

**Alaska Board of Fisheries
Work Session
October 9-11, 2007 - Anchorage
Agenda Change Requests**

- ACR 1 -** Add restrictions to Sitka Sound Herring fishery to protect Salisbury Sound (Section 13A) stocks
- ACR 2 -** Allow set gillnet running lines within 500 feet of 18 foot high tide mark in Naknek River SHA to remain during drift gillnet openings
- ACR 3 -** Reduce mesh size for gillnets to preserve the genetic diversity and historical size structure of the Yukon River king salmon
- ACR 4 -** Address Yukon River salmon conservation concerns in reference to US/Canada Treaty obligations
- ACR 5 -** Revise stocked waters management plan
- ACR 6 -** Add new management measures to prevent overharvest and ensure accurate accounting, biological sampling and enforcement of state-waters scallop harvest
- ACR 7 -** Review Naknek River Special Harvest Area 3:1 drift gillnet to set gillnet ratio for open periods
- ACR 8 -** Change designation of Yukon River king salmon from a "yield concern" to a "management concern"
- ACR 9 -** Revise Yukon River king salmon escapement goals to address quality of escapement
- ACR 10 -** Readdress use of "windows" for subsistence fishery management
- ACR 11 -** Review of the demersal shelf rockfish management to avoid unattended closures in sport fishery
- ACR 12 -** Allow subsistence harvest of clams in Ketchemak Bay
- ACR 13 -** Modify fishing in the Outer Port Heiden Section to address subsistence needs
- ACR 14 -** Increase allowable set gillnet length for Naknek River SHA
- ACR 15 -** Update definitions to include Dark Rockfish (*S. ciliatus*)
- ACR 16 -** Clarify western boundary of Ugashik District
- ACR 17 -** Modify ratio of openings for set gillnet and drift gillnet in Naknek-Kvichak District
- ACR 18 -** Reinstate original comprehensive allocation plan for the Naknek River SHA
- ACR 19 -** Modify fishing in the Outer Port Heiden Section to increase passage of Bristol Bay stocks
- ACR 20 -** Close fishing in the Outer Port Heiden Section to increase passage of Bristol Bay stocks
- ACR 21 -** Reinstate 100,000 sockeye salmon cap and maximum 24 hour fishing restriction in the North Peninsula
- ACR 22 -** Revise management plan for Southeastern District Mainland
- ACR 23 -** Modify fishing in the Outer Port Heiden Section to address subsistence needs
- ACR 24 -** Have state halibut regulations mirror federal regulations for consistency with the North Pacific Halibut Act and international treaty
- ACR 25 -** Allow use of proxies for subsistence, sport, and personal use shellfish fisheries

ACR # 1

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. 5 AAC 27.195 Area 13b The Sitka Sound Commercial Herring Sac Roe Fisheries, at the 2003 Board of Fisheries hearing included area 13A, Com Fish testified that area 13A were the same stock of fish; though no scientific data was presented confirm this assumption.

In accordance with 5 AAC 27.190 fishing conducted in an area for herring without making sure that the stocks are in fact the same stocks is outside the regulations.

Such is the case in the Area 13A. Salisbury Sound, which I believe supersedes an emergency opening, the only facts we have concluding that Salisbury Sound is a bleed over from the Sitka Sound herring stocks is visual sightings.

1. herring, like salmon, intermingle; they usually separate and move to their spawning area when the time is right.
2. when small stocks of herring have good year classes they build
3. the visual activity is usually over when Hoonah Sound Pound fisheries is over
4. herring that spawn after this activity are not observed
5. the herring that were observed spawning was in and around April 10, which is a later timing than that in Sitka Sound, even later spawning dates than April 10 for Salisbury Sound would also go unobserved, rendering a few visual sightings only part of the picture
6. then there is the Tracer Element Microchemistry analysis being done on the herring stocks in Salisbury Sound in it's first year of testing that though inconclusive, shows that Salisbury herring could be a separate stock
7. the timing on the Salisbury herring spawn is at a latter date then the big spawn in Sitka Sound indicating that it may not be bleed over herring
8. when there is doubt about a herring spawn population, care needs to be taken in order that stocks be protected
9. then if there is indication after study, the procedures to protect these stocks long term need to be taken in accordance with the procedure laid out in the Alaska Statutes, and the Alaska Administrative Code.
10. lastly I will say that 5 AAC 27.195 13A is a large area so where are the guidelines to fishable area, who soon will a different leadership in the Fish and Game department change and the Sitka Sound Sac Roe Fishery be conducted in places that may include Lisianski Inlet
11. at the 2003 Board of Fish meeting, the Department of Fish & Game were asked to lay out a plan for a Salisbury Sound Sac Roe Fisheries which seems not to be done to date, while a fisheries was conducted there in 2006.

Then there is genetic characteristics that all herring possess from Nelson Bay to San Francisco, you will find that all herring, can interbreed together and produce offspring as in the Canadian genetics report, the same is being said about the human being and Chinook salmon as well as the other species, yet like the salmon each herring stock historically has spawned in the same general area, up and down the west coast for many centuries, none appear to come from Canada or come down from Nelson Lagoon to spawn here in Sitka Sound or for that matter Salisbury Sound, if

what is implied were true we would have a floating mass of herring hitting different places on the coast of America not coming back to the same general area every year.

I am concerned about poor science that says Salisbury Sound Herring are the same group as Sitka Sound Herring when no study has really been made.

I am not a biologist, but visual observation of herring on the inside waters in Frederick Sound, Chatham Straits, Stevens Pass and Sumner Straits, tells me that stocks are indigenous to an area and spawn there.

Also the history of herring lost tells me that unregulated fisheries tend to wipe out different local schools, I will site the winter herring in Petersburg which was killed for a bait fisheries, a person might say that herring are there in the summer, these do not reside in Petersburg in the winter hence they are a different stock, the loss of herring on the Foggy Bay Shore, the loss of herring in Auke Bay, the loss of winter herring in Point Baker.

A person might say these were insignificant stocks but when a stock of fish are gone, when do supposed bleed over replace them, the Petersburg winter stocks are gone now over 50 years as the winter stocks in Point Baker, the herring in Auke Bay probably 35 years, I can not digest this statement, "they moved someplace else", my opinion of that is they moved to herring heaven and will not be back. Let us hope that I am wrong.

I am not opposed to herring fishing in Salisbury Sound, I just want all the bells and whistles that make it a stock worth conserving, and I hope that this is the aim of the Board of Fish also. Remember you are in charge of conserving the stocks and good science is good science, not just a visual observation.

Lastly I will say that 5 AAC 27.195 13A is a large area with many stocks of herring that spawn in various bays, I am concerned about where this supposed fisheries will stop also, year by year we have now attitudes and new managers, area 13A Salisbury Sound has no defined area limits for this emergency openings that have gone on, it is time the department of fisheries get on with studying the Salisbury Sound herring stocks, define which portion a 13A fisheries is applicable to this fisheries, this was clearly the mandate of the 2003 Board of Fish, another cycle has gone by with out this being done. Thank you for your patience for reading my comment response.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Preliminary trace element microchemistry on herring otoliths done by Sitka Tribes of Alaska indicate that area 13A may be a separate stock of herring than those found in 13B, to be conclusive, this study needs to be conducted for at least three more years.

or 2) Correct an error in regulation: The expansion of the Sitka Sound Commercial Herring Sac Roe Fisheries, (5 AAC 27.195) into 13A Salisbury Sound needs to be reversed or perhaps a

moratorium be put into place until such time that the trace element microchemistry by Sitka Tribes of Alaska can be concluded, establishing a scientific status for this area 13B.

or 3) correct an unforeseen effect of a regulation: The establishment of the fishing area without the proper science may ultimately cause irreversible harm to these stocks if they in fact prove to be another group of fish. Good management methods need to be adopted if they are indeed another group.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: 5 AAC 27.195. AREA 13A was not included in the original area 13B, at the inception and for a number of years this sac roe fishery was marginal, presently most herring stocks have recovered so that harvest levels are high, the move into 13A where the stock size hasn't been assessed may have a detrimental effect on this stock, stock assessments and biological sampling cannot be harmful because it guards against over harvest and all gain by the proper management and conservation.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. This is not an allocative proposal, 5 AAC 27.195. 13A, is not presently dedicated to the herring commercial sac roe fisheries according to the way the present regulation is written, the allowance of a commercial sac roe fisheries to take place without changing the regulation is presently illegal according to the law, though I am not against a harvest in 13A the proper scientific assessment needs to be done with a good management regime.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 21.195. Sitka Sound commercial sac roe herring fishery.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Fishing a stock of herring without a management regime puts that stock at risk; it is good management to have good tools to work with.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). I hold a commercial entry permit, I am a sportsman, and I am also a subsistence user that has eaten herring since I was a child, when I went down to the harbor in Petersburg using a herring rake to catch dinner. The long term health of this important food fish concerns me.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. I put forth a proposal in 2003 Board of Fisheries meeting, since the regulation reads that the fisheries is to be conducted in 5 AAC 27.195 according to the Herring Commercial Fish regulations, the mandate was clear to me and many others who look at the regulation.

Submitted By: N. Ralph Guthrie

ACR # 2

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The passage of Proposal 65 (December 2006) conflicts with 5 AAC 06.335 and 5 AAC 06.360(e). It unfairly discriminates against South Naknek setnet fishermen. As many as 50 percent of the South Naknek setnet fishermen fish without boats. They bring their running lines out to their buoys during extreme minus tides using four-wheelers. During normal tides, the buoys cannot be reached from shore. As might be expected, a disproportionate number of fishermen without boats are our elders. They are the persons most dependent upon access to the resource and are those with the fewest alternative sources of income. Unless the regulation is changed, a very large proportion of South Naknek setnet fishermen will be foreclosed from participating in the fishery because they will be unable to comply with the new requirement that funning lines be removed during drift gillnet operations.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Not applicable.

or 2) Correct an error in regulation: The proposed regulation is in conflict with the 5 AAC 06.335(b) and 5 AAC 06.360(e). Proposal 65, as offered, was to:
Allow set gillnet running lines within 500 feet of 18 foot high tide mark in Naknek River Special Harvest Area to remain in water after each harvest period.

The obvious purpose of the regulation was to establish a distance from the high tide mark within which the running lines of a set gillnet could remain in the water without being pulled. But, the proposal was then amended to have the opposite effect than was intended.

Amendment: Require removal during drift gillnet operations.

As originally offered Proposal 65 did not conflict with any other regulation. After the amendment was added however, the proposal came into conflict with an existing regulation 5 AAC 06.335(b).

5 AAC 06.355(b) No part of a drift gillnet may be operated within 300 feet of the side of a set gillnet and within 100 feet of the offshore end of a set gillnet. The 100 foot restriction does not apply seaward of the offshore setnet distance restrictions set out in 5 AAC 06.331(m) and (n).

5 AAC 06.360(e)(4) a drift gillnet may not be operated shoreward of the offshore end of a set gillnet; and (5) no part of a drift gillnet may be operated within 150 feet of the side of a set gillnet.

The existing regulations, 5 ACC 06.335(b) and 5 ACC 06.360(e), clearly assumes that both setnets and drift gillnets would occupy the river at the same time. The phrase “within 300 feet of the side of a set gillnet and within 100 feet of the offshore end of a set gillnet” only has meaning if drift gillnets and setnets are both in the water at the same time. If the setnets were removed the regulation would have no meaning. A drift net could not be, “within (or without) 300 feet of the side of a set gillnet and within 100 feet of the offshore end of a set gillnet” unless there were setnets and gillnets in the water. The amended regulation therefore directly conflicts with the existing regulation, by prohibiting something that is expressly provided for by 5 ACC 06.335(b).

or 3) correct an unforeseen effect of a regulation: The board did not foresee the dramatic effect that the regulation would have on the ability of the setnet fishermen to participate in the fishery if they were required to remove their gear when the drift gillnet fleet was operating. As many as half (50%) of the setnetters do not have boats. They are completely without the ability to remove and replace their running lines multiple times during the season. These shore based fishermen without boats are dependent on extreme minus tides to bring their running lines out to their buoys and anchors. The timing of these extreme minus tides is unrelated to the timing of drift boat operations. In December 2006 there was no public comment pointing out that half (or more) of the South Naknek setnet fishermen would be unable to participate (or fully participate) in the fishery, if they were required to remove their gear during drift net operations. There is no indication that the boards knew or intended that the numbers of local setnet fishermen able to fully participate in the fishery would be drastically reduced if the amendment to Proposal 65 were adopted. The result, excluding a large proportion of local fishermen from the fishery was not considered and is an unforeseen consequence of the regulation.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: The Agenda Change Request has no impact on the number of fish caught or the allocation of fish between user groups, it affects only the methods by which fish are harvested.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Not applicable.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. The regulation that will be changed is 5 AAC 06.360 Naknek River Special Harvest Area Management Plan.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. If this matter is not considered now 50 percent of the South Naknek setnetters will lose the ability to fish in 2007.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). I am a commercial setnetter living in South Naknek and have participated in the fishery most of my adult life.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. Proposal 65 was carried as amended at the meeting on December 4-12, 2006. Bristol Bay Finfish will not be addressed again prior to the 2006 fishing season.

Submitted By: Lorainne Rawson

ACR # 3

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Mesh size greater than 7.5 inches and mesh depth greater than 35 meshes deep, as currently used in the lower Yukon commercial and subsistence fishery, exploit the larger 6 and 7 year old fish at a rate which threatens to eliminate those unique genetic stocks.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: The Yukon River Chinook stocks once had great diversity in age and size structure. In 1980, 8 year old fish comprised 3.2% of the Canadian component. Today they are extinct. The currently used 8.5 inch mesh selectively over-harvests the larger 6 and 7 year fish and their steep decline as a percentage of the total run reflects their exploitation in the lower river gillnet fisheries. The department has agreed that 8.5 inch mesh increases exploitation of older and larger king salmon and that smaller mesh allows for harvest of king salmon throughout all age, sex and size classes. The department's own study also proves that 8.5 inch mesh catches mostly larger 6 year old fish while 7.5 mesh catches mostly 5 year old fish. (see, 2003 ADFG Yukon Salmon ASL attached).

or 2) Correct an error in regulation: Not applicable

or 3) correct an unforeseen effect of a regulation: When 8.5 inch mesh was authorized it was not known how effective such nets would be in selectively harvesting older fish. The extinction of 8 year old fish and near extinction of 6 and 7 year old fish was not a foreseen effect.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: We don't expect less fish to be harvested in the gillnet fishery. We simply want them to harvest more five year olds and less seven year olds.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. This is not allocative. There is a current abundance of king salmon in the Yukon. We want the gill netters to use smaller mesh so they can more effectively catch smaller kings and be less effective at catching larger kings. This is purely a conservation

proposal to save the genetic diversity and preserve the historical size structure of the Yukon king salmon.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 05.360

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Three more years at the current exploitation rate could render the 7 year age class extinct.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). Not applicable.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. A series of similar proposals were introduced at the January/February 2007 B.O.F. meeting, but were not seriously considered by the Board because they all discussed the confusing issue of “windows” and were framed as allocative in nature rather than a genuine conservation concern.

Submitted By: Fairbanks AC, through Mike Kramer, Chair

ACR # 4

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Interception of salmon migrating to Yukon, Kuskokwim by Area M commercial fishing.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Conservation reasons, as mandated by United States/Canada Yukon Salmon Treaty for conservation and rebuilding of Yukon salmon stocks.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation: Not applicable.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: Not an allocative agenda change request.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Not applicable.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 39.220, 5AAC 09.100, 5AAC 09.200, 5AAC 09.301, 5 AAC 09.310, 5 AAC 09.365, 5 AAC 09.366, 5 AAC 11.101, 5 AAC 12.100, 5 AAC 12.200, 5 AAC 12.310

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Conservation concerns, Area M salmon intercept fisheries expanded contrary to state constitution mandate for conservation and sustain yield management.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). Commercial, subsistence and sport fisherman.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. United States and Canada Yukon Salmon Conservation Treaty was ratified by Congress and became international law. The state has ignored this law for six years, since 2001.

Submitted By: Jesse Foster

ACR # 5

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing The current stocked waters management plans for the Upper Copper/Upper Susitna (UCUS) and Arctic-Yukon-Kuskokwim (AYK) management areas do not allow the bag limit in stocked waters to be reduced by emergency order. The Sport Fish Division hatcheries are currently at reduced production levels due to aging facilities and loss of warm water for accelerated rearing. The department has adjusted for these production shortfalls by reducing the number of fish stocked in some waters and stopping stocking of other waters altogether to maintain adequate numbers and sizes of fish in high-use waters. If production declines continue, recreational fishing opportunity and the quality of fishing will also decline in high-use waters because most stocked fish populations will be comprised of fewer and smaller fish.

The department requests that the Board amend the existing management plans to allow the department to reduce bag limits, institute catch and release, or modify methods and means in stocked waters by emergency order. The department will manage the stocked water fisheries during times of reduced hatchery production to provide the greatest benefit possible to sport anglers.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATE ABOVE. If any one or more of the three criteria set forth above is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Not applicable.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation: At the time of the adoption of the stocked waters management plans in the AYK region, the department did not anticipate the extent of reduced hatchery production resulting from the loss of the warm water source and facility decline. The plans were designed for the hatchery production at the time and the different management approaches within the plans do not provide for “inseason” actions to account for reduced hatchery releases.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE. If adopted, this agenda change request affects sport fish users in the AYK and UCUS management areas and would not impact subsistence, personal use or commercial fisheries within these areas.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Not Applicable

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 52.065 Upper Copper River and Upper Susitna River Area Stocked Waters Management Plan and 5 AAC 70.065 Arctic-Yukon-Kuskokwim Region Stocked Waters Management Plan.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Current production issues with Sport Fish Division hatcheries have resulted in a 35% reduction in fish production in 2007 compared to the 1997-2006 average. To adjust for this reduction the department has reduced or eliminated the number of fish stocked in some waters to maintain adequate numbers and sizes of fish in more popular stocked waters. It is anticipated that hatchery production will remain at reduced levels or continue to decline until the new hatcheries begin operation in approximately 3-4 years and the quality of the fishing experience in the region’s stocked waters will soon reach an unacceptable level. This will occur prior to the next Board cycle for the respective areas covered by these plans.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user, sport fisherman, etc.). The Alaska Department of Fish and Game, Sport Fish Division manages the stocked waters in the AYK Region [UCUS and AYK management areas].

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. No, the board has not received a proposal or an agenda change request on this issue before.

SUBMITTED BY: Alaska Department of Fish and Game

ACR # 6

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The current state-waters vessel-based limited entry program is currently scheduled to expire December 31, 2008. Once this program expires, state waters will be open to scallop fishing by any vessel beginning January 1, 2009. Federal waters will remain under the federal license limitation program. This is a problem because the state-federal boundary crosses several of the commercial scallop beds, but scallops are currently managed without regard to this boundary. New management measures may be needed to prevent over-harvest and to ensure accurate accounting, biological sampling, and enforcement of state-waters scallop harvest, where permits will be unlimited, relative to federal waters, where there are 9 permits. Expiration of this limited entry program will occur before the next regularly scheduled miscellaneous shellfish meeting.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATE ABOVE. If any one or more of the three criteria set forth above is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: To prevent overharvest of scallops in state waters when the vessel limited entry program goes away for state waters.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation: Not applicable.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE. This ACR pertains to the need for a review of management controls for scallops in state waters given the anticipated expiration of limited entry for this fishery.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Not Applicable.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 38, sections 076, 167, 168, 180, 220, 221, 224, 420, 425, and 430.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. The vessel-based limited entry program is expected to sunset on December 31, 2008, part way through the 2008/09 commercial scallop season. The new plan will need to be in place prior to January 1, 2009, which is before the next regularly scheduled statewide miscellaneous shellfish meeting in March, 2009.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user, sport fisherman, etc.). ADF&G is the management agency for scallops in state waters and in federal waters of Alaska, as delegated in the Federal Scallop Fishery Management Plan.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. No, this ACR has not been considered before.

SUBMITTED BY: Alaska Department of Fish and Game

ACR #7

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. In the Naknek River Special Harvest Area the 3:1 drift to set net openings ratio did not attain the board's stated desired results.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) **Fishery conservation purpose or reason:** Not applicable.

or 2) **Correct an error in regulation:** Not applicable.

or 3) **correct an unforeseen effect of a regulation:** The board's stated guideline of 27% set net catch can not be attained with a 3:1 fishing time ratio. The board used an ADF&G "ratio to catch" chart that was untested and consequently flawed.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: Not applicable.

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

The practical application of the newly enacted 3:1 drift to set ratio in the NRSHA during the 2007 season showed that ratio wasn't able to attain the board's stated guideline of 27% set catch.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 06.360(c) On or after June 27, when the department projects that the sockeye salmon escapement into the Naknek River will exceed 800,000 fish and the Kvichak River escapement projection is one or more days behind schedule for reaching its escapement goal, the commissioner may open, by emergency order, the NRSHA to the drift gillnet and set gillnet fisheries. The drift gillnet and set gillnet fisheries will open separately, with a seasonal ratio of [three drift gillnet gear fishing periods to every one set gillnet] **two drift gillnet fishing periods to every one set gillnet fishing period.**

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGLAR CYCLE. The next cycle meeting is 2009/2010. The wait will have a

devastating effect upon the lives of set netters. It will especially affect those who have little other opportunity, and depend upon fishing for a significant portion of their livelihood.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). Commercial fisherman-set net.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. No

Submitted By: Allen Bauman

ACR # 8

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Yukon River king Salmon despite concerted conservation efforts continue to decline in productivity, size, age structure, and percentage of females. Additionally, high sea's by-catch is at all-time high, ocean conditions are moving into a decline in productivity, and the BASIS program is reporting extremely low numbers of juveniles. While individually they might not be a problem, the cumulative effect will be devastating to Yukon River kings.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason:

Declining viability of the Yukon River king salmon run.

or 2) Correct an error in regulation:

or 3) correct an unforeseen effect of a regulation:

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: Moving king salmon from a "Yield Concern" to a "Management Concern" while having an effect on allocation is not allocative in nature.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Not applicable.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. Not sure what regulations are effected in regards to moving Yukon River kings from a "Yield" concern to a "Management" concern.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Continued viability of the Yukon River king salmon run is in jeopardy and cannot sustain current management practices as a “Yield” concern.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). Subsistence user and advocate.

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

Stock status is regularly scheduled for review.

Submitted By: Michael E. Smith

ACR # 9

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Escapement goals need to be reviewed in light of low productivity and the continued decline in the quality of escapement. A declining percentage of females as a component of the run, an overall reduction in the relative size of salmon making to the spawning grounds, lack of productivity from brood years and new information on the age structure of the by-catch by the pollock industry dictate a review of the escapement goals to assure quality escapement.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATE ABOVE. If any one or more of the three criteria set forth above is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Continued decline in the productivity of Yukon River kings.

or 2) Correct an error in regulation:

or 3) correct an unforeseen effect of a regulation: Current escapement goals do not take into account the quality of the fish getting to the spawning grounds.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE. Only allocative between users and non-users.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Not applicable.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. Not sure.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Continued productivity declines, as well as additional threats to the run, require the Board to act promptly to assure the continued viability of Yukon River Kings.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user, sport fisherman, etc.). Subsistence user and advocate.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. Escapement goals are reviewed on a regular basis.

SUBMITTED BY: Michael E. Smith

ACR # 10

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues The use of the subsistence restrictions or “windows” as they are commonly referred to adversely affect the continued viability of Yukon River king salmon, by concentrating subsistence fishing effort on a relatively small portion of the run instead of spreading the harvest out to minimize any adverse effect on any given stock. Additionally, it requires subsistence users to fish regardless of weather conditions that jeopardize their health and resource preservation.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATE ABOVE. If any one or more of the three criteria set forth above is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: If any one or more of the three criteria set forth about is not applicable, state that it is not applicable.

or 2) Correct an error in regulation:

or 3) correct an unforeseen effect of a regulation: The use of subsistence restrictions or “windows” hampers the fulfillment of subsistence needs in a safe and biologically sound manner while increasing the number of fish needed for commercial openings.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE. While there may be a small increase in subsistence harvest, historically subsistence users take only 50-60 thousand fish, this would not change by any significant amount and it would be better to spread what is a static harvest out over the length of the entire run.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Not applicable.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 05.360

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Low quality of escapement and continued yield failures should not be allowed to continue without efforts to address the problem in some fashion prior to the next board cycle.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user, sport fisherman, etc.). Subsistence user and advocate.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. Various board meeting over the years.

SUBMITTED BY: Michael E. Smith

ACR # 11

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing. Inadequate Demersal Shelf Rockfish (DSR) sport allocation in the Southeast Outside (SEO) subdistrict may result in guided and unguided sport fishing closures for salmon and halibut, as well as DSR, in 2008.

Time and area closures for the outer coast of Southeast Alaska to sport fishing for salmon and halibut, coupled with new restrictive guided halibut regulations, will be devastating to the guided sport fishing industry and economies of Southeast Alaska’s coastal communities.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATE ABOVE. If any one or more of the three criteria set forth above is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Not applicable.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation:

When the board set DSR allocations in 2006, it was to allow the commercial and sport halibut fisheries to have enough DSR by catch to prosecute their fisheries.

In 2008, there is a strong likelihood of closing the sport fisheries for halibut and salmon, due to exceeding the DSR sport allocation, and at the same time, conducting a directed commercial DSR fishery. We believe neither was the intent of the board.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE. This Agenda Change Request is allocative, but new information is compelling. See next item.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. When the Board set the DSR sport allocation in February 2006, the allocation was based on the estimated numbers of DSR harvested in the sport fishery, multiplied by the average weight of yelloweye rockfish in the commercial longline fishery.

The average weight of yelloweye rockfish in the sport fishery in 2006, has been found to be 18 percent higher than the average weight, used in the past to calculate the sport fish harvest.

If the board had multiplied the estimated numbers of DSR harvested in the sport fishery, by the average weight of yelloweye rockfish harvested in the sport fishery, the DSR sport allocation would have been higher.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 47.065 Demersal shelf rockfish delegation of authority and provisions for management. And as described in 5 AAC 47.065 and 5 ACC 28.105(a)(4)

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Southeast Groundfish proposals are scheduled to be addressed in February 2009. An inadequate DSR sport allocation in the SEO subdistrict will likely result in guided and unguided sport fishing closures for salmon and halibut, as well as DSR, in 2008.

This matter must be addressed prior to May 2008.

Time and area closures for the outer coast of Southeast Alaska to sport fishing for salmon and halibut, coupled with new restrictive guided halibut regulations, will be devastating to the guided sport industry and economies of Southeast Alaska's coastal communities.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user, sport fisherman, etc.). Guided sport fishing association.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. No.

SUBMITTED BY: Sitka Charter Boat Operators Association

ACR # 12

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing

The rural community members of Port Graham, Nanwalek, and Seldovia have historically harvested hard shell clams for subsistence use in the Kachemak Bay. The regulations currently in place do not accurately reflect the traditional use area to the Port Graham Sub-district; this regulation makes it impossible to participate in the hard shell clam harvest as there are no harvestable clam populations in the Port Graham Sub-district since the 1964 earthquake.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATE ABOVE. If any one or more of the three criteria set forth above is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Not applicable.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation:

The regulation effected by this proposal is 5 AAC 02.310, subsistence Shellfish Fishery. The new regulation should read; “Subsistence harvest of clams is prohibited except in the Kachemak Bay and Port Graham Sub-district.”

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE. This proposal is not a request for allocation. It requesting a regulation change to allow a traditional subsistence harvest to continue as it has for many generations.

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

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 02.310 Subsistence Shellfish Fishery: a) In the non-subsistence area described in 5 AAC 99.150 (a)(3), and except as otherwise provided in this section, no person may take shellfish for subsistence purposes. B) Clams may be taken in the Port Graham Sub-district.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Since this request in this proposal addresses an unforeseen effect of a regulation, it is imperative that it be addressed as soon as possible. Waiting 3 years to fix this oversight would preclude the subsistence users from practicing their traditional subsistence activities in their historic areas.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user, sport fisherman, etc.). The people of Port Graham have been subsistence harvesting for many

generations. We have historically harvested clams in the Kachemak Bay area and are anxious to remedy the problem raised by the existing regulation so that this tradition may continue.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. This issue has not been brought before the board prior to the submission of this proposal.

SUBMITTED BY: Herman N. Moonin Jr., Port Graham Village Council

ACR # 13

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Since 1990 the Outer Port Heiden Section of Area M has been closed to commercial fishing. At the February 11, 2007 Board of Fisheries meeting, Proposal 210 was submitted by local fisherman to reduce the fishing area around a small area (Inner Port Heiden) from three miles offshore, to one mile. The day after public comment was closed; the board amended Proposal 210 to expand the fishery to three miles along the entire coast. The problem is that in amending and then passing this proposal no scientific evidence was utilized and no adequate notice to the public was given, with the result being that the local Port Heiden subsistence fishermen are now seeing this fishery being completely depleted. All residents of Port Heiden, plus the Native Counsel, have signed a petition saying that their fishery is now effectively zero, and urging the repeal of 210. See the attached petition and letters.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATE ABOVE. If any one or more of the three criteria set forth above is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: As noted in the attached petition and letters from all of the Port Heiden adult residents, the subsistence fishery at Port Heiden has been decimated by the adoption of the amended version of Proposal 210. As stated in the July 9, 2007 letter from Native Council of Port Heiden president in just this one short season since the passage of 210 the subsistence fishery has gone from 50-150 fish per tide per net, to 1-2 fish per tide per net.

or 2) Correct an error in regulation: N/A

or 3) correct an unforeseen effect of a regulation: The unforeseen effect is as stated above in 2(1). Although the board's stated purpose at the February 11, 2007 meeting was to reduce the over-escapement problem further up the coast, the effect was to wipe out the subsistence fishery at Port Heiden.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE. This has never been an issue of whether one group of fishermen gets more fish than another group. Rather, the board's stated purpose in passing Proposal 210 was to

reduce the over-escapement numbers up the coast from Port Heiden. But the Board has gone from one extreme to another -- from no fishing since 1990, to largely unchecked and greatly expanded fishing, all without any studies, scientific evidence, adequate public notice, or true public discussion.

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

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. Proposal 210, adopted at the February 11, 2007 Board of Fisheries meeting.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. As stated in the accompanying petition and letters signed by the Port Heiden residents, this subsistence fishery has been effectively reduced to zero. The local residents have extremely limited means of food and support, and they cannot wait another two years for the matter to be heard on the board's regular cycle.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user, sport fisherman, etc.). This law firm represents the Lake and Peninsula Borough, and it is on the borough's behalf, at the direction of the borough manager that this petition is being submitted.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. Proposal 210 was considered at the February 11, 2007 meeting, but the Board went exactly opposite the direction requested in the proposal, with no supporting evidence, and no notice to the public that the Board might expand the fishery. On June 11, 2007, the undersigned submitted a petition pursuant to 5 AAC 96.625 and AS 44.62.220 seeking a repeal of Proposal 210. The Board denied the petition on July 2, 2007, but invited this out-of-cycle petition via 5 AAC 96.625.

SUBMITTED BY: Lake and Peninsula Borough

ACR # 14

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Inability of user groups to control escapement in the Naknek River Special Harvest Area (NRSHA). 50 to 100% more escapement than needed is occurring as of 7-17-07 escapement was 2,960,000.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATE ABOVE. If any one or more of the three criteria set forth above is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Not applicable.

or 2) Correct an error in regulation: See #3

or 3) correct an unforeseen effect of a regulation: The original allocation plan for user groups when fishing the NRSHA. This reduction directly contributes to the current problems controlling the escapement in the NRSHA.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE. This request deals with over-escapement and gear length. The allocation is not a factor as the NRSHA is currently on a 3 to 1 fishing ratio.

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

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. Amend the amount of gear allowed to set netters be changed from 25 fathoms to 35 fathoms when fishing the NRSHA. Passage of this proposal would be consistent with action taken by the BOF on Proposal 391 in March of 2006.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Economic loss is occurring while set netters are struggling to stay in business.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user, sport fisherman, etc.). Commercial fisherman.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. Not that I know of.

SUBMITTED BY: Donald Mack

ACR # 15

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The National Marine Fisheries Services (NMFS) is transferring management authority of dark rockfish (*S. ciliatus*) to the state of Alaska. Management control is expected by January of 2008 and the state does not have this species identified within its definitions.

If adopted this ACR will allow for the adoption of the currently recognized species designations and common names into the statewide definitions for the pelagic shelf rockfish group. The dusky

rockfish (*S. ciliatus*) has been considered a single variable species with light and dark forms. These two forms have now been determined to be two separate species by Orr and Blackburn: Orr, James W. and JE Blackburn. 2004. The dusky rockfishes (Teleostei:Scorpaeniformes) of the North Pacific Ocean: resurrection of *Sebastes variabilis* (Pallas, 1814) and a redescription of *Sebastes ciliatus* (Tilesius, 1813).

Sebastes ciliatus was formerly defined as the Dusky rockfish. The common name is now Dark rockfish. The common name Dusky rockfish is now applied to a newly recognized species *Sebastes variabilis*.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATE ABOVE. If any one or more of the three criteria set forth above is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Not applicable.

or 2) Correct an error in regulation: No.

or 3) correct an unforeseen effect of a regulation: Not applicable.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE. This ACR is a request to bring state regulations into conformity with the species managed by the state of Alaska.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. The provisions of 5 AAC 39.999(a) do not directly apply; rather 5 AAC 39.999(b) is applicable: Policy for changing board agenda. (b) The board will, in its discretion, change its schedule for consideration of proposed regulatory changes as reasonably necessary for coordination of state regulatory actions with federal fishery agencies, programs, or laws.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 39.975. Definitions.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. The state will be given management of this species beginning January 2008. Statewide groundfish is not on cycle for another three years.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user, sport fisherman, etc.). Management.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. No.

SUBMITTED BY: Alaska Department of Fish and Game

ACR # 16

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. At the December 2006 Board of Fish meeting in Dillingham the board decided to adopt proposal 112. At committee the board decided that the intent of the proposal was to remove a small triangle of area from the northern part of the Ugashik District. This proposal was adopted with the new northwest corner to be determined at a later time. The northwest point used for the 2006 season accidentally moved the West line towards the East and shrunk the district more than the proposal intended.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) **Fishery conservation purpose or reason:** Not applicable.

or 2) **Correct an error in regulation:** This ACR is just a housekeeping measure intended to make the west line of the Ugashik District coincide with the previous line before 2006.

or 3) **correct an unforeseen effect of a regulation:** Not applicable.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: This is a small change in the W. line. Allocation is already handled by the allocation plan in effect and should not be affected by the change.

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

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 06.200(d) and 5 AAC 06.357. The new northwest corner of the main Ugashik District should be 57° 43.540' north by 157° 43.805' west. And the northwest corner of the Ugashik Special Harvest Area should be 57° 43.540' N by 157° 43.249' west.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. The current point used for the northwest corner is not where the proposal writer or the board intended for it to go. This is an easy correction that brings the west line back to its original position.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). I am a Bristol Bay Driftnet fisherman and Vice President of the Bristol Bay Driftnetters Association.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. It has not.

Submitted By: Warren Johnson, Bristol Bay Driftnetters Association

ACR # 17

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Sockeye migrating to the Alagnak River have historically been harvested by both setnet and driftnet gear groups under the allocation plan at the rate of 16% set and 84% drift. Since 2006 the harvest rate was changed to equal openings for setnet and driftnet gear groups because the setnet gear groups felt that the river was too small for driftnet fishermen to work. As it turned out driftnet fishermen were at least as efficient at harvesting these sockeye as setnetters and deserve their historical percentage.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) **Fishery conservation purpose or reason:** Not applicable.

or 2) **Correct an error in regulation:** Not applicable.

or 3) **correct an unforeseen effect of a regulation:** The 1:1 ratio of openings is a very large deviation from historical percents in the Naknek - Kvichak District and should be brought back to their historical allocations.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: The sockeye harvested in the Alagnak River Special Harvest Area (ARSHA) are the exact same fish harvested in the Naknek - Kvichak District at a ratio of 16% setnet and 84% driftnet. The original argument that the Alagnak River was too small for driftnetters to function has proven to be false. Therefore we should apply historical catch rates to allocation in the entire Naknek - Kvichak District which includes the Alagnak River Special Harvest Area.

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

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. The setnetters have shown little ability to control escapement to the

ARSHA and have a history of harvesting 16% of these fish while transiting through the Naknek - Kvichak District. Staying with the opening ratio of 1:1 will have the effect of causing over escapement and damaging the driftnet fleet.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). I am a driftnet permit holder.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. I do not know.

Submitted By: Warren Johnson, Bristol Bay Driftnetters Association

ACR # 18

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. In December of 2006 the Board of Fish removed the allocation plan percents from the Naknek River Special Harvest Area (NRSHA) and replaced them with mandated opening ratios. This had the effect of reallocating the catch of sockeye away from the driftnet fleet. The setnet harvest prior to the comprehensive allocation plan of 1998 was 11.66% of the entire sockeye harvest during the base years of 1977 to 1996. In 2007 it came in at 19%. The Board of 1998 determined, after much study, that an allocation of 16% to the setnet gear group would be appropriate. This change has hurt driftnetters.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Not applicable.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation: The authors of the proposals to change the allocation plan never said that their intent was to alter to harvest ratios inside the NRSHA. This regulatory change appears to be having the effect of altering historic allocation ratios.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: It is not allocative. This ACR requests that the original comprehensive allocation plan be reinstated for the NRSHA. That plan was working well. The escapements were under control and the allocation numbers were based mostly upon historical catches and were being achieved. Sockeye harvested in the NRSHA were counted in the base numbers used to create the comprehensive plan and are therefore accounted for in the comprehensive plan. The driftnet fleet has agreed to tax itself to pay for and improve the entire salmon fishery for all

users. We need the board's help us to put allocation squabbles behind us so we can concentrate on the future this fishery.

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

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. There is potential to harm the driftnet fleet during the next two years if the original comprehensive plan is not reinstated. We need for the best use of our time to be improving the fishery rather than working to change our allocation percents.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). I am a driftnet permit holder

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. No

Submitted By: Warren Johnson, Bristol Bay Driftnetters Association

ACR # 19

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The Board of Fish in February 2007 decided to allow an expansion of fishing into the Outer Port Heiden Section. It is very likely that this change has resulted in the increased interception of Bristol Bay stocks which are already fully utilized. The original intent of Proposal 210 was to allow for creation of a terminal area that would likely have the effect of decreasing intercept especially of Kvichak and Ugashik stocks.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: This regulatory change from February 2007 likely had the effect of increasing intercept of Kvichak stocks during a time when Bristol Bay Fishermen were placed in decreased terminal areas to protect these same stocks. This was completely contrary to the intent of the proposal.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation: Not applicable.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: The intent of this ACR is to allow for the increased passage of Bristol Bay stocks into the Bristol Bay rivers and streams. Terminalizing the fishery in the North Peninsula would likely make that fishery much more able to control escapement and avoid transiting stocks and stocks of concern. The idea that the North Peninsula needs the opposite management strategy from Bristol Bay is silly.

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

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. It was merely luck that the Kvichak River came in late this season. The Bristol Bay fishermen did their part to curtail the catch of Kvichak stocks when the Kvichak showed weakness in the first half of the run, while the North Peninsula fishermen increased their catch area with no effort to curtail Kvichak intercept.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). I am a Bristol Bay fisherman.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. No it has not.

Submitted By: Warren Johnson, Bristol Bay Driftnetters Association

ACR # 20

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Close the Outer Port Heiden Section as it was before 2007.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: The Kvichak River and/or the Ugashik River will not achieve it's minimum escapement goal in the future because of this increase of intercepting Bristol Bay fish.

or 2) Correct an error in regulation:

or 3) correct an unforeseen effect of a regulation: The effect of the board allowing fishing in the Outer Port Heiden Section starting June 20 is to allow the fishery to intercept migrating Bristol Bay salmon runs and overharvest them.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. The boards recent allowing of fishing time when the peak of the Bristol Bay run is migrating through the North Peninsula fishery has more than doubled the intercept of Bristol Bay fish.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 09.369

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. To keep the North Peninsula fishery from overharvesting Kvichak River and or Ugashik River sockeye stocks as soon as next year the board should hear this immediately.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). I am a Bristol Bay fisherman.

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

Submitted By: Kurt Johnson

ACR # 21

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. For the North Peninsula Management Plan reinstate the 100,000 sockeye salmon cap, and reinstate the maximum 24 hours continuous fishing followed by at least 24 hour closure guideline.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: The Kvichak River and/or the Ugashik River will not achieve its minimum escapement goal in the future because the North Peninsula

Management Plan does not restrain the interception and possible over-harvesting of Bristol Bay runs.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation: The effect of the board removing the restrictions on the North Peninsula fishery starting June 20 is to allow the fishery to intercept individual migrating Bristol Bay salmon runs and over-harvest them without restraint.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. The boards recent allowing of uncontrolled fishing time when the peak of the Bristol Bay run is migrating through the North Peninsula fishery has greatly expanded this intercept fishery. This past season beginning June 20 the fishermen fished southwest of Unangashak Bluffs continuously and were allowed to fish closer to Bristol Bay (to Stogonof Point or in Outer Port Heiden) more than half the time.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 09.369

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. To keep the North Peninsula fishery from over-harvesting Kvichak River and or Ugashik River sockeye stocks as soon as next year the board should hear this immediately.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). I am a Bristol Bay fisherman.

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

Submitted By: Kurt Johnson

ACR # 22

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Under the current Southeastern District Mainland, here after referred to as S.E.D.M., management plan adopted in 1984 Chignik fishermen are guaranteed 600,000 fish harvest or a portion of if escapement levels are being met before Area M fishermen are allowed to harvest in this management area. When this management plan was implemented, the Chignik fishery was at

full participation, but since the inception of the co-op plan participation has steadily declined to the low levels of 2007. This current year the plan caused foregone opportunity to the Area M fishermen who fish the S.E.D.M. The Chignik fleet participation is currently at a maximum of fifty percent of available permits. This affects their neighbors to the West because of the 600,000 fish trigger. By reason, if Chignik participation is fifty percent then the achievement of the 600,000 comes late or never before management of S.E.D.M. turns to local pink and chum stocks. This year the first opening to Area M fishermen in S.E.D.M. in June or July never came. With the current financial condition of the salmon fishery, it is my opinion the fifty percent or lower rate of participation will only continue for years to come, thus Area M will continue to lose opportunity in June and July.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Not applicable.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation: At the time regulation was made the Chignik fleet was at 100% participation. In 2007 was less than 50%.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE:

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. The S.E.D.M. of Area M is allocated 7% of the Chignik catch. Participation in the Chignik area is now less than ½ of historical participation, slowing the catch rate of fish.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 09.360

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Area M fishermen will continue to lose harvest opportunities in June and July. Area M will not come before BOF during the regular cycle for 2 more years.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). Commercial fisherman, Area M; and Sand Point AC Chairman.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. No.

Submitted By: John Foster

ACR # 23

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. The subsistence fishery at Port Heiden has been severely impacted by commercial fisheries under regulations amended by Proposal 210 at the February 2007 meeting of the Board of Fisheries. The amended regulation modified the management plan as follows: The Outer Port Heiden Section [IS CLOSED TO] commercial fishing will be permitted southwest of 158° 36' W. long. based on the abundance of Meshik River sockeye salmon' except that if the commissioner closes that portion of the Egegik District specific in 5 AAC 06.359(c) for the conservation of Ugashik River sockeye salmon stocks, the commissioner may establish additional fishing restrictions;..."

Despite the fact the subsistence fishing efforts were the same as in past years, no one in the village was able to get their subsistence fish needs met by subsistence fishing. There is a single site for residents to put out their subsistence net and they take turns using the site to supply their individual/family subsistence needs. This absolutely vital single subsistence site is located such that, because of the new regulation passed by the Board of Fisheries, the Area M drift netters can, and do, set their nets directly in front of the village subsistence net (e.g. as close as 100 feet). The new regulations have resulted in the subsistence fishery of the village of Port Heiden being completely cut off.

No subsistence fishermen in Port Heiden were able to get their subsistence fish from traditional subsistence fishing. Of the three households who managed to get fish for subsistence needs, two received fish from Area M fishers who had fish that they did not have a market for (e.g. over processor daily limit), and, the third family received their subsistence fish from traditional sharing/trading between native villages – in this case, Chignik.

In the past Port Heiden was heavily dependent on subsistence hunting caribou but conservation closures have shut them out so that in recent years, they are vitally dependent on subsistence fishing.

The boards decision either needs to be reversed or the time and area needs to be changed to allow a reasonable opportunity for Port Heiden residents to harvest subsistence salmon.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW. If any one or more of the three criteria set forth below is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Not applicable.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation: No proposal addressed this specific regulatory change. It was not discussed as an option during committee meeting. The board did

not discuss the potential impact on the subsistence fishery at Port Heiden during its deliberation. Because this regulatory change was not addressed until final deliberations, public comment from Port Heiden was not allowed.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE: This agenda change request is allocative. The management change was highly allocative. It allocated the subsistence fish from Port Heiden that residents depended upon, their subsistence salmon resource, away to the commercial fishermen of the North Peninsula drift fleet. To correct this unintended consequence involves allocative action.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. We now have one salmon season behind us under the amended regulation. It was not the intent of the board to harm subsistence fishing opportunity at Port Heiden. The new information shows that Port Heiden subsistence fishermen no longer have a reasonable opportunity to harvest their subsistence fish.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.

- 5 AAC 09.350(3) – closed waters
- 5 AAC 09.310(a)(2)(B) – fishing season
- 5 ACC 09.320(a)(3) – fishing periods
- 5 ACC 09.330(a)(10) – gear types

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. Subsistence fishing has priority over commercial fishing yet the subsistence needs of Port Heiden and alteration of the fishing patterns were not addressed at the Board of Fisheries meeting. Port Heiden is a community which has always been profoundly dependent on subsistence hunting and fishing. In recent decades subsistence hunting for caribou has been reduced to zero. To take away the subsistence fishery at Port Heiden without regard to that impact and then ask “why can’t you wait three years to have meaningful access to subsistence fish again?” would be outrageous.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user sport fisherman, etc.). Lake and Peninsula Borough residents in the City of Port Heiden and the president of the Port Heiden Village council requested the borough submit this ACR on their behalf.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. No.

Submitted By: Jeff Currier, Borough Manager, Lake and Peninsula Borough

ACR # 24

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. Halibut are managed under an international treaty and the North Pacific Halibut Act. As a result the state has very limited regulatory authority over halibut. State halibut regulations that are not identical to federal regulations are considered preempted by federal law. The National Marine Fisheries Service, under direction of the North Pacific Management Council, recently changed regulations for people sport fishing from charter boats in southeast Alaska and are considering changes in south central Alaska. As a result, the state halibut sport fishing regulations are inconsistent with federal regulations in southeast Alaska. This causes significant enforcement issues and results in confusion amongst anglers due to conflicting and invalid state regulations. Given the possibility of future changes, the state could find that our regulations are out of sync with federal regulations in some areas at any time. To correct this, the Department proposes to have state sport fishing regulations for halibut mirror federal regulations. This approach closely mirrors that of commercial fisheries which are dually managed. *See 5 AAC 28.092.*

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATE ABOVE. If any one or more of the three criteria set forth above is not applicable, state that it is not applicable. The provisions of 5 AAC 39.999(a) do not directly apply; rather 5 AAC 39.999(b) is applicable: Policy for changing board agenda. (b) The board will, in its discretion, change its schedule for consideration of proposed regulatory changes as reasonably necessary for coordination of state regulatory actions with federal fishery agencies, programs, or laws.

1) Fishery conservation purpose or reason: Not applicable.

or 2) Correct an error in regulation: Possibly.

or 3) correct an unforeseen effect of a regulation: Not applicable.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE. Not applicable.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Not applicable.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. If this ACR is accepted and passed it would require a new regulation.

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. At this time some state halibut sport fishing regulations are out of compliance with federal regulations and the department does not know when or how often in the future the federal government may change halibut regulations.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user, sport fisherman, etc.). Dual management.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. This is a new issue.

SUBMITTED BY: Alaska Department of Fish and Game

ACR # 25

STATE IN DETAIL THE NATURE OF THE PROBLEM: Address only one issue. State the problem clearly and concisely. The board will reject multiple or confusing issues. During the 06-07 statewide meeting the board amended the finfish proxy fishing regulations in the subsistence, sport and personal use fisheries. However, due to legal notice issues only proxy fishing regulations for finfish could be changed. Given that there is proxy fishing for shellfish this agenda change request is necessary to eliminate the confusion of having two different proxy reporting requirements and regulations that apply only to finfish.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATE ABOVE. If any one or more of the three criteria set forth above is not applicable, state that it is not applicable.

1) Fishery conservation purpose or reason: Not applicable.

or 2) Correct an error in regulation: Not applicable.

or 3) correct an unforeseen effect of a regulation: At the time of the Board's adoption of the amendments to the proxy regulations it was understood that the department would submit an agenda change request to include all shellfish species thereby allowing the new regulatory requirements to be applicable to both finfish and shellfish.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY ALLOCATIVE. Not applicable.

IF YOUR REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE. Not applicable.

CITE THE REGULATION(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD. 5 AAC 75.011. Sport fishing by proxy and 5 AAC 77.016. Personal use fishing by proxy would be amended by including "shellfish" in subsections (i) and (j) of these regulations. 5 AAC 02.011. Subsistence fishing by proxy would be amended by adding new subsections (i) and (j).

STATE IN DETAIL THE REASON(S) WHY THIS MATTER CANNOT BE HEARD IN THE REGULAR CYCLE. This year's regulatory cycle only includes king and Tanner crab and it will be another cycle before miscellaneous shellfish is on the agenda which would create a two year window with conflicting reporting requirements on a proxy form and regulations.

STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF YOUR AGENDA CHANGE REQUEST (e.g., commercial fisherman, subsistence user, sport fisherman, etc.). Management.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. No.

SUBMITTED BY: Alaska Department of Fish and Game
