

## **ACR 1**

Increase subsistence fishing opportunity for salmon in the Copper River District (5 AAC 01.610).

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

5 AAC 01.610(g)

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

Copper River drift gillnet subsistence users have, for years, had time and area taken away, providing a sharp decline in opportunity to harvest subsistence fish, which is Constitutionally mandated to be the highest priority for this fishery, which is catch limited with the lowest limits of any subsistence fishery on the Copper River, while harvesting from mixed stocks. The loss of time and area is owed largely to the fact that the management of the subsistence fishery is linked to the commercial fishery, and these should be decoupled in order to prioritize subsistence. Since the Board of Fish passed Proposal 51 at the last Prince William Sound/Copper River meeting it placed into statute, subsistence users have effectively lost multiple opportunities that would have previously been available co-occurring with the lost commercial periods, and the Saturday subsistence openers between. In addition, new expanded inside area closures for the commercial fishery have been applied to the subsistence fishery each year, requiring subsistence users, often in small river skiffs, to cross dangerous ocean bars in the Gulf of Alaska to participate. We seek to limit the extent to which subsistence opportunity can be curtailed by Emergency Orders issued by Department of Fish and Game managers, especially prior to the start of the Commercial fishery. We further seek to maintain inside waters as open to subsistence fishing throughout the season before we have a completely avoidable and needless tragedy occur, which is inevitable when river skiffs are forced to cross ocean bars to fish in the Gulf of Alaska.

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

We prefer subsistence fisheries to be open from the regulatory start of the subsistence fishing season until 48 hours before the first Commercial fishing period in all waters, and for subsistence users who are not also Commercial operators to be allowed to subsistence fish in all waters during subsistence-only periods.

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

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

**to correct an error in regulation:**

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

The Board of Fish adopted Proposal 51 for the purpose of Chinook Salmon conservation, substantially modifying a proposal submitted by the National Park Service that sought an escapement-based trigger for Commercial openers based on sockeye passage. The Board did not adequately consider impacts to the subsistence fishery and should act to restore our access to these subsistence resources, remove unnecessary restrictions on a catch-limited fishery, remove

unnecessary hazards to participation, and liberalize the subsistence fishery for the Alaskans who rely on this fishery for food security and do not participate in the Commercial fishery.

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

Each season we endure the current subsistence regulation, users are denied the opportunity to harvest salmon, and pushed into dangerous waters where a tragedy is inevitable.

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

We seek to restore time and area to a catch-limited fishery.

**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 Native Village of Eyak is a Tribal Sovereign Government whose members rely on this subsistence fishery, and have done so for millenia.

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

This ACR has not been considered before.

**SUBMITTED BY:** The Native Village of Eyak

## **ACR 2**

Specify escapement objectives that must be met prior to opening the Copper River District to commercial fishing for salmon (5 AAC 24.310).

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

5 AAC: 24.310 (a)

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

Although the Board attempted to reduce early season Copper River salmon exploitation and allow adequate upstream escapement of Chinook Salmon at the 2024 Board of Fisheries meeting in Cordova through Proposal 51 / RC122, May sonar counts continue to be consistently below ADF&G's Miles Lake objective levels, Chinook escapements have required inseason emergency restrictions and closures, and appear to be well below the Sustainable Escapement Goal level — and especially when inriver subsistence and sport harvests are considered during the 2026 season.

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

(a). The Copper River District may only open after May 21 by emergency order when at least one Miles Lake sonar daily objectives has been met, and may be closed by emergency order until the midpoint of an up-to-date Miles Lake sonar cumulative objective has been met.

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

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

Although the commercial fishery “could theoretically,” be adequately restricted by emergency order to achieve May sonar objectives with more consistent and sustainable harvest rates throughout the entire season — this has not happened in the past three years. The most desirable early-returning salmon continue to be harvested at a significantly higher-than-sustainable rate by the commercial fishery. An Alaskan writer has compared salmon management with driving in that both should be done within the lines, however, during the 2026 season, in particular, the State's commercial management vehicle for Upper Copper River salmon spent most of the season with all wheels in the ditch and appears to have failed in achieving either the overall sonar salmon escapement goal or the Chinook Salmon Sustainable Escapement Goal. Therefore, 5AAC 21.310 (a) should be amended to provide more consistent harvest opportunity throughout the entire season and to avoid unsustainably high harvests at the start of the season.

#### **to correct an error in regulation:**

Not Applicable

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

The point of this ACR is to clarify conservative management within the regulation, thereby assisting management in meeting sustainable escapement goals and providing more sustainable and consistent harvest opportunity for all user groups throughout the entire season.

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

The decline of the most valuable early-returning Upper Copper River salmon may continue with unsustainable high exploitation rates as measured by ADF&G's sonar objectives. The risk of failure to attain the Chinook Salmon SEG will continue along with the possibility of a Stock of Management Concern Listing in the near future.

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

There is an inriver escapement goal upon which the Miles Lake Sonar objectives are based on meeting. When sonar objectives are being met more commercial fishing may be allowed throughout the entire season, and all users have harvest opportunity levels as identified in the management plan.

**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 have participated in the Upper Copper River subsistence, sport, and personal use fisheries. For the past 4 seasons I have only participated in the subsistence fishery.

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

Some of the ideas in this ACR have been considered by the Board in the past. As identified in this ACR the Board adopted changes at the December 2024 meeting in Cordova in an attempt to reduce early-season Copper River salmon exploitation rates and increase Chinook salmon escapement levels. ACRs were also submitted last year seeking to address inadequate early-season sonar passage levels.

**SUBMITTED BY:** Andrew Couch

### **ACR 3**

Reduce statewide private nonprofit salmon hatchery egg-take capacity to less than 100 million eggs annually (5 AAC 40.XXX).

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

5 AAC

Title 16.10.470(f) Title 16.10.445(a)

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

Alaska is releasing about 1.9 billion hatchery salmon per year. In total North Pacific nations are releasing more than 5 billion hatchery salmon. These releases require nutrition far in excess of the capacity of the Pacific Ocean's available food supply. Alaska's wild salmon stocks are starving and not abundant. Alaska's hatchery production needs to be less than 100 million salmon annually.

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

Alaska's total hatchery production and releases need to be less than 100 million salmon annually.

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

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

a) PWS, Chignik, and Area M all have failed to meet their pink salmon production goals. Too many hatchery fish have depleted the available marine food supply and wild stocks are being harmed.

#### **to correct an error in regulation:**

#### **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?**

Wild Alaskan fish stocks will continue to not meet production and escapement goals. Fishermen will continue to suffer economic injury from poor fishery management of excessive hatchery salmon releases. The North Pacific salmon food web will remain in depleted status.

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

Just want the State of Alaska hatchery programs to stop harming wild salmon stocks and the North Pacific Ocean ecosystem.

### **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 fisherman and 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**

No

**SUBMITTED BY:** Timothy Gervais

#### **ACR 4**

Clarify allowable remote-controlled vehicle use and modify hook definitions in sport fishing regulation (5 AAC 75.020 and 5 AAC 75.995).

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

5 AAC 75.020 Sport fishing gear and 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.**

I would like them to address whether or not there will be restrictions on the use of drones and Remote-control boats to drop off bait. I would also like the wording of hook, hooks and single hook and single-hook to be addressed in the fishing regulations. The fishing regulations should be easier for the public to understand how they can be expected to follow the rules if they can't even understand them? It is the response ability of the angler to understand the rules and regulations but wording them in such a manner is going to lead to not only confusion but fines and loss of privileges. It's not right that we make regulations that even ADFG has to spend 15 minutes just to make the call on if it's a trouble single hook or a single only hook there's so much wrong there.

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

Redaction of single hook, hook, multiple hook use in the fishing regulation book and use more common language. Such as Trouble hook, double hook, the word multiple hook should be used when you can use two or more hooks such as a dry dropper when fly fishing. For the second one it should be a yes or no to using remote control equipment to aid in catching fish

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

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

to help anglers understand regulations and to make it where there isn't a giant gray area when it comes to remote control aid

##### **to correct an error in regulation:**

##### **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?**

Nothing anglers will be in a constant state of confusion

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

It is allocative

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

It makes it easier for the anglers, which is the goal of making the regulations more difficult to read and makes them less likely to go outside and enjoy fishing.

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

I'm a sport angler

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

I don't believe it has

**SUBMITTED BY:** Silas Hickman

## **ACR 5**

Reclassify European green crab from a class A to a class B banned invasive species (5 AAC 41.075).

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

5 AAC 41.075 Classification of banned invasive species.

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

European green crabs are classified as a Class A banned invasive species under 5 AAC 41.075. The status quo policy related to European green crabs requires people to acquire an aquatic resource permit to trap them and allows those without licenses to only note the location and share information about the encounter with the Alaska Department of Fish and Game. Although this might be a sufficient policy for other invasive species relegated to a specific, isolated location, the status quo is insufficient for preventing the spread of European green crab, which travel great distances of their own accord on oceanic tides when in their larval state. This makes it difficult to know when and where they will establish populations. Alaska's shoreline is approximately 47,300 miles long and is very sparsely populated according to State of Alaska estimates. With this reality in mind, local community involvement will be essential in overseeing and managing this problem as it evolves. The current categorization of European green crab as a Class A: Banned invasive species inhibits the public's ability to address the problem, of which many are interested in solving.

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

We propose reclassifying the European Green crab from Class A: Banned Invasive Species to Class B: Banned Invasive Species under ADF&G regulation 5 AAC 41.075. This change would allow people to kill them when they come across European Green Crabs and harvest them. There would be no need to reword the existing regulation, the only change would be moving European green crab from Class A: Banned Invasive Species to Class B: Banned Invasive Species.

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

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

Regarding item a, in the 2002 Alaska Aquatic Nuisance Species Management Plan, ADF&G acknowledged the threat EGC posed to Alaskan fisheries (Fay, 2002). "Because king, Tanner and Dungeness crab all use shorelines as nursery areas, a green crab invasion has the potential to significantly impact recruitment needed to maintain Alaska's valuable crab and halibut fisheries" (Fay, 2002, p. 6). As these environments become more compromised through erosion and degradation of key plants like eelgrass, native fisheries like salmon, herring, and Dungeness crab are unable to maintain a consistent population yield and replenish their stocks year after year (Drinkwin et al, 2019; Weingartner, 2026). McDonald (2001) found that EGC consistently outcompeted Dungeness crab for shelter one-on-one due to the former's superior pincer strength and aggressive behavior (McDonald et al, 2001). This causes Dungeness crabs to retreat to parts of the coast that leave them more exposed to predating fish and birds (McDonald et al, 2001).

Furthermore, EGC threatens Southeast Alaska subsistence and personal use clam fisheries as they have significantly depleted populations in Maine in the 1950s from 8.5 million pounds to just 0.6

million pounds over the course of eight years due to European green crabs consuming young clams before they could reach harvestable size (Drinkwin et al, 2019; Weingartner, 2026). Similarly, Lindsey (2026) found that Oregon oyster growers found 5% to 20% of their oysters are rendered unmarketable due to green crab predation on juvenile oysters (Lindsey, 2026).

This ACR would help protect against the damage caused by these invasive crabs for native crabs and salmon.

**to correct an error in regulation:**

This ACR does not apply to item b.

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

Should this ACR be accepted, it would allow the regulation to reflect the reality that European green crab can spread on their own in their larval state on oceanic tides regardless of human activity.

Regarding item c: the rapid expansion of the EGC was not foreseen at the time of its original listing, as they had not yet been observed in Alaska. Given the immense coastline, sparse population, and limited department resources to address this expansion, allowing the public to assist in the direct removal of EGC will help take steps to aid in addressing this problem. Making this change would allow for people living in coastal Alaska to utilize European green crabs for food-related uses while simultaneously removing these invasive crabs from the marine environment.

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

If this problem is not addressed before 2028, when Southeast shellfish is scheduled for the Board of Fisheries, the issue will continue to worsen and will be both more expensive and difficult to mitigate. Although, according to current knowledge, the establishment of European green crab populations in Alaska is primarily localized to the communities of Metlakatla and Ketchikan, this certainly won't remain the case. There have already been European green crab carapaces found in other coastal communities, including Kasaan and have been noted as far north as Etolin Island. EGC were first discovered in Alaska in 2022 on Annette Island by the Metlakatla Indian Community, who have since launched a local campaign to remove EGC from sensitive habitat around Metlakatla. Just in the few years since, the numbers have increased significantly. Between 2024 and 2025, the annual recorded number of crabs trapped in Metlakatla went from 1,460 to 41,000. As of August 26th, 2026, Metlakatla Indian Community has caught 30,500 European Green Crab on Annette Island this year alone and tribal and other volunteer trappers on Ketchikan's Revillagigedo Island have trapped just over 4000 live EGC. These numbers do not include areas where European green crabs are living without being detected, which makes prompt, state-wide intervention a major priority.

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

This ACR is meant to reduce regulatory burden on subsistence, sport, and commercial fishers interested in helping mitigate the spread in European green crab. This action would not privilege one group above another, instead it would lower the barrier for people to consume the crabs and

utilize them as a resource which is currently illegal under the current classification of European green crab as a Class A: Banned Invasive Species.

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

This request is not allocative.

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

I am a Petersburg local, subsistence user, and personal use Dungeness crabber.

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

This proposal has not been considered by the Board of Fisheries. There was a request for emergency action filed by the Ketchikan Indian Community on March 18, 2026; a response and denial was sent to KIC by Commissioner Doug Vincent-Lang on May 19, 2026.

**SUBMITTED BY:** Bergen Kludt-Painter

## **ACR 6**

Establish a 10 consecutive day closure between June 10 and June 23 for seine and drift gillnet gear in the *South Unimak and Shumagin Islands June Salmon Management Plan* (5 AAC 09.365).

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

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

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

This ACR requests re-instatement of Proposal #127 (RC245) approved by the Alaska Board of Fisheries at the February 2026 Alaska Peninsula Area M meeting. The Board of Fisheries voted (4-3) to **“Establish a 10 consecutive day closure between June 10 and June 23 for seine and drift gillnet gear. Amended with substitute language found in RC245. Further amended (A) on the top of page 2 of RC245, changing 16 hours per day to 24 hours per day.**

Our original proposal problem statement read as follows:

The Alaska Peninsula / Shumigan Islands (Area M) is managed by a 3-year Alaska Board of Fisheries (BOF) cycle instead of an in-season escapement management as almost all other Alaska salmon fisheries are regulated.

In February of 2023, the Alaska Board of Fisheries adopted a South Unimak and Shumigan Islands Management Plan that may have encouraged under-reporting of harvest of Coastal Western Alaska (CWAK) chum, while the chum stocks that the Plan intended to protect clearly remain in increasingly critical condition across Western.

Coastal Western Alaska (CWAK) chum and king salmon have been in severe decline to the point of extirpation in some discrete stocks. That situation only worsened in the 2023 and 2024 AYK salmon seasons. This includes the Yukon River, Kuskokwim River, Unalakleet River and the Nushagak River. The predominant AYK chum producing rivers are the Yukon and the Kuskokwim. The relationships between the intercept of chum in Area M and the declines of CWAK chum has never been adequately established to understand the social and ecological impacts of Area M fisheries on AYK salmon and subsistence communities. But in times of severe concern over the sustainability of AYK stocks, it is not a matter of every fish counting but every egg counting for fecundity on the spawning grounds.

The Alaska Sustainable Salmon Policy (SSP/ 5AAC 39.222) requires that “the burden of conservation” of a depleted species be shared. In 2022, Bering Sea Fishermen’s Association, along with several tribal consortiums, wrote a letter to the Alaska Department of Fish and Game noting “If ADF&G does not limit June commercial harvest opportunities within Area M, the ensuing unmitigated interception of AYK-bound chum all but assures the destruction of AYK Region economies and traditional subsistence lifestyles, and places the entire burden of conservation on the shoulders of AYK Region subsistence users. The survival of our communities depends upon ADF&G’s intervention.” Even more significant, it could mean the extirpation of some chum stocks entirely.

Any closure intended to protect migrating non-target species must be long enough for a significant number of fish to completely transit the South Peninsula fishing districts. Further, for a closure to permit a substantial number of fish to transit the entire fishing area, it should be at least 10 days long and focused on the peak of the chum migration.

Actions since the February 2026 Alaska Peninsula/Aleutian Island/Chignik Finfish Meeting:

This is one of five Board of Fisheries actions that were vacated by the Department of Law following the February 2026 meeting. Other regulations adopted by the Board were delayed in their implementation. To date, no public explanation or justification for these actions has been provided. In the absence of a clear rationale or transparent review process, the vacating of these regulations should be considered arbitrary and capricious. There is a distinct lack of consistency and fairness in the decision-making process by the Department of Law.

On April 3, 2026, the Aleutians East Borough, Area M Seiners Association, Concerned Area M Fishermen and the Native Village of Unga, filed a Complaint For Preliminary Injunction, Declaratory Judgment and Permanent Injunction (Administrative Procedure Act, As 44.62) in the Superior Court of the State of Alaska based, on alleged ethics violations of 3 Board of Fisheries members.

On May 13, 2026, Bering Sea Fishermen's Association (BSFA) filed an Order Regarding Joint Notice and Stipulation of Dismissal (Case Motion #10) and an Order On Motion To Intervene (Case Motion #7) claiming their interests would not be adequately represented by the Attorney General's office.

On May 20, 2026, Acting Attorney General Cori Mills of the State of Alaska vacated 5 proposals, including #127, named in contention in the lawsuit. On May 22, 2026, the State of Alaska dismissed the lawsuit. These two actions reversed the action of Proposal #127 which was intended to reduce the amount of chum salmon "bycatch" in the June sockeye fishery in order to increase depleted chum stocks in Western Alaska tributaries. Therefore, Area M management of the June fishery reverted back to a voluntary fleet Adaptive Management Plan which raised many concerns over excessive chum bycatch, with essentially no enforcement and a confusing non-application of "triggers" designed to limit bycatch.

Subsequent court filings by BSFA on May 26, 2026 did not result in a positive response.

Because of the unique and unprecedented circumstances resulting from the February 2026 Board of Fisheries meeting, there has been no venue for publicly adjudicating the merits of the complaint. This raises many questions on the validity of the State's intervention in a Board of Fisheries decision and has created a serious breach of trust in the public process.

In addition, this heightens the concern of Western Alaska over the State's intent to protect a vital subsistence species.

This has always been an issue of conservation. (See Section #4) Both in February 2023 and in February 2026, Western Alaskan residents, reeling from escalating decreases in Chinook and chum salmon, unable to meet ANS (Amounts Necessary for Subsistence) or even to harvest at all, have

petitioned the Alaska Board of Fisheries to restrict the Area M June fishery on the basis of the high historical bycatch of chum salmon. Both meetings were highly contentious, but at the 2026 meeting, a reasonable compromise was reached with RC245. Now that compromise has been arbitrarily vacated and the result is a much higher bycatch in 2026 of depleted chum stocks in the Area M June fishery.

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

Reinstatement of Proposal #127 (as RC245) that was approved by the Alaska Board of Fisheries on a 4-3 vote February 2026 to **“Establish a 10 consecutive day closure between June 10 and June 23 for seine and drift gillnet gear. Amended with substitute language found in RC245. Further amended (A) on the top of page 2 of RC245, changing 16 hours per day to 24 hours per day.**

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

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

The BOF took sweeping action not only in the Area M meeting, but statewide to limit interception of Chinook and chum to ensure passage of those species to the spawning grounds. Only in the Aleutian Peninsula (Area M) did these regulations not take place. The net result is an increase in harvest of chum in the 2026 season, directly contradicting the intent of the Board of Fisheries and increasing harvest, rather than decreasing it. If you take mandatory non-retention of Chinook salmon that was passed to defeat data gathering on Chinook mortality (and led to two closures in the 2025 season), the end result is actually increased fishing opportunity and not conservation.

##### **to correct an error in regulation:**

The BOF made its intent clear, and to date the Department of Law has published no finding of Ethical violations, which they would have been forced to publish had there been such a violation. As a result, the BOF's will has been circumvented by administrative gamesmanship and obfuscation of facts.

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

The BOF did not consider that its intent would be administratively circumvented by the Department of Law. Without a finding of conflict, the Department of Law ran out the clock on the BOF's makeup in hopes of finding a more commercial fishing friendly board.

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

There will be increasing unregulated losses of chum salmon bound for Western Alaska tributaries. The integrity of the process has been compromised. The State made a commitment through the Board of Fish but subsequently failed to honor and uphold that commitment. Damage has been done. Legal and legislative options are being exercised. The most effective path forward is to restore the Board of Fisheries' regulatory process and ensure it can once again function as intended—with decisions made through a transparent, public process that provides certainty, accountability, and confidence for all stakeholders.

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

The conservation of wild salmon is a fundamental principle reflected throughout the State's statutes and regulations and remains the highest management priority. Achieving sustainable escapement is essential not only for the long-term viability of individual salmon stocks but also for the continued sustainability of Alaska's fisheries. The Board recognized this principle in adopting these regulations, which were designed to focus harvest on abundant sockeye salmon while minimizing impacts on wild Chinook and chum salmon stocks that have experienced decades of decline. Although fisheries management influences harvest rates, state law and policy require that management decisions prioritize the long-term sustainability and conservation of wild salmon populations.

**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.**

The subsistence users of the Orutsararmiut Tribe and the broader AYK Region have carried the burden of conservation for CWAK chum during years of severe decline, taking on closures and restrictions while still relying on these salmon for food security, cultural tradition, and community well-being. ONC's leadership has consistently advocated that interception in Area M contributes to reduced returns of CWAK chum to the Kuskokwim River and other AYK systems, urging management agencies to acknowledge these impacts and ensure that conservation responsibility is shared fairly across all 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**

Proposal #127 (RC245) passed by the Alaska Board of Fisheries in February 2026 but vacated by the Alaska Attorney General in May 2026, subsequent to the arbitrary and capricious dismissal of an active lawsuit. This is highly unprecedented and may be in violation of the Administrative Procedures Act.

**SUBMITTED BY:** Orutsararmiut Native Council

## **ACR 7**

Establish a 10 consecutive day closure between June 10 and June 23 for seine and drift gillnet gear in the *South Unimak and Shumagin Islands June Salmon Management Plan* (5 AAC 09.365).

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

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

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

This ACR is a request for re-instatement of Proposal #127 (as RC245) that was approved by the Alaska Board of Fisheries at the Alaska Peninsula Area M meeting, February 2026, 4-3 vote to **“Establish a 10 consecutive day closure between June 10 and June 23 for seine and drift gillnet gear. Amended with substitute language found in RC245. Further amended (A) on the top of page 2 of RC245, changing 16 hours per day to 24 hours per day.**

(From the original proposal submitted by Orutsararmiut Native Council (EF-F26-143))

The Alaska Peninsula /Shumagin Islands (Area M) is managed by a 3-year Alaska Board of Fisheries (BOF) cycle instead of an in-season escapement management as almost all other Alaska salmon fisheries are regulated. In February of 2023, the Alaska Board of Fisheries adopted a South Unimak and Shumagin Islands Management Plan that may have encouraged under-reporting of harvest of Coastal Western Alaska (CWAK) chum, while the chum stocks that the Plan intended to protect clearly remain in increasingly critical condition across Western. Coastal Western Alaska (CWAK) chum and king salmon have been in severe decline to the point of extirpation in some discrete stocks. That situation only worsened in the 2023 and 2024 AYK salmon seasons. This includes the Yukon River, Kuskokwim River, Unalakleet River and the Nushagak River. The predominant AYK chum producing rivers are the Yukon and the Kuskokwim. The relationships between the intercept of chum in Area M and the declines of CWAK chum has never been adequately established to understand the social and ecological impacts of Area M fisheries on AYK salmon and subsistence communities. But in times of severe concern over the sustainability of AYK stocks, it is not a matter of every fish counting but every egg counting for fecundity on the spawning grounds.

The Alaska Sustainable Salmon Policy (SSP/ 5AAC 39.222) requires that “the burden of conservation” of a depleted species be shared. In 2022, Bering Sea Fishermen’s Association, along with several tribal consortiums, wrote a letter to the Alaska Department of Fish and Game noting “If ADF&G does not limit June commercial harvest opportunities within Area M, the ensuing unmitigated interception of AYK-bound chum all but assures the destruction of AYK Region economies and traditional subsistence lifestyles, and places the entire burden of conservation on the shoulders of AYK Region subsistence users. The survival of our communities depends upon ADF&G’s intervention.” Even more significant, it could mean the extirpation of some chum stocks entirely.

Any closure intended to protect migrating non-target species must be long enough for a significant number of fish to completely transit the South Peninsula fishing districts. Further, for a closure to

permit a substantial number of fish to transit the entire fishing area, it should be at least 10 days long and focused on the peak of the chum migration.

**BACKGROUND: (as of August 18, 2026)**

This regulation is one of five Board of Fisheries actions that were vacated by the Department of Law following the February 2026 Board meeting. Other regulations adopted by the Board were delayed in their implementation. To date, no public explanation or justification for these actions has been provided. In the absence of a clear rationale or transparent review process, the vacating of these regulations should be considered arbitrary and capricious. There is a distinct lack of consistency and fairness in the decision-making process by the Department of Law.

Subsequent to the Alaska Peninsula February 2026 Board of Fisheries (BOF) meeting, the Aleutians East Borough, Area M Seiners Association, Concerned Area M Fishermen and the Native Village of Unga, Filed A Complaint For Preliminary Injunction, Declaratory Judgment and Permanent Injunction (Administrative Procedure Act, As 44.62) on April 3, 2026, in the Superior Court of the State of Alaska based, on presumed ethics violations of 3 Board of Fish members.

On May 13th, the Bering Sea Fishermen's Association (BSFA), on behalf of Western Alaska constituents, filed an Order Regarding Joint Notice And Stipulation Of Dismissal (Case Motion #10) And Order On Motion To Intervene (Case Motion #7) claiming that their interests are not adequately represented by the Attorney General's office.

On May 20, 2026, the Acting Attorney General Cori Mills of the State of Alaska vacated 5 proposals, including #127, that were named in contention in the lawsuit. On May 22, 2026, the State of Alaska dismissed the lawsuit. These two actions reversed the action of Proposal #127 which was intended to reduce the amount of chum salmon "bycatch" in the June sockeye fishery in order to increase depleted chum stocks in Western Alaska tributaries. Therefore, Area M management of the June fishery reverted back to a voluntary fleet Adaptive Management Plan that had raised many concerns over excessive chum bycatch, with essentially no enforcement and a confusing non-application of "triggers" designed to limit bycatch.

Subsequent court filings by the BSFA on May 26th have not resulted in any positive response from the State.

Because of the unique and unprecedented circumstances resulting from the February 2026 Aleutian Islands/Area M Board of Fisheries meeting, there has been no venue for publicly adjudicating the merits of the complaint. This has raised many questions on the validity of the State's intervention in a Board of Fisheries decision and has created a serious breach of trust in the public process.

In addition, this heightens the concern of Western Alaska over the State's intent to protect a vital subsistence species.

This has always been an issue of conservation. (See Section #4) Both in February 2023 and in February 2026, Western Alaskan residents, reeling from escalating decreases in Chinook and chum salmon, unable to meet ANS (Amounts Necessary for Subsistence) or even to harvest at all, have

petitioned the Alaska Board of Fisheries to restrict the Area M June fishery on the basis of the high historical bycatch of chum salmon. Both meetings were highly contentious, but at the 2026 meeting, a reasonable compromise was reached with RC245. Now that compromise is arbitrarily vacated and the result is a much higher bycatch in 2026 of depleted chum stocks in the Area M June fishery.

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

Re-instate Proposal #127 (as RC245) that was approved by the Alaska Board of Fisheries on a 4-3 vote February 2026 to **“Establish a 10 consecutive day closure between June 10 and June 23 for seine and drift gillnet gear. Amended with substitute language found in RC245. Further amended (A) on the top of page 2 of RC245, changing 16 hours per day to 24 hours per day.**

*See attached RC245*

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

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

Arctic, Yukon, and Kuskokwim (AYK) Chinook and chum salmon begin their migration to their spawning grounds by passing through Area M. AYK salmon comprise the predominant wild stocks harvested during the Area M June fishery, yet these populations have been in decline for multiple salmon life cycles. The conservation of these wild stocks, along with the protection of the subsistence fisheries that depend upon them, is the highest priority under both state statute and Board of Fisheries regulations.

**The Board took sweeping action not only in the Area M meeting, but statewide to limit interception of Chinook and chum to ensure passage of those species to the spawning grounds. Only in the Alaska Peninsula did these regulations not take place.** The net result is an increase in harvest of chum in the 2026 season, directly contradicting the intent of the Board of Fisheries and increasing harvest, rather than decreasing it. If you take mandatory non-retention of chinook that was passed to defeat data gathering on Chinook mortality (and led to two closures in the 2025 season), the end result is actually increased fishing opportunity and not conservation.

The Alaska Peninsula Area M June Fishery 2026 recorded almost 490,000 transient chum salmon intercepted in the directed sockeye fishery.

In comparison, in February 2026, the North Pacific Fishery Management Council (NPFMC) approved a bycatch cap of 45,000 Western Alaska chum for pollock trawlers in federal waters of the Bering Sea / Aleutian Islands (BSAI).

This makes the Area M intercept fishery actual harvest in 2026 over 10 times the allowable chum bycatch of the BSAI. Even if we assume that only 25% of the Area M June chum salmon harvest were of Western Alaska origin, that still amounts to over 121,000 Western Alaska chum salmon harvested in 2026 – nearly triple the BSAI limit.

Simultaneously, Chum stocks in the Arctic-Yukon-Kuskokwim region are struggling to even meet escapement goals with limited to NO harvest.

Yukon summer chum and Kuskokwim chum showed one year of higher abundance in 2026 following more than 4 years of record-low returns. Because one year does not constitute a trend, conservation measures in-river continued with fishing restrictions and closures were yet again in place in the Yukon and Kuskokwim rivers to protect chum salmon. On the Yukon, directed fishing for fall chum salmon was completely closed, and summer chum harvests were allowed only with selective gear (dip nets). On the Kuskokwim, the chum salmon run was marred by prolonged closures to gillnet fishing. These restrictions are aimed at supporting escapement, but nonetheless jeopardize communities' food security (as measured by ANS).

While Western Alaska directed salmon fisheries face these restrictions for the conservation of chum salmon, Area M directed salmon fisheries – though proven to intercept significant amounts of Western Alaska chum salmon – do not bear these same burdens. Adherence to the Policy for the Management of Sustainable Salmon Fisheries (5 AAC 39.222) and Subsistence Use and Allocation (AS 16.05.258) should require a more even allocation of conservation, including and especially for commercial harvests of depressed stocks. This ACR will allow the Board to step in-line with this policy and statute.

Moreover, because the Area M fishery is a state-managed INTERCEPT fishery, and not a terminal fishery, the Area M June salmon fishery is managed on a three-year Board of Fish cycle, rather than on escapement goals or in-season data about the stocks harvested. This is unlike almost every other regional fishery in Alaska. The current management plan inhibits transparency, prevents responsiveness to in-season information, and has not proven to be reactive to the prescribed “triggers.” There is limited law enforcement in the region during this fishery because of the geographical nature of the area and limited law enforcement funding, challenging the state's ability to ensure regulations are followed. And, unlike the federal fisheries of the BSAI, there are no on-board observers.

**Area M Salmon Harvest Summary**  
**COMMERCIAL SALMON HARVEST SUMMARY**  
**(INSEASON HARVEST ESTIMATES)**

| Species      | Daily Harvest  | Total Through June 30, 2026 |
|--------------|----------------|-----------------------------|
| Chinook      | 3              | 1,304                       |
| Sockeye      | 184,403        | 2,698,435                   |
| Coho         | 0              | 502                         |
| Pink         | 0              | 1,325,697                   |
| Chum         | 17             | 486,207                     |
| <b>TOTAL</b> | <b>184,423</b> | <b>4,512,145</b>            |

**to correct an error in regulation:**

The Board made its intent clear, and to date the Department of law has published no finding of Ethical violations, which they would have been forced to publish had there been such a violation. As a result, the board's will has been circumvented by administrative gamesmanship and obfuscation of facts.

The vacating of a block of regulations adopted by the Board of Fisheries is unprecedented and was not foreseen as an impediment to management. These regulations were adopted through the Board's established public process to address the documented decline of wild salmon stocks, which the Board determined were affected by the Area M fisheries. As a result of this action, important management tools were removed without providing an alternative mechanism to address the conservation concerns the regulations were intended to mitigate.

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

The Board did not consider that its intent would be administratively circumvented by the department of law. Without a finding of conflict, the Department of law ran out the clock on the board's makeup in hopes of finding a more commercial fishing friendly board).

Notwithstanding the management issues surrounding the decision to vacate the Board's action, the reversal of regulations adopted through the Board's established public process calls the integrity of the entire process into question. Months of preparation, statewide meetings conducted by numerous advisory committees, and extensive deliberation during Board meetings were effectively set aside through what appeared to be an internal memorandum issued at the highest levels of state government. The public process was overridden without a clear explanation or transparent justification.

As a result, confidence in the Board of Fish's regulatory process has been undermined. If decisions reached through a comprehensive and transparent public process can be reversed outside that process, it raises a fundamental question: What is the purpose of engaging the public and the Board in this process?

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

There will be increasing unregulated losses of chum salmon bound for Western Alaska tributaries. The integrity of the process has been compromised. The State made a commitment through the Board of Fish but subsequently failed to honor and uphold that commitment. Damage has been done. Legal and legislative options are being exercised. The most effective path forward is to restore the Board of Fisheries' regulatory process and ensure it can once again function as intended—with decisions made through a transparent, public process that provides certainty, accountability, and confidence for all stakeholders.

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

The conservation of wild salmon is a fundamental principle reflected throughout the State's statutes and regulations and remains the highest management priority. Achieving sustainable escapement is essential not only for the long-term viability of individual salmon stocks but also for the continued sustainability of Alaska's fisheries. The Board recognized this principle in adopting these regulations, which were designed to focus harvest on abundant sockeye salmon while minimizing impacts on wild Chinook and chum salmon stocks that have experienced decades of decline. Although fisheries management influences harvest rates, state law and policy require that management decisions prioritize the long-term sustainability and conservation of wild salmon populations.

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

Not applicable.

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

The Fairbanks Fish and Game Advisory Committee (FAC) is an advisory to the Alaska Board of Fisheries. We are deeply concerned with the declining Chinook, chum and coho stocks on the Yukon River and in the general trend of declining abundance all over Western Alaska. We are further concerned about the general decline in average size and year class of Chinook, and average sizes for all salmon species, including sockeye. This greatly impacts subsistence, personal use and sports fishing, aside from the historic loss of commercial fishing, and it makes potential recovery much more difficult.

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

This was a proposal passed by the Alaska Board of Fisheries in February 2026 but vacated by the Alaska Attorney General in May 2026, subsequent to the dismissal of a lawsuit. This is highly unprecedented and may be in violation of the Administrative Procedures Act.

**SUBMITTED BY:** Fairbanks Fish and Game Advisory Committee (FAC)

## **ACR 8**

Amend the *Post-June Salmon Management Plan for the South Alaska Peninsula* to enforce king salmon caps with reductions in commercial salmon fishing time in the South Alaska Peninsula (5 AAC 09.366).

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

5 AAC 09.366. Post-June Salmon Management Plan for the South Alaska Peninsula.

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

The depletion of king salmon across the Gulf of Alaska is quickly becoming a crisis that threatens the very livelihood of Alaska's commercial salmon fleet. The South Alaska Peninsula commercial salmon fishery needs restrictions in place to deter the harvest of king salmon similar to the restrictions that exist in the Chignik Area.

This ACR is a request for re-instatement of Proposal #141 that was approved by the Alaska Board of Fisheries on a 5-2 vote February 2026 to **"Amend the Post-June Salmon Management Plan for the South Alaska Peninsula to enforce king salmon caps with reductions in commercial salmon fishing time in the South Alaska Peninsula."**

The positive action of the BOF was subsequently vacated by the Attorney General of Alaska in an action that may have violated the Administrative Procedures Act. (Case No. 3AN-26-05959 CI MOTION TO RECONSIDER filed by BSFA May 26, 2026 Superior Court for the State of Alaska.)

### **BACKGROUND: (as of August 18, 2026)**

1) This regulation is one of five Board of Fisheries actions that were vacated by the Department of Law following the February 2026 Board meeting. Other regulations adopted by the Board were delayed in their implementation. To date, no public explanation or justification for these actions has been provided. In the absence of a clear rationale or transparent review process, the vacating of these regulations should be considered arbitrary and capricious. There is a distinct lack of consistency and fairness in the decision-making process by the Department of Law.

The Board of Fisheries considered, deliberated upon, and formally approved this regulation through its established public process. The Department of Law, the Department of Fish and Game, and the Department of Public Safety each indicated that there were no errors or omissions in the Board's consideration of the regulation. The regulation was properly proposed, reviewed, adopted, and approved for implementation through the required process and should therefore be reinstated and allowed to take effect as originally intended.

2)The Area M June salmon fisheries harvest depleted western Alaska Chinook and chum salmon stocks. While sockeye salmon stocks are the primary target of the Area M fisheries and provide significant economic value, the conservation of depleted wild Chinook and chum salmon stocks remains a critical management priority. Sockeye salmon are generally known to occupy surface waters, whereas Chinook and chum salmon tend to migrate at deeper depths, creating opportunities

for more selective harvest strategies. Significant conservation measures have been implemented throughout Alaska to protect and rebuild vulnerable wild salmon stocks, particularly in western Alaska. Maintaining a focus on sockeye salmon harvest while reducing impacts on depleted Chinook and chum salmon stocks supports the long-term sustainability of wild salmon populations and aligns with the State's legal, conservation, and stewardship obligations.

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

Re-instate Proposal #141 that was approved by the Alaska Board of Fisheries on a 5-2 vote at the Alaska Peninsula / Area M meeting, February 2026

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

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

Arctic, Yukon, and Kuskokwim (AYK) Chinook and chum salmon begin their migration to their spawning grounds by passing through Area M. AYK salmon comprise the predominant wild stocks harvested during the Area M June fishery, yet these populations have been in decline for multiple salmon life cycles. The conservation of these wild stocks, along with the protection of the subsistence fisheries that depend upon them, is the highest priority under both state statute and Board of Fisheries regulations

##### **to correct an error in regulation:**

The vacating of a block of regulations adopted by the Board of Fisheries is unprecedented and was not foreseen as an impediment to management. These regulations were adopted through the Board's established public process to address the documented decline of wild salmon stocks, which the Board determined were affected by the Area M fisheries. As a result of this action, important management tools were removed without providing an alternative mechanism to address the conservation concerns the regulations were intended to mitigate.

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

Notwithstanding the management issues surrounding the decision to vacate the Board's action, the reversal of regulations adopted through the Board's established public process calls the integrity of the entire process into question. Months of preparation, statewide meetings conducted by numerous advisory committees, and extensive deliberation during Board meetings were effectively set aside through what appeared to be an internal memorandum issued at the highest levels of state government. The public process was overridden without a clear explanation or transparent justification.

As a result, confidence in the Board of Fish's regulatory process has been undermined. If decisions reached through a comprehensive and transparent public process can be reversed outside that process, it raises a fundamental question: What is the purpose of engaging the public and the Board in this process?

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

The lack of a Chinook salmon conservation plan in the South Alaska Peninsula Area will continue to deplete Chinook resources.

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

The conservation of wild salmon is a fundamental principle reflected throughout the State's statutes and regulations and remains the highest management priority. Achieving sustainable escapement is essential not only for the long-term viability of individual salmon stocks but also for the continued sustainability of Alaska's fisheries. The Board recognized this principle in adopting these regulations, which were designed to focus harvest on abundant sockeye salmon while minimizing impacts on wild Chinook and chum salmon stocks that have experienced decades of decline. Although fisheries management influences harvest rates, state law and policy require that management decisions prioritize the long-term sustainability and conservation of wild salmon populations.

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

Not applicable.

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

The Fairbanks Fish and Game Advisory Committee (FAC) is an advisory to the Alaska Board of Fisheries. We are deeply concerned with the declining Chinook, chum and coho stocks on the Yukon River and in the general trend of declining abundance all over Western Alaska. We are further concerned about the general decline in average size and year class of Chinook, and average sizes for all salmon species, including sockeye. This greatly impacts subsistence, personal use and sports fishing, aside from the historic loss of commercial fishing, and it makes potential recovery much more difficult.

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

This was a proposal passed by the Alaska Board of Fisheries in February 2026 but vacated by the Alaska Attorney General in May 2026, subsequent to the dismissal of a lawsuit. This is highly unprecedented and may be in violation of the Administrative Procedures Act.

**SUBMITTED BY:** Fairbanks Fish and Game Advisory Committee (FAC)

## **ACR 9**

Reduce maximum gillnet depth in the Alaska Peninsula Area to 70 meshes (5 AAC 09.331).

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

Alaska Administrative Code Number 5 AAC: 5 AAC 09.331. Gillnet specifications and operations.

5AAC 09.331 Gillnet specifications and operations. (a) the size and operation for drift gillnets is as follows:

(3) In the Northwestern, Unimak, and Southwestern Districts, no drift gillnet may exceed 70 meshes in depth.

(4) beginning in 2027, in the Northwestern, Unimak, and Southwestern Districts, no drift gillnet may exceed 70 meshes in depth;

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

This ACR is a request for re-instatement of Proposal #147 that was approved by the Alaska Board of Fisheries on a 4-3 vote February 2026 to **Reduce maximum gillnet depth to 70 meshes. Amended with substitute language found in RC161. (attached.)**

The positive action of the BOF was subsequently vacated by the Attorney General of Alaska in an action that may have violated the Administrative Procedures Act. (Case No. 3AN-26-05959 CI MOTION TO RECONSIDER filed by BSFA May 26, 2026 Superior Court for the State of Alaska.)

### **BACKGROUND: (as of August 18, 2026)**

1) This regulation is one of five Board of Fisheries actions that were vacated by the Department of Law following the February 2026 Board meeting. Other regulations adopted by the Board were delayed in their implementation. To date, no public explanation or justification for these actions has been provided. In the absence of a clear rationale or transparent review process, the vacating of these regulations should be considered arbitrary and capricious. There is a distinct lack of consistency and fairness in the decision-making process by the Department of Law.

The Board of Fisheries considered, deliberated upon, and formally approved this regulation through its established public process. The Department of Law, the Department of Fish and Game, and the Department of Public Safety each indicated that there were no errors or omissions in the Board's consideration of the regulation. The regulation was properly proposed, reviewed, adopted, and approved for implementation through the required process and should therefore be reinstated and allowed to take effect as originally intended.

2)The Area M June salmon fisheries harvest depleted western Alaska Chinook and chum salmon stocks. While sockeye salmon stocks are the primary target of the Area M fisheries and provide significant economic value, the conservation of depleted wild Chinook and chum salmon stocks remains a critical management priority. Sockeye salmon are generally known to occupy surface waters, whereas Chinook and chum salmon tend to migrate at deeper depths, creating opportunities for more selective harvest strategies. Significant conservation measures have been implemented

throughout Alaska to protect and rebuild vulnerable wild salmon stocks, particularly in western Alaska. Maintaining a focus on sockeye salmon harvest while reducing impacts on depleted Chinook and chum salmon stocks supports the long-term sustainability of wild salmon populations and aligns with the State's legal, conservation, and stewardship obligations.

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

Reapprove the regulations that have passed the Board process during the February 2026 meeting.

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

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

Arctic, Yukon, and Kuskokwim (AYK) Chinook and chum salmon begin their migration to their spawning grounds by passing through Area M. AYK salmon comprise the predominant wild stocks harvested during the Area M June fishery, yet these populations have been in decline for multiple salmon life cycles. The conservation of these wild stocks, along with the protection of the subsistence fisheries that depend upon them, is the highest priority under both state statute and Board of Fisheries regulations.

#### **to correct an error in regulation:**

The vacating of a block of regulations adopted by the Board of Fisheries is unprecedented and was not foreseen as an impediment to management. These regulations were adopted through the Board's established public process to address the documented decline of wild salmon stocks, which the Board determined were affected by the Area M fisheries. As a result of this action, important management tools were removed without providing an alternative mechanism to address the conservation concerns the regulations were intended to mitigate.

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

Notwithstanding the management issues surrounding the decision to vacate the Board's action, the reversal of regulations adopted through the Board's established public process calls the integrity of the entire process into question. Months of preparation, statewide meetings conducted by numerous advisory committees, and extensive deliberation during Board meetings were effectively set aside through what appeared to be an internal memorandum issued at the highest levels of state government. The public process was overridden without a clear explanation or transparent justification.

As a result, confidence in the Board of Fish's regulatory process has been undermined. If decisions reached through a comprehensive and transparent public process can be reversed outside that process, it raises a fundamental question: What is the purpose of engaging the public and the Board in this process?

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

The integrity of the process has been compromised. The State made a commitment through the Board of Fish but subsequently failed to honor and uphold that commitment. Damage has been done. Legal and legislative options are being exercised. The most effective path forward is to

restore the Board of Fisheries' regulatory process and ensure it can once again function as intended—with decisions made through a transparent, public process that provides certainty, accountability, and confidence for all stakeholders.

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

The conservation of wild salmon is a fundamental principle reflected throughout the State's statutes and regulations and remains the highest management priority. Achieving sustainable escapement is essential not only for the long-term viability of individual salmon stocks but also for the continued sustainability of Alaska's fisheries. The Board recognized this principle in adopting these regulations, which were designed to focus harvest on abundant sockeye salmon while minimizing impacts on wild Chinook and chum salmon stocks that have experienced decades of decline. Although fisheries management influences harvest rates, state law and policy require that management decisions prioritize the long-term sustainability and conservation of wild salmon populations.

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

Not applicable.

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

The Fairbanks Fish and Game Advisory Committee (FAC) is an advisory to the Alaska Board of Fisheries. We are deeply concerned with the declining Chinook, chum and coho stocks on the Yukon River and in the general trend of declining abundance all over Western Alaska. We are further concerned about the general decline in average size and year class of Chinook, and average sizes for all salmon species, including sockeye. This greatly impacts subsistence, personal use and sports fishing, aside from the historic loss of commercial fishing, and it makes potential recovery much more difficult.

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

This was a proposal passed by the Alaska Board of Fisheries in February 2026 but vacated by the Alaska Attorney General in May 2026, subsequent to the dismissal of a lawsuit. This is highly unprecedented and may be in violation of the Administrative Procedures Act.

**SUBMITTED BY:** Fairbanks Fish and Game Advisory Committee (FAC)

## **ACR 10**

Amend Alaska Peninsula Area seine specifications to reduce net size (5 AAC 09.332).

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

5 AAC 09.332. Seine specifications and operations.

Amend the seine specification to reduce the allowable size gear as follows:

(a) Purse seines or hand purse seines may not be less than 100 fathoms nor more than 250 fathoms in length. A purse seine or hand purse seine may not exceed 325 [375] meshes in depth. Seine mesh may not be more than three and one-half inches, except that the first 25 meshes above the leadline may not be more than seven inches.

(b) **A lead [LEADS]** may not be [less than 50 fathoms nor] more than **100 [150]** fathoms in length. **The aggregate length of seine and lead may not be more than 250 fathoms in length.** Only one lead may be used with a seine. [A LEAD MAY BE ATTACHED TO ONLY ONE END OF A SEINE, AND THE LEAD MAY NOT BE ATTACHED TO THE BOAT END OF THE SEINE.]

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

This ACR is a request for re-instatement of Proposal #148 that was approved by the Alaska Board of Fisheries in a 6-1 vote at the February 2026 Alaska Peninsula/Area M meeting to Amend the seine specification to reduce the allowable size gear **Amended with substitute language found in RC208. (attached)**

The rapid increase of chum salmon caught in the June fishery in the South Unimak and Shumagin Island purse seine fishery. The South Unimak and Shumagin Islands June fishery has averaged approximately 572,000 chums per season over the past five years (2020–2024), which is among the highest five-year average in decades. In 2026, despite assurances of closures based on triggers, the incidental catch of chum in the June fishery was almost 490,000 chum harvest recorded.

In comparison, in February 2026, the North Pacific Fishery Management Council (NPFMC) approved a bycatch cap of 45,000 Western Alaska chum for pollock trawlers in federal waters of the Bering Sea / Aleutian Islands (BSAI).

**This makes the Area M intercept fishery actual harvest in 2026 over 10 times the allowable chum bycatch of the BSAI.** Even if we assume that only 25% of the Area M June chum salmon harvest were of Western Alaska origin, that still amounts to over 121,000 Western Alaska chum salmon harvested in 2026 – nearly triple the BSAI limit.

Chum stocks in the Arctic-Yukon-Kuskokwim region are struggling to even meet escapement goals. The huge changes made in the South Unimak and Shumagin Islands June fishery in 2004, coupled with the rapid growth of the purse seine fleet in recent years has resulted in this recent huge increase in chum interception in the June fishery. Purse seiners harvest over 90% of the chums caught in the South Unimak and Shumagin Islands June fishery.

Current regulations allow the aggregate length of purse seines and leads in this area to be up to 400 fathoms in length. That is 60% longer than what is allowed in Kodiak and Lower Cook Inlet (up to 250 fathoms), and 78% longer than what is allowed in Chignik and Prince William Sound (up to 225 fathoms). Longer seines = more fish per set.

Current regulations also allow purse seine depth in this area to be a maximum of 375 meshes. The deeper a purse seine, the more chums and chinook salmon it will catch as they travel at greater depths than sockeye, pinks, and coho. This fishery is supposed to be targeting traveling sockeye salmon, and not chums and chinook.

Bring the purse seine regulations in this area into line with the purse seine regulation in Chignik, Kodiak, Cook Inlet, and Prince William Sound. Shorten the seines and reduce the allowable depth in order to reduce the interception of migrating chums and chinook. 250 fathoms in length and 325 meshes deep is more adequate to harvest targeted salmon species, as is evidenced by the purse seine fisheries in Chignik, Kodiak, Cook Inlet, and Prince William Sound.

The positive action of the BOF was subsequently vacated by the Attorney General of Alaska in an action that may have violated the Administrative Procedures Act. (Case No. 3AN-26-05959 CI MOTION TO RECONSIDER filed by BSFA May 26, 2026 Superior Court for the State of Alaska.)

#### **BACKGROUND: (as of August 18, 2026)**

1) This regulation is one of five Board of Fisheries actions that were vacated by the Department of Law following the February 2026 Board meeting. Other regulations adopted by the Board were delayed in their implementation. To date, no public explanation or justification for these actions has been provided. In the absence of a clear rationale or transparent review process, the vacating of these regulations should be considered arbitrary and capricious. There is a distinct lack of consistency and fairness in the decision-making process by the Department of Law.

The Board of Fisheries considered, deliberated upon, and formally approved this regulation through its established public process. The Department of Law, the Department of Fish and Game, and the Department of Public Safety each indicated that there were no errors or omissions in the Board's consideration of the regulation. The regulation was properly proposed, reviewed, adopted, and approved for implementation through the required process and should therefore be reinstated and allowed to take effect as originally intended.

2) The Area M June salmon fisheries harvest depleted western Alaska Chinook and chum salmon stocks. While sockeye salmon stocks are the primary target of the Area M fisheries and provide significant economic value, the conservation of depleted wild Chinook and chum salmon stocks remains a critical management priority. Sockeye salmon are generally known to occupy surface waters, whereas Chinook and chum salmon tend to migrate at deeper depths, creating opportunities for more selective harvest strategies. Significant conservation measures have been implemented throughout Alaska to protect and rebuild vulnerable wild salmon stocks, particularly in western Alaska. Maintaining a focus on sockeye salmon harvest while reducing impacts on depleted

Chinook and chum salmon stocks supports the long-term sustainability of wild salmon populations and aligns with the State's legal, conservation, and stewardship obligations.

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

Reapprove the regulations that have passed the Board process during the February 2026 meeting.

### **Submitted by Board Member Wood, prepared by the Alaska Department of Fish and Game**

February 23, 2026

Substitute language for proposal #:148

5 AAC 09.332 is amended to read:

**5 AAC 09.332. Seine specifications and operations.** (a) Purse seines or hand purse seines may not be less than 100 fathoms nor more than 250 fathoms in length. A purse seine or hand purse seine may not exceed 375 meshes in depth. Seine mesh may not be more than three and one-half inches, except that the first 25 meshes above the leadline may not be more than seven inches.

(b) **Beginning in 2027, a purse seine or hand purse seine may not exceed 335 meshes in depth. Seine mesh may not be more than three and one-half inches; in addition, a maximum of 25 meshes of chafing gear with a maximum mesh size of seven inches may be used.** [LEADS MAY NOT BE LESS THAN 50 FATHOMS NOR MORE THAN 150 FATHOMS IN LENGTH. ONLY ONE LEAD MAY BE USED WITH A SEINE. A LEAD MAY BE ATTACHED TO ONLY ONE END OF A SEINE, AND THE LEAD MAY NOT BE ATTACHED TO THE BOAT END OF THE SEINE.]

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

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

Arctic, Yukon, and Kuskokwim (AYK) Chinook and chum salmon begin their migration to their spawning grounds by passing through Area M. AYK salmon comprise the predominant wild stocks harvested during the Area M June fishery, yet these populations have been in decline for multiple salmon life cycles. The conservation of these wild stocks, along with the protection of the subsistence fisheries that depend upon them, is the highest priority under both state statute and Board of Fisheries regulations.

#### **to correct an error in regulation:**

The vacating of a block of regulations adopted by the Board of Fisheries is unprecedented and was not foreseen as an impediment to management. These regulations were adopted through the Board's established public process to address the documented decline of wild salmon stocks, which the Board determined were affected by the Area M fisheries. As a result of this action, important management tools were removed without providing an alternative mechanism to address the conservation concerns the regulations were intended to mitigate.

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

Notwithstanding the management issues surrounding the decision to vacate the Board's action, the reversal of regulations adopted through the Board's established public process calls the integrity of the entire process into question. Months of preparation, statewide meetings conducted by numerous advisory committees, and extensive deliberation during Board meetings were

effectively set aside through what appeared to be an internal memorandum issued at the highest levels of state government. The public process was overridden without a clear explanation or transparent justification.

As a result, confidence in the Board of Fish's regulatory process has been undermined. If decisions reached through a comprehensive and transparent public process can be reversed outside that process, it raises a fundamental question: What is the purpose of engaging the public and the Board in this process?

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

Incidental catch of chum salmon in the Alaska Peninsula / Shumigan Island June sockeye fishery will continue to increase, impacting the declining Western Alaskan stocks.

The integrity of the process has been compromised. The State made a commitment through the Board of Fish but subsequently failed to honor and uphold that commitment. Damage has been done. Legal and legislative options are being exercised. The most effective path forward is to restore the Board of Fisheries' regulatory process and ensure it can once again function as intended—with decisions made through a transparent, public process that provides certainty, accountability, and confidence for all stakeholders.

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

This ACR applies to a harvest practice within a single sector and is not allocative.

The conservation of wild salmon is a fundamental principle reflected throughout the State's statutes and regulations and remains the highest management priority. Achieving sustainable escapement is essential not only for the long-term viability of individual salmon stocks but also for the continued sustainability of Alaska's fisheries. The Board recognized this principle in adopting these regulations, which were designed to focus harvest on abundant sockeye salmon while minimizing impacts on wild Chinook and chum salmon stocks that have experienced decades of decline. Although fisheries management influences harvest rates, state law and policy require that management decisions prioritize the long-term sustainability and conservation of wild salmon populations.

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

Not applicable.

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

The Fairbanks Fish and Game Advisory Committee (FAC) is an advisory to the Alaska Board of Fisheries. We are deeply concerned with the declining Chinook, chum and coho stocks on the Yukon River and in the general trend of declining abundance all over Western Alaska. We are further concerned about the general decline in average size and year class of Chinook, and average sizes for all salmon species, including sockeye. This greatly impacts subsistence, personal use and

sports fishing, aside from the historic loss of commercial fishing, and it makes potential recovery much more difficult.

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

This was a proposal passed by the Alaska Board of Fisheries in February 2026 but vacated by the Alaska Attorney General in May 2026, subsequent to the dismissal of a lawsuit. This is highly unprecedented and may be in violation of the Administrative Procedures Act.

**SUBMITTED BY:** Fairbanks Fish and Game Advisory Committee (FAC)

## **ACR 11**

Prohibit discard of Chinook salmon caught in purse seine gear in the Alaska Peninsula and Chignik areas (5 AAC 09.373 and 5 AAC 15.364).

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

5 AAC 09.xxx. Retention of king salmon taken in a commercial fishery.

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

Agenda Change Request (ACR) TO **RESCIND** action on Proposal #135 that was approved by the Alaska Board of Fisheries in a 4-3 vote at the February 2026 Alaska Peninsula/Area M meeting to *Create a new regulation to provide the department emergency authority to require nonretention of king salmon and to amend retention provision. Amended with substitute language found in RC149. Further amended to strike paragraph (b) from both the chapter 9 and chapter 15 sections of RC149.*

This action allowed the ADF&G commissioner emergency authority to allow non-retention of king salmon 28" or greater in length in the Area M purse seine (S01M) sector. Because of a delay in the Department of Law review of proposals, this action was not posted until a July 17, 2026 Sand Point Commercial Salmon Fishery Advisory Announcement #13 For Emergency Order #4-FS-M-SP-11-26):

**5AAC 09.373. Retention of king salmon taken in a commercial fishery.** (a) Notwithstanding 5 AAC 09.365(e), from June 1 through October 31, all king salmon 28 inches or greater in length caught by an S01M CFEC (purse seine) permit holder may not be retained and must be immediately returned to the water unharmed. (b) Notwithstanding (a) of this section, a S01M CFEC permit holder shall retain all visibly injured or dead king salmon caught by the permit holder and record the injured or dead king salmon on an ADF&G fish ticket. (c) For purposes of this section, "caught" means brought on board the vessel.

**The mandatory retention of Chinook salmon as incidental catch in a sockeye-directed fishery is a critical CONSERVATION issue that is replicated in many other parts of the state.** The Department noted that the language in the original proposal gave the Commissioner discretion on implementing non-retention, but the substitute language passed in RC149 was not discretionary.

Aside from fish tickets, the Area M fishery has no substantive way to verify actual harvest, or even collect genetic or ASL (age-sex-length) data on Chinook salmon. As mentioned many times by the Department during the February 2026 Area M Board meeting, this action will make it more difficult to assess actual king salmon harvest within the purse seine sector and make enforcement more difficult. It will compromise data collected in a test fishery prior to 2026. Like the discussion in Bristol Bay on the Chinook salmon of the Nushagak River, *we simply do not have enough data on incidental king harvest.*

The passage of this proposal (based on substitute language in RC149) was predicated on allowing king salmon that are considered to be still viable to be released in order to reach spawning. Sounds

good in theory; in practice most fishermen understand that any fish released from commercial gear is likely to not to make it 10 miles much less thousands of miles to spawning grounds.

Drift gillnet boats have a mandatory retention because of known gill damage, but salmon caught in purse seines are subject to other conditions that can damage fish from pressure, handling and suffocation. Without any oversight, the action of throwing even recorded fish overboard leaves too much discretion to the boat to make a quick decision on the viability of a fish that will, in all likelihood, never make it to spawning.

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

**RESCIND** action on Proposal #135 that was approved by the Alaska Board of Fisheries in A 4-3 vote at the February 2026 Alaska Peninsula/Area M meeting to *Create a new regulation to provide the department emergency authority to require nonretention of king salmon and to amend retention provision. Amended with substitute language found in RC149. Further amended to strike paragraph (b) from both the chapter 9 and chapter 15 sections of RC149.*

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

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

Chinook stocks are imperiled all over Alaska. “Decreased returns of Chinook salmon in the region and throughout Alaska have prompted statewide concern about the health of Chinook salmon stocks (ADF&G 2013) and an increased realization that little is known about the migratory pathways and stock of origin in commercial catches.” (“Assessment of Genetic Stock of Origin of Chinook Salmon Harvested in Commercial Salmon Fisheries of the Westward Region, 2014”/ ADF&G)

According to a 2015 ADF&G study “Assessment of Genetic Stock of Origin of Chinook Salmon Harvested in Commercial Salmon Fisheries of the Westward Region, 2015–2016” Chinook salmon caught in the commercial fisheries of Area M (the Alaska Peninsula and Aleutian Islands management areas) are genetically diverse, originating primarily from **Coastal Western Alaska, the North Alaska Peninsula, and British Columbia/Pacific Northwest** river systems.

##### **Genetic Stock Breakdown**

- **Coastal Western Alaska:** Typically forms the single largest genetic component of Chinook stocks migrating or caught in the region (often exceeding 50% in mixed-stock analyses).
- **North Alaska Peninsula:** Contributes a substantial local and regional portion (frequently around 13% or more depending on the specific district and timing).
- **British Columbia and Pacific Northwest:** Comprises another major migratory contingent, alongside smaller percentages from other regional Alaskan systems like Southcentral or Southeast Alaska.

**The Board of Fish is expected to be considering several new Stocks of Concern (SOC) in 2027. This is indicative of an increasing salmon crisis for Chinook, chum and coho.**

**to correct an error in regulation:**

NOT APPLCABLE

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

NOT APPLCABLE

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

Critical information needed on actual Chinook harvest in Area M will continue to be lost and could contribute to greater Chinook declines for Western Alaska, Southeast, Cook Inlet and Outside Chinook stocks.

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

This ACR applies to a harvest practice within a single sector and is not allocative.

The conservation of wild salmon is a fundamental principle reflected throughout the State's statutes and regulations and remains the highest management priority. Achieving sustainable escapement is essential not only for the long-term viability of individual salmon stocks but also for the continued sustainability of Alaska's fisheries. The Board recognized this principle in adopting these regulations, which were designed to focus harvest on abundant sockeye salmon while minimizing impacts on wild Chinook and chum salmon stocks that have experienced decades of decline. Although fisheries management influences harvest rates, state law and policy require that management decisions prioritize the long-term sustainability and conservation of wild salmon populations.

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

Not applicable.

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

The Fairbanks Fish and Game Advisory Committee (FAC) is an advisory to the Alaska Board of Fisheries. We are deeply concerned with the declining Chinook, chum and coho stocks on the Yukon River and in the general trend of declining abundance all over Western Alaska. We are further concerned about the general decline in average size and year class of Chinook, and average sizes for all salmon species, including sockeye. This greatly impacts subsistence, personal use and sports fishing, aside from the historic loss of commercial fishing, and it makes potential recovery much more difficult.

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

This was a proposal passed by the Alaska Board of Fisheries in February 2026 .

**SUBMITTED BY:** Fairbanks Fish and Game Advisory Committee (FAC)

## **ACR 12**

Allow commercial fishing for salmon with set gillnet gear in the Southeastern District Mainland concurrent to commercial fishing periods for salmon in the Chignik Management Area (5 AAC 09.360).

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

5 AAC: 09.360 NEW

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

A lack of sufficient fishing opportunity for South Alaska Peninsula set net fishermen has resulted in disastrous fishing seasons in recent years; both 2024 & 2025 set net Sockeye salmon June harvests for the South Alaska Peninsula were 65% below the previous 5-year 2019-2023 season average set net gear Sockeye harvests, and the 2026 June South Peninsula Sockeye set net harvest was 81% below the previous 10-year average harvest for the set net fleet.

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

South Alaska Peninsula set net fishermen are allowed to fish in the Southeast District Mainland whenever Chignik Management Area fishermen are permitted to fish.

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

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

not applicable

#### **to correct an error in regulation:**

not applicable

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

It was unforeseen that restrictions on set net fishermen in the SEDM for June and beyond could result in disastrous fishing seasons causing economic harm and forcing set net operations to fold.

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

South Alaska Peninsula set net fishermen may be forced to go out of business.

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

The SEDM allocation is part of the Chignik Management Plan; South Alaska Peninsula set net fishermen do not take a large portion of the harvest. This action is about survival for these fishermen.

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

A potential federal fishery disaster determination has recently been requested by the local borough Assembly to the Governor.

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

Commercial 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**

Unknown.

**SUBMITTED BY:** Ben Mobeck Sr.

### **ACR 13**

Establish a statewide Chinook salmon retention and disposition reporting standard for commercial salmon fisheries (5 AAC 39.130).

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

5 AAC 39.130. Reports required of fishermen, processors, buyers, exporters and operators of certain commercial fishing vessels; transporting requirements.

Nushagak: 5 AAC 06.391(g) currently prohibits personal use retention in the Nushagak District.

Kodiak: 5 AAC 18.395 currently mandates release of chinook salmon in the seine fishery under certain conditions.

Southeast: 5 AAC 33.392 currently mandates release of chinook salmon in the seine fishery under certain conditions.

Troll: 5 AAC 29.140 currently mandates release of chinook salmon in the troll fishery under certain conditions.

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

Chinook salmon all over Alaska are in varying stages of critical loss. This is a crisis we all share for both abundance and average size. This loss has occurred in recent years, with real concern over the loss of big genetics. We need uniform ways to measure and mitigate loss.

The state manages Chinook salmon toward escapement goals using removal data. However, it has no consistent standard governing what happens to a Chinook salmon caught in a commercial salmon fishery.

Across Alaska, a Chinook salmon taken incidentally may be discarded, retained and sold, or retained for personal use, with reporting and retention practices varying by area, fishery, and permit holder. Discarded fish generate no record at all. The department has acknowledged the gap. In explaining the January 2026 Nushagak District requirement, the commissioner said that the department needs hard numbers on the removal rate to calculate total returns.

Chinook salmon often pass through multiple commercial fisheries before reaching natal streams. The 2026 Yukon Chinook salmon run marked yet another year of catastrophic returns. Federal waters of the Kuskokwim mainstem and its spawning tributaries closed to Chinook salmon harvest by all users and all gear types for most of the 2026 season. Subsistence users have absorbed complete closure while the state cannot say with confidence how many Chinook salmon its commercial fisheries remove.

The board has begun to address this, but only in one district and only in a form that attempts to solve the accounting problem while creating additional issues. Under the Nushagak District rule adopted in January 2026(5 AAC 06.391(g)), all king salmon caught under a drift or set gillnet permit in the Nushagak District must be retained and may not be released, but retained king salmon

may not be kept for personal use. They must be sold or donated, and consumption aboard the vessel is prohibited. Before that action, Nushagak commercial fishermen could keep king salmon for personal use provided they reported them on the fish ticket at delivery.

The prohibition produces no additional data. A Chinook salmon recorded on a fish ticket as retained for personal use is counted exactly as precisely as one recorded as sold. What the prohibition does produce is resistance. The rule took effect July 12, 2026, after the Nushagak king run was largely over, so it delivered almost no accounting benefit in its first year. It did draw immediate objection from Alaska Native fishermen whose families have fished the Nushagak for generations.

What Alaska lacks, and what this request provides, is a single Chinook salmon accounting standard applicable across the commercial salmon fisheries, built so the fishermen subject to it can easily comply.

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

Adopt one standard: Chinook salmon taken in the commercial salmon fisheries of Alaska's commercial fisheries must be retained, and every retained fish must be recorded on the fish ticket with its disposition.

Draft language for 5 AAC 39.130:

(x) In the commercial salmon fisheries of Alaska, a Chinook salmon caught may not be discarded and must be retained. At the time of delivery, the CFEC permit holder shall record on the fish ticket the number of Chinook salmon taken and the disposition of each as (1) sold, (2) donated to a nonprofit food bank, tribal or village entity, or charitable organization providing food distribution services, or (3) retained for personal use. Chinook salmon retained for personal use or donated must be recorded on the fish ticket at the time of delivery whether or not those fish are sold to a buyer.

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

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

Escapement-based management depends on accurate removal estimates. Where Chinook salmon removals go unrecorded, escapement goals are assessed against an unknown denominator, and the department cannot calculate exploitation rates for stocks under multi-year closure. This request supplies the missing data without closing, shortening, or restricting any fishery.

Compliance is itself a conservation variable. A retention rule that fishermen experience as confiscation of a customary practice invites the same nonreporting behavior the department identified as the original problem. A standard that requires personal use to be documented rather than surrendered produces better data than one that does not.

The request also strengthens the state's position as the National Marine Fisheries Service continues its Gulf of Alaska Chinook Salmon Endangered Species Act status review. A state that cannot account for Chinook salmon mortality it authorizes is poorly placed to argue that federal oversight is unnecessary.

**to correct an error in regulation:**

Regulation relating to Chinook salmon retention throughout the state is inconsistent, which can lead to confusion and noncompliance therefrom.

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

When the board adopted the Nushagak District retention requirement in January 2026, it did not anticipate that prohibiting personal use, rather than requiring documentation, would place long-standing Alaska Native harvesters in the position of surrendering a customary practice for a decrease in data quality. Adopting a single standard across the covered fisheries resolves both issues.

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

The accounting gap will persist across Alaska commercial salmon fisheries while users absorb continued closures. In Bristol Bay, the personal use prohibition remains in force through the 2027 and 2028 seasons, generating compliance resistance that will make Chinook salmon accounting harder to extend in other regions. The Area M Chinook salmon provisions the board adopted in February 2026, including Proposal 141 tying post-June closures to Chinook salmon catch thresholds, were disapproved on May 20, 2026, and are not in effect, leaving Area M Chinook salmon accounting unaddressed. Bristol Bay and the Alaska Peninsula do not return to the board until the 2028/2029 cycle.

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

This request changes accounting and disposition rules. It does not change any season, area, gear specification, fishing period, guideline harvest level, escapement goal, or allocation percentage, and it does not transfer fish between user groups.

The Chinook salmon it addresses have already been caught and, under the proposed standard, will already have been retained and counted before any disposition question arises. Recording a fish as retained for personal use rather than sold does not allocate it to a new user. It restores the disposition option that existed in the Nushagak District before January 2026 and that exists elsewhere in Alaska today, with the reporting requirement that was previously missing now attached.

**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.**

The Bering Sea Fishermen's Association has worked to support healthy fisheries in western Alaska since 1979 and represents commercial and subsistence fishermen across the Bering Sea, Arctic-Yukon-Kuskokwim and Bristol Bay regions.

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

At its January 2026 Bristol Bay Finfish meeting, the board adopted a Chinook salmon retention and disposition requirement applicable to the Nushagak District only, which prohibits personal use retention. The board has not considered a single Chinook salmon retention and disposition standard applicable across the commercial salmon fisheries of Alaska.

**SUBMITTED BY:** Bering Sea Fishermen's Association