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*Southeast Alaska Area (4)*

**ACR 1**

Add the Crawfish Inlet Terminal Harvest Area and West Crawfish Inlet to waters that may be opened to a hatchery chum salmon troll fishery (5 AAC 29.112).

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

5 AAC 29.112. Management of chum salmon troll fishery.

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

The Crawfish Inlet chum salmon program has a specific terminal harvest area defined in 5AAC 33.380 (THA established January '18) for troll which does not include West Crawfish Inlet (3 miles distant connected by Cedar Pass). The expectation in 2017 was the chum salmon would return to Crawfish Inlet through the islets and waterways leading into the inlet (see attached letter & map). In the summer of 2018 it was learned that most of the chum entered Crawfish Inlet via West Crawfish Inlet. Furthermore the chum held in West Crawfish for days before migrating to their release location. This provided an outstanding opportunity for trollers in 2018 when they caught 250,000 chum primarily in West Crawfish. In 2019, again the chum flooded into West Crawfish in early August and trollers began harvesting chum salmon in good numbers for two days until the 'coho closure' precluded them from fishing in West Crawfish.

Much like the Deep Inlet chum fishery, the chum hold in Sitka Sound and Eastern Channel during sunny dry periods where the trollers fish on large schools prior to the chum moving into Deep Inlet. Similarly Eastern Channel has a provision for troll harvest during the coho troll closure. There is precedent for this request in 5AAC 29.112.

**WHAT SOLUTION DO YOU PREFER?**

5 AAC 29.112. Management of chum salmon troll fishery

(a) The commissioner may open, by emergency order, a hatchery chum salmon troll fishery only during the summer coho salmon troll fishery closures specified in 5 AAC 29.110 (b)(2).

(b) If the commissioner opens a season under (a) of this section, chum salmon fishing will occur only

(1) in the waters of Sitka Sound and the Eastern Channel east of a line from Vitskari Rock Light to Inner Point, south of a line from Inner Point to Black Rock at 57\_03.12' N. lat., 135\_25.63' W. long., to Signal Island Light at 57\_02.78' N. lat., 135\_23.58' W. long., and north of a line from Cape Burunof at 56\_59.03' N. lat., 135\_23.23' W. long., to Kulichkof Rock at 56\_59.52' N. lat., 135\_26.62' W. long., to Vitskari Rock Light;

(2) in the waters of Neets Bay east of the longitude of Chin Point to the longitude of the easternmost tip of Bug Island; ~~and~~

(3) ~~in the portions of Crawfish Inlet east of 135\_11.05' W. long.;~~ **in waters of the Crawfish Inlet Terminal Harvest Area south of 56°47.14' N. lat. in Cedar Pass, northeast of a line from 56°43.83' N. lat., 135°16.13' W. long. to 56°43.49' N. lat., 135°15.50' W. long. in Middle Channel, and north of a line from 56°43.01' N. lat., 135°12.93' W. long. to 56°43.25' N. lat., 135°12.18' W. long. in Walker**

Channel; and as determined by the department for conservation management reasons.

(4) in the portions of West Crawfish Inlet, sub-district 113-32; as determined by the department for conservation management reasons.

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

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

**to correct an error in regulation:**

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** In NSRAA designated the Crawfish Inlet chum program to be managed for Troll priority from 2017-2025, in effect allowing six days of trolling and one day for seining for a mop-up fishery. Priority was given to trollers due to the significant troll imbalance, vis-à-vis the Southeast Allocation Plan (5AAC 33.364). It was unforeseen that the chum would not go directly to the terminal area, but rather stall in West Crawfish Inlet during their migration to their terminal release site. In 2019 a second unforeseen event was the ADF&G coho troll closure coinciding with hundreds of thousands of chum schooling in West Crawfish Inlet.

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

Trollers will lose fishing opportunity during troll coho closures and the SE Enhanced Alaska Allocation imbalance will worsen, with trollers being even further below their allocation range. If there is no provision for trollers to harvest during the coho closure, these chum will eventually move to Crawfish Inlet and be caught by seine or troll. However, it is important to note that once the chum enter the terminal area the trollers are less effective at harvesting them, and therefore more chum will be caught by the seine fleet.

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

This regulation change would not preclude any common property seine or gillnet fisheries, and seine & gillnet groups voted to make Crawfish Inlet a ‘troll priority’.

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

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

NSRAA with representatives from seine, troll, and gillnet is the PNP that initiated this program and co-manages it with ADF&G. This ACR aligns with the intent of NSRAA’s board of directors’ decision to make Crawfish Inlet a troll priority with the intent to improve Trollers allocation percentage.

**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, although a similar regulation exists for Deep Inlet and Sitka Sound during ADF&G coho troll closures.

**SUBMITTED BY:** Northern Southeast Regional Aquaculture Association (NSRAA)

## **ACR 2**

Modify hatchery operations in Crawfish Inlet and establish regulations to clarify and differentiate wild fish as distinct from hatchery fish (5 AAC XX.XXX)

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

New and many AAC 40 need an upgrade as they are over 40 years old, they did not anticipate the magnitude of hatchery releases so do not ask biological questions needed.

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

The original hatchery Permit Alteration Request (PAR) remains active with no modification to release 30,000,000 chum in Crawfish Inlet even though stray hatchery chums were found straying at proportions up to 100% overwhelming AWC 113-32 1005, digging up wild salmon nests in West Crawfish miles from a hatchery Remote Release Site.

Straying at this magnitude is replacement of wild salmon and poses three major conservation concerns Genetics, Disease, and Ecosystem impacts.

In the fall of 2018, otoliths (earbone) samples were taken from carcasses in the wild system of West Crawfish located near Sitka Alaska. West Crawfish, is the second largest wild chum population in the outer district of Northern S.E. Alaska. It is located in the Baranof Wilderness Area managed by the Forest Service.

The ADFG mark/tag lab, documented unacceptable high strays of thermally marked Medvejie hatchery chum salmon at proportions of 65% in August; 99% in September; and 100% in October. <https://mtalab.adfg.alaska.gov/OTO/reports/MarkSummary.aspx>

Hatchery chums released at proposed Remote Releases Sites impact every age class of wild fish when they stray at these high proportions in nearby streams. Because of the life history of chum salmon, there will already be two more years of hatchery chums that will return until releases cease.

Three to four year classes of wild fish genetics will be impacted from straying at these overwhelming stray proportions replacing wild fish. The SE Comprehensive salmon Plan finds this unacceptable.

### **NO ACTION TAKEN KNOWING IMPACTS WERE OCCURRING**

It is of concern that neither the Aquaculture Corporations nor ADFG, took corrective action at the Regional Planning Team meeting this past April 2019, knowing there were ecological and genetic impacts occurring to West Crawfish wild populations.

Instead, seven new additional Permit Alteration Requests (PARs) were introduced asking for more Remote Releases Sites and increased production. One of these PARs asked to compound the problem by adding 20,000,000 additional chum salmon to Crawfish. This fortunately was denied due to outside pressure.

None-the-less, the original PAR remains active to continue to release 30,000,000 chum in Crawfish Inlet The vector of this straying. The SE Comprehensive Salmon Plan and ADFG studies predict straying problems and do not condone them. These precautions were either ignored or overlooked by the Regional Planning Teams.

#### REGIONAL PLANNING TEAMS (RPT's)

Decisions for remote releases and increased production have come under the authority of the SE Regional Planning Teams dominated by the actual aquaculture corporations that benefit from these projects. Objective decisions as directed by the SE Comprehensive Salmon Plan are not always followed. The original hatchery regulations

Changes to production and remote releases I had thought were under the authority of ADFG staff not the RPT's?

RPT's were designed to develop Comprehensive Salmon Plans (CSP) originally intended to rehabilitate wild fish and habitat and to evaluate original hatchery applications that went through an elaborate process to ensure they were in alignment with the CSPs. Projects are to follow the many protective directives for wild fish priority.

<http://www.adfg.alaska.gov/index.cfm?adfg=fishingHatcheriesPlanning.enhance>

#### IS 2019 A REPEAT STRAYING IN WEST CRAWFISH ?

A National Fisherman article August 2019 indicates a cause and repeat of this massive straying in West Crawfish causing ecological concerns once again:

"For the second year in a row a mass return of hatchery chums are again milling in the waters of West Crawfish Inlet, south of Sitka."

"This year's conditions are nearly a repeat of last year's, the general manager of Northern Southeast Regional Aquaculture Association stated,

"The chums had been released miles away in Crawfish, but the lure of fresh water surging from streams inside of West Crawfish apparently lured them off course."

"There are high mountains in West Crawfish with snowfields that supply sufficient fresh water," "The fish hold deep until they're ready to come in."

"Crawfish Inlet, meanwhile, lacks the snowy watershed and has been experiencing a seasonal drought; hence its streams were running at a trickle in August."

"There's not an adequate volume of fresh water to draw them in."

How long does the State of Alaska condone going against their own laws? When can ADFG regain the reins over our wild fish priority?

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

SOLUTION: UTILIZE LAWS

I recommend four corrective actions that could begin to align the State of Alaska back into compliance with law and get proper biologically based ADFG oversight for wild fish priority.

Please utilize Laws, Policies and Comprehensive Plans instead of just talk about them, as damage is compounded on our wild salmon. These laws were specifically designed as solutions to safeguard against adverse effects to wild fish in order to benefit the public into perpetuity.

To prevent further damage to the second largest wild chum salmon run in the outer district of Northern SEAK, and to comply with law, corrective action is needed now, with no further delay, for these serious conservation issues, before any more remote releases are allowed in Crawfish next spring 2020.

Corrective directives are given in The PNP Hatchery Act and attending statutes including but not limited to AS 16.05.730; AS 16.10.430; the many Regs including the Sustainable Salmon Policy 5 AAC 39.222 and the Comprehensive Salmon Plan in SE :

1. The immediate solution is to suspend the PAR Fish Transport Permit FTP 14J 1017, for transport of hatchery fish into the remote release site of Crawfish Inlet until an Evaluation Plan can ensure no more straying at these magnitudes especially with unforeseen climatic conditions dictating.

Authority:

- "The permit can be suspended by the commissioner if a permitted activity will adversely affect wild stocks or the permittee fails to comply with its terms."
- SE CSP page 47.
- 5 AAC 41.030 Permit Issuance or Denial. "on the basis of fish disease, genetics, competition, predation, or other biological considerations, to assure the continued health and perpetuation of native, wild fish..."
- 5 AAC 41.040 Amendments to the permit: The commissioner...may alter or amend permit conditions if additional information or unforeseen changes... or changed circumstances affect the adequacy of permit terms and conditions.
- 5 AAC 41.050 Permit Conditions. ... control the occurrence of fish disease, genetic change, or control other disturbances of biological origin affecting native, wild fish. release locations, methods of transport or release, quarantine and deputation requirements and procedures, disease inspections, disposal of wastes and effluents, timing of transportation and release, reporting requirements, and other measures necessary
- AS 16.10.430. Alteration, Suspension, or Revocation of Permit.
- Evaluation Plan as prescribed by the Comprehensive Salmon Plan for Remote Release Sites is needed
- (C) Identification of potential ecological and genetic impacts that might warrant evaluation, a strategy to detect them, and criteria to determine when measured impacts might warrant project modification

2. West Crawfish because of its size, location and significance should be established as a Wild Stock Sanctuary

Authority:

- "Drainages should be established as wild stock sanctuaries where no enhancement activity is permitted" Genetics Policy Protection of Wild Stocks SE CSP page 51
- State of Alaska Genetics Policy- to protect the genetic integrity of important wild stocks. Gene flow from hatchery fish straying and intermingling with wild stocks may have significant detrimental effects on wild stocks. First priority will be given to protection of



wild stocks from possible harmful interactions with introduced stocks. Stocks cannot be introduced to sites where the introduced stock may have significant interaction or impact on significant or unique stocks.

3. A new regulation creating a Comprehensive Reasonable Segregation Policy as required by law would further guide PNP permit holders of this mandate of the PNP Hatchery Act that allowed corporations this privilege if and only if it protects wild fish of the state.

Authority:

- THE PNP HATCHERY STATUTE

Section 1. INTENT. It is the intent of this Act to authorize the private ownership of salmon hatcheries by qualified nonprofit corporations for the purpose of contributing, by artificial means, to the rehabilitation of the state's depleted and depressed salmon fishery.

The program shall be operated without adversely affecting natural stocks of fish in the state and under a policy of management which allows reasonable segregation of returning hatchery-reared salmon from naturally occurring stocks.

- 100% straying in Crawfish is not reasonable segregation. 100% straying is replacement and is illegal.

4. Regulation is needed to clarify and differentiate wild fish as distinct from hatchery fish to reflect statute

- This is a big problem in the state of Alaska that has caused problems for wild fish, escapement goals and priority because of confusion. Comparing strays of artificially propagated hatchery salmon as if the same as intact wild salmon is not scientifically defensible. Differentiation needs clarification in regulation to avoid confusion and reflect State of Alaska statutes.

Authority:

- The PNP hatchery statute states this clear distinction not once but two times (2X) in the last sentence of the above PNP Hatchery Act.
- Wild self-perpetuating naturally occurring fish stocks are clearly differentiated from artificial hatchery reared salmon in the State of Alaska.
- Marketing strategies and attending proponents have confused, blurred, and obscured the biological differentiation of wild salmon and hatchery salmon. This confusion attempts to minimize the seriousness of straying and is to the detriment of wild salmon production.
- If wild salmon were the same as hatchery salmon strays there would be no concern to mark nor to read otoliths up in river systems, nor need of a genetics policy.
- The significance of 5 million years of natural selection deserves being distinct over artificial animal husbandry tactics using limited parentage for hatchery fish for only 40 years.
- We haven't even begun to learn the significance of epigenetics and other intricacies developed over millennia. Wild fish distinction must be clearly differentiated to stop this smoke and mirror misperception and to align with law.

The permitting of remote releases without careful consideration and anticipation of unforeseen effects on wild fisheries requires closer guidance from the BOF and a stronger balance of ADFG's biological presence and oversight into the Regional Planning Team process to uphold law.

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

**for a fishery conservation purpose or reason:** The key principles of Alaska policies, management and law...are to protect wild naturally spawning salmon into perpetuity. West Crawfish is a serious conservation issue. Wild west crawfish naturally spawning fish are at risk of being replaced with hatchery fish. Homogenizing populations in SE Alaska. There are three Conservation Issue's

GENETICS (Excepts from the SE Comprehensive Salmon Plan The directive for this project)

West Crawfish had stray proportions of 65% in August; 99% in September; and 100% in October. This a replacement not even close to the 2% mentioned below.

"Excessive straying would call for reevaluation of the accessibility and characteristics of the colonized habitat."

"Limiting reintroduction to the F1 generation is the precautionary strategy for minimizing any possible genetic effect of artificial propagation. The primary impact of concern in fishery supplementation is the introgression of genetic material from straying enhanced fish into wild population."

"Recent projects in Southeast Alaska where straying has been evaluated have used a 2% incidence of prespawning strays in a neighbouring wild stock as the "trigger point" for concern and for consideration of project modification to reduce straying."

"The 2% rule is based on the theoretical rate of loss of alleles in the wild population described by Withler (1997) At a 1.5% influx of genes in each generation, the replacement of alleles would result in a decrease of fitness and a consequent decrease in productivity of the wild population."

"Best Practice: ...develop a plan to evaluate the genetic impact of a proposed project. The intensity of the evaluation will be appropriate to the likelihood of straying and the potential for a significant impact on a specific wild stock."

"Scientists generally agree that exogenous genetic material from hatchery stock into wild stock could result in a decrease in productivity and that the decrease can be reversed if the rate of influx of genes is slowed or stopped." P 103 of the SE CSP.

"The magnitude of straying relative to the size of the wild run is the most important criterion." –Genetics Policy Protection of Wild Stocks p 50 SE CSP

"Best practice: Choose an imprint/release site with a strong and consistent supply of fresh water." SE CSP

FISH DISEASE (BACTERIAL KIDNEY DISEASE) - 5 AAC 41.030- 41.41. 050

Disease from stray hatchery salmon can be transmitted when comingling into wild populations. The Coho stock reared at this same hatchery as these stray chums are known to have high incidence of Bacterial Kidney Disease (BKD). Medvejie AMP 2017

"All salmonids are considered susceptible to BKD and can have a detrimental impact on fish populations" Transmission is fish to fish between species, water supply containing infected fish, vertical transmission within the egg, or in the seminal fluid of a contaminated male during fertilization. BKD remains free in the environment for long periods of time."

[https://www.adfg.alaska.gov/static/species/disease/pdfs/fishdiseases/bacterial\\_kidney\\_disease.pdf](https://www.adfg.alaska.gov/static/species/disease/pdfs/fishdiseases/bacterial_kidney_disease.pdf)

#### ECOSYSTEM IMPACTS, COMPETITION, PREDATION, - 5 AAC 41.030- 41.41. 050

The impact of the high daily rations of food (4%) consumed by these stray hatchery fish when they first begin milling around when they enter these newly colonized remote areas is not considered nor evaluated on indigenous wild fish species rearing in West Crawfish Inlet.

**to correct an error in regulation:** The error was in a regulation for the RPTs to gain authority over their Permit Alteration Requests but failed to include the important part of the mission of these Aquaculture Corporations: The mission of the Joint Northern/Southern Regional Planning Team (Joint RPT) is to promote through sound biological practices programs to achieve optimal production of wild stocks on a sustained yield basis as the companion concept with enhanced salmon production

#### 5 AAC 40.345. Southeast Alaska (Underlined text added taken directly out of SE CSP)

In accordance with the Southeastern Alaska Area Enhanced Salmon Allocation Management Plan in 5 AAC 33.364, the joint Northern and Southern Southeast Regional Planning Team shall make annual recommendations to the commissioner on production changes to salmon enhancement projects to comply with allocation plans, and through sound biological practices to assure continued sustainability of wild stocks, protecting naturally occurring stocks from adverse effects, and ensuring compliance with regional Comprehensive salmon plans without jeopardizing natural stocks.

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** ADFG has new compelling information of effects of high proportions of straying affecting wild self-perpetuating fisheries that needs to be investigated. Loss of productivity means loss of fishing opportunity on the majority of fisherman in Alaska who do not fish on hatchery produced fish. Fishermen do not want to damage their own fisheries by allowing adverse effects, especially if they do not know about them. The decision to allow this remote release has serious consequences that was unforeseen or ignored that has placed wild fish populations of West Crawfish and other nearby streams at risk. The effect of this remote release needs correction to reduce further impact of these large hatchery stray proportions to all age classes of West Crawfish the second largest system in the outer district. Wild systems productivity must be maintained for future fisheries. Homogenization of wild fisheries with hatchery stocks means when the hatchery stocks falter all stocks falter with them. Hatcheries have come and gone repeatedly in history and what is left after

they go or go bankrupt is the wild stocks hopefully unharmed and still with the genetic integrity of full production.

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

Continuing year classes of wild fish in the second largest wild chum salmon run in the outer district Of SE effectively replacing the genetic integrity of this once intact population.

"Scientists generally agree that exogenous genetic material from hatchery stock into wild stock could result in a decrease in productivity and that the decrease can be reversed if the rate of influx of genes is slowed or stopped." P 103 of the SE CSP.

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

N/A

**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.**

Stakeholder in the wild fisheries of the State of Alaska.

**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**

**SUBMITTED BY:** Nancy Hillstrand, Pioneer Alaskan Fisheries Inc.

### **ACR 3**

Designate Taku River king salmon a Stock of Management Concern and adopt an Action Plan.

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

5 AAC 39.222. Policy for the management of sustainable salmon fisheries.

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

As directed by the "sustainable salmon fisheries policy" (SSFP) the Department is to identify salmon stocks that have a chronic inability to meet escapement thresholds over a 4 to 5 year period. The Taku River king salmon stock have failed to meet the minimum escapement goal for the last 4 years and 5 of the previous 7 years. For this reason, we petition the Board of Fisheries to declare the Taku River king salmon stock a "management stock of concern" and direct the Department to develop an action plan directed at the stocks recovery.

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

The Board of Fisheries would officially declare the Taku River king salmon a management stock of concern and require the Department of Fish and Game to produce an action plan directed at the stocks recovery.

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

**for a fishery conservation purpose or reason:** The Taku River king salmon stock has not met its minimum escapement goal for 4 straight years. Thus, this proposal is for conservation purposes.

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

**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?**

No management plan for the Taku River king salmon stock will be produced and discussed in detail at the next SE regular cycle in 2021.

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

This proposal is directed at the fish and not the users. The sport fishing community is already prohibited from taking these king salmon in the spring.

#### **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 Territorial Sportsmen is a conservation organization made up of primarily sport, subsistence and personal use 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.**

It was considered at the Sitka 2018 SE cycle meeting of the Board of Fisheries. It was rejected because the stock did not meet the threshold for listing.

**SUBMITTED BY:** Territorial Sportsmen, Inc.

#### **ACR 4**

Reduce the Sitka Sound commercial sac roe herring fishery guideline harvest level and increase the commercial fishery threshold biomass (5 AAC 27.160).

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

5 AAC 27.160. Quotas and guideline harvest levels for Southeastern Alaska Area.

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

Conservation of Sitka Sound herring stock.

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

The guideline harvest level would be amended to significantly reduce the harvest rate and increase the threshold at which commercial harvests may begin.

5 AAC 27.160(g) - The guideline harvest level for the herring sac roe fishery in Sections 13-A and 13-B shall be established by the department and will be a harvest rate percentage that is not less than ~~12~~ **XXX** percent, not more than ~~20~~ **XXX** percent, and within that range shall be determined by the following formula: Harvest Rate Percentage =  $2 + 8 \left[ \frac{\text{Spawning Biomass (in tons)}}{20,000} \right]$  ~~XXX~~. The fishery will not be conducted if the spawning biomass is less than ~~25,000~~ **XXX** tons.

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

**for a fishery conservation purpose or reason:** Conservation concerns for the Sitka Sound herring stock have increased significantly since the BOF considered and rejected adjusting the GHF during its January 2018 meeting. There has been essentially no commercial sac roe fishery for the last two years primarily because the oldest and most fecund female part of the stock has fallen to a level that cannot support market demands for large herring. The subsistence harvest of roe on branches remains chronically below the quality, quantity and opportunity needed to meet the subsistence needs. The spawning biomass has declined steadily over the past ten years to approximately 50% of the biomass in 2009 and it shows no sign of recovery. The unpredictability of extreme ocean conditions, more obvious each year, calls into significant doubt relying on “natural cycles” of past decades to explain the declining trend in the stock, or to rely on “natural cycles” of decades past to predict the reversal of the current, consistent downward trend of the stock.

The warning signs are numerous and flashing for the Sitka Sound herring stock. These warning signs are particularly troubling given that herring is a key forage stock for numerous fish, seabird and marine mammal species, including Chinook salmon stocks which are also suffering significant declines. The steep decline of nearly all other herring stocks in Southeast Alaska under ADFG and/or federal management, and the failure of these stocks to recover is another red flag. Failure to consider these warning signs and to simply continue with the status quo poses a severe, perhaps unrecoverable threat to the ecosystem, the subsistence way of life of thousands of Alaskans, and to those commercial users who have a stake in a long-term abundant fishery and herring stock. When considering the current and near future management of the Sitka Sound herring, it is vital to fully consider how far the overall Southeast Alaska herring stocks have fallen, and how much less they contribute to providing for ecosystem and subsistence needs.

The risk is clearly unacceptable given that the analysis and science which form the basis of the guideline harvest level (GHL) is over 20 years old and was based on a period when herring biomass was low, leading to a low minimum harvest threshold. There is important new information, for example, ocean conditions have changed significantly; the spawn in recent years is not in traditional areas where conditions support good future production; and traditional knowledge is available but not acknowledged. Also, there are recent years of data from the 1930s not included in the old analysis that indicate that the unfished biomass is greater than previously estimated such that the minimum harvest threshold should be raised above 25,000 tons. Aside from the new additional information, and the obvious changes to the ocean conditions, it is simply an unacceptable risk to rely on such dated analysis to ensure the conservation, priority subsistence use, and sustainable commercial fishery for this essential stock of forage fish. Canada recently completed a re-analysis of the harvest rules for its North Pacific herring stocks because of concern with downward trends and changing ocean conditions. Management for the conservation, sustained yield, common use and public trust of the Sitka Sound herring stock demands at least as much.

Under the current GHL, the targeted harvest level is below 25,000 tons. If the stock is forecast at 25,000 tons, a 12% harvest is allowed – meaning that the remaining stock after the allowable harvest is achieved, and a subsistence harvest occurs, would be allowed to fall to 22,000 tons or below. This could potentially happen year after year. It is inconceivable that this level of remaining biomass would be considered sufficient to provide for conservation, ecosystem needs, and the priority subsistence fishery given our observations over the past decade or more.

We believe that re-analysis of the unfished biomass and minimum harvest thresholds will show that the current harvest control rule does not support the needs of subsistence users, the needs of the ecosystem and socially important-species such as Chinook salmon. A re-analysis is also need to avoid a “shifting baseline” in which herring biomass is constrained by managing the spawning stock at a relatively low level of abundance.

Furthermore, harvest rates on the largest and oldest Sitka herring often exceeds the 20% maximum harvest rate. The maximum allowable harvest rate should consider the size-selective nature of the commercial fishery because recent scientific findings show that older fishes contribute disproportionately more to future production compared with younger, smaller fishes.

A primary reason given for not making changes to the GHL, and for not protecting more spawning biomass in the Sitka Sound stock, is that it cannot be proven that changing the GHL will benefit the ecosystem or subsistence users, but will likely negatively impact the commercial fishery. In past times that may have been acceptable, but no more. Changing ocean conditions are real and significant and continued reliance upon old data is misplaced. The subsistence fishery is under severe threat and subsistence users are not meeting their needs. Conservation and subsistence uses are the management priorities mandated by Alaska’s Constitution and statutes. Moreover, in the face of uncertainty, and in the absence of information, and when the stock and subsistence fishery are heading the wrong direction, it is overwhelmingly accepted by fishery managers that harvest management must be precautionary. Management under the current GHL is risky, not precautionary, because the herring biomass has declined approximately 50% during the past



decade, socially-important species that depend on herring for food are declining, ocean conditions are extreme and unpredictable, and subsistence users cannot meet their needs for herring roe.

Subsistence and commercial fisheries and many species of vital importance to other fisheries and to the ecosystem depend on a healthy, abundant herring stock. The Sitka Tribe of Alaska asks the Board to accept the ACR and place it on the agenda for a meeting as early as practicable, and require ADFG to re-analyze the basis for the current GHL prior to the meeting.

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

**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?**

The unacceptable risk to the Sitka Sound herring stock will grow given the uncertainty of ocean conditions, continued reliance upon extremely dated herring biomass analysis, and harvest rates that are far more aggressive than what is allowed for other Southeast Alaska stocks. The possible consequences for this vital stock of herring are far too great to delay taking action. Moreover, without decisive BOF action and directive, the essential re-analysis described above may not occur, leaving only the existing and inadequate out-of-date information .

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

The ACR is based on conservation. Management for conservation is a state constitutional requirement and ultimately serves the needs of all those in the ecosystem that depend on the Sitka Sound herring stock.

**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 Sitka Tribe of Alaska has been a consistent manager and advocate for countless generations for the conservation and subsistence use of the Sitka Sound herring stock.

**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 specific ACR has not been previously considered, but changing the GHL was considered during the 2018 BOF meeting.

**SUBMITTED BY:** Sitka Tribe of Alaska, Jeff Feldpausch, Resource Director

*Alaska Peninsula-Chignik-Aleutian Islands Area (3)*

**ACR 5**

Close the Dolgoi Islands area commercial salmon fishery when harvest reaches 191,000 sockeye salmon (5 AAC 09.365, 5 AAC 09.366).

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

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

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

It is essential that Dolgoi Islands Area June-July 25th fishery be regulated to share in the burden of conservation on Chignik-bound sockeye salmon. Currently there is no provision in that fishery to safeguard Chignik's sockeye salmon escapement on either its early or late run a. In two of three years during the WASSIP study and again in 2014, 2018, and also this year, 2019, Kodiak's Cape Igvak and Area M's SEDM fisheries, which are allocated Chignik-bound sockeye salmon, were closed to provide Chignik escapement and a Chignik's harvest preference. And yet the Dolgoi Island Area was open in those five years for harvesting Chignik-bound sockeye salmon through June and July. As evident in the WASSIP study, one-half of the Dolgoi Island Area sockeye catch are Chignik bound. Regulations to safeguard minimum escapements for Chignik-bound sockeye are urgently needed.

For the last two seasons, 2018 and 2019, the entire Chignik Management Area (CMA) has remained closed for fisheries targeting Chignik's early sockeye run. In 2018 Chignik's early sockeye run totally failed as well as the late run as evident of a mere total of only 128 sockeye salmon being harvested in the entire CMA for season. This year, 2019, even with the Chignik sockeye fishery closed through late July the early run not only did not meet the midpoint escapement goal targeted by the Department but it did not even reach the minimum goal.

While regulations exist for the Igvak and SEDM fisheries to be closed through July 25th if Chignik sockeye escapements are failing, Kodiak and Area M fishermen have alternative sockeye fisheries readily available. This is unlike Chignik which has not a single alternative sockeye salmon fisheries available as the CMA is single-species managed on its early and late sockeye runs through June and July exclusively.

By current regulation for the Dolgoi Islands Area fishery there is provision for the area to close once 191,000 sockeye salmon have been harvested based on fish ticket information. But as previously indicated there is no requirement for the fishery to share a conservation burden on Chignik-bound sockeye salmon even if sockeye-salmon escapement goals are not being met. Dolgoi is open regardless, and this is not reasonable and certainly not right. It is only fair that sustainably be a shared responsibility.

**WHAT SOLUTION DO YOU PREFER?**

June - July 25 DOLGOI ISLANDS FISHERY

A reasonable solution is to regulate the Dolgoi Islands Area fishery with a 191k sockeye limit applied to the entire area through July 25th in conjunction with a stock conservation provision

similar to that provided in the Igvak and SEDM Chignik interception fisheries. To the point, proposed is for the entire Dolgoi Island fishery, June 1 through July 25, to close once the catch reaches 191,000 sockeye salmon based on fish ticket information and that fishing periods be limited to the days and hours provided in the Southeast District Management (SEDM) Plan excluding the Northwest Stepovak Section which is managed as a terminal stock fishery. Alternatively proposed is to simply require that Dolgoi not open if Chignik is at less than minimum escapement. Either of the proposed changes would provide an equitable sharing in sustainability of Chignik-bound sockeye salmon.

It is important to acknowledge that as proposed there is no intention of impacting terminal-stock harvest areas in the Dolgoi Islands Area nor the SEDM fishery or its allocation.

In evaluating the proposed call for addressing the conservation of Chignik-bound sockeye salmon in the Dolgoi Islands Area fishery, note that Chignik entire economy is grounded on the health and sustainability of its two sockeye salmon runs. There are no alternatives. It is therefore equitable that the Dolgoi Islands Area fisheries shoulder some of the conservation burden as does Igvak and the SEDM fisheries owing that Chignik-bound sockeye dominate in those fisheries.

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

**for a fishery conservation purpose or reason:** This ACR is for a conservation purpose as is clearly detailed in section #2 above. The intent is not allocative and is focused on achieving minimum escapement goals for Chignik’s early and late sockeye runs.

**to correct an error in regulation:** There is no ‘error’ in the regulations.

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** In 2018 and 2019 the Chignik early run reached historic lows to where every effort was required to obtain escapement to the degree there was no early run fishery at Igvak, SEDM, and Chignik. Based on the weak 2019 run it is highly anticipated that Chignik will see a repeat to where there will be third year, 2020 when every effort will be toward securing escapement. Certainly an unforeseen consequence to an historic terminal-stock sockeye fishery. It is necessary for the Dolgoi to participate, be involved, in ensuring that Chignik reach at least minimum escapement on both of its terminal sockeye runs.

The justification for this ACR is addressed in “a” above—resource conservation and sustainability.

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

Chignik’s first run could potentially edge closer to being a stock of concern when timely board action could avoid that. In weak years not even minimum escapements could well be realized and yet without a regulation change Dolgoi will be being permitted to fish absent of any conservation responsibility even though Chignik sockeye salmon are the most prevalent stock in that fishery per WASSIP.

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

As stated above the intent of the ACR is focused on achieving minimum escapement goals which is a conservation purpose.

**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 Chignik Intertribal Coalition was formed to deal with the economic and cultural challenges facing the Chignik area tribes as a result of the failure of the Chignik sockeye salmon runs in 2018 & 2019.

**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 issue was inadequately addressed at the February 2019 Board of Fisheries meeting.

**SUBMITTED BY:** Chignik Intertribal Coalition

## **ACR 6**

Close Aleutian Islands waters west of 174° W long to commercial fishing by certain vessels using nonpelagic trawl gear (5 AAC 28.650).

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

5 AAC 28.650. Closed waters in Bering Sea-Aleutian Islands Area.

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

Bottom trawl vessels fishing in the Western Aleutian Islands are fishing on golden king crab habitat and interfering with the agency/industry cooperative golden king crab survey work, as well as impacting the commercial fishery. This problem has been greatly exacerbated this season since the beginning of the golden king crab fishery on July 15th.

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

Close state waters in the Western Aleutians for bottom trawl vessels. Trawl vessels less than 100' LOA fishing for Pacific cod would be exempted.

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

**for a fishery conservation purpose or reason:** The golden king crab habitat is being adversely impacted by trawl vessels fishing with roller gear. The cooperative golden king crab survey is being compromised with trawl vessels fishing in and around survey pots. Crab pots are being dragged from position, and in some cases, being lost.

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

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** The golden king crab season date was changed to July 15th in order to accommodate the survey and increased trawl activity in the Aleutian Islands due to Amendment 113 being overturned, as well as changes in BSAI water temperatures and trawl effort shifting to other areas, has resulted in increased gear conflict issues.

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

The Bering Sea/Aleutian Islands shellfish fisheries are in the 2019/2020 cycle. If the issue is not addressed, bottom trawl vessels will continue to impact golden king crab habitat, gear conflicts will increase, and adverse impacts on the golden king crab population may occur.

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

This action would be to conserve the golden king crab habitat and resource. Much of the trawl effort is outside of state waters and this action would not prohibit that activity.

### **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 fishery interests on behalf of the F/V Alaska Trojan.

**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

**SUBMITTED BY:** Linda Kozak on behalf of the F/V Alaska Trojan

## **ACR 7**

Designate the Aleutian Islands Subdistrict an exclusive registration area for Pacific cod (5 AAC 28.606, 5 AAC 28.647).

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

5 AAC 28.606(a). Bering Sea-Aleutian Islands Area registration and 5 AAC 28.647(f). Aleutian Islands Subdistrict Pacific Cod Management Plan.

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

The Aleutian Islands state-waters Pacific cod fishery is a nonexclusive registration area. Initially this was due to the remote location of what was then a new fishery, as well as inconsistent processor availability which had sometimes resulted in an under harvest of the GHL. However, a shore-based processor in Adak started processing Aleutian Islands cod in 2017. Since that time, effort has increased and the GHL has been fully harvested by fishermen who have transitioned their fishing operations to Adak.

The size of the GHL in the adjacent Dutch Harbor state-waters cod fishery has expanded a number of times since it was first established in 2014. Despite having a 32 million-pound GHL in 2019, the Dutch Harbor cod fishery closed before the Aleutian Islands fishery (14 million-pound GHL) allowing for an influx of Dutch Harbor pot boats to enter the Aleutian Islands fishery mid-season, creating a race for fish and unexpected competition for Aleutians fishermen.

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

Change the Aleutian Islands state-waters fishery registration requirement from nonexclusive to exclusive in order to preserve opportunity for the existing users, affording them the same stability and protection currently given to the Dutch Harbor fishery and to all but one other state-waters cod fishery in Alaska. If the Aleutian Islands Subdistrict becomes an exclusive registration area, boats that fish in the Dutch Harbor Subdistrict would be prohibited from also fishing in the Aleutian Islands Subdistrict in the same calendar year.

Amended Regulations:

5 AAC 28.647(f) The Aleutian Islands Subdistrict is a [NONEXCLUSIVE] **exclusive** registration area for Pacific cod during a state-waters season.

5 AAC 28.606(a) The Bering Sea-Aleutian Islands Area is a nonexclusive registration area for Pacific cod, except that the Dutch Harbor Subdistrict described in 5 AAC 28.648(a) [IS AN] **, and the Aleutian Islands Subdistrict described in 5 AAC 28.647(a)(1), are** exclusive registration [AREA] **areas** for Pacific cod during a state-waters season.

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

**for a fishery conservation purpose or reason:** Abrupt changes in effort decreases management precision which could result in overharvesting the guideline harvest level.

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

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** When the board last increased the size of the Dutch Harbor state-waters cod fishery in October 2018, potential impacts to the adjacent nonexclusive Aleutian Islands state-waters fishery were not

identified or discussed. During the 2019 season, the size of the Aleutian Islands state-waters pot fleet more than doubled after the Dutch Harbor fishery closed. Fishing in the Aleutians is remote and costly, and by regulation, Aleutian Islands cod boats are limited to catching and delivering no more 150,000 pounds of cod per trip which slows the pace of the fishery resulting in longer seasons compared to other state cod fisheries. Most boats that fish the Aleutian Islands can catch and deliver more than 150,000 pounds per trip, so ensuring access to the entire GHL over the extended season is economically critical for those boats. The added uncertainty and competition, resulting from “double dipping” by a flood of Dutch Harbor pot boats that already had opportunity to fish in one of the largest cod fisheries in the state, creates an unintended hardship for Aleutian Islands fishermen.

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

Continued erosion of opportunity for Aleutian Islands fishermen and Aleutian communities dependent on shorebased processing. The shore-based processor in Adak needs a steady supply of fish spread out over time. The unexpected influx of new boats mid-season creates a race for fish which results in an overcapitalized, inefficient, and unsafe fishery. Without stability, the only active processor in the region might close which would effectively eliminate cod fishing opportunity for most catcher vessels in the Aleutian Islands. Aside from Adak, the next nearest operational shore plant is in Dutch Harbor, 450 miles to the east.

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

Vessel operators can choose which area they want to register in. Any vessel initially qualified to fish in the Aleutian Islands state-waters cod fishery will continue to have full access to the fishery. All other state-waters cod fisheries in the region are currently exclusive or super exclusive so this ACR will only align the Aleutian Islands regulations with the adjacent fisheries.

**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.**

Adak Community Development Corporation is a non-profit community organization dedicated to promoting seafood harvesting and processing capacity in Adak.

The City of Adak, Alaska is the local municipal government for the Island of Adak. Our community’s economy is highly dependent on the seafood harvesting and processing activities occurring within our community. All other economic activity, including municipal services, is dependent on the aforementioned activities.

**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.**

Exclusive registration for the Aleutian Islands subdistrict Pacific cod fishery has not been specifically considered relative to this issue.



**SUBMITTED BY:** The City of Adak and the Adak Community Development Corporation

***Bristol Bay Area (1)***

**ACR 8**

Allow two Bristol Bay drift gillnet CFEC permit holders to fish concurrently from the same vessel and jointly operate up to 200 fathoms of drift gillnet gear when the Naknek River Special Harvest Area is open (5 AAC 06.333).

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

06.333 Requirements and Specifications for use of 200 fathoms of drift gill net in Bristol Bay. (3) in the Bristol Bay Area when the Naknek River Special Harvest Area is open under 5 AAC 06.360

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

In 2003 the BOF passed the regulation that allows two drift permit holders to concurrently fish from the same vessel and jointly operate up to 200 fathoms of drift gillnet gear. This is known as a "D" configuration in the regulations (5 AAC 06.333) and is also known as dual permit operation. The data shows that from 2016 to 2018 an average of 37% of all vessels fished at least once during the season using the "D" configuration. In these years and into the future the actions that the Legislature and the BOF have done to decrease operating costs have shown in a greater value of the fishery being kept by the permit holders. It was not that long ago when the average price per pound of Sockeye was less than \$ .70/lb and any action to cut overhead was one of survival.

To eliminate the use of the "D" permit operations in the fishing districts of Bristol Bay when the Naknek Special Harvest Area is open goes counter to all strides that the BOF, Legislature and industry have been making in the last 15 years. This in-season trigger causes a significant unintended hardship on the drift gillnet fisherman operating in the "D" configuration with no conservation gains.

**WHAT SOLUTION DO YOU PREFER?**

Simply delete (3) of 5 AAC 06.333.

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

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

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

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** When the BOF created the ability to fish 200 fathoms of gear when two permit holders were onboard it was never envisioned that it would involve approximately 40% of the total drift gillnet fishing effort in any given year. In the early years less than 10% of the drift permit holders participated as "D" operation. This current level of use was unforeseen and not accounted for when the BOF deliberated and passed the regulations pertaining to when and where the "D" operations could (not) be in use.

The run timing to Bristol Bay in recent years is anything but average. The trigger for the Naknek Special harvest area is dependent on run timing to the Kvichak River. What this means to the "D" operations is that there is no possible way to put together a business plan using a dual permit operation. If this unforeseen issue is not resolved prior to the 2020 season many participants who would have entered into a dual permit fishing operation and kept gear and vessels out of the water thus significantly decreasing the overhead of the fishery will not.

During the 2019 season the Kvichak Rivers escapement was lagging so the district was closed on July 17 (Bristol Bay Eastside Announcement #61) and the Naknek River Special Harvest Area was scheduled to open. This normally would have meant the end to all "D" operations. However, the department superseded the regulation using their commissioner's authority and continued to allow "D" permits to fish. This is another example of how this regulation continues to have unforeseen consequences in the fishery, in this case it compelled the department to take action in a manner that is seldom used in-season.

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

Two additional seasons were the likelihood of the "D" configuration being eliminated in-season is great which in turns causes unnecessary financial hardship and a loss of economic value in the fishery due to an increase in operating costs.

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

Bristol Bay fishing districts are managed under allocation plans that call for the department (to the best of their ability) to manage for set percentages of catch for both gear groups (drift and set gillnet). The "D" configuration has no allocative effect on those percentages.

**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.**

I have been participating in the Bristol Bay commercial and subsistence fisheries since 1972.

**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.** To my knowledge this request (ACR) has not been before the BOF either as a proposal or as an ACR.

**SUBMITTED BY:** Robert Heyano

*Arctic-Yukon-Kuskokwim Area (2)*

**ACR 9**

Allow use of set gillnets with 6” mesh to harvest salmon other than king salmon and other non-salmon fish species on the Kuskokwim River for subsistence purposes during times of king salmon conservation (5 AAC 01.270).

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

01.270 (n) (1) (B) Lawful gear and gear specifications and operation.

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

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

**WHAT SOLUTION DO YOU PREFER?**

A gillnet mesh size may not exceed 6 inches, 60 feet in length and may only be operated as a set gillnet; the gillnet operators may anchor their gillnets using commercial metal or aluminum anchors or make shift anchors out of wood regardless of where the high water mark is at the location of the individuals traditional set net site.

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

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

People along the Kuskokwim River drainages have fished for white fish and chee fish right after the river ice breaks up. They only target those species until chinook and other salmon species migrate up the Kuskokwim River and drainages to their spawning ground. We all know that other salmon species, i. e. chum and sockeye salmon migrate along with chinooks to their spawning grounds and those two salmon can be targeted with the 6 inch mesh gill nets in times of chinook salmon conservation. This will ensure that we do not over fish all species of white fish and decimate the next generation of chinook salmon that come up the Kuskokwim River and its drainages.

**to correct an error in regulation:** none

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** none

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

People will over fish white fish and other small fish that come up the Kuskokwim River and its tributaries which in the future will cause us not to fish for those species if this regulation is not changed and may do more harm to the next generation of Chinook that migrate up to their spawning grounds. People along the Kuskokwim River drainages will have to look elsewhere to

set their gill nets where they do not generally set their nets. (We all know that there are sand bars all along the Kuskokwim River and drainages especially along the lower Kuskokwim River where people set nets and the current language does not meet the 100 feet requirement from an ordinary high water mark which in the past has been defined as: where vegetation starts along a river bank).

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

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

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

Subsistence user.

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

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

**SUBMITTED BY:** Organized Village of Kwethluk

**ACR 10**

Close the Goodnews River drainage to sport fishing September 1-30 (5 AAC 71.010).

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

5 AAC 71.010. Seasons and bag, possession, annual, and size limits for the Kuskokwim — Goodnews Area.

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

The Goodnews River is utilized by local subsistence users for both hunting and fishing activities. During the fall, residents from the area rely on the RM620 moose hunt to provide meat for their families for the winter months. Although a winter hunt exists, weather conditions can often make this later hunt challenging resulting in unsuccessful hunts. The RM 620 hunt from September 1-30 provides the best opportunity for local hunters to harvest their moose. During September, sport fishing continues to be active and often interferes with the RM620 hunt. Subsistence hunters need to compete for camping and hunting space with the sport fishers. In addition, the noise caused by sport fishers has caused moose to move further inland from the Goodnews River drainage, making it difficult for hunters to harvest the moose.

**WHAT SOLUTION DO YOU PREFER?**

We suggest that for the Goodnews River drainage, sport fishing for all species be closed from September 1-30, during the RM 620 hunt.

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

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

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

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** With the popularity of sport fishing in the Goodnews River, user conflicts have arisen. In recent years, subsistence users have struggled to achieve hunting success during their September moose hunt opportunity.

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

Subsistence hunters will be unable to successfully hunt moose and will not be able to put away meat needed for their families during the winter months.

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

It does not address any allocative issues.

**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.**

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.**

It has never been addressed before as either a proposal or as an ACR.

**SUBMITTED BY:** Native Village of Goodnews Bay/Traditional Village Council

*Statewide (2)*

**ACR 11**

Prohibit fishing in fresh water with live earthworms in the genus Lumbricus (5 AAC 75.022).

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

5 AAC 75.022. Freshwater sport fishing.

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

Non-native European earthworms, particularly species in the genus Lumbricus (for example, Nightcrawlers ), have caused substantial damage to natural areas where they have been introduced in northern North America, causing loss of soil surface layers, reductions in native plant and animal species, and increases in non-native weeds (see <http://greatlakeswormwatch.org/forest/index.html>). This same pattern is already taking place in some places in Southcentral Alaska where Lumbricus earthworms have been introduced.

Other northern states have recognized invasive earthworms as a serious problem and enacted laws to restrict their spread. In Minnesota it is illegal to release nonnative species including exotic earthworms under Minnesota Statutes 84D.06 (see Minnesota DNR's information on this topic at <https://www.dnr.state.rn.us/invasives/terrestrialanimals/earthworms/index.html>). Under Wisconsin's invasive species rule (Wis. Adm. Code ch. NR 40), exotic earthworms of the genus Amyntas are classified as restricted species, making it illegal to transport, transfer, or introduce these worms in Wisconsin (See Wisconsin DNR's fact sheet on Amyntas earthworms at <https://dnr.wi.gov/topic/Invasives/fact/jumpingWorm/index.html>). As with Minnesota and Wisconsin, Alaska is vulnerable to invasion by nonnative earthworms, but in Alaska these worms have not yet been spread to most of the state.

One of the main ways that Lumbricus earthworms are moved to previously Lumbricus-free areas in Alaska is through their use as live bait and dumping of unused bait. These worms do not disperse much on their own. If they are not moved by people then it will take them hundreds to thousands of years, if ever, to spread to areas of Alaska currently free of these worms.

If this proposed change is not adopted, then Lumbricus worms will continue to be brought to new areas in Alaska, where they will substantially alter natural systems.

Alternative species of earthworms are readily available that could be used as fishing bait in Alaska with far less risk to Alaska's natural systems. Examples of safer alternatives include Bimastos rubidus, an earthworm species native to Alaska, and the popular vermicomposting worms Eisenia andrei and Eisenia fetida, which are not cold tolerant.

**WHAT SOLUTION DO YOU PREFER?**

5 AAC 75.022. Freshwater sport fishing

- (a) Unless otherwise provided in 5 AAC 47 - 5 AAC 75, a person may not fish in fresh water with
- (1) fixed or weighted hooks and lures, except those of standard manufacture;
  - (2) multiple hooks with gap between point and shank larger than one-half inch;
  - (3) a spear;
  - (4) an arrow;



**(5) live earthworms in the genus Lumbricus.**

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

**for a fishery conservation purpose or reason:** The effects of Lumbricus earthworms on fisheries is complex and not known so that we cannot presently predict how Lumbricus earthworms will affect fisheries in Alaska. Earthworms will alter vegetation around fish habitat, but fish also eat Lumbricus earthworms when the worms end up in the water. We know much more about how earthworms affect terrestrial systems (see above).

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

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** The potential for damage to Alaska's natural systems by Lumbricus earthworms described above was apparently unforeseen when the regulation adopted.

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

Fishermen will continue using live Lumbricus earthworms for bait, potentially leading to the irreversible establishment of additional populations of these worms in Alaska.

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

This ACR pertains only to means and methods.

**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.**

Sport angler

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

This topic has not been considered previously.

**SUBMITTED BY:** Matt Bowser

## **ACR 12**

Extend emergency order authority to include restriction of stocked waters to no retention (catch-and-release) in times of low hatchery production or if stocked waters become contaminated (5 AAC 75.003).

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

75.003. Emergency order authority.

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

The department emergency order authority does not allow stocked waters to be restricted to no retention (catch-and-release) in times of low hatchery production or if stocked waters become contaminated. The only option the department has under current emergency order authority is to close the lake and not provide sport fishing opportunity.

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

5 AAC 75.003(x) During times of low hatchery output or stocked waters contamination, the commissioner may, by emergency order, modify methods and means, reduce bag limits, or institute a catch-and-release fishing only fishery.

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

**for a fishery conservation purpose or reason:** In times of low hatchery production, sport fishing opportunity could still be provided on stocked waters at reduced bag limits or through a catch-and-release fishery. Current regulations only provide the authority to close the stocked waters or allow sport fishing under existing regulations which may result in stocked fish numbers being depleted before the next stocking.

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

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:** In 2019, per- and polyfluoroalkyl substances (PFOS/PFAS) above the federal health advisory levels were detected in stocked waters in the Fairbanks area and two stocked lakes were closed to sport fishing as a precautionary measure due to potential health concerns. While consumption of fish contaminated with PFOS/PFAS may not be advisable, these fisheries could have remained open under catch-and-release fishing only regulations and still provided sport fishing opportunity with an adequately informed public. These lakes have been removed from the Statewide Stocking Plan, but there remain stocked fish in the lakes that could provide sport fishing opportunity. Similar situations may arise with other contaminants, either due to direct spills or indirectly through groundwater contamination.

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

The next Statewide Finfish meeting is scheduled for March 2022. Contaminant testing of surface water, groundwater, and fish is ongoing throughout the state, and situations similar to where PFOS/PFAS was detected in stocked waters around Fairbanks in 2019 could reoccur. Secondly, both Division of Sport Fish hatcheries are producing sufficient stocking products at this time, but if brood stock numbers decline for some reason or other production issues occur, having the authority to reduce bag limits to provide sport fishing opportunity when lower stocking levels are

required allows the department some ability to continue to provide diverse fishing opportunities and take pressure off wild fish stocks.

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

Sport fish hatchery fish released are common property, but most stocked waters are in nonsubsistence areas and only sport fisheries occur in those waters.

**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 sport fisheries stocked waters, subject to the regulations established by the board.

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

This ACR has not been considered before.

**SUBMITTED BY:** Alaska Department of Fish & Game