

ALASKA BOARD OF FISHERIES
MARCH 19- 24, 2013
STATEWIDE FINFISH AND SUPPLEMENTAL ISSUES

PROPOSAL 215 - 5 AAC 39.205. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries. Address allocations by percentages as follows:

The regulations would clearly follow the state laws and would clearly state that no user group ever is to receive 100% rights to harvest all fish in any area. No aquaculture association should be allowed to fund their entire operations from a single commercial fishing area thereby excluding the traditional commercial fishing fleet in that area.

ISSUE: The unconstitutional allocation to a single user group of a natural resource. Specifically, the allocation to Cook Inlet Aquaculture the entire catch of sockeye in Resurrection Bay for funding their entire operations.

WHAT WILL HAPPEN IF NOTHING IS DONE? Other user groups might seek to also eliminate commercial fishermen statewide and completely eliminate commercial fishing, bankrupting the commercial fleet.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? My proposal would stop hurting the commercial fishermen in Lower Cook Inlet and it would require Cook Inlet Aquaculture to pursue funding for their operations through all of their projects. Further, my proposal would prevent future conflicts if any other aquaculture association attempts to eliminate commercial fishermen in a specific area.

WHO IS LIKELY TO SUFFER? No one will suffer, this is an attempt to re-balance allocation of the natural traditional fishery of Resurrection Bay to all user groups.

OTHER SOLUTIONS CONSIDERED? My proposed solution is in response to an emergency solution that allotted all the sockeye in Resurrection Bay to Cook Inlet Aquaculture Association for two years in a row and after which time the Department of Fish and Game made it permanent. This should never have been allowed to happen in the first place. My proposal seeks to correct the wrongs that have been done and continue to be done by the Board and the Department.

PROPOSED BY: Marguerita McManus (HQ-F12-178)

PROPOSAL 216 - 5 AAC 39.2XX. Application of fishery management plans. Require statewide adherence to salmon fishery management plans as follows:

Notwithstanding any other provision found within the Chapters of Title 5, it is the intent of the board that, while in most circumstances the department will adhere to the management

plans and utilize, to the extent practicable, all prescriptive elements found in the codified plans, no provision within a specific management plan is intended to limit the commissioner's use of emergency order authority under AS 16.05.060; to achieve established escapement goals for the management plans as the primary management objective. For the purpose of the subsection, "escapement goals" includes biological escapement goal, sustainable escapement goal, and optimal escapement goal as defined in 5 AAC 39.222.

ISSUE: A complex multitude of codified management plans now govern the salmon fisheries in the State of Alaska and elements of one plan, on occasion, conflict with elements found in another. Most of the state's major salmon fisheries are mixed stock fisheries in nature and harvest salmon bound for more than one major river system and often more than one regulatory region. Upper Cook Inlet is acknowledged to be one of the more complex systems in the state but certainly not the only complex system, others include Lower Yukon, Lower Kuskokwim, Bristol Bay, False Pass, Alitak Bay, Shelikof Straits, Prince William Sound, Cape Fairweather and all of Southeast Alaska. During its 2008 meeting for Upper Cook Inlet, the Board developed specific regulatory language for the area at the request of the department to address the occasions when achieving the objectives or implementing the prescriptive tools of one management plan conflicts with or compromises the department's ability to achieve the objectives of another plan. The basic concept embodied in the regulatory language has proved constructive and should be adopted statewide with the minor modifications that we suggest.

WHAT WILL HAPPEN IF NOTHING IS DONE? Simply stated, achievement of established escapement goals could be compromised. Frankly, the department should provide the answer to this question since they were the original proponents of the regulation as found in Upper Cook Inlet 5 AAC 21.363 (e). The Upper Cook Inlet Area is not the only complex mixed stock fishery in the state. KRSA does not know why the department has not advocated for this regulatory language statewide.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, if adopted the language in this proposal will help the department manage for established escapement goals in complex mixed-stock fisheries.

WHO IS LIKELY TO BENEFIT? The salmon resource and department managers.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? The solution that KRSA suggests is considered by the department to be necessary for achievement of established escapement goals. KRSA could have suggested the exact language found in 5 AAC 21.363 (e) but we believe that two modifications improve the utility of the regulation. The first modification is to drop "in-river" goal from the list of escapement goals found in the Upper Cook Inlet language since in-river goals are allocative in nature and the department should not be put in the position of trying to favor one allocation strategy over another without consultation with the Board. The second modification requires the department to utilize, to the extent practicable, all prescriptive elements found in codified plans prior to going outside of the codified plans to achieve established

escapement goals. The department should be required to use the tools spelled out in prescriptive plans and not normally go outside the plans until all tools are utilized. KRSA believes that each of these modifications is constructive.

PROPOSED BY: Kenai River Sportfishing Association (HQ-F12-167)

PROPOSAL 217 - 5 AAC 39.223. Policy for statewide salmon escapement goals. Mandate statewide priority for management of king salmon as follows:

Have the BOF mandate that the Chinook salmon returns be managed AS A PRIORITY to meet the pre-season established goals AND on a yearly basis, STATEWIDE, raise the lower end escapement goals 2 percent for the next 15 years for all rivers to correct the last 25 years of mismanagement. We must manage Chinook Salmon for abundance.

Other Options:

Raise the lower end escapement goals for sockeye, to allow more non-fishing times so Chinook have a greater opportunity to escape.

Change methods and means of sockeye commercial as not to intercept Chinook salmon. Increase driftnet fishery for sockeye salmon, and reduce setnet opportunity.

Change the “type of net” allowed while sockeye setnet fishing to allow for the escapement of Chinook salmon.

BOF, write restrictive language, without loopholes, requiring the department strict management requirements for Chinook salmon until escapements are met.

In rivers with heavy sport influence on the escapement, restrict the sport fishery one fish to one fish, with any mandated commercial fishery restrictions.

ISSUE: Over the last 25 years, STATEWIDE, Alaska’s Chinook salmon have failed to maintain escapement goals established and managed by ADF&G. In turn, the Department has reacted to this lost of returning Chinook by reducing escapement goals in an effort to meet the numbers of returning fish. In a generic sampling of four rivers in Alaska, Karluk River-Kodiak, Situk River-Yakutat, Nushagak River-Bristol Bay, and the Kenai River-Cook Inlet, all four drainages have lost at a minimum 30 percent of their escapement in this time period. In turn, escapement goals have been reduced to meet this lack of returning stock.

Data:

Karluk River:

Three year average return; 1989-1991; 12,030

Three year average return; 1999-2001; 7,441

Three year average return; 2009-2011; 2,547

(escapement goals over this period have gone from 4,500 lower-8,000 upper, to 3,000 lower-6,000 upper).

Situk River:

Three year average return; 1989-1991; 721

Three year average return; 1999-2001; 1,720

Three year average return; 2009-2011; 438

(escapement goals over this period; 600-750 reduced to 450-1,050).

Nushagak River:

Three year average return; 1989-1991; 82,161

Three year average return; 1999-2001; 69,906

Three year average return; 2009-2011; 59,200

(escapement goal was 75,000, now reduced to 40,000-80,000).

Kenai River:

Three year average return; 1989-1991; 24,153

Three year average return; 1999-2001; 27,512

Three year average return; 2009; 17,158 (ADF&G data for 2010 and 2011 considered to corrupt to post).

I would challenge the Department to name ONE RIVER in Alaska that has more or even an equal amount of Chinook returning to it today as it was 25 years ago. This is obviously not a “habitat” problem statewide, it’s a “management problem” statewide.

Last issue; Chinook salmon “size of fish” are progressively decreasing. While working on escapement, we should also discount “jack” kings as part of the king salmon escapement goal calculation. Let’s not cloud the numbers with fish not considered valuable to the reproduction of this resource.

WHAT WILL HAPPEN IF NOTHING IS DONE? In 25 years, Statewide we have lost at least 30 percent of our returning Chinook salmon escapement stocks. If ADF&G does not change their management plan we will continue to lose the fight for healthy Chinook returns.

I believe our current management of sockeye salmon being a priority over Chinook salmon is wrong. We are meeting sockeye goals at the expense of the Chinook.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, by increasing the minimum size of king salmon in our escapement reporting, over time we will increase the quality of fish available for all parties.

Who buys a JACK Chinook filet at the grocery store?

WHO IS LIKELY TO BENEFIT? The Alaskan “in it for the long haul” will benefit. Those Alaskans who someday want their children to be able to fish for king salmon, with the net or a rod, will all benefit.

WHO IS LIKELY TO SUFFER? We are not currently managing Chinook salmon for abundance. We have depleted the stock at the rate of 30 percent in 25 years, AND ACCEPTED IT AS OKAY. So, anyone who does not want to alter the current fishing methods and management of Chinook will be hurt this proposal prioritizing Chinook salmon STATEWIDE and treating it as a stock of concern.

OTHER SOLUTIONS CONSIDERED? The solution of “running with the current management plan and waiting it out is “rejected”. 25 years of progressive “losses’ STATEWIDE proves management is not on the right track for managing Chinook.

The current plan is built to prioritize sockeye salmon, our sockeye salmon are doing fine at the expense of the Chinook. We need to change our focus.

PROPOSED BY: Bruce Morgan (HQ-F12-249)

PROPOSAL 218 - 5 AAC 39.222. Policy for the management of sustainable salmon fisheries; and 5 AAC 39.223. Policy for statewide salmon escapement goals. Establish a sustained escapement threshold (SET) for stocks listed as yield or management concern as follows:

A sustained escapement threshold (SET) shall be established for any stock that is listed as a yield or management concern.

ISSUE: The policy for the Management of Sustainable Salmon Fisheries defines a “conservation concern” as a stock for which the escapements fail to meet a “sustained escapement threshold”, or SET. The SET is some level of escapement lower than normal management targets (such as biological, sustainable, or optimal escapement goals), and below which the ability of the stock to sustain itself is jeopardized. However, the Department has not established SET’s for any stock of salmon. Without establishing a SET, you do not know if a stock qualifies as a conservation concern.

WHAT WILL HAPPEN IF NOTHING IS DONE? The “conservation” level of concern will continue to be ignored/avoided.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? The management of our salmon stocks will benefit by fully utilizing the policies.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Considered establishing SET’s for all stocks of salmon that have escapement goals, however that may be an unnecessary burden on the Department. Requiring it only when a stock is listed as yield or management concern seems more prudent.

PROPOSED BY: Bering Sea Fishermen’s Association (HQ-F12-164)

PROPOSAL 219 - 5 AAC 39.975. Definitions. Define terms, including “maximum sustained yield”, “optimum sustained yield”, “sustained yield”, and “mixed stock fishery” as follows:

I would like to see a dictionary of words used in fishery management that would once and for all remove any confusion.

ISSUE: I am submitting for defining such words as “maximum sustain yield”, “optimum sustain yield” and does it mean in returns or harvest? It is currently used both ways. Another word is “sustained yield”. At what point does a run become unsustainable? There are many more words that fall into the category. There is confusion among the various users groups that work with fishery issues regularly. At what point is a “mixed stock fishery” identified as such and management as such under Alaska Statute?

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued uncertainty and doubt when discussing proposals and regulations.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Anyone reading and discussing fishery management regulations.

WHO IS LIKELY TO SUFFER? No one. It will remove the veil of mystery from regions and fishery management.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Bruce Knowles (SC-F12-006)

PROPOSAL 220 – 5 AAC 28.020. Groundfish area registration. Allow groundfish registration by facsimile, telephone, or e-mail as follows:

5 AAC 28.020(c) Before operating groundfish gear within a registration area, the vessel owner, or the owner's authorized agent, shall complete the registration requirements [BY MAIL OR] in person **or by facsimile** at a department office located within the registration area **unless otherwise specified by the department**. A completed form validated by the department satisfies the registration requirements. In the form, the department may require check-in and check-out procedures for fishing specified **fishing periods or** subsections within the registration area. A copy of the completed form must be retained on board a vessel operating groundfish gear in the registration area.

5 AAC 28.020(d) Before registering for another registration area, the vessel operator shall check out of the current registration area by contacting, in person, **or by telephone, facsimile, e-mail,** or [BY] radio, a department representative at an office located within that registration area. Delay in validation of subsequent registration forms in other areas might result if has not been accomplished.

ISSUE: Registration is routinely completed by facsimile or e-mail, which is not specified in 5 AAC 28.020(c). Signature by ADF&G personnel is required to validate a registration; with the advent of facsimile machines and e-mail in every port, registration by mail is no longer a current or practical method for registration. When the department allows, registration may be completed in person in department offices outside of the registration area (for example, registering in Kodiak for Cook Inlet). Additionally, check out procedures may not be required in some areas if a fishery might be reopened later in the calendar year, in a subsequent “fishing period”, for example, in the parallel Pacific cod B season. Check out may also be completed by telephone, facsimile, or e-mail, in addition to in person and by radio; these modes are not currently specified under (d) of the regulation.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will continue to be confusion on proper registration and check out procedures.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Fishermen who are required to register, particularly those who fish in more than one registration area in a calendar year, as well as department staff who assist with registration paperwork.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED: None.

PROPOSED BY: Alaska Department of Fish and Game. (HQ-F12-239)

PROPOSAL 221 – 5 AAC 28.070. Groundfish possession and landing requirements. Remove federal regulatory reference as follows:

5 AAC 28.070(e) A CFEC permit holder operating a vessel fishing for groundfish shall retain (2) the maximum retainable bycatch of pollock and Pacific cod taken [, SPECIFIED IN 50 C.F.R. 679.20, REVISED AS OF OCTOBER 1, 1996 AND AMENDED THROUGH MAY 7, 1997,] when a directed fishery for pollock or Pacific cod is closed.

ISSUE: The regulation incorrectly references the federal regulation and the reference is unnecessary. The federal regulation was changed, but was not reflected in state regulation. The intent of 5 AAC 28.070(e)(2) is clear without the federal regulatory reference. The maximum retainable bycatch for pollock and Pacific cod is defined in other state regulations and therefore the inclusion of the federal regulatory reference is confusing and unnecessary, in addition to being incorrect.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will continue to be an error in state regulation that will confuse both the public and department staff attempting to reference the federal regulation listed and understand the requirement.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Fishermen and department staff.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED: None.

PROPOSED BY: Alaska Department of Fish and Game. (HQ-F12-240)

PROPOSAL 222 - 5 AAC 39.1XX Personal identification required. Require a CFEC permit holder to provide proof of identification when attempting to sell fish or at the request of a peace officer as follows:

5 AAC 39.XXX

Any person who is in possession of a CFEC interim-use or entry permit card shall upon request of any fish purchaser, or any officer authorized by the state to enforce this chapter, present personal identification as required by AS 16.10.267 (a)(2) to establish that the card is in the possession of the person to whom it was issued.

ISSUE: The Alaska Department of Public Safety requests that a provision requiring CFEC permit holders to present personal identification upon request of a purchaser of fish or a peace officer be placed in 5 AAC 39.

Presently, the personal identification requirement for CFEC permit holders is located only in 20 AAC 05.115. 20 AAC has no strict liability option (as 5 AAC 39 does) so violations cannot be reduced to non-criminal offenses when circumstances indicate a lesser penalty is appropriate.

All fishing regulations listed in 5 AAC give prosecutors and the judicial system the option of reducing criminal misdemeanor offenses to non-criminal strict liability offenses which carry lesser fine amounts. This proposal would accomplish this for the personal identification and allow the same charging options afforded in other fishing violations.

WHAT WILL HAPPEN IF NOTHING IS DONE? No option to reduce violations of failing to present personal identification by CFEC permit holders will be possible in lesser offenses. Only criminal misdemeanor penalties will continue to apply to this issue.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? CFEC permit holders who are charged with failing to present personal identification and viewed within the judicial system as having a lesser offense appropriate for application of a non-criminal penalty

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED: Leave the issue alone and allow no ability to reduce violations within the judicial system from criminal offenses to non-criminal offenses. This was rejected as many other fishing regulations give the option of charging as criminal offenses (for serious violations) or non-criminal offenses (for lesser violations).

PROPOSED BY: Alaska Department of Public Safety (HQ-F12-077)

PROPOSAL 223 – 5 AAC 39.120. Registration of commercial fishing vessels. Specify area registration requirements for salmon net fishing vessels as follows:

(c) Area registration requirements for salmon net fishing vessels are as follows:

(4) a person who owns a fishing vessel registered for an area of intended operation in compliance with (c)(1) of this section or his authorized agent may register it for a different salmon net registration area under the following conditions:

(A) the reregistration of a salmon net fishing vessel shall be authorized by the

(ii) Commercial Fisheries Entry Commission upon receipt of a written certification or personal affidavit stating that the vessel has not been used for salmon net fishing in the original area of registration **during the current registration year;**

ISSUE: Currently, the regulation lacks clarity regarding a period of time within which a vessel may not have been used within "the original area of registration" prior to reregistration for another area. Permit holders claim that the time period is not specified in regulation and that underlying Alaska Board of Fisheries intent regarding this matter is unclear.

WHAT WILL HAPPEN IF NOTHING IS DONE? Regulations will remain unclear regarding the period of time during which a vessel may not have fished in a salmon net fishing area prior to changing areas.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? N/A.

WHO IS LIKELY TO BENEFIT? Commercial fishermen and department staff will benefit from the increased clarity of the regulation.

WHO IS LIKELY TO SUFFER? This proposal will not affect anyone currently participating in the fisheries that require registration in more than one area.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game. (HQ-F12-238)

PROPOSAL 224 – 5 AAC 39.195. Announcement of emergency orders. Revise emergency order (EO) announcement process to add e-mail or facsimile as means of notification as follows:

Announcement of emergency orders will be publicized and made known to interested persons, fishermen, buyers, packers and canneries by one or more of the following means if possible:

- (1) radio transmission by department stations;
- (2) notices posted at canneries and public places;
- (3) press releases and announcements in the ADF&G website, local newspapers, and commercial radio stations;
- (4) telephone message hotline, e-mail or facsimile. [TELEGRAMS AND COMMERCIAL RADIO FACILITIES.]

ISSUE: Technology has changed; telegrams are no longer used to transmit emergency orders (EOs). Recorded telephone messages, e-mail, and facsimile have been added as modes of distribution. Additionally, ADF&G has implemented an online news release system through which EOs, in addition to news releases, may be distributed via e-mail.

WHAT WILL HAPPEN IF NOTHING IS DONE? Regulations will remain outdated and inaccurately reflect modes of EO distribution.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The public, fishermen, and department staff will know the expected transmission mode of EOs and can receive or send timely notification through the appropriate channels.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED: None.

PROPOSED BY: Alaska Department of Fish and Game. (HQ-F12-241)

PROPOSAL 225 - 5 AAC 39.2XX. Policy for the implementation of permit stacking. Develop and require use of a statewide policy during consideration of permit stacking proposals as follows:

The Board of Fisheries will have to address the issue of permit stacking on a statewide basis and come up with the most appropriate policies and procedures for this issue that meets with CFEC legal requirements.

ISSUE: The Alaska Board of Fisheries has, during the past two cycles, deliberated and subsequently adopted a series of commercial salmon fishery proposals dealing with the practice commonly called “permit stacking”. It has been our observation that the process lacked consistently solid goals and objectives. While at times it seemed clear that a purpose such as

keeping an active permit in the family while a permit holder is serving their country in the military was being served, at other times it appeared likely that allowing permit stacking would bring long-time latent permits back into a fully utilized fishery. Thru this proposal we are asking the Board to develop a set of goals and objectives and a process framework for examining future proposals related to permit stacking.

WHAT WILL HAPPEN IF NOTHING IS DONE? Most if not all of Alaska’s salmon fisheries are fully allocated. Permit stacking has the potential to increase the fishing power of the gear group where this practice occurs. This increase of fishing power can further complicate already complex management strategies. We believe that it is wise for the Board of Fisheries to develop a Policy for the Implementation of Permit Stacking prior to adopting any additional proposals furthering the practice.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. Preventing unintentional increases in management complexity or allocation conflicts resulting from adoption of permit stacking proposals.

WHO IS LIKELY TO BENEFIT? Most of Alaska’s salmon fisheries are somewhat complex and conflicts over the allocation of the fishery resource are well documented. It is our intent that solid goals and objectives along with a decision process framework develop to examine future permit stacking proposals will be constructive to fishery management and economic optimization.

WHO IS LIKELY TO SUFFER? It is our intention that no one would suffer since we are not asking for the practice of gear stacking to be prohibited only that a policy and process be developed for examining the intended and unintended consequences of adopting gear stacking proposals.

OTHER SOLUTIONS CONSIDERED? Prohibition of permit stacking was considered but rejected since we can see select cases where the practice has no negative effect on the fishery.

PROPOSED BY: Kenai River Sportfishing Association (HQ-F12-166)

PROPOSAL 226 – 5 AAC 47.020. General provisions for seasons and bag, possession, annual, and size limits for the salt waters of the Southeast Alaska Area; 5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area; 5 AAC 58.022. Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet-Resurrection Bay Saltwater Area; 5 AAC 64.022. Waters; seasons; bag, possession, and size limits; and special provisions for the Kodiak Area; 5 AAC 65.020. Bag limits, possession limits, and size limits for Alaska Peninsula and Aleutian Islands Area; and 5 AAC 75.012. Sport Shark Fishery Management Plan. Update regulations to accurately reflect changes to the statewide *Sport Shark Fishery Management Plan* which allowed for an increase bag and possession limit of spiny dogfish shark and no annual limit requirement as follows:

5 AAC 47.020. General provisions for seasons and bag, possession, annual, and size limits for the salt waters of the Southeast Alaska Area.

(9) shark: may be taken [FROM JANUARY 1-DECEMBER 31; BAG AND POSSESSION LIMIT OF ONE FISH; ANNUAL LIMIT OF TWO FISH; NO SIZE LIMIT; A HARVEST RECORD IS REQUIRED] as specified in 5 AAC 75.012;

5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area.

(9) shark [, INCLUDING ALL SPECIES OF THE ORDER *LAMNIFORMES*, *SQUALIFORMES*, OR *CARCHARHIFORMES*]: may be taken [FROM JANUARY 1 - DECEMBER 31; BAG AND POSSESSION LIMIT OF ONE FISH; ANNUAL LIMIT OF TWO FISH WITH A HARVEST RECORD REQUIRED] as specified in 5 AAC 75.012;

5 AAC 58.022. Waters; seasons; bag, possession, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

(8) shark [(ALL SPECIES OF THE ORDERS *LAMNIFORMES*, *SQUALIFORMES*, OR *CARCHARHINIFORMES*)]: may be taken [FROM JANUARY 1-DECEMBER 31; BAG AND POSSESSION LIMIT OF ONE FISH; ANNUAL HARVEST LIMIT OF TWO FISH; A HARVEST RECORD IS REQUIRED] as specified in 5 AAC 75.012;

5 AAC 64.022. Waters; seasons; bag, possession, and size limits; and special provisions for the Kodiak Area.

(9) shark: may be taken [FROM JANUARY 1-DECEMBER 31; BAG LIMIT OF ONE FISH AND ANNUAL LIMIT OF TWO FISH; A HARVEST RECORD] as specified in 5 AAC 75.012 [IS REQUIRED];

5 AAC 65.020. Bag limits, possession limits, and size limits for Alaska Peninsula and Aleutian Islands Area.

(10) shark: may be taken as specified in 5 AAC 75.012 [1 PER DAY, 1 IN POSSESSION, NO SIZE LIMIT; 2 FISH ANNUAL LIMIT].

5 AAC 75.012. Sport Shark Fishery Management Plan.

(b)(1) shark: may be taken from January 1–December 31; the bag and possession limits for sharks in salt water is one fish;

ISSUE: At the 2010 Statewide Finfish Alaska Board of Fisheries meeting, a bag and possession limit of five fish was established for spiny dogfish shark, statewide. In addition, spiny dogfish sharks were removed from the annual limit and harvest recording requirement for sharks. Although the statewide regulation under 5 AAC 75.012 *Sport Shark Fishery Management Plan* was modified to reflect the board adopted changes, area regulations remained unchanged and in conflict with the statewide regulation.

WHAT WILL HAPPEN IF NOTHING IS DONE? Conflicting regulations will remain in the codified regulation book and may lead to unnecessary enforcement situations.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? N/A.

WHO IS LIKELY TO BENEFIT? This administrative proposal would repeal incomplete, duplicative, and conflicting regulations.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F12-246)

PROPOSAL 227 - 5 AAC 75.003. Emergency order authority. Provide the department with emergency order (EO) authority to restrict sport proxy fishing as follows:

5 AAC 75.003(1) The commissioner or an authorized designee may decrease sport fish bag and possession limits, annual limits, and restrict methods and means of harvest by emergency order when

(B) the recreational harvest must be curtailed in any fishery for conservation reasons; **emergency orders may independently decrease proxy bag, possession, and annual limits;** the department may issue a “catch and release only” emergency order . .

ISSUE: The department lacks emergency order authority to restrict proxy limits as a method to decrease the harvest of fish for conservation reasons, such as achieving an escapement goal. Decreasing proxy bag, possession, and annual limits or prohibiting proxy fishing for a particular species would be a valuable tool for fisheries managers to consider when decreasing the sport harvest of salmon for conservation reasons.

WHAT WILL HAPPEN IF NOTHING IS DONE? The department will not have the authority to use a tool that could reduce sport harvest sport fisheries during times of low abundance.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Not applicable.

WHO IS LIKELY TO BENEFIT? Anglers.

WHO IS LIKELY TO SUFFER? Resident anglers who serve as proxies and the beneficiary who receives the fish.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F12-247)

PROPOSAL 228 – 5 AAC 75.995. Definitions. Prohibit the practice of “high grading” by anglers as follows:

(4) “bag limit” means the maximum legal take per person per day, in the area in which the person is fishing, even though part or all of the fish are immediately preserved; a fish when landed and **not immediately released** [KILLED] becomes part of the bag limit of the person originally hooking it;

ISSUE: There are problems with anglers keeping fish alive on stringers or in live-wells, holding boxes, etc., then releasing them (high grading) when a bigger fish or a fish in better condition, is caught. This practice causes unneeded mortality.

The proposed change will still allow anglers to immediately release a fish in hopes of catching something more desirable (selective harvest), but it would clarify when a fish becomes part of the bag limit and prohibit releasing fish once the angler has retained the fish as a part of his or her bag limit.

WHAT WILL HAPPEN IF NOTHING IS DONE? Unnecessary mortality will continue to occur on the state’s fisheries resources.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes.

WHO IS LIKELY TO BENEFIT? The resource and the public.

WHO IS LIKELY TO SUFFER? Anglers who wish to high grade their catch.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F12-248)

PROPOSAL 229 – 5 AAC 75.006. Harvest record for finfish with an annual limit. Specify harvest record reporting requirements for additional sport fishing licenses and harvest records as follows:

(b) A person obtaining a duplicate **or additional** sport fishing license or duplicate **or additional** harvest record shall record on that form the information required by (a)(2) of this section for all finfish previously landed during that year that were subject to the harvest record reporting requirements of this section.

ISSUE: Currently, nonresident anglers can make several trips to Alaska during the same year and purchase a one- or multi-day license during each trip and are not required to transfer their prior harvest record information from the back of their previous licenses or harvest record to their current license or harvest record. This is inconsistent with harvest recording requirements that apply to duplicate licenses and harvest records, and allows potential abuse of the annual limit provision set for king salmon, sharks (except spiny dogfish), and rainbow trout/steelhead in various sport fish management areas throughout the state. There have been recent reports of this occurring, specifically, with king salmon annual limits.

WHAT WILL HAPPEN IF NOTHING IS DONE? There would be potential harvest by nonresidents above the annual limits for king salmon, rainbow/steelhead trout, and sharks, jeopardizing management for sustained yield for these species in those affected management areas.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? N/A.

WHO IS LIKELY TO BENEFIT? The fishery resources that have been designated with annual limits to provide for sustained yield and the anglers that fish these resources will benefit from compliance with the proposed regulation.

WHO IS LIKELY TO SUFFER? Nonresident anglers who purchase additional licenses and/or obtain additional harvest records and wish to harvest more king salmon, rainbow/steelhead trout, or shark than allowed by the annual limit for those species.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game and Department of Public Safety.
(HQ-F12-243)

PROPOSAL 230 - 5 AAC 75.005. Possession of licenses, stamps and harvest record. If duplicate licenses are issued, ensure that the section for season or annual limits is removed from duplicate as follows:

When duplicate licenses are issued the block or section for season limits will be crossed off or the duplicate will be identified so that season limit block cannot be used, or some other method to prevent the abuse of the annual limits established by the Board of Fisheries. The new

computer generated licenses will have to be modified to identify the first one printed as the original and all other copies printed as duplicates or require duplicates to be issued by a vendor.

ISSUE: Abuse of lost license procedures, after in season limit has been reached. For example, king salmon in Cook Inlet drainage has a five king limit. Some fishers are having a duplicate license issued with the lost license procedures, that enables them to harvest an additional five fish limit. There is no way to verify the number kings harvested with original license.

WHAT WILL HAPPEN IF NOTHING IS DONE? Abuse of the system intended to control the harvest of king and other species fish that have had seasonal limits established both fresh and saltwater.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All Alaskans that obey the regulations, and understand the need to protect our resources.

WHO IS LIKELY TO SUFFER? The one percent of Alaskans and a few nonresidents that are perusing species, which have had season harvest limits reduced due to shortages or other management actions.

OTHER SOLUTIONS CONSIDERED? Locking tags instead of the back of the licenses, the cost of establishing a locking tag program.

PROPOSED BY: Bruce Knowles (SC-F12-004)

PROPOSAL 231 – 5 AAC 75.995. Definitions. Define the term “compensations” as follows:

(52) “compensation” means direct or indirect payment, remuneration, or other benefits received in return for services, regardless of the source; in this paragraph, “benefits” includes wages or other employment benefits given directly or indirectly to an individual or organization, and any dues, payments, fees, or other remuneration given directly or indirectly to a fishing club, business, organization, or individual who provides sport fishing guide services; and does not include reimbursement for the actual daily expenses for fuel, food, or bait;

ISSUE: There is no current definition of “compensation” in AS 16.40.299 or 5 AAC 75.995. “Compensation” is referenced in AS 16.40.299 definitions of “sport fishing guide services” and “sport fishing services”, but no definition is provided. A definition is needed for clarity when payment scenarios other than clients paying the guide directly take place.

WHAT WILL HAPPEN IF NOTHING IS DONE? There may be continued confusion concerning what constitutes “compensation”.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? N/A.

WHO IS LIKELY TO BENEFIT? The public, department staff, and enforcement personnel all benefit from clear, concise regulations.

WHO IS LIKELY TO SUFFER? Those individuals or organizations who have avoided obtaining a guide license or a guide business license due to ambiguity in the regulations.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game and Department of Public Safety.
(HQ-F12-244)

PROPOSAL 232 – 5 AAC 75.026. Use of sport-caught fish as bait. Clarify the use of sport-caught fish as bait as follows:

(b) Whitefish [,] **and** herring [,] and [OTHER] species of fish for which no seasonal or harvest limits are specified in 5 AAC 47–5 AAC 75, as well as the head, tail, fins, **closely trimmed skeleton**, and viscera of legally taken sport-caught fish taken under 5 AAC 47–5 AAC 75, may be used **whole or cut** for bait or other purposes.

ISSUE: The current regulatory language defining which sport-caught fish species may be used for bait is unclear. Of the two specific species listed in 5 AAC 75.026(b), only whitefish have a bag limit in any sport fish management area (15 fish bag limit in the Tanana River Area). Due to the inconsistency of the specific species listed in regulation, there has been confusion whether sport-caught whitefish in the Tanana River Area can be used for bait. In addition, since the skeletal remains of sport-caught fish generally include the head, tail, fins, and viscera of the fish, they are often used for bait in crab and shrimp pots. This addition would clarify the existing regulation.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will be continued confusion among fishery managers, enforcement staff, and the public on whether sport-caught whitefish in the Tanana River Area can be used for bait and whether the skeletal remains of sport-caught fish can be used as bait.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? N/A.

WHO IS LIKELY TO BENEFIT? Fishery managers, enforcement staff, and the public will benefit from clear, concise regulations.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F12-245)

PROPOSAL 233 - 5 AAC 75.022(d). Freshwater sport fishing. Create an exemption for the use of footgear with felt soles for the disabled or handicapped fisherman as follows:

I would like to have an exemption made for handicap and disabled sport fishers. The requirement for disabled and handicap fishing licenses could be used as eligibility as the criteria to wear felt soles. The wading shoes that they use could not be used outside of Alaska.

ISSUE: The Board of Fisheries established a ruling that felt soles could no longer be used as of 2012. This ruling will have adverse effect on handicapped and disabled Veterans, and many seniors that need the additional traction provided by felt soles.

WHAT WILL HAPPEN IF NOTHING IS DONE? The new super tact soles have not proven themselves to be as good as felt. Sports fishers with disabilities may not be able to continue to wade and fish with the less effect new soles.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? It will allow disabled veterans and many seniors, that have lost agility, to wade without the add traction.

WHO IS LIKELY TO SUFFER? No one will, it will keep the waters available to a special group that has gone the extra mile for their country and seniors that have retired.

OTHER SOLUTIONS CONSIDERED? As a 100% disabled veteran I don't know how I would be able to continue fishing in the waters that mean so much to me!

PROPOSED BY: Bruce Knowles

(SC-F12-007)

PROPOSAL 234 - 5 AAC 75.020. Sport fishing gear. Ban use of lead weights in fresh and salt waters of Alaska in sport fisheries as follows:

(X) Lead weights, weighing 1oz. or less and jigs less than 1 inch along their longest axis are banned in all waters in the State of Alaska.

ISSUE: Lead weights used for fishing.

WHAT WILL HAPPEN IF NOTHING IS DONE? Lead shot was eliminated in 1991 by federal regulation to address widespread lead poisoning of ducks and secondary poisoning of bald eagles. And in 1994, the EPA even proposed banning lead fishing weights that were being eaten by waterfowl. Hunters and anglers in states that have restricted or banned lead shotgun

ammunition or lead fishing gear have already made successful transitions to nontoxic alternatives and fishing and hunting in those areas remain active.

Anglers frequently snag and lose lead sinkers. Unfortunately, lead is a toxic substance and, when left in the environment, can cause injury to wildlife. The Minnesota Pollution Control Agency states that tackle made of lead harms waterfowl such as Swans Geese and Loons. These birds, as part of their feeding habits, swallow small stones to grind food within their digestive tract. Other predatory birds such as Osprey and Eagles also suffer from lead poisoning from eating fish contaminated with lead sinkers. An estimated 10 million to 20 million birds and other animals die each year from lead poisoning in the United States.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. According to Minnesota Pollution Control Agency, some states, including Maine, New York, Vermont and New Hampshire, prohibit certain sinkers, based on size and weight. Other states are considering similar legislation. The U.S. Fish and Wildlife also prohibits lead sinkers in Yellowstone National Park and two national wildlife refuges, with more bans likely in the future.

According to studies by Tufts University, over the last 30 years, lead poisoning accounts for up to 57% of adult Loon deaths. Up to 25% of dead Eagles are victims of lead poisoning. Up to 25 species of birds are affected by lead poisoning with up to 31% of endangered Trumpeter Swans being killed by lead poisoning.

Replace your lead fishing weights with non toxic weights.

WHO IS LIKELY TO BENEFIT? Alaskan wildlife Including fish and game.

WHO IS LIKELY TO SUFFER? Sport fisherman may see a small increase in the cost of non-toxic weights.

OTHER SOLUTIONS CONSIDERED? N/A.

PROPOSED BY: Robin Collman (HQ-F12-012)

PROPOSAL 235 - 5 AAC 75.0XX. New Regulation; 5 AAC 75.005. Possession of licenses, stamps and harvest record. Establish mandatory reporting system for sport fisheries statewide as follows:

5 AAC 75.0XX. Sport fishing reporting requirements.

For all fishers required to possess a license under AS 16.05.330 or exempt from licensing under AS 16.05.400, the following reporting conditions shall apply to the harvest of any species for which the license is required, unless otherwise specified by the regulation in 5 AAC 77:

(1) Each fisher shall keep accurate daily records of the catch involved, showing the number of fish taken by species, location and date of the catch, and such other information as the department may require for management or conservation purposes.

(2) Sport fishing reports must be completed on forms provided by the department at the point of sale or any department office, and returned by mail within 15 days of the expiration date of the license, or by January 15th of each year for persons exempt from licensing under AS 16.05.400.

5 AAC 75.005. Possession of licenses, stamps and harvest record.

(a) All persons engaged in sport fishing or in possession **or transportation** of fish must show their sport fishing licenses, Harvest Records and special permits or stamps to any local representative of the department or to any peace officer of the state upon his request.

(b) Any licensee who fails to comply with reporting requirements as required under 5 AAC 75.XXX is ineligible to receive a sport fishing license during the following calendar year, unless the licensee demonstrates to the department that failure to report was due to unavoidable circumstances.

ISSUE: Lack of accountability or timely reporting in the statewide sport fisheries leads to ineffective enforcement and poaching of fish because nobody is paying attention. Enforcement officers have no way to consistently and accurately monitor accumulation of seasonal or even daily bag limits. Voluntary response to a random survey months after fishing closes is a poor and inaccurate way to manage a fishery. Reported harvest data are indefensible, but are used to affect management plans, EO actions, and allocation of resources to other fisheries where timely mandatory reporting is enforced. A mandatory reporting provision is authorized to the department under AS 16.05.370, but has not been placed into regulation or requested to be done so by the department.

WHAT WILL HAPPEN IF NOTHING IS DONE? The State's fisheries will continue to decline, and resident subsistence, PU and commercial fishers will continue to suffer and incur harvest allocation reductions while our resources leave the State unchecked in southbound wetlock boxes.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Everyone who utilizes or manages the fisheries of Alaska.

WHO IS LIKELY TO SUFFER?

OTHER SOLUTIONS CONSIDERED? Mandatory daily reporting to a telephone or online system whenever fish are harvested. This would be a good long term goal but too expensive and cumbersome in the short term.

PROPOSED BY: Native Village of Eyak

(HQ-F12-008)

Proposal 236 was submitted prior to the proposal deadline for the 2012–2013 Board of Fisheries’ cycle, but was inadvertently omitted from the proposal book. This proposal will be considered by the board at its STATEWIDE FINFISH AND SUPPLEMENTAL ISSUES meeting scheduled for March 19-24, 2013.

PROPOSAL 236 – 5 AAC 39.205; 5 AAC 75.017; 5 AAC 77.007. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries. Establish allocation criteria with assigned point values to a user group as part of a weighted system when making allocation decisions among user groups in salmon fisheries, as follows:

I would prefer to see a weighted system established where each of the criteria’s is assigned values so that each point or points can be assigned to a user group.

ISSUE: Confusion factor on how the allocation criteria are to be implemented. Which of the individual criteria has the highest priority or are there point values added to each item?

WHAT WILL HAPPEN IF NOTHING IS DONE? The public will continue to be confused as how the allocation process is supposed to be applied between user groups. Controversy over which of the criteria has the highest value, can two or three of these criteria’s can be group together to establish a higher priority.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The all Alaskans would be able to see and understand how the allocations are assigned between users.

WHO IS LIKELY TO SUFFER? The one percent of Alaskans and a few nonresidents that are pursuing species, which have had season harvest limits, reduce due to shortages or other management actions.

OTHER SOLUTIONS CONSIDERED? Legislation would be required to change AS 16.05.251.

PROPOSED BY: Bruce Knowles. (SC-F12-005)

Proposal 243 is a board-generated proposal created by the board at its October 2012 meeting. This proposal will be considered by the board at its STATEWIDE FINFISH AND SUPPLEMENTAL ISSUES meeting scheduled for March 19-24, 2013.

PROPOSAL 243 – 5 AAC 39.212. Forage Fish Management Plan. Modify by the addition of Pacific herring as follows:

5 AAC 39.212. Forage Fish Management Plan.

(a) This management plan governs the commercial harvesting of forage fish species in the waters of Alaska.

(b) The board finds that forage fish perform a critical role in the complex marine ecosystem by providing the transfer of energy from the primary and secondary producers to higher trophic levels. The higher trophic levels include many commercially important fish and shellfish species. Forage fish also serve as important prey species for marine mammals and seabirds.

(c) The board finds that abundant populations of forage fish are necessary to sustain healthy populations of commercially important species of salmon, groundfish, halibut, and shellfish.

(d) Except as otherwise provided in 5 AAC 03– 5 AAC 39, forage fish may not be commercially taken.

(e) A vessel fishing in a directed groundfish fishery may retain a maximum allowable bycatch of forage fish equal to no more than two percent of the round weight or round weight equivalent of the groundfish on board the vessel.

(f) For the purposes of this section, "forage fish" means the following species of fish:

- (1) Family Osmeridae (capelin, eulachon, and other smelts);
- (2) Family Myctophidae (laternfishes);
- (3) Family Bathylagidae (deep-sea smelt);
- (4) Family Ammodtidea (Pacific sand lance);
- (5) Family Trichodontidae (Pacific sandfish);
- (6) Family Pholidae (gunnels);
- (7) Family Stichaeidae (pricklebacks, warbonnets, eelblennys, cockscombs, and shannys);
- (8) Family Gonostomatidae (bristlemouths, lightfishes, and anglemouths);
- (9) species of the Order Euphausiacea (krill);
- (10) Family Clupeidae (Pacific herring).**

ISSUE: Currently, the *Forage Fish Management Plan* does not specify Pacific herring as a forage fish.

WHAT WILL HAPPEN IF NOTHING IS DONE? Regulations will remain unclear regarding whether the Alaska Board of Fisheries considers Pacific herring as a forage fish.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? N/A.

WHO IS LIKELY TO BENEFIT? Members of the public.

WHO IS LIKELY TO SUFFER? This proposal will not affect anyone currently participating in commercial herring fisheries that are specified in regulatory Chapters 5 AAC 03–5 AAC 39.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Board of Fisheries. (formerly ACR 1)

Proposal 244 is a new out-of-cycle proposal accepted by the board as an agenda change request at its October 2012 meeting. This proposal will be considered by the board at its STATEWIDE FINFISH AND SUPPLEMENTAL ISSUES meeting scheduled for March 19-24, 2013.

PROPOSAL 244 – 5 AAC 35.510(b)(2). Fishing seasons for Registration Area J. Change the weather delay criteria for opening the Chignik District Tanner crab fishery from small craft advisory to gale warning, as follows:

(b)(2) the inspections required under 5 AAC 35.555 and the season opening shall be delayed for 24 hours if the January 14, 4:00 a.m. National Weather Service marine forecast for the current day and night plus the following day and night contains a **gale warning** [SMALL CRAFT ADVISORY]; if after the initial weather delay, the 4:00 a.m. National Weather Service marine forecast for the current day and night plus the following day and night again contains a **gale warning** [SMALL CRAFT ADVISORY], the season opening will be delayed an additional 24 hours; the season opening delays may continue on a rolling 24-hour basis until 12:00 noon on January 25, when the season will open regardless of the National Weather Service marine forecasts; for the purposes of this paragraph, the corresponding National Weather Service marine forecast area for the Chignik District is Area 155: Coastal Waters South of the Alaska Peninsula Castle Cape to Cape Sarichef.

ISSUE: The Chignik Area rarely sees wind conditions of small craft or less in the month of January. Change the weather delay criteria of the Chignik District Tanner crab fishery to match Kodiak and South Peninsula districts.

WHAT WILL HAPPEN IF NOTHING IS DONE? The Chignik Area weather delay criteria may continue to restrict the fishery opening.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Vessel operators who want gale warning weather delay criteria.

WHO IS LIKELY TO SUFFER? Vessel operators who want small craft warning weather delay criteria.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alfredo S. Abou Eid. (formerly ACR 2)

Proposal 245 is a new out-of-cycle proposal accepted by the board as an agenda change request at its October 2012 meeting. This proposal will be considered by the board at its STATEWIDE FINFISH AND SUPPLEMENTAL ISSUES meeting scheduled for March 19-24, 2013.

PROPOSAL 245 – 5 AAC 34.610(d). Fishing seasons for Registration Area O. Change vessel size limit in state waters from 172° W long to 179° W long for the Aleutians Islands red king crab fishery, as follows:

(d) During a fishing season opened under (a) of this section in the waters of Alaska between 172° W. long. and 179° W. long., the commissioner may issue a permit only to a vessel **that is less than 60 feet** [90 FEET OR LESS] in overall length to fish for red king crab.

ISSUE: The language utilized in the agenda change request (ACR) 7 states that the proposal affects “the local fleet is Alaska limit under 60 feet”. It is unclear whether the intended action would apply to “Alaska limit” vessels—normally 58 feet and under—or to vessels under 60 feet. The ACR further states that with the opening of the fish plant on Adak Island, a pot fishery has developed in the area that has done very well during the winter months.

The area between 172° W long and 179 ° W long was not included in the North Pacific Fishery Management Council’s crab rationalization program and will be conducted in state waters only. The 90-ft limit was put in at a time vessels would have had to run 400 miles to deliver in Dutch Harbor. No crab fishery ever opened in the area so no large vessels ever fished red king crab in the area; thus, no large boats will be displaced. The pot cod season has proved smaller boats can fish the area in safely.

WHAT WILL HAPPEN IF NOTHING IS DONE? The vessel size limit in state waters will remain at 90 feet.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Vessels 60 feet and less.

WHO IS LIKELY TO SUFFER? Vessels over 60 feet.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Aleut Enterprise Corporation. (formerly ACR 7)

Proposal 246 is a new out-of-cycle proposal accepted by the board as an agenda change request at its October 2012 meeting. This proposal will be considered by the board at its STATEWIDE FINFISH AND SUPPLEMENTAL ISSUES meeting scheduled for March 19-24, 2013.

PROPOSAL 246 – 5 AAC 34.625(x). Lawful gear for Registration Area O. Establish a pot limit of 10 pots per vessel for red king crab from 172° W. long to 179° W. long., as follows:

(x) In the red king crab fishery from 172° W long. to 179° W long. established under 5 AAC 34.610(a), no more than 10 pots may be operated from a validly registered vessel.

ISSUE: Anecdotally, pods of red king crab are showing up in several bays near Adak; the volume is at present unknown. As Alaska Air has regular service, it would be advantageous to spread fishing seasons over a longer time to take advantage of the fresh market; a small boat fleet is onsite and could work it, along with other fisheries.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will be no pot limit for this area.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Vessels wanting to fish with a low pot limit.

WHO IS LIKELY TO SUFFER? Vessels wanting to fish with a higher pot limit.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Aleut Enterprise Corporation. (formerly ACR 8)

Proposal 247 is a new out-of-cycle proposal accepted by the board as an agenda change request at its October 2012 meeting. This proposal will be considered by the board at its STATEWIDE FINFISH AND SUPPLEMENTAL ISSUES meeting scheduled for March 19-24, 2013.

PROPOSAL 247 – 5 AAC 30.350. Closed waters. Modify closed waters in the Tsiu River for the Yakutat salmon fishery, as follows:

5 AAC 30.350. Closed Waters.

(a) Salmon may not be taken in the following waters:

(12) Tsiu River: upstream from [OF] ADF&G regulatory markers located approximately **one half of the distance between Duck Camp Island and the river terminus** [ONE-HALF MILE DOWNSTREAM FROM DUCK CAMP ISLAND].

ISSUE: New information provided to the Alaska Board of Fisheries indicates that conflicts between commercial and sport users on the Tsiu River are ongoing. In order to provide for more orderly fisheries, the board would like to consider regulatory solutions.

WHAT WILL HAPPEN IF NOTHING IS DONE? Conflicts between user groups are expected to continue. There will continue to be interference with fishing activities, and potentially, public safety concerns.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Sport fishermen would benefit by having an area within the river where they could fish without interference.

WHO IS LIKELY TO SUFFER? Commercial fishermen would have a reduced area where they could fish during openings. Depending on the number of commercial fishermen and the size of the

open area, there is a potential for fewer productive fishing locations and for reduced commercial harvests at times.

OTHER SOLUTIONS CONSIDERED? The issue was previously considered during the Southeast Alaska Finfish meeting in Ketchikan in March 2012. Proposal 301 recommended closing two areas: one area would be closed below a marker 500 yards above mean high tide, and the second area would be closed upstream from a second marker located 1.5 miles upstream from the lower marker. Proposal 301, as initially submitted, was not adopted. During board deliberations, amended language was provided in RC 102 and adopted. After reconsideration, that action was revoked and no action was taken. This proposal reconsiders the action initially taken by adoption of RC 102.

PROPOSED BY: Alaska Board of Fisheries. (formerly ACR 9)

Proposal 248 is a board-generated proposal created by the board at its October 2012 meeting. This proposal will be considered by the board at its STATEWIDE FINFISH AND SUPPLEMENTAL ISSUES meeting scheduled for March 19-24, 2013.

PROPOSAL 248 – 5 AAC 39.290. Closed waters and 5 AAC 39.975. Definitions. Amend to clarify closed waters associated with salmon streams.

ISSUE: Regulations regarding waters closed to commercial salmon fishing and associated with salmon streams lack clarity for enforcement because terms and criteria in the AWC are being incorrectly applied to enforcement of commercial fishing violations. A clear separation between habitat regulations and commercial fishing closed waters regulations has not been established. Additionally, salmon stream mouths are not clearly defined in regulation.

There is confusion among stakeholders regarding use of the Anadromous Waters Catalog (AWC) for enforcement of 5 AAC 39.290(a), *Closed waters*. The AWC is incorrectly being used to inform court proceedings involving commercial salmon fishing closed waters violations. The definition of a salmon stream used for the AWC (AS 16.05.871(a)) does not match the definition given in 5 AAC 39.975(10), *Definitions*.

Furthermore, there is a lack of clarity concerning application of the 500-yard commercial fishery closure associated with salmon streams. Currently, in 5 AAC 39.290(a), *Closed waters*, “Commercial fishing for salmon is prohibited at all times within the streams and rivers of Alaska and within 500 yards of any salmon stream...” This regulatory description does not provide clear direction of how to measure the 500-yard closure.

Incorrect application of AWC terms and criteria to commercial fishing violations associated with salmon stream closed waters has affected the department’s ability to protect salmon streams.

WHAT WILL HAPPEN IF NOTHING IS DONE? A lack of clarity in regulations associated with salmon stream closed waters negatively affects the department’s ability to protect and manage salmon.

WHO IS LIKELY TO BENEFIT? The people of the State of Alaska.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game. (formerly ACR 19)

Proposal 249 is a board-generated proposal created by the board at its October 2012 meeting. This proposal will be considered by the board at its STATEWIDE FINFISH AND SUPPLEMENTAL ISSUES meeting scheduled for March 19-24, 2013.

PROPOSAL 249 – 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.

Consider regulatory changes to management plans to Kenai River king salmon.

ISSUE: This is a placeholder proposal to review department escapement goal changes to Kenai River late-run king salmon, and consider changes to the late-run king salmon management plan brought forth by the board appointed Upper Cook Inlet Task Force. During the October 2012 Alaska Board of Fisheries (board) Work Session, the board established a task force whose mission is to identify a set of recommended adjustments to the *Kenai River Late-Run King Salmon Management Plan* that would result in the best mix of inriver (sport, guided sport, and personal use), marine recreational, and Upper Subdistrict set gillnet fishing opportunity, while providing the best means of attaining the escapement goal for Kenai River late-run king salmon during times of low king salmon abundance.

WHAT WILL HAPPEN IF NOTHING IS DONE? The department will implement new interim escapement goal for the Kenai River late-run king salmon stock, and will apply the existing management plan stipulations to the new goal.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Unknown.

WHO IS LIKELY TO BENEFIT? All users will benefit from an agreed upon set of management provisions for Kenai River king salmon.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? Agenda change requests 4 and 17 were considered at the October 2012 Work Session and the formation of a task force, consisting of two board members and nine members of various user groups (three Upper Subdistrict set gill net fishers, one drift gill net fisher, two sport anglers, one sport fish guide, one personal use fisher, and one marine recreational angler) to develop management provisions was selected as a preferred solution.

PROPOSED BY: Alaska Board of Fisheries.

(formerly ACRs 4 and 17)
