

Boards Support Section
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Non-Regulatory and In-cycle ACRs

1. List of non-regulatory ACR
 - a. Virgil Umphenour, Area M Research Request
2. In-cycle ACRs
 - a. Tad Fujioka, Southeast Commercial King Salmon Troll Fishery
 - b. Ken Jones, Prince William Sound Commercial Sablefish Fishery
 - c. Ken Jones, Copper River Personal Use Salmon Fishery
 - d. Ken Jones, Prince William Sound Commercial Pacific Cod Fishery, Gear Allocation
 - e. Ken Jones, Prince William Sound Commercial Groundfish Fishery, Gear – Slinky Pots
 - f. Ken Jones, Prince William Sound Commercial Groundfish Fishery, Gear – Buoy Markings
 - g. Ken Jones, Prince William Sound Commercial Groundfish Fishery, Closed Waters
 - h. Ken Jones, Prince William Sound Commercial Pacific Cod Fishery, Pot Limits
 - i. Darin Gilman, Prince William Sound, Main Bay Special Harvest Area
 - j. Ben Bobowski, US National Park Service, Copper River District Salmon Management Plan

AGENDA CHANGE REQUEST FORM
ALASKA BOARD OF FISHERIES

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For the 2021/2022 meeting cycle, the following regulatory regions, species and uses are “in-cycle” including:

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

The deadline for ACRs is August 23, 2021. ACRs received regarding in-cycle subjects will not be accepted as they are effectively proposals that missed the April 2020 deadline.

The board accept requests to change its schedule under certain guidelines set forth in 5 AAC 39.999. The board will accept these agenda change requests (ACRs) only:

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

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

Please answer all questions to the best of your ability.

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

Alaska Administrative Code Number 5 AAC: 39.22

The Policy for the Management of Sustainable Salmon Fisheries (SSFP; 5 AAC 39.222, effective 2000, amended 2001) directs the Alaska Department of Fish and Game (ADF&G) to provide the Alaska Board of Fisheries (Board) with reports on the status of salmon stocks and identify any salmon stock that present a concern.

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

The AYK has seen a steadily declining loss of Chinook salmon in both size and run strength over the past 20 years. At the same time, there have been periodic crashes of summer and fall chum salmon in the AYK, with the 2021 season culminating in record losses. As a result, the Yukon River especially has not had any directed commercial harvest of Chinook since 2008 with lessening subsistence harvest and in 2021, no commercial or subsistence harvest of Chinook or summer

chum. In addition, escapement goals have not been made for the Yukon Border passage and escapement goals on the Alaska side of the Yukon have not been met or are unknown in most tributaries. The continuing and dramatic declines of Chinook and chum salmon have resulted in food security and cultural crises. Concern over the survival of the stocks themselves is paramount. Stakeholders and researchers understand that there are multiple contributing factors to the decline of these stocks but are having a difficult time assessing what factors are potentially under human management vs. environmental factors that are not.

Alaska state regulations require the Alaska Department of Fish and Game managers to apply precautionary principles in the conservation of stocks. Three primary tools for this management are stock identification, harvest methodology and harvest restriction.

In previous years, a massive undertaking to identify Western Alaska salmon stocks was facilitated through the Western Alaska Salmon Stock Identification Program (WASSIP) which between 2006 and 2009 joined with stakeholders to collect genetic samples for salmon stocks from Chignik Bay to Kotzebue Sound. This added to genetic baseline data and DNA markers within mixed stock analyses (MSA) to identify stock composition of chum and sockeye salmon in relation to salmon passage between Central and Western Alaska. The reporting did not, however, include Chinook salmon. And it ended in 2009.

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

This ACR requests a Test Fishery for Area M to discern genetic origins of chum, Chinook and pink salmon stocks.

Because the 2021 decline of Chinook and chum is so extreme in the AYK, and because there is a potential threat of too many pink salmon, this ACR requests that the Alaska Board of Fisheries (BOF) direct the Alaska Department of Fish and Game to report to the BOF on an annual basis the results of genetic compositions these stocks that potentially migrate from Central to Western Alaska and to identify the gaps in data. In addition, to summarize this data in a way that is informational to AYK stakeholders and managers.

There has never been a genetic analysis of Chinook salmon caught in the Area M June fishery. ADF&G considers the Yukon River Chinook stocks as a “Stock of Concern” and it is incumbent on the Department to identify where stocks might be intercepted.

There has not been a genetic analysis of summer and fall chum salmon through the Area M fishery since 2009. And there has never been an assessment of pink hatchery salmon that might be migrating from the Gulf of Alaska.

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

- a) for a fishery conservation purpose or reason: Identifying AYK stocks that might be part of capture in intercept fisheries will help identify management options for protection of depleted stocks

b) to correct an error in regulation:
c) to correct an effect on a fishery that was unforeseen when a regulation was adopted:
<p>5) WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?</p> <p>We could have a continued dramatic loss in the AYK of specific year classes of chum and Chinook salmon without knowing percentages of AYK stock that might be intercepted. We just need to know where the Area M June fish are heading to spawn.</p> <p>We also need to know if Southeast or Central hatchery salmon are (migrating) through Area M to the BSAI.</p>
<p>6) STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.</p> <p>There has been no or severely limited commercial fishery in the AYK for chum salmon in the last two years, and there has been no Chinook directed fishery since 2008. And subsistence fisheries have also been extremely curtailed or completely closed.</p>
<p>7) IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.</p>
<p>8) STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR (e.g., commercial fisherman, subsistence user, sport angler, etc.)</p> <p>I have been a member of what is now the Yukon River Panel longer than any member of either Canada or the United States since 1988.</p>
<p>9) STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING.</p> <p>NO... genetics taken for chum salmon back in the 1990s, except for WASSIP 4-year period ending in 2009 and none has been taken for Chinook or pink salmon ever.</p>

Submitted by:

NAME Virgil Umphenour

Individual or Group

Address [REDACTED]

City, State

Zip

Home Phone [REDACTED]

Work Phone

Email [REDACTED]

SIGNATURE: Virgil Lee Umphenour **DATE: 8/22/21**

Note: Addresses and telephone numbers will not be published.

Mail, fax, or e-mail this completed form to:

Alaska Board of Fisheries

P.O. Box 115526

Juneau, AK 99811-5526

Fax: 907-465-6094

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

AGENDA CHANGE REQUEST FORM
ALASKA BOARD OF FISHERIES

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Alaska Administrative Code Number 5 AAC: **29.090 (d)(new subsection 4)**

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

The Stocks of Concern (SoC) management plan approved by the BoF in 2018 to protect local wild Chinook stocks has caused considerable economic hardship for resident trollers. The March 16- April 30 winter closure focused on the most lucrative portion of the season. Additionally, closing the large majority of SE during the May and June spring season has greatly reduced trollers' access to Alaska hatchery stocks. This is compounded by concentrating the spring troll effort into the few remaining areas-those that are known to have low concentrations of local wild stocks. However, the number of Treaty Chinook that is allowed to be taken from these areas was not increased to compensate for the additional effort. Thus, the additional effort can not be effectively utilized to catch the returning hatchery fish.

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

5 AAC 29.090 (d) (4) If based on recent harvest trends, $\leq 11\%$ of the year's troll Treaty king salmon harvest allocation is anticipated to be taken from March 16-June 30, then all Alaska-hatchery percentages referenced in AAC 29.090 (d) (1) (C)& (D) shall be reduced by 5%.

***Note that 11% represents a 50+% reduction from the ten-year pre-SoC average.**

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

a) for a fishery conservation purpose or reason:

b) to correct an error in regulation:

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

The degree to which spring troll effort would shift from closed areas to the remaining open areas was not fully anticipated. Effort has shifted away from the areas closed due to the presence of stocks of concern, but the remaining districts have not been assigned the surplus quota of Treaty fish to allow for the displaced trollers to be able to fish the approved areas consistently.

Additionally the overall reduction in early season catch has shifted more harvest to July and August to a degree that was not fully anticipated at the time.

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

6) STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

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Alaska Administrative Code Number 5 AAC:

5 AAC 28.210. Fishing seasons for Prince William Sound Area

(b) Sablefish may be taken in the Inside District from April 15 through August 31. There is no open season for commercial sablefish fishing in the Outside District.

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

Current season timing excludes many participants in PWS Salmon fisheries from participating in the PWS sablefish fishery. With the new invention of slinky pots orca depredation has been thwarted. As fisherman continue to transition to pot fishing, season dates can be expanded to allow more opportunity for those who also participate in other fisheries.

3)WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? - Change Prince William Sound Inside District sablefish season opening and closing date as follows:

5 AAC 28.210. Fishing seasons for Prince William Sound Area

(b) Sablefish may be taken in the Inside District from **April 1 through October 31**. There is no open season for commercial sablefish fishing in the Outside District.

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

a) for a fishery conservation purpose or reason:

Expanding the season can help reduce sablefish shaking at the rail on vessels targeting halibut.

b) to correct an error in regulation:

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

It was unforeseen that slinky pots would become so popular and effective against orca depredation as they had not been invented when this regulation was adopted.

5)WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Season dates will continue as is, excluding many fisherman who would otherwise like to participate. Also, halibut fisherman will continue to shake sablefish that could have been legally landed on a state card, if the season was open.

6)STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

This fishery is limited entry, with GHL divided among permits. This proposal would merely allow fisherman a longer season to conduct their harvest.

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

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Alaska Administrative Code Number 5 AAC:

5 AAC 77.591. Copper River Personal Use Dip Net Salmon Fishery Management Plan.

(f) The maximum harvest level for the Chitina Subdistrict personal use salmon fishery is 100,000 - 150,000 salmon, not including any salmon in excess of the in-river goal or salmon taken after August 31.

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

3)In December 2017 the board of fish adopted proposal 18 which repealed and replaced regulatory language and has put the copper river salmon runs at risk. The action taken by the board of fisheries to repeal what was known as the “shared burden” regulation resulted in the copper river nearly missing escapement during the 2018, and 2021 seasons. In 2020 the stock did miss escapement levels despite unprecedented commercial fishery closures in those years. Had this regulation been in place and enforced, the salmon runs would not have missed their escapement goals.

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

5 AAC 77.591. Copper River Personal Use Dip Net Salmon Fishery Management Plan.

~~(f) The maximum harvest level for the Chitina Subdistrict personal use salmon fishery is 100,000–150,000 salmon, not including any salmon in excess of the in-river goal or salmon taken after August 31.~~ **IF THE COPPER RIVER DISTRICT COMMERCIAL SALMON FISHERY IS CLOSED FOR 13 OR MORE CONSECUTIVE DAYS, THE MAXIMUM HARVEST LEVEL IN THE CHITINA SUB DISTRICT IS REDUCED TO 50,000 SALMON**

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

a) for a fishery conservation purpose or reason:

The current condition of the copper river salmon stock is dire. These salmon must be protected on years of low abundance and all user groups need to share equitably in these conservation measures. This ACR is solely meant to help conserve this run during years of low abundance, which we are currently experiencing.

b) to correct an error in regulation:

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

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

The copper river run will continue to have immense pressure on years of low abundance, and the burden of conservation will continue to rest solely on the commercial user, despite commercial, personal use, and sport all sharing the same priority level.

6)STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

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Alaska Administrative Code Number 5 AAC:

5 AAC 28.267. Prince William Sound Pacific Cod Management Plan

(e) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Prince William Sound Area is 25 percent of the estimated total allowable harvest of Pacific cod for the federal Eastern Gulf of Alaska Area; mechanical jigging machine and hand troll gear and groundfish pot gear is allocated 15 percent of the guideline harvest level and longline gear is allocated 85 percent of the guideline harvest level, except that if.

(A)the guideline harvest level allocated to the mechanical jigging machine and hand troll gear and groundfish pot gear is taken in any calendar year, the mechanical jigging machine and hand troll gear and groundfish pot gear allocation will increase by five percent beginning the following calendar year to a maximum of 30 percent of the guideline harvest level and the longline allocation will decrease by a corresponding five percent the following calendar year to a minimum of 70 percent of the guideline harvest level; and

(B) the guideline harvest level allocated to the mechanical jigging machine and hand troll gear and groundfish pot gear is not taken in any calendar year, the mechanical jigging machine and hand troll gear and groundfish pot gear allocation will decrease by five percent beginning the following calendar year to a minimum of 15 percent of the guideline harvest level and the longline allocation will increase by a corresponding five percent the following calendar year to a maximum of 85 percent of the guideline harvest level;

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

Current regulation does not protect entry level jig fisheries properly by combining gear type allocations.

3)WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? Adjust allocations to protect each gear type separately and provide access for each gear type to persecute an orderly and economically feasible fishery.

5 AAC 28.267. Prince William Sound Pacific Cod Management Plan

(e) During a state-waters season,

(1) the guideline harvest level for Pacific cod in the Prince William Sound Area is 25 percent of the estimated total allowable harvest of Pacific cod for the federal Eastern Gulf of Alaska Area; mechanical jigging machine and hand troll gear is allocated 5 percent of the guideline harvest level, pot gear is allocated 47.5% and longline gear is allocated 47.5% percent of the guideline harvest level, ~~except that if.~~

~~(A)the guideline harvest level allocated to the mechanical jigging machine and hand troll gear and groundfish pot gear is taken in any calendar year, the mechanical jigging machine and hand troll gear and groundfish pot gear allocation will increase by five percent beginning the following ealendar year to a maximum of 30 percent of the guideline harvest level and the longline allocation will decrease by a corresponding five percent the following calendar year to a minimum of 70 percent of the guideline harvest level; and~~

~~(B) the guideline harvest level allocated to the mechanical jigging machine and hand troll gear and groundfish pot gear is not taken in any calendar year, the mechanical jigging machine and hand troll gear and groundfish pot gear allocation will decrease by five percent beginning the following calendar year to a minimum of 15 percent of the guideline harvest level and the longline allocation will increase by a corresponding five percent the following calendar year to a maximum of 85 percent of the guideline harvest level;~~

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

a) for a fishery conservation purpose or reason:

Halibut and Rockfish bycatch in the pcod fishery can be reduced if more of the fishery is conducted using slinky pots. Fisherman looking to fish a cleaner gear type should be celebrated and encouraged, current allocation plan dis-incentivizes a cleaner fishing gear type.

b) to correct an error in regulation:

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

Slinky pots were not invented when this regulation was adopted. Also slinky pots were not used on a wide scale in Alaska sablefish fisheries until after the close of the proposal deadline.

Note: Addresses and telephone numbers will not be published.

Mail, fax, or e-mail this completed form to:

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Juneau, AK 99811-5526

Fax: 907-465-6094

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Alaska Administrative Code Number 5 AAC:

5 AAC 28.230. Lawful gear for Prince William Sound Area

(c) A groundfish pot may not be attached to a line connected to another groundfish pot, except that in the Prince William Sound sablefish fishery groundfish pots may be connected if each end of the buoy line is marked as specified in (d) of this section.

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

Currently, long lining of ground fish pots is prohibited, except for in the PWS sablefish fishery. With the advent of the “slinky” pot, this regulation is now outdated. There currently is a 15% allocation of the PWS cod quota that goes unharvested due to lack of interest in traditional single pot fishing. The use of slinky pots would allow existing and new entrants to participate in harvesting the pot allocation by long lining of pots.

3)WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? Replace “may not” with may, and “except” with “including”

5 AAC 28.230. Lawful gear for Prince William Sound Area

(c) A groundfish pot ~~may not~~ **MAY** be attached to a line connected to another groundfish pot, **including in** the Prince William Sound sablefish fishery, groundfish pots may be connected if each end of the buoy line is marked as specified in (d) of this section.

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

a) for a fishery conservation purpose or reason:
Halibut and Rockfish bycatch in the pcod fishery can be reduced if more of the fishery is conducted using slinky pots. Fisherman looking to fish a cleaner gear type should be celebrated and encouraged, current management plan prohibits and dis-incentivizes a new invented cleaner fishing gear type.

b) to correct an error in regulation:

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

Slinky pots did not exist when this regulation was adopted, likewise they did not exist or had not been tested before the deadline for in cycle proposals.

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

The resource will continue to be under utilized, and quotas left on the table using pot gear in prince William sound due to lack of interested vessels in single pot fishing.

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

AGENDA CHANGE REQUEST FORM

ALASKA BOARD OF FISHERIES

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

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

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

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

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

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

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

Please answer all questions to the best of your ability.

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

Alaska Administrative Code Number 5 AAC:

5 AAC 28.230. Lawful gear for Prince William Sound Area

(d) At least one buoy on each groundfish pot must be legibly marked with the permanent ADF&G vessel license plate number of the vessel operating the gear. The buoy may bear only a single number - that of the vessel operating the gear. The number must be placed on the top one-third of the buoy in numerals at least four inches high, one-half inch wide, and in a color that contrasts with the color of the buoy. The buoy markings must be visible on the buoy above the water surface when the buoy is attached to the groundfish pot.

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

This regulation does not include marking requirements specifically for longline pots. This can lead to participant confusion on the grounds if longline pots are not marked differently from traditional single pot, or from hook and line longline gear. Smaller vessels cannot always pull up a larger pot string, and proper marking can help participants avoid setting to close and tangling up with pot strings. Federal regulations can be used as a template for how to mark ground fish pot gear.

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

(d) At least one buoy on each groundfish pot must be legibly marked with the permanent ADF&G vessel license plate number of the vessel operating the gear. The buoy may bear only a single number - that of the vessel operating the gear. The number must be placed on the top one-third of the buoy in numerals at least four inches high, one-half inch wide, and in a color that contrasts with the color of the buoy. The buoy markings must be visible on the buoy above the water surface when the buoy is attached to the groundfish pot. **Each end of a set of longline pot gear must have attached a cluster of four or more marker buoys, a flag mounted on a pole, and a radar reflector. One hard buoy in the buoy cluster must be marked with the capital letters “LP” in addition to the Alaska Department of Fish & Game vessel registration number.**

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

a) for a fishery conservation purpose or reason:

b) to correct an error in regulation:

c) to correct an effect on a fishery that was unforeseen when a regulation was adopted:
Longline pots were not utilized when this regulation was adopted.

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

The fishery will continue with no regulation required different markings for longline pot gear in prince William sound.

6)STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

This is merely meant to help resolve any confusion for fishery participants about what gear other vessels are deploying, with the ultimate goal of reducing potential gear entanglements between gear types. It could also help to prevent gear loss which will protect the resource.

AGENDA CHANGE REQUEST FORM
ALASKA BOARD OF FISHERIES

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- All Shellfish in all other regions, all uses.

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

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

Please answer all questions to the best of your ability.

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

Alaska Administrative Code Number 5 AAC:

5 AAC 28.250. Closed waters in Prince William Sound Area

(a) Groundfish may not be taken with pots in the waters enclosed by lines from Point Whittshed to Point Bentinck, from Cape Hinchinbrook Light to Seal Rocks Light to Zaikof Point at 60° 18.48' N. lat., 146° 55.10' W. long., and from a point at 60° 11' N. lat., 147° 20' W. long. on the northwest side of Montague Island, north to a point at 60° 30' N. lat., 147° 20' W. long., then east to a point at 60° 30' N. lat., 147° 00' W. long., then northeast to Knowles Head at 60° 41' N. lat., 146° 37.50' W. long., except that groundfish may be taken with pot.

(1) within Orca Bay, east of 146° 37.50' W. long., excluding the waters of Port Gravina north of a line from Gravina Point to Red Head at 60° 40.25' N. lat., 146° 30.22' W. long.;

(2) in waters not more than 75 fathoms deep within waters enclosed by a line from Johnstone Point Light to Montague Point at 60° 23' N. lat., 147° 06' W. long., to Middle Point at 60° 20.50' N. lat., 147° W. long. to Schooner Rock Light (Zaikof Point) to Cape Hinchinbrook Light.

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

This will correct the action previously taken that closed one gear type out of waters of some of the most productive pcod grounds in prince William sound. This regulation was passed under the guise of protecting juvenile tanner crab, however with new slinky pot technology crab bycatch is no longer a large issue. If anything, allowing more harvest potential in this area will help crab stocks by reducing predatory pcod biomass.

3)WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? Repeal of pot closure area.

5 AAC 28.250. Closed waters in Prince William Sound Area

~~(a) Groundfish may not be taken with pots in the waters enclosed by lines from Point Whittshed to Point Bentinck, from Cape Hinchinbrook Light to Seal Rocks Light to Zaikof Point at 60° 18.48' N. lat., 146° 55.10' W. long., and from a point at 60° 11' N. lat., 147° 20' W. long. on the northwest side of Montague Island, north to a point at 60° 30' N. lat., 147° 20' W. long., then east to a point at 60° 30' N. lat., 147° 00' W. long., then northeast to Knowles Head at 60° 41' N. lat., 146° 37.50' W. long., except that groundfish may be taken with pot.~~

~~(1) within Orca Bay, east of 146° 37.50' W. long., excluding the waters of Port Gravina north of a line from Gravina Point to Red Head at 60° 40.25' N. lat., 146° 30.22' W. long.;~~

~~(2) in waters not more than 75 fathoms deep within waters enclosed by a line from Johnstone Point Light to Montague Point at 60° 23' N. lat., 147° 06' W. long., to Middle Point at 60° 20.50' N. lat., 147° W. long. to Schooner Rock Light (Zaikof Point) to Cape Hinchinbrook Light.~~

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

a) for a fishery conservation purpose or reason:

Note: Addresses and telephone numbers will not be published.

Mail, fax, or e-mail this completed form to:

Alaska Board of Fisheries

P.O. Box 115526

Juneau, AK 99811-5526

Fax: 907-465-6094

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

AGENDA CHANGE REQUEST FORM
ALASKA BOARD OF FISHERIES

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

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

The board accept requests to change its schedule under certain guidelines set forth in 5 AAC 39.999. The board will accept these agenda change requests (ACRs) only:

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

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

Please answer all questions to the best of your ability.

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

Alaska Administrative Code Number 5 AAC:

5 AAC 28.267. Prince William Sound Pacific Cod Management Plan

(e) During a state-waters season,

(3) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, hand troll gear, and longline gear, as follows:

(A) except as provided in (g) of this section, no more than 60 groundfish pots may be operated from a vessel registered to fish for Pacific cod;

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

Longline pots are substantially smaller than traditional single pots. In order to make the fishery feasible for vessels participating using longline gear, the pot limit will need to be re-evaluated.

3)WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say? Raise the pot limit for ground fish pots to allow for longline pot users to participate in a feasible fishery.

5 AAC 28.267. Prince William Sound Pacific Cod Management Plan

(e) During a state-waters season,

(3) Pacific cod may be taken only with groundfish pots, mechanical jigging machines, hand troll gear, and longline gear, as follows:

(A) except as provided in (g) of this section, no more than **300** groundfish pots may be operated from a vessel registered to fish for Pacific cod;

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

a) for a fishery conservation purpose or reason:

b) to correct an error in regulation:

c) to correct an effect on a fishery that was unforeseen when a regulation was adopted:
Slinky pots were not invented when this regulation was adopted. Also slinky pots were not used on a wide scale in Alaska sablefish fisheries until after the close of the proposal deadline.

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

Fishery participation likely will not occur with fishery limited to 60 ground fish pots.

6)STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

Currently fishery allocation goes unharvested due to lack of interest in traditional single pot method. Currently the hook and line gear type has no hook limits or skate limits. Allowing pots to become a feasible and attractive fishery for participants will help to curb bycatch of non target species.

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

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- All Shellfish in all other regions, all uses.

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- 3) to correct an effect on a fishery that was unforeseen when a regulation was adopted.

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Please answer all questions to the best of your ability.

Alaska Administrative Code Number 5 AAC 24.367 Main Bay Salmon Hatchery Harvest Management Plan (New Subsection (H)).

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. There is a rampant increase of boating traffic into Main Bay in the months of June and July interfering with corporate escapement efforts. This is just the start of a big issue at hand where (PWSAC) is not able to effectively or efficiently meet their escapement goals, due to multiple vessels being in the way of the seiner trying to harvest these sockeye salmon. This is leading to a long delay in meeting of corporate escapement goals for PWSAC and directly affects quality with time degradation for much of the sockeye salmon due to them not being harvested in a timely fashion. It is prudent for PWSAC to operate in an efficient and expedient manner while achieving their corporate escapement goals. This will allow more opportunity to all user groups for the foreseeable future.

1) **WHAT SOLUTION DO YOU PREFER?** No Sport fishing or Subsistence fishing shall take place within the Main Bay Subdistrict, Main Bay THA, Main Bay SHA and Alternating Gear Zone (AGZ) while Prince William Sound Aquaculture (PWSAC) is in process to achieving its corporate escapement goal.

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

a) for a fishery conservation purpose or reason: This is to conserve and ensures PWSAC operates efficiently and expediently. If we do not ensure PWSAC is able to meet their corporate cost recovery goals, the fisheries in this area will not exist in the future. This allows more opportunity over time for all user groups in the Main Bay area.

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:
N/A

3) WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? If this issue is not addressed this Board Cycle the problem will just become exponentially worse. There is already an increasing amount of boat traffic into the Main Bay area, in another three years we could be looking at an exponential increase of boats interfering with PWSAC corporate cost recovery goals. This has a great deal of potential to degrade a lot of sockeye salmon over the next three years.

4) STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This is not an allocative issue; this is an issue about allowing PWSAC to operate efficiently without having issues meeting their corporate cost recovery goals. The delay in meeting this goal degrades the quality of sockeye salmon in Main Bay.

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

6) STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR (e.g., commercial fisherman, subsistence user, sport angler, etc.)
I am a Subsistence Fisherman, Sport Fisherman and Commercial Fisherman.

7) 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 is a New ACR.

Submitted by:

NAME _____ Darin Gilman

Individual or Group

Address

City, State

Zip

[Redacted]

Home Phone

Work Phone

Email

SIGNATURE:

[Redacted Signature]

DATE:

08/19/21

Note: Addresses and telephone numbers will not be published.

Mail, fax, or e-mail this completed form to:

Alaska Board of Fisheries

P.O. Box 115526

Juneau, AK 99811-5526

Fax: 907-465-6094

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

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- 3) to correct an effect on a fishery that was unforeseen when a regulation was adopted.

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Please answer all questions to the best of your ability.

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

Alaska Administrative Code Number 5 AAC: 24.360. Copper River District Salmon Management Plan

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

SUMMARY OF PROBLEM: The king salmon escapement goals found in the Copper River District Salmon Management Plan (CR District Plan, 5 AAC 24.360) and the Copper River King Salmon Management Plan (CR King Salmon Plan, 5 AAC 24.361) appear to be inconsistent with one another, causing stakeholder uncertainty about how the department is managing the commercial and subsistence fisheries in the Copper River District in coordination with Upper Copper River District fisheries to ensure conservation of Copper River king salmon.

DETAILS OF PROBLEM: The CR District Plan specifically directs the department to manage the Copper River District commercial salmon fishery to achieve an inriver goal of salmon, as measured at the sonar counter near Miles Lake. The spawning escapement component of the goal consists of the lower end of the sockeye salmon sustainable escapement goal (360,000 salmon) and **17,500 other salmon**, which would include king salmon and a relatively small number of coho salmon returning before sonar operations cease in late July.

The CR King Salmon Plan specifically directs the department to manage the Copper River commercial and all other fisheries to achieve a sustainable escapement goal of **24,000 or more king salmon**.

The king salmon escapement goals in these two plans clearly appear to be inconsistent with one another. The spawning escapement goal of 17,500 other salmon in the CR District Plan should be revised to match *or exceed* (to account for early returning coho in addition to king salmon) the 24,000-king salmon goal of the related CR King Salmon Plan.

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

The relevant section of the CR District Plan, 5 AAC 24.360 (b), should be revised to read as follows (with revised text emphasized in **bold**):

(b) The department shall manage the Copper River District commercial salmon fishery to achieve an inriver goal of salmon, as measured at the sonar counter near Miles Lake, based on the total of the following categories:

Spawning escapement

- lower end of sockeye salmon sustainable escapement goal
- **24,000 king salmon**
- **500 other salmon** [*or the department's best estimate for the number of coho included in sonar counts*]

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

a) for a fishery conservation purpose or reason:

b) to correct an error in regulation:

This appears to be an error in regulation. The Copper River District Salmon Management Plan directs the department to manage for a specific escapement goal that includes king salmon, while the Copper River King Salmon Management Plan directs the department to manage for a specific, but different king salmon escapement goal.

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

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

From correspondence with department staff, it is our understanding that the CR King Salmon Plan is the driving guidance for king salmon management and escapement, and that the department does not consider the two plans to be contradictory with respect to the different escapement numbers presented for king salmon. But the apparent inconsistency strongly suggests to stakeholders that the total inriver goal of salmon, announced annually, is at least 6,500 too low. The continued apparent inconsistency between the two plans will result in ongoing uncertainty among stakeholders regarding the department's management of Copper River king salmon. This is particularly important given the recent history of king salmon run strength in the Copper River. King salmon escapement in 2020 was the 6th lowest since 2001 and did not meet the escapement goal. It appears that the goal may not be met again in 2021. If this is the case, it will have been the 4th time in the past 10 years, with the lowest run since 2001 having occurred in 2016 when spawning escapement was estimated to be 12,485 salmon. As an example of inconsistency and potential for confusion among stakeholders, in response to the weak king salmon run during the 2021 season, the department enacted restrictions in several upriver fisheries for the purpose of king salmon conservation; meanwhile the commercial fishery in the Copper River District continued to be managed with routine openings and additional king salmon harvest after upriver restrictions were announced.

Resolving the apparent regulatory inconsistency will clarify for all stakeholders the department's management intent relative to king salmon escapement. This transparency in management intent may help to address longstanding concerns expressed by local subsistence users in communities nearest the headwaters of the Copper River. Past research and Alaska Native traditional knowledge indicate that sockeye salmon stocks associated with headwater tributaries are among the earliest stocks to enter the river, with run timing similar to king salmon. Conservation measures that aim to ensure adequate king salmon escapement have the potential to benefit early migrating sockeye salmon stocks and local subsistence users who depend on these headwater stocks for meeting their subsistence needs.

6) STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

This is not allocative, as it appears to be an error in regulation.

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

N.A.

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

Federal Inseason Manager for the fisheries occurring in the Federal waters of the Copper River Drainage, as delegated by the Federal Subsistence Board.

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

Unknown.

Submitted by:

NAME Ben Bobowski, Superintendent of Wrangell-St. Elias National Park and Preserve

Individual or Group

P.O.Box 439

Copper Center, AK

99573

Address

City, State

Zip

Ben_Bobowski@nps.gov

Home Phone

Work Phone

Email

SIGNATURE: _____ **DATE:** _____

Note: Addresses and telephone numbers will not be published.

Mail, fax, or e-mail this completed form to:

Alaska Board of Fisheries

P.O. Box 115526

Juneau, AK 99811-5526

Fax: 907-465-6094

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