mile 19.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** 1) This provision affects management and prior allocation within fisheries, which was not presented in any formal proposal for public review or comment during the 2005 regular cycle meeting. 2) Management of Kenai River late-run sockeye salmon will be affected during the 2006 season. Restrictions and openings and closures to commercial fisheries can certainly be affected, while restrictions on inriver fisheries can increase for an earlier closure within the inriver sport fisheries. 3) Economic and harvest opportunity may be foregone in order to provide an additional 50,000 sockeye past sonar (river mile 19). 4) Incorrect harvest numbers above river mile 19 were represented to the board.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** Commercial fisherman—owner/operator, sport and public resource user in the Cook Inlet area.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** To my current understanding this ACR has not been considered before or specifically addressed in a proposal to the board.

**Submitted By:** Jeffrey Beaudoin

**AGENDA CHANGE REQUEST:** 34.

**PRESENT SITUATION:** The department has an SEG for late-run Kenai River sockeye salmon at 500,000 to 800,000 spawners. The board established a regulatory OEG of 500,000 to 1,000,000 for this run. At run strengths less than 2 million, the department is directed to manage for an in-river return goal of 650,000 to 850,000 sockeye salmon past the sonar counter at river mile 19. Prior to 2005 BOF meeting, at run strengths less than 2 million, the inriver goal was 600,000 to 850,000 sockeye salmon.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to return the lower end of the in-river sonar goal from 650,000 to 600,000. This goal was 600,000 from 1999 through 2004.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Yes.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The recreational fishery had a daily bag limit of 3 sockeye until 1996 when it was increased to 6 sockeye. Prior to 1996, the bag limit was increased to six only when the upper end of the goal was exceeded. In both 2000 and 2001 escapements very near the 600,000 level resulted in long term closures within the commercial fishery and restrictions were also implemented in the recreational fishery in an attempt to reach the lower end of the OEG of 500,000 sockeye. In 2002 when faced with raising the lower end of the escapement goal to 650,000 or reducing the bag limit to 3 fish the board chose to return the bag limit to three sockeye. When the total Kenai River sockeye salmon return was projected to exceed 2 million fish and the final spawning escapement was projected to exceed 500,000 the bag limit would increase to six fish by emergency order. With a 600,000 salmon sonar goal, that would leave 100,000 fish that could be harvested in the sport fishery above the sonar counter at river mile 19. The current dip net fishery was established in 1996 and was open 24 hours per day beginning July 10. In 2002, it was altered to open daily from 6:00 a.m. until 11:00 p.m. beginning July 10 in order to bolster escapement numbers in the lower end of the range so that restrictions would be less likely to all fisheries. Once the total Kenai River sockeye salmon run is projected to exceed 2 million fish and the final spawning escapement is projected to exceed 500,000 fish, the personal use fishery opens 24 hours per day until August 1. Since 1996, the sport harvest above the sonar site has ranged from approximately 147,000 to 253,000 sockeye salmon.

**PROPOSED BY:** Jeffery Beaudoin

**ACR # 35**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Continued over-escapement of Kasilof River sockeye salmon. Kasilof River sockeye salmon stocks have exceeded established escapement goals eight of the last nine years. Recent higher than expected Kasilof River sockeye salmon returns have required timely issuance of emergency orders by the commissioner outside the current plan to curb escapement rates; nevertheless goals have been moderately to widely missed.

The 2006 Kasilof River sockeye salmon return is again projected to be a well-above average run, likely similar to both the 2004 and 2005 runs. Managing Kasilof River sockeye salmon stocks within established biological escapement goals has become more and more difficult. Increased use of terminal fisheries within the Kasilof River Special Harvest Area has been required due to regulatory restrictions to the department managers. These restrictions include hourly limitations to EO authority and mandatory closed window periods each management week. Commercial fishing within the Kasilof River SHA creates unnecessary user conflicts between commercial, personal-use, and sport fisheries. Furthermore, according to 5 AAC 21.365 Kasilof River Salmon Management Plan, the harvest of Kasilof River salmon excess to spawning escapement needs is supposed to occur in fisheries that have historically harvested them, including the methods, means, times, and locations of those fisheries. The Kasilof River SHA is not congruent with the intent of 5 AAC 21.365.

Historically, Kasilof River sockeye salmon stocks have been managed independently, based on abundance and not tied directly to Kenai River sockeye salmon management or plans. Recently, however, the Kasilof River Salmon Management Plan was adopted, which states that beginning on July 8 the set gillnet fishery in the Upper Subdistrict is to be managed based on Kenai River sockeye salmon abundance. This provision unnecessarily restricts the ability to manage Kasilof River sockeye salmon stocks within established escapement goal ranges, i.e., the biological escapement goal of 150,000 to 250,000 fish.

This ACR requests the board to resolve this problem and provide flexible management based on Kasilof River sockeye run strength. Clearly, the 48-hour mandatory closed window period each week as well as a 48-hour limit on the emergency order authority is playing a significant role in the department's inability to manage to the current goal. The provision for an earlier opening, as occurred in 2005, is still not enough to overcome the restrictions in the current management plan.

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

**1) Fishery conservation purpose or reason:** Yes, the ability of the department to manage Kasilof River sockeye salmon stocks to established escapement goals. This will ensure the highest yields possible for all users for this stock.

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

**or 3) correct an unforeseen effect of a regulation:** The unforeseen effects of the management plan governing the harvest of Kasilof River sockeye salmon have limited the department's options to open and close fisheries to provide for escapements within established goal ranges. These limitations have also resulted in significant lost economic benefits available to commercial harvesters of the resource, and have created unnecessary user conflicts within the fishery.

Specifically, the Kasilof River Management Plan (5 AAC 21.365) contains regulatory language which limits the ability to manage Kasilof River sockeye salmon stocks due to coupling Kasilof River sockeye

salmon returns to the Kenai River late-run sockeye salmon returns. This regulatory language is specified within 5 AAC 21.360. Kenai River Late-Run Sockeye Management Plan.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This ACR asks the board to provide the department with options within the Kasilof River Sockeye Management Plan to manage for the established escapement goal range.

Again, the board describes its intent within the Kasilof River Management Plan as: “It is the intent of the Board of Fisheries that Kasilof River salmon be harvested in the fisheries that have historically harvested them, including the methods, means, times, and locations of those fisheries.” This ACR asks the board to reaffirm its intent and provide methods, means, and times accordingly within the Kasilof River Management Plan.

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

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

5 AAC 21.265. Kasilof River Salmon Management Plan.

(c)(2)(A) delete; (B) amend or delete.

(c)(3) delete “beginning July 8, the set gillnet fishery in the Kasilof Section will be managed as specified in 5 AAC 21.360(c).”

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** The 2006 return of Kasilof River sockeye salmon stocks is projected to be higher than average at a projected run strength estimated at 1.5 – 1.7 million sockeye.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** Commercial set gillnet fisherman operating in the Kasilof Section of the upper subdistrict.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** This ACR has not been before the board (new information based on 2006 Kasilof River sockeye return). Similar ACRs by commercial fishing industry groups were submitted asking for consideration of management plan options for Kasilof River sockeye salmon stocks in 2003 and 2004. The board described budgetary constraints limiting actions on ACRs before the board at that time.

**Submitted By:** Jeffrey Beaudoin

**AGENDA CHANGE REQUEST: 35.**

**PRESENT SITUATION:** The Kasilof Section is managed for Kasilof stocks with both set and drift gillnets. The set gillnet season can open as early as June 20 and for drifting the season can open as early as June 19. The biological escapement goal is 150,000 to 250,000 sockeye salmon and the OEG is 150,000 – 300,000 sockeye salmon. Achieving the lower end of the Kenai River sockeye salmon escapement goal takes priority over not exceeding the upper end of the Kasilof River OEG. From the start of the season through July 7 the set gillnet fishery is restricted to 2 regular periods, up to 48 hours of additional time and a mandated 48 hour closure. Beginning July 8 the Kasilof Section is managed in conjunction with the Kenai and East Forelands Sections. During this time frame the fishery is managed as follows: with runs of sockeye salmon under 2 million to the Kenai River, two regular 12 hour periods plus 24 hours of additional time per week. With runs between 2-4 million salmon two regular 12 hour periods plus 51 hours of additional time per week with a 24 and a 36 hour closed period each week. In runs over 4 million sockeye salmon, two regular 12 hour periods plus 84 hours of additional time per week with a 36 hour closed period each week. In addition, if the Kenai return is less than 2 million sockeye salmon, and after July 15 the Kasilof escapement is projected to exceed 300,000 fish, an additional 24 hours of fishing time within ½ mile is allowed.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** This proposal seeks to remove the 48 hour closed period, remove the hourly limits, or at a minimum amend to some other figure and remove the Kenai Sockeye plan interaction from this plan. In essence manage the Kasilof Section for Kasilof stocks.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Possibly.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** Under the current management plan, during large runs (1 million or more) of sockeye salmon returning to the Kasilof River, it is difficult to achieve the escapement goal.

**PROPOSED BY:** Jeffery Beaudoin

**ACR # 36**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. In the winter of 1997-1998 the board adopted an allocation plan for the Naknek-Kvichak District; 84 percent driftnet to 16 percent setnet. In the winter of 2003 the board reiterated that the allocation plan was comprehensive to all of the Naknek-Kvichak District including the Naknek River SHA. In both the 2004 and 2005 fishing seasons the department was only able to achieve the ratio of 81 percent drift and 19 percent set. In 2005 the Naknek River experienced an overescapement of 750,000 fish.

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

**1) Fishery conservation purpose or reason:** The escapement in the Naknek River SHA could be easily controlled by the driftnet fishery. The setnet gear that remains in the water during driftnet only openings interferes with the driftnetters' ability to control escapement. The Naknek-Kvichak setnetters in the Alagnak River SHA showed that setnet gear can be removed during setnet closures.

**or 2) Correct an error in regulation:** The Naknek-Kvichak District allocation plan has, since 1998, stated that the driftnet portion of the fishery is to be allocated 84 percent of the sockeye catch in the Naknek-Kvichak District. After the board in 2003 specifically asked the department to manage for allocation within the NRSHA, the allocation came out closer but still is not close and all errors up until now have been in the setnet gear group's favor.

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

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This ACR asks that the intent of the board of 1998 and 2003 regarding allocation be followed. The amount of setnet gear that remains in the water during driftnet only openings is interfering with the driftnet fishers' ability to harvest their allocation percentage and control escapement during large runs. The setnet gear should be removed from the water when needed to allow driftnet gear to work at full efficiency.

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

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

5 AAC 06.364. Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan. At any time that the driftnet portion of the fishery within the NRSHA has fallen behind their allocation percentage by more than 0.5 percent or the Naknek River is above its escapement goal, the setnet gear group shall remove all equipment that could interfere with driftnet operation from the water below the 18 foot high tide mark during driftnet openings.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** The driftnet portion of the fishery just went through a period of greatly disproportionate hardship (2002-2003). Initially, under the Naknek-Kvichak allocation plan, as written in 1998, the driftnet fleet was required to give up several percentage points of their 20 base year historical catch (1977-1996, 88.3 percent driftnet) to the setnet gear group. The driftnet allocation of 84 percent is well below their pre-allocation historical level (88.3 percent) and harm will be done to the driftnet fleet if their harvest is reduced below the allocation level. In addition salmon are wasted to overescapement because of the gear interference from setnet anchors and buoys. The Naknek-Kvichak setnetters were

able to remove all gear from the water in the Alagnak River SHA during all closures and can do the same in the Naknek River SHA.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** I am a driftnet permit holder and boat owner based in Naknek.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** I am unaware of other proposals or ACRs that address this issue.

**Submitted By:** Howard Knutson

**AGENDA CHANGE REQUEST:** 36.

**PRESENT SITUATION:** When fishing in the Naknek River Special Harvest Area (NRSHA), the commercial sockeye catch is allocated between drift and set gillnet users 84% / 16% respectively. Also while fishing in the NRSHA, the Naknek River has an OEG of 800,000 to 2,000,000 sockeye. In addition, fishing periods are set so only one gear group fishes at a time. When the set gill net fleet is not fishing, all set gillnet gear associated with fishing within 500 feet of shore can remain in the water. With running lines and buoys spaced 150 feet apart it restricts the drift fleet from fishing the shoreline. Sockeye migrating within this area pass through the fishery adding to the escapement and also taking additional periods with the drift fleet to catch their allocation of sockeye.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** When the drift fleet falls more than 0.5% behind in their allocation percentage, all gear associated with the set gillnet fishing must be removed from the water when not fishing.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** Yes.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The catch, allocation percentages and escapement for the Naknek River during the 2004 and 2005 season:

	2004	2005
Catch	4.7 million	6.7 million
Allocation (Drift/Set)	81% / 19%	81% / 19%
Escapement	1.9 million	2.7 million

**PROPOSED BY:** Howard Knutson

**ACR # 37**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The driftnet fleet in the Naknek River in 2005 did not harvest its allocated percent of the harvest and did not control escapement because of a large amount of setnet gear (anchors and buoys) interfering with their driftnet gear during driftnet only openings. The driftnet fleet can both control overescapement and achieve allocation percentages with the setnet gear removed when needed.

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

**1) Fishery conservation purpose or reason:** The driftnet fleet working substantially without interference is needed to control escapement in the Naknek River during large fishing seasons.

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

**or 3) correct an unforeseen effect of a regulation:** Although the allocation plan has been working very much as intended, the setnet gear remaining in the water makes achieving driftnet allocation difficult and is destructive to driftnet gear.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This change would only help insure that the allocation plan is followed according to the regulations set forth by the board. The driftnet fleet has seen declines in catch percentages in recent years that have caused additional permits to become latent. To stop overescapement and improve the allocation accuracy would be a great benefit to the driftnet fleet in the Naknek River. As written, in 1998 the allocation plan transferred over 4 percent of the historic driftnet catch to the setnet fishery, boosting the setnet fishery from 11.66 percent to 16 percent of the catch. The driftnet fleet would experience economic harm if their catch is reduced further.

**IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** Attempting to implement the allocation plan as created by the board in 1998 and reiterated in 2003 is not allocative.

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

5 AAC 06.364. Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** After the board, in 2003, reiterated that the Naknek River SHA was part of the Naknek-Kvichak District and that allocation in the Naknek River SHA was in effect just as it had been in 1998, 1999 and 2000, the setnet gear group harvested 19 percent of the catch in both 2004 and 2005. Unless some other explanation can be found, it seems likely that the setnet gear left in the water during driftnet openings are making the manager's job difficult in both escapement and allocation. In the 20-year period prior to allocation, the driftnet fleet harvested over 88 percent of all the salmon harvested in the Naknek-Kvichak District. Harvesting 84 percent should not be difficult for them. The Naknek-Kvichak setnetters in the Alagnak River showed in 2005 that they are capable of removing all gear during every closure.

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

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

**Submitted By:** Warren B. Johnson

**AGENDA CHANGE REQUEST:** 37.

**PRESENT SITUATION:** When fishing in the Naknek River Special Harvest Area (NRSHA), the commercial sockeye catch is allocated between drift and set gillnet users 84% / 16% respectively. Also while fishing in the NRSHA, the Naknek River has an OEG of 800,000 to 2,000,000 sockeye. In addition, fishing periods are set so only one gear group fishes at a time. When the set gill net fleet is not fishing, all set gillnet gear associated with fishing within 500 feet of shore can remain in the water. With running lines and buoys spaced 150 feet apart it restricts the drift fleet from fishing the shoreline. Sockeye migrating within this area pass through the fishery adding to the escapement and also taking additional periods with the drift fleet to catch their allocation of sockeye.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** When fishing in the NRSHA, all gear associated with the set gillnet fishing must be removed from the water when not fishing.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** Yes.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The catch, allocation percentages and escapement for the Naknek River during the 2004 and 2005 season:

	2004	2005
Catch	4.7 million	6.7 million
Allocation (Drift/Set)	81% / 19%	81% / 19%
Escapement	1.9 million	2.7 million

**PROPOSED BY:** Warren B. Johnson

**ACR # 38**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Reinstate the 8.3 percent allocation of Bristol Bay sockeye guideline in the South Unimak and Shumagin Islands June Salmon Management Plan.

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

**1) Fishery conservation purpose or reason:** The Kvichak River will not achieve its minimum escapement goal in the future because the South Unimak and Shumagin Islands June Salmon Management Plan does not restrain the interception and possible overharvesting of Bristol Bay runs.

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

**or 3) correct an unforeseen effect of a regulation:** The effect of the previous board removing the 8.3 percent allocation and going to a very restricted fishing schedule and then the recent board greatly increasing the fishing schedule is to allow the June fishery to intercept individual migrating salmon runs and overharvest them without restraint.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:**

**IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** The board's recent increase of the South Unimak and Shumagin Islands fishing time only considered one peak year and did not consider the consequences for future poor sockeye runs in Bristol Bay.

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

5 AAC 09.365. South Unimak and Shumagin Islands June Salmon Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** To keep the June fishery from overharvesting Kvichak River sockeye stocks as soon as next year the board should hear this immediately.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** I am a Bristol Bay fisherman.

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

**Submitted By:** Kurt Johnson

**AGENDA CHANGE REQUEST NUMBER:** 38.

**PRESENT SITUATION:** Changes were made to the South Unimak and Shumagin Islands June Salmon Management Plan (5 AAC 09.365) during the February 2004 Alaska Board of Fisheries meeting. The season opening date was changed to June 7 and fishing periods were changed to 88 hours followed by 32-hour closures. Additional areas were allowed to be opened and the June fisheries were scheduled to close at 10:00 p.m. June 29.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** Possible effects of the amended June fishery management plan, 5 AAC 09.365, upon Bristol Bay Management Area fishermen by reinstating the 8.3 percent allocation of the projected inshore Bristol Bay sockeye salmon harvest to the South Peninsula June fisheries.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No, in the department's judgement, harvest in the South Peninsula June fishery does not pose a threat to the sustainability of the Kvichak sockeye stock.

2. **Does the proposal correct an error in regulation?** No.

3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.

4. **Is this proposal predominately allocative in nature?** Yes.

5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** Harvest data indicates that the 1975 to 2000 (those years when the South Peninsula was allocated 8.3 percent of the inshore Bristol Bay harvest) the South Peninsula June sockeye salmon harvest averaged 5.65 percent of the total Bristol Bay return. During June 2004, harvest data indicates that the South Peninsula sockeye salmon harvest was 5.47 percent of the total Bristol Bay harvest (including the General District). Preliminary June 2005 harvest data indicates that the South Peninsula sockeye salmon harvest was 4.07 percent of the inshore Bristol Bay harvest.

This is similar to the ACR Mr. Johnson presented to the board in 2004 (ACR 21).

**PROPOSED BY:** Kurt Johnson.

**ACR # 39**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Scale samples should be taken in the Northern District in the Ilnik Section from Unangashak Bluffs to Strogonof Point starting June 25 while the Kvichak River sockeye salmon are migrating through the Northern District.

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

**1) Fishery conservation purpose or reason:** The Kvichak River will not achieve its minimum escapement goal some years due to Northern District intercept.

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

**or 3) correct an unforeseen effect of a regulation:** Funds have been made available to take scale samples in the Northern District but at present they are only sampling in Nelson Lagoon in July. This is after the Kvichak River sockeye have migrated past the Northern District and are far away from Bristol Bay as they can sample. To give meaning to the samples they should be taken in the section that is closest to Bristol Bay when the fish are migrating through the Northern District to learn how many Kvichak sockeye salmon are being intercepted.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:**

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

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

5 AAC 09.365. South Unimak and Shumagin Islands June Salmon Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** To keep the June fishery from overharvesting Kvichak River sockeye stocks as soon as next year the board should hear this immediately.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** This organization represents the interests of driftnet fishermen in Bristol Bay.

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** We have no record of this request coming before the board previous to this time.

**Submitted By:** Bristol Bay Driftnetters Association

**AGENDA CHANGE REQUEST:** 39.

**PRESENT SITUATION:** Changes were made to the Northern District Salmon Fisheries Management Plan (5 AAC 09.369) during the February 2004 Alaska Board of Fisheries meeting. At the meeting, the 100,000 sockeye salmon cap from June 25 to July 4 was repealed and fishing periods will be based on Meshik River, Port Heiden, and Ilnik River sockeye salmon runs.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** Possible effects of the amended Northern District Fishery Management Plan, 5 AAC 09.369, upon Bristol Bay Management Area fishermen by collecting scale samples in the Ilnik Section from Unangashak Bluffs to Strogonof Point beginning June 25 and lasting until Kvichak River sockeye salmon would no longer be present (July 4?).

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** In the department's judgment, sockeye salmon harvests in the Unangashak Bluffs to Strogonof Point reach of the Ilnik Section do not significantly affect Kvichak salmon stocks.

2. **Does the proposal correct an error in regulation?** No.

3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.

4. **Is this proposal predominately allocative in nature?** Yes.

5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** Although funding has been reduced in the North Peninsula scale sampling project, sockeye salmon scales have been collected annually in the Port Moller to Strogonof Point area of the Northern District (Bear River, Three Hills, and Ilnik Sections combined).

Given the large number of sockeye salmon stocks potentially present in the Ilnik Section (Nelson, Bear, Sandy, Ilnik, and Meshik Rivers and Bristol Bay Rivers) it is highly unlikely that scale pattern analysis could accurately project the Kvichak River sockeye salmon contribution to the salmon harvest in the Ilnik Section.

**PROPOSED BY:** Bristol Bay Driftnetters Association

**ACR # 40**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. For the North Peninsula Management Plan, reinstate the 100,000 sockeye salmon cap and reinstate the maximum 24 hours continuous fishing followed by at least a 24 hour closure guideline.

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

**1) Fishery conservation purpose or reason:** The Kvichak River and/or the Ugashik River will not achieve the minimum escapement goal in the future because the North Peninsula Management Plan does not restrain the interception and possible overharvesting of Bristol Bay runs.

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

**or 3) correct an unforeseen effect of a regulation:** The effect of the previous board removing the restrictions on the North Peninsula fishery from June 25 to July 4 is to allow the fishery to intercept individual migrating Bristol Bay salmon runs and overharvest them without restraint.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:**

**IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.** The board's recent allowing of uncontrolled fishing time when the peak of the Bristol Bay run is migrating through the North Peninsula fishery only considered one peak year and did not consider the consequences for future poor sockeye runs in Bristol Bay.

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

5 AAC 09.369. Northern District Salmon Fisheries Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** To keep the North Peninsula fishery from overharvesting Kvichak River and/or Ugashik River sockeye stocks as soon as next year the board should hear this immediately.

**STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.).** I am a Bristol Bay fisherman.

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

**Submitted By:** Kurt O. Johnson

**AGENDA CHANGE REQUEST:** 40.

**PRESENT SITUATION:** Changes were made to the Northern District Salmon Fisheries Management Plan (5 AAC 09.369) during the February 2004 Alaska Board of Fisheries meeting. At the meeting, the 100,000 sockeye salmon cap from June 25 to July 4 was repealed and fishing periods are based on Meshik River, Port Heiden and Ilnik River sockeye salmon runs.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** Possible effects of the amended Northern District Fishery Management Plan, 5 AAC 09.369, upon Kvichak and/or Ugashik River stocks by reinstating the 100,000 sockeye salmon cap from June 25 to July 4 and the maximum 24 hour fishing periods followed by at least 24 hour closures in the Ilnik Section.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

**1. Is there a fishery conservation purpose or reason?** No in the department's judgment, sockeye salmon harvests in the Unangashak Bluffs to Strogonof Point reach of the Ilnik Section do not significantly affect Kvichak salmon stocks. In 5 AAC 09.369(j)(1)(B), if the commissioner closes that portion of the Egegik District specified in 5 AAC 06.359(c) for conservation of Ugashik River sockeye salmon stocks, the commissioner may establish additional fishing restrictions in the Ilnik Section.

**2. Does the proposal correct an error in regulation?** No.

**3. Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.

**4. Is this proposal predominately allocative in nature?** Yes.

**5. Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** In 2004 the Ilnik Section SW of the Unangashak Bluffs was open to commercial salmon fishing on June 25-26 and June 28-July 2 (7 of 10 days). The Ilnik Section NE of the Unangashak Bluffs was open on June 28-30 (3 of 10 days).

In 2005 the Ilnik Section SW of the Unangashak Bluffs was open to commercial salmon fishing from June 25-July 4 (open 10 of 10 days). The Ilnik Section NE of the Unangashak Bluffs was open on June 25, June 27-July 1, and July 4 (7 of 10 days).

**PROPOSED BY:** Kurt O. Johnson.

**ACR # 41**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. In 2005 the Alagnak River was opened for the first time to commercial fishing. This was probably a good idea for the fishermen of the Naknek-Kvichak District. The driftnet fishermen of the district were not allowed into this section because it was alleged to be too small for driftnet vessels. To the contrary, it is likely that driftnet vessels would have an easier time operating in this special harvest area than setnetters with our greater hold capacities and ability to transport chilled fish to market. The 2005 season showed the setnet portion of the fishery could not harvest more than a small portion of the salmon available.

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

1) **Fishery conservation purpose or reason:** Not applicable.

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

or 3) **correct an unforeseen effect of a regulation:** 5 AAC 06.355 states that fish are to be allocated between set and drift net gear groups by district. The Alagnak River is part of the Kvichak Section of the Naknek-Kvichak District as defined in 5 AAC 06.200(b)(1). The allocation plan should be applied in this area either by allowing fishing by both gear groups or including those fish harvested within the Alagnak River SHA into the district-wide allocation plan. Last year there was almost no driftnet involvement in discussions about this highly allocative, out-of-cycle issue.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This change would help insure that the allocation plan is followed according to 5 AAC 06.364(b)(1).

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

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

5 AAC 06.364. Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** The driftnet portion of the fleet is being harmed by their lack of participation in this new fishery. The setnet gear group has shown little ability to harvest the Alagnak's surplus salmon.

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

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

**Submitted By:** Virginia Tornes

**AGENDA CHANGE REQUEST:** 41.

**PRESENT SITUATION:** The BOF adopted an inriver management plan for the Alagnak River during the March 2005 meeting (5AAC 06.373 Alagnak River Sockeye Salmon Special Harvest Area Management Plan). The fishery was open only to set gillnet gear with a sunset clause of December 31, 2005.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** Make the allocation the same in the ARSHA as is in the NRSHA, 84 drift 16% set gillnet.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Yes.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The harvest in the ARSHA was approximately 250,000 sockeye salmon. The escapement into the Alagnak River was slightly more than 4.2 million sockeye.

**PROPOSED BY:** Virginia Tornes

**ACR # 42**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Allocation of the fish in the Alagnak River Special Harvest Area, if renewed, should be the same as in the Naknek River Special Harvest Area.

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

1) **Fishery conservation purpose or reason:** Not applicable.

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

or 3) **correct an unforeseen effect of a regulation:** Allocation was established at the 1997 Bristol Bay board meeting to apply to all of Bristol Bay's harvested salmon from all of the Bristol Bay districts. At the 2003 Bristol Bay board meeting it was clarified that the Naknek River Special Harvest Area is part of the Naknek-Kvichak District. The new Alagnak River Special Harvest Area would also be part of the Naknek-Kvichak District.

The regulation book states in section 5 AAC 06.200(b) that the Naknek-Kvichak District is: "All waters of the Kvichak Bay north and east from a line from 58° 43.73' N. lat., 158° 41.50' W. long. to 58° 36.77' N. lat., 158° 46.90' W. long." This line is known as the Johnston Hill Line. This district does include the Alagnak River. In addition, pertaining to allocation, 5 AAC 06.364 states, "Consistent with 5 AAC 06.355 and other applicable provisions of this chapter, the department shall manage the Naknek-Kvichak District set and drift gillnet fisheries during the fishing periods specified in 5 AAC 06.320(c)(1) to achieve biological escapement goals into the Kvichak and Naknek River systems and to distribute the harvestable surplus of sockeye salmon to the drift and setnet fisheries as follows:

- 1) drift gillnet – 84 percent; and
- 2) set gillnet – 16 percent as follows:
  - a. Kvichak Section set gillnet fishery – 8 percent
  - b. Naknek Section set gillnet fishery – 8 percent

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** This change would help insure that the allocation plan is followed according to 5 AAC 06.364(b)(1).

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

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

5 AAC 06.364. Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** Millions of sockeye salmon worth millions of dollars could be benefiting both setnet and driftnet fishermen next year. Only 250,000 salmon were harvested of this surplus last year (by setnet only fishing) and the drift fleet is needed to harvest a greater portion of the surplus.

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

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

**Submitted By:** Kurt Johnson

**AGENDA CHANGE REQUEST:** 42.

**PRESENT SITUATION:** The BOF adopted an inriver management plan for the Alagnak River during the March 2005 meeting (5AAC 06.373 Alagnak River Sockeye Salmon Special Harvest Area Management Plan). The fishery was open only to set gillnet gear with a sunset clause of December 31, 2005.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** Make the allocation the same in the ARSHA as is in the NRSHA, 84 drift 16% set gillnet.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** Yes.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The harvest in the ARSHA was approximately 250,000 sockeye salmon. The escapement into the Alagnak River was slightly more than 4.2 million sockeye.

**PROPOSED BY:** Kurt Johnson

**ACR # 43**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The board addressed the large escapements into the Alagnak River at the March 2005 meeting by creating an inriver fishery, 5 AAC 06.373 Alagnak River Sockeye Salmon Special Harvest Area Management Plan, with a sunset clause of December 2005. If the board would like to extend this management plan into 2006 then it would have to take it up again this winter.

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

**1) Fishery conservation purpose or reason:** Escapements have been over 4 million for the past two seasons and could create poor returns in the near future.

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

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

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** The board determined this is a setnet only fishery in 2005.

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

**CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.**  
5 AAC 06.373 Alagnak River Sockeye Salmon Special Harvest Area Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** The management plan expires December 31, 2005. If the board would like to see the management plan used again, possibly in 2006 it would need to take the matter up during this cycle.

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

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** Yes, during the March 2005 meeting.

**Submitted By:** Alaska Department of Fish and Game

**AGENDA CHANGE REQUEST:** 43.

**PRESENT SITUATION:** The BOF adopted an inriver plan for the Alagnak River during the March 2005 meeting. They created the fishery for set gillnet gear only and a sunset clause of December 31, 2005.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** If this fishery is to occur during the 2006 season the plan will need to be reviewed this winter.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** The harvest in the ARSHA was approximately 250,000 sockeye salmon. The escapement into the Alagnak River was slightly more than 4.2 million sockeye.

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

**ACR # 44**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. There is only one location in the Naknek River where the barge company can anchor and maintain a floating barge free of grounding. This anchorage is used to tie up container barges ranging from 180 foot to 300 plus feet in length. This anchor is located on the lower boundary line of the Naknek River Special Harvest Area. Moving a barge to this location when the drift gillnet fishery is occurring is at times a safety issue and can be troublesome when drift gear is getting wrapped in the anchor line and around the barges. Since the inriver fishery has been used yearly (since 1999) it would be a benefit to move the current line 1,000 feet upstream for the drift fleet yet leave the original line in place for the set gillnet fleet, since they are using anchored gear and not a problem.

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

1) **Fishery conservation purpose or reason:** Not applicable.

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

or 3) **correct an unforeseen effect of a regulation:** When the Naknek River SHA was created it was not expected to be used ever year for the entire season. When the fishery is in the river all season it makes it difficult to get shipping done in a safe and necessary manner.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** The board has set an allocation of 84 percent drift and 16 percent set gillnet gear. A change in the boundary for the drift fleet would not affect the catch rate or harvest allocation.

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

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

5 AAC 06.360(b). Naknek River Sockeye Salmon Special Harvest Area Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** The fishery management plan will most likely be used extensively during the 2006 season.

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

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** No.

**Submitted By:** Alaska Department of Fish and Game

**AGENDA CHANGE REQUEST:** 44.

**PRESENT SITUATION:** There is only one place that a large barge can tie up with out grounding during any portion of the tide. This area is used by the shipping company to tie loaded and soon to be loaded barges from 180 to over 300 feet in length. This area is just inside the downstream boundary line of the Naknek River Special Harvest Area. When a drift gillnet period is open it makes it difficult for the tugs and barges to work in the area.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** Move the downstream boundary of the NRSHA upstream 1,000 feet for the drift gillnet gear only. The current line would remain in effect for the set gillnet fleet.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** Yes, when the NRSHA was created and the current boundaries set up, it was not thought the fishery would be used as much as it currently is.
4. **Is this proposal predominately allocative in nature?** No.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** None.

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

**ACR # 45**

**STATE IN DETAIL THE NATURE OF THE PROBLEM:** Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The optimum escapement goal (OEG) for the Naknek River Special Harvest Area is set at 800,000 to 2,000,000 sockeye salmon. During the 2005 season while fishing every tide from June 25 until July 10 (when the outside district was opened) the escapement exceeded 2,000,000. With fewer boats involved in the fishery additional 25 fathoms would increase the harvest rate for the fishery. A solution is to increase the amount of gear for the drift gillnet fleet from 50 fathoms to 75 fathoms each.

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

**1) Fishery conservation purpose or reason:** An increasing number of sockeye are getting past the fishery resulting in the upper end of the escapement goal being exceeded annually.

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

**or 3) correct an unforeseen effect of a regulation:** With fewer boats in Bristol Bay, there is less gear in the special harvest areas.

**STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:** The board already has an allocation plan for the Naknek River SHA of 84 percent drift gillnet and 16 percent set gillnet. This would allow the drift fleet to harvest their allocated percentage more quickly, allow set gillnet gear in the water sooner and both gear groups having an opportunity to harvest more fish.

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

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

5 AAC 06.360(e)(5). Naknek River Sockeye Salmon Special Harvest Area Management Plan.

**STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE.** With the potential large run to the Naknek River there will be lost harvest during the 2006 season. Bristol Bay will not meet until the 2007 cycle.

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

**STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING.** No.

**Submitted By:** Alaska Department of Fish and Game

**AGENDA CHANGE REQUEST:** 45.

**PRESENT SITUATION:** Since 2000, a significant amount of time has been spent fishing the Naknek River Special Harvest Area (NRSHA). In 2001, an OEG was placed on the Naknek River when fishing in the NRSHA of 800,000 to 2.0 million (up from the BEG of 800,000 to 1.4 million). During the 2005 season, every tide was fished from June 25 until July 11 while in the NRSHA yet the OEG was exceeded, and in 2004 it was nearly exceeded (1.9 million sockeye) again with aggressive fishing. At this time, commercial drift permit holders are restricted to 50 fathoms of gear in the NRSHA. In the Wood River Special Harvest area the maximum amount of gear for the drift fleet is 75 fathoms per vessel.

**WHAT THE PROPOSAL SEEKS TO CHANGE:** Increase the maximum amount of gear for drift gillnet users from 50 fathoms to 75 fathoms in the NRSHA.

**STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST CRITERIA AS THEY RELATE TO THIS REQUEST:**

1. **Is there a fishery conservation purpose or reason?** No.
2. **Does the proposal correct an error in regulation?** No.
3. **Does the proposal correct an effect on a fishery that was unforeseen when a regulation was adopted?** No.
4. **Is this proposal predominately allocative in nature?** No, there is already an allocation plan for the fishery however, the intent of this change would affect both users groups. With the additional gear, the drift fleet would harvest more fish, reaching their allocative percentage quicker decreasing the time the set net fleet waits between their periods.
5. **Does the department have new information with respect to the allocative nature of this proposal?** No.

**ADDITIONAL INFORMATION:** None.

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