

ACR 7

Establish a 10 consecutive day closure between June 10 and June 23 for seine and drift gillnet gear in the *South Unimak and Shumagin Islands June Salmon Management Plan* (5 AAC 09.365).

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

5 AAC 09.365. South Unimak and Shumagin Islands June Salmon Management Plan.

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 #127 (as RC245) that was approved by the Alaska Board of Fisheries at the Alaska Peninsula Area M meeting, February 2026, 4-3 vote to **“Establish a 10 consecutive day closure between June 10 and June 23 for seine and drift gillnet gear. Amended with substitute language found in RC245. Further amended (A) on the top of page 2 of RC245, changing 16 hours per day to 24 hours per day.**

(From the original proposal submitted by Orutsararmiut Native Council (EF-F26-143))

The Alaska Peninsula /Shumagin Islands (Area M) is managed by a 3-year Alaska Board of Fisheries (BOF) cycle instead of an in-season escapement management as almost all other Alaska salmon fisheries are regulated. In February of 2023, the Alaska Board of Fisheries adopted a South Unimak and Shumagin Islands Management Plan that may have encouraged under-reporting of harvest of Coastal Western Alaska (CWAK) chum, while the chum stocks that the Plan intended to protect clearly remain in increasingly critical condition across Western. Coastal Western Alaska (CWAK) chum and king salmon have been in severe decline to the point of extirpation in some discrete stocks. That situation only worsened in the 2023 and 2024 AYK salmon seasons. This includes the Yukon River, Kuskokwim River, Unalakleet River and the Nushagak River. The predominant AYK chum producing rivers are the Yukon and the Kuskokwim. The relationships between the intercept of chum in Area M and the declines of CWAK chum has never been adequately established to understand the social and ecological impacts of Area M fisheries on AYK salmon and subsistence communities. But in times of severe concern over the sustainability of AYK stocks, it is not a matter of every fish counting but every egg counting for fecundity on the spawning grounds.

The Alaska Sustainable Salmon Policy (SSP/ 5AAC 39.222) requires that “the burden of conservation” of a depleted species be shared. In 2022, Bering Sea Fishermen’s Association, along with several tribal consortiums, wrote a letter to the Alaska Department of Fish and Game noting “If ADF&G does not limit June commercial harvest opportunities within Area M, the ensuing unmitigated interception of AYK-bound chum all but assures the destruction of AYK Region economies and traditional subsistence lifestyles, and places the entire burden of conservation on the shoulders of AYK Region subsistence users. The survival of our communities depends upon ADF&G’s intervention.” Even more significant, it could mean the extirpation of some chum stocks entirely.

Any closure intended to protect migrating non-target species must be long enough for a significant number of fish to completely transit the South Peninsula fishing districts. Further, for a closure to

permit a substantial number of fish to transit the entire fishing area, it should be at least 10 days long and focused on the peak of the chum migration.

BACKGROUND: (as of August 18, 2026)

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.

Subsequent to the Alaska Peninsula February 2026 Board of Fisheries (BOF) meeting, the Aleutians East Borough, Area M Seiners Association, Concerned Area M Fishermen and the Native Village of Unga, Filed A Complaint For Preliminary Injunction, Declaratory Judgment and Permanent Injunction (Administrative Procedure Act, As 44.62) on April 3, 2026, in the Superior Court of the State of Alaska based, on presumed ethics violations of 3 Board of Fish members.

On May 13th, the Bering Sea Fishermen's Association (BSFA), on behalf of Western Alaska constituents, filed an Order Regarding Joint Notice And Stipulation Of Dismissal (Case Motion #10) And Order On Motion To Intervene (Case Motion #7) claiming that their interests are not adequately represented by the Attorney General's office.

On May 20, 2026, the Acting Attorney General Cori Mills of the State of Alaska vacated 5 proposals, including #127, that were named in contention in the lawsuit. On May 22, 2026, the State of Alaska dismissed the lawsuit. These two actions reversed the action of Proposal #127 which was intended to reduce the amount of chum salmon "bycatch" in the June sockeye fishery in order to increase depleted chum stocks in Western Alaska tributaries. Therefore, Area M management of the June fishery reverted back to a voluntary fleet Adaptive Management Plan that had raised many concerns over excessive chum bycatch, with essentially no enforcement and a confusing non-application of "triggers" designed to limit bycatch.

Subsequent court filings by the BSFA on May 26th have not resulted in any positive response from the State.

Because of the unique and unprecedented circumstances resulting from the February 2026 Aleutian Islands/Area M Board of Fisheries meeting, there has been no venue for publicly adjudicating the merits of the complaint. This has raised many questions on the validity of the State's intervention in a Board of Fisheries decision and has created a serious breach of trust in the public process.

In addition, this heightens the concern of Western Alaska over the State's intent to protect a vital subsistence species.

This has always been an issue of conservation. (See Section #4) Both in February 2023 and in February 2026, Western Alaskan residents, reeling from escalating decreases in Chinook and chum salmon, unable to meet ANS (Amounts Necessary for Subsistence) or even to harvest at all, have

petitioned the Alaska Board of Fisheries to restrict the Area M June fishery on the basis of the high historical bycatch of chum salmon. Both meetings were highly contentious, but at the 2026 meeting, a reasonable compromise was reached with RC245. Now that compromise is arbitrarily vacated and the result is a much higher bycatch in 2026 of depleted chum stocks in the Area M June fishery.

WHAT SOLUTION DO YOU PREFER?

Re-instate Proposal #127 (as RC245) that was approved by the Alaska Board of Fisheries on a 4-3 vote February 2026 to **“Establish a 10 consecutive day closure between June 10 and June 23 for seine and drift gillnet gear. Amended with substitute language found in RC245. Further amended (A) on the top of page 2 of RC245, changing 16 hours per day to 24 hours per day.**

See attached RC245

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.

The Board took sweeping action not only in the Area M meeting, but statewide to limit interception of Chinook and chum to ensure passage of those species to the spawning grounds. Only in the Alaska Peninsula did these regulations not take place. The net result is an increase in harvest of chum in the 2026 season, directly contradicting the intent of the Board of Fisheries and increasing harvest, rather than decreasing it. If you take mandatory non-retention of chinook that was passed to defeat data gathering on Chinook mortality (and led to two closures in the 2025 season), the end result is actually increased fishing opportunity and not conservation.

The Alaska Peninsula Area M June Fishery 2026 recorded almost 490,000 transient chum salmon intercepted in the directed sockeye fishery.

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.

Simultaneously, Chum stocks in the Arctic-Yukon-Kuskokwim region are struggling to even meet escapement goals with limited to NO harvest.

Yukon summer chum and Kuskokwim chum showed one year of higher abundance in 2026 following more than 4 years of record-low returns. Because one year does not constitute a trend, conservation measures in-river continued with fishing restrictions and closures were yet again in place in the Yukon and Kuskokwim rivers to protect chum salmon. On the Yukon, directed fishing for fall chum salmon was completely closed, and summer chum harvests were allowed only with selective gear (dip nets). On the Kuskokwim, the chum salmon run was marred by prolonged closures to gillnet fishing. These restrictions are aimed at supporting escapement, but nonetheless jeopardize communities' food security (as measured by ANS).

While Western Alaska directed salmon fisheries face these restrictions for the conservation of chum salmon, Area M directed salmon fisheries – though proven to intercept significant amounts of Western Alaska chum salmon – do not bear these same burdens. Adherence to the Policy for the Management of Sustainable Salmon Fisheries (5 AAC 39.222) and Subsistence Use and Allocation (AS 16.05.258) should require a more even allocation of conservation, including and especially for commercial harvests of depressed stocks. This ACR will allow the Board to step in-line with this policy and statute.

Moreover, because the Area M fishery is a state-managed INTERCEPT fishery, and not a terminal fishery, the Area M June salmon fishery is managed on a three-year Board of Fish cycle, rather than on escapement goals or in-season data about the stocks harvested. This is unlike almost every other regional fishery in Alaska. The current management plan inhibits transparency, prevents responsiveness to in-season information, and has not proven to be reactive to the prescribed “triggers.” There is limited law enforcement in the region during this fishery because of the geographical nature of the area and limited law enforcement funding, challenging the state's ability to ensure regulations are followed. And, unlike the federal fisheries of the BSAI, there are no on-board observers.

Area M Salmon Harvest Summary
COMMERCIAL SALMON HARVEST SUMMARY
(INSEASON HARVEST ESTIMATES)

Species	Daily Harvest	Total Through June 30, 2026
Chinook	3	1,304
Sockeye	184,403	2,698,435
Coho	0	502
Pink	0	1,325,697
Chum	17	486,207
TOTAL	184,423	4,512,145

to correct an error in regulation:

The Board made its intent clear, and to date the Department of law has published no finding of Ethical violations, which they would have been forced to publish had there been such a violation. As a result, the board's will has been circumvented by administrative gamesmanship and obfuscation of facts.

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:

The Board did not consider that its intent would be administratively circumvented by the department of law. Without a finding of conflict, the Department of law ran out the clock on the board's makeup in hopes of finding a more commercial fishing friendly board).

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?

There will be increasing unregulated losses of chum salmon bound for Western Alaska tributaries. 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.

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)