

## AGENDA CHANGE REQUESTS

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Allow commercial fishing for salmon with set gillnet gear in waters of the Upper Subdistrict within 600 feet of mean high tide mark when projected Kenai River late-run king salmon escapement is less than 15,000 large fish and Kenai River late-run sockeye and Kasilof River sockeye salmon escapement goals are projected to be met (5 AAC 21.359)..... 10

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Exempt set gillnet fishing opportunity in East Foreland Section from paired restrictions described in *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359). ..... 12

*Yukon Area (1)*

**ACR 1**

Allow use of dipnets in Yukon Area, Subdistrict 6-C personal use salmon fishery. (5 AAC 77.171).

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

5 AAC 77.171. Lawful gear for personal use finfish fishing.

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

Dip netting of salmon is allowed from the mouth of the Wood River to Salcha River in the Tanana River

**WHAT SOLUTION DO YOU PREFER?**

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

**for a fishery conservation purpose or reason:** It is not.

**to correct an error in regulation:** Yes. Proposal 89 approved last year (2019 AYK BOF Meeting) stated that dip nets are allowed for subsistence fisherman in the Yukon and Tanana Rivers. But from the Wood River to the Salcha River is classified as personal use.

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Yes. Personal use fishermen on the Tanana River were overlooked.

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

For the personal use fishermen on the Tanana River, things will stay the same.

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

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

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

Personal use fishermen's lack of opportunity to dip net fish on the Tanana River.

**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, it has not been considered before.

**SUBMITTED BY:** John S. Hanna

*Statewide finfish (1)*

**ACR 2**

Modify the definition of nonpelagic rockfish (5 AAC 75.995).

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

5 AAC 75.995. Definitions.

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

The current definition of “nonpelagic rockfish” is interpreted to include slope rockfish species that are found in deeper waters and are **not** part of the shallower water demersal shelf rockfish (DSR) complex that yelloweye rockfish belong to. Closures of the sport nonpelagic fishery over concerns of “yelloweye rockfish” retention, *precludes* sport retention of slope rockfish because of the current definition of “nonpelagic”.

**WHAT SOLUTION DO YOU PREFER?**

5 AAC 75.995 (46) "nonpelagic rockfish" includes all **DSR (Demersal Shelf Rockfish)** [ROCKFISH] species in the genus *Sebastes* that are not defined as pelagic rockfish;

Since slope rockfish are not part of the DSR complex of rockfishes, this would exclude slope rockfish by definition and allow recreational anglers opportunity to retain slope rockfish during closures of “nonpelagic” rockfish.

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

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

**to correct an error in regulation:** At the time current rockfish definitions were written, there was not a deep-water sport fishery (100 - 300 fathoms). Since then, a recreational sablefish fishery has developed using electric reels that allow anglers access to these deep-water sablefish. Deepwater slope rockfish such as Shortrakers, Thornyheads, and Rougheyes, can now be accessed by recreational anglers. Recent non-retention restrictions of all non-pelagic rockfish, given current definitions, included these slope rockfish, which are not of conservation concern and are allowed to be harvested by the commercial fishery in relatively large quantities. A change in definition to specify that “non-pelagic”, when used in sport fish regulations, refer only to DSR complex rockfish would remedy this situation.

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** See above.

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

If there continues to be non-retentive regulations on “non-pelagic” rockfish, access to slope rockfish will also be denied that have no conservation concerns.

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

This proposal is not seeking any allocations, rather simply seeking clarification of covered species under current regulatory definitions.

**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.**

Charter and sport angler organization.

**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 to our knowledge.

**SUBMITTED BY:** Alaska Charter Association

*Kasilof River (1)*

**ACR 3**

Provide additional opportunity to harvest salmon with drift gillnet gear in the Kasilof River Special Harvest Area and within one and one-half miles of the mean high tide mark of the Kenai Peninsula shoreline in Kenai and Kasilof sections south of the Kenai River (5 AAC 21.310 and 5 AAC 21.365).

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

5 AAC 21.310. Fishing seasons and 5 AAC 21.365. Kasilof River Salmon Management Plan.

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

The referenced regulations were passed by the BOF with assurances of a buy-out/buy-back program for selected setnet sites south of the Kenai River. Since the 2020 UCI BOF meeting the following occurred: A. State of Alaska budget now has a 1.5 to 2.0 billion-dollar deficit. B. There is no money for any form of a buy-out/buy-back of setnet sites. C. The buy-out/buy-back legislation has not been referred to at any of the legislative committee hearings. D. The COVID-19 pandemic is on-going with the recreational sector experiencing a loss of participation. E. The BOF is mandated to develop the salmon resources. Closing these areas to salmon fishing seems to be counter to the development mandate.

**WHAT SOLUTION DO YOU PREFER?**

Repeal above-referenced regulations.

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

**for a fishery conservation purpose or reason:** N/A

**to correct an error in regulation:** N/A

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** A. COVID-19, B. Collapse of State budget, C. Collapse of recreational sector use, D. No legislative and unlikely action on buy-back/buy-out legislation.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?** Probably not much, continuation of unnecessary regulations.

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

These regulations were based on unrealized events.

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

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

Commercial drift gillnet fisherman.

**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, not considered by the BOF.**

**SUBMITTED BY:** Steve Tvenstrup

## ***Kenai River Late Run King Salmon (3)***

### **ACR 4**

Allow commercial fishing with set gillnet gear within 1,500 feet of mean high tide mark in the Upper Subdistrict when projected Kenai River late-run king salmon escapement is less than 15,000 large fish and Kenai River late-run and Kasilof River sockeye salmon escapement goals are projected to be achieved or exceeded (5 AAC 21.359).

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

5 AAC 21.359. Kenai River Late-Run 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 current regulation fails to provide adequate, appropriate and adaptable management tools to the ADFG to manage the ESSN fishery in order to achieve escapement goals for all species of salmon during times of low king salmon abundance. The current management plan results in management prescriptions that are solely focused on Kenai River king salmon to the detriment of all other species and stocks of the Upper Subdistrict.

### **WHAT SOLUTION DO YOU PREFER?**

The exact proposed regulatory wording has been a matter of considerable discussion with stakeholders and advisors. It is important for the board members to understand the logic and the logistics of the proposed language below and hope to have the opportunity for a thorough hearing. This language defines accessibility to fishable near shore water, not constant fishing area. The majority of the time the majority of this space is literally sand.

### **PROPOSED:**

Add the below text to current text in 5 AAC 21.359 (d) (3)

...except that if the Kenai River late run sockeye salmon, and Kasilof River sockeye salmon escapement goals are projected to be achieved or exceeded then Upper Subdistrict set gillnet fishing periods, under 5 AAC 21.320 (2) (E) that shall be limited to within 1500 feet from the mean high tide mark, shall occur.

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

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

1. Would significantly reduce the set gillnet catch of king salmon by limiting fishing to only a narrow strip of near shore beach nets during times of low king salmon abundance.
2. Would allow an adaptable restricted sockeye fishery that is effective.
3. Would enable fishery managers to better meet the escapement goals and prevent over escapement of sockeye; such as occurred so dramatically in 2019.
4. Would allow for a balanced and adaptable management tool for managing a highly variable and unpredictable mixed stock fishery that cannot be predefined by the current restrictive regulation.

**to correct an error in regulation:** N/A

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

1. (Effect) The current regulation completely “ties the hands” of ADFG managers and allows for no adaptability to real time variables that *have and always will occur* in a wild run, mixed stock fishery.

2. (Effect) Significant loss of use of the sockeye resource to the detriment of the health of both the sockeye and king salmon stocks by causing the inability to harvest sockeye throughout the whole-of-the-run timing spectrum and the building-up effect on the latter portion of the sockeye run...
3. (Effect) ...and further, by having large numbers of sockeye salmon over running the spawning area of the main stem spawning king salmon, which is contrary to the desired objective of enhancing king salmon production in the first place.
4. (Effect) The over escapement of sockeye salmon which is contrary to the management mandate of MSY — the effects of which are now playing out in UCI.
5. (Effect) The current management plan (5 AAC 21.359) focuses solely on achievement of the OEG of Kenai River late run king salmon and does not allow management flexibility to attain the SEG for large late run Kenai River king salmon.

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

The potential for two more seasons with these strong adverse effects before having a chance to address the problem could have far reaching negative impacts on this fishery and many individuals and industries affiliated with UCI salmon fishing. The problems resulting from the current regulation, as written, present both short-term and also long-term negative consequences as demonstrated by the events of the past few years. This problem has become urgent and needs to be addressed before the next fishing season, let alone before the next board cycle.

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

There is an allocative element to this request: Under the current regulation which has been implemented extensively since 2012, harvest scenarios *always result* whereby harvest opportunities increase for every user group in UCI with the exception of a complete total, unalterable *elimination of all harvest opportunity* of any and all species of salmon for the ESSN fishery. This is having serious negative impacts on local residents, the local economy, fish processors, and the local culture.

**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.**

Multifaceted:

1. Commercial fisherman with 56 years of exposure and experience; from a young boy to maturity.
2. Input, advice and support has been obtained from other local stakeholders, experienced participants and advisors.

**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 aware of serious detailed efforts in the past to define and establish a near shore beach net fishery that is applicable to the full ESSN fishery to be used in times of low king salmon abundance.

**SUBMITTED BY:** Ted Crookston

## **ACR 5**

Allow commercial fishing for salmon with set gillnet gear in waters of the Upper Subdistrict within 600 feet of mean high tide mark when projected Kenai River late-run king salmon escapement is less than 15,000 large fish and Kenai River late-run sockeye and Kasilof River sockeye salmon escapement goals are projected to be met (5 AAC 21.359).

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

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

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

It was unclear to the Commissioner of ADF&G when to use the 600 ft. when the Kasilof and Kenai River will meet their escapement goals, and the lower end of the late run Kenai King salmon may not be met.

### **WHAT SOLUTION DO YOU PREFER?**

(3) close the .... Except to within 600 ft. of the mean high tide mark and will be exempt from hour and gear restrictions.

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

**for a fishery conservation purpose or reason:** These changes will help ensure that Kasilof and Kenai sockeye salmon escapement goals are met to help ensure the productivity of this stock now and for future generations.

**to correct an error in regulation:** Clarify directions to the Commissioner of Fish and Game when to use the 600 ft. when Upper Cook Inlet East side set net fishermen are closed due to King escapement but the Kasilof River and Kenai River are within their goals.

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** The Kasilof went over the upper end of the escapement goal by over 100,000 fish in 2020 and we were closed due to an ineffective definition of when the 600 ft. could be used. Correcting the regulation to include keeping the 600 ft. area open when the remainder of the area is closed will help achieve the sockeye salmon goal in the River. During the 2020 season King salmon were rarely if not at all caught and were predominately jack kings.

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

Lost harvest opportunity and lower returns in the future. Compared to the Kenai the Kasilof is a smaller system and the possibility of smaller runs in the future.

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

Commercial fishermen in this area have already been allocated these fish during regular seasons.

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

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

Commercial set net fisherman.

**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.**

Discussed during the Upper Cook Inlet commercial finfish meeting, but lack of clarity in the regulation.

**SUBMITTED BY:** Brian J. Koski

## **ACR 6**

Exempt set gillnet fishing opportunity in East Foreland Section from paired restrictions described in *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359).

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

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

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

During the 2020 Cook Inlet Board of Fish meetings, the East Forelands set net section was allowed back into the paired king salmon restrictions of 5 AAC 21.359 with no rationale provided. During the prior cycle (2017-2019), the East Forelands section was exempt from the paired restrictions in 21.359. There was no data presented at the 2020 meeting which would have shown this inclusion to be science or evidence based, and, no real discussion occurred. Data taken from the ADFG website shows that over the last 11 years (2020 included), the East Forelands section has a catch average of just 1.25% of the total kings caught in the East Side Set Net fishery. This limited king catch can allow, and should make it, a valuable management tool to harvest sockeye and help attain the Kenai River escapement goal without impacting king salmon abundance significantly.

At the minimum, the BOF should openly discuss the ramifications of allowing the East Forelands Section back into 21.359.

### **WHAT SOLUTION DO YOU PREFER?**

The request is that the regulation exempt the East Forelands as it did in the 2017-2019 regulation book.

Prior wording of 5 AAC 21.359(e)(3): in the Upper Subdistrict set gill net commercial fishery, excluding the East Foreland Section, notwithstanding the provisions of 5 AAC 21.360(c)(1)(8), 2(8) and (3)(8), based on abundance of sockeye salmon returning to the Kenai and Kasilof Rivers,

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

**for a fishery conservation purpose or reason:** To allow harvest of Kenai River sockeye in order to achieve escapement goals.

**to correct an error in regulation:** N/A

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** There were many issues changed at the 2020 BOF for 21.359. When the 2020 BOF passed the new version of 21.359, the board had no discussion of the ramifications of allowing the East Forelands to be put back into 21.359. A discussion of why it was originally taken out in 2017 never occurred.

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

The East Forelands exemption was a tool that management could use to harvest sockeye in an area that does not catch kings. This will not be possible for two more years if not addressed now.

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

This ACR request simply asks to re-instate a prior regulation that was withdrawn during the 2020 BOF meeting. No data was provided by the proposing party nor a BOF member showing why the East Forelands exemption was removed from the paired king salmon restrictions.

**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.**

Quota Share Holders, Vessel Owners, 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.**

This exemption was in the regs for Cook Inlet during the 2017-2019 cycle.

**SUBMITTED BY:** Lance Alldrin, Mark Vincent, Merrill McGahan, Chris Monfor, Christine Monfor, Chad Waggoner, Amanda Waggoner, D'ann Waggoner