

ACR 10

Amend Alaska Peninsula Area seine specifications to reduce net size (5 AAC 09.332).

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

5 AAC 09.332. Seine specifications and operations.

Amend the seine specification to reduce the allowable size gear as follows:

(a) Purse seines or hand purse seines may not be less than 100 fathoms nor more than 250 fathoms in length. A purse seine or hand purse seine may not exceed 325 [375] meshes in depth. Seine mesh may not be more than three and one-half inches, except that the first 25 meshes above the headline may not be more than seven inches.

(b) **A lead [LEADS]** may not be [less than 50 fathoms nor] more than **100 [150]** fathoms in length. **The aggregate length of seine and lead may not be more than 250 fathoms in length.** Only one lead may be used with a seine. [A LEAD MAY BE ATTACHED TO ONLY ONE END OF A SEINE, AND THE LEAD MAY NOT BE ATTACHED TO THE BOAT END OF THE SEINE.]

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

This ACR is a request for re-instatement of Proposal #148 that was approved by the Alaska Board of Fisheries in a 6-1 vote at the February 2026 Alaska Peninsula/Area M meeting to Amend the seine specification to reduce the allowable size gear **Amended with substitute language found in RC208. (attached)**

The rapid increase of chum salmon caught in the June fishery in the South Unimak and Shumagin Island purse seine fishery. The South Unimak and Shumagin Islands June fishery has averaged approximately 572,000 chums per season over the past five years (2020–2024), which is among the highest five-year average in decades. In 2026, despite assurances of closures based on triggers, the incidental catch of chum in the June fishery was almost 490,000 chum harvest recorded.

In comparison, in February 2026, the North Pacific Fishery Management Council (NPFMC) approved a bycatch cap of 45,000 Western Alaska chum for pollock trawlers in federal waters of the Bering Sea / Aleutian Islands (BSAI).

This makes the Area M intercept fishery actual harvest in 2026 over 10 times the allowable chum bycatch of the BSAI. Even if we assume that only 25% of the Area M June chum salmon harvest were of Western Alaska origin, that still amounts to over 121,000 Western Alaska chum salmon harvested in 2026 – nearly triple the BSAI limit.

Chum stocks in the Arctic-Yukon-Kuskokwim region are struggling to even meet escapement goals. The huge changes made in the South Unimak and Shumagin Islands June fishery in 2004, coupled with the rapid growth of the purse seine fleet in recent years has resulted in this recent huge increase in chum interception in the June fishery. Purse seiners harvest over 90% of the chums caught in the South Unimak and Shumagin Islands June fishery.

Current regulations allow the aggregate length of purse seines and leads in this area to be up to 400 fathoms in length. That is 60% longer than what is allowed in Kodiak and Lower Cook Inlet (up to 250 fathoms), and 78% longer than what is allowed in Chignik and Prince William Sound (up to 225 fathoms). Longer seines = more fish per set.

Current regulations also allow purse seine depth in this area to be a maximum of 375 meshes. The deeper a purse seine, the more chums and chinook salmon it will catch as they travel at greater depths than sockeye, pinks, and coho. This fishery is supposed to be targeting traveling sockeye salmon, and not chums and chinook.

Bring the purse seine regulations in this area into line with the purse seine regulation in Chignik, Kodiak, Cook Inlet, and Prince William Sound. Shorten the seines and reduce the allowable depth in order to reduce the interception of migrating chums and chinook. 250 fathoms in length and 325 meshes deep is more adequate to harvest targeted salmon species, as is evidenced by the purse seine fisheries in Chignik, Kodiak, Cook Inlet, and Prince William Sound.

The positive action of the BOF was subsequently vacated by the Attorney General of Alaska in an action that may have violated the Administrative Procedures Act. (Case No. 3AN-26-05959 CI MOTION TO RECONSIDER filed by BSFA May 26, 2026 Superior Court for the State of Alaska.)

BACKGROUND: (as of August 18, 2026)

1) This regulation is one of five Board of Fisheries actions that were vacated by the Department of Law following the February 2026 Board meeting. Other regulations adopted by the Board were delayed in their implementation. To date, no public explanation or justification for these actions has been provided. In the absence of a clear rationale or transparent review process, the vacating of these regulations should be considered arbitrary and capricious. There is a distinct lack of consistency and fairness in the decision-making process by the Department of Law.

The Board of Fisheries considered, deliberated upon, and formally approved this regulation through its established public process. The Department of Law, the Department of Fish and Game, and the Department of Public Safety each indicated that there were no errors or omissions in the Board's consideration of the regulation. The regulation was properly proposed, reviewed, adopted, and approved for implementation through the required process and should therefore be reinstated and allowed to take effect as originally intended.

2) The Area M June salmon fisheries harvest depleted western Alaska Chinook and chum salmon stocks. While sockeye salmon stocks are the primary target of the Area M fisheries and provide significant economic value, the conservation of depleted wild Chinook and chum salmon stocks remains a critical management priority. Sockeye salmon are generally known to occupy surface waters, whereas Chinook and chum salmon tend to migrate at deeper depths, creating opportunities for more selective harvest strategies. Significant conservation measures have been implemented throughout Alaska to protect and rebuild vulnerable wild salmon stocks, particularly in western Alaska. Maintaining a focus on sockeye salmon harvest while reducing impacts on depleted

Chinook and chum salmon stocks supports the long-term sustainability of wild salmon populations and aligns with the State's legal, conservation, and stewardship obligations.

WHAT SOLUTION DO YOU PREFER?

Reapprove the regulations that have passed the Board process during the February 2026 meeting.

Submitted by Board Member Wood, prepared by the Alaska Department of Fish and Game

February 23, 2026

Substitute language for proposal #:148

5 AAC 09.332 is amended to read:

5 AAC 09.332. Seine specifications and operations. (a) Purse seines or hand purse seines may not be less than 100 fathoms nor more than 250 fathoms in length. A purse seine or hand purse seine may not exceed 375 meshes in depth. Seine mesh may not be more than three and one-half inches, except that the first 25 meshes above the leadline may not be more than seven inches.

(b) **Beginning in 2027, a purse seine or hand purse seine may not exceed 335 meshes in depth. Seine mesh may not be more than three and one-half inches; in addition, a maximum of 25 meshes of chafing gear with a maximum mesh size of seven inches may be used.** [LEADS MAY NOT BE LESS THAN 50 FATHOMS NOR MORE THAN 150 FATHOMS IN LENGTH. ONLY ONE LEAD MAY BE USED WITH A SEINE. A LEAD MAY BE ATTACHED TO ONLY ONE END OF A SEINE, AND THE LEAD MAY NOT BE ATTACHED TO THE BOAT END OF THE SEINE.]

STATE IN DETAIL HOW THIS ACR MEETS THE CRITERIA STATED BELOW.

for a fishery conservation purpose or reason:

Arctic, Yukon, and Kuskokwim (AYK) Chinook and chum salmon begin their migration to their spawning grounds by passing through Area M. AYK salmon comprise the predominant wild stocks harvested during the Area M June fishery, yet these populations have been in decline for multiple salmon life cycles. The conservation of these wild stocks, along with the protection of the subsistence fisheries that depend upon them, is the highest priority under both state statute and Board of Fisheries regulations.

to correct an error in regulation:

The vacating of a block of regulations adopted by the Board of Fisheries is unprecedented and was not foreseen as an impediment to management. These regulations were adopted through the Board's established public process to address the documented decline of wild salmon stocks, which the Board determined were affected by the Area M fisheries. As a result of this action, important management tools were removed without providing an alternative mechanism to address the conservation concerns the regulations were intended to mitigate.

to correct an effect on a fishery that was unforeseen when a regulation was adopted:

Notwithstanding the management issues surrounding the decision to vacate the Board's action, the reversal of regulations adopted through the Board's established public process calls the integrity of the entire process into question. Months of preparation, statewide meetings conducted by numerous advisory committees, and extensive deliberation during Board meetings were

effectively set aside through what appeared to be an internal memorandum issued at the highest levels of state government. The public process was overridden without a clear explanation or transparent justification.

As a result, confidence in the Board of Fish's regulatory process has been undermined. If decisions reached through a comprehensive and transparent public process can be reversed outside that process, it raises a fundamental question: What is the purpose of engaging the public and the Board in this process?

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

Incidental catch of chum salmon in the Alaska Peninsula / Shumigan Island June sockeye fishery will continue to increase, impacting the declining Western Alaskan stocks.

The integrity of the process has been compromised. The State made a commitment through the Board of Fish but subsequently failed to honor and uphold that commitment. Damage has been done. Legal and legislative options are being exercised. The most effective path forward is to restore the Board of Fisheries' regulatory process and ensure it can once again function as intended—with decisions made through a transparent, public process that provides certainty, accountability, and confidence for all stakeholders.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

This ACR applies to a harvest practice within a single sector and is not allocative.

The conservation of wild salmon is a fundamental principle reflected throughout the State's statutes and regulations and remains the highest management priority. Achieving sustainable escapement is essential not only for the long-term viability of individual salmon stocks but also for the continued sustainability of Alaska's fisheries. The Board recognized this principle in adopting these regulations, which were designed to focus harvest on abundant sockeye salmon while minimizing impacts on wild Chinook and chum salmon stocks that have experienced decades of decline. Although fisheries management influences harvest rates, state law and policy require that management decisions prioritize the long-term sustainability and conservation of wild salmon populations.

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

Not applicable.

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

The Fairbanks Fish and Game Advisory Committee (FAC) is an advisory to the Alaska Board of Fisheries. We are deeply concerned with the declining Chinook, chum and coho stocks on the Yukon River and in the general trend of declining abundance all over Western Alaska. We are further concerned about the general decline in average size and year class of Chinook, and average sizes for all salmon species, including sockeye. This greatly impacts subsistence, personal use and

sports fishing, aside from the historic loss of commercial fishing, and it makes potential recovery much more difficult.

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

This was a proposal passed by the Alaska Board of Fisheries in February 2026 but vacated by the Alaska Attorney General in May 2026, subsequent to the dismissal of a lawsuit. This is highly unprecedented and may be in violation of the Administrative Procedures Act.

SUBMITTED BY: Fairbanks Fish and Game Advisory Committee (FAC)