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ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS ON AGENDA CHANGE REQUESTS

ALASKA BOARD OF FISHERIES WORK SESSION ANCHORAGE, ALASKA

OCTOBER 25–26, 2022



Regional Information Report No. 5J22-03

The following staff comments were prepared by the Alaska Department of Fish and Game (department) for use at the Alaska Board of Fisheries (board) work session meeting, October 25–26, 2022 in Anchorage, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

Symbols and Abbreviations

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Weights and measures (metric)		General		Mathematics, statistics	
centimeter	cm	Alaska Administrative Code	AAC	<i>all standard mathematical signs, symbols and abbreviations</i>	
deciliter	dL	all commonly accepted abbreviations	e.g., Mr., Mrs., AM, PM, etc.	alternate hypothesis	H _A
gram	g			base of natural logarithm	e
hectare	ha	all commonly accepted professional titles	e.g., Dr., Ph.D., R.N., etc.	catch per unit effort	CPUE
kilogram	kg			coefficient of variation	CV
kilometer	km	at	@	common test statistics	(F, t, χ^2 , etc.)
liter	L	compass directions:		confidence interval	CI
meter	m	east	E	correlation coefficient (multiple)	R
milliliter	mL	north	N	correlation coefficient (simple)	r
millimeter	mm	south	S	covariance	cov
		west	W	degree (angular)	°
Weights and measures (English)		copyright	©	degrees of freedom	df
cubic feet per second	ft ³ /s	corporate suffixes:		expected value	<i>E</i>
foot	ft	Company	Co.	greater than	>
gallon	gal	Corporation	Corp.	greater than or equal to	≥
inch	in	Incorporated	Inc.	harvest per unit effort	HPUE
mile	mi	Limited	Ltd.	less than	<
nautical mile	nmi	District of Columbia	D.C.	less than or equal to	≤
ounce	oz	et alii (and others)	et al.	logarithm (natural)	ln
pound	lb	et cetera (and so forth)	etc.	logarithm (base 10)	log
quart	qt	exempli gratia (for example)	e.g.	logarithm (specify base)	log ₂ etc.
yard	yd	Federal Information Code	FIC	minute (angular)	'
		id est (that is)	i.e.	not significant	NS
Time and temperature		latitude or longitude	lat or long	null hypothesis	H ₀
day	d	monetary symbols (U.S.)	\$, ¢	percent	%
degrees Celsius	°C	months (tables and figures): first three letters	Jan,...,Dec	probability	P
degrees Fahrenheit	°F	registered trademark	®	probability of a type I error (rejection of the null hypothesis when true)	α
degrees kelvin	K	trademark	™	probability of a type II error (acceptance of the null hypothesis when false)	β
hour	h	United States (adjective)	U.S.	second (angular)	"
minute	min	United States of America (noun)	USA	standard deviation	SD
second	s	U.S.C.	United States Code	standard error	SE
		U.S. state	use two-letter abbreviations (e.g., AK, WA)	variance	
Physics and chemistry				population sample	Var var
all atomic symbols					
alternating current	AC				
ampere	A				
calorie	cal				
direct current	DC				
hertz	Hz				
horsepower	hp				
hydrogen ion activity (negative log of)	pH				
parts per million	ppm				
parts per thousand	ppt, ‰				
volts	V				
watts	W				

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OCTOBER 25–26, 2022

by
Alaska Department of Fish and Game

Alaska Department of Fish and Game
Division of Commercial Fisheries
333 Raspberry Road, Anchorage, Alaska,
99518-1565

October 2022

ABSTRACT

This document contains Alaska Department of Fish and Game (department) staff comments on agenda change requests. These comments were prepared by the department for use at the Alaska Board of Fisheries (board) meeting, October 25–26, 2022, in Anchorage, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

Keywords: Alaska Board of Fisheries (board), Alaska Department of Fish and Game (department), staff comments, regulatory proposals, fisheries, work session, Dungeness crab, Pacific cod, Chinook salmon

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DUNGENESS CRAB (2 PROPOSALS)

ACR 1 – Implement a pot limit for the North Peninsula District Dungeness fishery (5 AAC 32.425).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: Establish a 500 pot per vessel limit and 10,000 total fishery pot limit for the North Peninsula District Dungeness crab fishery.

PRESENT SITUATION: The North Peninsula District is an open access fishery for Dungeness crab. There are no vessel length restrictions or pot limits. Due to the lack of assessment and stock specific data for Area J Dungeness crab, there are no guideline harvest levels or other control rules established to limit harvest. The fishery is managed exclusively by regulating sex, size, and season (“3-S” management). Only male crab with a 6.5-in carapace width or greater may be retained from May 1 through October 18.

Vessel participation and effort in the North Peninsula District has historically been low. Beginning in 2021, effort increased substantially, and 2022 participation, effort, and harvest are highest on record. As of September 10, 2022, 17 vessels registered 8,512 pots for the fishery and approximately 1.9 million pounds have been harvested in the North Peninsula District Dungeness crab fishery, making it the largest Area J Dungeness harvest so far in 2022.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** Possibly. The department does not survey or assess status of this stock outside of collecting basic harvest and biological data from landed catch. It is unknown if the current harvest, of nearly 2 million pounds, is sustainable or presents a conservation concern.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Yes. During prior board cycles, when changes to management of this fishery were considered, effort had been relatively stable with an average of 3 vessels participating. Lack of a pot limit has likely contributed to record gear use during the 2022 fishery. It was unforeseen that 17 vessels would participate in this fishery.

ADDITIONAL INFORMATION: Commercial harvest of Dungeness crab in the North Peninsula District was first reported in 1992. Since 1992, harvest has occurred sporadically with few vessels participating. North Alaska Peninsula Dungeness crab abundance is cyclical with periods of increased abundance generally followed by increases in commercial effort. The fishery is broadly characterized by low effort, high per vessel gear amounts, and long soak times. Due to limited vessel participation, most of the historical harvest is confidential.

From 2012 to 2022, an average of 3 vessels annually participated in the North Peninsula District Dungeness crab fishery with no participation in 2013, 2018, and 2019 seasons. The amount of

registered gear averaged 823 pots per vessel and ranged between an average of 501 and 1,800 per vessel per season. On average, 45% of participating vessels operated more than 500 pots.

Historically, the total number of pots registered by season for the North Peninsula District has never exceeded 10,000 pots; the currently registered 8,512 pots in the 2022 fishery is the highest on record.

PROPOSED BY: Diego Castillo

ACR 2 – Reduce harvest thresholds in the Southeastern Alaska Area Dungeness Crab Fisheries Management Plan (5 AAC 32.146).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This ACR seeks to reduce harvest thresholds used to determine the commercial Dungeness crab summer and fall season lengths by forty percent.

PRESENT SITUATION: The *Southeastern Alaska Area Dungeness Crab Fisheries Management Plan* allows the department flexibility to determine an appropriate season length based on estimated full season harvest in relation to regulatory thresholds. If regulatory thresholds are not met, the department determines an appropriate reduction in the number of days the summer season is shortened, for conservation purposes, when the estimated full season harvest estimate is between 1.5 and 2.25 million pounds. The management plan also allows the department further flexibility to conduct a full fall season if it is determined that the full season harvest estimate falling between the 1.5 and 2.25 million pounds range is due to non-retained, soft-shelled crab early in the summer season. When the full season harvest estimate is less than 1.5 million pounds the summer season is shortened, and the fall season is closed.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: At the 2000 board meeting, the department submitted a proposal to reduce the intensity of the commercial Dungeness crab summer fishery in Southeast Alaska by altering the summer opening date, reducing pot limits, defining separate management areas, and defining guideline harvest ranges. The proposal was in response to: intensification of commercial effort in the summer season which partially overlapped the male molting period; concern that the majority of harvest during the summer season was comprised of recruit class males without having an opportunity to reproduce prior to being harvested; recent declines in harvest; high sorting rate of soft-shelled crabs, female crabs, and sublegal male crabs; and increasing loss of fishing grounds due to sea otter predation on crabs.

Out of this 2000 board proposal, the current *Southeastern Alaska Area Dungeness Crab Fisheries Management Plan* was created. The *Southeastern Alaska Area Dungeness Crab Fisheries Management Plan* uses estimated full season harvest as a proxy for stock health, and assumes a relatively constant level of effort, processing capacity, and area available for harvest. Since the implementation of the management plan in 2000, effort and harvest have been relatively stable with record high harvests occurring in the 2002/03 (7.3 million pounds), 2007/08 (5.4 million pounds), 2014/15 (5.1 million pounds), 2019/20 (5.3 million pounds), and 2020/21 seasons (6.7 million pounds). In 2022, the full season harvest estimate was 2.04 million pounds. The department determined that shortening the 2022/23 season in Southeastern Alaska by approximately two weeks was commensurate with the estimate falling near the upper end of the 1.5 to 2.25 million

pounds range. Overall, the full season harvest estimate produced by the department has proven to be accurate since its inception where effort has been relatively constant and harvest has been at high levels in recent seasons regardless of changes in area available to harvest with only three seasons (2013/14, 2017/18, and 2022/23) having been shortened due to the estimate falling below thresholds in the management plan. In addition, area allocations between user groups and presence of natural predators such as, sea otters will still retain a level of harvest pressure on the Southeast Dungeness crab stock. A reduction in commercial regulatory thresholds would subsequently increase harvest rates on the stock and potentially remove safeguards in place to protect the stock from overharvest through season length reductions. Furthermore, the department would need to defer to 5 AAC 32.035 *Closure of Dungeness crab registration areas and appeal procedures* and make regional or area specific closures if the department has stock health concerns.

PROPOSED BY: Lee Gilpin.

SALMON TROLL FISHERY (1 PROPOSAL)

ACR 3 – Reduce legal length for king salmon in Districts 12 and 13 during the spring troll fishery (5 AAC 29.140).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: Reduce the commercial troll king salmon current size restriction of 28-inches from tip of snout to tip of tail (in its natural open position) or 23-inches from the midpoint of the clethral arch to the tip of the tail, in the Districts 12 and 13 Spring Troll Fisheries to 26.5-inches from tip of snout to fork of tail or 21.5-inches from the midpoint of the clethral arch to the fork of the tail.

PRESENT SITUATION: Currently, king salmon taken and retained in the commercial salmon troll fishery must measure at least 28-inches from tip of snout to tip of tail or 23-inches from the midpoint of the clethral arch to the tip of the tail. The commissioner may close a terminal harvest area (THA) troll fishery by emergency order and re-open that fishery with a 26-inch (tip of snout to tip of tail) minimum size restriction, if it is determined that king salmon in the THA are predominately Alaska hatchery-produced fish. A vessel that has retained king salmon that are less than 28-inches is prohibited from fishing outside of the THA until those fish are offloaded from the vessel and reported on a fish ticket. Spring troll fisheries located within waters of District 12 have not been prosecuted since 2017 and will remain closed under provisions of the Northern Southeast Alaska, Unuk and Chickamin Rivers, and Stikine River and Andrew Creek king salmon stock status and action plans to conserve Southeast Alaska wild king salmon stocks.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: The 28-inch minimum size limit for king salmon was established for the commercial troll and sport fishery in 1977. This minimum size was established to reduce the harvest of king salmon with two years or less of ocean growth. This was intended to reduce harvest of immature king salmon and maximize the growth potential and subsequent value to the fisheries. In 1977, it was estimated that 80% of king salmon less than 28 inches were immature. This size limit also matched other southern U.S. states size limits at the time. Currently, Southeast Alaska troll and sport fisheries implement a 28-inch size limit, and 28 inches is the determining length in the net fisheries for identifying “large” and “jack” king salmon. The rationale behind this size limit by and large still stands today even with decreasing size at age based on age, sex, and length data obtained from the various Southeast Alaska escapement projects.

In the commercial marketplace, salmon are graded by size and flesh quality. On a pound for pound basis, a larger fish is worth more than a smaller one. Additionally, salmon are graded on quality

with the brighter fish yielding better prices. The flesh condition and corresponding market value of salmon congregating in hatchery terminal harvest areas degrades over time.

In District 12 and District 13, the determination of whether a king salmon is of Alaska hatchery-origin is based on information collected by department port sampling staff at the time of landing . Port sampling staff identify adipose fin-clipped king salmon that may contain a coded wire tag (CWT); the tag identifies the origin of the fish. The tag is read at the department's Mark, Tag and Age lab. Each tagged hatchery fish represents a certain number of untagged fish from the release group, and the Alaska hatchery proportion of the harvest is determined based on tagging rate for the release group, the number of fish observed by staff and the total harvest reported from that area.

The net benefit to the troll fishery may be negligible and potentially be negative. King salmon taken under the proposed regulatory change documented as Alaska hatchery-origin would not count against the annual commercial troll king salmon catch limit. These additional Alaska hatchery-produced king salmon could help raise the enhanced salmon value to the troll fishery, positioning the gear group closer to its allocation range, which trollers have been below since gear allocations were established in 1994.

Conversely, any additional harvest of treaty king salmon could result in less king salmon available for the more lucrative summer troll fishery. Unlike THAs, spring troll fisheries, particularly those located on the outer coast, are mixed stock fisheries that can have a variety of other non-Alaska hatchery-produced king salmon stocks present, including both Southeast Alaska wild and treaty king salmon stocks. With a recent 10-year average Alaska hatchery contribution of 26%, an estimated 74% of District 13 spring troll fishery harvest are non-Alaska hatchery-origin stocks. However, without any historical retention of king salmon under 28-inches in the commercial spring troll fishery, the stock composition proportions of currently sublegal fish are relatively unknown.

Enforcement issues would be created for boats that moved between areas of different size limits. Additionally, size limits would be inconsistent between sport and troll fisheries within these areas and times.

PROPOSED BY: Tad Fujioka and Eric Jordan

PRINCE WILLIAM SOUND GROUND FISH (7 PROPOSALS)

ACR 4 – Extend the Prince William Sound state waters sablefish fishing season (5 AAC 28.210).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This ACR seeks to change the Prince William Sound Area (PWS) sablefish fishery closing date from August 31 to October 31.

PRESENT SITUATION: The PWS sablefish fishery opens April 15 and closes August 31 (5 AAC 28.210 (b)). The fishery is limited entry with a shared quota (5 AAC 28.272). Due to COVID concerns, the department extended the season closing date to December 31 in 2020 and 2021 and to September 30 in 2022. Many fishers who own permits fish onboard other permit holder vessels or charter non-permit holder vessels to harvest their quota, which has been problematic during the pandemic.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Yes. Many permit holders in this fishery do not own their own vessel and instead fish onboard another vessel in conjunction with other permit holders. The number of vessels participating in this fishery began to decline around 10 years ago, but during the COVID-19 pandemic it became increasingly difficult to secure a vessel, and the department extended the season by emergency order (EO) to maximize fishing opportunity for permit holders. Permit holders continue to experience difficulty in securing vessels on which to fish and the department will continue issuing EOs to extend the season. These fishing practices were not foreseen when the season date was initially set by the board.

ADDITIONAL INFORMATION: The season dates for the PWS sablefish fishery have changed over the years. Most season date changes were focused on reducing whale depredation on sablefish caught with longline gear. The use of slinky pots has reduced whale depredation in this fishery.

Following the implementation of the permit shares program in 2003, most permits have been fished, but the number of vessels has decreased with multiple permit holders fishing on the same vessel. In this same time period, harvest has ranged from a low of 16,910 lb in 2015, when GOA ABC dropped and was corroborated by PWS fishery CPUE, to a high of 234,996 lb in 2004. Harvest has been below the GHL in all years since 2003. The GOA ABC, corresponding PWS sablefish GHL, and PWS harvest has been steadily increasing since the low in 2015 and in 2022 the GHL was set at 264,000 lb, surpassing the static GHL used through 2014.

PROPOSED BY: Kenneth Jones

ACR 5 – Repeal prohibition on retaining sablefish caught in the federal fishery while participating the Prince William Sound sablefish fishery during the same trip (5 AAC 28.272).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This ACR would allow the retention of sablefish from the Prince William Sound Area (PWS) and from the federal waters IFQ sablefish fishery on the same trip.

PRESENT SITUATION: A vessel may not fish in both federal and state waters on the same trip while retaining sablefish at any point during that trip. The IFQ sablefish fishery is prosecuted in federal waters. The PWS sablefish fishery is limited entry with a shared quota and a required registration and is only open in the Inside District of PWS and a participant must remain in those waters during their trip. Therefore, a vessel is required to deliver their harvest from either fishery prior to participating in the other fishery. During the halibut fishery, vessels may cross the federal and state boundary, and may retain IFQ sablefish in federal waters; both of those fisheries are federally managed. However, once a state managed fishery is brought into the mix, particularly of the same species, then there are management implications.

In PWS, violations occurred under statewide regulation 5 AAC 28.070 (c)(1) and (2) in which the vessel may not operate groundfish gear in an area in which the taking of that species of groundfish is prohibited and the vessel may not have onboard an aggregate amount of a groundfish species that exceeds the amount allowed by regulation for that area, regardless of where the groundfish were taken. In the case of IFQ vs PWS sablefish, this may be confusing as they are the same biological species, even though they are managed from two different quotas and by two different agencies. To help reduce confusion and provide clarity for the public, a department proposal for a PWS regulation was submitted and adopted by the board in December 2021 for the PWS sablefish fishery because that was the fishery where the bulk of these violations occurred (5 AAC 28.272 (g)).

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: The state and federal sablefish fisheries are managed by separate government agencies and regulations, and harvest occurs in either state or federal waters, respectively. A vessel that fishes in both federal and state waters on the same trip when retaining sablefish at any point during that trip, regardless of where they fished first, would be in violation of the statewide regulation (5 AAC 28.070 (c)(2)).

PROPOSED BY: Rhonda Hubbard

ACR 6 – Change gear type allocations in the *Prince William Sound Pacific Cod Management Plan* and repeal provisions allowing the mechanical jig, hand troll, and pot gear allocation to step-up/step-down annually for the state-waters season (5 AAC 28.267).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This ACR seeks to reduce the mechanical jigging machine and hand troll gear allocation from 15% to 5% of the annual GHL, increase pot gear allocation from 15% to 47.5% of the annual GHL, decrease the longline gear allocation from 85% to 47.5% of the annual GHL, and repeal provisions of the *Prince William Sound Pacific Cod Management Plan* allowing the mechanical jig, hand troll, and pot gear allocation to step-up/step-down annually (5 AAC 28.267).

PRESENT SITUATION: During the PWS Pacific cod state-waters season, longline gear is allocated 85% and a combination of groundfish pot gear, and mechanical jigging machines and hand troll gear (collectively called “jig gear”) is allocated 15% of the guideline harvest level (GHL). There are step-up and step-down provisions although these measures have not been implemented since being adopted by the board in 2015.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: Please refer to information about the PWS Pacific cod in ACR 8.

PROPOSED BY: Kenneth Jones

ACR 7 – Increase pot limit in the Prince William Sound Area state-waters Pacific cod fishery (5 AAC 28.267).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This ACR would increase the pot limit in Prince William Sound Area Pacific cod fishery from 60 to 300 pots.

PRESENT SITUATION: Prince William Sound Pacific Cod Management Plan limits fishing to 60 groundfish pots per vessel during the state-waters Pacific cod season.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: When state-water Pacific cod seasons were established in 1997, board intent was to create an opportunity for smaller vessels in local fleets and the 60-pot limit in PWS, Cook Inlet, Kodiak, Chignik, and South Alaska Peninsula registration areas is still in effect to this day. Additionally, there is a provision in the *Prince William Sound Pacific Cod Management Plan* (5 AAC 28.267 (g)(1)) that allows for the removal of the groundfish pot limit after October 30 if the department determines that the guideline harvest level (GHL) may not be achieved by December 31.

Increasing the pot limit could have allocative ramifications because of vessel size limitations. Please refer to information about the PWS Pacific cod in ACR 8.

PROPOSED BY: Kenneth Jones

ACR 8 – Allow groundfish pot gear to be longlined in the Prince William Sound Area (5 AAC 28.230).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This ACR would allow groundfish pot gear to be longlined in all Prince William Sound Area (PWS) groundfish fisheries where pot gear is a legal gear type.

PRESENT SITUATION: Currently, groundfish pot gear may not be longlined in the PWS Pacific cod fishery although pot gear may be longlined in the PWS sablefish fishery.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Yes. Traditional pot gear used to target Pacific cod are heavy, converted crab pots that are fished single-pot fashion with a buoy attached to each individual pot. Slinky, or cylindrical pots, which have become increasingly popular in groundfish fisheries, are too light to fish single-pot fashion and must be longlined to avoid gear loss. The use of slinky pots was unforeseen when the prohibition on longlining Pacific cod pots in Prince William Sounds was adopted.

ADDITIONAL INFORMATION: Several regulations were adopted by the board related to the Pacific cod fisheries in December 2014 and implemented in 2015. PWS became a nonexclusive registration area for jig gear during the state-waters Pacific cod season, which allows jig vessels to participate in a state-waters season in both PWS and in another exclusive (or nonexclusive) registration area during the same calendar year. Also, a regulation was adopted that provided for a combined jig and pot gear allocation initially set at 15% and the longline gear allocation set at 85%; the regulation included step-up and step-down provisions of 5% implemented the following year for the pot and jig gear GHl allocation if the allocation was or was not achieved, with a minimum of 15% and a maximum of 30% of the GHl allocated to pot and jig gear. This provision has never been implemented because of low fishery participation from the pot and jig sectors. Parallel Pacific cod seasons are prosecuted in state waters in addition to state waters Pacific cod seasons; parallel Pacific cod seasons for pot, jig and longline are opened January 1 and coordinated with the federal Central Gulf of Alaska seasons. Each year since the federal gear sector allocations were implemented, there has been ample year-round opportunity for the pot and jig sectors to fish for Pacific cod, however, participation has been low enough that harvest information is confidential for the vessels fishing with pot gear. As provided in the management plan, any state-waters season GHl remaining on September 1 may become available to all legal gear types. If this ACR is adopted, the board should also consider adopting ACR 9 which seeks to implement gear marking requirements for longlined pot gear in PWS.

PROPOSED BY: Kenneth Jones

ACR 9 – Adopt gear marking requirements for longlined pot gear in the Prince William Sound Area (5 AAC 28.230).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This ACR would add provisions to mark groundfish pot gear that is longlined with a cluster of four or more marker buoys, a flag mounted on a pole, and a radar reflector. In addition, one hard buoy in the cluster must be marked with the capital letters “LP” and the ADF&G vessel registration number.

PRESENT SITUATION: In the PWS sablefish fishery, a groundfish pot may be attached to a line connected to another groundfish pot if each end of the buoy is legibly marked with the permanent ADF&G vessel license plate (ADF&G number) of the vessel operating the gear (5 AAC 28.230 (c)(d)). The number must be placed on the top one-third of the buoy in numerals at least four inches high, one-half inch wide, and in a color that contrasts with the color of the buoy; these markings must be visible on the buoy above the water surface.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Yes. Increasing prevalence of longlined slinky or cylindrical pots in groundfish fisheries was unforeseen when current gear specifications were adopted. Marking gear to indicate longlined pots aids enforcement and reduces potential for gear conflicts.

ADDITIONAL INFORMATION: Alaska Wildlife Troopers have submitted Proposal 153 for the Statewide Finfish and Supplemental Issues meeting to define escape mechanisms for slinky, cylindrical groundfish pots.

PROPOSED BY: Kenneth Jones

ACR 10 – Reduce waters closed to commercial fishing for groundfish with pot gear in the Prince William Sound Area (5 AAC 28.250).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This ACR seeks to open waters in the Prince William Sound Area (PWS) currently closed to groundfish pot fishing and defined in 5 AAC 28.250 (a) (Figure 10-1).

PRESENT SITUATION: There are two groundfish pot closure areas defined by state regulation: 1) in PWS southcentral waters and 2) in Port Gravina within Orca Bay (Figure 10-1). The groundfish pot closure areas exist to protect Tanner crab. Commercial fishing in these areas closed in the early 1990s due to low Tanner crab abundance levels. A small commercial Tanner crab fishery was prosecuted in 2022 in the PWS Northeastern District (new district, board designated in 2021; Figure 10-2). The 2022 commercial fishery showed poor performance and only harvested 39% of the GHF of 61,800 lb; Tanner crab populations in PWS were below threshold for a commercial fishery in 2 of 3 districts with 2022 thresholds. A PWS Tanner crab subsistence fishery is open annually outside the Valdez Nonsubsistence Area with a bag and pot limit; Port Gravina and Port Fidalgo are closed to all Tanner crab fisheries due to conservation concerns (Figure 10-3).

In addition, waters of eastern outside PWS are closed during the state-waters Pacific cod season. Finally, there are two federal 3 nmi groundfish closure areas to protect Steller sea lion rookeries and Seal Rocks and Wooded Island.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: Stock status of PWS Tanner crab is considered to be at low levels, and a new harvest strategy was passed at the board in December 2021 that set mature male abundance thresholds for 3 districts that must be surpassed in order for a commercial fishery to be opened in any of those districts. These abundance estimates were generated in the districts by a department survey. A survey was prosecuted in September 2022, which may result in some preliminary Tanner crab abundance estimates for the Northeastern District, where the fishery was prosecuted in March 2022.

PROPOSED BY: Kenneth Jones

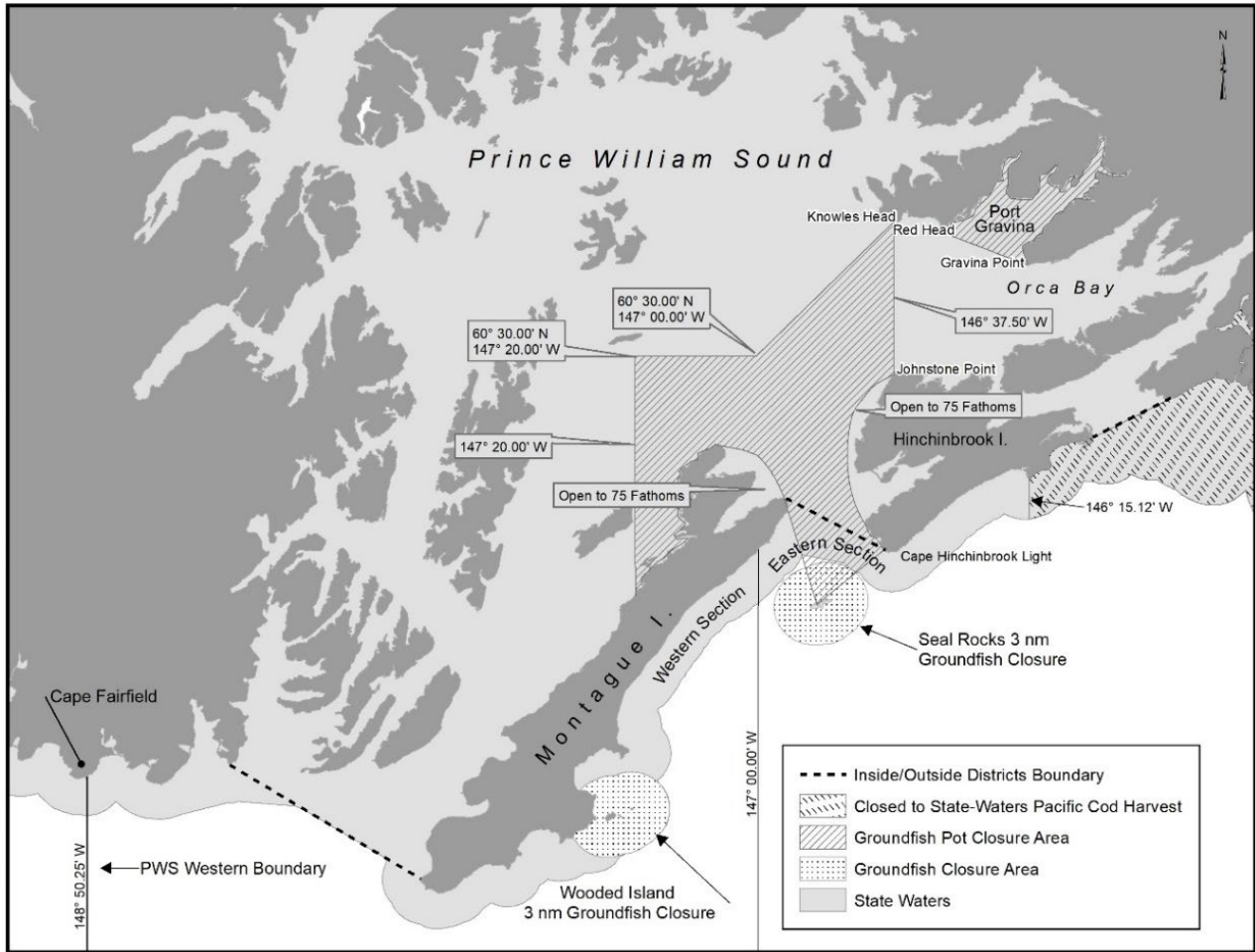


Figure 10-1. –Prince William Sound Area groundfish fishing closures implemented for Stellar sea lion and Tanner crab protection.

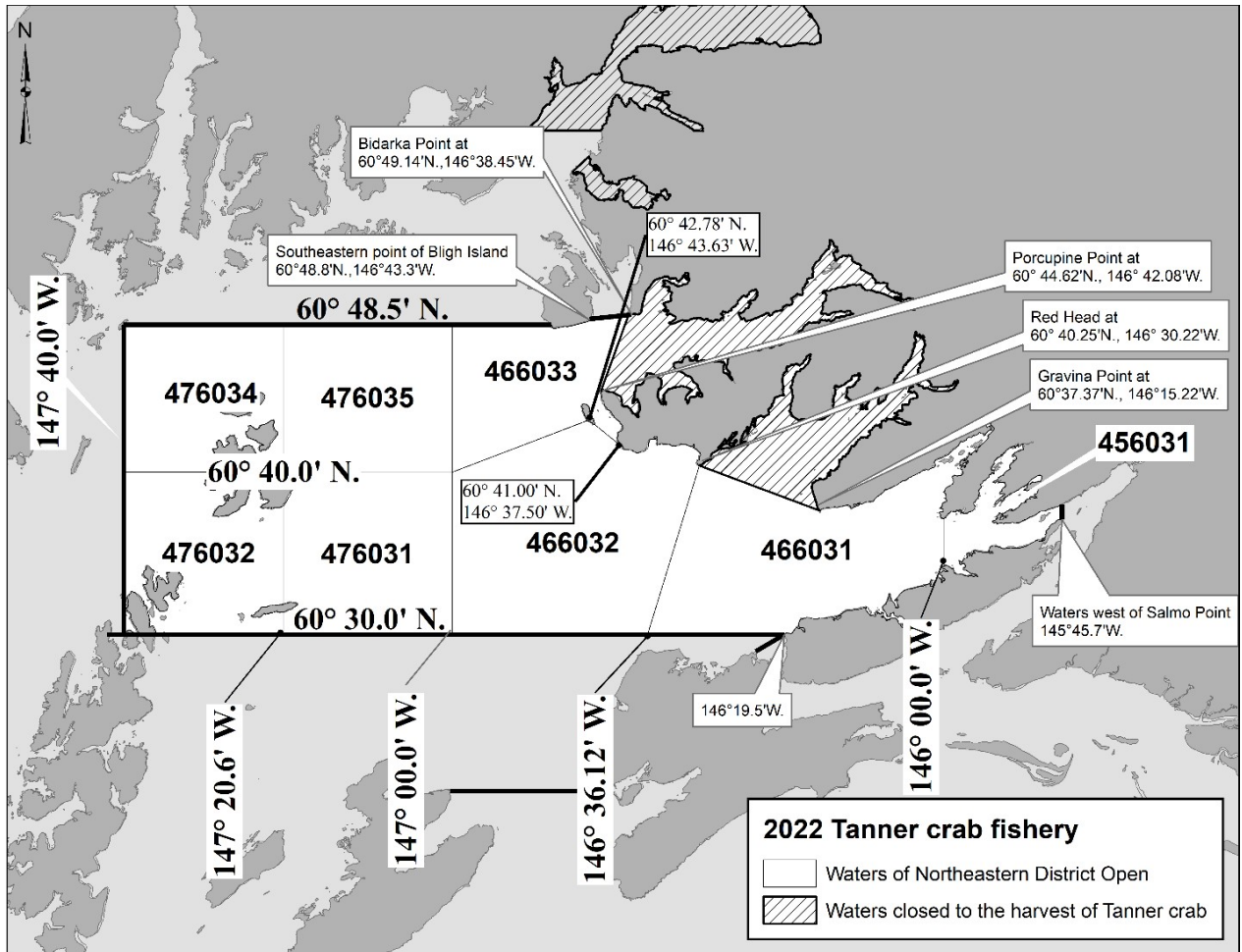


Figure 10-2. –2022 Prince William Sound Area commercial Tanner crab Northeastern District and waters closed to harvest of Tanner crab.

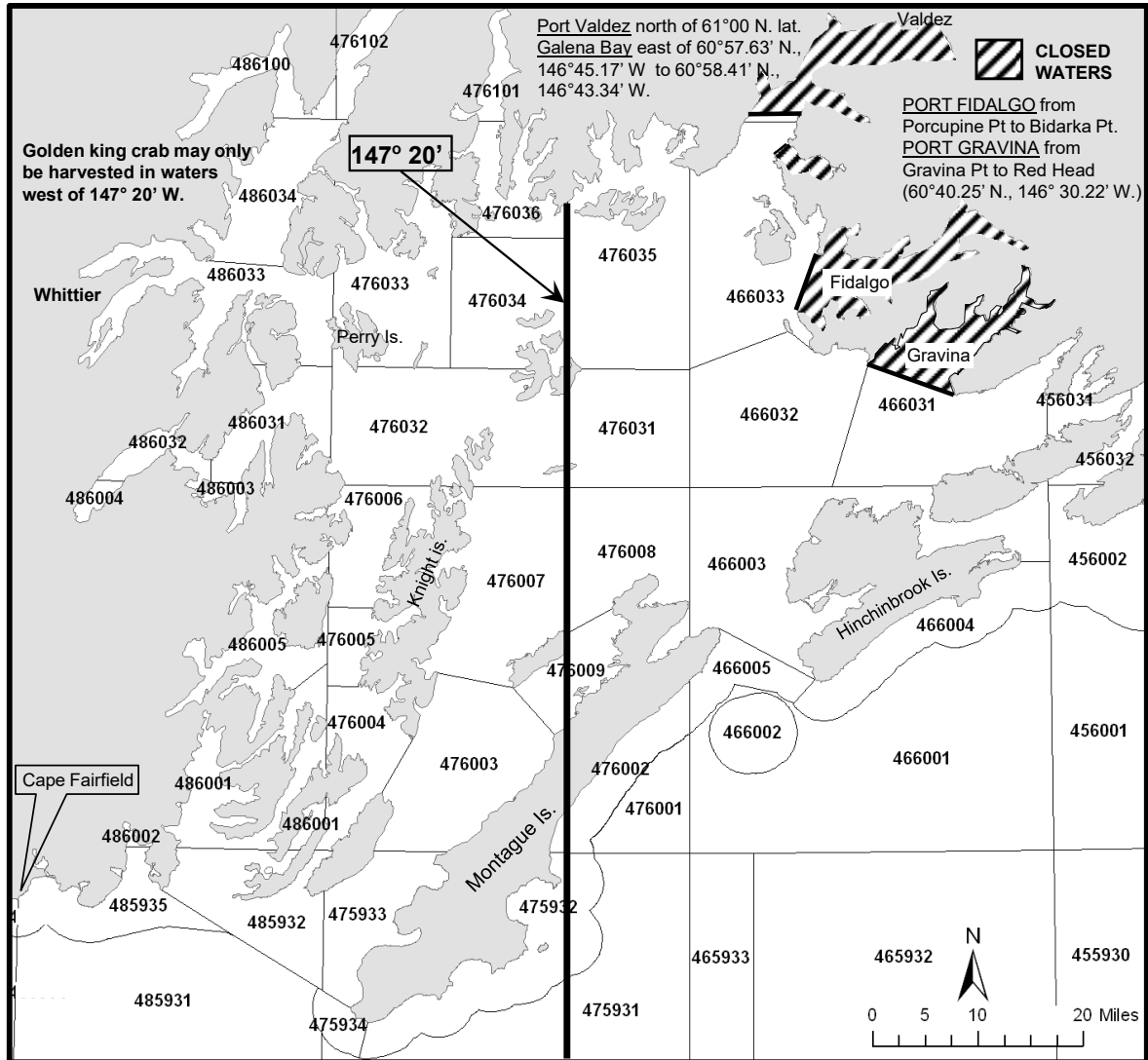


Figure 10-3. –Prince William Sound Area subsistence Tanner crab statistical areas and waters closed to the harvest of Tanner crab.

UPPER COOK INLET (10 PROPOSALS)

ACR 11 – Eliminate “paired restrictions” in *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This seeks to remove all paired restriction provisions of the *Kenai River Late-Run King Salmon Management Plan* (KRLRKMP) while establishing new management provisions for the east side set net fishery (ESSN).

PRESENT SITUATION: The Upper Subdistrict set gillnet fishery is managed primarily under provisions found in 5 AAC 21.360. *Kenai River Late-Run Sockeye Salmon Management Plan* (KRLRSMP), and 5 AAC 21.365. *Kasilof River Salmon Management Plan* (KRSMP). However, if Kenai River late-run king salmon escapement is projected to be below the Optimal Escapement Goal (OEG), the Upper Subdistrict fishery is restricted per paired restrictions provisions found in 5 AAC 21.359. *Kenai River Late Run King Salmon Management Plan* (KRLRKMP).

From June 20 to August 15, if the projected escapement of large Kenai River late-run king salmon is less than 15,000 large fish, the department shall close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; 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 south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In addition, the retention of king salmon in the Kenai River personal use fishery is prohibited.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: At their February 2020 meeting the board made changes to several management plans in Upper Cook Inlet. This primarily allocative ACR seeks to revisit some of the actions taken by the board in February 2020 and lessen their impact on commercial fishermen. These impacts were anticipated and discussed at the February 2020 meeting and considered again as ACRs and a board-generated proposal in 2021. For background, we provide the following information that was presented to the board in February 2020, and thus does not represent new information.

The Upper Subdistrict set gillnet fishery occurs along approximately 60 miles of beach. The fishery primarily harvests sockeye, coho and king salmon returning to both the Kenai and Kasilof rivers. The department has management options to focus harvest on Kenai and or Kasilof sockeye salmon through restrictions to fishing area within one-half mile of the beach (Kasilof section) or within 600 feet of the beach (all Upper Subdistrict areas). However, when fishing in the Kasilof Section within one-half mile of shore, the hours used count toward the maximum number of hours the

entire Upper Subdistrict may be open. Fishing hours used within 600 feet of shore are exempt from weekly hourly and gear limitations in the Upper Subdistrict fishery.

The *Kenai River Late-Run King Salmon Management Plan* (KRLKSMP) has contained regulations to restrict and close sport king salmon fisheries and ESSN commercial fisheries for all species since its inception in 1988. Prior to 2014, the only paired restriction was to close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; 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-half miles south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In 2014, in an effort to share the burden of conservation of Kenai River late-run king salmon, the board modified the KRLKSMP to include the step-down restrictions in sport, commercial, and personal use fisheries during periods of low Kenai River king salmon abundance.

The current OEG (15,000-30,000) for Kenai River late-run king salmon was established by the board in 2020. The current SEG (13,500-27,000) was established by the department in 2017. It was reviewed by the department in 2020 and was not changed. It will again be reviewed by the department during the next Upper Cook Inlet regularly scheduled meeting. From 2017 to 2022, the late-run king salmon SEG was met in three of six years whereas the OEG has not been met since its establishment in 2020.

The KRLKSMP states the purposes of the management plan are to ensure escapement of late-run king salmon into the Kenai River system and provide management guidelines to the department towards that purpose. Under the plan, the department shall manage the late run of Kenai River king salmon to achieve an optimal escapement goal (OEG) of 15,000–30,000 king salmon 75 cm mid eye to tail fork and longer. This plan also states that the department shall manage the late-run Kenai River king salmon stocks primarily for sport and guided sport uses to provide 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. If the preseason or inseason abundance of Kenai River late-run large king salmon suggests indicates the OEG will not be met, without restrictions to harvest, the KRLKSMP stipulates step down limitations to sport, personal use, and commercial fisheries (i.e., paired restrictions). Specifics of the KRLKSMP are as follows: If the projected late-run king salmon escapement is less than 15,000 king salmon 75 cm mid eye to tail fork and longer, the department shall

- close the sport fisheries 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;
- 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;
- close the commercial set gillnet fishery in the Upper Subdistrict of the Central District.

In order to achieve the optimal escapement goal and provide reasonable harvest opportunity, the commissioner may, by emergency order, establish fishing seasons as follows:

- in the Kenai River sport fishery (open July 1 – July 31);
 - the use of bait is prohibited or
 - the use of bait is prohibited and retention of king salmon 34 inches or greater in length is prohibited, or

- the use of bait and retention of king salmon are prohibited
- in the Kenai River personal use fishery, if the use of bait is prohibited in the Kenai River sport fishery then the retention of king salmon is prohibited in the personal use fishery.
- in the Upper Subdistrict set gillnet commercial fishery, excluding the East Foreland Section, notwithstanding the provisions of 5 AAC 21.360(c)(1)(B), (2)(B), and (3)(B), based on the abundance of sockeye salmon returning to the Kenai and Kasilof Rivers,
 - if the use of bait is prohibited in the Kenai River sport fishery commercial fishing periods are open for no more than 48 hours per week, with a 36-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday, during which the number of set gillnets operated may also be restricted to either
 - four set gillnets that are each not more than 35 fathoms in length, 105 fathoms in aggregate length, and 29 meshes in depth,
 - or two set gillnets that are each not more than 35 fathoms in length and 45 meshes in depth or
- if the use of bait and the retention of king salmon greater than 34 inches in length are prohibited in the Kenai River sport fishery, commercial fishing periods are open for no more than 36 hours per week, with a 36-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday.
- if the use of bait and the retention of king salmon are prohibited in the Kenai River sport fishery, commercial fishing periods are open for no more than 24 hours per week, with a 36-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday.

PROPOSED BY: Paul Shadura – South K-Beach Independent Fishermen’s Association (SOKI)

ACR 12 – Make numerous changes to management of the king salmon sport fishery and Upper Subdistrict commercial set gillnet fishery in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This seeks to establish two different management objectives for late-run Kenai River king salmon; manage for the sustainable escapement goal (SEG) of 13,500-27,000 in the commercial set gillnet fishery and manage for the optimal escapement goal (OEG) of 15,000-30,000 in the sport fishery.

PRESENT SITUATION: The Upper Subdistrict set gillnet fishery is managed primarily under provisions found in 5 AAC 21.360. *Kenai River Late-Run Sockeye Salmon Management Plan* (KRLRSMP), and 5 AAC 21.365. *Kasilof River Salmon Management Plan* (KRSMP). However, if Kenai River late-run king salmon escapement is projected to be below the OEG, the Upper Subdistrict fishery is restricted per paired restrictions provisions found in 5 AAC 21.359. *Kenai River Late Run King Salmon Management Plan* (KRLRKMP).

From June 20 to August 15, if the projected escapement of large Kenai River late-run king salmon is less than 15,000 large fish, the department shall close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; 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 south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In addition, the retention of king salmon in the Kenai River personal use fishery is prohibited.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: In February 2020 the board made changes to several management plans that regulate sockeye salmon commercial harvest in the ESSN during times of low king salmon abundance. Additionally, in October 2020, four ACRs were submitted to the board to change ESSN fishery regulations and allow some increased harvest opportunity of sockeye salmon in that fishery during low abundance of king salmon. Additionally, the board considered a board-generated proposal to allow commercial set gillnet fishery harvest when the return of Kenai River late run king salmon was below the optimal escapement goal (OEG) of 15,000-30,000 and above the sustainable escapement goal (SEG) of 13,500-27,000; all of which failed to be accepted.

The ESSN commercial salmon fishery occurs along approximately 60 miles of beach from Ninilchik to Boulder Point. The fishery harvests sockeye, coho and king salmon that primarily return to both the Kenai and Kasilof rivers. The ESSN regulatory fishing area is within 1.5 miles of shore (“shore” is defined in regulation as the mean highwater mark for this fishery). For salmon conservation, the management plans

have restrictive management options to reduce harvest area on Kenai and/or Kasilof sockeye salmon to within one-half mile of shore (for Kasilof section only) or down to within 600 feet of shore (for all Upper subdistrict areas). However, when fishing in the Kasilof Section within one-half mile of shore, the hours used are counted toward the maximum number of hours that the entire ESSN fishery may be open. Fishing hours used within 600 feet of shore are not counted toward weekly hour limitations in the ESSN fishery found in the management plans.

PROPOSED BY: Lisa Gabriel – Kenai Peninsula Fishermen’s Association

ACR 13 – Repeal provisions of the *Kenai River Late-Run King Salmon Management Plan* that restrict the Upper Subdistrict set gillnet when the Kenai River late-run king salmon optimal escapement goal is projected to not be met and when preseason restrictions are implemented for the Kenai River late-run king salmon sport fishery (5 AAC 21.359).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This seeks to remove the closure of the Upper Subdistrict set gillnet fishery, when Kenai River late-run king salmon escapement is projected to be less than 15,000 large fish. In addition, this ACR seeks to remove the restriction placed on all Upper Subdistrict set gillnet fisheries if the late-run Kenai River king salmon sport fishery is restricted preseason.

PRESENT SITUATION: The Upper Subdistrict set gillnet fishery is managed primarily under provisions found in 5 AAC 21.360. *Kenai River Late-Run Sockeye Salmon Management Plan* (KRLRSMP), and 5 AAC 21.365. *Kasilof River Salmon Management Plan* (KRSMP). However, if Kenai River late-run king salmon escapement is projected to be below the Optimal Escapement Goal (OEG), the Upper Subdistrict fishery is restricted per paired restrictions provisions found in 5 AAC 21.359. *Kenai River Late Run King Salmon Management Plan* (KRLRKMP). From June 20 to August 15, if the projected escapement of large Kenai River late-run king salmon is less than 15,000 large fish, the department shall close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; 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 south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In addition, the retention of king salmon in the Kenai River personal use fishery is prohibited.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: In February 2020 the board made changes to several management plans that regulate sockeye salmon commercial harvest in the ESSN during times of low king salmon abundance. Additionally, in October 2020, four ACRs were submitted to the board to change ESSN fishery regulations and allow some increased harvest opportunity of sockeye salmon in that fishery during low abundance of king salmon. Additionally, the board considered a board-generated proposal to allow commercial set gillnet fishery harvest when the return of Kenai River late-run king salmon was below the optimal escapement goal (OEG) of 15,000-30,000 and above the sustainable escapement goal (SEG) of 13,500-27,000; all of which failed to be accepted.

The ESSN commercial salmon fishery occurs along approximately 60 miles of beach from Ninilchik to Boulder Point. The fishery harvests sockeye, coho and king salmon that primarily return to both the Kenai and Kasilof rivers. The ESSN regulatory fishing area is within 1.5 miles of shore (“shore” is defined in regulation as the mean highwater mark for this fishery). For salmon conservation, the management plans have restrictive management options to focus harvest on Kenai and/or Kasilof sockeye salmon through limitations to fishing area down to within one-half mile of shore (for Kasilof section only) or down to within 600 feet of shore (for all Upper subdistrict areas). However, when fishing in the Kasilof Section within one-half mile of shore, the hours used count toward the maximum number of hours that the entire ESSN fishery may be open. Fishing hours used within 600 feet of shore are exempt from weekly hour limitations in the ESSN fishery found in the management plans.

PROPOSED BY: Paul Shadura II

ACR 14 – Repeal several restrictions on the Upper Subdistrict set gillnet fishery in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This would remove mandatory closed fishing periods or "windows" in the Upper Subdistrict set gillnet (ESSN) fisheries.

PRESENT SITUATION: Within the *Kenai River Late-Run King Salmon Management Plan*, mandatory 36-hour closure of the set gillnet fishery is required to allow periods of unimpeded sockeye salmon passage into the Kenai River.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No
- b) **Does the agenda change request correct an error in regulation?** No
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No

ADDITIONAL INFORMATION: Mandatory no-fishing periods (“windows”) were first adopted in 1999 and can be found in both the *Kenai River Late-Run King Salmon Management Plan* and the *Kenai River Late-Run Sockeye Salmon Management Plan*.

PROPOSED BY: Karen McGahan

ACR 15 – When the Kenai River late-run king salmon optimal escapement goal is projected to not be met allow commercial fishing for salmon with set gillnet gear in the Upper Subdistrict with a prohibition on retention of king salmon (5AAC 21.359).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This would remove mandatory closure of the Upper Subdistrict set gillnet (ESSN) fishery if the projected late-run king salmon escapement is less than 15,000 fish and require nonretention of king salmon in the ESSN.

PRESENT SITUATION: The Upper Subdistrict set gillnet fishery is managed primarily under provisions found in 5 AAC 21.360. *Kenai River Late-Run Sockeye Salmon Management Plan (KRLRSMP)*, and 5 AAC 21.365. *Kasilof River Salmon Management Plan (KRSMP)*. However, if Kenai River late-run king salmon escapement is projected to be below the Optimal Escapement Goal (OEG), the Upper Subdistrict fishery is restricted per paired restrictions provisions found in 5 AAC 21.359. *Kenai River Late Run King Salmon Management Plan (KRLRKMP)*.

From June 20 to August 15, if the projected escapement of large Kenai River late-run king salmon is less than 15,000 large fish, the department shall close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; 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 south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In addition, the retention of king salmon in the Kenai River personal use fishery is prohibited.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No
- b) **Does the agenda change request correct an error in regulation?** No
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No

ADDITIONAL INFORMATION: In February 2020 the board made changes to several management plans that regulate sockeye salmon commercial harvest in the ESSN during times of low king salmon abundance. Additionally, in October 2020, four ACRs were submitted to the board to change ESSN fishery regulations and allow some increased harvest opportunity of sockeye salmon in that fishery during low abundance of king salmon. Additionally, the board considered a board-generated proposal to allow commercial set gillnet fishery harvest when the return of Kenai River late run king salmon was below the optimal escapement goal (OEG) of 15,000-30,000 and above the sustainable escapement goal (SEG) of 13,500-27,000; all of which failed to be accepted.

PROPOSED BY: Karen McGahan

ACR 16 – Repeal restrictions on set gillnet gear in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This seeks to modify the number of set gillnet allowed when commercial fishing is restricted to achieve the Kenai River late-run king salmon optimal escapement goal (OEG).

PRESENT SITUATION: The Upper Subdistrict set gillnet fishery is managed primarily under provisions found in 5 AAC 21.360. *Kenai River Late-Run Sockeye Salmon Management Plan* (KRLRSMP), and 5 AAC 21.365. *Kasilof River Salmon Management Plan* (KRSMP). However, if Kenai River late-run king salmon escapement is projected to be below the OEG, the Upper Subdistrict fishery is restricted per paired restrictions provisions found in 5 AAC 21.359. *Kenai River Late-Run King Salmon Management Plan* (KRLRKMP).

Under 5 AAC 21.359 (e)(3)(G), if commercial fishing is limited to achieve the OEG set gillnet gear shall be restricted to one of the following:

(i) up to four set gillnets that are each not more than 35 fathoms in length, 105 fathoms in aggregate length, and 29 meshes in depth, or two set gillnets that are each not more than 35 fathoms in length and 45 meshes in depth; set gillnets used that are not more than 29 meshes in depth must be identified at the end of the gillnet with an attached blue buoy that is not less than nine and one-half inches in diameter; or

(ii) up to two set gillnets that are each not more than 35 fathoms in length and 29 meshes in depth or one set gillnet that is not more than 35 fathoms in length and 45 meshes in depth; set gillnets used that are not more than 29 meshes in depth must be identified at the end of the gillnet with an attached blue buoy that is not less than nine and one-half inches in diameter.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: At the 2014 UCI board meeting, a regulation was adopted that restricted set gillnet gear in the Upper Subdistrict for individuals who own and operate two Cook Inlet CFEC permits; the restriction limited 105 fathoms of the 210 fathoms of gear for dual permit operators to nets no deeper than 29 meshes. In 2014, in an effort to share the burden of conservation of Kenai River late-run king salmon, the board modified the KRLKSMP to include the step-down restrictions in sport, commercial, and personal use fisheries during periods of low Kenai River king salmon abundance.

The paired restrictions included an option for the department to restrict the number of nets in the ESSN fishery or the depth of the nets to no more than 29-meshes deep. The option to reduce gear in the ESSN fishery when the sport fishery is restricted to no bait was first provided to the department in 2014. The gear restriction is an option the fishermen choose from, either less gear per permit (35 fathoms or 70 fathoms) at standard depth (up to 45 meshes deep) or more gear (either up to 70 fathoms or 105 fathoms in length per permit) that may be no deeper than 29 meshes.

PROPOSED BY: Karen McGahan

ACR 17 – Repeal provisions exempting the Upper Subdistrict set gillnet fishery operated within 600 feet of the mean high tide mark from hour and gear limitations in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359(e)(3)(F)).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This seeks to remove the hour and gear exemptions from the Upper Subdistrict 600-foot set gillnet fishery specified in the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359(e)(3)(F)).

PRESENT SITUATION: The Upper Subdistrict set gillnet fishery is managed primarily under provisions found in 5 AAC 21.360. *Kenai River Late-Run Sockeye Salmon Management Plan* (KRLRSMP), and 5 AAC 21.365. *Kasilof River Salmon Management Plan* (KRSMP). However, if Kenai River late-run king salmon escapement is projected to be below the OEG, the Upper Subdistrict fishery is restricted per paired restrictions provisions found in 5 AAC 21.359. *Kenai River Late-Run King Salmon Management Plan* (KRLRKMP).

From June 20 to August 15, if the projected escapement of large Kenai River late-run king salmon is less than 15,000 large fish, the department shall close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; 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 south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In addition, the retention of king salmon in the Kenai River personal use fishery is prohibited.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: In February 2020 the board made changes to several management plans that regulate sockeye salmon commercial harvest in the ESSN during times of low king salmon abundance. Additionally, in October 2020, four ACRs were submitted to the board to change ESSN fishery regulations and allow some increased harvest opportunity of sockeye salmon in that fishery during low abundance of king salmon. Additionally, the board considered a board-generated proposal to allow commercial set gillnet fishery harvest when the return of Kenai River late-run king salmon was below the optimal escapement goal (OEG) of 15,000-30,000 and above the sustainable escapement goal (SEG) of 13,500-27,000; all of which failed to be accepted.

The ESSN commercial salmon fishery occurs along approximately 60 miles of beach from Ninilchik to Boulder Point. The fishery harvests sockeye, coho and king salmon that primarily return to both the Kenai and Kasilof rivers. The ESSN regulatory fishing area is within 1.5 miles of shore (“shore” is defined in regulation as the mean highwater mark for this fishery). For salmon conservation, the management plans have restrictive management options to focus harvest on Kenai and/or Kasilof sockeye salmon through limitations to fishing area down to within one-half mile of shore (for Kasilof section only) or down to within 600 feet of shore (for all Upper subdistrict areas). However, when fishing in the Kasilof Section within one-half mile of shore, the hours used count toward the maximum number of hours that the entire ESSN fishery may be open. Fishing hours used within 600 feet of shore are exempt from weekly hour limitations in the ESSN fishery found in the management plans.

Although all Kasilof section set gillnetters can fish when restricted to .5 miles from shore, not all ESSN fishery sites are able to fish extensively during openings limited to within 600 feet of shore. The topography of some sites leaves much of the area within 600 feet of shore with no water at most tide levels. As such these sites are exposed mudflats out to 600 feet for most of the open fishing time, and the water may never be deep enough for very effective set gillnetting during an opening limited to 600 feet from shore in some sites. Additionally, some ESSN set gillnetters do not have shore-based sites and they fish only in offshore areas beyond 600 feet. As such these offshore set gillnetters cannot fish at all when openings are limited to within 600 feet of shore.

PROPOSED BY: Karen McGahan

ACR 18 – Provide greater flexibility in set gillnet configuration when set gillnet gear is restricted under the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This seeks to modify the number of set gillnet allowed when commercial fishing is restricted to achieve the Kenai River late-run king salmon optimal escapement goal (OEG).

PRESENT SITUATION: The Upper Subdistrict set gillnet fishery is managed primarily under provisions found in 5 AAC 21.360. *Kenai River Late-Run Sockeye Salmon Management Plan* (KRLRSMP), and 5 AAC 21.365. *Kasilof River Salmon Management Plan* (KRSMP). However, if Kenai River late-run king salmon escapement is projected to be below the OEG, the Upper Subdistrict fishery is restricted per paired restrictions provisions found in 5 AAC 21.359. *Kenai River Late Run King Salmon Management Plan* (KRLRKMP).

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: In February 2020 the board made changes to several management plans that regulate sockeye salmon commercial harvest in the ESSN during times of low king salmon abundance. Additionally, in October 2020, four ACRs were submitted to the board to change ESSN fishery regulations and allow some increased harvest opportunity of sockeye salmon in that fishery during low abundance of king salmon. Additionally, the board considered a board-generated proposal to allow commercial set gillnet fishery harvest when the return of Kenai River late-run king salmon was below the optimal escapement goal (OEG) of 15,000-30,000 and above the sustainable escapement goal (SEG) of 13,500-27,000; all of which failed to be accepted.

The ESSN commercial salmon fishery occurs along approximately 60 miles of beach from Ninilchik to Boulder Point. The fishery harvests sockeye, coho and king salmon that primarily return to both the Kenai and Kasilof rivers. The ESSN regulatory fishing area is within 1.5 miles of shore (“shore” is defined in regulation as the mean highwater mark for this fishery). For salmon conservation, the management plans have restrictive management options to focus harvest on Kenai and/or Kasilof sockeye salmon through limitations to fishing area down to within one-half mile of shore (for Kasilof section only) or down to within 600 feet of shore (for all Upper subdistrict areas). However, when fishing in the Kasilof Section within one-half mile of shore, the hours used count toward the maximum number of hours that the entire ESSN fishery may be open. Fishing hours used within 600 feet of shore are exempt from weekly hour limitations in the ESSN fishery found in the management plans.

Although all Kasilof section set gillnetters can fish when restricted to .5 miles from shore, not all ESSN fishery sites are able to fish extensively during openings limited to within 600 feet of shore. The topography of some sites leaves much of the area within 600 feet of shore with no water at most tide levels. As such these sites are exposed mudflats out to 600 feet for most of the open fishing time, and the water may never be deep enough for very effective set gillnetting during an opening limited to 600 feet from shore in some sites. Additionally, some ESSN set gillnetters do not have shore-based sites and they fish only in offshore areas beyond 600 feet. As such these offshore set gillnetters cannot fish at all when openings are limited to within 600 feet of shore.

PROPOSED BY: Joseph Person

ACR 19 – Provide additional commercial fishing opportunity with set gillnet gear in the Kasilof Section and Kasilof River Special Harvest Area (5 AAC 21.359 and 5 AAC 21.365).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This seeks to modify the *Kasilof River Salmon Management Plan (KRSMP)* to clarify the legal definition of the Kasilof River Special Harvest Area. In addition, this ACR seeks for the board to provide clarity to the department on the use of the KRSMP and the Kasilof River Special Harvest Area when projections of Kenai River late-run king salmon escapement are less than 15,000 fish.

PRESENT SITUATION: The Upper Subdistrict set gillnet fishery is managed primarily under provisions found in 5 AAC 21.360. *Kenai River Late-Run Sockeye Salmon Management Plan (KRLRSMP)*, and 5 AAC 21.365. *Kasilof River Salmon Management Plan*. However, if Kenai River late-run king salmon escapement is projected to be below the Optimal Escapement Goal (OEG), the Upper Subdistrict fishery is restricted per paired restrictions provisions found in 5 AAC 21.359. *Kenai River Late-Run King Salmon Management Plan (KRLRKMP)*.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: In February 2020 the board made changes to several management plans that regulate sockeye salmon commercial harvest in the ESSN during times of low king salmon abundance. Additionally, in October 2020, four ACRs were submitted to the board to change ESSN fishery regulations and allow some increased harvest opportunity of sockeye salmon in that fishery during low abundance of king salmon. Additionally, the board considered a board-generated proposal to allow commercial set gillnet fishery harvest when the return of Kenai River late-run king salmon was below the optimal escapement goal (OEG) of 15,000-30,000 and above the sustainable escapement goal (SEG) of 13,500-27,000; all of which failed to be accepted.

The ESSN commercial salmon fishery occurs along approximately 60 miles of beach from Ninilchik to Boulder Point. The fishery harvests sockeye, coho and king salmon that primarily return to both the Kenai and Kasilof rivers. The ESSN regulatory fishing area is within 1.5 miles of shore (“shore” is defined in regulation as the mean highwater mark for this fishery). For salmon conservation, the management plans have restrictive management options to focus harvest on Kenai and/or Kasilof sockeye salmon through limitations to fishing area down to within one-half mile of shore (for Kasilof section only) or down to within 600 feet of shore (for all Upper subdistrict areas). However, when fishing in the Kasilof Section within

one-half mile of shore, the hours used count toward the maximum number of hours that the entire ESSN fishery may be open. Fishing hours used within 600 feet of shore are exempt from weekly hour limitations in the ESSN fishery found in the management plans.

Although all Kasilof section set gillnetters can fish when restricted to .5 miles from shore, not all ESSN fishery sites are able to fish extensively during openings limited to within 600 feet of shore. The topography of some sites leaves much of the area within 600 feet of shore with no water at most tide levels. As such these sites are exposed mudflats out to 600 feet for most of the open fishing time, and the water may never be deep enough for very effective set gillnetting during an opening limited to 600 feet from shore in some sites. Additionally, some ESSN set gillnetters do not have shore-based sites and they fish only in offshore areas beyond 600 feet. As such these offshore set gillnetters cannot fish at all when openings are limited to within 600 feet of shore.

PROPOSED BY: South K-Beach Independent Fishermen's Association (SOKI)

ACR 20 – Modify the *Kenai River Late-Run King Salmon Management Plan* 5 AAC 21.359 (d)(3) to allow set gillnets, up to 45 meshes deep, to be fished in a “flagged” orientation when projected Kenai River late-run king salmon escapement is less than 15,000 large fish.

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This seeks to allow the use of set gillnets up to 45 meshed deep and “flagged” in orientation, in the Upper Subdistrict, when Kenai River late-run king salmon escapement is projected to be less than 15,000 large fish.

PRESENT SITUATION: The Upper Subdistrict set gillnet fishery is managed primarily under provisions found in 5 AAC 21.360. *Kenai River Late-Run Sockeye Salmon Management Plan* (KRLRSMP), and 5 AAC 21.365. *Kasilof River Salmon Management Plan* (KRSMP). However, if Kenai River late-run king salmon escapement is projected to be below the Optimal Escapement Goal (OEG), the Upper Subdistrict fishery is restricted per paired restrictions provisions found in 5 AAC 21.359. *Kenai River Late-Run King Salmon Management Plan* (KRLRKMP).

From June 20 to August 15, if the projected escapement of large Kenai River late-run king salmon is less than 15,000 large fish, the department shall close the king salmon sport fisheries in the Kenai River and salt waters of Cook Inlet north of Bluff Point; 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 south of the Kenai River; and the commercial set gillnet fishery in the Upper Subdistrict. In addition, the retention of king salmon in the Kenai River personal use fishery is prohibited.

The current regulatory definition of a set gillnet is a gillnet that has been intentionally set, staked, anchored, or otherwise fixed (5AAC 39.105 (d) (2)). No definition for a “flagged gillnet” exists in regulation.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: In February 2020 the board made changes to several management plans that regulate sockeye salmon commercial harvest in the ESSN during times of low king salmon abundance. Additionally, in October 2020, four ACRs were submitted to the board to change ESSN fishery regulations and allow some increased harvest opportunity of sockeye salmon in that fishery during low abundance of king salmon. Additionally, the board considered a board-generated proposal to allow commercial set gillnet fishery harvest when the return of Kenai River late-run king salmon was below the optimal escapement goal (OEG) of 15,000-30,000 and above the sustainable escapement goal (SEG) of 13,500-27,000; all of which failed to be accepted.

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PROPOSED BY: Russel Clark