

**ALASKA DEPARTMENT OF FISH AND GAME
STAFF COMMENTS
ON AGENDA CHANGE REQUESTS
ALASKA BOARD OF FISHERIES MEETING
ANCHORAGE, ALASKA
October 23-24, 2019**



Regional Information Report 5J19-04

The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries (board) meeting, October 23–24, 2019, in Anchorage, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

Symbols, Abbreviations, and Acronyms

The following acronyms and abbreviations, and others approved for the Système International d'Unités (SI), are used without definition in the following reports by the Divisions of Commercial Fisheries, Sport Fish, and Subsistence: All others, including deviations from definitions listed below, are noted in the text at first mention, as well as in the titles or footnotes of tables, and in figure or figure captions.

Weights and measures (metric)

centimeter	cm
deciliter	dL
gram	g
hectare	ha
kilogram	kg
kilometer	km
liter	L
meter	m
milliliter	mL
millimeter	mm

Weights and measures (English)

cubic feet per second	ft ³ /s
foot	ft
gallon	gal
inch	in
mile	mi
nautical mile	nmi
ounce	oz
pound	lb
quart	qt
yard	yd

Time and temperature

day	d
degrees Celsius	°C
degrees Fahrenheit	°F
degrees kelvin	K
hour	h
minute	min
second	s

Physics and chemistry

all atomic symbols	
alternating current	AC
ampere	A
calorie	cal
direct current	DC
hertz	Hz
horsepower	hp
hydrogen ion activity (negative log of)	pH
parts per million	ppm
parts per thousand	ppt, ‰
volts	V
watts	W

General

Alaska Administrative Code	AAC
all commonly accepted abbreviations	e.g., Mr., Mrs., AM, PM, etc.
all commonly accepted professional titles	e.g., Dr., Ph.D., R.N., etc.
at	@
compass directions:	
east	E
north	N
south	S
west	W
copyright	©
corporate suffixes:	
Company	Co.
Corporation	Corp.
Incorporated	Inc.
Limited	Ltd.
District of Columbia	D.C.
et alii (and others)	et al.
et cetera (and so forth)	etc.
exempli gratia (for example)	e.g.
Federal Information Code	FIC
id est (that is)	i.e.
latitude or longitude	lat. or long.
monetary symbols (U.S.)	\$, ¢
months (tables and figures): first three letters	Jan,...,Dec
registered trademark	®
trademark	™
United States (adjective)	U.S.
United States of America (noun)	USA
U.S.C.	United States Code
U.S. state	use two-letter abbreviations (e.g., AK, WA)

Acronyms

Agenda Change Request	ACR
Alaska Administrative Code	AAC
Alaska Board of Fisheries	board
Alaska Department of Fish and Game	department
Aleutian Islands gold king crab fishery	AIG
Aleutian Islands Subdistrict	AIS
Dutch Harbor Subdistrict	DHS
Fishery Management Plan	FMP
Guideline Harvest Level	GHL
National Oceanic and Atmospheric Administration	NOAA
Northern Southeast Regional Aquaculture Association	NSRAA
Overall Length	OAL
Permit Alteration Request	PAR
Record Copy	RC
Terminal Harvest Area	THA
Total Allowable Catch	TAC

REGIONAL INFORMATION REPORT 5J19-04

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October 23-24, 2019**

by
Alaska Department of Fish and Game

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October 2019

ABSTRACT

This document contains Alaska Department of Fish and Game (department) staff comments on agenda change requests. These comments were prepared by the department for use at the Alaska Board of Fisheries (board) meeting, October 23–24, 2019, in Anchorage, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

Key words: Alaska Board of Fisheries, board, Alaska Department of Fish and Game, department, staff comments, finfish, salmon, herring, shellfish, management, management plan, agenda change request, ACR, regulatory proposal, inriver, subsistence, personal use, sport, guided sport, commercial fisheries, biological escapement goal, sustainable escapement goal, SEG, optimal escapement goal

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ACR 1 – Add the Crawfish Inlet Terminal Harvest Area and West Crawfish Inlet to waters that may be opened to a hatchery chum salmon troll fishery (5 AAC 29.112).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: Add the Crawfish Inlet terminal harvest area (THA) and West Crawfish Inlet to waters that may be opened to a hatchery chum salmon troll fishery during the summer coho salmon troll fishery closure if there is no conservation concern.

PRESENT SITUATION: Currently only the Crawfish Inlet Special Harvest Area may be opened to the hatchery chum salmon troll fishery during the summer coho salmon troll fishery closure.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Yes. In 2015, Northern Southeast Regional Aquaculture Association (NSRAA) began releasing chum salmon into the Crawfish Inlet THA. This remote release site was designated to be managed for troll gear priority and is intended to help bring the troll fleet within their enhanced allocation range. In 2018, approximately 3.5 million chum salmon returned to Crawfish Inlet. It was unforeseen that most of the hatchery-produced chum salmon would not migrate directly to the THA but travel through West Crawfish Inlet during their migration to their terminal release site.

ADDITIONAL INFORMATION: In 2019, most of the chum salmon returned to Crawfish Inlet THA through West Crawfish Inlet in early August, and trollers began harvesting chum salmon in good numbers for several days prior to the summer coho salmon troll fishery closure. This precludes trollers from fishing in the Crawfish THA and West Crawfish Inlet for 8 days; however, the Alaska Department of Fish and Game (department) opened the Crawfish THA by emergency order. This was done because the summer troll fishery coho salmon conservation closure in 2019 coincided with several hundred thousand hatchery-produced chum salmon schooling in West Crawfish Inlet after most wild fish had already passed through the area headed to the West Crawfish Head Stream.

PROPOSED BY: Northern Southeast Regional Aquaculture Association.

ACR 2 – Modify hatchery operations in Crawfish Inlet and establish regulations to clarify and differentiate wild fish as distinct from hatchery fish (5 AAC 40.005, 5 AAC 40.345, 5 AAC XX.XXX).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This requests the Alaska Board of Fisheries (board) to generate, amend, and repeal regulations in Chapter 40 (5 AAC 40.005–40.990) and then rescind a portion of the Sawmill Creek Hatchery permit that allows 30 million fall stock chum salmon eggs to be collected by Northern Southeast Regional Aquaculture Association (NSRAA) at Medvejie Creek Hatchery and release the progeny at Crawfish Inlet.

PRESENT SITUATION: In April 2013, NSRAA asked the department for a preliminary review of potential new salmon enhancement opportunities in northern Southeast Alaska. Regional department staff held internal discussions and produced a document summarizing areas that may be considered and areas that would not be considered. Included in the document were broad elements taken from *The Comprehensive Salmon Enhancement Plan for Southeast Alaska: Phase III* (Duckett et al. 2010): the guidelines for enhancement planning and the stock appraisal tool—which include considerations for subsistence/personal use fisheries, existing productive wild stock commercial fisheries, salmon index streams, and competing uses. Additionally, areas that have been previously reviewed by the department and areas inside Glacier Bay National Park were excluded from consideration. A list of 10 sites, along with pros and cons for each was sent to NSRAA. Crawfish Inlet was included on the list with the following pros: no subsistence stocks; no index streams and limited wild production; it’s outside of the “Chinook high abundance areas” and Crawfish Inlet would provide a reasonably good sized THA that likely would have minimal impacts on West Crawfish Inlet fisheries or other fisheries. The cons listed included the following: adjacent to West Crawfish Inlet with significant wild stock production of pink, chum, and coho salmon and provides purse seine fishing opportunity most years; and in a wilderness area.

In February 2014, NSRAA submitted a permit alteration request (PAR) to collect 50 million chum salmon eggs at Medvejie Creek Hatchery, incubate the eggs at Sawmill Creek Hatchery, and release the progeny at Crawfish Inlet. The Northern Southeast regional planning team, made up of equal members of department and hatchery association representatives, reviewed the PAR and unanimously recommended approval at 30 million eggs in order to evaluate the return. They also included a permit condition that NSRAA be required to harvest aggregations of hatchery-produced chum salmon in Crawfish Inlet should a significant amount remain in the THA once common property fisheries cease or are no longer feasible. Additionally, NSRAA was to differentially otolith mark Crawfish Inlet releases with marking and evaluation described in the annual management plans.

Regional management staff reviewed the PAR and recommended approval to 30 million chum salmon eggs with conditions listed above by the regional planning team. Genetics staff reviewed the PAR and had initial concerns with the original proposal of 50 million eggs. Management and genetics staff determined there was adequate spatial and temporal separation from wild stock chum salmon, with no chum salmon stocks in the immediate area and a later return timing of hatchery-produced adults compared to the nearest wild stock of summer chum salmon located in West Crawfish Inlet. Pathology staff reviewed the PAR and had no fish health concerns. The private nonprofit (PNP) hatchery program coordinator compiled the reviews and recommended approval

by the commissioner with the amendment to 30 million eggs and additional conditions mentioned. In May 2014, after review of all the recommendations, a Notice of Permit Alteration was signed by the commissioner, thus amending the Sawmill Creek Hatchery permit to include 30 million chum salmon eggs from Medvejie Creek Hatchery, establish the Crawfish Inlet Special Harvest Area, and added recommended stipulations.

In 2017, the first return of 3-year-old chum salmon from the 2015 release was approximately 185,000 fish. In 2018, approximately 3.5 million chum salmon returned, primarily due to an unprecedentedly high marine survival of 3-year-old chum salmon from the 2016 release. Most of those chum salmon returned to the Crawfish Inlet THA through West Crawfish Inlet. In 2019, due to a significant buildup of hatchery-produced chum salmon at the head of West Crawfish Inlet and in Shamrock Bay, the department opened a small portion of West Crawfish Inlet to fishing with purse seine gear. These small openings were to harvest the buildup of hatchery-produced salmon and minimize straying potential.

West Crawfish NE Arm Head is 1 of 9 chum salmon index streams in District 13 that form the Northern Southeast Outside subregion chum salmon index. The stream is located at the head of West Crawfish Inlet. The average peak survey count (1982–2017) is 7,200 chum salmon (range: 500–33,000 fish). Over that same time span, peak survey counts to West Crawfish index stream accounted for an average 24% of the total Northern Southeast Outside subregion index. Over the past 10 years, peak survey counts were obtained on August 8 (on average), and about 31% of peak survey counts included fish at the river mouth, indicating more fish moving into the stream—likely spawning in mid- to late August. Accurate assessment of chum salmon abundance becomes more difficult once peak numbers of pink salmon move into the stream in late August. The latest chum salmon survey data for the West Crawfish NE Head Index stream is September 7, 2006, and included 400 chum salmon at the mouth, 100 in the intertidal, 2,780 live in the creek, and 5,400 carcasses. In most other late August survey counts, live chum still outnumber dead more often than not, indicating the peak of the wild run—as far as carcasses are concerned—is probably late August and early September.

Otolith samples have been collected at this stream for 7 years; the proportion of hatchery strays in samples increased substantially in 2018 and 2019 compared to previous years, and the largest portion of hatchery strays originated from the Crawfish Inlet hatchery release site. Proportions of hatchery strays in samples collected prior to 2018 were much lower (range: 0–5%) and strays consisted of a small number of fish from 6 different hatchery release sites around the region.

Results of 2018 and 2019 otolith sampling at West Crawfish NE Arm Head are as follows:

2019 otolith sampling

- 8/27/2019, 63 samples analyzed, 55 not marked, 8 hatchery marked (**13% hatchery marked**). *Preliminary* hatchery mark identification: Crawfish 2 (25%), Other 6 (75%).
- 9/4/2019, 94 samples analyzed, 6 not marked, 88 hatchery marked (**94% hatchery marked**). *Preliminary* hatchery mark identification: Crawfish 87 (99%), Other 1 (1%).

2018 otolith sampling

- 8/27/2018, 92 samples analyzed, 35 not marked, 57 hatchery marked (**62% hatchery marked**). Hatchery mark identification: Crawfish 56 (98%), Neets Bay 1 (2%).
- 9/28/2018, 87 samples analyzed, 1 not marked, 86 hatchery marked (**99% hatchery marked**). Hatchery mark identification: Crawfish 85 (99%), Deep Inlet 1 (1%).

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

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

ADDITIONAL INFORMATION: Private nonprofit salmon hatcheries are regulated through statute, administrative code, and permit terms. Proposed changes in permitted egg take levels are reviewed by area, regional, and statewide department staff and the appropriate regional planning team with recommendations given to the commissioner. The commissioner or their designee has sole authority to approve or deny hatchery permits and permit amendments.

Though no statute expressly grants the board regulatory authority over hatchery production *per se*, it may exercise considerable influence over hatchery production through its authority to directly amend hatchery permit terms relating to fish and egg harvesting (AS 16.10.440(b)). This influence is tempered by previous guidance to the board that it may not adopt regulations that effectively veto or override a fundamental department policy decision regarding whether to authorize the operation of a hatchery, or adopt regulations preventing the department from exercising its authority to permit a hatchery operation. Although the board does have authority to amend permit terms related to fish and egg harvest by hatcheries, it is unclear whether the Alaska Legislature intended that authority to be used in regulating the take of hatchery-produced fish in a special harvest area where the common use clause no longer applies (*O’Callahan v. Rue*, 996 P.2d 88). At the time AS 16.10.440(b) was amended (1979) there were very few hatchery broodstock sources and it was necessary for hatchery operators to obtain broodstock from wild sources. The take of wild salmon for hatchery broodstock has allocative implications the board may wish to consider. Additionally, the board authority over possession, transport, and release of live fish had not yet been delegated to the department when AS 16.10.440(b) was amended.

PROPOSED BY: Nancy Hillstrand, Pioneer Alaskan Fisheries Inc.

ACR 3 – Designate Taku River king salmon a stock of *management concern* and adopt an action Plan (5 AAC 39.222).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This request does not seek to change a regulation; it seeks to direct the department to provide a status of Taku River king salmon stocks and make a stock of *management concern* recommendation on Taku River king salmon and provide an action plan for the stock.

PRESENT SITUATION: The department uses emergency order authority to restrict or liberalize fisheries using a pre-season forecast followed by in-season projections of terminal run to best ensure the spawning escapement goal is achieved. The Taku River king salmon escapement goal (19,000–36,000) has not been achieved for 4 consecutive years (2016–2019). Restrictive management actions were taken in all fisheries in 2018 and 2019 and these actions resulted in the lowest harvest rates on record, maximizing spawning abundance.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

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

ADDITIONAL INFORMATION: The Policy for Changing Board Agenda (5 AAC 39.999) does not apply to *stock of concern* designation because such a designation is not a regulatory change. Also, the Policy for Management of Sustainable Salmon Fisheries (5 AAC 39.222(d)) directs the department to identify salmon stocks of concern at regular meetings of the board. Numerous fishery restrictions have been implemented to conserve Taku River king salmon and will continue to be implemented while abundance is low. In the purse seine fishery, large king salmon may not be retained prior to mid-July when Taku River king salmon are present. In the drift gillnet fishery, a range of time and area restrictions, including nighttime fishing closures, were implemented through mid-July in Districts 11 and 15 along with a 6-inch maximum mesh size restriction. The Taku River personal use salmon fishery opening was delayed 2 weeks to minimize harvest of king salmon and there was no retention of king salmon in the Canadian commercial salmon fishery on the Taku river. The Canadian sockeye salmon fishery opening on the Taku River was delayed 2 weeks, a maximum mesh size of 5.5 inches was implemented, and sport fisheries for king salmon in Canada were closed. Sport fishing closures or restrictions were initially implemented in 2016 (1 fish bag limit April 15–June 30) and 2017 (April 15–June 14 nonretention). As part of the board action plan adopted in January 2018 and in conjunction with the commercial fisheries actions described above, several closures were implemented in 2018 and 2019 to protect Taku River king salmon. The sport fishery was closed to the retention of king salmon in a large area covering the marine waters of northern southeast inside (expanded from the 2017 closure area). The nonretention period of April 1 through June 14 would allow 90% of the run to migrate through the marine waters without being harvested. These sport fishery closures and restrictions coincided with the time and area when the Taku River king salmon are present in the marine waters near Juneau.

PROPOSED BY: Territorial Sportsmen, Inc.

ACR 4 – Reduce the Sitka commercial sac roe fishery guideline harvest level and increase the threshold at which commercial harvests may begin (5 AAC 27.160(g)).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This would reduce the harvest rate and increase the biomass threshold at which the Sitka Sound sac roe commercial herring fishery may be opened. The request does not specify desired harvest rate and threshold values.

PRESENT SITUATION: The Sitka Sound sac roe commercial herring fishery is conducted if spawning biomass is greater than 25,000 tons. The guideline harvest level (GHL) for this fishery is not less than 12% nor more than 20% of the forecast mature biomass (5 AAC 27.195).

Herring biomass in Sitka Sound in 2018 was moderate, and close to the average biomass estimated over about the past 4 decades. After a period of peak abundance observed between 2009 and 2011, the stock declined to an intermediate level observed prior to the increase. Since the peak years, Sitka Sound herring biomass has declined very slowly for the past 7 years but has remained at more than twice the 25,000-ton threshold.

During the 2019 spawning season, there was public concern raised about the location of herring spawn. Little of the 2019 herring spawn occurred adjacent to the Sitka road system where they typically spawn, which was the second consecutive year this has been observed. The cause for low levels of spawning near Sitka remains unknown. While most of the herring spawn occurred away from Sitka, a substantial spawning event occurred in 2019, as documented by department aerial and dive surveys. Preliminary estimates of spawning biomass indicate the Sitka stock increased in 2019; the increase in biomass was primarily due to a large recruitment event of age-3 herring. High recruitment was also observed in the other 4 Southeast Alaska herring stocks that were sampled in 2019, suggesting that the recruitment observed in Sitka in 2019 was part of a regionwide event, likely related to regionwide or larger ocean conditions affecting larval and juvenile herring survival.

There were no openings announced for the 2019 commercial sac roe fishery and there was no harvest. This occurred because of the high number of young—and therefore small—herring less than minimum market size. Because herring schools are composed of mixed ages, the small average size of herring available to the purse seine fleet did not allow harvest that was acceptable to the market, resulting in the decision to forego commercial openings. The lack of commercial fishery openings in 2019 was not based on biological concerns.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No. The current stock level and recent trajectory between 2014 and 2018 and upturn in 2019 does not indicate a conservation problem.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: The department is in the process of upgrading the model used to estimate and forecast herring biomass and, in the future, intends to use the new model to re-evaluate the harvest strategy (i.e., combination of threshold and sliding scale harvest rate) in Sitka

Sound. However, the model and analysis are currently in development and review and results are not yet available. Although the department agrees that the threshold should be updated with new data and is in the process of doing so, there are no biological concerns with the stock that requires immediate implementation of a revised threshold. This is particularly apparent from preliminary 2019 results indicating the stock is far above threshold and increasing.

Although the harvest strategy analysis, upon which the Sitka Sound threshold and harvest rate were originally based, has not been reevaluated by the department since it was originally presented to the board in 1998, the board has increased the threshold on 2 occasions (1998 and 2009) to address subsistence concerns. This resulted in a threshold higher than was originally recommended as biologically necessary to sustain the population. The sliding scale component of the harvest rate policy is an additional conservation measure, because the original analysis for Alaska stocks in 1993 recommended a flat 20% harvest rate. In addition, the range of harvest rates currently in regulation for Sitka Sound herring are within the range adopted for herring stocks in British Columbia based on a recent analysis of harvest rules under changing ocean conditions.

PROPOSED BY: Sitka Tribe of Alaska.

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

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: Current regulations close waters of the Volcano Bay Section of the Southwestern District south and east of a line from Arch Point Light (lat 55°12.30'N, long 161°54.30'W) to a point on Belkofski Peninsula (lat 55°09.50'N, long 161°57.80'W) and in the portion of the West Pavlof Bay Section south of Black Point (lat 55°24.48'N) once the harvest reaches 191,000 sockeye salmon based on fish ticket information, from commercial salmon fishing in the entire South Central District and the Volcano Bay and Belkofski Bay sections of the Southwestern District. These regulations are in effect from June 1 through July 25. It is unclear if the proposer seeks to expand those affected waters by closing the entire South Central District and the Volcano Bay and Belkofski Bay sections of the Southwestern District once the 191,000 sockeye salmon harvest limit is reached. There is no defined area called the “Dolgoi Islands Area” in regulation.

The proposal also puts forth language that would provide the board an allocative harvest strategy by using the provisions of the Southeastern District Mainland Salmon Management Plan (5 AAC 09.360) within those water waters managed for the 191,000 sockeye salmon harvest trigger.

An alternative approach suggested by the proposer would be to keep those waters managed for the 191,000 sockeye salmon harvest trigger closed if Chignik River sockeye salmon escapement is below minimum escapement.

The proposer notes that there is no intention of impacting THAs, which include the Canoe Bay and Pavlof Bay sections (north of Black Point) beginning July 6, and the Mino Creek-Little Coal Bay Section of the South Central District and Belkofski Bay Section of the Southwestern District beginning July 22.

PRESENT SITUATION: During the February 2019 Alaska Peninsula, Aleutian Islands, and Chignik meeting, the board made changes to the South Unimak and Shumagin Islands June Salmon Management Plan (5 AAC 09.365) and the Post-June Salmon Management Plan for the South Alaska Peninsula (5 AAC 09.366) by adopting regulation to limit the number of sockeye salmon harvested in the waters described in regulation. Specifically, the board limited gear in those water to set gillnet only through June.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

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

ADDITIONAL INFORMATION: In the 2019 commercial salmon season in those waters defined in regulation, the harvest trigger of 191,000 sockeye salmon was not met and the areas affected by that regulation were not closed during regular fishing periods of June 1 through July 25. Sockeye salmon returns to the Chignik River in 2019 improved considerably from 2018. Black Lake has an escapement goal range of 350,000–450,000 sockeye salmon and 2019 escapement at the Chignik Weir was 345,918 fish. Chignik Lake has an escapement goal range of 220,000–400,000 sockeye salmon and 2019 escapement at the Chignik Weir was 287,745 fish. The early

portion of the fishery was managed conservatively to meet the Black Lake sockeye salmon escapement goal, but liberal fishing opportunity was provided targeting Chignik Lake sockeye salmon as well as pink, chum, and coho salmon. Preliminary 2019 Chignik Management Area harvest stands at 614,000 sockeye, 2.2 million pink, 219,000 coho, and 153,000 chum salmon, compared to a preseason forecast harvest of 1.0 million sockeye, 2.5 million pink, 107,000 coho, and 175,000 chum salmon.

PROPOSED BY: Chignik Intertribal Coalition.

ACR 6 – Close waters in the Western Aleutian Islands to nonpelagic trawl vessels (5 AAC 28.650).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: Close state waters (0 to 3 nmi) west of long 174°W in the Aleutian Islands to groundfish vessels greater than 100 ft OAL using nonpelagic trawl gear.

PRESENT SITUATION: The Aleutian Islands gold king crab fishery (AIG) fishery was rationalized by the North Pacific Fisheries Management Council prior to the 2005/06 season and the stock is managed as 2 separate fisheries, east and west of long 174°W, with a total allowable catch set for each fishery.

Nonpelagic trawl groundfish fisheries also occur in state and federal waters in the western Aleutian Islands. The golden king crab fleet has recently reported negative gear interactions with federal groundfish trawl vessels resulting in lost crab gear and catch.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

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

ADDITIONAL INFORMATION: The AIG regulatory season is August 1 through April 30. Most vessels start in August and fishing is usually completed by March. A cooperative survey between the department and the crab industry in the western Aleutian Islands began in 2018. The survey occurs in both state and federal waters. The department has flexibility to open the fishery earlier (July 15) to accommodate survey needs.

Golden king crab harvest occurs in both state and federal waters with approximately 15% of the overall harvest occurring in state waters. Since rationalization, 2–3 AIG vessels annually target crab in the western Aleutian Islands. Golden king crab vessels typically deploy an average of 1,800 pots each with approximately 16% of all pot pulls occurring in state waters. By regulation, pots are required to be longlined to avoid pot loss. Onboard fishery observers are deployed across all AIG vessels at a target rate to cover 50% of all fishing trips throughout the season. Actual coverage rates typically average between 60% and 70%.

Federal trawl fisheries, including community development quotas, are generally prosecuted throughout the year. Groundfish trawl effort mainly occurs in federal waters, although state waters are open for vessels to harvest federal quota. Trawl vessel participation in the western Aleutian Islands is variable and has recently averaged around 20 vessels per year. Nonpelagic trawl effort inside state waters is generally low with less than 1% of total annual harvest for all species occurring in state waters. In 2019, 2 of the 6 trawl vessels that operated inside state waters were less than 100 ft OAL. Onboard observers are deployed during the federal fisheries in the Aleutian Islands. Federal groundfish trawl vessel observer deployment rates in the Aleutian Islands for 2019 ranged between 24% and 100% depending on vessel operational type (catch processor vs catcher vessel).

A state waters Pacific cod fishery is also prosecuted in the Aleutians Islands. This fishery allows for trawl, pot, jig, and longline gear participation. Recent trawl effort during the state waters fishery has been low and all fishing typically occurs in areas outside of the traditional AIG crab fishing grounds. Interactions between state waters Pacific cod and AIG vessels have not been reported. Vessels participating in the state waters Pacific cod fishery are not required to carry onboard observers.

PROPOSED BY: Linda Kozak.

ACR 7 – Designate the Aleutian Islands subdistrict an exclusive registration area for Pacific cod (5 AAC 28.606, 5 AAC 28.647).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: Change the Aleutian Islands Subdistrict (AIS) state waters Pacific cod fishery from a nonexclusive to an exclusive registration area.

PRESENT SITUATION: State waters Pacific cod fisheries are classified as superexclusive, exclusive, or nonexclusive. A vessel registered to take Pacific cod in an exclusive registration area may not be used to target Pacific cod in any other exclusive or superexclusive registration area during the same calendar year; however, that vessel may participate in a nonexclusive fishery. Statewide, most state waters Pacific cod fisheries are either exclusive or superexclusive.

The AIS is a nonexclusive registration area for Pacific cod. The adjacent Dutch Harbor Subdistrict (DHS) state waters pot gear fishery is an exclusive registration area for Pacific cod. Currently, a vessel that participates in the DHS may also participate in the AIS in the same year. Should the AIS change from nonexclusive to exclusive registration, vessels would be prohibited from fishing in both areas in the same year.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- **Is there a fishery conservation purpose or reason?** No.
- **Does the agenda change request correct an error in regulation?** No.
- **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Possibly. Prior to increasing the size of the DHS GHF in winter 2018, the number of vessels that fished in both the DHS and AIS in the same year was generally low (Table 7-1). Following expansion of the 2019 DHS fishery, the number of DHS vessels that also fished in the AIS increased. While the board discussed impacts of increasing the DHS fishery on other, primarily federal Pacific cod participants in the Bering Sea, the board did not specifically discuss potential impacts to other state waters fisheries in the region.

ADDITIONAL INFORMATION: The AIS state waters Pacific cod fishery was established in 2006. The fishery management plan is complex and has been influenced by shore processor availability in Adak, overlapping federal fishery management in the Aleutian Islands, and changes in Pacific cod availability in other areas of the state. The fishery has been historically underutilized, with the GHF fully achieved in only 4 of 14 years (2007, 2008, 2018, and 2019). A shore-based processor in Adak started processing Aleutian Islands cod in 2017. Since that time, effort has increased and the GHF has been fully harvested.

The AIS opens January 1 for pot, jig, and trawl vessels 60 ft or less OAL and longline vessels 58 ft or less OAL. A second triggered opening typically occurs late February to mid-March and opens the fishery to larger vessels (trawl vessels 100 ft or less OAL and pot vessels 125 ft or less OAL).

The board first established the DHS state waters Pacific cod fishery in 2014 and has subsequently expanded the size of the fishery twice. In October of 2018, the board increased the DHS Pacific cod GHF from a basis of 6.4% to 8% of the federal Pacific cod allowable biological catch for the Bering Sea Subarea. At that time the board additionally adopted a provision that allows the GHF to increase by an additional 1% each year when the prior year's GHF is fully achieved. A similar

provision exists for the AIS GHL. The 2020 DHS GHL will increase to 9% of the federal Bering Sea Subarea Pacific cod allowable biological catch.

The recently established DHS fishery combined with substantial declines in Pacific cod abundance in the Gulf of Alaska has redistributed state waters fishing effort away from fisheries in the Gulf of Alaska to the Bering Sea/Aleutian Islands. This change has increased effort and competition among users and reduced season lengths in the DHS and AIS. Combined harvest from the 2019 AIS and DHS state waters fisheries represents more than 85% of the total Pacific cod catch across all state waters fisheries.

The 2019 AIS Pacific cod GHL was 14 million pounds. A total of 18 vessels participated including 11 pot vessels under 60 ft, 3 pot vessels over 60 ft, 2 trawl vessels under 60 ft, and 2 trawl vessels over 60 ft. The season opened January 1 and closed March 17. Pot vessels 60 ft or less harvested 88% of the total catch.

The 2019 DHS state waters Pacific cod GHL was 32 million pounds. The season opened January 19 and closed February 24. After the DHS fishery closed, 6 pot vessels transitioned to the AIS fishery and harvested 2.5 million pounds, or approximately 18% of the total 2019 AIS state waters Pacific cod catch. The DHS fishery is only open to pot vessels 58 ft or less OAL. A total of 37 pot boats participated in the 2019 fishery.

PROPOSED BY: The City of Adak and the Adak Community Development Corporation.

Table 7-1.—Number of pot vessels that registered for both the Aleutian Islands Subdistrict (AIS) and Dutch Harbor Subdistrict (DHS) state waters Pacific cod fisheries, 2014–2019.

Year	No. Vessels Registered for AIS and DHS
2014	1
2015	0
2016	0
2017	2
2018	1
2019	6

Source: ADF&G fish ticket database.

ACR 8 – Allow two Bristol Bay drift gillnet Commercial Fisheries Entry Commission permit holders to fish concurrently from the same vessel and jointly operate up to 200 fathoms of drift gillnet gear when the Naknek River Special Harvest Area is open (5 AAC 06.333).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: Currently, when the Naknek River Special Harvest Area (NRSHA) is open, dual-permit drift gillnet operations (D-configuration) are unlawful. This ACR would allow 2 Bristol Bay drift gillnet Commercial Fisheries Entry Commission (CFEC) permit holders to fish concurrently from the same vessel and jointly operate up to 200 fathoms of drift gillnet gear when NRSHA is open.

PRESENT SITUATION: Current regulations limit the length of a drift gillnet to no more than 150 fathoms per vessel unless 2 drift gillnet permit holders are onboard a vessel at the same time, the vessel and permit holders have registered as a dual-permit operation, and the vessel is marked accordingly (D-configuration). Dual-permit regulations require 2 separate permit holders to be present on a vessel in order to operate as a dual vessel with 200 fathoms of gear. This dual-permit operation is not allowed in any district in Bristol Bay when NRSHA is open under 5 AAC 06.360.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Yes. When this regulation was adopted the growth and importance of dual-permit drift gillnet operations was unforeseen and many of the concerns over movement of dual-permit operations into the Nushagak District, when 5 AAC 06.333 was adopted, are no longer present. In 2019, over 40% of CFEC drift gillnet permit holders were involved in dual-permit operations and dual-permit operations have become integral to the Bristol Bay salmon fishery. Preseason, when many dual-permit operations are formed, it is impossible for permit holders to know if NRSHA will be opened. Elimination of dual-permit operations inseason results in increased cost to the fleet, reduced efficiency, and reduced harvest efficiency.

ADDITIONAL INFORMATION: In 2003, the board adopted regulations that allowed the use of 200 fathoms of gear when 2 permit holders were on the same vessel and the vessel was registered and marked accordingly. Dual-permit operations were not allowed in any of the special harvest areas or when a single CFEC permit holder was restricted to less than 150 fathoms of gear.

In 2009, the board passed a regulation that limited all vessels to 150 fathoms of drift gillnet gear in Bristol Bay when the Naknek River Sockeye Salmon Special Harvest Area Management Plan (5 AAC 06.360) was in effect.

In 2012, the board clarified where and when dual permit operations were not allowed. These include the Togiak District, in a special harvest area, and in the Bristol Bay area when NRSHA is open under 5 AAC 06.360.

NRSHA was opened in 2018 for the first time in over a decade and opened again in 2019. In 2019 the department issued a news release allowing dual-permit vessels to continue normal operations while NRSHA was open. This was done outside the department's emergency order authority.

PROPOSED BY: Robert Heyano.

ACR 9 – Allow the use of set gillnets with 6-inch mesh to harvest salmon other than king salmon and other nonsalmon fish species on the Kuskokwim River for subsistence purposes during times of king salmon conservation (5 AAC 01.270 (n)(1)(B)).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This would modify subsistence gillnet specifications and operation during times of king salmon conservation. Specifically, gillnet mesh size may not exceed 6 inches, net length may not exceed 60 ft, and the net may only be operated as a setnet, with no placement limitations in relation to the high water mark. In addition, this proposal would add language to address what the gillnet may be anchored with, such as commercial anchors or makeshift anchors.

PRESENT SITUATION: Currently, during times of king salmon conservation, the department may restrict gillnet operations to 4-inch or smaller mesh size, 60 ft in length, and the nets may only be operated as set gillnets, with no part being more than 100 ft from the ordinary high water mark (5 AAC 01.270 (n)(1)(B); 5 AAC 07.365 (c)(2)(C) and (c)(3)(C)).

The board has made a positive customary and traditional use finding for king, chum, sockeye, coho, and pink salmon, and all other finfish, in the Kuskokwim River drainage. In January 2013, the board revised the salmon amount reasonably necessary (ANS) findings in the Kuskokwim River drainage as follows: 67,200–109,800 king salmon; 41,200–116,400 chum salmon; 32,200–58,700 sockeye salmon; 27,400–57,600 coho salmon; and 500–2,000 pink salmon (5 AAC 01.286(b)). The board has not made an ANS finding for nonsalmon species in the Kuskokwim Area.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** Yes. This would provide department managers an additional gear type to implement for subsistence fisheries when king salmon abundance is forecast to provide harvestable surplus, but inseason run strength is unknown. Set gillnets with 6-inch or smaller mesh could be used to provide harvest opportunity for salmon (other than king salmon) early in the season when conservation measures are necessary to protect king salmon and run abundance is uncertain. This gear type would harvest king salmon at an intermediate rate between 4-inch mesh set gillnets and directed king salmon gear.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: Since 2010, the Kuskokwim River has experienced poor king salmon runs. Total run estimates for Kuskokwim River king salmon in 2012, 2013, and 2014 are the 3 lowest on record. From 2010 through 2013 most tributary escapement goals were not achieved and the Kuskokwim River drainagewide sustainable escapement goal established in 2013 was not achieved that year. Beginning in 2014, a very conservative management approach has been employed on the Kuskokwim River, which has led to the majority of tributary escapement goals being achieved. In addition, drainagewide escapement levels have been near the upper end of the established escapement goal of 65,000–120,000 king salmon since 2015. The preliminary

2019 king salmon return was average, the total run was approximately 230,000, the spawning escapement was estimated to be 180,000, the drainagewide sustainable escapement goal was exceeded, and all tributary goals were met or exceeded. Communications from Kuskokwim River residents indicate most subsistence needs for king salmon were met.

Up to 4-inch mesh gillnets not exceeding 60 ft in length have been allowed during times of king salmon conservation by emergency order as an opportunity for subsistence fishermen to harvest species of fish other than salmon (e.g., sheefish, whitefish, burbot, and northern pike). It was observed that subsistence fishermen were setting 4-inch mesh gillnets and targeting king salmon with this gear. This was a direct conflict with the intent of this fishing opportunity. In response, the board addressed this issue at their March 2015 meeting and adopted regulations to provide the department with the ability to specify that during times of conservation, 4-inch mesh gillnets could only be operated as set gillnets and no part of the gillnet may be more than 100 ft from the ordinary high-water mark.

The Kuskokwim Subsistence Salmon Panel was established by the board in October 2014 to seek public input on how to ensure an equitable distribution of subsistence salmon resources throughout the Kuskokwim River drainage and potential tools for equitable distribution in times of low abundance. The panel met in Bethel in January and August of 2015 to discuss and develop options for consideration by the board. Subsequently, in January 2016, the board met in Fairbanks to consider proposals concerning the Arctic-Yukon-Kuskokwim areas. An early season king salmon subsistence fishing closure, similar to the approach taken in 2014 and 2015, was suggested and agreed to by a group of Kuskokwim River residents who were in attendance. The board passed language that would annually suspend directed subsistence fishing for king salmon in the Kuskokwim River until after June 11. The intent of this closure was to distribute fish throughout the drainage for equitable harvest opportunity. Consequently, the closure also conserves fish for escapement purposes. In 2017, the board provided the department with additional guidance by directing the department to provide at least 1 subsistence fishing opportunity per week with 4-inch or less mesh set gillnets during the closure. This allows subsistence fishermen the opportunity to harvest species other than salmon during the regulated early season closure.

PROPOSED BY: Organized Village of Kwethluk.

ACR 10 – Close the Goodnews River drainage to sport fishing September 1–30 (5 AAC 71.010).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This seeks to close all sport fishing in the Goodnews River drainage from September 1 to September 30.

PRESENT SITUATION: The sport fishery in the Goodnews River drainage is open year-round with the exception of king salmon, which may be taken only from May 1 through July 25. Sport anglers fishing the Goodnews River drainage in September are generally targeting coho salmon, rainbow trout, Dolly Varden, and Arctic grayling. The department uses emergency order authority to restrict or liberalize the sport fisheries depending on inseason indicators to ensure spawning escapement goals are achieved or in the case of resident species that harvests are sustainable.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

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

ADDITIONAL INFORMATION: The Statewide Harvest Survey provides annual estimates of effort, harvest, and catch and does not separate fishing effort by month. Annual sport fishing effort on the Goodnews River has averaged 4,145 days fished by 765 anglers from 2008 to 2017, with the effort in 2017 of 7,080 days fished by 1,221 anglers the highest reported. Effort in 2018 declined to 3,917 days fished by 738 anglers, below the recent 10-year average.

PROPOSED BY: Native Village of Goodnews Bay/Traditional Village Council.

ACR 11 – Prohibit fishing in fresh water with live earthworms in the genus *Lumbricus* (5 AAC 75.022).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This seeks to prohibit the use of live earthworms of the genus *Lumbricus* as bait when sport fishing in fresh waters.

PRESENT SITUATION: Current sport fish regulations define bait as “any substance applied to fishing gear for the purpose of attracting fish by scent, including fish eggs in any form, natural or preserved animal, fish, fish oil, shellfish, or insect parts, natural or processed vegetable matter, and natural or synthetic chemicals.” There are no other references in sport fishing regulations that prohibit the use of insects, including earthworms.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** Unknown, the impact of earthworms of the genus *Lumbricus* on Alaska fish stocks is not known.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: The amount of use of live earthworms as bait by Alaska anglers is unknown. In addition to dispersal by anglers dumping unused earthworms, nonnative earthworms and their cocoons can also be dispersed in soil of plants, shrubs, trees, and sod from nurseries and greenhouses, and unintentional transport on vehicles from regions where they are present.

The primary impact of invasive earthworms is the disruption of the leaf and vegetative layer of the forest floor, changing the soil properties and effecting the plant community and forest floor biotic community.

PROPOSED BY: Matt Bowser.

ACR 12 – Extend emergency order authority to include restriction of stocked waters to no retention (catch-and-release) in time of low hatchery production or if stocked waters become contaminated (5 AAC 75.003).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This seeks to expand the department’s emergency order authority for sport fisheries to allow stocked waters to be restricted to no retention (catch-and-release) in times of low hatchery production or if stocked waters become contaminated.

PRESENT SITUATION: The department emergency order authority does not allow stocked waters to be restricted to no retention (catch-and-release) in times of low hatchery production or if stocked waters become contaminated. The only option the department has under current emergency order authority is to close the lake and not provide sport fishing opportunity. In the Arctic-Yukon-Kuskokwim region, under the Stocked Waters Management Plan, stocked waters in that region may have reduced bag limits or catch-and-release fishing by emergency order when hatchery production is reduced, but not due to contamination.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** Yes. In times of low hatchery production, sport fishing opportunity could still be provided on stocked waters at reduced bag limits or through a catch-and-release fishery. Current regulations only provide the authority to close the stocked waters or allow sport fishing under existing regulations, which may result in stocked fish numbers being depleted before the next stocking.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** Yes. In 2019, per- and polyfluoroalkyl substances (PFOS/PFAS) above the federal health advisory levels were detected in stocked waters in the Fairbanks area and 2 stocked lakes were closed to sport fishing as a precautionary measure due to potential health concerns. While consumption of fish contaminated with PFOS/PFAS may not be advisable, these fisheries could have remained open under catch-and-release fishing only regulations and still provided sport fishing opportunity with an adequately informed public. These lakes have been removed from the Statewide Stocking Plan, but there remain stocked fish in the lakes that could provide sport fishing opportunity.

ADDITIONAL INFORMATION: Contaminant testing of surface water, groundwater, and fish is ongoing throughout the state, and situations similar to where PFOS/PFAS was detected in stocked waters around Fairbanks in 2019 could reoccur. Secondarily, both department hatcheries are producing sufficient stocking products at this time, but if broodstock numbers decline for some reason or other production issues occur, having the authority to reduce bag limits to provide sport fishing opportunity when lower stocking levels are required allows the department some ability to continue to provide diverse fishing opportunities and take pressure off wild fish stocks

PROPOSED BY: Alaska Department of Fish and Game.

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