

Alaska Board of Fisheries
Work Session
October 21–22, 2015, Anchorage
Agenda Change Requests

Bering Sea Tanner and Norton Sound King Crab Fisheries (4)

- ACR 1** – Increase the allowable level of incidental harvest of *C. bairdi* crab from 5% to 40% of the weight of red king crab onboard while directed fishing for Bristol Bay red king crab east of 166° W longitude (5 AAC 35.506).
- ACR 2** – Increase the allowable level of incidental harvest of *C. opilio* crab from 5% to 40% of the weight of *C. Bairdi* crab onboard while directed fishing for Bering Sea *C. bairdi* crab west of 166° W longitude (5 AAC 35.506).
- ACR 3** – Amend the *Bering Sea / Aleutian Islands Individual Fishing Quota (IFQ) Crab Fisheries Management Plan* to allow a vessel operator to deploy baited pots in another Bering Sea rationalized crab fishery, for which the vessel is not registered, while the vessel operator delivers crab from another Bering Sea rationalized crab fishery (5 AAC 39.670).
- ACR 4** – Establish an aggregate pot limit of no more than 20 pots per permit holder for the Norton Sound Section winter through the ice commercial fishery (5 AAC 34.925).

Kodiak Subsistence Shellfish (1)

- ACR 5** – Establish customary and traditional use findings, and amounts reasonably necessary for subsistence, for Kodiak Dungeness and Tanner crab, miscellaneous shellfish, and shrimp in the Kodiak Area (5 AAC 02.466).

Kodiak Salmon Escapement Goals (1)

- ACR 6** – Amend the Alitak District Salmon Management Plan to achieve sockeye salmon escapement goal mid-points for Upper Station and Frazer Lakes and limit the escapement of jack sockeye salmon into Frazer Lake to no more than 10% of the total Frazer Lake sockeye salmon escapement (5 AAC 18.361).

Prince William Sound Tanner Crab Fishery (1)

- ACR 7** – Adopt a harvest strategy for Prince William Sound Tanner crab fishery (5 AAC 35.31X, 5 AAC 35.310, 5 AAC 35.325, 5 AAC 55.022).

Cook Inlet Salmon Fisheries (7)

- ACR 8** – Amend the *Kasilof River Salmon Management Plan* to allow the Kasilof River Special Harvest Area to open only after July 25 (5 AAC 21.365).
- ACR 9** – Amend the *Kasilof River Salmon Management Plan* to set dates when commercial fishing with set gillnets can be restricted in the Kasilof Section (5 AAC 21.365).
- ACR 10** – Amend the *Kenai River Late-Run King Salmon Management Plan* to eliminate paired restrictions and set gillnet gear restrictions, but maintain existing escapement goal (5 AAC 21.359).

ACR 11 – Amend the *Kenai River Late-Run Sockeye Salmon Management Plan* to require additional commercial fishing time with set gillnets in the Upper Subdistrict when the department determines the Kenai River late-run sockeye salmon inriver goal range will be exceeded (5 AAC 21.360).

ACR 12 – Amend the *Kenai River Late Run Sockeye Salmon Management Plan* to require additional commercial fishing time with set gillnets in the Kasilof Section when Kenai River sockeye salmon inriver goal is projected to be achieved and Kasilof River sockeye salmon escapement goal will be exceeded (5 AAC 21.365).

ACR 13 – Amend the *Central District Drift Gillnet Fishery Management Plan* to remove the 1% harvest rule (5 AAC 21.353).

ACR 14 – Increase the amount of time and area allowed for fishing under the *Central District Drift Gillnet Fishery Management Plan* (5 AAC 21.353).

Statewide Salmon Troll Fishery (1)

ACR 15 – Reduce the Alaska hatchery-produced king salmon harvest percentage triggers when the preseason abundance index (AI) is 1.95 or greater (5 AAC 29.090).

ACR 1 – Increase the allowable level of incidental harvest of *C. bairdi* crab from 5% to 40% of the weight of red king crab onboard while directed fishing for Bristol Bay red king crab east of 166° W longitude (5 AAC 35.506).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 35.506(i)(2)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. As currently outlined in regulation, vessel operators targeting Bristol Bay red king crab are only allowed to retain *C. bairdi* Tanner crab in an amount not to exceed five percent of the weight of Bristol Bay red king crab on board the vessel and reported on an ADF&G fish ticket. This regulation was originally adopted as a way for managers to accurately record effort and landings and to ensure that commercial vessel operators were using the appropriate gear type for the crab species they were targeting. Currently, the pot gear used (with specifications codified in regulation) to target red king crab is very different from the pot gear used to target Tanner crab; pot gear used for targeting Bristol Bay red king crab have larger mesh size and escapement rings than pot gear used for targeting *C. bairdi* Tanner crab. As such, the naturally smaller Tanner crab have an increased ability to escape from red king crab pots. Regulated gear specifications by target species, resulting in the physical difference in pot gear used, aids managers in their ability to distinguish between and track the effort of vessels targeting Bristol Bay red king crab versus those targeting Tanner crab, irrespective of the fact that these fisheries occur in an overlapping geographic area. But because of this geographic overlap, vessels targeting Bristol Bay red king crab often incidentally harvest Tanner crab as part of their normal fishing operations. If a vessel operator has an adequate amount of *C. bairdi* Tanner crab individual fishing quota (IFQ) available, that operator should not be required by regulation to discard incidentally taken legal male Tanner crab that is in excess of five percent of the weight of their Bristol Bay red king crab target.

WHAT SOLUTION DO YOU PREFER? 5 AAC 35.506(i)(2) should be amended to read (new language in bold): “east of 166° W, as incidental harvest while the vessel operator is registered for the Bristol Bay red king crab fishery; a vessel operator that is registered to fish for Bristol Bay red king crab may also retain *C. bairdi* Tanner crab in an amount not to exceed **40 (forty) percent** of the weight of Bristol Bay red king crab on board the vessel and reported on an ADF&G fish ticket.”

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

- a) **for a fishery conservation purpose or reason:** Both Bristol Bay red king crab and *C. bairdi* Tanner crab fall under the scope of the Federal King and Tanner Crab Fishery Management Plan (FMP). This necessitates that ADF&G meet all Federal requirements associated with Annual Catch Limits (ACLs) and the accurate monitoring of all harvests (i.e., direct, incidental, bycatch). Both commercial fishing practices and management have evolved since implementation of the Crab Rationalization program ten years ago. While the accurate collection of catch data remains a priority, the evolution of harvesting and management practices has resulted in the diminished need for rigid regulations implemented to ensure the accurate collection of effort and landings data. However, as a

way of maintaining ADF&G's ability to accurately track fishing effort for the target crab species (Bristol Bay red king crab), the proposed allowable retention of incidentally caught Tanner crab is less than 50 percent. This ensures that red king crab will comprise the majority of the landed harvest while also dramatically reducing the unnecessary and extremely wasteful discards of legal male Tanner crab. Additionally, as previously mentioned, gear specifications for Bristol Bay red king crab make it extremely inefficient for vessel operators to target Tanner crab in areas where fishing for eastern *C. bairdi* Tanner crab is prohibited but fishing for red king crab is allowed (east of 163° W longitude).

The rigidity found in an unnecessarily low incidental retention level is currently working in direct opposition to the management goal and objective of continued species conservation. Over the past couple of years, survey and stock assessment information have indicated significant growth in the Tanner crab population. With an increase in this population, it can reasonably be expected that vessel operators targeting Bristol Bay red king crab will encounter greater numbers of legal male Tanner crab on the grounds. Requiring these vessels to discard legal size male Tanner crab (that they would otherwise be able to retain with their available IFQ) forces unnecessary and extremely wasteful mortality to this population. Data on both directed catch and discard amounts (and their associated mortality rate) for a species are incorporated into annual stock assessments and can negatively impact population estimates and future population projections. Forced discards of legal male Tanner crab during the Bristol Bay red king crab target fishery will be directly targeted and harvested at a later time when king crab operations are complete. This results in extremely high mortality calculations being incorporated into the Tanner crab stock assessment because of the mortality associated with: 1) when the crab is taken as incidental catch; 2) when the crab is taken as directed catch; and 3) when the crab is taken as both incidental and directed catch. From a biological perspective, it would be extremely beneficial to allow vessels targeting Bristol Bay red king crab to retain a greater amount of *C. bairdi* Tanner crab than the current incidental harvest limit.

Finally, it is important to note that while vessels targeting Bristol Bay red king crab are likely to encounter increasing numbers of Tanner crab, these same vessels are not expected to encounter any increase in red king crab bycatch (females and immature males) since: 1) red king crab pots are specifically designed and engineered to allow for the escapement of these animals and 2) operators wouldn't be taking any more red king crab pot gear aboard their vessels than they are currently.

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

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

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? If the current incidental harvest limit for Tanner crab is not increased as soon as possible, regulatory discards and associated mortality will increase as the overlap

between *C. bairdi* Tanner crab and Bristol Bay red king crab increases. Prior to rationalization, the Tanner crab population was in a severely depressed state. One of the many benefits outlined and achieved with implementation of the Crab Rationalization program was improved resource conservation such that previously depleted stocks have been able to recover to healthy and sustainable levels. However, healthy populations of multiple, overlapping crab stocks now necessitate more flexibility for harvesters targeting those stocks so that unnecessary discards and extremely wasteful mortality are not mandated (in direct opposition to the conservation benefits gained).

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. Increasing the incidental harvest limit (by weight) for *C. bairdi* Tanner crab in the Bristol Bay red king crab fishery will not result in a change to the amount of Tanner crab or red king crab IFQ issued annually. This change will not result in a decrease to any individual's quota share holdings of Tanner crab or red king crab while simultaneously increasing the quota share holdings (of either species) for another individual.

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. Science Advisor and Policy Analyst for the Alaska Bering Sea Crabbers, a 501c(5) non-profit seafood industry trade association.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. A similar regulatory amendment was originally submitted as an ACR to the BOF for consideration during their October 2014 Work Session.

SUBMITTED BY: Alaska Bering Sea Crabbers

ACR 2 – Increase the allowable level of incidental harvest of *C. opilio* crab from 5% to 40% of the weight of *C. Bairdi* crab onboard while directed fishing for Bering Sea *C. bairdi* crab west of 166° W longitude (5 AAC 35.506).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 35.506(j)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. As currently outlined in regulation, vessel operators targeting western *C. bairdi* Tanner crab are only allowed to retain *C. opilio* Tanner crab in an amount not to exceed five percent of the weight of *C. bairdi* crab on board the vessel and reported on an ADF&G fish ticket. This regulation was originally adopted as a way for managers to accurately record effort and landings and to ensure that commercial vessel operators were using the appropriate gear type for the crab species they were targeting. Currently, the pot gear used (with specifications codified in regulation) to target western *C. bairdi* crab is very different from the pot gear used to target *C. opilio* crab. Pot gear used for targeting *C. bairdi* crab have larger mesh size and escapement rings than pot gear used for targeting *C. opilio* crab. As such, the naturally smaller *C. opilio* crab have an increased ability to escape from *C. bairdi* pots. Regulated gear specifications by target species, resulting in the physical difference in the pot gear used, aids managers in their ability to distinguish between and track the effort of vessels targeting western *C. bairdi* crab versus those targeting *C. opilio* crab, irrespective of the fact that these fisheries occur in both an overlapping geographic area and overlapping timeframe. But because of these overlaps and the biological similarity of the two species, vessels targeting western *C. bairdi* crab incidentally harvest *C. opilio* crab as part of their normal fishing operations. If a vessel operator has an adequate amount of *C. opilio* crab individual fishing quota (IFQ) available, that operator should not be required by regulation to discard incidentally taken legal male *C. opilio* crab that is in excess of five percent of the weight of their western *C. bairdi* crab target.

WHAT SOLUTION DO YOU PREFER? 5 AAC 35.506(j) should be amended to read (new language in bold): “In the Bering Sea District, a vessel operator that is register to fish for *C. bairdi* Tanner crab west of 166° W. long. may also retain *C. opilio* Tanner crab in an amount not to exceed **40 (forty) percent** of the weight of *C. bairdi* Tanner crab on board the vessel and reported on an ADF&G fish ticket.”

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

- a) **for a fishery conservation purpose or reason:** Both western *C. bairdi* Tanner crab and *C. opilio* crab fall under the scope of the Federal King and Tanner Crab Fishery Management Plan (FMP). This necessitates that ADF&G meet all Federal requirements associated with Annual Catch Limits (ACLs) and the accurate monitoring of all harvests (i.e., direct, incidental, bycatch). Both commercial fishing practices and management have evolved since implementation of the Crab Rationalization program ten years ago. While the accurate collection of catch data remains a priority, the evolution of harvesting and management practices has resulted in the diminished need for rigid regulations implemented to ensure the accurate collection of effort and landings data. However, as a

way of maintaining ADF&G's ability to accurately track fishing effort for the target crab species (*C. bairdi* Tanner crab), the allowable retention of incidentally caught *C. opilio* crab is less than 50 percent. This ensures that *C. bairdi* crab will comprise the majority of the landed harvest while also dramatically reducing the unnecessary and wasteful discards of legal male *C. opilio* crab. And as previously mentioned, regulated gear specifications for *C. bairdi* crab make it inefficient for vessel operators to target *C. opilio* crab.

The rigidity found in an unnecessarily low incidental retention level is currently working in direct opposition to the conservation of the species. Over the past couple of years, survey and stock assessment information have indicated significant growth in the *C. bairdi* Tanner crab population. With an increase in this population (and available TAC), vessel operators with both *C. bairdi* and *C. opilio* IFQ have had to make significant changes to their fishing operations over the past couple of commercial seasons. Because the western *C. bairdi* season closes six weeks sooner than the *C. opilio* season, early winter months normally spent targeting *C. opilio* crab are now spent targeting *C. bairdi* crab. However, these two crab species are significantly co-mingled together during these early winter months making it difficult for vessel operators to completely avoid harvesting *C. opilio* when targeting *C. bairdi*. Requiring these vessels to discard *C. opilio* crab (that they would otherwise be able to legally retain with their available IFQ) forces unnecessary and extremely wasteful mortality to this population. Data on both directed catch and discard amounts (and their associated mortality rate) for a species are incorporated into annual stock assessments and can negatively impact population estimates and future population projections. Forced discards of legal male *C. opilio* crab during the *C. bairdi* crab target fishery will be directly targeted and harvested at a later time. This results in extremely high mortality calculations being incorporated into the *C. opilio* crab stock assessment because of the mortality associated with: 1) when the crab is taken as incidental catch; 2) when the crab is taken as directed catch; and 3) when the crab is taken as both incidental and directed catch. From both a biological and vessel efficiency perspective, it would be extremely beneficial to allow vessels targeting *C. bairdi* to retain a greater amount of *C. opilio* than the current incidental harvest limit.

Finally, it is important to note that while vessels targeting *C. bairdi* crab are also encountering *C. opilio* crab, these vessels are not expected to encounter any increase in *C. bairdi* crab bycatch (females and immature males) since: 1) *C. bairdi* Tanner crab pots are specifically designed and engineered to allow for the escapement of these animals and 2) operators wouldn't be taking any more pot gear aboard their vessels than they are currently.

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

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

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? If the current incidental harvest limit for *C. opilio* crab is not increased as soon as possible, regulatory discards and associated mortality will increase as the early winter

overlap and species interaction between *C. bairdi* crab and *C. opilio* crab increases. One of the many benefits outlined and achieved with implementation of the Crab Rationalization program was improved resource conservation such that previously depleted stocks have been able to recover to healthy and sustainable levels. However, healthy populations of multiple, overlapping crab stocks now necessitate more flexibility for harvesters targeting those stocks so that unnecessary discards and mortality are not mandated (in direct opposition to the conservation benefits gained).

Additionally, without the ability to retain a greater amount of *C. opilio* as incidental catch, vessels will continue to strand western *C. bairdi* quota (19 percent of available TAC in 2014 and 22 percent of available TAC in 2015) because more time and effort is needed to harvest a significantly higher *C. opilio* TAC. Such foregone harvest prevents commercial fishermen from achieving their optimum yield.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. Increasing the incidental harvest limit (by weight) for *C. opilio* crab in the western *C. bairdi* crab fishery will not result in any change to the amount of either Tanner crab species IFQ issued annually. This regulatory change will not result in a decrease to any individual's quota share holdings of *C. bairdi* or *C. opilio* Tanner crab while simultaneously increasing the quota share holdings (of either species) for another individual.

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. Science Advisor and Policy Analyst for the Alaska Bering Sea Crabbers, a 501c(5) non-profit seafood industry trade association.

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

SUBMITTED BY: Alaska Bering Sea Crabbers

ACR 3 – Amend the *Bering Sea / Aleutian Islands Individual Fishing Quota (IFQ) Crab Fisheries Management Plan* to allow a vessel operator to deploy baited pots in another Bering Sea rationalized crab fishery, for which the vessel is not registered, while the vessel operator delivers crab from another Bering Sea rationalized crab fishery (5 AAC 39.670).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 39.670(c)(3)(D)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. 5 AAC 39.670(c)(3)(D) is a component of the Bering Sea / Aleutian Island (BSAI) Individual Fishing Quota (IFQ) Crab Fisheries Management Plan. Under this regulation as it is currently written, a vessel's crab pot gear may not be deployed unless that vessel is actively harvesting one of the rationalized crab species in the applicable registration area. As such, when a vessel is switching between target species, it is prevented from re-rigging, baiting, and setting its pot gear prior to delivery and registration for its next target species (pots not aboard the vessel and rigged for the species on board must be stored in the water unbaited and open), otherwise the vessel would be out of compliance for their target fishery. This regulation is extremely inefficient from a vessel operations standpoint as it requires vessel operators to waste time (i.e., increased crew hours spent tending empty gear) and money (i.e., increased fuel costs from tending empty gear) in storing and pulling open pots prior to their ability to re-rig, bait, and set those pots for their next target species. Further, the inefficiencies that result from this regulation provide no biological or conservation benefit to the rationalized crab stocks (i.e., protections for juvenile and female crab are maintained through pot gear specifications contained in regulation).

WHAT SOLUTION DO YOU PREFER? 5 AAC 39.670(c)(3)(D) should be amended to read (additional new language in bold): a vessel's crab pot gear may not be deployed unless the vessel is actively participating in harvesting the species in the applicable area; **except that a vessel participating in a rationalized crab fishery may deploy crab pot gear for another rationalized target fishery (Bristol Bay red king crab, eastern and western Bering Sea Tanner crab, Bering Sea snow crab, and Saint Matthew blue king crab) if all of the following criteria are met: 1) gear conversion and setting occurs only at the conclusion of the final trip for the previously targeted species, prior to offload; 2) re-rigged and baited gear is hauled within 14 days after setting; and 3) hauling of re-rigged and baited gear does not occur prior to registering for the new target fishery.**

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

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**
At the time BSAI Crab Rationalization was implemented, it was important for ADF&G to accurately track fishing effort under this new program. One way of initially achieving this was through strict vessel registration and gear deployment requirements for each

target fishery. Experience now shows that the multitude of economic efficiencies and benefits achieved through Crab Rationalization are being actively diminished through continued implementation of this regulation as it is currently written without achieving any biological, conservation, or management benefits as a balance. With the stipulations and conditions included in the proposed regulatory language above, ADF&G will maintain their ability to effectively monitor and record fishing effort and catch data without a decrease in management effectiveness.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Without adoption of the amended regulatory language as proposed, vessel operators will be required to continue operating in an extremely inefficient manner and will be subject to unnecessary financial costs for no realized benefit to either the target crab stocks or management program.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. The proposed regulatory change will not result in either an increase or decrease to any individual's quota share holdings of a rationalized crab species. The resulting change will positively benefit all IFQ holders of Bristol Bay red king crab, eastern and western Bering Sea Tanner crab, Bering Sea snow crab, and Saint Matthew blue king crab by providing them the opportunity to increase the operating efficiencies of their vessels.

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. Science Advisor and Policy Analyst for the Alaska Bering Sea Crabbers, a 501c(5) non-profit seafood industry trade association.

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

SUBMITTED BY: Alaska Bering Sea Crabbers

ACR 4 – Establish an aggregate pot limit of no more than 20 pots per permit holder for the Norton Sound Section winter through the ice commercial fishery (5 AAC 34.925).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 34.925(e)(2). Lawful gear for Registration Area Q.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. The Norton Sound winter commercial king crab fishery has rapidly expanded to a highly competitive fishery. As shorefast ice develops fishermen compete to occupy the outer edge of the ice to maximize their harvest. This ice is unstable and frequently peels off with pots. The pots fall out of the ice as it breaks up and move to the west. During the last few years the pot loss rate has approached 50%. The recent enacted regulation changes shortened the season to times when sea ice is more stable, but the outer edge of the ice is always subject to movement. Attitudes regarding pot loss have recently changed in the commercial fishing community which now views pots as a consumable item in contrast to the former attitude that they were multiyear equipment.

Winter commercial fishing is generally conducted by two or three individuals. During years with stable ice these crews may tend 150 pots. When the high tide and weather coincide individual crews have lost the majority of their pots. Gear replacement is generally accomplished inside a month's time. These crews often seem to try to make up for lost time by getting out to the ice edge ASAP, just in time for the next tide cycle.

The solution is to change attitudes to view pots as a long term investment. The managers also need to be aware of the level of loss in a more timely manner to be able to effectively act, should the ice not stabilize.

WHAT SOLUTION DO YOU PREFER? 5 AAC 34.925(e). Lawful gear for Registration Area Q.

(2) in the Norton Sound Section of the Northern District, an aggregate of no more than 50 pots may be operated from a validly registered king crab vessel with an overall length of more than 125 feet, and an aggregate of no more than 40 pots may be operated from a validly registered king crab vessel with an overall length of 125 feet or less, **and an aggregate of no more than 20 pots may be operated during the winter through-the-ice commercial red king crab fishery;**

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

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**
A convergence of a growing population, strong overseas markets for live king crab and high dock prices have led directly to record-breaking winter commercial harvests and levels of fishing effort since 2012; a record 6,093 pot lifts occurred in 2013 and nearly

4,000 pot lifts occurred in 2014 despite unfishable ice conditions throughout much of Norton Sound. The level of effort during the past 23 seasons is unprecedented because it has historically been cost prohibitive to fish a large number of pots through the ice. However, the previously mentioned factors have made winter crabbing more economical per pot lift, leading to an increase in the number of pots deployed and increased harvests.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? The level of pot loss currently occurring in the winter commercial fishery amounts to wanton waste. Although winter pots are frequently more fragile than summer fishery pots they still can last for years on the bottom, ghost fishing for that time. I am aware of no other fishery with a pot loss rate exceeding 10% in Alaskan waters. Even if half of the lost pots were destroyed by moving ice, the Norton Sound winter fishery still has an excessive pot loss rate.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. The intent of this action is to reduce gear to and the crowding at the ice edge to prevent the constant leap frogging of the pots at the ice edge and to provide a tool for the managers to evaluate pot loss. This will limit fishing crews to two pot limits, or even three, depending on the number in the crew. A less competitive winter fishery will benefit the winter subsistence fishers to a minor extent, not to mention reducing ghost fishing.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Pot limits would provide managers a method of monitoring pot loss and may reduce competition with the winter subsistence fishery. No effect on the summer commercial fishery is anticipated.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. Fishery managers, 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 MEETING. N/A

SUBMITTED BY: Northern Norton Sound Advisory Committee, Charles Lean Chair

ACR 5 – Establish customary and traditional use findings, and amounts reasonably necessary for subsistence, for Kodiak Dungeness and Tanner crab, miscellaneous shellfish, and shrimp in the Kodiak Area (5 AAC 02.466).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 02.466

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. There are no customary and traditional use findings, or amounts reasonably necessary for subsistence, in the Kodiak Area for certain shellfish stocks, but there are subsistence fishing regulations for them.

At the Alaska Board of Fisheries' (board) statewide Dungeness crab, shrimp, miscellaneous shellfish (except Southeast and Yakutat) and supplemental issues meeting in Anchorage, March 2015, the board had before it Proposal 237, which asked the board to consider if there are customary and traditional (C&T) uses of Tanner crab in the Kodiak Area. After the proposal was submitted in April 2014, the department determined that, in addition to Tanner crab, no C&T review had been conducted for Dungeness crab, miscellaneous shellfish, or shrimp in the Kodiak area.

The board examined the data before it, including a C&T worksheet and options for amounts reasonably necessary for subsistence (ANS), and found there were C&T uses of Tanner crab, Dungeness crab, miscellaneous shellfish, and shrimp in the Kodiak Area. In addition, the board further determined there were C&T uses of king crab in the area now excluded at 5 AAC 02.466(a)(1).

The board also made ANS findings for these stocks, with the exception of king crab.

However, due to issues with the notice for the Administrative Procedures Act, the board was not authorized to amend the C&T and ANS findings in regulation

WHAT SOLUTION DO YOU PREFER? 5 AAC 02.466 (a) The Alaska Board of Fisheries (board) finds that **king crab, Tanner crab, Dungeness crab, shrimp, and miscellaneous shellfish** [THE FOLLOWING SHELLFISH STOCKS] are customarily and traditionally taken or used for subsistence in the Kodiak Area.

(b) The board finds that:

(1) 3,200–8,100 Tanner crab are reasonably necessary for subsistence purposes in the Kodiak Area;

(2) 1,200–2,800 Dungeness crab are reasonably necessary for subsistence purposes in the Kodiak Area;

(3) 60,500–103,000 pounds of usable weight of miscellaneous shellfish are reasonably necessary for subsistence purposes in the Kodiak Area;

(4) 1,000–8,500 pounds of usable weight of shrimp are reasonably necessary for subsistence purposes in the Kodiak Area.

(5) 22,000–68,000 pounds of usable weight of Dungeness crab and miscellaneous shellfish are [IS] reasonably necessary for subsistence purposes on the south side of the

Alaska Peninsula between Kilokak Rocks (156° 19' W. long.) and Cape Kumlik (157° 27' W. long.) [IN THE AREA DESCRIBED IN (A)(2) OF THIS SECTION] and in the area described at 5 AAC 02.500, combined.

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

- a) **for a fishery conservation purpose or reason:** N/A
- b) **to correct an error in regulation:** Following adoption of the first subsistence law in 1988, the board determined that there are customary and traditional uses of king crab (all species) in the Kodiak Management Area (except for the Semidi Island Overlap Section, the North Mainland Section, and the South Mainland Section). In 1993, following adoption of a revised subsistence law, the board reviewed available harvest and subsistence use information, as summarized in an eight criteria worksheet prepared by the department in accordance with subsistence procedures at 5 AAC 99.010. The board reconfirmed the positive C&T finding for king crab and readopted all regulations allowing subsistence harvests for all shellfish. However, due to time constraints, the board did not reaffirm positive C&T findings for other shellfish species at that time.

In 2000, the board included miscellaneous shellfish and Dungeness crab stocks within a portion of the Alaska Peninsula used by residents of the Kodiak Area (on the south side of the Alaska Peninsula) in a positive C&T finding, but again did not address stocks in the Kodiak Area. These findings are consistent with the positive C&T finding for the Alaska Peninsula-Aleutian Islands Area for king crab, Tanner crab, Dungeness crab, and miscellaneous shellfish found in 5 AAC 02.566.

Similarly, there are subsistence fishing regulations for shrimp and Dungeness crab in the Kodiak Area, and statewide regulations allowing subsistence harvests of miscellaneous shellfish, but these stocks are not included in the listing of Kodiak Area stocks with positive C&T findings; the findings only apply to the south side of the Alaska Peninsula.

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

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? If not adopted into regulation, customary and traditional uses of shellfish in the Kodiak Area would not be protected and provided for as required by state law at AS 16.05.258. The board may need to repeal subsistence shellfish fishing regulations and adopt personal use and/or sport regulations.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR is not allocative because it would affect all participants in the subsistence fishery.

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 Alaska Department of Fish and Game manages Kodiak Area shellfish fisheries, subject to the regulations established by the board.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. At the Alaska Board of Fisheries' (board) statewide Dungeness crab, shrimp, miscellaneous shellfish (except Southeast and Yakutat) and supplemental issues meeting in Anchorage, March 2015, the board had before it Proposal 237, which asked the board to consider if there are customary and traditional (C&T) uses of Tanner crab in the Kodiak Area. After the proposal was submitted in April 2014, the department determined that, in addition to Tanner crab, no C&T review had been conducted for Dungeness crab, miscellaneous shellfish, or shrimp in the Kodiak area.

SUBMITTED BY: Alaska Department of Fish and Game

ACR 6 – Amend the Alitak District Salmon Management Plan to achieve sockeye salmon escapement goal mid-points for Upper Station and Frazer Lakes and limit the escapement of jack sockeye salmon into Frazer Lake to no more than 10% of the total Frazer Lake sockeye salmon escapement (5 AAC 18.361).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.
5 AAC 18.361. Alitak District Salmon Management Plan

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. The Alitak District management Plan is critically flawed. At the January 2014 BOF meeting the Board adopted changes to give the Dept. more latitude in time and area for the 2014, 2015 and 2016 seasons.

The purposes of the changes were to:

- 1- Stabilize the Upper Station early run sockeye escapement near the midrange BEG of 66,000 fish.
- 2- Stabilize the Frazer run sockeye escapement near the midrange BEG of 130,000 healthy full termed sex rationed sockeye.
- 3- To manage the sockeye jack population into Frazer Lake at no more than 10% of the total escapement and to implement culling program for the jacks.

Implementation of these changes has not resulted in achieving these goals. We are asking the Board to revisit 5AAC 18.361 so that a more workable plan can be implemented for the 2016 season.

The board mandated BEG has not been met for early run Upper Station in 2014 and 2015 seasons, also it appears the BEG for the late run 2015 will not be met as well.

The Frazer Lake system was over escaped in both the 2014 and 2015 seasons. Concurrently the jacks were not eliminated or reduced to a normal 10% of the run.

WHAT SOLUTION DO YOU PREFER? To fix the fatal flaws in the management plan.

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

- d) **for a fishery conservation purpose or reason:** We seek this change to conserve these two systems that are being chronically under escaped and over escaped
- e) **to correct an error in regulation:** N/A
- f) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**
N/A

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? We fear yet another year of inadequate escapement.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. Healthy runs help all user groups.

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. Alitak District Setnet Association is a group of commercial setnet fishermen.

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

SUBMITTED BY: Alitak District Setnet Association

ACR 7 – Adopt a harvest strategy for Prince William Sound Tanner crab fishery (5 AAC 35.31X, 5 AAC 35.310, 5 AAC 35.325, 5 AAC 55.022).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 35.31x, 5 AAC 35.310, 5 AAC 35.325, and 5 AAC 55.022.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. The department has been conducting a trawl survey and producing abundance estimates for Tanner crab in PWS since 1991 but has failed to produce a harvest strategy. Currently, regulation 5 AAC 35.310, which was adopted in 1999, states that the commercial harvest of Tanner crab in the Prince William Sound Area (PWS) is closed until the Board of Fisheries (BOF) adopts a harvest strategy. PWS is the only area in the state that has a stock assessment for Tanner crab and no harvest strategy in regulation. At the 2014 statewide king and Tanner BOF meeting, ADF&G promised that they would prepare a harvest strategy for consideration at the 2017 statewide king and Tanner meeting, and furthermore, the BOF encouraged submission of an agenda change request for consideration of a harvest strategy for PWS Tanner crab in advance of the next scheduled meeting. ADF&G asserted at this meeting that they already had enough information to create a harvest strategy. Tanner crab abundance has been increasing in PWS as documented through ADF&G trawl surveys and subsistence harvests since 2008. With a properly crafted Tanner crab harvest strategy a commercial fishery in PWS could provide economic opportunity to local fishermen and communities.

ADF&G has endured severe budget cuts in fiscal year 16 and given the current fiscal situation in the state of Alaska they are expected to endure equally severe cuts next year. Fishery surveys are being eliminated, and surveys conducted by the Commercial Fisheries Division that have no commercial fishery associated with them are most likely to be cut. If a harvest strategy is not adopted now, we risk the loss of the survey and with it any hope for a commercial Tanner crab fishery in PWS; it is imperative that we use the data from the trawl survey to create a harvest strategy now.

WHAT SOLUTION DO YOU PREFER? A harvest strategy should be formulated from the trawl survey data. Thresholds above which a commercial fishery could occur and guideline harvest levels (GHLs) can be determined conservatively using the same format and formulas used for the Eastern Aleutians District Tanner crab harvest strategy in the Westward Area (5 AAC 35.509), which supports a small commercial Tanner crab fishery in most years.

The department's trawl survey occurs in two commercial districts, the Northern and Hinchinbrook Districts, and threshold levels of abundance as well as guideline harvest levels (GHL) can be determined based on population estimates for these districts combined (threshold = 95,000 mature crab; one-half the long-term average of mature male abundance 1991-2001). Because the department does not survey in the Western and Eastern Districts, a threshold level of abundance cannot be determined; these districts should have the opportunity for a commissioner's permit fishery if conditions warrant. Season dates should be consistent with other commercial Tanner crab fisheries (January 15 – March 31). Gear limits should be set conservatively with a maximum overall number allowed in order to prevent a commercial fishery from overwhelming the

available resource (maximum 300 in the fishery and maximum 30 per vessel). A registration deadline of January 5 will allow ADF&G to establish and announce vessel pot limits before the beginning of the fishery each year. Reporting requirements should be set for once each day from fishing vessels and should include at a minimum the number of pots lifted and the number of crab retained. The fishery should remain superexclusive, which is currently in regulation. The Tanner crab size limit for the commercial fishery should remain at 5.3 inches, which is currently in regulation. A sport fishery for Tanner crab in PWS should be established in regulation consistent with the subsistence fishery regulations and limits.

The harvest strategy and fishery regulations should be as follows:

5 AAC 35.310. Fishing Seasons for Registration Area E. (a) In the Northern and Hinchinbrook Districts, pots may be operated to take Tanner crab only from 8:00 a.m. to 5:59 p.m., with a soak time of 14 hours, from 6:00 p.m. to 7:59 a.m., from 12:00 noon January 15 until 12:00 noon March 31, unless closed earlier by emergency order.

(b) For the purposes of this section, “soak time” means the period of time that Tanner crab pot gear is submerged in the water in fishing condition and not being operated.

5 AAC 35.31x. Registration Area E Tanner crab harvest strategy. (a) In the Northern and Hinchinbrook Districts, a commercial Tanner crab fishery may only open if analysis of preseason survey data indicates that the subject population meets or exceeds the threshold level of mature male abundance specified in (b) of this section, which is one-half the long-term average of mature male abundance (1991-2001).

(b) The threshold level of mature male abundance in numbers of crab for the Northern and Hinchinbrook Districts combined is 95,000.

(c) In the Northern and Hinchinbrook Districts, the registration deadline is 5:00 p.m. January 5

(d) If the commercial Tanner crab fishery is opened under (a) of this section and the threshold level of mature male abundance

(1) is equal to or less than the long-term average of mature male abundance, the guideline harvest level will be no more than 10 percent of the molting mature male abundance and no more than 30 percent of the legal size male abundance;

(2) exceeds the long-term average of mature male abundance, the guideline harvest level will be no more than 20 percent of the molting mature male abundance and no more than 30 percent of the legal size male abundance.

(e) In implementing the harvest strategy under this section, the board understands that the department will consider the reliability of the estimates of abundance on Tanner crab, the manageability of the fishery, and other factors deemed necessary to be consistent with sustained yield principles and to use the best scientific information available.

(f) Tanner crab in the Western and Eastern Districts may only be taken under the authority and conditions of a permit issued by the commissioner.

(g) The long-term average of mature male abundance in numbers of crab for the Northern and Hinchinbrook Districts combined is 190,000. (h) For the purposes of this section,

(1) “long-term average of mature male abundance” means the long-term average of the estimated abundance of male Tanner crab greater than 113 mm in carapace width;

(2) “molting mature male abundance” means the estimated abundance of 100 percent of newshell, and 15 percent of oldshell Tanner crab that are more than 113 mm in carapace width.

5 AAC 35.325. Lawful gear for Registration Area E. (a) Tanner crab may only be taken with Tanner crab pots. Tanner crab taken by other means must be returned to the water without further harm.

(b) Each tanner crab pot must have no less than four escape rings of no less than four and three-quarters inches (121 mm) inside diameter installed on the vertical plane to permit escapement of undersized Tanner crab

(c) In the Northern and Hinchinbrook Districts, the total number of pots allowed in the fishery is 300; the department will establish the individual vessel pot limit by dividing the 300 total pot limit by the number of vessels that register before the season opens; no more than 30 pots per vessel is allowed.

5 AAC 35.35x. Reporting requirements for Registration Area E. In the Prince William Sound Area, a validly registered Tanner crab vessel must report each day to the department

(1) The number of pot lifts;

(2) The number of crab retained for the 24-hour fishing period preceding the report; and

(3) Any other information that the commissioner determines is necessary for the management and conservation of the fishery, as specified in the vessel registration certificate issued under 5 AAC 35.306.

5AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area. (b) (3) Tanner crab may be taken as follows:

(A) Tanner crab may be taken only from October 1 through March 31;

(B) only male Tanner crab 5 and one-half inches or greater in width of shell may be taken or possessed:

(C) the daily bag and possession limit is five male Tanner crab.

(D) Tanner crab may be taken only under a permit issued by the department; a harvest recording form under 5 AAC 75.016 is required;

(E) no more than two pots per person with no more than two pots per vessel may be used to take

Tanner crab

(F) each Tanner crab pot must have no less than two escape rings of no less than four and three-eighths inches inside diameter

(G) a Tanner crab pot may not have any portion of the line attaching the pot to a buoy floating on the surface of the water at any time, except for that portion of the line connecting the main buoy to any auxiliary buoy or buoys.

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

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

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

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

The BOF could not have foreseen that ADF&G would not present a harvest strategy for Tanner crab in PWS for consideration in a timely manner, and that the commercial fishery would remain closed without any evaluation of the Tanner crab trawl survey data for 27 years. In 1999, the BOF adopted an ADF&G proposal (5 AAC 35.310) which removed the season dates for the commercial Tanner crab fishery in PWS from regulation and closed it until the BOF adopts a harvest strategy. ADF&G stated at the time (1999) that they planned to develop a harvest strategy in the future consistent with the regulatory mandate in 5 AAC 35.080, and that the season dates should be removed from regulation so that user groups would not be misled about the potential for a fishery. Despite conducting a trawl survey and producing abundance estimates for Tanner crab in PWS since 1991, ADF&G has not developed a harvest strategy.

In addition, when the BOF considered proposals to develop a harvest strategy for PWS Tanner crab at the 2014 statewide king and Tanner meeting, they could not have foreseen the current fiscal crisis in the state of Alaska that may preclude ADF&G from developing the harvest strategy or may eliminate the survey that would be necessary to implement a harvest strategy.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Alaska will once again forgo the opportunity to conduct a commercial fishery for Tanner crab in PWS for another year, and local economies will suffer. Additionally, budget cuts may preclude ADF&G from crafting a harvest strategy next year and the PWS trawl survey may be discontinued. If this happens, we may lose our chance to craft a meaningful harvest strategy for Tanner crab and the consequent ability to prosecute a commercial fishery.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR is not allocative because it would develop a harvest strategy that allows for the possibility of an open access commercial fishery. It would also allow for a sport fishing opportunity concurrent with the existing subsistence fishery regulations.

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. Cordova District Fishermen United (CDFU) is a non-profit membership organization representing over 300 family fishermen who participate in the commercial fisheries in the Prince William Sound and Copper River region. It is our mission is to preserve, promote and perpetuate the commercial fishing industry in Area E in the state of Alaska; to further promote legislation, conservation, management and the general welfare for the mutual benefit of not just our members, but all commercial fishing families in Area E. 27 years have passed since the last commercial tanner crab fisheries in PWS. The CDFU Board of Directors finds that adoption of a commercial harvest strategy in PWS is warranted and implores the BOF serious consideration of the provisions contained herein.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. Yes, at the statewide King and Tanner meeting in March 2014, proposals 329,330,331, 332, and 333 all sought to open a commercial tanner crab fishery in Prince William Sound.

SUBMITTED BY: Cordova District Fishermen United (CDFU)

ACR 8 – Amend the *Kasilof River Salmon Management Plan* to allow the Kasilof River Special Harvest Area to open only after July 25 (5 AAC 21.365).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 21.365(c)(4) Kasilof River Management Plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. The Department continues to misuse the KRSHA reallocating thousands of sockeye from the traditional fishery to a select few fishing operations at the mouth of the Kasilof River. It is physically impossible for most of the Kasilof fishermen to participate in this fishery which may be 30 miles away. This fishing area was too rarely if ever to be used, but now is becoming the new norm even being used in June.

WHAT SOLUTION DO YOU PREFER? DELETE ALL OF SECTION (4)

[(4) after July 8, if the Kasilof Section set gillnet fishery is restricted to fishing within the first one-half mile of shore, the commissioner may, by emergency order, open the KRSHA described in (f) of this section to both set and drift gillnet fishing using only one gillnet, for fishing periods not to exceed 48 hours in duration without one period of 24 consecutive hours of closure; the provisions in (f)(1)–(8) of this section apply during these openings;]

ADD AFTER JULY 25

(f) **After July 25** the commissioner may, by emergency order, open the Kasilof River Special Harvest Area (KRSHA) to the taking of salmon by gillnets when it is projected that the Kasilof River sockeye salmon escapement will exceed 365,000 fish. It is the intent of the Board of Fisheries (board) that the KRSHA should rarely, if ever, be opened under this subsection and only for conservation reasons. Before the commissioner opens the KRSHA, it is the board's intent that additional fishing time be allowed in the remainder of the Kasilof Section first, and secondly that the mandatory closures specified in regulation be reduced in duration, if necessary to meet the escapement goals contained within this and other management plans. The Kasilof River Special Harvest Area is defined as those waters within one and one-half miles of the navigational light located on the south bank of the Kasilof River, excluding waters of the Kasilof River upstream of ADF&G regulatory markers located near the terminus of the river and waters open to set gillnetting under 5 AAC 21.330(b)(3)(C)(ii) and (iii). The following apply within the special harvest area when it is open.

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

- a) **for a fishery conservation purpose or reason:** While 5 AAC 21.365 seems very clear the department continues to exceed escapement goals in the Kasilof River and by using this area so much it is likely damaging the Kasilof Chinook Run.
- b) **to correct an error in regulation:** There is obviously an error in regulation that prevents the department from interpreting correctly that this KRSHA should rarely be used replacing the traditional fishing areas

- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**
There was never any discussion that set gillnet fishermen in the Kasilof Section would be sitting on the beach while the KRSHA is opened daily. This area is supposed to be for conservation; instead it is being used to get around hour limitations and windows

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Continued over-escapement of Kasilof Sockeye, reallocation by emergency orders and damage to Kasilof stocks.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR is requesting a change in the management plan to clarify how to use the KRSA and the additional harvest would be from fish already allocated to the Kasilof Section and prevent over escapement

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. This ACR is not allocative it, seeks to prevent the current reallocation by ADF&G from misuse of emergency order authority.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. Kasilof Section set gillnet operator.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. This ACR has been partially talked about since 2008 at each board meeting trying to clarify use of the KRSHA and management for the escapement goal.

SUBMITTED BY: Mark Ducker

ACR 9 – Amend the *Kasilof River Salmon Management Plan* to set dates when commercial fishing with set gillnets can be restricted in the Kasilof Section (5 AAC 21.365).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 21.365 Kasilof River Management Plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. The Department needs to clarification on when to restrict to ½ mile and 600 feet in the Kasilof Section as detailed in Section (3) rather than continue a massive reallocation away from the traditional fishery. There are no reasons to close areas outside of 600 feet or ½ mile until Kenai sockeye are present within this area.

WHAT SOLUTION DO YOU PREFER? (3) beginning July 8, the set gillnet fishery in the Kasilof Section will be managed as specified in 5 AAC 21.360(c); in addition to the provisions of 5 AAC 21.360(c), **After July 12** the commissioner may, by emergency order, limit fishing during the regular weekly periods and any extra fishing periods to those waters within one-half mile of shore, if the set gillnet fishery in the Kenai and East Forelands Sections are not open for the fishing period; **After July 25** if the commissioner determines that further restrictions are necessary to aid in achieving the lower end of the Kenai River **sockeye** escapement goal, the commissioner may, in an emergency order under this paragraph, further restrict fishing to within 600 feet of the high tide mark in the Kasilof Section.

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

- a) **for a fishery conservation purpose or reason:** The department continues to exceed escapement goals in the Kasilof River because of their continued dependence on fishing these restricted areas instead of relying on the traditional fishery which was the entire Kasilof Section until July 12 then if necessary reduce some fishing periods to within ½ mile of shore to allow Kenai sockeye to get to the river. The 600 foot restricted area should only be used as a last resort and not simply to get around hour limitations and windows. The board has made it abundantly clear that the traditional fishery should be opened to control escapements and there is even a finding from 2008 that specifies how that is to be accomplished.
- b) **to correct an error in regulation:** There is obviously an error in regulation or lack of clarity which is leading to replacing the traditional fishing areas with restricted fishing areas with no defined objectives.
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** There was never any discussion that set gillnet fishermen in the most of the Kasilof Section would be sitting on the beach while ADF&G arbitrarily restricts fishing area to get around hourly limitations and windows without any reasonable rational. These restricted areas should be utilized for conservation only; instead they are being used to get around the hour limitations and windows which are arbitrary at best.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Continued over-escapement of Kasilof Sockeye and reallocation away from the traditional fishery by emergency orders.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR is requesting guidelines that clarify or limit when ADF&G can restrict fishing area the additional harvest would be from fish already allocated to the Kasilof Section and prevent over-escapement.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. This ACR is not allocative, it seeks to prevent the current reallocation by ADF&G from misuse of emergency order authority.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. Kasilof Section set gillnet operator.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. This ACR has been partially talked about since 2008 at each board meeting trying to clarify use of restricted fishing areas is for conservation only management for the escapement goal.

SUBMITTED BY: Mark Ducker

ACR 10 – Amend the *Kenai River Late-Run King Salmon Management Plan* to eliminate paired restrictions and set gillnet gear restrictions, but maintain existing escapement goal (5 AAC 21.359).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC: 21.359 Kenai River Late Run King Salmon Management Plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. At the last UCI board meeting the board erred in making numerous changes to the Kenai King Plan which are not supported by science, such as the 29 mesh restriction, or are beyond the department's ability to implement such as the 22,500 projections in (e)(3), the paired restrictions which are anything but paired. In 2015 ADF&G used the forecast of 22,100 to conclude that the inriver run would be under 22,500 and restricted all fisheries. From July 1 on, their projection was in excess of an inriver run 22,500 yet they kept the restrictions in place until July 25 causing gross over escapement of sockeye into both the Kenai and Kaslilof Rivers. While the inriver fishery is able to recover and in fact prosper the commercial fishery was harmed losing millions of dollars. The current plan has proven to be unwise and unworkable especially given the significant undercounting by the king salmon counter which has been in place for several years, still without a singled report or peer review of its veracity. For these and many more problems associated with this plan, it should be repealed and readopt the plan from 2012 which at least had a track record.

WHAT SOLUTION DO YOU PREFER? 5 AAC 21.359 Kenai River Late-Run King Salmon Management Plan (a) The purposes of this management plan are to ensure an adequate escapement of late-run kind salmon into the Kenai River system and to provide management guidelines to the department. The department shall manage the late-run Kenai River king salmon stocks primarily for sport and guided sport uses in order provide the sport and guided sport fishermen with a reasonable opportunity to harvest these salmon resources over the entire run, as measured by the frequency of inriver restrictions.

(b) The department shall manage the late run of Kenai River king salmon to achieve a biological escapement goal of [17,800–35,700] **15,000–30,000** king salmon, as follows:

(1) in the sport fishery

(A) if the biological escapement goal is projected to be exceeded, the commissioner may, by emergency order, extend the sport fishing season up to seven days during the first week of August.

(B) from July 1 through July 31, a person may not use more than one single hook in the Kenai River Downstream from Skilak Lake;

(2) in the sport fishery, that portion of the Kenai River downstream from Skilak Lake is open to unguided sport fishing from a non-motorized vessel on Mondays in July; for purposes of this section a non-motorized vessel is one that does not have a motor on board;

(3) if the projected inriver return is less than [17,800] **15,000** king salmon, the department shall

(A) close the sport fishery in the Kenai River and in the salt waters of Cook Inlet north of the latitude of Bluff Point to the taking of king salmon;

(B) close the commercial drift gillnet fishery in the Central District within one mile of

the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles of the Kenai Peninsula shoreline south of the Kenai River; and

(C) close the commercial set gillnet fishery in the Upper Subdistrict of the Central District.

(c) From July 20 through July 31;

(1) repealed

(2) if the projected inriver return of late-run king salmon is less than 40,000 fish and the inriver sport fishery harvest is projected to result in an escapement below [17,800] **15,000** king salmon, the department may restrict the inriver sport fishery;

(3) repealed

(4) if the inriver sport fishery is closed under (2) of this subsection, the commercial set gillnet fishery in the Upper Subdistrict shall be closed;

(5) repealed

(d) Repealed.

(e) Consistent with the purposes of this management plan, and 5 AAC 21.360 if the projected inriver return of king salmon is less than 40,000 fish, the department may not reduce the closed waters at the mouth of the Kenai River described in 5 AAC 21.350(b).

(f) The provisions of the Kasilof River Salmon Management Plan (5 AAC 21.365) are exempt from the provisions of this section.

(g) The department will to the extent practicable, conduct habitat assessments on a schedule that conforms to the Board of Fisheries (board) triennial meeting cycle. If the assessments demonstrate a net loss of riparian habitat caused by noncommercial fishermen, the department is requested to report those findings to the board and submit proposals to the board for appropriate medication of this plan.

(h) The commissioner may depart from the provisions of the management plan under this section as provided in 5 AAC 21.363(e).

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

a) **for a fishery conservation purpose or reason:** The department continues to exceed sockeye escapement goals in the Kenai and Kasilof Rivers due to problems with the king salmon management plan which are impossible to implement.

b) **to correct an error in regulation:** Yes ADF&G can't make a projection until July 20 so by allowing them to make one using a forecast is arbitrary and capricious at best.

c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Yes the continued over escapement has been addressed yet here we see it continuing. The allocative restrictions within these plans should be secondary to conservation, which is management for escapement goals both lower and upper ends of goals. Perhaps it is time to admit that all these restrictions put forth by the Kenai River Sport Fishing are not working and should be removed from regulation.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Continued over-escapement of Kenai and Kasilof sockeye and reallocation away from the traditional fishery by emergency orders.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR is requesting ADF&G be instructed to manage fish already allocated to the Upper Subdistrict and prevent over-escapement and is not allocative.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. This ACR is not allocative, it seeks to prevent the current reallocation by ADF&G from misuse of data emergency order authority.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. Kasilof Section set gillnet operator.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. No and evidently discussion on the use of these projections and paired restrictions must have received little to no discussion.

SUBMITTED BY: Mark Ducker

ACR 11 – Amend the *Kenai River Late-Run Sockeye Salmon Management Plan* to require additional commercial fishing time with set gillnets in the Upper Subdistrict when the department determines the Kenai River late-run sockeye salmon inriver goal range will be exceeded (5 AAC 21.360).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 21.360 Kenai River Late Run Sockeye Salmon Management Plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. The department needs clarification that they should manage for the upper end of inriver goals, BEG's and SEG's. While they are directed to refer to 5 AAC 21.363(e) they seem to fail almost every year and over-escape the Kenai and Kasilof.

WHAT SOLUTION DO YOU PREFER? I would add clear instructions that the commissioner will use emergency order authority to manage for the escapement goal by adding the bold text below at each run strength.

5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan (c)

(1) at run strengths of less than 2,300,000 sockeye salmon,

(A) the department shall manage for an inriver goal range of 900,000–1,100,000 sockeye salmon past the sonar counter at river mile 19; and

(B) subject to the provisions of other management plans, the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5 AAC 12.320, through July 20, unless the department determines that the minimum inriver goal will not be met, at which time the fishery shall be closed or restricted as necessary; the commissioner may, by emergency order, allow extra fishing periods of no more than 24 hours per week, except as provided in 5 AAC 21.265; **if the department determines that the Kenai River late-run sockeye salmon inriver goal range will be exceeded the commissioner will by emergency order, open additional fishing time in the Upper Subdistrict as necessary to achieve the inriver goal of 900,000 to 1,100,000 sockeye necessary as detailed in the board finding from 2008.**

(2) at run strengths of 2,300,000–4,600,000 salmon,

(A) the department shall manage for an inriver goal range of 1,000,000–1,200,000 sockeye salmon past the sonar counter at river mile 19;

(B) subject to the provisions of other management plans, the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5 AAC 21.320, through July 20, or until the department makes a determination of run strength, whichever occurs first; if the department determines that the minimum inriver goal will not be met, the fishery shall be closed or restricted as necessary; the commissioner may, by emergency order, allow extra fishing periods of no more than 51 hours per week, except as provided in 5 AAC 21.365; **if the department determines that the Kenai River late-run sockeye salmon inriver goal range will be exceeded the commissioner will, by emergency order, open additional fishing time in the Upper Subdistrict as necessary to achieve the inriver goal of 1,000,000 to 1,200,000 sockeye. In addition if necessary the commissioner will eliminate or reduce the continuous closed periods**

in (C) below to reduce escapements as necessary as detailed in the board findings from 2008 and

(C) the Upper Subdistrict set gillnet fishery will be closed for continuous 36-hour period per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday and for one continuous 24-hour period per week beginning between 7:00 p.m. Monday and 7:00 a.m. Wednesday;

(3) at run strengths greater than 4,600,00 sockeye salmon,

(A) the department shall manage for an inriver goal range of 1,100,000–1,350,000 sockeye salmon past the sonar counter at river mile 19;

(B) subject to provisions of other management plans, the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5 AAC 21.320, through July 20, or until the department makes a determination of run strength, whichever occurs first; if the department determines that the minimum inriver goal will not be met, the fishery shall be closed or restricted as necessary; the commissioner may, by emergency order, allow extra fishing periods of no more than 84 hours per week, except as provided in 5 AAC 21.365; **if the department determines that the Kenai River late-run sockeye salmon inriver goal range will be exceeded the commissioner will, by emergency order, open additional fishing time in the Upper Subdistrict as necessary to achieve the inriver goal of 1,100,000 to 1,350,000 sockeye. In addition if necessary the commissioner will eliminate or reduce the continuous closed periods in (C) below to reduce escapements as necessary as detailed in the board finding from 2008** and

(C) the Upper Subdistrict set gillnet fishery will be closed for one continuous 36-hour period per week.

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

- a) **for a fishery conservation purpose or reason:** The department continues to exceed escapement goals in the Kenai and Kasilof Rivers. The board has specified in a finding that the department is to manage for this escapement goal yet the department continues to ignore this finding. This ACR clarifies that the commissioner will manage to achieve the goal.
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Yes the continued over escapement has been addressed yet here we see it continuing. The allocative restrictions within these plans should be secondary to conservation, which is management for escapement goals both lower and upper ends of goals.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Continued over-escapement of Kenai and Kasilof sockeye and reallocation away from the traditional fishery by emergency orders.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR is requesting ADF&G be instructed to manage fish already allocated to the Upper Subdistrict and prevent over-escapement and is not allocative.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. This ACR is not allocative; it seeks to prevent the current reallocation by ADF&G from misuse of data emergency order authority.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. Kasilof Section set gillnet operator.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. This ACR has been partially talked about since 2008 at each board meeting trying to clarify use of restricted fishing areas is for conservation only and management for the escapement goal.

SUBMITTED BY: Mark Ducker

ACR 12 – Amend the *Kenai River Late Run Sockeye Salmon Management Plan* to require additional commercial fishing time with set gillnets in the Kasilof Section when Kenai River sockeye salmon inriver goal is projected to be achieved and Kasilof River sockeye salmon escapement goal will be exceeded (5 AAC 21.365).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 21.365 Kenai River Late Run Sockeye Salmon Management Plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. The department needs clarification that they should manage for the escapement.

WHAT SOLUTION DO YOU PREFER? (5) after July 15, if the department determines that the Kenai River late-run sockeye salmon run strength is projected to be less than 2,300,000 fish and the 390,000 optimal escapement goal for the Kasilof River sockeye salmon may be exceeded, the commissioner may, by emergency order, open fishing for an additional 24 hours per week in the Kasilof Section within one-half mile of shore and as specified in 5 AAC **21.360(c). In addition not withstanding 5 AAC 21.360(c)(1)(B) & 5 AAC 21.360 (c)(2)(B) & (C) and 5 AAC 21.360(c)(3)(B) & (C) after July 15, if the department determines that the Kenai River late-run sockeye salmon inriver goal range is projected to be achieved and the 340,000 biological escapement goal for the Kasilof River sockeye salmon will be exceeded, the commissioner will, by emergency order, open additional fishing time as necessary in the Kasilof Section and or within one-half mile of shore in the Kasilof Section as necessary to achieve the biological escapement goal.**

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

- a) **for a fishery conservation purpose or reason:** The department continues to exceed escapement goals in the Kasilof River. The board has specified in a finding that the department is to manage for this escapement goal yet the department continues to ignore this finding. The ACR clarifies that the commissioner will manage to achieve this goal.
- b) **to correct an error in regulation:** N/A
- c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** Yes the continued over escapement has been addressed yet here we see it continuing. The allocative restrictions within these plans should be secondary to conservation, which is management for escapement goals both lower and upper ends of goals.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Continued over-escapement of Kasilof sockeye and reallocation away from the traditional fishery by emergency orders.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR is requesting ADF&G be instructed to manage fish already allocated to the Kasilof Section and prevent over-escapement and is not allocative.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. This ACR is not allocative, it seeks to prevent the current reallocation by ADF&G from misuse of data emergency order authority.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. Kasilof Section set gillnet operator.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. This ACR has been partially talked about since 2008 at each board meeting trying to clarify use of restricted fishing areas is for conservation only and management for the escapement goal.

SUBMITTED BY: Mark Ducker

ACR 13 – Amend the *Central District Drift Gillnet Fishery Management Plan* to remove the 1% harvest rule (5 AAC 21.353).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 21.353 Central District Drift Gillnet Management Plan

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. The 1% Rule is not coordinated with current escapement numbers. The 1% Rule should be based on current escapements rather than current harvests.

The current 1% Rule was adopted by the BOF in response to a board-generated proposal. It was adopted without public testimony and customary public process. In 2014 and 2015, the 1% Rule moved the drift fleet away from the Kasilof and Kenai Rivers and the middle of the Inlet even though large surpluses and escapements were occurring.

The Kenai River in 2014 and 2015 had 324,706 and 400,000+, respectively, surplus escapements (724,706 total) in August. Yet in both years, the 1% Rule was implemented and fishing families were arbitrarily denied the economic opportunity to harvest some of these surplus salmon.

NOTE: The 2015 surplus escapement will exceed 400,000 sockeyes, as of August 21 escapement counts are still occurring.

Additional Problem: With these August surplus escapements, UCIDA is concerned that historic run timing may change due to ¼ to ½ of the escapements now occurring in August. Collectively, in the Kenai and Kasilof Rivers during 2014 and 2015, there were 1,425,000+ sockeye salmon, or 47% that entered these two rivers beginning August 1st.

The current 1% Rule is implemented ignoring the fact that nearly 50% of the total escapements and 100% of the surplus escapement occurs after August 1.

WHAT SOLUTION DO YOU PREFER? 5 AAC 21.353 Central District Drift Gillnet Fishery Management Plan

(e) From August 1 through August 15, there are no mandatory area restrictions to regular fishing periods [, EXCEPT THAT IF THE UPPER SUBDISTRICT SET GILLNET FISHERY IS CLOSED UNDER 5 AAC 21.310(B)(2)(C)(III), OR THE DEPARTMENT DETERMINES THAT LESS THAN ONE PERCENT OF THE SEASON'S TOTAL DRIFT GILLNET SOCKEYE SALMON HARVEST HAS BEEN TAKEN PER FISHING PERIOD FOR TWO CONSECUTIVE FISHING PERIODS IN THE DRIFT GILLNET FISHERY, REGULAR FISHING PERIODS WILL BE RESTRICTED TO DRIFT GILLNET AREAS 3 AND 4. IN THIS SUBSECTION, "FISHING PERIOD" MEANS A TIME PERIOD OPEN TO COMMERCIAL FISHING AS MEASURED BY A 24-HOUR CALENDAR DAY FROM 12:01 A.M. UNTIL 11:59 P.M.]

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

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

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

c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:**
The large 1,425,000 (47%) of the total escapements that occurred in August were not foreseeable or foreseen. Now that nearly 50% of the total escapement and all the surplus escapements occur in August, the 1% Rule is economically damaging, arbitrary and biologically inappropriate.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? Surplus escapements will continue that arbitrarily limit the drift fleet's economic opportunities

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR is not allocative as the salmon we ask an opportunity to harvest are surplus escapements. No other harvesters will have reduced opportunities to fish.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. This ACR only asks the BOF to schedule the 1% Rule for a public hearing and possible regulation change.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. UCIDA (United Cook Inlet Drift Association) is an association that represents the well-being of Upper Cook Inlet drifters, associates and resources.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. This ACR has not been before the BOF. However, the 1% Rule was adopted as a result of a Board generated proposal at the 2014 UCI regulatory meeting.

SUBMITTED BY: United Cook Inlet Drift Association

ACR 14 – Increase the amount of time and area allowed for fishing under the *Central District Drift Gillnet Fishery Management Plan* (5 AAC 21.353).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 21.353 Central District Drift Gillnet Management Plan

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. The 2014 and 2015 Central District Gillnet salmon harvests were numerically and economically the poorest in recent memory, 20+ years. In 2014 and 2015 the Kenai and Kasilof River escapements indicate that there were a couple million harvestable salmon available. The current 5 AAC 21.353 Central District Drift Gillnet Management Plan has denied the drift fleet a reasonable opportunity to harvest these millions of salmon that were available. Escapement needs were satisfied and other harvesters had time, areas and bag & possession limits all liberalized. The drift fleet asks for harvest parity when salmon stocks are available. The drift fleet has not been given an opportunity to harvest salmon, even though escapements have been exceeded or grossly exceeded. Harvestable surpluses existed and were not utilized.

WHAT SOLUTION DO YOU PREFER? 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan (a) The purpose of this management plan is to ensure adequate escapement of salmon into the Northern District drainages and to provide management guidelines to the department. The department shall manage the commercial drift gillnet fishery to minimize the harvest of Northern District and Kenai River coho salmon in order to provide sport and guided sport fishermen a reasonable opportunity to harvest these salmon stocks over the entire run, as measured by the frequency of in-river restrictions. The department shall manage the Central District commercial drift gillnet fishery as described in this section.

(b) The regular weekly fishing periods are as described in 5 AAC 21.320(b). The fishing season will open the third Monday in June or June 19, whichever is later.

(c) From July 9 through July 15,

(1) fishing during **either** the first regular fishing period **or** [AND] second regular fishing period is restricted to the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;

(2) at run strengths greater than 2,300,000 sockeye salmon to the Kenai River, the commissioner may, by emergency order, open [ONE] additional 12-hour fishing periods in the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict and Drift Gillnet **Area 1**;

(3) additional fishing time under this subsection is allowed only in the Expanded Kenai and Expanded Kasilof Sections and Area 1 of the Upper Subdistrict.

(d) From July 16 through July 31,

(1) at run strengths of less than 2,300,000 sockeye salmon to the Kenai River, fishing during all regular 12-hour fishing periods will be restricted to **Area 1** [THE EXPANDED KENAI AND EXPANDED KASILOF SECTIONS OF THE UPPER SUBDISTRICT];

(2) at run strengths of 2,300,000 - 4,600,000 sockeye salmon to the Kenai River,

(A) fishing during one regular 12-hour fishing period per week will be restricted to one or more of the following sections and areas:

- (i) Expanded Kenai Section of the Upper Subdistrict;
- (ii) Expanded Kasilof Section of the Upper Subdistrict;
- (iii) Anchor Point Section of the Lower Subdistrict;
- (iv) Drift Gillnet Area 1;

(B) the remaining weekly 12-hour regular fishing period will be restricted to one or more of the following sections:

- (i) Expanded Kenai Section;
- (ii) Expanded Kasilof Section;
- (iii) Anchor Point Section;

(iv) Drift Gillnet Area 1

(v) Drift Gillnet Area 2

(3) at run strengths greater than 4,600,000 sockeye salmon to the Kenai River, one regular 12-hour fishing period per week will be restricted to the Expanded Kenai, Expanded Kasilof, and Anchor Point Sections, **Drift Gillnet Area 1 or Drift Gillnet Area 2**;

(4) additional fishing time under this subsection is allowed only in one or more of the following sections:

- (A) Expanded Kenai Section;
- (B) Expanded Kasilof Section;
- (C) Anchor Point Section

(D) Drift Gillnet Area 1

(E) Drift Gillnet Area 2.

(e) From August 1 through August 15, there are no mandatory area restrictions to regular fishing periods [, EXCEPT THAT IF THE UPPER SUBDISTRICT SET GILLNET FISHERY IS CLOSED UNDER 5 AAC 21.310(B)(2)(C)(III), OR THE DEPARTMENT DETERMINES THAT LESS THAN ONE PERCENT OF THE SEASON'S TOTAL DRIFT GILLNET SOCKEYE SALMON HARVEST HAS BEEN TAKEN PER FISHING PERIOD FOR TWO CONSECUTIVE FISHING PERIODS IN THE DRIFT GILLNET FISHERY, REGULAR FISHING PERIODS WILL BE RESTRICTED TO DRIFT GILLNET AREAS 3 AND 4. IN THIS SUBSECTION, "FISHING PERIOD" MEANS A TIME PERIOD OPEN TO COMMERCIAL FISHING AS MEASURED BY A 24-HOUR CALENDAR DAY FROM 12:01 A.M. UNTIL 11:59 P.M.]

(f) From August 16 until closed by emergency order, Drift Gillnet Areas 3 and 4 are open for fishing during regular fishing periods.

(g) For the purposes of this section,

(1) "Drift Gillnet Area 1" means those waters of the Central District south of Kalgin Island at 60_ 20.43' N. lat.;

(2) "Drift Gillnet Area 2" means those waters of the Central District enclosed by a line from 60_ 20.43' N. lat., 151_ 54.83' W. long. to a point at 60_ 41.08' N. lat., 151_ 39.00' W. long. to a point at 60_ 41.08' N. lat., 151_ 24.00' W. long. to a point at 60_ 27.10' N. lat., 151_ 25.70' W. long. to a point at 60_ 20.43' N. lat., 151_ 28.55' W. long.;

(3) "Drift Gillnet Area 3" means those waters of the Central District within one mile of mean lower low water (zero tide) south of a point on the West Foreland at 60_ 42.70' N. lat., 151_ 42.30' W. long.;

(4) "Drift Gillnet Area 4" means those waters of the Central District enclosed by a line from 60_ 04.70' N. lat., 152_ 34.74' W. long. to the Kalgin Buoy at 60_ 04.70' N. lat., 152_ 09.90' W. long. to a point at 59_ 46.15' N. lat., 152_ 18.62' W. long. to a point on the western shore at 59_ 46.15' N. lat., 153_ 00.20' W. long., not including the waters of the Chinitna Bay Subdistrict.

(h) The commissioner may depart from the provisions of the management plan under this section as provided in 5 AAC 21.363(e).

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

a) **for a fishery conservation purpose or reason:** The current regulation 5AAC 21.353 is very prescriptive and makes adaptive management almost impossible. When 5AAC 21.353 was adopted in 2014, the BOF assured all parties that large surplus escapements were not anticipated or expected. In 2014 and 2015 there were millions of available surplus salmon that went unharvested even though there were willing harvesters, salmon buyers and ready markets.

The economic, resource and biological damage that has occurred in 2014 and 2015 has been severe. These damages were both unnecessary and arbitrary.

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

c) **to correct an effect on a fishery that was unforeseen when a regulation was adopted:** see 4) a).

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? These proposed changes in this ACR are a matter of economic necessity and survival. The average Upper Cook Inlet drift salmon fishing family lost money in participating in the fishery. Increased fishing costs due to multiple openings, were there were few salmon. Areas where the salmon were located were kept closed, according to various management plans.

All the current management plans assume historical run timing, locations, patterns and depths. In 2014 and 2015 the salmon did not display these historical events. As a result, these prescriptive management plans required the drift fleet to fish when and where the salmon were not located, resulting in increased fishing expenses, small harvests and surplus escapements. The drift gillnet salmon fleet cannot afford a third year of these current prescriptive management plans.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. This ACR is requesting a change in the management plans that were unforeseen. To harvest the surplus salmon and keep area biologists to keep escapement goals because the data shows ample salmon

with increased in-river ban, time and area. The surplus over the escapement goals is so large the in-river fisheries are unable to harvest the surplus.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Time and area restrictions have been heard at several BOF meetings. However, in 2014 and 2015 surplus escapements and economic harm occurring at the same time.

We are asking for an opportunity to modify 5AAC 21.353 before further economic harm occurs at a time of large surplus escapements.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF THIS ACR. UCIDA (United Cook Inlet Drift Association) is an association that represents the well-being of Upper Cook Inlet drifters, associates and resources.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. These economic harms in the presence of surplus escapements have not been heard by the BOF. At the 2014 UCIDA BOF meeting, UCIDA clearly articulated these economic harms and surplus escapements as likely outcomes of the newly adopted management plans. Now, after the 2014 and 2015 salmon seasons, these economic harms and surplus escapements are a reality. UCIDA encourages the BOF to schedule this and other ACR's for public hearings and regulatory revisions.

SUBMITTED BY: United Cook Inlet Drift Association

ACR 15 – Reduce the Alaska hatchery-produced king salmon harvest percentage triggers when the preseason abundance index (AI) is 1.95 or greater (5 AAC 29.090).

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD. 5 AAC 29.090. Management of the spring salmon troll fisheries.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM. In recent years, an abundance of Chinook salmon has caused spring trolling areas to be restricted or closed prematurely, due to the high presence of treaty kings. This is due, in large part, to the Columbia River, which has recently experienced the three largest fall Chinook runs since the dams were erected in 1938. ATA is requesting a small adjustment to the spring troll management plan, only in years of exceptional abundance, so that the fishery can be conducted as envisioned by the Board of Fisheries and the fleet.

The spring troll fishery is structured in such a way as to target Alaska hatchery Chinook and minimize the harvest of fish that count against the Pacific Salmon Treaty (treaty) quota. A number of small areas are opened to trolling from April-June near hatcheries or in corridors where Alaska hatchery fish are known to transit. The amount of time allowed in each area varies, and is determined weekly, with some openings lasting just 1-3 days per week. Triggers have been established that mandate the minimum percentage of Alaska hatchery Chinook that must be harvested in order to keep each hatchery area open to trolling.

In 2014, the model utilized by the Chinook Technical Committee of the Pacific Salmon Commission generated a pre-season abundance index of 2.57. Seven spring areas across the region experienced time/area restrictions or closures, due to a strong showing of treaty Chinook. 2013 and 2014 are the only years on record that the percent of Alaska hatchery kings in the spring troll fishery declined instead of increased in mid – to late June.

While all of the data is not yet available, it is well-known that, as a result of exceptional abundance, ADFG managed the 2015 spring fishing areas conservatively. Both time and area restrictions were implemented in the face of another large Columbia River return, which had already contributed to the winter troll fishery closing 5 weeks earlier than ever before.

Loss of opportunity in the hatchery areas reduces troller's access to the hatchery Chinook our industry pays for, many of which are raised to mitigate chronic reductions in the treaty king salmon quota and do not count against the annual quota. In addition, any loss of access to Alaska hatchery Chinook further confounds the troll fleet's ability to achieve its enhanced salmon allocation under 5 AAC 33.364 (see also: 94-148-FB).

Allowing a small reduction in the spring hatchery triggers, only when abundance is anticipated to be very high, should help ensure that the troll fleet maintains access to spring hatchery areas, while also adhering to the original purpose of the caps, which was to help preserve ample numbers of treaty kings for the summer fishery.

WHAT SOLUTION DO YOU PREFER? Reduce the percentage triggers in the spring troll fishery by 5% only when the abundance index, as determined by the Chinook Technical Committee of the Pacific Salmon Commission, is 1.95 or higher.

5 AAC 29.090. Management of the spring salmon troll fisheries (a) In this chapter, a spring salmon troll fishery means a fishery that is

- (1) opened and closed by emergency order;
- (2) restricted in area;
- (3) designated by number so that each opening in a specific body of water is uniquely identified for catch reporting purposes.

...

(b) The department shall manage the spring salmon troll fisheries to target Alaska hatchery- produced king salmon.

(c) The department shall conduct the spring salmon troll fisheries each year before the opening of the general summer salmon troll season.

(d) In its management of the spring fisheries under this section, the department shall

(1) first consider changes in the previous years' spring fisheries; the department shall open the fisheries if they meet the following requirements:

(A) a directed fishery may occur only if an Alaska hatchery return is expected to exceed broodstock requirements;

(B) at least one spring fishery shall be conducted annually, targeting the king salmon returning to each Alaska hatchery that meets its broodstock requirements;

(C) in order to continue the fishery each year without modification of areas previously established, the contribution rate of hatchery stocks to the directed fishery harvest must exceed 20 percent;

(D) if the preseason king salmon abundance index determined by the Chinook Technical Committee of the Pacific Salmon Commission is less than 1.95, the department shall manage each spring salmon troll fishery as follows:

(i) no more than 1,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is less than 25 percent of the king salmon taken in that fishery;

(ii) no more than 2,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is at least 25 percent but less than 35 percent of the king salmon taken in that fishery;

(iii) no more than 3,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is at least 35 percent but less than 50 percent of the king salmon taken in that fishery;

(iv) no more than 5,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is at least 50 percent but less than 66 percent of the king salmon taken in that fishery;

(v) there is no limit on the number of non-Alaska hatchery-produced salmon that may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is 66 percent or more of the king salmon taken in that fishery;

(E) if the preseason king salmon abundance index determined by the Chinook Technical Committee of the Pacific Salmon Commission is 1.95 or greater, the department shall manage each spring salmon troll fishery as follows:

i. no more than 1,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is less than 20 percent of the king salmon taken in that fishery;

ii. no more than 2,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is at least 20 percent but less than 30 percent of the king salmon taken in that fishery;

iii. no more than 3,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is at least 30 percent but less than 45 percent of the king salmon taken in that fishery;

iv. no more than 5,000 non-Alaska hatchery-produced salmon may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is at least 45 percent but less than 61 percent of the king salmon taken in that fishery;

v. there is no limit on the number of non-Alaska hatchery-produced salmon that may be taken in a fishery if the percentage of Alaska hatchery-produced salmon taken in that fishery is 61 percent or more of the king salmon taken in that fishery;

(F) [(E)] if the requirements of (A) – (D) **or (E)** of this paragraph are met, the department shall open the spring salmon troll fisheries until no later than one day before the opening of the summer salmon troll fishery;

(2) consider additional fishing periods based on the best scientific data and on input from salmon trollers;

(3) if the preseason king salmon abundance index determined by the Chinook Technical Committee of the Pacific Salmon Commission is at least 1.15 and the amount of the winter troll fishery guideline harvest level remaining on May

1 is 10,000 or more king salmon, apply the following provisions:

(A) if the guideline harvest level remaining is at least 10,000 king salmon but not more than 15,000 king salmon, 250 additional non-Alaska hatchery-produced salmon will be added to the maximum allowable number of non-Alaska hatchery-produced salmon to be taken as provided in (2)(D) **or (E)** of this subsection;

(B) if the guideline harvest level remaining is more than 15,000 king salmon, 500 additional non-Alaska hatchery-produced salmon will be added to the maximum allowable number of non-Alaska hatchery-produced

salmon to be taken as provided in (2)(D) **or (E)** of this subsection.

(e) Repealed 6/14/2000.

(f) Repealed 5/31/2009.

(g) A CFEC permit holder that participates in a spring salmon troll fishery must offload all fish from the CFEC permit holder's vessel before participating in the summer salmon troll fishery.

(h) Notwithstanding (a) - (d) of this section, in Snow Passage the commissioner may, by emergency order, extend the length of weekly fishing periods during the spring fishery to maximize the harvest of hatchery coho salmon returning to the Neck Lake release site.

(i) The commissioner may open, by emergency order, a spring salmon troll fishery for one day per week during May and June in the Yakutat Bay area east of a line from Point Manby to Ocean Cape, with a maximum harvest of 1,000 king salmon.

(j) The commissioner may open, by emergency order, a fishing season during which two or more adjacent spring salmon troll fishery areas and those area's harvest caps, as specified in (d)(1)(D) of this section for non-Alaska hatchery salmon, are combined if each of the areas has Alaska hatchery compositions of 25 percent or greater for three or more consecutive seasons.

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

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

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

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

Until recently, the abundance of West Coast Chinook salmon has been such that ADFG could manage the spring troll fishery well within the Board of Fisheries goals for the fishery using the current regulations. However, due to the substantial and unexpected increase in the abundance of treaty Chinook salmon, ADFG needs another management tool in years of exceptional abundance, to allow the troll fleet to access hatchery king salmon that are the target of the spring fishery. It is likely that Columbia River Chinook will be present in large numbers for at least a few more years and disruption of the troll fishery could continue if something is not done prior to the 2018Southeast/Yakutat meeting.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE? The spring troll fishery could be subjected to unnecessary time/area restrictions and closures, which will be economically harmful to the fleet and region. This would also hamper the troll fleet's ability to harvest hatchery king salmon being raised to mitigate the loss of quota share under the Pacific Salmon Treaty.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE. The Board of Fisheries has an existing allocation plan that distributes the annual Pacific Salmon Treaty quota amongst the various Southeast user groups. ATA's proposal would have zero impact on the allocation, because the troll fleet would be held to its existing share.

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

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

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF FISHERIES MEETING. This particular proposal has not been considered by the Board of Fisheries, but there is a spring management plan and its terms have been discussed several times since the early 1990s.

SUBMITTED BY: Alaska Trollers Association