Alaska Board of Fisheries
Work Session
October 17-19, 2017 | Anchorage, AK
Agenda Change Requests

Yukon Area Northern Pike Fishery (1)

ACR 01

Decrease the size of the area closed to subsistence fishing through the ice for northern pike on the Chatanika River (5 AAC 01.244).

Aleutian Islands King Crab Fishery (1)

ACR 02

Repeal fixed total allowable catch (TAC) and adopt an Aleutian Islands golden king crab harvest strategy that uses biomass estimates generated from the Alaska Department of Fish and Game stock assessment model to establish TAC (5 AAC 34.612).

Kuskokwim River Salmon Fisheries (5)

ACR 03

During times of Kuskokwim River king salmon conservation allow use of set gillnets with 5 ½" mesh to harvest salmon other than king salmon and other non-salmon fish species for subsistence purposes (5 AAC 01.270).

ACR 04

Allow set gillnets to be operated for subsistence purposes within 30 feet of each other in that portion of the Kuskokwim River drainage from the north end of Eek Island upstream to the mouth of the Kolmakoff River (5 AAC 01.270).

ACR 05

Close sport fishing for king salmon in the Kuskokwim River drainage when other Kuskokwim River fisheries are closed to the taking of king salmon (5 AAC 71.010 and 5 AAC 07.365).

ACR 06

Close sport and subsistence hook and line fishing for king salmon in the Aniak River when other Kuskokwim River fisheries are closed to the taking of king salmon (5 AAC 01.295, 5 AAC 71.010 and 5 AAC 07.365).

ACR 07

Close all fishing in non-salmon spawning rivers of the Kuskokwim River within one mile of the confluence during times of king salmon conservation (5 AAC 01.275, 5 AAC 71.010 and 5 AAC 07.365).

Cook Inlet Area Salmon Fisheries (3)

ACR 08

Close a portion of the Big River to sport fishing and reduce the bag limit for salmon, other than king salmon in the South Fork and tributaries of Otter Lake (5 AAC 62.122).

ACR 09

Reduce the bag limit for salmon, other than king salmon, from three to two fish in Otter Lake and its tributaries (5 AAC 62.122).

ACR 10

Close and open all commercial, personal use and sport fisheries concurrently when salmon escapement goals are not going to be achieved in Upper Cook Inlet (5 AAC 21.363, 5 AAC 56.122, 5 AAC 57.121, 5 AAC 57.122, 5 AAC 57.123 and 5 AAC 77.540).

Kodiak Area Salmon Fisheries (1)

ACR 11

Adopt a new management plan capping weekly and seasonal commercial sockeye salmon harvest in certain portions of the Kodiak Management Area (5 AAC 18.XXX).

Alaska Peninsula Area Salmon Fisheries (1)

ACR 12

Reduce harvest of sockeye salmon near the Dolgoi Islands area by reducing harvest triggers and expanding area closures when harvest triggers are met (5 AAC 09.365 and 5 AAC 09.366).

Yukon River Salmon Fisheries (6)

ACR 13

Allow use of drift gillnets to harvest salmon for subsistence purposes in Yukon River subdistricts 4-B and 4-C (5 AAC 01.220).

ACR 14

Repeal the prohibition on subsistence fishing in Yukon River districts 1 and 2 during the first pulse of king salmon (5 AAC 05.360).

ACR 15

Consider criteria to allow sale of Yukon River king salmon caught incidentally during open commercial fishing periods for other salmon species.

ACR 16

Allow sale of incidentally caught Yukon River king salmon during the summer season when status of the king salmon stock that triggered prohibition of sale has improved or that stock is no longer present in a given fishing area (5 AAC 05.360).

ACR 17

Allow sale of incidentally caught Yukon River king salmon during the fall season when status of the king salmon stock that triggered prohibition of sale has improved or that stock is no longer present in a given fishing area (5 AAC 05.360).

ACR 18

Clarify Yukon Area District 1 boundary, allow set gillnets to be operated up to three nautical miles seaward from any grassland bank in District 1, and reduce waters closed to commercial fishing for salmon in District 1 (5 AAC 05.200, 5 AAC 05.330, and 5 AAC 05.350).

ACR 01

Decrease the size of the area closed to subsistence fishing through the ice for northern pike on the Chatanika River (5 AAC 01.244).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 01.244 Minto Flats Northern Pike Management Plan

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.
The recent closure of the primary harvest area resulted in the unintended consequence of not providing a reasonable opportunity for subsistence.

WHAT SOLUTION DO YOU PREFER?
Subsistence fishing is closed in the Chatanika River from the confluence of Goldstream creek to an ADFG marker 1 river mile upstream from the confluence

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

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

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

c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Last year the FAC supported an amended proposal to create a closed area for 1 mile above the confluence of Goldstream and Chatanika. The author of the proposal agreed with the amendment. At the meeting an RC was submitted else and the closed areas expanded to 3 miles. The unforeseen consequence of the regulation was that there are very few fish above the 3 mile marker and subsistence users are not getting their subsistence needs met. The current regulation does not provide a reasonable opportunity for subsistence. Over the previous 10 years there were an average of 59 permits fished with an average harvest of 699 pike. This year only 14 permits have fished catching a total of 12 pike. Subsistence users have been blocked from the only productive stretch of river. Most quit fishing and the few that did caught less than 1 fish per permit.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?
The board's fundamental responsibility for a designated subsistence fishery is to provide a reasonable opportunity for subsistence. The current regulation clearly does not do so. If we allow 2 more years of virtually no subsistence opportunity, with decreased participation, this important subsistence fishery will be reclassified personal use or sport or be closed altogether.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.
No other user group is affected. At least 1500 pike have been allocated to the winter subsistence fishery with an average of 699 taken. This year only 12 fish have been taken. If the closed area is made only 1 mile, subsistence users will still see a large decrease in their allocation, but at least will have a reasonable opportunity for subsistence.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.

Some AC members and several constituents that attended our April 5, 2017, meeting have fished this area for several years. Traditional fishing areas have been closed, and only one subsistence user present at our meeting had caught more than I fish. He caught 2. The fish are not above the 3-mile marker in numbers that provide a reasonable opportunity.

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

ACR at the next available BOF meeting so this unfortunate regulation can be changed for the start of the 2018 subsistence season.

SUBMITTED BY: Fairbanks Fish and Game Advisory Committee

ACR 02

Repeal fixed total allowable catch (TAC) and adopt an Aleutian Islands golden king crab harvest strategy that uses biomass estimates generated from the Alaska Department of Fish and Game stock assessment model to establish TAC (5 AAC 34.612).

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

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.
The existing regulation limits harvest of golden king crab "until the Aleutian Islands golden king crab stock assessment model and a state regulatory harvest strategy are established ... " The limits (or TACs) were originally set in the mid-1990s, with only small adjustments since then. The Foundation has worked with the CPT and the Department over many years in the development of this model. The North Pacific Fishery Management Council's Crab Plan Team and Scientific and Statistical Committee formally adopted a new stock assessment model for management and used it to set an Overfishing Limit (OFL) and Allowable Biological Catch (ABC) during May and June of 2017, after the last board meeting addressing king and Tanner crab. The Alaska Department of Fish and Game is developing a harvest strategy that reflects the new OFL and ABC levels and will use outputs directly from the stock assessment model to set the most appropriate TACs on an annual basis as the conditions of the stock change. The current regulation does not provide flexibility for the new stock assessment model outputs to guide annual harvest limits.

WHAT SOLUTION DO YOU PREFER?
The preferred solution is for the Board to adopt a regulatory harvest strategy based on the revised OFL and ABCs and the outputs of the model that would provide for conservation of the resource by allowing the Department to raise or lower TACs annually according to changes in status of the golden king crab stock. The Department is currently working to develop a harvest strategy for the Board's consideration during the 2017/18 meeting cycle. Preliminary elements of the new harvest strategy include using outputs from the model to establish minimum biomass levels necessary for a fishery to occur, formulating a range of annual exploitation rates that are responsive to stock condition and consistent with harvest strategies for other regional crab stocks, and setting a limit on the proportion of legal crab that could be harvested in any given year.

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

a) **for a fishery conservation purpose or reason:** The current harvest limits are inconsistent with the outputs of the model and the new OFL and ABC. They also limit the Department's flexibility to set appropriate TACs. The Department may set a TAC below the regulatory harvest limit, but may not set a TAC above the regulatory harvest limit. Therefore, these harvest limits do not provide adequate conservation of the resource. Adopting a new harvest strategy and using that strategy to set TACs will ensure that the best available data and analysis is being used to manage the fishery on an annual basis which is consistent with the Board's policy on King and Tanner crab resource management.

b) to correct an error in regulation: The regulation is now out of date since the AIGKC model has been adopted and the harvest strategy is under development and will be finalized prior to the next fishing season.

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

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?
If the problem is not solved prior to the regular cycle, the fishery will continue to be managed according to outdated harvest strategy that does not provide for optimum conservation of the resource. Without incorporating the outputs of the model and the triggers included in the harvest strategy, harvest might be foregone or might not provide adequate conservation depending on the stock status each year in each area.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.
This is a rationalized crab fishery. Each vessel has quota share allotted to it. Adopting a harvest strategy does not change the quota share balance in any way.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. Commercial fishermen

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.
Consideration of a stock assessment based harvest strategy has not been considered by the Board as either a proposal or an ACR.

SUBMITTED BY: Aleutian King Crab Research Foundation

ACR 03

During times of Kuskokwim River king salmon conservation allow use of set gillnets with 5 ½" mesh to harvest salmon other than king salmon and other non-salmon fish species for subsistence purposes (5 AAC 01.270).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 01.270 (n) (1) (B) Lawful gear and gear specifications and operation.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.
Most of the people along the Kuskokwim River drainages have opposed using 4" gill nets and have stated that it kills or cause Chinook salmon to suffocate and roll off the net before the owners pull them into their skiffs. This current regulation inadvertently cause chinook salmon and white fish species to decline. The current on the Kuskokwim River drainages within the last 10 years have changed causing erosion and buildup of sand bars in areas where we normally set nets and high water marks are over 100 feet. The changing current and buildup of sand bars where the people normally set their nets is causing hardship to those that are trying to put food on the table for their families. In the early part of May or after the river breakup, people along the Kuskokwim River drainages set nets to catch whitefish and chee fish before turning to all species of salmon that come up the Kuskokwim River and its drainages.

WHAT SOLUTION DO YOU PREFER?
A gillnet mesh size may not exceed 5 1/2 inches, 60 feet in length and may only be operated as a set gillnet; the gillnet operators may anchor their gillnets using commercial metal or aluminum anchors or make shift anchors out of wood regardless of where the high water mark is at the location of the individuals traditional set net site.

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

a) **for a fishery conservation purpose or reason:** People along the Kuskokwim River drainages have fished for white fish and chee fish right after the river ice breaks up. They only target those species until chinook and other salmon species migrate up the Kuskokwim River and drainages to their spawning ground. We all know that other salmon species, i. e. chum and sockeye salmon migrate along with chinooks to their spawning grounds and those two salmon can be targeted with the 5 ½ inch mesh gill nets in times of chinook salmon conservation. This will ensure that we do not over fish all species of white fish and decimate the next generation of chinook salmon that come up the Kuskokwim River and its drainages.

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

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

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

People will over fish white fish and other small fish that come up the Kuskokwim River and its tributaries which in the future will cause us not to fish for those species if this regulation is not changed and may do more harm to the next generation of Chinook that migrate up to their spawning grounds. People along the Kuskokwim River drainages will have to look elsewhere to set their gill nets where they do not generally set their nets. (We all know that there are sand bars all along the Kuskokwim River and drainages especially along the lower Kuskokwim River where people set nets and the current language does not meet the 100 feet requirement from an ordinary high water mark which in the past has been defined as: where vegetation starts along a river bank).

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

This proposal does not try to allocate any user group any amount of fish or salmon species to catch.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.

Subsistence user

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

This proposal to our knowledge has not been considered, all though, we have tried to change the current regulation to this current language in the last cycle.

SUBMITTED BY: Kwethluk Joint Group (Organized Village of Kwethluk, Kwethluk Indian Reorganization Act Council (Tribe), City of Kwethluk, Kwethluk City Council (Municipality) and Kwethluk Incorporated Board of Directors (Village Corporation)).

ACR 04

Allow set gillnets to be operated for subsistence purposes within 30 feet of each other in that portion of the Kuskokwim River drainage from the north end of Eek Island upstream to the mouth of the Kolmakoff River (5 AAC 01.270).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 01.270 (e) Lawful gear and gear specifications and operation.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.
All throughout the Kuskokwim River drainage there are a few eddies to set gillnets during spring to fall and under ice set nets during winter months where we see nets set less than the current regulation.

WHAT SOLUTION DO YOU PREFER?
In that portion of the Kuskokwim River drainage from the north end of Eek Island upstream to the mouth of the Kolmakoff River, no part of the set gillnet located within a tributary to the Kuskokwim River may be set or operated within 30 feet of any part of another set gillnet.

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

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

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

c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** People along the Kuskokwim River drainages have set gillnets in eddies in spring to fall and under ice gear in winter which are usually less than 150 feet in length. In order to correct this, the department must adopt a revised regulation that meets the needs of set netters throughout the year.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?
Subsistence set netters throughout the Kuskokwim River drainage may be cited for not following the 150 feet requirement.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.
This proposal does not try to allocate any user group any amount of fish or salmon species to catch.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.
Subsistence users

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

This proposal to our knowledge has not been considered.

SUBMITTED BY: Kwethluk Joint Group (Organized Village of Kwethluk, Kwethluk Indian Reorganization Act Council (Tribe), City of Kwethluk, Kwethluk City Council (Municipality) and Kwethluk Incorporated Board of Directors (Village Corporation)).

ACR 05

Close sport fishing for king salmon in the Kuskokwim River drainage when other Kuskokwim River fisheries are closed to the taking of king salmon (5 AAC 71.010 and 5 AAC 07.365).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
Special Regulations for sport fishing on Kuskokwim River drainages

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.
During times of Chinook Salmon conservation, there is no regulation where sport fishing is prohibited all throughout the Kuskokwim River as outlined in the Special Regulations for the Kuskokwim – Goodnews Drainages.

WHAT SOLUTION DO YOU PREFER?
Kuskokwim River Drainage: (Downstream of a point located ¼ mile upstream of the confluence of the Kuskokwim River with the Holitna River, and all waters draining in to the Kuskokwim River Bay south of the Kuskokwim River): (include with current language)

King Salmon: During times of Chinook Salmon conservation, all waters draining into the Kuskokwim River will be closed to taking of Chinook Salmon unless the Chinook Salmon Conservation has been lifted for all rivers that drain into the Kuskokwim River.

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

a) **for a fishery conservation purpose or reason:** If one set of users are prohibited from taking Chinook salmon, all other users must also be prohibited.

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

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

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?
There will be an uproar all along the Kuskokwim River by the very people that depend on this salmon species among other species of fish.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.
This proposal does not try to allocate any user group any amount of fish or salmon species to catch.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.
Subsistence users

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

This proposal to our knowledge has not been considered.

SUBMITTED BY: Kwethluk Joint Group (Organized Village of Kwethluk, Kwethluk Indian Reorganization Act Council (Tribe), City of Kwethluk, Kwethluk City Council (Municipality) and Kwethluk Incorporated Board of Directors (Village Corporation)).

ACR 06

Close sport and subsistence hook and line fishing for king salmon in the Aniak River when other Kuskokwim River fisheries are closed to the taking of king salmon (5 AAC 01.295, 5 AAC 71.010 and 5 AAC 07.365).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 01.295 (1) Aniak River bag and possession limits

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.
During times of Chinook Salmon conservation, there should be no preferential treatment, if the remainder of the Kuskokwim river drainages are closed to subsistence, the Aniak river should also be closed.

WHAT SOLUTION DO YOU PREFER?

(1)The bag and possession limit is as specified by species in 5 AAC 70.010, except that the bag and possession limit is for King salmon is two fish, with no size and annual limits; (include with current language) King Salmon: During times of Chinook Salmon conservation taking of Chinook Salmon is prohibited unless the Chinook Salmon Conservation has been lifted for all rivers that drain into the Kuskokwim River.

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

a) **for a fishery conservation purpose or reason:** If one set of users are prohibited from taking Chinook salmon, all other users must also be prohibited.

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

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

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?
There will be an uproar all along the Kuskokwim River by the very people that depend on this salmon species among other species of fish.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.
This proposal does not try to allocate any user group any amount of fish or salmon species to catch.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.
Subsistence users

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

This proposal to our knowledge has not been considered.

SUBMITTED BY: Kwethluk Joint Group (Organized Village of Kwethluk, Kwethluk Indian Reorganization Act Council (Tribe), City of Kwethluk, Kwethluk City Council (Municipality) and Kwethluk Incorporated Board of Directors (Village Corporation)).

ACR 07

Close all fishing in non-salmon spawning rivers of the Kuskokwim River within one mile of the confluence during times of king salmon conservation (5 AAC 01.275, 5 AAC 71.010 and 5 AAC 07.365).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC NEW: Closure of non-salmon spawning rivers on the Kuskokwim River starting from the Bay to the headwaters

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.
There is no current regulation on non-salmon spawning rivers in times of Chinook salmon conservation on the Kuskokwim River.

WHAT SOLUTION DO YOU PREFER?
The Commissioner shall close non-salmon spawning rivers in times of chinook salmon conservation as follows with the following restrictions: Non salmon spawning rivers shall be closed starting from the mouth to 1 mile upstream. Set nets and drifting with any size gear are prohibited in times of chinook salmon conservation within the 1 mile buffer.

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

a) **for a fishery conservation purpose or reason:** For the residents of the Kuskokwim river to truly conserve chinook salmon for the future generations, the non-salmon spawning rivers must be closed 1 mile upstream from the mouth of these rivers.

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

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

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?
Residents of the lower river will not be in compliance with our Chinook salmon conservation efforts.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.
This proposal does not try to allocate any user group any amount of fish or salmon species to catch.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.
Subsistence users

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

This proposal to our knowledge has not been considered, all though, we have tried to change the current regulation to this current language in the last cycle.

SUBMITTED BY: Kwethluk Joint Group (Organized Village of Kwethluk, Kwethluk Indian Reorganization Act Council (Tribe), City of Kwethluk, Kwethluk City Council (Municipality) and Kwethluk Incorporated Board of Directors (Village Corporation)).

ACR 08

Close a portion of the Big River to sport fishing and reduce the bag limit for salmon, other than king salmon in the South Fork and tributaries of Otter Lake (5 AAC 62.122).

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

5 AAC 62.122 (Special provisions for the seasons, bag, possession, and size limits, and methods and means for the West Cook Inlet Area).

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

Sockeye and coho salmon spawn in the South Fork of Big River – i.e., in the channel paralleling the base of the adjacent mountain slope, extending up to ¼ mile east of that base. These stocks have been declining progressively over the past 2 decades – as judged by eye (that of professional fishing guides and myself, a professional wildlife biologist: BSc marine ecology/bio oceanography, MSc wildlife management, PhD Population Ecology) rather than by measurement. The declines are at least partly due to over-fishing on the spawning beds in this area.

This issue has been brought to the attention of ADF&G staff during 2015, 2016 and on 14 August 2017). According to ADF&G staff, no such decline has shown up in harvest numbers. However, as they are clearly aware, a decline can be compensated for by fishing longer. We are approaching at a point where even more effort per fish will not be able to compensate for shrinking numbers of fish. ADF&G staff noted that the coho run is late this summer, which they suggested might give the impression of fewer cohos for the year. However, this trend has been obvious for far too many years for the timing of any single run to be the basis of judging health of the stock, as I am sure they would agree. If we are right, taking action now will do much to save the stocks. If we are wrong, sizes of the stocks will increase and provide for larger bag limits in the future.

Although it would be ideal to have research data to verify our assessment before the bag limit is changed, by the time a study is done (probably requiring several years data), the stock is likely to be on the verge of crashing. We therefore propose a reduction in bag limit at least until a thorough assessment of the fishery dynamics has been completed. There is potentially a source of matching funds from the private sector to help fund the research.

WHAT SOLUTION DO YOU PREFER?

a) Forbid fishing upstream of the position 60 deg 46' 38.21" N, 152 deg 17' 00.67" W which lies roughly ¼ mile downstream of the start of the spawning bed. This would not prohibit fishing in the North Fork of Big River.
b) Reduce the bag limit from 3 salmon per person per day to 2 salmon per person per day in the South Fork of Big River and other tributaries to Otter (Big River) Lake, with the exception of the North Fork of Big River.

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

a) for a fishery conservation purpose or reason: To halt over-fishing that is jeopardizing health of the salmon populations which spawn in the South Fork of Big River.

b) to correct an error in regulation:

c) to correct an effect on a fishery that was unforeseen when a regulation was adopted: Harvest of coho and sockeye salmon far in excess of sustainable yield.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?
This salmon run appears on the verge of collapsing. Another year or two of fishing at the current rate is likely to do harm to the fish stock that will not be correctable without virtually halting fishing here for several years, perhaps a decade or two. The fishery now generates over $10 million/yr for commercial guides and their host companies – including Alaska West Air, Talon Air, High Adventure, and Redoubt Bay Lodge. This should not be further jeopardized by waiting longer to start aggressively restoring the stock to its former abundance.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.
This change in regulations would not increase harvest for one segment of users at the expense of lower harvest for another segment. Rather, it would conserve the fisheries stock upon which all users depend.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.
I am a guide at Redoubt Bay Lodge, located near this fishery. I have been observing the decline of this stock since 2004. I am a professional wildlife biologist. I do not guide anglers, but I do guide bear viewers. So I have been present and observing the fish nearly every day during the summer for 6 years (2004, 2013-3017). I have been able to observe the drastic decline in size of the fish school at the mouth of Wolverine Creek, as well as the decline in number and size of runs up Wolverine Creek. There has also been a major decline in numbers of coho salmon in the spawning bed on the South Fork of Big River and in "holes" along the boggy margin of Otter Lake (Big River Lake) which are possible spawning sites fed by subsurface springs). Although these changes in fish numbers have not been measured, they have been so drastic that even eyeball estimates reliably document the decline.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.
Not so far as I know.

SUBMITTED BY: Stephen F. Stringham, PhD DBA WildWatch

ACR 09

Reduce the bag limit for salmon, other than king salmon, from three to two fish in Otter Lake and its tributaries (5 AAC 62.122).

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

5 AAC 62.122 (Special provisions for the seasons, bag, possession, and size limits, and methods and means for the West Cook Inlet Area).

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

The sockeye and coho salmon stocks that spawn in Otter Lake (aka Big River Lake) and its tributaries have been declining progressively over the past 2 decades – as judged by eye (that of professional fishing guides and myself, a wildlife biologist: BSc marine ecology/bio oceanography, MSc wildlife management, PhD Population Ecology) rather than by measurement. This decline is at least partly due to over-fishing where Wolverine Creek empties into Otter Lake, and at spawning sites around the lake and its tributaries. The current bag limit is 3 salmon per person per day. This needs to be reduced to no more than 2 salmon per person per day if the fishery is to have a substantial chance of recovery. Over-fishing arose from 2 causes: (a) harvest of 200-300 salmon/day – in excess of what would have been sustainable yield under past escapement conditions. (b) That has been aggravated by such low water in Wolverine Creek during 2015, that there was low escapement up the Creek throughout the summer; then during 2016, there was almost no escapement during July and August. Although there was a small run up Wolverine Creek during fall 2016, most of the breeding stock had already been harvested by anglers.

This issue has been brought to the attention of ADF&G staff during 2015, 2016 and on 14 August 2017). According to ADF&G staff, no such decline has shown up in harvest numbers. However, as they are clearly aware, a decline can be compensated for by fishing longer. We are approaching at a point where even more effort per fish will not be able to compensate for shrinking numbers of fish. ADF&G staff noted that the coho run is late this summer, which they suggested might give the impression of fewer cohos for the year. However, this trend has been obvious for far too many years for the timing of any single run to be the basis of judging health of the stock, as I am sure they would agree. If we are right, taking action now will do much to save the stocks. If we are wrong, sizes of the stocks will increase and provide for larger bag limits in the future.

Although it would be ideal to have research data to verify our assessment before the bag limit is changed, by the time a study is done (probably requiring several years data), the stock is likely to be on the verge of crashing. We therefore propose a reduction in bag limit at least until a thorough assessment of the fishery dynamics has been completed. There is potentially a source of matching funds from the private sector to help fund the research.

WHAT SOLUTION DO YOU PREFER?

Reduce the bag limit from 3 salmon per person per day to 2 salmon per person per day in Otter (Big River) Lake and its tributaries.

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

a) **for a fishery conservation purpose or reason:** To halt over-fishing that is jeopardizing health of the salmon population which spawns in the tributaries of Otter (Big River) Lake and then into Redoubt Bay.

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

c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Harvest of sockeye salmon has long been far in excess of sustainable yield.

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

This salmon run appears on the verge of collapsing. Another few years of fishing at the current rate is likely to harm to the fish stock so badly that will not be correctable without virtually halting fishing here for several years, perhaps a decade or two. The fishery now generates over $10 million/yr for commercial guides and their host companies – including Alaska West Air, Talon Air, High Adventure, and Redoubt Bay Lodge. This should not be further jeopardized by waiting longer to start aggressively restoring the stock to its former abundance.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

This change in regulations would not increase harvest for one segment of users at the expense of lower harvest for another segment. Rather, it would conserve the fisheries stock upon which all users depend.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.

I am a guide at Redoubt Bay Lodge, located near this fishery. I have been observing the decline of this stock since 2004. I am a professional wildlife biologist. I do not guide anglers, but I do guide bear viewers. So I have been present and observing the fish nearly every day during the summer for 6 years (2004, 2013-3017). I have been able to observe the drastic decline in size of the fish school at the mouth of Wolverine Creek, as well as the decline in number and size of runs up Wolverine Creek. There has also been a major decline in numbers of coho salmon in the spawning bed on the South Fork of Big River and in “holes” along the boggy margin of Otter Lake (possible spawning sites fed by subsurface springs). Although these changes have not been measured, they have been so drastic that even eyeball estimates reliably document the decline.

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

Not so far as I know.

SUBMITTED BY: Stephen F. Stringham, PhD DBA WildWatch

ACR 10

Close and open all commercial, personal use and sport fisheries concurrently when salmon escapement goals are not going to be achieved in Upper Cook Inlet (5 AAC 21.363, 5 AAC 56.122, 5 AAC 57.121, 5 AAC 57.122, 5 AAC 57.123 and 5 AAC 77.540).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 21.363. Upper Cook Inlet Salmon Management Plan and 5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan (commercial sector).

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.
Only one user group had their harvest restricted/closed during the time that ADF&G had publicly announced that escapement goals were not being achieved.

WHAT SOLUTION DO YOU PREFER?
In the event there are known or ADF&G publicly announced escapement goal concerns, such that salmon escapement goals are not going to be achieved, all commercial, personal use and sport fishing activities will be closed and opened concurrently.

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

a) **for a fishery conservation purpose or reason:** All stakeholders must share the burden of conservation and meeting escapement goals

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

c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Late and sporadic run timing of the Kenai sockeye salmon was unforeseen.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?
The events of 2017 could reoccur in 2018 and 2019.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.
This is a conservation concern. This regulation will be put in place and everybody will fish until escapement goal projections are not being achieved, then all user groups will be restricted until escapement numbers improve. Then, all users will resume normal fishing.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.
This is a non-allocative request, it is sharing of the conservation concern by all user groups.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.
I participate in commercial, sport and the personal use fisheries.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.
No knowledge of previous consideration.

SUBMITTED BY: Karen Craig

ACR 11

Adopt a new management plan capping weekly and seasonal commercial sockeye salmon harvest in certain portions of the Kodiak Management Area (5 AAC 18.XXX).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
If this New ACR is heard and adopted, it will create a new Kodiak Area Management (umbrella) Plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.
This ACR addresses the harvests of Cook Inlet and other non-local salmon stocks in the Kodiak Area.

WHAT SOLUTION DO YOU PREFER?
The solution we propose is to modify the existing management plans to minimize harvest of Cook Inlet and other non-local salmon stocks. The new salmon umbrella management plan includes the following concepts:

1. 5 AAC 18.New Kodiak Area Salmon Management Plan.
(a) Provides the department long-term direction in the management of non-local salmon stocks and local salmon stocks. Divisions within the department must receive long-term direction in order to accomplish their mission and plan management, research, administrative and other programs. Kodiak and Cook Inlet stakeholders should be informed of the long-term management objectives of the Board of Fisheries (board) for the management development and conservation of both Kodiak, Cook Inlet and other non-local stocks (adopted from 5 AAAC 21.363. Upper Cook Inlet Salmon Management Plan).

(b) The purpose of this new Kodiak Area Salmon Management Plan is to allow traditional fisheries to be conducted on Kodiak Area salmon stocks, while minimizing directed harvest of Cook Inlet and other non-local salmon stocks. The board recognized that some incidental harvest of other stocks has and will occur in this area while the seine fishery is managed for local Kodiak Area salmon stocks. The board intends, however, to prevent a repetition of the nontraditional harvest pattern which occurred during 1988, and during the past few years.

(c) This new umbrella plan will cover the last week of June and four weeks in July. Week will remain as currently defined in 5 AAC 21.359 (i) For the purposes of this section, “week” means a calendar week, a period of time beginning at 12:00:01 a.m. Sunday and ending at 12:00 midnight the following Saturday. Seasonal limit is defined as the total for these weekly periods, not the entire Kodiak Management Area salmon season.

For example, the year 2017: The weeks would have been outlined as below:
Week 1: June 25 thru July 1
Week 2: July 2 thru July 8
Week 3: July 9 thru July 15
Week 4: July 16 thru July 22
Week 5: July 23 thru July 29

(d) The following weekly and seasonal harvest/catch limits for sockeye salmon will apply:

District/Management Plan	Weekly	Seasonally	Week #
5 AAC 18.360 Cape Igvak	Not addressed in this ACR		
5 AAC 18.361 Alitak District	5,000	20,000	1 – 4 (New)
5 AAC 18.362 Westside Kodiak	12,500	50,000	1 – 4 (New)
5 AAC 18.363 North Shelikof Strait			
- 5 AAC 18.363 (b) Afognak/Shuyak/Mainland	3,750	15,000	2 – 5 (Current)
- 5 AAC 18.363 (c) SW Afognak	12,500	50,000	2 – 5 (Current)
5 AAC 18.364 Crescent Lake Coho	Not addressed in this ACR		
5 AAC 18.365 Eastside Afognak	Not addressed in this ACR		
5 AAC 18.366 Spiridon Bay Sockeye	Not addressed in this ACR		
5 AAC 18.367 Eastside Kodiak	5,000	20,000	1 – 5 (New)
5 AAC 18.368 North Afognak/Shuyak Island – Included in North Shelikof Plan			
5 AAC 18.369 Mainland District – Included in North Shelikof Plan			
5 AAC 18.375 Foul Bay Terminal Harvest Area	Not addressed in this ACR		
5 AAC 18.376 Waterfall Bay Terminal Harvest Area	Not addressed in this ACR		
5 AAC 18.377 Settler Cove Terminal Harvest Area	Not addressed in this ACR		
5 AAC 18.378 Malina Creek Terminal Harvest Area	Not addressed in this ACR		

Special Note: This umbrella plan does not specifically address 5 AAC 18.360 Cape Igvak Salmon Management Plan or the special harvest area or cost recovery areas.

(e) It is intended that when the **weekly** harvest/catch limit is projected, or actually achieved, salmon fishing will stop for the remainder of the week or be restricted.

(f) The fishery will remain open during normal fishing periods until the harvest meets, or is projected to meet, the weekly harvest/catch limit. When the weekly harvest/catch limit is met, the department shall restrict the fishery by Emergency Order to .5 nm inside a headland to headland line or to a terminal harvest area (to be defined).

(g) It is intended that the weekly harvest/catch limits of salmon harvested will apply to the seasonal catch limit.

For example: Area XX has a 5,000 weekly harvest/catch limit and the actual harvest/catch is 10,000 (10,000 - 5,000 = 5,000) so the additional 5,000 in surplus harvest will be applied towards the seasonal harvest limit.

(h) It is intended that no weekly fishing time will be initiated or given when there is less than 15% of the seasonal harvest/catch limit is remaining.

For example: Area XX has 4 weekly harvest/catch limits of 5,000 and a 20,000 seasonal harvest/catch limit. At the end of Week 3, if the total harvest has been 17,500, then in Week 4, there will be no fishing time allowed.

Special Note: The concern is that in Week 4 or 5, both the weekly and seasonal harvest/catch limits will be greatly exceeded with no accountability to the biological and ecological detriment of Cook Inlet and other non-local salmon stocks.

Special Note: 5 AAC 18.364(b)(3) North Shelikof Strait Area. When the harvest exceeds 15,000 sockeye salmon, the department shall restrict the fishery by emergency order to waters of…However, in this area, there have been harvests in excess of 100,000 sockeye salmon. In the future, the sockeye salmon harvest needs to comply with the 15,000 fish limit.

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

a) **for a fishery conservation purpose or reason:** Current management practices are not using the best science or management practices to develop escapement goals, management plans or brood tables for Kodiak, Cook Inlet or other areas when as much as 30% of the harvestable surplus remains unaccounted for or unassigned to a particular salmon stock(s).

b) **to correct an error in regulation:**
   - The burden of conservation (stocks of concern) with this new Kodiak Area Salmon Management Plan will be accurately or fairly applied.
   - The Sustainable Salmon Policy implementation of the sharing of the conservation burden will be followed.

c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Clearly, the Board, in December 1989, intended to minimize the harvests of Upper Cook Inlet salmon stocks. It was only recently, as the result of genetic testing and analysis, that the real magnitude of the harvest of Cook Inlet and other non-local salmon stocks in the Kodiak Management Area became apparent.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?
The issue of Kodiak harvesting hundreds of thousands of Cook Inlet and other non-local stocks will continue, all leading to increased conflicts, inappropriate biological assessments (escapement goals), economic stress, perhaps inappropriate management plans and inappropriate use of Emergency Order authority.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.
Allocation is most often thought of as a local fishery issue. Clearly, this ACR attempts to address additional regions and areas of the State. This ACR is regionally allocative.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.
The Kodiak harvesting of Cook Inlet and other non-local stocks was recognized by ADF&G and the board as a problem in 1988. The board held an out-of-cycle meeting in December of 1989 in Kodiak to specifically address the Kodiak harvests of Cook Inlet salmon. At that time, ADF&G and the board had limited experience and information as to the extent, magnitude, location and

timing of the harvest of these Cook Inlet salmon stocks. Now, years later, with the aid of genetics, we - know much more about the timing, locations, extent and magnitude of the harvests of the Cook Inlet origin salmon stocks. This ACR is a first opportunity to look at the harvests of Cook Inlet stocks in the Kodiak Management Area.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.

The United Cook Inlet Drift Association (UCIDA) was established 37 years ago to represent the interests of Cook Inlet salmon fisheries, and provide analysis and recommendations to various governments, boards and commissions regarding Cook Inlet salmon management. UCIDA membership includes drift gillnet fishermen, set gillnet fishermen, processors (local and international), river guides, small business entities, families and the general public.

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

No, this ACR has not previously been before the board. This ACR is modeled after existing portions of both of the Kodiak and Cook Inlet Alaska Administrative Code themes and regulations.

SUBMITTED BY: United Cook Inlet Drift Association

ACR 12

Reduce harvest of sockeye salmon near the Dolgoi Islands area by reducing harvest triggers and expanding area closures when harvest triggers are met (5 AAC 09.365 and 5 AAC 09.366).

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

5 AAC 09.365 and or 5 AAC 09.366 (the South Unimak and Shumagin Islands June Salmon Management Plan (5 AAC 09.365(f) and the Post-June Salmon Management Plan for the South Alaska Peninsula (5 AAC 09.366(j)).

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

In February 2016, the Board amended the South Unimak and Shumagin Islands June Salmon Management Plan (5 AAC 09.355(f)) and the Post-June Salmon Management Plan for the South Alaska Peninsula (5 AAC 09.366 (j)). The Board believed that amendments would limit the sockeye harvest in the Dolgoi Island Area (statistical areas 283-15 through 283-26 & 284-36 through 284-42) through July 25, recognizing that about 50% of the sockeye harvested there are traveling to Chignik.

However, the regulation has failed to limit harvests to the degree the Board intended by a trigger cap set at 191,000 fish. In 2016, the cap on sockeye harvests was exceeded by more than 20% (38,000+) before the department closed the trigger areas. More dramatically, the sockeye harvest in the non-closed Dolgoi Area waters more than doubled the 191,000 cap, and 517,948 sockeye salmon for the entire fishery were harvested through July 25. While the BOF had expected, based on 2006-2015 catch distribution data, that the catch in the Dolgoi areas not covered by the 191,000 cap would amount to about 25% more than the cap it did not likely expect the fishery to exceed the cap by 170+% more, as occurred in the 2016 fishery.

It has now become apparent that most, if not all, sockeye intended to be "saved" by the closed area were harvested elsewhere in the Dolgoi Area and did not make it to Chignik waters as the Board mistakenly believed would happen.

In 2017, the sockeye harvest in the trigger areas again exceeded the cap by 19% (37,000+ sockeye) before the department closed the trigger area. And for the entire Dolgoi Island Area fishery through July 25, 2017, the total sockeye harvest exceeded the cap by more than an expected 25%. The cap was exceeded by 55%, twofold more than the Board would have anticipated from the 2006-2015 average. In total through July 25, 2017, the Dolgoi Island Area fishery harvested an about 296,582 sockeye.

The Western Alaska Salmon Stock Identification Program (WASSIP) shows that even on weak Chignik sockeye runs, significant numbers and proportions of Chignik bound stocks are harvested in the Dolgoi area. The Board agreed that an unbridled fishery in the Dolgoi area was a problem for Chignik and triedto take action in 2016 an attempt to address it. Unfortunately, the solution adopted by the Board in 2016 has not been successful in adequately controlling the sockeye salmon catch in the Dolgoi Island Area fishery through July 25. This error must be addressed by the Board. It is critical that the Board address the conservation and development impacts to Chignik fisheries

by the Board's 2016 decision, remedy an errors in 5 AAC 09.355 and 5 AAC 09.366 and accept this ACR.

WHAT SOLUTION DO YOU PREFER?
Both Alternatives 1 and 2 amend 5 AAC 09.365 and 5 AAC 09.366.

Alternative #1
Part 1:
Amend 5 AAC 09.365(f) to read as follows:

> Notwithstanding (d) of this section, commercial salmon fishing will close in the waters of the Volcano Bay Section of the Southwestern District south and east of a line from Arch Point Light at 55° 12.30' N. lat., 161° 54.30' W. long. to a point on Belkofski Peninsula at 55° 09.50' N. lat., 161° 57.80' W. long. and in the portion of the West Pavlof Bay Section south of Black Point (55° 24.48' N. lat.), if the harvest of sockeye salmon from the South Central District, the Volcano Bay Section of the Southwestern District, and the Belkofski Bay Section, excluding those waters inside of a line between Vodapoini Point and Bold Cape, reaches 155,000 ~~191,000~~ sockeye salmon based on fish ticket information. <u>If the harvest in those Sections reaches 200,000 sockeye salmon, then Statistical Areas 283-15 through 283-26, and 284-36 through 284-42 will close through July 25</u>.

Part 2:
Amend 5 AAC 09.366(j) to read as follows:

> Notwithstanding (c) and (d) of this section, commercial salmon fishing will close in the waters of the Volcano Bay Section of the Southwestern District south and east of a line from Arch Point at 55° 12.30' N. lat., 161°54.30' W. long. to a point on Belkofski Peninsula at 55° 09.50' N. lat., 161° 57.80' W. long. and in the portion of the West Pavlof Bay Section south of Black Point (55° 24.48' N. lat.), if the harvest of sockeye salmon from the South Central District, the Volcano Bay Section of the Southwestern District, and the Belkofski Bay Section, excluding those waters inside of a line between Vodapoini Point and Bold Cape, from the opening of the commercial salmon season through July 25 reaches 155,000 ~~191,000~~ sockeye salmon based on fish ticket <u>information, but if the harvest reaches 200,000 sockeye salmon, then Statistical Areas 283-15 through 283-26 and 284-36 through 284-42 will close through July 25.</u> If the waters described in this subsection are closed, that portion of the West Pavlof Bay Section south of Black Point (55° 24.48' N. lat.) will reopen to commercial salmon fishing on July 17 consistent with (c) and (d) of this section.

Alternative #2
Part 1: Amend 5 AAC 09.365(f) (South Unimak and Shumagin Islands June Salmon Management Plan) as follows:

~~(f) Notwithstanding (d) of this section, commercial salmon fishing will close in the waters of the Volcano Bay Section of the Southwestern District south and east of a line from Arch Point Light at 55_ 12.30' N. lat., 161_ 54.30' W. long. to a point on Belkofski Peninsula at 55_ 09.50' N. lat., 161_ 57.80' W. long. and in the portion of the West Pavlof Bay Section south of Black Point (55_ 24.48' N. lat.), if the harvest of sockeye salmon from the South Central District, the Volcano Bay~~

~~Section of the Southwestern District, and the Belkofski Bay Section, excluding those waters inside of a line between Vodapoini Point and Bold Cape, reaches 191,000 sockeye salmon based on fish ticket information.~~

Replace that deleted subsection(f) with the following new subsections:
(f) Dolgoi Island Area June Management Plan.
(1) In years when a harvestable surplus beyond escapement goals for the first and second runs of Chignik Rivers system sockeye salmon is expected to be more than 600,000, the department shall manage the June fishery in the Dolgoi Island Statistical Areas 283-15 through 283-26 and 284-36 through 284-42 commercial fishing periods as follows:

(a) beginning on June 7, commercial fishing periods will begin at 6:00 a.m. and run 66 hours until midnight two days later, then close for 52 hours, and then reopen at 6:00 a.m. three days later;

(b) notwithstanding subparagraph (1) of this section, the final commercial fishing period will end at midnight on June 27.

(g) In years when a harvestable surplus beyond escapement goals for the first and second runs of Chignik River sockeye salmon is expected to be less than 600,000, no June commercial salmon fishery shall occur in the Dolgoi Island Statistical Areas until a harvest of 300,000 sockeye salmon in the Chignik Area is achieved.
(h) All terminal harvest areas are excluded from subsections (f)(1)(a) and (b) of this section.

Part 2:
Amend 5 AAC 09.366 to add a new subsections to read:
(g) Dolgoi Island Area July 6-25 Management Plan. In years when a harvestable surplus beyond escapement goals for the first and second runs of Chignik River sockeye salmon is expected to be less than 600,000 there will be no commercial salmon fishery allowed in the Dolgoi Island Area (Statistical Areas 283-15 through 283-26 and 284-36 through 284-42) until a harvest of 300,000 sockeye salmon in the Chignik Area is achieved. After July 8, after at least 300,000 sockeye salmon have been harvested in the Chignik Management Area, and provided escapement goals are being met, the department shall manage the Dolgoi Island Area fishery through July 25 to where the commissioner may establish by emergency order, commercial fishing periods as follows:

(1) the first fishing period will begin at 6:00 a.m. and run 24 hours until the following day; commercial fishing will then close for 72 hours and then reopen under (2) of this section;

(2) following the closure under (g) of this section, commercial fishing periods will begin at 6:00 a.m. and run for 27 hours until at 9:00 a.m. of the following day; commercial fishing will then close for 69 hours and re-open at 6:00 am three days later.

(3) All terminal harvest areas as specified in regulation are excluded from subsections (1) and (2) of this section.

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

a) for a fishery conservation purpose or reason: In 2016, the Board amended 5 AAC 09.355(f) and 5 AAC 09.366 (j) in hopes that it was conserving sockeye in Dolgoi Area waters among other areas. That conservation effort has not been successful and the Board must address it by taking up this ACR.

b) to correct an error in regulation: The Board erroneously believed that when it adopted 5 AAC 09.355(f) and 5 AAC 09.366(j), the sockeye harvests in the Dolgoi Island Area would be managed to pass fish through to Chignik. Data show that the Board erred in when it adopted these two regulations because sockeye have been harvested beyond what the Board intended and what fishermen believed would be passed through to them.

c) to correct an effect on a fishery that was unforeseen when a regulation was adopted: When the Board adopted the South Unimak and Shumagin Islands June Salmon Management Plan (5 AAC 09.365) and the Post-June Salmon Management Plan for the South Alaska Peninsula (5 AAC 09.366(j), it intended to limit the degree of interception of Chignik bound sockeye salmon in known intercept areas on the south side of the Alaska Peninsula. The Board did not and could not foresee that its adopting of the two Plans would fail to meet the Board's objectives. The effect on the Chignik sockeye fishery was therefore unforeseen when the Board adopted the management plans in 2016. The Chignik area has been devastated and the Board must consider the amendments to these Plans so that another year of harm can be averted. It was unforeseen that the Board's Plans would fail so dramatically to meet the Board's intended goals. These failures, in conjunction with the severe impacts of a very poor 2017 sockeye salmon season (exacerbated by other interception fisheries both regulated and not regulated), coupled with new information now available that did not exist in 2016 compels the Board to take action outside of the regular cycle.

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

Chignik salmon is not up for consideration by the Board until 2019; that means the impacts indicated in this ACR will continue for another season, which will cause severe economic impacts to the fishermen and five villages in the Chignik area where salmon fishing overwhelmingly is the area's life blood, culturally and economically.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

This ACR is allocative, but it is critical that the Board address the conservation and development impacts on Chignik fisheries that the Board thought it was addressing when it adopted 5 AAC 09.365 and 5 AAC 09.366 in 2016.

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

The primary, new information that compels the Board to take up this ACR are 1) There are significant, unintended, and compelling consequences of the Board's action in 2016 that have not achieved intended regulatory goals; 2) the failure of the Board's 2016 regulatory actions have resulted in severe impacts to Chignik; 3) Chignik fisheries have failed to result in development of its fisheries, and have had major impacts on the communities and people reliant on Chignik fisheries; 4) There was a very poor 2017 sockeye salmon season; 5) there were other unanticipated impacts on Chignik that were exacerbated by other regulated and unregulated interception fisheries; 6) there is now new information available to the Board on the extent of the impacts to

Chignik. All of these factors and information compel the Board to take action outside of the regular cycle and take up this ACR.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.

Chignik Regional Aquaculture Association represents commercial fishermen, subsistence users, sport anglers, in the Chignik region. CRAA's goals include increasing local salmon production, protecting, enhancing, and rehabilitating Chignik salmon resources, and improving commercial fishery management and stock utilization. CRAA's mission is also ensuring traditional subsistence resources are protected and maintained for Chignik, Perryville, Chignik Lake, and Chignik Lagoon.

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

The Board has considered the general issues at its February 2016 meeting in hopes of dealing with the problem of passing sockeye through to the Chignik area. At that meeting the Board agreed that the unbridled fishery in the Dolgoi area was a problem for Chignik and attempted to take action to address the problem. Unfortunately, the solution adopted by the Board was ineffective at dealing with the problem.

SUBMITTED BY: Chignik Regional Aquaculture Association

ACR 13

Allow use of drift gillnets to harvest salmon for subsistence purposes in Yukon River subdistricts 4-B and 4-C (5 AAC 01.220).

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

5 AAC 01.220 Lawful gear and gear specifications. (e), new sections (4) - (5)

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

Fishermen in Subdistricts 4-B and 4-C have long documented the loss of adequate set net sites in the area, especially for residents in Galena. Currently, subsistence salmon fishing in these subdistricts is limited to using set gillnets and fishwheels. As such, the majority of Galena fishermen—locals estimate between 80-95% of fishermen—currently travel down to Subdistrict 4-A and fish with drift gillnets in front of Koyukuk. They have reported that stationary gear in their area is inadequate to meet their subsistence needs because of the loss of set net and fishwheel sites, so they must choose between paying several hundred dollars in gas to drive down and use drift gillnets in Subdistrict 4-A or fish with drift gillnets in their area and risk being cited and/or having their nets and fish confiscated. Local fishermen site the flood in 2013 as a major contributor to the loss of fishing sites, as the river changed considerably with the flood. Additionally, local fishermen report that increased water temperatures in recent years due to climate change has negatively impacted the quality of fish harvested from set net gear. They desire the opportunity to harvest higher quality fish that will help reduce waste.

The truth is that the current regulation prohibiting subsistence fishermen in Subdistricts 4-B and 4-C from using drift gillnets is not actually keeping them using drift gillnets to go subsistence salmon fishing. Subsistence fishermen from Galena are already using drift gillnets and will continue to do so to meet their subsistence salmon needs; they would simply like to meet their needs without having to pay hundreds of dollars in gas or risking becoming criminals.

Similar proposals have been before the board several times and the Alaska Department of Fish and Game (department) consistently opposed the proposal based on several management and biological concerns. We believe those concerns are unwarranted and that the current regulation is causing an economic burden to subsistence fishermen in the area.

The department argued that allowing drift gillnet fishing would "likely increase harvest rate on Canadian king salmon stocks" based on genetic samples taken from the drift gillnet fishery in Subdistrict 4-A which showed a higher proportion of Canadian-origin stocks, than the samples taken from genetic sampling from set gillnets and fishwheels in 4-B and 4-C. We believe that the difference in harvest proportions is relatively small (~10% difference), resulting in only a small increase in harvest of Canadian-origin stocks overall and that Galena area fishermen are already harvesting Canadian-origin king salmon by drift gillnetting in Subdistrict 4-A. Therefore, allowing them to drift gillnet closer to their traditional sites will not change the harvest rate of Canadian-origin king salmon that is already occurring. Even if the genetic proportions differed, if Galena fishermen harvest, on average, 2,000 king salmon, this is only an increase of 200 Canadian-origin king salmon, which is not enough Canadian-origin salmon to make or break meeting escapement goals. Unless the department can provide reliable genetic information that salmon migrating

offshore in Subdistricts 4-B and 4-C where drift gillnet fishing would occur are a higher proportion of Canadian-origin salmon than the salmon migrating offshore in Subdistrict 4-A, there is no reason to believe that drift gillnet fishing in Subdistricts 4-B and 4-C will truly increase harvest of Canadian-bound fish above what is already occurring.

The department also had concerns about increasing fishing efficiency with drift gillnets and had concerns "that overall harvest may increase in the future because of the allowance of sale of subsistence caught salmon under federal customary trade regulations". Fishermen from Galena argue that they may actually catch fewer king salmon if they were allowed to drift gillnet fish closer to Galena, because they would not be spending so much money on gas and trying to make the fishing effort "worth it". Many fishermen argue that when they spend hundreds of dollars on gas to go down to fish in Subdistrict 4-A, they feel like they need to catch enough salmon to make the trip economically worthwhile. By fishing closer to their village, they will not have to spend as much money on gas and try to catch more king salmon to make up for the amount they are spending on gas.

The department further argued that increased efficiency of drift gillnets may "necessitate a decrease in the traditional schedule of two 48-hour periods per week, which would reduce fishing opportunity for the less efficient stationary gear types" and that it would affect the commercial fishery, which had concurrent fishing and subsistence openings. The latter part of the argument is no longer relevant, as commercial operations in Galena have not been present for many years. We also reason that increased efficiency in gear will not necessarily result in more fish harvested (see argument above), so there should be no reason to decrease the fishing opportunity and the few people that still use stationary gear types should not be impacted.

Lastly, the department argued that if the proposal were adopted, more proposals to use drift gillnets may come in from upriver districts, which would increase harvest pressure on Canadian-origin king salmon. We believe it is unfair to punish Subdistricts 4-B and 4-C on this assumption. Subdistricts 4-B and 4-C have provided years of public testimony on the loss of set net and fish wheel sites and changing river conditions. If they were to submit proposals, we believe the upriver districts would also have to show the loss of adequate set net and fish wheels sites and the board could evaluate these requests on a case-by-case basis.

In summary, climate change has resulted in river conditions in Subdistricts 4-B and 4-C such that set gillnets and fish wheels are no longer effective for fishermen to meet their subsistence needs. Fishermen have had to adapt with the changing environment to meet their subsistence needs. Unfortunately, that adaptation requires a substantial economic burden or the risk of being made a criminal.

WHAT SOLUTION DO YOU PREFER?

5 AAC 01.220 (e)

(4) in Subdistricts 4-B and 4-C to the mouth of Yuki River,

(A) **king salmon may be taken by drift gillnets from June 10 through July 14, unless closed by emergency order;**

(B) **from June 10 through August 2, the commissioner may open, by emergency order, fishing periods during which chum salmon may be taken by drift gillnets; and**
(C) chum salmon may be taken by drift gillnets after August 2.
(5) a person may not operate a drift gillnet that is more than 150 feet in length and more than 35 meshes depth during the seasons and areas described in (4) of this subsection.

Fishermen in Subdistrict 4-B and 4-C would like to see language similar to regulations for Subdistrict 4-A, to avoid confusion and to ensure equity. Allowing fishermen to use drift gillnets in this area of Subdistrict 4-B and 4-C will save fishermen hundreds of dollars in gas money and will allow them to start fishing in traditional areas that are near their fish camps once again. This regulation would not increase harvest of Canadian-bound king salmon, as nearly all fishermen from Galena are already using drift gillnets and are likely already catching Canadian-bound king salmon when fishing in Subdistrict 4-A.

Additionally, by restricting the use of drift gillnets to Yuki River, it does not impact those residents from Ruby who still fish with set nets and fish wheels. Also, we are proposing the use of shallower drift gillnets that would allow some of the larger, Canadian-bound fish to escape through the area, as local knowledge indicates these fish tend to swim deeper. This size of net is already being used by most fishermen in the area, as Louden Tribe provided them when the federal drift area regulations went in to effect, so there would be minimal additional cost to fishermen if nets were restricted to these dimensions.

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

a) for a fishery conservation purpose or reason: There is some potential for a conservation concern given the amount of drift nets currently being operated in the Koyukuk area in Subdistrict 4-A during openers. Fishermen report up to 20 or more boats drifting in one area. A concentration of nets could result in a higher harvest rate in the area than anticipated based on historical years when Galena residents were not also fishing in the area. While this increased harvest is potentially offset by reduced harvest overall in Subdistrict 4-B and 4-C openers, the fishing pressure (as a result of many more nets) on a group of salmon moving through a relatively small area could have unforeseen consequences on harvest composition, compared to less dense fishing pressure that is s read out over a 100 miles of river.

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

c) to correct an effect on a fishery that was unforeseen when a regulation was adopted: The future impacts of climate change were not known or considered when the board prohibited the use of drift gillnets for subsistence purposes in the Upper Yukon Area. Certainly, at the time, drift gillnet use was negligible as there were adequate and numerous set net and fish wheel sites. However, residents have continuously reported changing river conditions due to climate change that have significantly reduced areas for set nets and fish wheels, and residents have had to adapt to harvest their salmon. They are no longer able to fish effectively with stationary gear in their traditional sites and nearly all fishermen have switched to using drift gillnets in order to meet their subsistence needs.

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

The Yukon River king salmon run has shown improvement in recent years, such that fishermen are finally able to fish enough to meet their subsistence needs. With the first full subsistence fishery this summer in many years, this unforeseen regulatory effect has once again become an urgent issue for fishermen in Subdistricts 4-B and 4-C. The regular AYK meeting cycle would not implement changes in fishing regulations until 2019. The king salmon run in 2018 is expected to be similar to 2017 where fishermen have had the opportunity to subsistence fish. If subsistence fishing for king salmon is allowed, fishermen will continue to use drift gillnets in 2018 to meet their subsistence needs regardless of the current regulations that prohibit drift gillnet use in the area. Given river conditions and how salmon migrate through the river, they state they would not be able to meet their subsistence needs if they were limited to only stationary gear in the area. Therefore, fishermen will continue to needlessly spend hundreds of dollars on gas to travel down to Subdistrict 4-A in order to meet their subsistence needs or, for those that do not have the economic means to travel that far, will continue to use drift gillnets in Subdistricts 4-B and 4-C and be made criminals for it. Residents have expressed both economic and emotional concern over these potentials.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

Allowing drift gillnets in Subdistricts 4-B and 4-C will not create a new fishery and is not allocative because it does not seek to redistribute harvest among subsistence fishermen in the area. The majority of fishermen who used to fish with stationary gear have already switched to using drift gillnet gear, so no allocation change is expected.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.

Subsistence fishermen

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

Yes, similar proposals have been before the board in 1987, 1989/90, 1991/92, 1993/94, 1997, 2004, 2007, and 2010.

SUBMITTED BY: Louden, Nulato, and Koyukuk Tribes

ACR 14

Repeal the prohibition on subsistence fishing in Yukon River districts 1 and 2 during the first pulse of king salmon (5 AAC 05.360).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 05.360. Yukon River King Salmon Management Plan (J)(1) and 5 AAC 05.360 (j)(1)(A)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.
We believe that this regulation is a unnecessary restriction on subsistence fishing. It is a threat to the food security of the residents of District 1 and 2. The complete prohibition of all subsistence fishing with salmon gillnets of any mesh size, even 6-in or less gillnets, during the first pulse of the Yukon River king salmon run is counterproductive to sound fishery management and causes a hardship to the subsistence fishers within District 1 and 2 of the Yukon Area. Additionally, we believe that this regulation unnecessarily restricts the Department, or does not allow the Department the flexibility, to manage the Yukon River king salmon run in …*the interest of the economy and general well being of the citizens of the state, consistent with the sustained yield principle.*… Further, we believe that the restrictive nature of this regulation does not allow the Department to meet the objective of the Yukon River King Salmon Management Plan. Yield, salmon in excess of spawning requirements, from salmon originating within the Yukon River drainage is not being harvested but being allowed to escape to spawn at the expense of people who rely on subsistence for sustenance.. Escapements into Canada have far exceeded the upper end of the Interim Management Escapement Goal (IMEG) of 42,500 to 55,000 salmon. Although a harvest-sharing agreement with Canada exists, the U.S. is to receive the vast majority, 74%-80% of the available total allowable catch (TAC)

WHAT SOLUTION DO YOU PREFER?
Repeal 5 AAC 05.360 (j) (1) and modify 5 AAC 05.360 (j) (1) (A) to include Districts 1 and 2 in the drainage-wide management of the first pulse of king salmon entering the Yukon River.

5 AAC 05.360. Yukon River King Salmon Management Plan

(a) The objective of this management plan is to provide the department with guidelines to manage for the sustained yield of Yukon River king salmon. The department shall use the best available data, including preseason run projections, test fishing indices, age and sex composition, subsistence and commercial harvest reports, and passage estimates from escapement monitoring projects to assess the run size for the purpose of implementing this plan.

(j) Notwithstanding the provisions of this section, the department shall manage the king salmon subsistence fishery in Districts 1 - 6 during the first pulse of the historical three distinctive pulses of king salmon that enter the Yukon River drainage, as follows:

[(1) IN DISTRICTS 1 AND 2, TO ACCOUNT FOR THE UNCERTAINTY IN THE PRESEASON KING SALMON RUN PROJECTIONS, THE DEPARTMENT SHALL MANAGE THE KING SALMON SUBSISTENCE FISHERY CONSERVATIVELY AND NOT

OPEN ANY SUBSISTENCE FISHING PERIODS DURING THE FIRST PULSE OF KING SALMON ENTERING THE DISTRICTS;]

[(2) IN DISTRICTS 3-6.]

(1) [(A)] if inseason run assessment information indicates insufficient abundance of king salmon to meet escapement objectives on specific components of the run and subsistence harvest needs, the department will not open any subsistence fishing periods during the first pulse implemented chronologically in the applicable district, consistent with migratory -timing as the king salmon run progresses upstream;

(B) if inseason run assessment information indicates sufficient abundance of king salmon to meet escapement objectives on specific components of the run and subsistence harvests needs, subsistence fishing will revert to the fishing periods as specified in (d) of this section.

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

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

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

c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** The regulation, 5 AAC 05.360. Yukon River King Salmon Management Plan (j) (1) was enacted in 2013 by the BOF during decreasing king salmon run sizes, poor escapement, reduced subsistence harvests, and extreme public concern regarding the future of the king salmon run. During this time, preseason and inseason projections of king salmon run size were inaccurate. Accordingly, to assure adequate king salmon escapements into Canada, the BOF passed this regulation. Note that the size of the first pulse is usually the largest of at least three pulses that enter the river and that the first pulse is primarily composed of king salmon destined to the Canadian portion of the drainage. However, recent research, using Canadian-origin juvenile abundance to predict adult run, has been very accurate. This advancement in the preseason projection methodology was unforeseen when this first pulse protection regulation was adopted by the BOF in 2013. Additionally, advances in indexing the king salmon run at the mainstem sonar project near Pilot Station has also advanced in accuracy. Further, recent escapements into Canada, starting in 2014, have exceeded the upper end of the Interim Management Escapement Goal (IMEG) of 55,000 salmon, with a record of 82,674 king salmon escaping in 2015. The IMEG is 42,500 to 55,000 king salmon. King salmon escapement in 2017 has already exceeded the upper end of the IMEG and is expected to be similar to the record escapement of 2015. Therefore, mainly because of advancements in the accuracy of the preseason projection, along with the advancements in the indexing of the king salmon run at the Yukon Sonar project near Pilot Station, the continued arbitrary closure of all subsistence fishing on the first pulse of king salmon in Districts 1 and 2 is currently unwarranted. Additionally, this regulation dramatically reduces the management flexibility of the Department to manage the entire Yukon River king salmon run …*in the interest of the economy and general well being of the citizens of the state, consistent with the sustained yield principle…* Under this

regulation, District 1 and 2 subsistence fishers primarily target Alaskan king salmon stocks. This targeting Alaskan stocks probably contributes to unequal harvests over the entire run and the various salmon stocks that originate within the Yukon River drainage.

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

If all gillnet subsistence fishing in Districts 1 and 2 is continued to be prohibited by regulation on the first pulse of king salmon entering the river and because the first pulse of king salmon entering the Yukon River is primarily Canadian-origin salmon, escapement into the Canadian Yukon River will probably continue to exceed the high end of the Interim Management Escapement Goal (IMEG) of 42,500 to 55,000 salmon. Additionally, king salmon harvests will be mainly concentrated on Alaskan stocks and not spread out over the entire run and over all stocks returning to the Yukon River. Further, harvested king salmon may spoil because of inclement weather later in the season. The prime drying period for fishers in the Lower Yukon Area is in early in the fishing season, when the weather is good. Spoiled king salmon will have to be replaced and actual harvests may increase due to this spoilage. We believe that the Department is currently unable to manage the Yukon River king salmon fisheries …*in the interest of the economy and general well being of the citizens of the state, consistent with the sustained yield principle.*…because of this needless and counterproductive regulation which limits management flexibility.

During the last BOF meeting for Bristol Bay, the BOF adopted a proposal that allows for escapement to be proportional with the run size, 5 AAC 06.355. Bristol Bay Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan(d) (1). In other words, when the run is low, the department should manage the run to at least achieve the minimum level of escapement; when the run is large, the Department should manage the run toward the upper end of escapement goal; and when the run size is average, the Department should manage toward the midpoint of the escapement goal. Therefore, we suggest that the BOF direct the Department to manage the Yukon River king salmon stock in a similar manner and also strongly suggest the Department to manage the run to achieve escapements within the IMEG of 42,500 to 55,000 salmon. Although recent king salmon runs have been below average, associated king salmon escapements into Canada have exceeded the high end of the IMEG: 63,331 in 2014; 82,674 in 2015; and 68,798 in 2016. The 2017 king salmon escapement into Canada will most likely approach the record escapement documented in 2015. Salmon in excess of spawning requirements, or yield, should benefit the users of the resource through harvests. Exceeding the high end of the escapement goal is counterproductive, especially for below average runs. It is not only reduces the productivity of the stock, it also deprives the subsistence fisher of their sustenance. Management that consistently allows escapements to exceed the escapement goal is not in the *interest of the economy and general well being of the citizens of the state*… It does not subscribe to the sustained yield principal. Further, because of this first pulse restriction regulation is designed to reduce harvest on the Canadian-origin salmon, king salmon harvests now are concentrated on Alaska stocks and not spread out over all the stocks that are destined to the Yukon River drainage. Finally, it degrades the food security for the resource users. This is not sound fishery management. If this regulation is not repealed, the Department will continue to be restricted in the management of the entire Yukon River resulting in continued loss of opportunity for subsistence fishers, along with an uneven harvest strategy among the king salmon stocks returning to the Yukon River.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.
Subsistence is the priority consumptive use. We believe that this regulation is a restriction on subsistence fishing and is unnecessary. Although the repeal of this restrictive regulation may allow opportunity for District 1 and 2 subsistence fishers to fish on the first pulse of king salmon entering the Yukon River, it is not predominantly allocative. The increase in management flexibility will allow the Department to manage the subsistence fishery over the entire run throughout the Alaska portion of the drainage. We believe that this increased flexibility will result in a more easily attained equitable distribution of subsistence fishing opportunity throughout the Alaskan portion of the drainage.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.
Kwik'pak is a fish buyer in Districts 1 and 2 of the Yukon River Area

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

SUBMITTED BY: Kwik'pak Fisheries, LLC

ACR 15

Consider criteria to allow sale of Yukon River king salmon caught incidentally during open commercial fishing periods for other salmon species.

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 05.360. Yukon River King Salmon Management Plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.
The *Yukon River King Salmon Management Plan* (plan) provides triggers for prohibiting the sale of king salmon caught incidentally in commercial fishing periods targeting other species of salmon, but the plan is ambiguous as to criteria for allowing sale of incidentally caught king salmon after a prohibition is put in place but is no longer needed. This ambiguity appears to be partly the result of an unforeseen effect of adopting king salmon conservation measures without anticipating whether conservation measures should be retained during times when the department projects inseason that king salmon runs are improving and that escapements will meet or exceed goals. In 2017, for example, the department lifted the prohibition on sale of king salmon during a single commercial fishing period in late July, a time when escapement goals were being met and subsistence fisheries were not being restricted, but this allowance of sales was unexpected by many users who believed the sale of king salmon had not been broadly discussed or evaluated by stakeholders.

WHAT SOLUTION DO YOU PREFER?
5 AAC 05.360. (i) If the department projects that the Yukon River king salmon escapements are below the escapement goals or king salmon subsistence fishing is restricted in more than one district or portion of a district, the commissioner shall, by emergency order, close a fishery and immediately reopen a fishery during which king salmon may be retained, but not sold; **if the department thereafter projects that Yukon River king salmon escapements will achieve escapement goals and king salmon subsistence fishing is not restricted, and the department determines that there are king salmon surplus to escapement and subsistence needs and the sale of incidentally caught king salmon will not have a significant impact on escapement or subsistence uses of king salmon, the commissioner may, by emergency order, open a fishery during which incidentally caught king salmon taken during the summer and/or fall chum salmon commercial fisheries may be sold.**

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

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

b) **to correct an error in regulation:** Yes. The Yukon River King Salmon Management Plan does not provide clear direction and criteria for lifting a prohibition on the sale of incidentally caught king salmon

c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Yes. Regulatory direction and triggers for prohibiting the sale of incidentally caught king salmon in Yukon River commercial salmon fisheries is well defined; however, regulatory

direction and criteria for lifting a prohibition on the sale of incidentally caught king salmon that is no longer needed is ambiguous.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?
Board intent with respect to when or whether incidentally caught king salmon in Yukon River commercial fisheries may be sold would remain unclear, potentially resulting in foregone revenue to Yukon River commercial salmon fishermen.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.
This seeks to provide improved regulatory direction and criteria for when, or whether incidentally caught king salmon may be sold during Yukon River commercial chum salmon fisheries.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.
The Alaska Department of Fish and Game manages subsistence, commercial, and sport fisheries for salmon in the Yukon River drainage, subject to the regulations established by the board.

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

SUBMITTED BY: Alaska Department of Fish and Game

ACR 16

Allow sale of incidentally caught Yukon River king salmon during the summer season when status of the king salmon stock that triggered prohibition of sale has improved or that stock is no longer present in a given fishing area (5 AAC 05.360).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 05.360. Yukon River King Salmon Management Plan (i) AND (NEW)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.
First, the sale of incidentally-caught king salmon in the directed summer chum salmon gillnet fishery has been recently needlessly prohibited. The current king salmon run sizes for at least the past three years (2015, 2016, and 2017) have provided for adequate escapements and would have possibly provided for a nearly full, if not full, subsistence fishery, if restrictions were not in place. There are few indications that subsistence restrictions are currently necessary or that the Department projections indicate that the Yukon River king salmon escapements goals would not be achieved. King salmon escapement into Canada, which is considered an index of the total king salmon escapement to the Yukon River drainage, has been consistently above the high end of the Interim Management Escapement Goal (IMEG) of 42,500 to 55,000 salmon during the years 2014-2017. The Upper river king salmon stock, or the Canadian component is believed to contributes approximately 50% of the total Yukon River run. Accordingly, estimates of total yield for the Yukon River king salmon stock can be estimated by simply doubling the estimated Canadian origin run size and subtracting the minimum escapement bound of the IMEG, 42,500 doubled. Estimates of yield based on this methodology totaled approximately 45,000 in 2014; 89,000 in 2015; and 81,000 in 2016. The estimated number of king salmon in excess of minimum drainage-wide escapements, or foregone yield, in 2017 is expected to be similar to 2015. The conservative management of the Yukon River king salmon run is causing hardship to both the subsistence and commercial fishers of the Yukon River drainage in Alaska. Much of the yield, or those fish in excess of spawning requirements, is not being harvested but allowed to pass onto the spawning grounds. We fail to understand this management strategy In conclusion, based on estimates of drainage-wide possible yields, the incidental harvest of king salmon could be retained and sold in commercial summer chum salmon directed fisheries throughout the Yukon Area.

Secondly, the conditions in the present regulation that dictate whether the Department allows the sale of incidentally-caught king salmon in 5 AAC 05.360 (j) are too broad and sweeping and does not take into account recent advances in research applicable to this regulation. For example, if the department projects that king salmon escapements for the Upper River stock grouping are below the escapement goals or king salmon subsistence fishing is restricted in Yukon Area districts or portion of a district because of the low run size for the Upper river stock grouping, the commissioner shall, by emergency order, close a fishery and immediately reopen a fishery during which king salmon may be retained, but not sold. This retention but no-sale rule remains in effect even if the king salmon stock that necessitated the fishery closure has passed through the district or portion of a district and is not present in the district or portion of the district at the time of the directed commercial summer chum salmon gillnet fishery. Usually, the directed summer chum salmon commercial fishery with gillnets occurs in District 1 or 2 late in the season, when the vast majority of the king salmon susceptible to harvest are destined to spawn in lower Yukon River

tributaries. Advances in genetics and run timing knowledge allows the department to manage the fisheries that could incidentally harvests king salmon more surgically, with regard to stock. Specifically, the department can project with good accuracy the composition of an incidental harvest with regard to regional stock composition using stock-specific information from samples collected at the mainriver Yukon sonar project near Pilot Station.

We believe that the decision to restrict or allow the sale of incidentally-caught king salmon in these summer chum salmon directed fisheries should be based on the stock composition of the king salmon present in the district and the need to protect those king salmon stocks present at the time of the fishery. The decision regarding the sale of incidentally-caught king salmon should not be based on the run size and harvest protection strategies of king salmon stocks that have passed through those districts and are currently not present in the district or portion of the district. The status of the escapement into the lower River tributaries, along with an assessment of subsistence opportunity on the lower king salmon stock should be paramount in the decision to restrict or allow the sale of incidentally-caught king salmon in Districts 1 and 2. Likewise, subsistence restrictions to bolster the Lower king salmon stock by restricting subsistence in those districts that harvest the Lower king salmon stock, Districts 1, 2, 3 and 4, should not impact the harvest and incidental sale of king salmon in District 5 and/or District 6. These decisions to allow the sale of incidentally caught king salmon should be reflective of the anticipated stock composition of the harvest and the need to protect from harvest the king salmon stocks present in the fishery. Additionally, current management strategies employed in District 1 and 2 allows a directed summer chum salmon fishery with gillnets late in the run when the department assesses that king salmon numbers within portions of the district or district are very low, such that the chances of harvesting king salmon incidental to the summer chum salmon are also very low. Further, as mentioned above, the vast majority of fish that remain susceptible to harvest are destined to spawn in Lower river tributaries and are considered to be Lower river stock. Escapements to lower river tributaries have been good. Since 2002, of the 15 weir based escapement estimates to the East Fork Adreafsky, 14 of the 15 recorded king salmon escapements have either been above the SEG (9 years) or within the SEG (5 years). Only one year fell slightly below the low end of the SEG. Of the combined 36 aerial surveys, assessed as good, conducted on the West Fork Adreafsky River, Anvik River, and Nulato River, a total of 8 surveys fell below the established aerial survey SEGs since 2002. No surveys were conducted in 2016. In the Chena River (tower), which is indicative of the middle River stock, escapements fell below the low end of the SEG only 2 years of the 12 years of record since 2002. Likewise, in the Salcha River (tower), which also is an indicator of the middle River stock, escapements fell below the established BEG only 1 year. In conclusion, escapements to the lower and middle river king salmon stocks appear very good since 2002, indicating that these stocks are large enough to provide for subsistence harvests along with sale of incidentally caught king salmon in directed commercial summer chum salmon fisheries. Management should strive to meet escapement goals, however, allowing fish excess to spawning requirements is not wise fishery management. The management strategy that does not allows fish excess to spawning requirements to be harvested does not follow the Commercial Fisheries Division Mission statement and does not contribute to achieving the objective of the Yukon River King Salmon Management Plan.

WHAT SOLUTION DO YOU PREFER?

(i) **Although there is some timing overlap, the department recognizes that three different regional king salmon stocks, representing Upper, Middle and Lower portions of the Yukon**

River drainage mainly enter and move through the Yukon River districts at different times. If the department projects that the Yukon River king salmon escapements **to a specific regional king salmon stock or stocks** are below the escapement goals or king salmon subsistence fishing is restricted in more than one district or portion of a district **that would harvest substantial numbers of king salmon from this specific king salmon stock or stocks,** the commissioner shall, by emergency order, close **those fisheries** and immediately reopen a fishery during which king salmon may be retained, but not sold.

(NEW) If the commissioner, by emergency order, closes a fishery and immediately reopen a fishery which king salmon may be retained but not sold, that emergency order shall be reversed when the specific king salmon stock or stock that necessitated the initial closure of the fishery are no longer present in substantial numbers within that district or portion of a district where the fishery was closed. At that time, the commissioner shall, by emergency order, close the fishery during which king salmon may be retained, but not sold and immediately reopen a fishery during which king salmon may be retained and sold.

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

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

b) **to correct an error in regulation:** Regulation 5 AAC 05.360 (i) is currently too broad and sweeping and does not take into account recent advances in research that are directly applicable to this regulation. Recent research, using Canadian-origin juvenile abundance to predict adult run size, has provided more accurate preseason projections of Canadian or Upper river king salmon stock run size. This advancement in the preseason projection methodology was unforeseen when this regulation was adopted by the BOF and can be used to manage the initial fisheries during the beginning of the fishing season. Further, advances in indexing the king salmon run at the mainstem sonar project near Pilot Station has also advanced in accuracy. Further, and most important, advances in genetic research and run timing knowledge allows the department to manage fisheries that incidentally harvests king salmon more surgically, with respect to king salmon stocks. Specifically, using these research tool, the department can project with very good accuracy, the king salmon regional stock composition of the king salmon present in a district or portion of a subdistrict at any time during the run. Currently, one management strategy associated with the directed commercial summer chum salmon fishery with gillnets in Districts 1 and 2 is to minimize all incidental king salmon harvests, regardless of the king salmon stock composition present, the regional stock run size(s), or whether subsistence restrictions were necessitated for the stock(s) present. Based on the recent timing of this fishery, nearly all the fish susceptible to harvest in these fisheries were destined to spawn in the lower river tributaries or are of the Lower River stock. Note that escapements to all regional stocks have been very good in recent years, but because the department persists in restricting subsistence fishing to protect the Canadian or Upper River component, the sale of incidentally caught king salmon is prohibited by the current broad and sweeping regulation. We believe that the management of the incidental king salmon harvest in the directed commercial summer chum salmon fishery with gillnets should be more surgically based. We believe that the regional stock composition present in the district or portion of the

district and the need to protect those stocks present from harvest should be the driving force in the decision regarding the sale of incidentally-caught king salmon. It doesn't make sense to restrict the sale of incidentally caught king salmon from the Lower River stock when that stock does not need harvest protection to achieve escapement goals or provide for subsistence needs. If there is stock-specific surplus king salmon in excess of escapement goals and subsistence needs, then commercial fishers should be able to sell these incidentally-caught king salmon from that stock.

c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Unforeseen recent advancements in genetic research, which can provide inseason estimates of the stock composition of the king salmon passing by the sonar project near Pilot Station, along with a much better understanding of king salmon travel time through the districts, makes this regulation obsolete because it is too broad and sweeping. Future harvest strategies for incidentally- caught king salmon and associated regulations should consider the origin of the regional king salmon stocks susceptible to harvest in these fisheries and whether or not these stocks need harvest protection. Currently, when the department employs subsistence restrictions throughout the drainage to bolster escapements to a certain regional stock of king salmon, that restriction force the retention but no sale rule into effect. Once in place, this rule will stay in effect throughout the fishing season, regardless of stocks present in the district or portion of the district or updated or changes in the assessment of stock-specific harvest protection. For example, if the department deems that Upper River stock needs protection from harvest because of low run size and that this protection results in subsistence restrictions in several, if not all districts, then according to the current regulation, all incidentally-caught king salmon in all summer chum salmon directed gillnet fisheries may be retained but not sold. This regulation trigger prohibits the sale of incidentally-caught king salmon even when there are no Upper River king salmon susceptible to harvest in any directed summer chum salmon fishery. Usually the Lower River king salmon stock run size is more than adequate to provide for escapement goals and subsistence needs in the districts that they occur. Accordingly, we believe that District 1 and 2 fisheries that incidentally-harvests king salmon should only be affected while there is a substantial risk of harvesting the king salmon stocks that need protection from harvest. Likewise, directed summer chum salmon fisheries in Districts 3, 4 and 6, should not be impacted by harvest protection afforded to the Upper River stock when the Upper River stock is not present in the district, if the Lower and/or Middle River king salmon stocks do not need harvest protection.

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

Commercial fishers in the Alaskan portion of the Yukon River drainage will needlessly suffer economically by not being allowed to harvest and sell king salmon that are in excess of escapement goals and subsistence needs. Because king salmon can be identified inseason to specific regional stocks and travel time of salmon through the districts is estimated with very good accuracy, the department can accurately estimate the timing of specific regional stocks through each district. Although there may be some overlap between the timing of the Upper and Middle king salmon stocks, the general timing rule is that the Upper stock dominates the early portion of the run,

followed by the Middle stock, and then, finally, the Lower stock. In order to protect king salmon, the current management strategy employed by the department allows a directed summer chum salmon fishery with gillnets only after the department deems that there are few king salmon susceptible to harvest in a portion of a district or the district. Currently, this fishery occurs late in the run so that there are few king salmon present and available for harvest in the district or portion of the district and the vast majority of those few king salmon are of Lower River stock origin. Additionally, because the gillnets used in a directed summer chum salmon fishery are 6 inches or less mesh size, the incidental king salmon catch in these fisheries are small, young, primarily age-4 king salmon, male king salmon. The incidental harvest of these fish provides little loss, if any, of the reproductive potential to the stock.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.
This ACR seeks to allow the retention and sale of incidentally-caught king salmon when the run size of stocks present in the district or portion of a district do not need harvest protection to achieve escapement requirements and subsistence needs. The ACR applies to all districts and portion of districts within the Alaskan portion of the drainage, where directed summer chum salmon commercial fisheries occur. This ACR is not predominantly allocative in nature.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.
Fish buyer in Districts 1 and 2.

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

SUBMITTED BY: Kwik'pak Fisheries, LLC

ACR 17

Allow sale of incidentally caught Yukon River king salmon during the fall season when status of the king salmon stock that triggered prohibition of sale has improved or that stock is no longer present in a given fishing area (5 AAC 05.360).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 05.360. Yukon River King Salmon Management Plan (i) AND (NEW)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.
The sale of incidentally-caught king salmon in the **directed fall chum salmon gillnet fishery** has been recently needlessly prohibited. The fall fishing season starts on July 16 in district 1. Accordingly, considering the travel time necessary for a king salmon to travel between the lower portions of District 1 to Pilot station is approximately 3 days, so the fall season starts at the mainstem Yukon sonar project at Pilot Station starts counting chum salmon as fall chum salmon on July 19. The average proportion of king salmon passing the mainstem sonar project at Pilot Station after July 18, for years, 1995 and 1997-2017, during the fall fishing season, is 0.017. In other words, 98.3% of the Yukon River king salmon run has passed before the fall season starts.. The proportion of king salmon passing the sonar project at Pilot Station in 2017 was 0.015, In other words, 98.5% of the Yukon River king salmon run had passed before the fall fishing season started in 2017. Additionally, nearly all, or possibly all, of the king salmon present in the Yukon River drainage during the fall season are destined to spawn in lower Yukon tributaries. The harvest and sale of the relatively very few incidentally-caught king salmon during the fall season will have no measurable impact on escapement and subsistence harvests. We reference all comments contained in the 2017 ACR Incidental harvest of king salmon in the Yukon River summer chum salmon directed commercial fisheries.

WHAT SOLUTION DO YOU PREFER?
(i) **Although there is some timing overlap, the department recognizes that three different regional king salmon stocks, representing Upper, Middle and Lower portions of the Yukon River drainage mainly enter and move through the Yukon River districts at different times.** If the department projects that the Yukon River king salmon escapements **to a specific regional king salmon stock or stocks** are below the escapement goals or king salmon subsistence fishing is restricted in more than one district or portion of a district **that would harvest substantial numbers of king salmon from this specific king salmon stock or stocks,** the commissioner shall, by emergency order, close **those fisheries** and immediately reopen a fishery during which king salmon may be retained, but not sold.

(NEW) If the commissioner, by emergency order, closes a fishery and immediately reopen a fishery which king salmon may be retained but not sold, that emergency order shall be reversed when the specific king salmon stock or stock that necessitated the initial closure of the fishery are no longer present in substantial numbers within that district or portion of a district where the fishery was closed. At that time, the commissioner shall, by emergency order, close the fishery during which king salmon may be retained, but not sold and immediately reopen a fishery during which king salmon may be retained and sold.

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

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

b) **to correct an error in regulation:** Regulation 5 AAC 05.360 (i) is currently too broad and sweeping and does not take into account recent advances in research that are directly applicable to this regulation. This regulation also does not take into account that during the fall season, nearly all of the king salmon, 98.3% (average passage at the sonar project site near Pilot Station prior to the fall fishing season, years: 1995, 1997-2017) have passed through the district. The very few fish incidentally harvested during the fall season will have no measurable impact on escapement requirements or subsistence needs. Further, there is a multitude of evidence that the vast majority, if not all, of these king salmon are destined to spawn in Lower Yukon River tributaries.

c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Unforeseen recent advancements in genetic research, which can provide inseason estimates of the stock composition of the king salmon passing by the sonar project near Pilot Station, along with a much better understanding of king salmon travel time through the districts, makes this regulation obsolete because it is too broad and sweeping. Future harvest strategies for incidentally- caught king salmon and associated regulations should consider the origin of the regional king salmon stocks susceptible to harvest in these fisheries and whether or not these stocks need harvest protection. Currently, when the department employs subsistence restrictions throughout the drainage to bolster escapements to a certain regional stock of king salmon, that restriction force the retention but no sale rule into effect. Once in place, this rule will stay in effect throughout the fishing seasons, regardless of stocks present in the district or portion of the district or updated or changes in the assessment of stock-specific harvest protection. For example, if the department deems that Upper River stock needs protection from harvest because of low run size and that this protection results in subsistence restrictions in several, if not all districts, then according to the current regulation, all incidentally-caught king salmon in all fall chum salmon directed gillnet fisheries may be retained but not sold. This regulation trigger prohibits the sale of incidentally-caught king salmon even when there are no Upper River king salmon susceptible to harvest in any directed fall chum salmon fishery. Usually, the Lower River king salmon stock run size is more than adequate to provide for escapement goals and subsistence needs in the districts that they occur. Accordingly, we believe that District 1 and 2 fall fisheries that incidentally-harvests king salmon should only be affected while there is a substantial risk of harvesting the king salmon stocks that need protection from harvest. Likewise, directed fall chum salmon fisheries in Districts 3, 4 and 6, should not be impacted by harvest protection afforded to the Upper River stock when the Upper River stock is not present in the district, if the Lower and/or Middle River king salmon stocks do not need harvest protection.

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

Commercial fishers in the Alaskan portion of the Yukon River drainage will needlessly suffer economically by not being allowed to harvest and sell king salmon that are in excess of escapement

goals and subsistence needs. Because king salmon can be identified inseason to specific regional stocks and travel time of salmon through the districts is estimated with very good accuracy, the department can accurately estimate the timing of specific regional stocks through each district. Although there may be some overlap between the timing of the Upper and Middle king salmon stocks, the general timing rule is that the Upper stock dominates the early portion of the run, followed by the Middle stock, and then, finally, the Lower stock. Currently, the fall chum salmon directed commercial fishery occurs after the vast majority (98.3% average of king salmon have migrated through the districts. There are very few king salmon present and available for harvest during the fall season in the district or portion of the district and the vast majority, if not all, of those few king salmon are of Lower River stock origin. The incidental harvest of these fish provides little, if any, to escapement requirements and subsistence needs.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.
This ACR seeks to allow the retention and sale of incidentally-caught king salmon in the directed fall chum salmon commercial fishery when the run size of stocks present in the district or portion of a district do not need harvest protection to achieve escapement requirements and subsistence needs. The ACR applies to all districts and portion of districts within the Alaskan portion of the drainage, where directed fall chum salmon commercial fisheries occur. Additionally, because there are so few king salmon present during the fall season fishery in any district, the incidental harvest would not affect any allocative issues. This ACR is not predominantly allocative in nature.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.
Fish buyer in Districts 1 and 2.

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

SUBMITTED BY: Kwik'pak Fisheries, LLC

ACR 18

Clarify Yukon Area District 1 boundary, allow set gillnets to be operated up to three nautical miles seaward from any grassland bank in District 1, and reduce waters closed to commercial fishing for salmon in District 1 (5 AAC 05.200, 5 AAC 05.330, and 5 AAC 05.350).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 05.200. Fishing districts and subdistricts (a); 5 AAC 05.330. Gear (a) (8); and 5 AAC 05.350. Closed waters (2)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.
To correct an error in the regulation that: 1. Defines the District 1 boundaries of the Yukon Area; and 2. Defines the set net only area within District 1 of the Yukon Area.

WHAT SOLUTION DO YOU PREFER?
5 AAC 05.200. Fishing districts and subdistricts

District 1 consists of that portion of the Yukon [RIVER DRAINAGE] **Area** from the latitude of Point Romanof extending south and west**, including the coastal waters within three miles seaward from any grassland bank,** along the coast of the delta to **the ADF&G regulatory marker located on the beach approximately one nautical mile south from the mouth** [THE TERMINUS] of Black River upstream to the northern edge of the mouth of the Anuk River and all waters of the Black River

5 AAC 05.330. Gear

(a) In Districts 1 - 3, set gillnets and drift gillnets only may be operated, except that in District 1 after July 15 set gillnets only may be operated in the following locations:
(8) waters within [ONE] **three** nautical mile**s** seaward from any grassland bank in District 1.

5 AAC 05.350. Closed waters

Salmon may not be taken in the following waters:
(2) waters farther than three nautical miles seaward from any grassland bank in District 1 from [APOON PASS] **Romanof Point** extending west and south to a line extending seaward from an ADF&G regulatory marker located on the beach approximately one nautical mile south from the mouth of Black River;

OR repeal 5 AAC 05.350. Closed waters (2)

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

a) for a fishery conservation purpose or reason: NA

b) to correct an error in regulation: During the 2016 BOF meeting, the BOF passed a proposal that expanded the Yukon Area to three nautical miles seaward from any grassland bank and also allowed fishing in certain areas within District 1 that were previously closed to fishing. See 5 AAC 05.100. Description of Yukon Area . It was the intent of the proposers and, we believe, the intent of the BOF to 1. allow commercial fishing in previous closed areas of District 1 and 2 to expand District 1 seaward boundary from one nautical mile to three nautical miles. The suggested language above in 5 AAC 05.200. Fishing districts and subdistricts clarifies this regulation. It is essentially a housekeeping ACR.

Currently, there is confusion regarding the fishing gear allowed within District 1 from one nautical mile to the three nautical miles seaward boundary after July 15 because of an omission in regulation. District 1 waters, previously and currently described in 5 AAC 05.330. Gear (a), established and maintained a traditional set gillnet only fishing area within the coastal areas of District 1 after July 15. The intent of the 2016 proposal was to maintain and expand seaward the traditional set gillnet fishing only area out to the three-nautical-mile boundary. The intent was not to create a new drift gillnet fishery within the coastal waters of District 1. The suggested language in 5 AAC 05.330. Gear (a) (8) clarifies this regulation and establishes a set gillnet fishery in the expanded coastal waters. We believe that it was an oversight not to change 5 AAC 05.330. Gear (a) (8) to reflect the change in the traditional coastal Yukon Area set gillnet fishery boundary.

The suggested language in 5 AAC 05.350. Closed waters (2) above, simply corrects the regulation based on the passage of a 2016 proposal that expanded the District 1 northern boundary. See AAC 05.200. Fishing districts and subdistricts. However, because waters farther than the three-nautical-mile boundary of District 1 are not included in the Yukon Area and are not state waters, 5 AAC 05.350. Closed waters (2) could also be repealed without any ramifications to the Yukon Area fisheries. This is essentially a housekeeping ACR.

c) to correct an effect on a fishery that was unforeseen when a regulation was adopted: The effect of 5 AAC 05.330. Gear (a), as in current regulations, is to create a new drift gillnet fishery within the coastal waters of District 1 after July 15 between one and three nautical miles seaward from any grassland bank. However, the proposer's intent was to maintain the traditional set gillnet fishery in the coastal waters of District 1 and not to create a new drift gillnet fishery in the expanded coastal waters. We also believe that the BOF's intent was similar when they passed this proposal.

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

If the regulations are not clarified, there will be: 1 confusion regarding the boundaries of District 1; 2 creation of a new drift gillnet fishery within the coastal waters of District 1 after July 15; and 3 possible gear conflicts between the drift and the set net fleet between one and three nautical miles seaward of any grassland bank within District 1. Currently, we believe that the drift gillnet fleet does not fish in any of the coastal waters of District 1.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

This ACR is not predominantly allocative because the coastal waters of District 1 have been a traditional set gillnet only fishery after July 15, for decades. This ACR corrects an omission in a regulation that defines the set gillnet area only, after the coastal waters of District 1 were expanded. Additionally, the drift gillnet fleet does not currently fish in any of the coastal waters of District 1 after July 15. Therefore, we believe that this ACR is not predominantly allocative in nature.

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

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR.
Fish buyer in District 1

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

SUBMITTED BY: Kwik'pak Fisheries LLC

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