Commercial Fisheries (14 proposals)
Groundfish gear and closed waters (8 proposals)

PROPOSAL 11

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

Close state waters to commercial groundfish fishing with trawl gear west of 170° W. longitude, as follows:

(d)All waters of Alaska west of 170° W. long. are closed to commercial groundfish fishing with nonpelagic and pelagic trawl gear.

(*Boards Support note: this proposal will be heard and public testimony will be taken at both the AK Pen/AI/BS/Chignik Pacific cod and AK Pen/AI/Chignik finfish meetings and will be deliberated at the AK Pen/AI/Chignik finfish meeting*)

What is the issue you would like the board to address and why? We are concerned about increased factory trawl activity in Aleutian Islands golden king crab habitat and the associated impacts to the resource. Several traditional golden king crab fishing areas have been overrun by large trawlers and there is additional concern about their operations in areas where female and juvenile crab tend to concentrate.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. Proposal created on behalf of the F/V Alaska Trojan

PROPOSED BY: Linda Kozak (EF-F26-025)

****

PROPOSAL 163

5 AAC 39.105. Types of legal gear.

Define all trawl gear operated inside state waters as non-pelagic and develop new performance and monitoring standards to allow state-waters pelagic trawling to occur on a case-by-case basis, as follows:

We recognize that pelagic trawl fisheries are part of Alaska's seafood economy. Our goal is to improve the enforcement and accountability of existing regulations and ensure that this gear type can operate responsibly as part of Alaska's sustainable fisheries.

Redefining pelagic trawls in Alaska state waters as mobile bottom contact gear would align the gear type's definition with its current operation, which includes frequent seafloor contact. This adjustment would clarify enforcement and require pelagic trawls to avoid areas closed to bottom trawling until it can be reliably proven that the trawls operate only in the midwater, as intended.

Proposed amendment to 5 AAC 39.105:

> Redefinition of Pelagic Trawl Gear in State Waters.
> For the purposes of state water fisheries management, any trawl gear deployed in state waters shall be presumed to be mobile bottom contact gear unless the operator can demonstrate, through Department-approved monitoring methods, that the gear operates entirely within the water column without seafloor contact.
>
> The Alaska Department of Fish and Game shall develop:

- A process for gear operators to apply for midwater trawl status using real-time monitoring, sensors, or other compliance verification systems;
- Standards for what constitutes acceptable proof of midwater operation;
- A public list of verified midwater trawl vessels.

Vessels not verified shall be subject to all regulations and area closures applicable to bottom contact gear. Failure to comply with this regulation may result in enforcement action, including fines or loss of fishing privileges in state waters.

What is the issue you would like the board to address and why? There is increasing concern that the use of pelagic trawl gear in Alaska State waters does not comply with its intended midwater operation. This highlights several important regulatory and environmental issues. Pelagic trawls and seafloor contact limitations are clearly defined within Alaska regulations, 5 AAC 39.105: Types of legal gear*, is a trawl where the net, or the trawl doors or other trawl-spreading device, do not operate in contact with the seabed, and which does not have attached to it any protective device, such as chafing gear, rollers, or bobbins, that would make it suitable for fishing in contact with the seabed*.

However, reports from the North Pacific Fishery Management Council Fishing Effects Model document and testimony from trawl fleet representatives affirm that these trawls regularly operate well outside of this definition. We believe this results in known frequent seafloor contact, habitat damage, and an increased threat to the sustainability of critical fisheries such as crab, salmon, and halibut.

The absence of seafloor contact monitoring and regulatory enforcement mechanisms limiting such contact exacerbates the problem, allowing noncompliant practices to persist unaddressed. This undermines the integrity of the state's sustainable fisheries management, its commitment to protecting marine habitats, and the long-standing regulation around pelagic trawl use in Alaska state waters.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. This proposal was developed in concert with the members and supporters of the Alaska Healthy Habitat Alliance.

PROPOSED BY: The Alaska Healthy Habitat Alliance (EF-F26-120)

****

PROPOSAL 164

5 AAC 39.105. Types of legal gear.

Establish bottom contact monitoring requirements for pelagic trawl gear operated inside state waters, as follows:

We recognize that pelagic trawl fisheries are part of Alaska's seafood economy. Our goal is to improve the enforcement and accountability of existing regulations and ensure that this gear type can operate responsibly as part of Alaska's sustainable fisheries.

All vessels using pelagic trawl gear in state waters must participate in a mandatory monitoring program, which includes seafloor contact sensors.

In coordination with the Alaska Board of Fisheries, the Alaska Department of Fish and Game (ADF&G) shall establish a compliance verification system to confirm that pelagic trawl gear is not in contact with the seafloor.
Proposed amendment to 5 AAC 39.105:

> Monitoring Requirements for Pelagic Trawl Gear.
> All vessels using pelagic trawl gear in Alaska state waters must be equipped with a Department-approved seafloor contact detection system capable of recording and verifying gear behavior in relation to the seafloor.
> The Alaska Department of Fish and Game (ADF&G) shall:
>
> - Approve appropriate sensor technology or electronic monitoring systems that can detect bottom contact by trawl doors, nets, or other components;
> - Define data submission and retention requirements;
> - Require real-time or near-real-time data access to support compliance enforcement;
> - Provide technical assistance and a grace period for gear modification, with full enforcement beginning no later than [specific date].
>
> Vessels not equipped with verified monitoring systems shall be classified as bottom contact trawl operations and subject to all relevant restrictions. Failure to comply with this regulation may result in enforcement action, including fines or
> loss of fishing privileges in state waters.

What is the issue you would like the board to address and why? The current definition of pelagic trawl gear in 5 AAC 39.105 prohibits seafloor contact, yet there is no requirement for gear-mounted sensors or other monitoring systems that can verify whether vessels comply with this regulation. As a result, vessels may routinely make contact with the seafloor without consequence.

This lack of accountability poses a serious risk to sensitive benthic habitats and undermines Alaska's reputation for sustainable fisheries management. It also creates an uneven playing field, where law-abiding fishermen who avoid bottom contact may be at a disadvantage compared to others who ignore the regulation.

Introducing mandatory seafloor sensing technology would close this gap, provide
transparency, and enable managers to verify compliance with midwater gear restrictions.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. This proposal was developed in concert with the members and supporters of the Alaska Healthy Habitat Alliance.

PROPOSED BY: The Alaska Healthy Habitat Alliance (EF-F26-118)
****

PROPOSAL 165

5 AAC 39.105. Types of legal gear.

Establish salmon excluder requirements for all pelagic trawl gear operated inside state waters, as follows:

We recognize that pelagic trawl fisheries are part of Alaska's seafood economy. Our goal is to improve the enforcement and accountability of existing regulations and ensure that this gear type can operate responsibly as part of Alaska's sustainable fisheries.

Proposed amendment to 5 AAC 39.105:

Add new section:

(c)Salmon Excluder Requirement.

All pelagic trawl gear used in the commercial harvest of groundfish within Alaska state waters must be equipped with an approved salmon excluder device that has been tested and verified to reduce salmon bycatch effectively.

The Alaska Department of Fish and Game shall:

- Establish performance-based criteria for excluder devices;
- Maintain a list of approved excluders based on field testing and scientific review;
- Implement a phased compliance timeline and outreach strategy to ensure industry adaptation.

Failure to comply with this regulation may result in enforcement action, including fines or loss of fishing privileges in state waters.

What is the issue you would like the board to address and why? The current regulatory definition of pelagic trawl gear under 5 AAC 39.105 does not include specific bycatch mitigation measures, particularly for salmon bycatch. This omission allows midwater, or pelagic, trawl fisheries in state waters to operate without standardized and enforceable protections for salmon stocks, some of which are in decline or listed under conservation concern.

Evidence from National Marine Fisheries Service (NMFS), North Pacific Fishery Management Council (NPFMC), and stakeholder observations indicate that pelagic trawl gear often comes into contact with the seafloor and operates in mixed-species zones where salmon are present. Without mandatory salmon excluders, these operations pose a direct risk to salmon populations, many of which are crucial to subsistence, sport, and commercial fisheries, and central to Alaska's culture and food security.

A recent example of this was the required early closure of the Gulf of Alaska (GOA) pollock fishery after it reached its prohibited species cap of Chinook salmon. Mandated use of salmon excluders in state waters would further work to avoid interactions with prohibited species.

Requiring salmon excluders will promote sustainability and reduce bycatch and is an approach already under consideration at the NPFMC in both the BSAI and GOA under Exempted Fishing Permits.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. This proposal was developed in concert with the members and supporters of the Alaska Healthy Habitat Alliance.

PROPOSED BY: The Alaska Healthy Habitat Alliance (EF-F26-119)
****

PROPOSAL 166

5 AAC 39.105. Types of legal gear.

Amend statewide definition of a mechanical jigging machine, as follows:

5 AAC 39.105 Types of legal gear (d)(25)

(25)a mechanical jigging machine is a device **having a drum, spool, or reel measuring no more than15 inches outside diameter by 7 inches inside width** that deploys a line with lures or baited hooks and retrieves that line with electrical, hydraulic, or mechanically powered assistance; a mechanical jigging machine allows the line to be fished only in the water column; a mechanical jigging machine must be attached to a vessel registered to fish with a mechanical jigging machine; the mechanical jigging machine may not be anchored or operated unattached from the vessel;

What is the issue you would like the board to address and why? Some cod jig fishermen using other (ill defined) gear types to harvest cod have caused the cod jig season to close prematurely and spread the catch unfairly among users. The use of longline gear inside and outside of State of Alaska jurisdiction are the primary means of unfair and illegal harvesting of cod during the state waters jig season. A better jig gear definition is needed so that longline reels aren't used for "jigging."

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. In consultation with other jig fishermen, ADFG management, and Alaska Wildlife Troopers.

PROPOSED BY: David Kubiak (EF-F26-072)
****

PROPOSAL 167

5 AAC 28.050. Lawful gear for groundfish.

Prohibit vessels from having other groundfish gear or equipment onboard while participating in a groundfish fishery using mechanical jigging machines or hand troll gear, as follows:

In the statewide jig fishery, vessels registered to jig fish may only carry mechanical jigging machines and hand troll gear. Long line gear, reels, drums, and slinky pots are prohibited on board while prosecuting the fishery, traveling to or from the fishing grounds or offloading jig cod harvest.

What is the issue you would like the board to address and why? Compelling circumstantial evidence suggests that vessels registered and prosecuting the Kodiak area state water jig fishery are using additional groundfish gear such as longline gear and slinky pots. Delivery patterns and offload volumes between vessels only carrying jig gear vs. vessels that have longline and slinky pots on board, in addition to jig gear, indicate that nefarious and illegal behavior is occurring. Boats with snap-on longline reels onboard, in addition to jig gear, have been observed delivering fish with intact snaps and hooks still attached to the fish..

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. The proposal was developed by jig fishermen who did extensive outreach to the jig fleet. The jig fleet also consulted with Kodiak area managers and Alaska state troopers.

PROPOSED BY: Alaska Jig Association (EF-F26-162)

****

PROPOSAL 168

5 AAC 28.050. Lawful gear for groundfish.

Prohibit vessels from having more than one groundfish gear type onboard when participating in a state-managed groundfish fishery.

5 AAC 28.050 Lawful gear for groundfish

(a)Unless otherwise provided or restricted by specific groundfish regulations in this chapter, groundfish may be taken only by trawls, hand troll gear, seines, mechanical jigging machines, dinglebar troll gear, longlines, or pots, except that

(1) king and Tanner crab pots as described in 5 AAC 34.050(2) and 5 AAC 35.050(2) may not be used to take groundfish;

(2) repealed 5/31/98.

(b) a vessel may not possess onboard more than one lawful gear type for harvesting groundfish while actively fishing in a groundfish fishery

(c)[B] All commercial longline or skate gear buoys, or kegs and buoys for groundfish pots, must be marked as follows:

What is the issue you would like the board to address and why? With smaller GHL's of Pacific Cod in recent years, and lower dock prices for cod, individuals who rely heavily on the jig fishery to provide operating income prior to the summer salmon season are finding their season's cut drastically short by operators who utilize longline equipment and slinky pots to harvest cod from the jig sector allocation. There is currently no regulation that prohibits a vessel from having jig machines, longline equipment, and pot gear all on board, and this would provide a meaningful regulation that enforcement could use to ensure a fishery is prosecuted by the user group the sector allocation was intended for.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. I developed this proposal on my own.

PROPOSED BY: Nate Rose (EF-F26-175)

****

PROPOSAL 169

5 AAC. 39.105 Types of legal gear.

Create a definition of groundfish coil spring or 'slinky pot', as follows:

5 AAC 39.105(d)(11) is amended to read:

(11) a pot is a

(A) portable structure designed and constructed to capture and retain fish and shellfish alive in the water; **or**

(B) a collapsible pot, commonly known as a slinky pot, is a coil spring pot with non- rigid mesh and a collapsible frame, with no more than two tunnel eye openings on opposing sides.

What is the issue you would like the board to address and why? Currently, statewide groundfish regulations do not have a definition of groundfish coil pots commonly known as slinky pots. This is a relatively new gear type that has become more common in groundfish fisheries. These pots are collapsible, easy to handle and stack, and have low bycatch of nontarget species. Regulations exist defining escape openings and marking requirements for these pots but the terms groundfish coil spring and 'slinky pot' are not defined in regulation.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. Text

PROPOSED BY: Alaska Department of Fish and Game (HQ-F26-024)

****

PROPOSAL 170

5 AAC 40.XXX New Regulation.

Reduce the permitted egg take level of each hatchery permit containing pink and chum salmon by 25% of the current permitted capacity for those species, as follows:

What is the issue you would like the board to address and why? Currently, 30 salmon hatcheries are operating in the state. Twenty-seven facilities are operated by private nonprofit (PNP) corporations, which are funded primarily from the sale of a portion of hatchery returns. Of these, 11 are state owned and operated by PNPs on the state's behalf at no cost to the state. Non-PNP operated hatcheries include two sport fish hatcheries operated by the state and one hatchery operated by the Metlakatla Indian Community under federal regulation.[i] Most of these hatcheries have been operating since the Alaska Hatchery Act was adopted in 1974, authorizing private non-profit corporations to own and operate salmon hatcheries to supplement wild salmon stocks and support fisheries.

The regulatory intent in the Act was to also protect wild salmon stocks. The Alaska Hatchery Act establishing the PNP Hatchery system was adopted in 1974. "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." However, during the 50 years since the implementation of PNP hatcheries, there has been virtually no environmental review or cost-benefit analysis of the impacts of hatcheries and very limited oversight by Alaska Board of Fisheries.

State of Alaska law (Policy for management of sustainable salmon fisheries – 5 AAC 39.222) mandates that hatcheries shall operate without adversely affecting natural stocks of fish.

Assessing that impact is the Board of Fish responsibility. However, except for a 1977 authority given to the Board of Fisheries for salmon broodstock releases under a hatchery permit, there was no annual Board oversight on hatcheries between 1974 and 1999. In 1999, the first Board of Fish hatchery committee was established. The committee did not meet until 2001 but only for two years to establish protocols. Between 2003-2018 there were no Board hatchery meetings. In 2018, the Board adopted the Committee of the Whole (entire Board) which met for a full day since, except

2021 due to Covid. This means that for most of the 49 years of the PNP hatchery program, there was no public review or Board of Fish oversight.

With the severe and escalating decline of wild salmon stocks in both average size and abundance, there is ample peer-reviewed scientific evidence that hatchery salmon negatively impact wild salmon in many significant ways. For several years, different groups have been submitting proposals for hatchery egg take reduction as one of the responses to protect wild salmon. All those proposals were refused on the basis of lack of conclusive evidence that there is a correlative relationship to detrimental impacts of hatchery production in wild stocks through competition for forage food and straying.

However, there is over-whelming evidence of negative impacts with very little corresponding evidence to the opposite. "Hatcheries have long produced salmonids for fisheries and mitigation, though their widespread use is increasingly controversial because of potential impacts to wild salmonids. We conducted a global literature search of peer-reviewed publications (1970–2021) evaluating how hatchery salmonids affected wild salmonids, developed a publicly available database, and synthesized results. Two hundred six publications met our search criteria, with 83% reporting adverse/minimally adverse effects on wild salmonids. Adverse genetic effects on diversity were most common, followed by effects on productivity and abundance via ecological and genetic processes. Few publications (3%) reported beneficial hatchery effects on wild salmonids, nearly all from intensive recovery programs used to bolster highly depleted wild populations. Our review suggests hatcheries commonly have adverse impacts on wild salmonids in freshwater and marine environments."[ii] Since this synthesis was published in 2023, even more hatchery-impact papers have emerged.

While the Alaska Board of Fisheries has limited authority to provide injunctive relief on this issue, they can reduce hatchery egg take permitting levels. This is the only venue open to public proposals and the only recourse for the general public to debate or contest hatchery practices.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee Jeff Lucas, Chair

(EF-F26-137)

****

PROPOSAL 171

5 AAC 40. XXX New Regulation.

Amend Prince William Sound hatchery permits to reduce pink salmon egg take capacity, as follows:

Require changes in Prince William Sound Pink Salmon hatchery production sufficient to reduce straying into Lower Cook Inlet streams to levels specified in the Prince William Sound/Copper River Comprehensive Salmon Plan.

What is the issue you would like the board to address and why? High levels of straying by Prince William Sound hatchery pink salmon have been identified in Lower Cook Inlet streams (Otis et al. 2018. Observations of Pink Salmon hatchery proportions in selected Lower Cook Inlet escapements, 2016-2017. Alaska Department of Fish and Game Special Publication 18-11). PWS hatchery contributions averaged 22% in 17 LCI streams sampled in 2014-2018. Combined contributions of LCI and PWS hatchery fish averaged 34%.

High stray rates reduce wild pink salmon productivity due to low relative reproductive success of hatchery fish recently identified by the Alaska Hatchery Research Project. High stray rates violate criteria in the *Prince William Sound/Copper River Comprehensive Salmon Plan* specifying that the proportion of hatchery salmon straying into wild-stock streams must remain below 2% of the wild-stock escapement over the long term.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. Not applicable

PROPOSED BY: Kenai River Sportfishing Association (EF-F26-009)

****

PROPOSAL 172

5 AAC 40.XXX New Regulation.

Board generated regulation that places a moratorium on pink and chum hatchery production.

Adopt a Hatchery salmon policy establishing a moratorium on any increase in egg take of Pink Salmon and Chum Salmon for the purposes of artificial production in the waters of Alaska relative to permitted levels as of 2025.

The moratorium would remain in effect until repeal or revision by the Board based on considerations that might include:

1) resolution of uncertainty in the science regarding hatchery-wild effects,
2) comprehensive hatchery policy guidelines for acceptable levels of hatchery straying; hatchery sanctuary areas for protection of genetic legacy salmon populations; criteria for identification and evaluation of remote hatchery release sites; criteria for new releases of hatchery salmon in areas where they do not currently occur; escapement goal assessments in enhanced wild salmon population; and ecosystem interactions with hatchery fish.
3) the availability of updated Regional Comprehensive plans that reflect current programs and comprehensive hatchery policies.
4) results of any independent scientific review of Alaska hatchery research findings, policies and programs that might occur.

A moratorium would call a time out on any further hatchery expansion in light of significant concerns and uncertainty in negative effects of current programs. This pause would allow time for the Alaska hatchery study time to complete its work and for current information to be incorporated into policy and practice.

This action endorses and codifies an informal policy decision by the Commissioner to not permit increased egg take for pink salmon hatchery production as reported in RC240 of the 2024 Upper Cook Inlet Board of Fisheries meeting. Without Board action, this informal policy could be set aside by a future Commissioner without regard for the current scientific information on hatchery effects.

This action is within Board authority as per AAC 16.05.251 (9) “prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs” and AAC 16.10.440 (b) “the Board of Fisheries may, after the issuance of a permit by the commissioner, amend by regulation…the terms of the permit relating to the source and number of salmon eggs…”

What is the issue you would like the board to address and why? New information produced by the Alaska Hatchery Research Project and recent publications in the peer-reviewed scientific literature have identified a high potential for significant negative impacts of Alaska salmon hatchery programs on wild salmon stocks and the marine ecosystem. Hatchery Pink and Chum salmon have been observed to stray widely into Prince William Sound, Southeast Alaska and Lower Cook Inlet wild salmon streams. Wild Pink Salmon productivity may be reduced by low relative reproductive success of hatchery fish.
Significant changes in marine ecosystems have also been associated with large numbers of Pink Salmon including hatchery fish. Ecosystem impacts of large-scale hatchery in Alaska may have contributed to widespread declines in productivity of Chinook and Chum salmon in many areas of Alaska.

The *Policy for the Management of Sustainable Salmon Fisheries* directs that wild salmon stocks and fisheries on those stocks should be protected from adverse impacts from artificial propagation and enhancement efforts [5 AAC 39.222(c)(1)(D)] and artificial propagation shall be managed conservatively with a precautionary approach in the face of uncertainty [5 AAC 39.222(c)(5)(A)].

While enhancement activities are guided by a variety of Department policies, guidelines and processes, many of these have not been updated based on current scientific information and a comprehensive salmon hatchery policy does not exist. Regional Comprehensive Salmon Enhancement Plans [5 AAC 40.340] are out of date and current programs may be inconsistent with the available plans.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. Not applicable

PROPOSED BY: Kenai River Sportfishing Association (EF-F26-007)
****

PROPOSAL 173
5 AAC 39.291. Boundary markers..
Provide emergency order authority to define fishing boundaries when regulatory markers are lost, destroyed or otherwise absent, as follows:

5 AAC 39.291 is amended to read, as follows:

The department may post a boundary described in regulation by an appropriate marker. The marker must be placed as close as possible to the location specified in the applicable regulation. Where markers have been lost or destroyed, the boundary is as specified in the applicable regulation[.] **or by emergency order**.

What is the issue you would like the board to address and why? The same fishing boundaries are often set by emergency order year after year and regulatory markers are frequently used to determine these boundaries. Regulatory markers can be destroyed by weather or wildlife or in some cases removed without authorization. In addition, many current boundaries defined by regulation or by emergency order use precise points identified by global positioning system coordinates obtained by global information system software, forgoing the need to ensure regulatory markers are in place for every fishery opening.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F26-028)
****

PROPOSAL 174
5 AAC 39.260. Seine specifications and operations.
Allow the engine of a purse seine vessel or skiff to be shut off when the purse seine is deployed, as follows:

Under seine specifications and operations I would delete (I) During the operation of a purse seine, the propulsion engines of the seiner or skiff assisting the operation, must be running and the vessel must be controlling configuration of the purse seine.

What is the issue you would like the board to address and why? When fishing is slow or the fish are spooky, the requirement to have your engines running is unnecessary. Sometimes you just want to hang on your gear or be quiet to encourage fish to pass into the set. The requirement seems 1)unnecessary and 2)a waste of fuel

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. Conversations with other fishermen

PROPOSED BY: Rob Nelson (EF-F26-029)
****